



Government of **Western Australia**
Development Assessment Panels

Development Assessment Panel

Procedures Manual

Under the
*Planning and Development
(Development Assessment Panels)
Regulations 2011*

March 2021



The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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Part 1 - Preliminary section

1.1 Purpose of manual

The purpose of this manual is to explain the means of operating Development Assessment Panels (DAPs) and to clarify the roles of the various parties involved in the process.

This procedures manual provides:

- a) an explanation of what DAPs are and how they are established in legislation;
- b) the role and responsibilities of DAP members, local government and applicant; and
- c) procedures and processes to assist DAP members, applicants and local government to administer and process DAP applications.

This procedures manual may be periodically reviewed and updates provided on the DAP website.

1.2 Interpretation

Unless stated otherwise, reference to DAP members in this procedures manual collectively includes specialist members, local members and alternate specialist and local members.

A reference to a 'day' means ordinary days, which include Saturdays, Sundays and public holidays, as stipulated in section 61 of the Interpretation Act 1984. If the due date falls on a Saturday, Sunday or public holiday, the due date is extended to the next working day.

A reference to time calculated in 'hours' does not include any hours occurring on a Saturday, Sunday or a public holiday.

1.3 Related documents

The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) provide for the constitution, operation, and administration of DAPs.

References to specific sections of the DAP Regulations are made throughout this document; and it is recommended that it is read in conjunction with a copy of the DAP Regulations which can also be located on the DAP website.

1.4 DAP website

A DAP website has been developed to provide a 'one-stop-shop' to assist applicants, local government, DAP members and Department staff in understanding the DAP's role in the current planning assessment framework. The website can be found at <https://www.dplh.wa.gov.au/daps>

The website contains information on panel locations, panel members, meeting agendas and minutes, forms and templates, DAP procedures, practice notes, frequently asked questions and answers, other relevant documents and media releases.

1.5 DAP Secretariat

The DAP Regulations specify that the chief executive officer (Director General) must provide departmental officers to administer DAPs. These staff will form what is called the DAP secretariat. This secretariat will act as the liaison between DAP members and various other parties such as local government, the WAPC and applicants.

The DAP secretariat will be responsible for preparing meeting agendas, organising the time, date and location of meetings, preparing acknowledgement and notification letters, updating the DAP website, administering DAP fees and preparing the DAP annual report.

In addition, the DAP secretariat will notify DAP members of new applications, process leave of absence requests, process regulation 13 directions, make travel and accommodation bookings for DAP members when required, process mileage claims, and handle general DAP related enquiries including those relating to conflicts of interest and receiving gifts. DAP members, relevant authorities and applicants should contact the DAP secretariat at the first instance if they have any enquiries.

1.6 Definitions

This section addresses the definitions most commonly used in the manual and as contained within section (3) of the DAP Regulations:

administrative officer in relation to a DAP, means the administrative officer who provides services to the DAP under regulation 49;

alternate member means a person appointed under regulation 28;

applicant means a person who makes a DAP application; DAP application means –

- (a) a development application prescribed under regulation 5; or
- (b) a development application prescribed under regulation 6 in respect of which the applicant has made an election under regulation 7;

DAP member means –

- (a) a specialist member or local government member of a LDAP; or
- (b) a specialist member or local government member of a JDAP;

and includes an alternate member;

DAP Regulations means the *Planning and Development (Development Assessment Panels) Regulations 2011*;

DAP website has the meaning given in regulation 51;

department means the department of the Public Service principally assisting the Minister in the administration of the *Planning and Development Act 2005* (the Act) (in this case the Department of Planning, Lands and Heritage);

deputy presiding member in relation to a DAP, means the person appointed as deputy presiding member of the DAP under regulation 27(1)(b);

Director General means the chief executive officer of the Department;

excluded development application means a development application for approval of –

- (a) construction of –
 - (i) a single house and any associated carport, patio, outbuilding and incidental development;
 - (ii) less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development;
 - (iii) less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development;
- or
- (b) development in an improvement scheme area; or
- or
- (c) development by a local government or the Commission;
- or
- (d) development in a district for which
 - (i) a DAP is not established at the time the application is made; or
 - (ii) a DAP has been established for less than 60 days at the time the application is made;

local government member means –

- (a) in relation to a LDAP, a person appointed as a member of the LDAP under regulation 23(1)(a);
- (b) in relation to a JDAP, a person included on the local government register;

local government register means the register maintained under regulation 26;

member in relation to the council of a local government, has the meaning given by the *Local Government Act 1995* section 1.4; planning instrument has the meaning given in section 171A(1) of the Act;

presiding member in relation to a DAP, means the person appointed as presiding member of the DAP under regulation 27(1)(a);

R-Codes means the State Planning Policy 3.1 Residential Design Codes (Variation 1) made under section 26 of the Act, including any amendments made to the policy;

specialist member means –

- (a) in relation to a LDAP, a person appointed as a member of the LDAP under regulation 23(1)(b);
- (b) in relation to a JDAP, a person appointed as a member of the JDAP under regulation 25(1)(b);

warehouse means a warehouse/storage as defined in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1 clause 38.

The following terms have the meaning given to them in the R-Codes –

- carport
- dwelling
- grouped dwelling
- incidental development
- multiple dwelling outbuilding
- patio
- single house.

Note:

The terms DAP and responsible authority and other terms defined in the Planning and Development Act 2005 section 4(1) have the same respective meanings as in that provision.

1.7 Acronyms

Act	<i>Planning and Development Act 2005</i> (as amended)
DAP	Development Assessment Panel
JDAP	Joint Development Assessment Panel
LDAP	Local Development Assessment Panel
SAT	State Administrative Tribunal
WAPC	Western Australian Planning Commission
WALGA	Western Australian Local Governments Association
PCA	Property Council of Australia
PIA	Planning Institute of Australia
HIA	Housing Industry Association
UDIA	Urban Development Institute of Australia
REIWA	Real Estate Institute of Western Australia
MBA(WA)	Master Builders Association of Western Australia

Part 2 - Overview of DAPs

2.1 Legislative framework

The Approvals and Related Reforms (No. 4) (Planning) Bill 2010 was passed by Parliament on 10 August 2010. The Bill amended the Planning and Development Act 2005 (as amended) (Act) to introduce a range of new planning reforms to streamline the approval process. Part 3 of the Act provides the enabling powers required to establish DAPs in Western Australia.

Sections 171A to F of the Act provides for the development of regulations that specify the powers and operations of DAPs. The DAP Regulations 2011 make provisions for the operation, constitution and administration of DAPs. These were gazetted on 24 March 2011.

DAPs, which service every local government area in Western Australia, came into operation on 1 July 2011.

DAPs are independent entities answerable to the Minister and do not sit under the Department or the WAPC.

There are five DAPs, and each determine applications as if they are the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme, where applicable. Under the DAP Regulations, any application which qualifies as one that can be determined by a DAP cannot be determined by local government or the WAPC.

2.2 What is a DAP legally?

A DAP is an entity brought into existence by a Ministerial order under section 171C of the Act and constituted from time to time by a meeting of sufficient members to form a quorum. A DAP's primary function is to decide DAP applications by resolution. A DAP is, therefore, not a separate legal entity with the capacity to act in its own name.

It is unlike a company or statutory body, which enjoys a separate legal personality to that of its shareholders, employees and directors, and has the capacity to take action or respond to matters in its own name. Administratively, a DAP functions by certain individuals or organisations carrying out tasks or responsibilities on behalf of the DAP. DAP members report to the Minister and are not employed by the Department or the WAPC.

2.3 Purpose and objectives of DAPs

The key function of a DAP is to determine significant applications for development approval.

The DAP model has been introduced to achieve the following:

- streamline the determination process for particular types of development applications by eliminating the requirement for dual approval under both the local and region schemes;
- involve independent technical experts in the determination process; and
- encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects.

The DAP model is designed to strengthen the approval process which will in turn contribute towards the growth and development of Western Australia as a whole.

2.4 Types of DAPs

There are two different types of DAPs: Local Development Assessment Panels (LDAPs), and Joint Development Assessment Panels (JDAPs). The Minister established five DAPs under section 171C of the Act (as amended) for each local government area, by the publication of an Order in the Gazette.

2.4.1 LDAPs

An LDAP is established to service a single local government, where it is deemed to be a high-growth local government where the volume of development applications necessitates its own DAP. There is currently only one LDAP which covers the City of Perth.

2.4.2 JDAPs

JDAPs are established to service two or more local governments. There are four JDAPs, which cover all areas of the State.

A list of local governments comprising each JDAP is provided in Appendix A.

2.5 DAP applications

There are four (4) types of DAP applications that can be determined by a DAP. These are:

- mandatory DAP applications;
- optional DAP applications;
- delegated applications; and
- applications for amending or cancelling DAP development approval.

2.5.1 Mandatory DAP applications

These are development applications which must be determined by a DAP. Mandatory applications cannot be determined by a local government and/or the WAPC.

Mandatory DAP applications are for development which is not an 'excluded development application' as defined under regulation 3 of the DAP Regulations and where the estimated cost of the development is as per regulation 5 of the DAP Regulations.

Mandatory DAP applications are also for significant developments which has an estimated cost of \$20 million or more in the City of Perth or \$10 million or more in areas outside the City of Perth, the application is a mandatory DAP application UNLESS the applicant has elected to have the application determined by the Commission.

2.5.2 Optional DAP applications

These are development applications which may be determined by a DAP at the applicant's choice. If an applicant does not choose the DAP to determine the application, it is determined by the local government and/or the WAPC in the normal manner.

An applicant may submit an optional application for DAP determination if the proposed development is not an 'excluded development application' as defined under regulation 3 of the DAP Regulations, is not automatically delegated to a DAP by the authority (under regulation 19) and, where the estimated cost of the development is as per regulation 6.

Applications for the development of warehouses are considered 'optional DAP applications' if the development has an estimated cost of \$2 million or more. Accordingly, proponents will have a choice to opt in or out of the DAP system for the development of warehouses; regardless of whether such applications meet the 'mandatory DAP application' monetary threshold.

Applications for significant developments which have an estimated cost between \$5 million to less than \$10 million outside the metropolitan region, are also considered to be 'optional DAP applications'.

2.5.3 Applications delegated to a DAP

The WAPC and local governments may choose to delegate their decision-making authority for applications, which fit the 'opt in' criteria for DAP applications, to a DAP. Therefore a DAP will also determine applications of a type that either of these bodies has chosen to delegate their authority on.

Reference: r.19

The applicant's position

Where a responsible body has delegated its decision-making authority to a DAP, the applicant has no choice and the application must be determined by the DAP.

It is important to note that an applicant will not have to pay the DAP application fee if their application is determined by a DAP as a result of the delegation process. Where a local government and/or WAPC chooses to delegate to the DAP responsibility for determining applications within the 'opt in range', they will be liable to pay the normal DAP fees. This is subject to any written agreement that the local government may enter into with the Director General.

Reference: r.21 and r.22

How is the authority delegated?

Either of these bodies may take advantage of this option by following the process of formally delegating their authority to a DAP.

To achieve this, a written instrument outlining the terms and the extent to which that body's authority is transferred to the DAP must be prepared and provided to the applicant and Director General.

Also, in the case of a local government, an absolute majority of the local government's council must support the decision to delegate that body's authority, before such delegation can occur.

