



Western Australia

Planning and Development (Development Assessment Panels) Regulations 2011

Compare between:

[21 Feb 2024, 00-s0-00] and [01 Mar 2024, 00-t0-00]

Planning and Development (Development Assessment Panels) Regulations 2011

Part 1 — Preliminary

1. Citation

These regulations are the *Planning and Development (Development Assessment Panels) Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Approval and Related Reforms (No. 4) (Planning) Act 2010* Part 3 comes into operation.

3. Terms used

- (1) In these regulations —

~~administrative officer~~ accepted for assessment has a meaning affected by subregulation (3);

accreditation body, for an area of expertise, means a body that accredits qualifications for the area of expertise;

accredited, in relation to a ~~DAP~~, means ~~the administrative officer who provides services to the DAP under regulation 49~~ tertiary qualification for an area of expertise, means accredited by an accreditation body for the area of expertise;

~~alternate member~~ means a person appointed under regulation 28;

applicant means a person who makes a DAP application;

approved form means a form approved by the DAP executive director under regulation 54A;

community housing means housing for people on a very low, low or moderate income, or for people with additional needs, that is provided by a person other than an occupant of the housing;

community housing provider means a body corporate or organisation that has as one of its objectives the provision of community housing;

DAP application means—

~~(a) a development application prescribed under regulation 5; or~~

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

DAP executive director means the DAP executive director designated under regulation 49;

DAP member means —

(a) a ~~specialist member or~~ local government DAP member ~~of a LDAP~~; or

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

~~and includes an alternate~~ DAP member;

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 Act;

deputy presiding member, in relation to a DAP, means the person ~~appointed~~ designated as deputy presiding member of the DAP under regulation 2724(1);

Director General means the chief executive officer of the department;

excluded development application means a development application for approval of —

(a) construction of ~~— a single house and any associated carport, patio, outbuilding and incidental development;~~
a single house and any associated carport, patio, outbuilding and incidental development;
~~or~~

~~(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

(c) ~~development by a local government~~ public work; ~~or the Commission; or~~

(d) development ~~in a district for which~~ wholly within an area identified as a regional reserve under a region planning scheme;

~~(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 DAP member means —

~~(a) in relation to a LDAP — a person appointed~~ designated as a local government DAP member ~~of the LDAP~~ or an alternate local government DAP member under regulation ~~23(1)(a)~~ 25(2);

~~(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 [meeting of a DAP](#), means the person ~~appointed as~~ presiding ~~member of the DAP~~ under regulation ~~27(1);~~[24](#);

~~R-Codes~~[codes](#) means the [planning codes entitled](#) Residential Design Codes prepared by the ~~Western Australian Planning Commission~~ under ~~section 26~~[Part 3A](#) of the Act, as amended from time to time;

~~registered community housing provider~~ means a [community housing provider that is included on the register under regulation 50](#);

~~regular specialist DAP member~~ means — [a person who holds the office of regular specialist DAP member under regulation 27\(1\)](#);

(a) ~~relevant planning instrument~~, in relation to a ~~LDAP~~, development application, means [the planning instrument under which the application is made](#);

~~sessional specialist DAP member~~ means a person ~~appointed as a member who holds the office of the LDAP under regulation 23(1)(b)~~;

(b) ~~in relation to a JDAP, a person appointed as a sessional specialist DAP member of the JDAP~~ under regulation ~~25(1)(b)~~[27\(3\)](#);

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

specialist DAP member means a regular specialist DAP member or a sessional specialist DAP member.

- (2) In these regulations 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

- (3) A reference in these regulations to an application being *accepted for assessment* is —
- (a) in relation to a DAP application made under a local planning scheme — a reference to the application being accepted for assessment under the local planning scheme; or
 - (b) in relation to a DAP application made under a planning instrument other than a local planning scheme — a reference to the application being made in accordance with the requirements of the planning instrument; or
 - (c) in relation to an application under regulation 17(1) — a reference to the application being made in accordance with the requirements of these regulations.

Note for these regulations:

The terms DAP, ~~JDAP~~, ~~LDAP~~ and responsible authority and other terms defined in the *Planning and Development Act 2005* section 4(1) have the same respective meanings [in these regulations](#) as in that provision.

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*[Regulation 3 amended: Gazette 25 Jan 2013 p. 272;
17 Apr 2015 p. 1380; 16 Dec 2016 p. 5709-10; SL 2020/252
r. 90; [SL 2024/27 r. 4.](#)]*

4. Notes not part of the law

Notes in these regulations are provided to assist understanding and do not form part of the regulations.

Part 2 — Development applications and determinations

~~4A.~~ **Development Division 1 — DAP applications to which regulation**

~~[Heading inserted: SL 2024/27 r. 5-~~or~~.]~~

~~[4A, 5. Deleted: SL 2024/27 r. 6-~~do not apply~~.]~~

6. DAP applications

- (1) ~~Regulation 5 does not apply to a~~ development application for approval of ~~a~~ development is prescribed for the purposes of a warehouse.

section 171A(2) ~~Regulation 6~~(ba) of the Act if the development is within a district for which a DAP is established and the development —

(a) has an estimated cost of \$2 million or more; or

(b) is or includes community housing that is to be provided by a registered community housing provider.

- (2) This regulation does not apply to —

(a) an excluded development application; or

(b) a development application in respect of which the responsible authority has under regulation 19 delegated the power of determination; or

- ~~(3) Regulations 5 and 6 do not apply to an excluded~~

(c) a development application made under Part 11B or 17 of the Act.

~~[Regulation 4A inserted: Gazette 16 Dec 2016 p. 5710.]~~

5. Mandatory DAP applications (Act s. 171A(2)(a))

~~Subject to~~ Note for this regulation ~~4A and section;~~

Section 171A(2A) of the Act, provides that a development application is of a class that relates to land in the Swan Valley cannot be a

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prescribed ~~under section 171A(2)(a) of the Act if it is for the approval of —~~[development application](#).

- ~~— (a) development in the district of the City of Perth that has an estimated cost of \$20 million or more; or~~
- ~~— (b) development in a district outside of the district of the City of Perth that has an estimated cost of \$10 million or more.~~

*[Regulation ~~5~~ [6](#) inserted: Gazette 16 Dec 2016 p. 5710;
amended: SL 2021/126 [2024/27](#) r. 4.]*

~~6.~~ [6](#). Optional DAP applications (Act s. 171A(2)(ba))

~~— Subject to regulation 4A and section 171A(2A) of the Act, a development application is of a class prescribed under section 171A(2)(ba) of the Act if it is for the approval of any of the following —~~

- ~~— (a) development in the district of the City of Perth that has an estimated cost of \$2 million or more and less than \$20 million;~~
- ~~— (b) development in a district outside of the district of the City of Perth that has an estimated cost of \$2 million or more and less than \$10 million;~~
- ~~— (c) development of a warehouse in any district that has an estimated cost of \$2 million or more.~~

~~— [Regulation 6 inserted: Gazette 16 Dec 2016 p. 5710-11;
amended: SL 2021/126 r. 5.]~~

7. Election in respect of r. 6 application

- (1) An applicant making a development application of a [class or](#) kind prescribed under regulation 6 may elect to have the application determined by a DAP.
- (2) The election must be made by —
 - (a) completing ~~the~~[a](#) notice of election in the [approved](#) form ~~of Part A of Form 1 in Schedule 3~~; and

- (b) attaching it to the development application.

[Regulation 7 amended: SL 2024/27 r. 7.]

8. ~~Applications~~ DAP applications to be determined by DAPs

- (1) Despite any other provision of the Act or a planning instrument, ~~any~~ a DAP application for approval of development within a district for which a DAP is established —
- (a) must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and
- (b) cannot be determined by the local government for the district or the Commission.
- (2) If a DAP application ~~made under a region planning scheme or regional interim development order~~ is for approval of development in more than ~~one~~ 1 district ~~for which a~~ and there is more than 1 DAP ~~is~~ established for some or all of those districts, the application is to be determined by the DAP ~~established in whose area of jurisdiction the greatest area of land to which the application relates is situated.~~

- (3) In subregulation (2) —

area of jurisdiction, for a DAP, means the district ~~in~~ or districts for which the ~~greater land area of the development is proposed.~~ DAP is established.

[Regulation 8 amended: SL 2024/27 r. 8.]

9. ~~Making of applications and~~ DAP application: initial procedures ~~unaffected~~

- (1) These regulations do not affect —
- (a) the manner and form in which a development application or an application for amendment or cancellation of a development approval must be made under a planning instrument; or

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- (aa) the provisions of a planning instrument as to acceptance of a development application for assessment and requesting further information or material in relation to a development application; or
- (b) the requirements under a planning instrument as to notification, advertising and consultation procedures prior to determination of a development application or an application for amendment or cancellation of a development approval.

(2) For the purposes of these regulations, a development application is made to the Commission even though it is lodged with or given to a local government if, under the planning instrument under which the application is made, the application would be determined by the Commission but for regulation 8 or a delegation under regulation 19.

[Regulation 9 amended: SL 2020/252 r. 91; SL 2024/27 r. 9.]

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[Heading inserted: SL 2024/27 r. 10.]

10. Making ~~a DAP application~~applications: notice and fees

- (1) An applicant making a DAP application to a responsible authority for development approval under a planning instrument must, when lodging the application —
 - (a) give to the local government with which the application for development approval is lodged ~~the~~ completed notice of election referred to in the form of Form 1 in Schedule 3; regulation 7(2)(a); and
 - (b) pay to the local government the relevant fee in Schedule 1 item 1.
- (2) The ~~form~~notice required under subregulation (1) is required in addition to any application form required under the planning instrument.

- (3) The fee payable under subregulation (1) is payable in addition to any fees, costs and expenses that are imposed by a local government in accordance with the *Planning and Development Regulations 2009* in relation to the development application.
- (4) If a DAP application in respect of the same development is required to be made under both a local planning scheme and a region planning scheme, or under both a local interim development order and a regional interim development order, the fee referred to in subregulation (1)(b) is payable once only.
- (5) The local government must, within 30 days after the date on which it receives the DAP application, remit to the department the fee paid under subregulation (1).

