Planning Process and Decision Making

This document outlines the planning procedures for advertising of development applications, subdivision referrals and local planning policies and the process for decision making of development applications. This policy is procedural in nature and does not contain development standards.

If you are searching for general information in relation to planning requirements, please refer to the Planning Services page of our website https://www.melvillecity.com.au/ or alternatively you can speak to one of our planning officers either on the phone, 9364 0666 or in person at 10 Almondbury Road, Booragoon during business hours, 8.30am – 5:00pm Monday to Friday.

Policy Type: Local Planning Policy	**Policy No. LPP 1.1**
Policy Owner: Director Urban Planning	**Last Review Date: 19 November 2024**

CITATION

This is a Local Planning Policy prepared under Schedule 2 of *the Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and the City of Melville Local Planning Scheme No. 6 (LPS No.6). This Local Planning Policy may be cited as Local Planning Policy No. 1.1 – Planning Processes and Decision Making (LPP 1.1)

POLICY OBJECTIVES

The objectives of this policy are as follows:

- To promote a consistent approach by the City in the assessment and public advertising of development applications, local planning policies, subdivision referrals and other planning matters;
- To facilitate community input into the decision making process; and
- To provide information to Elected Members, the City administration, applicants and submitters regarding the process for dealing with planning matters.

POLICY SCOPE

This policy sets out the assessment and advertising processes relating to the assessment of applications for development approval and related matters.

The requirements for advertising of planning matters generally are set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). Where there is conflict between this policy and the Regulations, the Regulations prevail.

Clause 2.3 of the Residential Design Codes Volume 1 outlines the requirements for consultation for low and medium density residential development. This Local Planning Policy provides clarification on the consultation requirements development assessed under the Residential Design Codes Volume 1. It also provides information regarding the extent of, and methods of, consultation which will be undertaken by the City when it is required. This Local Planning Policy also covers development assessed under the Residential Design Codes Volume 2.

POLICY APPLICATION

This policy applies to all development on land where Local Planning Scheme No. 6 applies.

DEFINITIONS AND ABBREVIATIONS USED IN POLICY

Definitions

Decision Maker

That body, organisation or authorised person legally vested with the power to make decisions, pursuant to relevant legislation and applicable planning policy frameworks.

Relevant and Non-Relevant Planning Matters

Relevant Planning Matters	*Non-Relevant Planning Matters*
a) Matters to be considered by the City under Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations); and/or b) The requirements of Local Planning Scheme No.6 or applicable Planning Instrument (Activity Centre Plan, Structure Plan, Local Development Plan, Planning Code or Planning Policy) which requires the decision maker to exercise judgement; and/or c) Any development standard requiring the decision maker to exercise judgement against the Design Principles of the R-Codes.	a) Perceived loss of property value b) Private disputes between neighbours including access & egress and easements c) Dividing fence issues d) Matters that are usually dealt with by the building permit or a subsequent approval process e) Impact of construction work f) Trade competition concerns (in most circumstances) g) Personal morals or views about the applicant h) Matters that are controlled under other legislation

Complex Development Applications

For the purposes of this policy Complex Development Applications are outlined in the Regulations definitions as:

a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or
b) an application of a kind identified elsewhere in the Scheme, or in a local planning policy, as a complex application for development approval;

In reference to clause (b) above, the City has the below development types included in complex development applications:

(i) 10 or more grouped or multiple dwellings;
(ii) 2,000 m2 or more of commercial floor space; and/or
(iii) A Development Application which is to be determined under Part 11B of the *Planning and Development Amendment Act 2023* (this is development which meets the value and significance threshold outlined in this legislation).

An amendment to a previous planning approval, is not classed as a complex development application, unless the amendment increases the number of dwellings or commercial floor space in the planning approval of a development such that the amended development would meet the definition of a complex development application.

Standard Development

For the purposes of this policy a Standard Development includes all of the following;

- Residential development which requires a performance assessment against the Design Principles of Residential Design Codes Volume 1 or the Element Objectives of the Residential Design Codes Volume 2 and has a possible impact on the amenity of adjoining owners and occupiers.

- A development which is required to be advertised in accordance with the Zoning Table (Table 17) of LPS6.

- Non-residential development which does not meet the definition of complex development application.

Mixed Use Development

A development is classed as Mixed Use when it incorporates an element of residential development in the form of multiple dwellings, and an element of non-residential development such as an office.

