Western Australia

Planning and Development Act 2005

Planning and Development (Development Assessment Panels) Regulations 2011

As at 01 Jul 2026 Official Version
[PCO 00-v0-00] Published on www.legislation.wa.gov.au

Western Australia

Planning and Development (Development Assessment Panels) Regulations 2011

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Defined terms

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 —

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 tertiary qualification for an area of expertise, means accredited by an accreditation body for the area of expertise;

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 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 local government DAP member; or

(b) a specialist 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 designated as deputy presiding member of the DAP under regulation 24(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; or

(b) development in an improvement scheme area; or

(c) a public work; or

(d) development wholly within an area identified as a regional reserve under a region planning scheme;

local government DAP member means a person designated as a local government DAP member or an alternate local government DAP member under regulation 25(2);

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 presiding under regulation 24;

R-codes means the planning codes entitled Residential Design Codes prepared by the Commission under 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);

relevant planning instrument, in relation to a development application, means the planning instrument under which the application is made;

sessional specialist DAP member means a person who holds the office of sessional specialist DAP member under regulation 27(3);

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 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.

[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

Division 1 — DAP applications

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

*[**4A, 5.** Deleted: SL 2024/27 r. 6.]*

6. DAP applications

(1) A development application for approval of development is prescribed for the purposes of section 171A(2)(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

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

Note for this regulation:

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

[Regulation 6 inserted: SL 2024/27 r. 6.]

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 a notice of election in the approved form; and

(b) attaching it to the development application.

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

8. DAP applications to be determined by DAPs

(1) Despite any other provision of the Act or a planning instrument, 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 is for approval of development in more than 1 district and there is more than 1 DAP established for some or all of those districts, the application is to be determined by the DAP 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 or districts for which the DAP is established.

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

9. Making DAP application: initial procedures

(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

(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.]

Division 2 — Dealing with DAP applications

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

10. Making DAP 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 regulation 7(2)(a); and

(b) pay to the local government the relevant fee in Schedule 1 item 1.

(2) The 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.]

*[**11A.** 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 DAP 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 relevant planning instrument;

(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, 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 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 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 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; SL 2024/27 r. 12.]

12. Responsible authority must report to DAP

[(1) deleted]

(2) A responsible authority to which a DAP application is made must give the DAP executive director a report on the application in the approved form.

(3) The report must be given at least 12 days before the day on which the application would be taken to be refused under the relevant planning instrument.

(4A) In calculating the period within which the report on 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 application is made, is not to be counted in determining when the application must be determined.

(4) Despite subregulation (3), the 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 the application must be given.

(5) The report must provide sufficient information to enable the DAP to determine the 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, in determining a DAP application, must have regard to, but is not bound to give effect to, the recommendations in a report under subregulation (2).

(7) A DAP may determine a DAP application in the absence of 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. 94; SL 2024/27 r. 13.]

13. Further services from responsible authority

(1) The DAP executive director may, at any time after a DAP is notified of a DAP application made to a responsible authority, direct the responsible authority to 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 the *Planning and Development Regulations 2009* regulation 49, to be borne by the responsible authority.

15. Notification to applicant

The 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 on which the DAP that will 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 (2) and (3), 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 of the application as if the DAP were the responsible authority in relation to the planning instrument.

(2) Subregulation (3) applies if the planning instrument provides that an application is taken to be refused if not determined within a specified period after the application is accepted for assessment.

(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).

(4) A dispute that arises in determining whether a day or period is excluded under the planning instrument or subregulation (3) is to be determined by the DAP executive director.

(5) The DAP executive director must give the 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 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 inserted: SL 2024/27 r. 16.]

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.

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

(a) 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 day on which the approval is granted.

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 the period referred to in subregulation (2).

(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. 96; 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; and

(c) must be accompanied by the fee 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 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 DAP executive director must give the 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 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; 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 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

(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 DAP executive director is —

(a) the decision-maker in respect of a determination of a DAP application, or an application under regulation 17, by a 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 —

(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 not an excluded application or made under Part 11B or 17 of the 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.

(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) If a local government or the Commission delegates under this regulation, the local government or the Commission must notify the DAP executive director in writing of the delegation and must publish a copy of it on a website of the local government or Commission.

