



**Minister for Planning; Culture & the Arts  
Government of Western Australia**

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Your Ref: GOV.8

Cr Ross Thornton  
President  
Shire of Denmark  
PO Box 183  
DENMARK WA 6333

Dear Cr Thornton

**DEVELOPMENT ASSESSMENT PANELS – STATE-WIDE REVIEW AND CHANGE TO APPOINTMENT TERM**

I refer to the letter of 25 March 2013 from Ms Annette Harbron, Director Planning and Sustainability, regarding the Council's resolution on the above matters.

The first point in Ms Harbron's letter suggests the modification of terms of appointment for local government members on Development Assessment Panels (DAPs). At present, the *Planning and Development (Development Assessment Panels) Regulations 2011* do not allow local government DAP members to continue in their role for a period of more than three months beyond the term of appointment, and current terms expire on 26 April 2013.

I can understand the benefits to local governments from aligning their DAP members' terms of appointment with local government elections which occur in October. This matter will be considered during a forthcoming review of the DAP Regulations.

The second part of the Council's resolution proposes a review of the effectiveness of DAPs. I am pleased to advise that the Department of Planning is currently conducting a review of the DAPs and identifying any opportunities for improvements to the process.

I expect that the findings and recommendations of the DAPs review will be released for comment later this year, and will likely form part of a forthcoming discussion paper on opportunities for further reform and improvement of the Western Australian planning system.

I appreciate the Shire raising these matters with me, and trust the above clarifies the situation.

Yours sincerely

**JOHN DAY  
MINISTER FOR PLANNING;  
CULTURE AND THE ARTS**

**10 Feb 15 - Attachment 8.1.4a**

13 MAY 2013



Department of  
Planning

10 Feb 15 - Attachment 8.1.4b

Planning makes it happen: phase two

# Review of the Development Assessment Panels

summary of  
submissions and  
outcomes of review

August 2014

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# 1. Introduction

On 19 September 2013, the Minister for Planning launched *Planning makes it happen: phase two*. This included three key documents:

- Planning Reform Discussion Paper, which included 12 statutory planning reform initiatives, and six governance and administrative reform initiatives;
- Review of the *Planning and Development Act 2005* discussion paper; and
- Review of the Development Assessment Panels report.

Public submissions by email or post were invited on the documents from 19 September to 13 December 2013 (later extended to 20 December 2013).

The Department of Planning also provided an interactive online survey where participants could respond to questions on each of the reform initiatives.

The initiatives on which responses and comments were sought are (as numbered in the discussion paper):

- 3.1 Review of the Metropolitan Region Scheme (MRS)
- 3.2 Improve amendment process for region planning schemes
- 3.3 Sub-regional structure plans to amend region planning schemes
- 3.4 Concurrent amendment of region planning schemes and local planning schemes
- 3.5 Improve local planning scheme review process
- 3.6 Improve local planning scheme amendment process

- 3.7 Streamline structure plan process
- 3.8 Develop a track-based (risk assessment) development assessment model
- 3.9 Private certification of development applications
- 3.10 Standardise delegations of local government development decisions
- 3.11 Electronic application system
- 3.12 Refining the role of Development Assessment Panels
- 4.1 Design and development
- 4.2 Role of the Western Australian Planning Commission (WAPC)
- 4.3 Improve the function of the Infrastructure Coordinating Committee
- 4.4 Local government planning accreditation
- 4.5 Funding of region planning schemes and initiatives
- 4.6 Administrative review of the *Planning and Development Act 2005*

This report provides a summary of the written submissions and the online survey results relating to the Review of the Development Assessment Panels (DAPs) report and potential review initiatives outlined at 3.12 of the Planning Reform Discussion Paper. It also outlines the changes to the DAP system that are to be pursued as a result of the DAP review and the submissions received.

Separate reports are being prepared on the remainder of the Discussion Paper initiatives, and the administrative review of the *Planning and Development Act 2005*.

## 2. Source of submissions and responses

A total of 257 responses were received on the overall Planning Reform Discussion Paper. This included 145 written submissions and 113 online survey responses.

Of the 257 responses received, 137 (or 53 per cent) commented specifically on initiative '3.12 Refining the role of Development Assessment Panels'. A list of these respondents is provided in the appendices.

In order to identify the nature of interest the various respondents may have in the planning reform initiatives, and any themes in the kinds of comments received from different stakeholder groups, the written submissions were categorised as follows:

- Community: including members of the general public and users of the WA planning system;
- Community organisations: including representatives of established community and interest groups;
- Planning professionals: including representative bodies such as the Planning Institute of Australia, and practising planning industry professionals (excluding those responding on behalf of a local government or State Government agency);
- Related industry: including representative bodies such as the Urban Development Institute of Australia; Housing Industry Association; and the Property Council of Australia, as well as other development industry professionals such as development companies; surveyors; builders; building designers; architects; and lawyers;

- Local government: including representative bodies such as the Western Australian Local Government Association and the Local Government Planners Association;
- State Government: including representatives of State departments, agencies and other State-owned corporations; and
- Commonwealth government: including representatives of Commonwealth departments or agencies

The respondents to the online survey were asked to identify themselves according to the categories below:

- Own a home in Western Australia
- Own vacant land in Western Australia
- Plan on purchasing a home or land in Western Australia
- Plan on moving to live in Western Australia
- Work as a planning professional
- Work in a related industry
- Local government employee
- State Government employee

The following tables outline the number and percentage of submissions received on initiative 3.12 from each stakeholder category.