[\[Regulation 10 amended: SL 2024/27 r. 11.\]](#)

[IIA. Deleted: SL 2020/252 r. 92.]

11. Local government must notify DAP of DAP application

- (1) A local government must, within 7 days after the date on which it accepts a DAP application for assessment, give the ~~administrative officer (the relevant administrative officer) of the DAP that will determine the application~~ [executive director](#) the following —
 - (a) a copy of the DAP application;
 - (b) a copy of the notice given under regulation 10(1) and completed by the local government;
 - (c) confirmation that the applicant has paid the fee under regulation 10(1);
 - (d) a copy of any notice requiring the applicant to amend the application, or provide further information or material in relation to the application, given to the applicant before the application was accepted for assessment under the ~~planning instrument (the relevant planning instrument) under which the application was made;~~

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- (e) any further information or material given to the local government in response to a notice referred to in paragraph (d).

(1A) On receipt of a DAP application and notice under subregulation (1)(a) and (b) by the DAP executive director, the DAP that will determine the application is, for the purposes of these regulations, taken to have been notified of the application.

- (2) If, after a DAP application is accepted for assessment, ~~at~~ the local government gives the applicant a notice under the relevant planning instrument requesting that the applicant give further information or material to the local government and the applicant accepts the request, the local government must —

- (a) within 3 days after the date on which the request is accepted, give the ~~relevant administrative officer —~~
DAP executive director —

- (i) a copy of the notice of request; and
(ii) confirmation of the date on which the request was accepted;

and

- (b) within 7 days after the date on which the information or material (if any) is given to the local government in response to the request, give the ~~relevant administrative officer —~~
DAP executive director —

- (i) the information or material; and
(ii) confirmation of the date on which the information or material was given to the local government.

- (3) If, after a DAP application is accepted for assessment, the applicant gives the local government further information or material relevant to the application on the applicant's own initiative, the local government must give the further information or material to the ~~relevant administrative~~

~~officer~~ **DAP executive director** within 7 days after the date on which it is given to the local government.

*[Regulation 11 amended: Gazette 17 Apr 2015 p. 1381-2;
SL 2020/252 r. 93~~93~~; SL 2024/27 r. 12.]*

12. Responsible authority must report to DAP

~~(1) For the purposes of this regulation, a development application that is forwarded by a local government to the Commission in accordance with a region planning scheme is taken to have been made to the Commission.~~

~~*[(1) deleted]*~~

(2) A responsible authority to which a DAP application is made must give the ~~presiding member of the DAP that will determine the application~~ **executive director** a report on the application in a ~~form~~ **the** approved ~~by the Director General~~ **form**.

(3) The report must be given—

~~(a) if the DAP application is made to the Commission or is not required to be advertised under a local planning scheme or local interim development order—within 48 days after the date on which the application was accepted for assessment; or~~

~~(b) if—~~

~~(i) the DAP application is required to be advertised under a local planning scheme or local interim development order; and~~

~~(ii) the scheme or order provides that the application is deemed to be refused if it is not determined within a period of 90 days or more after the application was accepted for assessment,~~

~~within the period that ends at least 12 days before the day on which the application would be ~~deemed~~ **taken** to be refused; ~~or~~ under the relevant planning instrument.~~

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~~— (c) otherwise within 78 days after the date on which the application was accepted for assessment.~~

- (4A) In calculating the period within which the report on ~~a DAP~~the application must be given under subregulation (3), an excluded day or period is not to be counted.
- (4B) For the purposes of subregulation (4A), an *excluded day or period* is a day or period that, under the planning instrument under which the ~~DAP~~ application is made, is not to be counted in determining when the application must be determined.
- (4) Despite subregulation (3), the ~~presiding member of the DAP~~DAP executive director may, by notice in writing given to the responsible authority and with the consent of the applicant, extend the period within which the report on ~~a DAP~~the application must be given.
- (5) The report must provide sufficient information to enable the DAP to determine the ~~DAP~~ application, including —
- (a) a recommendation as to how the application should be determined; and
 - (b) copies of any advice received by the responsible authority from any other statutory or public authority consulted by the responsible authority in respect of the application; and
 - (c) any other information that the responsible authority considers is relevant to determining the application.
- (6) A DAP ~~that receives a report under subregulation (2), in determining a DAP application,~~ must have regard to, but is not bound to give effect to, the ~~recommendation included~~recommendations in ~~the~~a report: ~~under subregulation (2).~~
- (7) ~~If a DAP is not given a report on a DAP application in accordance with this regulation, the~~A DAP may determine ~~the~~a DAP application in the absence of ~~the report~~a report under

[subregulation \(2\) if a report is not given in accordance with this regulation.](#)

[Regulation 12 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1382 and 1386; 16 Dec 2016 p. 5711; SL 2020/252 r. 9494; SL 2024/27 r. 13.]

13. Further services from responsible authority

- (1) The ~~presiding member of a~~ DAP [executive director](#) may, at any time after ~~the~~ DAP is notified of a DAP application made to a responsible authority, direct the responsible authority to ~~give to the DAP~~ [provide](#) either or both of the following services in connection with the application —
 - (a) technical advice and assistance;
 - (b) information in writing.
- (2) The direction must be in writing and must specify —
 - (a) the services required; and
 - (b) the time within which the responsible authority must comply with the direction.
- (3) A responsible authority must comply with a direction given to it under this regulation.
- (4) [A DAP may determine a DAP application in the absence of a service required under this regulation if the service is not provided in accordance with this regulation.](#)

[Regulation 13 amended: Gazette 25 Jan 2013 p. 272; SL 2024/27 r. 14.]

14. Costs and expenses incurred by responsible authority

The costs and expenses incurred by a responsible authority in giving a report under regulation 12, or advice, assistance or information in compliance with a direction under regulation 13, are, to the extent that they are not payable by an applicant under

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the *Planning and Development Regulations 2009* regulation 49, to be borne by the responsible authority.

15. Notification to applicant

The ~~administrative officer of a DAP~~ DAP executive director must notify an applicant of the following dates —

- (a) the date on which a report under regulation 12(2) on a DAP application made by the applicant is received by the DAP executive director;
- (b) any date on which the DAP executive director directs a responsible authority under regulation 13(1) to give advice, assistance or further information in respect of the application;
- (c) the date ~~of the meeting at~~ on which the DAP that will ~~consider~~ determine the application will meet to consider it.

[Regulation 15 amended: SL 2024/27 r. 15.]

16. Determination by DAP

- (1) Except as provided in subregulations ~~(2B)(b2)~~ and ~~(2C3)~~, the provisions of the Act and the planning instrument under which a DAP application is made apply to the making and notification of the DAP's determination ~~by a DAP to whom~~ of the application ~~is given under regulation 11~~ as if the DAP were the responsible authority in relation to the planning instrument.

~~{(2A) — deleted}~~

~~(2B) — If a(2) _____ Subregulation (3) applies if the planning instrument provides that an application is ~~deemed~~ taken to be refused if not determined within a specified period after the application is accepted for assessment, ~~the following are to be excluded in.~~~~

- (3) In calculating, under the planning instrument, the period between when the application is accepted for assessment and

when the application is determined—, any excluded day or period as defined in regulation 12(4B) must be excluded, in addition to any period of extension under regulation 12(4).

~~(a) any excluded day or period as defined in regulation 12(4B);~~

~~(b) any period of extension for the giving of a report on an application referred to in a notice given under regulation 12(4).~~

~~(2C)~~ A dispute that arises in determining whether a day or period is ~~an~~ excluded day under the planning instrument or ~~period referred to in~~ subregulation ~~(2B)(a3)~~ is to be determined by the ~~presiding member of the DAP to which the DAP application was given under regulation 11, whose decision is final~~ executive director.

~~(25)~~ The ~~administrative officer of a DAP~~ DAP executive director must give the ~~responsible authority~~ following a copy of any written notice of a determination of a DAP application, together with approved plans and other ancillary documents, given under subregulation (1) to ~~an~~ the applicant. ~~—~~

~~(a)~~ the local government of each district in which land to which the application relates is situated;

~~(b)~~ if the Commission is the responsible authority — the Commission.

[Regulation 16 amended: Gazette 17 Apr 2015 p. 1382; 16 Dec 2016 p. 5711; inserted: SL 2020/252 2024/27 r. 9516.]

16A. Commencement of development under development approval by DAP

- (1) In this regulation —
substantially commenced has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1.

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(2) If development approval is granted by a DAP ~~pursuant to a DAP application,~~ the development must be substantially commenced —

(a) ~~the development must be substantially commenced~~ within the period specified in the approval;
or

(b) if no period is specified in the approval — within the period of 4 years beginning on the date day on which the determination approval is ~~made;~~ and granted.

~~(b)~~ Note for this subregulation:

The period can be extended by an amendment of the approval under regulation 17(1)(a) or the provisions applied by regulation 17A.

(3) The approval lapses if the development has not substantially commenced within ~~that~~ the period.

~~(3) — Subregulation referred to in subregulation (2) applies).~~

(4) Subregulations (2) and (3) apply despite any provision of the planning instrument under which the DAP application is made.

*[Regulation 16A inserted: SL 2020/252 r. 9696; amended:
SL 2024/27 r. 17.]*

17. Amendment or cancellation of development approval by DAP

(1A) In subregulation (1) —

relevant DAP, in relation to a development approval, means —

(a) the DAP established for the district in which the land to which the development approval relates is situated; or

(b) if there is more than 1 such district — the DAP established for the district in which the greatest area of land to which the development approval relates is situated.

