



GOVERNMENT OF  
WESTERN AUSTRALIA

# Planning Reform



## 2. Streamline Significant Developments

To assist with COVID-19 recovery initiatives 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.

Certain sites, locations and projects can present opportunities for broad community value. Expanded approval powers will be temporarily given to the Western Australian Planning Commission to determine such proposals. This is a short-term initiative aimed to stimulate the economy by delivering high quality and sustainable development, create new employment and business opportunities, in addition to ensuring people have their say early about future development in their communities.

### Key Reforms

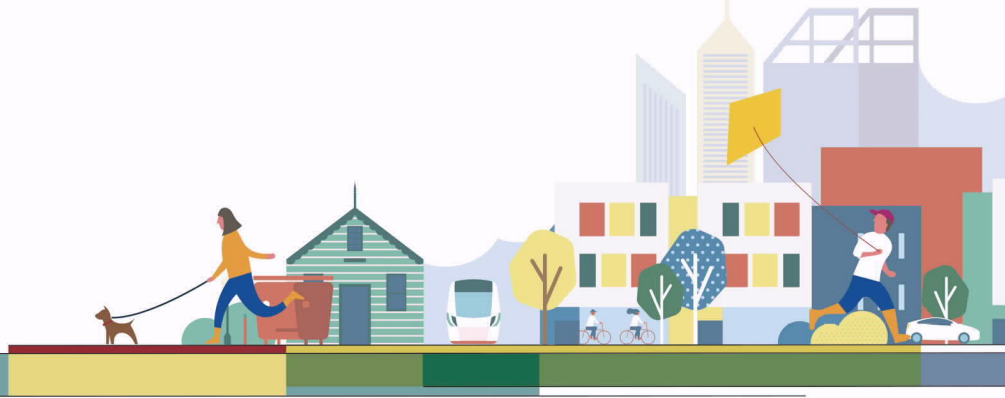
- Amendments to the *Planning and Development Act 2005* will temporarily establish the Western Australian Planning Commission as the new decision-making authority for all development proposals of State significance. The change in role for the Commission is proposed for a fixed 18-month period from Royal Assent to support our economic recovery from the Coronavirus pandemic. This proposal is similar to measures adopted in other States.
- Significant developments, by their nature, are complex and require input from a myriad of technical experts and authorities as part of the assessment process. In most instances the key referral authorities are State agencies.
- To be considered as a significant development under the new legislation, proposals must have an estimated cost of:
  - \$20 million or more in the metropolitan area\*;
  - \$5 million in areas outside the metropolitan region\*.

\* Note: this excludes warehouses.
- The Premier, on recommendation of the Minister for Planning, can also refer any proposal deemed to be of State or regional significance to the Commission for determination. This is important to allow for consideration of regional and tourism projects and initiatives that may not meet the criteria but are considered important to assist in COVID-19 recovery.
- In such instances, the State Government must publish a notice in the *Government Gazette* and advise Parliament within 14 days of referring an application to the Commission.
- Enhanced approval powers for the Commission will enable more strategic assessment of significant developments that deliver broad economic, social and environmental benefits for the State. In determining the applications, the Commission will consider a broader range of matters including non-planning related matters in the public interest.
- Public and stakeholder consultation is considered a key part of the assessment of significant development proposals, particularly requirements under the *Environmental Protection Act 1986*, and the Commission will work to ensure that the referral process is efficient and responsive without extended referral periods. Without special authorisation to do so, no other authority will be positioned to make a decision that is inconsistent with the decision of the Commission.



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- Proposals may be lodged directly with the Department of Planning, Lands and Heritage who will facilitate early discussions prior to lodgement of any application, assess proposals and provide recommendations to the Commission.
- Consultation with local government will also be undertaken as part of the assessment process, with due regard given to any submission received.
- A sunset clause is included as part of the new legislation. It is intended that the necessary regulatory changes to establish a Special Matters Development Assessment Panel will be in place by then.
- An applicant's right of appeal through the State Administrative Tribunal will apply as normal.

## Desired Outcomes

- The reform of Western Australia's planning system will help prepare our State for strong economic recovery from COVID-19, and support delivery of strong, high quality development outcomes.
- The temporary change in approval authority to the Western Australian Planning Commission will enable the State Government to prioritise projects that have investment certainty, are well designed and are ready for construction to commence.
- Applicants can opt to use the new assessment pathway for significant developments or continue with the existing process of assessment by local government and a development assessment panel.
- A key focus of these reforms is improving our planning system with robust and responsive measures that support rigorous and streamlined assessment.
- 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.
- This is not to facilitate speculative development proposals; rather to deliver on development ready proposals. The Commission will have the ability to reject proposals on the basis that they are not certain to be delivered in the near term. Together with tourism initiatives, commercial and industrial projects along with "Build to Rent" proposals will be targeted.
- In line with our commitment to Design WA principles, good design will continue to be at the centre of all development.
- These amendments will support development and infrastructure that will create jobs and underpin our economic recovery and growth, now and into the future.

## Implementation

- The *Planning and Development (Amendment) Bill 2020* was passed by Parliament on 24 June 2020. New approval powers of the Commission will come into effect upon Royal Assent of the Bill.
- Further amendments to the *Planning and Development Act 2005* will be part of a second package of legislation to be considered by State Parliament.
- To assist the Western Australian Planning Commission with the assessment of development applications through the new pathway, a new State Development Assessment team is being established within the Department of Planning, Lands and Heritage.