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To whom it may concern

## **PLANNING REFORM GREEN PAPER: MODERNISING WESTERN AUSTRALIA'S PLANNING SYSTEM**

Thank you for the opportunity to provide feedback on the Planning Reform Green Paper. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the urban development industry in Western Australia. UDIA is a membership organisation with members drawn from the development, planning, valuation, engineering, environmental, market research and urban design professions. Our membership also includes a number of key State Government agencies and Local Government Authorities from across the state. Nationally, UDIA represents the interests of thousands of members, including all of the major land and built-form development companies, and consultancy firms.

### **Planning Reform Implementation**

The performance of the planning system is critical to the success of the development industry and the quality of the development outcomes that it is able to achieve. Therefore, the Minister's announcement of the independent planning review was warmly welcomed and UDIA congratulates the Planning Reform Team for the identification of a comprehensive suite of planning reforms.

Many of the current failings of the existing land use planning framework are not as result of failings with the system, but rather the failure to apply, implement and execute the planning system's requirements. A culture has developed which is strongly focused on ensuring development proposals satisfy statutory controls, rather than seeking to achieve strategic goals. Yet despite this ethos, there is little or no monitoring and enforcement of the legislative requirements placed upon either the WA Planning Commission or local governments.

In much the same vein, many of the failings of previous planning reforms has been the failure to fully commit to the implementation of the actions identified. As such, to be successful, it is imperative a clear commitment to delivering the package of reforms needs is set out.

Given the critical need for these reforms to help drive the delivery of the Government's Metronet and infill development targets, UDIA strongly recommends that Ministerial oversight of the implementation of the reforms is established. UDIA notes that the green paper proposes the retention

of the planning reform to implement the actions identified. This approach may allow the Department to retain its focus on carrying out its day to day duties and functions. However, to ensure that the reforms are effective, it is imperative that all stakeholders, including the Minister, WAPC, the Department and its officers are all committed to delivery of the proposed reforms. To achieve this, they will need to fully understand the objectives of the reforms and have an appropriate sense of ownership of the reform program and their delivery roles within in the package of reforms. As such, UDIA strongly recommends that governance arrangements for the planning reform are developed and carefully considered to ensure this.

Whilst UDIA is supportive of the intent of the majority of the planning reforms, many actions lack sufficient detail to properly understand how these will work in practice and what the likely implications will be. As the specific details of the reform actions are developed, it is important that engagement and consultation is undertaken with all stakeholders including the private sector to ensure that the reforms deliver an effective response and do not result in any unintended consequences.

Similarly, the implementation of many of the proposed reforms will be challenging and require significant resources to achieve. For example, amending the Planning and Development Act is a complex and time consuming process that will require significant resources and political support across all parties to achieve. Therefore the resource implications for the preparation and ongoing delivery of the proposed reforms should be made clear to ensure that sufficient resources are provided to prevent the reform program and the planning system from breaking down. The engagement with all industry stakeholders in the advancement of the proposed reforms will assist in overcoming these challenges and may also help to identify alternative and more efficient mechanisms for achieving the reform objectives.

#### *Recommendations*

1. That a framework is established to manage the implementation of the proposed planning reforms that is supported by all stakeholders.
2. That appropriate reporting mechanisms with Ministerial/Government oversight are established to monitor the implementation of the planning reforms.
3. That full engagement and consultation is undertaken with all stakeholders including the private sector in the development and advancement of the reform actions.

#### **Strategically Led Planning System**

A key focus for the reforms is the promotion of a strategically led planning system that effectively balances competing economic, environmental and social needs. This is supported by the reform principles which seek to ensure that planning delivers 'fairness' with balanced decision making. UDIA strongly supports this principle and the intent to better balance decision making. Therefore the Institute encourages the adoption of reforms to deliver improved, evidence based decision making. Whilst these principles are set out in SPP1, decisions are often made with limited justification or reasoning given. This lack of transparency implies that decisions are made without proper evidence.

A fundamental failing of the existing system is that it fails to achieve appropriately balanced outcomes as a result of the delegation of planning decision making to external government agencies such as Main Roads and the Department of Fire and Emergency Services. Whilst recognising that the referral agencies have their own objectives, the purpose of planning is to make fully informed decisions that balance all objectives. Although engagement with referral agencies occurs throughout the planning processes at both structure plan and development application stages, very often issues are not raised or addressed until the final stages of the planning process, creating a great deal of uncertainty. Given the green paper's focus on moving towards 'strategic planning' and balancing competing needs, it is disappointing that the green paper offers a limited examination of the performance of referral agencies in the decision making process. UDIA is supportive of recommendation of 4.2.2 and the proposal to develop a framework for the referral of planning applications, however the existing arrangements for the engagement of referral agencies needs a more detailed examination. Ensuring engagement with other government agencies is efficient and effective should be central to the wider planning reform process, particularly as the reform paper proposes to revise the composition of the WAPC and remove the representation of other government agencies from the Commission. Without effective engagement at the strategic planning level, is likely that the problems currently experienced regarding referral agencies will be further intensified.

