

1. INTRODUCTION

Development Assessment Panels (DAPs) 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:

- Optional - has an estimated cost of \$2 million or more; or
- Community housing that is provided by a registered community housing provider.

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

"a development application for approval of –

- (a) construction of a single house and any associated carport, patio, outbuilding and incidental development; or*
- (b) development in an improvement scheme area; or*
- (c) a public work; or*
- (d) development wholly within an area identified as a regional reserve under a region planning scheme.*

DAPs also do not apply to development made under Part 11B or 17 of the *Planning and Development Act 2005*.

From March 2024, the DAPs is made up of three geographical areas being Metro Inner, Metro Outer and Regional.

Applications received within the City of Rockingham are determined by the Metro Outer DAP.

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.

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).

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. 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 Lodgement

3.2.1 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 processed 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).

3.2.2 Application Requirements

DAP Applications are to be accompanied by the completed Checklist as provided by the City. The "Applicant" columns are to be completed by the Applicant and crossed checked by the City.

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).

3.3 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 Executive Director.
- 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 after the date on which it receives the DAP application.

3.4 Assessment

3.4.1 Responsible Authority Report (RAR)

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

City Officers do not have delegation to submit a recommendation (RAR) 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.

3.4.2 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
- 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 DAP Executive Director, 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).

3.4.3 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 Executive Director. The application for extension of time is to be made on the *Extension of Time for Responsible Authority Report* form, found on the DAP website. The DAP Executive Director is required to grant the extension.

3.4.4 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 Executive Director referral, the City is required to refer the MRS application to the Western Australian Planning Commission 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 Executive Director as per Section 3.3 above.

3.4.5 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 Executive Director as per Section 3.4.4 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 Executive Director as per Section 3.4.5 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.

3.4.6 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.

3.4.7 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.

4. Recommendation

The City will advise the Applicant and any submissioners in writing that the Report is being presented to the City's Committee Meeting and Council Meeting, provide details of these meetings and invite their attendance.

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

5. 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.

6. Determination

Following the application being determined, the DAP Secretariat will issue the determination advice .

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

7. Endorsement

This revised Planning Procedure was endorsed by the Director Planning and Development Services on 17 September 2024.



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"/>
	Any additional plans or reports, as identified by the City following review of the submission of the DAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notes	<ul style="list-style-type: none"> - 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:							