



Modernising Western Australia's Planning System

Submission to the Planning Reform Team,
Department of Planning, Lands and Heritage

Contact
Lisa Campbell
L.Campbell@cmewa.com

Contents

About CME	1
Recommendations	1
Context	3
CME Review of the State Planning Framework.....	3
Disconnectedness between Strategic Framework and Statutory Implementation	4
Uncertainty in State Government Roles.....	4
Port Protection.....	5
Local Planning Scheme Reviews.....	5
Communication and Consultation	6
Key Reforms Proposed in the Green Paper	6
Key Reform 1 – A strategically-led planning system	6
Key Reform 2 – A legible planning system	7
Key Reform 3 – A transparent planning system.....	7
Key Reform 4 – An efficient planning system.....	8
Key Reform 5 – Planning for connected smart growth	8
Conclusion	9
Appendix 1: Extract of Recommendations from “Draft State Planning Policy 5.4 - Road and Rail Noise, Submission to the Western Australian Planning Commission. December 2017”	10
Appendix 2: Extract of Recommendations from “Draft State Planning Policy 4.1 – Industrial Interface, Submission to the Western Australian Planning Commission. February 2018”	11

About CME

The Chamber of Minerals and Energy of Western Australia (CME) is the peak resources sector representative body in Western Australia (WA). CME is funded by its member companies who are responsible for most of the State's mineral and energy production and are major employers of the resources sector workforce in the State.

In 2016-17, the value of WA's mineral and petroleum industry was \$105 billion. Iron ore is currently the State's most valuable commodity, and saw an increase in iron ore sales by almost 31 per cent on the previous financial year to value almost \$64 billion. Petroleum products (including LNG, crude oil and condensate) followed at \$19 billion, with gold third at \$11 billion, these commodities saw an increase in sales of 5 per cent and 7 per cent respectively from the previous financial year.

The resources sector is a major contributor to the state and the Australian economy. The estimated value of royalties the state received from the resources sector composed of \$5.21 billion (Iron Ore - \$3.6 billion) which accounted for around 19 per cent of the State Government's revenue in 2016-17.

Recommendations

CME Review of the State Planning Framework

In response to the 2015 Review of State Planning Policy 4.1 Industrial Buffers, CME commissioned a report reviewing the state's planning framework. The report focussed on how to strengthen the protection of industrial buffers and transport corridors from encroachment while critically reviewing the relevant planning framework to identify shortfalls as well as opportunities for improvements. Key recommendations from the report were used as the basis of CME's 2015 submission on the Review of State Planning Policy 4.1.

A number of recommendations from CME's 2015 submission continue to be relevant to the proposed reforms in the 2018 *Modernising Western Australia's Planning System: Green paper concepts for a strategically-led system* (the Green Paper), therefore, CME recommends the following:

- The Minister for Planning issue an order under section 77A of the *Planning and Development Act 2005* (PD Act) requiring Local Governments to amend their Planning Schemes such that State Planning Policies (SPPs) are read as part of the Planning Schemes. A timeframe should be specified by the Minister for Planning within which these amendments must be completed. In CME's view, two years would be an appropriate time.
- The role of state government departments should be articulated in SPPs. These departments should play the lead role in providing technical advice to applicants and planning authorities relating to buffers and separation distances.
- A new SPP, or section of an existing SPP, should be dedicated to ports to outline high level processes and guidelines which should be taken at a local or regional level.
- If a SPP is prepared which guides the content of Local Planning Schemes with respect to buffers and transport corridors, it is imperative these schemes are reviewed within their statutory timeframes.
- The Minister for Planning should require Local Governments to complete a review of their Local Planning Schemes if this has not been done since the introduction or reform of any SPP. Local Governments should be required to make such Local Planning Schemes consistent with SPPs, within two years of the reform or introduction of any SPP.

