

TERMS OF REFERENCE

Internal Development Advisory Unit (DAU)

Purpose

The purpose of the Internal Development Advisory Unit (DAU) is to consider and make recommendations on Planning Applications referred to it under delegation DA-020 – Planning and Related Matters prior to determination by either Council or the CEO (or sub-delegate).

Internal Advisory Unit Function

The Internal Development Advisory Unit is established with the following responsibilities:

- To consider development applications where objection has been received to form recommendation from consensus of City's staff members.
- To consider other proposals which in the opinion of the CEO or Director Urban Planning should be referred to the DAU for recommendation.
- To consider development applications or other proposals where the Mayor requests the CEO to exercise their discretion under 16.2(a)(ii) to refer a development application to the DAU for recommendation.
- To ensure recommendations consider the assessment undertaken, the comments received from the residents and landowners, internal and external referrals and the context of the site where the development is proposed.
- To inform the preparation of a report which addresses the areas of consideration in making recommendation for elected members to consider in determining whether to call up the item for consideration by full Council meeting.

Membership

Member
Manager Development Approvals (Chairperson)
Principal Statutory Planner (Deputy)
Senior Statutory Planners
Business Support Officer (Minute Taker)

The membership is made up of City of staff to consider technical matters. There is no external or Elected Member membership associated with this Internal Advisory Unit.

Other employees under the direction of the CEO, or the Director Planning may be required to attend to provide advisory or business support as required (listed above).

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 Government Act 1995*, the membership may need to be substituted to include the Director Planning or the Chief Executive Officer to remove the financial or proximity interest.

Membership of this meeting will be reviewed in conjunction with the review of the terms of reference conducted annually.

Chairperson

The Chairperson (Chair) will be the Manager Statutory Planning and Building and the deputy will be the Principal Statutory Planner. In the absence of the Chair, the deputy chair will preside over the meeting.

The Chairperson will:

- ensure an efficient and effective meeting process in accordance with the terms of reference;
- foster a positive culture within the meeting that provides an opportunity for all attendees to participate, and promotes openness and honesty,
- encourage appropriate questioning;
- ensure the clarity of the roles of officers; and
- ensure clarity of the recommendations where applicable.

Meeting Schedule

Meetings will convene as required on Tuesdays every week but may meet on an alternative day as determined by the Chair.

Where there are no items for discussion at a particular meeting, the meeting may be cancelled at the direction of the Chair.

Governance

- (a) DAU meetings will be convened by the Chair, as required by the Meeting Schedule outlined above;
- (c) A quorum for the Committee is three members;
- (d) Where an item of the DAU is referred to Council, recommendations must be considered and adopted by the Council before implementation.

Administration

City officers, under the direction of the Director Planning or Manager Statutory Planning and Building, will:

- be responsible for coordinating meetings.
- circulate an agenda to the full membership of the DAU before each meeting.
- take notes of the meeting, including actions, to be taken and registered in the City's Document Management System and made available to all Elected Members via the Elected Members Portal and published online for view by the public.
- Progressing resolutions through to Council meetings for determination when an item is called up by the CEO or Elected Members to be referred to Council for determination.
- Determine the Development Application where it is not called up by the CEO or a Elected Member.

Agenda Setting

Items for inclusion are to be in accordance with the provisions set out in Appendix 1 with the approval of the Chair. Items to be included should be forwarded to the Urban Planning Business Support Team.

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 Government Act 1995* and cannot have quorum with their exclusion, the item is not to be included within the agenda and instead the item is required to be referred to Council for determination.

Distribution to Elected Members and Public

Final Agenda of the DAU meeting shall be provided to Elected Members via the Elected Members Portal, and to members of the public via the City of Melville website on the applicable Monday (or Tuesday where a public holiday occurred on the preceding Monday) following the meeting. This is to contain notes of the DAU discussion.

Following the call-up period (generally midday on the second Monday following the DAU meeting), final DAU minutes are to be published with the outcome after the call up period. This document is to include how a decision was made, including whether it was approved under delegation or referred to the Council for determination.

Call Up Procedure

The DAU application is to be referred to Council for determination when an Elected Member requests that the CEO refer the application to Council for determination. Any call up request to the CEO shall be made using the Call Up Request Form and specify the rationale for the call up.

The “call-up” request, must be received by the CEO’s office prior to midday on the second Monday following the DAU meeting, or Tuesday if a Public Holiday occurs on the Monday. The call up request should include rationale for Council decision to be requested.

Where an application is successfully ‘called up’, the application will be considered at the next appropriate meeting of Council.

Where an application is successfully ‘called-up’ the applicant and any submitters will be advised of this decision in writing, including details of the Council meeting schedule and details.

Where, negotiations take place during the “call-up” period which result in modifications to the proposed plans or recommended conditions of approval of the development application which address the reasons for the call up, the amended proposal is to be represented to the next available DAU meeting for reconsideration. The proposal is required to be ‘called up’ again, otherwise will be determined as per the DA20 delegations.

Delegated Authority

Subject to no written request from the Chief Executive Officer or an Elected Member to call up an item to Council, the Development Advisory Unit (DAU) may determine the outcome of an application in accordance with Council delegation DA-020 Planning and Related Matters. This would not be before midday on the second Monday after the DAU meeting, or Tuesday in the event of a Public Holiday on the Monday and determined in accordance with the DAU recommendation.

Where additional technical information is received after the DAU has made its recommendation, the Chair of the DAU may refer the application back to the DAU for reconsideration with the additional technical information. This is at the discretion of the Chair and considering the impact of the additional technical information on the recommendation to the DAU.

Where, negotiations take place during the “call-up” period which result in modifications to the proposed plans or recommendation, the amended proposal is to be represented to the next available DAU meeting for reconsideration.

Code of Conduct

Officers are bound by the City of Melville Code of Conduct Employees.