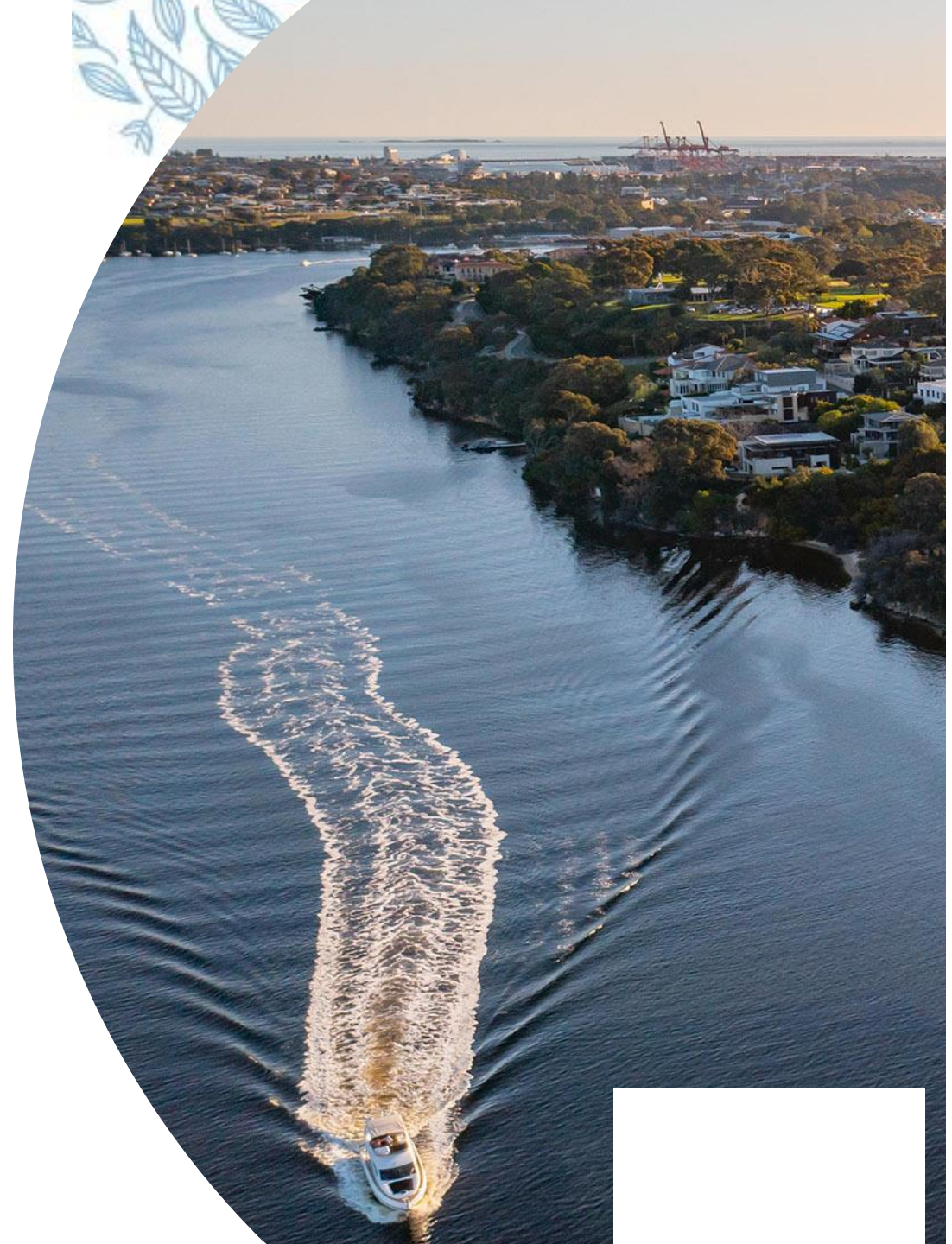




Development Approval Function for Single House Development –

Supporting Officer Decision Making



Acknowledgement

The Town of Mosman Park acknowledges the traditional custodians of the land on which we meet, and pays its respects to Elders past, present, and emerging





Reform



New planning reforms passed by both houses of **Parliament**



**Planning
Reform
Update**

Legislation!

84B. Prescribed single house development

- (1) In this Division, *prescribed single house development* means development that consists of —
 - (a) the erection of, or alterations or additions to, a single house; or
 - (b) the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house —
 - (i) an ancillary dwelling;
 - (ii) an outbuilding;
 - (iii) an external fixture;
 - (iv) a boundary wall or fence;
 - (v) a patio;
 - (vi) a pergola;
 - (vii) a verandah;
 - (viii) a deck;
 - (ix) a garage;
 - (x) a carport.
- (2) Despite subclause (1), development in a heritage-protected place is not *prescribed single house development*.

