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Dear Sir/Madam

Draft Advocacy Position – Development Assessment Panels and Significant Development Pathway

Thank you for the opportunity to comment on the draft Advocacy Position. Officers provide the following comments:

Development Assessment Panels

Development Assessment Panels (DAPs) were originally established to ensure that complex, major, and strategically significant development proposals were subject to an expert-led decision-making process, with the intent of improving the quality, consistency, and transparency of planning determinations. The core rationale was that certain and quite specific proposals, by virtue of their scale, land use intensity, or strategic importance, required a higher level of technical expertise and independence than might typically be available within other decision-making frameworks.

In principle, the idea of using panels composed of technical experts and elected member representatives to assess those most complex, significant, development applications was defensible. However, in practice, there has been a concerning drift away from this founding purpose. Increasingly, DAPs are being tasked with determining applications that do not meet a threshold of complexity or strategic relevance. Many of these proposals are, in substance, quite routine in nature - lacking the scale, sensitivity, or policy weight that would justify referral to an expert panel. This trend raises fundamental questions about the appropriate role and scope of DAPs within the planning system, if at all.

From the perspective of the Shire, Officers have primarily witnessed the use of DAP pathways specific to child minding centres and service stations. The nature of these appear to be far more effectively and efficiently capable of being handled at the local government level.

The routine involvement of DAPs in what appears non-complex matters undermines the principle of subsidiarity, where decisions should be made as close as possible to the communities they affect. It can also erode the accountability of local governments and marginalise elected representatives, particularly when proposals could reasonably be handled through normal development assessment, delegated authority and/or council reporting mechanisms. This has the potential to divert the panel's time and expertise away from truly complex proposals, where their specialised input is most needed.

From an officer standpoint, the current pattern risks diminishing both the efficiency and legitimacy of the system as it was initially intended in 2011. It creates unnecessary friction for straightforward matters, contributes to community frustration, and weakens the public's confidence in the integrity of local decision-making. Where public confidence in planning is paramount to the continued transition of Perth and Peel from a sprawled out to more consolidated urban form, a clearer and more disciplined application of the DAP referral criteria is needed - one that refocuses the panels on genuinely complex and regionally significant development applications. This should thus see

the return of ordinary, non-strategic development assessments to the local level where they properly belong and can be best determined.

To do this, officers recommend that the DAP process be revised to include more effective and targeted criteria or thresholds, that clearly delineate the types of applications warranting panel-level consideration. This would help refocus DAPs on their intended purpose - expert assessment of genuinely complex, regionally significant, or strategically sensitive development proposals

It is suggested that the following criteria could be applied:

1. **Strategic Significance:** The proposal is demonstrably aligned with or affects the delivery of a regional, sub-regional or state plan or project, or has implications for a major infrastructure corridor or precinct identified in a strategic plan.
2. **Scale and Intensity:** The development involves a substantial built form (e.g., above a specified number of storeys), or a land use intensity that could generate significant traffic, amenity, or environmental impacts beyond the immediate locality of 1000m.
3. **Complexity of Land Use:** The application involves a land use or combination of land uses that are listed within the EPA Guidance Statement pertaining to Separation Distances with sensitive development.
4. **Public Interest or Controversy:** The proposal has attracted significant, substantiated community objection or raises matters of broader community concern that require an independent and expert decision-making process.
5. **Innovation or Unusual Design:** The development departs substantially from standard planning provisions and represents a novel or atypical design or planning approach that requires detailed architectural or planning scrutiny.
6. **Cost:** The development exceeds an estimated cost of \$15m within the South West Region of Western Australia, or \$5m in other regions.

Applications that do not meet any of the above thresholds - particularly those that involve standard forms of development consistent with the planning framework, involve low levels of community concern, and fall well within accepted policy parameters - should be assessed and determined by local governments.

