

Feedback Form

Planning Regulations Amendment Regulations 2020 - Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 ('the regulations') and other associated Regulations

Introduction

This feedback form is divided into the following sections:

Section 1	Submitter's details
Section 2 – Section 8	Questions seeking specific views and comments on the proposed amendments to the regulations
Section 9	Consequential Amendments to DAP regulations
Section 10	General comments

The description of the proposed amendments to the regulations, contained within Sections 2 to 8, are a summary and general in nature, and are not a legal description of the proposal. References are provided to specific regulations to assist in explaining the proposed amendments. The 'track changes' version of the regulations document should also be referred to, which indicates all of the proposed amendments to the regulations (see Attachment 1).

The feedback form is to be emailed to planningreform@dplh.wa.gov.au by **5:00pm Friday 18 September 2020**, along with any associated documents, such as resolutions made regarding feedback on the proposed amendments.

All feedback, comments and suggestions will be considered prior to the finalisation of the proposed amendments to the regulations.

For any enquiries regarding the completion of this form, please contact the Planning Reform Team on 6551 9915.

Abbreviations and acronyms

For the purposes of this feedback form, the following abbreviations and acronyms are used:

Action Plan – Action Plan for Planning Reform (2019)

DPLH – Department of Planning Lands and Heritage

PD Act – Planning and Development Act 2005

Regulations – *Planning and Development (Local Planning Schemes) Regulations 2015*

WAPC – Western Australian Planning Commission

SECTION 1 | SUBMITTER DETAILS

Question 1 Submitter Name
Ivana Lazarus C/o City of Kalamunda
Question 2 Email Address
enquiries@kalamunda.wa.gov.au
Question 3 Organisation Name
City of Kalamunda
Question 4 Organisation Type
Local Government Council

SECTION 2 | LOCAL PLANNING STRATEGIES

Question 5 Manner and Form for Local Planning Strategies	
Proposal: AMEND: r.11(2) – insert r.11(2)(aa) to require a local planning strategy to be prepared in a manner and form approved by the WAPC.	
Explanation: This change will provide a statutory head of power for the WAPC to determine a set manner and form for local planning strategies and will contribute to the achievement of the objectives outlined in the Action Plan for greater consistency across the planning system. The manner and form for local planning strategies, and associated guidance, are currently being prepared by DPLH. It will be finalised next year following consultation with local governments and other key stakeholders.	
Response to proposal	Conditionally Support
Comments	
As the detail of the 'manner and form' of the Local Planning Strategy has not been provided as part of this public consultation process, it is difficult to provided full support of this proposal.	
Administration - DPLH Proposal Ref: A	

Question 6 Inclusion of Local Planning Strategy as a Planning Consideration	
Proposal: AMEND: cl.67 (deemed provisions) – insert sub-clause 67(3)(fa) 'any local planning strategy for this Scheme endorsed by the Commission'.	
Explanation: This amendment will list the local planning strategy for a local planning scheme as being a matter that the local government is to have regard to when considering an application for development approval. The purpose of this amendment is to elevate the importance of strategic planning and provides a clear line of sight to strategy, consistent with initiatives of the Action Plan relating to planning being strategically-led and local planning frameworks being more legible.	
Response to proposal	Support
Comments	
Insert Comments here	

