

Green Paper – Proposals for modernising the planning system

Response Template

This response template is intended to assist industry groups, local governments and practitioners respond in detail to the proposals outlined in the paper. The template is structured in accordance with the reform Proposals and the subheading and recommendations within those.

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Submissions close on 20 July 2018.

NEW	What WALGA considers is missing in the Review	And why....
A	Clear Implementation Plan	<p>The White Paper should begin the process of outlining a clear implementation pathway for each recommendation by clarifying: who is responsible for implementing each recommendation; when the recommendation shall be implemented by; the scope of the recommendation; and, measures that enable an assessment and reporting of the success or otherwise of each recommendation, during future state planning reform processes.</p> <p>The Green Paper indicates possible responsible parties. This detail should be extended in the White Paper to cover other important elements of transition, listed above. It is our view that the proposed reforms are likely to be more broadly and strongly supported by Local Governments, and probably other stakeholders, if this detail is provided in the White Paper.</p> <p>Victoria recently prepared a Transition Plan as part of its marine and coastal planning legislative reform. The Transition Plan “sets out the functions required to achieve reform and the required actions that can be delivered without legislative change. Actions proposed after commencement of the Act are also outlined.” <a href="#">The Victorian Plan</a> clearly outlines how the proposed legislative, policy and other reforms will be implemented. This may be a useful example for the WA State Planning Reform team to consider when developing the White Paper.</p> <p>The White Paper must also clearly indicate priority recommendations.</p> <p>The Implementation Plan will require adequate resourcing from the State to ensure its successful implementation. Our understanding is that the State has significantly increased DPLH staff resources over the past two decades. There does not seem to be a need for the DPLH to substantially increase its staff resources to implement these reforms. However, we strongly believe that successful implementation will require adequate resourcing of an independent planning reform implementation team.</p>
B	Stakeholder Reference Group	<p>WALGA has previously resolved (December 2013 State Council) that a Stakeholder Reference Group should be established to guide and assist in the implementation of planning reforms. Stakeholder guidance and oversight would help to ensure that the planning reform process is all encompassing (not piecemeal or selective to suit certain agendas), reinforces the integrity and transparency of the process, and maintains focus on the process’s original intent.</p>

C	Review of Planning Fees and Charges	<p>The New South Wales, Queensland and Tasmanian State Governments have offered financial assistance to local governments to assist with recent state planning reforms (see details from <a href="#">Qld</a> and <a href="#">NSW</a>). The White Paper needs to include similar financial assistance from the State Government to support Local Governments in Western Australia to enable a faster and more seamless implementation of the reforms.</p> <p>If local governments are not provided with adequate funding assistance, the fees and charges specified within the Planning Regulations 2009 must be reviewed immediately and prior to any reforms being undertaken. The current fees have been frozen since 2013. Despite numerous advocacy approaches by the Association to the State since 2013, there is no review proposed by the State. This has resulted in an estimated loss of income for each individual Local Government, between \$5,000 per annum up to \$1.8 million per annum, which is unacceptable. The Green Paper mentions (p.58) the possible inclusion of a pre-lodgement application fee; however, there is no mention of the significant loss of income through the freezing of the State regulated fees and charges. The Review of Planning Fees and Charges must be one of the first reviews undertaken by the review team.</p>
D	Full Review of Development Assessment Panels	<p>The proposed changes to the DAPs are minor administrative improvements to a system that needs to be fully reviewed. If the Green Paper is aiming to develop a “Strategic Led system” then the entire DAPs system needs to be included in this review. As recommended for several years by the Association, only a full cost benefit analysis will be able to determine the effectiveness of the system, and what is an appropriate level of DAPs involvement within the WA Planning system.</p> <p>The subsidiarity principle should guide this review of the DAPs. This principles states that decisions should be made at the most local level possible. The idea is that all decision making responsibility should initially be vested in the hands of the most local level of government and should move outward only when that level of government is unable to carry out a particular function. Alex de Tocqueville, the highly regarded French political intellect, spoke in favour of this principle when he stated that decentralisation has not only an administrative value but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs.</p> <p>The Review Team have verbally advised that the outcome of the review is to ensure the planning preserves local planning and character. However it is not clear that this objective has been included as part of the teams review of DAPs. More emphasis should be provided in the White Paper as to how these reforms will help to ensure the preservation of local character within a reformed DAPs system.</p>
E	Review of other State Government Planning Mechanisms	<p>A comprehensive review of the State planning system should also consider:</p> <ul style="list-style-type: none"> <li>- Streamlining the State’s 26 Development Control policies, 31 Planning Bulletins, 2 Position Statements, 5 Fact Sheets, 5 Manuals, 26 Guidelines, particularly if the 26 State Planning policies are going to be incorporated into one document.</li> <li>- The results of the review of the Planning and Development Act 2005 undertaken in 2013</li> <li>- The results of the review of the Local Planning Scheme Regulations undertaken in 2015 and 2016.</li> <li>- The results of the review of the Bush Fire Planning provisions, undertaken in 2017.</li> <li>- Whether the timeframes of the new structure plan provisions in the Local Planning Scheme Regulations are being met by the Department of Planning, and whether these approvals should be returned to Local Government.</li> <li>- Use of Improvement Plans and Improvement Schemes which override Local Planning Schemes with little justification as to why they have been established.</li> </ul>

		<ul style="list-style-type: none"> <li>- The use of Section 76 Orders by the Minister under the Planning and Development Act 2005, which have predominately been used for minor R-Coding variation proposals and can be considered as “development led” interventions over a Local Planning Scheme.</li> <li>- Use of the “public works” exemptions by State Agencies. It may not be in the best interests of local communities for the State to be able to assess and approve its own developments. For example larger scale projects such as schools and hospitals have a major impact on the local neighbourhood and traffic management. Although these agencies generally do discuss the applications with a local government, it is by exception rather than a requirement, requiring negotiated outcomes.</li> <li>- The continued need and use of s.138 (3) of the Planning and Development Act 2005 in light of this Green Paper’s recommendations to delegate subdivision approval powers to Local Government.</li> </ul> <p>The White Paper should make comment on these mechanisms, which have a substantial effect on the planning system and planning outcomes.</p>
F	Expansion of MRIT to other Regions	<p>Currently the Metropolitan Region Improvement Tax can only be levied within the boundaries of the Metropolitan Region Scheme. Multiple reviews by the State of the planning system have provided recommendations for a similar mechanism to be implemented across a wider area. The Green Paper is silent on this reform.</p> <p>A proposal to extend the MRIT to the Peel and Greater Bunbury Region Scheme areas was supported by the former State Government in 2014, in response to recommendations of the <i>Planning makes it happen: Phase 2</i> reform agenda.</p> <p>The benefits, particularly financial benefits, of a hypothecated land tax for the purpose of acquiring private land for regional purposes have been clearly articulated (Foley &amp; Williams 2016). The continued limitation of the MRIT to the metropolitan region is limiting the efficient acquisition of land within the Peel and Greater Bunbury Region Scheme, while also exposing the state to additional financial costs.</p> <p>Neil Foley &amp; Peter Williams. (2016). Funding and Governance of Regional Public Land Acquisition in Perth and Sydney, Urban Policy and Research, 34:3, 199-211.</p>
G	Full Review of the Local Planning Manual	<p>The Independent review has failed to mention that one of the first steps should be the review of the requirements for a Local Planning Strategy as contained within the Local Planning Manual, as the content list is very detailed and onerous for many Local Governments. Planning consultants have also advised WALGA that providing a quote to a Local Government to undertake a Local Planning Strategy is difficult, given the large scope of the strategy, the unknown timeframes and the many complications that can arise during the process.</p> <p>A full review of what needs to be included in a Local Planning Strategy, the connection to the Integrated Planning Framework and the scalability of the content for smaller local governments, should be undertaken prior to including more layers to an already long document and time consuming process.</p>
H	Comprehensive Review of WAPC Delegations	<p>The Green paper proposes a number of changes that would significantly alter the delegation arrangements of the WAPC. It is proposed that a comprehensive review of WAPC delegations be undertaken first. Local Government members have noted that there is considerable difficulty in understanding the range of delegations within the WAPC and DPLH, including the delegation arrangements for local government. Further, many have noted that this complexity cause difficulties for internal DPLH staff.</p>

		<p>A comprehensive review of internal WAPC delegations should be undertaken; this review should be independent and involve feedback from relevant stakeholders.</p> <p>The Green Paper talks to the option of delegating additional responsibilities to Local Government. It would seem logical that in the face of such major reform that a comprehensive review of all delegations would ensure a smoother transition to the new system and ensure accountability, efficiency and legibility of the planning system.</p> <p>At the date of writing the state of delegations is as follows: 16 Instruments of Delegation; three Resolutions of Delegation; two Authorisation Instruments; and one Ministerial Delegation.</p>
I	Single House Approvals	<p>Clause 61 of the Local Planning Scheme Deemed Provisions needs to be reviewed. There are 4.5 pages of deemed provisions to exempt single houses (and other incidental structures) from Planning Approval. It is WALGA's understanding that this Clause was imposed to address only 12 Local Governments who formally ask for a planning approval for a single house. The implementation of this provision is messy and complicated, and does not factor in where Special Control Areas may exist for bush fire prone areas or coastal hazard areas, or where bushfire mapping triggers referral back to planning. Importantly, the provisions are poorly aligned with cl. 7.3 of <i>State Planning Policy 3.1 (RCodes)</i>, which clearly outlines the ability of local development controls to be established but fails to connect to these existing provisions. The State has undertaken to improve this section of the deemed provisions for several years, so far to no avail.</p>
J	Acknowledgement of Local Government Diversity	<p>The Green Paper is very focussed on improvements based on high growth areas and local governments with a large range of planning functions. The reforms need to explicitly acknowledge and be mindful of the fact that there are 139 local governments in the State, each with varying sizes and development pressures. Therefore a "one size fits all" approach is not feasible. Throughout this submission, WALGA has provided comment as to the scalability of the proposed reforms, as it should not be expected that all of the reform measures are applicable or should be applied across the state, nor implemented in the same manner, particularly where Local Governments have limited or no planning staff. A cynical local government may consider that all of the proposed reforms will merely result in employing more planning consultants to meet these new planning requirements, when the current system seems to be achieving suitable outcomes which mostly meet local community expectations.</p>
J	Rationalisation of EPA referral process for 'basic' scheme amendments	<p>Currently all amendments to Local Planning Schemes require referral to the Office of the Environmental Protection Authority in accordance with s.81 of the Planning and Development Act 2005. It was proposed as part of the Planning makes it happen Phase 2 reforms for some form of rationalisation of the EPA referral process to occur, particularly around those amendments deemed minor and in no way impacting the environment.</p> <p>Considerable time is spent by both Local Governments and the Office of the EPA is referring and reviewing Scheme Amendment documentation that will have no environmental impact. This in turn lengthens the already long Scheme Amendment process, and utilises the limited resources of the Office of the EPA unnecessarily. Most seriously, this regulatory burden likely reduces the capacity of the Office of the EPA to adequately review those applications that require closer scrutiny.</p> <p>Recommendation: That a review of the current process for EPA referrals under s.81 of the Planning and Development Act be reviewed, with the intention of reducing the regulatory burden on both the planning system and the office of the EPA, while maintaining suitable accountability in any proposed system.</p>

