

DEVELOPMENT ADVISORY UNIT

Policy Type: Council Policy Policy Owner: Director Urban Planning	Policy No. CP - 044 Last Review Date: 16 August 2011
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POLICY OBJECTIVES

To define the role and process of the Development Advisory Unit.

POLICY STATEMENT

1. MEMBERSHIP AND MEETINGS

- (1) The Development Advisory Unit (DAU) Membership shall consist of:
 - a. Presiding Member being the Manager Planning and Development Services (or in their absence, the Acting Manager Planning and Development Services or Planning Services Coordinator);
 - b. Planning Services Coordinator;
 - c. Manager Building Services or Building Services Coordinator;
 - d. Senior Planning Officers;
 - e. A representative from Health Services (if required); and
 - f. Two representatives from Technical Services.
- (2) The DAU will generally convene on Tuesday each week, but may meet more regularly, or on an alternative day, as determined by the Presiding Member.
- (3) The DAU will consider and make recommendations on Planning Applications referred to it under the provisions of this Policy.

2. REFERRAL OF MATTERS TO THE DEVELOPMENT ADVISORY UNIT

- (1) The following applications and land use matters are to be referred to the DAU for recommendation:
 - a. Where any Member of the DAU has a financial or proximity interest as defined in Sections 5.60, 5.61 and 5.62 of the Local Governments Act 1995;

- b. Any application which has been advertised, received objections in response and those objections cannot be satisfied with changes which bring the application into conformity with the Acceptable Development requirements of the Residential Design Codes, provisions of the Scheme or any Council Planning Policy or which provide for a negotiated settlement between the applicant and objecting party;
 - c. Any application which has been advertised, received objections in response and those objections cannot be satisfied with changes or a negotiated settlement as referred to in Sub-clause 2(1)c above and where the objection relates to a 'relevant planning matter (or matters)' as determined by Clauses 3(3) and 3(4) below;
 - d. Any application which amounts to a request for reconsideration of a proposal which was the subject of a previous recommendation of the DAU. This item does not apply to an application the purpose of which is to secure a variation of a condition or approval which the Presiding Member considers to be of little planning consequence or unrelated to the key determining factors in the original decision;
 - e. Other proposals which in the opinion of the Chief Executive Officer or Director Urban Planning should appropriately be referred to the DAU for recommendation.
- (2) The following matters are to be referred to the DAU as confidential items:
- a. Reports and recommendations to the Chief Executive Officer associated with a review of a planning decision by the State Administrative Tribunal;
 - b. Legal advice received in relation to the Planning Application; and
 - c. Matters associated with development applications or the application process that may result in legal proceeding or which should in the opinion of the Chief Executive Officer or Director Urban Planning be confidential matters.
- (3) Where applications which are to be referred to the DAU under this Clause have been advertised and objections received, the matter shall only be considered by the DAU after the Presiding Member has (through Council Officers) attempted to achieve a negotiated outcome.

3. RECOMMENDATIONS AND REPORT

- (1) The DAU may recommend that a proposal be approved with or without conditions, refused, or referred to the Council for determination. Any recommendation for approval or refusal must set out the reasons for recommendation.
- (2) Where applications have been advertised and objections received and the DAU considers the matter, the DAU is to determine and record in its report for each objection:
 - a. Whether the objection received relates to a 'relevant planning matter (or matters)';
 - b. Whether the objector might be negatively impacted by the proposal; and
 - c. The grounds for upholding or not upholding the objection.
- (3) For the purposes of this Policy, the following matters are a 'relevant planning matter (or matters)':
 - a. Matters to be considered by Council under Clause 7.8 of Community Planning Scheme No. 5;
 - b. Any development standard or requirement in Community Planning Scheme No. 5;
 - c. Any design element in the Residential Design Codes – whether the proposed development is compliant or not; or
 - d. Any clarification in a Planning Policy adopted under the requirements of Community Planning Scheme No. 5.
- (4) For the purposes of this Policy the following matters are not a 'relevant planning matter (or matters)':
 - a. Impacts on property price;
 - b. Matters that are usually dealt with under a building licence;
 - c. Matters of personal hardship or compassionate issues unrelated to amenity impact and orderly and proper planning; or
 - d. Incorrect assumptions on technical planning matters.



- (5) All Elected Members shall be provided with a copy of the reports and recommendations of the DAU by email on or before the Monday following the meeting (or the Tuesday following the meeting in the instance of a Public Holiday falling on the preceding Monday).
- (6) The reports and recommendations of the DAU shall be published where possible to the City of Melville web site, on the applicable Monday (or Tuesday where a public holiday occurred on the preceding Monday) following the meeting.

