



Department of **Planning,**
Lands and Heritage



DRAFT STATE PLANNING POLICY 7.2 PRECINCT DESIGN

SUBMISSIONS SUMMARY PAPER

MARCH 2020

1. INTRODUCTION

The Precinct Design policy suite was advertised for public comment from 13 August 2019 to 15 October 2019. Three documents were released as part of the consultation package. They included:

Draft State Planning Policy 7.2: Precinct Design: the lead policy to guide the preparation and evaluation of planning proposals for areas that require a high level of planning and design focus due to their complexity - such as planned infill development, activity centre designation or areas with certain values such as heritage or local character.

Draft State Planning Policy 7.2: Precinct Design Guidelines: built upon the 10 Design Principles contained in State Planning Policy 7.0 Design of the Built Environment by introducing the concept of design review into precinct planning through seven performance-based design elements.

Precinct Design Planning Framework Discussion Paper: considers the potential impacts and changes that may be required to the planning framework to support effective implementation of the policy.

Advertising of Design WA Stage 2 – Precinct Design resulted in 72 submissions from State and local government, private sector planners, designers and developers, industry representatives and the wider community.

There were over 1,500 individual comments across the three documents released. The breakdown of submitters is:

Local government	25
State government	8
Industry representative	11
Private consultancy	9
Public	19
TOTAL	72

In general, the submissions demonstrate substantial support for the Precinct Design initiative to reform the State planning framework and provide effective tools for the planning and design of strategic infill locations to achieve high quality urban development. However, while there is general support for the concept of Precinct Design, there are mixed levels of understanding of what is intended through the new policy and guidelines and differing perspectives on the appropriate means of implementation.

Comments indicated the need for further clarification on:

- how Precinct Design will fit into the current planning system and by what means of implementation
- what contexts Precinct Design can be undertaken as an 'opt-in' planning tool and
- the broader shift towards performance-based assessment in a Precinct Design context.

This document is a summary of main issues in submissions and changes being considered to the policy in response.

2. DRAFT STATE PLANNING POLICY 7.2 PRECINCT DESIGN

Many comments generally supported the intent of the policy and the need to create fit for purpose planning tools for the planning and design of more complex urban and infill areas. The following are the key issues raised through submissions on the policy:

1. Citation

No substantial comments.

2. Policy Intent

No substantial comments.

3. Precinct Design in Western Australia

No substantial comments.

4. Application of the policy

Submissions sought clarification on the application of the policy, particularly in relation to section 4.2 What is a 'Precinct'? and the general precinct 'types' identified. Several submissions requested further detail on what a 'residential infill' and a 'heritage' precinct is and when they might be applied.

It is proposed to amend the draft SPP 7.2 to provide greater clarity on where the policy is to be applied and what it is guiding in terms of planning proposals and development. It is proposed that further detail on 'general precinct types' will be provided in the Precinct Design Guidelines.

5. Policy Objectives

No substantial comments.

6. Policy measures and Table 1

Most submissions on SPP 7.2 sought clarification on this section, in particular the identification of 'complex' and 'standard' precinct plans in **Table 1** and the responsible authority that would endorse the plans. There was concern that the concept of 'complex' and 'standard' precinct plans had not been fully resolved and needed further work. Many submissions also considered section **6.4 Subdivision and development** to be contradictory and confusing. There was also some concern about transitional arrangements before formal gazettal.

The concept of 'complex' and 'standard' precinct plans is being reconsidered along with other changes that may be required to existing processes, legislation and associated planning documents as part of the wider planning reform agenda (see Planning Framework Discussion Paper Outcomes).

Draft section 6.4 is proposed to be amended to remove possible contradiction and confusion about relationship between precinct planning and subdivision and development. The Department has advised stakeholders that transitional arrangements will be clarified in the final version of the policy.

6.7 Precinct Outcomes

There was consensus that while the precinct outcomes were generally sound, there needed to be further review and refinement to better articulate the outcomes sought from precinct planning.

The precinct outcomes are being reviewed to ensure they are clear, appropriate and achievable.

3. SPP 7.2 PRECINCT DESIGN GUIDELINES

There is general support from most submissions that the Design Guidelines are considered more appropriate than the current planning and design guidance in State Planning Policy 4.2 *Activity Centres for Perth and Peel's Model Centre Framework* (WAPC, 2010) and existing structure plan guidance. Comments indicated that additional information is required to communicate the intent of the guidelines, being contextually responsive and performance-based.

Part 1 – Introduction

The draft Part 1 provides an overview of the statutory purpose of the Guidelines. It includes how SPP 7.2 section **6.7 Precinct Outcomes** relate to the SPP 7.0 Design Principles and how they may be achieved through consideration of the guidance. It also includes some additional detail on precinct types and scalability of the guidance, and how design review may be applied at the precinct level. Feedback via submissions included:

- the relationship between SPP 7.2 and SPP 7.0 *Design of the Built Environment*
- confusion with regards to the concept of 'complex' and 'standard' precinct plans
- the relationship between the proposed Neighbourhood Design (prev. Liveable Neighbourhoods) and Precinct Design
- precinct type and scalability
- the role of design review.