[(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 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 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 notice, in an approved form, that the application is to be determined by a DAP; and

(b) regulations 11 to 16A apply as if the application were a DAP application.

(3) If a local government or the Commission 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 is to be determined by a DAP; and

(b) regulations 11 to 16A apply as if the application were a DAP application.

(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.

(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.

(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

Subdivision 1 — Constitution of DAPs

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

23. Constitution of DAPs

(1) Subject to subregulation (4), a DAP, at any meeting of the DAP to determine or otherwise deal with a development application or an application to amend or cancel a development approval, is constituted by —

(a) the 2 local government DAP members, designated under regulation 25(2)(a), for the relevant local government in relation to the application; and

(b) 3 specialist DAP members appointed by the DAP executive director.

(2) In subregulation (1)(a) —

relevant local government, in relation to an application, means the local government of the district in which the land to which the application relates is situated.

(3) At least 1 of the specialist DAP members appointed under subregulation (1)(b) must be a regular specialist DAP member.

(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 DAP members appointed by the DAP executive director; and

(b) 3 specialist DAP members appointed by the DAP executive director.

(5) The DAP executive director must not appoint, under subregulation (1)(b) or (4)(b), a specialist DAP member 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.

[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 DAP is established,

the names of 4 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 the register, 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 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 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 25 inserted: SL 2024/27 r. 27.]

26. Alternate local government DAP members

(1) If a local government DAP member designated under regulation 25(2)(a) for a local government is unable to perform the functions of a DAP member by reason of illness, absence or other cause, the DAP executive director may appoint an alternate local government DAP member for the local government to act in their place.

(2) An alternate member acting in the place of a DAP member may, despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing a determination of an application.

(3) An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.

(4) No act or omission of an alternate member acting in the place of a DAP member is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.

[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.

(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 their instrument of appointment, which cannot exceed 5 years.

(3) A person may be 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 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.** 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 becomes a DAP member cannot perform the functions of a DAP member until the 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 in Schedule 2 item 4; and

(b) a course of re-training for DAP members is entitled to be paid the amount in Schedule 2 item 5.

(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.

[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) A local government DAP member who attends a meeting of a DAP is entitled to be paid —

(a) if paragraph (b) does not apply — the fee in Schedule 2 item 1; or

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

(2) If a meeting of a DAP is cancelled after the agenda for the meeting is published under regulation 39(1), each local government DAP member who was to attend the meeting may, if the DAP executive director approves in writing, be paid 50% of the fee to which the member would have been entitled under subregulation (1).

[(3A) deleted]

(3) 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 in Schedule 2 item 3.

[(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

(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 a 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) If the office of a local government DAP member becomes vacant, or the member resigns or is removed from office, the person ceases to be included on the register under regulation 25.

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

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

(b) in 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 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: r. 35, 37 deleted: SL 2024/27 r. 33;
r. 36, 38 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 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.

(2) 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 to amend or cancel development approvals.

(2) Subject to subregulations (2B) and (4), a DAP meeting to determine a development application or 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 to amend or cancel a development approval is not open to the public.

(5) The 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, 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 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

The presence of a person at a DAP meeting 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 the meetings of a DAP must be kept, in a form approved by the DAP executive director, by a person approved by the DAP executive director.

(1A) For each determination of a development application, or application 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 person who takes the minutes must give the 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) deleted]

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

(7) Each relevant local government must provide a link on its website to the signed minutes on the DAP website.

[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 5.57 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 a DAP; or

(b) is seeking to undertake development of a kind that could be approved by a DAP; or

(c) it is reasonable to believe, is intending to or is likely to undertake development of a kind that could be approved by a DAP.

(2A) A person who is a local government DAP member must not accept a prohibited gift from a person who —

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

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

(c) 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.

(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, notify the DAP executive director of the acceptance of the gift —

(a) a person 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 or likely to undertake 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 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 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. 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) 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 other departmental officers available to assist, under the direction of the DAP executive director, the DAPs and the DAP executive director in the performance of their functions.

(8) The Director General must make the services and facilities of the Department available for the purposes of the performance of the functions of the DAPs.

