



DEVELOPMENT ASSESSMENT PANEL PRACTICE NOTES:

DAP STANDING ORDERS 2024

Under the *Planning and Development (Development Assessment Panels) Regulations 2011*



These Standing Orders are approved by the DAP executive director under regulation 40(5) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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INTRODUCTORY STATEMENT

These Practice Notes contain Standing Orders that set out the procedures for the efficient administration and operation of meetings of Development Assessment Panels (DAPs) established under Part 11A of the *Planning and Development Act 2005* (the Act).

DAPs are required, under regulation 40(5) of the *Planning and Development (Development Assessment Panels) Regulations 2011* (the DAP Regulations), to operate in compliance with these Practice Notes.

Notwithstanding, failure to comply with the practice notes does not cause any invalidity of a decision made at a particular DAP.

Where requirements of the Act or DAP Regulations are relevant to matters dealt with in these Practice Notes, the relevant provisions are referred to in the text for information purposes.



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PART 1 – PRELIMINARY

1.1 Citation

These Practice Notes may be cited as the *Development Assessment Panel Standing Orders 2024*.

1.2 Purpose

1.2.1 These Practice Notes set out the procedures for the efficient administration and operation of DAP meetings.

1.2.2 DAPs are required to comply with these Practice Notes under regulation 40(5) of the DAP Regulations.

1.3 Definitions

1.3.1 In these Practice Notes, unless otherwise defined, words and phrases have the same meanings as they have in the Act, the DAP Regulations, and the DAP Code of Conduct.

1.3.2 In particular:

- (a) **Alternate local government DAP member** means a person appointed to be an alternate member for a local government under regulation 25(2)(b) of the DAP regulations.
- (b) **DAP** means a Development Assessment Panel established under Part 11A of the *Planning and Development Act 2005*.
- (c) **DAP application** means a development application that is a DAP application under regulation 6 of the DAP regulations and in relation to which the applicant has elected, under regulation 7 to have the application determined by a DAP.

Note 1: A DAP application is a development application that:

- (i) is not an excluded development application as defined below:
 - (a) construction of a single house and any associated carport, patio, outbuilding and incidental development; or
 - (b) development in an improvement scheme; or
 - (c) a public work; or
 - (d) development wholly within an area identified as a regional reserve under a region planning scheme.
- (ii) An application for the approval of development that has an estimated cost of \$2 million or more.
- (iii) Is or includes community housing that is to be provided by a registered community housing provider.



- (d) **DAP Code of Conduct** means the *Development Assessment Panel Code of Conduct 2024*.
- (e) **DAP fee** means the fee payable under regulation 10 of the DAP regulations.
- (f) **DAP member** means a Specialist DAP member or a Local Government DAP member.
- (g) **DAP regulations** mean the *Planning and Development (Development Assessment Panels) Regulations 2011*.
- (h) **DAP executive director** means a departmental officer appointed by the Director General with experience in and an accredited tertiary qualification in urban and regional planning, as outlined in regulation 49 of the DAP regulations.
- (i) **DAP Secretariat** means the department officers made available to assist, under the direction of the DAP executive director, the DAPs and the DAP executive director in the performance of their functions as outlined in regulation 49(6) of the DAP regulations.
- (j) **DAP website** means the website established under regulation 51 of the DAP regulations.
- (k) **Department** means the Department of Planning, Lands and Heritage.
- (l) **Deputy presiding member** means the DAP member designated to perform the functions of a deputy presiding member under regulation 24 of the DAP regulations.
- (m) **Local government member** means a person designated as a local government member or an alternate local government member under regulation 25(2) of the DAP regulations.
- (n) **Presiding member** means the DAP member designated as the presiding member for each meeting of the DAP at which the DAP deals with an application under regulation 24 of the DAP regulations.
- (o) **Regular specialist DAP member** means a person appointed as a regular specialist DAP member of a DAP under regulation 27(1) of the DAP regulations.
- (p) **Sessional specialist DAP member** means a person who holds the office of a sessional specialist DAP member under regulation 27(3) of the DAP regulations.
- (q) **Specialist Member** means a Regular specialist DAP member or Sessional specialist DAP member
- (r) **The Act** means the *Planning and Development Act 2005*.



1.4 Relationship to DAP Regulations

- 1.4.1 If there is any inconsistency between a provision of these Practice Notes and a provision of the DAP regulations, the provision of the DAP regulations prevails to the extent of inconsistency.
- 1.4.2 Notes in the text of these Practice Notes containing reference to relevant provision of the DAP regulations are included for reference purposes only. Any relevant provision of the DAP regulations may contain additional material and should be consulted in addition to the Practice Notes.



