

OTTO MUELLER

26-4-2013

TO THE PRODUCTIVITY COMMISSION
LOCKED BAG 2 COLLINS STREET EAST MELBOURNE 8005

TO WHOM IT MAY CONCERN.

This is an addendum/supplementary to my submission, dated March 13. 2013.
The enclosed articles are to be appended to it.

The subeditorial headline clearly shows the disdain by a career public SERVANT,
now in State employ. The person originally started at local government level in this
city. The trend is clear. We, the public, are the last to be worried about. Never mind
those local, ELECTED, councillors.

Regards

Lumsden: DAPs – get used to them

By LLOYD GORMAN

Development assessment panels (DAPs) are here to stay, WA planning supremo Eric Lumsden says.

At a recent meeting with Subiaco mayor Heather Henderson and councillor Scott Arbuckle, Mr Lumsden, the WA Planning Commission director-general, told them what he had already told the WA Local Government Association (WALGA) – that they would have to learn to live with the planning system.

In a WALGA survey of councillors and planning staff last year, most respondents thought DAPs failed to be transparent, consistent and reliable, the very things they had been set up to be.

Instead of streamlining the approval process, DAPs had made it more complex and caused delays, survey respondents said.

Only a few said the DAPs appropriately balanced professional advice and council representation.

On the strength of these findings a WALGA policy forum voted last year to have the entire DAP approval process scrapped.

WALGA president Troy Pickard then met Mr Lumsden and Planning Minister John Day.

According to WALGA's meeting agenda papers at the time, it was apparent at that meeting that the state government was committed to retaining the DAPs and keen to persist with the system.

Subiaco mayor Heather Henderson said Mr Lumsden had told her and Mr Arbuckle the same this month.

Last month, councils in WALGA's central metropolitan zone – Cambridge, Claremont, Cottesloe, Mosman Park, Nedlands, Peppermint Grove, Perth, Subiaco and Vincent – got WALGA to lobby the state government on DAPs.

They want the government to clarify aspects of planning legislation, DAP regulations, and council responsibilities.

Among their concerns were secret DAP and State Administrative Tribunal meet-

ings, DAP members consulting developers during on-site mediation, and the public's lack of opportunity to examine amended plans and development applications.

DAP projects in Bagot Road and Catherine, Hay and Olive streets in Subiaco and another one in Cambridge Street were among issues the councils wanted raised.

Last month's WALGA agenda paper shows Subiaco council sought advice from Senior Counsel Ken Pettit about the DAP's approval of the office block known as the Wedge, being built next to King Edward Memorial Hospital.

The paper says: "Mr Pettit found that DAP's reconsideration at a closed meeting ... failed to follow the statutory process for publication of a notice and agenda for the meeting and provision of this information to the City of Subiaco ...

"[Mr Pettit] advised that the DAP failed to give local government and the public the right to make a submission by having a confidential meeting to deter-

mine a development.

"In summary, the DAP failed to follow statutory process, and was not properly constituted to make a determination."

The WALGA councils are calling for major changes to be made to DAPs, including increasing the cost threshold at which developments need to be assessed by a DAP instead of a council, and allowing councils a right of appeal to the SAT.

The Local Government Planners' Association (LGPA) has also been critical of DAPs, and more recently the SAT.

Last year, at an event marking the first anniversary of the introduction of DAPs, LGPA president Ian MacRae said: "DAPs have failed to deliver against the avowed criteria of success: transparency, consistency, and reliability.

"They fail on cost – having overshot the budget.

"They fail on efficiency – having introduced new areas of inefficiency and double handling, on balance they fail on the speed of decision making.

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"And there is no evidence of them having improved the quality of decisions made. Indeed, more applicants over the past year than in the previous six years have been unhappy enough to challenge at the SAT."

On Thursday morning, the LGPA

held another event which included a debate about the "behind closed doors" approach to SAT reviews.

"All these things help to bring attention to the fact there are critical issues still with DAPs that we still need to have addressed," Mrs Henderson said.

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Secret DAP Wedge deal lamented

A confused construction worker noticed a bunch of flowers on the ground outside the work site where a new office block known as the Wedge is being built.

But the hard hat, hi-vis jacket wearing worker didn't stop to check what was written on the card attached to the bouquet.

It read: "21 March 2012 Memorial to the death of transparency".

Dressed in black, Subiaco councillor Julie Matheson laid the flowers at the building site next to the King Edward Memorial Hospital early on Thursday morning before tradies started work.

Ms Matheson said the building had been approved in secret during mediation talks by the western suburbs development assessment panel after its original decision to reject was appealed to the State Administrative Tribunal.

"This is the first anniversary of the DAP decision to approve the Wedge – or, as the POST has referred to it, Wedgegate – in secret," Ms Matheson said.

"We tried to have the decision set aside, but alas we failed.

"This development is now a monument to secrecy and the death of transparency.

"I laid these flowers in memory of open and transparent decision making."



Taking its secrets to the grave... Julie Matheson made the symbolic gesture on the first anniversary of the clandestine meeting that approved the Wedge.