

**PROPOSED AMENDMENTS / RESOLUTIONS AT  
COMMITTEE OR COUNCIL MEETINGS  
(Elected Members)**

<b>Name:</b>	Cr Nick Pazolli
<b>Date of Meeting:</b>	April 21, 2020
<b>Meeting of the:</b>	Ordinary Meeting of Council
<b>Item No.</b>	P20/3840
<b>Title of Item</b>	Late Item Review of Local Planning Policy 1.1 "Planning Process and Decision Making"

*Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to the Elected Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstance is it to be expressed to any party that administration or any officer holds a view on this motion other than that expressed in an official written or verbal report by administration to the Committee or Council meeting considering the motion.*

**PROPOSED AMENDMENT OR REJECT AND REPLACE MOTION:**

(If an amendment is proposed, please identify the words being amended and reasons for the amendment)

That the Officer Recommendation be amended by adding the following to the end of the officer recommendation:

“, including the following amendments to the LPP1.1 document:

1. Under Definitions *Major Developments*, after the words;” not classed as a major development” insert the words; “, 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 major development”.
2. At Clause 1.6.2 after the words; “assessment against relevant performance standards” insert the words; “and there has been no request by an Elected Member to advertise or call-up the development application,”.
3. At the end of Clause 1.7.4(f) insert the words: “or will be required if an Elected Member requests it to be advertised”.
4. At Clause 1.7.5 after the words; “property owners or occupiers” insert the words; “or at the request of an Elected Member”.
5. Insert Clause 1.7.6(d); “(d) At the request of an Elected Member advertised in accordance with Clause 1.7.7(d) below.”.
6. At Clause 3.5.2(a)(ii) after the words; “in the opinion of the CEO or Director Urban Planning” insert the words; “or at the request of an Elected Member”.
7. At Clause 3.6.2 after the words; “at the discretion of the CEO” insert the words; “or at the request of an Elected Member”.

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**REASONS:**

At present some development applications (DA) that are assessed by the planning officers under delegated authority and their discretion / judgement to be compliant to the R Codes, Local Planning Scheme 6 (LPS6) or Structure Plans (including “as of right” as well as performance assessments against Desired Outcomes / elements) cannot be called up to the full Council by a Councillor unless the DA is referred to the DAU at the discretion of the CEO or Planning Officers.

For example, if your neighbour decides to build a 4 storey, 3 apartment building on a 500sqm block that the planning officers deem to be compliant on the exercise of their discretion in terms of performance criteria and therefore, under the terms of LPP1.1, the officers decide to not advertise the details of the development to you & your neighbours, how can you have your say about the impact of that development? You approach your Ward Councillors / Mayor requesting assistance, but your Ward Councillors cannot help you because currently under LPP1.1 there are no provisions for a Councillor to request advertising of the development, nor request the officers refer the DA to the DAU which then provides Councillors with the opportunity to call-up the DA before the full Council. (that then allows the neighbours to have their concerns regarding the development heard in the only open public forum available to them – the Council of their publicly elected representatives).

These amendments addresses these type of situations by allowing Councillors the opportunity to request advertising of a DA (which then facilitates neighbours being able to raise objections to the development) or request a DA be referred to the DAU without needing the gatekeeper approval of the CEO or the planning officers (which then allows Councillors to call-up the DA to the full Council through the DAU call-up process). Without these amendments, Councillors are left with having to explain to irate ratepayers that they have no process available to assist the ratepayer’s to make their objection, except currently by the grace of the Councillor asking the CCEO to exercise their discretion to call the DA up to the DAU.

The amendments proposed do not require an administrative process to be implemented by officers to advise Councillors of proposed DAs. They are deliberately framed to operate by exception in that only when a Councillor is approached by neighbours or becomes aware of a problematic DA does the Councillor then have an option to make a request to advertise or refer the DA to the DAU. This means that of the 2,000 DAs per year dealt with by Planning Officers, there is only likely to be a few (4 or 5) that are brought to the attention of Councillors. All the other DAs continue to be dealt with by officers in the same manner as without these amendments. However, with the amendments, Councillors no longer have to go “cap in hand” to the officers or the CEO to obtain assistance for an objecting ratepayer.

**SIGNATURE:** \_\_\_\_\_