4. DETERMINATIONS

- (1) Subject to Clause 5 of this Policy, no sooner than midday on the second Monday after the Friday publication of the DAU report to the City of Melville website, the Presiding Member, Planning Services Coordinator or Senior Planning Officers may determine the application in accordance with the processes set out in Policy 06-PL-036 Planning Process and Decision Making, the requirements of Community Planning Scheme No. 5 and Council Delegation DA-020 Planning and Related Matters.
- (2) Where additional technical information is received after the DAU has made recommendations the Presiding Member may refer the application back to the DAU for further consideration and recommendations.
- (3) Where, as a result of negotiations taken place during the “call-up” period (as limited by Clause 4.1 above) between the Officers and the applicant to address concerns raised by either an Elected Member, Chief Executive Officer or an adjoining objecting landowner and modifications result to the plans or conditions, the outcomes of those negotiations are to be reported in the next available DAU minutes as an information report. Call-up procedures as provided by Clause 4.1 do not apply to an information report in this regard.

5. REFERRAL OF MATTERS TO COUNCIL

- (1) Matters may be referred to Council by the Presiding Member based on the following circumstances.
 - a. Where the Chief Executive Officer has received a request from an applicant or adjoining property owner objecting to the application and that party raises a ‘relevant planning matter (or matters)’ as determined by Clauses 3(3) and 3(4) above, the Chief Executive Officer may, following consideration of Sub-clauses 5(2)b and 5(2)c as follows and advice from the Director Urban Planning and/or the Manager Statutory Planning, request that the matter be referred to Council for determination.

- b. Where an Elected Member advises the Chief Executive Officer that the matter be referred to Council for determination provided that:
 - The Elected Member raises a relevant 'planning matter (or matters)' as determined by Clauses 3(3) and 3(4) above; and
 - The call up request has the support of the two Ward Councillors from the Ward within which the planning application subject site is located; or, the Mayor, or in his or her absence, the Deputy Mayor, and at least one Ward Councillor from the Ward within which the planning application subject site is located.
 - The call up request is accompanied by a Call up Request form, to be completed in accordance with the requirements of this Policy.
 - c. The request for review or "call-up" in regards to Clauses 5(1)a and 5(1)b above, must be received by the CEO by midday of the second Monday after the Friday publication of the DAU minutes to the City of Melville website. In the event that the DAU Minutes are not published to the City's website until the Monday after the DAU meeting, the deadline for call up requests will remain the following Monday, as provided for under Clause 4(1) above.
- (2) The Presiding Member shall refer matters to Council in the following circumstances:
- a. Where any member of the DAU has a financial or proximity interest as defined in Sections 5.60, 5.61 and 5.62 of the Local Governments Act 1995; or
 - b. Where the Chief Executive Officer has received a written request for the matter to go before Council from a party who made objections after the application was advertised and:
 - i) The DAU has recommended approval; and
 - ii) The DAU report has recognised the objection relates to a 'relevant planning matter (or matters)' as determined by Clauses 3(3) and 3(4)' and that the objector might be negatively impacted by the proposal under Clause 3(2) of this Policy; and
 - iii) The DAU report has failed to uphold the objection on a 'relevant planning matter (or matters)' as determined by Clauses 3(3) and 3(4) and raised by the objector; and
 - iv) Where subject to further discussions between Council Officers with the applicant and objecting party, either an alternative design solution cannot be achieved to the satisfaction of the objecting party or the objection is not withdrawn in writing by the objecting party; or

- c. Where the Chief Executive Officer has received a written request from the Applicant and:
- i) The DAU have recommended refusal or, in the view of the applicant, the DAU has recommended an unreasonable condition; and
 - ii) The Applicant has made significant changes to the application to address the reasons for refusal or conditions given in the DAU report.

References that may be applicable to this Policy

Legislative Requirements:

Procedure, Process Maps, Work Instructions:

Other Plans, Frameworks, Documents Applicable to Policy:

Delegated Authority No:

ORIGIN/AUTHORITY		ITEM NO.
Planning and Development Services Committee	21/07/1998	
REVIEWS		
Ordinary Meeting of Council	27/06/2000	P00/1004
Ordinary Meeting of Council	19/06/2007	P07/1006
Ordinary Meeting of Council	17/08/2010	P10/3152
Special Meeting of Council	09/11/2010	P10/3178
Ordinary Meeting of Council	16/08/2011	P11/3228