

**STANDING COMMITTEE ON
UNIFORM LEGISLATION AND STATUTES REVIEW**

**PLANNING AND DEVELOPMENT
(DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 22 JUNE 2015**

SESSION TWO

Members

**Hon Kate Doust (Chair)
Hon Brian Ellis (Deputy Chair)
Hon Mark Lewis
Hon Amber-Jade Sanderson**

Hearing commenced at 1.54 pm

Mr LINO IACOMELLA

Deputy Executive Director, Property Council of Australia, sworn and examined:

Ms REBECCA DOUTHWAITE

Policy Adviser, Property Council of Australia, sworn and examined:

The CHAIR: Welcome to both of you, and thank you for coming and for presenting evidence to our parliamentary committee. As you are aware, we have been asked to look into the regulations that underpin the development assessment panels in Western Australia. We are hoping to report back to the house later this year. Before we start, I will introduce my colleagues: Hon Amber-Jade Sanderson, Hon Brian Ellis and Hon Mark Lewis, and Mr Alex Hickman. Before we commence, we have a few standard formalities that we have to go through and then we can kick off the discussion. The first thing I need both of you to do for me is to indicate whether you would like to take the oath or the affirmation.

[Witnesses took the oath.]

The CHAIR: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The CHAIR: These proceedings are being recorded by Hansard. A transcript of evidence will be provided to you at a later date. To assist both the committee and Hansard, please quote the full title of any document you refer to during the course of the hearing for the record, and also please be aware of the microphones and try to talk into them and ensure that you do not to cover them with paper or make a noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

We certainly appreciate the Property Council providing the submission to us and also the list of recommendations for change, which we might go through towards the end of this hearing so that we have those on the record. Before we barrel into the questions that we have provided to you, do you want to make an opening statement?

Mr Iacomella: Firstly, the Property Council is the leading industry group for the broad property sector, including the property development, investment and building management sectors within that broad property sector. I would like to state for the record that prior to the introduction of development assessment panels, there was major concern in the property development industry about the development assessment process in WA at the time, particularly three matters: firstly, there was significant inconsistency between councils in the handling of development assessments particularly; secondly, there was major uncertainty about the fate of complying development applications that were lodged with councils; and, thirdly, there were significant and costly delays in the processing of applications. It should be noted that this was occurring at a time when the state economy was experiencing major development bottlenecks. The Property Council supported

a change in the development assessment process, which effectively depoliticised the process at the local government level and created a consistent process and introduced expert and rule-based decision-making. At the time we determined that the introduction of development assessment panels met those solutions to the aforementioned problems and concerns we had with the system of development assessment in WA.

I should note that three solutions to the objectives were advocated by the development assessment forum, which dealt with the problems as we saw them. The fundamental change was a distinction between the policy-making and the individual development assessment determinations in local government. The second one was that there was a requirement for improved governance of the development assessment process, effectively introducing more transparency. The third was introducing a more certain process around timeliness.

[2.00 pm]

Those three objectives that were identified by the Development Assessment Forum, an independent body recognised across Australia as the pre-eminent think tank and provider of leading practice for development assessment—the DAF as we know it—recommended that one solution to those concerns was the introduction of development assessment panels, and we agreed with that.

With the benefit of some five years of experience with DAPs, we can gladly report from an industry perspective that the depoliticising of the development assessment process has been achieved, and this is demonstrated by the fact that some 95 per cent of RARs, as they are known, are consistent with the DAP decisions. The DAPs have also succeeded in creating a consistent and reliable transparent development assessment process in WA, and this is evidenced by the unanimous support for DAPs in the development industry, evidenced by a survey by the Department of Planning in 2013. Finally, the third measure that we take, or we state as being evidence of a success by DAPs, is the creation of a reliable time frame for the processing of development applications, which is a significant improvement on the system before DAPs, and that reliability in time frames for assessing development applications has resulted in substantial cost savings and resolution of a number of those economic bottlenecks that I identified before.

It should be noted that there have been two recent further evidences of this success in the operation of DAPs, they being a report card, which is done regularly—the development assessment report card which the Property Council commissions, but it commissioned independently between 2009 and 2015. The development assessment process in Western Australia has risen from being one of the least effective to now being one of the leading systems in Australia. Secondly, a Department of Finance review of residential planning and approvals processes in Western Australia found that of some 30 recommendations into improvements to residential planning and building approvals, including the introduction of development assessment panels, only two of those recommendations have been judged as being effective. That is a report commissioned by the Department of Finance. The other recommendation that is considered to be effective was the creation of the Building Commission. That is a significant endorsement of the establishment of DAPs.

