**Consistent Local Planning Schemes - Consultation**

**SUBMISSION**

The Department of Planning, Lands and Heritage requests your comment on the principles for proposed changes and implementation actions aimed at improving the consistency of local planning schemes across the State. These proposals relate to land use terms and definitions, zones and reserves, and land use permissibility for commercial and industrial type zones in the Perth and Peel regions and are open for comment until midnight, **26 May 2023**. These proposed changes will inform future changes to the Planning and Development (Local Planning Schemes) Regulations, 2015 (**Regulations**), which will be the subject of a future consultation exercise. The following Feedback Form is provided to guide a detailed submission.

This Feedback Form has been prepared in six (6) parts. Please include your feedback about:

* The proposed changes to land use terms (and associated definitions) in Part A,
* The proposed changes to zones and reserves (and associated objectives) in Part B,
* The proposed changes to land use permissibility for commercial and industrial type zones in the metropolitan Perth and Peel region scheme areas in Part C,
* The proposed development requirements for commercial and industrial type zones in the metropolitan Perth and Peel region scheme areas in Part D,
* The recommended approach for implementation in Part E, and
* Any other feedback in Part F.

Please email a completed form to planningreform@dplh.wa.gov.au.

**Submitters Details:**

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| **Submitter’s name**  | Insert Name |
| **Email address** | Insert Email |
| **Are you submitting on behalf of an organisation?**  |
| Choose an item |
| **Organisation name (if applicable)**  |
| Insert Org Name |
| **Submitter/ Organisation type**  |
| Choose an item |
| **Submissions may be published as part of the consultation process. Do you give permission for your name and your company’s name (if applicable) to be published?** | Choose an item. |

**Overview:**

The 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.

A report for Stakeholder Consultation Report has been prepared. This report provides key project and background information, the changes recommended to bring greater consistency across local planning schemes, and a recommended approach to implementation. The proposals include:

* 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 recommended approach for implementation is presented as a series of short term and long term actions, and includes proposed changes to Schedule 1 – Model Provisions for Local Planning Schemes (**Model Provisions**) and Schedule 2 – Deemed Provisions for Local Planning Schemes (**Deemed Provisions**) of the Regulations, the development of local planning scheme guidelines, and the development of an industrial code, in addition to other implementation actions aimed at improving consistency of local planning schemes.

*Notes:*

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

**Comments:**

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| **PART A – LAND USES TERMS (& ASSOCIATED DEFINITIONS)**A number of changes are proposed to land use terms (and associated definitions) included in the Model Provisions to achieve greater consistency across local planning schemes State-wide. |
| 1. **LAND USE TERMS & ASSOCIATED DEFINITIONS TO BE LESS PRESCRIPTIVE**

*(Section 3.1 (Page 12) of the Stakeholder Consultation Report)*The review process identified that the more specific or prescriptive land uses and associated definitions become, the more likely it is that more land uses and definitions will need to be added to the Regulations, creating additional levels of complexity. The primary principle forming the basis of proposed changes to land use terms and definitions, is the preference to have land uses and associated definitions to be less prescriptive.  |
| **Do you support the principle that land uses and associated definitions are to be less prescriptive?** | Choose an item. |
| **Please include any comments about this approach below:**  |
| Insert comments here |
| 1. **PROPOSED CHANGES TO LAND USE TERMS & ASSOCIATED DEFINITIONS**

*(Table 2 (Page 12 – 13) and Appendix A of the Stakeholder Consultation Report)*Clause 38 of the Model Provisions provides a list of land use terms and associated definitions that can be included in a local planning scheme. Various land use terms and definitions associated are proposed to be modified, deleted, replaced or added to:* Be less prescriptive/more flexible and improve implementation.
* Be more clear and consistent across all local planning schemes.
* Align with similar definitions in state planning policies, position statements and other relevant legislation (where applicable).
* Recognise changes in the way land uses operate.
* Provide for ongoing technological and business improvements.
* Address bugbears identified by local governments and industry during preliminary engagement activities.

