

Objective

To outline the Planning and Development responsibilities that fall outside of Delegated Authority provisions and provide authorisation for certain officers to undertake these responsibilities on behalf of the City of Mandurah.

Rationale

The City of Mandurah (the City) has a number of responsibilities under the *Planning and Development Act 2005* (the Act), the *Planning and Development (Development Assessment Panels) Regulations 2011* (the Regulations) as well as other planning instruments. This policy provides direction as to how those various responsibilities will be managed by the City.

Statement

1. Subdivision Applications

All applications for subdivision are determined by the Western Australian Planning Commission (WAPC).

As part of WAPC considering a subdivision, the City will receive a referral and request for a written response to support (with or without conditions) or not support a subdivision application. Importantly, the WAPC is not bound by the City's comment in making its determination of the proposal.

Where an application is for 20 or more lots and not located within an area covered by an approved Structure Plan, the application will be referred to Council for consideration as part of the City's referral comments.

2. Clearance of Subdivision Conditions

When the WAPC approves a subdivision application it may do so subject to a number of conditions. Although the WAPC sets the conditions, it may require that the certain matters are approved by or meet the satisfaction of the City. If and when those conditions are met to the City's satisfaction, the City will provide clearance of the condition imposed by the WAPC.

3. Responsible Authority Reports

Under the Act and Regulations, the 'responsible authority' for certain development applications is a Development Assessment Panel (DAP), replacing the role of the local government under the local planning scheme.

1. Officers are to provide an update to Elected members outlining the proposed development application
2. Within 4 days of receiving a copy of the Officers Responsible Authority Report, an Elected Member can request that the Responsible Authority Report be considered by Council.
3. A summary of the decision of the Development Assessment Panel will be provided to Elected Members.

Note: If Council requests that the RAR report be considered by Council, if the decision is different to the City Officers recommendation in the RAR report, it cannot alter the planning officer's professional opinion. Council's comments will be incorporated in the appropriate section of the responsible authority report to the DAP.

4. Management Orders relating to Crown Land

Under the *Land Administration Act 1997* and various other legislative instruments, the Minister for Lands may vest land with the City by way of a Management Order. In certain situations, consent from the City is required before a Management Order can be made. In such instances, the Manager Land Management may consent to such an order being made on behalf of the City, in circumstances where Council has already decided in principal, to the order being made.

5. Management Plans

A development approval granted by the City of Mandurah, the WAPC or a DAP, may be conditional on the subsequent approval of a Management Plan, or other development related Plan, by the City. The City may approve such Plans if they meet the requirements of the City.

Related Documents

Nil

Responsible Directorate:	Business Services
Responsible Department:	Statutory Planning
Reviewer:	City Planner
Creation date and reference:	Minute G.21/6/20, 23 June 2020
Last Review:	Minute G.9/5/22, 24 May 2022

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
1	New Policy – Minute G.21/6/20	23/06/2020	25/05/2021
2	Due to recent advice the City has returned to appointing a delegate for this matter. G.6/5/21	26/05/2021	24/05/2022
3	Minor amendments to incorporate previous delegated authority DA-PAD 05	24/5/2022	