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~~DISTRICT PLANNING SCHEME NO. 2~~ **LOCAL PLANNING SCHEME NO. 3 –**
DELEGATIONS - GENERAL

- (1) **Function delegated:** The following powers conferred or imposed on Council or the local government under the Scheme:
- (a) the approval of an application for development approval for the purpose of a 'single house', ~~an 'ancillary dwelling'~~ or up to 10 'grouped dwellings', 'multiple dwellings' ~~or 'aged or dependent persons' dwellings~~, or any associated, ancillary or incidental development where:
 - (i) there have not been any objections to the application received; and
 - (ii) in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) the development:
 - (a) has a Bushfire Attack Level of less than 40; and
 - (b) where the Bushfire Attack Level is 12.5, 19 or 29:
 - (i) is not a vulnerable land use as defined under SPP 3.7; and
 - (ii) complies with clause 6.5 of SPP 3.7; and
 - (iii) the Deemed-to-Comply requirements of the Residential Design Codes and/or replacement Deemed-to-Comply requirements of the *Residential Development Local Planning Policy* have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any ~~approved applicable~~ structure plan, activity centre plan or local development plan and all other applicable ~~Local Planning Policies~~; or
 - (iv) the Local Housing Objectives of the *Residential Development Local Planning Policy* have been satisfied; or
 - (v) in the case of applications for development approval where the development does not meet the Deemed-to-Comply requirements of the *Residential Design Codes* or the requirements of any applicable standards or requirements of the Scheme, any ~~approved applicable~~ structure plan, activity centre plan, local development plan, or local planning policy, provided:

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- (a) the plot ratio of the development does not exceed the maximum requirement of Table 4 of the Residential Design Codes by more than 10% of that requirement;
 - (b) the building setbacks of development are not less than those specified under the Deemed-to-Comply requirements of the Residential Design Codes, or any applicable [approved](#) structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres;
 - (c) any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 4 of the Residential Design Codes or any applicable [approved](#) structure plan, activity centre plan, local development plan or local planning policy;
 - (d) the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements of the Residential Design Codes or any applicable [approved](#) structure plan, activity centre plan, local development plan or local planning policy by more than 10% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries;
 - (e) the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and-
 - (f) the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot.
- (b) the approval of an application for development approval for the purposes of a class of use listed in [Table 43 \(Zoning Table\)](#), [Table 3a Whitford Activity Centre Zoning Table](#) and [Table 3b Joondalup Activity Centre Zoning Table](#) —of the Scheme other than a 'single house', '~~ancillary dwelling~~', 'grouped dwelling', 'multiple dwelling', '~~aged or dependent persons' dwelling~~', or any associated, ancillary or incidental development where:
- (i) there have not been any objections to the application received; and

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- (ii) the application is not required to be considered by the Joondalup Design Reference Panel; and
- (iii) in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) the development:
 - (a) has a Bushfire Attack Level of less than 40; and
 - (b) where the Bushfire Attack Level is 12.5, 19 or 29:
 - (i) is not a vulnerable land use as defined under SPP 3.7; and
 - (ii) complies with clause 6.5 of SPP 3.7; and
- (iv) the development satisfies any applicable standards and requirements of the Scheme, any ~~approved applicable~~ structure plan, activity centre plan or local development plan and all applicable ~~Local Planning Policies~~; ~~or with the exception of the following:~~
- (v) an application proposes a variation to the applicable setback requirements of up to 100% for patio(s), verandah(s), shade sail(s), portico(s), retaining wall(s) not greater than 1.2 metres above natural ground level in height or outbuilding(s); or
- (vi) the amount of car parking provided is not less than a car parking shortfall for that site previously approved; or
- (vii) the application is for a class of sign under the *Signs Local Planning Policy* and the development does not exceed the applicable requirements by greater than 10%; or
- (viii) the application is for the renewal of a Home ~~Business – Category 2~~Occupation or Home Business – ~~Category 3~~, where no complaints or objections have been received since the previous approval was issued.

