

<b>DA</b>	<b>TOWN PLANNING SCHEME NO. 3 – DEVELOPMENT CONTROL</b>
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<b>DIVISION:</b>	Built and Natural Environment
<b>BUSINESS UNIT:</b>	Development Assessment and Compliance
<b>SERVICE UNIT:</b>	Statutory Planning
<b>RESPONSIBLE OFFICER:</b>	Head of Development Assessment and Compliance
<b>FILE NO.:</b>	086/003
<b>DATE FIRST ADOPTED:</b>	11 June 2015
<b>DATE LAST REVIEWED:</b>	10 September 2020
<b>POLICY REF.:</b>	Various
<b>VERSION NO.</b>	10

<b>Dates of Amendments / Reviews:</b>		
DAPPS Meeting:	2 June 2015	23 November 2017
	26 November 2015	24 May 2018
	26 May 2016	28 February 2019
	23 February 2017	23 May 2019
	18 May 2017	27 August 2020
	OCM:	11 June 2015
	10 December 2015	14 June 2018
	9 June 2016	14 March 2019
	9 March 2017	13 June 2019
	8 June 2017	

### **FUNCTION DELEGATED:**

City of Cockburn Town Planning Scheme No. 3 (TPS 3)

1. Local Development Plans:
  - a) The authority to approve local development plans with or without conditions.
  - b) The authority to refuse to approve local development plans and, where the proposed local development plan was submitted by an owner, to provide reasons for this to the owner.
  
2. Amending or cancelling development approval:
  - a) The authority to amend a planning approval so as to extend the period within which any development approved must be substantially commenced.
  - b) The authority to amend or delete any condition to which the approval is subject.
  - c) The authority to amend an aspect of the development approved which, if amended, would not substantially change the development approved.
  - d) The authority to cancel the approval.

3. Unauthorised Existing Subsequent approval of development  
The authority to determine applications excludes the determination of Category 'A: Heritage places, the removal of 'Significant Trees' and those applications proposing demolition of any category of heritage building as contained in the Local Government Heritage List and Inventory except where those applications are for minor amendments or minor works as defined in Local Planning Policy LPP4.4 and the amendments or minor works are supported by the State Heritage Office.
4. Determination of Applications
  - a) The authority to grant approval with or without conditions.
  - b) The authority to refuse to grant planning approval.
5. Form and Date of Determination
  - a) The authority to convey its determination to the applicant in the form of the "Notice of determination on application for development approval" prescribed in TPS 3.
6. Temporary Planning Approval
  - a) The authority to impose conditions limiting period of time for which an approval is granted.
7. Approval Subject to Later Approval of Details
  - a) The authority to grant development approval subject to a condition that further detail any works or use specified in the condition must be submitted to, and approved by, the City before the developer commences the development.

#### **CONDITIONS/GUIDELINES:**

1. The authority to determine applications subject to those applications being in accordance with the relevant legislative, scheme and policy requirements.
2. The authority to determine applications where advertising of an application is required in accordance with TPS 3 subject to:
  - a) No objections are received during the consultation period.
  - b) The objection can be resolved through a condition imposed on an approval or negotiation of a design change with the applicant.
  - c) The objection does not relate to valid planning considerations associated with the proposal (as confirmed and authorised in writing by Director Planning and Development or Manager Statutory Planning).
3. The authority to determine applications excludes the determination of category "A" Heritage places and those applications proposing demolition of any category of heritage building as contained in the Local Government Heritage List and Inventory except where those applications are for minor amendments or minor works as defined in Local Planning Policy 4.4 and the amendments or minor works are supported by the State Heritage Office.

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4. The authority to determine applications excludes the determination of applications for ‘Industry – General (Licenced) proposing a lesser distance from residential properties than is recommended in the Environmental Protection Authority’s document ‘Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses’
  
5. The authority to issue a renewal of a planning approval or extension of the approval period prior to expiry subject to:
  - a) The lodgement of a new Planning Application Form, prescribed fee and plans.
  - b) The development being substantially the same as that previously approved by Council or the City under delegation.
  - c) Unless circumstances have changes, any conditions of development approval shall be the same as those previously imposed.
  - d) A new “Notice of determination on application for development approval” shall be issued.
  
6. In relation to a decision that is subject to a review in the State Administrative Tribunal, sub-delegated officers may:
  - a) Attend directions hearings, mediations and hearings.
  - b) Appear as an expert witness in a hearing.
  - c) Provide evidence in a hearing.
  - d) Prepare any written documents required as part of matter the subject of a review.
  
7. All transactions utilising this delegation are to be recorded in the City’s Record Keeping system (ECM) by the delegated officer or by another officer directed by the delegated officer.

**AUTONOMY OF DISCRETION:**

As provided for in Conditions (1) to (6) above.

**LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:**

City of Cockburn Town Planning Scheme No.3.

**DELEGATE:**

Chief Executive Officer

**SUB-DELEGATE/S:**

Chief of Built and Natural Environment  
 Head of Development Assessment and Compliance  
 Coordinator Statutory Planning  
 Senior Planning Officer (Statutory)  
 Planning Officer (Statutory)