



Western Australia

Local Government Act 1995

Local Government (Development Assessment Panels) Regulations 2025

Local Government (Development Assessment Panels) Regulations 2025

Contents

1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4.	Application of regulations	2
5.	Performance of relevant DAP function	2
6.	Authorisation of employees	3
7.	Conflicts of interest	3

Defined terms

Local Government (Development Assessment Panels) Regulations 2025

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Development Assessment Panels) Regulations 2025*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 May 2025.

3. Terms used

In these regulations —

authorised employee means an employee of the local government authorised by the CEO under regulation 6;

DAP application —

- (a) has the meaning given in regulation 3(1) of the DAP regulations; and
- (b) includes an application under regulation 17(1) of the DAP regulations;

DAP regulations means the *Planning and Development (Development Assessment Panels) Regulations 2011*;

relevant DAP function means a function to which these regulations apply under regulation 4(2);

responsible authority report means a report referred to in regulation 12 of the DAP regulations.

4. Application of regulations

- (1) These regulations apply for the purposes of section 9.69B(2) of the Act.
- (2) These regulations apply to a function of a local government under regulation 12 of the DAP regulations.
- (3) These regulations do not apply in relation to a DAP application that is made before 1 May 2025.

5. Performance of relevant DAP function

- (1) A relevant DAP function —
 - (a) must be performed for and on behalf of the local government by the CEO or by an authorised employee; and
 - (b) cannot be performed by the local government in any other manner (for example, by the council or a committee of the council).
- (2) For the purposes of subregulation (1) —
 - (a) a responsible authority report must be prepared by the CEO or by an authorised employee; but
 - (b) the CEO may, for and on behalf of the local government, engage a person who is not an employee of the local government, and who the CEO believes is suitably qualified, to assist in the preparation of a responsible authority report.
- (3) In relation to the performance of a relevant DAP function, including the preparation of a responsible authority report, none of the following is subject to the direction of the council or a committee of the council —
 - (a) the CEO;

- (b) an authorised employee;
 - (c) a person engaged under subregulation (2)(b).
- (4) Without limiting subregulation (3), neither the council nor a committee of the council can direct the CEO to engage, or not to engage, under subregulation (2)(b) a person or a particular person.

6. Authorisation of employees

- (1) The CEO may authorise an employee of the local government to perform a relevant DAP function for and on behalf of the local government.
- (2) An authorisation under this regulation must be in writing and may be general or limited to DAP applications of a specified class.
- (3) If the local government is a class 1 local government or class 2 local government, the CEO must exercise the CEO's power under this regulation so as to ensure that, so far as is reasonably practicable, there is always at least 1 employee of the local government who has a general authorisation to perform the local government's relevant DAP functions.

Note for this subregulation:

In this subregulation, **class 1 local government** and **class 2 local government** have the meanings given in the *Local Government (Constitution) Regulations 1998* regulation 2A(a) and (b).

7. Conflicts of interest

- (1) This regulation applies if —
 - (a) a relevant DAP function is to be performed, or is being performed, in relation to a matter by the CEO or an authorised employee; and
 - (b) the CEO or authorised employee (as the case requires) is aware, or becomes aware, that they have an interest in the matter.

- (2) The CEO or authorised employee must not perform, or continue to perform, the relevant DAP function.
Penalty for this subregulation: a fine of \$10 000.
- (3) As soon as practicable, the CEO or authorised employee must disclose the nature of the interest in the matter as follows —
 - (a) in the case of the CEO — to the mayor or president;
 - (b) in the case of an authorised employee — to the CEO.Penalty for this subregulation: a fine of \$10 000.
- (4) If it is the CEO who has an interest in the matter, subregulations (2) and (3) do not prevent the CEO —
 - (a) arranging for an authorised employee to perform, or to continue to perform, the relevant DAP function in place of the CEO; or
 - (b) authorising an employee of the local government under regulation 6 so as to enable the employee to perform, or to continue to perform, the relevant DAP function in place of the CEO; or
 - (c) engaging a person under regulation 5(2)(b) to assist in the preparation of a responsible authority report in relation to the matter.
- (5) For the purposes of this regulation, the question of whether the CEO or an authorised employee has an interest in a matter is to be determined in accordance with sections 5.59 to 5.63 of the Act as if —
 - (a) the definition of **relevant person** in section 5.59 of the Act included references to the CEO and an authorised employee; and
 - (b) in section 5.63 of the Act, references to section 5.71 included a reference to this regulation.

- (6) In this regulation, references to performing a relevant DAP function include preparing a responsible authority report.

K. COLLERAN, Clerk of the Executive Council

Defined terms

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)
authorised employee	3
DAP application.....	3
DAP regulations.....	3
relevant DAP function	3
responsible authority report	3

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