

Advice Note

Responsible Officer: Director Urban Planning

Date of Meeting: 21 April 2020

Meeting of the: Ordinary Council Meeting

Item: Late Item P20/3840 : Review of Local Planning Policy 1.1 – Planning Process and Decision Making

DETAIL

The following advice is provided in response to the Amendment submitted by Cr Pazolli to Item P20/3840 which was deferred by Council at the March OCM:

At the December 2019 Ordinary Council Meeting, Council resolved to change the process for dealing with development applications which will be determined by the Development Assessment Panel. Local Planning Policy 1.1 'Planning Process and Decision Making' is required to be updated to reflect these changes.

Item P20/3840 Review of Local Planning Policy 1.1 – Planning Process and Decision Making Policy was submitted to the March Ordinary Council Meeting.

Following questions raised at the March Council Agenda Briefing Forum, a workshop was arranged involving Elected Members, the Director Urban Planning and planning staff before the March Council meeting. Council deferred Item P20/3840 at the March Council Meeting.

Cr Pazolli subsequently submitted proposed changes to LPP 1.1 in the form of an Elected Member Amendment to Item P20/3840.

The administration has reviewed the proposed Amendment submitted by Cr Pazolli and finds that there is a technical and legal difficulty with the content of the proposed Amendment. That is, the proposed amendments associated with wording such as:

“or will be required if an Elected Member requests it to be advertised”

“or at the request of an Elected Member” [in a number of instances]

“ At the request of an Elected Member advertised in accordance with Clause 1.7.7(d) below.”

are problematic in the sense that due to the separation of powers and functions between the City administration and the elected Council, it is not practical for an Elected Member to indicate a preference for advertising of a particular development application. Put simply, Elected Members do not undertake the task of assessment of development applications, rather, Elected Members perform a decision making role in circumstances such as when a development application is called up for consideration by Council.

It is important that the Local Planning Policy incorporate criteria which clearly identify the circumstances in which advertising of development applications should occur.

It is recommended that the proposed Amendment not be adopted. If Council wishes that the City administration give further consideration to possible modification of the proposed Amendment then the Item should be deferred and a further Elected Member workshop can be arranged. A presentation to an Elected Member Information Session can also be scheduled.