

Consistent Local Planning Schemes – Consultation

Disclaimer – This information below provides background information on the abovementioned reform project, and is provided in confidence to assist with project understanding and the provision of feedback. This information is not to be shared or distributed.

1. Overview and Project Background

The Action Plan for Planning Reform [Action Plan for Planning Reform](#) (**Action Plan**) includes goals, initiatives and actions aimed at making local planning schemes more consistent and legible, and improving associated guidance. To achieve these objectives, work to improve the consistency of the use of land use terms (and associated definitions), zones, and reserves in local planning schemes across the State, and land use permissibility and development requirements in commercial¹ and industrial² type zones in the Perth and Peel region scheme areas has been undertaken.

To implement this, the following is proposed:

- Changes to land use terms (and definitions) to apply to all local planning schemes State-wide.
- Changes to zones and reserves (and objectives) to apply to all local planning schemes State-wide.
- Standardised land use permissibility for commercial1 and industrial2 type zones, to apply to local planning schemes within the Perth and Peel region areas only.
- An approach for development requirements for commercial1 and industrial2 type zones, to apply to local governments within the Perth and Peel region areas only.

The above is proposed to be implemented through both regulatory change and the preparation of guidance, in addition to other supporting documentation. A report for stakeholder consultation has been prepared (**Stakeholder Consultation Report**). This report provides key project and background information, recommended proposals for change, and a recommended approach for implementation to improve consistency of the above areas of local planning schemes. Proposals for change and the recommended implementation approach have been formulated with consideration of the early feedback received from key stakeholders engaged with on this project to date. The Department of Planning, Lands and Heritage (**Department**) would like to thank these stakeholders for their time and effort in providing feedback on this work.

Your comment is now requested on the principles for proposed changes and implementation actions aimed at improving the consistency of local planning schemes across the State. Feedback received on this report will be used to refine the proposals and the recommended implementation approach. We appreciate your ongoing assistance with making refinements.

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.

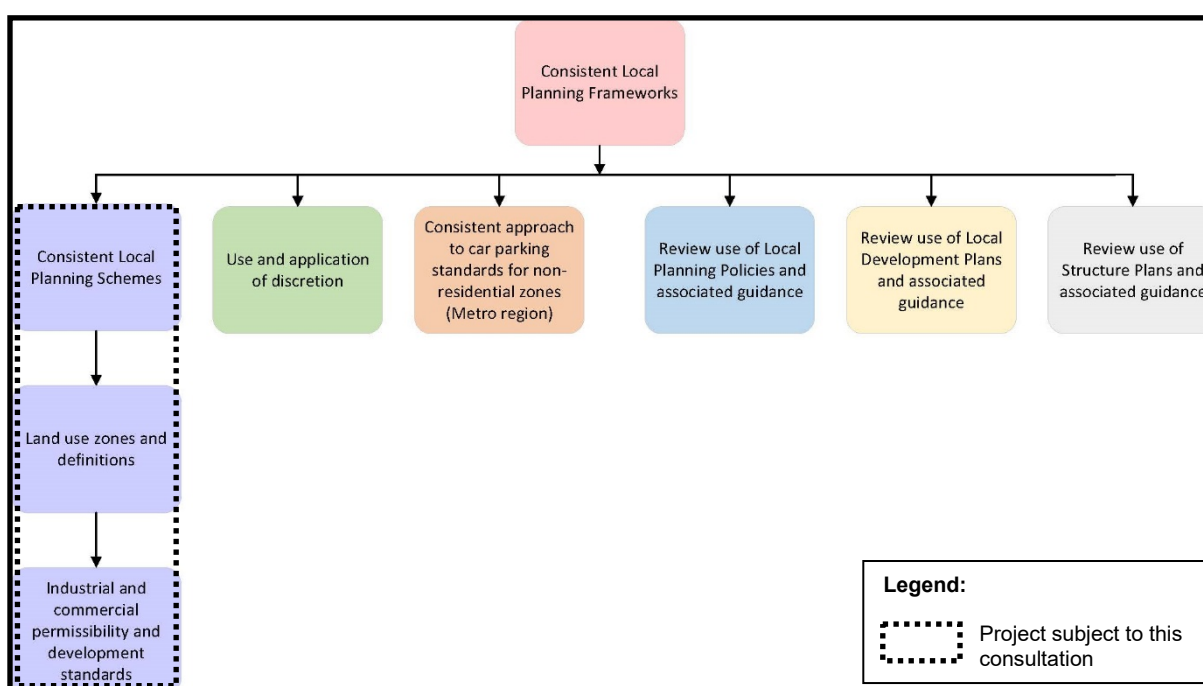
1.1 Action Plan for Planning Reform

This work relates to the following initiatives of Action Plan:

- *Local Planning Schemes are more consistent (C1).*
- *Clear and concise guidance is readily available (B5).*

This project forms part of a wider project related to improving the consistency and legibility of local planning frameworks across the State, with certain aspects focussed on the Perth and Peel region areas. The various project components outlined in **Figure 1** are complementary in nature.