PART 2 – ATTENDANCE AT DAP MEETINGS

2.1 Entitlement to sit as a DAP member

A DAP member who has a conflict of interest in relation to a DAP application to be considered at a DAP meeting is not entitled to attend or vote at the meeting in relation to that item. Conflicts of interest are dealt with in more detail in Part 6 of these Practice Notes and in Part 3 of the DAP Code of Conduct.

2.2 Quorum

At a meeting of a DAP, a quorum is constituted by three (3) DAP members, one of whom is the presiding member.

Reference: r.41

2.3 Attendance of members generally

2.3.1 DAP members are to be allocated to a DAP meeting by the DAP executive director.

2.3.2 If a DAP member will be unable to attend a DAP meeting in relation to which the member has confirmed their availability to attend, the member is to inform the DAP Secretariat as soon as practicable after becoming aware of the fact.

2.3.3 The presence of a person at a DAP meeting need not be by attendance in person but may be by that person being simultaneously in contact by telephone, or other means of instantaneous communication with the other persons at the DAP meeting.

Reference: r43

2.3.4 Where a DAP member attends under 2.3.3, that member shall only be in the presence of other DAP members, if anyone.

2.4 Attendance of DAP presiding members and deputy presiding members

2.4.1 The DAP executive director will designate a specialist DAP member as the presiding member and a deputy presiding member for each meeting.

2.4.2 If the DAP member designated as the presiding member is unable to preside by reason of illness, absence or other cause, the deputy presiding member is to preside.

Reference: r.24



2.5 Attendance of specialist DAP members

At a meeting of a DAP, three specialist DAP members are to attend, with at least one being a Regular Specialist DAP member and two being designated by the DAP executive director as follows:

- (a) A specialist DAP members designated to sit as presiding member.
- (b) A specialist DAP member designated to sit as deputy presiding member.

2.6 Attendance of local government DAP members

2.6.1 At a DAP meeting there should be 2 local government DAP members for the relevant local government in relation to the application being considered.

Reference: r.23(1)(a)

2.6.2 At a DAP meeting at which more than one application is to be determined, and the applications relate to development in more than one local government district, the presiding member must ensure that the DAP is at all times constituted with two local government members representing the local government of the district to which the DAP application being determined relates. This is referred to, in these orders, as the required constitution of a DAP.

2.6.3 The required constitution of a DAP is to be achieved by rotating local government members on and off the DAP as appropriate with these changes to be recorded in the DAP minutes.

2.6.4 A local government member who is attending a DAP meeting in order to enable the required constitution of a DAP to be achieved:

- (a) may attend and observe the business of the meeting while the member is not sitting as a member of the DAP; and
- (b) is not entitled to vote on any application or to otherwise address or participate in the meeting otherwise than at a time when the member is sitting as a member of a DAP.

2.7 Attendance of alternate local government members

2.7.1 At a meeting of a DAP where a local government member is unable to attend for any cause, an appropriate alternate local government member will be appointed by the DAP executive director and is to attend in the absent member's place.

Reference: r.26



2.8 Leave of Absence

- 2.8.1 If a DAP member will be unable to attend two or more consecutive DAP meetings, the member must seek leave of absence from the Minister for regulation 33 of the DAP regulations.
- 2.8.2 A DAP member's leave of absence is to be included as an item on the next meeting agenda of the relevant DAP to ensure that it is noted in the DAP minutes.

2.9 Attendance of responsible authority representative

The DAP Secretariat is to invite the responsible authority officer who prepared the report for a development application to attend, or to send a representative to, a DAP meeting at which the application is to be determined.

2.10 Public Attendance

- 2.10.1 DAP meetings are to be open to the public, including if members of the public can observe the DAP meeting using audio visual communications.
- 2.10.2 DAP meetings shall be live streamed unless a procedural motion to the contrary is passed by majority at the beginning or at any other time during the meeting for a purpose prescribed by the DAP Regulations.

