

Council Resolution

0818/005

Moved Councillor Guilfoyle, seconded Councillor Re

1. That Council **ENDORSES** the submission to the Minister for Transport; Planning; Lands on the Green Paper for planning reform in Western Australia, as shown in Attachment 1, with the following additional points under Key Reform 3 'A *Transparent Planning System*':-
 - a. The City strongly suggests reform must very carefully examine the current community consultation practices and barriers to this that currently exist at various levels; and then identify ways across these levels that consultation with the community can be tangibly improved to ensure that there is an improved ability for the local community to engage and influence decisions affecting their neighbourhoods, including ways that the community can easily inform themselves well in advance of the potential implications of the State Government strategic plans impacting their neighbourhoods such as those for land use and transport Strategies, and Policies and Plans; and
 - b. To improve the transparency and quality of decision making that third party appeal rights be included as part of the review of the Planning System recommendations set out in the 'White Paper' or the introduction and operation of Third Party Appeal rights for planning decisions in Western Australia.
2. That the City **REQUESTS** a meeting with the Minister for Planning; Transport; Lands to outline Council's submission on the Green Paper for planning reform in Western Australia, as well as request a similar review of the transport portfolio and associated transport legislation and regulations.

The motion was put and declared **CARRIED (9/2)**.

For: Councillors Ferrante, Guilfoyle, Irwin, Italiano, Lagan, Proud, Re, Sargent and Spagnolo.

Against: Councillors Migdale and Sandri.

Reason for Change

Council forms the opinion that the community needs to be much better informed and this can occur by way of being more easily able to inform themselves on the implications for their neighbourhood of State Government land use planning and transport strategies which ultimately will lead to re-zonings and development applications directly affecting them and not be in a position of late point minimal consultation, from where it can be difficult for them to influence the outcome.

Council has previously supported the introduction of Third Party Appeal Rights in Western Australia to improve the quality and transparency of decision making. It is notable therefore that this was not included in the scope of the Green Paper, and as such Council requests this matter be addressed by the State Government in the next stage of the reform process, the proposed 'White Paper'.

1.0	A STRATEGICALLY-LED SYSTEM
1.1	Prominence of Strategic Planning
1. 1.1	<p>Provide in the Planning and Development Act 2005 that strategic planning is a purpose of the Act and provide a definition of strategic planning.</p> <p>City's response <i>Supported as the focus on strategic planning and the provision of a definition of strategic planning will ensure that State policies, regional plans and local planning schemes are based on strategic planning rather than being proposal-driven as currently occurs.</i></p>
1.1.2	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.</p> <p>City's response <i>Supported as the focus on review (or preparation) of a local planning strategy prior to a review of a local planning scheme will help identify strategic planning issues that need to be addressed in the review rather than responding to particular development pressures. This is consistent with the way the City has prepared its local planning strategy.</i></p>
1.1.3	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy (in the form of a report).</p> <p>City's response <i>Supported as it will ensure that a complex amendment accords with the local planning strategy. This change to the Planning and Development (Local Planning Schemes) Regulations 2015 should include a timeframe for preparing and determining an amendment to the Local Planning Strategy otherwise it is likely to lead to delays in the complex scheme amendment process. However, further clarification on what constitutes a 'Complex' Amendment will need to be prepared, as the City has processed a number of 'Complex' amendments, which ought not to have been classified this way.</i></p>
1.2	Need to Explain sustainability for land use planning
1.2.1	<p>An overarching State Planning Policy be developed which:</p> <ol style="list-style-type: none"> I. Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations and social needs; II. Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and III. Indicates the particular steps related to how economic; social and environmental factors are balanced. <p>City's response <i>Not Supported.</i> <i>An individual policy may be subject to misinterpretation and challenge which is not likely to deliver the sustainability outcomes that were expected.</i> <i>A State Planning Policy is not the correct instrument to deal with this issue. It is recommended that a definition of 'Sustainable Development' be included in the Planning and Development Act 2005 and if necessary reinforced by a State Planning Policy on sustainability as proposed.</i> <i>This is a common method in other jurisdictions and will provide a stronger head of power for decision-makers.</i></p>

