

ORDINARY MEETING

5 MAY 2015

6.2

NOTICE OF MOTION – CR MELCHERT

REQUESTS FOR BUILDING SITING DISPENSATION – COUNCIL DECISION PROCESS

NOTICE OF MOTION

I hereby give Notice of my intention to move the following motion at Council's Ordinary Meeting to be held on 5 May 2015:-

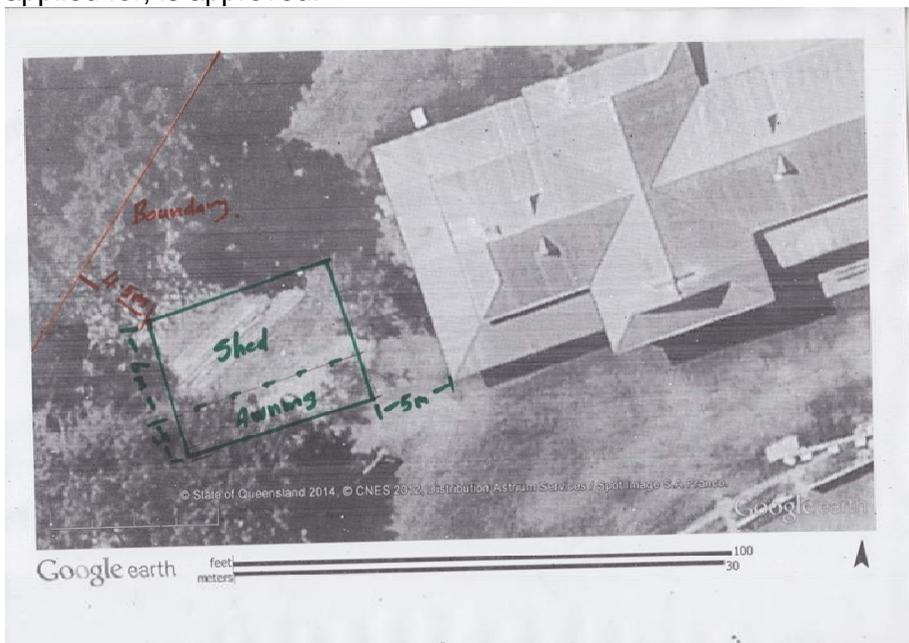
“That Council resolves that in future where property owners make development applications for building siting dispensations the applications be referred to Council for decision unless Council Officers form a view that the requested dispensation should be approved exactly as detailed in the application. Where the matter is to be referred to Council, action is to be taken to extend for a short period the decision making period to allow the referral to Council to be completed and a decision to be made.”

BACKGROUND

Under the provisions of the Sustainable Planning Act Councils can consider and, if deemed appropriate and subject to some guiding parameters, grant dispensation for buildings to be sited closer to a property boundary than may be described by legislation.

Council has delegated to its Officers authority to approve such applications. In recent times, as Councillors are aware, a number of applications have been decided subject to conditions which give an approval to a siting outcome which is very different to what has been detailed in the boundary dispensation application.

This motion seeks to clarify and put beyond doubt that the delegation granted by Council for Officers to decide such application applies only in circumstance where “the siting dispensation applied for, is approved.”



CEO'S COMMENT

Building Siting Dispensations are referred to Council as a concurrence agency pursuant to the provisions of the Sustainable Planning Act 2009. These applications are triggered where the proposed development does not meet the requirements of the Queensland Development Code. Like all development applications conditions are imposed as a matter of course. There are few if any instances where an application is approved in the exact form in which it is lodged.

Further, the general standard of the applications being lodged varies and matters outside the proper scope of such applications are regularly being included; eg 6m wide driveways being shown that require operational works approval, street trees being marked for removal without Council approval and the like. The general types of conditions imposed include requirements for landscaping and conditions requiring that carparks given set back dispensations are not to be enclosed. Additionally, the extent of the set back dispensation granted may be less than that sought.

If Council wishes to resolve to amend the delegations to officers in the manner proposed then it is at liberty to do so. However, as previously advised to Councillors the initial statutory decision period is 10 business days with an ability to extend for a further 10 business days if necessary for the determination of the application. A failure to issue a decision within time requires the assessment manager to issue a refusal. Officers have currently determined approximately 50 siting dispensations. Most if not all of these have been approved with conditions. Referring this number of additional matters to Council would require that effectively every application would have its decision period extended. This would still not allow a large number of applications to be determined within time on the current Council meeting schedule and additional Council meetings would be required. Further, additional planning resources would be required to manage the increased work load involved in the preparation of reports and attendance at Council meetings for approximately an extra fifty matters per year. In the absence of additional resources, the timely processing of planning applications generally will be adversely affected.

While the process proposed by Cr Melchert has not been costed, there is no budget allowance, nor are there staffing resources available to conduct or resource additional Council meetings just for this purpose. Such an approach would not be a useful allocation of time, with the cost an additional burden on ratepayer funds.