

# CITY OF ARMADALE

## MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 21 JULY 2025 AT 7:01PM.**

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**Official Opening and Acknowledgement Of Country read by Cr M Silver**

*The City of Armadale acknowledge the Traditional Owners and the Custodians of the land upon which we stand, work and play. We acknowledge Aboriginal people as the First Peoples of this land and the waters, as they are part of them spiritually and culturally. We acknowledge their ancestors, the Elders past and present, who have led the way for us to follow in their footsteps and the emerging leaders of today and tomorrow.*

**PRESENT:** Cr M Silver (Deputy Chair)  
Mayor R Butterfield  
Cr J Keogh  
Cr L Sargeson  
Cr G J Smith  
Cr S Stoneham

**APOLOGIES:** Dr C M Wielinga (Leave of Absence)  
Cr S Peter JP

**OBSERVERS:** Nil

**IN ATTENDANCE:** Mr P Sanders Executive Director Development Services  
Mr M Southern Executive Director Technical Services  
Mr P Rosser A/Head of Strategic Planning, Place & Development  
Mr P Hoole Head of Community Infrastructure  
Mrs N Mathieson Executive Assistant Development Services

**PUBLIC:** 1

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## DISCLAIMER

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The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read out as members of the public present.

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## DECLARATION OF MEMBERS' INTERESTS

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Nil

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## QUESTION TIME

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*Ms Veronica Hansen – 8 Protector Grove, Roleystone*

**Q1:** Now that the Lease and Licensing Policy has been approved, do we have a timeline on when Officers will be reviewing submissions for example the Roleystone Markets for co-leasing arrangements for the Community Garden Shed for example?

**Response:** The Chair advised that Policy is handled by the Community Services Directorate and reverted to the Executive Director Development Services for further comment.  
Executive Director Development Services advised that the question will be taken on notice and a response will be provided in writing by the relevant Directorate.

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## DEPUTATION

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Nil

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## CONFIRMATION OF MINUTES

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## RECOMMEND

**Minutes of the Development Services Committee Meeting held on 16 June 2025 be confirmed.**

**Moved Cr L Sargeson**  
**MOTION CARRIED**

**6/0**

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## ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 10 - JULY 2025

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*No items were raised for report or further investigation.*

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## DEVELOPMENT SERVICES COMMITTEE

21 JULY 2025

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### **1.1 - ROLEYSTONE COMMUNITY GARDEN SECURITY UPDATE**

WARD : ALL

FILE No. : M/208/25

DATE : 4 July 2025

REF : DK

RESPONSIBLE : Executive Director  
MANAGER Development Services

#### **In Brief:**

- In September 2023, Council requested the Mobile Closed-Circuit Television (MCCTV) monitoring of the Roleystone Community Garden and a Policy review of the City's Community Garden Policy, then a report on the outcomes.
- The MCCTV was in place from November 2023 to September 2024.
- Recommend that Council:
  1. Note the results of the trial use of the Mobile Closed-Circuit Television (MCCTV) trailer at the Roleystone Community Garden.

#### **Tabled Items**

N/A

#### **Decision Type**

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

#### **Officer Interest Declaration**

Nil

#### **Strategic Implications**

##### **1.2.1 Strategic Community Plan**

*Objectives - Advocate for the delivery of services and programs as well as increased resources to contribute to improvements in community safety.*

##### **Corporate Business Plan 2025 – 28**

##### **1.2.4.1 Implement Community Health and Wellbeing Plan Community**

##### **1.3.1 Ensure the equitable provision of Community Facilities throughout the City.**

##### **1.3.1.1 Review the Community Infrastructure Plan**

#### **Legal Implications**

Nil



**Council Policy/Local Law Implications**

COM9 – Community Garden Policy  
ENG18 – CCTV

**Budget/Financial Implications**

Nil

**Consultation**

- Recreation Services
- Ranger Services
- Property Services
- Service Delivery

**BACKGROUND**

At the Council meeting held on 10 October 2022, the following matter was referred to the Community Services Committee:

*"That the matter of investigating security measures to support the Roleystone Community Garden (fencing and/or CCTV are desired options) be referred to the Community Services Committee".*

At its meeting on 19 December 2022, Council resolved (C34/12/22) to:

1. *Request a report that includes:*
  - (i) *Options available to address the ongoing security issues at the Roleystone Community Garden.*
  - (ii) *The estimated capital and asset renewal costs of the security options identified.*
  - (iii) *Potential funding sources for the security options.*
  - (iv) *A comparative analysis of security measures at other community gardens within the City.*