Reference: r.40(2A) & (2B)



PART 3 – ARRANGEMENTS TO BE MADE BEFORE DAP MEETINGS

Division 1 – Responsible Authority Report

3.1 Provision of responsible authority's report

- 3.1.1 The responsible authority for a DAP application is to provide to the DAP executive director a responsible authority's report on the application, in the form required by regulation 12 of the DAP regulations.
- 3.1.2 The responsible authority's report is to be provided to the DAP executive director at least 12 days before the day on which the application would be taken to be refused under the relevant planning instrument.
- 3.1.3 The responsible authority's report is to include material required by regulation 12(5) of the DAP regulations. Specifically, this includes:
- (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, public, or planning authority consulted in respect of the application; and
 - (c) Any other information that the responsible authority considers is relevant to determining the application.

Reference r.12(5)

- 3.1.4 On receipt of a responsible authority's report and associated material, the DAP Secretariat is to:
- (a) Inform both the responsible authority in writing that the report has been received; and
 - (b) Insert the report and associated material, into the relevant meeting agenda at which the application is to be determined.



Division 2 – Convening a DAP Meeting

3.2 DAP meeting agenda

- 3.2.1 The DAP Secretariat is to prepare an electronic agenda (the meeting agenda) for each DAP meeting.
- 3.2.2 At least seven days before a DAP meeting, the DAP Secretariat is to circulate the meeting agenda to:
- (a) each DAP member who is to attend the meeting;
 - (b) the responsible authority that is the author of a responsible authority's report relating to a DAP application to be determined at the meeting;
 - (c) each applicant in relation to a DAP application to be determined at the meeting;
 - (d) any person who has been invited, in accordance with 3.6, to make a submission or present information at the meeting; and
 - (e) each local government of a district in respect of which the DAP will be considering a DAP application.
- 3.2.3 At least seven days before a DAP meeting:
- (a) The DAP secretariat is to publish the meeting agenda on the DAP website.
 - (b) Each local government of a district in respect of which the DAP will be considering a DAP application is to publish the agenda on the local government's website.
 - (c) Each local government must give written notice of the time, date and location of the DAP meeting, and the agenda for the meeting, to each person who has made a written submission to the local government in relation to a DAP application to be considered at a meeting.

3.3 Seating of Members

- 3.3.1 Seating of members and layout of meeting rooms is to be decided by the DAP executive director.



Division 3 – Arrangements for reports, presentations or deputations to be considered or heard at a DAP meeting.

3.4 Consideration of responsible authority’s report and requests for further information

3.4.1 On receipt of a meeting agenda, a DAP member is to review the responsible authority’s report and associated material.

3.4.2 A DAP, in determining a DAP application, must have regard to but is not bound to give effect to the recommendations given in a responsible authority report.

3.4.3 If, following review of the material, a DAP member requires further information from a responsible authority, the DAP member is to make a request to the DAP executive director. If the DAP executive director agrees that the request is reasonable and relevant and would assist the DAP consideration of the item, then the DAP secretariat is to issue a direction in writing from the DAP executive director to provide technical advice or assistance, or further information in writing.

Reference: r.12(6) and r.13(1)

3.4.4 Responses provided to any approved directions for further information will be published on the DAP website in addition to the meeting agenda.

3.5 Delay in providing responsible authority’s report or further information

3.5.1 If the DAP secretariat becomes aware that:

- (a) A responsible authority’s report under 3.3 will not be provided in time; or
- (b) further information requested will not be provided in sufficient time for it to be considered before the DAP meeting at which the relevant application is to be considered:

the DAP secretariat is to contact the responsible authority to establish when the relevant information will be able to be provided and notify each member of the DAP who is attending the meeting.

3.5.2 If a responsible authority’s report on a DAP application is not provided in time for inclusion as part of the meeting agenda, the DAP may determine the application in the absence of the report.

Reference: r.12(7)



3.6 Submissions or presentations at a DAP meeting

3.6.1 The presiding member of a DAP may invite a person to be present at a meeting of the DAP to advise or inform, or make a submission to, the DAP.

Reference: r.40(3)

3.6.2 A person who, or group of persons which, wishes to be present at a meeting of a DAP to make a verbal submission to the DAP must provide a request in writing (a presentation request) to the DAP secretariat, at least 72 hours before the commencement of the meeting. The presentation request is to be accompanied by a written document setting out the substance of the submission the person or group proposes to make.

3.6.3 A presentation request is to:

- (a) identify the DAP application in respect of which a submission is sought to be made, and
- (b) summarise the content of the submission and contain contact details for the person or a representative of the group.

3.6.4 As soon as practicable on receipt of a presentation request, the DAP secretariat is to forward it to the presiding member of the relevant DAP. If the presiding member is not available, the DAP secretariat is to forward the application to the deputy presiding member.

