



City of Kalamunda Submission Summary Table

Reform Initiative	City of Kalamunda Comments
<p>Government led structure planning for areas of key strategic importance with fragmented land ownership. Consider and test legislative or regulatory amendments required.</p>	<p>Further Information - The City has adopted a Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) which establishes that the City will, generally, not be responsible for the preparation of Local Structure Plans. The City's role in the preparation of LSPs is predominantly as a regulator rather than the proponent. This LPP generally places the responsibility for the preparation of structure plans on the landowner or proponent.</p> <p>A copy of LPP28 and be viewed at the following URL: https://kalblob.blob.core.windows.net/kallibrary/docs/default-source/planningdocs/policies/structure-plan-policy---adopted-for-advertising.pdf?sfvrsn=7dbfd10f_16</p> <p>It is noted that this reform initiative is proposed to be a state-led structure planning initiative, as such the City requests further clarity around the detailed process and triggers for local government involvement, as well as clarity around defining and prioritising areas of strategic importance eg; areas identified in the North-East Sub-Regional Planning Framework. Furthermore, it will be important that this initiative does not unreasonably prevent proponent driven structure planning if there is uncertainty or delays with regard to areas of strategic importance.</p>
<p>Introduce statutory and regulatory amendments to reduce duplication in decision-making and better balance land use, transport and road planning outcomes for key urban roads and highways. Finalise new Movement and Place Framework.</p>	<p>Supportive.</p> <p>In the City's experience, Main Roads has operated in isolation, rather than with consideration to the broader planning and strategic land use framework. Local Government authorities should be a part of the planning in very early stages and consultation should be meaningful and cooperative.</p>

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<p>Review and reform developer contribution plans, specifically to streamline the assessment and approvals process.</p>	<p>Supportive of regulatory amendments to align with the existing State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6).</p> <p>Further Information - Request further detail on the content and detail of any regulatory amendments.</p> <p>The City has recently been involved in a SAT matter (Hero Pty Ltd and City of Kalamunda [2021] WASAT 31) that outlines the SAT's interpretations to various provisions of the City's Local Planning Scheme No. 3, which are reflective of the model provisions of the existing version of SPP 3.6.</p> <p>Notably, in paragraph 83, Senior Member states <i>"... The proper construction of cl 6.5 in the context of LPS 3, is far from clear and I accept a number of constructions are open."</i></p> <p>It is noted a number of the old SPP 3.6 provisions are contained in the new version of SPP 3.6. In this regard, it is important to remove any ambiguity from both SPP 3.6 and any regulatory amendments.</p>
<p>Reduce duplication and conflict in decision making across State and Local Government through regulatory and statutory amendments.</p>	<p>Further Information - Request clarification on detail. Local Government's should retain input. Guidelines for delegation between State and Local Governments could be simplified and made clearer.</p>
<p>Finalise new State Planning Policy to guide medium density development</p>	<p>Supportive.</p> <p>The City is preparing a Local Planning Policy relating to trees on private property which is anticipated to be advertised and adopted prior to finalisation of the Medium Density R-Codes. The tree and landscaping provisions in the Apartment Design Guide and draft Medium Density R-Codes are considered sufficient for apartments or terrace style dwellings, however there is considered to be a need for the City to address trees in a lower density environment for single houses and grouped dwellings.</p>
<p>Develop and consult on a new Neighbourhood Design Policy to modernise and replace existing policy guidance.</p>	<p>Further Information – Please clarify how this relates to Liveable Neighbourhoods and the relevance of the draft Liveable Neighbourhoods (LN) version 2015 or 2009 which have been used interchangeably in recent years. However, it is understood that DPLH has initiated a review of LN and are no longer applying certain elements of the 2015 LN. For</p>