- (1) An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the [relevant](#) DAP to do any or all of the following —
 - (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced under regulation 16A(2);
 - (b) to amend or delete any condition to which the approval is subject;
 - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
 - (d) to cancel the approval.
- (2) An application under subregulation (1) —
 - (a) may be made during or after the period within which the development approved must be substantially commenced under regulation 16A(2); and
 - (b) must be made in the [approved](#) form ~~of Form 2 in Schedule 3~~; and
 - (c) must be accompanied by the ~~relevant~~ fee ~~set out in~~ Schedule 1 [item 2](#); and
 - (d) must be lodged with the local government with which the DAP application was lodged.
- (3) Unless otherwise provided in this regulation, regulations 10 to 13 apply to an application under subregulation (1) as if the application were a DAP application.
- (4) The [relevant](#) DAP may determine ~~an~~[the](#) application under subregulation (1) by —
 - (a) approving the application with or without conditions; or
 - (b) refusing the application.
- (5) As soon as practicable after the application is determined, the ~~presiding member~~[DAP executive director](#) must give the

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applicant and the relevant responsible authority written notification of the determination which must include the following —

- (a) the date of the determination;
- (b) the determination;
- (c) the terms of any condition to which the approval is subject;
- (d) reasons for any refusal;
- (e) unless the application is granted unconditionally, a statement of the effect of regulation 18.

- (6) The ~~administrative officer of the~~ DAP executive director must ensure that the notification is published on the DAP website.

[(7) *deleted*]

[Regulation 17 amended: Gazette 16 Dec 2016 p. 5711;
SL 2020/252 r. ~~97~~97; [SL 2024/27 r. 18.](#)]

17A. Amendment or cancellation of development approval by responsible authority

- (1) An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply, under the relevant planning instrument, for the responsible authority under that instrument to amend or cancel the development approval (an *application*).
- (2) For the purposes of subregulation (1), the provisions of the Act, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Planning and Development Regulations 2009* and the relevant planning instrument apply to the making and determination of, and the review of a decision on, an application as if the development approval —
 - (a) had not been granted pursuant to a DAP application; and
 - (b) had been granted by the responsible authority.

- (3) As soon as practicable after an application is determined, the responsible authority must give the ~~administrative officer of the DAP that granted the development approval~~[DAP executive director](#) written notification of the determination which must include 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.

*[Regulation 17A inserted: Gazette 16 Dec 2016 p. 5712;
amended: [SL 2024/27 r. 19.](#)]*

Division 3 — Review by State Administrative Tribunal

[Heading inserted: [SL 2024/27 r. 20.](#)]

18. Review by State Administrative Tribunal

- (1) In this regulation —
- decision-maker*** has the meaning given in the *State Administrative Tribunal Act 2004* section 3(1);
- deemed refused DAP application*** means a DAP application that is taken under the Act or a planning instrument to have been refused because a determination of the application was not made, or notice of the determination was not given to the applicant, within the time allowed under the Act or planning instrument.
- (2) A person who has made a DAP application or an application under regulation 17 may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of —
- (a) a determination by a DAP to refuse the application; or
 - (b) any condition imposed by a DAP in the determination of the application; or

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- (c) a deemed refused DAP application,
as if the determination or deemed refusal were a determination
of a responsible authority.
- (3) Despite section 171A(3) of the Act and any other provision of
these regulations, for the purposes of the *State Administrative
Tribunal Act 2004*, other than section 31, the ~~presiding member
of a DAP~~ executive director is —
- (a) the decision-maker in respect of a determination of a
DAP application, or an application under regulation 17,
by ~~the~~ DAP or a deemed refused DAP application; and
- (b) the respondent in any application for review of the
determination or deemed refusal.
- (4) For the purposes of reconsideration of a decision on an
invitation made under the *State Administrative Tribunal
Act 2004* section 31, the decision-maker is the DAP that made
the reviewable decision.

*[Regulation 18 amended: Gazette 17 Apr 2015 p. 1383;
[SL 2024/27 r. 21.](#)]*

Part 3 — Delegation to DAPs

19. Determination of certain development applications may be delegated to DAP

(1) A development application is an application of a class prescribed for the purposes of this regulation if —

(a) the application is for approval for development that ~~has an estimated cost of \$2 million or more; and~~ —

(i) has an estimated cost of \$2 million or more; or

(ii) is or includes community housing that is to be provided by a registered community housing provider;

and

(b) the application is ~~one of the following~~ —

~~(i) an application that is not an excluded development application;~~

~~(ii) an application for approval for or made under Part 11B or 17 of the construction of less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development;~~

~~(iii) an application for approval for the construction of less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development Act.~~

(2) A local government may, by written instrument, delegate to a DAP established for the district of the local government —

(a) the power of the local government to determine a development application of a class prescribed under subregulation (1) that is made to the local government; and

(b) the power of the local government to amend or cancel determinations of applications of that kind.

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- (3) The power to delegate can be exercised by a local government only by or in accordance with a decision of an absolute majority (as defined in the *Local Government Act 1995* section 1.4) of the council of the local government.
- (4) The Commission may, by written instrument, delegate to a DAP —
- (a) the power of the Commission to determine a development application of a class prescribed under subregulation (1) that is made to the Commission; and
 - (b) the power of the Commission to amend or cancel determinations of applications of that kind.

(5) ~~The~~ If a local government or the Commission ~~may delegate the power either generally or as provided in~~ delegates under this regulation, ~~the instrument of delegation.~~

~~(6) A~~ local government or the Commission must ~~not make a~~ notify the DAP executive director in writing of the delegation ~~under this regulation or amend such~~ and must publish a ~~delegation unless~~ copy of it on a website of the local government or ~~the~~ Commission ~~has notified in writing~~.

~~(a) the applicant; and~~

~~(b) the Director General.~~

[(6) deleted]

- (7) A DAP to which a power is delegated under this regulation cannot delegate that power.

[Regulation 19 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1383-4; [SL 2024/27 r. 22.](#)]

20. Commencement of delegation

- (1) An instrument of delegation under regulation 19, and any instrument amending or revoking the delegation, takes effect on the day specified in the instrument.

- (2) A body that delegates to a DAP under regulation 19 must give a copy of the instrument of delegation to the ~~Director General~~[DAP executive director](#).

*[Regulation 20 inserted: Gazette 17 Apr 2015 p. 1384;
[amended: SL 2024/27 r. 23.](#)]*

21. Effect of delegation

- (1) Nothing in regulation 19 or 20 or this regulation prevents or limits the application of the *Interpretation Act 1984* sections 58 and 59 to a delegation made under regulation 19.
- (2) If a local government or the Commission ~~has delegated~~[delegates](#) under regulation 19 the power to determine a development application —
- (a) the applicant must, in addition to any application required under the planning instrument under which the application is made, give to the local government with which the application is lodged ~~a notice, in the an approved form of Form 1 in Schedule 3, that the application is to be determined by a DAP;~~ and
- (b) regulations 11 to ~~16~~[16A](#) apply as if the application were a DAP application.
- (3) If a local government or the Commission ~~has delegated~~[delegates](#) under regulation 19 the power to amend or cancel the determination of a development application —
- (a) the applicant for amendment or cancellation must, in addition to any application required under the planning instrument under which the application is made, give to the local government with which the application is lodged ~~notice, in an approved form, that the application in the form of Form 2 in Schedule 3 is to be determined by a DAP;~~ and
- (b) regulations 11 to ~~16~~[16A](#) apply as if the application were a DAP application.

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- (4) A DAP exercising a power that has been delegated to the DAP under this regulation is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) A power exercised by a DAP pursuant to a delegation under this regulation is taken to be exercised by the body that delegated the power.

[\[Regulation 21 amended: SL 2024/27 r. 24.\]](#)

22. Payments in respect of exercise of delegated power

- (1) Subject to any agreement made under subregulation (3), a local government that under this Part delegates a power to determine a development application must pay to the department in respect of the application an amount equal to the amount that would have been payable under regulation 10(1)(b) by the applicant if [regulation 10 were applicable to](#) the application ~~were made under that regulation.~~
- (2) Subject to any agreement made under subregulation (3), a local government that under this Part delegates a power to amend or cancel a development application must pay to the department in respect of the application an amount equal to the amount that would have been payable under regulation 17(2)(c) by the applicant if [regulation 17 were applicable to](#) the application ~~were made under that regulation.~~
- (3) The Director General may enter into an agreement with a local government as to the payments under subregulation (1) or (2).

[Regulation 22 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1384 and 1386; SL 2024/27 r. 25.]

Part 4 — Development assessment panels

Division 1 — DAP members

~~23. — LDAP members~~

~~— (Subdivision 1) — The members — Constitution of a
LDAP are — DAPs~~

- ~~— (a) — 2 persons appointed to the LDAP as local government
members; and~~
- ~~— (b) — 3 persons appointed to the LDAP as specialist members.~~
- ~~— (2) — The members must be appointed in writing by the Minister.~~
- ~~— (3) — Regulation 24 applies to the appointment of local government
members.~~
- ~~— (4) — Regulation 37 applies to the appointment of specialist members.~~

~~24. — Local government members of LDAP~~

~~*[Heading inserted: SL 2024/27 r. 26.]*~~

23. Constitution of DAPs

- (1) ~~Whenever it is necessary to make an appointment under
regulation 23(1)(a), the Minister must —~~
- ~~— (a) — in writing, request the local government of the district
for which the DAP is established to nominate a member
of the council of the local government for appointment;
and~~
- ~~— (b) — unless Subject to subregulation (2) applies, appoint the
person so nominated.~~
- ~~— (2) — If, within 40 days after the date on which the Minister makes a
request to a local government under subregulation (1) or such
longer period as the Minister may allow, the local government
fails to nominate a person for appointment in accordance with
the request, the Minister may appoint under regulation 23(1)(a)~~

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~~a person who is an eligible voter of the district for which the LDAP is established.~~

~~(3) For the purposes of subregulation (2) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.~~

~~[Regulation 24 amended: Gazette 16 Dec 2016 p. 5712-13.]~~

25. JDAP members

~~(1) The members of a JDAP⁴, a DAP, at any meeting of the JDAPDAP to determine or otherwise deal with a development application or an application to amend or cancel a ~~determination of the JDAP, are~~ development approval, is constituted by —~~

- ~~(a) the 2 local government DAP members ~~included on the local government register, designated under regulation 25(2)(a),~~ for the relevant local government in relation to the ~~development~~ application; and~~
- ~~(b) 3 ~~persons appointed to the JDAP as~~ specialist DAP members ~~appointed by the DAP executive director.~~~~

~~(2) In subregulation (1)(a) —~~
~~*relevant local government*, in relation to a ~~development~~an application, means the local government of the district in which the land to which the ~~development~~ application relates is situated.~~

~~(3) ~~The~~ At least 1 of the specialist DAP members ~~must be~~ appointed ~~in writing by the Minister.~~~~

~~(4) ~~Regulation 37 applies to the appointment of~~ under subregulation (1)(b) must be a regular specialist ~~members~~DAP member.~~

~~[Regulation 25 amended: Gazette 16 Dec 2016 p. 5713.]~~

~~26.JDAP(4) If the application is for approval of development, or to amend or cancel a development approval for development,~~

in more than 1 district and the development is subject to approval under a region planning scheme or a regional interim development order, the DAP is constituted by —

- (a) 2 local government ~~member register~~ DAP members appointed by the DAP executive director; and
(4b) 3 specialist DAP members appointed by the DAP executive director.

