

DA	<b>LOCAL PLANNING SCHEME NO. 3 – DEVELOPMENT CONTROL</b>	OLPD33
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<b>DELEGATED AUTHORITY CODE:</b>	OLPD33
<b>DIRECTORATE:</b>	Planning and Development
<b>BUSINESS UNIT:</b>	Statutory Planning
<b>SERVICE UNIT:</b>	Statutory Planning
<b>RESPONSIBLE OFFICER:</b>	Manager Statutory Planning
<b>FILE NO.:</b>	086/003
<b>DATE FIRST ADOPTED:</b>	11 June 2015
<b>DATE LAST REVIEWED:</b>	14 June 2018
<b>POLICY REF.:</b>	Various
<b>VERSION NO.</b>	7

<b>Dates of Amendments / Reviews:</b>		
DAPPS Meeting:	2 June 2015	18 May 2017
	26 November 2015	23 November 2017
	26 May 2016	24 May 2018
	23 February 2017	
OCM:	11 June 2015	9 March 2017
	10 December 2015	8 June 2017
	9 June 2016	14 December 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 or cancel a planning approval prior to the commencement of the use or development subject of a planning approval.
  - b) The authority to refuse to issue an approval for the further use or development of land where one or more conditions of an approval have not been complied with to the satisfaction of the City.
  
3. Unauthorised Existing Subsequent approval of development
  - a) The authority to grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
  
4. Determination of Applications
  - a) The authority to grant approval with or without conditions.

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- 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 details 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.
- 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 MRS Form 1, prescribed fee and plans.
  - b) The development being substantially the same as that previously approved by Council or the City under delegation.

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- 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 Recording of Delegations Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating 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:**

Director Planning and Development  
 Manager Statutory Planning  
 Manager, Strategic Planning  
 Coordinator Statutory Planning  
 Senior Planning Officer (Statutory)  
 Planning Officer (Statutory)