1.3	Housing distribution
1.1	Prominence of Strategic Planning
1. 1.1	<p>Provide in the Planning and Development Act 2005 that strategic planning is a purpose of the Act and provide a definition of strategic planning.</p> <p>City's response <i>Supported as the focus on strategic planning and the provision of a definition of strategic planning will ensure that State policies, regional plans and local planning schemes are based on strategic planning rather than being proposal-driven as currently occurs.</i></p>
1.1.2	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.</p> <p>City's response <i>Supported as the focus on review (or preparation) of a local planning strategy prior to a review of a local planning scheme will help identify strategic planning issues that need to be addressed in the review rather than responding to particular development pressures. This is consistent with the way the City has prepared its local planning strategy.</i></p>
1.1.3	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy (in the form of a report).</p> <p>City's response <i>Supported as it will ensure that a complex amendment accords with the local planning strategy. This change to the Planning and Development (Local Planning Schemes) Regulations 2015 should include a timeframe for preparing and determining an amendment to the Local Planning Strategy otherwise it is likely to lead to delays in the complex scheme amendment process. However, further clarification on what constitutes a 'Complex' Amendment will need to be prepared, as the City has processed a number of 'Complex' amendments, which ought not to have been classified this way.</i></p>
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1.3.1	<p>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.</p> <p><u>City's response</u> <i>The requirement for each Local Planning Strategy to include a Housing Strategy is not supported.</i> <i>A Local Planning Strategy should consider the future population and housing needs of the area including, demographic structure, current and projected household composition and current and projected housing by type, diversity and density (as the City's draft Local Planning Strategy does).</i> <i>As a Local Planning Strategy should contain this information, there is no need to prepare a separate Local Housing Strategy.</i> <i>It is important that a framework is put in place so that local government's areas that can accommodate growth, but choose not to do so should not be considered to be a 'low growth area' (reform proposal 1.3.1)</i></p>
1.3.2	<p>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.</p> <p><u>City's response</u> <i>Supported.</i></p>
2.0	A STRATEGICALLY-LED SYSTEM
2.2	Housing distribution
2.2.1	<p>State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.</p> <p><u>City's response</u> <i>Supported as presentation of State Planning Policies in this form will assist local government and the community in better understanding the policies that are to be read into their local planning scheme.</i></p>
2.3	Line of sight
2.3.1	<p>WAPC to establish common strategic "elements" for the State Planning Framework including but not limited to:</p> <ul style="list-style-type: none"> • A "sustainability" element • A "land use element" that includes the distribution of uses of land as well as density • A "housing element" that includes the types of housing • An "environmental element" • An "open space element" • An "urban form and design element" • An infrastructure element. <p>and prepare Technical Guidance for the details of each element to be included.</p> <p><u>City's response</u> <i>Supported as it will provide a "line of sight" between the levels of strategic planning documents and local government which implements them.</i></p>
2.3.2	<p>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 Western Australian Planning Commission.</p> <p><u>City's response</u> <i>Supported – See comments in 2.3.1 above.</i></p>
2.3.3	<p>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.</p>

	<p>City's response Supported – See comments in 2.3.1 above.</p>
2.3.4	<p>Provide in the Planning and Development Act 2005 that all planning decision makers are to have due regard to State Planning Policies.</p> <p>City's response Supported as this will assist in more consistent decision making.</p>
2.3.5	<p>Provide in the <i>Metropolitan Redevelopment Authority Act 2011</i> that in performing functions under the Act, the MRA must have regard to State Planning Policies.</p> <p>City's response Supported as it will ensure that the MRA has to have regard to State Planning Policies in performing its functions. It is recommended that “regard” be replaced with “due regard” which would give greater weight to the consideration of such policies.</p>
2.4	Complexity locating and interpreting the local planning framework
2.4.1	<p>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”.</p> <p>City's response Supported.</p>
2.4.2	<p>The Department of Planning, Lands and Heritage 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.</p> <p>City's response Supported</p>
2.4.3	<p>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.</p> <p>City's response Supported Guidance needs to be provided in a timely manner by the Department of Planning, Lands and Heritage otherwise this will lead to delays in the planning system and have serious ramifications on local governments, particularly those with significant growth pressures for infill development.</p>
2.4.4	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and Local Planning Policies.</p> <p>City's response Supported. It is assumed that this proposed change involves the preparation of some guidelines to differentiate between the types of structure plans.</p>
2.4.5	<p>The Department of Planning, Lands and Heritage to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.</p> <p>City's response Supported – See comments in 2.4.4 above.</p>
2.5	Form of a Local Planning Strategy
2.5.1	<p>The Department of Planning, Lands and Heritage 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.</p>