#### *Recommendations*

4. That reforms to improve transparency and evidence based decision making with land use planning are investigated.
5. That the planning reform proposals examine the efficiency and effectiveness of the involvement of referral agency roles in all aspects of the land use planning decision making process.

UDIA trusts that these comments will assist in the finalisation of the Strategy. Should the Department require any further information regarding these comments, please contact Chris Green, Director of Policy and Research at [cgreen@udiawa.com.au](mailto:cgreen@udiawa.com.au) or 9215 3400.

Yours sincerely



**Allison Hailes**  
**Chief Executive Officer**

	PROPOSAL	SUPPORT	UDIA RESPONSE
<b>1.0</b>	<b>A STRATEGICALLY-LED SYSTEM</b>		
<b>1.1</b>	<b>Prominence of Strategic Planning</b>		
1.1.1	Provide in the PD Act that strategic planning is a purpose of the Act and provide a definition of strategic planning.	In Part	<p>UDIA supports the intent to elevate the importance of strategic planning, however it is not clear why this needs to be delivered by an amendment to the PD Act and what this will achieve. Amending the Act is a complex, time and resource consuming process. UDIA suggests that if there is political support to amend the Act, then it creates opportunities for wider and more substantial reform. For example, the PD Act does not give reference to housing. As a result, the housing needs of our communities are undermined by other priorities.</p> <p>Whilst the Act may not provide a definition of strategic planning, this is addressed by SPP 1. Furthermore, without the detail of what is to be provided in the Act, UDIA support for the proposed reform is reserved.</p>
1.1.2	Provide in the LPS Regulations that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.	Support	<p>UDIA supports the proposed reform, but also notes that only 10 of the 30 Metropolitan local governments have a planning strategy listed on the Department's website. This again highlights the lack of enforcement of requirements set out in the PD Act and the accompanying LPS Regulations which should be addressed as a priority.</p> <p>The proposal should result in local governments having to update any existing strategies that may be deemed current.</p>
1.1.3	Provide in the LPS Regulations that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy.	In Part	<p>The definition of a 'complex amendment' to a local planning scheme as one that is not consistent with a local planning strategy is misleading. It would be better if such an amendment was called an 'alternative approach amendment' or similar, rather than a complex amendment.</p> <p>Clarity is also needed as to the consultation requirements regarding an amendment to a local planning strategy. There is a danger that requiring strategy amendments would add further and significant delay.</p>
<b>1.2</b>	<b>Need to Explain Sustainability for Land Use Planning</b>		
1.2.1	An overarching State Planning Policy be developed which:	In Part	The State Government's response to sustainable development is set out in the <i>Western Australian State Sustainability Strategy</i> . With regards to land use planning, the State

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	<ul style="list-style-type: none"> <li>i Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs;</li> <li>ii Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and</li> <li>iii Indicates the particular steps related to how economic, social and environmental factors are balanced.</li> </ul>		<p>Planning Strategy seeks ‘sustained growth and prosperity’ and seeks to balance the six competing principles of community, infrastructure, economy regional development, environment and governance.</p> <p>SPP1, sets out the general principles for land use planning and development and states that “<i>the primary aim of planning is to provide for the sustainable use and development of land.</i>” The policy goes to provide guidance as to how planning can achieve the six principles set out in the State Planning Strategy. As such the purpose for the proposal is unclear.</p> <p>Nevertheless, UDIA would support an expansion of the policy and/or additional guidance to inform both decision makers and referral agencies about their role in the decision making process and how decision makers should balance competing objectives.</p>
<b>1.3</b>	<b>Housing Distribution</b>		
1.3.1	Provide that every local planning strategy include a local housing strategy, except for low growth and small regional local governments which only require basic local planning scheme requirements.	In Part	<p>All Local Planning Strategies should address housing issues. Separating this issue into a standalone document is likely to create an additional level of bureaucracy.</p> <p>The Green Paper highlights the lack of explanation for the housing targets set out WAPC’s Perth and Peel @3.5 million as an issue and suggests to remedy this, local governments should prepare local housing strategies. Whilst there may be a number of benefits in requiring local governments to prepare a local housing strategy, it does not resolve the lack of evidence concerning regional planning documents. This issue should be addressed directly.</p> <p>Furthermore, one of the primary concerns the Institute has regarding the Perth and Peel@3.5 million policy is the lack of an implementation plan for both the housing and employment targets. Both of these variables are of equal importance to supporting economic and population growth, and as such they should be attributed the same priority for the development of an implementation plan.</p>
1.3.2	The DPLH to provide guidance for local government in the Local Planning Manual on how to prepare a Local Housing Strategy, including a methodology for local housing analysis.	In Part	The provision of guidance for local government on the preparation of Local Housing Strategies has merit. In addition, the Institute recommends that the provision of a