These proposals are summarised in **Table 2** of the Stakeholder Consultation Report, and further detail can be found in **Appendix A** of this report. |
| **Are there any proposed changes to land use terms (and associated definitions) that you do not support?**  | Choose an item. |
| **For each proposed land use term (and associated definition) that you do not support, please outline further detail below. Please list the particular land use/s, why you do not support the proposed change and any modification you wish to recommend.**  |
| Insert comments here |

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| **PART B – ZONES & RESERVES (& ASSOCIATED OBJECTIVES)**A number of changes are proposed to zones and reserves (and associated objectives) included in the Model Provisions to achieve greater consistency across local planning schemes State-wide. |
| 1. **ZONES & RESERVES TO BE LESS PRESCRIPTIVE**

*(Section 3.2 (Page 14) of the Stakeholder Consultation Report)*Similar to the approach associated with the proposed changes to land use terms (and associated definitions), the primary principle behind the changes to zones and reserves is that the zone names and associated objectives be less prescriptive and more general, to minimise the need for further amendments to the Regulations in the future. |
| **Do you support the principle that zones and reserves are to be less prescriptive?** | Choose an item. |
| **Please include any comments about this approach below:**  |
| Insert comments here |
| 1. **PROPOSED CHANGES TO THE OBJECTIVES OF ZONES & RESERVES**

*(Section 3.2 (Page 14) of the Stakeholder Consultation Report)*Clause 16 (2) of the Model Provisions provides a list of zones and associated objectives that can be included in a local planning scheme. The objectives of some zones refer to specific State planning policies. It is suggested that any reference to a State planning policy refer to ‘applicable State planning policy’, rather than the specific number and or name of the State planning policy. |
| **Do you support changing the objectives of the zones that refer to specific State planning policy, to ‘applicable State planning policy’?** | Choose an item. |
| **Please include any comments about this proposal below:**  |
| Insert comments here |
| 1. **PROPOSED CHANGES ZONES & RESERVES**

*(Table 3 and 4 (Page 15 – 16) and Appendix B of the Stakeholder Consultation Report)*It is proposed to modify, add or rationalise the zones and reserves contained in clause 16(2) of the Model Provisions to:* Be less prescriptive/more flexible and improve implementation.
* Be more clear and consistent across all local planning schemes, and improve application.
* Align with similar definitions in state planning policies, position statements and other relevant legislation (where applicable).
* Recognise changes in the way land uses operate and how zones need to guide these.
* Implement best-practice across all zones.
* Address issues identified by local governments and industry during preliminary engagement activities.
* Provide a greater ability for zones to guide the appropriateness of the land use and development within the respective zone.
* Address administrative edits (i.e. removing the 'zone' after Rural Townsite and Special Use).

Two zones (Commercial and Special Residential) are proposed to be deleted. These zones are considered to have been made redundant by either the proposed addition of new zones (i.e Commercial to be replaced by widened Centre zones) or through previous decisions of the Western Australian Planning Commission (**WAPC**) (i.e Special Residential zone).The zones and reserves identified for change are set out in **Table 3** and **4** of the Stakeholder Consultation Report, along with a summary of the principles guiding the changes proposed. Detailed rationale is provided in **Appendix B** of this report.  |
| **Are there any proposed changes to zones and reserves that you do not support?**  | Choose an item. |
| **For each proposed land use term (and associated definition) that you do not support, please outline further detail below. Please list the particular land use/s, why you do not support the proposed change and any modification you wish to recommend.**  |
| Insert comments here |

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| **PART C – LAND USE PERMISSIBILITY AND DEVELOPMENT REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL TYPE ZONES IN THE METROPOLITAN REGION AND PEEL REGION SCHEME AREAS**Land use permissibility and development requirements form a substantial part of local planning schemes. Currently the Model Provisions provide limited direction on the standardisation of the content of land use permissibility and development requirements. Given the vastness and diversity of issues across the State, a staged approach to achieving more consistent land use permissibility and development requirements in local planning schemes is being proposed. Commercial1 and industrial2 type zones in the Perth and Peel region scheme areas were identified as a priority for improving the consistency of land use permissibility and development requirements in local planning schemes within these regions.  |
| 1. **PROPOSED LAND USE PERMISSIBILITY IN COMMERCIAL & INDUSTRIAL TYPE ZONES (PERTH AND PEEL REGIONS ONLY)**

