

The Application of Discretion

A Development Assessment Panel Perspective

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Background



- Appointed to the Metro North-West JDAP in 2011 as the Presiding Member (Stirling, Joondalup, Wanneroo)
- Panels are appointed by the Minister for Planning based on their level and diversity of experience.
- Plethora of reasons put forward for their introduction – but their primary purpose was **to provide transparency and balance** to the determination process which was often derailed by local politics.

Development Assessment Panel Overview



Aurelia by Finbar, 96 Mill Point Road South Perth
(118 Apartments and 2,300m² commercial space)

- Since their introduction in 2011 the system has determined **in excess of \$26 Billion** in development across the State via ~830 applications.
- Applications range from the relatively innocuous and uncomplicated proposals to highly complex and controversial proposals.
- Attempt to make the process **as efficient and effective as possible** and provide fair and balanced decision making in accordance with the planning framework and objectives.

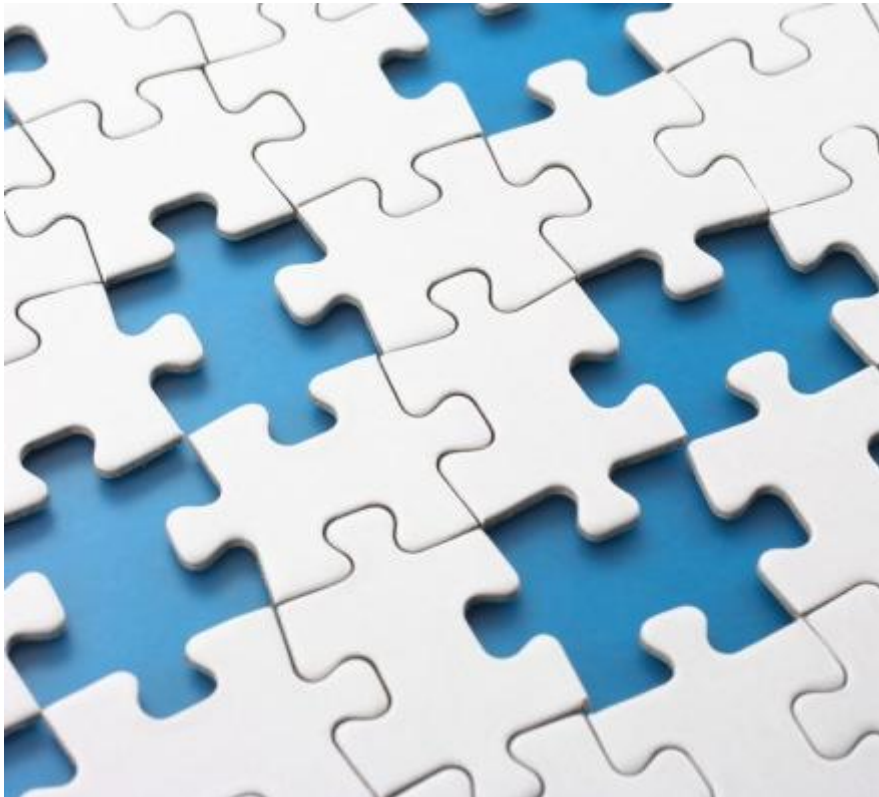
Staying Focused



Residents objecting to a proposed two storey McDonalds on Reynolds Road in Applecross which was refused by the Metro Central JDAP but approved on review by the State Administrative Tribunal

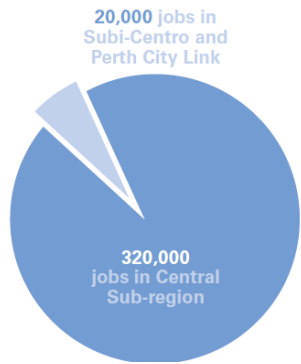
- Established to **determine development approvals** – rather than subdivision, structure planning, strategic planning, schemes, etc.
- Key focus is on **accommodating and facilitating growth** via the planning framework of the local government and the WAPC.
- Need to **balance the diverse views** of the whole community – including local residents/owners, applicants, government agencies, the property industry, the broader economy, etc.