Administration - DPLH Proposal Ref: 94

SECTION 3 | STRUCTURE AND PRECINCT PLANS

Question 7 One Process for Structure and Precinct Structure Plans	
Proposal: AMEND: Part 4 - Structure plans and DELETE: Part 5 - Activity centre plans (deemed provisions).	
<p>Explanation:</p> <p>The existing provisions in Part 4 (structure plans) and Part 5 (activity centre plans) of the regulations are practically identical, with the primary difference being that activity centre plans can set out built form and development standards. These amendments will include definitions for a precinct structure plan and standard structure plan. Standard structure plans will not be able to include development requirements and are suited to greenfield areas. Precinct structure plans are an expanded version of an activity centre plan and will replace activity centre plans. These plans will be able to include development requirements and are suited to infill areas and areas requiring more detailed planning for built form.</p> <p>There is a need to amend the statutory procedures in the regulations to facilitate the processing of precinct structure plans, prepared in accordance with the proposed State Planning Policy 7.2 – Precinct Design (SPP 7.2) and the Precinct Design Guidelines.</p> <p>The opportunity exists to streamline and consolidate the existing requirements of Parts 4 and 5 into a single set of procedures and utilise these consolidated provisions for the processing of precinct plans.</p>	
Response to proposal	Conditionally Support
Comments	
The City of Kalamunda submitted the draft Kalamunda Activity Centre Plan (KACP) to the WAPC on 14 April 2020. The WAPC is yet to make a decision on the KACP. It is requested that transitional provisions are included in these amendments to ensure that ACPs which have progressed to the WAPC can be finalised under the current regulations.	
Administration - DPLH Proposal Ref: H	

Question 8 Revocation of Structure Plans	
Proposal: AMEND: cl.28 (deemed provisions) - to allow the WAPC to revoke a structure plan under additional specified circumstances (e.g. when a new structure plan is approved in relation to the area to which the structure plan to be revoked relates).	
<p>Explanation:</p> <p>Currently the effect of cl.28(4) is that a structure plan can only be revoked if it cannot be effectively implemented because of a legislative change or a change in a State planning policy. Greater flexibility is sought to be able to revoke a structure plan that no longer has utility.</p>	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: I	

SECTION 4 | BROADER RANGE OF PLANNING APPROVAL EXEMPTIONS

Question 9 Broader Range of Exemptions for Small Projects	
AMEND: cl.61(1) (deemed provisions) – to provide additional exemptions for certain works or small projects.	
<p>Explanation:</p> <ul style="list-style-type: none"> • Removing unnecessary red tape to make it easier for people to do small improvements to their homes and/or businesses. • Clause 61(1) of the regulations already provide exemptions from planning approval requirements for small residential and non-residential projects. The list is proposed to be expanded to include the following: <ul style="list-style-type: none"> - Site works for non-residential development where the excavation or fill is 0.5m or less. - Demolition of non-residential buildings that are not attached to another building. - Installation of water tanks that are less than a certain height (2.4m or 1.8m depending on location), not in front of a building. - Change to the wording of signage. - Cubby houses with a wall height of less than 2.4m and overall height of 3.0m, provided the floor level is no more than 1.0m above ground and the cubby house abuts no more than one boundary and is no less than 1m from other boundaries. - The installation of solar panels on non-residential buildings (must be flush with the roof). - The installation of a flagpole (1 per property and no more than 6.0m in height) - Maintenance and repair works. - Works that are urgently necessary for public safety, the safety or security of plant or equipment, the maintenance of essential services or the protection of the environment. <p>The above exemptions generally do not apply where the works are in a heritage protected place.</p> <p>A table is to be inserted into cl 61(1) to make it clear what works are exempted under what conditions.</p>	
Response to proposal	Conditionally Support
Comments	
<p>Exemption 1 of Cl. 61(1) (site works) is not supported as it will create an administrative burden on local authorities to minor. For example, once the ground levels are amended through exempted works (i.e. fill no greater than 0.5m) the filled level becomes the new ground level, and therefore any further modifications to fill in the future, provided they're no greater than 0.5 metres will again be exempt. Theoretically, three (3) metres of fill could progressively be undertaken over a period of six (6) years and be exempt from development approval. It is therefore recommended that this exemption be removed from the proposed modifications.</p> <p>Exemption 9 of Cl. 61(1) As currently phrased, exemption 9 contemplates exemptions for political signage once an election is called. However, elections are no longer "called" and now have fixed dates and the City is of the view, based on advice, that the "calling" of an election is now when a writ has been issued.</p>	