A subsequent report was then considered by Council at its meeting on 11 September 2023 (C21/9/23), where Council resolved the following:

1. *Note the contents of this report.*
2. *Request a review of the current Community Garden Policy.*
3. *Use the City's mobile CCTV to monitor the garden area.*
4. *Receive a report after the monitoring and the Policy review has been done.*
5. *Support the Roleystone Community Garden with community-based initiatives, and other support consistent with the Community Gardens Policy.*

**DETAILS OF PROPOSAL**

This report outlines the steps taken by the City to supplement Council's decision on 11 September 2023 including;

- *Request a review of the current Community Garden Policy.*
- *Use the City's mobile CCTV to monitor the garden area.*
- *Receive a report after the monitoring and the Policy review has been done.*
- *Support the Roleystone Community Garden with community-based initiatives, and other support consistent with the Community Gardens Policy.*

## COMMENT

The Community Garden is located at 44 Jarrah Road, Roleystone and is approximately 772sqm in size, with approximately 416sqm of garden bed spaces. The remainder of the site has established trees and provides a natural canopy for the site adjoining the shed. The site is located within the Cross Park Reserve and is also adjacent to the oval, skatepark and Roleystone Hall.

### Community Garden Policy Review

The Community Garden policy underwent extensive review and Council adopted an amendment to the Policy at its 24 September 2024 meeting.

### Use the City's mobile CCTV to monitor the garden area and Receive a report after the monitoring and the Policy review has been done

The City activated the Mobile Closed-Circuit Television (MCCTV) trailer and positioned the camera facing the garden space from November 2023 to September 2024. During this time officers across Ranger Services, Community Infrastructure Planning and Recreation Services attended the site ensuring the system was operational and capturing the garden space.

No written reports of vandalism or damage to the community garden were reported to the City during this period. The City is unable to determine if this outcome is a direct representation of the MCCTV intervention.

### Support the Roleystone Community Garden with community-based initiatives, and other support consistent with the Community Gardens Policy.

The City has continued to respond to requests and has implemented the Community Garden Policy.

## ANALYSIS

The MCCTV was in place for ten months. MCCTV is now being used in other areas around the City of Armadale. At the time of writing, the MCCTV trailer is in operation at the Armadale Fitness and Aquatic Centre (AFAC) for crime prevention following reports of theft in the car park.

The Community Garden space has experienced varying stages of utilisation throughout the monitoring period. These changes could be impacted by numerous factors such as season changes, a change in membership numbers, member interest, etc.

The City will continue to support crime prevention at all community facilities, in line with the crime prevention initiatives across the City's public assets.

## **OPTIONS**

Council has the following options:

1. Note the contents of this report and the results of the trial use of the MCCTV at the Community Garden.
2. Request further information on the initiatives.

## **CONCLUSION**

The Roleystone Community Garden has raised some security concerns that can unfortunately be quite common for spaces open to the public. Undertaking crime prevention initiatives remains a key priority for the City, with the most effective use of resources to focus on the broader area and measures to discourage anti-social behavior. It is recommended that Council note the results of the trial use of the MCCTV at the Community Garden.

## **ATTACHMENTS**

1. Roleystone Community Garden - Aerial
2. Roleystone Community Garden Images

## **RECOMMEND**

D1/7/25

**That Council:**

1. **Note the contents of this report and the results of the trial use of the Mobile Closed-Circuit Television (MCCTV) trailer at the Roleystone Community Garden.**

**Moved Cr R Butterfield**  
**MOTION CARRIED**

**6/0**

**\*\*1.2 - REVIEW OF DELEGATIONS - DEVELOPMENT SERVICES DIRECTORATE**

WARD : ALL

FILE No. : M/241/25

DATE : 4 July 2025

REF : DB/GW

RESPONSIBLE : Executive Director  
MANAGER : Development Services

**In Brief:**

- On 25 July 2022, Council commenced a process to review all delegations of authority to the Chief Executive Officer (CEO), to be undertaken in two tranches (Tranche 1 and Tranche 2)
- All Council to CEO delegations in Tranche 1 were reviewed by Council in June 2023.
- Tranche 2 delegations relevant to Development Services Directorate are presented for adoption by Council, for functions arising from the *Planning and Development Act 2005* and the City's Town Planning Scheme No. 4.
- Recommend that Council adopt the delegations as presented.