Table 1: Written submissions

Category of respondent	Number of submissions	% of total submissions
Community members	1	2
Community organisations	3	5
Planning professionals	10	16
Related industry	10	16
Local government	30	47
State Government	10	16
<b>Total</b>	<b>64</b>	

**Note:** percentages are rounded to the nearest whole number

Table 2: Online survey responses

Category of respondent	Number of responses	% of total responses
Own a home in WA	37	52
Own vacant land in WA	12	17
Plan on purchasing home in WA	15	21
Plan on moving to live in WA	0	0
Planning professionals	40	56
Related industry	21	30
Local government employee	12	17
State Government employee	12	17
<b>Total</b>	<b>149</b>	

**Note:** many survey respondents categorised themselves into more than one stakeholder group, and percentages are rounded to the nearest whole number

Table 3: Combined written submissions and online survey responses

Category of respondent	Number of responses	% of total responses
Community	68	32
Planning professionals	50	24
Related industry	31	14
Local government	42	20
State Government	22	10
<b>Total</b>	<b>213</b>	

**Note:** the table above combines the written and online responses into the closest possible category match, noting however that the online survey asked respondents to categorise themselves to a level of detail that was not able to be replicated from the written submissions. In addition, many online survey respondents categorised themselves into more than one stakeholder group, for example as a planning professional and also as someone who owns a home in WA; or as a planning professional and local government employee, so this duplication should be considered when assessing the results

### 3. Summary of submissions

This section summarises the number of submissions on initiative '3.12 Refining the role of Development Assessment Panels' that supported, expressed qualified support for, were opposed to, or were neutral about the general theme of the proposed review of the Development Assessment Panels, as outlined in the review report and within the Planning Reform Discussion Paper.

**S** = support

**QS** = qualified support (includes online survey responses where the 'generally support but would like to see more detail' option was chosen)

**O** = oppose

**N** = neutral (includes submissions with no indication of support or opposition; and online survey responses where the question was skipped or the 'not sure' option was chosen)

Table 4: Written submissions

	Position on reforms (number of submissions)				Position on reforms (% of submissions)			
	S	QS	O	N	S	QS	O	N
Refining the role of DAPs	20	41	2	1	31	64	3	2

**Note:** percentages are rounded to the nearest whole number

Chart 1: Written submissions

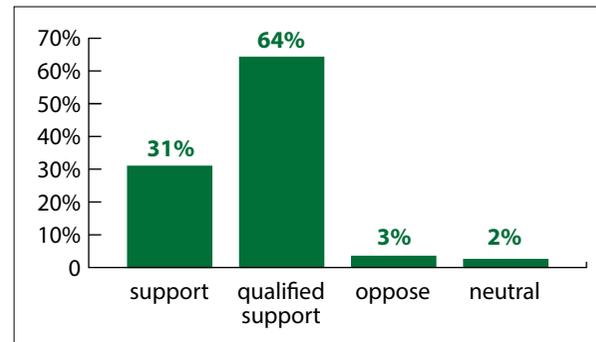


Table 5: Online survey responses

	Position on reforms (number of responses)				Position on reforms (% of responses)			
	S	QS	O	N	S	QS	O	N
Refining the role of DAPs	32	23	6	12	44	32	8	16

**Note:** percentages are rounded to the nearest whole number

Chart 2: Online survey responses

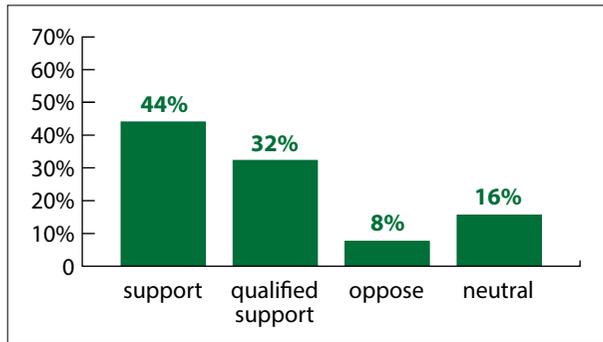
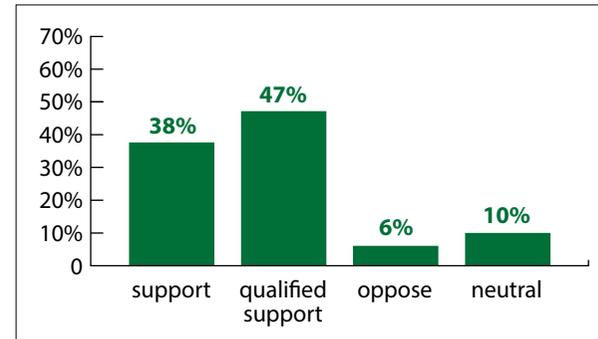


Table 6: Combined written submissions and online survey responses

	Position on reforms (number of responses)				Position on reforms (% of responses)			
	S	QS	O	N	S	QS	O	N
Refining the role of DAPs	52	64	8	13	38	47	6	10

**Note:** percentages are rounded to the nearest whole number

Chart 3: Combined written submissions and online survey responses



## 4. Detailed feedback on each initiative

This section summarises the submissions received on each of the potential Development Assessment Panel review initiatives.