K	Preserving Local Character	The Green Paper consultation process has emphasised the importance of preserving local character. However the Green Paper is absent of detail which outlines how the proposed reforms will ensure the preservation of local character. Through this submission the Association has outlined some avenues which provide an opportunity to ensure the preservation of local character. Generally, the reforms are likely to be more broadly accepted and supported if this issue is clearly addressed in the White Paper.
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Proposal		Level of Support (Yes / In-Part / No, Unclear / No)	Response
1.0	A STRATEGICALLY-LED SYSTEM		
1.1	Prominence of Strategic Planning		Additional suggestions for improvement, which are not directly relevant to the Green Paper's Proposals.
1.1.1	Provide in the PD Act that strategic planning is a purpose of the Act and provide a definition of strategic planning.	Yes	Subject to the State undertaking consultation with the local government sector on the exact wording of the new definition.
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.	In-Part	<p>WALGA's understanding is that requiring a Local Planning Strategy review prior to a Local Planning Scheme will lead to a more strategic led planning system.</p> <p>This recommendation is partially supported. WALGA is unable to provide its full support until further information is provided. We suggest that the White Paper includes the following:</p> <ul style="list-style-type: none"> <li>- Recommendation for a full review of what needs to be included in a Local Planning Strategy, including connection to the Integrated Planning Framework and scalability of the content for smaller local governments. This should be undertaken prior to including more layers to an already long document and extremely time consuming process. One of the first steps before initiating this proposed reform should be the review of the requirements for a Local Planning Strategy, which are outlined within the Local Planning Manual, as the existing required content list is very detailed and onerous for many Local Governments. For example, planning consultants have also advised WALGA that providing a quote to a Local Government to undertake a Local Housing Strategy is difficult, given the unknown timeframes and complications that can arise during the process.</li> <li>- Recommendation for examples of best practice to be included in the Local Planning Manual. Local Governments have expressed concern that the State's requirements for preparing Local Planning Strategies do not readily translate into Local Planning Schemes. It would be useful for the Local Planning Manual to provide examples of best practice Local Planning Strategies which: meet State Government needs; meet community needs; and, readily translate into Local Planning Schemes.</li> <li>- A time limit for DPLH to review a Local Planning Strategy to be stipulated in the Regulations. The significant delays which have been occurring within this process are unacceptable. For example, the City of Stirling's Local Planning Strategy has been "in play" for approximately 10 years. Similarly, the Shire of Serpentine Jarrahdale's strategy was "in play" for approximately six years.</li> </ul>

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>This recommendation is partially supported. The content of a Local Planning Strategy can be very broad and in most cases could accommodate the proposed amendment depending on how the Strategy is worded and structured.</p> <p>WALGA is unable to provide its full support until further information is provided. We suggest that the White Paper includes the following:</p> <ul style="list-style-type: none"> <li>- Recommendation that a complex scheme amendment be accompanied by a proposed amendment to the Local Planning Strategy, only if required, i.e. an amendment to the Local Planning Strategy should not be a mandatory requirement in the Regulations.</li> <li>- Details explaining how this reform would work in practice i.e. when a complex amendment is approved, will the Regulations include exact wording of how the Strategy needs to be updated?</li> </ul>
1.2	Need to Explain Sustainability for Land Use Planning		
1.2.1	<p>An overarching State Planning Policy be developed which:</p> <p>i Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs;</p> <p>ii Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and</p> <p>iii Indicates the particular steps related to how economic, social and environmental factors are balanced.</p>	In-Part	<p>WALGA's understanding is that an overarching State Planning Policy would be the first chapter of a consolidated State Planning Policy suite of documents, as outlined in 2.2.1.</p> <p>Researchers have observed that "while visions of sustainable urban settlements are included by many cities around the world in their planning strategies, none are yet able to deliver on addressing the different facets of sustainable urban development" (Davidson 2014, p.304). Reinforcing sustainability as the fundamental purpose of planning within the Western Australian planning framework, is likely to help breach the gap that currently exists between envisioning sustainability in strategy and achieving sustainability through practice.</p> <p>WALGA is unable to provide its full support until further information is provided. We suggest that the White Paper includes the following:</p> <ul style="list-style-type: none"> <li>- The notion of sustainability includes three pillars: environment, social, economic. The proposed policy should make clear that the economic and social pillars are highly dependent on the sustainability of the environmental pillar.</li> </ul> <p>Reference: Davidson, K. &amp; Arman, M. (2014) Planning for sustainability: an assessment of recent metropolitan planning strategies and urban policy in Australia, Australian Planner, 51:4, 296-306.</p>
1.3	Housing Distribution		
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.	No, Unclear	<p>The independent planning review has failed to mention that the first step should be the review of the requirements for a Local Planning Strategy as outlined within the Local Planning Manual, as the content list is very detailed and onerous for many Local Governments. Planning consultants have also advised WALGA that providing a quote to a Local Government to undertake a Local Planning Strategy is difficult, given the large scope of the strategy, the unknown timeframes and the many complications that can arise during the process.</p>

			<p>A full review of what needs to be included in a Local Planning Strategy, the connection to the Integrated Planning Framework and the scalability of the content, should be undertaken prior to including more layers.</p> <p>It would also be beneficial if an estimate on the number of “low growth and small regional” local governments is provided, so the exact number of Local Governments requiring a local housing strategy can be effectively quantified and the exact impact for the sector can be commented on.</p> <p>Further, given the significant delays that local governments have been experiencing as a result of the DPLH’s and WAPC’s consideration of Local Planning Strategies, it is important for a clear timeframe to be imposed on the WAPC, in which to assess the Local Planning Strategy. Currently only a 60 day timeframe is allocated to the WAPC at the conclusion of the process. There is no timeframe for the WAPC to consider the Strategy. Several Local Governments have advised of waiting 12 – 18 months before being advised that their Strategy is suitable for public advertising. The 5 year review and 10 year review process for Local Planning Schemes is not realistic and will reflect poorly on the local government sector when in fact the delays may be attributable to the constraints of the DPLH.</p> <p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- A clear definition of “low growth and small regional local governments”, which would be exempt from the requirement to include a local housing strategy in the Local Planning Strategy. Suggest reconsideration of the term “low growth”.</li> <li>- How this requirement differs from the existing information required within the Local Planning Manual.</li> <li>- Whether the State intends to provide Local Governments with revised population and demographic forecasts for each Local Government, as have been provided in <i>Perth and Peel@3.5 Million</i>. These forecasts need to be provided at intervals of five years to ten years (maximum) and make projections for 40 to 50 years. Longer timeframes are unnecessary given that local planning frameworks have the capacity to be regularly revised.</li> <li>- Whether these forecasts, and the methods used to prepare these forecasts, will be made publicly available online, in accordance with the reform’s transparency and efficiency principals. Advances in information and data analytic technologies allow for these regular and public forecasts.</li> <li>- Confirmation that Local Governments will be the responsible authority for the making and modifying of Local Planning Strategies and Local Planning Schemes to help meet the state’s population and demographic forecasts.</li> </ul>
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	<p>A Guide for the Preparation of a Local Housing Strategy has already been completed.</p> <p>In July 2017, WALGA prepared a ‘Local Government Housing Strategy Guide’ and sent a copy to the previous Department of Planning requesting that it be adopted as a suitable best practice guide for local governments in preparing their Housing Strategies. The purpose of the guide is twofold, firstly it seeks to help Local Government better understand the housing needs of their communities and secondly help identify appropriate responses to meet these needs. Also accompanying the Guide is a Housing and Community Profile Database which contains a series of housing supply and demand data for each Local Government in WA, which</p>

			<p>if adopted as best practice, would provide consistency across all Local Governments in the preparation of their housing strategy. This guide is available upon request from <a href="#">WALGA</a>.</p> <p>There may be an opportunity to include in the Local Housing Strategy requirements for neighbourhood / district character studies or similar, which communicate tangible information regarding the built form expectations of community that can more readily inform development proposals and planning decisions. <a href="#">NSW</a> recommends that Local Housing Strategies are used for similar purposes:</p>
2.0	A LEGIBLE PLANNING SYSTEM		
2.2	Arranging State Planning Policies for Brevity and Simplicity		
2.2.1	State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.	In-Part	<p>WALGA’s understanding of this recommendation is that: the term ‘state planning policy framework’ refers to a single state planning policy; the proposed state planning policy framework will be based on models adopted in Queensland, the United Kingdom and Wales, which provide detailed technical guidance documents that provide guidance to practitioners and development proponents; technical guidance will be regularly updated and prepared in consultation with a range of stakeholders, including Local Governments; the state planning policy framework will be maintained in a soft format, online, which can be more readily updated as circumstances change.</p> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following:</p> <ul style="list-style-type: none"> <li>- A requirement that the objectives and content of the state planning policy framework must be objective and prescriptive, not subjective, to ensure that the policy provides clear guidance to local level decision makers as well as development proponents.</li> <li>- A draft outline of the proposed state planning policy framework’s form and manner.</li> </ul>
2.3	Line of Sight		
2.3.1	WAPC to establish common strategic “elements” for the State Planning Framework including but not limited to: 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”	In-Part	<p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following:</p> <ul style="list-style-type: none"> <li>- Clarification of how the proposed strategic “elements” clearly align with the objectives of the <i>Planning and Development Act 2005</i>, those objectives being for economic development, environmental considerations, and social needs. The list provided in this recommendation does not encompass these objectives.</li> </ul>



	An infrastructure element. and prepare Technical Guidance for the details of each element to be included.		
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.	In-Part	WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following:  - See 2.3.1.
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.	No, Unclear	As outlined in comments at 1.3.1, from a strategic viewpoint, the first step should be a review of the content of the requirements contained within the Local Planning Manual. It is also unclear if this recommendation will actually streamline the content of the Local Planning Strategy, each of the documents referred to (State Strategy, Planning Policy and other strategies) are incredibly long documents with many different requirements.  WALGA requires the following information to consider this proposal further:  - Provide a clear example in the White Paper explaining how this recommendation will improve the current planning system.
2.3.4	Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.	Yes	If only one State Planning Policy is going to be created, need to say Policy not policies.
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.	Yes	WALGA's understanding of this recommendation is that currently there is ambiguity regarding the extent to which all public authorities (such as the MRA) are subject to State Planning Policies, and that this Recommendation will help to:  - Ensure appropriate policy 'line-of-sight' across all decision making authorities. - Ensure consistent decision making across all decision making authorities. - Increase the accountability of decisions made by authorities such as the MRA. - Improve the integrity of the planning system.  It should be noted that recommendation 2.3.4 proposes to amend the <i>Planning and Development Act 2005</i> to ensure that all decision makers are to have "due regard to State Planning Policies (SSPs). However, this recommendation only proposes that the MRA have "regard" to SSPs. Clarification should be given as to whether this is a typographical error or not, as the current wording of recommendation 2.3.5 is incompatible with the intent of recommendation 2.3.4.  Further, if only one State Planning Policy is going to be created, need to say Policy not policies.
2.4	Complexity locating and interpreting the local planning framework		

