

PLANNING AND URBAN MANAGEMENT AGENCY

Development Consent Application (DCA)

Jan 2022

Overview

This document provides information on how to obtain development consent for proposed developments. It provides answers to frequently asked questions about Development Consent Applications (DCAs) and the processes involved.

Development approval process

Figure 1 illustrates the statutory development approval process in Samoa.

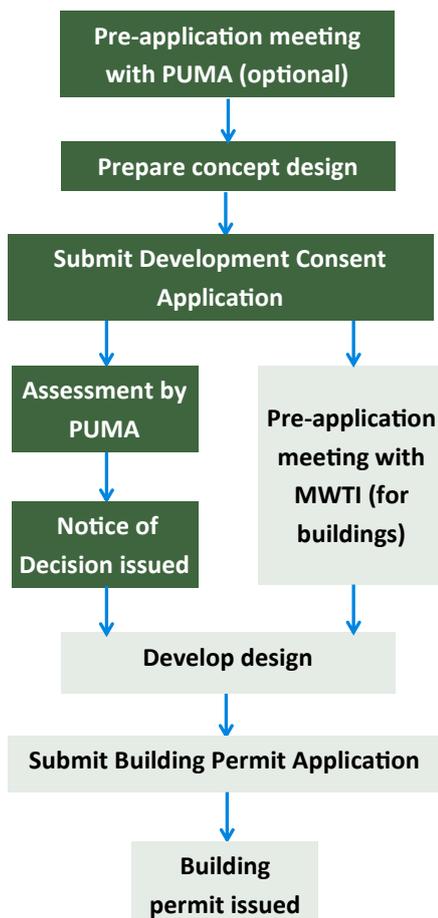


Figure 1: statutory development approval process in Samoa

What is a Development Consent?

A Development Consent is a legal document issued by the Planning and Urban Management Agency (PUMA) and permits the carrying out of a proposed development or activity on a particular land. And it

assess the planning, layout and the environmental and social impacts of the proposed development in its different stages and ensures mitigation measures for the expected impacts are in place before the development is to take place.

All proposals for developments or land use activities in Samoa *must* go through the DCA process as this is a requirement by law. Development is defined as the use of land and any water bodies (whether for a long term or temporary purpose), the erection of a building or any other structure, the carrying out of a work, subdivision, and any other activity on land and waterbodies.

A proposal that includes any building works *may* also require a Building Permit (this is a separate and independent process regulated by the MWTI- Asset Management and Buildings Division and it assesses the engineering and structural components of buildings and structures as per the National Building Code), which can only be applied and issued after a development consent has been issued by PUMA.

Application submission requirements

The following documents *are required* to be submitted as part of a DCA for simple proposals:

- Completed application form
- Application fee
- Certified survey plan / computer folio
- Deed of conveyance—if applicant owns the land
- Lease agreement and written consent from landowner—if applicant leases the land
- For Customary Land, a written and signed form of consent from High Chief(s) (Sa'o) responsible for the land and/or Village Council Consent and confirmation from Lands and title Court of the Matai title for the Land.
- Site plan—showing property boundaries, locations of buildings and setbacks, locations of utility services, adjacent land uses, easements (e.g. drainage), locations of parking, driveways and pathways, topographical data, vegetation, existing structures and natural features

- Floor plans**—showing room functions and sizes, doors and windows, built-in elements, wall thicknesses and materials, floor finishes, etc.
- Elevations**—showing external faces of a building, exterior finishes, building heights, roof pitches, site grading, earthworks, etc.
- Sections**—showing construction methods, materials, internal finishes, ceiling height/type, window and door dimensions, etc.

Please note that construction and engineering details *are not required* for DCAs, but are required for MWTI's Building Permit Application assessment.

In addition to the above, the following documents *may be required* to be submitted as part of a DCA for more complex proposals:

- Perspectives**—three-dimensions drawings (hand-drawn or digital photomontages) illustrating the proposed development
- Storm water management plan**—a conceptual plan showing existing property boundaries, locations of all impervious areas (e.g. buildings, roads, driveways, parking facilities, pathways, concrete areas), natural features, sensitive resources (e.g. water bodies and streams, floodplains, wetlands and steep slopes), existing and proposed drainage lines, details of storm water management systems (e.g. type, volume, sizing, locations), location of all points of discharge from site, existing and proposed easements.