Submitters

Parties who lodge a written comment on a planning application, whether in support or objection.

Abbreviations

CEO	Chief Executive Officer – City of Melville
LPS6	City of Melville Local Planning Scheme No. 6
DAP	Development Assessment Panel
DAU	Development Advisory Unit
DPLH	Department of Planning, Lands and Heritage
EMB	Elected Members Bulletin
GNC	Geographic Names Committee of Landgate
MRS	Metropolitan Region Scheme (as amended)
PAW	Pedestrian Access Way
RAR	Responsible Authority Report
R-Codes	Residential Design Codes Volume 1 and Residential Design Codes Volume 2 - Apartments (as amended)
Regulations	*Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)**
DAP Regulations	*Planning and Development (Development Assessment Panels) Regulations 2011 (as amended)*
SAT	State Administrative Tribunal
WAPC	Western Australian Planning Commission

* Note: unless otherwise stated Clauses referred to are contained in Schedule 2 of the Regulations

POLICY STATEMENT

1.0 Applications for Development Approval

1.1 The *Planning and Development Act 2005* defines "development" as:
"development' means the development or use of any land, including –
(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
(b) the carrying out on the land any excavation or other works;
(c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that –
i. is likely to change the character of that place or external appearance of any building; or
ii. would constitute an irreversible alteration of the fabric of any building."

1.2 Clause 60 of the Regulations states that all development requires approval prior to the commencement of works unless it is of a type referred to in Clause 61.

1.3 Clauses 62 and 63 of the Regulations outline the information required to be provided as a part of the application for development approval. The City has also prepared a checklist to assist applicants in this respect. All applications for development approval are to include (at a minimum) all of the relevant information as outlined by the development application checklist. Where all of this information is not provided at lodgement, the application may be returned to the applicant.

1.4 Once a preliminary assessment of the application has been undertaken, further information may be requested from the applicant to enable a complete or more detailed assessment to be undertaken.

1.5 Clause 75 of the Regulations states that the local government is to determine applications for development approval within 60 days of the receipt of the application or 90 days where the application requires consultation with the public or other authorities. This timeframe may be extended if agreed in writing by the applicant and local government. If a decision is not made before the expiry date, the local government can be taken to have refused the development application, and an application for review to the State Administrative Tribunal may be triggered.

1.6 For development applications which are to be determined by the DAP, the timeframe for preparing and submitting an RAR is determined by the DAP Regulations.

2.0 Assessment

2.1 Development applications are assessed having regard to the development controls established by the planning framework including LPS6, state planning policies, the R-Codes, adopted precinct structure plans and activity centre plans, local development plans, Council Policy and local planning policy provisions.

2.2 Where a development application requires an assessment against the relevant performance standards, the following (as applicable) will be taken into consideration:

(a) For all applications:
- The matters to be considered in Clause 67 of the Regulations.
- Relevant planning documentation such as the Local Planning Strategy, Structure Plans, State Planning Policies and the like.
- Any other planning document adopted pursuant to LPS6.
- Any comments received from the City's (or State's) Design Review Panel.

(b) For applications where an exercise of judgement is sought in relation to the development requirements in LPS6:
- Whether Clause 34 of LPS6 provides the ability to consider the application.
- Whether the proposal satisfies the objectives of each zone.

(c) For applications where an exercise of judgement is sought in relation to the development requirements in a Local Planning Policy or Council Policy:
- The objective of the policy.
- Any additional assessment criteria within the policy.

(d) For applications which require an exercise of judgement under the R-Codes:
- The objective(s) of the provision.
- The relevant Design Principle(s) or Element Objective(s).

Note: For clarification in respect of this, refer to the Explanatory Guidelines and other supporting documentation of the R-Codes

(e) For applications which require an exercise of judgement under an adopted structure plan, activity centre plan or local development plan:
- The objectives and vision of the plan; and
- The desired outcome for the relevant element in the Canning Bridge Activity Centre Plan (where assessment is required under this Activity Centre Plan).

2.3 Where Local Planning Policy – 1.2: Design Review Panel is applicable the development application should be referred to the City's Design Review Panel for its assessment and comment.