3.6.5 As soon as practicable on receipt of a presentation request, the presiding member or deputy presiding member, in the presiding member's absence, is to:

- (a) inform the DAP secretariat if the request has been approved or declined; and
- (b) inform the DAP secretariat as to whether the request is to be circulated and published on the DAP website.

3.6.6 As soon as practicable on being informed under 3.6.5 the DAP secretariat is to advise the person or representative as to whether the request has been approved or declined.

3.6.6 Advice that a request has been approved is taken to be an invitation for the purposes of regulation 40(3) of the DAP regulations.

3.6.7 Should a presentation request be declined the information may still be included and circulated to the panel as a written submission, at the discretion of the Presiding member.

3.6.8 Any approved presentations and written submissions will be published on the DAP website in addition to the meeting agenda.



PART 4 – ORDER OF BUSINESS DURING DAP MEETINGS

4.1 Order of business

- 4.1.1 The order of business is to be generally conducted as follows:
- (a) declaration of opening;
 - (b) apologies;
 - (c) members in leave of absence;
 - (d) noting of minutes;
 - (e) declaration of due consideration in accordance with 4.5;
 - (f) disclosures of interest in accordance with Part 6;
 - (g) submissions and presentations by persons invited to advise, inform, or make a submission to a DAP in accordance with 3.6;
 - (h) consideration of responsible authorities' reports and determination of DAP applications;
 - (i) report of the DAP executive director on SAT reviews;
 - (j) general business (as specified in the meeting agenda), including consideration of any correspondence;
 - (k) closure.
- 4.1.2 Where there are multiple local governments, items 4.1.1 (e) to (i) may be repeated for each local government.
- 4.1.3 Business that is not specified in the relevant DAP meeting agenda cannot be transacted at a DAP meeting.

4.2 Item: declaration of opening

- 4.2.1 The Presiding member will declare a DAP meeting open once a quorum is formed, a minute taker is confirmed, and all DAP members confirmed to be attending are present.
- 4.2.3 During a DAP meeting, DAP members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.
- 4.2.4 DAP meetings will be live streamed and publicly available via the DAP website.



4.3 Apologies

Any apologies received from DAP members are to be noted in the minutes.

4.4 Item: leave of absence

Any leave of absence granted by the Minister under regulation 33 of the DAP regulations is to be noted in the minutes.

4.5 Item: noting of previous minutes

The confirmed minutes of the previous meeting are to be made available for noting by DAP members.

4.6 Item: declaration of due consideration

4.6.1 Any DAP member who is not familiar with the substance of any report or other information provided for consideration at a DAP meeting must declare that fact at the time declarations of due consideration are called or otherwise before the meeting considers the matter.

4.6.2 In the event of a declaration made under 4.6.1 the relevant matter may be deferred for later consideration at that DAP meeting so as to allow an opportunity for any DAP member making a declaration to become familiar with the relevant report or other information.

4.6.3 If the delay in 4.6.2 has not allowed sufficient time for the DAP member to give due consideration to the matter, the DAP member is to leave the meeting room before the matter is considered and is put to the vote.

4.6.4 Where a DAP member withdraws from a DAP meeting, the presiding member may invite the withdrawn DAP member's alternate member, if the alternate member is present, to participate in accordance with 5.14.2 and that member is able to make the required declaration under 4.6.1.

4.6 Item: disclosures of interest

4.7.1 Disclosures of interest made under Part 6 are to be called for, and any disclosures made, including details of the type and extent of the interest disclosed, are to be recorded in the minutes.

4.7.2 Notwithstanding 4.7.1, a disclosure of interest made under Part 6 may be made at any time during the meeting if a member becomes aware of the existence of a conflict.

4.7.3 DAP Members may participate in a site visit prior to the DAP meeting in accordance with the Code of Conduct 2024.



4.8 Item: submissions or presentations by external parties

- 4.8.1 Any person, or group of persons, invited by the DAP to advise, inform, or make a submission to the DAP (an external party), should be given the opportunity to provide the advice, information or a submission prior to the DAP application being determined at a DAP meeting.
- 4.8.2 Any verbal submission being made by an external party who is attending the DAP meeting following a written request under 3.6 is not to exceed three minutes unless an extension of time is granted by the presiding member.
- 4.8.3 A representative of a responsible authority or departmental staff member attending a DAP meeting in relation to a DAP application that is the subject of advice or information or a submission from an external party may, on the request of the presiding member, make a comment or provide advice on any matters raised by the external party.
- 4.8.4 The meeting minutes are to record the names of any external party attending, not including those observing via livestream, at a DAP meeting.
- 4.8.5 The applicant, or a representative of the applicant, and a representative of the responsible authority, is entitled to be present whenever an external party is present at a DAP meeting in relation to the applicant's DAP application.

