



Planning Reports Summary  
Council Meeting 19 March 2024

Presented by

Mr Ben Ashwood, A/Manager Strategic Planning

Mr Peter Varelis, Director Planning



City of  
**Melville**

## UP24/34 – Neighbour Dispute Mediation Policy

### Purpose/background:

On 12 December 2023, Council resolved on the parameters to prepare a Neighbour Dispute Mediation Policy.

The purpose of this report is for Council to consider endorsing the Neighbour Mediation Council Policy (Policy) for the purposes of community engagement.

### Resolution:

#### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (UP23/28)**

At 7:25pm Cr G Barber moved, seconded Cr T Fitzgerald

**That Council requests the Chief Executive Officer prepare a Neighbour Mediation Council Policy in accordance with the recommendations outlined in this report.**

At 7:51pm the Presiding Member declared the motion.

**CARRIED (10/1)**

## Details:

The objective of the Policy is to:

1. Detail the City's role in facilitating neighbour dispute mediation.
2. Outline circumstances where it may be appropriate for neighbours to attend mediation and under what circumstances the City would incur costs.

## Community Engagement:

1. A Community Engagement Plan will be prepared and implemented to guide the consultation processes for this engagement.
2. A report will be presented back to Council with the outcome of the consultation process and the recommendation.

## Recommendation:

### **OFFICER RECOMMENDATION**

**That the Council requests the Chief Executive Officer to undertake a community engagement process for the Neighbour Dispute Mediation Policy (Attachment 1) with the report to come back to Council.**

## UP24/35 Review of Delegation DA-103 Inspection and Copies of Building Information

### Purpose/background:

1. This report seeks to amend Delegation DA-103 Inspection and Copies of Building Information to include conditions to the sub-delegation.
2. Clarify the requirements to provide a copy or access to documents kept in the register specified in section 128 of the Building Act 2011.

## Considerations:

1. The current delegation details that there are no “Conditions on Delegation/Sub Delegation” listed on the delegation. By placing a condition on the delegation that reflects the Council’s position, will make this clear to relevant stakeholders.
2. The relevant sections of the *Building Act 2011* are outlined in the report, and it is recommended that Delegation of Authority 103 (DA 103) be amended to include conditions which clarify when the CEO, or other delegated City Officers, will exercise the delegation.

## Options:

Option 1: Release S129 information unredacted noting it includes personal details and reflect the conditions of the delegation accordingly.

Option 2: Require an application, landowner consent and a fee as currently required by the City and reflect the conditions of the delegation accordingly.

Option 3: Decide not to release any information under S129 and require people to apply for an FOI application and reflect the conditions of the delegation accordingly.

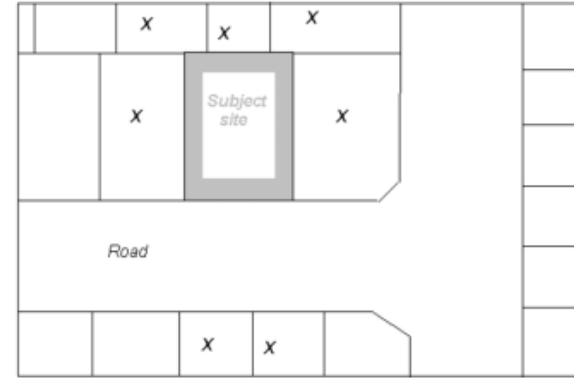
Option 4: Amend the delegation conditions to provide S129 information unredacted to those detailed under the recommended conditions which include potentially affected properties without the subject owner's consent.

## Recommendation:

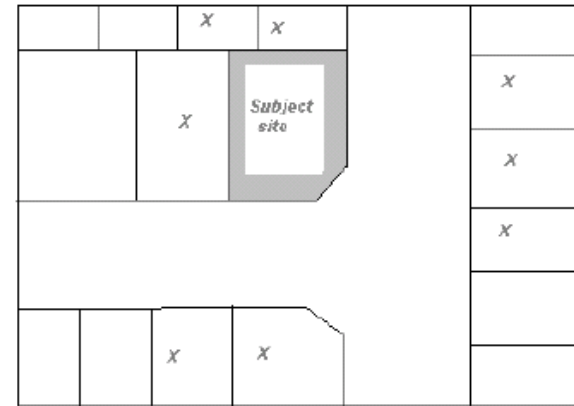
### Option 4:

Amend the delegation conditions to provide S129 information unredacted to those detailed under the recommended conditions which include potentially affected properties without the subject owner's consent.

Potentially affected landowners defined as follows (consistent with LPP1.1).



*Diagram 1 – Typical 'potentially affected' properties for a development located within the middle of a street block.*



*Diagram 2 – Typical 'potentially affected' properties for a development located within a corner property.*

## Recommendation:

### **OFFICER RECOMMENDATION**

**That the Council amend Delegation DA-103 - Inspection and Copies of Building Information - to include a Condition on Delegation / Sub Delegation to read as follows:**

**“The City may on application provide copies of a permit, building approval certificate, building order, or building records as described in Section 129 (2) of the Building Act 2011 to the following:**

- (a) the owner of the building or incidental structure to which the building record relates; or**
- (b) a person who has the written consent of the owner mentioned in paragraph (a), to inspect or received a copy of a building record relating to the owner, or**
- (c) a person or person(s) defined by Regulation 13 of the Building Regulations 2012, or**
- (d) a potentially affected property owner.**



Thank You

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