Key Reforms Proposed in the Green Paper

CME recommends the following in relation to the Green Paper's proposed reforms:

- Equal focus should be placed on establishing a strategic planning framework which supports sustainable industrial development and sensitive land-use development in order to avoid land-use conflict. This focus should be clearly stated Key Reform 1.
- An additional review proposal should be developed under Key Reform 1 focusing on planning associated with strategic industrial areas, industrial facilities, and freight and logistics corridors.
- Review proposal 2.3.1 should be expanded to specifically include an element relating to 'industrial land or strategic industrial areas' so they are definitively included in the State Planning Framework.
- Consideration should be given to using mandatory development standards to prevent residential encroachment on strategic industrial areas.
- Local Governments should continue to update their local planning schemes and strategies whilst the planning reform is underway.
- The term 'community' should be clearly defined.
- It is imperative state based planning strategy follows a consistent and clearly articulated consultative approach, which ensures clear boundaries and expectations for community consultation.
- In relation to proposal 4.1.3, Western Australian Planning Commission (WAPC) delegations should only occur where the 'basic subdivision proposals' comply fully with the strategic state-wide planning framework.
- Key Reform 5 should be extended to allow for strategic planning and infrastructure upgrades of brownfield Strategic Industrial Areas since many of these are located in areas which lend themselves to urban infill.
- Key Reform 5 should be expanded to consider industrial development outside of the Metropolitan Region Scheme (MRS).
- In areas where there is no Region Planning Scheme in place, there should be improvement schemes prepared by the WAPC for the planning of strategic industrial areas.

Context

The Minister for Transport; Planning; Lands, the Hon. Rita Saffioti MLA, commissioned an independent review of the WA planning system in May 2018. The review is intended to develop reforms which will ensure a planning system which is strategic, transparent and understandable. The review process commenced with the release of a Green Paper for public discussion.

The review presents an opportunity to engage with government on much needed reforms for the State's planning processes. The efficacy of SPPs and the implementation of these at a local government level has been a long term concern for CME's members. Recently CME made submissions on the review of State Planning Policies 5.4 Road and Rail Noise (SPP 5.4)¹ and 4.1 Industrial Interface (SPP 4.1)². These submissions reiterated the significant impact the encroachment of sensitive land uses on industrial buffers and freight corridors has on resources industry projects. The recommendations made in these submissions remain current and should also be read in conjunction with this submission (refer to Appendix 1 and 2 for an extract of the recommendations).

Furthermore, the planning system in WA appears to operate in a piecemeal manner in comparison to planning frameworks in some other states. In WA, corridor and buffer matters are addressed with a combination of stand-alone legislation, MRS zoning, improvement plans, Local Planning Scheme provisions and/or Local Planning Policy standards. However, the specific mechanism or combination of mechanisms used in any one area can vary. Accordingly, this has caused uncertainty for the resources industry when planning and implementing projects.

An efficient and effective planning system is essential to the planning and development of resources projects, and the infrastructure networks which support these projects. The implementation of a planning system which operates with consistency, certainty and transparency across WA is of paramount importance to the resources industry and the future growth of the state economy.

CME Review of the State Planning Framework

In July 2015, CME commissioned Planning Solutions to prepare the report "*Investigation into the Protection of Industrial Buffers and Freight Corridors*"³, which reviewed the state planning framework and identified shortfalls in the system along with opportunities for improvement. Since the release of the report, there has not been any significant reforms to the WA planning system. As such, the recommendations made in the report still stand and should be read in conjunction with this submission.

The 2015 report identified eight shortfalls in the state planning framework:

1. The disconnectedness between the strategic planning framework and its implementation at a local level.
2. SPP 4.1 is in need of review, with a stronger policy framework providing more guidance and more certainty for planning authorities.
3. A clear articulation of the roles of various state government bodies is required.

¹ Draft State Planning Policy 5.4 - Road and Rail Noise, Submission to the Western Australian Planning Commission. December 2017. Available on the CME [website](#)

² Draft State Planning Policy 4.1 – Industrial Interface, Submission to the Western Australian Planning Commission. February 2018. Available on the CME website [Part 1](#), [Part 2](#), [Part 3](#)

³ Investigation into the Protection of Industrial Buffers and Freight Corridors (2015). Available on the CME [website](#)

4. Lack of state policy direction for the protection of freight routes and transit corridors.
5. Lack of state policy direction for port protection.
6. There is an across-the-board non-compliance with the Local Planning Scheme review process and timeframes.
7. Lack of a coordinated infrastructure plan and implementation body which applies across the state.
8. Communication and consultation procedures, with a lack of comprehension regarding submissions from industry.