**Tabled Items**

Nil.

**Decision Type**

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

The following aspiration of the City's Strategic Community Plan 2020-2030 is relevant:

**Aspiration 4 – Leadership**

- 4.1. Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes.

**Legal Implications**

Delegations of authority are made using enabling legislation, which in this case is the –

- *Local Government Act 1995*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*

Heads of power in the above legislation allow Officers to exercise functions and powers that would otherwise need to be exercised Council.

### **Council Policy/Local Law Implications**

New and revised delegations should not alter the ability of the City to use local laws or policies. Some policies may require an administrative amendment to reflect a change in the name of a delegation; however, the heads of power remain the same.

### **Budget/Financial Implications**

Nil.

### **Consultation**

1. Development Services Directorate.
2. Chief Executive Officer.
3. Executive Leadership Team.

## **BACKGROUND**

At the OCM of 25 July 2022, Council commenced a process to review all of its delegations of authority to the CEO (CS36/7/22). Due to the substantial amount of work involved in the undertaking it was split into two tranches.

Review of all Tranche 1 delegations is complete, with the results reported to Council for adoption on 12 June and 24 June 2023. Council performed a subsequent review of those delegations on 24 June 2024 to satisfy annual review requirements prescribed by the relevant legislation that provided the heads of power to delegate.

Council adopted new delegations for *Public Health Act 2016*, *Building Act 2011*, and *Food Act 2008* functions at its meeting on 28 April 2025 (D2/4/25).

This left the remaining delegations in Tranche 2 for review. A wide-ranging assessment of the City's remaining existing delegations that had not been subject to a detailed review has now been conducted and benchmarked against other local governments in the Perth metropolitan area, as well as against templates provided by the Western Australian Local Government Association (WALGA). Legislative requirements were reviewed, and where necessary, internal legal review on particular powers and the delegable status of those powers.

## **DETAILS OF PROPOSAL**

The delegations detailed in this report require updating to stay abreast of changes to legislation and current industry practices.

In addition, the system administrators of the cloud-based Attain system, which the City uses to manage its delegations (amongst other functions) have provided an updated and improved delegated authority template to better demonstrate functions and powers that have been delegated, in detail. This was in response to requests from the City for a better template to serve a more contemporary approach to making and managing instruments of delegated authority. It was viewed as an opportunity to make changes to the City's instruments of delegation and improve their utility.

Delegations pertaining to Development Services Directorate (Planning Services) have been reviewed and updated, numbering nine (9) in total. These are summarised in the table below:

<b>No.</b>	<b>Title</b>	<b>Summary of changes requested</b>
<b>9.1.1</b>	<b>Developer Contribution Plans – acquisition of land, credit offsets contributions</b>	<b>Updates DS 13.0. Format, updates references to heads of power, comprehensive conditions and advertising of reviews of DCP’s.</b>
<b>9.1.2</b>	<b>Town Planning Scheme No. 4 – development control</b>	<b>Updates DS 7.0. Format, updates references to heads of power and incorporates DS 1.0, DS 4.0 and DS 10.0 as all are functions associated with development control.</b>
<b>9.1.3</b>	<b>Determine applications involving properties listed on the Municipal Heritage Inventory and/or Local Heritage Survey</b>	<b>Updates DS 9.0. Format, updates references to heads of power and clarifying current terminology to be used.</b>
<b>9.1.5</b>	<b>Issue, refuse and rescind Tree Preservation Notices</b>	<b>Updates DS 14.0. Format and updates references to heads of power.</b>
<b>9.1.6</b>	<b>Exercise discretion on behalf of Council to reach determination, where appropriate, of appeals/reviews processed by mediation</b>	<b>Updates DS 8.0. Format, updates references to heads of power and clarifying that it includes administrative actions associated with SAT.</b>
<b>9.1.7</b>	<b>Structure Plans and Local Development Plans</b>	<b>Updates DS 12.0. Format and updates references to heads of power.</b>
<b>9.1.8</b>	<b>Enforcement and Direction Notices – Planning and Development Act 2005</b>	<b>New. Deals with the express ability to undertake enforcement proceedings.</b>
<b>1.1.15</b>	<b>Notices requiring certain things to be done by owner or occupier of land</b>	<b>No change.</b>
<b>DS 11.0</b>	<b>Determine requests for tree removal or maintenance</b>	<b>To be revoked. Redundant as this function is dealt with as part of a development application</b>

## COMMENT

With the passage of time, changes to relevant legislation and some of the City’s policies, it is important that these delegations are reviewed for suitability and updated. Council will note the proposed new and replacement delegations have new designator numbers as well. This is consistent with the previous delegations of authority that were presented to Council in the Tranche 1 phase of the review of delegations.