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			toolkit similar to WALGA’s ‘Local Government Housing and Community Profile Database’ would assist.
<b>2.0</b>	<b>A LEGIBLE PLANNING SYSTEM</b>		
<b>2.2</b>	<b>Arranging State Planning Policies for Brevity and Simplicity</b>		
2.2.1	State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.	Do not support	<p>UDIA supports the intent to clarify the WA planning system through the provision of a single state planning policy framework but notes that achieving this proposal will require significant resources as this would be a significant departure from the current planning framework.</p> <p>Instead, the Institute suggests that a more effective approach to ensure that state planning objectives are complimentary and that all SPP’s are consistent with one another would be to prepare a model SPP template. This could form part of SPP1 which already sets out the state planning framework.</p> <p>The Institute also recommends that greater rigour be applied to the SPP review and preparation process. Draft SPP’s are often released for public comment and remain ‘draft policy’ for extended periods of time, often a number of years and despite their status are applied with rigour as ‘adopted’ policies. Clarity on the application of draft policies with clear definitions of ‘due regard’ and ‘seriously entertained’ would assist and should be provided.</p> <p>In addition, to improving transparency, a policy review schedule should be released and planning proposals should be assessed according to the relevant policy(s) at the time of lodgement, rather than at the time of assessment of proposals.</p> <p>A ‘fast-track’ amendment process for minor SPP amendments should also be introduced.</p>
<b>2.3</b>	<b>Line of Sight</b>		
2.3.1	WAPC to establish common strategic “elements” for the State Planning Framework including but not limited to: <ul style="list-style-type: none"> <li>• A “sustainability” element</li> </ul>	Support	UDIA supports the development of strategic SPP elements which would then follow through to successive levels of legislation, along with accompanying technical guidance, pending full consultation regarding the details of the common elements.

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	<ul style="list-style-type: none"> <li>• A “land use element” that includes the distribution of uses of land as well as density</li> <li>• A “housing element” that includes the types of housing</li> <li>• An “environmental element”</li> <li>• An “open space element”</li> <li>• An “urban form and design element”</li> <li>• An infrastructure element.</li> </ul> <p>and prepare Technical Guidance for the details of each element to be included.</p>		<p>The Institute also suggest that policies and plans provide details of the relevant ‘heads of power’ enabling particular policy requirements and provisions. Any policy or provision that fails to identify the relevant head of power should then seek WAPC approval.</p> <p>It is also recommended to retain the approval by the WAPC for all Local Planning Policies.</p>
2.3.2	Provide that every State Planning Policy, Regional or sub-regional plan and the local planning strategy must follow these elements, unless otherwise agreed to by the WAPC.		
2.3.3	Provide that every local planning strategy must explain how it has addressed the requirements of each common strategic element against the requirements of State Strategy, Planning Policy or Regional or sub-regional strategy.		
2.3.4	Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.	Support	If the intention is to ensure that MRA gives ‘due regard’ to State Planning Policies, then it may be more effective to amend the legislation governing that body rather than the Planning and Development Act.
2.3.5	Provide in the Metropolitan Redevelopment Authority Act 2011 that in performing functions under the Act, the MRA must have regard to State Planning Policies.	Support	
<b>2.4</b>	<b>Complexity locating and interpreting the local planning framework</b>		
2.4.1	Require that a local planning scheme be published with the inclusion of the Local Planning Strategy (in the form of a local strategic statement) and Local Planning Policies in a document to be called a “Comprehensive Local Planning Scheme”.	In Part	<p>UDIA supports the principle of requiring local strategies and schemes to be published together so that they can be readily found. However, delivering this could further complicate the strategic and scheme preparation process and confuse statutory requirements and strategic planning aims. As such, strategies and schemes do not necessarily need to be consolidated together into a single document, but should be made available and published alongside one another.</p> <p>Figure 10 sets out the ‘comprehensive local planning scheme’ approval process and requires both WAPC and Ministerial approval for local planning strategies, schemes and policies. The Institute suggests that it would be more efficient if the Ministerial</p>