2.4 Development applications may also be referred to other government departments for their assessment, comment and recommendation where required.
- The City is bound to referral comments received by State Government agencies where required under the MRS and the relevant delegations and received within the required timeframe.
- The City is not bound by comments received by State Government agencies where the referral is not required under the MRS and relevant delegations.
- The City may elect to not determine applications under the MRS and instead refer the MRS component of the application to the Department of Planning, Lands and Heritage for determination. This would be in circumstances where the City does not agree with the comments received by the State Government Agency and be able to determine the LPS6 portion of the application.

2.5 Where, after the granting of development approval, an amendment is sought to either the timeframe to substantially commence, to a condition of development approval or the works component, the City will assess the amendment as per the Regulations and clause 3.13 and may waive the requirements of clause 2.1 to 2.4 depending on the nature of the amendment.

3.0 Advertising of Development Applications

The public consultation, or advertising process (as it is also referred to), is intended to facilitate community input into the decision-making process. Consultation can take a number of forms including letters to adjoining landowners and occupiers, a sign on site and information on the City's website. The written input received during the consultation process inform the decision-making process however neighbour consultation comments are not binding – they do not replace the role of the decision-maker. The decision maker is required to consider the comments received and balance these with a technical assessment against the relevant planning frameworks when making a judgement on the merit of a proposal. The following clauses outline the process the City will follow in relation to the advertising of Development Applications.

3.1 The following table outlines the minimum public consultation requirements for Development Applications

Application Type	Time Period (Calendar Days)	Sign on site	Written notification to owners and occupiers	City of Melville Website
Residential Development*	**14**	**No**	**Yes As per clause 3.6**	**Yes**
Standard Non-Residential Development	**14**	**As per Clause 64 of Regulations**	**Yes As per clause 3.6**	**Yes**
Complex Development	**28**	**Yes**	**Within 200 metres of subject site**	**Yes**

*where the proposal does not meet the definition of a complex development and meets the criteria under clause 3.3

All advertising is required to adhere to the requirements of Clause 64 of the Regulations where applicable.

3.2 Informal consultation and communication between the applicants and adjoining property owners is strongly encouraged prior to lodgement with the City. This more courteous, neighbourly approach will, in many situations enable an outcome to be achieved which best meets the interests of all parties involved.

The City will either reduce or refund 25% of the standard development application fee where:

a) The proponent has pro-actively consulted on their plans with the adjoining properties clause 3.1 and 3.6 of this policy prior to development application lodgement; and

b) The City has been provided with the necessary evidence at the time of lodgement that pre-lodgement public consultation has occurred. The City can provide the proponent with a list of adjoining property owner and occupier postal addresses consistent with clause 3.1 and 3.6 of this policy. The evidence of pre-lodgement consultation must be completed by the owner/occupier for the relevant property at the time of lodgement. This will be verified by the City;

c) The City reserves the right to veto any pre-lodgement public consultation and will undertake separate consultation to any owners/occupies in the surrounding area; and

d) If no response from an adjoining owner/occupier is received within 14 days from the proponent requesting comment, the proponent can submit that an attempt at contact was made at lodgement. This may be accepted in lieu of evidence of pre-lodgement consultation for that specific property only, enabling the proponent to still qualify for the pre-consultation concession (depending on the quality of evidence that consultation was attempted).

3.3 Advertising of Residential Development.

(a) Any application which seeks a performance assessment against the following the Design Principles of the R-Codes (Volume 1) and Element Objectives of the R-Codes (Volume 2):

Part B: Low Density

- Clause 5.1.3 Lot boundary setback;
- Clause 5.1.6 Building height;
- Clause 5.3.7 Site works;
- Clause 5.4.1 Visual privacy; and

  Clause 5.4.2 Solar access for adjoining sites

Part C: Medium Density

- Clause 3.2 Building height;
- Clause 3.4 Lot boundary setbacks;
- Clause 3.5 Site works and retaining walls;
- Clause 3.9 Solar access for adjoining sites; and
- Clause 3.10 Visual Privacy.

Volume 2: Multiple Dwellings R80 and above (including Mixed Use Development)

- All applications excluding subsequent additions which are considered minor in nature.

The applications which meet the above criteria will be advertised to the adjoining owner(s) and occupier(s) as detailed in Clause 3.6 as there may be a possible impact on the amenity of adjoining properties.

