

## **1 INTRODUCTION**

Development Assessment Panels (DAP) were introduced into Western Australia (WA) in 2011.

The DAPs remove decision making powers from the local governments and transfer it to the relevant DAP for the following types of applications:

- Mandatory - estimated cost  $\geq$  \$10 million;
- Optional - estimated cost of between \$2 million and \$10 million;
- Delegated - estimated between \$2 million and \$10 million; or
- Amending or cancelling a DAP application.

*Note: there is no mandatory threshold for warehouse proposals. i.e. applications for the development of warehouses will be considered 'optional DAP applications' if the development has an estimated cost of \$2 million or more.*

DAPs do not apply to 'excluded development', which is defined as:

*"a development application for approval of –*

*(a) construction of –*

- (i) a single house and any associated carport, patio, outbuilding and incidental development;*
- (ii) less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development;*
- (iii) less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development;*

*or*

*(b) development in an improvement scheme area; or*

*(c) development by a local government or the Commission; or*

*(d) development in a district for which*

- (i) a DAP is not established at the time the application is made; or*
- (ii) a DAP has been established for less than 60 days at the time the application is made."*

There are five Panels covering the State. The current structure is a transitional arrangement to a future model of no more than three Panels, as outlined in the Action Plan for Planning Reform by Department of Planning, Lands and Heritage on behalf of the State Government of WA.

## **2 STATEMENT OF INTENT**

The purpose of this Planning Procedure is to provide applicants with guidance on the administration and assessment of DAP Applications.

This Planning Procedure should be read in conjunction with the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Planning and Development (Development Assessment Panels) Regulations 2011* as amended from time to time, *Planning Bulletin 106/2011 – New legislative provisions for development assessment panels* and information contained on the Department of Planning, Lands and Heritage website at: <http://daps.planning.wa.gov.au>.

The process that the City has put in place for DAP applications is to ensure complete applications are submitted which will consequently permit prompt acceptance and streamline the assessment process. This provides certainty for both Applicants and the City as to what documentation is required to be submitted to support an application.

### **3 PLANNING PROCEDURE**

#### **3.1 Pre-Lodgement Meeting**

Applicants are strongly encouraged to have a pre-lodgement meeting with the City prior to lodging a DAP application. At the pre-lodgement meeting, the Applicant will be provided with a copy of this Planning Procedure (including Attachment A - Application Checklist) for DAP Applications.

Following the meeting, the City's Officers will provide a completed, signed and dated copy of the Application Checklist (i.e. Attachment A). The checklist will include details of any specific reports, plans or documentation required to be submitted with the application.

Alternatively, if the Applicant is unable to attend a face to face pre-lodgement meeting, then the applicant is requested to send to the DAP Coordinator (or the Coordinator, Statutory Planning) plans of the proposed development. The DAP Coordinator (or the Coordinator, Statutory Planning) will review the plans and complete the Application Checklist provided at Appendix A of this Procedure. The completed Application Checklist (completed, signed and dated) will then be forwarded to the Applicant to advise of all the information required to be submitted with the application.

#### **3.2 Pre-Lodgement Design Review**

As per the City's *Planning Procedure 1.22 – Design Review Panel*, Applicants are strongly encouraged to engage with the City's Design Review Panel prior to lodging a DAP application.

To ensure that proponents take full advantage of the Panel advice offered at a time where the design is flexible enough to accommodate change, it is generally recommended that the first review is held during the early concept design stage. The Panel's comments will be provided to the proponent to assist in the development of the design and are expected to be integrated into the proposal.

The City's *Planning Policy No.7.4 Design Review Panel* and *Planning Procedure 1.22 – Design Review Panel* should be read for further detailed information.

#### **3.3 Lodgement**

##### **3.3.1 Application Lodgement Appointment**

The Applicant is requested to make an appointment with the DAP Coordinator (or the Coordinator, Statutory Planning) for the lodgement of a DAP application.

DAP Applications **will not** be received by the City unless the DAP Coordinator (or the Coordinator, Statutory Planning) has confirmed they are complete (i.e. all the documents listed on the Application Checklist are provided).

### **3.3.2 Application Requirements**

DAP Applications are to be accompanied by the completed checklist as provided by the City of Rockingham (CoR) Officers. The "Applicant checked" column is to be completed by the Applicant and crossed checked by the City Officer ("CoR Officer Checked" column) accepting the application.