By and large, the delegations presented for review are limited to format changes and corrections to reflect current terminology and heads of power. The opportunity has been taken to consolidate some instruments into one, as evidenced by ‘9.1.2 Town Planning Scheme No. 4 – development control’ to capture those day-to-day functions arising from the

management of development applications, reduce duplication and provide for ease of reference for officers and the public.

A new instrument is presented in the form of ‘9.1.8 Enforcement and Direction Notices – *Planning and Development Act 2005*’ to separate the general function of enforcement activity from other planning functions. This links to section 218 of the *Planning and Development Act 2005* where an offence is prescribed if a person carries out a development in breach of a Local Planning Scheme or if a condition of a development approval is unmet.

## OPTIONS

Council has the following options:

1. Adopt the draft delegations attached with or without modifications and revoke the existing delegations as recommended.
2. Not adopt the delegations and request additional information or explanation.

## CONCLUSION

The assessment and revision of the attached delegations and the overarching process involved represents a significant body of work to improve the City’s delegation structure. For all practical purposes, little will change for Officers in the course of their day-to-day duties and the powers delegated are largely the same as those used currently.

## ATTACHMENTS

1. Development Services Directorate - Review of Delegations
2. Development Services Directorate - Review of Delegations [CLEAN]

## RECOMMEND

D2/7/25

**That Council:**

1. **In accordance with clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and section 5.42(1)(b) of the *Local Government Act 1995*, make the following delegations of authority to the Chief Executive Officer, for the powers and functions prescribed in the respective instruments –**
  - a) **9.1.1 Developer Contribution Plans – acquisition of land, credit offsets contributions**
  - b) **9.1.2 Town Planning Scheme No. 4 – development control**
  - c) **9.1.3 Determine applications involving properties listed on the Municipal Heritage Inventory or Local Heritage Survey**
  - d) **9.1.5 Issue, refuse and rescind Tree Preservation Notices**
  - e) **9.1.6 Exercise discretion on behalf of Council to reach determination, where appropriate, of appeals processed by mediation**

- f) **9.1.7 Structure Plans and Local Development Plans**
  - g) **9.1.8 Enforcement and Direction Notices – *Planning and Development Act 2005***
- 2. Repeal the following delegations of authority to the Chief Executive Officer –**
- a) **DS 1.0 Planning powers and duties**
  - b) **DS 4.0 Strata title certificates**
  - c) **DS 7.0 Exercise Powers under the Town Planning Scheme Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City**
  - d) **DS 8.0 Exercise discretion on behalf of Council to reach determination, where appropriate, of appeals processed by mediation**
  - e) **DS 9.0 Determine applications involving properties listed on the municipal heritage inventory or Local Heritage Survey**
  - f) **DS 10.0 Determine the necessity, duration and extent of advertising of development services applications**
  - g) **DS 11.0 Determine requests for tree removal or maintenance**
  - h) **DS 12.0 Make Decisions, Recommendations and Determine Structure Plans, Activity Centre Plans and Local Development Plans Under Parts 4.5 and 6 of the Deemed Provisions.**
  - i) **DS 13.0 Authority to implement works or grant Credit offsets for infrastructure works in a Development Contribution Plan included in Town Planning Scheme No. 4**
  - j) **DS 14.0 Issue, Refuse, and Rescind Tree Preservation Notices**
- 3. Review, for the purposes of compliance with section 5.46(2) of the *Local Government Act 1995*, delegation ‘1.1.15 Notices requiring certain things to be done by owner or occupier of land’; and**
- 4. Authorise the Chief Executive Officer to correct any minor formatting or grammatical errors that may be identified in the above instruments, provided any such corrections do not alter the content of the delegation.**

**ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**Moved Cr L Sargeson  
MOTION CARRIED**

**6/0**



***COUNCILLORS' ITEMS***

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Nil

***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT***

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The Executive Director provided an update on the recent planning proposals which have been received by the City.