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			<p>approval was given to State Planning Policies and regional schemes (overseeing the WAPC) with the WAPC/DPLH endorsing local government planning documents. Ministerial ‘call in’ powers could be retained and Ministerial approval sought if a local government scheme or strategy was not consistent with regional or state planning policies.</p> <p>The Institute queries whether local governments would be permitted to prepare ‘joint planning strategies’. UDIA suggests that this should be encouraged as it would offer efficiencies, assist with improving consistency and also support the more effective delivery of regional planning goals.</p>
2.4.2	DPLH to provide guidance for local government in the Local Planning Manual on the content and format of a Local Planning Strategy and Local Planning Policies.	Support	UDIA supports the provision of guidance to local government on the content and format of relevant legislation, and further recommends that guidance is also given for the formation of ‘joint strategies’ between local governments.
2.4.3	Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.	Do not support	<p>Many local planning schemes and strategies are not contemporary and significantly dated. This proposal would further delay local government’s efforts in preparing contemporary planning strategies and controls and implies that there is no merit to local governments proceeding under existing frameworks, which is not the case.</p> <p>The existing regulations require all local authorities to review their Schemes. Enforcement of these requirements would reduce the level of inconsistencies between local governments.</p>
2.4.4	Provide in the LPS Regulations for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and Local Planning Policies.	Support	The issue raise of local governments ‘process shopping’ and using local planning policies as quasi local structure plans to avoid WAPC approval highlights the need for WAPC oversight and the Commission’s approval of local planning policies.
2.4.5	The DPLH to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.	Support	Whilst this is largely done through the deemed provisions, additional guidance would be welcome and in particular the distinction between district and local structure plans.
<b>2.5</b>	<b>Form of a Local Planning Strategy</b>		
2.5.1	The DPLH to update the Local Planning Manual with guidance on the preparation, content and format of a Local Planning Strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.	Support	In addition to the recommendation, the Institute suggests that to assist with efficiencies and constancies, a standard local government profile dataset for each local government could be prepared by the WAPC. The Institute understands that WALGA has prepared a ‘Local Government Housing and Community Profile Database’ which provides a model with could be further developed.



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<b>2.6</b>	<b>Form of Local Planning Policies</b>		
2.6.1	The LPS Regulations be amended to provide that local planning policies are to be prepared in a manner and form approved by the WAPC.	Support	UDIA strongly supports the recommendation and also suggests that local laws relevant to planning and development also require the approval of the WAPC/DPLH (eg signage). This would stop local governments from adopting local laws that prohibit development, or seek approval for development that would otherwise be allowed or has been approved by a DAP.
2.6.2	The DPLH to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.	Support	
<b>2.7</b>	<b>Consistency of local planning schemes</b>		
2.7.1	Provide in the PD Act that deemed provisions are to be included in a comprehensive local planning scheme.	Support	
2.7.2	Provide in the LPS Regulations that a comprehensive local planning scheme is to include a specific section for deemed provisions.	Support	
2.7.3	Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which: <ul style="list-style-type: none"> <li>i group like-land uses into themes for which common development standards can be prepared</li> <li>ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply</li> <li>iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment.</li> </ul>	Support	This action should be prioritised.
2.7.4	The DPLH to revise and keep up to date the Local Planning Manual to ensure it provides local government with the guidance required to prepare and administer its local planning framework and properly reflects the expectations of DPLH and WAPC.	Support	
<b>2.8</b>	<b>Location of Local Development Standards</b>		

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2.8.1	Provide in the LPS Regulations that there be a location within the model provisions for mandatory development requirements for key sites and matters.	Support in Principle	Support the principle pending full details of the proposal. It is important that any mandatory development are regularly reviewed as could give rise to unintended consequences. However UDIA does not support any measure that results in a more inflexible and cumbersome planning system.
<b>2.9</b>	<b>On-line Local Planning Schemes</b>		
2.9.1	Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.	Support	This proposal negates the need to consolidate local planning strategies and schemes into a single document (proposal 2.4.1).
<b>3.0</b>	<b>A TRANSPARENT PLANNING SYSTEM</b>		
<b>3.2</b>	<b>Community Engagement</b>		
3.2.1	The DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to: <ul style="list-style-type: none"> <li>i Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending of a strategic plan; and</li> <li>ii In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine.</li> </ul>	Support	UDIA supports the principle and intent of the charter pending full details of the consultation requirements.  The Institute queries the legislative status of the proposed charter and whether the recommendation 3.2.2 <i>'Align engagement processes in the planning regulations to the Community Engagement Charter'</i> is correct, or if the charter should align with the requirements of the regulations?
3.2.2	Align engagement processes in the planning regulations to the Community Engagement Charter.		
3.2.3	Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.		
3.2.4	Make provision within the LPS Regulations that the local planning strategy must be in accordance with the Community Strategic Plan under the Local Government Act to the extent that it is relevant.	Support	
3.2.5	DPLH to revise the Local Planning Manual to clarify that:	Support	

