

Planning Reform Consultation



*Local Government
Workshop*

*Expert Panel on
Planning Reform*

Final Report

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WORKSHOP OBJECTIVES

Provide an overview of the Panel's final recommendations

Share your thoughts on the detail of key issues.

Assist the LGA to form a collective Local Government position on planning reform for cooperation and negotiation with Government.

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WORKSHOP PROGRAM

- Background (10 mins)
- Theme 1- Roles, Responsibilities & Participation (25 mins)
- Theme 2- Plans and Plan making (25 mins)
- Theme 3- Development Pathways and Processes (20 mins)
- Theme 4- Place-making, Urban Renewal & Infrastructure (20 mins)
- Theme 5- Alignment, Delivery & Culture (20 mins)
- Wrap-up and Next Steps (5 mins)

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BACKGROUND

- The outcome of this consultation is to build upon the previous work undertaken by the LGA.
- - Engagement with the Panel
 - Research Papers
 - Consultation
 - Submissions
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Reform Theme 1- Roles and Responsibilities

Establish a State Planning Commission

Create a network of regional planning boards across the state

Legislate to create a charter of citizen participation

Engage parliament in the development of planning policies

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Establish a State Planning Commission

- An independent statutory body comprised of independent experts appointed by and reporting to the Minister. Supported by a dedicated secretariat.
- High level advisory, coordination and approval roles- refocussing the current role of the Minister and replacing DAC and DPAC
- Initiating formal inquiries on complex planning policy matters

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Create a Network of Regional Planning Boards

- Board members, including an independent chair to be appointed after a public nomination process. 50% Local Government nominations.
- Roles include preparing regional strategies*, approval Council rezoning proposals, undertake public hearings and appoint a Regional DAP
- The Panel recommends agreed co-funding between State and Local Government- Councils providing majority share.
- 3-5 Boards in metro area, comprising at least 2 Councils.

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Legislate to Create a Charter of Citizen Participation

- Purpose of the charter and public participation criteria/principles to be included in legislation
- The Charter would outline the type of engagement that is required in various circumstances, including how outcomes should be taken into account in decision making.
- Engagement plan must be consistent with the Charter
- Include minimum and consistent requirements for consultation on straightforward matters

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Engage Parliament in the Development of Planning Policy

- Parliament would continue to have a role in the scrutiny of planning documents (state directions, regional strategies and the state planning and design code), but not individual DPAs
- Parliamentary committees to provide comments prior to Ministerial approval.

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Reform Theme 1- Roles and Responsibilities

- Membership of the Commission/Boards- composition and appointment
- Appropriate roles for Commission/Board
- Defining of regional boundaries
- Funding of Commission and regional structures

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Reform Theme 2- Plans and Plan Making

Legislate for a new framework for State directions

Reshape planning documents on a regional basis

A single state-wide menu of planning rules

Place heritage on renewed foundations

Make changing plans easy, quick & transparent

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Establish a Single Framework for State Directions

- Brief, single purpose documents that establish high level policy directions that must be addressed in regional plans.
- Approved by the Minister upon advice from the Commission- may be subject to consultation.
- Councils will not be required to undertake Section 30 Strategic Directions Reviews

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Reshape Documents on a Regional Basis

- Incorporation of Regional Planning Strategy and a Regional Development Plan. Will be required to incorporate infrastructure, open space, environment, public health and other matters to improve integration
- One strategy and Development Plan in the metro area-developed through collaboration of Commission and Regional Planning Boards.
- Local changes may be initiated by a Council- tailored policy to reflect neighbourhood character of specific areas.

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State-wide Menu of Planning Rules

- Addresses all forms of development and includes complying and merit-based standards.
- Would allow for local variations to be introduced where required. Zones and overlays can be tailored to suit local and regional needs.
- Stronger emphasis on design and streetscape character
- Developed and maintained by the Commission in consultation with Councils. Sign off by Minister and Parliamentary oversight.

