



POLICY NO:-

**SDev CP503 – LOCAL PLANNING POLICY – DEVELOPMENT ASSESSMENT UNIT****GOVERNANCE INFORMATION**

|                        |     |                                    |     |
|------------------------|-----|------------------------------------|-----|
| <b>Procedure Link:</b> | N/A | <b>Administrative Policy Link:</b> | N/A |
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**ADMINISTRATION INFORMATION**

| History        |   | New        | DRAFT | CP129    | Synopsis    |  |
|----------------|---|------------|-------|----------|-------------|--|
| <b>Version</b> | 2 | SDev CP503 | OCM   | 30/09/20 | Res: 269-20 | <b>Synopsis</b> Policy endorsed by Council.      |
| <b>Version</b> | 3 | SDev CP503 | OCM   | 28/09/22 | Res: 243-22 | <b>Synopsis</b> Reviewed and adopted by Council. |
| <b>Version</b> | 3 | SDev CP503 | OCM   | 23/10/24 | Res: 275-24 | <b>Synopsis</b> Reviewed and adopted by Council. |

**1. RESPONSIBLE DIRECTORATE**

Sustainable Development

**2. PURPOSE**

The purpose of this Local Planning Policy is to provide the guidelines, procedure and processes under which the Shire's Development Assessment Unit (DAU) operates.

The role and function of the Shire's DAU is to:

1. Ensure development applications are assessed, considered and determined in a timely, transparent, consistent and appropriate manner.
2. Ensure other applications (if required, including subdivision referrals, scheme amendments and structure plans) are considered in a timely, transparent, consistent and appropriate manner.
3. Ensure that other permits, licences and approvals issued by other operational areas of the Shire are discussed and/or referred to appropriate operational areas at the Shire prior to approval.

**3. DEFINITIONS**

**Development Assessment Unit:** The working group of Shire technical officers tasked with ensuring that applications receive relevant input, in order to assist the assessing planning officer to undertake their assessment in accordance with the local planning scheme and determinations in accordance with the assigned delegations.

**4. BACKGROUND**

The delegated powers and duties of Council to the Chief Executive Officer are listed in the Shire of Dardanup Delegations Register. Delegations are exercised in accordance with delegation granted in Sections 5.42 and 5.44 of the *Local Government Act 1995* and other statutes as applicable to specified officers.

To ensure an efficient and effective process, this policy provides guidance to the membership, scope and function of the DAU. This is to ensure applications are considered in a timely and efficient manner, in accordance with the assigned delegations.

A number of other approvals, licences and/or permits are issued by other operational areas at the Shire under the relevant Local Laws and Regulations. Such matters may be listed for discussion to ensure that appropriate technical input across the Shire's operational areas are taken into account by the assessing planning officer.

The DAU does not make determinations on applications but provides relevant comments for the assessing planning officer to take into account as part of their assessment under the prevailing local planning scheme.

Determination is in accordance with the delegated powers listed in the Delegations Register or by Council if delegation criteria are not met.

The Shire will also advise Council of the development applications received via the Information Bulletin. All delegated determinations are also advised to Council via the register of delegated decisions in the Information Bulletin.

- STATUS

(a) Relationship to the local planning scheme:

This is a Local Planning Policy prepared in accordance with the Deemed Provisions of the prevailing local planning scheme.

(b) Relationship to other documents:

This policy has due regard for, and should be read in conjunction with State Planning Polices, the Shire Local Planning Polices and other legislative documents.

## 5. PROCEDURES

### 5.1 Membership

|   |   |
|---|---|
| Chairperson                               | Manager Development Services                            |
| Deputy Chairperson                        | Principal Planning Officer                              |
| Statutory Planning                        | Assessing Planning Officer to present their application |
| Representative from Building Services     | Principal Building Surveyor                             |
| Representatives from Engineering Services | Manager Assets  |
| Representatives from Health Services      | Principal Environmental Health Officer                  |
| Representatives from Emergency Services   | Coordinator Emergency Services and Rangers              |
| Representative from Compliance            | Statutory Enforcement Officer                           |
| Governance / Administration               | Staff for minute taking purposes                        |

### 5.2 Pre-lodgement Processes

The Shire encourages applicants to engage in pre-lodgement discussions on applications. This is intended to:

- Discuss basic considerations such as zoning, land use permissibility, development standards, policy requirements and associated considerations;
- Identify key matters to be addressed as part of a formal application;
- Identify and explore potential issues, and discuss what applicants can do as part of their application to best address these issues (for example undertaking studies on traffic, noise and stormwater management); and
- Suggest potential opportunities that applicants may wish to consider.

The pre-lodgement process is intended to assist with the timely assessment of formal applications. Pre-lodgement processes occur on a without prejudice basis, and are offered free of charge to applicants.