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	<ul style="list-style-type: none"> <li>i actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme</li> <li>ii acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy.</li> </ul>		
<b>3.3</b>	<b>Reasons for Decisions</b>		
3.3.1	The DLPH to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.	Support	As per the UK model, reasons should be provided for approvals and more detailed reasons provided for refused decisions. Reasons for conditions should also be provided.
3.3.2	Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.	Support	
<b>3.4</b>	<b>Transparency of DLPH and WAPC Statutory Reports</b>		
3.4.1	WAPC practice be modified to publish Statutory Planning Committee and WAPC agenda items, reports and recommendations on region and local schemes and amendments.	Support	This will greatly assist with ensuring that planning decisions are transparent.
<b>3.5</b>	<b>Reporting by Local and State Government on Planning Matters</b>		
3.5.1	Provide in regulations mandatory reporting by local government on planning matters.	Support	<p>The regulations should also be expanded to include monitoring of the WAPC/DPLH performance including Development Assessment Panels. It is also important that reporting includes monitoring of Development Contribution Schemes.</p> <p>The Institute queries why performance monitoring of the WAPC/DPLH will be left until stage 2. Given the significance of the WAPC/DPLH, monitoring the performance of these agencies should be a priority.</p> <p>Full consultation on the matters to be reported should be undertaken with all stakeholders including the development industry as well as local governments.</p>
<b>3.6</b>	<b>Transparency and Accountability of Development Assessment Panels</b>		

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3.6.1	Provide for DAP meetings to be held at regular times and outside of business hours.	In part	<p>UDIA supports regular meeting times, but not the hosting meetings outside of usual office hours. The recommendation assumes that members of the public work 'normal' business hours and/or that other issues aren't stopping someone from attending after hours.</p> <p>Community members may only ever attend one JDAP meeting where as other attendees are required to attend on a regular basis. Therefore, having JDAP meetings take place after hours would place a significant burden on members, council staff and consultants.</p> <p>Making DAP meetings are available via a live stream may be a more efficient solution, particularly where DAP meetings are hosted at considerable distance from the location of the application.</p>
3.6.2	Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.	Support	A live stream and recording would be more effective.
3.6.3	Provide clarification in DAP Practice Notes: <ul style="list-style-type: none"> <li>i. If new information is submitted to the DAP after an RAR, the DAP should consider whether a decision should be deferred pending further RAR advice</li> <li>ii. As to when it may be appropriate to defer a decision, such as where issues are raised which require further detailed technical consideration by responsible authorities.</li> </ul>	Support	Often government agency submissions are received late, information submitted very close to meeting dates should not be accepted unless no objection is provided from applicants.
3.6.4	Amend the DAP Practice Notes to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.	Support	DAP reasons for decisions should be consent with those of other decision making bodies. As previously stated, following the UK model, reasons should be provided for approvals and more detailed reasons provided for refused decisions. Reasons for conditions should also be provided.
3.6.5	Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.	Do not Support	<p>The purpose and intent for readvertising also needs to be more clearly explained with greater clarity and confirmation provided that applications that did not require advertising initially, do not need to be readvertised as a result of a SAT hearing.</p> <p>Re-advertising will add further delay to an application that, having been assessed by a DAP, mediated at SAT and then referred back to SAT is likely to have already taken a</p>