The following are being investigated:

- *A review of the policy and the resolution of options related to the planning framework will seek to resolve confusion around the concept of 'complex' and 'standard' precinct plans*
- *The relationship between the proposed Neighbourhood Design and Precinct Design will be clarified with additional text and clear diagrams*
- *Enhancing the guidance on precinct type and scalability*
- *Clear guidance on design review.*

Part 2 – Prepare

The draft Part 2 contains guidance on how to prepare for the process of precinct design through identifying the suitable plan format, undertaking context analysis and guidance on how to determine precinct boundaries. It also contains guidance on establishing a precinct vision and principles, how to undertake meaningful stakeholder and community participation, information on feasibility, and general guidance on incentives and community benefits.

Feedback via submissions included:

- section 2.1 Precinct plan form is a repeat of what is already in the SPP and should be considered for removal or amended to include more detailed guidance on how to determine the appropriate plan format
- generally, very supportive of the context analysis section and guidance, with suggestions for additional information that could be considered for inclusion
- support for the guidance on how to determine a precinct boundary, with suggestions to include additional requirements or delete others
- general support for guidance on stakeholder and community participation, with various suggested improvements and/or additions
- support for the inclusion of a feasibility section, but concern that the funding models suggested, and the terms used were inappropriate.

Consideration of the suggested amendments and additions and a possible re-ordering of Part 2 to place stakeholder and community participation closer to the front of the process is underway. Additional process diagrams and examples are also being considered.

Part 3 - Design

The draft Part 3 contains the Design Elements and the Objectives and Considerations that are to be used in a performance-based way to develop a precinct plan.

Design Element 1: Urban Ecology

The majority of submissions supported the introduction of this element with a focus on sustainability and understanding the relationships between the built environment and natural systems. A few submissions suggested that 'urban ecology' was a term that was not well understood and needed to be further explained.

Overall, there was consensus that the objectives and considerations were sound but require further review, with additional guidance and explanatory diagrams. A number of submissions raised the issue of planning for climate change, loss of tree canopy and reducing the urban heat island effect.

Design Element 2: Urban Structure

Stakeholders suggested that additional guidance and supportive diagrams were needed to help practitioners respond to urban structure. Several submissions suggested 'desired future character' was important as well as more detailed guidance on block and street dimensions.

Design Element 3: Movement

Like the other elements, many submissions suggested that overall there could be more detail in the guidance that also included diagrams and examples. It was suggested that cross sections of streets, similar to Neighbourhood Design (prev. Liveable Neighbourhoods), should be included. Others suggested that additional detail on parking was needed.

Design Element 4: Built Form

Submissions requested additional and more detailed guidance, including replacement images, new diagrams and examples. The associated Appendix A3 – Guidance on built form envelopes was recommended to be reviewed.

Design Element 5: Land Use

Submitters sought clarity on how a precinct plan would identify and plan for land uses. Would the precinct plan specify land uses or more generally provide broad land use zones that could read into a scheme? There was some commentary on providing additional guidance on transitional land uses. It was also suggested that the Land Use element should be placed before the Built Form element as it is land use that often influences built form.

Design Element 6: Public Realm

Submissions sought more detailed guidance and the inclusion of additional diagrams and examples. There were suggestions that there should be greater linkages to Element 1: Urban Ecology.

Design Element 7: Services and Utilities

There was consensus that this element needed further detail and the potential requirement for an infrastructure staging plan as an output.

Precinct Plan Outputs

Each Design Element listed outputs required to demonstrate each element was considered appropriately. Many submissions suggested that a review of the outputs and the way they are expressed is required to improve the clarity of what is expected for precinct planning at different scales.

Part 4 - Implementation

Submissions suggested that the implementation section could be expanded with additional content.

A review of all elements will be undertaken with the view to expand upon and clarify guidance. All precinct plan outputs will be reviewed with additional guidance provided on what outputs will be required for different types and scale of precinct. The implementation section will be reviewed in response to suggested changes.

4. PRECINCT DESIGN PLANNING FRAMEWORK DISCUSSION PAPER

The following is a summary of responses received on the questions and options put forward in the discussion paper that accompanied the draft policy documents.

Most submissions expressed general support for the concept of Precinct Design and the introduction of precinct plans to deal with planning and built form considerations in infill areas and more intense greenfield locations.

1. Incorporation of Precinct Design

a. Do you support the proposed approach for the inclusion of Precinct Design in the planning framework?

Support	16
Don't support	3
Comment	15

There were 34 submissions that addressed this question. 16 submissions supported the proposed placement of Precinct Design in the planning system and the associated changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) as detailed in section 3.1.2 of the discussion paper.

“Yes, the proposed intent behind incorporating ‘Precinct Design’ into the planning framework is supported.”

3 submissions stated they did not support the proposed approach as outlined in section 3.1.2 of the discussion paper.

“The proposed approach is confused and lacks clarity regarding when it is to apply and how it will be implemented in the statutory planning framework.”

15 submissions indicated that while they supported the concept of Precinct Design generally and supported some more detailed aspects of the proposal, they still had concerns about the way the policy and instruments were proposed to be integrated into the existing planning system, and suggested alternative solutions.

“Whilst the principle of Precinct Design and its potential to better coordinate built form and planning are supported, we are of the view that the implementation of Precinct Plans as stand-alone planning instruments is problematic, and unnecessarily complicated.”

“The proposed framework has the potential to be improved upon, not that there is a fundamental flaw in the logic applied by the DPLH in these figures.”

b. What are the key considerations that have influenced your assessment?

