

PART 6 TOWN PLANNING

No: 6.1 Departure from the Requirement and Provisions of the Scheme

<p>Function to be performed</p>	<p>No person shall depart from or permit or suffer any departure from the requirements and provisions of a Scheme enforceable by the City, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area:</p> <ul style="list-style-type: none"> (a) otherwise than in accordance with the provisions of the applicable Scheme; (b) unless all approvals required by the applicable Scheme have been granted and issued; (c) unless all conditions imposed upon the grant and issue of any approval required by the applicable Scheme have been and continue to be complied with; (d) unless all standards laid down and all requirements prescribed by the applicable Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development Act 2005 - Part 13</i> <i>Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2, Part 10, Clause 82, 77</i> <i>City of Vincent Town Planning Scheme No. 1 - Clauses 34, 38</i> <i>City of Perth District Planning Scheme No 2 – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</i></p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Officer Chief Executive is delegated the power to take action for departure from the requirements and provisions of the <i>City of Vincent Town Planning Scheme No. 1</i>, <i>City of Perth District Planning Scheme No 2</i>, including the <i>Planning and Development Act 2005</i>, and <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area</i></p>
<p>Conditions and Reporting Requirements</p>	<p>Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by Part 13 of the Act.</p> <p>Copies of all comments or recommendations made are to be retained on the appropriate file or record.</p>

No: 6.2 Development Control, Enforcement and Legal Action (Including Appeals and SAT Matters)

<p>Function to be performed</p>	<ul style="list-style-type: none"> • Exercise discretion and to refuse or approve and apply conditions to planning applications under the <i>City of Vincent Town Planning Scheme No. 1</i> and associated policies, <i>City of Perth District Planning Scheme No 2</i> and associated policies, Planning and Development (Local Planning Scheme) Regulations 2015 and <i>Residential Design Codes</i>; • To authorise persons to enter premises under the <i>City of Vincent District Planning Scheme No. 1</i> and <i>City of Perth District Planning Scheme No 2</i>; • Implement enforcement and legal proceeding matters under the <i>Planning and Development Act 2005, Part 13</i>; • Implement matters delegated to the City of Vincent under the <i>Planning and Development Act 2005</i>. • Exercise discretion and to form opinions and to issue, withdraw or amend Notices and Requisitions pursuant to Part 13 of the Planning and Development Act 2005 and the provisions the City of Vincent Town Planning Scheme No. 1 and <i>City of Perth District Planning Scheme No 2</i>. • Exercise discretion and to respond to appeals lodged with the State Administrative Tribunal for; <ol style="list-style-type: none"> 1. the determination of planning application appeals under Part 14 of the Planning and Development Act 2005, and the <i>City of Vincent Town Planning Scheme No. 1</i>, <i>City of Perth District Planning Scheme No 2</i> and associated policies, <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>; and 2. the determination of ‘without prejudice’ conditions. • Take action for the administration and implementation of the <i>City of Vincent Town Planning Scheme No. 1</i> <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development Act 2005</i> - Part 13 and 14 <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to;</p> <ul style="list-style-type: none"> • Exercise discretion and to approve and apply conditions to planning applications under the <i>City of Vincent Town Planning Scheme No. 1</i> and associated policies, <i>City of Perth District Planning Scheme No 2</i> and associated policies, Planning and Development (Local Planning Scheme) Regulations 2015 and <i>Residential Design Codes</i>; a) To authorise person to enter premises under the <i>City of Vincent District Planning Scheme No. 1</i> and <i>City of Perth District Planning Scheme No 2</i>; b) Implement enforcement and legal proceeding matters under the <i>Planning and Development Act 2005, Part 13</i>; c) Implement matters delegated to the City of Vincent under the <i>Planning and Development Act 2005</i>. d) Exercise discretion and to form opinions and to issue, withdraw or amend Notices and Requisitions pursuant to