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			considerable time to determine. UDIA suggests that it should be left to the discretion of the DAP to determine whether any amendments to a proposal are significant enough to require readvertising.
3.6.6	Provide that where a DAP has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.	In Part	Whilst UDIA understands the intent of the recommendation, the Institute considers it important to ensure that DAP members remain consistent, particularly DAP's Presiding Members as applications pass through different stages of the decision making process.
3.6.7	The SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.	Support in Principle	Clarity is needed on the definition of 'sufficient interest' however UDIA supports this proposal in principle noting that in practice this already happens.
3.6.8	Provide for expert DAP members to be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard.	Support	
3.6.9	Provide for an expanded and flexible meeting process where the DAP Presiding member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.	Do not Support	Existing provisions enable DAP applications to be deferred, the proposal could add further delay to development assessment timeframes, particularly if no upper time limits are provided.
3.6.10	Provide in the DAP Regulations that the WAPC retains its decision making ability with respect to development applications under region schemes.	Support	However, as DAP technical members are appointed by the WAPC, this process does not undermine the WAPC. To ensure that the WAPC has a more strategic focus, rather than retaining its decision making ability these applications could be delegated to DAPs for assessment by technical members.
3.6.11	Provide for a Presiding Member to be appointed also as the Chief Presiding Member to: <ul style="list-style-type: none"> <li>i Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH</li> <li>ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard</li> <li>iii Identify training needs for DAP members for the approval of the Director General DLPH.</li> </ul>	Support	

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4.0	<b>AN EFFICIENT PLANNING SYSTEM</b>		
4.1	<b>Arrangement of the WA Planning System</b>		
			Section 4.1 highlights a number of issues and challenges regarding the WAPC and its ability to effectively and efficiently carry out its functions. However, limited detail is provided to properly understand the proposed roles of the WAPC and its objectives. The proposed framework for WAPC delegations set out in table 19 also needs to be more clearly explained. Although it is not clear, it is assumed that agencies providing ‘recommendations’ in figure 19, are providing this advice to WAPC. Within this table there are some inconsistencies, for example whilst local structure plans and local development plans are authorised by the DPLH, the Department does not determine local planning policies.
4.1.1	Provide that the PD Act be amended to delete the WAPC function s14.(a)(ii) of advising the Minister for Planning on the administration, revision and reform of legislation.	Do not Support	Clarity is needed if the intention of the recommendation is as stated and to delete the role of the WAPC regarding provide advice to the Minister, or whether it is replace the WAPC’s role with that of the Department? For the purposes of ensuring transparency UDIA recommends that advice regarding the administration of legislation is provided to the Minister by a government agency whether that be the Department or Commission.
4.1.2	Provide for a local government accreditation process.		Greater clarity on the accreditation process and delegation parameters are required. In addition to criteria set out on page 52, the accreditation process should be linked to local government performance monitoring. Further, it is not clear if there is a process for monitoring and maintaining an accreditation.
4.1.3	Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.		It is also not clear if DAP application thresholds will apply to the delegations? Nevertheless, there may be some merit in increasing local government delegations.
4.1.4	Provide for the PD Act to be amended to: <ul style="list-style-type: none"> <li>i Revise the membership of the WAPC to 5-7 members to have experience, skills or knowledge of any one or more of the following fields— <ul style="list-style-type: none"> <li>• planning, including strategic land use planning in metropolitan or regional areas</li> </ul> </li> </ul>	In Part	UDIA supports the proposal to ensure that WAPC member’s skill set is appropriate to the range of challenges that the Commission faces. However, whilst acknowledging the issues discussed in the green paper regarding the WAPC’s membership, removing Director Generals from the Commission would limit its ability to ensure that strategic planning objectives are fully aligned with other strategic state government priorities.

	PROPOSAL	SUPPORT	UDIA RESPONSE
	<ul style="list-style-type: none"> <li>• infrastructure planning, delivery, policy and strategy</li> <li>• public administration and public policy</li> <li>• property development</li> <li>• housing supply</li> <li>• corporate or public sector governance</li> <li>• economics, finance or financial management</li> <li>• management of business or commercial ventures</li> <li>• local government.</li> </ul> <p>ii Remove committees of the WAPC from Schedule 2, in favour of an ability for the WAPC to establish committees to advise the Commission on any matter, recognising the Statutory Planning Committee and Executive, Finance and Property Committee carry out core functions of the WAPC and will be required immediately under this new system. A committee would consist of at least one member of the Commission who is to be the chairperson of the committee.</p>		<p>Furthermore if the role of the WAPC is to be amended to focus more on strategic issues, then retaining high level representation from other state government departments will be vital to achieving good land use planning outcomes.</p> <p>It should also be noted that the existing DG members of the Commission have experience, skills, and/or knowledge listed.</p>
4.1.5	The role and purpose of a Coastal Planning Committee be reviewed, and consideration be given to the most appropriate host organisation and regulatory framework for the Committee.	In Part	UDIA is supportive of a review of the committee, however coastal planning is already significant issue that is likely to become increasingly more challenging for land use planning. As it is critical that any policy responses appropriately balance all relevant considerations, retaining coastal planning controls within a planning
4.1.6	Revise the Service Delivery Agreement between the WAPC and DPLH to accord with the revised roles of the WAPC and DPLH.	Support	
4.1.7	Provide for new positions to be created to enable DPLH to recruit senior and experienced town planners to undertake strategic planning and policy development for the WAPC.	Support	
4.1.8	The DPLH and WAPC establish a protocol for the engagement of non-public sector expertise in the scoping and development of policies.	Support	This should include the development and advancement of the reform actions set out in this paper.
<b>4.2</b>	<b>Process Efficiency for Planning Proposals</b>		