CME is pleased to note shortfalls 2, 4 and 7 identified above are potentially being addressed through a review of SPP 4.1, SPP 5.4 and the announcement of the establishment of Infrastructure WA as an independent body to ensure coordinated planning and development for state infrastructure. However, these initiatives are in the early stages of review and implementation, and as such it is not yet clear whether the government has comprehensively addressed previous recommendations made by CME on these issues.

Other shortfalls identified in the 2015 report which have not yet been comprehensively addressed by the State Government are summarised below.

Disconnectedness between Strategic Framework and Statutory Implementation

CME considers whilst many of the SPPs could be improved, the main area of concern is the implementation of the planning policies across the state and the (lack of) consistent statutory implementation of the policies at a local level.

Whilst it is incumbent upon local authorities to demonstrate to the WAPC their Local Planning Schemes (including amendments) are consistent with SPPs and broader state interests, this is largely subjective in the current framework. Recognition under local planning schemes is the most effective way to prohibit or control land uses (where appropriate to do so) and provide statutory provisions for mitigation of impacts (where appropriate to do so).

Section 77(2) of the PD Act makes provision for SPPs to have full legislative effect as if the policy were set out in full in the Local Planning Scheme. Further, section 77A of the PD Act allows the Minister for Planning to order Local Governments to amend their Local Planning Schemes to be consistent with a SPP.

CME strongly recommends the Minister for Planning issue an order under section 77A of the PD Act requiring Local Governments to amend their Local Planning Schemes such that SPPs are read as part of the Local Planning Schemes. A timeframe should be specified by the Minister for Planning within which these amendments must be completed. In CME's view, two years would be an appropriate time.

Uncertainty in State Government Roles

Presently, there is no single coordinating and decision making authority at a state level with regard to planning. In particular, the resources industry is concerned there has been no single authority responsible for providing advice on buffers and separation distances, which has contributed to inconsistency in decision making.

Decisions regarding separation distances are often left to the local authority. However, particularly when Local Governments are the decision making body, there is limited in-house expertise to fully consider the implications of approval of sensitive land uses within buffer or separation areas. It is considered a single state government entity would have more relevant expertise and would likely provide a consistent approach to planning advice and decisions.

The role of state government departments should be articulated in SPPs. These departments should play the lead role in providing technical advice to applicants and planning authorities relating to buffers and separation distances.

Port Protection

The commencement of the *Westport: Port and Environs Strategy* will provide positive steps towards the guidance of Government on planning, development and growth of the Port of Fremantle at the Inner and Outer Harbours. In addition, required rail and road networks and the potential growth of the Port of Bunbury will also be considered in the strategy. However, it is noted the strategy focuses on the metropolitan ports surrounding Perth, Kwinana and Bunbury. It is essential future port planning considers the importance of ports across the state in order to achieve consistency in planning outcomes.

Local Governments are not required to implement protection measures and buffers for ports under Local Planning Schemes. In instances where there is no defined buffer, the local authority assesses the impact of the development on the port (or vice versa) at its discretion. It is considered more appropriate for ports, particularly strategic ports, to be individually protected under the relevant Local or Region Planning Schemes through carefully considered and researched buffers.

CME acknowledges it may be unrealistic to prepare a SPP for each port. However, to allow a more consistent approach to port development, and more importantly for proposals for sensitive land uses in proximity to ports, **it is recommended a new SPP, or section of an existing SPP, should be dedicated to ports to outline high level processes and guidelines which should be taken at a local or regional level.**

Local Planning Scheme Reviews

When preparing planning schemes, Local Governments are to have regard to SPPs, although there is no requirement for Local Governments to implement the policies in their entirety.