	<p>City's response <i>Supported, updating the Local Planning Manual as proposed will assist local government in preparing a Local Planning Strategy.</i></p>
2.6	Form of Local Planning Policies
2.6.1	<p>The Planning and Development (Local Planning Schemes) Regulations 2015 be amended to provide that local planning policies are to be prepared in a manner and form approved by the WAPC.</p> <p>City's response <i>Supported as it will ensure that Local Planning Policies are prepared in a consistent manner.</i></p>
2.6.2	<p>The Department of Planning, Lands and Heritage to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.</p> <p>City's response <i>Supported providing resources are made available in the Department of Planning, Lands and Heritage to ensure that the Local Planning Manual is regularly updated/ revised.</i></p>
2.7	Consistency of Local Planning Schemes
2.7.1	<p>Provide in the Planning and Development Act 2005 that deemed provisions are to be included in a comprehensive local planning scheme.</p> <p>City's response <i>Supported as it will make local planning schemes more legible.</i></p>
2.7.2	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that a comprehensive local planning scheme is to include a specific section for deemed provisions.</p> <p>City's response <i>Supported as it will make local planning schemes more legible.</i></p>
2.7.3	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that there are deemed provisions which set out standardised zones, land uses and land use permissibility which:</p> <ul style="list-style-type: none"> i group like-land uses into themes for which common development standards can be prepared. ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply. iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment. <p>City's response <i>The recommendation that planning schemes contain standardised zones is supported. A recent review of zonings in local planning scheme found that Local Planning Scheme No. 3 is the only planning scheme reviewed that has a 'Hotel' zone. This confirms the range of zonings that exist across planning schemes, when there is little or no justification for this to happen.</i> <i>The ability to introduce a non-standard zone should be retained, with the onus on local government to demonstrate why a non-standard zone is required.</i> <i>However, there needs to be a mechanism for local planning schemes to develop bespoke land use permissibility that reflect local circumstances, and this ability should not be removed in order to standardise planning schemes (reform proposal 2.7.3)</i></p>
2.7.4	<p>The Department of Planning, Lands and Heritage 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 the Department of Planning, Lands and Heritage and Western Australian Planning Commission.</p>

	<p>City's response <i>Supported as revising/update the Local Planning Manual as proposed will assist local government in preparing a Local Planning Strategy.</i></p>
2.8	Location of development standards
2.8.1	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that there be a location within the model provisions for mandatory development requirements for key sites and matters.</p> <p>City's response Conditional support <i>The Green Paper notes that decision makers (such as the Development Assessment Panels) are granting development approvals which vary a development standard that the community would expect to be applied. The Green Paper proposes to re-introduce the ability for local governments to include development standards into a local planning scheme and this is supported.</i></p> <p>1. <i>However, clarity needs to be provided as to what 'key sites' mean. The City's officers believe that the ability to apply this requirement should be at the discretion of the local government, and not limited.</i></p>
2.9	On-line Local Planning Schemes
2.9.1	<p>Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.</p> <p>City's response <i>Supported as it will allow easier accessibility to local planning schemes.</i></p>
3.0	A TRANSPARENT PLANNING SYSTEM
3.2	Community Engagement
3.2.1	<p>The Department of Planning, Lands and Heritage should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to:</p> <ul style="list-style-type: none"> 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 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. <p>City's response Supported. <i>The City has adopted procedures for consultation on planning proposals and the proposed charter once developed will assist the City in ensuring the procedures are good practice and give the community a right to be informed and an opportunity to participate early in respect of strategic planning. It will also improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.2.2	<p>Align engagement processes in the planning regulations to the Community Engagement Charter.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia. The City already has an exemplary community consultation process in place which is consistent with what is proposed.</i></p>
3.2.3	<p>Revise public notification and engagement requirements for planning proposals in the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015 to update out-dated requirements.</p> <p>City's response</p>