Applications are required to be accompanied by the following, plus any other documents requested as part of the pre-lodgement process:

- Completed City of Rockingham (CoR) Application Form;
- Completed Metropolitan Region Scheme (MRS) Form 1 Application Form;
- Completed DAP Application Form (Form 1);
- CoR and DAP Application fees; and
- Two (2) hard copies and one (1) digital copy of all documentation (depending on the type of application).

### **3.4 Administration**

3.3.1 The City will record the application once it is complete. The Applicant will be sent a letter acknowledging receipt of the application and advising of the Planning Officer assessing the application.

3.3.2 The City will review the application in accordance with Clause 63A of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Should any further information be required, the City will be in contact with the Applicant within 7 days of receipt of the submission.

3.3.3 Alternatively, should no further information be required, the City will refer the application to the DAP Secretariat within seven (7) days of accepting the development application for assessment.

3.3.4 The City is also responsible for transfer of the DAP fees to the Department of Planning, Lands and Heritage within 30 days of accepting the development application for assessment.

### **3.5 Assessment**

#### **3.5.1 Responsible Authority Report (RAR)**

The City is required to prepare a Responsible Authority Report (RAR) for the DAP to consider.

The City's Officers do not have delegation to make a recommendation to the DAP. In this regard, the recommendation must be a decision of the Council, and will be considered at the earliest possible meeting of Council to endorse the Officer's RAR recommendation.

### **3.5.2 Assessment Timeframe**

There are two statutory time periods within which a determination must be made for DAP Applications. If the application does not require advertising, the statutory determination period is sixty (60) days, and if advertising is required, the statutory determination period is ninety (90) days.

In terms of the City providing the RAR to the DAP Secretariat, if the application:

- does not require advertising, the City has 48 days to provide the RAR to the DAP; or
- if the application does require advertising, it has 78 days to provide the RAR to the DAP.

Once a DAP Application is accepted for assessment by the City, it must be determined whether it will be possible to put the RAR to a scheduled Council Meeting prior to the RAR due date. If it is not possible to meet the Council reporting deadline, an extension of time request shall be sought from the Applicant and the Presiding Member, via the DAP Secretariat to extend the statutory timeframe.

The amended *Planning and Development (Development Assessment Panels) Regulations 2021* maintains two 'stop the clock' provisions (Regulation 16(2B)) for the calculation of deemed refusal periods:

- any excluded day or period as defined in regulation 12(4B) i.e. not accepted for assessment pursuant to Clause 63A(1)(b)(ii) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- any period of extension for the giving of the RAR in Regulation 12(4).

### **3.5.3 Extension of Statutory Timeframe**

For any extension of time, the City needs to gain the approval of the Applicant (in writing) and seek approval from the DAP Secretariat for the extension of time. The application for extension of time is to be made on the *Extension for Responsible Authority Report* form, found on the DAP website. The Presiding Member is required to grant the extension.

### **3.5.4 Advertising/Consultation**

Advertising will be undertaken in accordance with *Planning Procedure 1.3 – Community Consultation*.

If the application is required to be advertised by way of a sign on site and/or advertisements in the local newspaper(s), the Applicant will be contacted to arrange the advertising.

If any submissions are received during the advertising process, the Applicant will be provided with a schedule of submissions to which they may respond. The responses may be included in the RAR.

### **3.5.5 Design Review**

Not all DAP applications need to be referred to the City's Design Review Panel for a design review. When referred, the Panel's advice will be incorporated as part of the Officer assessment, report and recommendation on the proposal, and attached in full (on that particular item) to the Council Report and the RAR.

The City's *Planning Policy No.7.4 Design Review Panel* and *Planning Procedure 1.22 – Design Review Panel* should be read for further detailed information.

### **3.5.6 Assessment of Applications**

The assessment of a DAP application will follow the standard process for the City and accord with the statutory obligations of *Town Planning Scheme No. 2 (TPS2)*. This includes public advertising if required, consultation with internal departments and external referral agencies and completion of the RAR, with its assessment of the application and recommendation, including approval conditions or reasons for refusal and any relevant advice notes.

### **3.5.7 Dual Approvals**

Where an application requires approval both under the MRS and TPS2, the Applicant is required to lodge the application with the City. The application is to include:

- Completed DAP Application form;
- Completed CoR Application form;
- Completed MRS Application form;
- CoR and DAP Application fees; and
- Four (4) hard copies and two (2) digital copies of all documentation.