Can I conclude that on behalf of the development industry, for the record of this proceeding, the Property Council would urge this legislative committee to support the retention of development assessment panels and the framework as we know it today. We have a prepared statement to that effect that I will table at the conclusion.

The CHAIR: That you very much for that.

Mr Iacomella: Can I maybe note one thing: I did refer to a report card in those comments. We can make that available to the committee at a subsequent time if you wish.

The CHAIR: We would like to see that. I was going to ask you if that was possible. If are you able to provide a copy of that document to the committee, that would be very helpful to us.

Mr Iacomella: Thank you; I will do.

The CHAIR: Thank you very much for that information and that response to the questions we have put to you. I probably need to be very clear: this committee is not looking into whether or not the DAPs should continue on; that is a matter of government policy. We are really looking at just the mechanics; we are looking at the regulations, whether they are operating effectively or not to deliver those objectives that you have referred to. It is quite a narrow area really. It is up to the government of the day to decide what happens with the actual DAPs.

Mr Iacomella: I understand.

The CHAIR: We are just looking at those issues. You have already responded to the first couple of areas in your statement in terms of the fact that you obviously are satisfied that DAPs have achieved the objectives as they were first set out, and you have also made reference to issues around transparency and consistency. I will say that one matter that has been raised with this committee on a number of occasions has been concern about lack of transparency, and it goes to what we would probably regard as fairly simple matters such as lack of detail provided in the minutes of a DAP meeting, or a DAP process, or decisions being taken behind closed doors without any record or any detail, particularly if a matter has been referred back from SAT to a DAP, so or some people would say, “Why is there that lack of transparency in that process?” That has obviously caused a concern for some people who have given us evidence. I was interested to hear you say that things are more transparent. Have you received similar feedback from your members that on occasion they have experienced difficulty because they cannot get that level of detail or they have been denied access to that part of the process?

Mr Iacomella: Firstly, on the matter of transparency and my earlier comment, a particular concern over that—and if I may refer to the previous system—was that there was a high degree of frustration in the industry when even complying development applications submitted to councils were, for whatever reason, not approved, and there was insufficient clarity over those decisions. Those instances we would refer to as a politicisation of the process where, for reasons of its own, a council determined to not approve even complying applications. That was our particular concern in regards to lack of transparency there. The existence of DAPs does away with that concern that we had, in that an applicant now understands the rules and understands that a decision will be based upon rules predominantly contained within the local scheme.

In regards to your question on matters of transparency today, we are not aware, from an industry perspective, of those particular concerns from development applicants. The feedback we have received is that the information they have received and insights are clear. There obviously are instances where applications are not approved. However, those applicants understand the reasons given for those and then make their judgements as to what they should do following the decision.

[2.10 pm]

Hon BRIAN ELLIS: This is on the same question, really. It has been more the general community that has complained about the quality of the minutes. I am just looking at regulation 44, and it is very comprehensive as to the requirements of what the minutes should be. I am just wondering, if you accept that maybe the information is not getting out to the community, whether you have any views on changes to that regulation or any update that could maybe improve that process?

Mr Iacomella: I note that there was a reference to SAT outcomes. I suspect that they are matters of, for example, mediation that SAT was involved in. As a matter of course you would expect those mediations to be done privately, and so that is the purpose of the mediation. It is accepted in the industry that where there is a willingness to involve parties in a mediation, those matters that are mediated are done privately; that is accepted. With regard to better disclosure, which I think is what you would be referring to, from a public perspective we note that the DAPs have been operating now some five years. The operation of DAPs in 2015 is significantly better than it was 2011 when they first appeared, so there was an element of becoming accustomed to the system. We are aware and we recognise that the Western Australian Planning Commission and the Department of

Planning are constantly alert to ensuring that the system provides better information for parties to have insights into decisions made. So I would suggest that it is a question of becoming better at understanding the regulations. We support continuing education of the DAP members. There has been significant investment in that, and we would expect that there is continuing education so that the DAP members are fully aware of those regulations and the process works effectively.

The CHAIR: Just on that point of training, do you think the training should be mandatory? I understand it is optional at the moment. Do you think training should be mandatory before they commence participation in a DAP?

Mr Iacomella: Training for the DAP members?

The CHAIR: Yes, and the councillors.