*(Section 3.3.1 (Page 17) and Appendix C of the Stakeholder Consultation Report)*A standardised zoning table for commercial1 and industrial2 type zones in the metropolitan Perth and Peel region scheme areas is proposed to improve consistency. The land use permissibility is proposed to be set out in the form of a zoning table (lists land uses and assigns a permissibility to each land use within a zone). This can be found in **Appendix C** of the Stakeholder Consultation Report. Further details associated with these changes can be found in **Appendix D** of this report. This is proposed to be implemented through updates to the Model Provisions (refer Part E of this Feedback Form for further detail and questions about the recommended implementation approach). |
| **Do you agree with the need for a standardised zoning table for commercial1 and industrial2 type zones in the Metropolitan Perth and Peel region scheme areas?** | Choose an item. |
| **Please explain why below:**  |
| Insert comments here |
| **Do you think the standardised zoning table for commercial1 and industrial2 type zones could apply outside of the Metropolitan Perth and Peel region scheme areas?** | Choose an item. |
| **Are there any proposed land use permissibilities that you do not support?**  | Choose an item. |
| **For each proposed permissibility that you do not support, please outline further detail below. Please list the particular zone and land use/s, why you do not support the proposed permissibility and any modification you wish to recommend.** |
| Insert comments here |
| 1. **PROPOSED CHANGES TO THE PERMISSIBILITY DEFINITIONS**

*(Section 3.3.1 (Page 17 – 18) of the Stakeholder Consultation Report)*In recognition of the importance of the zone objectives in determining the permissibility of land uses, it is recommended that the permissibility definitions contained in clause 18(2) of the Model Provisions and Clause 1 of the Deemed Provisions be updated as follows: *class A use, in relation to a zone,* 1. *means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is consistent with the zone Objectives, but is not permitted in the zone unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64;*

*class D use, in relation to a zone,*1. *means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is consistent with the zone Objectives, but is not permitted in the zone unless the local government has exercised its discretion by granting development approval; but*
2. *does not include a class A use;*

*class P use, in relation to a zone,* 1. *means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is consistent with the zone Objectives and does not require approval consistent with cl 61(2) of the Deemed Provisions;*

*class X use, in relation to a zone,* 1. *means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is not permitted in the zone;*
 |
| **Do you support the proposed changes to the permissibility definitions?**  | Choose an item. |
| **Please include any comments about this proposal below:**  |
| Insert comments here |
| **PART D – DEVELOPMENT REQUIREMENTS IN COMMERCIAL1 & INDUSTRIAL2 TYPE ZONES (PERTH AND PEEL REGIONS ONLY)**An audit of local planning schemes in the metropolitan Perth and Peel region scheme areas identified significant variation in the way development requirements for commercial and industrial type zones were addressed. To achieve greater consistency across local planning schemes in the Perth and Peel regions, it is recommended that a standard approach to development requirements in commercial1 and industrial2 type zones is applied.  |
| 1. **APPROACH TO OUTLINING DEVELOPMENT REQUIREMENTS**