The following provides a summary of the key considerations that influenced submissions on the proposal put forward to incorporate Precinct Design into the planning system:

- streamlining the planning system and not adding another layer
- concern around the lack of clarity in the difference between 'complex' and 'standard' precinct plans – are they suitable and easy to determine?
- how precinct planning will fit into the existing framework, what changes may be necessary and how the new framework will facilitate the use of discretion?
- the current planning framework is not well-placed to address planning for more dense/complex areas to facilitate infill development
- a need for more community input and planning for existing communities
- the introduction of a new policy and changes to the planning framework doesn't delay existing planning processes already being undertaken
- a current lack of detailed planning and urban design guidance between the structure plan stage and the subdivision/development stages.

c. Do you have any suggestions regarding other potential alternatives?

There were a range of views and alternative suggestions provided through the submissions on this question:

- further clarity should be provided for when other planning processes may be appropriate
- the existing planning framework of local planning policies and local development plans is sufficient to guide planning and built form in many instances
- local development plans may be an appropriate planning tool to retain for infill areas
- there should be regular review cycles and/or a sunset clause for precinct plans
- a 'basic' precinct plan type could be introduced to replace the function of local development plans.

2. Policy Guidance

- a. Do you support the general principle that Precinct Design is used to guide the preparation of plans in existing urban areas and the draft Neighbourhood Design SPP is used to inform the preparation of plans in greenfield settings/undeveloped areas?

Support	23
Don't support	3

Of the 26 submissions that addressed this question, there was majority support for the general principle that Precinct Design guide the planning of existing urban areas and Neighbourhood Design guide planning in greenfield locations.

Despite the high level of support, there was significant commentary on how this arrangement might work:

“It is the City’s view, that greenfield settings still require appropriate design outcomes and consideration of the three-dimensional context, to ensure that the ‘suburbs’ are attractive and liveable places also.”

“There are a different set of issues for greenfield and infill so the policy setting being two streams should enable a more tailored approach.”

“However, it is considered that all the information and details required by the Design Guidelines may not be relevant for all precincts and that greater guidance should be provided on who determines what information is relevant for each precinct.”

“Generally, yes. However, suggest the level of context and design analysis and critical thinking proposed within the Precinct Policy, also be required for greenfield settings to contribute to the guidance provided in Liveable Neighbourhoods for example.”

3. Determining authority

a. Do you support the proposed determining authority arrangements?

Support	15
Don't support	9
Comment	8

There were 31 submissions that responded to this question. 15 supported the proposed determining authority arrangements outlined in the discussion paper, where precinct plans in most circumstances would be determined by the WAPC similar to current arrangements for structure plans.

“Yes – this is consistent with the LDP and structure plan approval processes that currently exists.”

9 submissions did not support the proposed determining authority arrangements.

“The proposed determining authority arrangements are not supported, as is unclear why some Standard Precinct Plans require the approval of the Western Australian Planning Commission.”

“Local matters, such as built form outcome in a residential infill precinct, should be for the local government to determine.”

8 submissions did not explicitly support or oppose the proposed determining authority arrangements, but made general comments or expressed concerns about more detailed aspects of the proposal.

“The definition between Complex Precinct Plan and Standard Precinct Plan requires further articulation.”

“It is unclear why WAPC would need to oversee precinct design in all station precincts, urban corridors and higher density residential infill once the strategic direction has been set in a local planning strategy.”

“There should be a clear delineation of who the determining authority is for each type of precinct plan to provide certainty to land owners, community and the local government.”

b. What changes would you suggest and why?

There was clear feedback from many submissions that clarification was needed on the difference between complex and standard precinct plans and how to determine if an area should have a complex or standard precinct plan prepared for it. If complex and standard precinct plan types are to be retained, then clear guidance and criteria should be established which outlines the decision-making authority for the different precinct forms.

“It is recommended that clear criteria be established in the Planning and Development (Local Planning Schemes) Regulations 2015, which outline the decision-making authority for the different forms of Precinct Plans.”

“Clarity is required around who has the responsibility for preparing the various precinct plan types and the determining arrangements of each.”

Many submissions from local governments suggested that local authorities be given greater responsibility for a wider range of precinct planning that may ordinarily be the responsibility of the WAPC.

“...local government should be able to determine precinct plans for areas of lesser importance, such as a lower order activity centre or infill area, even where a scheme amendment or subdivision is required for implementation.”

“Greater responsibility for a wider range of precinct planning should rest with the Local Authority given the more detailed policy framework set out in the Guidelines which should bring greater consistency across LGAs.”

“The Shire would suggest allowing local governments to have a greater authority in determining precinct plans as they are a local planning instrument.”

“The determination process could be improved by allowing local governments to determine minor amendments to Complex Precinct Plans, and specified Standard Precinct Plans, consistent with the risk based approach suggested elsewhere in the framework.”

“The City suggests that matters involving local character be determined by the local government only. It is appropriate for local governments to determine these situations, as the local government has a better understanding of the local issues at hand.”

c. Do you support the potential requirement for all Standard Precinct Plans to be provided to the Department by a local government upon lodgement?

Support	18
Don't support	7

There were 25 submissions that responded directly to this question. 18 submissions expressed support for all standard precinct plans to be submitted to the Department by a local government upon lodgement. Many submissions, while supportive, did have comments in relation to seeking greater clarity on the process and consideration of amended timeframes.