**MEETING DECLARED CLOSED AT 7.31pm**

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
21 JULY 2025		
ATT NO.	SUBJECT	PAGE
<b>1.1 ROLEYSTONE COMMUNITY GARDEN SECURITY UPDATE</b>		
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**Aerial Photograph - March 2025**  
**Roleystone Community Garden**  
Cross Park, Roleystone

10 0 10 20m



SCALE 1 : 1000





Example 1 of MCCTV image at time of activation 28/11/2023



Example 2 of MCCTV image at time of activation (approx 2 weeks after) 15/12/2023

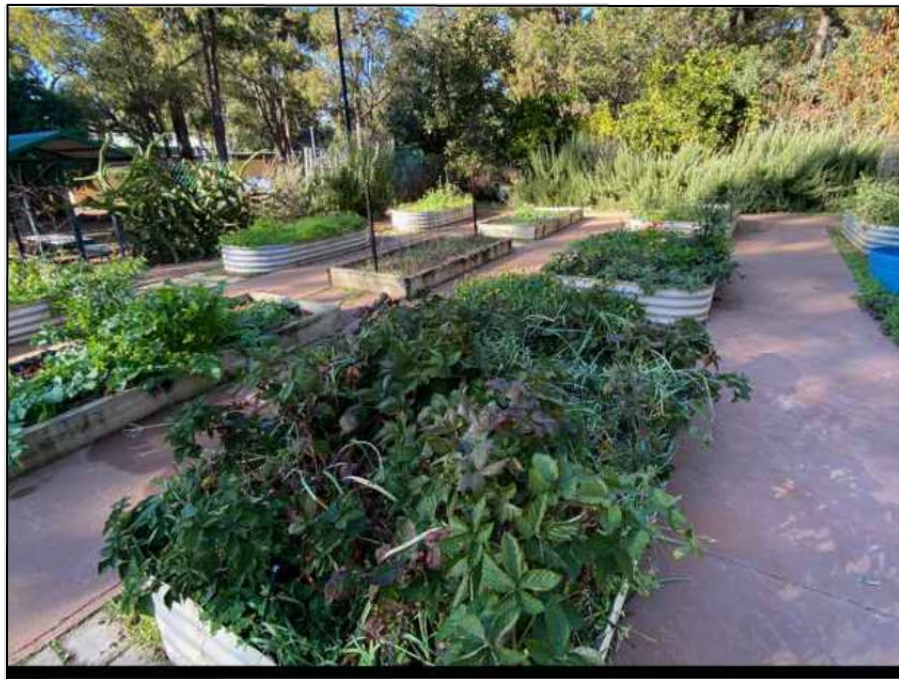


Example 3 of MCCTV - 31/01/2024



Example 4 of MCCTV - 23/02/2024





Garden condition - East facing  
26/06/2025



Garden condition - North facing  
26/06/2025



Garden condition - North East facing  
26/06/2025



Garden condition - South facing - vehicle access point  
26/06/2025



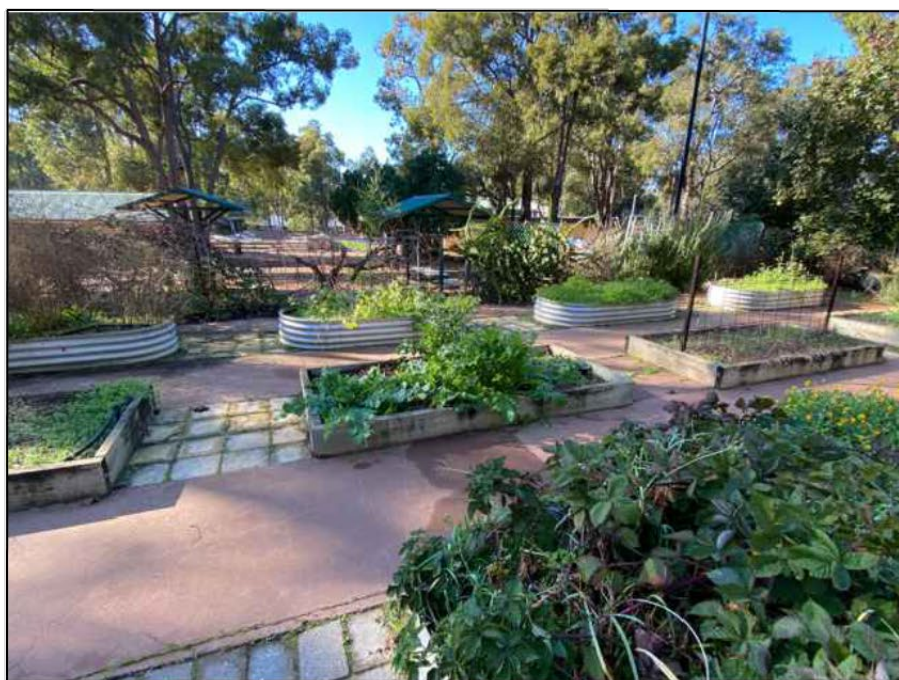


Garden condition - south facing  
26/06/2025



Garden condition - South East facing - vehicle access point  
26/06/2025





Garden condition - South East facing  
26/06/2025



Garden condition - West facing  
26/06/2025



MCCTV trailer onsite  
November 2023

Delegation for amendment -  
Development Services (marked up)