- (5) The ~~Minister~~ DAP executive director must ~~cause to be established and maintained~~ not appoint, under subregulation (1)(b) or (4)(b), a ~~register of~~ specialist DAP member who is —

- (a) employed under the *Local Government Act 1995* section 5.36 by the local government ~~members of~~ ~~JDAPs~~ a district for which the DAP is established; or
(b) a member of the council of the local government of a district for which the DAP is established.

[Regulation 23 inserted: SL 2024/27 r. 27.]

24. Presiding DAP members

- (1) The DAP executive director must, for a DAP constituted under regulation 23 for the purposes of dealing with an application, designate a specialist DAP member as the presiding member, and a specialist DAP member as the deputy presiding member, for each meeting of the DAP at which the DAP deals with the application.
- (2) If the DAP member designated as the presiding member is unable to preside by reason of illness, absence or other cause, the deputy is to preside.

[Regulation 24 inserted: SL 2024/27 r. 27.]

Subdivision 2 — Local government DAP members

[Heading inserted: SL 2024/27 r. 27.]

25. Register of local government DAP members

- (1) The DAP executive director must maintain a register of local government DAP members.
- (2) Subject to subregulation (4), the register must include, for each local government of a district for which a ~~JDAP~~DAP is established, the names of 24 members of the council of the local government: ~~—~~
- (a) 2 of whom must be designated as the local government DAP members for the local government; and
- (b) 2 of whom must be designated as the alternate local government DAP members for the local government.
- (3) Whenever it is necessary to include a member of a council of a local government on ~~a local government~~ the register ~~under subregulation (2).~~, the Minister must —
- (a) in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and
- (b) unless subregulation (4) applies, include on the register the name of the person nominated.
- (4) If, within 40 days after the ~~date~~ day on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the ~~local government~~ register in accordance with the request, the Minister may instead include on the register a person who is an eligible voter of the district of the local government.
- (5) For the purposes of subregulation (4) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or ~~4.30~~ to be enrolled to vote at elections for the district.

~~[Regulation 26 amended: Gazette 16 Dec 2016 p. 5713.]~~

25 inserted: SL 2024/27. — Presiding r. 27.]

26. Alternate local government DAP members

(1) If a local government DAP member ~~and deputy presiding~~ designated under regulation 25(2)(a) for a local government is unable to perform the functions of a DAP member

- ~~(1) The Minister must appoint —~~
- ~~(a) one of the specialist members of a DAP with experience and a tertiary qualification in planning as the presiding member of the DAP; and~~
- ~~(b) another of the specialist members with that experience and qualification as the deputy presiding member.~~
- ~~(2) Subject to subregulation 3A, the deputy presiding member must act as presiding member when the presiding member is unable to do so by reason of illness, absence or other cause.~~
- ~~(3A) If both the presiding member and the deputy presiding member of a DAP are unable to act as presiding member of the DAP by reason of illness, absence or other cause, the Director General executive director may appoint the presiding member of another DAP to act as presiding member of the DAP.~~
- ~~(3) No act or omission of the deputy presiding member acting as presiding member is to be questioned on the ground that the occasion for his or her so acting had not arisen or had ceased.~~
- ~~[Regulation 27 amended: Gazette 17 Apr 2015 p. 1384.]~~

28. Alternate members

- ~~(1) The Minister may, in writing, appoint —~~
- ~~(a) an alternate local government DAP member for any person appointed under regulation 23(1)(a); and the local government to act in their place.~~
- ~~(b) an alternate member for any person included on the local government register under regulation 26; and~~

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- ~~— (c) — such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.~~
- (2) Regulation 24 applies in relation to an appointment under subregulation (1)(a).
- ~~— (3) — Regulation 26 applies in relation to an appointment under subregulation (1)(b).~~
- ~~— (4) — An alternate member for a local government member of a DAP may act in the place of the local government member if the local government member is unable to perform the functions of the member by reason of illness, absence or other cause.~~
- ~~— (5) — If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act acting in the place of the specialist a DAP member.~~
- ~~— (6) — A person cannot act in the place of a specialist member of a DAP if the person is —~~
- ~~— (a) — employed under the *Local Government Act 1995* section 5.36 by the local government of a district for which the DAP is established; or~~
- ~~— (b) — a member of the council of the local government of a district for which the DAP is established.~~
- ~~— (7) — An alternate member acting under this regulation may, despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing anya determination of a DAPan application.~~
- (8) An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.

- (94) No act or omission of ~~a person~~ an alternate member acting in the place of another under this regulation a DAP member is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.

~~29.~~ ~~Term~~ [Regulation 26 inserted: SL 2024/27 r. 27.]

Subdivision 3 — Specialist DAP members

[Heading inserted: SL 2024/27 r. 27.]

27. Appointment of specialist DAP members

- (1) The Minister may appoint a person to the office of regular specialist DAP member if satisfied that the person has experience in and an accredited tertiary qualification in urban and regional planning.

~~(1)~~ ~~A~~ (2) A regular specialist DAP member holds office on a full-time or part-time basis and cannot engage in any other paid employment without the written approval of the Minister.

- (3) The Minister may appoint a person to the office of sessional specialist DAP member if satisfied that the person —

(a) has experience in 1 or more of the following areas of expertise —

(i) urban and regional planning;

(ii) architecture;

(iii) urban design;

(iv) civil or structural engineering;

(v) landscape architecture;

(vi) environmental impact assessment;

and

(b) has —

(i) an accredited tertiary qualification in their area of expertise that is, in the opinion of the

Minister, sufficient to allow them to perform the duties of a specialist DAP member; or

- (ii) extensive experience in their area of expertise that is, in the opinion of the Minister, sufficient to allow them to perform the duties of a specialist DAP member.

(4) The following are not eligible to hold the office of specialist DAP member —

(a) an officer of the department;

(b) a member of a parliament as defined in the *Local Government Act 1995* section 2.20(2).

[Regulation 27 inserted: SL 2024/27 r. 27.]

28. Terms and conditions of appointment of specialist DAP members

(1) The terms and conditions of appointment of a specialist DAP member, including about remuneration, are to be determined by the Minister on the recommendation of the Public Sector Commissioner.

(2) A specialist DAP member holds office for the term specified in ~~the member's~~ their instrument of appointment-

~~(2) The term of office specified in an instrument of appointment must not, which cannot~~ exceed 35 years.

(3) A ~~person's eligibility for reappointment as a DAP member or the term for which a~~ person may be ~~reappointed~~ appointed to the office of specialist DAP member more than once.

(4) However, the Minister must ensure that if a person is appointed for 2 consecutive terms, a period of at least 3 years follows during which the person does not ~~affected by an earlier appointment~~ hold office as a specialist DAP member.

(5) A failure to comply with subregulation (4) does not give rise to any invalidity.

[Regulation- 28 inserted: SL 2024/27 r. 27.]

[29 amended: Gazette 16 Dec 2016 p. 5713. Deleted: SL 2024/27 r. 27.]

Subdivision 4 — General provisions

[Heading inserted: SL 2024/27 r. 28.]

30. Training of DAP members

- (1) A person who ~~is appointed as~~ becomes a DAP member cannot perform ~~any the~~ functions ~~as of~~ a DAP member ~~of that DAP~~ until the ~~Director General~~ DAP executive director is of the opinion that the member has satisfactorily completed the training for DAP members provided by the department.
- (2) Subject to subregulation (3), a local government DAP member who satisfactorily completes —
 - (a) the training for DAP members referred to in subregulation (1) is entitled to be paid the amount ~~specified~~ in Schedule 2 item 74; and
 - (b) a course of re-training for DAP members is entitled to be paid the amount ~~specified~~ in Schedule 2 item 85.
- (3) Unless the Minister has given written consent to the payment, the amount referred to in subregulation (2) is not payable to a DAP member who is —
 - (a) an employee as defined in the *Public Sector Management Act 1994*; or
 - (b) an employee of a department or other agency of the Commonwealth; or
 - (c) a local government employee; or
 - (d) a judicial officer or retired judicial officer; or
 - (e) an employee of a public academic institution.

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[Regulation 30 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5714; [SL 2024/27 r. 29](#).]

31. Fees and allowances for local government DAP members

- (1) ~~Subject to subregulation (6), a~~ A local government DAP member who attends a ~~DAP~~ meeting of a DAP is entitled to be paid —

(a) if paragraph (b) does not apply — the fee ~~set out~~ in Schedule 2 item 1; ~~or 2, as~~

(b) if the ~~case requires~~ sole purpose of their attendance at the meeting is to amend or cancel a development approval — the fee in Schedule 2 item 2.