Based on the scale and nature of your proposed development, the Agency may also request the following

- Environmental Impact Assessment**— an EIA which is a comprehensive report with similar content to a Statement of Environmental Effects and prepared in accordance with the *Planning and Urban Management (Environmental Impact Assessment) Regulations 2007*
- Traffic management plan**—a site-specific plan that covers the design, implementation, maintenance and removal of temporary traffic management measures whilst development is carried out
- Noise management plan**—a report outlining measures to reduce the noise impact of sources associated with a proposed land use activity
- Waste management plan**—a report outlining how construction waste and waste produced during the

operational phase will be managed

- Conservation management plan**—a guiding document for the conservation and management of a heritage place or item.

Please liaise with PUMA before submitting your DCA to determine if you need to include any of the above.

PUMA may request additional information if sufficient information was not submitted to adequately assess the development proposal. You may also be required to notify your DCA (refer sheets 2.02 and 2.03).

DCA assessment process

PUMA will not commence assessing your DCA until all required information, including requested additional information, has been received. Once PUMA has received this, your DCA may need to be notified (refer sheet 2.03) and be referred to other authorities for their consideration (refer sheet 2.04). If your proposed development is deemed significant, it may also be required to undergo a design review (refer sheet 2.05).

In determining your application, the Agency will consider all matters provided under Section 46 of the *Planning and Urban Management Act 2004* (the Act). This includes all DCA documentation, submissions, comments from referral agencies and outcomes from design reviews. Other matters for consideration are:

- compliance with strategic plans, policies, guidelines and standards;
- potential environmental, social and economic effects;
- effects on cultural and natural heritage;
- sustainability of the proposed development;
- suitability of the site for the proposed development including consideration of the effects of natural hazards;
- character of the proposed development including bulk, size and scale;
- adequacy of arrangements relating to waste water, sanitation and storm water;
- traffic, access and parking;
- safety features including fire safety; and
- the public interest.

Overall, PUMA must be satisfied that any adverse effects of the proposed activity will be minor and the proposed use will not be contrary to the objectives and provisions of the Act, and related regulations and policies. Refer Figure 2 for a flow chart outlining the above process.

Notice of Decision

The Notice of Decision is a legal document issued for a DCA informing the applicant of the decision reached by PUMA, which may decide to:

- grant a development consent; or
- grant a development consent subject to conditions; or
- refuse to grant a development consent on any grounds it thinks fit.

If a DCA complies with all the requirements under the Act and regulations, and the potential environmental impacts are minor, the Agency will likely grant a development consent subject to conditions. These are usually specific standards, restrictions or prohibitions listed in the Notice of Decision which are related to a particular DCA. The conditions of consent are ordered in the logical process that needs to be followed in acting on the consent (i.e. by timeframe), and categorized by type of condition (e.g. car parking, landscaping).

In the unlikely event that PUMA refuses to grant development consent for a DCA, it is usually due to non compliance with the Act; inadequacy of the subject site for the proposed development; or significantly detrimental environmental effects.

Processing times

The duration for processing an application depends on the complexity and scale of the proposed development. Once PUMA receives your DCA, staff will check for 'completeness of application' before it is processed. It is therefore very important that you provide all information required at the initial submission of your application, otherwise incompleteness of the application may prolong the necessary period.

Table 1 provides approximate timeframes for processing a DCA.

Fees

Pursuant to section 37 of the Act, your DCA must be accompanied by the prescribed fee. Your DCA will not be processed until the prescribed fee has been paid. Fees are set according to the expected capital value of the proposed development and are outlined in Table 2.