“Yes. A central repository of plans would make it easier to identify appropriate precedents and monitor implementation and issues.”

“The City has no objection to standard precinct plans being provided to DPLH upon lodgement for confirmation of the determining authority. This is on the basis that further guidance is provided in SPP7.2 on the triggers for WAPC determination.”

“The potential for joint assessment of ‘complex’ precinct plans by the local and state government introduces potential for a more collaborative and constructive approach. In saying this, the mechanics of this will require consideration.”

There were 7 submissions which expressed opposition to the proposal.

“This process will cause uncertainty for local government and the development industry about who will be responsible for processing, assessing and determining the Standard Precinct Plan.”

“The City does not support this as we believe it is unnecessary that all Precinct Plans be supplied to the WAPC as this adds a significant delay to the assessment of the application.”

“If the difference between a standard plan and complex plan is clearly defined, these requirements may be able to be avoided which would increase efficiencies in the process.”

4. Identification of precincts

- a. Do you agree with the guiding principle regarding the identification of precincts and the need for precinct planning?

Agree	29
Comment	8

There were 37 submissions that responded to this question. 29 submissions expressed support for the concept of precinct planning and the need to identify areas requiring precinct planning at the highest appropriate level in the planning system.

While they didn't specifically object to the need for precinct planning and the triggers identified, 8 submissions made comments or expressed concerns about the mechanism to identify precinct planning and were seeking further clarity on the criteria to guide where a precinct plan is needed.

"Further clarity is required within SPP 7.2 on the identification of precincts and grounds for refusal of a precinct plan."

"Clear criteria are required to clearly guide the circumstances where a Precinct Plan is needed."

Submissions also stated that while high level strategic identification is appropriate, an area should not be excluded from precinct planning if it is not (yet) identified.

"Whilst the City agrees that the need for precinct planning should be identified at the highest appropriate level in the planning system, provision should be made for the identification of precincts subsequent to the endorsement of these documents."

- b. Are there other strategic planning levels (or mechanisms) where precincts and the need for precinct planning can or should be identified?

There were no submissions that suggested other strategic planning levels or mechanisms where precinct planning can or should be identified. Most submissions agreed with the principle that areas requiring precinct planning should be identified at the highest appropriate level in the planning system, and many submissions suggested the local planning strategy was the key strategic document most suitable for that purpose.

5. Statutory triggers

- a. Do you have any comments regarding the potential statutory triggers (i.e. overlay, zoning, text provisions)?

There were 28 submissions in response to this question expressing a range of views and preferred options for ways in which the triggers for precinct planning could be incorporated into a local planning scheme.

The most popular option was the overlay – achieved using a Special Control Area designation or similar, to outline the extent of the precinct:

“To enable existing zones and reserves to continue to operate until a Precinct Plan is prepared and implemented, the most appropriate statutory trigger appears to be an overlay; specifically, a Special Control Area.”

“Table 7 of the discussion paper identifies the idea of an overlay by way of a planning control area type mechanism in schemes. The City considers this option superior to the generic option of a zone and would be interested in exploring the benefits of this option further...”

“Preference for precinct plan requirements to be reflected as an overlay on existing coding, to inform decision-making on applications that are considered prior to the progression of a precinct plan.”

The zoning option – achieved using a zone, such as a new ‘Precinct’ zone, also had some support:

“The City considers the most appropriate way to give effect to precinct plans is through the insertion of a ‘Precinct Development’ zone in the Scheme as opposed to a ‘Centre’ zone or other mechanism.”

“Industry and urban development zones can be used to trigger a precinct plan. These would effectively identify the precinct in a scheme for which a plan was required.”

“The City agrees that the trigger for a Precinct Plan should be established through the Local Planning Scheme; our preferred method is through Zoning with Approach A for Text Provisions.”

The text provisions option did have some support, with both Approach A and Approach B receiving similar levels of backing:

“Text provisions may be necessary to allow some flexibility to identify new precincts. This would allow emerging areas to not be excluded from the precinct planning process.”

“Within an infill setting, text provisions within the Scheme (Approach B) is the most logical.”

“...the preferred approach would be a text provision in the scheme using Approach B, which allows flexibility for the boundaries of the precinct to be confirmed through the development of the precinct plan.”

A number of submissions also suggested that all three options in Table 7 should be available to allow for flexibility to deal with different precinct characteristics and needs.

b. Do you have any suggestions regarding alternate ways for triggers for Precinct Plans to be incorporated into the planning system?

There were no specific suggestions on alternative triggers for precinct plans to be incorporated into the planning system. Most submissions did make general comments on the need to clarify the policy and guidelines and make clear when and on what basis the need for a precinct plan can be established.

6. WAPC determination

- a. Do you have a view on the procedural requirements associated with the WAPC making a determination that a Precinct Plan is required for the purposes of orderly and proper planning?

There were 30 submissions on this question. The majority agreed with the principle that the WAPC should have the power to require a precinct plan for an area for the purposes of orderly and proper planning, in a similar manner to the current Regulations relating to structure plans.

“We support the inclusion of a provision in the Regulations where the WAPC can require precinct plan if not identified in the scheme but considered to be required for proper and orderly planning.”