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Place Heritage on Renewed Foundations

- Consolidate legislation and listing of state and local places
- Undertake an audit existing heritage properties to better describe their heritage attributes
- Develop a heritage code of practice to guide how properties should be described, maintained and adapted
- Introduce private certification by accredited heritage professionals
- Longer term plan for discounts on property taxes and a 'heritage lottery'

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Make changing plans easy, quick and transparent

- Simplify the SOI process to a one page document
- SOIs can be approved by a Regional Board
- Remove Ministerial approval from the rezoning process-planning commission
- Retain a 'call-in' power for Ministerial approval
- Expand the ability to update plans to agencies, infrastructure providers and land owners, subject to guidelines
- Impose clear timeframes on the rezoning process
- Tighten the criteria for using interim operation

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Reform Theme 2- Plans and Plan Making

- Role of Councils in the development and updating of planning strategy and planning policy documents
- Creating certainty in terms of local variations and neighbourhood character
- Appropriate checks and balances to avoid conflict of interest in rezoning process
- Authority to approve development and amendment of plans
- Process and transitional arrangements to move towards regional plans

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Reform Theme 3- Development Pathways & Processes

- Clear, simple development pathways
- Independent professional assessment
- Approval pathways for projects of state significance
- Streamline assessment for essential infrastructure
- Appeals process more accessible and accountable
- More effective enforcement options

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Adopt Clearer Development Pathways

- Significantly increase 'exempt' development and reduce number of 'merit' assessments
- Four new assessment pathways including; exempt, prohibited, standard assessment and performance-based assessment.
- Option to stage assessment processes- 'outline' consent-design review,
- Attach notices to development sites as a form of notification
- Link notification and appeal rights to the level of assessment.
- Limit third-party appeal rights to cases involving planning judgement.

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Independent Professional Assessment

- Introduce Regional Development Assessment Panels- Independent accredited experts appointed by the Regional Planning Board
- Flexibility- may be more than one Panel operating within a region
- DAPs would deal with performance-based applications only
- Council planner manager to present recommendations to the Regional Panel
- A panel may call on advice from Elected Members about local issues.
- Expanding the role of private certifiers to deal with more planning matters

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Projects of State Significance (Major Projects)

- Legislation would outline clear criteria for the types of projects that fall into this category (mine, desalination plant, port or hospital etc)
- Minister required to publish a report detailing reason that a project has been 'called in'
- Panel of experts would assess the projects, with the specific expertise determined based on the nature of the project.
- Consultation on major projects would need to accord with the Charter of Citizen Participation.
- Approval required from the Governor
- Bring mining approvals into the planning system

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Streamline Assessment for Essential Infrastructure

- Establish a separate pathway for assessing essential infrastructure
- Categories of essential infrastructure determined by Regulation.
- Consultation would occur in line with the Charter of Citizen Participation, early in the planning stages.
- The State Planning Commission would have the power to determine the assessment process and will provide the expertise to undertake assessment of major infrastructure that extends beyond Council boundaries.
- Approval of essential infrastructure should be linked to strategic plans

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Make the Appeals Process more Accessible

- Streamline dispute resolution to make the appeals process more accessible and less costly- re-hearings and desk top reviews.
- Allow the Court to impose costs in some cases.
- Binding arbitration not included in final report.

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More Effective Enforcement Options

- Introduce more administrative sanctions such as fines
- Create more monetary penalties
- Expand the use of other sanctions such as adverse publicity orders, compensation/offset orders and business improvement orders.
- Allow the planning commission to issue enforcement guidelines

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Reform Theme 3- Development Pathways & Processes

What type of development should be 'controlled' by the planning system?

Who should make decisions on different types of development applications?

How would you define 'state significance' and 'essential infrastructure'?

What are the cost and resource implications for Councils?

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Reform Theme 4- Place-Making, Urban Renewal & Infrastructure

Reinforce precinct-based urban renewal

Settle and deliver an infrastructure funding framework

Integrate open space and the public realm in the planning system

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**Reform Theme 5- Alignment, delivery and
Culture**

Seamless legislative interfaces

Establish an online planning system

Rigorous performance monitoring

Culture change and improved practice across the
system

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Next Steps

- A draft submission to be considered by the LGA Board on 29 January
- Councils strongly encouraged to make submissions
- Ongoing cooperation and negotiation with Government and participation in Parliamentary processes