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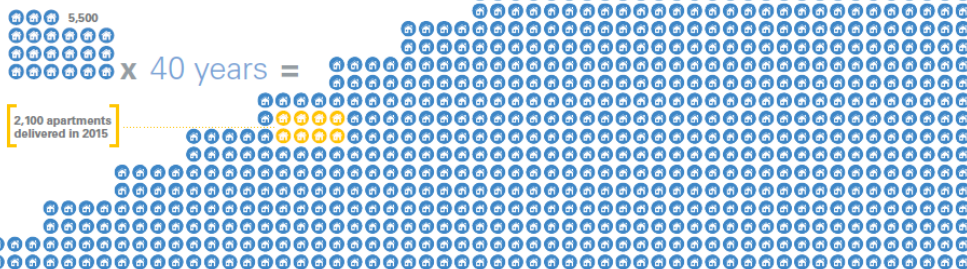
- In determining applications **we take the place of** the normal determining authority.
- We must determine applications **in accordance with the planning framework** and with due regard to the officers recommendations.
- This is often difficult due to **inconsistencies with the planning framework** – particularly between the WAPC and local government policy/strategy and schemes.

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- 800,000 new jobs overall
- In the Central Sub-region alone we are looking at 320,000 jobs = 5-7million m² of retail/commercial space
- Subi-Centro and Perth City Link combined has delivered about 500,000m² (20,000 jobs)

- Around 380,000 infill dwellings
- Central Sub-region – 215,000 infill dwellings
- **Or 5,500 apartments per year for the next 40 years**
- 2,100 apartments delivered in 2015



- We give **appropriate weight** to community submissions and deputations – but are not bound to accept or act upon them.
- To achieve the ambitious infill targets established by the State Government **we must accept redevelopment in appropriate locations** (established centres and activity corridors).
- Where antiquated policies or requirements unreasonably restrict appropriate development, **it is often necessary to compromise.**

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- One of the key benefits of the DAP system is the ability to **negotiate and compromise** through the use of discretion.
- As independent authorities we are able to take in a broader range of considerations and find an appropriate balance in determination.
- **This is beneficial to all stakeholders** – considered that the process is substantially more efficient and provides better outcomes than the previous determination process.

Recommendations: Local Government

1. Embrace the ambitious Strategic Planning Framework

- Infill development is not easy – and needs collaboration and cooperation between developers and government agencies.
- Embrace the challenge and plan accordingly – it isn't going to go away.
- Review your strategic and statutory planning to facilitate development in the right locations – and focus investment and resources in those areas.
- **Start now!** The State Government and the development industry will not wait for local governments dragging their feet.

	NORTH-WEST		2011	2050
	 people	322,486	740,318	
	 jobs	80,566	229,089	
	 homes	114,923	283,716	
	NORTH-EAST			
	 people	209,156	450,590	
	 jobs	82,379	187,986	
	 homes	76,547	179,101	
	CENTRAL			
	 people	782,974	1.2 m	
	 jobs	540,000	780,000	
	 homes	2050 infill target of 215,000 homes		
	SOUTH METROPOLITAN PEEL			
	 people	523,406	1.26 m	
	 jobs	143,971	437,725	
	 homes	205,493	507,670	

Recommendations: Local Government

2. Identify Priority Infill Areas

- Don't let antiquated R-Coding dictate growth areas – these should be focused on identified centres and corridors with existing infrastructure and amenity.
- Ensure that planning goes beyond simple zonings – local governments must plan for the costs of urban infill – including full and comprehensive planning for drainage, utilities, transport, public realm, public institutions and **funding sources**.
- This planning must be integrated – start with proper strategic plans and work your way down to the statutory requirements and design guidance.