<p>2.4.1</p>	<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>No, Unclear</p>	<p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The diversity of the form and manner of current Local Planning Policies (LPPs) is causing confusion as to the intent of LPPs within DAPs and State Government agencies, and that making this form and manner consistent across jurisdictions will help to alleviate this confusion.</li> <li>- Approval of the form and manner of LPPs will be delegated from the Minister to officers within the DPLH.</li> <li>- Including LPPs within a “Comprehensive Local Planning Scheme” will give more weight to the standing of Local Planning Policies in development assessment processes than is the current situation.</li> <li>- That this additional weight will strengthen the capacity of Local Governments to design local planning frameworks which reflect the local character of neighbourhoods and local communities, and help to ensure development outcomes that accord with this local character.</li> <li>- The proposed local strategic statement is to be a short summary of the Local Planning Strategy, and the intention is not to include entire Local Planning Strategies into schemes.</li> </ul> <p>The Reform Team have indicated that the State will guide the form and manner of LPPs but will not control/have jurisdiction over the content of LPPs. Our understanding is that this approach is to ensure that LPPs reflect the diversity of local level values and needs (Page 33), which is supported.</p> <p>However, there remains a potential issue in application. Page 29 of the Green Paper states that “The approach would also require additional process at State level as it introduces the need for local planning policies to be subject to State Level scrutiny to ensure content does not conflict with State Planning policies and use of a consistent format. This should be undertaken by the DPLH and approved by the Minister for Planning” (which is then reflected in recommendation 2.4.2).</p> <p>Given the confusion in this paper as to what will be checked and by whom, and for what reason, and that the Green Paper does not clearly explain how this ensures that the WAPC or DPLH will refocus their energy on the Strategic and high level planning for the State, this micro management of the Local Planning Policy process is not supported in the current, and conflicting, summaries provided in the Green Paper.</p> <p>Previously local governments have expressed that too much uniformity across Local Planning Schemes would remove any local place planning preferences, so it is unclear how consolidating this actually achieves any real reform. It is also unclear if this recommendation is pursued as to how flexibility to suit local needs is maintained and incorporated.</p> <p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- It is recommended that the White Paper includes a mockup of a “Comprehensive Local Planning Scheme” (CLPS) so that Local Governments can review and consider what the intent and outline of this document is. The White Paper must also clearly state the process for endorsement, what is being endorsed, can the Scheme be used prior to endorsement if it is just a matter of aligning all of the information in one document, would WAPC have the power to call in CLPS’s when they don’t approve of a Local Planning Policy?</li> </ul>
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			<ul style="list-style-type: none"> <li>- Although the broad concept of a CLPS is supported with the limited information provided, previous reform measures have been susceptible to “reform creep” so that the endorsement of the reform proposal is overly convoluted and / or becomes overly micromanaged, then becomes unworkable. Most stakeholders complain about the significant delays in getting strategic documents approved through the State. It is not clear how adding this additional “approval” requirement is going to streamline the system.</li> </ul>
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.	No, Unclear	<p>WALGA’s understanding of this recommendation is that the consistency of format will also assist the State in endorsing a Local Planning Strategy and make it easier for the development industry to access Local Planning Policies.</p> <p>As stated previously, one of the first steps before initiating this proposed reform should be the review of the Local Planning Manual, as the current content list for a Local Planning Strategy is very detailed and onerous for many Local Governments, and the document is already 60 pages in length.</p> <p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- The Manual should provide the option for scalable versions depending on the size of a Local Government, including detail of the required and optional sections of a LPS.</li> <li>- Confirmation provided in the White Paper that LPP content is not a matter for the state.</li> </ul>
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.	No	<p>This recommendation appears to suggest that local governments put on-hold reviews of their Local Planning Schemes and strategies until there is greater certainty over the outcome of the independent planning review, which doesn’t appear to be a practical or realistic recommendation given the unknown final scope and timeframe for the review process.</p> <p>The current process for the preparation, advertising and endorsement of Local Planning Strategies and schemes can take several years. Therefore this recommendation is not supported.</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.	Yes	Subject to the State undertaking consultation with Local Governments regarding the exact wording of the new definitions for each instrument.
2.4.5	The DPLH to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.	In-Part	However, as mentioned previously, one of the first steps before initiating this proposed reform should be the review of the Local Planning Manual, as the content list for a Local Planning Strategy is very detailed and onerous for many Local Governments, and the document is already 60 pages long.
2.5	<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	No, Unclear	The Local Planning Manual has not been updated since March 2010, and does not reflect recent changes to the local planning framework brought about through changes to the Model Scheme Text and the Planning and

	format of a Local Planning Strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.		<p>Development Regulations. Further to this there is considerable overlap between the Local Planning Manual and Introduction to the Western Australian Planning System document.</p> <p>One of the stated aims of the Local Planning Manual is “to explain how the local planning system works, and how it can best be used to achieve outcomes of benefit to wider community.”</p> <p>For comparison, the Introduction to the Western Australian Planning System states that: “This document is an overview of the planning system in Western Australia. It is intended to be of use to anyone with an interest in urban planning, land use or development.”</p> <p>The Victorian Government’s Practice Note 4: ‘Writing a Municipal Strategic Statement’ sets out how a Municipal Strategic Statement should be formed. The Association is unsure how the Local Planning Manual. Considering the other recommendations of this review that relate to it, can at this stage be reconfigured into a document that would facilitate something similar to a Municipal Strategic Statement.</p>
2.6	Form of Local Planning Policies		
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.	No, Unclear	<p>As outlined in the Association’s comments for recommendation 2.4.1, there is confusion as to whether the Green Paper is recommending that the WAPC has authority over LPP “content” or only “form and manner”.</p> <p>For example, 2.4.2 mentions “content”. 2.6.1 does not mention content. WALGA does not support the State having authority over the content of a LPP.</p> <p>As discussed, Local Governments have raised significant concerns regarding the time it takes for the DPLH to consider and respond to the making of new schemes, scheme amendments and Local Planning Strategies. Given the DPLH’s recent downsizing, there is concern that establishing a requirement for the Department to review LPPs will cause significant and unnecessary delays in amending local planning frameworks.</p> <p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- Matters for the WAPC regarding LPPs. This issue needs to be resolved in the White Paper.</li> <li>- Implementation of this approach requires further explanation and consideration in the White Paper. For example, LPPs are usually reviewed annually. Therefore, what is the process for the LPP’s to be endorsed, i.e. when the WAPC has ‘approved’ the LPP, or when the LPP has been submitted to the WAPC? It may take several months for WAPC approval to be obtained.</li> <li>- The White Paper should also clarify how the requirement for WAPC approval of LPPs is consistent with the Green Paper’s comments that the WAPC should focus on “strategic” planning matters. If the approval of LPPs is to be delegated to the DPLH, the White Paper should clearly explain this.</li> </ul>
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.	No	<p>This Recommendation has substantial overlap with Recommendation 2.4.2 and seems unnecessary. For instance, 2.4.2 states: “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.”</p>

2.7	Consistency of local planning schemes		
2.7.1	Provide in the PD Act that deemed provisions are to be included in a comprehensive Local Planning Scheme.	No, Unclear	<p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- It is recommended that the White Paper includes a mockup of a “Comprehensive Local Planning Scheme” (CLPS) so that Local Governments can review and consider what the intent and outline of this document is.</li> <li>- The White Paper should also consider regulation that ensures that the inclusion of deemed provisions in a LPS, including updating the LPS to reflect amendments to deemed provisions, is an administrative document update and does not require the full LPS review / amendment process. One option may be that deemed provision amendments to LPS by absolute majority decision of Council would form a basic amendment only.</li> </ul>
2.7.2	Provide in the LPS Regulations that a comprehensive Local Planning Scheme is to include a specific section for deemed provisions.	No, Unclear	As above.
2.7.3	<p>Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which:</p> <p>i group like-land uses into themes for which common development standards can be prepared</p> <p>ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply</p> <p>iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment.</p>	No, Unclear	<p>This recommendation is confusing. The recommendation discusses “deemed provisions” which would automatically apply to all planning schemes when the regulations are gazetted. However part (iii) refers to it being “mandatory” for Local Governments to adopt “deemed provisions”, upon the next review or amendment of their scheme.</p> <p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- Clarification as to when such “deemed provisions” would come into effect.</li> <li>- The groupings of land-uses adopted in other states which would be recommended for application in Western Australia.</li> <li>- It is also unclear how this aligns with maintaining and enhancing local planning and local character if all Schemes are grouped like for like.</li> </ul> <p>Note, example of best practice: The City of Greater Geraldton has grouped land uses in its Local Planning Scheme.</p>
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.	In-Part	<p>We note that this Manual is a guideline for implementing a planning system once the structure of that system is in place / reformed. Therefore the focus of these reforms should be directed to ensuring that the structure of the planning system is adequate prior to focusing efforts on the Manual.</p> <p>WALGA supports the regular revision of the Local Planning Manual, which should already be occurring (i.e. the Manual has not been reviewed in seven years). However, WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following:</p>

			<ul style="list-style-type: none"> <li>- All matters raised in this document relating to the Local Planning Manual.</li> <li>- Advice on implementation issues with the review of the Manual i.e., does it mean that if a Local Government is following the guidance, and then the WAPC changes it, the Local Government may have to start again, or add additional items? The manual is a guide, not a prescriptive set of requirements.</li> </ul>
2.8	Location of Local Development Standards		
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.	Yes	WALGA understands that this recommendation is to ensure that some local development controls can be specified within the Scheme, e.g. height, plot ratio, building setbacks, rather than the current practice that has seen many of these controls move into Local Planning Policies. Based on this understanding, WALGA supports this recommendation.
2.9	On-line Local Planning Schemes		
2.9.1	Develop an interactive Planning Portal for keeping Local Planning Schemes online and accessing them in a legible and user-friendly format.	In-Part	<p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following:</p> <ul style="list-style-type: none"> <li>- Clarification that the State will be responsible for the portal's construction and maintenance costs i.e. that Local Governments will not be responsible.</li> <li>- Clarification that Local Governments will be involved in the design of the portal, to ensure its usability for local practitioners, decision makers and residents.</li> </ul>
3.0	A TRANSPARENT PLANNING SYSTEM		
3.2	Community Engagement		
3.2.1	<p>The DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to:</p> <p>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</p> <p>ii In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is</p>	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- A community engagement charter will extend the basic community engagement requirements of planning authorities already outlined within the <i>Planning and Development Act 2005</i> and by doing so, will improve the way in which communities are involved in strategies planning processes.</li> <li>- That this charter will oblige all planning authorities to act in accordance with the charter, including State Government agencies.</li> </ul> <p>Many Local Governments already conduct extensive community engagement processes which exceed the current basic requirements, in accordance with best practice and IAP2 guidance (e.g. <a href="#">City of Melville neighbourhood planning project</a>). There can be inconsistency across jurisdictions in how engagement processes are conducted. A community engagement charter may help to improve consistency. However this inconsistency may be related to constrained financial and staff resources in many jurisdictions. The White</p>

	proposed and any documents that the planning authority intends to examine.		<p>Paper needs to ensure that the Community Engagement Charter is mindful of this diversity in resource availability across jurisdictions.</p> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Part (ii) of this recommendation is unclear – more detail should be provided in the White Paper as to what this entails.</li> <li>- Confirmation that the Community Engagement Charter will also bind state agencies.</li> <li>- Acknowledgement that, while being well intentioned, many local governments do not have access to resources which allow for extensive community engagement processes. The White Paper may include a scale outlining engagement recommendations dependent upon the variations in Local Government sizes and available resources. Also, we are advised that local governments in Queensland have been provided by the State Government with free IAP2 training. The White Paper might consider a similar program.</li> <li>- Recommendations for seeking engagement outcomes which are representative of the entire community and provide tangible / useful outputs, such as neighbourhood character studies. Technological advancements should more readily allow for approaches which achieve this. Such outcomes are more likely to provide a rigorous basis for decision making and provide clear guidance to development proponents.</li> <li>- The Local Government Act review is also looking at LG community engagement and it will be important for the State to consider and avoid recommending different approaches to community engagement.</li> </ul>
3.2.2	Align engagement processes in the planning regulations to the Community Engagement Charter.	No, Unclear	<p>Until the Community Engagement Charter is prepared it is difficult to support the inclusion of the proposed engagement processes into the planning regulations.</p> <p>WALGA requires the following information to consider this proposal further:</p> <ul style="list-style-type: none"> <li>- It is not clear whether their inclusion in the Regulations is via deemed or model provisions.</li> <li>- See 3.2.1.</li> </ul>
3.2.3	Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.	In-Part	<p>Modern technology and more interactive methods of communication allow for new approaches to making the community aware of new proposals and seeking input from the community.</p> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- The communication methods and required timeframes that are proposed to replace the existing requirements.</li> </ul>
3.2.4	Make provision within the LPS Regulations that the Local Planning Strategy must be in	Yes	<p>Agree with the principle that the Strategic Community Plan and Local Planning Strategy (LPS) should be harmonised and not in conflict. However, Strategic Community Plans are consulted with LG communities</p>

	accordance with the Community Strategic Plan under the Local Government Act to the extent that it is relevant.		every 4 years, which may result in substantial directional changes at each iteration. Given the length of time and volume of resources required to amend a LPS, caution is recommended, as it may not be possible to readily align these documents after each revision of the Strategic Community Plan.
3.2.5	DPLH to revise the Local Planning Manual to clarify that:  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.	Yes	Suggest the inclusion of the following requirement in the White Paper:  3.2.5 (iii) – In reviewing the Local Planning Manual, the DPLH consults with Local Governments who have recently completed a Local Planning Strategy, both metropolitan and country, to assist in refining the information contained within the Manual, and to help create a scalable version of a Local Planning Strategy .  However, as mentioned previously, one of the first steps before initiating this proposed reform should be the review of the entire Local Planning Manual, as the content list for a Local Planning Strategy is very detailed and onerous for many Local Governments, and the document is already 60 pages long.
3.3	Reasons for Decisions		
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.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- Decision summaries provided by planning authorities should cover the following matters: assessment benchmarks applied, a description of the matters raised in submissions, and how the decision maker dealt with those matters and the reasons for the decision.</li> <li>- Supporting this recommendation does not seem to create a mandatory requirement on Local Government. This recommendation is suggestive of preparing a guide only, based on the Queensland model (information on the Queensland model is available <a href="#">here</a>)</li> <li>- Recommendation 3.3.2 would elevate this recommendation to a mandatory requirement.</li> </ul> <p>Local Governments already publicly provide reasons for decisions via Council meeting minutes that contain comprehensive officer reports which inform the Council of the rationale for the officer recommendation and on which most decisions are based. Where a Council decision varies from the Officer recommendation, the Council is required under reg.11 of the Local Government (Admin) Regulations 1996, to record in the minutes the reason for variation from the recommendation. Planning decisions made under delegated authority, are perhaps an area where regulation may provide guidance on reason for decision to be included in the advice to the proponent.</p> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Limited information is provided in the Green Paper as to how the information required by this recommendation differs from that already provided by Local Governments. Therefore it is unclear if the Green Paper proposes that a decision summary is prepared for every single application assessed or just those subject to public comment periods?</li> </ul>