Reference: r. 40(3)

- 4.8.6 Once a presenter has concluded their submission DAP members, at the discretion of the Presiding Member, may ask the presenter any questions, point of clarification required in relation to their presentation.

4.9 Item: consideration of responsible authorities' reports and determination of DAP applications

- 4.9.1 The DAP is to determine a development application before it as if it were the responsible authority making a decision under the Act and the planning instrument under which the application is made.

Reference: r. 8(1)

- 4.9.2 In its consideration of a responsible authority's report, a DAP is to have regard to, but is not bound to give effect to, the recommendation included in the report.

Reference: r. 12(6)

- 4.9.3 The Presiding Member is to invite DAP members to move the recommendation of the RAR, as the first order of call.

- 4.9.4 A DAP may amend a previous DAP determination, on application by the applicant, if the DAP considers that the amendment is of a minor nature.

Reference: r. 17



- 4.9.5 If the DAP has amended a determination in accordance with regulation 17 of the DAP regulations, the meeting minutes are to reflect the content of the report.
- 4.10.3 If the DAP has amended a determination at a meeting not open to the public, in accordance with regulation 40(4) of the DAP regulations, the presiding member of the DAP is to report on the amendment at the next occurring DAP meeting, and the meeting minutes are to reflect the content of the report.

4.10 Item: DAP executive director's report on SAT review

- 4.10.1 An applicant for development approval may apply to the State Administrative Tribunal (SAT) for a review of a determination of a DAP.

Reference: r. 18

- 4.10.2 The DAP executive director is to report at a DAP meeting on the outcome of any SAT review of a DAP determination that has been decided by the SAT since the last occurring meeting of the DAP.

4.12 Item: general business and consideration of correspondence

A DAP member may raise any item of general business at a DAP meeting. A DAP member addressing the meeting as to general business is to confine remarks to the business raised, and not digress.

4.13 Item: meeting closure

At the conclusion of all business, or at a time otherwise determined by the members present at a meeting, the presiding member is to declare the meeting closed, and the closing time is to be recorded in the minutes.



PART 5 – CONDUCT OF BUSINESS DURING DAP MEETINGS

Division 1 Motions

5.1 Definitions

In this Division:

amending motion means a motion that proposes an amendment to a primary motion.

motion includes a primary motion, amending motion and procedural motion.

mover, in relation to a primary or amending motion, means the DAP member who first moved the motion, by way of raising their hand and/or announcing their name.

primary motion means a motion that is not an amending motion or a procedural motion.

seconder, in relation to a primary or amending motion, means the DAP member who seconded the motion, by way of raising their hand and/or announcing their name.

5.2 Order of call-in debate

Except where modified by 4.9.3 or a procedural motion, the presiding member is to call speakers to debate a motion or amendment in the following manner –

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers against and for the motion, alternating in view, if any;
- (f) the mover takes right of reply which closes debate; and
- (g) the matter is put to the vote.



5.5 Moving a motion

5.5.1 A DAP member wishing to move a motion is to:

- (a) state the substance of the motion before speaking on it, and
- (b) put the motion in writing if:
 - (i) in the opinion of the presiding member, the motion or amendment represents a significant departure from the relevant recommendation of a responsible authority's report; or
 - (ii) the presiding member otherwise requires it.
 - (iii) It is recommended that if amendments are identified by panel members, prior to the meeting, that these are to be provided to the DAP Secretariat to circulate to the Panel considering the application.

5.5.2 The terms of a written motion are to be given to the presiding member and recorded in the minutes, if proceeded with at the meeting through an amendment to the report recommendation.

5.5.3 The presiding member may require a complex motion to be broken down and put in the form of more than one sequential motion.

5.5.4 No motion is to be put while another motion is being debated.

5.5.5 Only one motion is to be debated at any one time.

5.5.6 No member is to speak twice on the same motion, except when in reply to an original motion of which the member was the mover, or through the Presiding Member to ask a question of clarification a statement by another member.