[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 ***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 website.

[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 DAP is amended so that it is no longer established for a district, any DAP application for development in that district 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 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.

(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.

[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.

(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 2026/118 r. 4.]

Item	Application		Fee
1.	For a DAP application if the estimated cost of the development is —		
	(a)	less than $2 million	$5 612
	(b)	not less than $2 million and less than $7 million	$6 480
	(c)	not less than $7 million and less than $10 million	$10 004
	(d)	not less than $10 million and less than $12.5 million	$10 886
	(e)	not less than $12.5 million and less than $15 million	$11 195
	(f)	not less than $15 million and less than $17.5 million	$11 507
	(g)	not less than $17.5 million and less than $20 million	$11 818
	(h)	not less than $20 million and less than $50 million	$12 129
	(i)	not less than $50 million	$17 524
2.	For an application under regulation 17 to amend or cancel a development approval		$278

[Schedule 1 inserted: SL 2026/118 r. 4.]

Schedule 2 — Fees for local government DAP members

[r. 30 and 31]

[Heading inserted: SL 2024/27 r. 47.]

1.	Fee for local government DAP member for attendance at a meeting	$425
2.	Fee for local government DAP member for attendance at a meeting for the sole purpose of determining an application to amend or cancel a development approval	$100
3.	Fee for a local government DAP member attending proceedings in the State Administrative Tribunal	$425
4.	Fee for training for local government DAP members	$400
5.	Fee for re-training for local government DAP members	$200

[Schedule 2 inserted: SL 2024/27 r. 47.]

[Schedule 3 deleted: SL 2024/27 r. 47.]

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.

Compilation table

Citation	Published	Commencement
Planning and Development (Development Assessment Panels) Regulations 2011	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 *Gazette* 24 Mar 2011 p. 1035)
Planning and Development (Development Assessment Panels) Amendment Regulations 2013	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))
Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2013	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2015	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2016	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2017	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2018	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))
Planning Regulations Amendment Regulations 2020 Pt. 4	SL 2020/252 18 Dec 2020	15 Feb 2021 (see r. 2(c))

Citation	Published	Commencement
Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2021	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2021	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)
Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2022	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))
Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2023	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2024	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))
Planning and Development (Development Assessment Panels) Amendment Regulations 2025	SL 2025/109 25 Jun 2025	r. 1 and 2: 25 Jun 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2025 (see r. 2(b))
Planning and Development (Development Assessment Panels) Amendment Regulations 2026	SL 2026/118 24 Jun 2026	r. 1 and 2: 24 Jun 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2026 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
accepted for assessment	3(1) and (3)
accreditation body	3(1)
accredited	3(1)
applicant	3(1)
application	17A(1)
approved form	3(1)
area of jurisdiction	8(3)
carport	3(2)
commencement day	57(1)
community housing	3(1)
community housing provider	3(1)
DAP application	3(1)
DAP executive director	3(1)
DAP member	3(1)
DAP website	3(1), 51
decision-maker	18(1)
deemed refused DAP application	18(1)
department	3(1)
departmental officer	49(1)
deputy presiding member	3(1)
Director General	3(1)
document	52(1)
dwelling	3(2)
employed in the department	49(1)
entity	50(2)
excluded day or period	12(4B)
excluded development application	3(1)
gift	46(1)
grouped dwelling	3(2)
incidental development	3(2)
information	52(1)
JDAP	57(1)
LDAP	57(1)
local government DAP member	3(1)
local government register	57(1)
member	3(1)
member's district	46(1)
multiple dwelling	3(2)
notifiable gift	46(1)

outbuilding ..... 3(2)
patio ..... 3(2)
planning instrument ..... 3(1)
presiding member ..... 3(1)
prohibited gift ..... 46(1)
public service officer ..... 49(1)
R-codes ..... 3(1)
registered community housing provider ..... 3(1)
regular specialist DAP member ..... 3(1)
relevant DAP ..... 17(1A)
relevant local government ..... 23(2)
relevant planning instrument ..... 3(1)
sessional specialist DAP member ..... 3(1)
single house ..... 3(2)
specialist DAP member ..... 3(1)
substantially commenced ..... 16A(1)

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