

P11/3205 - NOMINATION OF CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)

Ward : All
 Category : Operational
 Application Number : Not applicable
 Subject Index : Development Assessment Panels
 Customer Index : Department for Planning
 Property : Not applicable
 Proposal : Nomination of Local Government Members for Development Assessment Panels
 Applicant : Not applicable
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- Development Assessment Panels (DAPs) are to commence on 1 July 2011.
- The City of Melville is to be part of the Joint DAP with Bassendean, Bayswater, Belmont, Canning, South Perth and Victoria Park.
- Training will be provided to members by the Department of Planning prior to the operation of the DAPs.
- It is recommended that Council nominate two DAP members and one deputy DAP member and these nominations be forwarded to the Minister for Planning.

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BACKGROUND

The *Approval and Related Reforms (No. 4) (Planning) Act 2010* was passed by Parliament in August 2010 which allows the commencement of DAPs in WA.

DAPs are to be independent decision making bodies comprised of technical experts and elected local government representatives.

DAPs are to commence on 1 July 2011 and 15 DAPs are to be established in WA. Melville is to be part of a joint DAP called the Metro Central JDAP along with the local governments of Bassendean, Bayswater, Belmont, Canning, South Perth and Victoria Park.

The Department for Planning anticipates that there will be approximately 140 DAP applications each year in WA and that DAPs will meet on a monthly basis.

DETAIL

Each DAP is to contain a total of five members. Of the five members, three are to be Specialist members which are to have suitable qualifications and experience in development related professions such as architecture, town planning, urban design. The Presiding Member will be selected from one of the Specialist members.

The remaining two members of the DAP are to be local government representatives which are to be nominated by the local government from the pool of Elected Members.

In nominating the local government DAP members, the Department for Planning has stated that two DAP members and one deputy DAP member are to be nominated. The deputy DAP member will be called upon if an issue of a quorum arises or when a local government DAP member is unable to act due to illness, absence or other cause.

The Minister will appoint the local government representatives in accordance with the local government's nomination.

All DAP members are appointed for a two year term and at the expiration of this term the application and nomination process will be undertaken again. Members who previously sat on DAPs will be eligible to be appointed for a further term.

DAP members cannot sit on a DAP until they have completed the training sessions provided by the Department for Planning. Details of the training sessions have not yet been released.

It is recommended that Council nominate two DAP members and one deputy DAP member.

PUBLIC CONSULTATION/COMMUNICATION

Advertising of the DAP local government nominations is not required under the *Development Assessment Regulations 2011*.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with external agencies is required.

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STATUTORY AND LEGAL IMPLICATIONS

DAPs are to make decisions based upon the existing planning framework of the municipality within which the application site is located.

Where an application to review a decision made by a DAP is lodged with the State Administrative Tribunal (SAT) members of the DAP who made the decision may be called upon to represent the DAP at the SAT.

FINANCIAL IMPLICATIONS

The sitting fee for local government DAP members determining applications is \$400. Local government DAP members will also be paid \$400 upon the completion of the required training and \$400 where they attend proceedings at the SAT in relation to a DAP decision.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Minister for Planning must remove a DAP member if they cease to hold a position or qualification which made them eligible to sit as a DAP member.

DAP members are bound by similar requirements regarding behaviour and conflict of interest as Elected Members are, such as:

- Declare direct or indirect interest in a matter
- Not to disclose or make improper use of information acquired as a member
- Not accepting "prohibited" gifts
- Comply with the Code of Conduct
- Not to make any statement regarding the competence or honesty of a local government employee or public sector employee.

POLICY IMPLICATIONS

There is no Council Policy that relates to the nomination of DAP members.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Should Council fail to nominate three representatives, the Minister for Planning has the power to appoint community representatives to represent Melville on the DAP. The community representatives would be selected from residents within the local government area who are considered to have relevant knowledge or experience which will enable them to represent the interests of their local community. The implications of this option is that the City of Melville and its interests will not be represented in the determination of applications by the DAP.

A DAP member may resign from office at any time by forwarding a written resignation to the Minister for Planning. The Minister can also grant a leave of absence to a DAP member.

CONCLUSION

It is recommended that Council nominate two DAP members and one deputy DAP member.

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OFFICER RECOMMENDATION (3205)

APPROVAL

- A** That the Council nominate and to represent the City of Melville as Local Government Development Assessment Panel members.
- B** That Council nominate to represent the City of Melville as a Deputy Local Government Development Assessment Panel member.
- C** That the nominations be forwarded in writing to the Minister for Planning.