84C. Performance of prescribed development approval functions in relation to prescribed single house development

- (1) When a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by —
 - (a) the local government CEO; or
 - (b) an authorised employee.
- (2) A prescribed development approval function cannot be performed by the local government in relation to prescribed single house development otherwise than in accordance with subclause (1) (for example, the function cannot be performed by the council of the local government or a committee of that council).
- (3) In performing a prescribed development approval function for and on behalf of the local government in relation to prescribed single house development, the local government CEO or an authorised employee —
 - (a) is not subject to the direction of the council of the local government or a committee of that council; and
 - (b) may, if the performance of the function is dependent on the opinion, belief or state of mind of the local government, perform the function on the opinion, belief or state of mind of the CEO or authorised employee (as the case requires).

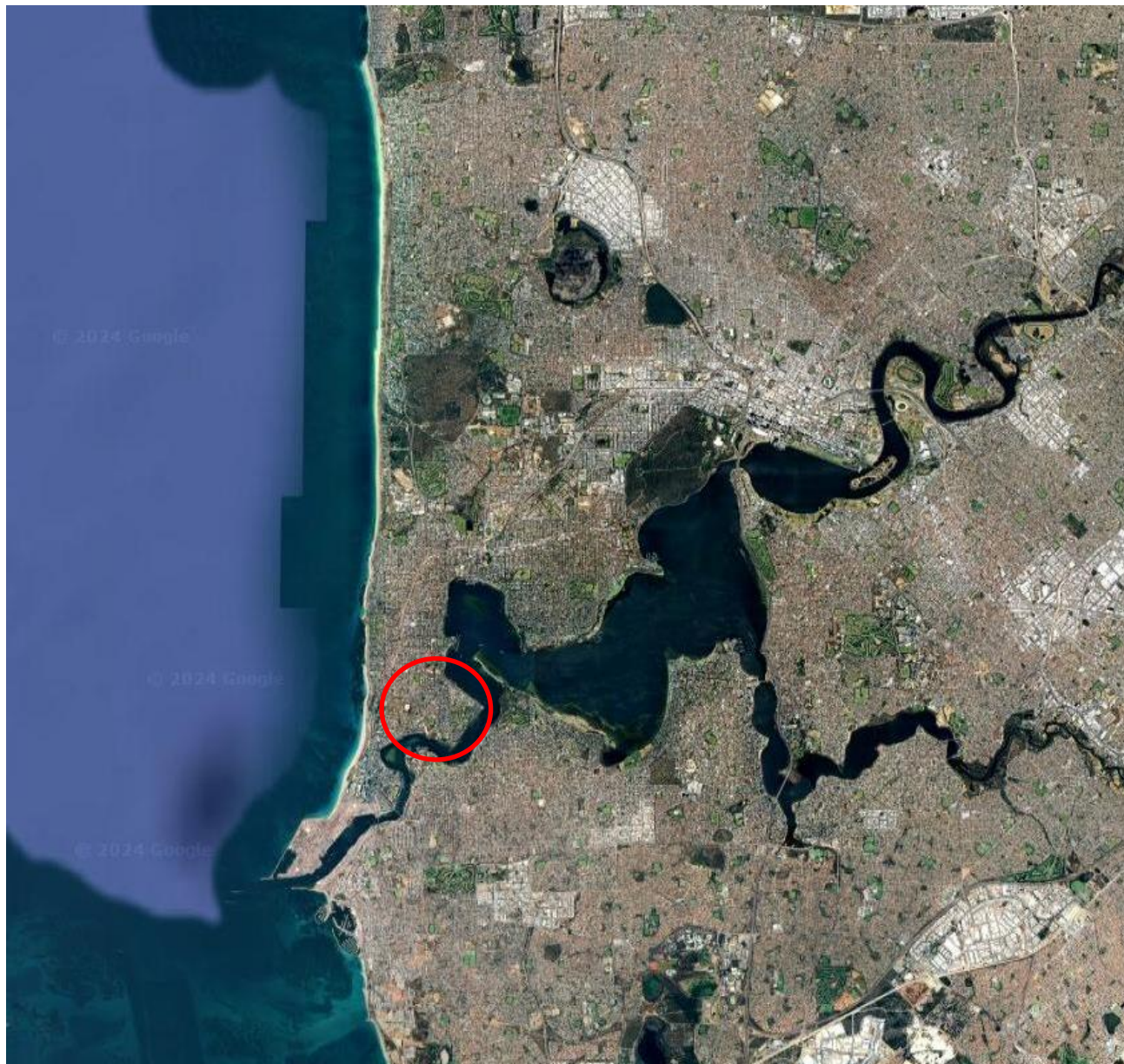
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CONTEXT