Under the PD Act, Local Planning Schemes are required to be reviewed every five years. However, the review dates are seldom enforced. Moreover, the current timeframes for preparing a Local Planning Scheme (from starting date to gazettal) are generally 3-5 years. This means a Local Planning Scheme may be due for review shortly after, or at the time of its gazettal.

A 2012 report from the Metropolitan Local Government Review Panel⁴ found only four of 30 metropolitan Local Governments had schemes which had been gazetted in the last five years, whilst 17 having schemes older than 10 years and six had schemes older than 15 years. The prolonged periods without a scheme review have meant SPPs gazetted after the Local Planning Schemes are not being observed. CME has reviewed the status of Local Planning Schemes and it appears there has been limited improvement since the release of the 2012 report.

Importantly, the PD Act was amended in 2010 to incorporate a new 'section 77A' provision which allows the Minister to order Local Governments to prepare amendments to their Local Planning Scheme(s) to make them consistent with a SPP. Similarly, the Minister for Planning has the ability under section 256 of the PD Act to prepare regulations which prevail over Local Planning Schemes.

CME recommends:

- **If a SPP is prepared which guides the content of Local Planning Schemes with respect to buffers and transport corridors, it is imperative these schemes are reviewed within their statutory timeframes.**
- **The Minister for Planning should require Local Governments to complete a review of their Local Planning Schemes if this has not been done since the introduction or reform of any SPP. Local Governments should be required to**

⁴ [Metropolitan Local Government Review Final Report of the Independent Panel - July 2012](#)

make such Local Planning Schemes consistent with SPPs, within two years of the reform or introduction of any SPP.

Communication and Consultation

CME members have previously raised concerns over how local authorities interpret and represent industry submissions regarding sensitive land uses within buffer areas. Specifically, members raised concerns relating to numerous examples of providing submissions which were reduced into dot points and tabulated. The response from the local government planning officers, on numerous occasions was 'noted' or similar.

It is imperative the decision maker is accurately informed and has detailed guidance on how such matters should be considered in order to avoid lengthy review processes through the State Administrative Tribunal (SAT). In this regard, it is incumbent on the local authority to adequately consult and consider any detail raised in submissions. It is also incumbent on industries to ensure their submissions are clear and their requests based on sound planning and environmental principles.

Key Reforms Proposed in the Green Paper

The Green Paper sets out an extensive range of proposed reforms to the state planning system. CME is pleased to see several of the recommendations made in our 2015 report and more recently submissions to the reviews of SPP 4.1 and SPP 5.4 have been incorporated into the Green Paper, including potential legislative, regulatory and statutory actions which can be undertaken to improve the existing planning framework.

Based on consultation with its members, CME offers the following feedback on each of the five proposed reform areas.

Key Reform 1 – A strategically-led planning system

CME supports increased cohesion and forward-planning in the planning system based on an overarching strategy, rather than the present ad hoc approach. The move to a strategically-led system will increase land-use planning certainty for community and industry, in addition to reflecting a strategic vision for WA.

It is essential inclusion of strategic planning into the PD Act and the requirement for subsequent planning stages are reflected in Local Planning Strategies and Local Planning Schemes. Additionally, CME agrees the term 'sustainability' needs to be defined and it should not be guided solely by environmental needs. The development of a SPP or modification to the existing SPP1 State Planning Framework which provides the framework of how sustainability will be applied through planning is supported.

In particular, CME supports review proposal 1.1.3. The Green Paper proposes Local Planning Scheme Regulations for complex scheme amendments be accompanied by a proposed amendment to the Local Planning Strategy. CME is aware of a several amendments proposed to the Town of Port Hedland Town Planning Scheme No.5 (TPS5) which have been inconsistent with the Town's local planning strategy. Such inconsistencies have the potential to result in sensitive land-use development in areas which have previously not been zoned for that type of land use. Encroachment of sensitive land-uses in these areas has the potential to conflict with industrial land-uses and impact on the viability of resources projects.

