

## 1 INTRODUCTION

Development Assessment Panels (DAP) were introduced into Western Australia (WA) to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

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."*

## 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 (Development Assessment Panels) Regulations 2011*, *Planning Bulletin 106/2011 – New legislative provisions for development assessment panels* and information contained on the Department of Planning 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 consequentially streamline the assessment process. This provides for certainty for both applicants and the City as to what is required to be submitted in terms of documentation to support an application. The City is aiming to provide as much input upfront before the application is lodged to maximise the assessment timeframe and ensure adequate time for negotiations remains during the assessment process.

### **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 prelodgement 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 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 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).

##### **3.2.2 Application Requirements**

DAP Applications are to be accompanied by the completed checklist as provided by the CoR officers. The "Applicant checked" column is to be completed by the applicant and crossed checked by the City Officer ("Admin 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 (if required);
- Completed DAP Application Form (Form 1);
- CoR and DAP Application fees;
- Five (5) hard copies and one (1) digital copy of all documentation (depending on the type of application); and

#### **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 If the application is deemed to be incomplete or lacking sufficient detail to enable assessment once received, written notice is to be given to the applicant in accordance with Regulation 11A. The applicant is to be also advised in the notice that the 'clock is stopped' for the purpose of deemed refusal provisions of the TPS, pursuant to Regulation 16(2B), until all the required information to the satisfaction of the City is provided.

If a disagreement arises between the City and the applicant as to whether the additional information or documents provided by the applicant in response to a regulation 11A notice are adequate, or when the applicant complied with the notice, Regulation 16(2C) allows for the presiding member of the DAP to determine the dispute and the presiding member's decision is final.

3.3.3 The City will refer the application to the DAP Secretariat within seven (7) days of receipt of the application.

3.3.4 The City is also responsible for transfer of the DAP fees to the Department of Planning within 30 days of receipt of the 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.

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.

#### **3.4.2 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
- if the application does require advertising it has 78 days to provide the RAR to the DAP.

Once a DAP Application is received 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 shall be sought from the applicant and DAP Secretariat.

The *Planning and Development (Development Assessment Panels) Amendment Regulation 2015* introduced two 'stop the clock' provisions (Regulation 16(2B)) for the calculation of deemed refusal periods:

- the period after the notice under Regulation 11A has been given and until the applicant complies; and
- any period of extension for the giving of the RAR in Regulation 12(4).

#### **3.4.3 Extension of Time Frame**

For any extension of time, the City needs to gain the approval of the applicant (in writing) and seek approval from the DAP for the extension of time. The application for extension of time is to be made on the *Extension of Time Request- RAR* form, found on the DAP website. The Presiding Member is required to grant the extension.

#### **3.4.4 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 response will be included in the RAR.

### **3.4.5 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 advice notes.

### **3.4.6 Dual Approvals**

Where an application requires approval both under the MRS and the 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
- Seven (7) 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.

### **3.4.7 MRS Approval Only**

Where an application requires approval only under the MRS and not TPS2, the applicant is required to lodge the application with the City. The application is to include:

- Completed DAP Application form;
- Completed MRS Application form;
- DAP Application fees; and
- Five (5) hard copies and one (1) digital copy of all documentation.

The City is required to refer the MRS Application to the Department of Planning (DoP), 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.

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 DoP (or whomever the assessment has been designated to i.e. TPG) within 42 days of receipt of the application.

### **3.4.8 Multiple LGA Applications**

Where an application traverses more than one local government area, the applicant is required to lodge separate applications for Planning 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.

### **3.4.9 Amending or Cancelling a DAP Approval (Form 2 Application)**

Regulation 17A allows for an owner to apply to either the DAP or the City to determine their application for amending or cancelling 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.

### **3.5 Recommendation**

The City's officers do not have delegation to make a recommendation (ie. RAR) to the DAP. In this regard 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 Planning Officer will advise the applicant 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 Planning Officer as soon as possible following the meeting.

### **3.6 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.

### **3.7 Determination**

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

### **3.8 Endorsement**

This revised Planning Procedure was endorsed by the Director, Planning and Development Services on the 14 February 2017.

**Attachment A - DAP Application Checklist**

<b>Address:</b>					
<b>Development:</b>					
<b>Applicant:</b>					
<b>Meeting date/date plans received</b>					
Requirement	N/A*	Required (CoR to complete)	Applicant Checked	Admin Checked	
1. Completed CoR Application Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Completed JDAP Application Form (Form 1 or 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Completed MRS Application Form (if required)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Correct land owners consent provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. CoR Application Fee provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. JDAP Application Fee provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Existing Site Survey (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Proposed Site Plan (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Floor Plans (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Elevation Plans (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Streetscape Elevations (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Landscaping Plan (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Written explanation of the development (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Shadow Diagrams (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Acoustic Report (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Traffic Report (5/7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Digital Version of all documents (1/2 copies – CD or USB) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18. Bushfire Management Plan/BAL Assessment (5 /7 hard copies) <sup>#</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Notes:</b> * To be N/A the applicant must provide Planning Officer advice in writing that it is not required. # The additional copies are required if separate MRS approval is required in addition to TPS approval as outlined in Section 3.4.					
<b>Signed (CoR Officer):</b>					
<b>Date:</b>					