We are here



Pre-July 1 Delegation

Single Houses

1. Approve development applications for a “single house”, “ancillary dwelling”, “grouped dwellings” or any associated, ancillary or incidental development including, but not limited to (outbuildings, garages / carports, patios and the like, front boundary fences, retaining walls and swimming pools) that:
 - a. Satisfies the provisions of Local Planning Scheme No. 3, the Planning & Development Regulations 2015, the Town’s Local Planning Strategy, the objectives of the Town’s Local Planning Policies, the Residential Design Codes Volumes 1 and State Planning Policy 7.0 - and
 - b. where no valid objections are received from affected parties and/or valid objections have been resolved.

Refusals

10. Refuse applications that are inconsistent with Local Planning Scheme No 3, Planning and Development (Local Planning Schemes) Regulations 2015, SPP 7.3 Residential Design Codes Volume 1 and 2 and State Planning Policy 7.0.

Pitfalls?



- Heavily engaged community with no ability to make deputations on proposals any further.
- Potential complaints regarding transparency and officer conduct.
- Weighting of valid objections.



What we needed

1. A process that gave weight to objections and undertook appropriate risk assessment
2. Transparency
3. Council support (visual, not influencing)
4. Protection of officers
5. A happy community and a satisfied Council

What we created



CEO Procedure
**Development Approval Function –
Single House Development**



Previous policy number: N/A

Development Approval Function for Single House Development

Policy Statement

Council supports the CEO in the implementation of a corporate procedure to guide the Town's Development Approval Function. The function, in the context of this policy, applies only to determinations of development applications for Single House Development (which includes Ancillary Structures).

Council recognises that the CEO procedure may be changed, adapted, as circumstances or legislation changes.

Policy Objectives

Council's support for the *CEO Procedure – Development Approval Function - Single House Development* - acknowledges that the procedure:

- (a) provides the means by which discretionary decision making can be guided by a consistent approach. Its application enables consistent, fair, and reasonable outcomes for the Town's Development Approval Function.
- (b) is in accordance with the Department of Planning Lands and Heritage's guidance on the use of discretion, orderly and proper planning to be undertaken; and
- (c) provides an approach to assessing risks arising from Single House Development applications.

Between river and sea

Council Policy

- Simple
- States that Council support the approach to guiding the Town's development approval function through the preparation and use of a CEO Procedure
- For the purposes of mitigating potential for complaints
- Demonstrates trust



The image shows the cover page of a Council Policy document. At the top left is the Town of Mosman Park logo. To the right of the logo is the text 'Previous policy number: N/A'. The main title is 'Development Approval Function for Single House Development'. Below the title is the section 'Policy Statement', which contains two paragraphs of text. The second section is 'Policy Objectives', which contains a list of three objectives (a, b, and c). At the bottom right of the page is the slogan 'Between river and sea' with a small graphic of a river and sea.

TOWN OF
MOSMAN
PARK

Previous policy number: N/A

Development Approval Function for Single House Development

Policy Statement

Council supports the CEO in the implementation of a corporate procedure to guide the Town's Development Approval Function. The function, in the context of this policy, applies only to determinations of development applications for Single House Development (which includes Ancillary Structures).