	PROPOSAL	SUPPORT	UDIA RESPONSE
4.2.1	A Planning Reform Team be retained by DPLH to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system.	Support	The effective implementation of the proposed reforms is critical.
4.2.2	A framework for referral of planning applications, to be incorporated in regulations as appropriate.	Support	Whilst UDIA is supportive of the proposal the engagement of referral agencies within the land use planning process needs a more detailed examination. Ensuring engagement with other government agencies is efficient and effective should be central to the wider planning reform process, particularly as the reform paper also proposes to revise the composition of the WAPC and remove other government agencies from the Commission. Without effective engagement at the strategic planning level, is likely that the problems currently experienced regarding referral agencies could be further intensified.
4.2.3	As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.		
4.2.4	Provide in regulation that an applicant may seek pre-lodgement advice for development applications.	Support	This should extent to prescribing appropriate timeframes for providing advice. It is important that pre-lodgement is not a pre-requisite for the lodgement of a development application.
4.2.5	Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.	Support	
4.2.6	Provide in the LPS Regulations that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.	Support	However the proposal should be consistent with the JDAP applications which is 7 days.
4.2.7	Provide a procedure for local government and developer proponents to agree upfront the scope and content of a local structure plan with the DPLH and other agencies as appropriate.	Support	On the basis that this only refers to agreements about the provision of less, and not more information required by the regulations
4.2.8	Provide in the PD Act that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the “force and effect” of the scheme.	Support	In addition to the reasons provided in the green paper, the loss of ability to introduce R-Codes variations in the Part 1 component of structure plans has resulted in a proliferation of Local Development Plans (LDPs) that apply far beyond the scale for which LDPs are designed. LDPs are also generally subject to approval only by local governments, which in some areas is hindering the implementation of the WAPC’s R-MD Code variations (as one example).



	PROPOSAL	SUPPORT	UDIA RESPONSE
			<p>In practical terms, designation of a future reserve in a structure plan can amount to injurious affection, which is compensable for reserves in planning schemes. The ‘due regard’ status of structure plans takes away these compensation rights until the subject land has been reserved in a planning scheme, which is unreasonable.</p> <p>The structure plan process is lengthy and involves comprehensive technical input and assessment. It is not dissimilar to the scheme amendment process. As such, it is illogical and wasteful that the outcome of this process, which commonly takes in the order of 12 months, to result in a document that does not have the force and effect of a scheme.</p>
4.2.9	Provide in the LPS Regulations that local government may refuse to progress a local structure plan or activity centre plan and amendment, if it is of the view that the proposals lacks sufficient planning merit. The amendment should also include ability for a proponent affected by such a decision to seek the views of the WAPC and the power for the WAPC to direct a local government to progress a proposal.	In Part	UDIA supports the proposal providing that local governments are required to provide the proponent with detailed reasons for the decision not to proceed with the structure plan/activity centre plan proposal. A process enabling applications to be referred to SAT should also be set out.
4.2.10	Provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.	In Part	UDIA supports the intention of the proposal, however further details of the proposed requirements are needed. The green paper correctly identifies a number of issues regarding development contributions, however it is not clear that the proposal will fully address these. UDIA’s primary concern is despite is that local governments are failing to fulfil existing legislative requirements and publish annual reporting of schemes. Incorporating a contribution plan and schedule into the scheme does not address this. Indeed, incorporating DCP requirements into planning schemes is likely to make the process more cumbersome.
4.2.11	Establish a Development Contributions Infrastructure Panel to review proposed local planning scheme amendments that include Development Contribution Plans, with the cost of the review to be included as a development contribution plan administration cost.		
4.2.12	Provide for in the PD Act an ability for the Minister for Planning to: <ul style="list-style-type: none"> <li>i require a special report from a local government on the operation of a development contribution plan</li> <li>ii instruct a local government to take particular actions for the administration of a development contribution plan.</li> </ul>		<p>The Institute recommends that a full and independent review of development contribution schemes is undertaken.</p> <p>Greater transparency regarding the collection and allocation of the Metropolitan Region Improvement Tax is also required. An SPP should be prepared to guide the use of the MRIT and the financial reporting of these funds should be consistent with local government’s DCP reporting requirements.</p>