Reference: r.20

A DAP which is authorised by either the local government or WAPC to decide delegated applications cannot then hand over that authority to another organisation. The DAP will be responsible for deciding such applications and must treat them in the same way as any other DAP application.

2.5.4 Amending or cancelling DAP development approval

These are applications which seek to:

- (a) amend a previous DAP approval so as to extend the period within which development must be substantially commenced;
- (b) amend or delete any condition to which the approval is subject;
- (c) amend an aspect of the approved development, which, if amended, would not substantially change the approved development;
- (d) cancel the approval.

Reference: r.17 and r.17A

The process to amend or cancel a DAP approval is similar to the standard DAP application determination process. The authority receiving the application will assess it as if it were a normal DAP application and prepare a report containing recommendations for the DAP to consider. Once completed, the report will be forwarded to the DAP secretariat, incorporated into an agenda available on the DAP website and circulated to DAP members, applicants and the relevant responsible authority.

2.5.5 Excluded applications

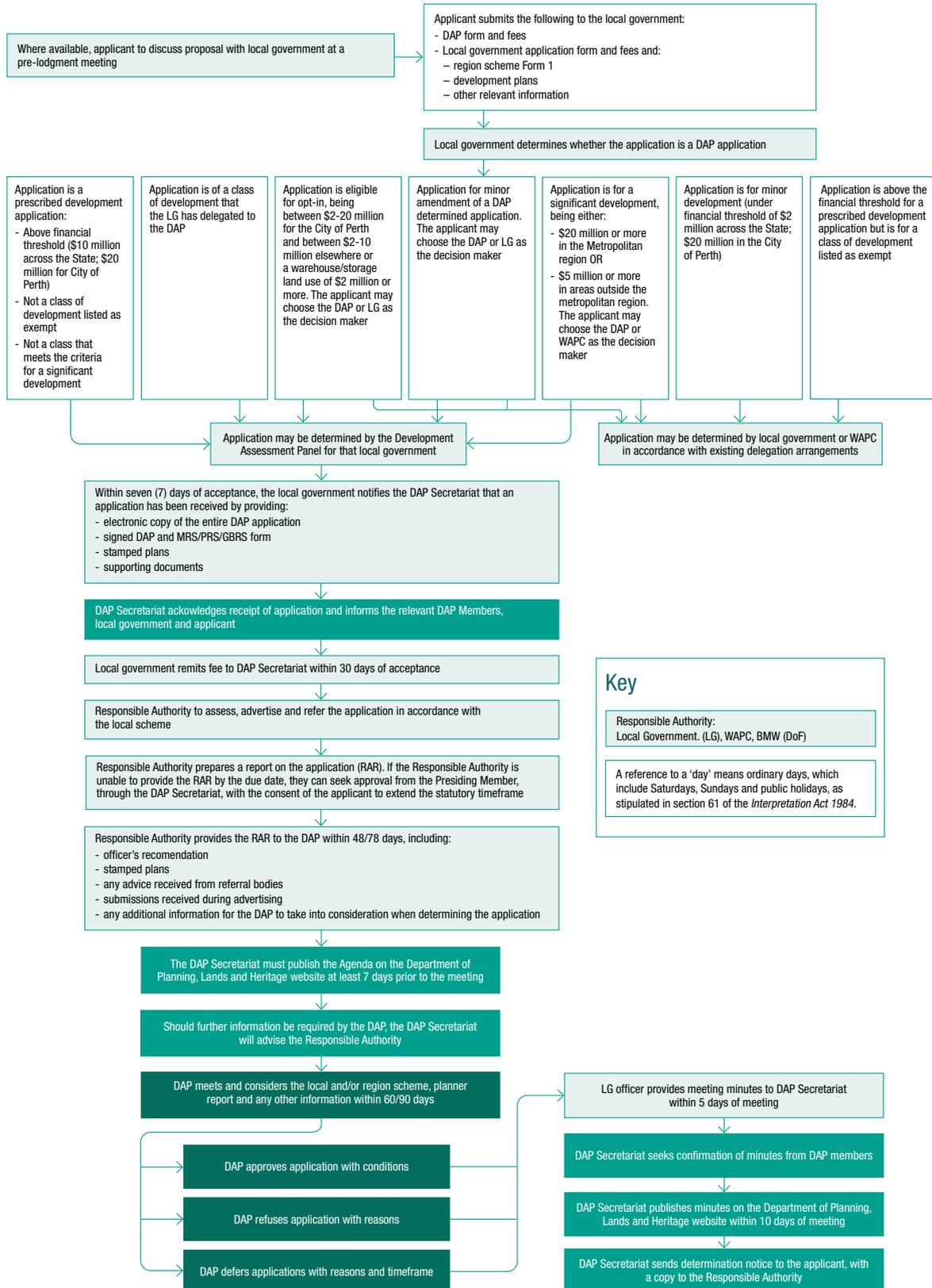
Regulation 3 of the DAP Regulations identifies the types of development applications which cannot be determined by a DAP. Refer to the 'Definition' section.

DAPs do not apply in improvement schemes and in redevelopment areas that have been established under other Parliamentary Acts such as Hope Valley-Wattleup and Perry Lakes. DAPs do not apply in Planning Control Areas. The DAP is limited to determining applications under the relevant 'planning instrument', being a planning scheme or interim development.

Reference: r.3 and r.8

All excluded applications, irrespective of their value, are to be determined by the local government and/or the WAPC in accordance with their existing delegation arrangements.

DAP Application Flow Chart



Key

Responsible Authority:
Local Government, (LG), WAPC, BMW (DoF)

A reference to a 'day' means ordinary days, which include Saturdays, Sundays and public holidays, as stipulated in section 61 of the Interpretation Act 1984.

Part 3 - DAP membership

This section provides an overview of the different categories of DAP membership and the various qualifications and characteristics relating to each.

3.1 Types of Panel Members and Quorum

Each DAP comprises of five members: three specialist members, one of which is the presiding member, and two local members that are nominated by the local government.

At a meeting of a DAP, a quorum is constituted by any three DAP members, including the presiding member.

Reference: r.41 and r.25

3.1.1 DAP Specialist Members

A specialist member is an individual who has been appointed by the Minister for Planning to one or more DAPs, after being nominated for such a role from a short list of candidates who successfully submitted their details for inclusion in a register of individuals with suitable qualifications and/or experience for the role.

A specialist member may also be appointed to the following positions:

Presiding Member

The presiding member of a DAP is a specialist member with both experience and a tertiary qualification in town planning. In addition to the responsibilities of being a specialist member, presiding members must also chair DAP meetings, confirm DAP meeting minutes, provide reasons for decision-making and where the DAP decision is appealed to the SAT, they will be the appropriate individual to represent the DAP in a hearing. These are just some of the additional responsibilities and tasks a presiding member must undertake.

Reference: r.27(1)(a)

Deputy Presiding Member

A deputy presiding member is a specialist member with extensive experience and a tertiary qualification in town planning who will act in the place of the presiding member if they are unable to act because of illness, absence or any other cause.

Reference: r.27(1)(b)

Third Specialist Members

The third specialist member may come from a different discipline including architecture, urban design, engineering, landscape design, environment law and property development or management.

Reference: r.35(1)

Alternate Specialist Members

An alternate specialist member is a specialist member who will be called on when another member is absent for any reason or an issue of quorum arises. An alternate specialist member without town planning experience cannot act for either the presiding or deputy presiding member. Only individuals with town planning experience and qualifications are eligible to act as a presiding or deputy presiding member.

Reference: r.28 and r.37

Exclusion from Specialist Membership

There are some people who cannot be appointed as specialist members. These include:

- An officer of the Department; and
- A member of a Parliament as defined in the *Local Government Act 1995* section 2.20.

Reference: r.35(2)

Regulation 37(2) excludes a person who is employed under the *Local Government Act 1995* section 5.36 from being a DAP member in the same JDAP as the local government of their employment. In effect, this means that a person

employed at a local government may be listed on the specialist member register but cannot be appointed as a member on the DAP to which their local government reports.

Regulation 37(2) also excludes any local government councillor from being a specialist member on the same DAP as the local government that they represent. For example, if a councillor is elected at the City of Wanneroo, where they already serve as a specialist member, they cannot sit on the Metro Outer-North JDAP as a local government member.

Reference: r.37(2)

3.1.2 DAP Local members

Local members are elected members of a local government council who are nominated by a local government for a DAP position and then subsequently appointed by the Minister to a DAP. Local representation is a vital component of the DAP. The relevant local government nominates four local government members for their DAP, from the local government's pool of elected members (councillors).

Two councillors will be local members, and two will be alternate local members. Alternate local members will be used when an issue of quorum arises or when a DAP local member is unable to act by reason of illness, absence or any other cause, when sufficient notice is provided.

The alternate local member 1 will be contacted in the first instance for attendance, if a local member is unable to act.

Note:

Alternate local members cannot sit in the place of specialist members, just as alternate specialist members cannot sit in the place of local members.

3.2 DAP Members Appointment/ Reappointment Process

All DAP members are appointed to a particular DAP for a term of not more than three years. If a specialist member is nominated to sit on more than one panel, their appointment letter will detail all of the DAPs they appointed to. All DAP members will be listed on the DAP website.

A member's term of office can continue for a period of 3 months after expiry. This automatic provision will extend the membership term to assist in finalising the DAP Member appointment process.

Reference: r.29 and r.34

3.2.1 Process for specialist members

When it is necessary to appoint DAP specialist members, the Minister will call for expressions of interest for suitably qualified individuals to apply for the role. The expression of interest process will be commenced at least three months before the existing specialist members' terms of office expire.

The names and details of all individuals who apply and are eligible for DAP specialist member appointment will be placed on a register. A 'Short List Working Group' may be established with department and industry representatives to consider the candidates listed on the register and submit a short list of names to the Minister for appointment. The candidates the Minister selects for appointment will be presented to Cabinet for approval before formal appointment can be finalised.

Reference: r.35 and r.37

Reappointment is not automatic and the member must engage in the expression of interest and subsequent appointment process in order to be eligible. This process is conducted in anticipation of the members' terms of office expiring.

If a casual vacancy arises in the office of a DAP member, the Minister will be sent a list of candidates to consider appointing as a

replacement member for the duration of the former member's term. The recommended specialist member will be presented to Cabinet for approval before their appointment is finalised.

Casual vacancies can arise due to circumstances which are described under the section 3.5 'Casual Vacancies' (these include members resigning or being removed from office). It is important to distinguish this process from that conducted when members' terms of office are due to expire.

3.2.2 Process for local members

DAP local government members can also be appointed for a term of not more than three years. Following the expiration of a local member's initial term, the Minister will ask the relevant local government to provide nominations for two local government members and two alternate members.

Reference: r.24

When it is necessary to appoint a DAP local member, the Minister will give 40 days' notice for the local government to provide his office with the names of their nominees. The Minister will appoint the local government representatives in accordance with the local government's nomination. If the local government fails to provide such nominations, the Minister can appoint community representatives as a DAP local member. This will ensure local representation is always present on a panel. The DAP Regulations require that these alternate representatives are residents of the local area and an eligible voter of the District, and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

Reference: r.24(2)

Prior to formal appointment, the Minister will present the DAP local member nominees to Cabinet for approval.