<p>The City is of the understanding that a writ is not issued until late Feb with the election being mid-Mar. This doesn't provide much time for the exemption in the Regulations to be in place (the City's understanding is it may be a 4 – 6 week period).</p> <p>The City doesn't have a view on the appropriate timeframe for the exemption to be in place but it seems impractical for the exemption to only apply when a writ has been issued which is in the immediate lead-up to the election. It doesn't appear to be the intent of the Regulations when they were drafted, as elections were called when they were drafted.</p> <p>Exemption 15 of Cl. 61(1) is supported subject to an additional condition, that being "the proposed development is not within an ANEF contour".</p> <p>Exemption 16 of Cl. 61(1) is supported subject to an additional condition, that being "the works were previously exempt or received the relevant approvals".</p>
<p>Administration - DPLH Proposal Ref: K. Also, proposal 82 – exemption for internal building work where interior of the building is not specified as not being of heritage value. Proposal 86 - clarify works associated with single residential development. Proposal 84 - clarify that the single house exemption applies where it is a 'P' use in the relevant zone.</p>

<p>Question 10 Exemptions for Change of Use Applications</p>	
<p>Proposal: AMEND: cl.61(2) and new cl.61(2A) (deemed provisions) - additional exemptions for certain uses in specified zones of a local planning scheme.</p>	
<p>Explanation:</p> <ul style="list-style-type: none"> • Removing unnecessary red tape (approvals) to make it easier for appropriate businesses to establish and start operating. • Introducing a new clause 61(2A) in the deemed provisions to exempt appropriate uses from development approval in commercial, centre and mixed use zones, and light industrial zones. • The uses in commercial, centre and mixed use zones include – shops of less than 400m², restaurant/cafés, convenience stores, consulting rooms, office (not on ground floor), recreation private (only in Perth and Peel, not on ground floor and less than 400m²) liquor store small, small bar, hotel and tavern (all licensed premises are only in Perth and Peel, last three cannot be next to a residential zone, and the last two can be no more than 400m². This is shown in the regulations as a table. The exemptions are subject to conditions for the different uses to minimise any adverse amenity impacts. • The uses in the light – industrial zones include – recreation private (less than 400m²) and bulky goods showroom. • These exemptions apply where the use is: <ul style="list-style-type: none"> ○ the use is 'D' or discretionary and where there are no changes to the building such as an increase in size or noticeable changes to the front of the building, or where such changes are exempt from approval. • Permitted or 'P' uses are already exempt. • Where a use is either permitted or covered by the new exemption in clause 61(2A) there will be no parking requirements. • New definitions for zones and uses are also included so new exemptions can apply broadly in all applicable areas. 	
Response to proposal	Conditionally Support
Comments	
<p>Whilst the City has no objection to the intent of the further exemptions for change of use proposals, re-phrasing of the terms 'Commercial, centre or mixed use zone, 'Light industry zone' and 'residential' are recommended. The recommended</p>	

modification is the addition of part c which should state' "part b can only be applied where those zones mentioned in part a aren't listed in the relevant scheme.
Administration - DPLH Proposal Ref: L

SECTION 5 | DEVELOPMENT APPLICATION PROCESSES

Question 11 Deemed to Comply Checks for Development Applications	
Proposal: New cl.61A (deemed provisions) to introduce deemed to comply checks for single houses.	
Explanation: <ul style="list-style-type: none"> • New clause 61A being introduced for deemed to comply checks for single houses. • Will allow people to find out from local government if their proposed new house, extension or other minor works need planning approval or whether they can proceed straight to a building permit. • Will only apply to single dwellings and proposals relating to single dwellings in the Perth and Peel regions, and other local governments which give notice of the intention to provide this service. • The process will check whether the proposal meets the deemed to comply requirements of the R-Codes for a fee of \$295 • The local government will provide advice as to whether or not a planning approval is required within 14 days. 	
Response to proposal	Conditionally Support
Comments	
Supported subject to subsequent modifications to the applicable fees and charges set out in the Planning & Development Regulations 2009, enabling the City to charge the stipulated fee for the service. There should also be a provision that stipulates a baseline of information that must be provided to the local authority to undertake this "check" (i.e. site plan to scale indicating all setbacks to all boundaries, a floor plan and elevations all showing the FFL relative to NGL).	
Administration - DPLH Proposal Ref:S	