CME recommends:

- The Green Paper is heavily focused on planning for increased housing demand. Since the WAPC has a job creation and infrastructure objective (refer WAPC Strategic Plan 2018 – 2021), **equal focus should be placed on establishing a strategic planning framework which supports sustainable industrial development and sensitive**

land-use development in order to avoid land-use conflict. This focus should be clearly stated Key Reform 1.

- **An additional review proposal should be developed under Key Reform 1 focusing on planning associated with strategic industrial areas, industrial facilities, and freight and logistics corridors.**

Key Reform 2 – A legible planning system

The Green Paper recognises SPPs (e.g. SPP 4.1 and SPP 5.4) cannot be directly implemented under the current system, and there is no assurance Local Governments will apply them. CME strongly supports the reform proposal for SPPs to be consolidated into a State Planning Framework with clear implementation steps so they are used directly to develop comprehensive Local Planning Schemes.

CME does not support the removal or reduction of existing buffers to allow encroachment or intensification of sensitive land uses adjacent to industrial activities. Many of WA's existing buffers and key industrial areas do not have adequate planning protection. This threatens the long-term economic prosperity for WA.

In particular, the poor implementation of SPP 4.1 at Mandogalup highlights the incompatibility of industrial and sensitive land uses and emphasises the importance of the proposals outlined under Key Reform 2. The importance of rectifying this situation is further highlighted by the State's⁵ current drive to create a 'lithium valley' and the need to attract new industry investment whilst simultaneously discouraging such investment through inadequate or absent buffer protections.

CME does not support review proposal 2.4.3, whereby Local Governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and Local Planning Schemes until guidance on the format and content of local planning frameworks is available.

It is imperative planning frameworks are updated to remain current. Outdated planning schemes and strategies have potential to result in land-use conflicts, incompatible land-use development and development without consideration of future land-use planning.

CME recommends:

- **Review proposal 2.3.1 should be expanded to specifically include an element relating to 'industrial land or strategic industrial areas' so they are definitively included in the State Planning Framework.**
- Review proposal 2.8.1 suggests application of mandatory development standards would be limited. **Consideration should be given to using mandatory development standards to prevent residential encroachment on strategic industrial areas.**
- **Local Governments should continue to update their local planning schemes and strategies whilst the planning reform is underway.**

Key Reform 3 – A transparent planning system

Key Reform 3 aims to improve transparency in decision making at the WAPC, DAP and Local Government level. CME supports increased transparency in the decision making process, which will in turn should improve consistency and rigour in the application of SPPs and improve transparency on compliance with requirements of the PD Act and regulations. CME's members expressed strong support for proposal 3.6.7 which allows third parties with a sufficient interest to make a submission or be heard during SAT mediation of DAP matters.

⁵ [Department of Jobs, Tourism, Science and Innovation, Statement of Intent, Lithium and Energy Materials, Industry Strategy](#)

CME recommends:

- The definition of 'community' is important to ensure clarity around the scope of community engagement, and recognises community includes residents and other interested stakeholders such as industry. **The term 'community' should be clearly defined.**
- **It is imperative the state based planning strategy follows a consistent and clearly articulated consultative approach, which ensures clear boundaries and expectations for community consultation.** This is important for the ongoing viability of existing industry.

Key Reform 4 – An efficient planning system

Key Reform 4 is aimed at improving the efficiency of the planning system and identifies WAPC as a bottleneck.

CME recommends:

- Review proposal 4.1.3 proposes the WAPC delegates responsibility for determination of 'basic subdivision proposals' to accredited Local Governments. **In relation to proposal 4.1.3, WAPC delegations should only occur where the 'basic subdivision proposals' comply fully with the strategic state-wide planning framework.**

Key Reform 5 – Planning for connected smart growth

Key Reform 5 identifies the need to strategically plan for infill and greenfields housing developments to accommodate a growing population. Additionally, it recognises the need to plan for greenfields industrial developments. Importantly, the reform identifies the need for an 'Industrial Deferred Zone' to be included in the MRS to accommodate new industrial developments. CME is supportive of proposal 5.4.1 which would see the inclusion of an 'industrial deferred zone' in the MRS. In areas where there is no Region Planning Scheme in place, there should be improvement schemes prepared by the WAPC for the planning of strategic industrial areas, such as those which exist for the Ashburton North and Anketell strategic industrial areas.