Existing DAP local members can be re-nominated by the local government (provided that they remain elected members of the local government's

council). Local government elections may result in a change to the DAP membership if current councillors, who are DAP members, are not re-elected. Where a DAP local member is not re-elected as a councillor, the local government should nominate another elected member for appointment to the DAP. However, the nominee will only be appointed for the balance of the previous DAP member's term.

Reference: r.29 and r.32

All JDAP local members will be listed by the DAP secretariat on a local member register.

Reference: r.26

3.2.3 Alternate members

Alternate specialist members are selected and appointed following the same process, as described in Part 3.2.1, as specialist members generally.

Reference: r.37

Alternate local members are appointed by the Minister and the same appointment process as described in Part 3.2.2 is followed.

Reference: r.28

3.3 DAP member training

A DAP member cannot sit as a member of a DAP until they satisfactorily complete the training for DAP members provided by the department.

Reference: r.30

3.3.1 What the training will involve

There will be two aspects to the DAP training sessions:

- the DAP process; and
- planning and the law.

Part One will cover:

- training material on the DAP process and procedures;
- DAP Standing Orders;
- DAP Code of Conduct – including conflicts of interest and professional ethics; and
- DAP Procedures Manual.

Part Two will cover:

- the principal acts under which DAP members make decisions;
- relevant local and state government planning instruments;
- appropriate planning considerations and legal requirements in decision-making; and
- the State Administrative Appeals process.

The training session will include a number of case studies relating to appropriate planning considerations in the DAP context, and the legal ramifications of DAP decisions.

The training will consist of a half-day session, usually lasting up to four hours.

3.4 Leave of absence

Any member who may be on leave for a substantial period of time (being an absence from three or more consecutive meetings), must request a leave of absence from the Minister or their delegate.

Reference: r.33

If the request is refused, and the member is absent for three consecutive meetings, the Minister will have grounds to remove them from office.

Reference: r.32(3)(d)

If the Minister or their delegate grants the leave request, the DAP secretariat will notify that member and the presiding member of the DAP to which they are appointed. The DAP secretariat will arrange for an alternative member to attend on the absent

member's behalf. The Leave of Absence form is available on the DAP website.

3.5 DAP member vacancies, removal and resignation

3.5.1 Casual vacancies

The office of a DAP member becomes vacant:

If the member:

- dies, resigns or is removed from office;
- becomes bankrupt or their affairs fall under insolvency law;
- is convicted of an offence punishable by imprisonment for more than 12 months; or
- is convicted of an offence against section 266 of the Act (which prohibits dishonest dealings, failure to disclose interests and incorrect disclosure or misuse of information).

Reference: r.32(1)

If a DAP member's term of office expires, that member's term is extended for a maximum of three months, until it is filled either by reappointment of the same member, or by appointment of a replacement member. This extension does not apply in instances where the DAP member resigns or is removed from office.

Reference: r.34

3.5.2 Removal from a DAP appointment

The Minister can remove a DAP member from their position if the member:

- neglects their duty
- engages in misconduct or is incompetent
- is mentally or physically incapable of performing their duties in a satisfactory manner; or

- is absent without leave for three consecutive meetings of a DAP of which the member had notice.

Reference: r.32(3)

If the member ceases to hold a position or qualification by virtue of which the person is eligible for the position, then the Minister must remove them from their appointment as a DAP member.

Reference: r.32(5)

A local member ceases to be a member of the DAP if the person ceases to be a member of the council of the local government.

Reference: r.32(5A)

Except in circumstances in r.32(5A), to remove a DAP member the Minister must provide that member with written notice specifying the grounds for their removal. That member's appointment will terminate either on the day the notice is given to them, or on such later date as may be specified in the notice.

Reference: r.32(6) and r.32(7)

3.5.3 Resignation

A DAP member may resign from office at any time by providing a written notice of resignation to the Minister.

Reference: r.32(2)

Whilst the DAP Regulations permit a member to resign 'at any time', members are encouraged to provide the Minister with reasonable notice of their intended resignation. To resign, a member must inform the Minister, by way of a letter, informing him of their resignation and the date when their resignation takes effect. Any resignation notices are to be submitted to the DAP secretariat in the first instance.

3.5.4 Replacement of DAP members

Where the office of a DAP member becomes vacant, the Minister will appoint a new member in accordance with the procedures discussed under 'Part 3.2. Depending on the circumstances, the vacancy will either be filled through the use of an alternate member or by the appointment of a new member.

3.6 DAP Member remuneration and reimbursement

3.6.1 Remuneration

DAP members are entitled to be paid for their attendance at DAP training, DAP meetings and at any SAT hearings, unless they fall within a class of members excluded from payment as set out in the DAP Regulations and the [Premiers-Circular-2017-08-State-Govt-Boards-and-Committees](#)

Reference: r.30, r.31 and sch 2

Members of that class include federal, State and local government employees, active or retired judicial officers and employees of public institutions. DAP members are not entitled to be paid unless the Minister so consents, and such consent can only be given with the prior approval of Cabinet. This position is supported by the rationale that individuals already on the 'public payroll' should not receive extra payment for services that could reasonably fall within the scope of their existing duties. However, the Minister has discretion, with Cabinet's approval, to permit such a member to be paid if the circumstances justify a departure from this policy.

The payment rates per meeting are different depending on a member's role and the type of application being determined, see schedule 2 of the DAP Regulations.

DAP members are not required to submit timesheet claim forms for remuneration at DAP meetings as these are processed automatically by the DAP secretariat.

DAP members must complete and lodge a timesheet claim form, available on the DAP website, with the DAP secretariat within 30 days of the meeting date for attendance at DAP Training Sessions and SAT Directions, Hearings or Mediations only.

A DAP member may be paid 50% of the fee in Schedule 2 of the DAP Regulations, subject to the approval of the Director General, if the meeting is cancelled after agenda publication. This accommodates circumstances where a DAP member has done a significant amount of preparation prior to a meeting which is cancelled because the application is withdrawn from the agenda.

Reference: r.31 and sch 2

Members will be paid the fee applicable to them plus superannuation. Superannuation will be paid into an account established with the Government Employee Superannuation Board, unless the member nominates another fund.

3.6.2 Reimbursement

Reimbursement is treated separately to remuneration. All DAP members are entitled to reimbursement of their expenses, even if they fall within the class of members excluded from receiving fees.

All DAP members are entitled to reimbursement of their travel and motor vehicle expenses in accordance with the [Public-Sector-Commissioners-Circular-2009-20](#)

In accordance with this circular, a claim of up to 68c per kilometre can be made if a member uses a private vehicle to attend a DAP metropolitan meeting and where the round trip exceeds 50 km. The rate is based on the 'cents per kilometre' method set by the Australian Taxation Office.

DAP members are entitled to reimbursement for parking costs to attend DAP meetings. A copy of the tax receipt must be provided to the DAP secretariat.

For regional DAP meetings, the DAP secretariat will organise any accommodation and travel arrangements, such as flights, that may be necessary. Regional travel may be required where DAP members live in the Perth metropolitan area and have to attend a regional DAP meeting. In such cases, the Department will reimburse DAP members travel from their place of residence to Perth airport. Other travel, food and accommodation expenses will be met by the Department directly, thus reducing the inconvenience to a DAP member of incurring expenses and then having to seek reimbursement. DAP members will not be reimbursed for costs incurred with the printing of the agenda and responsible authority reports for DAP meetings. Copies of the development plans will be made available at each DAP meeting and DAP members are encouraged to view the reports and attachments electronically.

DAP members must complete and lodge a reimbursement claim form, available on the DAP website, with the DAP secretariat within 30 days of the meeting date along with any tax receipts.

It is important to note that DAP members are reimbursed for their travel expenses incurred in relation to DAP matters, but NOT in relation to travel expenses incurred in undertaking DAP training.

The training fee has been calculated to incorporate any travel expenses.

3.7 Reimbursement for local government hosted DAP meetings

The local government hosting a DAP meeting will be reimbursed for minute taking, catering and security expenses incurred for each DAP meeting at a specified amount. After each DAP meeting the local government is required to complete and lodge the LG DAP Meeting Costs Reimbursement Form, available on the DAP website, with the DAP secretariat within 30 days of the meeting date. A copy of the tax invoice and any receipts must also be provided to the DAP secretariat.

Only one invoice covering all agreed reimbursements will be processed by the DAP secretariat for payment to the local government. The DAP secretariat will provide online and telephone credit card payments only. The local government is to provide a receipt to the DAP secretariat to confirm receipt of payment.

Catering costs for light refreshments for members at DAP meetings will be reimbursed by the DAP secretariat. The catering allowance is set at a maximum of \$100 to accommodate lengthy DAP meetings that would require a meal to be provided.

Minute taking at a DAP meeting, minute preparation and finalisation will be reimbursed at a rate of \$28 per hour, up to a maximum of four (4) hours.

Where the presiding member of a DAP has requested security for a DAP meeting, the local government is to arrange security and will be reimbursed at a rate of \$50 per hour up to a maximum of four (4) hours.

Note:

All prescribed costs incurred by the local government will be paid by the DAP secretariat upon receipt of an invoice. Any additional costs incurred by local government which are not outlined above will not be reimbursed.

3.8 Reimbursement for remission of DAP fees

The local government will be reimbursed \$50 for each Form 1 DAP application it receives, to cover transaction costs incurred in remitting the DAP application fee for each application to the DAP secretariat.

No transaction fee reimbursement applies to any delegated applications or Form 2 DAP application fees.

Goods and services tax (GST) applies to all the above approved reimbursements. Eg. a local government may claim for 1 hour of minute taking reimbursement at a rate of \$28 plus GST of \$2.80, totaling \$30.80.

This section explains how DAP forms are to be completed, the fees which apply, and the documents that are to be forwarded to the DAP secretariat.

Part 4 - DAP Application Forms and Fees

4.1 DAP Application Forms

The DAP Application Form 1 is to be used for all applications for development to be determined by the DAP, which includes mandatory, optional and delegated applications.

The DAP Application Form 2 is used when an applicant wishes to amend or cancel a previous DAP approval.

Reference: r.10, r.17 and sch 3

Copies of each form can be obtained via the DAP website.

In addition to the DAP Application Form 1 or 2 and DAP application fee, the applicant must complete and submit any forms, documents, plans, certificates of title and fees required under the local and/or region planning scheme (such as local government forms and fees or MRS forms and fees).

Reference: r.9

The applicant must lodge the completed DAP form at the relevant local government. The local government and/or WAPC may require additional information to be provided for the application to be processed and is to liaise with the applicant to resolve all application information and document deficiencies prior to acceptance of the application.

4.1.1 Mandatory DAP applications

The applicant must complete a DAP Application Form 1, pay the associated application fee and submit the application to the local government where the proposed development is located.

The applicant is required to complete the Application Details and Part A of the DAP Form 1, including marking the box to confirm they understand the application is a mandatory DAP application.

The local government planning officer is then required to complete Part B of the DAP Form 1,

including the relevant responsible authority and fee boxes, which acknowledge the application. The local government planning officer is to sign and date the form when satisfied that all the required documents for a complete application is conformed.

4.1.2 Optional DAP applications

If an applicant elects for the development assessment panel to determine the application, the applicant is required to complete the Application Details and Part A of the DAP Form 1, including marking the box to confirm they have elected to have the application determined by the DAP and they understand the application is an optional DAP application.