Traffic and
Access



Retail
Sustainability



Public
Realm



Commercial
Feasibility



Service
Infrastructure

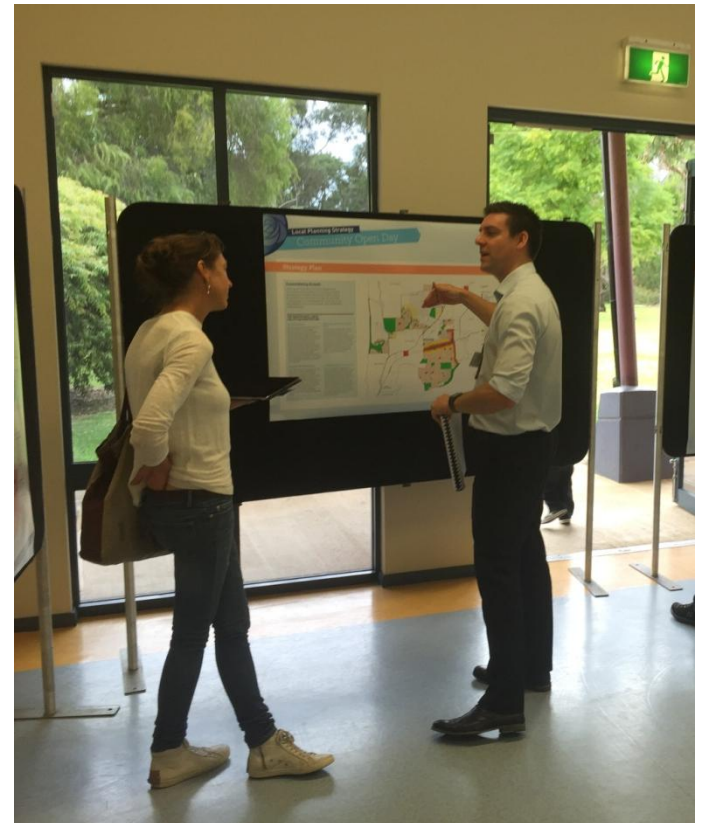


Infrastructure
Funding

Recommendations: Local Government

3. Engage with your Community

- Not a letter advising of a rezoning or development proposal!
- Engage with your community from the start – **establish a vision** for redevelopment areas with the local community and get them to embrace it.
- Get them to understand the benefits of growth and evolution within areas – more services, local jobs, retention of character precincts, improved transportation.



Community Open Day for the City of Nedlands new
Local Planning Strategy

Recommendations: Local Government

4. Facilitate Pre-Lodgement Assessment

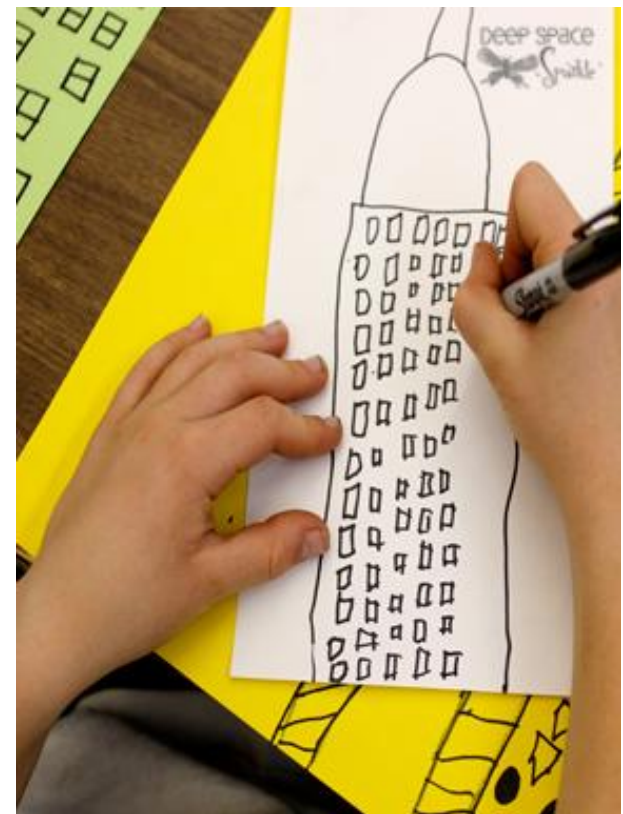
- Assist applicants to get it right the first time.
- Establish an efficient and effective way to seek initial feedback and input prior to substantial investment into a design that may be sub-par.
- Be open to meeting with applicants and work with them to create better designs and improved outcomes for all stakeholders.



Recommendations: Development Industry

1. Improve the quality of your applications

- Too often we receive poorly considered, inconsistent and sloppy applications – insufficient for assessment or determination.
- This results in wasting the time of the local government officers and the panel members – and often a deferral.
- It also often leads to the late submission of information which is unreasonable and unhelpful.
- Improve the quality of your spatial plans, improve the consistency and comprehensiveness of your justification, address technical considerations from the beginning.



Recommendations: Development Industry

2. Meet with the agencies and address their concerns

- Meet with the local government officers (and relevant State government officers) prior to lodging your application!
- Take their advice seriously and respond to their suggestions and feedback.
- Don't wait until you have submitted the application to seek feedback, as this only slows the process.



Recommendations: Development Industry

3. Engage with the local community

- Your development becomes part of the community – **engage with the local people.**
- Send them a letter, wander the neighbourhood, understand the context your site sits within.
- Encourage locals to contact you to discuss the project and understand your proposal.
- Listen and respond to their concerns – get them on side.



Thank you