“The City is supportive of the WAPC being able to require the preparation of a Precinct Plan for the purposes of orderly and proper planning.”

While many agreed with the principle, some submissions suggested parameters or guidance be introduced that would guide the circumstances in which the WAPC can exercise its powers.

“It is considered that the power to compel the preparation of a precinct plan should be reserved for matters of State significance.”

“Powers to compel the preparation of a precinct plan should be reserved for matters of state significance and, generally, not be used where it can be shown that the Local Government is progressing the strategic planning of precincts within its district.”

“More information is needed as to in what circumstances that the WAPC would require a precinct plan. It may be a concern to Local Governments if the WAPC starting to enforce Precinct Plans as they are a resource heavy and costly project.”

There were a few submissions that did not support the WAPC having the power to require a precinct plan for the purposes of orderly and proper planning, arguing that the power was unnecessary if a suitable local planning framework was in place.

“The City does not consider it appropriate that the Western Australian Planning Commission be able determine a Precinct Plan, when detailed planning has already been undertaken to achieve urban intensification in the City.”

“The WAPC should only be able to require a precinct plan for key strategic sites or matters of State significance. The WAPC should only be able to require a precinct plan where it is the determining authority i.e. complex precinct plans.”

- b. Do you think consultation should occur prior to the WAPC determining that a Precinct Plan is required? If so, what consultation do you think should be required and how should this be undertaken?

Support	19
Don't support	7

There were 28 submissions received on this question. 19 submissions supported the proposal that consultation should occur prior to the WAPC determining that a precinct plan is required. Some submissions suggested that consultation should occur only with the local government concerned, while others recommended consultation with the local government and the wider community that may be impacted directly by the proposed precinct plan.

“The WAPC should consult with the relevant local government prior to determining that a Precinct Plan is required.”

“Formal consultation should occur with all landowners included within the precinct plan area along with the relevant local government.”

“At the very least, the affected landowners, community of interest and the local government should be engaged in consultation.”

The form of consultation that would be suitable varied between submissions, but there was common agreement the consultation should be public and undertaken in a consistent manner. It was also highlighted that it should be made clear what people are being asked to comment on; rather, it is not an actual plan but a decision to prepare a plan over an area designated as a precinct.

“The consultation should be public and undertaken in a manner consistent with the consultation requirements of a standard scheme amendment.”

“Any correspondence would need to clearly communicate that the plan has not been developed, that the process is only to determine if a plan should be developed.”

There were 7 submissions that did not support consultation prior to the WAPC determining that a precinct plan be required. There was concern that consultation prior to an actual plan being prepared may confuse the public and that consultation should occur on an actual plan rather than a potential plan.

“The City do not believe that consultation should be required as this would simply add additional delay to the process, where the precinct plan itself would be advertised to affected landowners.”

“Seeking input from the community is unlikely to provide any reasons as to why a precinct plan should not be prepared.”

c. How do you think the WAPC’s determination that a Precinct Plan is required should be made known?

There were a range of suggestions, but the common theme was that local government and all landowners whose property was affected by the plan should be notified in writing. There were also suggestions that a public notice should be provided in the local newspaper and on the DPLH website.

7. Advertising timeframes

- a. Do you support a 42-day advertising period for Precinct Plans? What do you see as the advantages and disadvantages of this potential change?

Support	34
Don't support	1

There were 35 submissions on this question. 34 submissions generally supported a 42-day advertising period or longer for precinct plans. Some submissions suggested that a shorter advertising period may be appropriate, depending on the complexity of the precinct being planned for (i.e. 28 days for a very simple precinct plan), while others suggested longer (60 to 90 days) for very complex proposals. There were many submissions that suggested the advertising period should align with the current advertising timeframe for scheme amendments.

“A 42-day advertising period for appears reasonable larger proposals; a shorter period may be appropriate for less complicated proposals and minor amendments.”

“Precincts are necessarily multi-dimensional and complicated. The community needs time to absorb, process and respond to the proposed plan.”

“A 42-day advertising timeframe for precinct plans, as suggested by the discussion paper, is supported, though a longer timeframe might be appropriate for more significant plans.”

8. Risk-based processes

- a. Do you support different procedures for the processing of Precinct and Structure Plans (and amendments) that reflect the complexity and risk associated with each proposal? What do you see as the advantages and disadvantages of this potential approach?

Support	27
Don't support	1
Comment	5

There were 33 submissions received on this question. 27 submissions supported risk-based processes for the processing and assessment of precinct and structure plans. Most submissions made the comment that clear criteria was needed to manage community and stakeholder expectations in relation to the processing timeframes and consultation requirements. Others suggested that 'safeguards' were needed for unintended consequences, where initially perceived simple plans become more complex in nature.

"It is logical for different procedures to be used for the processing of Precinct and Structure Plans (and amendments) that are determined by the complexity and risk associated with each proposal."

"The City supports the development of different procedures for the processing of precinct and structure plans based on a risk-based assessment. Such an approach will allow for the timely assessment of low-risk proposals and facilitate greater use of delegations from the WAPC."

"The City would support the development of different processing procedures for Precinct and Structure Plans based on their complexity, provided that the framework supporting the procedures, and the associated categorisation, was clearly articulated up-front."

- b. What criteria would you suggest being used to determine different risk-based streams for processing Precinct and Structure Plans (and amendments)?