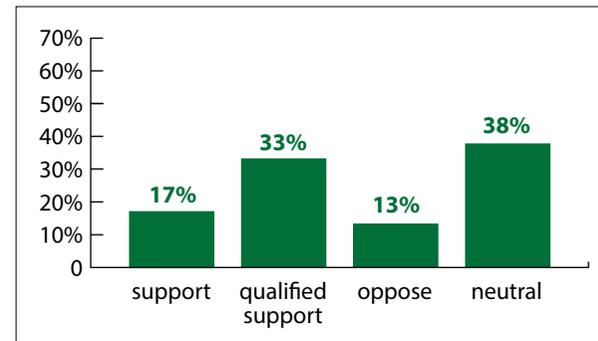
For an outline of the initiatives themselves, please refer back to the original Planning Reform Discussion Paper, released in September 2013.

The detailed comments and statistical results outlined below are taken mainly from the written submissions as the online survey did not ask specific questions about each individual DAP initiative. Where additional comments on specific initiatives were provided in the online survey, they are reflected in the commentary below.

### (a) Optional and mandatory thresholds

#### i. Current mandatory thresholds

Chart 4: Written submissions

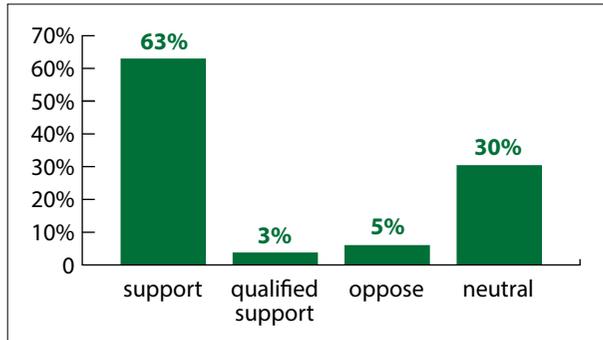


There was limited support for the retention of the current thresholds. Where the current thresholds were supported it was usually due to a perception that widening the thresholds would overload the DAP system and lead to minor applications being determined by the panels.

In some cases, support for the current thresholds was qualified by the suggestion that they be subject to annual review in accordance with the Consumer Price Index or other relevant index. Other respondents expressed qualified support for the current thresholds if combined with other changes to DAP arrangements such as an opt-out option, exclusions and/or mandatory inclusions.

## ii. Need for modifications to thresholds

Chart 5: Written submissions



A significant number of submissions supported some modification of the current thresholds.

A minority of submissions supported increasing the opt-in and mandatory thresholds to reduce the number of applications being referred to DAPs for determination.

Many respondents suggested that there should be no mandatory threshold, and that all applications over \$3 million in value should be referred to a DAP on an opt-in basis only. Some suggested that only those applications of State or regional significance should be subject to mandatory DAP determination.

It was also suggested that the opt-in approach be extended to every application, including those below \$3 million in value.

The motive behind these suggestions was mixed, with some submissions citing a need for proponents to be able to have any application determined by a DAP, to take the politics out of the decision-making, while some submissions suggested that many proponents would choose not to send their application to a DAP if they were confident that the relevant local government would make the appropriate decision more efficiently. This was considered to be the case particularly for straightforward, compliant applications that may even be dealt with under delegation in the local government system.

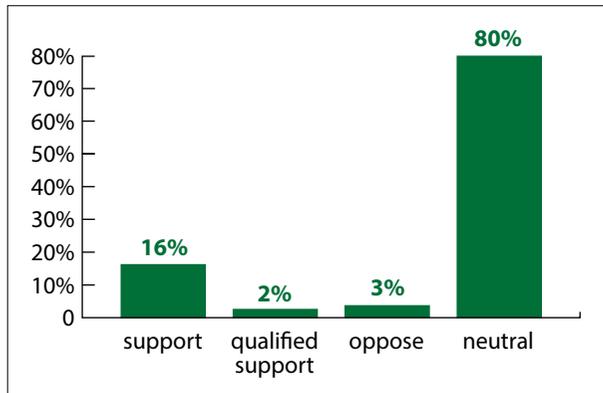
Other comments on the thresholds included the observation that the cost of a development is not an accurate measure of whether or not it is complex or likely to be contentious; concerns about the fact that the stated value of developments is not subject to third party assessment, and that therefore a quasi 'opt-in//opt-out' system is already operating; and the suggestion that consideration could be given to establishing different thresholds for metropolitan and regional areas to account for the differing development contexts.

On the subject of whether development cost is a measure of complexity or sensitivity, one submission noted that many small-scale (12 units or less) multi-unit developments do not reach the minimum DAP threshold but can be as controversial in their local area as more substantial developments. Given the importance of such development to meeting infill targets, some submissions suggested that any multi-unit proposal should be able to opt-in to the DAP process.

One submission referenced the Design Review Panel initiative proposed at 4.1 of the discussion paper, and suggested that an opt-out approach could be extended to local governments which included a Design Review Panel as part of the decision-making process.