CME recommends:

- Existing industrial developments represent a significant investment and need long term planning consideration and protection. **Key Reform 5 should be extended to allow for strategic planning and infrastructure upgrades of brownfield Strategic Industrial Areas since many of these are located in areas which lend themselves to urban infill.**
- The Green Paper is very focused on metropolitan planning and population growth. The need for strategic planning is vital for regional areas as well, as evidenced by land-use issues faced in Port Hedland. The Green Paper should place as much emphasis on regional planning as metropolitan planning where rapid land-use transition is occurring, for example in the change from pastoral to mining. **Key Reform 5 should be expanded to consider industrial development outside of the MRS.**
- **In areas where there is no Region Planning Scheme in place, there should be improvement schemes prepared by the WAPC for the planning of strategic industrial areas.**

Conclusion

CME welcomes the review of the planning system, which is considered to be much needed and long overdue. A functional, transparent and efficient planning system is essential to the future growth and prosperity of the resources industry and the WA economy.

CME again reiterates the importance of the protection of strategic industrial areas, industrial buffers, and freight and logistics corridors, however the Green Paper does not place a strong enough emphasis on industrial needs across the state. CME looks forward to discussing improvements to the review of the planning system based on the recommendations set out in this submission.

If you have any further queries regarding the above matters, please contact Lisa Campbell, Policy Adviser – Land Access and Economic Competitiveness, on (08) 9220 8527 L.Campbell@cmewa.com.

Authorised by	Position	Date	Signed
Nicole Roocke	Deputy Chief Executive	20 th July 2018	
Document reference	20180619-INF-WAPC Green Paper Submission v1.0		

Appendix 1: Extract of Recommendations from “Draft State Planning Policy 5.4 - Road and Rail Noise, Submission to the Western Australian Planning Commission. December 2017”

The full submission is available on the CME [website](#)

Recommendations

CME supports the Policy Objectives listed in Section 5 of the Draft State Planning Policy 5.4: Road and Rail Noise, particularly in relation to the protection of major transport corridors from incompatible urban encroachment. Therefore, CME recommends:

- In order to protect road and rail corridors from sensitive land use encroachment, it is essential that the application of SPP 5.4 by Local Governments is enforced.
- CME strongly recommends the Minister for Planning issue an order under section 77A of the PD Act requiring Local Governments to amend their Schemes such that SPP 5.4 is read as part of the Schemes, in the format set out in clause 29 of the Model Provisions in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- CME recommends amending Region and Local Planning Schemes to incorporate the identification and protection of transport corridors and buffers.
- CME recommends all noise assessment be conducted by qualified professionals and be fed into the Local Government planning approval process.
- CME recommends SPP 5.4 be revised to require local governments to include transport corridors as Special Control Areas in Local Planning Schemes thereby ensuring the application of quiet house design requirements (or similar) to sensitive land-uses beyond the trigger distance.
- CME recommends all residential dwellings within the trigger distance including single houses, be required to comply with quiet house design requirements and SPP 5.4. This should be implemented through the Development Application approvals process for single house dwellings.
- SPP 5.4 should include the requirement for local governments to implement provisions into Local Planning Schemes which identify and protect land use for future freight corridors, strategic transport terminals, buffers and access to industrial assets.
- CME recommends noise screening assessments be undertaken for proposals near freight railways.
- SPP 5.4 should be updated to include a maximum internal noise level for single passby events.