	<i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i>
3.2.4	<p>Make provision within the Planning and Development (Local Planning Schemes) Regulations 2015 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.</p> <p><u>City's response</u> <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.2.5	<p>The Department of Planning, Lands and Heritage to revise the Local Planning Manual to clarify that:</p> <ul style="list-style-type: none"> i actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme. ii acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy. <p><u>City's response</u> <i>Supported as it will clarify the purpose of community consultation in preparing or reviewing a local planning strategy and a Strategic Community Plan.</i></p>
3.3	Reasons for decisions
3.3.1	<p>The Department of Planning, Lands and Heritage to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.</p> <p><u>City's response</u> <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.3.2	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that reasons for decisions are to be provided on planning proposals.</p> <p><u>City's response</u> <i>It has long been a contention of the City's officers that the Development Assessment Panels ought to provide reasons for their decision when they make a decision that is contrary to the recommendation provided in the City's Responsible Authority Report.</i></p> <p style="text-align: center;">2.</p> <p><i>The practice of the making decisions contrary to a responsible authority report (a document which is on the public record) without, in the City's officer's opinion, sound reasoning or justification is a matter that requires attention, and this reform proposal is strongly supported.</i></p>
3.4	Transparency of Department of Planning, Lands and Heritage and Western Australian Planning Commission statutory reports
3.4.1	<p>Western Australian Planning Commission practice be modified to publish Statutory Planning Committee and Western Australian Planning Commission agenda items, reports and recommendations on region and local schemes and amendments.</p> <p><u>City's response</u> <i>The Planning and Development (Local Planning Schemes) Regulations 2015 require local governments to process local scheme amendments in a transparent manner, including publishing the officer's recommendation in the meeting agenda. Council debates the matter openly and both proponents and opponents have the opportunity to scrutinise the officer's recommendation and address this in a deputation before a decision on the matter is made.</i> <i>However, the Statutory Planning Committee of the Western Australian Planning Committee deals with all local government scheme amendments as 'Confidential' items. This means that neither the City's officers, or members of the public who may oppose or support a scheme amendment, know what recommendation is being made by the Department of Planning to the Statutory Planning Committee of the Western Australian</i></p>

	<p>Planning Committee. <i>The confidential nature of how the Statutory Planning Committee makes recommendations also means that it debates items behind closed doors, which is also a matter of concern, as local government has no way of knowing that it's concerns have been considered either by the Department of Planning, or the Statutory Planning Committee.</i> <i>The confidentiality behind recommendations to the Statutory Planning Committee means that much officer's time is wasted in preparing deputations to the committee, when there may be no need to do so.</i> <i>The City's officers also consider improved transparency by the Statutory Planning Committee would support open and transparent governance.</i></p>
3.5	Reporting by Local and State Government on planning matters
3.5.1	<p>Provide in regulations mandatory reporting by local government on planning matters.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6	Transparency and accountability of Development Assessment Panels
3.6.1	<p>Provide for Development Assessment Panel meetings to be held at regular times and outside of business hours.</p> <p>City's response <i>Supported as it will be consistent with local government proceedings and improve the transparency and integrity of the planning system in Western Australia</i></p>
3.6.2	<p>Provide for the recording of each meeting of a Development Assessment Panel to be made available on the Development Assessment Panel website of the Department of Planning, Lands and Heritage.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.3	<p>Provide clarification in Development Assessment Panel Practice Notes:</p> <ul style="list-style-type: none"> i If new information is submitted to the Development Assessment Panel after an responsible authority report, the Development Assessment Panel should consider whether a decision should be deferred pending further responsible authority report advice 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. <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i> <i>In circumstances where an applicant has provided amended plans or additional information to the responsible authority without sufficient time being given to allow this additional information to be considered, the Development Assessment Panel meeting still should proceed. An applicant would have to explain to the Presiding Member of the Development Assessment Panel, with the local government present to respond, why the changes or information were not provided upfront or through the process and the Panel can consider whether to defer the application.</i> <i>The proposal is not clear in that it could be read as once the responsible authority report is submitted, then the Presiding Member may defer / further extend the timeframe without holding a meeting or consulting with the City.</i></p>
3.6.4	<p>Amend the Development Assessment Panel Practice Notes to require reasons for decisions to be given in all decisions made by a Development Assessment Panel, including where the Development Assessment Panel adopts the responsible authority's recommendation contained within the responsible authority report.</p>

	<p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.5	<p>Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.6	<p>Provide that where a Development Assessment Panel has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.7	<p>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 Development Assessment Panel matters.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.8	<p>Provide for expert Development Assessment Panel 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.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.9	<p>Provide for an expanded and flexible meeting process where the Development Assessment Panel Presiding member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.</p> <p>City's response <i>Supported as it will improve the transparency and integrity of the planning system in Western Australia.</i></p>
3.6.10	<p>Provide in the Development Assessment Panel Regulations that the Western Australian Planning Commission retains its decision making ability with respect to development applications under region schemes.</p> <p>City's response <i>Not supported as the scope, diversity and volume of matters considered by the Western Australian Planning Commission contribute to inefficient dealings on small scale statutory matters and divert resources from important strategic planning and policy formulation and implementation, which ought to be its focus.</i></p>
3.6.11	<p>Provide for a Presiding Member to be appointed also as the Chief Presiding Member to:</p> <ul style="list-style-type: none"> i Oversee the quality and consistency of Development Assessment Panel procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to Development Assessment Panel procedures and Standing Orders to the Department of Planning, Lands and Heritage ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard iii Identify training needs for Development Assessment Panel members for the approval of the Director General of the Department of Planning, Lands and Heritage.

