



DAP Reforms

Overview

The State Government is making changes to Western Australia's Development Assessment Panel (DAP) system. The changes were identified in the *Action Plan for Planning Reform* (Action Plan) released in August 2019 and in the additional planning reforms legislated in the *Planning and Development Amendment Act 2020*¹ (Amendment Act).

Two initiatives of the Action Plan focus specifically on reforms to improve the DAP system:

- (C7) Development assessment processes are streamlined and outcomes-focused.
- (C8) DAP processes are more consistent and transparent.

The Amendment Act 2020 made changes to the current DAP system by introducing the ability for:

- A District DAP to be established for one (1) or more districts, and
- A Special Matters DAP to be created to determine matters of State and regional importance.

The State Government has committed to the principles of these main reforms through the Action Plan and the Amendment Act.

Feedback is now being sought to help refine the detail of this proposal

What is a DAP?

A DAP is an independent decision-making body comprised of technical experts and elected local government members. DAPs determine development applications made under local and region planning schemes, in the place of the original decision maker.

What are the proposed changes to the DAP system?

Key changes include:

- Reducing the number of geographically grouped panels from the current five (5) to three (3). These will be known as 'District DAPs'.
- Fixed term Presiding Members and Deputy Presiding Members (3 to 5 years) for the District DAPs to be employed by the Department of Planning, Lands and Heritage (DPLH). The third specialist member will initially be drawn from a pool, which may change to the same arrangements as the Presiding and Deputy Presiding Members. No changes are proposed to local government representation on a District DAP.
- Creating a Special Matters DAP. The Special Matters DAP will be able to consider and determine projects of State or regional importance, or certain types of applications in precincts of State or regional importance.

¹ Reference: Part 3 – *Development Assessment Panels of the Amendment Act*.

- General process and administrative reforms to improve transparency, consistency and efficiency including the following:

1. Delegations

The functions of the local government, in the submission of a report and recommendation to the DAP, have been clarified as follows:

- District DAP report is to be submitted by the Chief Executive Officer (CEO) of the relevant local government.
- Special Matters DAP referral may be a delegated function from Council function to the CEO of the relevant local government.

2. Excluded developments

- Current exclusions for certain types of development will continue to apply.

Reference: r.3 definition for 'excluded development application'.

- In addition, developments wholly on reserved land under a region scheme and development applications for public work will be exempt.
- Decision making powers will be returned to the Western Australian Planning Commission (WAPC) or delegated officer in accordance with Section 16 of the *Planning and Development Act 2005* (PD Act) for the above.
- These excluded developments will apply to both the District DAP and Special Matters DAP processes.

3. Meeting arrangements

- All DAP meetings are to be scheduled at regular dates and times, with meetings centrally coordinated and convened by DPLH.
- Option to hold meetings outside of business hours, in certain instances (e.g. application of significant public interest).
- All meetings to be made available for electronic attendance, with recordings of meetings also published online.

How will these changes be implemented?

The *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations) will provide the administrative framework for both the Special Matters DAP and District DAPs. These Regulations will be supported by a Ministerial Order to be published in the Government Gazette. The Ministerial Order/s will specify:

- The geographical areas for the District DAPs.
- The projects of State and regional importance to be determined by the Special Matters DAP.
- The precincts of State and regional importance and the type of applications that will be determined by the Special Matters DAP in these areas.

When will the reforms take effect?

The changes to the DAP system are anticipated to be implemented at the beginning of 2023.

What are the transitional arrangements?

Transitional arrangements will be included. These are not yet determined but might include things like a staggered introduction for the Special Matters DAP, filling the District DAPs from the specialist pool initially (to allow time for recruitment), or other things that might be required.

Any application made to an Local Development Assessment Panel (LDAP) or Joint Development Assessment Panel (JDAP) prior to these changes coming into effect, including those proposals that would meet the criteria for a Special Matters DAP application, will be considered by the relevant District DAP. More detail on the transitional arrangements is provided below:

- **Current DAP applications and amendments to existing DAP approvals**

After commencement, any amendments to DAP approvals determined prior to the date of commencement can be made to either the new District DAP or to the relevant local government outside of the DAP system.

Reference: Part 7 Division 2 of the DAP Regulations.

- **Special Matters DAP applications**

An application to the Special Matters DAP can only be lodged after the Special Matters DAP program commences (early 2023).

An application lodged before commencement day will be assessed by the relevant Local Government and determined by the appropriate District DAP.

- **Existing State Development Assessment Unit (SDAU) applications**

These development applications will continue to be assessed by DPLH and determined by the WAPC under Part 17 of the PD Act. The responsibility for clearing conditions and compliance will remain with WAPC.

Any applications for amendments to approvals through this pathway will also be assessed by the DPLH, and determined by the WAPC under Part 17 of the PD Act.

- **Existing LDAP and JDAPs**

These will become part of the relevant District DAP. For example, the Metro Inner-South JDAP will become part of the Metro-Inner District DAP, unless the application meets the criteria for a Special Matters DAP.