Delegated by: Council.

Delegation to: Chief Executive Officer (00001).

Conditions: ~~1 The delegations are to have effect for a period of two years from and including 27 June 2017.~~

~~21~~ The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.

Chief Executive Officer delegates to: Senior Urban Planner (00115, 00609, 00778, 00122, 00125, ~~01479~~).
Coordinator Planning Approvals (00112, 01313).
Coordinator Urban Design and Policy (00111).

Additional sub-delegation conditions: Not applicable.

Legislation: Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*
Section 5.42 of the *Local Government Act 1995*.

Policy: Not applicable.

Adoption / Revision Reference: CJ229-12/11, CJ003-02/12, CJ075-05/12; CJ094-06/13; CJ123-07/13; CJ180-10/14; CJ167-10/15; INT15/36323

(2) Function delegated: The following powers conferred or imposed on the Council or the local government under the Scheme and the *Planning and Development Act 2005*:

(a) the determination of an application for development approval for the purpose of a 'single house', '~~ancillary dwelling~~' and/or up to 10 'grouped dwellings', 'multiple dwellings', ~~or 'aged or dependent persons' dwellings~~, or any associated, ancillary or incidental development;

~~(b) the determination of an application for development approval for 'land sales office (temporary)' and/or 'display home' or any associated, ancillary or incidental development;~~

~~(be)~~ the determination of an application for development approval for the purpose of a class of use listed in Table ~~34 (Zoning Table), Table 3a Whitfords Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table~~ of the Scheme or any associated, ancillary or incidental development (other than a 'single house', '~~ancillary dwelling~~', 'grouped dwelling' ~~or~~, 'multiple dwelling', '~~aged or dependent persons' dwelling~~', '~~land sales office (temporary)~~' or '~~display home~~') provided:

(i) building setbacks for buildings other than for those set out in 1(b)(v) of these delegations, as set out in the Scheme or any applicable ~~approved~~

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structure plan, activity centre plan or local development plan, are not less than the required amount by more than 1.5 metres;

- (ii) the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable ~~approved~~ structure plan, activity centre plan or local development plan by more than 10%;
 - (iii) the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable ~~approved~~ structure plan, activity centre plan or local development plan achieves an average width of not less than 1.05 metres;
 - (iv) the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable ~~approved~~ structure plan, activity centre plan or local development plan by more than 10% of that requirement; and
 - (v) the development ~~is located on a non-residential coastal site and complies with the coastal area building height in the Commercial, Mixed Use and Service Commercial Zone – Height of Non-Residential Buildings Local Planning Policy; and~~
- ~~(vi) the development is not for 'short stay accommodation' abutting the 'Residential' zone.~~
- (~~cd~~) the direction under clause 64(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to advertise an application for development approval.
 - (~~ed~~) the determination under clause 64(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme.
 - (~~ef~~) the determination under clause 63(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* whether to waive or vary the requirement for plans and other information to be submitted with an application.
 - (~~gf~~) the determination under clause 61(1)(f) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* whether works are temporary for the purposes of the Scheme and the

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length of time that such 'development' is permitted to remain in the requested location.

(h) the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendations under clause 66(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Delegated by: Council.

Delegation to: Chief Executive Officer (00001).

Conditions: ~~1 The delegations are to have effect for a period of 2 years from and including 27 June 2017.~~
21 The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.

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Chief Executive Officer delegates to: Manager Planning Services (0108).
Director Planning and Community Development (00105).

Additional sub-delegation conditions: Not applicable.

Legislation: Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
Section 5.42 of the *Local Government Act 1995*.

Policy: Not applicable.

