



TOWN OF
MOSMAN PARK

SPECIAL COUNCIL MEETING | ATTACHMENTS
17 November 2020

5.1 DEVELOPMENT CONTROL DELEGATIONS OF AUTHORITY

Att1	EXCERPT FROM TOWN OF MOSMAN PARK 2020 DELEGATIONS REGISTER – DELEGATION 9.2.1 (DEVELOPMENT CONTROL)	1
------	---	---

Delegation Register

Town of Mosman Park



9. Planning and Development Act 2005 Delegations

9.2 Local Planning Scheme No 3 and Planning and Development (Local Planning Scheme) Regulations 2015– Council to CEO

9.2.1 DEVELOPMENT CONTROL

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, s82 Delegations by local government
Express Power or Duty Delegated:	Authority to exercise the relevant powers and duties in Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 Deemed provisions for Local Planning Schemes.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 2. Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel; and 3. Waive or vary a requirement in Part 8 or Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 in respect of an application where that application is considered to relate to a minor amendment to the development approval. 4. Advertising of applications and proposals in accordance with Clause 66(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and subclause 30 (1) of the Metropolitan Region Scheme. Determining the requirement and extent of advertising of applications and proposals made under the Town of Mosman Park Local Planning Scheme No.3 and Metropolitan Region Scheme. 5. Amending or Cancelling a development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61((1) (f) and 61 (2)(d) if Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Delegation Register

Town of Mosman Park

9. *Planning and Development Act 2005 Delegations*

- | | |
|--|---|
| | <p>6. Approve development applications for a “Single House”, “Ancillary dwelling”, “Grouped dwellings” or any associated, ancillary or incidental development (outbuildings, garages / carports, pergolas / patios and the like, roofing materials, front boundary fences, retaining walls and swimming pools) that:</p> <ol style="list-style-type: none"> a. Does not include more than 4 grouped dwellings; b. Satisfy the provisions of Local Planning Scheme No. 3, Council policies, the Design Principles of the Town’s Local Planning Policies and the Design Principles of the Residential Design Codes; and c. where no valid objections have been received from the affected landowners; or d. the valid objections have been resolved to the satisfaction of the parties concerned and the Town. <p>7. Approve development applications for an existing “Multiple Dwellings” development including any associated, ancillary or incidental development (outbuildings, garages / carports, pergolas / patios and the like, roofing materials, front boundary fences, retaining walls and swimming pools) that:</p> <ol style="list-style-type: none"> a. Satisfy the provisions of Local Planning Scheme No 3, Council policies, the Element Objectives of the Town’s Local Planning Policies and the Element Objectives of the Residential Design Codes; and b. Where no valid objections have been received from the affected landowners; or c. the valid objections have been resolved to the satisfaction of the parties concerned and the Town. <p>8. Approve development applications for a new “Multiple Dwelling” development, including any associated, ancillary or incidental development (outbuildings, garages / carports, pergolas / patios and the like, roofing materials, front boundary fences, retaining walls and swimming pools) that:</p> <ol style="list-style-type: none"> a. Does not include more than 4 dwellings; and b. Satisfies the provisions of Local Planning Scheme No 3, Council policies, the Element Objectives of the Town’s Local Planning Policies and the Element Objectives of the Residential Design Codes; and c. Where no valid objections have been received from the affected landowners; or d. the valid objections have been resolved to the satisfaction of the parties concerned and the Town. <p>9. Approve applications for non-residential (including non-conforming use) development where:</p> <ol style="list-style-type: none"> a. the development is considered minor; and b. no valid objections have been received from affected adjoining landowners; or |
|--|---|

Delegation Register

Town of Mosman Park



9. *Planning and Development Act 2005 Delegations*

	<ul style="list-style-type: none"> c. the valid objections have been resolved to the satisfaction of the parties concerned and the Town. 10. Approve applications that seek to reapprove expired development applications where no changes are made to the original approval 11. Clear all conditions on planning approvals, except those requiring specific Council approval. 12. To waive or reduce development application fees. 13. Approve applications for “home business” where no valid objections being received from affected adjoining landowners. 14. Approve retrospective applications in accordance with clause 65 of the deemed provisions. 15. Approve applications for change of use where: <ul style="list-style-type: none"> a. the proposed use is considered to have the same or lesser impact as the pre-existing use or is returning to a previously approved use; b. It’s a P use that varies relevant development standard/s; c. A D, A or, use not listed in the Scheme that varies relevant development standard/s, where no valid objections are received from affected parties; or d. Valid objections are resolved to the Town’s satisfaction. 16. Refuse applications that are inconsistent with the Town of Mosman Park Local Planning Scheme No 3 and no discretion exists to allow the variations. 17. Approve applications that seek to amend an existing planning approval granted by Council where: <ul style="list-style-type: none"> a. any new variations are considered minor; and b. the relevant design principles/element objectives of the residential design codes can be satisfied; and c. No valid objections received from affected parties and/ or d. valid objections resolved to the satisfaction of the Town. 18. Exercise discretion, determine and apply conditions to all applications for development approval made under the Town’s Local Planning Scheme No.3 and or Metropolitan Region Scheme. 19. Clear conditions and make recommendations to the Western Australian Planning Commission in respect of subdivision applications and associated matters. 20. Issue, or refuse to issue, certificates under s.40 of the <i>Liquor Control Act 1998</i>.
Council Conditions on this Delegation:	<ul style="list-style-type: none"> 1. Any application is to be referred to Council for determination if one or more elected member request such referral by written request to the Chief Executive Officer; 2. Any application for planning approval shall be referred to Council for determination, where requested by the applicant in writing; 3. Any application for planning approval to be referred to Council for determination, where the Director/Senior Planning Officer requests;

Delegation Register

Town of Mosman Park



9. Planning and Development Act 2005 Delegations

	4. The Chief Executive Officer is to report to the Council, on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken.
Express Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 s83 Local government CEO may delegate powers
Sub-Delegate/s: <i>Appointed by CEO</i>	Director Planning and Operations Senior Planning Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	This delegation does not extend to: <ol style="list-style-type: none"> 1. Applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use 2. Applications for telecommunications infrastructure that have received one or more objections; 3. Applications for development approval that propose the demolition of buildings identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places; 4. Requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i>; and 5. Change of Use applications which are classified D and A and uses not listed in the Scheme where after advertising, valid submissions have been received which raise objections that are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal; 6. Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings; and 7. Refusal of applications where discretion exists for Council to approve the variations under the City's Local Planning Scheme no. 3, policies and/or the Residential Design Codes.
Compliance Links:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Town of Mosman Park Local Planning Scheme No 3 Liquor Control Act 1998 Strata Titles Act 1985 State Planning Policy 7.3 - Residential Design Codes - Volume 1 State Planning Policy 7.3 - Residential Design Codes - Volume 2 Town of Mosman Park Local Planning Policies
Record Keeping:	All exercises of delegated authority to be record managed in Synergy.

Version Control:

1	Original delegation – 24 April 2012
2	Latest review – 30 June 2020
3	Functions 19 and 20 added – OCM 24 November 2020