### iii. Link thresholds with council delegations

Chart 6: Written submissions



There was little stated support for directly linking the DAP determination thresholds with council delegations, and it is notable that the majority of submissions made no mention of this suggestion at all. This can be explained in part by the fact that of the submissions which stated support for changes to the thresholds, many preferred the idea of an opt-in/opt-out approach, rather than mandatory thresholds, so mandatory thresholds based on council delegations were not commented on.

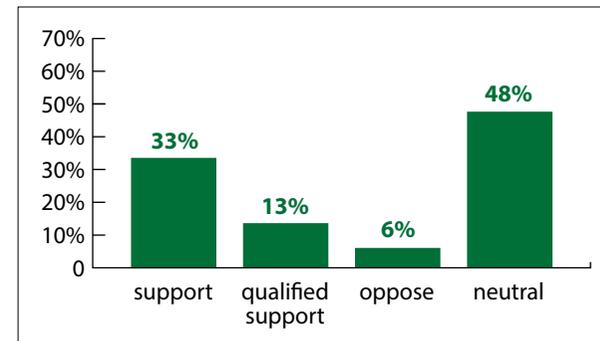
Where the suggestion was supported, submissions referenced an increased streamlining of decision-making, particularly for permitted uses which have a high development value yet are low in risk, such as farming and industrial development.

In opposition to the suggestion it was pointed out in more than one submission that there is an implication being made that decisions made under delegation are always better than those made by council, and that the idea may run the risk of undermining the integrity of the DAP system.

The confusion created by variation in delegation arrangements across different local governments, even within the same DAP region, was also cited as a reason why this suggestion was not supported.

### (b) Include lower value regionally significant applications

Chart 7: Written submissions



There was a reasonable level of support for inclusion of lower value regionally significant applications, with opposition or qualified support generally coming from local government submissions, which expressed concern that the capacity of local government to control development in its own jurisdiction was going to be even further eroded under this proposal.

One submission noted how important it would be to properly define what constitutes 'regional significance', to ensure that only appropriate applications are referred for DAP determination.

Submissions from State Government authorities and infrastructure providers who regularly seek approval for substantial infrastructure items, such as waste facilities and telecommunications infrastructure, were notable supporters of the proposal, based on a perception that it would improve efficiency, consistency and certainty for such applications. Landfill proposals were also a requested inclusion in the 'regionally significant' category.

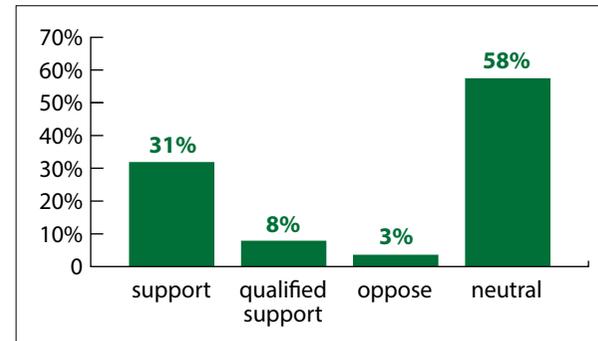
The specific mention of Basic Raw Materials (BRM) in the discussion paper solicited various specific comments on BRM applications, including some support for removing the local politics from such decision-making, and a qualification that there should still be thresholds in place for such proposals, to avoid applications for small quarries with minimal external impact being referred to a DAP for determination.

One metropolitan local government noted that, under clause 32 of the Metropolitan Region Scheme, dual planning approval is required for extractive industry in the 'Rural' zone, so there is already a measure in place to remove the local politics from this decision-making. A similar comment was made by another respondent about the way in which BRM proposals are determined under the Greater Bunbury Region Scheme (GBRS).

A general observation was made in one submission that any applications of regional or State significance are already called in under the provisions of the GBRS and Peel Region Scheme call-in notices, so there is no need for DAPs to consider such applications.

## (c) Exclusions

Chart 8: Written submissions

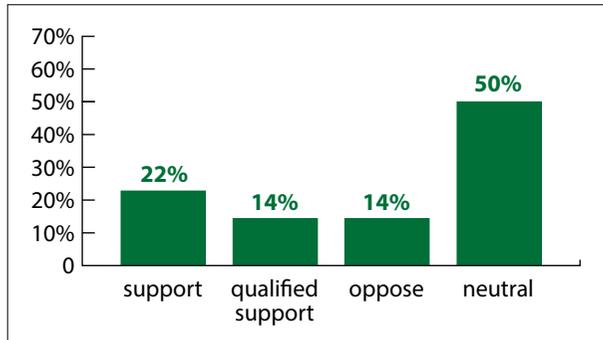


The concept of exclusions received a reasonable level of support. Various submissions suggested that the exclusion concept should be extended to any development classified as permitted or compliant under the relevant local government planning scheme.

A number of submissions noted that such an approach could become very complex given the lack of consistency across Western Australia in local government planning schemes, and the fact that actual development proposals may include vagaries that make consistent classification difficult. One submission gave the example of a \$100 million supermarket distribution centre with very significant traffic impacts, which could potentially be excluded because it would be classed as a 'warehouse' use, despite it being the kind of development that should be considered by a DAP.

## (d) Configuration of panels

Chart 9: Written submissions



Detailed comments on the proposed reconfiguration of the current DAP groupings tended to be specific to each individual submitter, dependent on the nature of their interest.