- (2) ~~Subject to subregulation (6), if a DAP member who attends a DAP meeting to determine an application of a DAP is cancelled after the agenda for the meeting is published under regulation 17 is entitled to be paid the relevant fee set out in Schedule 2 item 3 or 4 but is not entitled to be paid the fee set out in Schedule 2 item 39(1 or 2).~~

~~(3A) A, each local government DAP member who was to attend the meeting may, if the DAP member may executive director approves in writing, be paid 50% of the fee to which the member would have been entitled under subregulation (1) or (2) for attending a DAP meeting if —).~~

~~(a) the DAP meeting is cancelled after the agenda for the meeting was published in accordance with regulation 39(1); and~~

~~(b) the Director General approves the payment.~~

[~~(3A) deleted~~]

- (3) ~~Subject to subregulation (6), a~~ A local government DAP member who, at the invitation or requirement of the State Administrative Tribunal, attends a proceeding in the Tribunal in relation to the review of a determination of the DAP is entitled to be paid the fee ~~set out~~ in Schedule 2 item ~~5 or 6, as the case requires~~ 3.

~~—(3B) Subject to subregulation (6), the presiding member of a DAP who determines a dispute under regulation 16(2C) is entitled to be paid the fee set out in Schedule 2 item 9.~~

[(3B) deleted]

- (4) A local government DAP member is entitled to be reimbursed for motor vehicle and travel expenses at the rate decided from time to time by the Public Sector Commissioner for members of Government boards and committees.
- (5) Fees and allowances for local government DAP members are payable by the department.

(5A) Subregulations (1) to (4) have effect subject to subregulation (6).

- (6) Unless the Minister has given written consent to the payment, fees and allowances are not payable under this regulation to a local government DAP member who is —
 - (a) an employee as defined in the *Public Sector Management Act 1994*; or
 - (b) an employee of a department or other agency of the Commonwealth; or
 - (c) a local government employee; or
 - (d) a judicial officer or retired judicial officer; or
 - (e) an employee of a public academic institution.

[Regulation 31 amended: Gazette 17 Apr 2015 p. 1385; 16 Dec 2016 p. 5714; [SL 2024/27 r. 30.](#)]

32. Casual vacancies

- (1) The office of a DAP member becomes vacant if the member —
 - (a) dies, resigns or is removed from office under this regulation; or

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- (b) is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
 - (c) is convicted of an offence punishable by imprisonment for more than 12 months; or
 - (d) is convicted of an offence against section 266 of the Act.
- (2) A DAP member may at any time resign from office by giving a written resignation to the Minister.
- (3) 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; or
 - (b) misconduct or incompetence; or
 - (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 3 consecutive meetings of ~~the~~ DAP of which the member had notice; or
 - (e) unreasonable failure to undertake the training for DAP members referred to in regulation 30(1).
- (4) Failure to comply with regulation 45(2), 46(2), ~~(2A)~~, ~~(3)~~ or ~~(3A)~~, 47 or 48 is capable of constituting misconduct for the purposes of subregulation (3)(b).
- (5A) ~~A person appointed as~~ If the office of a local government DAP member ~~of a DAP on the nomination of a local government under regulation 24(1)(a) ceases to be a~~ becomes vacant, or the member ~~of the DAP if~~ resigns or is removed from office, the person ceases to be ~~a member of the council of the local government.~~
- ~~(5B) A person~~ included on the ~~local government~~ register ~~on the nomination of~~ under regulation 25.

(5B) A local government DAP member for a local government ~~under regulation 26(3)(a)~~ ceases to be included on the register ~~if under regulation 25~~ if —

(a) the person ceases to be a member of the council of the local government; or

~~(5) — Except b)~~ in the ~~circumstances referred to in subregulation (5A), the~~ case of a local government DAP member included on the register under regulation 25(4) — another person is included on the register for the local government under regulation 25.

(5) The Minister must, by notice in writing given to the member, remove a specialist DAP member from office if the member ceases to hold a ~~position or~~ qualification by virtue of which the member was appointed.

(6) A notice given under subregulation (3) or (5) must specify the ground of removal.

(7) The removal takes effect on the day on which the member is given the notice or on such later day as is specified in the notice.

[Regulation 32 amended: Gazette 17 Apr 2015 p. 1385; 16 Dec 2016 p. 5714; SL 2024/27 r. 31.]

32A. Suspension

(1) The Minister may, by notice in writing given to the member, suspend a DAP member from office —

(a) for a specified period; or

(b) if the Minister proposes to remove the member from office under regulation 32(3) or (5) — until the Minister either removes the member from office or decides not to do so.

(2) A notice given under subregulation (1) must specify the ground for suspension.

- (3) The suspension takes effect on the day on which the member is given the notice or on a later day specified in the notice.

[Regulation 32A inserted: SL 2024/27 r. 32.]

33. Leave of absence

The Minister may grant leave of absence to a DAP member on the terms and conditions determined by the Minister.

34. Extension of term of office during vacancy in membership

- (1) If the office of a DAP member becomes vacant because the member's term of office expires, the member is taken to continue to be a member during that vacancy until the date on which the vacancy is filled (whether by reappointment of the member or appointment of a successor to the member).
- (2) However, subregulation (1) ceases to apply if the member resigns or is removed from office under these regulations.
- (3) The maximum period for which a DAP member is taken to continue to be a member under this regulation after the member's term of office expires is 3 months.

[Division 2 — Specialist members

: r. 35. — Register of persons eligible to be specialist members

- ~~(1) The Minister must cause to be compiled and maintained a register of persons who —~~
- ~~(a) have experience in one or more of the following areas of expertise —~~
- ~~(i) town planning;~~
 - ~~(ii) architecture;~~
 - ~~(iii) urban design;~~
 - ~~(iv) engineering;~~

-
- ~~_____ (v) landscape design;~~
~~_____ (vi) environment;~~
~~_____ (vii) law;~~
~~_____ (viii) property development or management;~~
~~_____ and~~
~~_____ (b) have~~
~~_____ (i) a tertiary qualification relevant to their area of expertise and experience practising or working in their area of expertise that is, in the opinion of the Minister, sufficient to allow them to perform the duties of a specialist member; or~~
~~_____ (ii) extensive experience practising or working in their area of expertise that is, in the opinion of the Minister, sufficient to allow them to perform the duties of a specialist member;~~
~~_____ and~~
~~_____ (c) are willing to hold office as a specialist member of a DAP.~~
- ~~— (2) The following persons are not eligible to be included on the register —~~
~~_____ (a) an officer of the department;~~
~~_____ (b) a member of a parliament as defined in the *Local Government Act 1995* section 2.20.~~
- ~~— (3) The register must include the following details in relation to each person on it —~~
~~_____ (a) the name of the person;~~
~~_____ (b) the qualifications and experience of the person;~~
~~_____ (c) any other details the Minister considers appropriate.~~
- ~~— (4) The Minister may from time to time add a person to the register.~~
~~— (5) The Minister may remove a person from the register —~~

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- ~~———— (a) — on the written request of that person; or~~
- ~~———— (b) — if the person is removed from office as a DAP member under regulation 32; or~~
- ~~———— (c) — if the person is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or~~
- ~~———— (d) — if the person is convicted of an offence punishable by imprisonment for more than 12 months; or~~
- ~~———— (e) — if the Minister is satisfied that the person is no longer eligible to be included on the register or willing to hold office as a specialist member of a DAP.~~

~~f, 37 deleted: SL 2024/27 r. 33;~~

~~r. 36. Deleted: Gazette 17 Apr 2015 p. 1385.]~~

37. Appointment of specialist members and alternate specialist members

- ~~———— (1) — The Minister, when appointing a person as a specialist member of a DAP under regulation 23(1)(b) or 25(1)(b) or an alternate member under regulation 28(1)(c), must appoint a person selected by the Minister from the register maintained under regulation 35.~~
- ~~———— (2) — The Minister must not appoint as a specialist member of a DAP a person who is —~~
 - ~~———— (a) — employed under the *Local Government Act 1995* section 5.36 by the local government of a district for which the DAP is established; or~~
 - ~~———— (b) — a member of the council of the local government of a district for which the DAP is established.~~
- ~~———— (3) — A person may hold office as a specialist member of more than one DAP at the same time.~~
- ~~———— (4) — At least 2 of the specialist members of each DAP must have experience, and a tertiary qualification, in town planning.~~

~~[Regulation 37 amended: Gazette 17 Apr 2015 p. 1385.]~~

~~f. 38. Deleted deleted: Gazette 17 Apr 2015 p. 1385.]~~

Division 3 — Meetings

39. Notice of meetings

- (1) The time, date and location of each DAP meeting, and the agenda for the meeting, must be published at least 7 days before the day of the meeting —
 - (a) on the DAP website; and
 - (b) by each local government of a district in which development under a development application will be considered at the meeting —
 - (i) on its website; or
 - (ii) if the local government does not have an operating website, by means approved by the ~~Director General~~ DAP executive director.
- (1A) The local government must, at least 7 days before the day of the DAP meeting, give written notice of the time, date and location of the DAP meeting, and the agenda for the meeting, to each person who made a written submission to the local government in relation to a DAP application to be considered at the meeting.
- (1B) However, the local government is not required to give a notice under subregulation (1A) if —
 - (a) the submission was received after the period for receipt of submissions specified in the notice advertising the DAP application; or
 - (b) it is not reasonably practicable to do so; or
 - (c) the DAP application was not advertised.
- (1C) Notice under subregulation (1A) may be given by email or post.

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Division 3 Meetings

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- (2) The ~~administrative officer of the~~ DAP executive director must notify local governments of the details necessary to enable the local governments to comply with subregulations (1)(b) and (1A).

[Regulation 39 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5715; [SL 2024/27 r. 34.](#)]

40. General procedure concerning meetings

- (1) At a meeting of a DAP, the DAP may determine —
- (a) one or more development applications; or
 - (b) one or more applications ~~under regulation 17~~ to amend or cancel development approvals.
- (2) ~~Any~~ Subject to subregulations (2B) and (4), a DAP meeting to determine a development application or, unless otherwise directed under subregulation (4), an application under regulation 17 is to to amend or cancel a development approval must be open to the public.

(2A) The requirement in subregulation (2) is satisfied if members of the public can observe the meeting using audiovisual communication.

