



31 August 2021

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PLANNING REFORM – CONSULTATION

Whilst we **thank you for the opportunity to contribute to this planning reform**, the Urban Bushland Council WA Inc. (UBC) also wants to advise that many of our members and supporters who attempted to respond using the online survey form, found it too unwieldy, with lots of statements open for misinterpretation.

- **The lack of prominence of our natural environment as a consideration was alarming.** As an example, in Question 9, respondents were asked:

9. Which of the following reform measures would make the most significant difference to our planning system? Please rank from 1 to 5, with 5 being the most significant.

1 2 3 4 5

‘Environment’ was mentioned in the final one along with heritage and traffic.

Investigate a central referral process across State Government agencies to improve consistency in consideration of related development matters such as heritage, **environment** and traffic.

Whilst issues such as ‘driveway crossovers’ were given equivalent weighting??

Defined timeframes and a consistent approach for driveway crossovers.

- **As you are aware, the most important element of planning and development is the landscape. Landforms and natural vegetation and associated fauna are the basis of all planning and should have the highest weighting of importance.**
- **Our local neighbourhood bushlands, wetlands and coastal areas have both an intrinsic value as well as a value for community wellbeing.** Neither should be diminished by our planning and development approaches. These areas also require adequate, recurrent funding to ensure their ongoing vigour.
- **Expediency of development approval is not a KPI to be aimed for. Thorough, considered, careful assessment of development proposals against planning policies adopted to guide meritorious development outcomes (including on ecological grounds) is the appropriate KPI.** As such, the catch cry of ‘reducing red tape’ is not supported and rather, is an insult to your public officers. The words ‘reducing red tape’ should not be included.
- **Legislating for Third Party Appeal Rights (TPARs) is essential.**
 - WA is the only state in Australia with no State Assessment Tribunal (or equivalent) with **Third Party Appeal Rights** for planning matters.
 - There is no legal nexus between planning and development without TPARs, which means planning policy does not inform discretionary development decision making in the permissible realm.
 - The security of biodiversity intended to be protected by Planning Policies and Metropolitan Region Schemes (eg Bush Forever Sites) is diminished by the absence of TPARs. Retention and Protection of all Bush Forever sites should be made legally binding under the MRS Act and the Planning Act
 - Development decisions are riddled with conflicts of interest, the impact of which cannot be reduced without TPARs.
 - Assertions by Ministers or public servants or decision makers about the robustness, productivity, good intentions or worthiness of the WA planning and development framework are without any force or foundation in the absence of a system that independently tests those assertions. A system that does not measure or test itself is without moral or ethical integrity and will produce economic, environment and social failures.
 - **The Principle of Intergenerational Equity:** In addition, local governments are required to meet the needs of future and current generations through integration of environmental protection, economic and social advancement and economic prosperity as required by the LG Act intentions, object and purpose. Currently this Principle of Intergenerational Equity is being neglected.
- **The Development Assessment Panel (DAP) process is not delivering outcomes that are respecting or enhancing our natural environment nor our local community.** The over-riding pressures of jobs and economy are swamping these critical aspects and having a deleterious and irreversible impact on the fabric of local neighbourhood nature and communities.

- **Stop political donations from property developers**
Political donations from property developers can influence planning and development law – the absence of TPARs can foster such corruption.
- **Amend the *Integrity (Lobbyists) Act 2016 (WA)* to apply it to ‘local governments’ and ‘town planning’.**
- **Amend the *Integrity (Lobbyists) Act 2016 (WA)* to apply it to ‘officers that are employed and/or contracted by organisations to act in a lobbying capacity’.**
 - Currently only ‘consultant lobbyists’ are included, whilst much influencing (aka lobbying) pressure is applied by individuals employed by organisations and as such does not need to be registered.

Finally, the Precautionary Principle – our current planning and development assessment processes do not ensure that the proponent satisfy with any degree of certainty, this principle. Often they fail to provide current and thorough scientific survey data or monitoring data as evidence, resorting to the assumptions, despite repeated requests for survey information, and this is unacceptable.