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Policy Objectives

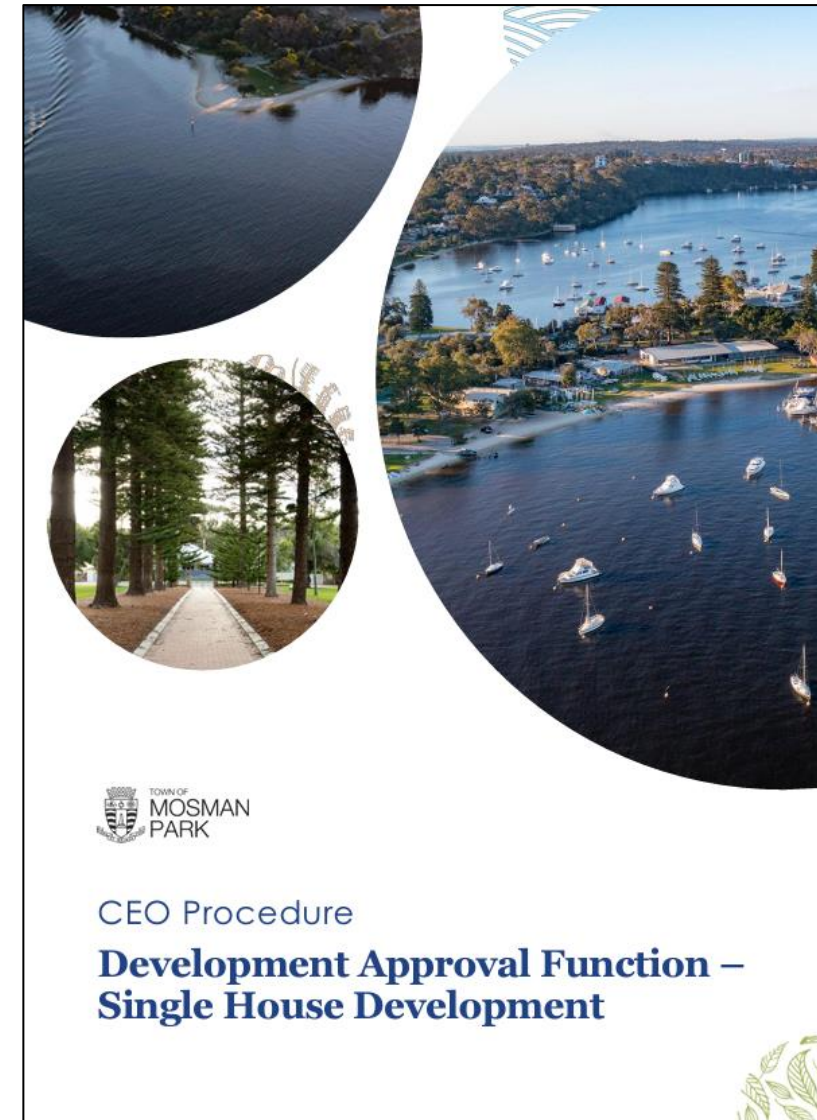
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- provides the means by which discretionary decision making can be guided by a consistent approach. Its application enables consistent, fair, and reasonable outcomes for the Town's Development Approval Function.
- is in accordance with the Department of Planning Lands and Heritage's guidance on the use of discretion, orderly and proper planning to be undertaken; and
- provides an approach to assessing risks arising from Single House Development applications.

Between river and sea

CEO Procedure

- Applies a risk assessment approach to facets of the application
- Determines the appropriate determination officer
- Comes into play when valid objections cannot be mitigated and triggers a review of:
 1. The potential impact of the variation the subject of the objection
 2. The technical assessment and consideration on the nature of the variation
 3. The number of objections received
 4. Whether there are compounding minor variations that when taken into account as a whole have a larger impact than when viewed in isolation



Level of potential impact on objecting party	Score
Low (variation will impact neighbour amenity infrequently, or not at all)	1
Medium (variation will impact neighbour amenity some of the time)	2
High (variation will impact neighbour amenity the majority of the time)	3
Extreme (variation will create a constant and demonstrated impact on neighbour amenity)	4

Technical assessment on the nature of the variance	Score
Minor (variation is considered to be generally acceptable example of a departure from the deemed-to-comply)	1
Medium (variation is considered to be an example of a frequent departure from the deemed-to-comply)	2
Major (variation is considered to be an infrequent departure from the deemed-to-comply)	3
Extreme (variation is considered to be an unusual or multiple of a departure from the deemed-to-comply)	4

The total of all scores obtained from the above tables shall be referenced against the following table to identify the relevant Responsible Determination Officer.

Combined Score	Rating	Responsible Determination Officer
3 or less	Low	Senior Planning Officer, or if the Senior is the Assessing Officer, Principal Planner or Manager equivalent
4 - 7	Medium	Principal Planner or Manager equivalent
8 - 9	High	Chief of Community Planning and Place
10 or greater	Extreme	Chief Executive Officer

2.3 Special cases

Irrespective of the above tables, the Chief Executive Officer or Chief of Community Planning and Place reserve the right to determine a development application.

Number of objections received on a 'theme' (Note: This score to be taken based on the largest objection theme)	Score
One objection	1
Two objections	2
Three objections	3
Four or more objections	4

Are there a number of variations which, when reviewed as a collective, are considered to compound their impact on the amenity of the area?	Score
Yes	2
No	0

Can we do this?