Mr Iacomella: From an industry perspective, we have not taken a position on that, other than to say that we support sufficient training to enable the DAP members to be competent in their abilities.

Hon MARK LEWIS: I just want to clarify. Hon Brian Ellis brought up that some issues have been brought to our attention about the level of information that is in the minutes. But what you are saying is that when an applicant is not approved, they are happy with the level of information that is in the minutes as to why they have been not approved.

Mr Iacomella: That is generally our understanding of the feedback we have had from our members and from those who are participants—or I should say, to elaborate further on that, we are not aware of a broad groundswell of concern from an industry point of view from those parties that may be subject to a non-approval.

Hon MARK LEWIS: Conversely, where an applicant has been approved, there has been some commentary around the level of the minutes about why that was approved. So there seems to be some sort of dichotomy, or at least a dichotomy in expectation, about what should or should not be in the minutes. There is enough information in the minutes to explain why a decision has not been approved, but I am not sure why conversely that is not the case.

Mr Iacomella: I would refer to the system prior to DAPs, when a council made an approval, for example. We do not see that there is a difference in the operation of the current system to what applied then. We are not aware that then there were significant elaborations of why an application was approved, other than supportive comments from a councillor.

The CHAIR: We might look at some of the suggestion that you make on page 2 of your submission and go to a few questions that we have around those recommendations. I certainly appreciate the fact that you have given some thought to what else could be done to improve the regulations. The first paragraph at the top of page 2 talks about minor amendment applications to be processed by local authorities. The committee notes that paragraph 13 of practice note 4 issued by the Department of Planning states that it is ultimately a question for the DAP as to whether any application pursuant to regulation 17 is capable of being considered and whether it would substantially change the development approved. In order for the PCA's recommendation to be implemented, what changes would you recommend be made to regulation 17?

Mr Iacomella: Thank you for the opportunity to explain that further. The matter that we are referring to, and the improvement, deals with an application before a DAP meeting where it is apparent that an application is deficient in terms of meeting an approval by virtue of a small matter. We believe the system would be improved by having a capacity within the DAP hearing for an engagement between the DAP and the applicant, such that the applicant may agree to a relatively small change that would enable that approval to be obtained on the judgement of the DAP members.

The CHAIR: Does the new stop-the-clock arrangement assist with that?

Mr Iacomella: What we would be referring to would be the meeting itself. The feedback we have received is that there are occasions—they are not common—where an applicant comes to a point in a DAP hearing where clearly a simple change to an application—for example, reducing a height from 10 to nine levels—would satisfy the requirements of a DAP for an approval, and that is the determination of the DAP itself, and then the applicant could agree to make that change to the application.

The CHAIR: Rather than having to go back and start the whole process again?

Mr Iacomella: Exactly.

Hon MARK LEWIS: And it would be done by the local authority, not necessarily by the DAP?

Mr Iacomella: It could be, or it could be a resubmitting. It preferably would be done that way, yes.

[2.20 pm]

Hon MARK LEWIS: That is what you have got here.

Mr Iacomella: Exactly.

The CHAIR: So you are actually in the DAP meeting and they would have the capacity to have that discussion and agree to make that change at that point in time.

Mr Iacomella: Yes.

The CHAIR: We will take that on board.

Mr Iacomella: I should say that there have been occasions where a DAP meeting has paused and reconvened where a presiding member has judged that there may be opportunities for achieving that outcome, but that essentially is a matter for the presiding member of the DAP to determine. It would be beneficial if there was more of a structured opportunity to achieve that.

The CHAIR: But I would have thought that would have been part of the process of the DAP, would it not—having that discussion around those types of issues and having that capacity to make those changes?

Mr Iacomella: At the time of the hearing?

The CHAIR: Yes.

Mr Iacomella: We believe that a more formalised arrangement to enable that would enable that to happen more effectively.

The CHAIR: Moving down to the next recommendation, which is in your second paragraph of page 2, which talks about the right to make further or written submissions, what practical issues have been experienced by any of your members that have prompted this recommendation?

Mr Iacomella: Again, just to set the context of this, the desire here is a desire to have an opportunity to engage with the DAP to sort out an approval. I think it is similar to the earlier comment I made, but the practical issues here are simply that it eliminates a lengthy process where often the application is required to be resubmitted. What we would like to see is, and I think the earlier comment was, that a local authority could take the opportunity to make those minor changes rather than having a resubmitting of the application. Similarly here, where there is an application before a DAP, at the moment there is a difficulty or, in fact, an inability for the DAP to engage with the applicant and so what we are suggesting here is an ability for an engagement where there is a real possibility for an approval.