*(Section 3.3.2 (Page 18 – 19) and Appendix D of the Stakeholder Consultation Report)*Ideally development requirements for industrial2 type zones and potentially the Service Commercial zone will be addressed through an industrial design code (similar to the R-Codes but addressing industrial zones). The development of an industrial design code similar to the R-Codes, would enable provisions and/or acceptable outcomes to be developed consistent with development requirement principles specified in a design code. This would ensure an overall consistency whilst also accommodating those localities or developments that might need a different approach. In the interim it is recommended that a combination of development provisions in the local planning scheme and local planning policy be used. It is suggested that primary controls be introduced to local planning schemes (Perth and Peel regions scheme areas only) under Part 4 (General Development Requirements) of the Model Provisions. Primary controls are proposed to include lot sizes, setbacks and building height (if applicable). It is suggested that a local planning policy is used to address discretion in relation to the above primary controls, and other elements of design including general matters; site layout and building; community spaces, landscaping and verges; parking and access; loading and waste; and other matters. It is recommended that this interim approach is outlined in a guidance document (local planning scheme guidelines). More detail can be found in **Section 3.3.2** of the Stakeholder Consultation Report, and **Appendix D** of this report (refer to section 4.3.5).  |
| **Do you support the development of an industrial design code for defining development requirements for industrial2 type zones and potentially the Service Commercial zone?** | Choose an item. |
| **Please explain why below:**  |
| Insert comments here |
| **In the absence of an industrial design code, do you support the inclusion of guidance on development requirements in the proposed local planning scheme guidelines?**  | Choose an item. |
| **Please explain why below:** |
| Insert comments here |
| **Please include any other comments you have on this proposal below:** |
| Insert comments here |

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| **PART E – RECOMMENDED IMPLEMENTATION APPROACH***(Section 4.4 of the Stakeholder Consultation Report)*Short to mid term actions (1 – 3 years) and long term actions (3+ years) are proposed to implement the proposals to achieve more consistency across local planning schemes. These actions include changes to the Model Provisions, Deemed Provisions, development of local planning scheme guidelines, development of a design code for industrial zones and potentially the service commercial zone.  |
| 1. **RECOMMENDED SHORT TERM ACTIONS**

*(Section 4.4.1 of the Stakeholder Consultation Report)*Short term actions, proposed to take place over a period of 1 to 3 years, include: * Updates to 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.
* Preparation of 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 – eg. residential, and proposed model zones eg. cultural). It is noted that the R-Codes contain development controls for residential.
* Undertaking 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 region areas to commence scheme amendments to update their schemes to be consistent with the updated Model Provisions, and incorporate the primary development controls summarised in Part D.
* Updates to the Deemed Provisions to include:
	+ Model 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.
* Prepare a design code for industrial2 zones and potentially the Service Commercial zone.
* Publish approved variations to the Model Provisions, along with justification.
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| **Do you support the short term implementation actions recommended?**  | Choose an item. |
| **Please list any implementation actions that you do not support and include any comments or improvements you have below:** |
| Insert comments here |
| 1. **LOCAL PLANNING SCHEME GUIDELINES**

*(Section 4.4.1 (7) of the Stakeholder Consultation Report)*The preparation of guidance for local planning schemes is recognised as a key supporting action for improving the consistency of local planning schemes. The guidance is proposed to provide: * Guidance on the process of preparing and amending a local planning scheme.
* Greater transparency on the process for varying model provisions and for sharing information on approved variations to the model provisions.
* Translation and alignment of non-model land uses, zones and reserves with those contained in the model provisions.
* Guidance for the preparation and inclusion of development provisions.
* Improved guidance on the inclusion in schemes of additional uses, restricted uses, special use zones, non-conforming uses and special control areas.
* Improved guidance and updated manner and form for undertaking reports of review and amendments to local planning schemes.
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| **In addition to the type of guidance outlined, is there any other guidance you would like provided in local planning scheme guidelines? Please include additional areas of guidance below:**  |
| Insert comments here |
| 1. **RECOMMENDED LONG TERM ACTIONS**

*(Section 4.4.2 of the Stakeholder Consultation Report)*Long term actions, proposed to take place over a period of 3 plus years, include: * Updates to 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 regional variations).
* Updates to 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.
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| **Do you support the long term implementation actions recommended?** | Choose an item. |
| **Please list any implementation actions that you do not support and include any comments or improvements you have below:** |
| Insert comments here |

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| **PART F – OTHER**  |
| 1. **FURTHER COMMENTS OR SUGGESTIONS**
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| **Do you believe there are any other elements of Local Planning Schemes that could change that would bring greater consistency across local governments? Please outline any other suggested improvements or comments below:** |
| Insert suggested improvements or comments here |

**THANK YOU FOR YOUR FEEDBACK.**