	<p>City's response <i>Supported as it will help improve the effectiveness and efficiency of Development Assessment Panels.</i></p>
<p>Additional Development Assessment Panel reform recommendations</p>	
	<p>3.</p> <p>4. <u>Timeframes – ‘Stop the clock’ provisions</u> <i>The Development Assessment Panel Regulations contain timeframes within which responsible authorities are to assess a development proposal and provide a recommendation to the relevant Development Assessment Panel. The way that the Development Assessment Panel Regulations are drafted means that a responsible authority has 7 days to complete a review of an application to determine if the necessary information has been provided to enable an assessment of an application to be undertaken. If insufficient information has been provided, the responsible authority can ‘stop the clock’ on the time it has to process an application. A problem with the way the Development Assessment Panel Regulations are drafted means the time that it takes an applicant to provide the information is excluded from the overall timeframe, but the 7 days a responsible authority had to complete the stop the clock check is included in the overall timeframe. This means that if a responsible authority has requested further information, it could not have commenced its assessment within those 7 days however those 7 days are still deducted from the responsible authority timeframe. This puts undue pressure on responsible authorities to assess, refer, consult and liaise, and to submit its responsible authority report to the Development Assessment Panel. This impacts on the quality of decision making. It is recommended that Development Assessment Panel Regulations be amended to state that if a responsible authority issues a stop the clock notice, then those 7 days are excluded from the responsible authority timeframe. If the responsible authority does not issue a stop the clock notice, then those 7 days can be included.</i></p> <p>5. <u>Timeframes – Working days</u></p> <p>6. <i>The Development Assessment Panel Regulations contain timeframes which are based on calendar days, rather than working days. This is of particular concern when a responsible authority only has 7 days to complete a review of an application to determine if the necessary information has been provided to enable an assessment of an application to be undertaken. This has proven problematic to the City. The City’s officers have direct experience of Development Assessment Panel applications being submitted to the City towards the close of business on a Friday. This means that the City cannot assess the application until Monday morning, meaning that it has lost three assessment days. This scenario is compounded if a public holiday occurs within the 7 days which a responsible authority has to review an application, particularly for applications submitted over the Christmas and Easter holidays, results in reduced timeframes within which to assess Development Assessment Panel applications, and impacts on the quality of decision making. It is recommended that Development Assessment Panel Regulations be amended so that the timeframes imposed on responsible authorities are based on working days. This will ensure that responsible authorities have appropriate timeframes to review Development Assessment Panel applications.</i></p>
4.0	<p>AN EFFICIENT PLANNING SYSTEM</p>
4.1	<p>Arrangement of state and local planning</p>
4.1.1	<p>Provide that the Planning and Development Act 2005 be amended to delete the Western Australian Planning Commission function s14.(a)(ii) of advising the Minister for Planning on the</p>

	<p>administration, revision and reform of legislation.</p> <p>City's response <i>Supported as it will help Western Australian Planning Commission to increase its capacity to focus on and undertake strategic planning and policy development.</i></p>
4.1.2	<p>Provide for a local government accreditation process.</p> <p>City's response <i>Further information is required from the Western Australian Planning Commission relating to the current resourcing requirements required to determine subdivision applications in each local government area with appropriate funding, support and training provided by the Western Australian Planning Commission prior to implementation.</i></p>
4.1.3	<p>Increase delegations from Western Australian Planning Commission to the Department of Planning, Lands and Heritage and local government, for the purpose of the Western Australian Planning Commission focussing on the State policy framework and regional strategic planning.</p> <p>City's response <i>Conditional Support – More information is required about the purpose and type of the proposed delegations to gain a better understanding of the benefits of this change as it will have resource implications for local government.</i></p>
4.1.4	<p>Provide for the Planning and Development Act 2005 to be amended to:</p> <p>i Revise the membership of the Western Australian Planning Commission to 5-7 members to have experience, skills or knowledge of any one or more of the following fields—</p> <ul style="list-style-type: none"> • Planning, including strategic land use planning in metropolitan or regional areas • Infrastructure planning, delivery, policy and strategy • Public administration and public policy • Property development • Housing supply • Corporate or public sector governance • Economics, finance or financial management • Management of business or commercial ventures • Local government. <p>ii Remove committees of the WAPC from Schedule 2, in favour of an ability for the Western Australian Planning Commission 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>City's response <i>Conditional Support - Concerns are raised about the ability of the Western Australian Planning Commission to establish committees quickly enough to deal with planning matters that arise including administrative support. Furthermore, under Schedule 2 section 9, the Act provides for District Planning Committees to be established. Apart from the Central Perth Planning Committee which currently covers the City of Perth, other district planning committees have been suspended for many years. Previously these committees provided the opportunity for local government to provide comments/input to the Western Australian Planning Commission on strategic planning matters affecting their districts. These committees should be reactivated as they could assist the Western Australian Planning Commission in delivering its strategic planning objectives including the infill targets in Perth and Peel @ 3.5 million.</i></p>
4.1.5	<p>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.</p>