In addition to the normal DAP Secretariat referral, the City is required to refer the MRS application to the WAPC including two (2) hard copies and one (1) digital copy, within seven (7) days of receipt of the application.

The City is responsible for receiving the DAP Application fee and forwarding it to the DAP Secretariat as per Section 3.3 above.

### **3.5.8 MRS Approval Only**

Where an application requires approval only under the MRS, the Applicant is still required to lodge the MRS Form 1 application with the City. The application is to include:

- Completed DAP Application form;
- Completed MRS Application form;
- DAP Application fees; and
- Four (4) hard copies and one (1) digital copy of all documentation.

The City is required to refer the MRS Application to the Department of Planning, Lands and Heritage, including two (2) hard copies and one (1) digital copy, within seven (7) days of receipt of the application.

The City is responsible for referral of the application to the DAP Secretariat as per Section 3.3.3 above.

The City retains the balance of the copies of documentation for its assessment of the application.

The City is responsible for receiving the DAP Application fee and forwarding it to the DAP Secretariat as per Section 3.4.4 above.

The City is to assess the application and provide a response to the Department of Planning, Lands and Heritage (or whomever the assessment has been designated to) within 42 days of receipt of the application.

### **3.5.9 Multiple Local Government Authority Applications**

Where an application traverses more than one local government area, the Applicant is required to lodge separate applications for Development Approval with each Council.

Each Council is required to prepare a separate RAR covering only that part of the application within their jurisdiction and associated planning controls.

### **3.5.10 Amendment or Cancellation of Development Approval by Responsible Authority (Form 2 Application)**

Regulation 17A allows for an owner to apply to either the DAP or the City to determine their application for amendment or cancellation of a DAP approval.

If the owner elects for the City, rather than the DAP, to determine a Form 2 application, then the application is to be made on the City's Development Application Form.

Should the owner elect for the DAP to determine the application, the DAP Application Form 2 is used.

## **3.6 Recommendation**

As the City's Officers do not have delegation from Council to make a recommendation (ie. RAR) to the DAP the recommendation (RAR) must be a decision of the Council. Consequentially, the Planning Officer is required to prepare a report to Council, to which the RAR is to form an attachment.

The City will advise the Applicant and any submissioners in writing of the report being presented to the City's Committee Meeting and Council Meeting.

Once the Council has resolved to provide the recommendation of the RAR to the DAP, the RAR and its attachments will be forwarded to the DAP Secretariat by the City as soon as possible following the meeting.

### **3.7 DAP Meeting**

The DAP Secretariat will advise the City and the Applicant of the date of the DAP meeting.

The City will place this information on the City's website, including the Agenda when it is received- and inform any submissioners of scheduled DAP meeting date.

### **3.8 Determination**

The DAP Secretariat will issue the determination advice for the application.

Subsequently, the City will notify submissioners of the determination outcome.

### **3.9 Endorsement**

This revised Planning Procedure was endorsed by the Director, Planning and Development Services on the 05 April 2022.





Property Address:							
Development:							
Applicant:							
Documentation		Provided		Not Provided		N/A	
		Applicant	CoR Officer	Applicant	CoR Officer	Applicant	CoR Officer
Application Form	Completed CoR Application Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application Form	Completed MRS Form 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application Form	Completed DAP Application Form (Form 1 or Form 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application Fee	CoR and DAP fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documentation	2 hard copies of the completed application, including the plans and supporting documentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documentation	1 soft copy of the completed application, including the plans and supporting documentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documentation	A copy of the current Certificate of Title and relevant Plan (Diagram)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plans	Refer to part 4 (i.-v.) – General Information Required for Development Applications of CoR Application Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Model (applicable if residential and/or mixed use component is proposed)	A 3D model showing views of the development from adjacent streets and buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Illustrative Views	Photomontage or perspective drawings illustrating the proposal in the context of the surrounding existing development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overshadowing diagram	A solar diagram at the winter solstice (21 June) at a minimum of hourly intervals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other plans and Reports as required	Acoustic Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Arborist Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bushfire Management Plan / BAL Assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Heritage Impact Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscape Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Planning Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Traffic Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Waste Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notes	- To be N/A the applicant shall provide CoR Officer advice in writing that it is not required - Dropbox or other large file transfer links deemed unsafe by the City are not accepted						
Applicant's Signature:							
Date:							
Signed by CoR Officer:							
Date:							