



**THIRTY-NINTH PARLIAMENT**

**REPORT 94**

**STANDING COMMITTEE ON UNIFORM  
LEGISLATION AND STATUTES REVIEW**

**CORRECTION TO REPORT 93: REVIEW OF THE  
*PLANNING AND DEVELOPMENT (DEVELOPMENT  
ASSESSMENT PANELS) REGULATIONS 2011***

Presented by Hon Kate Doust MLC (Chair)

September 2015

# STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

## Date first appointed:

17 August 2005

## Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

### “6. Uniform Legislation and Statutes Review Committee

- 6.1 A *Uniform Legislation and Statutes Review Committee* is established.
- 6.2 The Committee consists of 4 Members.
- 6.3 The functions of the Committee are –
  - (a) to consider and report on Bills referred under Standing Order 126;
  - (b) on reference from the Council, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to Standing Order 126;
  - (c) to examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia;
  - (d) to review the form and content of the statute book; and
  - (e) to consider and report on any matter referred by the Council.
- 6.4 In relation to function 6.3(a) and (b), the Committee is to confine any inquiry and report to an investigation as to whether a Bill or proposal may impact upon the sovereignty and law-making powers of the Parliament of Western Australia.”

## Members as at the time of this inquiry:

Hon Kate Doust MLC (Chair)

Hon Brian Ellis MLC (Deputy Chair)

Hon Mark Lewis MLC

Hon Samantha Rowe MLC

## Staff as at the time of this inquiry:

Alex Hickman (Advisory Officer (Legal))

Tracey Sharpe (Committee Clerk)

## Address:

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

unileg@parliament.wa.gov.au

Website: <http://www.parliament.wa.gov.au>

ISBN 978-1-925149-32-6

**REPORT OF THE STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES  
REVIEW**

**IN RELATION TO THE**

**CORRECTION TO REPORT 93: REVIEW OF THE *PLANNING AND DEVELOPMENT  
(DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011***

---

**1 INTRODUCTION**

- 1.1 On 8 September 2015 the Standing Committee on Uniform Legislation and Statutes Review (**Committee**) tabled Report 93: Review of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

**2 CORRECTION**

- 2.1 The Committee brings to the attention of the House the following corrections to Report 93.
- 2.2 The report, at pages 98-99, paragraph 3.227, quotes extracts from a document authored by the Western Australian Local Government Association (**WALGA**) entitled *Development Assessment Panels 4<sup>th</sup> Year Review (4<sup>th</sup> Year Review)*.
- 2.3 The extract, sourced from a draft version of the 4<sup>th</sup> Year Review, contains a typographical error at the bottom of page 98 when it refers to a DAP application taking 144.4 days to process. The 4<sup>th</sup> Year Review has since been finalised by WALGA. The final version of this document differs from the draft version quoted in Report 93. In particular, the final version states that a DAP application takes 114.2 days to process.
- 2.4 Report 93 incorrectly states at paragraph 3.227:

*The processing times of DAPs in the fourth year has again increased on previous years, with a weighted average of 104.4 days to process, up from 101.6 in the previous year, 86.1 in the second year and 76.1 in year one. This indicates that the DAP system is increasingly failing to provide a more efficient determination process, as it set out to do in 2011. At this time, it currently take(sic) an average of 144.4 days to process each DAP application, including the 10 days required to communicate the decision.*

*A new trend has emerged this year with a significantly higher proportion of DAP applications being subject to deferral. In many cases, a DA that is recommended for refusal or approval has been*

*deferred to allow the applicant to address a number of issues. Generally, the Development Application is approved at the next DAP meeting. The total number of deferrals for the first three years of DAP operations was 7, while in this most recent year, there were 37 deferrals. Of those, 13 were originally recommended for approval while the remaining 24 were recommended for refusal, the majority of them were then approved in a following meeting.*

- 2.5 To reflect the final version of the 4<sup>th</sup> Year Review, the above quotes are corrected as follows:

*The processing times of DAPs in the fourth year has again increased on previous years, with an average of 104.2 days to process a DA, raising the average processing time across all four years of operation to 95.1 days. This indicates that the DAP system is increasingly failing to provide a more efficient determination process, as it originally set out to do in 2011. During the past year, it took an average of 114.2 days to process each DAP applications (sic), including the 10 days required to communicate the decision.<sup>1</sup>*

*A new and significant trend has emerged during DAP's fourth year of operation which has seen a dramatic increase in the number of DAP applications being subject to deferral. The total number of deferrals for the first three years of DAP operations was just 7, whilst during the fourth year of operation the number of deferrals totalled 37. Of these deferred applications, 13 were originally recommended for approval while the remaining 24 were recommended for refusal, with the majority of these then approved a later meeting.<sup>2</sup>*



---

**Hon Kate Doust MLC**  
**Chair**

**10 September 2015**

---

<sup>1</sup> WALGA, *Development Assessment Panels, 4th Year Review* (final version), p7.

<sup>2</sup> Ibid, p2.