Many submissions supported the potential criteria listed in the discussion paper. Additional criteria or comments were:

- the scheme amendment classification system (basic, standard, complex) should provide the basis for the classification of precinct plan/structure plan (and amendment) streams
- level of engagement which has already occurred
- community support/understanding
- significant impacts on the public realm
- the extent to which land ownership is fragmented and land assembly is required to achieve desired outcomes
- the extent to which significant investment in infrastructure improvements is required to facilitate the desired outcomes
- change of use and the number of landowners
- whether the precinct is existing (infill) or proposed (greenfields)
- alignment with the vision
- alignment with the growth forecast (dwelling and/or activity).

c. Do you think that the criteria for determining the appropriate stream to use should be included within the Regulations or provided as separate guidance?

Of the submissions that responded to this question there was a fairly even split between those who supported criteria for determining the appropriate stream in the Regulations and those who supported separate guidance. There were a number of submissions who suggested that the definition of the risk-based processes could be included in the Regulations, while the criteria for determining the appropriate stream could be outlined in a separate guidance document.

9. Assessment timeframes

- a. Do you think that the existing timeframes that local governments and the WAPC have to process Structure Plans (and hence those to be applicable to Precinct Plans) should be modified?

Yes	31
No	4

Timeframe options:

Of the 31 submissions that thought existing timeframes should be modified:

- 26 submissions supported extended timeframes for local government – between 75 and 90 days, with 90 days being the most popular option.
- Most submissions did not support an overall longer timeframe beyond the existing 180 days.
- A few submissions supported shorter timeframes overall or flexible timeframes depending on the complexity of the proposal being assessed.

On the option “for the Department to undertake some of its assessment concurrently with the local government officers...”

- 12 submissions supported the general principle of concurrent assessment procedures for LGs and the DPLH.

- b. Do you have any suggestions regarding other potential changes that could improve the effectiveness and timeliness of the processing of Structure Plans and Precinct Plans?

Four submissions suggested that pre-lodgement processes be formalised, through the Regulations.

“The Regulations be amended to allow the establishment of a formal pre-lodgement process for structure plans and precinct plans.”

A few submissions suggested that local government be given the power to refuse lodgement of structure plans until all the required information is included –

“Many delays in the timely assessment of structure plans occurs at the lodgement phase, where structure plans are lodged in an incomplete manner. This delays the acceptance of the structure plan by the Local Government and thus a delay in assessment.”

“The City recommends that the assessment timeframe should not start until all documents are submitted. Similar to a JDAP, the City should be able refuse to accept the application of a Precinct Plan unless all outputs were included.”

“The LPS Regulations should be amended to allow the local government to assess the structure plan and require changes to the structure plan prior to it being advertised. This could also apply to precinct plans.”

10. Scheme amendment processes

- a. Do you have a preferred Option (A or B) for the amending of Local Planning Schemes to reflect the content of Precinct Plans?

Option A	17
Option B	8
A and B	8
Neither A or B	1

There were 32 submissions on this question, which proposed two options to give effect to the key content of Precinct Plans within local planning schemes. 17 submissions supported Option A – whereby a precinct plan and standard Local Planning Scheme amendment are prepared, advertised, assessed and approved concurrently.

“Option A is the preferred mechanism as results in a clean sweep and finalisation of process thus providing certainty and clarity for all stakeholders whilst cutting duplication of tasks/process.”

“We support option A. With this option, all information for consideration is presented at once so the complete picture is provided, it provides reduced timeframes for processing and assessment and allows for consistency of decision making.”

“The City prefers Option A as detailed in the discussion paper. It is considered that this option will be more easily understood by the local community. Additionally, it will significantly reduce the amount of time and resources taken to finalise a precinct plan and amendment.”

There were 8 submissions that supported Option B – whereby a precinct plan is prepared, advertised, assessed and approved, then a basic Local Planning Scheme amendment is prepared and approved subsequently.

“The City supports Option B as advertising a Scheme Amendment to give effect to Precinct Plan that has been advertised is unnecessary and inefficient.”

“Option B is the preferred option as it ensures the scheme amendment is not approved ahead of the precinct plan. It also reduces the administrative burden of having to manage and modify two separate planning applications.”

There were 8 submissions that supported having both options available for local governments or proponents to consider.

“The City does not have a preference for either Option A, or B, and is of the opinion that the appropriateness of each option would be dependent on the proponent.”

“Supports both options being made available for use and the appropriate method can be chosen in response to specific requirements.”

“It is recommended that both scheme amendment process options be available for local governments or proponents to consider the most appropriate stream based on the complexity of the precinct plan, resourcing implications and if effective for statutory processes.”

b. What are the key considerations that have influenced your assessment of the proposed options?

A range of views were presented on the key considerations that influenced submitters assessment of the proposed options. The following were key considerations put forward:

- ensuring the community and stakeholders are clearly informed of any proposed changes to the Local Planning Scheme
- avoiding two separate rounds of consultation on effectively the same thing thereby avoiding confusion and consultation fatigue
- flexibility is required to ensure the most appropriate planning and stakeholder consultation is undertaken relevant to the precinct area
- reducing timeframes for assessment, advertising and approvals to save both time and resources for all stakeholders.

11. Scheme amendment content

a. What precinct plan content do you think should be included in a Local Planning Scheme?