The local government planning officer is then required to complete Part B of the DAP Form 1, including the relevant responsible authority and fee boxes, which acknowledge the application. The local government planning officer is to sign and date the form when satisfied that all the required documents for a complete application is conformed.

Reference: r.6 and sch 3

4.1.3 Applications delegated to a DAP – ‘delegated applications’

For applications where the local authority elects to delegate the decision making power to the DAP, the applicant must still complete the DAP Form 1 and submit the application to the local government where the proposed development is located.

The applicant is required to complete the Application Details and Part A of the DAP Application Form 1, including by marking the box to confirm they understand the application is a delegated DAP application.

The local government planning officer is then required to complete Part B of the DAP Form 1, including the relevant responsible authority and fee boxes, which acknowledge the application.

The local government planning officer is to sign and date the form when satisfied that all the required documents for a complete application is conformed.

Reference: r.19 and sch 3

4.1.4 Amending or cancelling DAP development approval

To submit a DAP application to amend or cancel an existing DAP approval, the applicant must complete parts A, B, C and D of the DAP Form 2 and lodge it with the relevant local government where the original DAP application was lodged. Upon conformance, Part E is to be signed and dated by the local government planning officer.

For applications to extend the approval period or cancel the application, written justification must be provided outlining the reasons in support of extending or cancelling the approval period. These applications can be made during or after the substantial commencement period.

For applications to amend or delete conditions, written justification must be provided in support of the conditions to be amended or deleted.

For applications to amend an aspect of the development which was approved, an electronic version of the date stamped revised/amended plans and supporting documentation is also required to be submitted to the DAP secretariat.

Reference: r.17 and sch 3

An applicant may choose to instead submit an application to the relevant responsible authority to amend or cancel an existing DAP approval.

The applicant is not required to complete any DAP forms as these amendments and cancellations are determined by the local government as if they were the original decision maker.

Upon determination of an application to amend or cancel a DAP approval, the responsible authority must provide the DAP secretariat notification which

includes the following –

- (a) the date of the determination;
- (b) the determination;
- (c) the terms of any condition to which the approval of the application is subject;
- (d) reasons for any refusal of the application.

It is important to note that if a development approval granted by a DAP is the subject of review proceedings before the State Administrative Tribunal (SAT), the local government should refrain from determining a Form 2 application under r.17A to amend the development approval until the SAT review proceedings have concluded.

Reference: r.17A

4.2 Other documents related to DAP applications

The introduction of DAPs has changed which consent authority may grant or refuse development approval for certain applications. It does not otherwise affect the process of applying for development approval.

As a result, the applicant must complete the DAP form and pay the required DAP fee in addition to the existing development application forms, fees and procedures that must be completed and paid under the local or region planning scheme.

Accordingly, the information and material required by a particular local government's local planning scheme and/or the region planning scheme will still need to be submitted. This generally includes:

- A completed local government application for planning consent/development approval form and payment of the required local government planning application fee.
- Completed MRS/PRS/GBRS Form 1:
 - A region scheme application Form 1 is required under the relevant region scheme (e.g. MRS, PRS or GBRS). For a dual

development application requiring approval from the local government and the WAPC, neither will determine the application but they will each. In considering and then determining the proposal, the DAP will have regard to two reports – one from the local government under the local planning scheme and one from the WAPC under the region planning scheme.

- Electronic copies of date received date stamped, appropriately scaled site plans, development plans, development elevations accompanying technical reports, certificate of title and any other relevant documents.

All DAP application forms can be obtained via the DAP website.

4.3 DAP application fees

Where an application is to be determined by a DAP, the applicant must pay a fee. This fee is calculated according to the estimated cost of the proposed development, excluding GST, and must be paid upon lodgement of the DAP application.

The only exception is where an application is delegated to a DAP to determine where the fee is paid by the responsible authority that has delegated it.

Reference: r.10 and r.22

DAP application fees are set out in Schedule 1 of the DAP Regulations.

Reference: r.10, r.17 and sch 1

4.3.1 How is the estimated cost of a development determined?

The development cost is the estimated total cost to construct the development, including car parking and landscaping, but does not include the value of land or construction finance costs. The applicant is responsible for submitting an accurate cost for the proposed development.

The estimated development cost, excluding GST, must be included on the DAP Form 1.

4.3.2 Do other fees apply?

In addition to the DAP fee, a separate local government planning application fee is required to be paid upon lodgement of the planning application to the local government. The maximum fees a local government can charge are prescribed under the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges).

This fee is required as the local government is responsible for assessing the application and preparing a report to the DAP. If approved, the local government is also responsible for enforcing any conditions of development.

4.3.3 Record keeping and remitting fees to the Department

Local government should provide all applicants with a receipt for both DAP application and local government planning application fees. Records of all payments received should be kept in accordance with standard record keeping practices.

DAP fees must be remitted to the DAP secretariat within 30 days of the local government receiving the fees pursuant to regulation 10. These fees are to be transferred electronically to the account nominated by the DAP secretariat.

If the local authority collected the incorrect fee from the DAP applicant, then the authority is responsible to make up the difference by contacting the applicant.

4.3.4 DAP application fee refund

The DAP secretariat may refund the DAP fee where an application is withdrawn prior to an acknowledgement letter being issued. A partial refund may also be considered, at the discretion of the DAP secretariat, where preliminary processing had been undertaken.

DAP application fees for withdrawn applications will not be refunded if the DAP secretariat has scheduled a meeting at which the DAP will determine the application.

The DAP secretariat is not responsible for refunding any fees associated with the planning application to the local government.

If a DAP application has been withdrawn, the application can only be considered if it is re-lodged and a new DAP fee paid.

4.4 DAP application withdrawal

An applicant may choose to withdraw a current DAP application at any time before it is determined. Written notification of application withdrawal is required to be provided to the local government, and the DAP secretariat.

A DAP fee refund request can only be processed by the DAP Secretariat, in accordance with Section 4.3.4 DAP.

4.5 What must be forwarded to the DAP Secretariat

Within 7 days of accepting a completed DAP application, the local government is to provide to the DAP secretariat electronic copies of:

- the completed DAP application Form 1/Form 2, date received date stamped development plans, elevations, technical reports, certificate of title and any other relevant documents; and
- confirmation of the DAP application fee amount paid (a copy of the receipt issued to the applicant).

The completed application forms, date stamped/ date received plans and any other attachments must be forwarded to the DAP Secretariat via 'the large file transfer facility on the DAP website.

Reference: r.11

Following receipt of a DAP application, local governments are advised to flag the application as a priority to ensure statutory timeframes are met. This also includes the preparation and submission of the responsible authority report to the DAP secretariat (refer Section 5.2.1).

The DAP secretariat will acknowledge receipt of the application sent by the local government.

Where an application is considered incomplete, it will not be processed until such time as it is considered valid. Circumstances may include where the appropriate signatures have not been provided or fees have not been paid.

Notification of the current DAP applications must be published on the local government and the DAP secretariat website. These websites are to be updated as the application is processed and determined.

Note:

Under the regulations, the DAP secretariat is obligated to record the determination times of all DAP applications for inclusion in the annual report, which is presented to Parliament by the Minister for Planning.

Reference: r.53(2)

Part 5 - DAP meetings

5.1 Purpose of DAP meetings

At a DAP meeting, DAP members meet to consider and determine any DAP development applications that have been submitted for development approval. These meetings are open to the public.

Meetings to determine an application for amending or cancelling a DAP's original decision will also be held. At such meetings, the DAP must decide whether to amend its original decision in the manner sought by the applicant, or maintain its original decision. Such applications are intended to cater for minor amendments to an existing DAP decision.

Reference: r.17 and r.40(4)

5.2 Acknowledgement of Application

Upon receipt and conformance of a DAP application the DAP secretariat will email a copy of the acknowledgement letter to the DAP members, local government and applicant to inform them that an application has been received and the deadline for the responsible authority report.

Reference: r.12

Requests for additional information - local planning scheme

Where a local government has requested additional information or material under the Planning and Development (Local Planning Scheme) Regulations 2015, it must provide the details outlined in regulation 11(2) of the DAP regulations to the DAP Secretariat within the specified timeframes.

Reference: r.11

5.2.1 The Responsible Authority Report(s)

The relevant responsible authority who receives the application is responsible for preparing the responsible authority report, under the relevant planning scheme.

The responsible authority can be one of the following:

- Local Government
- Western Australian Planning Commission
- 'Dual' – Local Government and the Western Australian Planning Commission
- Building Management and Works (Department of Finance) for public school applications

Where a local government does not have the required technical expertise to complete the assessment of a planning application, it may engage external expertise to prepare the responsible authority report and/or provide technical advice to assist with the preparation of the report. The cost, to the extent it is not recoverable from the applicant under regulation 49 of the *Planning and Development Regulations 2009*, is to be borne by the local government.

Reference: r.14

The assessment of a DAP application is to follow the standard process for the relevant responsible authority and according with the statutory obligations of the local planning scheme. This includes public advertising if required, consultation with internal departments and external referral agencies, and completion of the responsible authority report. The report is to include an assessment of the application, a recommendation, including approval conditions or refusal reasons and any advice notes.

Reference: r.9 and r.12

The local government is required to undertake their standard notification, advertising and consultation procedures under the relevant planning scheme in which the DAP application is made.

Reference: r.9

When an application requires advertising, the local government's standard application advertising protocols should be followed. However, any letter, newspaper advertisement or on-site advertising signage must clearly state that the application is to be determined by a DAP.

Regulation 49 (1) (a) and (c) of the *Planning and Development Regulations 2009* allows the local government to charge the applicant for any additional costs and expenses incurred to publicly advertise and to undertake public consultation on the application.

Upon lodgement of a DAP application, the local government should determine whether the application requires public advertising under the local planning scheme. If public advertising is required, it should commence this as soon as practicable.

The local government should immediately refer the application to any internal departments and external referral agencies for comment.

The responsible authority report will be provided in the format set by the Department and should include the following information:

- an assessment of the application against all relevant development standards, including compliance (or otherwise) for all relevant statutory and strategic planning policies;
- comment and advice on any outstanding application issues, if these have not been addressed or resolved during the assessment process;
- copies of any advice received by the local government from any other statutory, public or planning authority consulted in respect of the application;
- if the application was advertised, copies of or a schedule addressing all public submissions received;
- recommendations as to how the application should be determined, including conditions of approval or reasons for refusal, as required;

and

- any other information that the local government considers will be relevant in determining the application, such as amended plans, site inspection photos, and further justification from the applicant.

Reference: r.12(5)

The format for a responsible authority report is available on the DAP website.

The responsible authority must prepare and submit the report and any attachments including date stamped/date received plans electronically to the DAP secretariat.

Reference: r.12(2)

Incomplete reports will be returned to the local government with providing the reason(s) why the report has been returned.

Note:

It is advisable to reference plan numbers and date stamped plans within the responsible authority report to ensure DAP members are reviewing the correct plans.

5.2.2 Assessment where 'dual' decision' is required

There are three region schemes currently operating in Western Australia: the Metropolitan Region Scheme (MRS), Peel Region Scheme (PRS), and the Greater Bunbury Region Scheme (GBRS).