The following are some of the detailed comments made:

- support for the Option 2 metropolitan groupings
- concern that removal of the central Perth DAP would result in a lack of the kind of specialised knowledge on the DAP that is required for central business district proposals
- request that the proposed Metropolitan South West DAP be renamed "South West Metropolitan and Peel"
- opposition to inclusion of the City of Mandurah and Shire of Murray in the Metropolitan South West DAP, due to a perception that this would significantly increase demands on that DAP

- support for Option 2 regional groupings but opposition to any reconfiguration of metropolitan DAPs
- preference for Option 2 regional groupings should there be a change, as proposed Option 1 Mid-West/Wheatbelt/Southern is considered to be too large an area, which could decrease the likelihood of local factors being considered in decision-making, given the vast spatial and demographic diversity across those regions

General comments made included:

- an observation that the proposed arrangements may benefit departmental officers and save travel budgets but would be detrimental to individual local governments and the public;
- a recommendation that the revised groupings should aim to encompass sub-regions with similar broad issues to enable a concentration of environmental knowledge and expertise;
- concern that reducing the number of regional JDAPs would further remove understanding of specific regional issues; and
- support for any changes that improve consistency, responsiveness and timeframes of DAP decision-making but concern that while a reduction in the number of panels may improve consistency, it may increase decision-making timeframes.

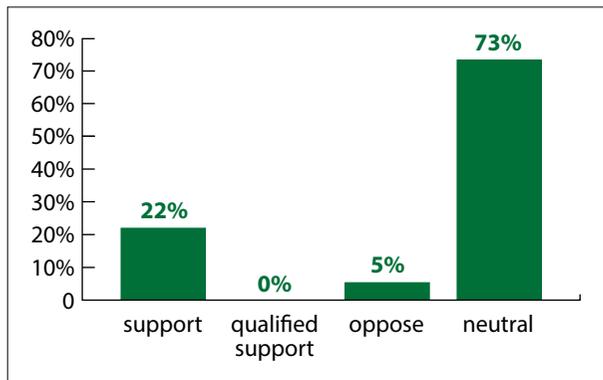
One submission suggested that physical DAP boundaries should be removed entirely, and that panels should be established to reflect specific technical expertise, in recognition of the original objective for establishing the panels. Specialist members could be appointed from a pool dependent on the nature of the specific application under consideration, with local government representatives from the jurisdiction in which the application is lodged.

It was suggested in another submission that any reconfiguration should be postponed until finalisation of local government reform proposals and any resulting amalgamations.

## (e) Administration

### i. DAP applications

Chart 10: Written submissions

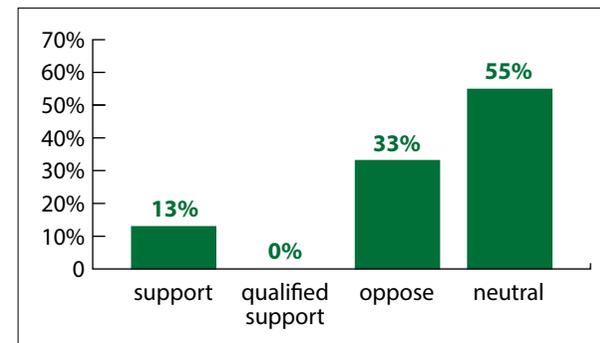


There was a reasonable level of support for the proposal to introduce a formal ‘stop-the-clock’ option to pause or extend the DAP application period where necessary, on the basis that DAP applications are often complex and require a significant amount of supporting information and technical detail. However, some concern was expressed that this may remove the motivation to deal with applications within the required timeframe and may impact on timely assessments.

It was requested in a number of submissions that any decision to pause or extend the determination period should be subject to maximum paused or extended time periods; that any pausing or extension should be subject to agreement of the applicant, as is the case with subdivision applications; and that it needs to be made clear that an application timeframe should only be paused or extended for a genuinely incomplete or incorrect application, not simply when the responsible authority considers that extra information may be desirable.

### ii. Meeting quorum

Chart 11: Written submissions



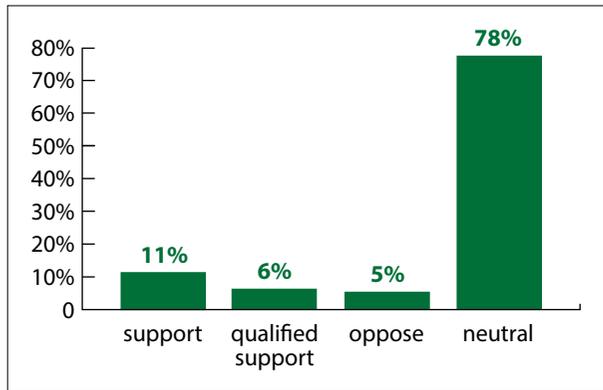
There was significant opposition to the proposal to vary the DAP meeting quorum requirements. The majority of this opposition was from local government submissions which expressed concern that the proposal could result in panels that do not include any local government representation. This eventuality was considered to be entirely unacceptable and to deviate from the original intent that local representation would be a vital component of DAPs.

Other submissions noted that the proposed variation could also result in a DAP made up of a majority of local government representatives, which was not supported by most respondents.

One submission suggested that one way of increasing the likelihood of a quorum being met would be to increase the total number of members on each DAP panel to seven, made up of three local representatives and four expert members.

