



CITY OF FREMANTLE

LOCAL PLANNING POLICY 1.11

PLANNING AND DEVELOPMENT ACT 2005, PART 17 DEVELOPMENT APPLICATION SUBMISSIONS

ADOPTION DATE: 25 November 2020

**AUTHORITY: LOCAL PLANNING SCHEME NO.4 and PLANNING AND
DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS
2015**

STATUTORY BACKGROUND

On 7 July 2020 the *Planning and Development Amendment Act 2020* received Royal Assent and on 8 July provisions in Part 2 of this Act commenced. These provisions are intended to provide an urgent response to the COVID-19 pandemic as it relates to planning and development.

The Government has introduced these provisions as part of its response to the COVID-19 pandemic. Under these provisions (contained in Part 17 of the *Planning and Development Act 2005*) applicants for development costing \$20 million or more (in the Perth metropolitan region) have the option of submitting their application to the State's Department of Planning, Lands and Heritage for determination by the Western Australian Planning Commission rather than the application being dealt with through the existing local government/Development Assessment Panel process. This arrangement will operate for a temporary period of 18 months from July 2020.

PURPOSE

The purpose of this Policy is to outline the approach to be taken in preparing and determining the content of submissions by the City of Fremantle to be made to the Western Australian Planning Commission (WAPC) in response to any development application submitted to the Commission for determination in accordance with Part 17 of the *Planning and Development Act 2005*.

POLICY

1. All applications will be reported to the Council, or a Standing Committee of Council with delegated authority in relation to development applications, for consideration. Precedence will be given to reporting applications to the Planning Committee so long as this will enable the deadline for providing a submission to the WAPC to be met.
2. A report for Council's consideration will be prepared by City planning officers and will include the following information:
 - a) brief description of the proposal and site context/area character.

- b) A planning assessment against relevant provisions of the Local Planning Scheme No. 4 (LPS4) and local planning policies, and any other key planning considerations in a local context (e.g. heritage, design quality, other relevant Council strategic objectives).
 - c) A comment on relevant design matters, including the architectural merit of the proposal as advised by the City's Design Advisory Committee, in relation to the LPS4 CABE Principles of Good Design, SPP7.0 The Design of the Built Environment and specific LPS4 provisions relating to exceptional design quality.
 - d) An assessment of the economic benefit of the proposal for Fremantle including an assessment against the vision of Council's Economic Development Strategy 2015-2020, any COVID-19 Recovery Action Plan and/or other economic benefit.
 - e) In circumstances where a proposal departs from requirements or standards in the local planning scheme, and the matter is not one which can be dealt with under existing discretionary variation provisions of the scheme (e.g. variations to site or development standards) but in the professional opinion of officers support for the proposal could still be justified, the report will identify the grounds on which discretion might be exercised to support the proposal. In the interests of orderly and proper planning, this discretion should be limited to situations where the departure from a scheme requirement is still generally consistent with the intent of the provision of the scheme being departed from, and is not treated as unlimited license to set aside requirements of any part of the scheme.
 - f) A recommendation including an overall comment on whether the City supports approval of the application or considers it should be refused, identifying general reasons for the City's position including the general nature of any recommended conditions of approval but not exact wording of conditions.
3. The resolution of the Council after consideration of the report presented by officers will constitute the City's submission to the WAPC.

Review information and related documentation

Reviewing officer:	Manager Development Approvals; Manager Strategic Planning
Policy adopted:	25 November 2020
Policy amended:	NA
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015; Planning and Development Act 2005
Delegations:	NA
Related documents:	NA
Next review date:	1 November 2021