

e udia@udiawa.com.au

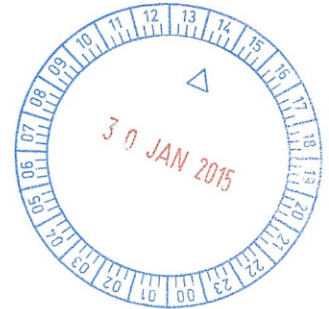
t 08 9215 3400

f 08 9381 5968

Urban Development Institute of Australia (Western Australia)
Unit 26, Level 1, 3 Wexford Street Subiaco WA 6008

w www.udiawa.com.au

abn 632 211 689 44



28 January 2015

Committee Clerk

Standing Committee on Uniform Legislation and Statutes Review

Legislative Council

Parliament House

PERTH WA 6000

By email: unileg@parliament.wa.gov.au

Dear Sir/Madam

RE: Parliamentary Enquiry Planning and Development (Development Assessment Panels) Regulations 2011

UDIA is pleased to provide this submission to the Standing Committee on the Planning and Development (Development Assessment Panels) Regulations 2011.

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the urban development industry in Western Australia. UDIA is a membership organisation with members drawn from the development, planning, valuation, engineering, environmental, market research and urban design professions. Our membership also includes a number of key State Government agencies and Local Government Authorities from across the state. Nationally, UDIA represents the interests of thousands of members and includes all the major land development companies, both public and private, and specialist consultancy firms.

General comment

UDIA is very supportive of the intent of the review by the Standing Committee. Feedback from UDIA members is that since the introduction of DAPs, there has been greater consistency, transparency and reliability in the decision-making process in particular for large scale complex development applications.

The introduction of a significant change to the approvals system was likely to lead to initial problems and industry was pleased that there was early review of the operation of DAPS (September 2013) with a commitment to address the concerns raised. UDIA's understanding is those changes are imminent.

Further, it is noted by the Institute that DAPs are not the panacea for all of the problems in the approval system and indeed, some local government performance may exceed those of a DAP. UDIA has strongly supported a broader opt in threshold to enable market forces to determine the most efficient pathway for each location.

The concerns of industry over the early operation of DAPS has now diminished as the system has become more predictable with the increasing experience of all stakeholders. UDIA has some residual concerns, however they are minor in nature and should not detract from the overall benefits of DAPS.

Finally, the Department of Planning should continue to benchmark DAP activities, publish the results and be open to further reviews should the need arise.

Specific Comment

Training and responsibilities of chairperson

UDIA acknowledges that the current regulation requires the Chair and a least one other specialist member to have experience and a tertiary qualification in town planning. In practice there have been some issues with condition setting according to feedback from members. In the 2013 review by the Department of Planning found that 67 per cent of decisions made changes to conditions recommended in the report to the DAP. Although many of the changes to conditions improved outcomes and were applied appropriately, it does bring in to question whether there is a need for specific training on imposing conditions of approval that are directly and legally relevant to the applications, as people with planning qualifications/experience may represent only 40 per cent of the panel.

Who is allowed to attend / present at these meetings

Under Section 40 Part 3 of the DAP Regulations it stipulates that "the presiding member of the DAP may invite a person to advise or inform, or make a submission to, the DAP in respect of a development application". UDIA suggests that the person/s presenting, if not a representative of the developer/landowner, should declare all interests to avoid political and or pecuniary interests.

It is a requirement under Section 40 Part 2 that any DAP meeting to determine a development application is open to the public. It should be a requirement that members of the public at that meeting do not interfere with the process (including vocal interjections) unless invited by the presiding member to advise or inform the panel under Section 40 Part 3. Further, specific training should be provided to the presiding member of the DAP to ensure that person has the appropriate skills to manage public meetings where the behaviour of attendees interferes with the appropriate operation of the meeting and the consideration of the application by the panel.

Conclusion

UDIA is strongly supportive of the operation of Development Assessment Panels and we welcome the opportunity to provide further comment or clarification of the content of this submission if required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey

Chief Executive Officer