	<p>Part 13 of the <i>Planning and Development Act 2005</i> and the provisions the <i>City of Vincent Town Planning Scheme No. 1</i> and <i>City of Perth District Planning Scheme No 2</i>.</p> <p>e) Exercise discretion and to respond to appeals lodged with the State Administrative Tribunal for;</p> <ol style="list-style-type: none"> 1. the determination of planning application appeals under Part 14 of the <i>Planning and Development Act 2005</i>, and the <i>City of Vincent Town Planning Scheme No. 1</i> <i>City of Perth District Planning Scheme No 2</i> and associated policies, <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>; 2. the determination of ‘<i>without prejudice</i>’ conditions. <ul style="list-style-type: none"> • Take action for the administration and implementation of the <i>City of Vincent Town Planning Scheme No. 1</i> and <i>City of Perth District Planning Scheme No 2</i>.
<p>Conditions Reporting Requirements</p>	<p>and</p> <p>The power to:</p> <ul style="list-style-type: none"> • prosecute under the <i>Planning and Development Act 2005</i>, Part 13; • make recommendations for appointment of consultants/legal representatives for SAT Matters; • deal with matters Schedule 2, Part 9, Clause 77 (1). <p>Appointment of Consultants/Legal Representatives for SAT Matters</p> <p>Quotations are to be obtained and a recommendation is to be provided for all matters which are appealed to the SAT.</p> <p>SAT Matters – Mediation</p> <p>The power to respond to appeals lodged with the State Administrative Tribunal and establish a position with respect to any mediation process resulting from an appeal against a decision made under by Council. “<i>Without Prejudice</i>” conditions and amended plans for these matters are to be reported to the Council for consideration and determination.</p> <p>The power to respond to appeals lodged with the State Administrative Tribunal and determine a position with respect to any mediation process resulting from an appeal against a decision made under delegated authority. Including a reconsideration pursuant to Section 31 under the SAT Act 2009.</p> <p>Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p> <p>Copies of documents/approvals/notices given and reports of actions taken are to be retained on the appropriate file or record.</p>

No: 6.3 Determination of Various Planning Applications

<p>Function to be performed</p>	<p>Authority to exercise discretion and to approve and apply conditions to planning applications under the applicable Scheme, <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> and <i>Residential Design Codes</i> :</p> <ol style="list-style-type: none"> 1. for residential development that does not comply with the setback requirements under either Table 2 or Figure 3 and/or variations permitted by the Residential Design Codes; 2. for residential development involving open car parking spaces within the street setback area, car parking area or vehicle access-way closer than four (4) metres to ground floor habitable room windows of dwellings, and the provision of one car bay per aged or dependent persons dwelling and/or single bedroom dwelling; 3. for structures, including outbuildings and carports, within setback areas for such carports not abutting the existing dwelling and not being 100 per cent open where it abuts the existing building and/or parapet walls adjacent to the side boundary; 4. for additional/ancillary accommodation; 5. for aged or dependent person dwellings; 6. that involve vehicular access to a dwelling via a Right of Way; 7. for amusement centres; 8. for the erection of canvas awnings; 9. for front fences and screen walls to secondary streets, to roads that are classified as Regional, Primary Distributor or District Distributor Roads and to traffic volume; 10. for proposed car parking, carports and garages to a dwelling that directly fronts onto a street where vehicular access to such is from that street, regardless whether a right of way is available to the property. <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development Act 2005</i> - Part 13 and 14 <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise discretion and to approve and apply conditions to planning applications.</p>
<p>Conditions and Reporting Requirements</p>	<p>1. Set backs</p> <ol style="list-style-type: none"> (i) The landowners and occupiers of all affected properties are notified in writing of the proposal and are given fourteen (14) days in which to view the application being determined; and no written objections are received by the City during this consultation period. (ii) Alternatively to (i) above, the applicant submits to the City written documentary evidence that the landowner and occupier of all adjacent affected properties have no objection to the proposal. (iii) After assessment by officers of the City approval is considered appropriate in terms of Clause 6.3 of the Residential Design Codes.

- (iv) Submissions received which are based on civil, non-planning and/or unsubstantiated matters as determined by the Chief Executive Officer, are not to be considered as part of the consideration of the planning applications and do not require referral to the Council for consideration.

2. Open car parking

The application complies with the provisions of the *City of Vincent Town Planning Scheme No. 1*, *City of Perth District Planning Scheme No 2* and Residential Design Codes.

3. Carports

- (i) The application complies with Clause 6.2 of the Residential Design Codes and the City's Policy – Street Setbacks.
- (ii) The landowners and occupiers of all affected properties are notified in writing of the proposal and are given fourteen (14) days in which to view the application being determined; and no written objections are received by the City during this consultation period.
- (iii) Alternatively to (ii) above, the applicant submits to the City written documentary evidence that the landowner and occupier of all adjacent affected properties have no objection to the proposal.

