

18 September 2020

The Chairman
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Mr David Caddy

Dear David,

RE: Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015

The Local Government Planners' Association (LGPA) is a professional association comprising local government planners and related consultants, public servants and others, interested in the promotion of sound local planning. The LGPA has significant exposure to a range of industry issues through our members, comprising a significant local government representation, and is therefore well placed to present our views on the Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015.

LGPA commends the State Government for prioritising planning reform to create a more flexible, responsive and contemporary planning system for the State. The proposed amendments address a number of areas in the framework that currently create delays for proponents. We are supportive of changes to make it easier for new Businesses to establish within Commercial areas and acknowledge that these changes will reduce unnecessary delays, remove unnecessary red tape and provide greater consistency across all levels of our planning system.

We have undertaken a review of the Policy, and wish to provide the following specific comments for your consideration in finalising the draft.

Land Use Exemptions

The LGPA supports the introduction of additional exemptions extending to 'discretionary' uses and clarification of the type of land uses that are exempt. There is some concern that the extent of exemptions proposed may result in amenity impacts if there are no controls in place to manage the scale of development.

Recommendation

It is recommended that some additional conditions are included to manage the scale of restaurants/café including a maximum floor area capacity would assist with managing issues of patron noise and car parking that can arise from these land uses.

The introduction of planning exemptions is the first step in reducing red tape for establishing business. LGPA encourages DPLH to work with other state agencies including the Building Commission to consider opportunities to review the applicable legislation, to provide greater exemptions in the

Building framework that align with the planning changes to reduce current barriers for establishing business. LGPA would welcome being involved in future discussions on this matter and able to provide appropriate Local Government representatives to discuss current issues and possible solutions.

Deemed-to-comply check

LGPA supports the introduction of this service to resolve a current issue created by the introduction of the single house exemptions in the 2015 Regulations and this would provide greater certainty for applicants and the building industry. The service is considered to allow for a more streamlined and efficient building permit process whereby issues of non-compliance with the R-Codes and the applicable planning framework could be resolved prior to submission of the building permit.

There is concern that this process may be undertaken inconsistently across Local Governments and guidance is required to provide certainty for industry and Local Government.

Recommendation

It is recommended that additional clarification is provided on this process, which outlines the intent of the deemed-to-comply check and the extent of assessment required by Local Government and when additional fees or Development Application would be required. It is also suggested that DPLH develop a standardised response template to ensure consistency in the responses provided by Local Governments.

Streamline referral process for Development Applications

The LGPA supports the introduction of these provisions which ensures greater accountability for State Government agencies and clarity for proponents and Local Government. The existing referral process currently results in unnecessary delays and significantly impacts the development approval process and ultimately delays key projects. However, input from State Agencies is often instrumental to informing the appropriateness of a proposal and matters such as vehicle access points are critical to successful development.

There needs to be greater onus on the State Agencies providing responses and meeting the statutory timeframes and this proposed measure may create unintended impacts and place unnecessary pressure on Local Government to make decisions without all necessary information.

Consideration must also be given to the delegations which currently require dual determination where State Government referral response and Local Government recommendation do not align.

Exemption of Car Parking Standards

The LGPA supports the introduction of exemptions for car parking in line with the land use exemptions. There is some concern that proposed Clause 77C(1)(b)(i) and (ii) which require assessment and confirmation that "reasonable efforts" have been made to comply with the provision of car parking is too subjective. The clauses do not outline how the Local Government would/should quantify that reasonable efforts have been made. These provisions require too much interpretation and discretion and will likely result in conflicts between Local Government, applicants and the community when decisions are made.

Recommendation

To reduce the potential for inconsistent application across Local Governments it is recommended that additional guidance is provided by DPLH on how this assessment should be undertaken. Alternatively, the wording should be removed to avoid any doubt as to the application of the clause.

We appreciate the opportunity to comment on this significant and meaningful amendment, and welcome any opportunity to discuss our comments further with the Department and or WAPC. Should you require any further advice or information, please contact Joslin Colli by email joslin@planningwa.com

Yours faithfully



Joslin Colli
LGPA PRESIDENT