5.6 Motions to be seconded

5.6.1 A motion is not to be debated until it has been seconded.

5.6.2 A member seconding a motion retains the right to speak on the motion later in the debate.

5.6.3 A motion is not to be amended by the mover without the consent of the seconder.



5.7 Opposed and unopposed motions

- 5.7.1 Immediately after a motion has been moved and seconded, the presiding member is to ask the meeting if any other member opposes the motion. If no member opposes the motion, the presiding member may declare it carried without debate or voting.
- 5.7.2 If a member opposes a motion:
- (a) it is to be debated in accordance with this Division; and
 - (b) the minutes are to record the identity of the member or members opposing.

5.8 Withdrawing a motion

- 5.8.1 A motion may be withdrawn by the mover, with the consent of the seconder, prior to the motion being put to a vote. No member is to speak on a motion after it has been withdrawn.
- 5.8.2 If an amending motion has been made, the primary motion it proposes to amend cannot be withdrawn, other than by consent of a majority of members, until the amending motion has been itself withdrawn or, after a vote, is not carried.

5.9 Amending motions

- 5.9.1 A DAP member may move an amending motion at any time during debate on a primary motion, except:
- (a) if the mover has been called by the presiding member to exercise the right of reply, or
 - (b) if the member has already spoken on the primary motion, or
 - (c) if another amendment to the primary motion is being debated, or has not been withdrawn, carried or lost.
- 5.9.2 A DAP member moving an amending motion must first state the reasons for the amending motion.
- 5.9.3 An amending motion must be relevant to the primary motion it proposes to amend and must not have the effect of negating that primary motion.
- 5.9.4 An amending motion may not be moved in relation to a procedural motion made under 5.10.



- 5.9.5 An amending motion must take one of the following forms:
- (a) that certain words be omitted from a primary motion;
 - (b) that certain parts be omitted from a primary motion and other parts substituted or added;
 - (c) that certain words be added to a primary motion.
- 5.9.6 Only one amending motion is to be debated at a time, but there is no limit to the number of sequential amending motions that may be moved to a primary motion before the primary motion is put to the vote.
- 5.9.7 If an amending motion is carried, the primary motion as amended is to be treated as the primary motion for the purposes of subsequent debate.

5.10 Procedural motions

- 5.10.1 A member may move any of the following procedural motions at any point during the meeting:
- (a) that a motion be deferred; or
 - (b) that the meeting now adjourn; or
 - (c) that the debate now close; or
 - (d) that the motion be now put; or
 - (e) that the meeting proceed to the next item of business; or
 - (f) that a member be no longer heard; or
 - (g) that an item be dealt with behind closed doors; or
 - (h) that Standing Orders be suspended.
 - (i) That Standing Orders be reinstated.
 - (j) That the meeting/application determination is not live streamed



5.10.2 If carried, a procedural motion:

- (a) that a motion be deferred - has the effect that all debate on the relevant motion is to cease and the motion is to be resubmitted at a time and date specified in the motion;
- (b) that the meeting now adjourn - has the effect that the meeting is adjourned to the time and date specified in the motion or, where no time or date is specified, the next ordinary meeting;
- (c) that the debate now close - has the effect that all debate on the relevant motion is to cease and the matter is to be put to vote;
- (d) that the motion be now put - has the effect that the presiding member is to offer the right of reply and then immediately put the matter to vote without further debate;
- (e) that the meeting proceed to the next item of business – has the effect that debate on the relevant motion is to cease;
- (f) that a member be no longer heard - has the effect that the speaker against whom the motion is moved may not speak any further on the relevant motion, except to exercise any right of reply if he or she was the mover of the relevant motion;
- (g) that an item be dealt with behind closed doors - has the effect that the matter is considered privately or other means necessary as may be required for the purposes of compliance with a direction or requirement of the State Administrative Tribunal Act 2004, or any other statutory requirement or to receive and consider legal advice; and
- (h) that Standing Orders be suspended - has the effect that further debate can continue, allowing members to speak more than once on the same item.
- (i) That standing orders be reinstated has the effect that no further debate is to occur, and the meeting is to continue from the point where the Standing Orders were suspended.
- (j) That the meeting or application determination is not livestreamed – has the effect that the meeting will no longer be livestreamed and therefore the recording would not be available on the DAP Website proceeding the meeting.

5.10.3 A member moving a procedural motion is to speak on the motion for no more than two minutes. A member seconding a procedural motion is not to speak other than to formally second the motion.

