

The following Town Planning Delegations were operative for the period June 2005 to June 2007 and are recommended to be extended for a period of two years.

TOWN PLANNING DELEGATIONS

1 APPOINTMENT OF DELEGATES

For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 ("the Scheme"), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:

- (a) the Director Planning and Community Development;
- (b) the Manager Approvals, Planning and Environmental Services;
- (c) the Coordinator Planning Approvals;
- (d) the Senior Planning Officers (Planning Approvals);

2 DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
 - (i) the development complies with the standards and requirements of the Scheme; or
 - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement; and
 - (iii) the development complies with Policy 3-4 Height of Buildings Within The Coastal Area (Non-Residential Zones);
- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a "D" use;
- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;

- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and
- (g) the decision whether to consult under clause 6.4.
- (h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

3 MATTERS NOT DELEGATED TO COORDINATOR PLANNING APPROVALS AND SENIOR PLANNING OFFICERS

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(c) and 1(d) above the powers specified in paragraph 2 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
 - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or
 - (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
 - (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;

- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
 - (i) the setbacks of the proposed development; or
 - (ii) the number of on-site car parking bays to be provided; or
 - (iii) the area of the development site to be developed as landscaping;is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
 - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
 - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
 - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

4 PERIOD OF DELEGATION

The delegations made in paragraphs 2 and 3 above are to have effect for a period of 2 years from and including the date of this decision.

5 SUBDIVISION FUNCTIONS

The Council specifies the following functions:

- (a) the local government's functions under section 24 of the Town Planning and Development Act 1928; and
- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied;

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy);

6 REPORTING TO COUNCIL

The CEO is to cause a report of the exercise of powers and functions referred to in paragraph 2, 3 and 5 above, to be prepared and presented to an ordinary meeting of the Council.

TOWN PLANNING DELEGATIONS WITH TRACKED CHANGES AS PROPOSED

1 APPOINTMENT OF DELEGATES

For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 ("the Scheme"), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:

- (a) the Director Planning and Community Development;
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- (c) the Coordinator Planning Approvals;
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2 DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
 - (i) the development complies with the standards and requirements of the Scheme; or
 - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement; and
 - (iii) the development complies with Policy 3-4 Height of Buildings Within The Coastal Area (Non-Residential Zones);

- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a "D" use;
- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;
- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and
- (g) the decision whether to consult under clause 6.4.
- ~~(h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.~~
- (h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 214 and 215 of the Planning and Development Act 2005.

3 MATTERS NOT DELEGATED TO COORDINATOR PLANNING APPROVALS AND SENIOR PLANNING OFFICERS

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(c) and 1(d) above the powers specified in paragraph 2 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
 - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or

- (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
 - (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;
- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
 - (i) the setbacks of the proposed development; or
 - (ii) the number of on-site car parking bays to be provided; or
 - (iii) the area of the development site to be developed as landscaping;

is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
 - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
 - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
 - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- ~~(g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.~~
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 214 and 215 of the Planning

and Development Act 2005.

4 PERIOD OF DELEGATION

The delegations made in paragraphs 2 and 3 above are to have effect for a period of 2 years from and including the date of this decision.

5 SUBDIVISION FUNCTIONS

The Council specifies the following functions:

- ~~(a) the local government's functions under section 24 of the Town Planning and Development Act 1928; and~~
- (a) the local government's functions under Section 142 of the Planning and Development Act 2005; and
- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied;

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy);

6 REPORTING TO COUNCIL

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City of Joondalup

District Planning Scheme No 2

SCHEDULE 6 (CLAUSE 8.6) – DELEGATION OF DEVELOPMENT CONTROL POWERS

The Council may delegate its powers under the provisions of clause 8.6 to any of the following:

- (i) a member of the Council being the Chairman of the Committee required at the direction of Council to consider and report upon town planning matters within the district, and being qualified by experience with the work of any such committee, and/or
- (ii) that officer or those officers of the authority, holding or eligible to hold a Municipal Town Planner's Certificate appointed to the position of Town Planner for the purposes of the Local Government Act with overall responsibility for the planning function of the Council or appointed by the Council to supervise the town planning control functions of the Council.

or those persons who from time to time occupy any of the positions referred to above.

Delegation Clause as proposed within Amendment No 31 to DPS2

8.6 Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

- 8.6.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.
- 8.6.2 Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.