(b) Notwithstanding the advertising requirements for Part B and C of the R-Codes Vol.1 as outlined above, if the City Officers are of the opinion that the discretion sought under the above clauses is minor in nature, the requirement for advertising may be waived if:

(i) the development clearly meets the performance requirements of the R-Codes;

(ii) the discretion sought has the less amenity impact as the deemed to comply requirement; and
(iii) the proposal will result in a better outcome overall than a deemed to comply requirement scenario.

Note: This exemption does not apply to performance assessments required under Clause 5.1.6 Building height and Clause 5.4.2 Solar access for adjoining sites of Part B or Clause 3.2 Building height and Clause 3.9 Solar access for adjoining sites of Part C. Performance assessments under these clauses always need to be advertised.

(c) Applications which seek a performance assessment in relation to Design Principles or Element Objectives, other than those listed above, may be advertised at the discretion of City officers if it is considered there may be a possible impact on the amenity of adjoining owners and occupiers.

3.4 Advertising of Standard Non-Residential Development

(a) The advertising of a 'D' or 'I' land use is generally only required to be undertaken where the scale or nature of the use may have impact on the amenity of the locality.

(b) Advertising of land uses which have an X permissibility within the respective zone is not required – these land uses are not able to be considered and will be refused.

(c) Non-residential development which seeks the exercise of judgement having regard to the LPS6 provisions, Council Policy, a Local Planning Policy, adopted precinct structure plans, activity centre plans or local development plans may be advertised at the discretion of City officers if it is considered there may be a possible impact on the amenity of adjoining owners and occupiers.

3.5 Advertising of Complex Development Applications and under Clause 12 of the Regulations

This is to be undertaken as per Clause 64 of the Regulations.

3.6 Extent of advertising

(a) Where advertising is to be undertaken, an assessment as to the potentially affected properties is required. This assessment is to take into account:

- The size and configuration of the application site in relation to adjoining properties; and
- The property(s) which are likely to be impacted as a result of the proposed development.

(b) Limited public consultation – where a proposed development application is required to be advertised under the requirements of the Regulations or this policy, the extent of the advertising undertaken should be tailored to the perceived likely impacts.

(c) Wider public consultation – where a proposal meets the definition of complex development, requires general advertisement in accordance with LPS6 is required by Clause 3.1 to 3.5 above or Clause 64 of the Regulations, the City will send letters to adjoining and nearby properties. In addition, a site notice will be installed for the duration

of the consultation period and notification will be placed on the City's website. The notice will follow the requirements of Clause 64 of the Regulations.

(d) Where wider engagement is considered to be necessary, the details of the proposal may be provided on the City's social media platforms. In addition, more property owners and occupiers may be consulted directly, and a press notice may be initiated.

3.7 Advertising to owners and occupiers

Where advertising is undertaken, both the property owners and occupiers are consulted.

3.8 Timeframes

(a) Where advertising of a development application is required, it will be undertaken in accordance with the minimum timeframes within Clause 3.1. This will be extended to account for public holidays and the requirements of Clause 64 of the Regulations. Additional time may be provided at the discretion of the City to account for any mailing delays.

(b) Persons can make formal request for additional time to make a submission, however, to enable the decision maker to achieve the statutory timeframes associated with the assessment of planning applications, formal requests for an extension to the advertising period may not always be facilitated. Submissions received after the closing date will be taken into account where possible, however will be noted as late submissions in any reporting.

3.9 Advertising Process

(a) Written correspondence will be provided via traditional post or via email.

(b) Where the display of a sign on the property is required and/or a notice displayed in a local newspaper, these are to be undertaken by the applicant in accordance with Clause 86(3) and 87 of the Regulations. This advertising is undertaken at the applicant's cost as per Clause 64A of the Regulations.

(c) Where a sign on site is required, the signage is to be displayed along each of the road frontages to the subject property. The sign size shall meet the requirements of Clause 86(3) of the Regulations (unless varied as per Clause 88 of the Regulations).

(d) The content of advertising documentation should include:

(i) The description of the proposed development including its application reference number, property street address and any name associated with the property; and
(ii) Details of why the application is being advertised, and
(iii) How and where the details of the application can be viewed; and
(iv) Details of how and to whom submissions should be made; and
(v) The deadline for submissions.

3.10 Amended Plans

(a) During the course of the assessment of a planning application, the applicant may submit amended plans.