Question 12 Acceptance of Development Applications	
Proposal: New cl.63A (deemed provisions) - Action by local government on receipt of application	
Explanation: <p>New clause 63A specifies the procedures and timeframes for a local government to accept a development application for assessment.</p>	
Response to proposal	Conditionally Support
Comments	
The proposed phrasing is contradictory and needs to be amended. As currently phrased, the clause requires a Local Government to consider whether the application complies with the information contained in cl.62 and cl.63, within 7 days of receiving the application. However, cl.63A(2) then makes it an optional process for Local Government to provide this written advice to the applicant. Therefore cl.63A(1) needs to be amended to state that the Local Government "may" rather than "must" given that the application is considered "accepted" by this subsequent clause.	

It is also recommended the 7 day time period should be increased to 14 days or such a time as agreed to with the applicant.
Administration - DPLH Proposal Ref: M

Question 13 Additional Information Requested by Local Government	
Proposal: New cl.65A and cl.65B (deemed provisions) - to specify the circumstances where the local government may request additional information after an application for development has been accepted for assessment and provide the applicant the opportunity to either agree or refuse a request for additional information.	
Explanation: Outlines the proposed procedures for additional information requests. The local government may request any further information reasonably required to determine the application. Such a request must state the time period for submission of the information and this time is not counted as part of the statutory timeframe. An applicant has 14 days to agree or refuse a request and if no response is received within 14 days the request is taken to be refused. Only 1 request can be made for applications that are not defined as complex, that do not require advertising under clause 64(2)(b) or a referral under clause 66. The changes will also provide greater clarity for applicants and local governments regarding when, and the terms on which, additional information can be requested.	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: W	

Question 14 Advertising Arrangements for Development Applications	
Proposal: Amend cl.64 - to change the requirements relating to the advertising of development proposals, which include inserting a definition for a 'complex application' and the associated advertising requirements for complex and non-complex applications.	
Explanation: Changes are proposed to the required advertising arrangements to ensure effective and appropriate consultation for different types of applications with varying complexities of planning issues. Note: Amendments to the regulations are also proposed to address the use of electronic notification (see question 22).	
Response to proposal	Conditionally Support
Comments	
Clause 64(1) the inclusion of DAP applications being considered a "complex application" is not supported. For example a DAP application for a permitted land use, with proposed works that are in full compliance with the relevant statutory planning frameworks should not need to be advertised; the advertising would add not value to the assessment process, would increase the statutory time period of assessment and could unnecessarily complicate the process. Clause 64(2)(b) not supported as currently phrased. As currently phrased, local authorities will be required to advertise any development application that does not comply with the	

<p>relevant local planning scheme. This does not streamline development and only adds to the red tape. For instance, a development which doesn't meet the relevant schemes car parking provisions, but is supported by traffic analysis to justify the dispensation should not be advertised; it adds no value to the assessment process.</p> <p>Clause 64(3)(b) not supported as currently phrased. The 200m advertising radius is not supported and should be reflective of the zoning and context (i.e. urban should be a smaller radius than rural) and should be re-phrased to delete (i) (200m radius) and keep ii ("to owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval").</p> <p>Clause 64(3)(c) not supported as currently phrased. Recommended the term "conspicuous" should be replaced with laymans term so the requirement can be easily relayed to landowners such as, "a prominent location visible from the street".</p>
Administration - DPLH Proposal Ref: M