Adoption / Revision Reference: CJ229-12/11, CJ003-02/12, CJ075-05/12; CJ094-06/13; CJ123-07/13; CJ180-10/14; CJ167-10/15; INT15/36323

DISTRICT LOCAL PLANNING SCHEME NO. 23 – DETERMINE FUTURE APPLICATIONS FOR RENEWAL OF HOME OCCUPATION BUSINESS

Function delegated:	Authority to determine future applications for renewal of the Home Business Category 2 <u>Occupation</u> (Music/Drum School) at 6 (Lot 397) Melrose Crest, Kinross.
Delegated by:	Council.
Delegation to:	Chief Executive Officer (00001).
Conditions:	Authority subject to no changes to the operation of the business being made.
Chief Executive Officer delegates to:	Manager Planning Services (00108).
Additional sub-delegation conditions:	Not applicable.
Legislation:	Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Policy:	<i>Home-based-Business <u>Local Planning</u> Policy.</i>
Adoption / Revision reference:	CJ198-09/09, CJ107-06/11; CJ091-06/14; CJ180-10/14; CJ167-10/15; INT15/36323

PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 – DETERMINE DEVELOPMENT APPLICATIONS FOR DISPLAY HOMES

Function delegated:	Authority to determine development applications for 'Display Homes' on Lots 2004—2008, 2010—2012, 2017—2020, and 2022—2024 Venice Entrance, Iluka.
Delegated by:	Council.
Delegation to:	Chief Executive Officer (00001).
Conditions:	Effective for two years from 28 June 2017.
Chief Executive Officer delegates to:	Director Planning and Community Development (00105). Manager Planning Services (00108)
Additional sub-delegation conditions:	Not applicable.
Legislation:	Section 5.42 of the <i>Local Government Act 1995</i>.

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~~Clauses 82 and 83 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.~~

LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL

- (1) **Function delegated:** The following powers conferred or imposed on Council or the local government under the Scheme:
- (a) the approval of an application for development approval for the purpose of a 'single house', or up to 10 'grouped dwellings', 'multiple dwellings', or any associated, ancillary or incidental development where:
 - (i) there have not been any objections to the application received; and
 - (ii) in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) the development:
 - (a) has a Bushfire Attack Level of less than 40; and
 - (b) where the Bushfire Attack Level is 12.5, 19 or 29:
 - (i) is not a vulnerable land use as defined under SPP 3.7; and
 - (ii) complies with clause 6.5 of SPP 3.7; and
 - (iii) the Deemed-to-Comply requirements of the Residential Design Codes and/or replacement Deemed-to-Comply requirements of the *Residential Development Local Planning Policy* have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all other applicable local planning policies; or
 - (iv) the Local Housing Objectives of the *Residential Development Local Planning Policy* have been satisfied; or
 - (v) in the case of applications for development approval where the development does not meet the Deemed-to-Comply requirements of the *Residential Design Codes* or the requirements of any applicable standards or requirements of the Scheme, any applicable structure plan, activity centre plan, local development plan, or local planning policy, provided:
 - (a) the plot ratio of the development does not exceed the maximum requirement of Table

4 of the Residential Design Codes by more than 10% of that requirement;

- (b) the building setbacks of development are not less than those specified under the Deemed-to-Comply requirements of the Residential Design Codes, or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres;
 - (c) any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 4 of the Residential Design Codes or any applicable structure plan, activity centre plan, local development plan or local planning policy;
 - (d) the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements of the Residential Design Codes or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 10% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries;
 - (e) the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and-
 - (f) the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot.
- (b) the approval of an application for development approval for the purposes of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme other than a 'single house', 'grouped dwelling', 'multiple dwelling', or any associated, ancillary or incidental development where:
- (i) there have not been any objections to the application received; and
 - (ii) the application is not required to be considered by the Joondalup Design Reference Panel; and

- (iii) in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) the development:
 - (a) has a Bushfire Attack Level of less than 40; and
 - (b) where the Bushfire Attack Level is 12.5, 19 or 29:
 - (i) is not a vulnerable land use as defined under SPP 3.7; and
 - (ii) complies with clause 6.5 of SPP 3.7; and
- (iv) the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all applicable local planning policies; with the exception of the following:
- (v) an application proposes a variation to the applicable setback requirements of up to 100% for patio(s), verandah(s), shade sail(s), portico(s), retaining wall(s) not greater than 1.2 metres above natural ground level in height or outbuilding(s); or
- (vi) the amount of car parking provided is not less than a car parking shortfall for that site previously approved; or
- (vii) the application is for a class of sign under the *Signs Local Planning Policy* and the development does not exceed the applicable requirements by greater than 10%; or
- (viii) the application is for the renewal of a Home Occupation or Home Business, where no complaints or objections have been received since the previous approval was issued.