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	<p>example, during the finalisation of the Forrestfield North Residential Precinct Local Structure Plan, the WAPC included modifications requiring conformance with the 2009 LN regarding the road hierarchy and widths.</p>
<p>Elevate status of local planning strategies to ensure all local governments have a clear development vision for their communities.</p>	<p>Supportive. Recommend the Local Planning Strategy also link to the Strategic Community Plan, whilst ensuring all proposals are consistent with objectives of the local planning framework, state and local planning policies and guidelines. Recommend adding a provision that Local Planning Strategies would require updating to align with updates to the Sub-Regional Framework as released.</p>
<p>Introduce a new simplified and efficient system for review of State planning policies, including new Regulations.</p>	<p>Supportive.</p>
<p>Launch online planning portal to track applications and facilitate improved community engagement.</p>	<p>Supportive.</p>
<p>Further improve consistency of consultation on development applications.</p>	<p>Further Information requested.</p> <p>It is recommended that any reforms to standardise consultation processes take into consideration local characteristics and communication processes, to enable some flexibility for Local Governments to regulate the DA process in line with Local Planning Policy and procedure.</p> <p>The City has a Local Planning Policy 11 – Public Notification of Planning Proposals which goes above and beyond what is required in the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015. This will need to be reviewed, consistent with the next phases of the State’s initiative to reduce red tape.</p>

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Introduce new requirements for plain English, one-page community focused summaries of proposed local and regional planning scheme amendments.	Supportive. Recommend summaries to ensure a clear link to any technical rationale, and include a visual snapshot of the proposal for quick reference if suitable.
Clarify use and function of local planning policies and identify an appropriate lifespan for their operation.	Further Information requested. Instead of a nominated lifespan with an expiration date, recommend Local Planning Policies be subject to more regular review to keep provisions relevant and up-to-date. In some cases it may be suitable to retain a local planning policy that has been around for years. For example; the City has a policy which allows ancillary dwellings up to 100m ² in rural areas, which is regularly reviewed and likely to still be applicable in many years.
Develop standard manner and form for local planning policies to ensure consistency across all local governments.	Supportive. Recommend including information about types of language that is appropriate for local planning policy provisions (eg; shall, may, will) and extent that the policy should be applied as it is a due regard document.
Finalise new Planning Engagement Toolkit	Supportive. Request more detail as it has implications for Local Government Public Relations teams. Local Government should be consulted as part of the preparation of the toolkit.
Clear and consistent guidance for structure plans, planning schemes and scheme amendments.	Supportive. Further Information – Would this initiative include Local Development Plans? This proposal relates to two of the City's current Local Planning Policies: a) 'Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans' which provides an outline of the technical information required by the City to support the preparation of District and Local Structure Plans, Activity Centre and Precinct Plans. It also outlines the circumstances where the City may consider preparing a Structure Plan and its role in the regulatory process. A copy of LPP28 and be viewed at the following URL: https://kalblob.blob.core.windows.net/kallibrary/docs/default-source/planningdocs/policies/structure-plan-policy---adopted-for-advertising.pdf?sfvrsn=7dbfd10f_16

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	<p>b) 'Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments' (LPP18) which provides guidance on the level and timing of information required for the City to consider and progress Scheme Amendments in accordance with the Regulations. A copy of LPP18 and be viewed at the following URL: https://kalblob.blob.core.windows.net/kallibrary/docs/default-source/planningdocs/policies/lpp18.pdf?sfvrsn=27ec3e3e_14</p>
<p>Scope and implement a new, streamlined pre-lodgement model for development applications, and progressively implement a similar model for other planning processes.</p>	<p>Supportive, subject to further detail being provided.</p>
<p>Review land use classifications across local planning schemes.</p> <ul style="list-style-type: none"> • Rationalising the number of land use classifications. • Establishing a more consistent approach to permissible uses. • Developing a suite of consistent car parking requirements. 	<p>Further Information required.</p> <p>Please clarify how is this different to land uses and permissibility provided in the Model Scheme Text?</p> <p>Types of accommodation could be rationalised in the Model Scheme Text (MST).</p> <p>The MST provides little guidance on car parking rates and standards. The City is currently preparing a new Local Planning Scheme in accordance with the MST which incorporates:</p> <ol style="list-style-type: none"> a) Consistent format for each car parking requirement b) Incorporating plain English and the least-technical terms possible to ensure ease of interpretation by non-planners c) Simplifying the calculations so they are consistent
<p>Working with the local government sector, define timeframes and establish consistent approaches for crossovers (connecting driveway to street).</p>	<p>Further Information required.</p> <p>It is unclear what the driver is behind this reform.</p>

