

3 March 2021

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

Attention: Mr David Caddy

Dear David,

RE: Draft State Planning Policy 4.2 – Activity Centres

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 draft *State Planning Policy 4.2 – Activity Centres* (the Policy).

LGPA commends the State Government continuing its program of planning reform to create a more flexible, responsive and contemporary planning system for the State. We are supportive of changes that provide additional guidance and increase transparency in the planning of new or expansion of existing activity centres.

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

Requirement for precinct structure plans

LGPA has concerns that the requirement for precinct structure plans to be prepared for each level of activity centre may be unnecessarily inflexible and burdensome. Rather, it is recommended that for lower order centres flexibility is built into the Policy which would allow common issues identified across a number of centres to be able to be addressed through a city-wide strategy or policy. This would remove the need for individual precinct structure plans, thereby increasing efficiency in preparing, processing and administering relevant planning frameworks.

Further, LGPA notes that the Policy allows, in exceptional circumstances, major development to proceed in the absence of an endorsed precinct structure plan. LGPA supports this principle however the Policy does not appear to include guidance as to who decides if an exceptional circumstance exists. It is recommended that the Policy include additional guidance or clarification as to the decision-maker in these matters.

Diversity ratios

It is unclear where the diversity ratios included in the Policy were derived. It is also unclear how the diversity ratios will be applied. For example:

- Are the diversity ratios included in the Policy minimums or maximums?
- Is the ratio calculated by number of businesses; floorspace; tenancies; properties?
- How is a decision-maker expected to know or be able to maintain current records on the diversity ratio of an activity centre where certain land uses are exempt from planning approval?
- If a diversity ratio was applied, it is unclear whether a decision maker could legally refuse applications, where the ratio was not met due to a high demand for shop/retail over other non-residential uses.

It is recommended that further guidance or clarification be included in the Policy in relation to diversity ratios or consideration be given to the need for diversity ratios in the Policy.

Urban form

The provisions of the Policy does not recognise that most established neighbourhood and local centres, and some district centres, do not have a street network, they are surrounded by streets but have no internal streets or public spaces.

The current SPP4.2 only applies urban form requirements to district and higher-order centres requiring these centres to incorporate a network of streets and public places recognising that a street network is not practical or necessary for a small local centre.

It is recommended that consideration be given to excluding local and neighbourhood centres from requiring to provide a network of streets and public spaces under the Policy.

Impact test

The LGPA supports provision of a scope and methodology for Impact Tests (ie. Appendix 2) noting that the current SPP4.2 refers to *Guidelines for Retail Sustainability Assessments* which have never been formally released. This omission from the current SPP has led to challenges for LGs when engaging with local communities on these matters and has undermined the credibility of the process in the past.

The LGPA supports requirements in the Policy that states that where a structure plan identifies that an activity centre of a certain size (threshold) is appropriate, when it is developed it is not considered major development and does not require an Impact Test.

It is however unclear whether an Impact Test would still be required if the proposed overall floorspace for the activity centre remains below the indicative floorspace threshold specified in an endorsed local planning strategy. It is recommended that this be clarified and that an Impact Test not be required for development within an activity centre if the overall floorspace remains below any floorspace threshold specified in an endorsed local planning strategy.

LGPA does not support the Policy position which states that Impact Tests be validated through an independent review, overseen and paid for by the responsible authority. Whilst it is agreed that an Impact Test prepared by an applicant should be subject to review, some responsible authorities may have the necessary in-house expertise to undertake this review without the need to engage external

consultants. Moreover, in the event external review is required, the review should be overseen by the responsible authority, however there should be an ability to recoup costs associated with the review from the applicant – as is the case with other planning proposals. It is recommended that the Policy be reviewed in line with the above.

Community benefit

The link between the aspiration for the provision of community benefit expressed at the rezoning stage (for example) and the actual delivery of that community benefit is unclear.

It appears that the community benefit aspect can only be assessed at the development application stage when the specific details of the proposal are known. However, the Impact Test occurs before this, when the rezoning or other such mechanism to allow a new centre / centre expansion is proposed. It is recommended that parameters be established in the guidelines to explain how any community benefit proposed is fulfilled and developed.

Out of centre development

LGPA recommends that clarification is provided to confirm whether 'out of centre development' is different to the development of a new activity centre not identified in either the Policy or local government planning framework. If so, the difference between out of centre development and a new activity centre should be explained (ie when does out of centre development become an activity centre).

LGPA notes that the policy provision largely explains what is acceptable and appropriate for out of centre development, however recommends consideration of the following:

- Further explanation of what is not appropriate for out of centre developments.
- Clarify 'negative impacts to activity centres'.
- Great guidance on the preferred location for out-of-centre development and under what circumstances this would be considered favourable (for example, access to public transport, parking facilities, location within a walkable catchment etc).

We appreciate the opportunity to comment 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 Chris Leigh by email chris.leigh@joondalup.wa.gov.au.

Yours faithfully



Chris Leigh
LGPA VICE PRESIDENT