(b) Where an application has previously been advertised and amended plans are received post-advertising, the amended plans are to be the subject of a further consultation period where in the opinion of the decision maker:

(i) The amended plans represent a significantly different proposal to that which was previously advertised; or
(ii) The proposed amendment(s) will potentially have a greater amenity impact; or
(iii) Where the development results in any additional exercise of judgement which may in the opinion of the City have an adverse impact upon the amenity of adjoining property owners and occupiers.

(c) Where amended plans reduce the impact of a proposed development and/or where amended plans are lodged in order to address relevant planning related concerns as expressed by submitters, the amended plans need not be the subject of re-advertising.

(d) Where amended plans are required to be the subject of re-advertising, the consultation process followed should be in accordance with Part 3 of this Policy.

3.11 Amendment Development Applications

(a) Where approval is sought to amend a development approval, and where the original development application was the subject of advertising, further consultation will be required in accordance with Part 3.0 of this Policy, unless the proposed amendments:

(i) are minor in nature; and
(ii) will not result in any additional impact upon any adjoining properties or the surrounding area.

4.0 Submissions and Petitions

4.1 Submissions

(a) To be submitted in writing via letter, email, or via the City's website.

(b) Submissions should address 'relevant planning matters' (as defined in this policy) only.

4.2 Petitions

(a) Where a petition is received in relation to a planning application currently being considered by the City, the petition will be reported to the next available Council meeting. Where appropriate, petitions may then be reported to the DAU meeting, a further Council meeting and/or the DAP where the development proposal is being considered.

(b) If a petition is received on a matter which the City's Officers have delegation, then this petition will still be reported to Council, however the petition cannot delay the decision being made by City Officers.

(b) The lead petitioner will receive advice in respect to any reporting to the Council, DAU and/or DAP and be informed of the final decision.

4.3 Consideration of Submissions & Petitions

(a) The content of all submissions received will be considered prior to the determination of the development application.

(b) Only relevant planning related matters (as outlined in the definitions section of this policy) in submissions can be taken into account. The decision maker has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner in making recommendation or determination of a planning application.

(c) Details of all submissions are confidential, and will not be released to an applicant or third party, unless required to by law. However, a written summary of the key issues raised within the submissions will be provided to the applicant upon request. The summary will not include the personal details of the submitter(s).

(d) For applications which are to be determined by the DAU, Council or DAP, the Officer report will include a summary of the issues raised in all of the submissions. This summary will not include identification or personal details of the submitter(s), however full copies of the submissions may be provided to Elected Members upon request.

(e) All persons who lodge submissions will receive advice of the final determination of the application. In addition, where the application is referred to a DAU meeting, Council meeting or DAP meeting for endorsement or determination; submitters will receive further notification by the City of those specific meeting dates and details.

5.0 Metropolitan Region Scheme (MRS) Applications

5.1 Applications for development on MRS zoned or reserved land are submitted to the City with all of the information required by the Planning Application checklist in addition to a completed MRS Form 1 application form.

Note: Development which is wholly within the Development Control Area of the Swan Canning Riverpark are to be lodged with the Department of Biodiversity, Conservation and Attractions (DBCA) on the relevant form. The City are a referral agency for these types of applications.

5.2 There are no applicable planning fees for these applications.

5.3 The City's role is to make a recommendation to the DPLH within 42 calendar days taking into account all those matters outlined in Part 2.2 above (where applicable) and the intent of the MRS reservation.

6.0 Local Planning Policy

6.1 Proposals to amend revoke or introduce new Local Planning Policies are to be advertised in accordance with Clause 4 of the Regulations.

6.2 Where amendments are made following the advertising period, which significantly alter the intent of any of the policy provisions, the revised Policy will be re-advertised in accordance with Clause 4 of the Regulations.

7.0 Scheme Amendments

7.1 Proposals to amend the wording of LPS6 and/or to change the zoning of any property can be initiated by an interested party or by the City as per the Regulations.

7.2 All proposals to amend LPS6 are presented to Council to determine whether the proposal has merit or not. If the proposal has merit, the Council will resolve to initiate the proposal to allow public consultation and referral to relevant agencies to occur. If the endorsement of the Council is not given, the process will terminate. If able to be supported, the City officers may make recommendations to augment the Scheme Amendment either as part of the initiation recommendation or prior to presentation to Council.

7.3 Part 5 of the Regulations provides detailed guidance with respect to the process to be undertaken in relation to scheme amendments. This Part outlines the process for basic, standard and complex scheme amendments. Once a scheme amendment is initiated, the City is required to follow the process outlines in Part 5 of the Regulations including advertising procedures.