Submissions received which are based on civil, non-planning and/or unsubstantiated matters are not to be considered as part of the consideration of the planning applications and do not require referral to the Council for consideration.

4. Ancillary accommodation

The application complies with the provisions of the applicable Scheme and Policies - *City of Vincent Town Planning Scheme No. 1*, and the City's policy – Ancillary accommodation or *City of Perth District Planning Scheme No 2* and associated policies

5. Aged or dependent persons dwellings

The application complies with the provisions of the applicable Scheme and Policies - *City of Vincent Town Planning Scheme No. 1*, and the City's policy – Aged or dependent persons Dwellings or *City of Perth District Planning Scheme No 2* and associated policies.

6. Vehicle access to a dwelling

The application complies with the provisions of the applicable Scheme and Policies - *City of Vincent Town Planning Scheme No. 1*, and the City's policy – Vehicle access to Dwellings via a Right of Way or *City of Perth District Planning Scheme No 2* and associated policies. With prior consultation with DTS.

7. Amusement centres

The application complies with the provisions of the applicable Scheme and Policies - *City of Vincent Town Planning Scheme No. 1*, and the City's policy – Amusement Centres or *City of Perth District Planning Scheme No 2* and associated policies..

8. Erection of canvas awnings

The application complies with the provisions of the applicable Scheme and Policies - *City of Vincent Town Planning Scheme No. 1*, and the City's policy – Canvas Awnings or *City of Perth District Planning Scheme No 2* and associated policies.

9. Front fences and screen walls

	<p>(i) The application complies with the provisions of the applicable Scheme and Policies - City of Vincent Town Planning Scheme No. 1 and the City of Vincent's Policy or <i>City of Perth District Planning Scheme No 2</i> and associated policies.</p> <p>(ii) The decorative capping on the top of piers may go to a maximum height of 2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence. The wall or fence shall be truncated or reduced to no higher than 0.65 metre for the length of the wall at least 1.5 metres where adjoining vehicle access points.</p> <p>(iii) The front fence and screen wall shall incorporate appropriate design features to reduce the visual impact, for example, open structures, recesses and/or planters facing the road at regular intervals and varying materials.</p> <p>10. Car parking, carports and garages to a dwelling As per the City's policy or <i>City of Perth District Planning Scheme No 2</i> and associated policies..</p> <p>Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) Planning and Development (Local Planning Scheme) Regulations 2015.</p>
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No: 6.4 Determination of Residential Category 3 & 4 Planning Applications & Consideration of Variations

Delegation to be performed	<p>Authority to exercise discretion and to refuse, approve and apply conditions to all Category 3 and 4 residential planning applications, as specified in the Schedule for the following developments:-</p> <p>(1) where it involves a variation to any development standard or requirement (except for variations to density and minimum site area); and</p> <p>(2) Category 3 development applications (developments of a marginal complex nature or impact) including:</p> <ul style="list-style-type: none"> • Single-storey and two-storey residential development comprising: <ul style="list-style-type: none"> - Alterations and/or additions to dwellings; or - A total maximum of three (3) dwellings; and • Ancillary Accommodation; <p>(3) Category 4 developments (developments of a minor complex nature or impact) including:</p> <ul style="list-style-type: none"> • Home occupations; • Garages; • Patios; • Signs (excluding billboards); • and the like. • Carports; • Outbuildings; • Front/street walls and fences; • Swimming Pools; <p>Note - Development of a minor nature that is specified in the City of Vincent's Policy - Minor Nature Development, <i>City of Perth District Planning Scheme No 2</i> or as specified in the Planning and Development (Local Planning Scheme) Regulations 2015, does not require planning approval.</p> <p>Note - <i>City of Perth District Planning Scheme No 2</i> is applicable in the context of the former East Perth Redevelopment Area</p>
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<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise discretion and to refuse, approve and apply conditions to planning applications for the following developments, as specified in the Schedule:-</p> <p>(1) where it involves a variation to any development standard or requirement (except for variations to density and minimum site area); and</p> <p>(2) Category 3 development applications (developments of a marginal complex nature or impact) including:</p> <ul style="list-style-type: none"> • Single-storey and two-storey residential development comprising: <ul style="list-style-type: none"> - Alterations and/or additions to dwellings; or - A total maximum of three (3) dwellings; and • Ancillary Accommodation <p>(3) Category 4 developments (developments of a minor complex nature or impact) including:</p> <ul style="list-style-type: none"> • Home occupations; • Garages; • Patios; • Signs (excluding billboards); • Swimming Pools; • Carports; • Outbuildings; • Front/street walls and fences; • and the like. <p>Note - Development of a minor nature that is specified in the City of Vincent's Policy - Minor Nature Development, <i>City of Perth District Planning Scheme No 2</i> or as specified in the Planning and Development (Local Planning Scheme) Regulations 2015, does not require planning approval.</p>
<p>Conditions and Reporting Requirements</p>	<p>(1) The application is processed and assessed in accordance with the provisions of the <i>City of Vincent Town Planning Scheme No. 1</i>, Policies and Local Laws, <i>City of Perth District Planning Scheme No 2</i> and associated policies and the Design Principles of the Residential Design Codes, where applicable;</p> <p>(2) The development will not unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality.</p> <p>Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>