3.3.2	Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- This recommendation, to include a provision in the LPS Regulations which would require that planning authorities provide these statements, and in a particular format, aims to ensure that all planning authorities, including Local Governments, prepare decision summaries in accordance with the Guide recommended in 3.3.1.</li> <li>- This requirement could be considered as being unnecessarily arduous. However, when referring to the Qld model, the Green Paper indicates that summaries should "be of a length that approximately reflects the nature, importance and complexity of the decision, as the time available to prepare it" (p.42). This seems to be an attempt to limit the arduousness of this new requirement, if introduced.</li> </ul> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- The LPS Regulations include a provision, which is similar to the Qld model and mentioned in the Green Paper, that summaries should "be of a length that approximately reflects the nature, importance and complexity of the decision, as the time available to prepare it" (p.42).</li> <li>- All planning authorities will be subject to the requirement (i.e. not just Local Governments).</li> </ul>
3.4	Transparency of DLPH and WAPC Statutory Reports		
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.	In-Part	<p>Local Governments have raised this issue of transparency, or lack thereof, with the WAPC and SPC numerous times. However this Green Paper recommendation only proposes the publication of agenda items, reports and recommendations on region and Local Planning Schemes and amendments.</p> <p>Local governments are required to act in accordance with requirements which improve the transparency of development application and assessment processes. However the State (WAPC and DPLH) is not subject to the same obligations. Clearly there are two sets of rules for different planning authorities which operate within the same jurisdiction / under the same legislative framework. These inconsistencies and lack of transparency potentially undermine the trust of development proponents and the broader community in these decision making processes. Implementing this recommendation promotes consistency across all planning authorities, avoids potential transparency issues, and helps to build trust in decision making.</p> <p>Given that the Green Paper promotes both transparency and places an emphasis on Local Planning Strategies and how the community should be consulted and included in their preparation, it seems fair that the determination of Local Planning Strategies should also be open to observation and understanding.</p> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Confirmation in the White Paper that the scope of this recommendation is expanded to include all planning matters considered by the WAPC, including Local Planning Strategies, POS strategies, and</li> </ul>

			submissions on State Planning Policy reviews, i.e. the consideration of any planning matter that has been publicly advertised should also be publicly available including the schedule of submissions and responses to submissions.
3.5	Reporting by Local and State Government on Planning Matters		
3.5.1	Provide in regulations mandatory reporting by local government on planning matters.	In-Part	<p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- The head of power to ask for local government to report on planning matters has existed since 2009 through the Planning and Development Regulations but has never been progressed.</li> <li>- Many Local Governments have already begun to voluntarily report on planning matters through WALGA's local government performance monitoring project. The performance measures need to align with the existing Local Government Performance Monitoring Project, not the proposed data sets in the Green paper (p.44).</li> <li>- State Government must also be required to report performance in the first phase, not the second phase as recommended in the Green Paper. Requiring that Local Governments prepare mandatory reports and not requiring this of State planning authorities is unacceptable and does not align with the principles set out in the Green Paper of transparency and integrity.</li> <li>- The DPLH's last annual report, available <a href="#">here</a>, provides some existing performance measures but fails to provide any timeliness in the strategic planning process (measures for subdivision are provided). Further, the report only provides the number of documents that have been considered. The measures for State Government reporting must also be included in the White Paper.</li> <li>- Scalability of the reporting measures needs to be considered, as many local government have no planning staff and are already subject to many State Government reporting requirements. Suggestions for this may include: - <ul style="list-style-type: none"> <li>o A threshold for mandatory reporting e.g. number of annual development applications or total value of annual development applications received having to be exceeded before the mandatory reporting requirement set in.</li> <li>o Mandatory reporting should be via an online survey/form for smaller local governments that involves checking boxes and entering stats, which would be more efficient for all concerned and enable easier comparison / analysis.</li> </ul> </li> </ul> <p>Additional consultation with WALGA, and referring to the existing Local Government Performance Monitoring Project will assist in progressing this recommendation further.</p>
3.6	Transparency and Accountability of Development Assessment Panels		

<p>General comments on the proposed changes to DAPs</p>	<p>N/A</p>	<p>It was recently recognized by researchers in Western Australia that by introducing new institutional bodies into the development assessment process, i.e. JDAPs, “the WA state government has merely created additional layers of bureaucracy and administrative procedures” (Maginn 2014, p.160) and that the purpose of establishing these bodies could have been achieved through other approaches. On numerous occasions WALGA has raised similar concerns, and is therefore encouraged by the potential for the continued revision and improvement to the current DAPs system.</p> <p>WALGA has provided a number recommendations to the State Government for improving DAPs. The most recent set of recommendations is provided in Appendix XX. Some of the recommendations provided by WALGA are covered by the recommendations in the Green Paper, as outlined in the following sections. These recommendations take positive steps to address issues related to fairness, integrity and transparency.</p> <p>However, it is the view of WALGA that the Green Paper recommendations do not adequately address a range of other issues related to DAPs. The Green Paper recommendations propose to address issues of accountability and transparency. However the Green Paper fails to adequately address issues relating to efficiency, effectiveness and value for money and has therefore failed to comprehensively review DAPs as would be expected of an independent planning review. WALGA has been advocating for several years that a full cost benefit analysis of DAPs be undertaken, as the overly administrative processes, types of applications being captured by the \$ bands and additional fees is not assisting in a streamlined planning process. WALGA will continue to advocate that such an analysis be undertaken and this should be included in the proposed White Paper if it is to adequately consider the operation of the entire planning system.</p> <p>It is also concerning that the justification for the maintenance of the WA DAPs system proposed in the Green Paper is primarily based on the 2012 Productivity Commissions review. The WA DAPs were in operation for only 12 months when this review took place. Therefore this review could not have adequately reviewed the operation and effectiveness of WA DAPs and consequently offers inadequate justification for their continuation.</p> <p>Another justification provided in the Green Paper for retaining the current DAPs system is from the 2015 Uniform Legislation and Statutes Review Committee, which relied on supposition and anecdotal evidence from industry, while the 3 year review summary (which reviewed every simple application) provided by WALGA was given limited reference.</p> <p>The Green Paper also refers to the Development Assessment Forum (DAF) best practice model. However the DAF model states the following:</p> <p>“Professional determination for most applications:</p> <p>Most development applications should be assessed and determined by professional staff or private sector experts. For those that are not, either:</p> <ul style="list-style-type: none"> <li>- Option A – Local government may delegate DA determination power while retaining the ability to call-in any application for determination by council.</li> </ul>
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3.6.1	Provide for DAP meetings to be held at regular times and outside of business hours.	Yes	<p>WALGA’s position (7 December 2016, State Council Full Minutes, from p.90):</p> <p>“14. Consistent, set DAP meeting dates to which applications are assigned. Applications and meeting dates published on DoP website. (51% Support, 26% Support and should be a high priority). Respondents noted that while this might not work in all DAP areas (for example regional areas), a set schedule would provide transparency and consistency to the DAP processes. A set schedule would also allow holiday periods (Christmas, Easter) to be taken into account when scheduling meetings.”</p>
3.6.2	Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.	In-Part	<p>WALGA’s position (7 December 2016, State Council Full Minutes, from p.90):</p> <p>“3. DoP to provide a secretariat with responsibly for minute taking at DAP meetings. (48% Support, 44% Support and should be a high priority). Respondents supported this suggested amendment and comments indicate their belief that this change would ensure consistent minute taking, as Local Government personnel are often only familiar with their Council’s minute format, which is different to the DAP format. This leads to delays and inconsistency.”</p>

			<p>“6. The DoP/WAPC to manage community questions and queries about DAP process and meeting schedules. (68% Support, 28% Support and should be a high priority). Commenters expressed the view that as Local Governments do not control the DAP process, set meeting dates or act as the decision making body, it is appropriate that the DoP/WAPC manage community questions and queries.”</p> <p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Clarification as to whether the recordings are to be audio, video or writing (meeting minutes) recordings? If by way of taking minutes, that minutes will be taken by a DPLH representative and not imposed on Local Governments.</li> <li>- Include that the management of community questions and queries about DAP process and meeting schedules should be managed by the DPLH / WAPC.</li> </ul>
3.6.3	<p>3.6.3 Provide clarification in DAP Practice Notes:</p> <p>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</p> <p>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>	In-Part	<p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Include a recommendation that DAP Practice Notes clarify rules governing conflict of interests. These rules should be the same as those for Local Government. WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “7. DAP rules governing conflict of interests to be same as those for Local Government. (62% Support, 30% Support and should be a high priority). Respondents noted that as the DAP is taking the place of the Local Government as the decision maker, members should be held to the same standards as Local Government. This will provide better consistency and transparency to the DAP process. (Note, the Central JDAP panel members were required to declare conflicts of interest, so this rule may have already changed, in which case, we could remove this Recommendation).”</li> <li>- Include a recommendation that DAP Practice Notes provide clear guidance as to the role of Councils in the DAP process. WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “9. Clearer guidance on 'councils' role in the DAP process. (51% Support, 31% Support and should be a high priority). Respondents noted that it is unclear if a RAR must be referred to council. Some Local Governments have sought legal advice on this matter, but that advice has not been consistent. The State needs to provide clear guidance to ensure the processes is the same across all Local Governments.”</li> <li>- Include a recommendation that Local Government representatives be allowed to attend all meetings relating to a DAP application, including SAT mediation. WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “10. DAP meetings cannot be closed to local government representatives. (56% Support, 28% Support and should be a high priority). Respondent’s comments noted that while the DAP makes decisions on the application before it, they are doing so in place of Local Government, and it is Local Government who has to enforce the DAP’s decision. As such, Local</li> </ul>

			Government representatives must be allowed to attend all meetings relating to a DAP application, including SAT mediation.”
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.	Yes	WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “1. DAPs to provide detailed reasons for decisions which differ to the RAR. (53% Support, 44% Support and should be a high priority). This proposal received overwhelming support. Many of the comments noted that this change is needed in order for DAPs to provide transparency and accountability in their decision making processes. The inclusion of detailed reason for decisions which differ from the RAR will also assist Local Government as it will provide greater clarity for officers that will assist them in preparing future RARs.”
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.	Yes	This recommendation considers the primary issue of transparency and provides the opportunity for the community to comment on a revised proposal. The Green Paper suggests the condition that “unless the amended plans comply with all development standards”. The White Paper needs to clarify the intent of this condition and who will be making the determination that the application is in compliance with the development standards.
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.	No	This recommendation does not align with WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “26. Ensuring consistent DAP Panel members through the lifetime of an application (DA, deferred, Form 2 & SAT appeals).” WALGA’s understanding is that this recommendation is an attempt to improve the integrity of the DAP process. However the introduction of new panel members has the potential to detrimentally affect the efficiency of the process, due to the substantial resources required to ensure new panel members have adequate knowledge of the application in question. The potential gains in integrity are unlikely to outweigh the losses in efficiency.
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.	In-Part	<p>WALGA’s current position regarding Third Party Appeal Rights is to: “Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.”</p> <p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- This recommendation would limit third party involvement to making a submission or be heard during SAT mediation of DAP matters, to instances where the development applicant has appealed a DAP decision and only at the discretion of the SAT.</li> <li>- The logic of limiting the involvement of third parties to these instances remains unclear. For example, where a development proponent does not appeal a DAP decision, there is currently no opportunity for a third party’s case against a DAP decision to be heard by the SAT.</li> <li>- The SAT would decide who the parties are that have a “sufficient interest in a matter”. This would limit the ability of interested third parties to make an appeal of a DAP decision, to those decided by the SAT.</li> <li>- Fundamental issues regarding the absence of third party appeal rights in WA have not been addressed, particularly in regard to instances where a DAP decision does not align with the recommendations of another planning authority, such as a Local Government.</li> </ul>