Question 15 Streamlined Referral Processes for Development Applications	
<p>Proposal: Amend cl.66 – to specify that the local government may grant an extension of 14 days to the 42 day referral period for a public authority to provide comment on an application and that if the public authority does not provide comment within the time allowed, then the local government must determine that the authority is taken to have no objections or recommendations to make.</p>	
<p>Explanation: The purpose of this amendment to the regulations is to limit potential delays in the processing of development applications due to local government waiting for referral comments from a government agency or public authority. The local government may only grant one 14 day extension under the proposed new clause.</p> <p>Also, sub-clause (4) of clause 66 is to be amended to substitute the word 'may' with 'must' in situations where the public authority does not provide comment within the time allowed. In such circumstances the local government will be required to determine that the authority is taken to have no objections or recommendations to make in this situation.</p>	
Response to proposal	Conditionally Support
Comments	
<p>Supported subject to recommended rephrasing to allow a further time period as agreed to by the applicant and local authority – “(3A) The local government may extend the 42-day period referred to in subclause (3) once only by a period of no more than 14 days, unless otherwise agreed to by the applicant and relevant local authority.”</p>	
Administration - DPLH Proposal Ref: O	

Question 16 Determination Timeframes for Development Applications	
<p>Proposal: AMEND: cl.75 – to specify that the timeframes for determination of applications for development commences from the day on which the application is accepted for assessment as opposed to when the local government receives the application. Also amended to clarify that the 90 day timeframe only applies to applications where advertising is required by the scheme.</p>	
Explanation:	

<p>With the proposed introduction of a specific procedure for accepting applications under proposed clause 63A (Question 12 refers), there is a need to amend clause 75 to reflect this proposed change.</p> <p>Clause 75(1)(a) has also been amended to specifically reference an advertising requirement under the scheme.</p>	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: Q	

<p>Question 17 Timeframes for Substantial Commencement</p>	
<p>Proposal: AMEND: cl.71(a) – to provide the “default” approval period to be 4 years for an application determined by a DAP and 2 years for other approvals – insertion of new r.16A of the Planning and Development (Development Assessment Panel) Regulations 2011 (DAP Regulations)</p>	
<p>Explanation: There is a need to ensure that the default approval time is commensurate with the complexity of the application.</p> <p>A note has been included under clause 71 referencing the DAP Regulations and the 4 year default time period.</p>	
Response to proposal	No Position
Comments	
Nil	
Administration - DPLH Proposal Ref: Q	

SECTION 6 | CAR PARKING

<p>Question 18 Exemptions for Car Parking Requirements in Certain Circumstances</p>	
<p>Proposal: New Part 9A (in particular new clause 77C) - will exempt car parking requirements for all ‘P’ Uses and those uses that are exempt from development approval under new clause 61(2A).</p>	
<p>Explanation:</p> <ul style="list-style-type: none"> • For non-residential development there is a new clause 77C exempting car parking requirements for all ‘P’ Uses and those uses that are exempt from planning approval under new clause 61(2A). • In all other cases there is a standard and consistent variation clause. This clause allows variations to minimum car parking standards where: <ul style="list-style-type: none"> ○ Reasonable efforts have been made to provide required parking on site ○ The car parking to be provided will meet the demands of the development having regard to the likely use of parking, the availability of off-site parking, and the likely use of alternative means of transport. 	
Response to proposal	Conditionally Support
Comments	
Nil	

