

Would you be in favour of the introduction of some form of Third Party Appeal Rights?

The Shire is supportive of no changes to the current WALGA position on Third Party Appeal Rights.

The Shire is mindful of the experience of other States and Territory's where it appears that third party appeals often tend to encourage adversarial rather than a collaborative debate on planning issues. It is the Shire's view that the current planning process provides adequate opportunities for consultation, participation and engagement by the public in relation to the planning framework established in local and regional areas, local and regional planning scheme amendments as well as State Planning Policies, local planning policies and structure plans. Public engagement at this level gives the public certainty in the planning process itself and greater confidence that planning outcomes will be in accordance with strategic policies and plans and not be detrimental to themselves and their community. In all cases where public consultation is undertaken, the Shire takes all comments and/or objections into consideration.

The Shire has concerns that increased participation through Third Party Appeal Rights could have a negative impact on the decision making process. Third Party Appeal Rights could ultimately result in delays in processing, which in turn leads to inefficiency, uncertainty, increased costs (both to applicants/developers and Local Government) all of which could be an additional hindrance to investment and development and in the day-to-day operations of Local Government.

Do you feel your Council is likely to support some form of Third Party Appeal Rights?

The Shire is of the view that if an application is refused or includes conditions to address legitimate planning concerns raised by objectors that it may be beneficial for those persons to have the opportunity to appeal further. Third party appeal rights would allow objectors to appeal Local Government decisions if they are not convinced that a decision has addressed their concerns. However Shire Officers are of the view that appeal rights should be restricted to only people with a legitimate interest in an application and legitimate planning concerns.

Another form of third party appeal rights which could be considered is for large scale projects and projects over a certain dollar amount. This would give residents and local government a chance to have a say in terms of major development and the impact this may have on their local area, this is also particularly relevant in regards to projects of state significance or by state bodies.

Any other comments relating to Third Party Appeal Rights?

Generally if an application is advertised and objections are received, the Shire will take those applications to a Council meeting to give more opportunity to address concerns via Council. This gives both the objector and applicant further opportunity to speak to Councillors and air concerns.

With regards to a loss of representation, to a certain extent the Development Assessment Panel does take responsibility away from the Shire. However it is noted that the Shire is yet to receive a development application which falls into the mandatory Development Assessment Panel criteria.

Introducing Third Party Appeal Rights in Western Australia has the potential to significantly impact on Local Governments, particularly those in regional and remote areas who may not have adequate financial and staff resourcing. While in some situations the inclusion of third parties can lead to better planning outcomes, this is not always the case as people can lodge non-planning objections which only serve to hold up development approvals.