### iii. Presiding member

Chart 12: Written submissions



Of the few submissions which specifically mentioned the proposals relating to the presiding member, views were quite varied.

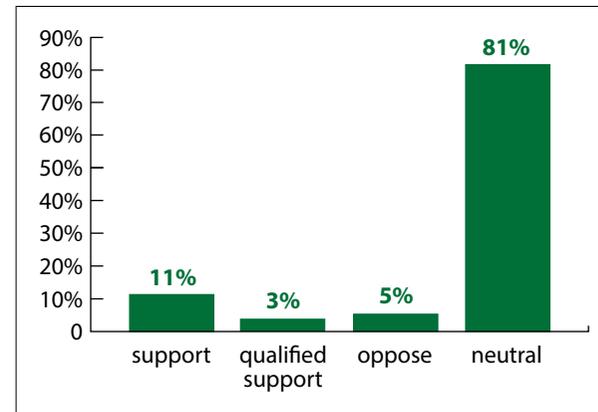
Some respondents felt that the role of the presiding member was a critical one which should be filled by a specialist member with a thorough understanding of issues relevant to each specific region. Others considered that it is not necessary for the presiding member to be a

specialist member, and that each presiding member should be able to appoint any of the other members to act as presiding member when necessary.

One submission suggested that the role of the presiding member is so critical that it should be possible to appoint any presiding member, from any other DAP in the State, to an individual panel where necessary, including in circumstances where it would be preferable to appoint the most experienced member to preside over the most contentious applications.

### iv. Specialist member pool

Chart 13: Written submissions



Very few specific comments were made regarding the proposal to appoint all specialist members to one of three pools rather than a specific panel.

Those that did comment expressed some concern relating to the need for specialist members to become familiar with the particular characteristics and legislative framework operating within their panel's region, and that a creation of pools of specialist members would dilute this regional knowledge and result in inconsistent decision-making.

## (f) Comments on other matters

Submissions included other comments and suggestions about DAPs, which are summarised below.

- DAPs should function as a sub-committee of the WAPC rather than as stand-alone decision makers
- Specialist members on regional DAPs should be required to have relevant knowledge and experience in the issues and economic circumstances faced by regional areas
- Various suggested additions to specialist member expertise, including tourism specialists, heritage experts, and architects
- DAP specialist and local government members should be paid professional salaries and not token sitting fees
- DAPs should assess a broader range of planning instruments, not just development applications
- Timeframes for DAP process should be reviewed
- Concern about applicants attempting to avoid the DAP by staging their applications
- A uniform approach or practice should be implemented to scrutinise and test the declared value of applications
- Applicants should have an opportunity to meet with DAP prior to application being considered (and separate to the site visit) so that DAP members can be better informed of details of application
- Deputation and presentation opportunities during DAP meetings are inadequate
- There should be standardised conditions that can be applied by DAPs to decisions, to ensure clarity and consistency
- Local government (or other responsible authority) should have a right to appeal decisions of a DAP to the State Administrative Tribunal
- Minor modifications to plans or conditions should be processed by local authority and delegated to officers rather than requiring another DAP meeting
- The DAP process has increased local government planning officers' workloads and has resulted in lower quality of development due to officers not being able to negotiate better outcomes
- Various other concerns regarding timeliness and resourcing of the DAP process

## 5. Outline of changes to be pursued

### (a) Optional and mandatory thresholds

It has been determined that a widening of the opt-in range would provide the additional flexibility for proponents and decision-making authorities that was sought in a large number of submissions on the DAP thresholds.

By reducing the minimum opt-in threshold slightly, and more substantially increasing the maximum opt-in threshold, a greater number of significant development applications (with the exception of those which are otherwise excluded under the Planning And Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)) will fall within an optional range where proponents may decide whether they want the DAP or the otherwise responsible authority to determine their application.

The new optional thresholds will be:

\$2 to \$20 million – City of Perth

\$2 to \$10 million – all other metropolitan and regional local governments

Consideration was given to making all applications above \$2 million optional, however this was considered not to align with the overall purpose of the DAP system to provide greater transparency, consistency and reliability in decision-making on the most complex applications. Therefore a mandatory threshold will be retained, but this is to be increased to allow the widening of the optional thresholds described above.

The new mandatory thresholds will be:

above \$20 million – City of Perth

above \$10 million – all other metropolitan and regional local governments

### (b) Include lower value regionally significant applications

The risk that regionally significant proposals may not qualify for DAP assessment under existing thresholds was noted. However, there were also concerns that attempting to specify certain classes of application to always be determined by a DAP would not be straightforward, and could result in applications that would not be appropriate for DAP determination being sent to a DAP simply because they appear to fit into a specified category of development.

Instead of specifying classes of development that must always go to a DAP whatever the value; the reduction in the minimum optional threshold (outlined above) is being made partly in response to the issue of regionally significant proposals which do not meet the current \$3 million minimum. By making the minimum threshold \$2 million, it is anticipated that many more significant proposals will meet the threshold, thus providing the proponent with the ability to opt-in to DAP determination.

## (c) Exclusions

The idea of excluding certain classes of application from DAP determination (in addition to those already specified in the DAP Regulations) is complicated by the fact that it is not easy to simply categorise development types in the existing statutory planning context, where different local planning schemes contain different land use definitions for otherwise similar types of development.