Administration - DPLH Proposal Ref: T

Question 19 Consistent Cash in Lieu Requirements for Car Parking	
Proposal: New Part 9A (in particular new clause 77D) – introduce consistent cash in lieu provisions for car parking.	
Explanation: <ul style="list-style-type: none"> • A new clause 77D will introduce consistent cash in lieu provisions. • This clause will allow the local government to accept ‘cash in lieu’ of providing car parking on site. • In such circumstances a condition will be included on a development approval. • This can only be applied where the local government has prepared a payment in lieu of parking plan (Parking Plan) in accordance with new clause 77D • A consistent formula for calculating cash in lieu is also being introduced shortfall x [(27m² x value of land per m² in the area) + construction cost of a car bay]. This will also include a reduction of 10 bays or 50% whichever in the lesser. • The Parking Plan must be in a manner and form approved by the WAPC and set out the following matters: <ul style="list-style-type: none"> ○ What the money will be used for. It can only be used for the provision and maintenance of public parking and other transport infrastructure in the locality of the development. ○ For the purposes of the cash in lieu formula the value of land in the area/s that are subject to the parking plan and the construction cost of a car bay. This will allow the cash in lieu formula to be responsive to and reflective of the actual type of car parking the money is intended to contribute towards (i.e. at grade or multi deck). • Any money taken as a cash in lieu payment will be paid into a separate reserve account and must be spent within 10 years. • The above applies where there is no exemption for car parking (automatic or approved). 	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: U	

Question 20 Cash in Lieu for Car Parking Plan	
Proposal: New Part 9A (in particular new clause 77E) – introduces provisions regarding the preparation and approval of cash in lieu car parking plan.	
Explanation: The proposed amendment specifies what a cash in lieu car parking plan should address and that it should be prepared in the manner and form approved by the WAPC.	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref:	

Question 21 Shared Car Parking Arrangements	
Proposal: New Part 9A (in particular new clause 77G) – introduce consistent cash in lieu provisions for car parking.	

<p>Explanation:</p> <ul style="list-style-type: none"> - New clause 77G will introduce consistent shared parking arrangement provisions. - Such arrangements allow a parking shortfall to be accommodated on another site where there is agreement between the two landowners, and may be required as a condition of approval. - If such a condition is included these arrangements, it must be applied for and approved by the local government. New clause 77G outlines what such applications need to address and what the local government will consider when determining these applications. 	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: V	

SECTION 7 | AMENDMENTS TO CONSULTATION AND ADVERTISING

<p>Question 22 Exclusion of Holiday Periods for Consultation Timeframes and changes to wording for advertising timeframes</p>	
<p>Proposal: Amend all regulations and clauses relating to advertising– to provide a mechanism to factor in the Easter and Christmas holiday periods for when public submission periods for any applications or proposals include these holiday periods. This is done by way of introducing a definition for ‘excluded holiday period day’. Regulations and clauses relating to advertising timeframes have also been reworded</p>	
<p>Explanation:</p> <p>The proposed ‘excluded holiday period day’ relates to the Christmas and Easter holiday periods. Where public submissions periods for applications or planning proposals include these specified holiday periods, these periods will be factored into when calculating the actual advertising dates for a particular proposal based upon any required advertising period specified in the regulations (e.g. regulation 13 (2) for advertising a local planning strategy and regulation 22 (4) advertising of a local planning scheme).</p> <p>All regulations and clauses relating to advertising timeframes have also been modified to provide a set advertising timeframe and the ability to extend this by agreement between either the WAPC or the local government and applicant. This will provide greater consistency with advertising timeframes.</p>	
Response to proposal	Conditionally Support
Comments	
<p>Consistent approach to the City of Kalamunda Local Planning Policy 11 (Public Notification of Planning Proposals). A discrepancy with dates is noted, however the City accepts the proposed dates & would amend its LPP should this definition be gazetted as currently proposed.</p>	
Administration - DPLH Proposal Ref: X	