5.10.4 There is to be no debate on a procedural motion.



5.11 Voting on DAP applications

5.11.1 Each DAP member, including the presiding member, has a single vote on a decision to be made on the DAP, except in the case of an equality of votes, in which case the presiding member has a casting vote.

Reference: r. 42(1)

5.11.2 A matter to be decided by a DAP must be decided by a majority of votes.

Reference: r. 42(2)

5.11.3 Each DAP member attending a meeting must vote on a matter that is put to the vote.

5.11.4 The presiding member, in taking a vote on any motion, is to:

- (a) put the motion, first in the affirmative and then in the negative; and
- (b) determine whether the affirmative or the negative has a majority of votes and, in the case of an equality of votes, make a casting vote; and
- (c) declare the result of the vote.

5.11.5 The result of a vote is to be determined on a show of hands and/or by announcing their name, should the member not be visible on the screen.

5.11.6 The meeting minutes are to record the voting outcome in relation to each DAP application.

5.11.7 DAP members must exercise their vote independently and based on the information provided and the merits of the individual application. Members are not to take into consideration the policy or positions adopted by any other organisations to which a member may belong.



Division 2 - DAP applications

5.11 Law governing determination of DAP applications

A DAP's determination of a DAP application is made under the Act and the applicable local planning scheme. Accordingly, the DAP must comply with the provisions of the Act and the applicable scheme when making a determination.

Division 3 - Determination of DAP applications and acceptance of recommended conditions

5.12 Determination of DAP applications

A DAP application may be determined by resolution of the DAP in one of the following ways:

- (a) by approving the application subject to conditions;
- (b) by approving the application without any conditions;
- (c) by refusing the application with reasons.

5.13 Adoption of recommendations in reports

5.13.1 If a DAP adopts a recommendation contained in a responsible authority's report, either with or without amendment, the recommendation so adopted is taken to be a determination of the DAP.

5.13.2 A DAP may approve, by a single resolution, all the recommendations or a group of recommendations from a responsible authority's report, without amendment, after having first identified whether any of the recommendations:

- (a) are related to an interest disclosed by a member;
- (b) have been the subject of a submission or presentation to the DAP;
- (c) have been identified by a member as a matter requiring further discussion or clarification.

5.13.3 A DAP must consider any of the matters referred to in 5.13.2 (a), (b) or (c) separately.



Division 4 - Other matters relating to conduct of meeting

5.14 Loss of quorum during meeting

- 5.14.1 If, for any reason, a member (the departing member) leaves a meeting with the result that a quorum is no longer present (for instance, following disqualification on disclosure of interest), the presiding member is to suspend the meeting as soon as practicable after becoming aware of the fact.
- 5.14.2 The presiding member is then to invite the departing member's alternate member, if the alternate member is present, to participate in the meeting in place of the departing member for the duration of that member's absence.
- 5.14.3 If the departing member's alternate member is not present a quorum cannot be formed, and the presiding member is to adjourn the meeting to a future time and date.

5.15 DAP member attending meeting as observer

- 5.15.1 A DAP member may attend the meeting of any DAP as an observer.
- 5.15.2 A DAP member attending a DAP meeting as an observer may, with the consent of the presiding member, speak at the meeting, but:
- (a) is not entitled to vote on any motion before the DAP, and
 - (b) must sit in an area set aside for observers and separated from the sitting DAP members.
- 5.15.3 The requirements of the DAP Code of Conduct, and of Part 6 of these Practice Notes, relating to identification and disclosure of conflicts of interest, apply to a DAP member attending a DAP meeting as an observer in the same way they apply to a DAP member attending a meeting in the performance of the DAP member's functions under the Act.

5.16 Live Streaming and recording of meeting

- 5.16.1 A DAP meeting will be live streamed, unless a procedural motion is carried that an item be dealt with behind closed doors.
- 5.16.2 The live streaming of a DAP meeting will be done in accordance with regulation 40(2A).
- 5.16.3 A person must not otherwise use any electronic, visual or audio recording device or instrument to record the proceedings of a DAP meeting unless the presiding member has given permission to do so.
- 5.16.4 Recordings of the livestream will be made available on the DAP website within 10 days of the meeting.
- 5.16.5 The recording of the meeting will need to be retained for up to 1 year to comply with obligations under the *State Records Act 2000*.



5.17 Conduct of DAP members at meetings

During a DAP meeting, a DAP member must not:

- (a) make a statement that a local government or departmental employee is incompetent or dishonest; or
- (b) use any offensive or objectionable expression in reference to a local government or departmental employee.

