

POSITION STATEMENT

WHOLE OF GOVERNMENT APPROACH



Context

Western Australia has a strong degree of state control over planning with the Western Australian Planning Commission (WAPC) the principal authority responsible for planning at the state level through its statutory region schemes and centralised subdivision control.

Amongst other tasks, the Commission is the determining authority on all subdivision approvals, and development approvals of projects of state and regional significance, subject to State Planning Policies developed by the Commission.

While the Commission is the ultimate authority, its decision making has become increasingly diminished by the influence of policies from other government agencies or local government which may conflict with, or duplicate, the State Planning Policies and conditions of subdivision imposed by the various agencies. Where a referral agency does not have statutory timelines to meet, the reduced efficiencies result in lengthy delays and increased costs which impact on housing affordability.

The planning reform agenda undertook to simplify the multiple layers of the approvals process and to improve the lack of coordination between different approval authorities however the evidence that real change has been effected is yet to be demonstrated. As a result of recent reform, the legal basis for State Planning Policies to take precedence is now in place and the Commission must exercise its power as the ultimate authority and enforce compliance with State Planning Policies.

Achieving a whole of government approach to the approvals process

Centralised subdivision policy making by the WAPC such as Liveable Neighbourhoods and developer contributions should provide uniformity and deliver greater certainty to the development industry and local governments alike. However, overlapping requirements between local and state government of proposals such as structure plans and subdivision plans means they are subjected to an exhaustive dual layer assessment process with requirements between the two layers at times contradictory. The structure planning review process is close to being finalised and should provide greater clarity of scope supported by legislation and enforced by the Commission.

Duplication of assessment and inconsistency between policies is a particular issue for the environmental approvals process where layers of federal, state and local government policies may be applied. The hierarchy of environmental and planning legislation is out of balance with the federal *Environmental Protection and Biodiversity Conservation Act* (EPBC Act) overriding all state based planning and environmental considerations and the state *Environmental Protection Act (1986)* taking precedence over the *Planning and Development Act (2005)*. Whilst good environmental outcomes are critically important it is essential that the three tiers of government come together to focus on truly sustainable outcomes so that urban development achieves a balance of environmental, community and economic outcomes. A bilateral agreement between the federal and state government, now in process, will streamline environmental approvals and reduce the uncertainty and risk associated with the process.

Currently, the EPBC Act does not allow assessments of planning schemes or rezoning as controlled actions, however this is under review. The outcome was that federal assessment occurred late in the planning process which may be at subdivision or development approval stage after varying levels of state approvals have already been obtained. This late and incremental

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decision-making reduces the opportunity for strategic consideration of complex biodiversity issues and adds to delays and costs both to developers and the government.

Duplication of process and policy conflict occurs between state and local planning or environmental policies, for example where local authorities impose their own wetland policy despite the State Planning Policy for wetlands or local government seeking areas of retained bushland in addition to those retained by the EPA or the EPBC Act. The primacy of State Planning Policies over local policies should make duplication of process redundant but it does have to be enforced by the Commission.

The Western Australian Planning Commission must play a more visible and accountable role in supporting a whole of government, timely and integrated approvals process for urban land development. In particular, the Commission needs to be more rigorous in vetting the appropriateness, practicality and cost benefit of conditions recommended by state referrals such as DEC and local government. It should ensure that only those agencies with a legislative head of power are involved in the approvals process. WAPC must also ensure that State Planning Policies take precedence over local government policies and that officers are empowered to enforce them.

Government policy framework

The government's commitment to improving the approvals system is articulated in *Building a Better Planning System* (WPAC, 2009). The document identifies key priority areas and actions for planning reform with the first key action: Simplify planning approvals. This is a complex area and the government acknowledges that it requires a whole of government approach across all agencies involved in the planning and approvals processes. Implementation of the reform agenda appears to have slowed with few measurable outcomes to indicate that cross agency cooperation is operating more effectively or efficiently.

The planning reform agenda acknowledges the current policy environment that relates to approvals is complex, overlapping and at times conflicting. There is an undertaking to remove inconsistencies between State Planning Policies and those of local government and other state government agencies. An effective strategy could be to develop a matrix which identifies existing policies and potential policy gaps, for example Climate Change. The matrix approach could be applied to analysis of local government policies. It is important that guidelines are developed for making and amending policies to ensure that the review delivers consistency and avoids duplication/conflict. These guidelines should consider overall benefit including impacts on housing affordability and sustainability. Finally, ongoing review timelines must be identified for all policies to ensure currency.

The *Lead Agency Framework* (Department of Premier and Cabinet) identifies the Department of Planning as the lead agency for major land supply proposals in the metropolitan and regional areas and also for strategic integrated land use, transport and infrastructure proposals where there is a government or agency priority. The framework should be extended to ensure that policy conflicts and the duplication of approvals between the various levels of government are removed.

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UDIA policy

It is the policy of UDIA to:

- Advocate for the need for a whole of government approach across all agencies involved in the planning and approvals process;
- Promote the Western Australian Planning Commission as the lead agency that sets the strategic direction of the state with the State Planning Strategy and the State Infrastructure Strategy underpinned by high level research and policy;
- Promote the need for the Department of Planning, Department of Environment and the Department of Sustainability, Environment, Water, Population and Communities to work together to achieve an integrated assessment model which is appropriately funded and resourced;
- Promote the need for the Infrastructure Coordinating Committee to lead cross agency coordination and commitment to an integrated planning system;
- Promote the need for the Infrastructure Coordinating Committee to implement the Urban Development Program and for member agencies to sign off on the programs in the UDP and adopt them agency by agency;
- Advocate for a deemed approval mechanism when responses from referral agencies are not provided within statutory or regulatory timeframes;
- Advocate for the need for the WAPC to enforce the primacy of State Planning Policies over local government policies;
- Advocate for regulatory impact statements to be considered where government policies are assessed for the overall impact including delays and costs and taking into account housing affordability and sustainability outcomes as well as recognition of other government policies.

This Position Statement articulates UDIA's current policy position and supersedes any other UDIA policy statement.

Committee Review	Endorsed by Council	Policy Review
	July 2011	