

## Summary of Existing and Recommended Delegated Functions:

No.	Development Currently Determined by Council	Comment/Recommended Change
1.	Single House, caretaker's dwelling – more than 3 in number	Only one new Single House or caretaker's dwelling can be proposed for a property and so this requirement is considered to be superfluous and is recommended to be removed.
2.	Aged or dependent persons dwellings - more than 3 in number	No change proposed.
3.	Attached house, grouped dwelling - more than 3 in number	No change proposed.
4.	Multiple dwelling – more than 3 in number	No change proposed.
5.	Lodging house, hotel, motel, club, tavern, private hostel, serviced apartment	No change proposed.
6.	Hospital, institutional building	No change proposed.
7.	Educational establishment	No change proposed.
8.	Public worship - place of	No change proposed.
9.	Theatre, cinema, commercial hall	No change proposed.
10.	Development involving 3 storeys or more	No change proposed.
11.	Demolition of Heritage buildings	No change proposed.
12.	Development proposing a total maximum car parking variation greater than 5.0 car bays	No change proposed. In addition, it is recommended that Council determine not to require cash-in-lieu and/or a reciprocal parking arrangement for any application that does not meet the applicable car parking minimum under Table 1 of the City's Policy No. 7.7.1 – Non-Residential Parking Requirements. This will still delegate the CEO the power to approve such applications provided cash-in-lieu or a reciprocal parking agreement is provided for the entire shortfall in parking under Table 1 of Policy No. 7.7.1 – Non-Residential Parking Requirements up to a maximum of 5.0 bays.
13.	Development proposing a non-compliance with a precinct or area policy	There is considered to be sufficient guidance to determine applications that do not meet the deemed-to-comply standards of design guideline areas, character retention areas or heritage area policies, noting that if an application receives more than five (5) objections it will be presented to Council in accordance with 16. below. It is recommended that the CEO be delegated the power to determine such applications, subject to the City first advertising that development application to the entire design guideline area, character retention area or heritage area to ensure that any developments that concern the precinct community are determined by Council.

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14.	Development proposing a variation to density and minimum site area	There is no scope for a development application to vary the density of a site. In relation to the minimum site area requirements, the City has no discretion to vary this under the R-Codes, only the WAPC can approve such a variation. As a result, these provisions are considered superfluous and it is recommended that this requirement be removed to allow the CEO to refuse such applications or, where a minimum site area variation has already been approved by the WAPC through a subdivision approval, determine the subsequent development application.
15.	Refusal of P, IP, AA and SA classified land uses	There is currently delegation for the CEO to approve applications involving 'P', 'IP', 'AA' and 'SA' uses. There is considered to be adequate guidance in LPS2 and the City's policy to allow the CEO to refuse such applications. It is recommended that the CEO be delegated the authority to approve or refuse application proposing P', 'IP', 'AA' and 'SA' uses.
16.	P, IP and AA classified land uses where more than five (5) objections have been received.	No change proposed, except to simplify this such that it applies to all development applications.
17.	SA classified land uses, where any objections are received	There is not considered to be any significant difference between 'SA' uses and 'AA' uses and so it is recommended that 'SA' uses also be presented to Council where more than five (5) objections are received.
18.	IP classified land uses, where the proposal is not incidental to the primary use.	Where a proposed land use is not incidental to the primary use it cannot be classified as an 'IP' use and so this requirement is considered to be superfluous and is recommended to be removed.
19.	Refusal of non-conforming use applications	There is considered to be adequate guidance in LPS2 and the City's policy to allow the CEO to refuse non-conforming use applications. It is recommended that the CEO be delegated the authority to also refuse applications proposing 'non-conforming' uses.
20.	New non-conforming use applications that do not comply with the Scheme	New non-conforming uses can only be approved under LPS2 where they replace an existing non-conforming use and meet the following requirements: a) the use is less detrimental to the amenity of the locality than the existing non-conforming use; and b) is closer to the intended purpose of the zone in which the land is situated. It is considered most appropriate for Council to determine whether a proposal meets these requirements and so it is recommended that Council determine all non-conforming use applications that propose to replace an existing non-conforming use. Rewording this requirement in this way will delegate the CEO the power to refuse any other non-conforming use application.