The CHAIR: Taking that on board, I understand that under the DAP standing orders, 3.5.2 currently allows for verbal presentation requests to be accompanied by a written document setting out the substance of the submission. Does that resolve your concern or is that not enough?

Mr Iacomella: It does, but there are matters that come up in a DAP hearing itself which we believe can be resolved or dealt with effectively during the DAP hearing itself.

The CHAIR: So it is about having the ongoing discussion during the process, not just about the initial verbal or written submissions. It is about being able to speak up during the process.

Mr Iacomella: Exactly.

The CHAIR: Just looking at the recommendation you have set out in your third paragraph on page 2 of the submission, it talks about adverse decisions by the DAP. Regarding making verbal or written submissions prior to the convening of a full DAP meeting following an adverse decision by the DAP, can you perhaps provide some more detail on that? Does it refer to a refusal pursuant to regulation 17.4, which is the initial regulation that we were referring to earlier on, and would such a refusal not be appealable to the SAT pursuant to regulation 18 rather than be subject to a further review by a DAP?

Mr Iacomella: Can I just say that, on reflection and then referring to the remarks in the question, the system as it applies now is an effective measure so that the applicant now has an opportunity to make a written submission on the application to the DAP and that would suffice in explaining the resubmitting that has occurred. If I may go back to my first recommendation, just a clarification on that, which I did not state, a key matter there, which I think should be noted, is the industry has experienced some issues in regards to where an application has been approved but, following the approval, the applicant wishes to make a minor amendment to an approved application, and that is a minor amendment that is defined in the regulations. In those instances, the industry would like to see that the local authority should deal with that as a matter of procedure.

The CHAIR: So just with the minor amendment?

Mr Iacomella: Yes. This is to enable a minor amendment to an approved application to be processed and not required to be returned to a DAP meeting. The structure of that needs to be clearly defined, but the substance of what is a minor amendment is well described within the regulations. I should say it should be on occasions where the minor amendment would not materially affect or change the substance of the approval.

The CHAIR: How often would that type of situation arise?

Mr Iacomella: It does not happen often, but it happens often enough to be a minor frustration. We are aware that local authorities do control this to a large extent and they do have the capacity to process these minor amendments to approved applications, but there is not a consistent approach to that. We see this small change will enable a significant improvement to the processing of approved applications.

Hon MARK LEWIS: Thanks for that. I was a bit at cross-purposes earlier.

Mr Iacomella: Yes; I thought I would need to return to that, but I think that answers your question.

Hon MARK LEWIS: When you said a minor change might go from 10 storeys to nine, or the other way —

The CHAIR: That is not a minor change.

Mr Iacomella: I trust that that clarifies that first point.

Hon MARK LEWIS: Yes, thank you.

Hon BRIAN ELLIS: Yes, I was a bit concerned, too. I have not checked in the regulations what a minor amendment is, but it would have to be fairly clear, I would imagine. If the local government opposed the development in the first place and you are asking them to reassess on a minor amendment, it just appeared to me that you might have been giving them an excuse to hold the development up.

Mr Iacomella: No. The context of that is applications which have been approved which subsequently require a small change, largely to enable the development to proceed effectively and to improve upon the outcome. It may result in a matter, for example, like a small change to paving to meet a requirement within a change to local regulations at the time. It is a much better outcome if those small matters can just be resolved by the local authority rather than have to return to a full DAP meeting. Thank you for accepting that.

[2.30 pm]

The CHAIR: We have a few areas that we want to cover reasonably quickly, given the time. One is around cost recovery. We just want to know what your view is on the fees that are charged by DAPs. We have received evidence about the financial sustainability of the DAPs and the fact that full cost recovery is not applied. We just want to know: do you believe that the fees for the applications are currently set at a reasonable level? Should full fee cost recovery be applied; if so, why; and, if not, why?

Mr Iacomella: In respect of the fees, we have not received a significant number. In fact, my recollection is that I am not aware of any industry concern regarding the current setting of fees. So, from that we take that there is an acceptance that the current level of fees are sufficient. In regard to whether the fees should change to reflect cost recovery, we understand that from the outset, the purpose of the fees was to enable the DAP framework to operate effectively, and we would support a fee structure that would enable the DAPs to operate effectively. So, on matters of fee setting then, we would defer to the judgement of the Planning Commission and the Department of Planning in respect to what is necessary in order to enable the DAP framework, as we know it, to continue.