In most instances where a local government determines a development application within an area covered by a region scheme, it is a determination under both the local planning scheme and the relevant region scheme.

Each region scheme makes provisions that set out what development applications require approval from the WAPC under a region scheme. Usually

this results in a determination under a local planning scheme and the region planning scheme, a situation which is referred to as a 'dual application'.

For all 'dual applications', the DAP will be the sole determining authority replacing both the local government and the WAPC. Both the local government and WAPC must assess the application as they normally would, but neither will determine the application.

Instead, both the local government and the WAPC must each prepare a responsible authority report containing recommendations on the application. The DAP will then consider both reports and make a determination on the proposal. The determination will be made in accordance with both the local and region schemes. Whilst the DAP will consider two reports, it makes a single determination on the application.

Following a DAP meeting, a determination letter for the 'dual decision' application will be prepared which will either be an approval or refusal under both local and regional planning schemes.

Reference: r.16

Assessment where a development application crosses over local government boundaries

If an application is made for development on land which spans across two or more DAP and/or local government boundaries, the application is made to, and determined by, the DAP in which the greater portion of the development is located.

A local government application for planning consent/development approval is required to be submitted for each local government, including the payment of local government planning application fees.

Each responsible authority will be required to provide a report to the DAP in which the greater portion of the development is located, even if the local government does usually sit within that DAP.

Reference r.8 and r.12

5.2.3 Assessment process – amending or cancelling DAP development approval

If the applicant elects for the DAP to determine an application to amend or cancel an existing DAP approval, the same assessment requirements apply. The relevant authority must prepare a responsible authority report to the DAP using the authorised format. If the application also requires assessment by the WAPC, then the WAPC must also prepare a responsible authority report.

The responsible authority report is likely to contain less detail than the report for the initial DAP development application, and is to include recommendations as to the merits of the application.

An amendment application is limited to those range of matters and aspects of the previous development approval as specified by the applicant. There is no jurisdiction to examine or impose conditions on other aspects of the development already approved.

Reference r.17 and r.12

The DAP will consider the report and determine the application to amend or cancel the DAP's original decision at a DAP meeting convened for this purpose.

Reference r.40

Once the application is determined, the local government is responsible for the monitoring and enforcement of the determination, and any amended conditions under the local planning scheme.

5.2.4 Timeframes for the submission of reports

The majority of local planning schemes have two statutory time periods within which a determination must be made. Generally where the application does not require advertising, the statutory determination period is 60 days, and if advertising is required, the statutory determination period is 90 days.

For DAP applications, the same statutory timeframes still apply. However, as DAPs is the determining authority for such applications, the DAP Regulations require that:

- If the application requires advertising, the responsible authority report, which contains recommendations for the DAP, is to be provided within 78 days of the application being accepted.
- If the application does not require advertising, the responsible authority report is to be provided within 48 days of the application being accepted.
- In circumstances where any other statutory timeframes apply, the report must be submitted within 78 days of the application being accepted.

Reference: r.12(3)

References to 'days' means ordinary days, which include Saturdays, Sundays and public holidays, as stipulated in section 61 of the *Interpretation Act 1984*. If the due date falls on a Saturday, Sunday or public holiday, the due date is extended to the next working day.

If the due date falls over an excluded public holiday period, for applications made under a local planning scheme, the due date is extended to the next working day after the specified time period.

The date the application was accepted is taken to be the date the local authority acknowledged the application as conforming on the relevant DAP form.

The previous flowchart outlines the DAP application process, including all applicable statutory timeframes required under the DAP Regulations.

The responsible authority report is required to be forwarded to the DAP secretariat within the required timeframe, unless a request for additional information under a local planning scheme or extension to the responsible authority report timeframe has been agreed (refer below).

5.2.5 Failure by authority to report to DAP

If the relevant authority fails to provide a responsible authority report to the DAP within the statutory timeframe, the DAP secretariat will send an overdue notice.

Also, the Minister may direct the local government to provide any information it has, for the DAP to consider. Further, the Minister may instruct the local government to obtain information if it does not already possess what the Minister requires. For this purpose, the Minister can use local government staff to obtain and furnish this information.

Reference: r.52

If a responsible authority report on a DAP application is not provided, the DAP also has the authority to determine the DAP application in the absence of the report.

Reference: r.12(7)

5.2.6 Requests for extension of time to submit a report

If the responsible authority report will not be prepared in time, the authority may, with applicant approval, seek to extend the time within which to submit their report.

This is because if the DAP does not receive the report in time, it will be unlikely to be able to determine the application within the statutory timeframe.

The responsible authority must complete the extension of time request form and email it to the DAP secretariat.

The request must include a reason for the delay, the applicant's written consent and the date the responsible authority will forward the report to the DAP secretariat.

The presiding member may grant an extension of time for the responsible authority to prepare its report for the DAP application. Granting an extension is discretionary, and presiding members must use this discretion appropriately, having regard to the fact that applicants are entitled to a decision usually within 60 or 90 days of making the application.

Extensions should be granted only where genuinely required. Presiding members should guard against granting consecutive extensions to an authority, unless the delay is due to factors beyond the authorities control.

Extensions of time to submit a responsible authority report has the effect of pausing the statutory timeframe until the time agreed between the applicant and the responsible authority has expired.

Reference: r.12(4), r.12(4A) and r.16

5.2.7 Appropriate circumstances justifying an extension of time request

An extension of time can be requested where the responsible authority becomes aware of any issue likely to delay the assessment and/or determination of the application.

The acceptable use of an extension of time request is considered appropriate in the following situations where:

- any external referral authority has not responded within a set timeframe;
- further advice and/or clarification is required from an external referral authority;
- a response from an external referral authority will not be provided within a reasonable time period to complete the assessment;
- the applicant cannot provide additional information, including amended plans, within a reasonable time period acceptable to the responsible authority.

The time period considered reasonable and acceptable to the responsible authority and the applicant will be considered and determined by the presiding member on individual case by case merits, relevant to the nature of the application.

Extension of time requests must not be used as a deferral mechanism. Where there is an on-going or an excessive delay in the submission of the responsible authority report, the Director General of the Department may notify the Minister for Planning.

An extension of time request must not be used in circumstances where an application has been deferred by a set timeframe at a DAP meeting.

The Minister may use the powers referred to earlier to direct the local government to finalise the responsible authority report and forward it to the DAP.

5.2.8 Reading the report

The DAP secretariat will advise members when the published agenda including a copy of the responsible authority report and any attachments such as council minutes, public submissions, site inspection photos, date stamped plans, or further justification received from the applicant is available on the DAP website.

Members must take the time to read and review all documentation provided, as it will enable them to make a fully informed decision on the application.

Members must also familiarise themselves with the requirements of the local and/or region planning scheme which applies to the development

application, as well as any local or state planning policies that may be relevant to the assessment.

It is important that members therefore allow sufficient time to properly prepare for meetings. A large volume of material may need to be read and understood before the member can adequately consider and determine the application at a meeting.

After reading the material, a member may consider that they need further information, advice or assistance in order to make a decision. Members are therefore encouraged to read the report and other materials as soon as possible so if additional information is required; the responsible authority has adequate time to provide it.

If a member considers they do need more information and advice, such information must be sought using the 'r.13' Direction process discussed below.

5.2.9 Directing the responsible authority to provide further information

If following a review of the report and attachments a DAP member requires further information or advice, the DAP, through the DAP secretariat, will issue a written direction to the local government requiring it to provide further information, advice or assistance.

Before requesting further information regarding a DAP application, members must first consider:

- Is the request essential and reasonable to the assessment of the application?
- Will it inform the decision-making process?
- Can the responsible authority respond within the statutory timeframes?
- Has the responsible authority already requested this information?

If after considering the above questions, a member decides to proceed with their request, they must immediately submit a written direction for further information, available on the DAP website, to the DAP secretariat. It is important that the

responsible authority's resources are not wasted on inappropriate questions or incorrectly worded directions.

Reference: r.13

Urgency in processing the direction is required because the statutory timeframes for determining an application are not suspended by such a request. Any DAP decision must be made within the set time period or risk being considered 'deemed refused'.

Reference: r.13

Once the DAP has forwarded the direction to the presiding member, they will review the direction, discern whether it is appropriate, correctly worded, and sufficiently detailed to enable the DAP secretariat to facilitate the direction. The presiding member sets the timeframe to which the responsible authority must respond. An appropriate timeframe is calculated according to the complexity of the request, whether the Authority needs to consult with external stakeholders, and the statutory timeframes by which the DAP must make a decision.

Once the presiding member's confirmation is received, the direction is forwarded, via the DAP secretariat, for priority actioning by the relevant responsible authority. Upon receipt of the response, the Presiding Member is to provide confirmation to publish the details of regulation 13(1) direction as part of the meeting Agenda available on the DAP website.

It is relevant to highlight that if the responsible authority report recommends refusal of the application, the DAP is not obliged to follow the recommendation. The DAP may request, by way of a regulation 13(1) direction, further technical advice or information on the conditions of development that should be applied if the recommendation is not adopted (i.e. an alternate recommendation for approval with conditions). Such directions should be requested with sufficient notice prior to the DAP meeting to assist the local government to comply with the direction in a timely manner.

Applicants and/or local governments who consider directions for further information, advice or assistance excessive, or timeframes unreasonable, may inform the DAP secretariat accordingly.

5.2.10 Site visits

Where a highly complex DAP application is made, a DAP member may consider that a visit to the development site will better enable the DAP members to fully understand and determine the application.

A request can be made, through the DAP secretariat, for the presiding member to determine if the application warrants a site visit. If approved, the DAP secretariat will notify DAP members and make the necessary arrangements for the site visit.

All members should attend the site visit, as it will help inform them of the context and matters relevant to the application to be determined. DAP members may claim reimbursements for travel expenses incurred in relation to site visits in accordance with the Public Sector Commissioner's Circular 2009-20. However, no sitting fees are paid for any site visits.

Members should only visit sites if the presiding member consents and the meeting is arranged by the DAP secretariat.

Where it is considered necessary, the local government may undertake a site inspection for a DAP application. Photographs should be taken of the subject site and surrounds and included as an attachment to the responsible authority report.

5.2.11 Conflict of interest

The DAP model requires that DAP members operate from an open, impartial and independent position. As soon as a DAP member receives notice of an application, they should consider if they face any conflict of interest.

A member must disclose any circumstances which may, either directly or indirectly, place them in a position of conflict in their obligations, responsibilities or functions as a DAP member. Disclosure of such an interest may lead to that member being excluded from engaging in their DAP role to the extent of that interest.

A DAP member who has a direct or indirect pecuniary interest, or a proximity interest is not entitled to be present during the consideration, discussion, or to vote on the application.

The presiding member has the discretion to decide whether an impartiality interest is significant enough to justify excluding the member.

The Declaration of Interest Form is available on the DAP Website.

Reference: s.266 of the Act and DAP Code of Conduct.

5.3 Meeting dates, agenda and venue

The DAP Secretariat will organise DAP meeting dates with the members and the relevant local government hosting the meeting.

Upon confirmation of availabilities, the DAP Secretariat will advise members, the relevant local authority, applicant and local government of the confirmed meeting details. For regional meetings, the DAP Secretariat will also be responsible for making and advising DAP members of any travel and accommodation arrangements.