There were a range of views expressed in submissions on this question, however most submissions expressed some level of support for the potential elements listed in Table 8 of the discussion paper as being suitable content for inclusion in local planning schemes, where appropriate.

A number of submissions expressed the view that the extent of precinct plan content to be included in local planning schemes should be limited to only the most important matters that local governments and communities do not want varied. Some suggested heights, setbacks and plot ratio should not be included, in order to create flexibility in the framework.

Other suggested additional content that may be suitable for inclusion:

- landscaping (tree canopy and deep soil provision)
- car parking
- sustainability standards
- development contributions
- ceding of land for open space and roads
- provisions for sub-precincts.

“Key elements outlined in Table 8 would be beneficial to include in Local Planning Schemes, because these are often the key areas of concern which are raised by the community when consultation is undertaken.”

“The type and detail of precinct plan content to be included in a local planning scheme depends on the specific circumstances of the precinct and should therefore be flexible. The elements suggested in Table 8 of the Discussion Paper are considered appropriate and are supported.”

“The extent of ‘Precinct Plan’ content to be included in Local Planning Schemes should be strictly limited. The encroachment of complicated and confusing development standards into schemes should be avoided wherever possible, and remain capable of discretionary variation.”

“The City supports the inclusion of all the identified elements in town planning schemes. It is considered that tree planting requirements, minimum environmental sustainability standards and minimum car parking requirements should also be included as provisions in the scheme.”

b. Do you support precinct plan content being included in Local Planning Schemes that cannot be varied by decision-makers?

Support	15
Don't support	6
Comment	9

There were 30 submissions on this question. 15 submissions supported precinct plan content being included in local planning schemes that cannot be varied. 6 submissions did not support, while 9

submissions made comments and raised concerns but did not offer support or specifically oppose the proposal.

The key reason for support was the level of certainty that content in local planning schemes can give a local community, particularly in relation to contentious issues, such as building height.

“Some things need to be ruled out, such as buildings over a certain height and building on flood plains or where existing land uses will conflict with residential development such as industrial and food production areas and factories.”

“Matters such as maximum height, heritage protection and public realm interface have proven to be difficult to appropriately manage through due regard documents when a development application is determined.”

Submissions that opposed the proposal, argued that flexibility was most important given changes that can occur over time and the potential to lock in unfavourable development outcomes.

“We do not support precinct plan content that cannot be varied by decision makers being included in schemes. Land use and development changes over time and LG needs the flexibility to support proposals without the need for a scheme amendment which adds to timeframes.”

“No, as the ability to vary certain standards may be desirable where it can be demonstrated that a better outcome can be achieved.”

12. Changes to other documents

- a. Do you have any comments regarding the key changes to other documents that have been identified to support the implementation of Precinct Design?

Most submissions on this question agreed with the list of key documents that would likely need to change to support Precinct Design. Respondents highlighted the need to review and update State Planning Policy 4.2 *Activity Centres for Perth and Peel* (WAPC, 2010) and Neighbourhood Design (previously Liveable Neighbourhoods) as these policies are most impacted. Potential changes to the Regulations and the model provisions of the Regulations.

- b. Are there other documents that you think need to be updated to support the effective implementation of Precinct Design?

Other documents that were suggested were:

- Development Control Policies other than DC 1.6
- The Local Government Planning Manual
- State Planning Policy 3.5 – Historic Heritage Conservation
- State Planning Policy 3.6 – Developer Contributions
- State Planning Policy 2.10 – Swan River Canning System.

13. Implementation assistance

a. What information, resources and/or training can DPLH provide to help you to effectively implement Precinct Design?

The following comments/suggestions were made:

- time and resources to prepare plans and undertake consultation are a challenge
- additional consultation with key stakeholders is needed prior to finalisation of the policy
- consider guidance on preparation coordination of precinct plans across local government boundaries and other jurisdictions
- case studies on the DPLH website
- provide training for local government officers
- consider providing additional funding and resources to help local governments undertake precinct plan preparation
- more detail needed around the manner and form that a precinct plan would take.

“Over any above offering financial assistance, DPLH may wish to consider offering dedicated officer support through a plan preparation process.”

“As a new methodology to manage detailed place planning there needs to be clear guidance and examples for industry and the Local Government sector supported with training and development by the Commission.”

“Given the numerous changes to the regulatory framework proposed, further consultation with local government prior to gazettal of the new policy is recommended in order to allow detail to be adequately resolved, and transition implications fully assessed and planned for.”

“Case studies and catalyst projects of assistance, as well as workshops or other open forums helpful to further understand and effectively implement the Precinct Design principles.”

Outcomes – Planning Framework Discussion Paper

Following detailed consideration of submissions, and discussions between the Precinct Design Project Team, the Planning Reform Team and key DPLH officers, the following is being progressed:

3.1 Place of Precinct Design in the planning system

The planning framework discussion paper put forward a proposal whereby the main output associated with Precinct Design was a 'Precinct Plan', which could be either a 'Complex' or a 'Standard' plan.

Many submissions, while supporting the concept of Precinct Design, found the proposal to be complicated and hard to understand when it came to determine whether a precinct plan was either 'complex' or 'standard' and also who the responsible authority would be for approving the plans.

