

Response to the Draft Structure Plan Guidelines

Summary of Submission

The Property Council of Australia welcomes the opportunity to respond to the draft Structure Plan Guidelines (“the Guidelines”) produced by the Department of Planning, Lands and Heritage (DPLH). The Property Council is a consistent advocate for measures that will help to streamline the planning system within WA and commends the state government for committing to reviewing the Structure Plan Guidelines as part of their Phase 2 Planning Reform measures.

The Property Council is generally supportive of the changes made to the Structure Plan Guidelines, and notes its general consistency with the previous iteration of the Guidelines.

The following submission identifies opportunities to amend elements of the draft Guidelines that may have unintended consequences. In particular, the Property Council notes that some of the Guidelines’ requirements will add time, cost and complexity to the structure planning process for arguable benefit. We have made recommendations on how some of these issues could be resolved.

The Property Council of Australia

The Property Council of Australia is the peak industry body representing the whole of the property industry. In Australia, the Property industry employs more than 1.4 million Australians and shapes the future of our communities and cities.

As industry leaders we support smarter planning, better infrastructure, sustainability, and globally competitive investment and tax settings which underpin the contribution our members make to the economic prosperity and social well-being of Australians.

The Property Council WA membership consists of more than 290 member companies. They are architects, urban designers, town planners, builders, investors and developers. Our members conceive of, invest in, design, build and manage the places that matter most — our homes, retirement living communities, shopping centres, office buildings, education, research and health precincts, tourism and hospitality venues.

This submission is informed by many of the Property Council’s key member representatives and expert committee members.

Allocation of R-Code Ranges

The Guidelines set out the proposed R-Code ranges that can be considered for the residential components of an SP within Section 4.7.

The Property Council is concerned that the ranges detailed are overly prescriptive. In their current form, the Guidelines provide limited mechanism for variance.

The Property Council notes that larger ranges (i.e. R25 – 60) can succeed with suitable locational criteria. Utilising larger ranges will ensure design flexibility for developers as market/lot product

changes, as well as removing the need to undertake an SP amendment for specific sites, a process which can cause lengthy delays.

The Property Council also recommends that density ranges correspond to common practice and associated lot sizes and configurations, as detailed below:

- R2 – R17.5 (low density).
- R20 – R30 (R25, and now more commonly R30, are becoming the 'base coding' for many Structure Plan areas based on the predominant lot product being generated).
- R40 – R60 (criteria is often similar commensurate with the lot product, particularly as it predominantly encompasses 'squat lot' and 'terrace' product in greenfield development).
- R80+ (noting any single house or grouped dwelling in these higher zonings reverts back to R80 density as a default).

Pre-lodgement Engagement

The draft Structure Plan Guidelines have elevated the expectation for pre-lodgement community engagement in the structure plan preparation process, in addition to formalising the pre-lodgement procedure.

The Property Council notes that, in some instances, when a structure plan is being prepared, for example at a greenfield site, there is little to no pre-existing community to engage with. Therefore, community engagement is not required at the same level. This fact needs to be acknowledged within the Guidelines. An opportunity for interested parties to comment on structure plans is already a requirement of the Deemed Provisions.

Similarly, there are references within the draft Guidelines to the drafting of structure plan reports summarising the outcomes of community engagement. As before, it should be acknowledged that community engagement within the structure plan preparation process is not always necessary.

The Property Council notes the inclusion of a formal advice request procedure via the DPLH portal, with a 42-day assessment period. It is the Property Council's belief that pre-lodgement should be an organic and informal process. The implementation of this formal advice request procedure will bureaucratised the process, whilst also adding unnecessarily to DPLH's workload. If any formalised pre-lodgement process is to be implemented, the pathway should be optional.

Under Step 3 of the 'Pre-lodgement Advice Process', DPLH is to review the information submitted by a proponent and may request additional information. However, no timeframe for a request for additional information are included in the draft SP Guidelines. The Local Planning Scheme (LPS) Regulations establish a timeframe of 21 days for Local Government to review and request additional information from a proponent in relation to a Development Application. The Property Council recommends that this same timeframe should apply to Step 3.

Finally, the willingness and ability (from a resourcing perspective) for service/referral agencies to engage in a formal pre-lodgement process is of concern, particularly when the advice sought is high level and in the absence of a draft concept plan, as contemplated in the SP Guidelines. The Property Council believes that this may lead to additional delays, or advice of a generic nature being provided that offers limited assistance to applicants.

The Property Council believes that the project team is best placed to undertake pre-lodgement engagement, particularly with service agencies given the discussions are often of a technical nature and require direct consultant involvement (ie. environmental consultants liaise directly with the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, engineers liaise directly with Water Corporation and Western Power). The Property Council questions whether the DPLH currently has the resources to engage with these agencies to the same extent, and queries whether the pre-lodgement process outlined in the draft SP Guidelines would offer any additional and meaningful assistance.

Lodgement and Consideration of a Structure Plan

Section 5 of the draft Guidelines details the lodgement process of an SP, and the considerations that must be given before it is approved.

The Property Council believes that section 5.1 (Application for a Structure Plan) should clarify that the first assessment procedure (prior to advertising) should strictly relate to the local government's review of the submission package (i.e., has the required information been provided/check-listed?).

This initial assessment, prior to advertising, should not involve addressing any design change recommendations of the local government, which can cause considerable delays to the advertising of the application. The local government is not the approval agency, so should not be making changes to the document without referral agency and DPLH initial review.

Additionally, the Property Council believes that section 5.4 (WAPC Decisions) should be amended so that the number of days required to make a determination is reduced from 120 down to 42, especially for minor amendments to an SP that do not require formal advertising. A 120-day assessment period is excessive, and a reduction in the timeframe for review would help to streamline the determination process. It would also help to offset the increased time that will be required to obtain approval for an SP if the proposed changes to pre-lodgement processes and engagement are adopted.

Implementation and Review

Within Section 6.1 (Decision Making in Structure Plan Area), the Property Council believes that the interpretation of 'due regard' and 'minor changes' within the decision-making process needs to be defined.

The Property Council has received examples of occasions where an approved SP Map (Plan 1) is interpreted as verbatim, leading to Plan 1 being overlaid with subdivision applications to determine the appropriate zoning of the land at the time of subdivision/Development Application. This practice is incorrect, particularly for those SPs that have a more fluid ('blob plan') design approach.

Amendment Procedure

Currently, the Guidelines state that an amendment to an SP would not extend its 10-year approval period. The Property Council proposes that the Guidelines be changed so that if an amendment is significant enough, and the document is updated to reflect the provisions of the time, then the approval period should be re-set.

Types of Structure Plan

The revised guidelines propose to introduce a hybrid style Structure Plan (SP) that includes Standard SP and park Precinct SP provisions. The Property Council believes that the ability to combine SPs could be useful in consolidating referral process and reducing assessment timelines.

To further advance the benefits of this proposal, the Property Council recommends that a "Manner and Form" template of such an SP be included within Appendix 1.

Next Steps

If you require further information or clarification, please contact Lindsay Duncan, WA Policy Advisor at 0404 450 881 or lduncan@propertycouncil.com.au.

Yours sincerely,



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