(2B) Subregulation (2) does not apply to a meeting or a part of a meeting of a DAP that deals with 1 of the following matters —

(a) legal advice obtained, or which may be obtained, for the purpose of advising the DAP in relation to a matter to be considered or determined at the meeting;

(b) a matter that, if disclosed, would reveal any of the following —

(i) a trade secret;

(ii) information that has a commercial value to a person;

(iii) information about the business, professional, commercial or financial affairs of a person;

(c) a matter that, if disclosed, could reasonably be expected to —

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or

(ii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.

(3) The presiding member of a DAP may invite a person to advise or inform, or make a submission to, the DAP in respect of a development application.

(4) The presiding member may direct that a DAP meeting to determine an application ~~under regulation 17~~ to amend or cancel a development approval is not open to the public.

~~(a) is to be held by each other person at the meeting being in contact by telephone, or other means of electronic communication; and~~

~~(b) is not open to the public.~~

(5) The ~~Director General~~ DAP executive director may issue practice notes about the practice and procedure of DAPs and each DAP must comply with those practice notes.

[Regulation 40 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5715; [SL 2024/27 r. 35.](#)]

41. Quorum

At a meeting of a DAP, 3 DAP members ~~of the DAP~~, including the presiding member, constitute a quorum.

[Regulation 41 inserted: Gazette 17 Apr 2015 p. 1386; amended: [SL 2024/27 r. 36.](#)]

42. Voting

- (1) A DAP member at a DAP meeting, including the presiding member, has a single vote on a decision to be made by the DAP and, in the case of an equality of votes, the presiding member also has a casting vote.
- (2) A matter that is to be decided by a DAP at a meeting of ~~a~~the DAP must be decided by a majority of votes of the members present.

[Regulation 42 amended: SL 2024/27 r. 37.]

43. Attending meeting remotely

~~If the presiding member of a DAP consents, the~~The presence of a person at a DAP meeting ~~of the DAP~~ need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone, or other means of instantaneous communication.

[Regulation 43 amended: SL 2024/27 r. 38.]

44. Minutes

- (1) Accurate minutes of ~~a meeting~~the meetings of a DAP must be kept, in a form approved by the ~~Director General~~DAP executive director, by—

~~(a) an officer of the local government at whose offices the DAP meeting is held; or~~

~~(b) another~~ a person approved by the ~~Director General~~DAP executive director.

- (1A) For each determination of a development application, or application ~~under regulation 17~~to amend or cancel a development approval, by a DAP the minutes must include a record of —
 - (a) the determination; and
 - (b) reasons for the determination.

- (2) The ~~local government at whose offices a meeting of a DAP is held, or the~~ person who takes the minutes, must give the ~~administrative officer of the DAP~~ DAP executive director a copy of the minutes of the meeting within 5 days after the date of the meeting.
- (3) The minutes of a meeting given under subregulation (2) must be confirmed and signed by the person who was the presiding member at the meeting.
- (4) The minutes that are confirmed and signed under subregulation (3) must be published on the DAP website within 10 days after the date of the meeting.

~~[(5) *If—deleted*]~~

~~(a) the presiding member is not available to confirm and sign the minutes of a meeting; and~~

~~(b) the deputy presiding member was present at that meeting;~~

~~the deputy presiding member may confirm and sign the minutes.~~

- (6) The ~~administrative officer of the~~ DAP executive director must give ~~the~~ each relevant local government a copy of the signed minutes.

- (7) ~~The~~ Each relevant local government must ~~publish~~ provide a ~~copy of~~ link on its website to the signed minutes—

~~(a) on its website; or~~

- ~~(b) if the local government does not have an operating~~ DAP website, ~~by means approved by the Director General.~~

[Regulation 44 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5716; [SL 2024/27 r. 39.](#)]

Division 4 — Conduct of DAP members

45. Code of conduct

- (1) The Director General must make and maintain a written code of conduct in respect of DAPs.
- (2) Each person performing functions as a DAP member must comply with the code of conduct.
- (3) The Director General may amend the code of conduct from time to time.

[Regulation 45 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386.]

46. Gifts

- (1) In this regulation —

gift has the meaning given in the *Local Government Act 1995* section 5.82(4)57 except that it does not include a gift from a relative as defined in section 5.74(1) of that Act;

member's district, in relation to a local government DAP member, means the district of the local government of which they are a member;

notifiable gift, in relation to a DAP member, means —

- (a) a gift worth more than \$50 and less than \$300; or
- (b) a gift that is one of 2 or more gifts given to the member by the same person within a period of 6 months that are in total worth more than \$50 and less than \$300;

prohibited gift, in relation to a DAP member, means —

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the member by the same person within a period of 6 months that are in total worth \$300 or more.

- (2) A person who is a specialist DAP member must not accept a prohibited gift from a person who —
- (a) is undertaking development approved by ~~the~~ a DAP; or
 - (b) is seeking to undertake development ~~requiring approval of a kind that could be approved~~ by ~~the~~ a DAP; or
 - (c) it is reasonable to believe, is intending to or is likely to undertake development requiring approval of a kind that could be approved by ~~the~~ a DAP.
- (~~32A~~) A person who is a local government DAP member ~~and who accepts~~ must not accept a notifiable prohibited gift from a person who —
- (a) is undertaking, in the member's district, development approved by ~~the~~ a DAP established for the district; or
 - (b) is seeking to undertake, in the member's district, development ~~requiring approval of a kind that could be approved~~ by a DAP established for the DAP district; or
 - (c) it is reasonable to believe, is intending to or is likely to undertake, in the member's district, development ~~requiring approval of a kind that could be approved~~ by ~~the~~ a DAP, established for the district.
- ~~_____ must notify the Director General of the acceptance in accordance with subregulation (4) _____ (3) _____ A person who is a specialist DAP member and who accepts a notifiable gift from 1 of the following persons must, as soon as practicable after, notify the member becomes aware that DAP executive director of the acceptance of the gift —~~
- ~~_____ (a) a person ~~has made or~~ who is undertaking development approved by a DAP;~~
 - ~~_____ (b) a person who is seeking to undertake development of a kind that could be approved by a DAP;~~
 - ~~_____ (c) a person who, it is reasonable to believe, is intending to ~~make the application for approval~~ or likely to undertake~~

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development of a kind that could be approved by a DAP.

(3A) A person who is a local government DAP member and who accepts a notifiable gift from 1 of the following persons must, as soon as practicable, notify the DAP executive director of the acceptance of the gift —

(a) a person who is undertaking, in the member's district, development approved by a DAP established for the district;

(b) a person who is seeking to undertake, in the member's district, development of a kind that could be approved by a DAP established for the district;

(c) a person who, it is reasonable to believe, is intending to or is likely to undertake, in the member's district, development of a kind that could be approved by a DAP established for the district.

(4) Notification of the acceptance of a notifiable gift must be in writing and must include the following —

(a) the name of the person who gave the gift;

(b) the date on which the gift was accepted;

(c) a description, and the estimated value, of the gift;

(d) the nature of the relationship between the DAP member and the person who gave the gift;

(e) if the gift is a notifiable gift under paragraph (b) of the definition of **notifiable gift** in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —

(i) a description; and

(ii) the estimated value; and

(iii) the date of acceptance,

of each other gift accepted within the 6 month period.

- (5) The ~~Director General~~ **DAP executive director** must maintain a register of gifts in which details of notices received under subregulation (4) are recorded.

[Regulation 46 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; [SL 2024/27 r. 40.](#)]

47. Relations with local government and public sector employees

A DAP member attending a DAP meeting must not, either orally, in writing or by any other means —

- (a) make a statement that a local government or public sector employee is incompetent or dishonest; or
- (b) use offensive or objectionable expressions in reference to a local government or public sector employee.

48. Public comment

- (1) A DAP member, ~~other than the presiding member,~~ must not publicly comment, either orally or in writing, on any action or determination of a DAP.
- (2) Subregulation (1) does not apply to comments made at a meeting of a DAP.

[Regulation 48 amended: [SL 2024/27 r. 41.](#)]

Part 5 — Administration

~~49. — Administrative officer~~

49. DAP executive director, staff and facilities to be made available

- (1) In this regulation —
departmental officer means a public service officer employed in the department;
employed in the department includes seconded to perform functions or services for, or duties in the service of, the department;
public service officer has the meaning given in the *Public Sector Management Act 1994* section 3(1).
- (2) ~~Each DAP is to have an administrative~~ The Director General must designate a departmental officer as the DAP executive director.
- (3) The DAP executive director's functions include assisting the DAPs in the performance of their functions.
- (4) The DAP executive director may, in performing their functions, consult DAP members.
Examples for this subregulation:
 1. Consulting about the services to be sought under regulation 13.
 2. Consulting as part of preparing practice notes under regulation 40(5).
- (5) The departmental officer designated under subregulation (2) must have experience in and an accredited tertiary qualification in urban and regional planning.
- (6) The Director General may, from time to time, designate a departmental officer as the acting DAP executive director when the DAP executive director is unable, or expected to become unable, to act by reason of illness, absence or other cause or

when no departmental officer is designated as the DAP executive director.

- (7) The Director General must make ~~a~~other departmental officer/officers available to ~~provide services to a DAP as its administrative officer~~assist, under the direction of the DAP executive director, the DAPs and the DAP executive director in the performance of their functions.

~~[Regulation 49 amended: Gazette 25 Jan 2013 p. 272 3; 17 Apr 2015 p. 1386.]~~

50. Other staff (8) The Director General must make the services and facilities

~~If a DAP is established for the district of one or more local governments, the local governments must —~~

- ~~(a) make Department available at least one local government employee to provide administrative support to the DAP at meetings for the purposes of the DAP; and~~

- ~~(b) provide the DAP with such facilities at an office performance of the local governments as the DAP may reasonably require to perform its functions including — of the DAPs.~~

~~(i) [Regulation 49 inserted: SL 2024/27 r. 42.]~~

50. Register of community housing providers

- (1) The Director General must maintain a register of community housing providers.

- (2) The Director General may include a body corporate or other organisation (an ~~appropriate venue~~ entity) on the register if —

- (a) the entity is registered as a community housing provider under a law of another Australian jurisdiction; or

- (b) the Director General is satisfied that the entity has as one of its objectives the provision of community housing.

