

# Planning in Western Australia

## A Brief Overview

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# Introduction

- Legislation
- Local Governments
- Western Australian Planning Commission/Department of Planning
- Development Assessment Panels
- State Administrative Tribunal

# Legislation

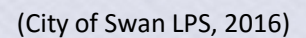
- Planning & Development Act. 2005
- Planning & Development Regulations (Local Planning Schemes) 2015
  - P&D Regs. 2015 introduced “Deemed Provisions” – These are standard provisions that are within every WA Planning Scheme.
- Stata Titles Act. 1987
- Regional Planning Schemes
- Local Planning Schemes

# Local Governments

- Enforce/Enact Local Planning Scheme
- Responsible for Development Approvals (in most circumstances).
- Provides recommendations on Structure Plans (PSP's) Subdivisions, Scheme Amendments and Policy docs.
- Can be Delegated decision making abilities from WAPC & Dept. of Planning (eg. determination under the MRS)
- Recent 'Deemed Provisions' introduced to normalize and provide uniform planning schemes.



- #lovemyniche -

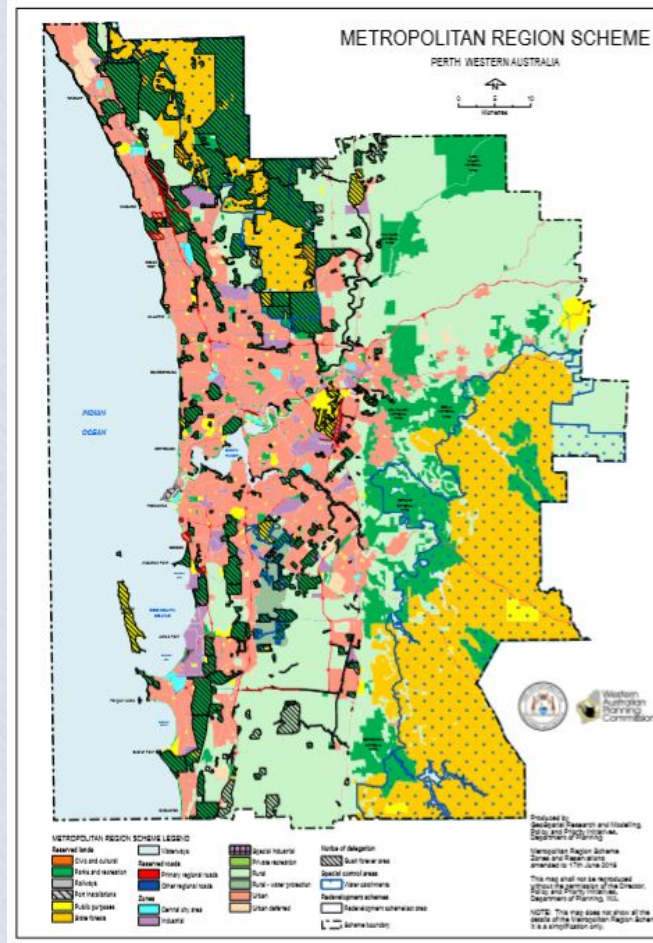


# Western Australian Planning Commission (WAPC)

- Responsible for Administering Regional Planning Schemes (eg. Metropolitan Region Scheme) – Responsible Authority for Development within ‘Regional Reserves’ (unless specifically Delegated to the LG).
- Responsible Authority for determination of Subdivision Applications.
- Subdivision applications require a recommendation from the LG & any other agency (eg. Water Corp., Western Power etc.) to inform decision.
- New ‘Deemed Provisions’ require WAPC as Responsible Authority for determination of Structure Plans.
- Advise Minister of Planning regarding decisions making and planning.



# Regional Planning Scheme (MRS)



(Metropolitan Region Scheme Map, 2016)

# Department of Planning

- Advises WAPC on planning matters.
- Is not a decision making Authority (the WAPC is the Authority with decision making powers) unless specifically delegated powers by the WAPC.
- Responsible for implementing land use planning decisions made by



# Development Assessment Panels (DAPs)

- Development Assessment Panels (DAPs) are a panel of 'experts' who provide a determining body for major planning applications.
- Applicants have to option to 'Opt In' when the cost of proposed development is between \$2 Million & \$10 Million (\$2 Million & \$20 Million for the City of Perth LG)
- Required to be referred to DAP when cost of development is in excess of \$10 Million ( in excess of \$20 Million for the City of Perth LG)
- Referral bodies, such as Local Govt. and WAPC, provide a Responsible Authority Report with recommendations and conditions. Must provide an option for Approval & Refusal.
- The WAPC and local governments can delegate their decision-making authority for applications which fit the optional 'opt in' criteria for Development Assessment Panel (DAP) applications to a DAP (subject to support from Council)
- DAP cannot determine all applications (eg. Single House, less than 10 dwellings etc).

# State Administrative Tribunal (SAT)

- Similar to VCAT – tribunal to determine appeals for applications.
- NO THIRD PARTY APPEALS

# Key Differences to Vic Planning

- Multi – layered decision making – LG is not always the Determining Authority.
- Planning Schemes are not uniform – attempts to make ‘uniform’ (via Deemed Provisions, Model Scheme Text etc) however currently schemes do not have a model form or function.
- Development Assessment Panels (DAPs) provide a external approval process from LG – takes some of the power away from LGs.
- Regional Schemes, providing ‘high level’ planning, which inform Local Planning Schemes.
- No ‘Planning Panels’ – scheme amendments and structure plans are determined in house by the WAPC. Consultation is undertaken by LGs, who provide a recommendation.
- No Third Party Appeal process.
- WA Planning Schemes do not include State Planning Policies or provisions – required to undertake an external search for these.



# Any Questions?

- Fire away 😊