An alternative and simplified approach is being progressed, whereby the Regulations include a single set of processing procedures for structure and precinct plans. This removes the existing almost identical duplication of regulatory provisions for structure plans (Part 4) and activity centre plans (Part 5).

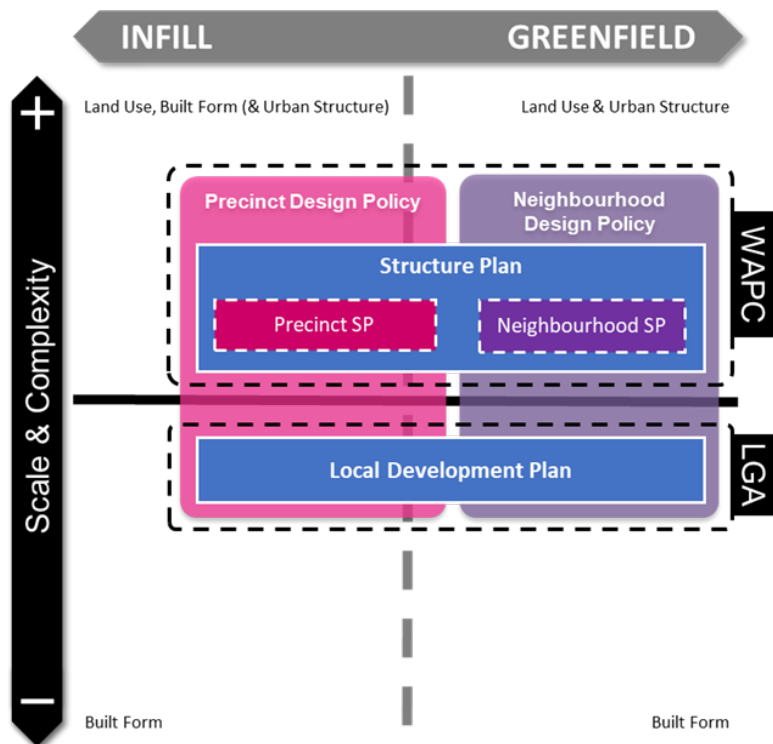
Within this framework of a single regulatory process, there will be two different possible outputs that are to be informed by and assessed against different policy documents.

Under the proposed arrangements, a Precinct Structure Plan is to be prepared in accordance with the Precinct Design SPP for activity centres, station precincts, urban corridors and for complicated infill areas where built form requirements need to be considered and addressed.

A Standard Structure Plan is to be prepared in accordance with the proposed Neighbourhood Design SPP (previously Liveable Neighbourhoods) to guide the subdivision and development of greenfield areas.

Local Development Plans (LDPs) will be retained as a tool to plan and design at the local level for site-specific development requirements (such as built form and access). Updated guidance will be prepared to provide clear direction on the use and format of LDPs in both greenfield and infill situations.

The proposed relationship of the regulatory processes, planning outputs and policy guidance is identified conceptually in the following graphic.



3.2 Determining authority

Consistent with the current planning framework, it is proposed that structure plans will be determined by the WAPC, while LDPs will be determined by local governments.

Improved and clearer guidance for precinct design will be developed which clearly outlines the circumstances when LDPs should be used. This should assist in addressing the existing issue of LDPs being prepared where they might not be the most suitable planning tool. The planning portal initiative as part of Planning Reform will also provide for improved transparency and visibility of LDPs.

3.3 Triggers

It is proposed to retain the option to choose either an overlay, zoning or text provisions to incorporate precinct planning into a local planning scheme. This provides a level of flexibility to choose the most appropriate planning tool in response to the unique planning issues that may be encountered.

With regards to the WAPC being able to require the preparation of a plan for an area for the purposes of orderly and proper planning, guidance will be prepared to provide greater direction on when the WAPC is likely to require a plan to guide development and how these requirements are to be communicated.

3.4 Assessment procedures

It is the intention that the Regulations are amended to provide the potential for Precinct Structure Plans to be advertised for 42 days as proposed in the discussion paper. Such changes are intended to be worded in such a way so as to not affect the existing 14 to 28-day advertising timeframes for structure plans prepared in greenfield settings. Guidance will be prepared to outline how different types of proposals should be advertised within the parameters outlined in the Regulations.

The Regulations will be amended to provide for streamlined processes for minor amendments to existing plans.

The Regulations are also proposed to be amended to balance assessment timeframes between local and state government– i.e. 90 days each rather than 60 days for local government and 120 days for the DPLH/WAPC. On the potential for concurrent assessment of structure plans and scheme amendments, it is envisaged some guidance will be provided to encourage aligned processes where possible.

Risk-based processes continue to be investigated through the Planning Reform agenda.

3.5 Status of Precinct Plans

It is proposed to retain both options outlined in the discussion paper:

Option A – Precinct Plan and Standard Local Planning Scheme amendment processed concurrently.

Option B – Precinct Plan processed, then Basic Local Planning Scheme Amendment processed subsequently.

Guidance will be prepared to support implementation, acknowledging that both approaches may be suitable and appropriate in different circumstances..

On scheme amendment content, guidance will be prepared on what should be included, however the guidance is likely to adopt a conservative position whereby a limited number of things are included in a scheme and only essential items will be considered appropriate for inclusion.

3.6 Changes to other documents

Other related documents/policies are currently being reviewed to remove or modify overlapping or outdated content.