			<ul style="list-style-type: none"> <li>- The 10th Principle of Best Practice from DAF, which is for the establishment of a genuine Third Party Appeals process, has been largely overlooked in this reform.</li> </ul> <p>Consequently, WALGA is unable to provide its full support of this recommendation.</p> <p>However, a framework which provides clarity on the method used by SAT to determine who the parties are that have a “sufficient interest in a matter” and when these decisions are made, is supported. This framework should include a set of clear and publicly available criteria, which should be outlined in the White Paper. These criteria should:</p> <ul style="list-style-type: none"> <li>- “Ensure that appeals are only made on valid planning grounds and are not made for commercial or vexatious reasons.</li> <li>- Limit Third Party Appeals Rights to those parties which previously made a submission on that development application during the advertising period.</li> <li>- Require a short window in which to appeal (for example 14 days).”</li> </ul> <p><i>(From WALGA’s Outcomes of Consultation: Third Party Appeal Rights in Planning p.4).</i></p>
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.	Yes	This recommendation would help to provide specific specialist advice depending on the type of application proposed, in turn providing the technical assistance that was originally promoted as part of the introduction of DAPS in 2010.
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.	No	<p>The core principles of DAPs being established was for transparent, consistent and efficient decision making. This recommendation is inconsistent with these core principles.</p> <p>For example, WALGA undertook a 5 year review of the DAP process and found that on average each meeting only dealt with one or two applications, some of which were FORM 2 minor variations. This is not an efficient system. Efficiency will be further compromised if the Presiding Member is allowed the discretion to determine if: site inspections, additional information or advice is required; submitters should be allowed longer times for deputations; and further meetings are required to consider an item. These discretions may lead to significant variations in the way DAPs are governed across DAP jurisdictions, directly conflicting with the purpose of DAPs – to improve consistency in decision making.</p>
3.6.10	Provide in the DAP regulations that the WAPC retains its decision making abilities with respect to development applications under region schemes.	No, Unclear	<p>WALGA’s position (7 December 2016, State Council Full Minutes, from p.90):</p> <p>15. The dual approval process being streamlined &amp; simplified (e.g. for applications concerning State infrastructure). (58% Support, 19% Support and should be a high priority). Respondents noted that the current system for dual approvals could be more streamlined, which would eliminate red tape for applicants.</p> <p>One of the justifications for the introduction of DAPs was to “remove the duplication between local planning and regional planning approvals that often involve separate decisions by both a local government and the</p>

			<p>WAPC. This level of duplication is costly and time consuming for Developers, the State Government and local authorities” (Minister Day’s media release, 11 Sept 2009).</p> <p>The rationale provided in the Green Paper to return to the pre-2011 (pre-DAP) process is not clear. For example, WALGA is unsure if this change is proposed because DAP panel members are questioning the RAR reports that are being submitted by DPLH officers, or because the WAPC may not want the DAP to be the arbitrator when a Local Government and DPLH officers do not agree with a proposed application. Due to ambiguity this recommendation is not supported.</p>
3.6.11	<p>Provide for a Presiding Member to be appointed also as the Chief Presiding Member to:</p> <p>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</p> <p>ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard</p> <p>iii Identify training needs for DAP members for the approval of the Director General DPLH.</p>	In-Part	<p>3.6.11 (i) - Generally, this recommendation aligns with WALGA’s current position (7 December 2016, State Council Full Minutes, from p.90): “13. DoP to provide a governance representative at DAP meetings to answer relevant questions &amp; ensure compliance with the DAP members Code of Conduct and DAP meeting procedures. (43% Support, 32% Support and should be a high priority). Respondents noted that having a governance representative would help clarify relevant matters of governance and provide guidance where required. Governance officers can ensure that standing orders are followed and due process adhered to. Having the DoP provide a governance officer will assist with consistency and transparency.”</p> <p>However, WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Clarification regarding what “appropriate remuneration” means or whether additional fees will be required to support this role. As a full cost benefit analysis of the DAP system has not yet been undertaken, it is difficult to support appointing another layer of administrative oversight to an already expensive system. The fees paid to sitting members is transparent. However, the income received from DAP applications (and possible supplementary funds from the Department of Finance) is not transparent and can only be estimated, as the current annual reports do not identify the full cost of running the DAPs system in WA.</li> </ul> <p>3.6.11 (ii) – WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “5. DAP Panel Member criteria amended with stronger emphasis on specialists having planning experience. (46% Support, 42% Support and should be a high priority). While some respondents noted that a range of expertise can be beneficial, many comments expressed a concern that there was often a lack of sufficient planning knowledge and experience on DAPs. As the purpose of the DAP system is to make planning decisions, it is appropriate that there be a minimum standard of planning experience.”</p> <p>We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Conditions of appointment to a DAP include that applicants must have substantial planning knowledge and experience, and provide advice on what constitutes substantial experience.</li> </ul> <p>3.6.11 (iii) – WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “4. Training / briefings sessions for DAP members about Local Planning Scheme provisions. (47% Support, 42% Support and should be a high priority). Many respondents indicated that DAP members needed to have a stronger</p>



			<p>understanding of the Local Planning Scheme provisions for the LG areas they administer, and that training or briefing sessions would be very beneficial.” (WALGA State Council Meeting December 2016, Page 94)</p> <p>We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- Conditions of appointment to a DAP include that applicants must be able to demonstrate a proficiency in Local Planning Schemes, particularly in the areas they administer.</li> </ul>
NEW	Form 2 applications shall be delegated to Local Government where the proposed amendments are supported by the LG.		<p>Local Governments have indicated (in 2016) strong support for the delegation of Form 2 applications from DAPs to Local Government, where the proposed amendments are supported by the LG.</p> <p>This recommendation accords with the general principle of improving the efficiency of development application processes for both proponents and planning authorities. This recommendation links with similar principals of delegation outlined in Recommendation 4.1.3, to increase delegations to planning authorities where those authorities have the required capabilities.</p> <p>WALGA’s position (7 December 2016, State Council Full Minutes, from p.90): “2. Form 2 applications be delegated to Local Government where the proposed amendments are supported by the LG. (54% Support, 41% Support and should be a high priority). Respondents were nearly unanimous in their support for this suggested amendment, noting in their comments that this would save both time and resources for all parties.”</p>
NEW	Other recommendations supported by Local Governments.		<p>WALGA’s position (7 December 2016, State Council Full Minutes, from p.90):</p> <p>“8. The DoP to share legal advice with Local Government and Local Government having access to advice from State Solicitors Office. (58% Support, 30% Support and should be a high priority). Respondents noted that this would improve transparency and consistency, and would assist Local Government in advising DAP members.”</p> <p>“11. DAP Application Fees (including Form 2 apps) being revised to operate on a full cost recovery basis, taking into consideration the costs of assessing an application, hosting meetings and managing public consultation, attending SAT etc. (46% Support, 35% Support and should be a high priority). Respondents noted that Form 2 applications often require a full assessment, and as such the same amount of work as a Form 1. The current fee structure does not account for the amount of work involved. The Minister has announced that there will be changes to the DAP fee structure, however no additional information has been provided.”</p> <p>“12. Permitting Local Governments to 'stop the clock' at any time. (53% Support, 30% Support and should be a high priority). Respondents were very supportive of this amendment, but noted that there would need to be clear guidelines around the use of 'stop the clock' by Local Governments to ensure it is used only in appropriate situations. The Minister has announce that the DAP presiding members will be able to intervene in the 'stop-the-clock' process if parties disagree about the level of information that has been provided for an application.”</p>
4.0	AN EFFICIENT PLANNING SYSTEM		

4.1	Arrangement of the WA Planning System		
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.	<i>No - Unclear</i>	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- There is a desire to increase capacity for the WAPC to undertake strategic planning; and</li> <li>- Rationalise and make clearer the respective roles of the WAPC and DPLH.</li> </ul> <p>The justification provided for this recommendation in the Green paper is ambiguous, making it sound like this is purely an administrative issue which should be undertaken by DPLH. The Association queries if it would just be simpler to delegate this function to DPLH, as many of the other responsibilities under this section of the Act have already been delegated to DPLH. As the rationale is not clear as to how deleting this function will improve the planning system, it is not supported.</p> <p>Should this recommendation be ultimately supported, the Association suggests that in-line with the recommendations of this Green Paper – particularly around accountability and transparency – the manner and form in which DPLH advises the Minister should be open to public scrutiny. There are clear differences in the independence of the Department when compared to the WAPC, and therefore the advice should be open to a greater level of scrutiny to encourage impartial advice to the Minister.</p> <p>Based on this understanding, our position is to not support this recommendation at this time.</p>
4.1.2	Provide for a local government accreditation process.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The proposed Local Government accreditation process will allow for a reconsideration of delegated planning responsibilities, which may include: small lot subdivisions; structure plans; and the possibly some of the current 'optional' development applications assessed by DAPs.</li> <li>- The key elements of this accreditation process will include: having an up to date Local Planning Scheme and Local Planning Strategy; appropriately qualified planning officers and appropriate delegations to those officers.</li> <li>- Further, as part of the reform teams consultation, the Association understands that a preference exists within the reform team for some form of performance monitoring system and the provision of reasons for decisions in a particular format, would also be included in an accreditation system. It is also unclear whether the fees submitted to WAPC would be automatically included as part of the Delegation.</li> </ul> <p>The Association's support is subject to full and transparent consultation with the Local Government sector on further detail as to what this accreditation entails, the process for accreditation to occur, and in particular</p>

			<p>what WAPC delegations could be provided to the sector. These matter would preferably be clearly outlined in the White Paper.</p> <p>With the establishment of a robust accreditation process and eventual growing comfort in the ability of Local Government to undertake these functions; the Association sees potential for future expansions of delegations to Local Government. The desire for the DPLH to become more strategic focuses, a headline of this Green Paper, offers an opportunity for Local Government to take a more leading role in a wider range of planning instruments such as: basic scheme amendments; structure plans; and larger subdivisions.</p> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p>
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.	In-Part	<p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- Accredited Local Governments should receive delegation from the WAPC to determine small infill subdivision within the metropolitan area and regional centres, and subdivision in accordance with an approved local structure plan.</li> <li>- The “Optional DAP applications” category specified within the DAP Regulations for accredited local governments could be removed, handing back determination of these applications to the local government.</li> </ul> <p>Based on this understanding, the recommendation is supported, subject to discussions with the local government sector on further detail as to what this accreditation entails (as outlined in 4.1.2).</p> <p>Consideration should also be given to extending these delegations to accredited local governments to include:</p> <ul style="list-style-type: none"> <li>- Structure Plans. Local Governments have indicated that there is scope for substantial improvement in planning processing times if structure plan responsibilities are returned to local government;</li> <li>- Scheme Amendments, which are in accordance with an approved Local Planning Strategy. Local Governments have indicated that the WAPC typically add an extra 6 months (minimum) onto a scheme amendment timeline. Therefore it would be of assistance to proponents and state and local government alike if the table on page 53 listed accredited local governments as the approval authority for scheme amendments that are in accordance with an approved Local Planning Strategy, and DLPH as having approval authority where the local government is not accredited.</li> </ul> <p>These delegations would not only improve the performance of the planning system but also tie in with the Green Paper’s direction to give greater emphasis to the content, relevance, timeliness and consultation process associated with Local Planning Strategies as a leading planning document. Increasing delegations to local governments would help to avoid duplication and align with leading development assessment practices advocated for by the Development Assessment Australia, 2005: Principle number “5, a single point of assessment”.</p>