The CHAIR: The next area is looking at third party appeals. A number of issues have been raised with this committee about some decisions that are made; obviously they are not going to please everybody. There is a view that various groups are being denied an opportunity to have a say on a development, be they local government or community or other interested parties, either via the DAP or via the SAT. Does the Property Council have a view on third party appeals?

Mr Iacomella: We do. We do not support third party appeals. We believe that there are sufficient processes now for the community engagement in the development assessment processes, but primarily we do not support third party appeals because they would jeopardise the orderly planning process that we have today, and they will invite and in fact open the floodgates to an inordinate number of delays and cost escalations as the development assessment process deals with what would be an unfettered number of appeals from parties that have no direct interest in the actual development or the land in question.

The CHAIR: The next area is around the role of local councillors. Does the Property Council have a view on whether or not the role that local councillors play as members of DAPs has been clearly articulated versus their role on the local council?

Mr Iacomella: We believe that they have been articulated clearly, and that is a particular matter that we know has been addressed in that education of the DAP members, particularly that initial information or education that is required upon becoming a DAP member.

The CHAIR: The other area that has been raised as an issue with the committee, again in evidence, has been around the use of discretionary powers by DAPs. Comments have been made about the DAPs' powers being regarded as unfettered and without justification or scrutiny. There is a view that was put to us that perhaps any exercise of discretion by a DAP should be restricted to or limited to variations of no greater than one R-code for that particular site. Does the Property Council have a view on the discretionary powers of DAPs?

Mr Iacomella: Yes, we support the use of discretionary powers by DAPs, as contained within and prescribed within the local planning schemes. We note that on most recent reportings, 95 per cent of

DAP decisions are in accordance with the regulatory authority report, which would suggest that the system is working effectively, and in many instances those regulatory authority reports are also based upon the use of a discretionary element. So, we are talking about possibly a very small number of instances outside of that, but we believe that the use of discretionary powers by DAPs, as is currently employed, is sufficient and should be continued. In regard to whether there should be a prescription of that application of discretionary powers, we would not support that because that would simply be a model which the system or the process would gravitate to; in fact, it is your minimum position. We believe that a decision should be made based on the merits and expert judgement of an application, not by a prescribed outcome, which I think that example that you provided would result in.

The CHAIR: We are just going to have a talk about delays in the process. Some submitters have expressed concerns that DAPs have added delays to the planning system. One reason being given is the lack of information given by the applicant and breakdowns in communication between the applicant and the decision-maker, whereas the local government system provides both parties with an opportunity to engage prior to the application being made. Is the Property Council aware of any applications being made to the State Administrative Tribunal for a review by an applicant due to having been a deemed refusal by a DAP because it has not made a determination within the time lines required by the relevant planning scheme?

Mr Iacomella: Not to our knowledge, no.

The CHAIR: There have also been concerns expressed by some submitters that incomplete applications are being lodged by applicants as well as late plans being lodged very close to the deadline for submission of the RAR, and even instances of applicants submitting new information at DAP meetings, copies of which have not been previously provided to the relevant local government. It has been stated that such practices place undue pressure on local government staff and result in delays to the process. Have you got any views or had any feedback on those types of situations?

Mr Iacomella: Not directly on that, no, but I should say that these are matters of constant improvement. They were matters that were existing prior to DAPs when councils were dealing with the development applications, and we would suggest it is a matter for constant improvement and for applicants to be aware of; and of course it is a matter for the applicants themselves in terms of who they use to employ as their consultants. So, these are matters of process and matters that will improve as we become more accustomed with the system.

The CHAIR: The next couple of areas we want to look at are in relation to DAP thresholds.

Mr Iacomella: Yes. Which question, sorry?

The CHAIR: I am sorry, it is 19. It has been put to us that there have been occasions when applicants have provided an estimate of the value of an application just to reach the DAP threshold. It has also been suggested that all estimates should be subject to an assessment by a relevant local government planning office before the application can be decided upon by a DAP. Do you have a view on that?

Mr Iacomella: Not particularly. We are not aware of major concerns in this matter. Again, I repeat: whilst we are some years into the operation of DAPs, it still is, in some instances, that parties are learning the system, and we are seeing that matters like this and improvements are happening all the time.

[2.40 pm]

The CHAIR: Most of your members would be working on significantly large projects, which would automatically kick them into the DAPs, I would imagine.

Mr Iacomella: That is right.