(3) The Director General must remove an entity from the register if —

(a) the entity requests that it be removed; or

(b) the entity is under external administration under the *Corporations Act 2001* (Commonwealth).

(4) The Director General may remove an entity from the register —

(a) if an employee of, or a member of the governing body of, the entity is convicted of an offence involving fraud or dishonesty and the Director General is satisfied that the person is in a position of influence in or in relation to the entity; or

(b) if the Director General is satisfied that the entity has, by act or omission, compromised the safety or security of tenants of community housing provided by the entity; or

(c) for any other good reason.

(5) The Director General must consult with the chief executive officer of the department of the Public Service principally assisting in the administration of the *Housing Act 1980* before including an entity on the register or removing an entity from the register.

(6) The Director General must ensure that the register is publicly available on the DAP ~~meetings; and~~ website.

~~(ii) electronic equipment; and~~

~~(iii) catering.~~

[Regulation 50 inserted: SL 2024/27 r. 42.]

51. DAP website

The Director General must establish a website (the *DAP website*) containing —

(a) information required under these regulations to be published on the website; and

- (b) such other information about DAPs as the Director General considers appropriate.

[Regulation 51 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386.]

52. Minister may require information

- (1) In this regulation —
document includes any tape, disk or other device or medium on which information is recorded or stored;
information means information specified, or of a description specified, by the Minister that relates to a DAP application.
- (2) The Minister is entitled —
 - (a) to request a local government to obtain information; and
 - (b) to have information in the possession of a DAP or a local government; and
 - (c) if the information is in or on a document, to have, and make and retain copies of, that document; and
 - (d) to give to a DAP information furnished under this regulation or under section 18 of the Act.
- (3) For the purposes of subregulation (2) the Minister —
 - (a) may request a local government to obtain information; and
 - (b) may request a DAP or a local government to furnish information to the Minister; and
 - (c) may request a DAP or a local government to give the Minister access to information; and
 - (d) for the purposes of paragraph (c), may make use of staff of the local government to obtain the information and furnish it to the Minister.
- (4) A DAP must comply with a request made under subregulation (3) and the relevant local government is to make

its staff and facilities available for the purposes of subregulation (3)(d).

53. Annual report

- (1) The Director General must include in the annual report prepared by the Director General for the purposes of the *Financial Management Act 2006* Part 5 a report on the operations of each DAP for the financial year.
- (2) The report must include details of the following —
 - (a) the number, nature and outcome of DAP applications received by each DAP;
 - (b) the time taken to determine each DAP application;
 - (c) the number of determinations made by each DAP that have been the subject of an application for review by the State Administrative Tribunal;
 - (d) any other information the Director General considers relevant.

[Regulation 53 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386.]

Part 6 — Miscellaneous

54. Amendment or revocation of order establishing DAP: transitional provisions

- (1) If an order made under section 171C of the Act establishing a DAP is revoked, any DAP application of which the DAP has been notified under regulation 11 and which has not been determined by the DAP must —
 - (a) if, at the same time as the order is revoked, another DAP is established for the district in which the development is proposed, be determined by that DAP; or
 - (b) otherwise, be determined by the responsible authority to which the application was made.
- (2) If an order made under section 171C of the Act establishing a ~~JDAP~~DAP is amended so that it is no longer established for a district, any DAP application for development in that district of which the ~~JDAP~~DAP has been notified under regulation 11 and which has not been determined by the ~~JDAP~~DAP must —
 - (a) if, at the same time as the order is amended, another DAP is established for the district in which the development is proposed, be determined by that DAP; or
 - (b) otherwise, be determined by the responsible authority to which the application was made.

[Regulation 54 amended: SL 2024/27 r. 43.]

54A. Approved forms

- (1) The DAP executive director may approve forms for use under these regulations.
- (2) The DAP executive director must ensure that an approved form is published on the DAP website.

r. 54B

(3) A failure to comply with subregulation (2) does not give rise to any invalidity.

[Regulation 54A inserted: SL 2024/27 r. 44.]

54B. Fee waiver, reduction or refund

The Director General may, on a case by case basis, refund, reduce or waive, in whole or in part, a fee paid or payable by a registered community housing provider under Schedule 1 if the Director General considers it appropriate to do so.

[Regulation 54B inserted: SL 2024/27 r. 44.]

55. Review of fees

The Director General must —

- (a) cause a review of the fees prescribed under Schedule 1 to be carried out as soon as practicable after each anniversary of the day on which these regulations come into operation; and
- (b) cause a report on the review to be prepared; and
- (c) provide a copy of the report, and any relevant information used for the purpose of the review, to the Minister.

[Regulation 55 amended: Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386.]

Part 7 — Transitional Provisions

[Heading inserted: SL 2024/27 r. 45.]

Division 1 — Provision for Planning Regulations Amendment Regulations 2020

[Heading inserted: SL 2024/27 r. 45.]

56. Application of amendments made by *Planning Regulations Amendment Regulations 2020*

The amendments to these regulations made by the *Planning Regulations Amendment Regulations 2020* Part 4 do not apply to a DAP application made before the day on which that Part comes into operation.

[Regulation 56 inserted: SL 2020/252 r. 98.]

Division 2 — Provisions for Planning and Development (Development Assessment Panels) Amendment Regulations 2024

[Heading inserted: SL 2024/27 r. 46.]

57. Terms used

(1) In this Division —

commencement day means 1 March 2024;

JDAP has the meaning given in section 4(1) of the Act as in force immediately before commencement day;

LDAP has the meaning given in section 4(1) of the Act as in force immediately before commencement day;

local government register means the register maintained under old regulation 26.

(2) In this Division, a reference to an old regulation is a reference to that regulation as in force before commencement day.

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Part 7 Transitional Provisions

Division 2 Provisions for Planning and Development (Development
Assessment Panels) Amendment Regulations 2024

r. 58

[Regulation 57 inserted: SL 2024/27 r. 46.]

58. Local government DAP members

(1) The register maintained under regulation 25 is a continuation of the local government register.

(2) Subregulation (3) applies to a person whose appointment under old regulation 23(1)(a) as a local government member of an LDAP established for a local government was in effect immediately before commencement day.

(3) The name of the person is taken to be included on the register under regulation 25 and the person is taken to have been designated, on commencement day, under regulation 25(2)(a), as a local government DAP member for the local government.

(4) Subregulation (5) applies to a person included on the local government register for a local government immediately before commencement day.

(5) The person is taken to have been designated, on commencement day, under regulation 25(2)(a), as a local government DAP member for the local government.

(6) Subregulation (7) applies to a person whose appointment under old regulation 28(1)(b) as an alternate member, for a person appointed under old regulation 23(1)(a) or included on the local government register, for a local government, was in effect immediately before commencement day.

(7) The person is taken to have been designated, on commencement day, under regulation 25(2)(b), as an alternate local government DAP member for the local government.

(8) The DAP executive director must amend the register to give effect to this regulation.

[Regulation 58 inserted: SL 2024/27 r. 46.]

59. Specialist DAP members

(1) If a person was, immediately before commencement day, included on the register under old regulation 35, they are taken to hold the office of sessional specialist DAP member until the earliest of the following —

(a) being appointed to an office under regulation 27;

(b) their office being vacated under regulation 32;

(c) the end of 31 December 2024.

(2) The person's terms and conditions of appointment under these regulations as in force immediately before commencement day continue until the earlier of the following —

(a) the occurrence of an event described in subregulation (1);

(b) the person's terms and conditions of appointment being determined under regulation 28(1).

(3) For the purposes of subregulation (2), a person's terms and conditions of appointment may be determined under regulation 28(1) even though the person holds office under this regulation rather than under regulation 27.

(4) Until 1 January 2025 —

(a) regulation 23(3) need not be complied with; and

(b) the DAP executive director may, under regulation 24(1), designate any of the DAP members as the presiding member.

[Regulation 59 inserted: SL 2024/27 r. 46.]

60. DAP applications

(1) A DAP application, as defined in old regulation 3(1), of which a DAP had been notified under old regulation 11 and which, immediately before commencement day, had not been determined, is taken to be a DAP application.

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Part 7 Transitional Provisions

Division 2 Provisions for Planning and Development (Development
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r. 61

(2) This regulation does not prevent the applicant from
discontinuing the application.

[Regulation 60 inserted: SL 2024/27 r. 46.]

61. Previous determinations of LDAPs and JDAPs

Regulations 17 and 17A apply in relation to a development
approval granted before commencement day by an LDAP or a
JDAP as if the references in regulation 17(1) and 17A(1) to a
development approval granted by a DAP included a reference to
a development approval granted by an LDAP or a JDAP.

[Regulation 61 inserted: SL 2024/27 r. 46.]

Schedule 1 — Fees for applications

[r. 10 and 17]

[Heading inserted: SL ~~2023/72~~2024/27 r. 447.]

Item	Application	Fee
1.	A For a DAP application if the estimated cost of the development is —	
	(a) <u>less than \$2 million</u>	\$5 341
	(a b) not less than \$2 million and less than \$7 million	\$6 003 168
	(b c) not less than \$7 million and less than \$10 million	\$9 268 522
	(c d) not less than \$10 million and less than \$12.5 million	\$10 084 361
	(d e) not less than \$12.5 million and less than \$15 million	\$10 371 656
	(e f) not less than \$15 million and less than \$17.5 million	\$10 659 952
	(f g) not less than \$17.5 million and less than \$20 million	\$ 10 948 11 249
	(g)—(h) <u>not less than \$20 million or more and less than \$50 million</u>	\$11 236 544
	(i) <u>not less than \$50 million</u>	\$16 680
2.	An For an application under r. regulation 17 to amend or cancel a development approval	\$ 257 264

[Schedule 1 inserted: SL ~~2023/72~~2024/27 r. 447.]