No: 6.5 Determination of Non-Residential and Mixed Use Category 3 & 4 Planning Applications & Consideration of Variations

<p>Delegation to be performed</p>	<p>Authority to exercise discretion and to refuse, approve and apply conditions to all Category 3 and 4 non-residential planning applications, as specified in the Schedule for the following developments:-</p> <p>(1) Category 3 Single-storey and two-storey non-residential and mixed use development comprising:</p> <ul style="list-style-type: none"> • New non-residential and mixed use development; • Alterations and/or additions to existing non-residential and mixed use development; • A total maximum car parking variation of up to and including 5.0 car bays; and • Compliance with the associated policy relating to a precinct or area. <p>(2) Category 4 developments (developments of a minor complex nature or impact) including:</p> <ul style="list-style-type: none"> • Carports; • Outbuildings; • Front/street walls and fences; • Garages; • Patios; • Signs (excluding billboards); <p>Note - Development of a minor nature that is specified in the City of Vincent's Policy - Minor Nature Development, <i>City of Perth District Planning Scheme No 2</i> or as specified in the Planning and Development (Local Planning Scheme) Regulations 2015, does not require planning approval.</p> <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise discretion and to refuse, approve and apply conditions to planning application for the following developments, as specified in the Schedule:-</p> <p>(1) Category 3 Single-storey and two-storey non-residential and mixed use development comprising:</p> <ul style="list-style-type: none"> • New non-residential and mixed use development; • Alterations and/or additions to existing non-residential and mixed use development; • A total maximum car parking variation of up to and including 5.0 car bays; and • Compliance with the associated policy relating to a precinct or area. <p>(2) Category 4 developments (developments of a minor complex nature or impact) including:</p> <ul style="list-style-type: none"> • Carports; • Outbuildings; • Front/street walls and fences; • Garages; • Patios; • Signs (excluding billboards);

	<p>Note - Development of a minor nature that is specified in the City of Vincent's Policy - Minor Nature Development, <i>City of Perth District Planning Scheme No 2</i> or as specified in the Planning and Development (Local Planning Scheme) Regulations 2015, does not require planning approval.</p>
Delegation to	Chief Executive Officer
Conditions and Reporting Requirements	<p>(1) The application is processed and assessed in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, Policies and Local Laws, <i>City of Perth District Planning Scheme No 2</i> and associated policies and the Design Principles of the Residential Design Codes, where applicable;</p> <p>(2) The development will not unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality.</p> <p>Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>