	<p><u>City's response</u> Supported.</p>
4.1.6	<p>Revise the Service Delivery Agreement between the Western Australian Planning Commission and the Department of Planning, Lands and Heritage to accord with the revised roles of the Western Australian Planning Commission and the Department of Planning, Lands and Heritage</p> <p><u>City's response</u> Supported.</p>
4.1.7	<p>Provide for new positions to be created to enable the Department of Planning, Lands and Heritage to recruit senior and experienced town planners to undertake strategic planning and policy development for the Western Australian Planning Commission.</p> <p><u>City's response</u> Supported as the provision of more senior and experienced town planners at the Department of Planning, Lands and Heritage will assist local government in getting strategic planning instruments processed more quickly.</p>
4.1.8	<p>The Department of Planning, Lands and Heritage and Western Australian Planning Commission establish a protocol for the engagement of non-public sector expertise in the scoping and development of policies.</p> <p><u>City's response</u> Supported as it will assist in the development of policies that are relevant, best practice and can be implemented effectively.</p>
4.2	Process efficiency for planning proposals
4.2.1	<p>A Planning Reform Team be retained by the Department of Planning, Lands and Heritage to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system.</p> <p><u>City's response</u> Conditional Support To provide input into the reform process a working group should be established that includes representatives from other relevant government agencies, local government and the development industry.</p>
4.2.2	<p>A framework for referral of planning applications, to be incorporated in regulations as appropriate.</p> <p><u>City's response</u> Supported</p>
4.2.3	<p>As an interim arrangement, the Department of Planning, Lands and Heritage Independent Planning Reviewer be available to assist on issues regarding referral for Western Australian Planning Commission matters.</p> <p><u>City's response</u> Supported</p>
4.2.4	<p>Provide in regulation that an applicant may seek pre-lodgement advice for development applications.</p> <p><u>City's response</u> The City's officers support this reform proposal as it reflects how the City's Development Services Business Unit currently operate. Pre-lodgement advice should be mandated for all development applications over \$2m in value. This would enable pre-lodgement to also include involvement of Design Review Panels to enable applicants to get a greater certainty if applications will be supported prior to lodgement.</p>

	<p>Furthermore this pre-lodgement advice can be attached to Council Agenda Reports and responsible authority reports to confirm if applicants have addressed issues highlighted at pre-lodgement stage and further inform decision makers.</p>
4.2.5	<p>Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.</p> <p><u>City's response</u> Supported as it will improve efficiency and understanding of the development assessment process.</p>
4.2.6	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.</p> <p><u>City's response</u> Currently there are no requirements for this sort of up-front review to be undertaken – the only statutory timeshares that the City has are the 60 and 90 day timeframes to determine a development application (dependant on whether advertising is required). Clarity needs to be provided what this additional information required relates to. If this relates to administrative requirements, this is supported. However, if the intent of this reform proposal is to require an administrative check, receipt of payment, allocation of the application to an officer and a full assessment within 10 days, this would not be possible with current resources. The City receives approximately 180 development applications a month, and this requirement will not be able to be met by local government who receive a large volume of development applications each month, or by small local governments who have fewer planning resources. Clarification needs to be provided about what this applies to, as this could have operational impacts for local governments, including the City. Clarification also needs to be provided of the consequences of local governments not meeting this requirement.</p>
4.2.7	<p>Provide a procedure for local government and developer proponents to agree upfront the scope and content of a local structure plan with the Department of Planning, Lands and Heritage and other agencies as appropriate.</p> <p><u>City's response</u> Supported - this will require changes to the Planning and Development (Local Planning Schemes) Regulations 2015 which require that structure plans must be prepared in a manner and form approved by the Western Australian Planning Commission and set out the information required.</p>
4.2.8	<p>Provide in the Planning and Development Act 2005 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.</p> <p><u>City's response</u> Prior to the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015, adopted structure plans were accepted as having the 'force and effect' of the scheme. However with the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015, a decision maker only had to have 'due regard' to the requirements of a structure plan. The impact of these changes was significant for a number of the City's structure plans, such as the Stirling City Centre structure plan, as that plan contained a number of development requirements, such as the creation of new roads, which were integral to achieving the success of the plan. As a consequence of this change in status, the City has had to amend Local Planning Scheme No 3 to integrate these requirements that are critical to implementing the structure plan into the scheme. This necessary response however has many downfalls,</p>