Delegated by: Council.

Delegation to: Chief Executive Officer (00001).

Conditions: 1 The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.

Chief Executive Officer delegates to: Senior Urban Planner (00115, 00609, 00778, 00122, 00125, 01479).

Coordinator Planning Approvals (00112, 01313).

Coordinator Urban Design and Policy (00111).

Additional sub-delegation conditions:

Not applicable.

Legislation:

Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Section 5.42 of the *Local Government Act 1995*.

Policy:

Not applicable.

Adoption / Revision Reference:

CJ229-12/11, CJ003-02/12, CJ075-05/12; CJ094-06/13; CJ123-07/13; CJ180-10/14; CJ167-10/15; INT15/36323

(2) Function delegated:

The following powers conferred or imposed on the Council or the local government under the Scheme and the *Planning and Development Act 2005*:

- (a) the determination of an application for development approval for the purpose of a 'single house', and/or up to 10 'grouped dwellings', 'multiple dwellings', or any associated, ancillary or incidental development;
- (b) the determination of an application for development approval for the purpose of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme or any associated, ancillary or incidental development (other than a 'single house', 'grouped dwelling' or 'multiple dwelling') provided:
 - (i) building setbacks for buildings other than for those set out in 1(b)(v) of these delegations, as set out in the Scheme or any applicable structure plan, activity centre plan or local development plan, are not less than the required amount by more than 1.5 metres;
 - (ii) the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10%;
 - (iii) the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable structure plan, activity centre plan or local development plan achieves an average width of not less than 1.0 metre;

- (iv) the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% of that requirement; and
- (v) the development complies with the coastal area building height in the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.
- (c) the direction under clause 64(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to advertise an application for development approval.
- (d) the determination under clause 64(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme.
- (e) the determination under clause 63(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* whether to waive or vary the requirement for plans and other information to be submitted with an application.
- (f) the determination under clause 61(1)(f) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location.
- (g) the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendations under clause 66(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Delegated by:

Council.

Delegation to:

Chief Executive Officer (00001).

Conditions:	1 The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.
Chief Executive Officer delegates to:	Manager Planning Services (0108). Director Planning and Community Development (00105).
Additional sub-delegation conditions:	Not applicable.
Legislation:	Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . Section 5.42 of the <i>Local Government Act 1995</i> .
Policy:	Not applicable.
Adoption / Revision Reference:	CJ229-12/11, CJ003-02/12, CJ075-05/12; CJ094-06/13; CJ123-07/13; CJ180-10/14; CJ167-10/15; INT15/36323

**LOCAL PLANNING SCHEME NO. 3 – DETERMINE FUTURE APPLICATIONS
FOR RENEWAL OF HOME OCCUPATION**

Function delegated:	Authority to determine future applications for renewal of the Home Occupation (Music/Drum School) at 6 (Lot 397) Melrose Crest, Kinross.
Delegated by:	Council.
Delegation to:	Chief Executive Officer (00001).
Conditions:	Authority subject to no changes to the operation of the business being made.
Chief Executive Officer delegates to:	Manager Planning Services (00108).
Additional sub-delegation conditions:	Not applicable.
Legislation:	Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Policy:	<i>Home-based Business Local Planning Policy.</i>
Adoption / Revision reference:	CJ198-09/09, CJ107-06/11; CJ091-06/14; CJ180-10/14; CJ167-10/15; INT15/36323