<p>Function to be performed</p>	<p>Authority to exercise discretion and to determine;</p> <ol style="list-style-type: none"> 1. that the amenity of the area is generally not adversely affected by a proposed single dwelling therefore not requiring a planning approval for that dwelling under the provisions of the <i>City of Vincent Town Planning Scheme No. 1, City of Perth District Planning Scheme No 2</i> or as specified in the Planning and Development (Local Planning Scheme) Regulations 2015; 2. whether to apply restrictions and conditions to address overlooking and privacy on planning approvals and building licences; 3. licences to have regard to and apply conditions to any trees or other vegetation worthy of retention under the City of Vincent Town Planning Scheme No. 1; <p>and have regard to and apply conditions relating to amenity on planning applications for residential developments under the Residential Design Codes.</p> <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise discretion and to determine;</p> <ol style="list-style-type: none"> 1. that the amenity of the area is generally not adversely affected by a proposed single dwelling therefore not requiring a planning approval for that dwelling under the provisions of the <i>City of Vincent Town Planning Scheme No. 1, City of Perth District Planning Scheme No 2</i> or as specified in the Planning and Development (Local Planning Scheme) Regulations 2015; 2. whether to apply restrictions and conditions to address overlooking and privacy on planning approvals and building licences; 3. licences to have regard to and apply conditions to any trees or other vegetation worthy of retention under the City of Vincent Town Planning Scheme No. 1; <p>and have regard to and apply conditions relating to amenity on planning applications and building licences for residential developments under the Residential Design Codes.</p>
<p>Conditions Reporting Requirements and</p>	<p>Single Dwelling</p> <ol style="list-style-type: none"> (i) The proposed single dwelling complies with the provisions of the <i>City of Vincent Town Planning Scheme No. 1, City of Perth District Planning Scheme No 2</i> and associated policies Residential Design Codes and City of Vincent policies. <p>Overlooking and Privacy</p> <ol style="list-style-type: none"> (i) The application complies with the provisions of the <i>City of Vincent Town Planning Scheme No. 1, City of Perth District Planning Scheme No 2</i> and associated policies Residential Planning Codes and the City of Vincent’s Policy – Privacy. (ii) Where the application involves a variation to the setback requirements, the landowners and occupiers of all affected properties are notified in writing of the proposal and are given fourteen (14) days in which to view the application being

	<p>determined; and no written objections are received by the City during this consultation period.</p> <p>(iii) Alternatively to (ii) above, the applicant submits to the City written documentary evidence that the landowner and occupier of all adjacent affected properties have no objection to the proposal.</p> <p>(iv) Submissions received which are based on civil, non-planning and/or unsubstantiated matters as determined by the Chief Executive Officer, are not to be considered as part of the consideration of the planning applications and do not require referral to the Council for consideration.</p> <p>Trees or Other Vegetation</p> <p>(i) The retention of trees listed on the City of Vincent Trees of Significance Inventory and City of Vincent Interim Significant Tree Data Base – Possible Inventory Inclusion and Reference.</p> <p>(ii) Prior liaison with Manager Parks and Property Services.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>
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No: 6.7 Planning Applications Refusal

<p>Function to be performed</p>	<p>Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), in the Zone Table of the <i>City of Vincent Town Planning Scheme No. 1</i> and not a preferred or contemplated use in the <i>City of Perth District Planning Scheme No 2</i>.</p> <p>(An 'X' use is not a 'non-conforming' use if it is not contained in the City of Vincent's adopted Non-Conforming Use Register.)</p> <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to refuse planning applications for development that involves an 'X' use (a use that is not permitted), in the Zone Table of the <i>City of Vincent Town Planning Scheme No. 1</i> and is not a preferred or contemplated use in the <i>City of Perth District Planning Scheme No 2</i>.</p>
<p>Conditions and Reporting Requirements</p>	<p>Report to the Council on a quarterly basis.</p> <p>The information to be in writing and recorded on the appropriate record.</p>

No: 6.8 “P”, “IP”, “AA” and “SA” Uses – All Categories

<p>Function to be performed</p>	<p>Authority to exercise discretion and to approve and apply conditions to planning applications for developments and uses classified as “P”, “IP”, “AA” and “SA” under the <i>City of Vincent Town Planning Scheme No. 1</i> and preferred and contemplated uses under <i>City of Perth District Planning Scheme No 2</i>.</p> <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise discretion and to approve and apply conditions to planning applications for developments and uses classified as “P”, “IP”, “AA” and “SA” under the <i>City of Vincent Town Planning Scheme No. 1</i> and <i>preferred and contemplated uses under City of Perth District Planning Scheme No 2</i>.</p>
<p>Conditions and Reporting Requirements</p>	<ul style="list-style-type: none"> (i) The application complies with the provisions of the <i>City of Vincent Town Planning Scheme No. 1</i>, Residential Design Codes (where applicable) and the <i>City of Vincent Policies and Local Laws</i>. (ii) In relation to planning applications for “P”, “IP”, and “AA” uses and developments, that comply with the standard requirements of <i>City of Vincent Town Planning Scheme No. 1</i>, policies and local laws and the Residential Design codes, no public consultation is required. Non-compliance with the above standard requirements will require the landowners and occupiers of all affected properties to be notified in writing of the proposal and are given fourteen (14) days in which to view the application being determined; subject to 5 or less written objections being received by the City during this consultation period. (iii) In relation to preferred and contemplated uses and developments that comply with the standard requirements under <i>City of Perth District Planning Scheme No 2</i> and associated policies and the Residential Design codes, no public consultation is required. Non-compliance with the above standard requirements will require the landowners and occupiers of all affected properties to be notified in writing of the proposal and are given fourteen (14) days in which to view the application being determined; subject to 5 or less written objections being received by the City during this consultation period. (iv) Alternatively to (ii) or (iii) above, the applicant submits to the City written documentary evidence that the landowner and occupier of all adjacent affected properties have no objection to the proposal. (v) In relation to planning applications for “SA” uses and developments, the proposal is advertised in accordance with the Clause 37 of the <i>City of Vincent Town Planning Scheme</i>