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	<p>Often the City receives requests to hold off driveway/battleaxe/crossover construction so that new paving isn't immediately destroyed by trucks delivering materials for the new build. Further clarification required as to whether this is the key issue.</p> <p>An example of an apparent disconnect between the planning decision making process and Main Roads approval processes can be seen with a recent JDAP decision for a development on Courtney Place, Wattle Grove. The JDAP, on recommendation of the City, approved a left-in left-out crossover from Welshpool Road East, however this was against the advice of Main Roads. In the course of making its decision on the development proposal, the JDAP considered technical advice from the City's Engineers and from Main Roads, and approved the application with the access point. The applicant is now seeking approval for the access on the Primary Regional Road and Main Roads are unwilling to provide crossover approval. This example, which remains unresolved, highlights coordination issues between land use planning decisions and approval requirements for crossovers and access on MRWA Controlled Roads.</p>
<p>Investigate a central referral process across State Government agencies to improve consistency in consideration of related development matters such as heritage, environment and traffic.</p>	<p>Supportive. This would greatly improve project management and tracking of responses. Recommend including bushfire and Water Quality Protection Notes into the centralised referral process as well as servicing authorities such as Western Power and Water Corporation.</p> <p>It will be important for the referral process to also seek to balance recommendations from various agencies where there is conflict or contradiction. A consolidated and considered position from the State Government on a proposal would be ideal. Example: Department of Health support a wastewater system for 100pax at a proposed restaurant but the Department of Water and Environment Regulation do not support 100pax due to its location in a water protection area. Another example: DPLH support a tourism development in a bushfire prone area but DFES do not.</p>
<p>Reduce red tape in assessment and decision making for region schemes, structure plans and amendments.</p>	<p>Further information required.</p> <p>Please clarify how this would differ from the <i>Planning and Development (Local Planning Schemes) Regulations</i> which outline processes.</p>

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A review of advertising timeframes for schemes and local planning strategies.	<p>Further information required.</p> <p>How does this differentiate from the current timeframes provided in the <i>Planning and Development (Local Planning Schemes) Regulations</i>?</p> <p>This should apply to timeframe accountability at the State Government level as well as Local Government.</p>
Continue collaboration with local government and key stakeholders to identify data and collection method for mandatory reporting of planning activity.	Supportive.
Reducing the number of Development Assessment Panel to three (3).	<p>Reservations.</p> <p>Need to be careful JDAP's account for context of different areas as metro suburban Local Government's would be approached differently to fringe hills Local Governments. For example; geotechnical conditions, topography and water management are completely different in the hills than on the Swan Coastal Plain and would require someone with experience in this region.</p> <p>Based on existing number of applications considered by the current 5 DAPs it is not clear how the volume of work will be handled by 3 DAPs and the resultant attention given to the individual local governments.</p> <p>Meetings could become longer requiring Councillors to spend more time at the JDAP meeting.</p> <p>Given the volume of applications to be considered it is likely that the meetings would be</p>

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	centralised and not at the local government making it difficult for community attendance and making presentations.
Appoint permanent panel members.	<p>Further Information required.</p> <p>It is important to have members which have experience in a variety of different Local Government contexts that are specialised and experienced in applications in that area.</p> <p>Could be a perception that the permanent panel members are no longer independent and will become another arm of the State Government involved in local planning issues.</p>
A new Special Matters DAP to deal with development proposals of State significance.	<p>Reservations.</p> <p>Recommend defining state significance and how this relates to the SAU process.</p> <p>Ongoing concern that the Special Matters DAP will have little or no regard to the local planning framework in their decision-making process.</p>
Consider WAPC composition to reframe it as a more flexible and independent board.	<p>Further Information required</p> <p>Is there an example of issues or background to the driver of this action?</p> <p>Does this proposal stem from the Green Paper, and if so, is there a reason this action is being implemented and not other recommendations eg; SAT transparency and reconsideration of proposals? The City recently experienced this with the City of Gosnells waste transfer station which was refused by SPC and appealed at SAT, however the City of Kalamunda has not received any updates despite the application having significant implications for residents in the Wattle Grove area.</p>
Clarify functions and powers of the WAPC to ensure focus remains on strategic planning, oversight of the planning system and policy framework, and it will also inform emerging trends and challenges.	Further information required.
OTHER	Supportive of delegation to LG's for smaller subdivisions as per the WALGA submission.

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	Supportive of a coordinated State – led approach to tree retention on private land as per the WALGA submission.