Figure 1: Consistent Local Planning Frameworks – Project Components



1.2 Project Background

The Regulations became operational on 19 October 2015 and replaced the Town Planning Regulations 1967 and associated Model Scheme Text. Amongst other things, the Regulations provide for the preparation, adoption and amendment of local planning schemes and the establishment of model and deemed provisions for local planning schemes. Model Provision indicates the form that local planning schemes should take. The provisions outlined in the Deemed Provisions are applicable to all local planning schemes, whether or not they are incorporated into the local planning scheme text.

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.

Local planning schemes prepared in accordance with the Regulations will generally include the following:

- Scheme map.
- Local planning scheme text (based on the Model Provisions).
- Deemed Provisions which do not need to be reproduced in individual schemes as they apply automatically.
- Supplemental provisions to the Deemed Provisions (additional requirements for individual local governments that are supplementary to the deemed provisions).
- Any supporting material required by the Western Australian Planning Commission (**WAPC**).

An audit of local planning schemes has highlighted that there continues to be variance in the zones, reserves and land uses and the land use permissibility included in local planning schemes across Western Australia. Variability in the content and format of local planning schemes is largely a consequence of the age and currency of local planning schemes, with only 44 out of 139 local governments having had a new local planning scheme approved since the Regulations became operational in October 2015. There have also been several variations to the model provisions approved to address circumstances not adequately covered by the zones, reserves and land uses contained in the model provisions.

The lack of consistency within local planning schemes increases the complexity of the planning system and hinders the preparation, interpretation, assessment and implementation of local planning schemes and proposals assessed under them by both local and State Government and the wider planning and development industry. Consistency is required to make the Western Australian planning system more efficient and easier to understand and implement by a broad range of stakeholders. It is recognised that due to the size of the state and unique issues within each of the regions, a regional approach for certain matters related to a scheme would be appropriate.

Key components of the local planning scheme text where there is potential for improved consistency are the land use terms, zones, reserves and their associated definitions and objectives; the zoning table (which assigns land use permissibility) particularly in relation to certain non-residential zones; and development requirements for certain zones. These components were identified following:

- Preliminary investigations, including an extensive audit of local planning schemes and the review of policy changes since the Regulations became operational, and
- Consultation with key stakeholders identified.

Regarding improving the consistency of land use permissibility and development requirements in local planning schemes, commercial and industrial type zones in the Metropolitan and Peel

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.

region scheme areas were identified as a priority. These aspects have therefore been the focus of this work.

1.3 Scope and Non-Negotiable Project Elements

The following project scope and non-negotiable elements are highlighted for information:

- Various goals and initiatives have been identified through the Action Plan and have been agreed to by the State Government. Suggestions contrary to the Action Plan will not be considered.
- Proposals to amend the *Planning and Development Act 2005* or other legislation is out of scope of the project.
- The focus of proposed changes identified in Stakeholder Consultation Report primarily relate to land uses, zones, reserves and associated definitions or objectives, zoning table (which assigns land use permissibility) and development requirements. Proposals beyond these matters are generally considered to be out of scope of this project.
- Delivery of implementation actions identified in the Stakeholder Consultation Report will require a mixture of changes to the Model Provisions and Deemed Provisions, and the preparation of supporting guidance (non-negotiable). Changes to the Regulations and any draft guidance will be subject to separate consultation processes.

2. Proposed Changes

The Stakeholder Consultation Report includes key project and background information, as well as a series of proposals for change and a recommended approach for implementing these proposals.

Proposals include:

- Changes to land use terms (and definitions) to apply to all local planning schemes State-wide, as outlined in **Section 3.1** and **Appendix A** of the Stakeholder Consultation Report.
- Changes to zones and reserves (and objectives) to apply to all local planning schemes State-wide, as outlined in **Section 3.2** and **Appendix B** of the Stakeholder Consultation Report.
- Standardised land use permissibility for commercial¹ and industrial² type zones, to apply to local planning schemes within the Perth and Peel region areas only. This is outlined in **Section 3.3** and **Appendix C** of the Stakeholder Consultation Report. Further detail is provided in **Appendix D**.
- An approach for development requirements for commercial¹ and industrial² type zones, to apply to local governments within the Perth and Peel region areas only. This is presented in **Section 3.3.2** of the Stakeholder Consultation Report. Further detail is provided in **Appendix D**.

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.

The recommended implementation approach includes short term and long term actions (refer to Section 4.4 of the Report).