	<p><i>including the length of time that it takes to modify a local planning scheme, compared to the relative ease with which a structure plan can be modified.</i></p> <p><i>The introduction of the Planning and Development (Local Planning Schemes) Regulations 2015 has resulted in a very inflexible planning system, as an amendment to a Local Planning Scheme can take around 12 months to process. Structure Plans, on the other hand, can be modified in a much shorter timeframe.</i></p> <p><i>For these reasons, the proposed reform is strongly supported by the City's officers.</i></p>
4.2.9	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 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 Western Australian Planning Commission and the power for the Western Australian Planning Commission to direct a local government to progress a proposal.</p> <p>City's response <i>Supported as it provides local government with the power to refuse proposals which are unlikely to be supported, and unnecessarily cause community angst if progressed.</i></p>
4.2.10	<p>Provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.</p> <p>City's response <i>Supported.</i></p>
4.2.11	<p>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.</p> <p>City's response <i>Supported.</i></p>
4.2.12	<p>Provide for in the Planning and Development Act 2005 an ability for the Minister for Planning to:</p> <ul style="list-style-type: none"> i Require a special report from a local government on the operation of a development contribution plan ii Instruct a local government to take particular actions for the administration of a development contribution plan. <p>City's response <i>Supported as local governments should be able to demonstrate the expenditure of monies collected through a development contribution plan and the program for expenditure of funds in the plan.</i></p>
4.2.13	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 for a voluntary 'deemed-to-comply' check for single houses and provide in the Planning and Development Regulations 2009 a specified fee for the service.</p> <p>City's response <i>The rationale for this change is that some local governments for a fee have introduced a 'deemed-to-comply' check which allows applicants to submit residential building plans to the local government for assessment and formal written advice as to whether the proposal will require a development approval prior to a building licence being issued. The proposed reform proposal is supported, subject to the fee for a Deemed-to-Comply check being the same fee for a development application as each local government will be required to carry out a full planning assessment and if required referrals to other internal departments such as Engineering. It is important that local government are adequately remunerated for providing this service so it does not impact upon the local government's requirements to determine development applications within statutory</i></p>

	<i>timeframes.</i>
4.2.14	<p>Provide in the Planning and Development (Local Planning Schemes) Regulations 2015 and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.</p> <p><u>City's response</u></p> <p><i>The reform recommendation that a fast-track 30 day planning approval process for single house applications that require only minor variations to the R-Codes is supported in principle.</i></p> <p><i>The reform recommendation that a fast-track 30 day planning approval process for single house applications that require only minor variations to the R-Codes is supported. However where these variations require neighbour consultation and/or amended plans from an applicant the 'fast track' assessment system should not apply.</i></p> <p><i>This proposal requires further detailed consideration and clarification.</i></p> <p><i>It is also recommended that the Deemed-to-Comply provisions of the R-Codes be updated to allow for more design flexibility and negate the need for development approval if the Deemed-to-Comply exemptions are met, as this will help to meet the intent of this reform proposal.</i></p>
4.2.15	<p>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 the Department of Planning, Lands and Heritage for implementation through regulation.</p> <p><u>City's response</u></p> <p><i>Supported subject to criteria being established for the assessment of the proposals under this track-based approach.</i></p>
Further reform recommendation	
	<p><u>Expansion of deemed to comply provisions</u></p> <p><i>In addition recommending that Deemed-to-Comply provisions of the R-Codes be updated as recommended earlier, the City's officers recommend that a review of the Deemed-to-Comply requirements be undertaken with the aim of expanding the range of matters that can be subject to Deemed-to-Comply provisions.</i></p> <p><i>The reason for this recommendation is that as urban infill increases, so does the need to have a planning system that is capable of responding to changing development outcomes. Matters that should be reviewed include:</i></p> <ul style="list-style-type: none"> <i>• Street fences to allow piers within the truncations</i> <i>• External fixtures to be integrated in the primary street setback area</i> <i>• Visual privacy requirements.</i> <p><i>By doing this, an opportunity exists to expand the number of development proposals that do not require development approval.</i></p>
5.0	A TRANSPARENT PLANNING SYSTEM
5.1	Planning for targeted urban infill
5.1.1	<p>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.</p> <p><u>City's response</u></p> <p><i>Supported as this will help clarify the different roles responsibilities in delivering urban infill. Any efforts that will support the City's development strategy to deliver the residential infill and employment around activity centres and along activity corridors in the City are welcomed.</i></p>
5.2	Updating growth management policies
5.2.1	A new Consolidated and Connected Smart Growth State Planning Policy that builds on the

