

Explanatory Guidelines

Deemed Provisions Clause 63A

Accepting a development application for assessment

These guidelines provide information and guidance on the implementation of clause 63A of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. They are intended for use by both local government and applicants.

Submitting a development application

Clauses 62 and 63 of the Deemed Provisions require an application for development approval (development application) to include certain documents and information for the application to be legally accepted for assessment.

Clause 63A of the Deemed Provisions provides a process and timeframes for the local government to consider and determine whether a development application has all the necessary documents and information and can be accepted for assessment. A development application is not formally accepted for assessment until this process is complete.

What happens when I submit a development application?

Upon receipt of a development application, the local government will check whether all the necessary documents and information listed in clauses 62 and 63 of the Deemed Provisions have been submitted. This is not part of the assessment process and the local government is only undertaking a simple check of the documentation and information. The local government has seven days after receipt of the development application to do this. Defined 'excluded holiday periods' are not included in this timeframe.

Once the check is complete the local government will advise in writing if the application and accompanying documentation:

- complies with clauses 62 and 63, and the application has been accepted for assessment or
- requires any amendments, or further information or documents before it can be accepted for assessment. The advice will outline what amendments or further information is required.

If no advice is received from the local government within seven days of receipt of a development application, it is taken to be accepted for assessment on day eight and the statutory timeframe for determination commences.

If the local government advises that amendments or further information and/or documents are required, the process will start again. This means that upon receipt of any further information the local government has a further seven days to check the development application, and provide advice as to whether it complies with clauses 62 and 63 and can be accepted for assessment. There is no limit on the number of times that this process can occur.

When does the statutory timeframe for determination of a development application commence?

The statutory timeframe for determination commences once the application has been accepted for assessment and the local government has confirmed this in writing. For applications where written confirmation is not received within seven days of receipt, the statutory timeframe commences on day eight after receipt of the application.

Does this clause also apply to Development Assessment Panel (DAP) applications?

Yes, clause 63A also applies to development applications made under a local planning scheme that are determined by the DAP. This clause replaces Regulation 11A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The following additional steps in relation to clause 63A must be completed by the local government for a DAP application:

- Provide all the relevant information and material to the DAP Secretariat within seven days after the date the application was accepted for assessment.
- The above information is to include:
 - any written notice under clause 63A, requiring amendments to an application or additional information prior to it being accepted for assessment
 - any further information or documentation provided by the applicant to the local government in response to the abovementioned notice.