8.0 Pedestrian Access Way (PAW) closures

8.1 A proposal to close an existing PAW can be submitted by an external party or can be initiated by the City.

8.2 Applications for the closure of PAW's are assessed in accordance with the Department of Planning's Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines (October 2009).

8.3 All proposals are presented to Council to determine whether they have merit or not. If the proposal has merit, the Council will resolve to initiate the proposal to allow public consultation and referral to relevant agencies to occur. If the endorsement of the Council is not given, the proposal will not proceed further.

8.4 Where Council resolves to endorse a PAW closure proposal for advertising, the application will be the subject of community consultation for a minimum of 30 calendar days as follows:

(a) Letters sent to the owners and occupiers of all properties within a 100 metre radius of the subject PAW.
(b) The applicant is required to display signage at each of the entrances to the PAW to Council specifications.
(c) The applicant is to place an advert in a local newspaper circulating within the District to Council specifications.
(d) Details of the proposed closure will be posted to the City's website and social media platforms.

8.5 Following advertising and referral to any relevant service agencies or government authorities, the proposal is re-presented to Council with a recommendation to endorse or not endorse the closure. The Officer report will include a summary of all submissions received.

8.6 Following consideration by Council, the proposed amendment is forwarded to the DPLH to approve or refuse the proposal.

9.0 Restrictive Covenants

9.1 Applications to modify or remove restrictive covenants are generally not advertised as they are only supported where the modification or removal is consistent with the requirements of LPS6, the R-Codes and Local Planning Policy.

10.0 Determination of All Matters

10.1 All applications for Planning Approval and related matters are determined in accordance with the City's delegation requirements, LPS6, the R-Codes and Local Planning Policy.

10.2 The consideration and determination of all applications is to be in accordance with Council Policy – 052: Quasi-Judicial Role.

11.0 Refusal of applications without advertising

Any planning proposal where the initial assessment determines that the proposal does not satisfy the requirements of LPS6, the R-Codes or Local Planning Policy may be refused under delegated authority without first being advertised unless required to be advertised under the Regulations.

12.0 Internal Development Advisory Unit (DAU)

Please refer to the DAU Terms of Reference.

13.0 Council determination

13.1 All meetings of Council are open to the public unless otherwise notified.

13.2 Public statements, questions and deputations in relation to planning applications may be made at meetings of Council in accordance with the City of Melville Meeting Procedures Local Law 2017 at the discretion of the CEO. Requests to make a public statement, ask a question or make a deputation should be made in writing to the City's Governance Team by 9.00am of the Monday prior to the meeting.

13.3 For applications which are to be determined by the Council, the City will notify both the applicant and any submitters of the meeting details and the subsequent decision of Council.

13.4 The agendas and minutes of all meetings are available on the City's website and at City of Melville libraries.

14.0 Development Assessment Panel (DAP) applications

14.1 DAPs are governed by the *Planning and Development Act 2005* and the *Planning and Development (Development Assessment Panel) Regulations 2011* (the Regulations).

14.2 The Metro Inner Development Assessment Panel (DAP) is the decision-making body responsible for determining all City of Melville DAP applications.

14.3 For all DAP applications, the City's Officers are required to prepare a Responsible Authority Report (RAR) to the DAP. This report outlines the proposal, the assessment undertaken, a summary of any submissions received and a recommendation.

14.4 The DAP determines the application in the place of the City of Melville or other decision maker, taking into account all of the relevant provisions within LPS6, the R-Codes, Local Planning Policies and any other relevant planning document.

14.5 Elected Members will be made aware of the details of DAP applications via the Elected Members Bulletin (EMB). At the appropriate time, further detail will also be provided via a link to the Melville Talks page on the City's website.

14.6 To facilitate Council involvement in the DAP process, Elected Members can request that an RAR be referred to the Council for information and consideration, where:

(a) The DAP application has been the subject of public consultation and submissions have been received; and/or
(b) The DAP application relates to a site within the Canning Bridge or Melville City Centre Activity Centre Plan areas, and requires consideration of proposed 'community benefits' in association with bonus building height.

14.7 At the completion of the public advertising period Elected Members will be provided with a summary of the submissions received via the weekly EMB. Following publication of the EMB, Elected Members have until midday the Wednesday following the publication of the Bulletin to request that the RAR be referred to a meeting of Council. Any such request is to be provided to the CEO's Executive Assistant, using the appropriate Call Up Request Form.