	<p>No. 1 and no written objections are received by the City during this consultation period.</p> <p>(vi) In relation to planning applications for “IP” uses and developments, the proposal is incidental to the predominant uses of the property.</p> <p>(vii) Submissions received which are based on civil, non-planning and/or unsubstantiated matters are not to be considered as part of the consideration of the planning applications and do not require referral to the Council for consideration.</p> <p>Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>
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No: 6.9 Non-Conforming Uses

Function to be performed	Authority to exercise discretion and to approve and apply conditions to planning applications for non-conforming uses of the <i>City of Vincent Town Planning Scheme No. 1</i> .
Legislative power or duty delegated	<i>City of Vincent Town Planning Scheme No. 1</i> , Clauses 16(1), 16(2) and 16(3), 49 .
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power exercise discretion and to approve and apply conditions to planning applications for non-conforming uses under Clauses 16(1), 16(2) and 16(3) of the <i>City of Vincent Town Planning Scheme No. 1</i> .
Conditions and Reporting Requirements	<p>(i) In relation to an application for an alteration or extension to a non-conforming use or erection, alteration or extension to a building used in conjunction with a non-conforming use, the proposal conforms with any other provisions and requirements contained in the <i>City of Vincent Town Planning Scheme No. 1</i>, and does not adversely affect the amenity of the locality.</p> <p>(ii) In relation to an application for a proposed change of use of any land from a non-conforming use to another non-conforming use, the proposed non-conforming use is less detrimental to the amenity of the locality than the original non-conforming use and is closer to the intended purpose of the zone or reserve.</p> <p>(iii) The proposal is advertised in accordance with the Clause 37 of the <i>City of Vincent Town Planning Scheme No. 1</i> and 5 or less written objections are received by the City during this consultation period.</p> <p>(iv) Submissions received which are based on civil, non-planning and/or unsubstantiated are not to be considered as part of the consideration of the planning applications and do not require referral to the Council for consideration.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>

No: 6.10 Determination of Applications for Demolition

<p>Function to be performed</p>	<p>Authority to exercise discretion, to defer consideration, refuse, or approve planning applications for demolition under the <i>City of Vincent Town Planning Scheme No. 1</i>, and <i>City of Perth District Planning Scheme No 2</i>.</p> <p>Note - Development of a minor nature that is specified in the City of Vincent's Policy - Minor Nature Development, <i>City of Perth District Planning Scheme No 2</i> or as specified in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>, does not require planning approval.</p> <p>Note - <i>City of Perth District Planning Scheme No 2</i> is applicable in the context of the former East Perth Redevelopment Area.</p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38, 41 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the authority to exercise discretion, to defer consideration, refuse, or approve planning applications for demolition under the <i>City of Vincent Town Planning Scheme No. 1</i>, and <i>City of Perth District Planning Scheme No 2</i>.</p>
<p>Conditions and Reporting Requirements</p>	<p>(i) The place is not listed on the City of Vincent Municipal Heritage Inventory and Interim Heritage Data Base, State Register of Heritage Places (Interim and Permanent), Register of National Estate, and National Trust Listing.</p> <p>(ii) In assessing an application consult with any person or body under the applicable Scheme and have regard to any written submissions lodged. (iii) Where an application may affect an area declared by the Council to be a heritage place before determining the application, to require a heritage assessment to be carried out to determine how the proposed development might affect the area or place.</p> <p>(iv) An archival documented record of the place (including photographs, floor plans and elevation) for the City of Vincent Historical Archive Collection shall be submitted and approved prior to the issue of a demolition licence.</p> <p>(v) To approve applications either unconditionally or subject to such conditions considered to be appropriate</p> <p>(vi) Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p> <p>The information is to be in writing and recorded on the appropriate record.</p>

