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Planning and Development (Local Planning Schemes) Regulations 2014

Thank you for the opportunity to comment on the draft *Planning and Development (Local Planning Schemes) Regulations 2014*. The reforms contained in these regulations are very important for the property development sector in Western Australia, including the members of the Property Council of Australia.

The Property Council of Australia is the leading advocate for Australia's property industry and the built environment. Our members represent the broad spectrum of businesses that own property, property developers, building managers and property industry service providers.

We have consulted widely in the development sector and there is overwhelming support for the reforms covered by these regulations.

However, the draft regulations may require additional consideration to ensure that the outcome is more efficient, timely and accountable than that which is currently delivered. Following are comments regarding the key reforms covered by these regulations, why they are necessary and areas where further consideration is required.

Improve local planning scheme review process

Improving the local scheme review process is a major reform priority. Many local planning schemes are out of date and do not conform to state planning policies. Improving the local scheme review process will also assist the work of Development Assessment Panels (DAPs) by ensuring that decisions on development applications are based on local schemes that conform to State Planning Policies.

Standardising scheme provisions through the Model Scheme Text (MST) review process is strongly supported by the development sector. It is a priority reform that addresses much of the industry's continuing concerns with the development approval process.

This reform will deliver greater consistency in the formulation of local schemes. Further, it will greatly assist the effectiveness of DAPs. An improved and enforceable MST will assist in ensuring DAP determinations are based on local schemes that are consistent with State planning policies.

The development industry acknowledges that five years can be too short for some scheme reviews and the industry would support extending the major scheme review period to 10 years and minor scheme review every 5 years. However, these reforms need to be supported by greater ministerial action to direct a local government to amend a scheme, in instances where local governments stall scheme reviews.

The Property Council recommends that improving the local scheme review process should include statutory timeframes in the regulations. The Property Council notes that there is no statutory assessment period for the WAPC to consider local government reports and issue a decision. Nor is there a statutory timeframe for local governments to initiate advertising of a scheme, for WAPC consent to advertise a Scheme or WAPC final review and reporting to the Minister. Statutory timeframes would provide certainty and timeliness to the development sector.

Improve local planning scheme amendment process

The Property Council also supports introducing three tracks for the local scheme amendment process. New model scheme provisions need to take account of outline development plans and subdivision guide plans, as sometimes that is all that is required, rather than a full structure plan proves.

The Property Council recommends that the draft regulations require more clarity as to which authority is responsible for determining the stream allocation for the proposed amendments. Furthermore, the Property Council would deem it necessary to include appropriate and accountable timeframes to initiate the (standard and complex) amendment. A statutory timeframe should also be included for the WAPC/ Minister to determine an amendment proposal for all tracks.

The introduction of a minor local scheme amendment process for procedural matters would increase the efficiency of the process.

Currently, there is no intermediary body to deal with local scheme amendments not supported by local governments. The only alternative available to the developer is to appeal to the Minister. This is a time consuming and difficult process.

The Property Council recommends that the introduction of a 'minor local scheme amendment' for procedural matters should also include an intermediary role for the WAPC or the DAP to resolve disputes over scheme amendments.

Streamline structure plan process

Including the WAPC as the single point of determination in the MST provisions will lead to more consistent determinations and faster timeframes. Involving local governments in the structure plan preparation and assessment process, but referring determinations to the WAPC is supported by the Property Council. This reform eliminates the

need for dual approvals of structure plans, which is a major concern in the development sector.

The Property Council recommends that further certainty and timeliness needs to be included to streamline the structure plan process. Uncertainty is a result of the proposed clauses in the streamlined structure planned process. The Property Council is concerned that inefficiencies that the streamlined structure plan processes seek to address may be undermined through these clauses.

Planning approval exemptions

The Property Council supports deemed provisions in the Model Scheme Text to exempt complaint single houses from requiring planning approval and to exempt certain other classes of development from planning approval.

This reform will enable local governments to prioritise planning resources for major projects and not be overloaded with assessing approvals for single dwellings that comply with the provisions of the R-Codes and other relevant legislation.

Development Contribution Plans

The Property Council strongly supports a more consistent approach to Developer Contribution Plans (DCPs). The Property Council would reiterate that it remains concerned that the Cost Apportionment Schedule requires greater transparency and formality. Developer contributions add significant costs and it is imperative that these costs are determined accurately. Inaccurate estimates, poor design and overly inflated contingencies all contribute to declining housing affordability. The private sector is better resourced to calculate a realistic cost schedule and should have the opportunity to comment on how these costs are determined.

The Property Council recommends that the regulations include a formal advertising period of the development contribution plan and the draft schedule prior to being formally adopted by a local government.

Concluding remarks

The Property Council strongly supports the Minister for Planning's vision to improve the efficiency, effectiveness and responsiveness of the planning system.

Should you wish to discuss our submission with us, please contact Rebecca Douthwaite at 9426 1203 or rdouthwaite@propertyoz.com.au.

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Yours sincerely,



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