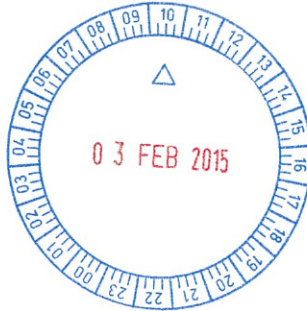




Government of **Western Australia**
Department of **Planning**



Your ref: PDR
Our ref: DP/12/00264
Enquiries: Stephen Ferguson, 6551 9454

Hon Kate Doust MLC
Chair
Standing Committee on Uniform Legislation and Statutes Review
Legislative Council
Parliament House
PERTH WA 6000

Attention: Samantha Parsons
Committee Clerk
unileg@parliament.gov.au

Dear Ms Doust

SUBMISSION REGARDING INQUIRY INTO PLANNING AND DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011

Thank you for your letter of 24 November 2014 inviting submissions with regard to the operation and effectiveness of the Planning and Development (Development Assessment Panels) Regulations 2011 (DAPs Regulations).

Development Assessment Panels (DAPs) came into operation on 1 July 2011 and were established as part of the State Government's planning reform agenda *Planning makes it happen – a blueprint for planning reform*. DAPs are independent decision-making bodies, comprising of a mixture of professional specialists members and local government representatives.

The DAPs system is designed to offer an appropriate balance between local knowledge and planning expertise to ensure challenging and complex planning decisions are determined in an independent manner that best promotes transparency, consistency and reliability.

To ensure the DAP system operates independently, the involvement of the Minister for Planning is limited to appointing new DAP members and oversight of the system as a whole. The Minister has no direct role in any individual DAP application. Similarly, the Department of Planning (DoP) only provides administrative support to the DAPs. To ensure transparency in DAP decision-making, the agenda, responsible authority reports and minutes are published for all DAP meetings on the DoP website.

DAPs are obliged to determine applications in accordance with the existing planning framework. A DAP effectively 'stands in the shoes' of the authority responsible for making the planning decision. Therefore, the DAP must consider and apply the relevant local government's scheme requirements. The DAP otherwise has no discretion to act beyond the jurisdictional scope of the local government or the Western Australian Planning Commission.

During the 2013-2014 financial year DAPs received 321 development applications (compared to 265 the previous year) with a total value of over \$3.8 billion.

After two years in operation, a review of the DAP system was undertaken as part of the *Planning makes it happen: phase two* reform initiative. Almost 95% of respondents gave support or qualified support for the DAPs system. The review found that, since coming into operation, the DAPs system has made improvements to:

- transparency of decision-making;
- the quality, consistency and reliability of decision-making; and
- the quality of planning conditions.

Based on this review, the DAPs Regulations are being amended to improve and streamline the administration and operation of the DAPs system. These amendments include changes to the optional and mandatory thresholds for DAP applications. The mandatory DAP thresholds are increasing to above \$20 million for developments within the City of Perth and above \$10 million for developments within all other metropolitan and local government areas. Optional (opt-in) DAP thresholds are widening to encompass developments between \$2 and \$20 million within the City of Perth and \$2 to \$10 million for developments within all other metropolitan and regional local government areas. Widening of the opt-in threshold provides added flexibility as a greater number of development applications will fall within the opt-in range where proponents may decide whether they want a DAP to determine their application.

To ensure efficiency and effectiveness in DAP decision making, DAP meeting quorum requirements are also being amended to enable DAP meetings to be held as frequently as necessary. A quorum will be achieved if a presiding member and any two other members are in attendance, whether they are specialist members or local government members.

If you wish to discuss any of the matters covered in this submission please contact Stephen Ferguson, Senior Solicitor, on 6551 9454.

Yours sincerely



Gail McGowan
Director General

27 January 2015

cc: Hon John Day MLA
Minister for Planning