The meeting agenda, containing the meeting details, responsible authority report and relevant attachments, will be made available on the DAP website. Meeting times, dates, locations and agendas are required to be published on the DAP and local government websites no less than 7 days prior to the meeting being held. If the local government does not have a website, these details may be published by any means approved by the CEO of the Department.

The local government is required to personally notify people who provided a submission, during the advertising period, with respect to a DAP application of a scheduled meeting. This will ensure that interested parties are made aware of the DAP meeting to determine an application.

Reference: r.39

Members must attend all DAP meetings which are scheduled for their appointed DAP. If for any reason, a member cannot attend, they must notify the DAP Secretariat as soon as possible so that an alternate member can be arranged, where sufficient notice is provided. Meetings may be attended remotely (e.g. by teleconference or videoconference) if the presiding member consents. If a member considers that they may have to attend a meeting remotely, they should forward a request to the DAP secretariat as soon as possible so that the presiding member's consent may be sought.

Reference: r.43

DAP meetings will normally be held at the local government office and it is required to make its staff and facilities available for DAP meetings, although there may be occasions where the DAP meeting will be held at the Department of Planning, Lands and Heritage. The meeting venue will be organised by the DAP secretariat, in conjunction with the local government. The secretariat will select the most appropriate and convenient office for the DAP meeting, based on the number and complexity of the applications scheduled at the meeting.

Reference: r.50

5.3.1 Metro DAP meetings

In the case of a LDAP, or a metro-based JDAP where one or more applications are received solely within one locality, the relevant local government which received the application(s) will host the DAP meeting.

Note:

If a meeting of a JDAP involves two or more applications from two or more local governments, the DAP secretariat will liaise with the affected local governments to determine the likely time each item will take to be considered and determined based on the application's complexity. If it is considered that an application will take a substantial period of time to determine, the relevant local government will either be requested to host the meeting or a separate meeting may be held to avoid inconveniencing other local governments. This decision will be made at the discretion of the DAP secretariat, upon liaison with the presiding member.

5.3.2 Regional DAP meetings

For regional local governments, meetings are usually scheduled at the Department, with a teleconference or videoconference with the regional responsible authority.

When considered appropriate by the presiding member, the panel may require flight travel for Perth-based specialist members to regional areas.

The DAP Regulations require the local government hosting the DAP meeting to provide a minute taker to record DAP meetings.

If the presiding member considers a DAP application is contentious, they may request security personnel to be present at the meeting.

Local governments are responsible for arranging any equipment required to conduct a DAP meeting. Unless otherwise requested by the DAP secretariat, each DAP meeting will require a projector and laptop or personal computer.

Reference: r.50

Note:

Local governments with a high number of DAP applications may wish to reserve a local council venue on a regular date and time, in consultation with the DAP secretariat, which can be cancelled if no DAP application is received for that local government.

5.3.3 Meeting requirements

All DAP meetings to determine DAP applications for development approval are open to the public.

Reference: r.40(2)

5.3.4 Meetings held via electronic means

Meetings may be convened through electronic platforms to ensure the continuity of the DAP process. In circumstances where meetings are being conducted electronically by the Department of behalf of a local government, the DAP Secretariat will undertake the necessary arrangements. Teleconferencing and/or videoconferencing functionalities may be enabled, with the ability for presentations to be heard via virtual means and the public to observe the proceedings. The relevant teleconference phone number, link to videoconferencing and meeting ID will be published as part of the agenda on the DAP website.

Reference: Practice Note 12

5.4 Responsible authority's representative at meeting and presentation requests

5.4.1 Local government presence and general invitees

The DAP secretariat will invite the responsible authority report writer (or other representative) of the relevant responsible authority to attend the DAP meeting when the application will be determined. The local government is encouraged to accept this invitation and be available to respond to any questions of the panel during the meeting, however attendance is not compulsory.

Reference: r.40

If the DAP meeting is being held outside of the local government's district, and the local government representative is unable to attend in person, they may request attendance by teleconference. This request should be forwarded to the DAP secretariat as soon as possible. The approval of the presiding member will be required before the representative can attend the meeting in this manner.

Reference: r.43

During the meeting, the DAP may request the local government representative to:

- provide a brief description of the proposal;
- advise of any outstanding application issues;
- answer DAP members' questions in relation to the responsible authority report; and/or
- provide a response to any comments made during the applicant's and/or submitter's presentations.

Additionally, the presiding member, through the DAP secretariat, may generally invite one or more people to attend a DAP meeting. Such individuals will usually be asked to advise or inform the DAP on a matter, or make a submission to the DAP.

Reference: r.40

5.4.2 Presentation requests

The local government's advertising of an application may result in submissions being made to the local government by members of the public or other interested parties in relation to the application. Those who make such submissions may also wish to present their concerns at a DAP meeting.

Any applicant and/or submitter seeking to make a presentation to the DAP is required to complete the DAP presentation request form, available on the DAP website, and forward it to the DAP secretariat at least 72 hours before the commencement of the meeting. The presentation request form is to be accompanied by a written document setting out the substance of the submission the person or group proposes to make.

If a DAP presentation approval is obtained from the presiding member, each applicant and submitter will be advised. Each presentation is to be a maximum of five minutes, unless the presiding member allows for additional time.

A presentation request may be refused, if the presiding member considers that the presentation content has been sufficiently addressed in previously approved presentations or if the person making the request belongs to an interested group, where there is already a representative of that group making a verbal submission.

Presentation and submission content will be made publicly available on the DAP website as part of the Agenda.

A presentation may result in DAP members asking questions of the local government officer in attendance. The officer should endeavour to answer the questions and assist the DAP member with their enquiry.

Reference: 3.5 of DAP Standing Orders

5.5 General procedure at meetings

All DAP members must comply with the Standing Orders, which detail the procedures for DAP meetings.

5.5.1 Standing Orders

The Standing Orders, termed 'practice notes' by the DAP Regulations, set out the procedures for efficient conduct of DAP meetings and must be complied with.

Reference: r.40(5)

DAP presiding members must fully familiarise themselves with the Standing Orders as they are required to preside over meetings and conduct them according to the set procedures. The presiding member is specifically required to ensure:

- all material relevant to the decision has been made available to all members;
- all matters are properly considered;
- all members are able to contribute to the discussion of any matter; and
- the decision on the matter is understood by all DAP members.

The order of business at DAP meetings is:

1. The meeting is declared open once a quorum is formed, and the minute taker and all DAP members are present.
2. Formalities such as noting of the minutes, absences, apologies, disclosures of interest and declaration of due consideration are completed (members are directed to the conflicts of interest section in 5.2.4.
3. The presiding member invites submissions and presentations to be made.
4. DAP members consider and discuss the responsible authority's reports and determine the application(s) before them.

5. The presiding member reports any SAT reviews to the panel.
6. DAP members discuss any items for General Business and then close the meeting.

5.5.2 Procedures during DAP meetings

The presiding member must chair all DAP meetings and facilitate an open forum. They should control order and make sure all items on the meeting agenda are addressed in an efficient but thorough manner.

Motions

During a meeting, any member may discuss an aspect of an application by raising a motion.

The member must summarise the motion before providing details about it. Further, if it is a motion which suggests a significant departure from the recommendation contained in the responsible authority report, it should be presented in writing prior to or during the meeting and supported by reasons from the mover. Once a motion is put to the members, another member must second it prior to commencing debate.

A motion can be withdrawn by the member placing it, if the member who seconded it agrees. An amending motion (one that changes the original motion) can be put to the DAP if it is relevant and supported by reasons from the mover. Procedural motions can also be put. These are motions addressing whether the meeting should be adjourned, closed, a motion deferred and so on.

Debating and determining applications

In making a decision, DAP members must have regard to, but need not follow, the recommendation contained in the responsible authority report.

Reference: r.12(6)

After hearing from any parties permitted to make presentations, verbal submissions, or who are asked to answer any questions, DAP members must make their decision in an open forum and by consensus where possible, or alternatively by a majority vote. If there are an equal number of members present, the presiding member has the casting vote in the event of a tied vote.

Reference: r.42

Members must actively participate in the discussion and determination of applications at meetings. In particular, members are reminded of their obligation to refrain from making any statement to the effect that a local government or public sector employee is incompetent, or to use offensive or objectionable language in reference to such individuals.

Reference: r.47

A DAP may resolve to determine an application by approving the application with or without conditions, or by refusing the application.

5.5.3 Rotation of local government members at a JDAP meeting

A JDAP may meet to consider two or more applications received by only one local government within a JDAP.

A JDAP may also meet to consider two or more applications received by two or more different local governments comprising the JDAP for which it has been established.

The following paragraphs describe the JDAP process.

Process for single local government

At a JDAP meeting where application(s) relate to only one local government district, three specialist members and two local members from that district will attend and determine the application(s).

Process for multiple local governments

At a meeting of a JDAP where two or more applications are located within two or more local government districts, three specialist members will consider and determine all applications. However, the two local members will change depending on the location of the application.

When an application is presented at a DAP meeting, two local members from the local government receiving the application will join the three specialist members to consider and determine the application.

If the next application to be determined by a DAP is located in another local government, the first two local members will leave the DAP meeting to allow the second two members from the other local government to join the DAP to determine the next application.

Local members rotate on and off the DAP at the meeting as required, so that the DAP application within each local government is represented with local members from the local government where the application is located.

While a JDAP services a number of local governments, there is no need for local members from each local government to attend all DAP meetings. Local members only attend if the application being considered and determined is located within their local government district.

5.6 Post-meeting process

5.6.1 Minute taker attendance and responsibilities

The local government hosting a DAP meeting is to provide a minute taker and ensure that accurate minutes are recorded of the meeting.