### 5.3 Applications not required to be presented at the DAU

Applications determined as 'Low Risk' are not required to be presented to DAU. This will be determined by the Principal Planning Officer on allocation. Statutory Planning Officers may however opt to discuss any application at the DAU, provided that this does not impact on the target timeframes for the 'Low Risk' application at their discretion.

Low Risk development applications, not required to be presented at DAU include, but are not limited to, the following:

- Single residential/incidental development;
- Signage;
- Minor amendments to already approved development; and
- Sheds, rainwater tanks and incidental development in the 'Rural' zone for the purposes of a 'rural use'.

### 5.4 DAU Process

The DAU meets every Wednesday commencing at 8:30am, this may only be varied by the Chairperson / Deputy Chairperson for operational reasons.

At the DAU, the assessing planning officer will present the details of the proposal and specifically address the following matters:

- Zoning;
- Existing land use;
- Description of proposal;
- Key issues; and
- Initial comments on the proposal.

Officers from other departments will have the opportunity to make comments on aspects of the proposal relating to their service area and advise if any further technical information should be provided. The decision of whether any further information shall be requested ultimately rests with the Chairperson. The Shire can only request information where there is such a requirement specified under Clause 63 of the Deemed Provisions. Formal comments are to be made in writing through the internal referral process.

#### 5.5 Authority

The DAU shall deal with those applications, licences and/or permits which are able to be processed under delegated authority as set out in the Shire's Delegations Register. These matters include, but are not limited to, the following:

- Development Applications;
- Modification of Development Standards;
- Subdivision Applications;
- Subdivision Clearances;
- Local Development Plans;
- Structure Plans;
- Building Envelope Variations;
- Removal of indigenous trees or substantial vegetation;
- Liquor Licence Applications (Section 39 and 40);
- Public Works Planning Applications;
- SAT Appeals;
- Local Planning Scheme Amendments;
- Reserves; and
- Building Licence or other permit applications which warrant being drawn to the attention of DAU.

The DAU shall also act as a forum for discussion on planning, compliance, environmental, health, building or development related matters.

Matters which are outside the scope of delegated authority may still be assessed and considered by the DAU, with the recommendation of the DAU being included in the Officers report / agenda item to Council for its consideration.

#### 5.6 Agendas and Minutes

Governance / Administration support shall be responsible for the preparation of Meeting Agendas and Minutes for the applications or matters considered by the DAU.

A call for agenda items shall occur on the Friday preceding the DAU meeting with the cut-off for items being midday Monday prior to the DAU meeting. The agenda is to be circulated to DAU members no later than midday Tuesday prior to the DAU meeting.

Late items received after the agenda cut-off will be considered based on the nature of the item and the urgency for DAU's consideration. The Agenda shall be prepared using the Shire's DAU Agenda / Minutes Template.

The Agenda / Minutes shall contain the following information:

- Subject; (Agenda & Minutes)
- Location; (Agenda & Minutes)
- Applicant; (Agenda & Minutes)
- DA/File Number; (Agenda & Minutes)
- DAU recommendation; (Minutes)
- Applicable Conditions; (Minutes)

The recommendations are required to be forwarded to the Chairperson/Deputy Chairperson for authorisation. The DAU meeting minutes shall accurately state the recommendations made at that DAU meeting of the respective delegated Officer. The minutes of the DAU shall be presented to Council via the register of delegated decisions in the Information Bulletin as the Delegations exercised, and therefore will fulfil the role of the Delegations Register in accordance with Regulation 19 or the *Local Government (Administration) Regulations 1996*.

## **6. DEVELOPMENT ASSESSMENT UNIT PROCESSES**

### **6.1 Application - Advertising Not Required**

- 6.1.1 When an application is received, it is checked upon receipt to ensure that all the required information has been submitted in accordance with the Local Planning Policy/Checklist and fees have been paid. An application is not considered as lodged until the fees are paid, the application form has been signed by all landowners, and all information required for the application as detailed on the checklist has been submitted.
- 6.1.2 Within 7 days of receipt of an application for Development Approval, Planning Officers will advise the applicant in writing that that application has been accepted for assessment, or that the application cannot be accepted because it is deemed to be incomplete.
- 6.1.2 The application is recorded and date stamped, and Governance Officers (within 2 days from lodgement date):
- i) Registers the application on TARDIS;
  - ii) Lists it as a new application received on the agenda for the next DAU; and
  - iii) Arranges internal referral (when required) to other departments.
- 6.1.3 The application is referred to the Principal Planning Officer who assigns the application to an Officer.
- 6.1.4 Internal referral (to be completed within 14 days from lodgement date) enables other departments to provide technical opinion in relation to their relevant field of expertise, request further information and/or advise of necessary conditions/advice notes.
- 6.1.5 The Planning Officer undertakes technical assessment within 21 days from the lodgement date to determine if any additional information is required and to confirm if the application requires advertising in accordance with the Deemed Provisions or any adopted Local Planning Policy.
- 6.1.6 Within 21 days from the lodgement date, the application is brought to DAU to:
- i) Determine whether further information is required. If so, the applicant is notified in writing, specifying the type and form of the information to be submitted and requesting that such information be provided within 21 days of the date of the correspondence unless the type of information warrants more time;
  - ii) The applicant may request that the application is placed on 'hold' until the further information is obtained. The application can be kept on hold for up to two months (or further time as agreed upon by the Chairperson).
- 6.1.7 Once the additional information has been received and considered sufficient, the Officer finalises the assessment which includes the recommendation and all conditions. The application is then listed at the next possible DAU or if the application is considered minor, the Manager Development Services may determine the application without it being presented back to DAU. Where delegations do not allow for a delegated decision, applications will be referred to an Ordinary Council Meeting or Joint Development Assessment Panel.
- 6.1.8 Relevant Officer signs technical assessment and Notice of Determination.