	PROPOSAL	SUPPORT	UDIA RESPONSE
4.2.13	Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the P&D Regulations a specified fee for the service.	Do not Support	The Regulations exempt single houses from planning approval. This proposal would add additional 'red tape'.
4.2.14	Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.	Support	This proposal should be expanded to all forms of housing and not just single houses.
4.2.15	A framework for "Basic", "Standard" and "Complex" streams for region scheme amendments, local planning strategies and amendments, and local structure plan/activity centre plans and amendments be developed by DPLH for implementation through regulation.	Support	
<b>5.0</b>	<b>PLANNING FOR CONSOLIDATED AND CONNECTED SMART GROWTH</b>		
<b>5.1</b>	<b>Planning for Targeted Urban Infill</b>		
			The 10% Public Open Space requirements is largely targeted at greenfield areas and therefore its application in infill areas somewhat misplaced. A better framework is needed to ensure that contributions for infrastructure such as public open space and schools within infill areas is determined effectively. This framework should be based upon an assessment of infrastructure capacity, community need and development impact.
5.1.1	That the State Government develops clear arrangements for the planning and delivery of the key urban infill locations of activity centres, urban corridors and station precincts, including prioritising of areas which require State and local government collaboration.	Support	
<b>5.2</b>	<b>Updating Growth Management Policies</b>		
5.2.1	A new Consolidated and Connected Smart Growth State Planning Policy that builds on the State Government's METRONET policy and establishes contemporary smart growth principles and practices.	In Part	The smart growth principles align with the definition of sustainability (and proposal 1.2.1) are strategic principles that should underpin all planning decisions.  Therefore these principles would be better placed in the State Planning Strategy rather than an SPP. Indeed, the State Planning Strategy's community, infrastructure, economy regional development, environment and governance principles largely reflect the smart growth principles.

	PROPOSAL	SUPPORT	UDIA RESPONSE
<b>5.3</b>	<b>Planning for Land Use and Infrastructure Coordination</b>		
5.3.1	The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.	Support	The WAPC should provide a strong leadership role in this process with infrastructure providers required to appropriately plan for the delivery of infrastructure need to support the land use objectives set by the State. Government agencies such as Main Roads and DFES should be facilitating development in accordance with State priorities and not have the power to veto planning priorities.
<b>5.4</b>	<b>Coordinating State Infrastructure with Regional Rezonings</b>		
5.4.1	Provide in the Metropolitan Region Scheme an "Industrial Deferred Zone".	Support	The proposal should be expanded to include the Peel Region Scheme as well.
5.4.2	The WAPC to ensure that any requirements for State infrastructure are in place in the lifting of Urban Deferment or Industrial Deferment, and that the draft Guidelines for Lifting of Urban Deferment 2017 be amended accordingly.		Greater clarity is needed regarding the intent of the proposal and the issues that it is seeking to overcome.  Removing DG's from other State agencies is likely to further exasperate this issue.
<b>5.5</b>	<b>Coordination of Infrastructure for Land Development</b>		
5.5.1	Provision be made for advice on the forward planning of State infrastructure, including utility providers to assist local governments in the preparation of local planning strategies and structure plans.	Support	However, these should be reflected in regional planning schemes and policies which local strategies, schemes and structure plans should be consistent with.
<b>5.6</b>	<b>Coordination of Land Use and Transport for Corridor Development</b>		
5.6.1	The MRS be updated to include "Urban Corridor" as a category of Reserved Roads based on Perth and Peel @ 3.5 Million, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.	Support	
5.6.2	A review be undertaken of regional road reservations in place to accommodate road widenings within the Metropolitan Region Scheme for designated Urban Corridors.	Support	However this review should be extended to all government reserved land.
<b>5.7</b>	<b>Liveable Neighbourhoods</b>		
5.7.1	Liveable Neighbourhoods be elevated to a state planning policy and maintained and refined as a best-practice		There is no evident that Liveable Neighbourhoods is not being applied appropriately. As such, elevating its status to an SPP is unlikely to have any impact. Nevertheless, UDIA



	PROPOSAL	SUPPORT	UDIA RESPONSE
	approach to new greenfield development at regional, district and local level, rather including it into a single Neighbourhood part of Design WA.		understands that the intention is to incorporate 'LN' within SPP Design WA Framework. Elevating 'LN' as a standalone SPP would be inconsistent with this approach.