

ORDINARY MEETING  26 MAY 2015	6.2
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NOTICE OF MOTION – CR MELCHERT

ADVERTISING OF DEVELOPMENT APPLICATIONS

**NOTICE OF MOTION**

I hereby give Notice of my intention to move the following motion at Council’s Ordinary Meeting to be held on Tuesday 26 May 2015:-

*“That Council publish in the Port Douglas and Mossman Gazette each week a list of current Development/Planning applications which are being considered by Council, so that residents across the Shire will have a location, apart from the Council’s web site, where they can regularly check what development applications are in the system.”*

**BACKGROUND**

Some Development/Planning applications are specifically required to be publicly advertised while others, particularly Code Assessable applications are not.

I have raised previously the concept of Council in its weekly Gazette Advertisement a list of all current Development/Planning Applications so that members of the community have a snapshot of what is happening in their area whether or not the application is required by law to be publicly advertised.

Whilst I did not receive support for the above concept previously, in my view some recent events have confirmed the need for the approach I have identified.

**CEO’S COMMENT:**

Under the Sustainable Planning Act (SPA) Council is required to maintain a list of particular applications and the common material (which is the application, supporting reports, Council requests for information, referrals and so on) on its website until the expiry of the relevant Appeal period. Then Council is required to maintain a copy of the relevant Decision(s) on its website indefinitely. Building and plumbing applications are not included in this requirement.

SPA requires Applicants to advertise impact assessable and impact inconsistent applications as well as applications to vary the Planning Scheme. Council does not ordinarily advertise any application.

It is unclear from the terms of the proposed motion what is intended to be included in the weekly advertisement. If it is a list of applications received in the prior week then it would average 2 or 3 per week. If it is intended to be a running list of matters still under consideration/assessment it could be 50 or more matters at any given time.

The idea that Council advertise applications in the manner proposed is in officer experience irregular. It is also likely to create confusion in the community regarding the statutory rights of individuals to lodge submissions.

The only applications entitling public submission with appeal rights are those required to be publicly advertised under the Act. A process where Council may be seen to be inviting submissions generally may expose Council to criticism as unfairly treating the Applicant and potentially taking into account irrelevant considerations which may expose Council to judicial review in addition to usual Appeal processes. An aggrieved applicant may well have grounds to seek costs against Council in such circumstances.

On a practical level such a practice may also result in significant officer resources being taken up in dealing with these types of submissions.

Officers have undertaken some research regarding the cost to ratepayer of the type of advertisements suggested, noting that Council does not currently have a weekly Gazette advertisement as stated in the Background to the Notice of Motion. Based on the detail provided the cost could be anywhere between approx. \$130 for a small advertisement to hundreds of dollars per week.