Appendix 2: Extract of Recommendations from “Draft State Planning Policy 4.1 – Industrial Interface, Submission to the Western Australian Planning Commission. February 2018”

The full submission is available on the CME website: [Part 1](#), [Part 2](#), [Part 3](#)

Recommendations

The interface between sensitive land uses and strategic industry and infrastructure is one of the most important yet challenging planning issues facing industry in the State of Western Australia today. Providing clear guidelines and greater certainty on these issues assists industry in planning for its future. CME considers there is scope to further refine the draft State Planning Policy 4.1 (SPP4.1) and recommends:

- A clearer definition of ‘strategic industrial areas’ and ‘infrastructure of state significance’ should be established to provide greater certainty as to what facilities require statutory buffers. At a minimum, CME recommends the definitions include:
 - Strategic industrial areas as listed by the Department of Jobs, Tourism, Science and Innovation.
 - Ports and proposed ports, as defined by the *Port Authority Act 1999* and the *Shipping and Pilotage Act 1967*.
- SPP4.1 should include a target date of two years to establish a statutory buffer for strategic industrial areas and infrastructure facilities or industries of state significance; in accordance with Clause 5.1.2 of draft SPP4.1.
- The WAPC should provide model provisions for inclusion in local planning schemes, which may comprise objectives and key provisions.
- SPP4.1 should include special considerations for ports, recognising their significant contribution to communities and the economy. Alternatively, a new state planning policy should be prepared which is specific to protecting ports from encroachment.
- Statutory buffers should be required for all Western Australian ports. For ports with an existing interface, a structure plan or improvement plan should be prepared with the long-term intention of incorporating controls into local planning schemes.
- Amend Clauses 5.2.1(f), 5.2.2(a) and 6.4(d) to include a presumption against the intensification of existing sensitive land uses, in addition to new sensitive land uses.
- Amend Clause 6.7 (Subdivision) to refer to the requirements in Clause 5.2.2 (g) of the draft policy, so that subdivision applications are subject to the same considerations as development applications.
- SPP4.1 is amended to better define what circumstances trigger assessment for applications for new sensitive land uses or intensification of existing land uses.
- The definition for precautionary principle is deleted. Instead SPP4.1 should reference the definition in the Environmental Protection Act 1986.
- The WAPC should consider the implications of the 43 McGregor Road decision and if necessary, amend the legislation to give planning authorities the express ability to apply notifications on titles via conditions of development approval.
- Clause 6.9 of the draft SPP4.1 is deleted unless:
 - The WAPC incorporates a call-in power to review local planning policies which seek to deal with industrial interface issues; and/or

- The WAPC develop a model local planning policy with clear guidance on what can and cannot be included within a local planning policy.
- The draft SPP4.1 should be subject to a review after a pre-determined period, for example two years.
- The draft SPP4.1 is amended in accordance with the recommendations in Attachment 2 to refine the language and definitions within the policy.

Furthermore, CME has identified the following recommendations on the broader planning and environmental framework, which are essential in establishing a policy framework to successfully manage issues of industrial interface:

- The Planning Regulations are modified to require development approval be obtained for all single houses situated within buffers and/or which do not comply with the draft SPP4.1.
- The WAPC, in consultation with other government agencies, prepare a more detailed set of guidelines which accompany the policy, which offer guidance on the following:
 - The types of infrastructure/industry which require statutory buffer (alternately a list of areas or infrastructure);
 - How statutory buffers should be established including technical studies which are required for a range of uses or infrastructure;
 - How buffers should be implemented into the local planning framework, with detailed guidance on the objectives and textual provisions to be included in local and region planning schemes;
 - Providing specific guidance on the reports/details required to assess a development application when the relevant separation distances are not met;
 - Standardised information and formatting for technical reports; and
 - A guide for planning authorities on how discretion would be exercised.
- The State Government should assign responsibility for providing technical advice on statutory buffers to a single agency.
- In areas requiring specific expertise and/or those where existing land use conflicts exist, the establishment of cross government taskforce (such as the Port Hedland Dust Management Taskforce) could be an alternative consideration.
- This policy is supported by an education or training program which provides planners and decision makers with a better understanding of such issues, in particular:
 - Decision makers should be required to undertake training following the policy's release to provide guidance on its intent and practical implementation.
 - WAPC should prepare a set of guidelines which provide guidance on the assessment and decision making protocols for applications which involve impacts from existing or proposed industry.