			Reference: Development Assessment Forum (2005) <i>A Leading Practice Model for Development Assessment in Australia</i> , <a href="https://www.planning.org.au/documents/item/6876">https://www.planning.org.au/documents/item/6876</a> , p.13.
4.1.4	<p>Provide for the PD Act to be amended to:</p> <p>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—</p> <p>planning, including strategic land use planning in metropolitan or regional areas</p> <p>infrastructure planning, delivery, policy and strategy</p> <p>public administration and public policy</p> <p>property development</p> <p>housing supply</p> <p>corporate or public sector governance</p> <p>economics, finance or financial management</p> <p>management of business or commercial ventures</p> <p>local government.</p> <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>	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- While the role and purpose of the WAPC will not change, there exist a need to reform its membership to ensure effective and efficient decisions are taken;</li> <li>- The membership of the WAPC of public sector CEOs has become problematic as the purpose of their membership being as an independent advisor to the Minister for Planning has largely been eroded;</li> <li>- The intention is for Local Government representation to be retained on the WAPC; and</li> <li>- Significant changes to the way Committees of the WAPC are formed is proposed.</li> </ul> <p>This recommendation provides a similar structure to a Management Board, however there are 9 suggested field of expertise and only 5-7 positions, therefore, therefore there may not be appropriate representation given to Local Government if the number of members is reduced under the number of 'experts' being required. This may need to be reviewed before full supported is provided.</p> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>As it stands the current provisions under Part 2, Division 1, Section 10, Clause 10(1) of the PD Act provide a more expanded skillset (environmental conservation, community services, heritage and indigenous interests) for membership of the WAPC. The membership of the WAPC, as proposed by this recommendation, should not be limited to those in fields only related directly to development, and should include the existing provisions to ensure a holistic approach to planning is achieved.</p> <p>White Paper, to clearly identify what the committees had been tasked with, and whether their abolition will result in a possible policy gap for the WAPC.</p> <p>The Association supports the removal of committees from Schedule 2; however, the ability to establish committees, under Part 2, Division 1, Section 10, Clause 14(K) of the PD Act, should be at the discretion of the Minister, on the advice of the WAPC. The WAPC would provide justification as to the role, objectives and membership of any Committee and then make a recommendation to the Minister for approval.</p> <p>Further, any proposal to establish a Committee should be open to a period of public comment in line with the principles of transparency and accountability weaved through this Green Paper.</p> <p>The Association supports the retention of two (2) representatives from Local Government, being made up of one (1) from within and one (1) from outside the metropolitan region.</p> <p>The Association supports the proposal to alter the membership of the WAPC by removing eight (8) public sector chief executives. The inclusion of such individuals reduces the ability of the WAPC to act in an independent manner to the Minister for Planning.</p>

			The change to the committee structures is supported as District and Regional committee have not operated for many years.
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	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The Coastal Planning Coordination Council (CPCC) does not currently meet as is required by the <i>Planning and Development Act 2005</i>. However the committee's chairperson maintains their position as a commissioner on the WAPC.</li> <li>- The reform team recognises that this committee potentially has an important role and may need to be retained. However the function, hosting and regulatory framework for this committee should be reviewed.</li> <li>- Based on this understanding, our position is to support this recommendation, subject to the conditions outlined below.</li> </ul> <p>WALGA concurs that this committee has an important role within Western Australia's planning system. Coastal hazards such as storm erosion, shoreline recession and temporary coastal flooding are a significant issue for Western Australia, as noted in the <i>WA Coastal Zone Strategy (2018)</i> and <i>State Coastal Planning Policy (2013)</i>. These coastal hazards will make the task of assessing development proposed in hazard areas and identifying appropriate management and planning responses, a challenging task which may be beyond the skill-set of many local governments.</p> <p>Currently, local governments can seek advice from various government departments and independent consultants to assist with these decisions. However there is potential for this advice to be inconsistent and conflicting. Most Australian states have specialist bodies who can provide multi-disciplinary advice to local governments in these situations (e.g. NSW Coastal Council, SA Coastal Protection Board, and Victorian Catchment Management Authorities).</p> <p>The former Minister stated that the function of the CPCC has been replaced by the Coastal Management Advisory Group (CMAG) (see Parliamentary Debates, Legislative Council, 15 September 2016). WALGA disagrees that the CMAG adequately replaces the CPCC. First, Local Governments cannot seek advice from the CMAG. Second, the CMAG is a body of government officers who do not necessarily have the required specialist technical expertise. For example, the equivalent bodies in other states consist of highly experienced technical experts from a variety of different fields.</p> <p>Local Governments have indicated that a multi-disciplinary referral body is likely to help improve the quality of decision making, and consistency across jurisdictions, in what will become an increasingly complex and contested planning matter given current sea level rise projections. For example, many Australian states (e.g. New South Wales, Queensland, Victoria, South Australia) and international states (UK, California, North Carolina, Texas, Hawaii, Oregon) have enacted coastal planning and management specific legislation and a governing commission to help govern coastal lands. It is likely that similar arrangements will be needed at some point in the near future in Western Australia.</p>

			<p>WALGA is unable to provide its full support of this recommendation until further information is provided. We suggest that the White Paper includes the following information:</p> <ul style="list-style-type: none"> <li>- The White Paper acknowledges that the absence of a multi-disciplinary coastal planning and management referral body is a significant gap in Western Australia, compared with other states, and that Local Governments recognise the importance of a body that can provide high level technical advice regarding development proposed in coastal hazard areas, where requested.</li> <li>- The White Paper includes a terms of reference to guide the review of this committee, including a review of the committee's functions and memberships, in consultation with Local Governments.</li> </ul>
4.1.6	Revise the Service Delivery Agreement between the WAPC and DPLH to accord with the revised roles of the WAPC and DPLH.	Yes	The Association has no further comment on this proposal.
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.	Yes	The Association has no further comment on this proposal.
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.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The DPLH and WAPC will establish a process for wider engagement with non-government sectors at the early stages of policy development.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. This support should be read in conjunction with the commentary below.</p> <p>More detail is required before the Association is in a position to fully support this recommendation.</p> <p>The WAPC may also wish to consider developing a dedicated fund through which academic research, on topics directly related to the Stage Government's strategic direction, can be funded through.</p>
4.2	Process Efficiency for Planning Proposals		<i>Not a lot to offer on this section with analysis / investigation.</i>
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.	Yes	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The DPLH will retain a Planning Reform team within its internal structure with the aim to implement proposals arising from this and future planning reviews.</li> </ul> <p>Based on this understanding, our position is to support this recommendation. This support should be read in conjunction with the commentary below.</p> <p>A Reform team to oversee the implementation of the reforms is paramount, to ensure consistency and prioritisation of the reforms occurs, and as such this recommendation is supported by the Association.</p>

			<p>Although not mentioned in detail in the Green Paper, it would appear that previous planning reform proposals lost momentum after their initial launch. Arguably this has occurred due to the various reforms being actioned by different branches of DPLH. This has led to ‘reform creep’ where the original objectives or proposal seemed reasonable and were supported by many stakeholders, however, as the reform was being implemented, the goal posts shifted.</p> <p>The Association highlights the establishment of DAPs as a pertinent example. The original proposal for DAPs was similar to the NSW system (at the time), only state or strategic proposals would be considered by a DAP, but by the time the regulations were prepared, the original intent had been lost and the removal of the local government sector from the decision making process for many local projects occurred, and even subsequent reforms to DAPS have only refined the system, not reviewed the original principles of this reform measure. This example highlights the need to ensure that the reforms are undertaken in a logical and fully consultative manner will ensure the best uptake of the proposed reforms.</p> <p>Lastly, the Association sees merit in a change of language on reform; it might be the appropriate time to stop talking ‘reform’ as it implies the whole system needs an overhaul. Reports from around Australia have indicated that the fundamentals of the WA Planning system are sound, the system, arguably, is just in need of a few ‘improvements’ and ‘realignments’.</p>
4.2.2	A framework for referral of planning applications, to be incorporated in regulations as appropriate.	In-Part	<p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The DPLH will develop clear guidance, through a framework, on how, when and why referrals to State Agencies and utility providers should be undertaken.</li> </ul> <p>Based on this understanding, our position is to support this recommendation. This support should be read in conjunction with the commentary below.</p> <p>The Association strongly supports the intent of this recommendation.</p> <p>Delays in development assessment due to late or absent referral responses is a constant complaint from the Local Government sector. Unfortunately the Local Government Sector generally shoulders the blame for these kinds of delays, when a significant amount of time that is taken up is waiting for the referral agency to provide a response.</p> <p>For this recommendation to be of greatest utility it will be important to specify time frames and expectations in referral agencies as is the case in the Queensland planning system. Consideration should also be given to requiring a referral fee direct to the agencies in certain circumstances as this would likely assist in the appropriate resourcing of the agency to manage the referrals. This already occurs in South Australia.</p> <p>Lastly it should be noted that in some situations that decisions under the Planning and Development Act do not bind other state agencies, and even with the existence of a more refined and robust referral process, the determination of the planning authority can still be hampered by such actions.</p> <p>Therefore the exact detail of this recommendation should be expanded, as the wording is perhaps too vague and the justification too short to ensure that any new referral system is all encompassing. Lastly, the wording</p>

			<p>'as appropriate' requires clarification, it is unclear if this means only some timelines will be included, or only to certain agencies?</p> <p>The following information should be considered for inclusion in this recommendation as part of the White Paper:</p> <ul style="list-style-type: none"> <li>- Referral requirements for planning applications should be included in the regulations. Clear guidance on when to refer, the length of the referral period, and the purpose of the referral should be given;</li> <li>- Clear guidance in the proposed framework on what a referral agency or individual can expect; and</li> <li>- Referral timeframes should be generally consistent across all state government departments, and should be reduced to 21 days.</li> </ul>
4.2.3	As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- This recommendation would create an interim body called the DPLH Independent Planning Review; and</li> <li>- This body would act as an intermediary where a referral agency has failed to come to a reasonable position.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>The Association supports the principle of developing an interim body, prior to any substantive changes to the regulation occurring, to mediate disputes between an applicant and a referral body.</p> <p>However, due to the lack of detail on this proposal, and an understanding how this Reviewer would compel other State Agencies to 'come to the table', the Association is unable to offer its full support for this recommendation at this time.</p>
4.2.4	Provide in regulation that an applicant may seek pre-lodgement advice for development applications.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- A formalised process for pre-lodgement advice will be incorporated into the LPS Regulations; and</li> <li>- Local Government will be able to charge a commensurate fee for this service.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>This proposal is generally welcomed by the Local Government sector. It is reflective of the fact that for many Local Governments this is a process that already occurs before an application is lodged. However at present time pre-lodgement advice is not a matter that the Local Government can charge a fee for service, therefore, this portion of the recommendation is welcomed.</p>



			<p>As mentioned at the beginning of this submission the fees and charges must be reviewed as a first priority due to the massive loss of income that local government has incurred since 2013, while at the same time many other State Government agencies fees and charge have risen significantly.</p> <p>For those Local Governments who have small planning teams, or no planning staff only a consultant to assist in planning matters, this recommendation may be an unrealistic expectation.</p> <p>The Association would recommend that consideration be given to Local Government capacity when considering the wording of any proposed regulation, particularly as to whether this is a 'mandatory' requirements or one in which a request from an applicant for pre-lodgement advice can 'not be refused' by the Local Government.</p> <p>There is also the potential to make exemptions for "low growth and small local governments", using the same criteria as will be required to implement Recommendation 1.3.1.]</p> <ul style="list-style-type: none"> <li>- Does this also include Design Review processes?</li> <li>- Any different pre-lodgement process as part of the DAP process?</li> <li>- Does this also include a possible pre-lodgement process for DPLH staff considering development applications? Would Local Government be then asked to pay for advice?</li> </ul> <p>Consideration should also be given for Local Government to be able to determine fees / charges under s.6.16 for provision of pre-lodgement advice.</p>
4.2.5	Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.	No, Unclear	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- It contemplates the development of a 'guide' developed by the DPLH with an aim to standardise the procedures a Local Government would follow on the lodgement of an application for development; and</li> <li>- This would be based on the Queensland's 'Development Assessment Rules' document</li> </ul> <p>Based on this understanding, our position is to not support this recommendation.</p> <p>The Green paper has not clearly articulated the purpose for such a document and as such it is unclear how this 'guidance' would differ in substance from the documents and flow charts that the WAPC/DPLH already published. The Queensland Development Assessment Rules are a document created under Part 4 s.68 of Planning Act 2016 (QLD), these rules provide the basics of the process that should occur for development approval. The Western Australia planning system provides similar uniformity through Part 7 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. It is hard to understand, on the evidence provided, how the publication of a standalone Development Assessment Guidance will improve the legibility of the planning system.</p>
4.2.6	Provide in the LPS Regulations that a local government must advise an applicant within 10	No, Unclear	<p>WALGA's understanding of this recommendation is that:</p>