Instead of attempting to address this issue from the perspective of statutory land use definitions, it is considered that increasing the maximum optional threshold (as outlined above) will go a long way to allowing proponents of development that may be of high value but otherwise non-complex to opt-out of the DAP system and instead have their proposal determined by the otherwise responsible authority.

In addition, the current exclusions specified in the DAP Regulations have been reconsidered, in response to submissions from both development proponents and local government noting that small-scale low value multi-unit development can sometimes be as complex and controversial to determine as more substantial development. To address this, an option is to be included in the DAP Regulations whereby the relevant decision-making authority may choose to refer an otherwise excluded multiple or grouped dwelling proposal to a DAP for determination, if it falls within the new optional thresholds.

## (d) Configuration of panels

While the Planning Reform Discussion Paper proposed various potential reconfigurations of the current number and groupings of DAPs, it would be premature to pursue any changes to metropolitan groupings while the State Government's local government reform project is still underway, and before any reduction in the number of metropolitan local governments is finalised. Metropolitan DAP groupings will therefore be considered once the outcomes of local government reform are known.

However, there is no need to delay a reconfiguration of regional DAPs in the meantime. The submissions received indicated a preference for Option Two of the regional groupings proposed in the discussion paper. This option would split the regions into three DAPs (as opposed to only two under Option One), which would enable appropriate recognition of regional variations while still achieving the intended improvements in efficiency, responsiveness and timeframes for decision-making.

Accordingly, a change to regional groupings to create the following three regional DAPs will be pursued immediately:

- Kimberley/Pilbara/Gascoyne
- Mid-West/Wheatbelt
- Southern

## (e) Administration

### i. DAP applications

To date it has been possible for the statutory timeframe of DAP decision-making to be extended. However, there is no option currently in the DAP Regulations to allow the timeframe for a decision to remain the same but there to be a pause in that timeframe, if an incomplete application is received, or if additional information is required by the assessing authority, DAP Secretariat or a DAP member. DAP applications are often complex and require a significant amount of supporting information and technical detail, so it is considered important that such an opportunity be available.

A 'stop-the-clock' mechanism will therefore be introduced to the DAP Regulations, to be implemented at the request of a DAP presiding member and only with the applicant's written consent. This will ensure that if an incomplete application is received, or if the information provided with an application is not considered to be sufficient once assessment is underway, it will be possible to pause the assessment process while the applicant completes the additional work required, without the DAP having to estimate the time this might take and add it onto the statutory decision-making timeframe.

When the additional information has been provided by the applicant, the DAP will then still need to make a decision within the standard statutory timeframe. In this way any time added to the process while the clock is stopped depends on how long the applicant takes to supply the necessary information.

The DAP Regulations will make clear that an application timeframe may only be paused with the written consent of the applicant, and for a genuinely incorrect or incomplete application, and not simply if extra information is considered desirable but an applicant does not wish to provide it.

### ii. Meeting quorum

It is important in terms of efficiency of decision-making that DAP meetings be held as frequently as necessary, and that attendance at DAP meetings is prioritised by both specialist and local government members, once they have been appointed as members of a DAP.

In order to ensure efficiency and effectiveness of process, in the future a DAP meeting quorum will be achieved if a presiding member and any two other members are in attendance, whether they are specialist members or local government members.

Each local government nominates two elected representatives as permanent DAP members, and two as reserve members, therefore it should be possible for at least one local government member to attend any scheduled DAP meeting, thus ensuring the local authority is represented on the DAP.

### iii. Presiding member

Currently if a presiding member or deputy presiding member is unavailable to attend a scheduled DAP meeting, it is possible for the Minister for Planning to nominate an alternative presiding member from another DAP to attend instead.

To facilitate a simpler, less time-consuming process for appointing an alternative, while still reflecting the importance of choosing an appropriate person to fill this critical role, it will now be possible for the Director General of the Department of Planning to nominate an alternative presiding member from the pool of other DAP presiding members or deputy presiding members across Western Australia.

#### iv. Specialist member pool

The establishment of a State-wide pool of specialist members will not be pursued at this time. Instead, the current practice of appointing specialist members to specific panels will be continued.

### (f) Other matters

#### i. Approval of modified plans and conditions

Under the DAP Regulations, any request to amend or cancel a determination after a formal DAP decision has been made must be returned to a full DAP meeting for a decision.

In order to improve efficiency of process, while still retaining DAP control over decision-making, changes will be made to provide the potential for such requests to be dealt with via electronic communication, if required.

#### ii. Member fees

Currently DAP members are paid a fee for attending a DAP meeting.

Payment of the total fee based on a meeting being held does not accommodate situations where a DAP member has done a significant amount of preparation work prior to a meeting which is then cancelled because a development application is withdrawn from the agenda.

Where a meeting has been cancelled and reports have been prepared and distributed to members, up to 50 per cent of the fee will be paid.

#### iii. Further minor changes to DAP Regulations

In addition to the changes outlined above, a number of minor administrative changes will be made to the DAP system to resolve issues encountered since the DAP Regulations were first introduced. These include:

- defining who can represent a DAP for the purpose of State Administrative Tribunal and other court proceedings (clarifying that the presiding member may speak on behalf of the DAP);
- removing references to the short-list working group to reflect an administrative need for this process to be less regulated;
- ensuring nomination of local government members aligns with local government elections; and
- amending definition of the 'Planning CEO' to 'means the Director General of the department'.

