



15 March 2023

Reform Delivery
Reform, Design and State Assessment
Department of Planning, Lands and Heritage
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DRAFT PLANNING AND DEVELOPMENT (REGION SCHEME) REGULATIONS 2022

Thank you for the opportunity to provide feedback on the Draft *Planning and Development (Region Scheme) Regulations* (Draft Regulations).

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia, and is a membership organisation with members from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations.

Generally speaking, UDIA WA supports the tiered risk-based assessment and decision-making pathways for region scheme amendments and new region schemes, and the associated reduced timeframes. However, we have some specific comments for consideration as outlined below.

Proposed Streams for Amendments and New Schemes

The pathway terminology is somewhat confusing, conflicting with the *Planning and Development 2005* (Act) which only refers to a minor amendment. It would be preferable to have consistency, but we understand the difference minimises amendments to the Act. Consideration should be given to expanding the definition of 'basic-minor'.

Further, there is a need for greater clarity around the amendment streams. It is unclear why Ocean Reef Marina is considered as a 'complex' amendment and a rezoning from rural water protection to urban is considered as a 'standard' amendment. In addition, clarity is required around 'infill' type amendments where there may be amendments to regional road reserves or public purposes such as university proposals and hospital redevelopments.

Advertising and Consideration of Submissions

The advertising periods should include a maximum advertising period, as well as the minimum prescribed under:

- Complex - r4.(2): The Commission must decide on an advertising period, which must not be less than sixty days;
- Standard - r5.(2): The Commission must decide on an advertising period, which must not be less than forty-two days;
- Basic - r6.(2): The Commission must decide on an advertising period which must not be less than fourteen days.



Having maximum advertising periods rather than leaving it open-ended provides more certainty to industry and allows the WAPC discretion to 'decide upon'.

Other

Under section 3a(iii) Terms Used – Basic Amendment, this should include any amendment to the scheme triggered by another Act of Parliament. As an example, for Kennedy Bay the MRA 'normalisation' and adoption process should be basic – minor.

Consideration should be given to expanding the criteria for concurrent region and local planning scheme amendments so that they are not just linked to urban and industrial. A concurrent amendment should be mandatory for basic and standard amendments on the basis that local schemes need to align with the MRS, with a requirement for a separate, additional amendment to be initiated for inclusion of development requirements or schedules, if required, rather than using this as a reason why a concurrent amendment cannot be progressed.

We are aware that DWER is undertaking concurrent consultation relating to Section 48AAA of the *Environmental Protection Act 1986* and this will complement the draft Region Scheme Regulations. UDIA WA will provide a separate submission as part of that consultation addressing the referral of planning schemes and amendments to the EPA.

Thank you again for the opportunity to provide feedback to the planning reforms. Should you require further information or wish to discuss this please contact Sarah Macaulay, Executive Director – Strategy and Policy at smacaulay@udiawa.com.au or 9215 3404.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tanya Steinbeck', is enclosed in a thin black rectangular border.

Tanya Steinbeck
Chief Executive Officer

