

## DEVELOPMENT APPROVALS

**Policy Type: Council Policy**

**Policy Owner: Director Urban Planning.**

**Policy No. CP- 042**

**Last Review Date: 17 August 2010**

### POLICY OBJECTIVES

To address specific aspects of Planning Approval relative to provisions of Community Planning Scheme No. 5 and other Development and Building Control Policies relating to approval of amended plans, development bonds, time limitations on Development Approvals, land adjoining Council property, applications for development on Council land, tree retention relative to Development Approvals.

### POLICY STATEMENT

#### 1. AMENDMENT TO APPROVED PLANS

Modifications or amendments to approved plans of proposed development shall only be permitted on the following grounds:

- a) The amendment conforms to all current policies of the Council.
- b) The amendment conforms to all statutory legislation applicable to the development.
- c) Where comment of abutting landowners was required for the original application then comment of abutting landowners to the amendment is also to be obtained with the exception of proposed amendments that fully comply with the Acceptable Development requirements of the Residential Design Codes, the provisions of Community Planning Scheme No 5 or requirements Council Policies.
- d) The amendment does not have a detrimental effect on the amenity of the locality.
- e) Where the original Development Approval was determined by Council or the Development Advisory Unit, the amendment is to be considered by the Council or Development Advisory Unit (as per the original approval), unless the modification is minor and does not require an Absolute or Special Majority decision of the Council, is of no consequence to adjoining property owners and can be dealt with in terms of requirements of the relevant Residential Design Codes, Community Planning Scheme No 5, Council Policy and is consistent with Delegations of Authority.

## 2. DEVELOPMENT BONDS

The Manager Planning and Development Services administers the requirements for development bonds in respect of:

- Strata Titles
- Development Approvals
- Subdivision Approvals
- Amalgamation Approvals

Development and Subdivision Approvals with bonds and Deeds of Agreement / letters of agreement will only be imposed where it can reasonably be argued that a compliance bond provides a measure of security for compliance which is justified by circumstances of the application and which cannot be secured through the possibility of prosecution or other normal means.

A performance bond will only be imposed on a Development Application or in consideration of clearance of a condition of Subdivision Approval where it is based on the question of "reasonableness" and "validity". The condition of a bond requirements for a Development Application or Subdivision Approval will only be applied in conjunction with a condition requiring the developer/applicant/owner to enter in to a legal agreement with Council (at the applicant's cost) with the specific reference in the agreement to secure the performance of the applicant, or in relation to a specific letter of agreement from the applicant and the City of Melville where a condition for legal agreement has not been imposed on the Subdivision or Development Approval.

The circumstances of the loss or repayment of the bond is to be dealt with in the Deed of Agreement or written agreement, with the condition of loss or refund being defined in such a way so the applicant will know with certainty at the time of imposition of the bond condition how they are to comply.

## 3. TIME LIMITATIONS ON PLANNING APPROVALS

### a) Metropolitan Region Scheme Approvals

The following wording shall appear on all Metropolitan Region Scheme Approvals issued by the Council, the Chief Executive Officer or Manager Planning and Development Services under delegated authority of the Western Australian Planning Commission and Council.

"If the development the subject of this approval is not substantially commenced within a period of TWO YEARS from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained."

**b) Town Planning Scheme Approvals**

- i) Subject to (b) (ii) of this Policy, the following wording shall appear on all Town Planning Scheme Approvals issued by the Council, the Chief Executive Officer or the Manager Planning and Development Services under delegated authority of the Western Australian Planning Commission and Council.

"This Planning Approval and the consent granted in that regard by the Council is valid for a period of TWO YEARS, from the approval date. If development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing with development."

- ii) The following non-standard Planning Approval periods shall apply in accordance with Community Planning Scheme No. 5 or unless otherwise determined by the Council, the Chief Executive Officer or the Manager Planning and Development Services under delegated authority of the Western Australian Planning Commission and Council.

- Home Occupation	12 months (Clause 5.6 (c))
- Bed and Breakfast Accommodation	12 months
- Exhibition/Display Homes	12 months
- Demolition	6 months
- Advertising Balloons/Blimps	30 days maximum
- Market Activities	12 months
- Temporary Structures on Lots or Reserves	12 months
- Temporary use of verge for construction sites	Period of construction works
- Temporary use of verge for storage/delivery	5 working days

**4. LAND ADJOINING COUNCIL PROPERTY**

Where an application for Planning Approval is received in respect of property adjoining Council land (freehold or reserved – not including road reserves), the Manager Planning and Development Services is delegated authority to determine the acceptability of:

- a) setback variations to structures; and  
 b) the need for measures to ensure compliance with respect to Development and Building Controls - Policy; and  
 c) structures, retaining walls and fencing on dividing boundaries.

## 5. TREE RETENTION RELATIVE TO DEVELOPMENT

1. Community Planning Scheme No. 5 in Clause 6.5 Protection of Vegetation provides for such protection as a function of planning approval and development. Conditions may be imposed requiring the protection and preservation of trees and other vegetation during developments.
2. It is the general purpose of the Council to provide guidance, encouragement and education to residents/developers of the City of Melville to retain, where possible, trees/vegetation on private property during development and redevelopment of property.
3. For the purpose of this Policy the Council may consider the following points when assessing Planning Applications for development or redevelopment which propose to remove existing vegetation:
  - a) the type, quality, quantity and condition of existing vegetation; and
  - b) the physical location which may make it difficult to redesign of the application or impose unreasonable design constraints for new development; and
  - c) any benefits that may arise by retaining such vegetation relative to:
    - i) maintaining neighbourhood amenity;
    - ii) boundary screening which minimises overlooking and visual intrusion; and
  - d) the heritage significance of existing vegetation; and
  - e) the possible loss of the habitat of rare and/or endangered flora and fauna.

### Other References Applicable to this Policy

Delegated Authority No:

Procedure No:

---

### ORIGIN/AUTHORITY

Planning and Development Services Committee  
Formerly Planning Policy (6) 19/03/91

### REVIEWS

Special Planning and Development Services Committee 27/06/00 Item No. P00/1004  
Ordinary Meeting of Council 17/08/2010 Item No. P10/3152

---

Changes to this document can only be made by the Responsible Officer via a System Improvement Request  
Printed version is uncontrolled and valid only at the time of printing

---