The CHAIR: So that type of matter would not really be relevant to them.

Mr Iacomella: No.

The CHAIR: Do you have a view that there should be opt-in and mandatory thresholds in the regulations?

Mr Iacomella: We note that there have been recent amendments to the thresholds and opt-in that we believe are good amendments, and significantly improve the process. We believe that the current thresholds are sufficient. Ideally, we would like to see an opt-in from zero upwards, but we understand that that would probably swamp the system as we know it. The current opt-in thresholds and mandatory thresholds we believe are sufficient.

The CHAIR: If you are suggesting from zero, rather than the current rates, that would essentially take all of that decision-making away from local governments and straight into the DAP process.

Mr Iacomella: It would be an opt-in process, but that is not a position that we are advocating at the moment. We note that there have been recent changes, and they have dealt effectively with some concerns about different thresholds before that. We are also encouraged by the greater use of delegation of development assessments to council planners by councils in that opt-in range, and we see that as a good outcome.

The CHAIR: Another issue that has been canvassed with us is that, rather than having monetary thresholds as the point of referral, perhaps other factors should be taken into account for projects before they are referred off to a DAP. Do you have a view on that?

Mr Iacomella: No.

The CHAIR: You do not support that?

Mr Iacomella: They are not matters that have come before us. As I said before, we support the current opt-in thresholds and the mandatory thresholds. We now see that as a realistic framework within which our industry can operate.

The CHAIR: Another issue that has been canvassed is around potential conflicts of interest, where members of the DAPs are on occasion representing applicants. It has been put to us that there should be some sort of ban placed on DAP members being able to do that; obviously having to stand aside. Do you support that?

Mr Iacomella: No, we do not support a ban on that. The current provisions, which require parties that have an interest to declare that interest and step aside from that hearing, are sufficient in our view. That is the situation that applies in councils as well, where similar scenarios can play out. It is also standard practice in boards. Requiring all DAP members to not have interests in potential DAP hearings would significantly erode the competency base of expert persons who can be members of a DAP.

The CHAIR: Just looking at some of the changes that have occurred, obviously we have dealt with the issue about changes to the threshold, and the other changes—the mandatory changes for the City of Perth—will not significantly impact on you. Do you have a position on the introduction of the stop-the-clock mechanism?

Mr Iacomella: Again, the current arrangements are working effectively, and to a large degree it is difficult to have a stop-the-clock arrangement that satisfies all scenarios, but what we have today, from our industry's perspective, is an outcome that works effectively.

The CHAIR: One of the other points that has been made is about the changes to quorum for a DAP hearing. It has been moved from five to three, and now there is no constraint on which members are present. As long as the chair is there, it can be one or both of either the specialists or the councillors. Does the Property Council have a position on that?

Mr Iacomella: We agree with the current framework. The reality is that the council members can use deputies as well. It is more important that there is a quorum, because there is a real risk otherwise that there would not be a quorum and then the process would not proceed.

The CHAIR: Do you think the quorum should be three or five?

Mr Iacomella: Three, as it applies.

The CHAIR: Three is the new one.

Mr Iacomella: The new one as applies today is sufficient.

The CHAIR: I do not think we have any more questions. Is there anything else you would like to add that may be of assistance to the committee, other than the initial changes that you have recommended?

Mr Iacomella: Just an understanding—and it is described in our opening comments—that we are aware that comments around the operation of DAPs are in terms of existing town planning schemes, and we would like to make the point that the existing DAP system works very effectively within the confines of the existing town planning schemes within a local area. The operation of a DAP can be even further improved if those town planning schemes are themselves improved, and there are a number of instances where town planning schemes may not be fully compliant with state planning policies and strategic planning frameworks. We believe that a number of the issues that have been discussed here today around the operation of DAPs will be even further addressed if all town planning schemes are uniformly and consistently complying with state planning policies, and particularly with state strategic planning frameworks. That is an overarching comment on matters that can be addressed outside of the DAP which actually would make DAPs work even more effectively.

The CHAIR: You are not the first person to make a comment along those lines about state planning principles and town planning scheme. We appreciate those additional comments. Thank you very much for coming in today. If you are just like to table the statement that you provided to us earlier today, and, if you are also able to provide to us a copy of the report card that you referred to as well, we would certainly appreciate that. Thank you very much for your time today, and for providing that information to the committee.

Mr Iacomella: Thank you for the opportunity to make submissions to the hearing; it is much appreciated.

Hearing concluded at 2.48 pm
