

## POL 0054: Refusal of Planning Applications

### **Purpose**

To provide guidance as to when a development application can be refused without referral to Council.

### **Scope**

This Policy applies within the Shire of Esperance and provides guidance as to when a development application can be refused without referral to Council.

### **Definitions**

N/A

### **Practice**

#### Applications for Prohibited or “X” Uses

Where a development application is received that is classified as an “X” use (that is a use that is not permitted) or prohibited in accordance with the provisions of Local Planning Scheme No. 24, the application is to be refused as approval to an “X” use can only proceed by way of an amendment to the Planning Scheme.

#### Applications Prohibited by Scheme Provision

Where a development application is received that is inconsistent with a Scheme provision that does not have any discretion it will be refused, with the primary grounds of refusal being -

*“The proposed development is inconsistent with ‘Specify Clause’ of the Scheme.”*

#### Applications Requiring Provision of Further Information

Where a request for further information has been made for a development application, the following procedure is to be followed -

1. A letter requesting more information is to be forwarded to the applicant.
2. If after the expiration of one (1) month no information is received, a further request for the outstanding information is to be sent to the applicant. This letter is to stipulate that should the information not be forwarded to the Shire within one (1) month of the date of the letter the application will be refused.
3. A Development Refusal be issued, with the primary ground for refusal being:

*“Insufficient information has been supplied to enable assessment of the application to occur.”*

#### Applications for Unspecified Land Uses that are inconsistent with Objective of the Zone

Where a development application is received that is for a land use that is not defined it will be refused where the use is not consistent with the objective of the zone, with the primary ground for refusal being:

*“The proposed land use is inconsistent with the objectives of the ‘specify zone’ zone.”*

**Applications not acceptable to a Government Department**

Where a development application is received that is referred to a government department it will be refused where the government department identifies that it cannot be approved.

.....End.....

**Document Information**

Responsible Position	Manager Development Services
Risk Rating	Low

**Referencing Documents**

- *Local Government Act 1995*
- Local Planning Scheme No. 24

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2008	1		New policy	O0308-1287	Mar 2010
Mar 2010	2	D12/67		O0310-1426	Mar 2012
Mar 2016	3		Changes to timeframes regarding requests for outstanding information.	O0316-008	Mar 2018
Apr 2018	4	D16/29042	Change document controller title. Added Land Use and Government Department paragraphs	O0418-075	Apr 2020
Mar 2020	5		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	6	D16/29042[v2]	Include information regarding applications prohibited by Scheme Provision. Amend information regarding timeframes and change ‘Planning’ applications to ‘Development’ applications.	O0620-183	Jun 2022
Dec 2021	7	D16/29042[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	8	D16/29042[v4]	Amend responsible position title.	O0224-018	Feb 2026