



# Planning Reform



## 3. Special Matters Development Assessment Panel

The State Government is reforming the *Planning and Development Act 2005*, *Planning and Development (Local Planning Scheme) Regulations 2015* and State planning policies to create a more flexible, responsive and contemporary planning system that can support Western Australia's economic recovery. This is the culmination of more than three years of consultation across all sectors and the community to deliver high quality and sustainable development, create new employment and business opportunities, and ensure people have their say early about future development in their communities.

Certain sites, locations or opportunities can deem a proposed development to be of broad community value. Such proposals are often complex, require input from a number of technical experts and authorities and will be determined by a new Special Matters Development Assessment Panel.

### Key Reforms

- The Action Plan for Planning Reform proposed changes to the State's Development Assessment Panel (DAP) system to improve consistency and transparency of decision making.
- The Government has already reduced the number of DAPs to five, and it was intended to further reduce to three panels.
- In addition, a new Special Matters Development Assessment Panel will be established to consider complex proposals which could include proposals located in areas with significant tourism, unique aesthetic qualities or other unique features. Proposed regulatory amendments, including criteria for developments to be considered by the new panel, will be prepared over the next twelve months in consultation with local government and industry.
- The *Planning and Development (Development Assessment Panels) Regulations 2011* will be amended to include criteria to determine what matters would be determined by the Special Matters DAP and the process for assessment.
- Proposals will be lodged directly with the Department of Planning, Lands and Heritage. It is proposed that the Department would receive the development proposals, consult with the relevant government authorities and referral agencies, and provide recommendations to the Special Matter DAP. It is envisaged that the Department would coordinate and monitor referral agencies timelines and advice.
- It is proposed that there will be a representative from the local government sector to ensure local matters and views are considered. It is also proposed that the Government Architect sit on the Special Matters DAP to ensure good design for proposals.
- Supporting changes to the *Planning and Development (Development Assessment Panels) Regulations 2011* will:
  - Support a reduced number of geographic based DAPs (no more than three) with permanent members.
  - Specify the composition and membership of a Special Matters DAP. Membership will be different to the permanent geographic based panels.



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- Outline the process for assessing significant matters. This process may be undertaken by the State and will include local government as a referral body with clear timelines for responses.
- Provide greater consistency of meetings including meeting time and audio recording, with recordings and reasons for decisions to be made available online.
- Explore options for membership to address potential conflicts of interest.
- Ensure local government representation is retained in the DAP system.

## Desired Outcomes

- A new Special Matters DAP will provide for more streamlined and strategic assessment of significant development proposals, and proposals in significant precincts, that could deliver a broad range of benefits to the State. It will:
  - Facilitate more informed and earlier advice from key referral agencies, to minimise appeals to the State Administrative Tribunal.
  - Lead to better design outcomes, as a more consistent approach will be taken for significant projects across the State.
  - Improve confidence in our planning and development system and help position Western Australia as a place for investment, business and tourism.
- A Special Matters DAP, would also be able to determine a more consistent, achievable and earlier delivery of community benefit from developers seeking bonuses.
- A single decision-making body for all significant development proposals will achieve a greater degree of consistency and transparency in decision making.
- In the design and planning of significant developments, all applicants will be strongly encouraged and advised to engage key stakeholders and the community as early as possible in the process. Early engagement, as opposed to during the final stages when an application has been lodged and under the pressure of statutory timeframes, will ensure the best possible planning and design outcomes.

## Implementation

- The new configuration of five panels came into effect on 27 April 2020.
- Amendments to the *Planning and Development Act 2005* will be packaged across two Bills to be considered by State Parliament.
- The first Bill – including provision for regulatory amendments that will establish a Special Matters Development Assessment Panel – will be introduced to Parliament in May 2020.
- Once the legislation has been passed by Parliament, supporting changes will be made to the *Planning and Development (Development Assessment Panels) Regulations 2011*.
- The first meeting of the Special Matters DAP is expected to be held at the expiry of the temporary arrangements for the Commission to determine significant development applications.