<p>business days of receipt of a development application whether additional information is required.</p>		<ul style="list-style-type: none"> <li>- The LPS Regulations be modified to mandate a maximum of 10 days in which a Local Government can request additional information from a proponent.</li> </ul> <p>Based on this understanding, our position is to not support this recommendation.</p> <p>The proposed ten (10) day request for further information is unrealistic and generally inconsistent with the manner in which Local Governments determine what additional information is required from a proponent post lodgement. Placing an arbitrary deadline on Local Governments will not aid in the making of effective and accurate decisions, nor give the community a level of comfort in the transparency of the planning system.</p> <p>Further to this, the Green paper has not substantiated the case for this recommendation; only ‘one example’ is provided and this does not form a strong enough base of evidence to implement such a major change (Page 57 of the Paper). In reality the vast majority of Development Applications are assessed and a decision made within the statutory timeframes. WALGA’s Local Government Performance Monitoring project indicates that statutory timeframes were met for 96% of applications assessed by the respective Local Governments.</p> <p>It appears that the Green paper utilises the Queensland Governments ‘Development Assessment Rules’ document as a basis for this of this recommendation. It should be noted that this document states in part 1.2 that:</p> <p>The assessment manager must determine, within 10 days starting the day after the assessment manager receives the application (confirmation period), if the application is a properly made application.</p> <p>This ‘confirmation period’ as Division 5 S.51 of Planning Act 2016 (QLD) amounts to an clerical assessment of the application and ensure compliance with matter such as: payment of the appropriate fee, application on the correct form; that the owner has consented to the proposal; and that the proposal is not one that requires environmental approval. This ‘confirmation period’ in no way relates to the provision of additional information of the manner alluded to in the Green Paper.</p> <p>Also of importance is the need to consider the scalability of this proposal. Ten (10) days is an unfathomable timeframe for small Local Governments, who often have small planning teams or rely on external consultants for their planning advice. If this proposal goes forward into the White Paper, consideration should be given for exemptions for “low growth and small local governments”, using the same criteria as will be required to implement Recommendation 1.3.1.</p> <p>There is also no mention of the introduction of similar provisions that exist within the Building for ‘Stop the Clock’ provisions when seeking this additional information, nor specifying a timeframe for which the applicant needs to provide the further information (28 days in the Building Act). There are many applications that are submit with missing or incomplete information and can sit for months waiting for the owner/applicant to provide the additional information, therefore the time requirements should not just be on the assessor, there should be equal responsibility being placed on lodgement of a complete application, and timeframe for the follow up information being provided in a timely manner too.</p>
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			Due to the uncertainty of this proposal the Association is not in a position to support this recommendation in its current form.
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.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- Formalises pre-lodgement arrangements for Structure Plans between the Local Government and the developer; and</li> <li>- This process will culminate in the agreement of the scope and content of a Structure Plan</li> </ul> <p>Consideration should be given to guidance on the scalability of those agreed scope of works, ensuring that a full structure plan process isn't required for small sites, and/or areas with limited constraints (and not just the regional locations).</p> <p>The Association seeks clarification on whether this process is a matter that would fall under 1. Preliminaries – Schedule 4 Planning and Development Regulations 2009.</p> <p>Based on this understanding, our position is to support this recommendation in part.</p>
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.	Yes	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The P&amp;D Act will be modified in a manner that allows the implementation section (part 1) of a Structure Plan or Activity Centre Plan be read as part of a Local Planning Scheme, with the 'force and effect' of the scheme.</li> </ul> <p>The recent Planning and Development Regulations in 2015 compromised the validity of the structure planning process, to the detriment of the planning framework, therefore, this change is supported.</p> <p>Based on this understanding, our position is to support this recommendation.</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	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The proposal seeks to return the power of a Local Government to refuse to progress a Structure Plan that is not have adequate planning merit; and</li> <li>- The WAPC would be provided with the power to compel a Local Government to progress a Structure Plan proposal.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>The Association supports the first part of the recommendation. The ability for Local Governments to refuse to initiate an improperly prepared or structure plans that do not facilitate the orderly and proper planning of the district is vital.</p> <p>This change would see a return to the previous manner in which Structure Plans initiations were handled by Local Governments. The advent of the current Structure Plan assessment framework, implemented as part of</p>

			<p>the Local Planning Schemes Regulations 2015 have been tumultuous for many Local Governments. The devaluing of Local Governments role in assessing and approving Structure Plans, combined with change in status of Structure Plans to 'due regard' documents, has resulted in a system that has led to poorer outcomes on the ground and an erosion of the communities faith in Structure Plans as an effective planning instrument.</p> <p>The second portion of the recommendation in relation to the powers of the WAPC to compel a Local Government to progress a Structure Plan – it is not clear how the process would be any different to the Section 76 process that currently exist for the Minister for Planning. The justification of an additional power to compel Local Government should be further justified, particularly with regard to the existing powers of the WAPC and the Minister.</p>
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	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- Concerns exist within the development industry around the accountability and due process of development contribution plans; and</li> <li>- There is a suggestion that cost of infrastructure items be included within a Local Planning Scheme.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>Development contribution plan schedules within a Local Planning Schemes generally include costs of the items but should include:</p> <ul style="list-style-type: none"> <li>- Infrastructure and administrative items;</li> <li>- Method for calculating contributions;</li> <li>- Period of operation; and</li> <li>- Review process.</li> </ul> <p>Costs are generally reviewed by the Local Government yearly, in-line with best practice, to ensure an accurate assessment of liability can be rendered.</p> <p>Further, the Green Paper doesn't specifically make mention of any of previous suggestions for a review of the entire Development Contribution Plan framework, it only picks three possible improvements. As such it is hard to see the solutions as comprehensive.</p>
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.	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- There is a lack of technical understanding of the operation of development contributions plans within the DPLH;</li> <li>- Due to this dearth of skill that a Development Contribution Infrastructure Panel be established to review development contribution plans on behalf of the WAPC and Minister; and</li> <li>- The cost of operating this panel be included as a scheme cost in development contribution plans.</li> </ul>

			<p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>The Association supports the establishment of a Development Contributions Infrastructure Panel.</p> <p>The Association does not support the recommendation to add the cost of operating the Panel as additional item within the development contribution plan is not supported, as this would be more administration for a Local Government to manage within this process.</p> <p>If the DPLH needs additional expertise, then resources should be provided within the existing budgeting structures of the Department, not an additional tax placed on the DCP for local government to collate and send to the Department. The existing administrative functions required to administer, audit and acquit funding for the plans is complicated, and adding yet another fee that a Local Government collates for a State Government Department is not supported.</p>
4.2.12	<p>Provide for in the PD Act an ability for the Minister for Planning to:</p> <p>i require a special report from a local government on the operation of a development contribution plan</p> <p>ii instruct a local government to take particular actions for the administration of a development contribution plan.</p>	In-Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- There is concerns within the development industry around the accountability of how some monies collected as part of a development contribution plan are spent;</li> <li>- It supports the amendment to the P&amp;D Act to give powers to the Minister to order a Local Government to prepare a special report on the operation of a development contribution plan; and</li> <li>- The Minister be given power to instruct a Local Government to take a particular action for the administration of a development contribution plan.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>The Association generally supportive of the broad concept put in this Recommendation. However, no convincing argument has been articulated that explains why amending the P&amp;D Act is the most appropriate mechanism for this new requirement.</p> <p>As with other 'call in powers', the rationale around when and why the Minister can exercise this power is not clearly stated. Further, as has been seen with other similar powers, the rationale for use of said power can be expanded over time, beyond the original rationale for its implementation (see WALGA's report on section 76 call in powers for Scheme Amendments).</p>
4.2.13	<p>Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the P&amp;D Regulations a specified fee for the service.</p>	No	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- It would lead to the establishment of a 'deemed-to-comply' check for single houses</li> <li>- This check would be lodged with the Local Government for review, and that the result would be formal advice on whether a proposal for a single house requires a Development Application or not; and</li> </ul>

			<ul style="list-style-type: none"> <li>- The LPS Regulations be amended to establish a fee chargeable for this service.</li> </ul> <p>Based on this understanding, our position is to not support this recommendation.</p> <p>As stated at the beginning of this submission, the Green Paper does not review the current LPS Regulations on whether the 4 pages of single house ‘exemptions’ are actually appropriate. Hence, this should be checked, before any additional layer is placed over a system that has been complicated by these State introduced deemed provisions for single houses.</p> <p>Some of the assumptions in the justifications (page 61) are based on greenfields development where minor RCode variations are already being dealt with quickly through most Building Departments, the justification does not consider infill situations, where the location of windows, balconies and wall heights might be considered ‘minor variations’ but could have a significant impact in infill areas. ‘Minor’ is also not defined.</p> <p>Further consultation with both Planning and Building Departments is required before embarking on any ‘deemed to comply’ check, particularly in the absence of any ownership or training of the RCodes from the Department. Until a consistent training program is provided, and the Department is able to provide ‘interpretation’ of the RCodes, then incorporating the check into the deemed to comply regulations will only cause more confusion and variation of interpretations that Industry, State and Local Government current have.</p> <p>It is also recommend that the ‘fee for service’ \$value not be mandated in the PD Regs, but rather as a local government cost recovery in accordance with s.6.16 and 6.17 of the LG Act.</p>
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.	No	<p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- It proposes to alter the period that a Local Government has to assess a Development Application for a single house that does not meet the ‘deemed-to-comply’ requirements of the R-Codes;</li> <li>- It is proposes to alter the LPS Regulations to set-out what is, in the instance described above, a minor variation to the ‘deemed-to-comply’ requirements of the R-Codes for a single house; and</li> <li>- Modifications be undertaken to the LPS Regs to reduce the time period for making a determination for such a minor variation to 30 days.</li> </ul> <p>Based on this understanding, our position is to not support this recommendation.</p> <p>As stated in 4.2.13, a proper review needs to consider the existing mechanisms in the ‘deemed provisions’ where they relate to single house exemptions, and whether they are working and appropriate, prior to layering additional fast tracks into the planning framework.</p> <p>Again, without training both the Industry and Local Government, the ‘minor’ variations will have numerous interpretations.</p>
4.2.15	A framework for “Basic”, “Standard” and “Complex” streams for region scheme	In-Part	<p>WALGA’s understanding of this recommendation is that:</p>

	amendments, Local Planning Strategies and amendments, and local structure plan/activity centre plans and amendments be developed by DPLH for implementation through regulation.		<ul style="list-style-type: none"> <li>- There is a desire to create a ‘track-based’ approach to all strategic planning instruments;</li> <li>- This would involve three levels of ‘track’: Basic, Standard, and Complex; and</li> <li>- This approach has been modelled on the ‘track-based’ pathways that are currently used in the Scheme Amendment process.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>It is the view of the Association that further details are needed to explain the extent of this proposal, however, the overall concept seems reasonable. The proposed basis for the three ‘tracks’ articulated in the Green paper are consistent with the three ‘tracks’ provided for in the LPS Regulations for Scheme Amendment, however, Without further detail of what types of proposals might be Basic, Standard, or complex it is difficult to provide a more informed response.</p> <p>Should this proposal progress, the White Paper should articulate the following:</p> <ul style="list-style-type: none"> <li>- The types of proposals that would fit within each ‘track’;</li> <li>- The timeframes for assessment, and form of consultation within each ‘track’ by application type; and</li> <li>- How the WAPC will delegate decision making for each ‘track’ by application type.</li> </ul>
5.0	PLANNING FOR CONSOLIDATED AND CONNECTED SMART GROWTH		
5.1	Planning for Targeted Urban Infill		
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.	In-Part	<p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- It is in response to the variety of planning mechanisms in which the planning of urban in-fill developments takes place;</li> <li>- There is a need to rationalise this system to improve its legibility and to assist in the assembly of legible and consistent planning outcomes.</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>This recommendation is generally supported; the planning framework related to the delivery of urban infill housing and has become overly complicated. While this may have facilitated Local Government in finding the ‘best-fit’ solution to their local area, it has arguably also hindered achievement of in-fill housing targets.</p> <p>Whilst it is appropriate to cite recent examples of precinct planning in Victoria and New South Wales as examples of more coordinated precinct planning; it is equally as important to recognise the growing disquiet in many communities around these initiatives. Experiences in New South Wales shows the potential risks of</p>

