

PLANNING AND DEVELOPMENT RESPONSIBILITIES

POLICY

POL-LUP 08

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 or Activity Centre 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.

If a development application is required to be referred to a DAP for determination, the City is required to provide the DAP with a Responsible Authority Report (RAR) to assist the DAP.

PLANNING AND DEVELOPMENT RESPONSIBILITIES

Elected Members must be made aware of all DAP applications via the appropriate communications. If at least two Elected Members call in the application for review within 7 days of the communication, the RAR shall be referred to Council for consideration.

If Council wishes to provide information or make recommendations to the DAP, which are not already outlined in the RAR, they may do so by preparing a submission which will be presented to the DAP by the relevant planning officer, at the DAP meeting.

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.

Responsible Directorate:	Sustainable Communities
Reviewer:	Manager Planning and Land Services
Creation date:	Minute G.21/6/20, 23 June 2020
Amendments:	Nil
Related Documentation:	