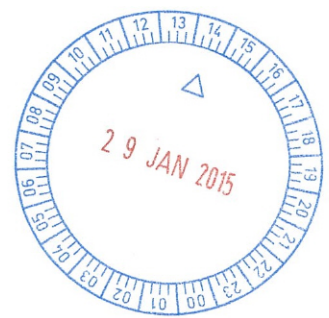


27 January 2015



Samantha Parsons
Standing Committee on Uniform Legislation and Statutes Review
Legislative Council
Parliament House
PERTH WA 6000

Dear Samantha,

RE: Review of 2011 DAP Regulations

Thankyou for the opportunity to provide my views to your committee on the operation and effectiveness of the 2011 Regulations, from my perspective as a specialist member on SWJDAP.

1. General

The significant benefit of the DAPS has been to enforce a time limit on a Councils planning assessment, and also giving applicants a time certainty for a decision on their project.

Side benefits are a specialist review of project approval conditions. Hopefully this has had the effect of ensuring conditions are more relevant technically, legally correct, non repetitive, standardized and less challengeable. Occasionally it becomes apparent that a Council treats a particular project subjectively, and that can be remedied at a DAP meeting.

It would be of benefit if these reforms went to all levels of Council planning assessments.

2. Suggested improvements to the Regulations

2.1 Presiding members

It would simplify procedures if all DAP members could be presiding members – even if they do not have a planning qualification. There is a question of maintaining skills of all members, and I am sure all appointed members are capable of running the meeting. Personally I feel a 50/50 split between planners and other building industry professional would be beneficial.

2.2

Departmental Support

Maybe officer attendance could be based on complexity, previous legal issues on a particular agenda item, or a request by the presiding officer – and not necessarily at every meeting.

2.3 Condition setting

It has been mentioned that a template for approval with conditions could be provided, which Council would be encouraged to adopt.

Conditions which are imposed vary widely across different Councils, and some form of planning directive from the Ministry could try to codify these conditions.

These could be assessed against technical and legal currency, and then issued. Conditions could be grouped into conditions to be satisfied prior to lodgement of a building permit, prior to occupancy, and for the duration of the development.

It needs to be restated that:

- Planning conditions should not duplicate building conditions. Current examples often relate to acoustic conditions set by Councils as planning conditions.
- Planning conditions should not duplicate conditions which are set by other authorities – these can be advice notes in most cases.
- Conditions should be specific and cite Standards; rather than to the satisfaction of the City/Shire.
- Conditions should be grouped when they relate to each other.
- Conditions (where appropriate) should refer to the City, not individuals within the City.
- There should be a good reason (over what is a standard building) for requesting a specialist consultants report.
- Bonds and contributions should preferably be monetarized.
- Repetitive clauses, syntax, errors in cited standards or regulations, dating, spelling etc should all be corrected at the meeting.

A comprehensive set of principles (including those already in the training notes) would help Council condition setting.

2.4

Regulation 8 (not quite)

We have had the incidence where a DAP application on one site, divided between two local governments provides 2 Responsible Authority Reports. Why not have the one RAR from the Council who has the largest site area of the lot, or higher valuation?

3. **Conclusion**

Having attended over 60 meetings I feel that the JDAP has 'value added' in one way or another to a planning recommendation that would otherwise have been less critically voted on by the respective Council.

I have been impressed by the support of the Department of Planning for the DAP process – and it is the quality of that support that has ensured that the DAP's have had a reforming influence in reducing time and complexity for the applicant.

The regulations and their implementation have worked, and I would be careful to change any regulation at this stage, apart from what I have mentioned.

Another important reform would also be the simplification of planning regulation. Much regulation overlaps and is contradictory. A far tighter framework in which a Council can create planning policy would be beneficial, in my opinion.

Please contact me if I can be of any further assistance.

Yours sincerely,

Robert Nicholson

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