

Policy Type	<u>COUNCIL</u>	Process Owner: Insert the Responsible Officer
Business Function	Development and Building Controls	Effective Date:

**POLICY NO: 06-003**

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## DEVELOPMENT APPROVALS

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### POLICY OBJECTIVES

To address specific aspects of planning approval in addition to Community Planning Scheme No. 5 and other Planning and Building Policies.

### 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 consent of abutting landowners was required for the original application then consent of abutting landowners to the amendment it also be obtained.
- d) The amendment does not have a detrimental effect on the amenity of the locality.

#### (2) DEVELOPMENT BONDS

The Executive Manager Development and Neighbourhood Amenity administers the requirements for development bonds in respect of:

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



Development Approvals with bonds and Deeds 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 where it is based on the questions of “reasonableness” and “validity”

The condition of a bond requirements for a Development Application will only be applied in conjunction with a condition requiring the developer/applicant/owner to enter in to an agreement with Council with the specific reference in the agreements to secure the performance of the applicant.

The circumstances of the loss or repayment of the bond is to be dealt with in the Deed of 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 or the Chief Executive Officer under delegated authority of the Western Australian Planning Commission.

"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 or the Chief Executive Officer.

"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 Executive Manager Development and Neighbourhood Amenity:

- Home Occupation	twelve (12) months maximum (Clause 5.6 (c))
- Display Home	twelve (12) months
- Demolition	six (6) months
- Advertising Balloons/Blimps	thirty (30) days maximum

### **(5) LAND ADJOINING COUNCIL PROPERTY**

Where an application for planning approval is received in respect of property adjoining Council land (freehold or reserved), the Chief Executive Officer 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 Planning and Building Policy; and
- c) structures, retaining walls and fencing on dividing boundaries.

### **(6) TREE RETENTION DURING DEVELOPMENT**

1. Community Planning Scheme No. 5 in Clause 6.5 Protection of Vegetation provides for such as a function of planning approval and development. Conditions may be imposed requiring the protection and preservation of trees and other vegetation during developments, including demolition works.
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 the development/redevelopment stages.



3. For the purpose of this policy the Council may consider the following points when assessing applications for development/redevelopment which propose to remove existing vegetation:
  - a) the quality, quantity and condition of existing vegetation; and
  - b) the physical location which may lead to a possible redesign of the application; and
  - c) any benefits that may arise by retaining such vegetation:
    - 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:

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### **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

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