



Development Assessment Panel (DAP)

The Development Assessment Panel (DAP) is an independent decision-making body which determines certain development applications in the place of the original decision maker, being the local government authority and/or the Western Australian Planning Commission (WAPC). DAP's are comprised of independent technical experts and elected local government representatives.

The Shire of Derby West Kimberley is part of the Regional Joint Development Assessment Panel (JDAP) covers the.

Effective 1 July 2011, under the [Development Assessment Panel \(DAP\) Regulations](#), each DAP will determine development applications which meet set type and value thresholds, as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or regional planning scheme.

A JDAP is an independent decision-making body that determines certain development applications in the place of the original decision maker, such as Local Government and/or the Western Australian Planning Commission. JDAPs comprise independent technical experts and elected Local Government representatives.

Applications received with the Shire of Derby west Kimberley are determined by the Regional Development Assessment Panel. The Local Government members rotate on and off the JDAP at a meeting, so that the DAP application within each Local Government is represented by a relevant Council member.

Regional JDAP

Division 2 of the DAP Code of Conduct prescribes a range of things DAP members should and should not do regarding communication. For example, clause 2.4.5 states:

2.4.5 A DAP member must not participate in:

- a. *"A discussion with an applicant, formally or informally, in person or otherwise*
- b. *A site visit, private meeting, briefing, discussion or similar even with any other DAP member. In respect to a development application that is before the relevant DAP or which the member is aware may come before that DAP in future, unless the discussion, visit, meeting or similar event has been consented to by the presiding member of the relevant DAP and arranged by the DAP secretariat."*

DAP Application Types

There are three types of DAP applications:

- Mandatory applications;
- Optional applications; and
- Applications to amend or cancel DAP determined applications.

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Mandatory Applications

Mandatory applications apply to proposed development that has an estimated cost of \$7 million or more and is not an Excluded Development (Note 1). A mandatory application must be determined by a DAP and cannot be determined by a Local Government.

(Note 1: Excluded Development means the construction of a single dwelling, fewer than ten grouped dwellings or multiple dwellings, carports, patios, outbuildings or associated incidental development).

Optional Applications

Optional applications apply to proposed development that has an estimated construction cost between \$3 million and \$7 million in value. In this circumstance, the applicant may choose to use the DAP process or have their application determined by the Shire of York.

Amended or Cancelled Applications

There may be occasions where the DAP development approval which was granted will need to be amended in some way. For instance, following approval of a DAP application, an application may be made to the DAP seeking to:

- Extend the period in which the development has to be substantially commenced
- Amend or delete a condition of development
- Amend an aspect of the development, in a manner which does not substantially alter the development that was approved, or
- Cancel the approval.

For applications to amend or cancel an application, written justification must be provided outlining the reasons for the request in addition to normal information requirements.

Information Requirements

All DAP applications are lodged with the relevant Local Authority.

The following information is required to be submitted with a DAP application (or amended applications):

- DAP Application Form 1
- Shire of Derby West Kimberley Development Application Form
- Shire of Derby West Kimberley Development Planning Fee and DAP Fee (as per relevant schedules)
- A minimum of three copies of appropriately scaled site plans, development plans, elevations and accompanying technical reports in support of the DAP
- Electronic version of the plans and technical reports in PDF format.

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Application Process

The authority receiving the application will assess it as if it were a normal application and prepare a report containing recommendations for the DAP to consider.

Once completed, the report will be forwarded to the DAP Secretariat, which will circulate it amongst the DAP members responsible for the determination.

A meeting is scheduled and the DAP Secretariat circulates the agenda, copies of the application and supporting documentation, together with the responsible authority's report. The Agenda is available on the DAP and relevant local authority website.

DAP meetings are open to the public, and so any interested person can attend. However, only those persons that have applied and are invited to give a presentation to the DAP may address the DAP during the meeting. People who have made a submission on the application during the public advertising process and who are in attendance at the meeting may be asked to make a short presentation to the DAP on their position regarding the application.

Each member of the DAP who is present at a meeting of the panel is entitled to one vote on each matter. In the event of a deadlocked vote (which may occur if one member is absent from a meeting), the person presiding (either the presiding member or the deputy presiding member) will have the power to cast the deciding vote.

Following the meeting, the minutes of the meeting will be finalised and a determination letter on the development application will be sent to the applicant.

Appeals

If an applicant is not satisfied with the DAP determination they may apply to the SAT for a review of the decision. An application seeking review of a decision of a DAP application must be submitted within 28 days of the decision being made. An appeal can be made to the SAT in cases where the:

- Application has been refused
- Applicant is not satisfied with some or all of the conditions imposed and
- Application has not been determined within statutory time frames and is considered to be 'deemed refused' under the applicable local planning scheme and/or region scheme.

There are no third party appeal rights and only the applicant can request the SAT to review a DAP decision. This means that a Local Government that disagrees with the DAP determination cannot apply to SAT for review. The DAP which made the decision is the respondent in any SAT review.

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Additional Information

Further information on the development assessment panels, including procedures manuals and forms, are available online at www.dplh.wa.gov.au/daps.

Any enquiries can be made to the DAP Secretariat on phone (08) 6551 9000 or via email: daps@planning.wa.gov.au.

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