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21.	Non-conforming use applications that are more detrimental than the existing non-conforming use and less closely aligned to the intent of the zone	See response to 20. above.
22.	Non-conforming use applications where more than five (5) objections are received	No change proposed.
23.	Refusal of a sign	There is currently delegation for the CEO to approve signage applications. There is considered to be adequate guidance in the City's policies to allow the CEO to also refuse signage applications. It is recommended that the CEO be delegated the authority to also refuse signage applications.
24.	A security sign being erected on a Council building	This delegation refers to the City's buildings, which the City control as the land manager separately to the development application process. Given this separate control that the City has over any signage proposed for the City's buildings, it is recommended that the CEO be delegated authority to determine security signage development applications.
25.	A security sign greater than 15cm <sup>2</sup> or more than one security sign on a single lot	A 'security sign' is not defined in the City's Signs and Advertising Policy and is now covered by other aspects of this Policy. Given this it is recommended that the CEO be delegated authority to determine security sign applications.
26.	A sign erected on a residential property not associated with a home business	There is considered to be adequate guidance in the City's policies to allow the CEO to determine signage applications on residential properties, which is specifically set out under clause 2 iii) of the City's Policy No. 7.5.2 – Signs and Advertising. It is recommended that the CEO be delegated the authority to approve or refuse signage applications.
27.	A directional sign	No change proposed.
28.	A billboard	No change proposed.
29.	Residential developments that do not meet the relevant deemed-to-comply setback standards and one or more objections is received	There is considered to be sufficient policy guidance to determine applications that do not meet the relevant deemed-to-comply setback standards to one individual property, noting that if an application receives more than five (5) objections it will be presented to Council in accordance with 16. above. It is recommended that the CEO be delegated authority to determine such applications.

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30.	Front fences and screen walls to secondary streets that are local and neighbourhood connector roads where: <ul style="list-style-type: none"><li>• the decorative capping extends beyond 2 metres high; or</li><li>• the upper portion of the wall is less than 50% visually permeable; or</li><li>• the wall is not truncated for vehicle sight lines; or</li><li>• there are no appropriate design features to reduce visual impact</li></ul>	There is now considered to be sufficient policy guidance under the City's Policy 7.1.1: Built Form to determine applications for front fences and screen walls, noting that if an application receives more than five (5) objections it will be presented to Council in accordance with 16. above. On this basis, it is recommended that the CEO be delegated authority to determine front fence and screen wall applications.
31.	Refusal of applications for use of Scheme reserves	There is currently delegation for the CEO to approve applications involving the use of Scheme reserves, but not to refuse these applications. There is now considered to be adequate guidance in LPS2 on the purpose and intent of these reserves and it is recommended that the CEO be delegated the authority to approve or refuse applications proposing the use of Scheme reserves.
32.	Telecommunications facilities where one or more objection is received	No change proposed.
33.	Unlisted uses	The requirement for unlisted uses to be presented to Council will cease under LPS2 as an absolute majority decision on these applications will no longer be required. The majority of the unlisted uses historically determined by Council have become listed in LPS2 and of these the following a recommended to be added to those determined by Council:above. <ol style="list-style-type: none"><li>1. Club premises</li><li>2. Correctional Institution</li><li>3. Exhibition Centre</li><li>4. Hospital</li><li>5. Nightclub</li><li>6. Residential Building</li><li>7. Small bar</li></ol> There is considered to be sufficient policy guidance to determine other use not listed applications noting that if an application receives more than five (5) objections it will be presented to Council in accordance with 16. above. On this basis it is recommended that the CEO be delegated the power to determine unlisted use applications.
34.	Amendments to applications previously determined by Council	It is considered appropriate for Council to see all proposed amendments to applications previous determined by Council, with the exception of applications seeking to extend the period within which the development approved must be substantially commenced. It is proposed that the CEO be delegated the authority to determine these amendment applications only.