

The Hon Kate Doust MLC
Member for South Metropolitan Region
Chair Standing Committee on Uniform Legislation and Statutes Review
Legislative Council
Parliament House
PERTH WA 6000

30 January 2015

Dear Ms Doust

Submission to inquiry into Planning and Development (Development Assessment Panels) Regulations 2011

REIWA welcomes the opportunity to provide a submission into the Parliamentary inquiry into *Planning and Development (Development Assessment Panels) Regulations 2011*.

REIWA is the peak body for the real estate profession in the state. We exist to make the selling, leasing and buying of property as simple as possible for all Western Australians. We are a member-owned organisation representing over 1,100 real estate agencies and over 90 per cent of agents in WA.

The inquiry's terms of reference refers to the operation and effectiveness of the Regulations since their introduction. REIWA's submission provides feedback from members who have been involved in developments that were referred to the Development Assessment Panel (DAP) process. REIWA hopes the Standing Committee finds this information useful in their deliberations over the effectiveness of the DAPs system.

In an ever changing landscape, real estate agents are increasingly more involved in development projects that are subject to WA planning processes and development assessment panels are no different. This submission provides the Committee with feedback on a specific part of the DAP process from the experience of some of REIWA's members.

REIWA members' experience with DAPs has on the whole been positive. The main area that members felt could be improved related to DAP decisions and the flexibility of the Panel in those decisions.

Regulations 17 and 18 of the *Planning and Development (Development Assessment Panels) Regulations 2011* outlines what information must be given to the applicant after a decision is determined and how a decision can be reviewed by the SAT.

Members have found that the DAP will reject an application outright and propose some minor amendments. The rejection of the application forces the applicant to either; go to the State Administrative Tribunal (SAT) for review or appeal of the decision or to re-lodge their original

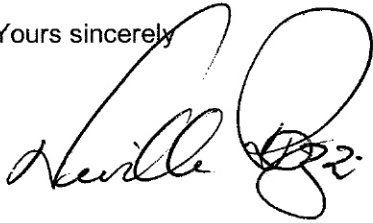
application after having addressed the proposed minor amendments and start the process again. Both options are not ideal responses, as they have the impact of increasing costs, delaying the start of the project and clogging up SAT and the DAPs.

REIWA suggests an alternative, more flexible approach to the same decision-making process where the DAP conditionally approves the application, subject to those proposed minor amendments being satisfied by the local council. Alternatively, the application could be deferred and remain in the 'system' giving the applicant the opportunity to address those proposed minor amendments and have the application re-heard at a later date. When the application reappears before the DAP, the focus would only be on the amendments and not on the whole application.

REIWA believes that either of those approaches would create flexibility in the decision-making process of the DAP and give applicants the opportunity to address minor issues of the application in a timely and less costly manner, reducing the regulatory burden on applicants.

Thank you for the opportunity to submit to the inquiry process, for further information please contact Lisa Kazalac, Executive Manager Advocacy and Policy on 08 9380 8241 or lisa.kazalac@reiwa.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neville Pozzi', with a large, stylized flourish at the end.

Neville Pozzi
CHIEF EXECUTIVE OFFICER