

2.9: REVIEW OF DELEGATIONS CONCERNING DEVELOPMENT APPROVALS

Responsible Officer(s) : Executive Director Planning and Development Services
(D Putland)

IN BRIEF

- Council is requested to consider the review of delegations that relate to development approvals where they involve minor variation to policies.
- The additional delegation is proposed with a view of increasing the efficiency with which Planning applications that require minor variations to policy are handled.

ITEM 2.9: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR HAMMOND

THAT the following delegation that relate to development approvals where they involve minor variation to policies be ADOPTED.

To determine whether to vary a Planning Scheme Policy guideline or provision and/or grant approval with or without conditions where;

1. **Adjacent landowners, ward Councillors, and in some matters the community generally have been consulted and the concerns raised have been “adequately addressed” in the following ways;**
 - **Where no submissions were received the application can be determined on its merits.**
 - **Where Submissions objecting or seeking changes to the proposal were lodged, but were non-substantive, and subject to further liaison with the person(s) who lodged the submission prior to determining the application the Executive Director Planning and Development Services shall determine if it warrants Council’s consideration.**
 - **Where Submissions were lodged with substantive arguments against the proposal then the Executive Director Planning and Development Services may refuse the application or refer the application to Council for determination.**

**CARRIED 9-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Bostock

ITEM 2.9: PROCEDURAL MOTION BY COUNCILLOR BOSTOCK

MOVED: COUNCILLOR BOSTOCK
NO SECONDER

THAT this item lay on the table.

MOTION LAPSED
NO SECONDER

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer to facilitate the services it provides to the community.
2. Planning delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Planning and Development Act 2005. Both Schemes provide for delegations to be made to Committees of Council or directly to Officers.
3. Council at its OCM 11/10/11 meeting adopted the Planning Processes Policy which effectively guides the delegation path for development applications at the City.
4. The City maintains a Register of Delegations. These delegations are reviewed annually and Council last considered this review at its meeting held on 18 September 2012, where the revised Register of Delegations was adopted.
5. The City currently has over 140 delegations and while the annual review considers the relevance and operation of each delegation, it does not have the scope for a detailed review relative to legislative change and the effectiveness of individual functions of the City.

DISCUSSION

6. A number of development applications are received that require variations to adopted local planning policies and these applications are currently assessed in accordance with the Planning Processes Policy guideline.
7. In accordance with current Council policy where a development application does not fully comply with an adopted local planning policy staff shall either refuse the application, or where there is significant merit to relax the provisions of such a policy the item will be presented to Council for consideration.
8. The requirement to take it to Council often results in applications that require minor variations that are of low impact being unnecessarily delayed.
9. The new delegation is proposed to improve the efficiency with which planning applications that require minor variations to policy or are of low impact are processed.

10. During the past 6 months Council has considered a number of these applications. These applications rarely raise issues or concerns and generally the officer recommendation is adopted without debate.
11. It is proposed that the additional delegated authority will include processes of public/neighbour and Ward Councillor consultation.
12. The functionality of the proposed delegation is summarised below:

a. Delegation:

Details: The application will be determined by the Executive Director Planning and Development Services after adjacent landowners, ward Councillors, and where appropriate the community generally have been consulted and the concerns raised can be adequately addressed * (refer process and clarification below).

Delegation

To vary a Planning Scheme Policy guideline or provision and grant approval with or without conditions where;

1. Adjacent landowners, ward Councillors, and where appropriate the community generally have been consulted and the concerns raised can be adequately addressed * (refer process and clarification below).
 - Where no submissions were received the application is to be determined on its merits.
 - Where submissions objecting or seeking changes to the proposal were lodged, but were non-substantive, planning officers shall liaise with the person(s) who lodged the submission prior to determining the application. The Executive Director Planning and Development Services shall determine if it warrants Council's consideration.
 - Where submissions were lodged with substantive arguments against the proposal then the Executive Director Planning and Development Services may refuse the application or refer the application to Council for determination.

GOVERNMENT CONSULTATION

13. This matter has not been referred to any government agency for comment, as it relates to the City's internal processes only.

PUBLIC CONSULTATION / ENGAGEMENT

14. There is no requirement for this matter to be advertised for public comment.

STATUTORY IMPLICATIONS

15. Section 5.42 of the *Local Government Act 1995* enables the delegation of some powers and duties to the Chief Executive Officer.

16. Section 9.10 of the *Local Government Act 1995* allows the appointment of persons or classes of persons to be authorised for the purpose of performing particular functions.
17. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Planning and Development Act 2005. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.

STRATEGIC IMPLICATIONS

18. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

Develop clear processes and policies and ensure consistent, transparent application across the organisation.

POLICY IMPLICATIONS

19. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

20. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>If the revised delegations are not supported, this will limit improvement to efficiency and maintain incorrect references to current legislation and practices.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Adopt the revised and new delegations, as recommended.</i>

FINANCIAL IMPLICATIONS

21. There are no financial implications relevant to this item.

LEGAL IMPLICATIONS

22. The revised and new delegations reflect the correct provisions of the *Local Government Act 1995* and the *Land Administration Act 1997*.

ALTERNATE OPTIONS

23. Council may:

- a. Resolve not to adopt the new delegations and the current delegations will remain in place; or
- b. Adopt the new and revised delegations, allowing greater efficiency for the handling of Development applications.

SUMMARY CONCLUSION

24. The additional delegation is proposed with a view of increasing the efficiency with which Planning applications that require minor variations to policy are handled. These applications rarely raise issues or concerns and generally the officer recommendation is adopted without debate or change. Council is therefore requested to consider the review of delegations that relate to development approvals where they involve minor variation to policies.

Consulted References	:	Local Government Act 1995 Planning and Development Act 2005
File Number (Name of Ward)	:	All Wards (PE.AUT.1)
Previous Reference	:	OCM 18/09/2012 Item 1.1