

6.2 LATE ITEM: Mayor John Carey and Cr Emma Cole – Review of Development Assessment Panels

OFFICER RECOMMENDATION:

That Council:

- 1. ADVOCATES for the abolition of Development Assessment Panels (DAPs) on the basis that:**
 - 1.1 DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;**
 - 1.2 DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and**
 - 1.3 Previous decisions made by the Metro West Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Policies adopted by the City of Vincent; and**
 - 2. ADVOCATES for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:**
 - 2.1 Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker and reinstating the minimum threshold for consideration of development applications by the DAP at \$7 million and indexed annually;**
 - 2.2 Requiring equal membership on the DAP between Local Government and Appointed Specialist members;**
 - 2.3 Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community consultation process;**
 - 2.4 Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;**
 - 2.5 Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;**
 - 2.6 Mandating that respondents to the develop application can nominate email or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;**
 - 2.7 Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;**
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- 2.8 Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes; and**
- 2.9 Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination.**

ADMINISTRATION COMMENT:

DAPs have largely (and deliberately) removed opportunities for local 'political' and community-based issues to be considered in the decision-making process. These issues represent the fine-grain fabric of what is important to a local community in terms of its future character, landscape and amenity, and elected Council Members are usually best placed to interpret and represent those views. Further, these local issues cannot always be easily captured through Local Planning Policies; as a result, subjectivity and discretion will always have a role to play in such decisions.

Whilst the specialist DAP members are well qualified and experienced in their fields, they do not have the same appreciation and ownership of local issues as elected members. Specialist DAP members will also typically not have the same enduring accountability to justify or 'live with' the consequences of DAP decisions as elected members have, which comes from being a resident of the local community.

DAPs may have a place in some local governments if and where local political or populist issues are influencing development outcomes at the expense of relevant planning considerations and established planning policies. However, this is not considered to be the case at the City of Vincent, where the focus is on making good planning decisions that are well balanced and considerate of both allowable development standards and local issues. This view is supported by a number of recent planning decisions made by Council and Administration (under delegated authority) which have resulted in well-informed and well-explained decisions, notwithstanding the prospective popularity of such decisions.

On balance, based on the City's extensive experience working within the DAP process, Administration is of the view that abolition of DAPs in their entirety is unlikely and therefore supports Recommendation 2 only instead of Recommendation 1.
