



The *Planning and Development Act 2005* and related legislation

Questions and answers

The *Planning and Development Act 2005* is a major step forward in planning in Western Australia, bringing together the three separate planning Acts into one consolidated Act.

What Acts are being replaced?

The *Western Australian Planning Commission Act 1985*, the *Metropolitan Region Town Planning Scheme Act 1959* and the *Town Planning and Development Act 1928* in a rewritten form.

Why new legislation?

Some of the original legislation dates back to 1928, and legislation drawn up in that era can't be expected to allow for modern trends in urban development, housing density, architecture and transport.

Socially, Western Australia is a rapidly evolving place and planning for the future must take that into account, so the planning system needs flexibility to incorporate new thinking into policy as it emerges.

So what will the new legislation do?

The new Act will simplify the planning processes and make them more accessible to users, and provide greater consistency and certainty in planning decision-making.

It will provide for an efficient and effective land use planning system in the State, and help to promote the sustainable use and development of land.

What improvements will we see?

The new legislation will see a number of improvements and refinements to the existing legislation. These include streamlined procedures for the preparation and amendment of region schemes, the review of local schemes and the subdivision of land.

The Western Australian Planning Commission (WAPC) will be required to give local planning schemes more 'weight' and clear definitions will be given to circumstances that would allow a scheme to be overridden.



The legislation will also provide equity and fairness by extending consultation requirements and rights of appeal.

What will the benefits be?

The new Act will bring:

- *Reduced complexity and more accessible legislation* by the consolidation of the legislation into one 'plain English' Act which is easier to understand and more accessible to users.
- *Promotion of sustainability* by including sustainable land use and development as a fundamental and underlying purpose of the planning legislation, expanding the membership and functions of the WAPC to strengthen its capacity to advise on sustainable land use and development and to provide that planning schemes can include provisions for promoting sustainable land use and development.
- *Streamlined planning procedures* in the preparation and amendment of region schemes, reviews of local government schemes and subdivision of land.
- *Greater certainty and consistency*, particularly in giving greater weight to local government schemes in subdivision decisions, clarifying which subdivision works are exempt from development approval, and introducing consistent provisions for dealing with compensation and enforcement.
- *Providing equity and fairness* by expanding the current arrangements for consultation on statements of planning policy and region schemes, and introducing a right to apply for a review of a decision of a local government on the characterisation of a use under a scheme.

The new legislation will provide a clearer, more workable legislative framework for the planning system in Western Australia.

It is the result of extensive consultation including the release of a green bill, public notices, stakeholder forums and briefings with local government, the development industry, state agencies and other stakeholders.



This consultation is set to continue, with the drafting of regulations to support the new legislation due to commence after 9 April 2006.

Several sections of the Act will not come into operation on that date, namely:

- Section 149 conditions on rural land (tied lots);
- Section 150 conditions on road access; and
- Section 227 prescribed offences for which infringement notices can be issued.

Regulations to support the implementation of these provisions will be prepared by the Department following proclamation. The regulations will set out necessary procedures and ancillary matters required under the Act.

The Department will prepare these regulations in consultation with key stakeholders, including the Pastoralists and Graziers Association of Western Australia, the Western Australian Local Government Association, local governments, relevant State government agencies and other stakeholders. Consultation will begin following proclamation of the Acts.

The new Act will come into operation on 9 April 2006.