14.8 Where a RAR is called up, the City's officers are to prepare the RAR in accordance with the statutory framework and submit it to an Ordinary Council Meeting or Special Meeting of Council as appropriate for comment in sufficient time to meet the requirements of the JDAP statutory time period for the application.

14.9 Where an RAR is called up to a meeting of the Council prior to its formal consideration by the DAP, the CEO may not submit the RAR to the DAP without the Council endorsement. Once the CEO has received this endorsement the RAR and the minutes of the Council meeting, will be provided to the DAP Note: The DAP may choose to proceed without the RAR if the RAR is not provided in accordance with the DAP timetable.

14.10 Where the RAR is called up to a meeting of the Council, the applicant and any submitters will be advised in writing as such and advised that the appropriate opportunity to make a deputation on the application will be at the JDAP meeting where the decision is made. Additionally, deputations may be made at the Council meeting as well, when the matter is called up.

Note: The DAP is the final decision maker on DAP development applications.

14.11 If a development application to be determined by the JDAP is not called up, the RAR may be prepared and submitted under delegated authority by the CEO.

15.0 Significant Development Applications (Part 11B)

15.1 Significant Development Applications made under Part 11B of the Planning and Development Act 2005 is a pathway available for developments which are of State or regional significance and/or meet a $20 million cost of development threshold.

15.2 Part 11B applications are lodged with the DPLH and determined by the Statutory Planning Committee (SPC) which is a sub-committee or the Western Australian Planning Commission). The City is a referral agency for these applications with the City having 60 days to provide comment. The DPLH undertake any necessary advertising upon advice from the City.

15.3 The City's Officers are required to prepare a submission to the DPLH which may be in the manner and form of a report. This referral response needs to outline the assessment undertaken and a recommendation.

15.4 The SPC determines the application in the place of the City of Melville or other decision maker, considering all of the relevant provisions within LPS6, the R-Codes, State Planning Policies, Local Planning Policies, Council Policies and any other relevant planning document.

15.5 Elected Members will be made aware of the details of Part 11B applications via the Elected Members Bulletin (EMB). At the appropriate time, further detail will also be provided via a link to the Melville Talks page on the City's website.

15.6 The referral response will be presented to Council for adoption or modification. No delegation is provided for Part 11B applications to City Officers.

References that may be applicable to this Policy

Legislative Requirements (as amended):	Planning and Development Act 2005 State Administrative Tribunal Act 2004 Planning and Development (Development Assessment Panel) Regulations 2011 Strata Titles Act 1995 Planning and Development (Local Planning Schemes) Regulations 2015 Planning and Development Regulations 2009 Planning and Development (Development Assessment Panels) Regulations 2011 Local Planning Scheme No. 6
Procedure, Process Maps, Work Instructions:	Planning Application Procedures Subdivision Procedure Pedestrian Access Way Closure Application Procedure Naming of Roads and Parks Procedure Scheme Amendment Procedure Development Assessment Panel Work Instruction Development Assessment Panel Process Map Part 11B – Significant Development Pathway Application Guide WAPC Planning Guidelines
Other Plans, Frameworks, Documents Applicable to Policy:	State Planning Policies and Development Control Policies Residential Design Codes Volume 1 and Volume 2 All Local Planning Policies and Council Policies Local Planning Strategy

Precinct Structure Plans or Activity Centre Plans
Local Development Plans
WAPC Planning Bulletins

Delegated Authority No: DA-020: Planning and Related Matters

ORIGIN/AUTHORITY		**ITEM NO.**
Ordinary Meeting of Council	19 June 2007	P07/1004
REVIEWS		
Special Meeting of Council	9 November 2011	P10/3178
Ordinary Meeting of Council	21 October 2014	P14/3560
Ordinary Meeting of Council	18 November 2014	P14/3560
Ordinary Meeting of Council	15 September 2015	P15/3658
Ordinary Meeting of Council	21 June 2016	P16/3711
Ordinary Meeting of Council	21 March 2017	P17/3747
Administrative Review (Council Resolution 18/6/2019)	6/8/2019	
Ordinary Meeting of Council	20 October 2020	P20/3874
Administrative Review	10 August 2023	
Ordinary Meeting of Council	19 November 2024	UP24/50