## 6.2 Application – Advertising Required

- 6.2.1 When an application is received, it is checked upon receipt to ensure that all the required information has been submitted in accordance with the Local Planning Policy/Checklist and fees have been paid. An application is not considered as lodged until the fees are paid, the application form has been signed by all landowners, and all information required for the application as detailed on the checklist has been submitted
- 6.2.2 The application is recorded and date stamped, and Planning Administration (within 2 days from lodgement date):
- i) Registers the application on TARDIS;
  - ii) Lists it as a new application received on the agenda for the next DAU; and
  - iii) Arranges internal referral (when required) to other departments.
- 6.2.3 The application is referred to the Principal Planning Officer who assigns the application to an Officer.
- 6.2.4 Internal referral (to be completed within 14 days from lodgement date) enables other departments to provide technical opinion in relation to their relevant field of expertise, request further information and/or advise of necessary conditions/advice notes.
- 6.2.5 The Planning Officer undertakes technical assessment within 21 days from the lodgement date to determine if any additional information is required and to confirm that the application requires advertising in accordance with the Deemed Provisions or any adopted Local Planning Policy.
- 6.2.6 Within 21 days from the lodgement date, the application is brought to DAU for determination of whether:
- i) Further information is required. If so the applicant is notified in writing, specifying the type and form of the information to be submitted and requesting that such information be provided within 21 days of the date of the correspondence unless the type of information warrants more time;
  - ii) The applicant may request that the application is placed on ‘hold’ until the further information is obtained. The application can be kept on hold for up to two months (or further time as agreed upon by Chairperson).
  - iii) The application requires advertising. Once all relevant information has been received and is deemed appropriate and complete, advertising will occur;
  - iv) Notwithstanding Clause 64 of the Deemed Provisions, advertising shall be carried out for a period of no less than 14 days or 42 days for Agencies. Upon conclusion of the advertising period, the Planning Officer is to assess the submissions and:
    - a. If necessary, based on submissions received, request further clarification from the applicant, and where appropriate the applicant may be required to respond or address matters raised  
by submitters;
    - b. Internal departments are to prepare additional advice and propose conditions based on the further information and submissions received; and
    - c. The Planning Officer re-assesses the application and prepares an assessment which includes a recommendation and all conditions proposed.
    - d. If needed, a schedule of submissions to be forwarded to the applicant and comment requested to be provided within 5 working days, or applicant need to agree to an extension of time for the assessment of the proposal.

6.2.7 The application is listed at the next possible DAU with a recommendation for determination to be included in the minutes. Where delegations do not allow for a delegated decision, applications will be referred to an Ordinary Council meeting or Joint Development Assessment Panel.

6.2.8 Relevant Officer signs technical assessment and Notice of Determination.

### 6.3 Referral To Council

6.3.1 Where referral to Council is required, a report will be prepared and presented to Council at the next available Council meeting once all relevant information has been obtained.

6.3.2 All submitters are notified that the application will be presented to Council, at the time the Council meeting agenda is published, and that they are able to make a deputation in this regard.

6.3.3 The Council meeting minutes are to be published on the Shire's website.

6.3.4 The Notice of Determination is issued in accordance with the Council resolution and any submitters are notified of the decisions soon as practicable after the Ordinary Council meeting.

## 7. REFERENCES

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|---|---|
| <b>Name of Policy</b>                         | Local Planning Policy SDev CP503– Development Assessment Unit   |
| <b>Previous Policy</b>                        | N/A   |
| <b>Date of Adoption and Resolution Number</b> |   |
| <b>Review Dates and Resolution Numbers</b>    |   |
| <b>Next Review Date</b>                       |   |
| <b>Related Documents</b>                      | <p><b>Acts / Regulations</b><br/> <i>Local Government Act 1995</i><br/> <i>Planning and Development Act 2005</i><br/> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><b>Plans / Strategies</b><br/> Strategic Community Plan 2018 – 2028</p> <p><b>Policies</b></p> <p><b>Delegations</b></p> <p><b>Work Procedures</b></p> |