Question 23 Requirements for Hard Copy Electronic Notification	
<p>Proposal:</p> <p>AMEND: r.13(1)(a) and (b); r.13(2)(a) and (b); r.16(2)(a); r.18(b)(ii); r.20(1)(a); r.22(2)(a) and (b); r.22(3)(a) and (b); r.33(2)(a); r.38(2)(a) and (b); r.38(3)(a) and (b); r.38(4); r.47(2)(a) and (b); r.47(3); r.47(4); r.64(2)(a); r.67(2)(b) – insertion of a new Regulation 76A</p> <p>AMEND: cl.4(1)(a); cl.4(4); cl.6(b)(ii); cl.8(b); cl.9(b)(i); cl.18(3)(a); cl.34(3)(a); cl.50(4)(a); cl.64(5)(a); cl.86(3) - display of hard copy notice (deemed provisions)</p> <p>AMEND: cl.24(3)(b); cl.25(2)(a); cl.27(2)(a); cl.29(2)(a); cl.31(3)(a) – insertion of clause 87 under Part 12 Miscellaneous display of hard copy notice (model provisions)</p>	
<p>Explanation:</p> <p>Current requirements rely on the inspection of hard copy documents at a physical location as the primary source of information for the public. This is important but must be balanced with a more pragmatic approach that recognises the availability of electronic notification. This change will also provide greater flexibility regarding these notification requirements in areas that may not have a local newspaper (or which may have limited circulation).</p>	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: B (regulations for scheme, local planning strategy and amendments), Proposal Ref: G, D	

SECTION 8 | TERMINOLOGY AND SPECIFIC CLARIFICATIONS

Question 24 Requirements for Deemed-to-Comply	
<p>Proposal:</p> <p>AMEND: cl.1 (deemed provisions): to clarify where a development is considered to meet the deemed-to-comply requirements of the R-Codes, and clarify that it includes requirements in an approved local development plan, precinct structure plan or local planning policy development.</p> <p>A definition for deemed to comply has also been included.</p>	
<p>Explanation:</p> <p>The proposed amendment will remove uncertainty about when a residential development can be determined to be deemed-to-comply under the R-Codes.</p>	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: 84	

Question 25 Application of clause 67	
<p>Proposal: AMEND: cl 67 - to 67 clarify that the clause only applies where there is discretion for the local government to approve the development.</p>	
<p>Explanation:</p>	

This amendment clarifies that clause 67, relating to consideration of an application for development approval, does not apply where a local government does not have the power to approve a development application, but rather sets out the planning considerations that are relevant to the exercising of discretion, where that discretion exists.	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: 93	

Question 26 Reference to Desired Future Character in Clause 67(m)	
Proposal: AMEND: cl.67(m) - include reference to the desired future character of the development's setting.	
Explanation: Elevates the importance of strategic planning and the need to consider the 'future state'.	
Response to proposal	Conditionally Support
Comments	
SUPPORTED with recommended rephrasing: "the compatibility of the development with the planned future character of its setting."	
Administration - DPLH Proposal Ref: 95	

SECTION 9 | CONSEQUENTIAL AMENDMENTS TO DAP REGULATIONS

Question 27 DAP Regulations changes to facilitate new requirements under clauses 63A, 65A and 65B	
Proposal: AMEND: r.9; r.11(1); r.11(1)(d); r.11(2); r.12(3)(a)-(c); r.12(4A); r.16(2B); r.16(2C) DELETE: r.11A	
Explanation: The consequential amendments to the DAP Regulations reflects the revised procedures and timeframes for a local government to accept a development application for assessment under cl.63A . The calculation of the statutory timeframe for DAP applications commences on the date the application is accepted for assessment. Outlines where additional information for a DAP application has been requested by the local government, under new cl.65A and cl.65B (deemed provisions), the calculation of that period provided in the notice is excluded from the calculation period. The DAP presiding member is to determine any dispute that arises in the calculation of a period as to whether, or when, an applicant complied with a notice.	
Response to proposal	Conditionally Support
Comments	
Nil	
Administration - DPLH Proposal Ref: Q	

SECTION 10 | GENERAL COMMENTS

Question 28 Any Miscellaneous Matters Relating to the Proposed Amendments?
Insert Comments here

Question 29 General Comments Relating to the Proposed Amendments?
Insert Comments here