	<p>State Government’s METRONET policy and establishes contemporary smart growth principles and practices.</p> <p><u>City’s response</u> <i>Supported as the application of smart growth principles in planning for infill development will assist local governments in providing for population growth and housing demand in inner urban areas.</i></p>
5.3	Planning for land use and infrastructure coordination
5.3.1	<p>The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.</p> <p><u>City’s response</u> <i>Supported subject to alignment with Infrastructure WA.</i></p>
5.4	Coordinating State infrastructure with regional rezoning
5.4.1	<p>Provide in the Metropolitan Region Scheme an “Industrial Deferred Zone”.</p> <p><u>City’s response</u> <i>Supported as this will assist in planning for and protecting land for future industrial purposes.</i></p>
5.4.2	<p>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.</p> <p><u>City’s response</u> <i>Supported as this will assist in planning for and protecting land for future industrial purposes.</i></p>
5.5	Coordination of infrastructure for land development
5.5.1	<p>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.</p> <p><u>City’s response</u> <i>Supported subject to alignment with Infrastructure WA.</i></p>
5.6	Coordination of land use and transport for corridor development
5.6.1	<p>The Metropolitan Region Scheme 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.</p> <p><u>City’s response</u> <i>Supported as this will assist in the planning for and delivery of mixed used transit orientated development along these urban corridors and the provision of public transport to serve such development. Safe and frequent public transport services will encourage modal shift from private vehicles and provide a catalyst for early and efficient redevelopment.</i> <i>The success of the infill policy is dependent on reducing the levels of traffic by cars travelling in peak periods and increasing the number of people travelling by public transport (e.g. trains, buses, light rail) and other modes including bicycles and walking. It will also be dependent on most of the new development being located along activity corridors and in centres where more residents can be located in close proximity to jobs and within walking distance of quality high frequency and high capacity public transport.</i></p>
5.6.2	<p>A review be undertaken of regional road reservations in place to accommodate road widenings</p>

	<p>within the Metropolitan Region Scheme for designated Urban Corridors.</p> <p>City's response <i>Supported – refer comments above in 5.6.1. Some reservations about how long this will take if left to DPLH solely to undertake. This review will require resourcing and multi-agency cooperation.</i></p>
5.7	Liveable Neighbourhoods
5.7.1	<p>Liveable Neighbourhoods be elevated to a state planning policy and maintained and refined as a best-practice approach to new greenfield development at regional, district and local level, rather including it into a single Neighbourhood part of Design WA.</p> <p>City's response <i>Supported on the proviso that the Planning and Development Act 2005 is amended to provide for State Planning Policies to be amended in a streamlined manner when necessary. Liveable Neighbourhoods is currently applied as an operational policy and elevating to an SPP level could result in lengthy delays in processing planning applications where Liveable Neighbourhoods is found to not to be delivering the desired outcomes and requires amendment or broader review.</i></p>
6.0	Additional Comments
	<p>City's response <i>In addition to the review of the planning system the City officers recommend that a similar review of the Transport Portfolio and related transport legislation and regulations is undertaken to ensure that land use planning and transport are coordinated and delivering the outcomes outlined in Perth and Peel @3.5 million. Currently the Transport Portfolio is operating as three different entities and providing conflicting advice that contradicts the State Government's adopted strategic land use and transport plans for Metropolitan Perth.</i></p> <p><i>This is having a major impact on the City's key infill projects causing significant time delays and increased costs, particularly in relation to the delivery of both public transport lanes on the City's urban corridors and delivering activated main streets in centres.</i></p> <p><i>The City has had to approach the Minister for Planning, Transport and Lands to resolve this conflicting advice on a number of occasions. Whereas the transport portfolio should be collaborating with the City and the Department of Planning Lands and Heritage to help facilitate the delivery of the City's infill projects as they are in line with the key State Government strategic land use and transport plans for Metropolitan Perth.</i></p>