## 6. Summary of review outcomes

### (a) Changes to be pursued

In summary, the following changes are to be made to the DAP system as a result of the review:

1. Optional thresholds to be changed to:
  - \$2 to \$20 million – City of Perth
  - \$2 to \$10 million – all other metropolitan and regional local governments
2. Mandatory thresholds to be changed to:
  - above \$20 million – City of Perth
  - above \$10 million – all other metropolitan and regional local governments
3. Relevant decision-making authority to be able to choose to refer an otherwise excluded multiple or grouped dwelling proposal to a DAP for determination, if it falls within the new optional thresholds
4. Change to regional groupings to create the following three regional DAPs:
  - Kimberley/Pilbara/Gascoyne
  - Mid-West/Wheatbelt
  - Southern
5. Introduction of 'stop-the-clock' mechanism, to be implemented at the request of a DAP presiding member and only with the applicant's written consent
6. DAP meeting quorum to be achieved if a presiding member and any two other members are in attendance, whether they are specialist members or local government members
7. Director General of the Department of Planning to be able to nominate an alternative presiding member from the pool of other DAP presiding members or deputy presiding members
8. Modifications to DAP approvals or conditions of approval to be able to be dealt with via electronic communication if required
9. Other minor administrative changes

## (b) Implementation of changes

Implementation of the changes summarised above will be via modifications to the DAP Regulations and supporting documentation, including updates to communication and training material for all current and future DAP members.

Modifications to the DAP Regulations will be drafted immediately following release of this outcomes report, and the revised legislation will be progressed through the statutory process as soon as possible once it is ready.

## Appendices

### Appendix A

#### – Written submission respondents

1. Local Government Planners Association
2. Holcim
3. City of Nedlands
4. City of South Perth
5. City of Mandurah
6. City of Armadale
7. Shire of Dandaragan
8. City of Greater Geraldton
9. Masterplan on behalf of Kelliher Family
10. City of Subiaco
11. Department of Planning individual officer
12. Waste Authority
13. National Trust
14. City of Albany
15. Department of Planning division
16. Shire of Toodyay
17. City of Joondalup
18. Office of the Government Architect
19. City of Wanneroo
20. Department of Parks and Wildlife
21. City of Rockingham
22. Building Designers Australia
23. Shire of Roebourne
24. University of Western Australia
25. RPS Australia
26. Taylor Burrell Barnett Town Planning and Design
27. Department of Planning individual officer
28. City of Stirling
29. Urban Design Institute of Australia
30. Housing Industry Association
31. Shire of Mundaring
32. Mobile Carriers Forum, Australian Mobile Telecommunications Association
33. City of Gosnells
34. Shire of Serpentine Jarrahdale
35. City of Cockburn
36. Department of Planning individual officer
37. Property Council of Australia
38. Planning Solutions
39. City of Kalgoorlie-Boulder
40. Department of Planning individual officer
41. Shire of Capel
42. LandCorp
43. CLE Town Planning and Design
44. Committee for Perth
45. Peel Preservation Group
46. Town of Victoria Park
47. Department of Finance Building Management and Works
48. Australian Institute of Architects WA Chapter
49. Tourism Western Australia
50. Planning Institute of Australia WA Division
51. City of Fremantle
52. City of Bayswater
53. South West Group Voluntary Regional Organisation of Councils
54. Department of Sport and Recreation
55. City of Canning
56. Western Australia Local Government Association
57. Department of Mines and Petroleum
58. Town of Claremont
59. Department of Transport
60. Bunnings
61. Department of Housing
62. Shire of Dardanup
63. City of Swan
64. Cement Concrete and Aggregates Australia

## Appendix B – Online survey respondents

1. Jacqueline Trager of Benlin Homes
2. Kerri Watson
3. Ian Ogborne
4. Ian Ogborne
5. Paul Wilson
6. Monika Pollard
7. Josh Watson
8. David Caddy
9. Matthew Burnett
10. Jill Yates
11. L Powell
12. Peter Deague
13. Dean
14. Andrew Davey
15. Tarleah Thomas
16. Angelo Strano
17. City of Busselton
18. Murray McLennan
19. Michael Swift
20. Murray Connell
21. Kira Strange
22. Jared Morskate
23. Jacky Jurmann
24. Architect Gerard Siero
25. Paul Nuttall
26. Peter Duncan
27. Kimberley MacPhail
28. Bev Britton
29. Joe Conway
30. Ryan Hall
31. Noah McDonald
32. Paul Johns
33. Trevor Servaas
34. Brendan Foley
35. Danielle Stefani
36. Matt Devlin
37. Kevin Tang
38. Grant Keady
39. Chris Allmark
40. Rohan Miller
41. Richard Trinh
42. Michael Swift
43. Anne Munyard
44. Daniel Smee
45. Luke
46. Peter Wood
47. Joseph Coppola
48. Sally Matthews
49. Tamara Capper
50. David Carter
51. Peter Wilks
52. Joel Carter
53. Arun
54. Paul Needham
55. Gemma Kilcoyne
56. Luke Gibson

There were also 17 anonymous online survey responses.