Changes in the preparation of Responsible Authority Reports

With respect of recent reforms to mandate the preparation of responsible authority reports at CEO and Director levels, there is much needed policy guidance needed for this. Councils clearly are concerned with their ability to have input into decision making processes, and have every right under democratic principles to be a participant in the process. It is unacceptable to have vague sector advice provided on how Councils can participate in the process, and this must be made a priority of WALGA to obtain clear procedural advice from DPLH on how this takes place.

A range of legitimate and unresolved procedural questions arise for local governments, including:

- How can Council give itself sufficient time to make a submission which must adhere to the 21 day advertising process. This time limit would appear to make a submission not possible.
- Where an application is particularly contentious or has broad community impact, what is the mechanism for Council to make a submission without creating at least perceived interference in the RAR's objectivity?
- What is the status of a Council's submission on a DAP, particularly where it differs from the RAR, and how is it weighted in the determination process?
- Will DPLH or the DAP Secretariat be issuing template procedures, protocols or reporting timeframes to support consistent implementation across all local governments?

Until these matters are resolved, there remains significant ambiguity surrounding the proper integration of democratic input within the statutory RAR process by Councils. This risks undermining both the integrity of local government involvement and public confidence in the transparency of development assessment decision-making in Western Australia.

Significant Development Pathway

The data collected for development that has undergone the 'Significant Development Pathway', demonstrates a lack of efficiency due to lengthy timeframe, despite the legislative intent to streamline approvals for genuinely state-significant projects.

Retaining a mechanism intended for major, strategic significant projects that are even more consequential than development assessment panel applications, may have some benefit, however such is yet to be clearly illustrated. Especially where a decision maker is not limited by the planning framework, such decision-making process represents a very unique situation, that needs to be very carefully managed.

The potential for such a pathway to streamline complex inter-agency approvals, unlock regionally significant investment, or facilitate projects of State importance cannot be entirely discounted. But, where such is eroding public confidence in development being required to comply with a planning framework they have helped shape, serious questions are raised as to the appropriateness of this.

The absence of measurable performance benchmarks for the Significant Development Pathway risks enabling its use for proposals that are neither exceptional in scale nor genuinely aligned with broader State strategic objectives. This lack of definitional clarity opens the door for proponents to bypass conventional local assessment processes, not on the basis of strategic merit, but for convenience - undermining the integrity and consistency of the State's planning system.

The pathway's centralisation of decision-making within the Western Australian Planning Commission, without mandatory regard to local planning schemes or strategies, has further compounded concerns regarding transparency, accountability, and community trust. Decisions that depart from established local frameworks - without clear justification or opportunity for meaningful local input – will erode the legitimacy of the planning system in the eyes of both the community and local government stakeholders.

While inter-agency coordination and approvals remain a persistent challenge in complex development proposals, the solution should not come at the cost of procedural fairness or strategic alignment.

In order to better justify any continued existence and use of the significant development pathway, it is recommended that the State Government undertake a formal review and publish a clear framework that addresses:

1. **Purpose and Scope** - Clearly define the types of projects for which this pathway is intended, and how it differs substantively from the DAP process.
2. **Assessment Criteria** - Establish transparent thresholds relating to economic value, job creation, infrastructure integration, or strategic alignment, which must be met for eligibility. Not merely a cost of development value.
3. **Performance Evaluation** - Regularly report on the outcomes of applications determined under the significant development pathway, including timeframes, community engagement processes, planning departure and decision quality.
4. **Public Confidence In The Form of Third Party Appeals** - Ensure the process incorporates meaningful community consultation and maintains accountability through published reasoning and opportunities for third party appeals where decisions depart from the planning framework in the form of otherwise prohibited development being approved.

Without such reforms, the significant development pathway risks being perceived as duplicative, insufficiently rigorous, or susceptible to perceptions of preferential treatment - particularly where its use is not linked to improved strategic outcomes or planning integrity.

Thank you for the opportunity to comment.

Yours faithfully

Shire President Rob Coales