

The Development Assessment Process

The planning and development assessment system under the *Planning Act 2016* sets out a standard process to ensure development applications are assessed and decided consistently and transparently, in accordance with community expectations as set out in a local planning scheme.

The new development assessment process is set out in a statutory instrument called the *Development Assessment Rules*. These rules predominantly used by local governments and the development industry. However, it is also important the community understand the key elements.

Pre-application

Prior to submitting an application, applicants are encouraged to get in touch with their assessment manager to ensure they are on the right track and any potential issues are addressed up front. Meeting with the assessment manager or seeking advice before an application is made is not a formal part of the development assessment process but contributes to a development application being well made.

Application

When making a development application, the applicant needs to meet certain criteria to ensure it is 'properly made'. This part sets out the requirements and actions that need to be taken to ensure a development application is 'properly made'. For example, if critical information is left off the application, which means the assessment manager cannot assess it properly, the applicant can be asked to re-submit or provide more information before the assessment of the application starts.

Information Request

Within the process, there is a formal opportunity for the assessment manager (and any concurrence agency) to ask the applicant for more information about the application. This is not compulsory and will only occur if helpful. The system encourages open communication between all parties prior to this formal part being used.

Referral

Some types of development applications will require additional assessment to be carried out by referral agencies during the development assessment process. If referral is required, this part becomes relevant to the development application. This part sets out the process and requirements for how a referral agency assesses a development application and gives their referral response.

Public Notification

This part sets out when and how public notification needs to be undertaken for applications that require impact assessment or those that include a variation request. The applicant is required to give public notice via newspaper, at the premises and by contacting adjoining landowners. During the public notification period people are able to make submissions about their development application, which the assessment manager will consider when making their decision.

Decision

When the assessment manager has all the information required, they then have a formal period to make their decision, which can be to approve, approve with conditions, or refuse the development application. To improve the transparency of the system, an assessment manager's reasons for decisions will be publicly available.

Appeal

After a development application has been decided, the Act specifies certain instances where a decision may be appealed by an applicant or other party to the development application. This includes submitters who made a properly made submission, who are then afforded appeal rights and may, within the submitter's appeal period, lodge an appeal against the decision.