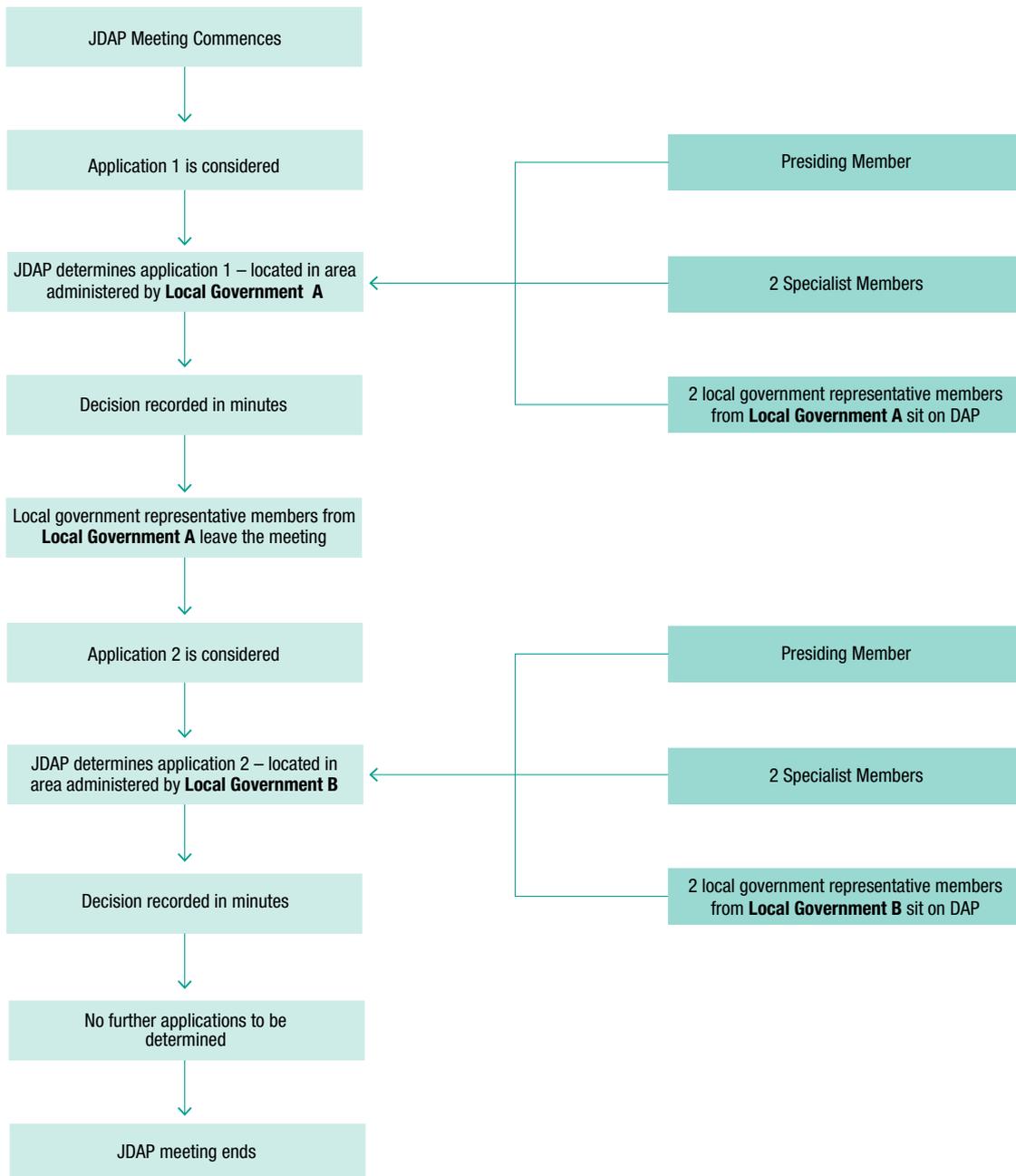
Reference: r.44(1)

The minute taker is to use accepted DAP minute taking protocols and use the standard minute template provided on the DAP website.

The content of minutes of a DAP meeting should include the following:

- The names of the minute taker, the DAP members, local government officers or representatives of the WAPC present at the meeting.
- The time of entry and departure of any DAP member.
- Any disclosures of interest made by a DAP member, and whether the member continued on the panel or was excluded from the decision on account of that interest.
- The names of all presenters and deputations together with the organisation or entity they represent, and their position for or against the application.
- Details of each motion moved at the meeting, who moved and seconded it, who voted for or against an item and the outcome of the motion.
- Details of each decision made at the meeting and the reasons given for each decision.
- Any advice notes included with the conditions of a determination.
- Any other matter considered relevant, in accordance with the requirements specified in the DAP Standing Orders.

Rotation of local members on and off the DAP



In the case of a meeting of a JDAP in which local government members are to be rotated to ensure a required quorum or to consider a DAP application within their local government district, the minutes are to contain sufficient detail to clearly identify the members considering and voting on a particular DAP application (refer flowchart).

If at any point in the proceedings, the minute taker requires further information to ensure the accuracy of the minutes, the minute taker is to request the information from the presiding member.

The local government hosting the DAP meeting, or the person taking the minutes, is to provide the DAP secretariat with an electronic draft of the minutes within 5 days of the meeting.

Reference: r.44(2)

On receipt and review of the draft minutes, the DAP secretariat will circulate the draft to all DAP members for confirmation. Within 10 days of the meeting date, the minutes recording the DAP determination/s are to be:

- confirmed and signed by the presiding member;
- published on the DAP website; and
- published on the applicable local government website.

Reference: r.44(4) and (7)

5.6.2 Issuing Notice of Determination

The DAP will determine DAP applications as if it were the responsible authority under the relevant planning scheme and/or region scheme. The panel will consider the exact same range of matters required under the applicable local planning scheme and region scheme as the local government and WAPC respectively would consider where applicable.

Reference: r.16(1)

A determination letter and stamped approved or refused plans, will be issued to the applicant, by the DAP secretariat upon publication of the DAP minutes.

The responsible authority in which the development is located will also be provided with a copy of the DAP determination and stamped approved plans.

Reference: r.16(2)

5.6.3 Enforcement of development approval

DAPs are purely decision-making panels; they are not empowered to monitor compliance with any conditions upon which development approval was granted. Where development approval is granted, the local government that received the application will be responsible for ensuring the applicant complies with any conditions of approval under the local planning scheme as well as responding to any enquiries in relation to the application.

5.6.4 Appeals to the SAT

DAP decisions, either relating to development approval or applications for amendment of a DAP decision, are open to review by the SAT.

A person who has applied to a DAP for development approval, or sought amendment to a decision made by a DAP, can request that the SAT review:

- a DAP's refusal to grant development approval or amendment to a DAP decision;
- any approval conditions imposed by a DAP; and
- a deemed refusal of a DAP application.

Reference r.18(2)

Only the owner can request the SAT review a decision by a DAP. There is no third party rights of review; for example, a local government that disagrees with a DAP determination has no right to apply for SAT review.

However, SAT may receive or hear submissions in respect of an application from a person who is not a party to the application if the Tribunal is of the opinion that the person has a sufficient interest in the matter.

In an application for review, the DAP will be considered the 'decision-maker' for the purpose of review. Therefore, the DAP will be the respondent in any review sought by a DAP decision, or deemed refusal (a 'deemed refusal' is an application not decided in time).

Reference: r.18(3)

The Department of Planning, Lands and Heritage will be liable for the costs a DAP incurs on account of a SAT review of its determination.

The SAT deals with a wide range of matters including planning issues and specifically addresses the review of planning and building matters. Review of a DAP-related matter will fall into 'Class 2 Proceedings'. Class 2 proceedings are reserved for larger scale development matters and parties may elect to be represented by a lawyer. In Class 1 proceedings the applicant can choose for neither party to be represented by a lawyer.

A DAP has no separate legal personality of its own (like a company). Rather, a DAP is an entity created by Ministerial Order and formed from time to time by a meeting of sufficient members to form a quorum. For this reason, the appropriate person to attend SAT hearings will be the DAP presiding member – or if they are unavailable, the deputy presiding member. An officer from the DAP secretariat cannot attend on behalf of the DAP.

The DAP secretariat will manage the administrative matters raised by the appeal for any DAP reconsideration meetings required under section 31 of the *State Administrative Tribunal Act 2004*. Within the Department, the Appeals Convenor will arrange for the State Solicitor's Office to provide advice and representation, and will also liaise with them in relation to any paperwork, reports or documents required for the appeal. The presiding member will be advised and assisted in all aspects of the appeal by the State Solicitor's Office and the Appeals Convenor. As the review will be a Class 2 proceeding, a solicitor will appear for and with the DAP presiding member at all SAT proceedings.

Local government officers may be called upon to provide information and give evidence at SAT proceedings. The SAT will be responsible for reviewing the decision made by the decision-maker (in this case the DAP). In order to do so, it may be necessary for them to hear evidence from such officers. Local government officers may be called to give evidence even where the responsible authority's recommendations differ to the DAP's determination.

A DAP member who attends the SAT is entitled to be paid the applicable fee for their attendance unless they belong to a class of members excluded from payment under regulation 31. For more information on payments, refer to Part 3.6, 'DAP member remuneration and reimbursement'.

Part 6 - Code of Conduct

All DAP members are required to comply with the Code of Conduct, available on the DAP website.

Members must familiarise themselves with the Code of Conduct.

Reference: r.45

Part 7 - Complaints handling

7.1 Procedure for submission and handling of complaints

7.1.1 Lodging complaints

A complaint may be lodged by letter, fax, telephone, email or in person. Details of how to lodge complaints is available on the Department's website.

When a complaint is received by the presiding member, it must be sent directly to the DAP secretariat to action in accordance with the Department's complaint handling policy.

Complaints should be made directly to the Department. However, nothing prevents any member or any other person from making a complaint directly to the office of the Ombudsman for Western Australia.

Complaints may be made under the *Public Interest Disclosure Act 2003* which enables disclosures to be made within defined forms of misconduct within the State public sector, local government and public universities without fear of reprisal.

The Department will acknowledge receipt of the complaint in writing.

7.1.2 Investigation by the Department

Where a complaint is made, the Department will assess the severity of the allegation.

All complaints made against DAP members will be investigated and a report prepared to the Director General. The outcome of that investigation will be communicated to the complainant.

However, if the alleged breach may constitute misconduct, the Director General will request the Minister to refer the complaint to the Corruption and Crime Commission for assessment in accordance with the *Corruption and Crime Commission Act 2003*.

7.1.3 Alleged misconduct – investigation by Corruption and Crime Commission

The Corruption and Crime Commission (CCC) has statutory powers to investigate and deal with allegations of misconduct by public officers.

Section 4 of the *Crime and Corruption Commission Act 2003* defines 'misconduct' to include conduct by a public officer that is corrupt or dishonest or involves the misuse of the officer's position.

As DAP members are public officers, they may be subjected to the scrutiny of the CCC in relation to the exercise of their functions under the Act.

7.1.4 Assessment by the Commission

Where a matter is referred to the CCC, the severity of the claim will be assessed and the most appropriate course of action determined by the CCC.

If the claim is not considered to involve misconduct, be outside the CCC's jurisdiction, or not in the public interest, the CCC may decide that no action should be taken, even if the complaint is deemed to be an allegation of misconduct. This decision can be made for several reasons, for instance, if the allegation has already been investigated, the allegation concerns incidents that occurred some time ago, or the allegation is considered minor.

If no further action is to be taken, then the CCC will advise the Department on how to take alternative action.

However, where misconduct has occurred and warrants investigation, the CCC will proceed through one of the processes outlined in the Investigation stage below.

7.1.5 Investigation

Most reports received by the CCC are referred back to the home agency for investigation. This is done because dealing with misconduct is primarily the responsibility of agencies (in this case the Department).

If a complaint is referred back to the Department for investigation, the Department must provide a report on their investigation to the CCC. The complainant will be given advice on the investigation.

The CCC can also refer allegations to other independent agencies such as the Ombudsman, Public Service Commissioner or to the Auditor General for investigation.

However, in a small number of cases, the CCC may conduct its own investigation or conduct a joint investigation into the complaint with the aid of another agency. Generally, the CCC will only conduct its own investigation if the allegations are of a serious or of a systemic nature. The CCC has wide ranging powers available to it to conduct such investigations.

The complainant will be given advice on the outcome of the assessment of the report provided by the Department.

The principles of natural justice will apply throughout these processes.

7.2 Consequences of misconduct/contravention of Code

A DAP member may be fined up to \$5,000, be removed from office, and face further civil or criminal penalties depending on the nature and extent of the offence.

Section 266 of the Act imposes a financial penalty of \$5,000 for DAP members in relation to:

- (a) a failure to act honestly in the performance of a function under the Act (section 266(2));
- (b) an unlawful disclosure of information acquired in connection with the carrying out of functions under the Act (section 266(5));
- (c) improperly using information to gain an advantage or to cause a detriment.