No: 6.11 Determination of Applications for Signs

<p>Function to be performed</p>	<p>Authority to exercise discretion and to approve and apply conditions to planning applications and sign licence applications, under the <i>City of Vincent Town Planning Scheme No. 1</i>, and associated policies, <i>City of Perth District Planning Scheme No 2</i> and associated policies, Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>Note - <i>City of Perth District Planning Scheme No 2 is applicable in the context of the former East Perth Redevelopment Area.</i></p>
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise discretion and to approve and apply conditions to planning applications and sign licence applications, under the <i>City of Vincent Town Planning Scheme No. 1</i>, and associated policies, <i>City of Perth District Planning Scheme No 2</i> and associated policies, <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p>
<p>Conditions and Reporting Requirements</p>	<ul style="list-style-type: none"> (i) The City of Vincent may at its discretion vary the standard or provision subject to such conditions as it thinks fit. (ii) The sign is not a security sign to be erected on a Council owned building. (iii) The sign is the only security sign, and has an area no greater than fifteen (15) square centimetres, to be erected on a lot. (iv) The sign is not to be erected on a residential property or any wall, unless it is associated with an approved home occupation operating on site. (v) The sign is not subject to the City of Vincent’s Policy 2.1.2 – “<i>Directional Signs</i>”. (vi) The sign is not a billboard. <p>Consideration of Development Applications - in accordance with Schedule 2, Part 9, Clause 77 (1) Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>

No: 6.12 Use and Development of Land on City of Vincent Scheme Reserves & Metropolitan Region Scheme Reserves

Function to be performed	<p>Authority to exercise discretion and to approve and apply conditions to planning applications and building licences for use and development of land on:</p> <ol style="list-style-type: none"> 1. City of Vincent Scheme Reserves; and 2. Metropolitan Region Schemes Reserves.
Legislative power or duty delegated	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38</p>
Delegation to	<p>Chief Executive Officer</p>
Delegation	<p>The Chief Executive Officer is delegated the power to exercise discretion and to approve and apply conditions to planning applications and building licences for use and development of land on:</p> <ol style="list-style-type: none"> 1. City of Vincent Scheme Reserves; and 2. Metropolitan Region Schemes Reserves.
Conditions and Reporting Requirements	<p>(i) The use and development of land on City of Vincent Scheme Reserves complies with the provisions of the <i>City of Vincent Town Planning Scheme No. 1</i> with particular attention to Clause 12 and the City’s policies and local laws.</p> <p>(ii) The use and development of land on Metropolitan Region Scheme Reserves complies with the provisions of the <i>City of Vincent Town Planning Scheme No. 1</i> and the City’s policies and local laws.</p> <p>The approval to be in writing and recorded on the appropriate record.</p>