Type of development	Processing time (working days)
Single residential; simple commercial or industrial; agricultural or rural; sand mining; earthworks; signage; fencing; land clearance	10 days
Multi-residential; complex commercial or industrial; mixed use; change of use; subdivisions; tourist accommodation	20 days
Complex or nationally significant developments; infrastructure (e.g. bridges and roads); public buildings (e.g. hospitals, schools); land reclamation	40 days

Table 1: DCA processing times

Capital Value	Fee
\$0 to \$50,000	\$30.00
\$50,001 to \$100,000	\$50.00
\$100,001 to \$500,000	\$90.00
\$500,001 to \$1,000,000	\$125.00
\$1,000,001 to \$5,000,000	\$250.00
\$5,000,001 to \$10,000,000	\$1,000.00
\$10,000,001 and above	\$2,000.00

Table 2: DCA fees (as at May 2017)

DEVELOPMENT CONSENT APPLICATION PROCESS

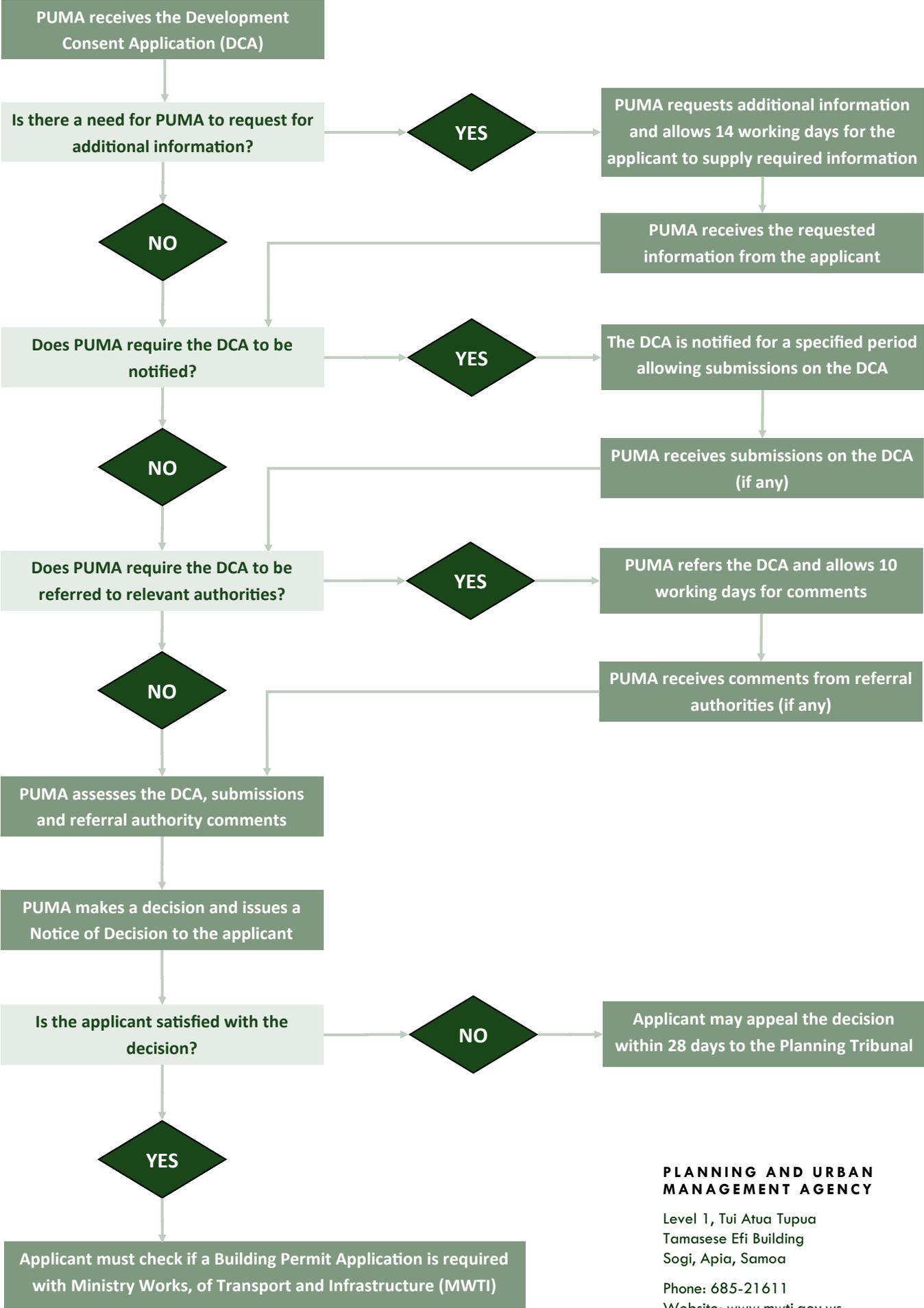


Figure 2: flow chart outlining Development Consent Application process

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