Under regulation 34(1) of the DAP Regulations, a DAP member's office automatically becomes vacant on the following grounds (among others):

- (a) conviction for an offence punishable by imprisonment for at least 12 months;
- (b) conviction for an offence against section 266 of the Act.

Under regulation 32(3) of the DAP Regulations, the Minister may, by notice in writing given to the member, remove a DAP member from office on the grounds of –

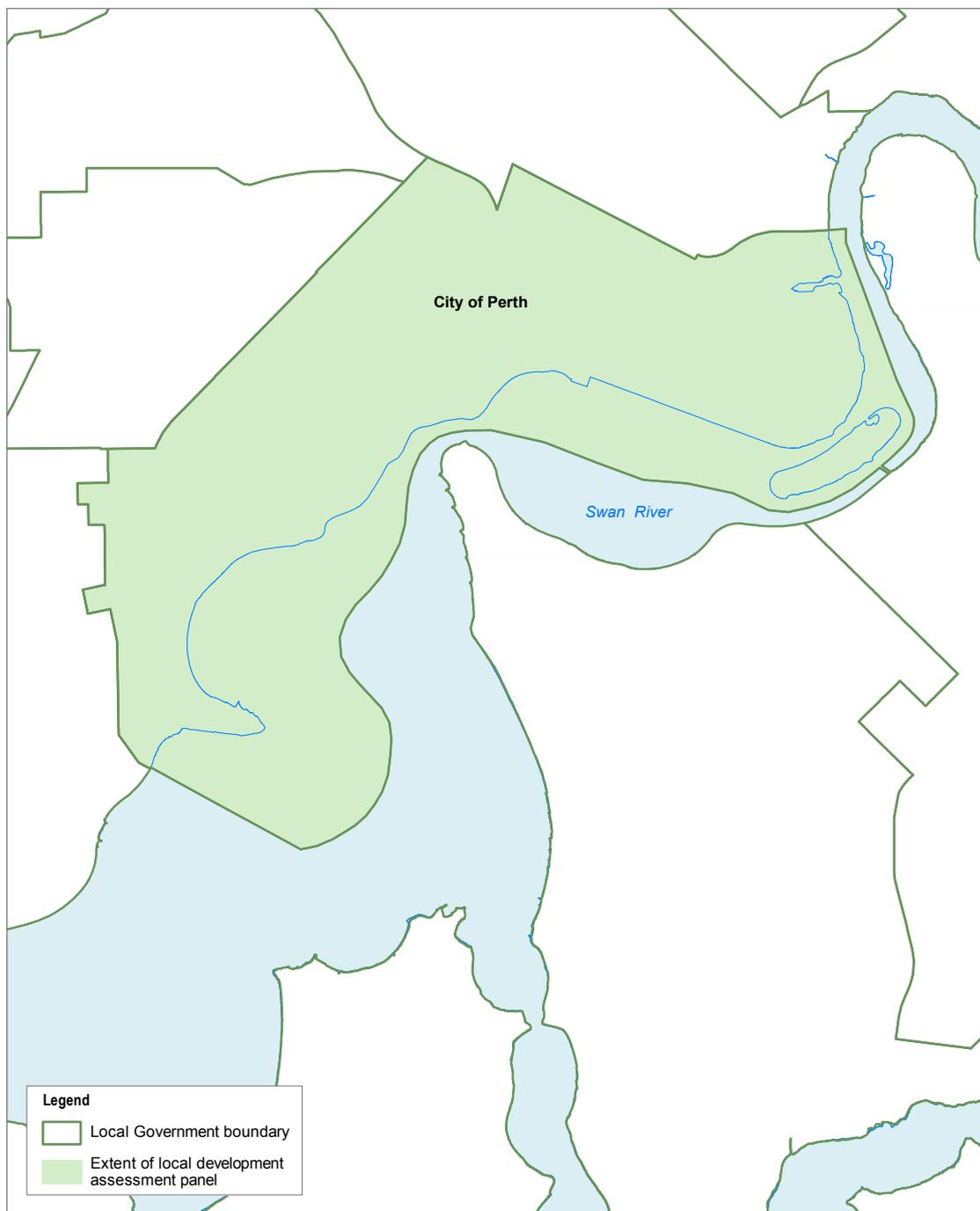
- (a) neglect of duty;
- (b) misconduct or incompetence;
- (c) mental or physical incapacity to carry out the member's duties in a satisfactory manner; or
- (d) absence without leave granted under regulation 33 from three consecutive meetings of the DAP of which the member had notice.

Nothing prevents any member or any other person from making a complaint directly to the office of the Ombudsman for Western Australia.

Part 8 - Appendices

DAP Groupings (LDAP and JDAPs)

City of Perth Local Development Assessment Panel



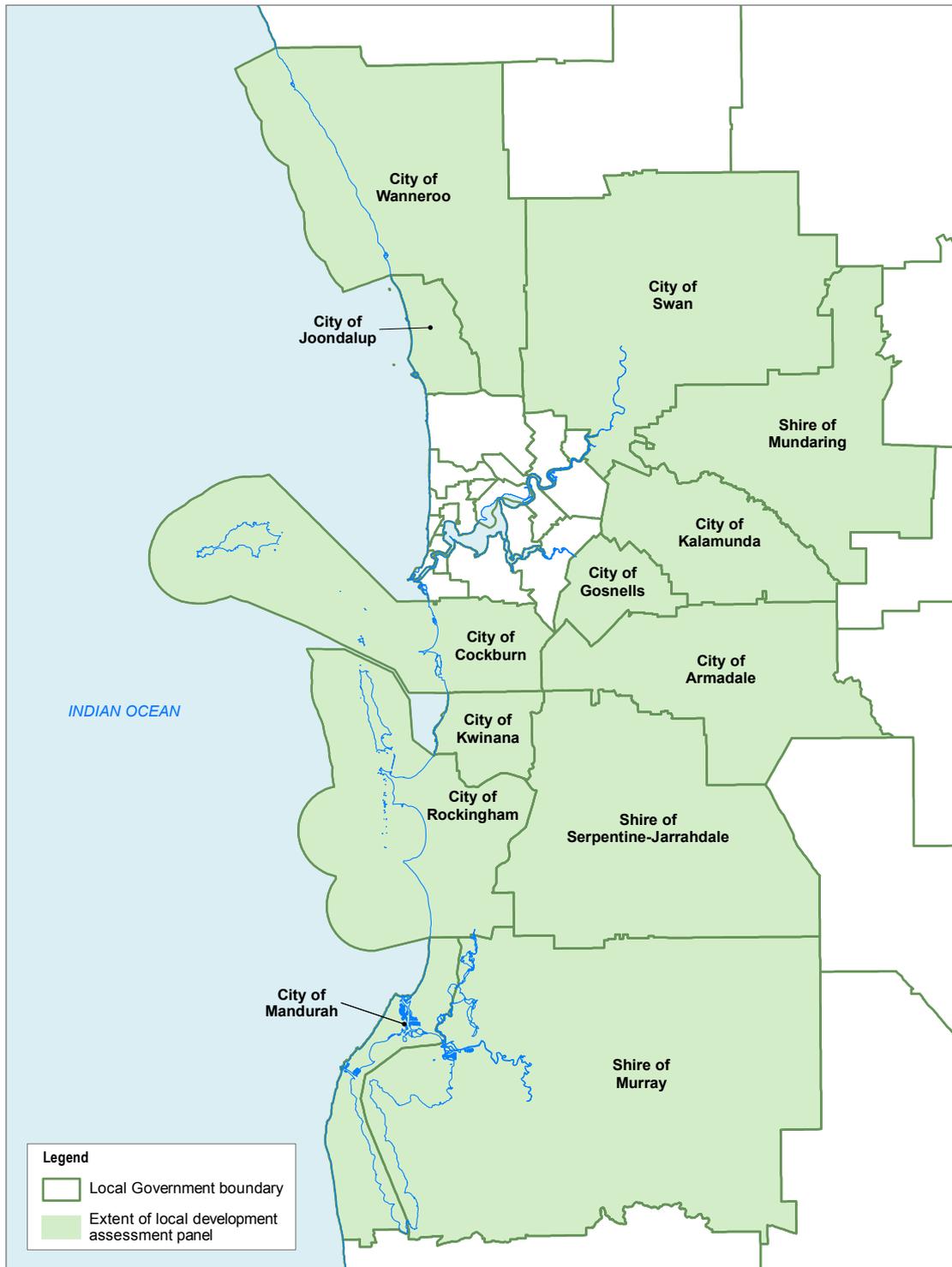
Metro Inner-North Joint Development Assessment Panel



Metro Inner-South Joint Development Assessment Panel



Metro Outer Joint Development Assessment Panel



DAP and Local Government Groupings

The following is a list of local government areas covered by each DAP under the new five-panel model.

The Metro JDAPs are:

City of Perth LDAP	City of Perth
Metro Inner-North JDAP	Bassendean, Bayswater, Cambridge, Claremont, Cottesloe, Mosman Park, Nedlands, Peppermint Grove, Stirling, Subiaco, Vincent.
Metro Inner-South JDAP	Belmont, Canning, East Fremantle, Fremantle, Melville, South Perth, Victoria Park.
Metro Outer JDAP	Armadale, Cockburn, Gosnells, Joondalup, Kalamunda, Kwinana, Mandurah, Mundaring, Murray, Rockingham, Serpentine-Jarrahdale, Swan, Wanneroo.
Regional JDAP	All other regional local governments (see list below).

The Regional JDAP Local Government Areas:

Albany	Dalwallinu	Koorda	Quairading
Ashburton	Dandaragan	Kulin	Ravensthorpe
Augusta-Margaret River	Dardanup	Lake Grace	Sandstone
Beverley	Denmark	Laverton	Shark Bay
Boddington	Derby-West Kimberley	Leonora	Tammin
Boyup Brook	Donnybrook-Balingup	Manjimup	Three Springs
Bridgetown-Greenbushes	Dowerin	Meekatharra	Toodyay
Brookton	Dumbleyung	Menzies	Trayning
Broome	Dundas	Merredin	Upper Gascoyne
Broomehill-Tambellup	East Pilbara	Mingenew	Victoria Plains
Bruce Rock	Esperance	Moora	Wagin
Bunbury	Exmouth	Morawa	Wandering
Busselton	Gingin	Mount Magnet	Waroona
Capel	Gnowangerup	Mount Marshall	West Arthur
Carnamah	Goomalling	Mukinbudin	Westonia
Carnarvon	Greater Geraldton	Murchison	Wickepin
Chapman Valley	Halls Creek	Nannup	Williams
Chittering	Harvey	Narembeen	Wiluna
Collie	Irwin	Narrogin	Wongan-Ballidu
Coolgardie	Jerramungup	Ngaanyatjarraku	Woodanilling
Coorow	Kalgoorlie- Boulder	Northam	Wyalkatchem
Corrigin	Karratha	Northampton	Wyndham-East
Cranbrook	Katanning	Nungarin	Kimberley
Cuballing	Kellerberrin	Perenjori	Yalgoo
Cue	Kent	Pingelly	Yilgarn
Cunderdin	Kojonup	Plantagenet	York
	Kondinin	Port Hedland	