Reference: r. 47

5.18 Presiding member to preserve order

5.18.1 The presiding member is to preserve order and, whenever they considers it necessary, may call any member or other person to order. Conduct that is out of order includes, without limitation, the following:

- (a) discussion of a matter before the meeting;
- (b) offensive or objectionable language;
- (c) comments which adversely reflect on the character or actions of another member or employee of the department or local government;
- (d) conduct contravening any law or the DAP Standing Orders.

5.18.2 Depending on the nature of the point of order, the presiding member may request that the member withdraw a comment and make a satisfactory apology.

5.18.3 If a member:

- (a) persists in any conduct that is out of order; or
- (b) fails to comply with a direction from the presiding member,

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

5.19 Prevention of disturbance

5.19.1 A reference in this clause to a person is to a person other than a DAP member.

5.19.2 A person addressing the DAP must extend due courtesy and respect to the DAP and the processes under which it operates and must comply with any direction from the presiding member.

5.19.3 A person must not interrupt or interfere with the proceedings of any DAP meeting, whether by expressing approval or dissent, by conversing or by any other means.

5.19.4 The presiding member may warn a person who fails to comply with this clause.



5.19.5 If:

- (a) after being warned, the person again acts contrary to this clause; or
- (b) a person refuses or fails to comply with a direction by the presiding member,

the presiding member may expel the person from the meeting by ordering them to leave the meeting room or for the DAP Secretariat to remove them from the online meeting platform.



PART 6 – DISCLOSURE OF CONFLICT OF INTEREST BEFORE AND DURING DAP MEETINGS

DAP Members are to disclose any conflicts of interest which will be managed as per the DAP Code of Conduct 2024.



PART 7 - ADMINISTRATIVE MATTERS

7.1 DAP minutes

7.1.1 The DAP Secretariat is to ensure that accurate minutes are taken of the meeting,

Reference: r. 44

7.1.2 The content of minutes of a DAP meeting must include the following:

- (a) the names of the DAP members present at the meeting;
- (b) the time of entry and departure of any DAP member;
- (c) details of each motion moved and seconded at the meeting, the mover, the seconder and the outcome of the motion;
- (d) details of each decision made at the meeting and the reasons given for each decision;
- (e) any other matter that these Practice Notes state is to be recorded in the minutes of a meeting.

Reference: r. 44(1A) identifies that the content in 5.1.2(d) is mandatory

7.1.3 In the case of a meeting of a DAP in which local government members are to be rotated to ensure a required constitution, as referred to in 2.7.2, the minutes are to contain sufficient detail that the identity of members considering and voting on a particular DAP application can be readily ascertained.

7.1.4 Regulation 44 (1) of the DAP regulations requires accurate minutes to be kept. If, at any point in the proceedings, the minute taker requires further information to ensure the accuracy of the minutes, the minute taker is to request the information from the presiding member.

7.1.5 The person taking the minutes, is to provide the DAP executive director with a draft of the minutes within five ordinary days after the meeting.

Reference: r. 44(2)

7.1.6 The DAP secretariat is to circulate the draft minutes to all DAP members in Attendance at the DAP meeting. DAP members are to advise the DAP secretariat of any suggested changes to the draft minutes. The DAP secretariat is then to forward the amended draft minutes to the presiding member for confirmation and signature.



7.1.7 Within ten ordinary days of a DAP meeting, the minutes are to be:

- (a) confirmed and signed by the presiding member,
- (b) published on the DAP website,
- (c) each relevant local government is to provide a link on its website to the signed minutes on the DAP website.

Reference: r. 44

7.1 Notification of development application determination

As soon as practicable after the DAP has made a determination on a DAP application and the minutes of the relevant meeting have been confirmed and signed as required by regulation 44 of the DAP regulations, the DAP secretariat is to:

- (a) ensure compliance with the making and notification requirements of the planning instrument under which the DAP application was made; and
- (b) give a copy of any written notice to the responsible authority.

Reference: r. 16

7.3 Public comment

A DAP member must not publicly comment, either orally or in writing, on any action or determination of a DAP.

Reference: r. 48

7.4 Presiding member to ensure compliance

The presiding member is to ensure compliance with the DAP Standing Orders and that:

- (a) all material relevant to a decision has been made available to all members; and
- (b) all matters are well considered; and
- (c) all members are able to contribute to the discussion of any matter; and
- (d) the decision on the matter is understood by all DAP members.