No: 6.13 Telecommunications Facilities

<p>Function to be performed</p>	<p>Authority to exercise and approve and apply conditions to planning applications and building licences, if applicable, for;</p> <ol style="list-style-type: none"> 1. micro-cell telecommunications facilities; and 2. telecommunication facilities.
<p>Legislative power or duty delegated</p>	<p><i>Planning and Development (Local Planning Scheme) Regulations 2015</i> – Schedule 2, Part 10, Clause 82, 77 <i>City of Vincent Town Planning Scheme No. 1</i> - Clauses 34, 38 <i>City of Perth District Planning Scheme No 2</i> – Clauses 36, 38, 43, 44, 45, 47, 48 and 59.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to exercise and approve and apply conditions to planning applications and building licences, if applicable, for;</p> <ol style="list-style-type: none"> 1. micro-cell telecommunications facilities; and 2. telecommunication facilities.
<p>Conditions and Reporting Requirements</p>	<p>1. Micro-Cell Telecommunications Facilities</p> <ol style="list-style-type: none"> (i) The application complies with the provisions of the <i>City of Vincent Town Planning Scheme No. 1</i>, where applicable. (ii) The application complies with the <i>Telecommunications Act 1997</i> and the <i>Telecommunications Code of Practice 1997</i>. (iii) The installation of the poles and conduits and footpath reinstatement within the road reserve shall be undertaken by the City at the Carrier's full cost. (iv) The microcell unit and poles within the road reserve shall conform to the relevant Australian Standards in respect of frangibility upon impact by vehicles and clearance for pedestrians. (v) The City shall be indemnified against any claim that may arise as a result of accident or injury involving the facility (vehicle or pedestrian) within the road reserve. (vi) Any replacement of an existing sign pole by a microcell pole and/or if a new location within the road reserve requires the prior approval of the Director Technical Services. (vii) The Carrier to be responsible for maintenance and replacement of the microcell unit, pole and associated equipment within the road reserve in the advent that it is damaged or destroyed. (viii) The City reserves the right to request that the microcell unit, pole and associated equipment to be removed from and/or moved within the road reserve at the Carrier's full cost. Under the new Australian Road Rules, parking restrictions adjacent to intersections will be changed. There is the likelihood that existing signs will have to be moved to comply. If these signs accommodate microcell units the additional cost to relocate and reinstall the microcell shall be met by the Carrier. (ix) The comments and conditions of Main Roads Western Australia and/or Western Australian Planning Commission, where applicable. (x) Prior to the installation of any facility, a formal agreement to be

entered into between the City, the Carrier, Main Roads Western Australia and/or Western Australian Planning Commission, where applicable. This agreement shall address the above comments and conditions and all costs associated with the preparation of this agreement to be met by the Carrier.

2. Telecommunication Facilities

- (i) The application complies with the provisions of the City of Vincent Town Planning Scheme and City's policy – Telecommunications Facilities.
- (ii) No written objections are received by the Council during the consultation period prescribed in the City's policy – Telecommunications Facilities.
- (iii) Submissions received which are based on civil, non-planning and/or unsubstantiated matters as determined by the Chief Executive Officer, are not to be considered as part of the consideration of the planning applications and do not require referral to the Council for consideration.

The approval to be in writing and recorded on the appropriate record.

SCHEDULE – CATEGORIES FOR APPLICATIONS FOR DELEGATION

No. 6.4 – Determination of Residential Category 3 & 4 Planning Applications and Consideration of Variations

No. 6.5 – Determination of Non-Residential and Mixed Use Category 3 & 4 Planning Applications and Consideration of Variations

USE CLASS	CATEGORY			
	<u>Most Important</u> 1	<u>Moderately Important</u> 2	<u>Marginally Important</u> 3	<u>Least Important</u> 4
Single House, caretaker's dwelling - 3 or less in number			3	
Single House, caretaker's dwelling - more than 3 in number		2		
Aged or dependent persons dwellings - 3 or less in number			3	
Aged or dependent persons dwellings - more than 3 in number		2		
Attached house, grouped dwelling - 3 or less in number			3	
Attached house, grouped dwelling - more than 3 in number		2		
Multiple dwelling - 3 or less in number			3	
Multiple dwelling - more than 3 in number		2		
Home occupations				4
Lodging house, hotel, motel club, tavern, private hostel, service apartment	1			
Hospital, institutional building	1			
Consulting rooms			3	
Local shop			3	
Shop			3	
Fish shop, pet meat shop, pet shop			3	
Eating house			3	
Day nursery			3	
Recreational facilities			3	
Educational establishment		2		
Public worship - place of		2		
Theatre, cinema, commercial Hall		2		
Civic building			3	
Office building			3	
Light industry			3	
General industry			3	
Hazardous or noxious industry			3	
Warehouse, showroom			3	
Public utilities			3	
Car park			3	
Amusement centre, camping ground, caravan park, cemetery, crematorium, drive-in theatre, drive-in fast food outlet, funeral parlours, fuel depot, open air display, open air storage yard, service station, transport depot, vehicle sales premises, veterinary clinic, veterinary hospital			3	

Outbuildings, fences, patios and carports/garages				4
Alterations or additions to non-residential development			3	
Signs				4
All Development involving 3 storeys or more	1			
Up to two-storey mixed use development with 3 or less multiple dwellings			3	
Demolition – Heritage Assessment		2		
Retrospective applications		2		
Retrospective applications (compliant and/or minor nature)			3	
Subdivisions			3	