In the short term (1 to 3 years) it is proposed to:

- Update the Model Provisions to include:
 - The proposed changes to land use terms (and associated definitions), zones and reserves (and associated objectives).
 - The proposed zoning table and primary development controls for commercial and industrial type zones for the Perth and Peel region scheme areas.
 - Modified use class definitions for P, D, A and X.
- Prepare a standardised zoning table and primary development controls (similar to the proposal for commercial and industrial type zones discussed above) for all other model zones (existing model zones – e.g. residential, and proposed model zones e.g. cultural). It is noted that the R-Codes contain development controls for residential.
- Undertake a review of supplemental provisions included in local planning schemes to identify those that might have broader application to other local governments (for example significant tree register) through inclusion in either the Model Provisions or Deemed Provisions.
- Local governments located in the Perth and Peel regions to commence scheme amendments to update their schemes to be consistent with the updated Model Provisions and incorporate the primary development controls outlined in section 3.3.2 of the Stakeholder Consultation Report.
- Updates to the Deemed Provisions to include:
 - Provisions relating to non-conforming uses and restrictive covenants.
 - Provisions for the establishment and maintenance of a significant tree register (refer to section 3.4 of the Stakeholder Consultation Report for further details).
 - Separation of land use terms in the Deemed Provisions from other terms defined.
 - A requirement for the decision-maker of an Application for Development Approval to include the land use definitions of all approved land use/s as an advice note on a decision (refer to section 3.3.3 of the Stakeholder Consultation Report for further details).
- Investigate elements of the Model Provisions that could be included in the Deemed Provisions and the appropriateness of a 'Deemed Local Planning Scheme' that would include combining all elements of the Model Provisions and Deemed Provisions.
- Prepare contemporary and consistent guidance for the preparation and amendment of local planning schemes.

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.

- Prepare a design code (similar to the R-Codes) for industrial² zones and potentially the Service Commercial zone.
- Publish approved variations to the Model Provisions, along with justification.

In the longer term (3 + years) it is proposed to:

- Update the Model Provisions to include a standardised zoning table and primary development controls for all model zones, to be applied State-wide (with consideration of appropriate regional variations).
- Update the Deemed Provisions to include relevant elements from the Model Provisions.
- Consider implementation options for a 'Deemed Local Planning Scheme' (subject to outcomes of investigation and consultation).
- Release and implement a design code for industrial² zones and potentially the Service Commercial zone.
- Conduct an ongoing review of the implementation of the standardised zoning table and objectives for the commercial¹ and industrial² type zones.

For more detail on these proposals and the recommended implementation approach, refer to the Stakeholder Consultation Report.

3. Frequently Asked Questions

Why has this work been undertaken?

This work has been undertaken to progress the goals and initiatives of the Action Plan for Planning Reform (2019), particularly those that relate to local planning schemes and improving the guidance available. The key objective is to make local planning schemes across the State more consistent where appropriate (refer to initiative C1 of the Action Plan).

How does this work seek to achieve consistency across local planning schemes?

Background research and consultation identified that there was potential for improved consistency for certain components of local planning schemes and this work focusses on those components - improving consistency of the use of land use terms (and associated definitions), zones, and reserves in local planning schemes across the State, and land use permissibility and the approach to development requirements in commercial¹ and industrial² type zones in the Perth and Peel region scheme areas.

Will this work consider addressing issues with current land use definitions such as 'Community Purpose'?

The draft report proposes to modify 23 land uses, delete or replace 14 land uses and introduce 14 new land uses to achieve greater consistency with legislation and policy and address implementation issues. In response to issues surrounding land use permissibility of

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.

rehabilitation centres, the draft report proposes modification of the 'community purpose' land use definition to exclude uses associated with alcohol or other drug rehabilitation services.

How will this work be implemented?

To implement these changes, a series of regulatory changes, including the Model Provisions and Deemed Provisions have been suggested, in addition to developing guidance for local planning schemes, and a design code for industrial zones. Further information on the proposals and recommended implementation approach can be found in the Stakeholder Consultation Report.

Will there be further consultation on any amendments to the Regulations?

Separate consultation with stakeholders will be undertaken on the proposed amendments to the Regulations once they have been drafted.

Where can I find more information about the proposed changes and recommended implementation options?

A Stakeholder Consultation Report has been prepared – this includes detailed project and background information, including more detail about the proposed changes and a recommended implementation approach. If you have further questions after reviewing this report, please contact Reform Delivery at planningreform@dplh.wa.gov.au.

Will the proposed zoning table for commercial and industrial type zones in the Metropolitan and Peel region schemes areas apply more widely?

The proposed zoning table has been prepared specifically for the Metropolitan and Peel region scheme areas and only covers commercial and industrial type zones. Your feedback on the applicability beyond these regions/zones is sought and encouraged as part of the consultation exercise.

Should my local government prepare its local planning scheme consistent with the proposed changes identified in the Stakeholder Consultation Report?

The proposed changes contemplated in the Stakeholder Consultation Report are not expected to be integrated into the preparation of new local planning schemes or the amendments of existing local planning schemes until amendments to the Regulations and guidance for the preparation or amendment of local planning schemes has been prepared.

4. More Information & Questions

If you require further information, please contact Reform Delivery on 6551 8002 or email planningreform@dplh.wa.gov.au.

Notes:

- ¹ Commercial type zones includes Local Centre, Neighbourhood Centre, Centre, Mixed Use and Service Commercial zones, as proposed.
- ² Industrial type zones includes Light Industry, General Industry and Rural Enterprise zones, as proposed.