Schedule 2 — Fees for local government DAP members

[r. 30 and 31]

[Heading inserted: *Gazette 16-Dec-2016 p. 5716*[SL 2024/27 r. 47.](#)]

- | | | |
|----------------|--|------------------|
| 1. | Fee for presiding member per meeting to determine development applications | \$700 |
| 21. | Fee for <u>any other</u> local government DAP member <u>perfor attendance at a</u> meeting to determine development applications | \$425 |
| 3. | Fee per meeting for presiding member to determine applications to amend or cancel determination | \$200 |
| 42. | Fee <u>perfor local government DAP member for attendance at a</u> meeting for any other member to determine applications <u>the sole purpose of determining an application</u> to amend or cancel determination <u>a development approval</u> | \$100 |
| 5. | Fee for presiding member attending <u>proceeding in State Administrative Tribunal</u> | \$700 |
| 63. | Fee for <u>any other</u> a local government DAP member attending proceeding <u>proceedings</u> in <u>the</u> State Administrative Tribunal | \$425 |
| 74. | Fee for training for <u>local government</u> DAP members | \$400 |
| 85. | Fee for re-training for <u>local government</u> DAP members | \$200 |
| 9. | Fee for presiding member to determine <u>dispute as to compliance with notice</u> | \$200 |

[Schedule 2 inserted: *Gazette 16-Dec-2016 p. 5716-17*[SL 2024/27 r. 47.](#)]

[Schedule 3—Forms

{r. 7, 10, 17 and 21}

[Heading inserted: Gazette 16 Dec 2016 p. 5717.]

**1. Notice of development application to be determined by DAP
(r. 7, 10 and 21)**

Planning and Development Act 2005

Planning and Development (Development Assessment Panels) Regulations 2011

**Notice of development application to be determined by a Development
Assessment Panel (r. 7, 10 and 21)**

Application details

To:	<i>{Name of local government and/or Western Australian Planning Commission}</i>	
Planning scheme(s):	<i>{Name of planning scheme(s) that applies to the land described below}</i>	
Land:	<i>{Lot number, street name, town/suburb}</i>	
Certificate of Title: <i>(provide copy)</i>	Volume Number:	Folio:
	Location Number:	Plan/Diagram Number:
Details of development application made to responsible authority:	<i>{Summary of proposal}</i>	

Development use:	<i>{Residential/Commercial/Industrial/Rural/Mixed Use/Other}</i>
Estimated cost of development (GST included):	<i>{\$}</i>

Part A: Acknowledgment by Applicant and Landowner

Mandatory application:	<input type="checkbox"/> I give notice that I understand that this is a mandatory Development Assessment Panel application (regulation 5)
Optional application:	<input type="checkbox"/> I give notice that I have elected to have the development application that accompanies this form determined by a Development Assessment Panel (regulation 6)
Delegated application:	<input type="checkbox"/> I give notice that I understand that this is an application of a class delegated to a Development Assessment Panel for determination (regulation 19)

Applicant details (to be completed and signed by applicant)

~~By completing this notice, I declare that all the information provided in this application is true and correct. I understand that the information provided in this notice, and attached forming part of the development application, will be made available to the public on the Development Assessment Panel and local government websites.~~

Name:			
Company:			
Address:			
Contact details:	Email:	Telephone:	
Signature:			Date:

Landowner details (to be completed and signed if landowner is different from applicant)			
By completing this notice, I give consent to the making of this application by an authorised applicant on my behalf.			
Name:			
Company (if applicable):			
Address:			
Contact details:	Email:	Telephone:	
Signature:			Date:

Part B: Acknowledgment by Local Government

Responsible authority:	<input type="checkbox"/> Local government <input type="checkbox"/> Western Australian Planning Commission <input type="checkbox"/> Dual — Local government and Western Australian Planning Commission <input type="checkbox"/> Building Management and Works (Department of Finance) — Public School Applications
Fees for application: (Schedule 1)	{ \$ } Amount that has been paid by the applicant. { \$ } Amount to be paid by local government (delegated applications only — regulation 22)
Statutory timeframe: (regulation 12)	<input type="checkbox"/> 60 days (advertising not required) <input type="checkbox"/> 90 days (advertising required or other scheme provisions)

Date application accepted for assessment:			
LG Reference number (if known):			
Name of planning officer (report writer):			
Position and title:			
Contact details:	Email:	Telephone:	
Planning officer's signature:			Date:
Please refer to the Development Assessment Panel's "Guidance Note: Lodging a DAP Application" for further information.			

[Form 1 inserted: Gazette 16 Dec 2016 p. 5717-19; amended: SL 2020/252 r. 99(1); ~~deleted: SL 2021/104/2024/27 r. 5(1).~~

2. Application for amendment or cancellation of development approval (r. 17 and 21)

Planning and Development Act 2005

Planning and Development (Development Assessment Panels) Regulations 2011

Application for amendment or cancellation of a DAP determination (r. 17 and 21)

Part A: Development application previously determined

DAP File No. (DPLH reference):	DAP/
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Planning scheme(s):	<i>[Name of planning scheme(s) that applies to the land described below]</i>	
Land:	<i>[Lot number, street name, town/suburb]</i>	
Certificate of Title: <i>(provide copy)</i>	Volume Number:	Folio:
	Location Number:	Plan/Diagram Number:
Description of development:		
Existing use:	<i>[Residential/Commercial/Industrial/Rural/Mixed Use/Other]</i>	
Proposed amendments:		
Original DAP determination date:		

Part B: Applicant details (to be completed and signed by the applicant)

<p>By completing this notice, I declare that all the information provided in this application is true and correct. I understand that the information provided in this notice, and attached forming part of the application, will be made available to the public on the Development Assessment Panel and local government websites.</p>		
Name:		
Company:		
Address:		
Contact details:	Email:	Telephone:

Signature:		Date:
<p>Please note: unless otherwise requested, DAP secretariat will contact you via your nominated email address.</p>		
<p>Part C: Landowner details (to be completed and signed if landowner is different from applicant)</p>		
<ul style="list-style-type: none"> • By completing this notice, I consent to the applicant making this application on my behalf. • If there are more than two landowners, please provide all relevant information on a separate page. • Signatures must be provided by all registered proprietors or by an authorised agent as shown on the Certificate of Title. • Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided. • Companies are required to provide signatures from two directors or a director and a company secretary unless the company has a sole director and either that director is also the sole company secretary or the company does not have a company secretary. 		
Company (if applicable):		
Contact details:	Email:	Telephone:
Address:		
Name/s:		
Title/s:	<i>Landowner/Sole Director/Director (2 signatures required)</i>	<i>Additional Landowner/Director/Secretary (if applicable)</i>
Signature/s:		

Date:		
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Part D: Amendment requested

Please specify the amendments/modifications required to the original determination (please tick one or more of the following):
<input type="checkbox"/> to amend the approval so as to extend the period within which any development approved must be substantially commenced;
<input type="checkbox"/> to amend or delete any condition to which the approval is subject;
<input type="checkbox"/> to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
<input type="checkbox"/> to cancel the approval.

**Part E: Local government acceptance for assessment
(to be completed and signed by a local government planning officer)**

Responsible authority:	<input type="checkbox"/> Local government <input type="checkbox"/> Western Australian Planning Commission <input type="checkbox"/> Dual — Local government and Western Australian Planning Commission <input type="checkbox"/> Building Management and Works (Department of Finance) — Public Primary School Applications
Fees for application: (Schedule 1)	<input type="checkbox"/> [\$] has been paid by the applicant
Statutory timeframe: (regulation 12)	<input type="checkbox"/> 60 days (advertising not required) <input type="checkbox"/> 90 days* (advertising required or other scheme provision)

	<i>* If 90 days is selected, please provide details of advertising requirement or other scheme provision</i>	
LG Reference number:		
Name of planning officer (report writer):		
Position and title:		
Contact details:	Email:	Telephone:
Planning officer's signature:		<i>Date accepted for assessment</i>

Please refer to the Development Assessment Panel's "Guidance Note: Lodging a DAP Application" for further information.

[Form 2 inserted: SL 2022/89 r. 547.]



Notes

This is a compilation of the *Planning and Development (Development Assessment Panels) Regulations 2011* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
<i>Planning and Development (Development Assessment Panels) Regulations 2011</i>	24 Mar 2011 p. 1039-90	r. 1 and 2: 24 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Mar 2011 (see r. 2(b) and <i>Gazette</i> 24 Mar 2011 p. 1035)
<i>Planning and Development (Development Assessment Panels) Amendment Regulations 2013</i>	25 Jan 2013 p. 271-7	r. 1 and 2: 25 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Jan 2013 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2013</i>	16 Jul 2013 p. 3249-50	r. 1 and 2: 16 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2013 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations 2015</i>	17 Apr 2015 p. 1380-6	r. 1 and 2: 17 Apr 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2015 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations 2016</i>	16 Dec 2016 p. 5709-21	r. 1 and 2: 16 Dec 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Feb 2017 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations 2017</i>	30 Jun 2017 p. 3592-3	r. 1 and 2: 30 Jun 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2017 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations 2018</i>	26 Jun 2018 p. 2389-90	r. 1 and 2: 26 Jun 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b))
<i>Planning Regulations Amendment Regulations 2020 Pt. 4</i>	SL 2020/252 18 Dec 2020	15 Feb 2021 (see r. 2(c))

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

Notes Uncommenced provisions table

Citation	Published	Commencement
<i>Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2021</i>	SL 2021/104 29 Jun 2021	r. 1 and 2: 29 Jun 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2021 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations 2021</i>	SL 2021/126 16 Jul 2021	r. 1 and 2: 16 Jul 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2021 (see r. 2(b) and SL 2021/124 cl. 2)
<i>Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2022</i>	SL 2022/89 17 Jun 2022	r. 1 and 2: 17 Jun 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2022 (see r. 2(b))
<i>Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2023</i>	SL 2023/72 16 Jun 2023	r. 1 and 2: 16 Jun 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2023 (see r. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

Citation	Published	Commencement
<i>Planning and Development (Development Assessment Panels) Amendment Regulations-2024 (other than r. 1 and 2)</i>	SL 2024/27 21 Feb 2024	r. 1 and 2: 21 Feb 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2024 (see r. 2(b))

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