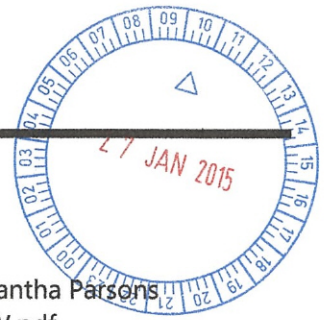


Ian Birch

From: Ian Birch
Sent: Monday, 19 January 2015 10:46 PM
To: 'unileg@parliament.gov.au'
Subject: Development Assessment Panels Regulations Inquiry - Samantha Parsons
Attachments: DEVELOPMENT ASSESSMENT PANELS REGULATIONS REVIEW.pdf



Hon Kate Doust MLC

Dear Hon Member

Please find attached my submission re above.

I have no objection to it being published and if required, am happy to appear before the Committee at a hearing.

Thank you

** Appears this email message may have failed.*

Ian Birch

Town Planner

DEVELOPMENT ASSESSMENT PANELS REGULATIONS REVIEW

Submission to Standing Committee of Uniform Legislation and Statutes Review

Ian Birch

I am a Deputy Presiding Member for three metropolitan JDAPs and Presiding Member for the South West DAP. I have also deputised at meetings for members at most other metropolitan DAPs. In all, I attended 59 DAP meetings last year. My comments are based on this experience.

Précis

In general terms, I consider that the introduction of DAPs has been a positive initiative in the development assessment process. However, from my experience as a specialist panel member, I think that the process can be improved by:

- Dispensing with mandatory DAPs and giving the applicant the discretion to determine whether or not they want their application to go before a DAP.
- Introduce greater flexibility within the process which would increase the rigour with which those applications that do come before a DAP are determined.

1. Mandatory DAP Applications (Cl. 5)

Make all DAP applications discretionary, at the call of the applicant.

For over half of the agenda items that I have seen over the course of the meetings that I attended last year, applicants were completely happy with the recommendation in the RAR and had full support of the elected members on the panel. In many of these cases, the RAR had also been considered at a Council meeting. There was really nothing for the DAP to consider and merely increased the time taken for the approval process and added to overall costs.

Given this experience, consideration could be given to doing away with compulsory DAP applications and simply making all optional (above the minimum value threshold).

This will require an element of judgement on the part of the applicant in deciding which way they want to go, however, many Councils offer a pre-lodgement assessment process, which will assist them (applicant) in making that decision.

2. Estimated Development Cost (Cl's 5 & 6)

Applicant to provide evidence of estimated cost

Where there have been applications which are close to the minimum threshold and the matter is contentious within the community, and opposed by Council, this has been hotly disputed. There appears to be no direction given in either the regulations or practice notes

on how to resolve such matters. Recognising that estimating development cost at the planning stage is far from exact, it would be helpful if at least the applicant was to provide evidence/justification of how they arrived at their figure.

As things are at present, this only adds to the cynicism that disenchanted community members feel towards the DAP process.

3. Amending a Development Approval (Cl. 17)

Sub clause 2(a) wording?

Seems to suggest that an application for amendment can be made even after a development has not 'substantially commenced' and the approval has lapsed?

4. Notice of Meetings (Cl. 39)

Allow more time; 7-10 days?

For large agendas and where items might be particularly complex, it can be difficult to fully assess all items in the time available. This is further complicated by challenges to recommendations or conditions that often come in after the agenda posting, which require additional consideration.

5. General Procedure of Meeting (Cl. 40)

Opportunity for pre-meeting briefing or post meeting mediation in special, difficult cases.

This would only be where key issues are unresolved. Most of the cases I am thinking of involved third parties, for example; Main Roads, Department of Transport, Council Design Advisory Committees, community groups.

6. Fees and Allowances (Cl. 30)

A more equitable approach.

I have commenced this submission by proposing that the number of applications requiring consideration by a DAP could be substantially reduced. For those that do go before a DAP, however, I submit that the remuneration members receive should more reasonably reflect the level of expertise and the time required to properly assess them, as well as of course, reflecting the significance of the decisions that are being made.

Whilst recognising the administrative simplicity of set fees, perhaps a broader fee scale could be developed which more adequately recognises the contribution of the members.