- Procedure can operate in isolation and is subject to the endorsement of the CEO
- No influence of Council on the procedure
- If there was no Policy, we would carry on. The Policy is a bonus



How are we doing?

A process that gave weight to objections and undertook appropriate risk assessment



Transparency



Council support (visual, not influencing)



Protection of officers



A happy community and a satisfied Council



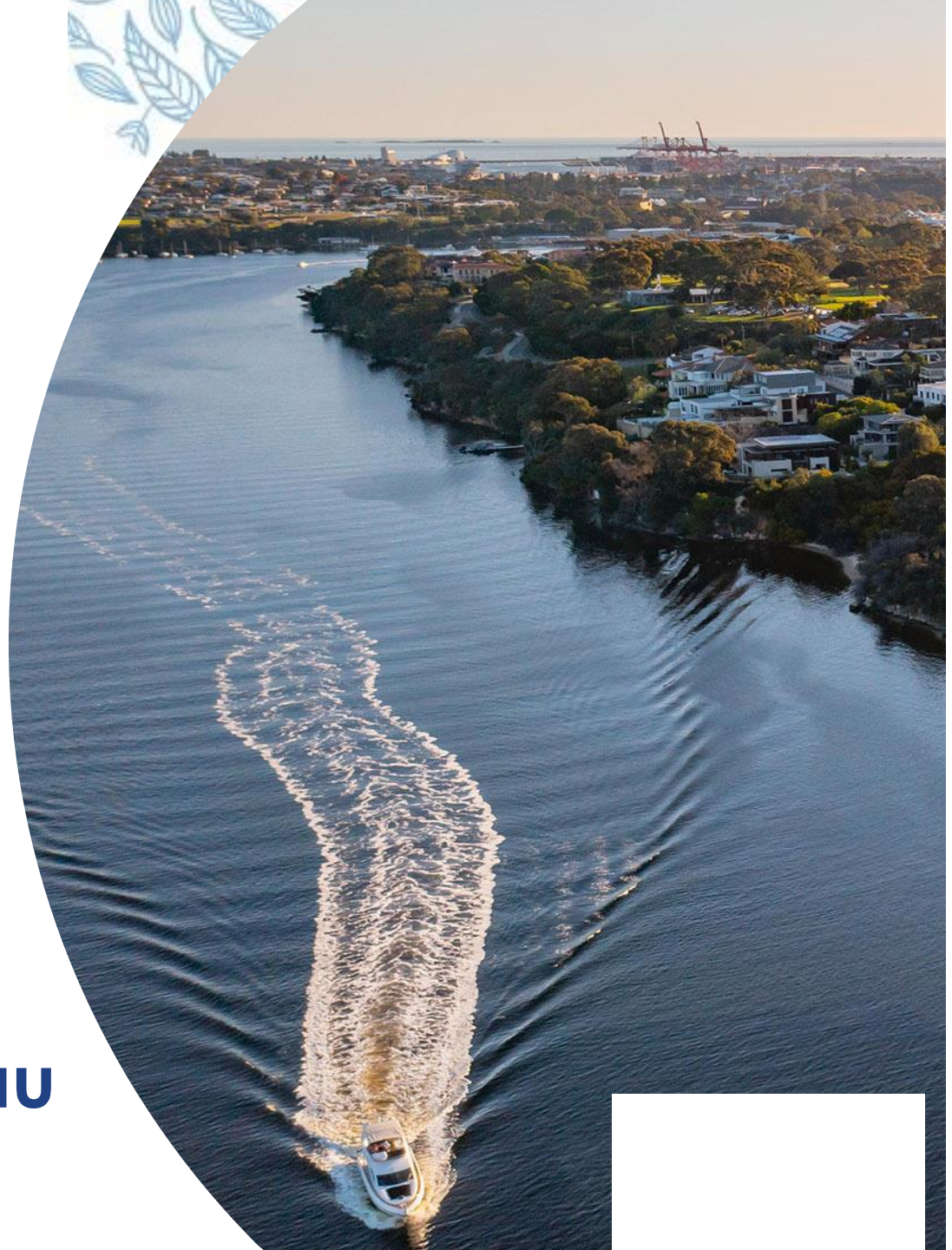
Disclaimer

- Contextual
- May not be one size fits all
- Consider whether the product is right for you prior to application, or consult your local physician





lharris@mosmanpark.wa.gov.au



Our town **between river and sea**

Thank You