			<p>such approaches, with growing local opposition, largely centred on the ‘loss of local character’. By in from the local community is vital in ensuring community acceptance and understanding of the need for such changes.</p> <p>The development of consistent planning arrangements in urban in-fill sites should be guided by overarching principles that any proponent must follow. These could speak to both the need to be consistent with the State strategic direction and the proposed Smart Growth State Planning Policy, as well as clear expectations around community engagement and protection of local character.</p> <p>The earlier recommendations in this Green Paper talk to the reinvigorated role Local Housing Strategies should play in the planning system. Tie in between Local Housing Strategies and any coordinated planning framework around urban ‘in-fill’ housing sites is vital in ensuring policy ‘line-of-sight and the delivery of the State Governments strategic vision for Perth.</p> <p>Lastly, There may still be cases were specific ‘bespoke’ planning approaches are required in the planning of urban ‘in-fill’ sites. Any planning arrangements developed by the State Government should be developed in a manner that facilitates this were deemed necessary.</p> <p>The White Paper includes a funding program to help Local Governments undertake community engagement processes which result in outcomes that are representative of the entire community. These processes can be costly; however, are more likely to provide a rigorous basis for decision making and the identification of true community values that are representative of the entire community; and ensuring the preservation of local character.</p> <p>Secondly, the White Paper should more clearly explains how these reforms will help to ensure the preservation of local character.</p>
5.2	Updating Growth Management Policies		
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	<p>Comments on this recommendation should be read in conjunction with comments on recommendations 2.2.1 and 5.7.1.</p> <p>WALGA’s understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- A review of State Planning Policy 3 – Urban Growth and Settlement, and Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development be undertaken.</li> <li>- These reviews seek to incorporate the principles of METRONET, namely smart growth principles, for wider application</li> </ul> <p>Based on this understanding, our position is to support this recommendation in part. The qualification for this support is articulated in the commentary below.</p> <p>Recommendation 2.2.1 talks to the need to simplify the SPP framework into one consolidated document. Further Recommendation 5.7.1 promotes the idea that Liveable Neighbourhoods being elevated to the status of a SPP, with a more refined focus on neighbourhood design.</p>



			<p>Considering the principles of Liveable Neighbourhoods and Smart Growth are strongly aligned, the creation of a new standalone SPP related to Smart Growth seems superfluous.</p> <p>Arguable the principles of Smart Growth apply to both greenfields and urban in-fill sites. Therefore in line with the common theme of simplifying the planning system, it would seem logical for the consolidated SPP framework to have common Smart Growth principles and objectives for all urban development. Liveable Neighbourhoods and a new document focusing on the arrangements in urban in-fill sites would then form the 'technical guidance' outlined in Recommendation 2.2.1.</p>
5.3	Planning for Land Use and Infrastructure Coordination		
5.3.1	The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.	Yes	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The WAPC will take a more active role in the coordination of infrastructure and land-use planning, particularly in urban in-fill areas, through the renewal of the Infrastructure Coordinating Committee.</li> </ul> <p>Based on this understanding, our position is to support this recommendation. This support should be read in conjunction with the commentary below.</p> <p>The Association fundamentally supports the reinvigoration of the Infrastructure Coordinating Committee (ICC), or similar body, with s stated aim to coordinate the State's strategic infrastructure.</p> <p>As it stands the effectiveness of the ICC and the Infrastructure Steering Group (ISG) is difficult to gauge. The agendas and minutes of both the ICC and ISG do not appear to be available online; while the frequency of meeting and participation rate from members, sourced from various WAPC annual reports, indicates a lack of buy-in from the various agencies involved.</p> <p>It would also appear that the majority of the functions off the ICC related to the coordination provision of infrastructure for land development have been delegated to the ISG. With the implementation and cross government engagement of this coordination now falling to the ICC Senior Officers Group. This convoluted framework appears to be at odds with the stated aim of the WAPC to reform the structure and clarify the role of the ICC.</p> <p>The WAPC's 2015/16 Annual Report made the following statement with regard to the ICC:</p> <p><i>'During 2015/16, reforms have been underway with the role of the Infrastructure Coordination Committee (ICC). It is being made smaller and more tightly focused on infrastructure issues of strategic importance to Western Australia's economy and government.'</i></p> <p>It would appear that this streamlining has not occurred, and no significant reforms have taken place to the structure and function of the ICC in recent years. It should be noted that this information is hard to verify due to the outdated nature of the information on ICC section of the DPLH's website.</p>

			<p>It is clear that a thorough and forthright review of the ICC is required to ensure that the appropriate coordination of State significant infrastructure and land-use planning can be undertaken in an efficient and accountable manner in Western Australia.</p> <p>The Committee should include members from relevant State Government Departments related to infrastructure, and the Department of Finance, but in a number less than the current 20. It is also recommended that representatives from the Local Government sector be included on the Committee. The agendas and minutes of the ICC and any subsidiary body should be made available to the public to increase transparency, and that standard reporting regimes be created for the WAPC annual report to allow comparisons of the functions of the ICC across a longer time period.</p>
5.4	Coordinating State Infrastructure with Regional Rezonings		
5.4.1	Provide in the Metropolitan Region Scheme an "Industrial Deferred Zone".	In Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The WAPC will by way of a modification to the Metropolitan Region Scheme create a new zone named: '<i>Industrial Deferred Zone</i>', and that this zone will function in a manner similar to that of the same name in the Greater Bunbury Region Scheme.</li> </ul> <p>Based on this understanding, our position is to support this recommendation subject to modification. The suggested modification is outlined below.</p> <p>The Association supports consistency of zones across all region planning Schemes.</p> <p>It should be noted that while the Greater Bunbury Region Scheme includes an 'Industry Deferred' zone, the Peel Region Scheme does not.</p> <p>The Recommendation should be amended to support the inclusion of an 'Industrial Deferred Zone' in both the Metropolitan and Peel Region Schemes.</p>
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.	Yes	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The 'Guidelines for lifting of Urban Deferment' be updated to clarify the WAPC's expectations around infrastructure arrangements being in place for State infrastructure prior to lifting any deferment.</li> </ul> <p>The Association supports the view held by many Local Governments that the current arrangements around the provision or planning for State infrastructure, in areas transitioning to Urban or Industrial, is insufficient. Based on this understanding, our position is to support this recommendation.</p>
5.5	Coordination of Infrastructure for Land Development		

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.	In Part	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- There is a desire for information held by utility providers to be more readily shared with Local Government where a strategic planning exercise is being undertaken.</li> <li>- That this approach to strategic planning stymies the orderly and proper programming of development.</li> </ul> <p>The timely provision of forward infrastructure planning will greatly assist Local Governments in efficiently planning for growth in their localities.</p> <p>Second to this, there must be clear communication of information back up to state utilities and infrastructure providers on where new development areas or urban in-fill areas are proposed in Local Planning Strategies and Housing Strategies. It should be recognised that where Local Governments are undertaking to open up a new urban in-fill housing precinct, that this is in response to the State Governments strategic vision. Additional buy-in from infrastructure providers should recognise this and ensure that their medium and long-term plans provide some priority to plans that further the overarching State Government vision for Perth.</p> <p>Lastly, provision should be made to allow Local Government access to the State Government's utility provider's long term infrastructure planning data sets. Access to such information will greatly facilitate planning for both urban in-fill and greenfield sites, as well as ensure efficient and effective infrastructure provision occurs at all levels of government.</p> <p>Based on this understanding, our position is to support this recommendation in part.</p>
5.6	Coordination of Land Use and Transport for Corridor Development		
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.	Yes	<p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- For those roads identified in the Central Sub-Regional Planning Framework as 'Urban Corridors', that overarching responsibility for the transport planning of these corridors be managed by the Department of Transport. That this recommendation would see a transfer of responsibilities from both Main Roads, the WAPC, and Local Government.</li> </ul> <p>Based on this understanding, our position is to support this recommendation. This support should be read in conjunction with the commentary below.</p> <p>The planning of urban corridors has been hampered by the competing interest of Main Roads, being the need to ensure efficiency (continuous vehicle flows) in the road network, and that interest seemingly having primacy over other factor. Local Governments are invested in the development of economically and culturally successful urban corridors and activity centres. These aims can at times be in direct conflict with the stated aims of Main Roads. Under the current legislative framework matters such as: access, traffic speeds,</p>

			<p>pedestrian crossing points, and intersection treatments on may urban corridors are wholly in the purview of Main Roads.</p> <p>The proposal to allocate the planning of urban corridors to the Department of Transport has merit under the circumstances noted above. The Department of Transport, in their stated aims, takes into consideration a wider range of transport modes when determining their approach to the planning of an area. This in turn leads to a more balanced approach to the planning of activity centres and corridors, and greater consideration of matters that are generally the concern of Local Government and residents.</p> <p>Further, it should be noted that Main Roads would likely retain control over traffic light locations, line markings and other matters that would still allow them considerable control over how an urban corridor would form. This control would also extend to the road network adjoining urban corridors and activity centres. When determining to shift responsibilities in this manner, it is vital that a clear understanding of the roles and responsibilities of the varying agencies.</p> <p>Lastly, transport related matters should be resolved in overarching Activity Centre or Structure Plans, prepared by the relevant authority - in consultation with Local Governments, the community and service providers for the corridors – prior to the final determination of the corridor road reservation width. This planning should be consistent with the proposed Consolidated and Connected Smart Growth State Planning Policy and the arrangements outlined in Recommendation 5.1.1 of this Reform Paper.</p>
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.	In-Part	<p>WALGA’s understanding of this recommendation is that:</p> <p>There has never been a comprehensive review of regional road reservations undertaken within the Metropolitan Region Scheme. While reviews have been undertaken of many Primary Regional Road Reservations, particularly within the central metropolitan planning region, there exists many inconsistencies across the Metropolitan Region Scheme.</p> <p>Based on this understanding, our position is to support this recommendation, subject to the conditions outlined below.</p> <p>Any comprehensive review of the current road reservation widths that are identified as Urban Corridors should be done in-parallel with detailed planning of the transport needs of each corridor. To set a widened road reservation without this understanding poses risks, and may lock the State Government into unsuitable transport options, or the need to acquire land unnecessarily.</p> <p>Any proposal to widen road reservations through urban corridors must take into consideration an understanding of how the corridor interacts with activity centres along its route so as not to interfere in the orderly planning of them. Movement across urban corridors within an activity centre, especially by pedestrians, as important as movement along the corridor.</p>
5.7	Liveable Neighbourhoods		

5.7.1	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.	In-Part	<p>Comments on this recommendation should be read in conjunction with comments on recommendations 2.2.1 and 5.2.1.</p> <p>WALGA's understanding of this recommendation is that:</p> <ul style="list-style-type: none"> <li>- The current Liveable Neighbourhoods Operational Policy will be elevated to the status of a State Planning Policy and be subject to minor refinements, which give attention to implementation. Secondly, the new State Planning Policy will operate on a reduced scope so that there is a focus on neighbourhood design in greenfields areas.</li> </ul> <p>Based on this understanding, our position is to support this recommendation, subject to the conditions outlined below.</p> <p>The underlying notion that the matters dealt with in the current iteration of Liveable Neighbourhoods should be elevated to the Status of a State Planning Policy is supported. However the Association finds contradiction in this recommendation and that of recommendation 5.2.1, which seek to develop two new standalone State Planning Policies outside the single State Planning Policy proposed in recommendation 2.2.1.</p> <p>As noted above, the principles of Liveable Neighbourhoods and Smart Growth are strongly aligned. Arguably the principles of Smart Growth apply to both greenfields and urban in-fill sites. Therefore in line with the common theme of simplifying the planning system, it would seem logical for the consolidated SPP framework to have common Smart Growth principles and objectives for all urban development. Liveable Neighbourhoods and a new document focusing on the arrangements in urban in-fill sites would then form the 'technical guidance' outlined in Recommendation 2.2.1.</p>
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