Delegation	<b>DS 13.0 Authority to implement works or grant Credit offsets for infrastructure works in a Development Contribution Plan included in Town Planning Scheme No. 4.</b> <b>9.1.1 Developer Contribution Plans - acquisition of land, credit offsets contributions [DRAFT]</b>
Category	Development Services Directorate
Head of power	Part 9 - Planning and Development Act 2005
Delegator	Council
Express power to delegate	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> Schedule 2 cl. 82 Delegations by local government
Express power or duty delegated	<p><b>Planning and Development (Local Planning Schemes) Regulations 2015</b> Schedule 2; Part 10, Division 1 - Powers of local government</p> <p><b>Town Planning Scheme No.4</b> Part 5A Development Contribution Areas; Schedule 9B Development Contribution Plans</p> <p>Authority to implement works or grant Credit offsets for infrastructure works in a Development Contribution Plan included in Town Planning Scheme No.4 or under interim contribution arrangements pertaining to a Development Contribution Plan that is proposed to be included in Town Planning Scheme No. 4.</p> <p>1. Delegated authority to undertake infrastructure or administrative works or authorise prefunding of infrastructure or administrative works leading to credits or reimbursement under a Development Contribution Plan in Town Planning Scheme No.4 or under interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 or included under interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 subject to the Chief Executive Officer being satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the works will meet the objectives implicit in the Scheme text or interim contribution arrangements describing the infrastructure or administrative work; and</li> <li>(ii) the works are in accordance with the Development Contribution Plan Scheme or interim contribution arrangements text and specifications or guidance noted in the adopted Infrastructure Cost Schedule, Cost Apportionment Schedule, Development Contribution Plan Report or Deed of Agreement; and</li> <li>(iii) it is timely to fund the works in the context of the Development Contribution Plan or interim contribution arrangements, Forward Financial Planning, the current Development Contribution Plan Reserve Fund balance, the need to act opportunistically to achieve the works, and advice from applicable Development Contribution Plan Planning Steering Groups where appropriate; and</li> <li>(iv) the cost of works to be undertaken are at or below current market rates; or</li> <li>(v) where the cost is higher than the estimated costs that the costs can be justified and that decisions are considered with due regard for points two (2) and three (3) below.</li> </ul> <p>2. Where in the opinion of the Chief Executive Officer works may significantly exceed the estimated costs, the Chief Executive Officer shall refer the proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred.</p> <p>3. The granting of credits or reimbursements may be conditional upon the owner providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records.</p> <p>4. The Chief Executive Officer is delegated authority to grant credits or credit payments for the acquisition of land identified in a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4:</p> <ul style="list-style-type: none"> <li>(i) at a value less than or equal to the land value established pursuant to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 plus 10%; or</li> </ul>



	<p>(ii) at a value equal to or less than the land value established pursuant to a Development Contribution Plan included in town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 plus 10% and any additional claim that is not significant and/or in accordance with advice from the City's valuer.</p>
<b>Function</b>	<p>Administration of Part 5A of the City of Armadale Town Planning Scheme No. 4 in respect to Development Contribution Areas, where the Scheme expressly requires the local government to administer, manage and disburse Development Contribution Area funds and agreements, with the exception of –</p> <ol style="list-style-type: none"> <li>1. Determination of Infrastructure Cost Schedules.</li> <li>2. Determination of cost contributions and assess values associated with administration of a Developer Contribution Plan.</li> <li>3. Deciding to claim compensation for betterment under section 184 of the <i>Planning and Development Act 2005</i></li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Nil</p> <p>1. Delegated authority to undertake Prefunding or undertaking of infrastructure or administrative works leading to and including the granting of credits or payments or reimbursement under a for the infrastructure or administrative works that are identified in a Development Contribution Plan included in Town Planning Scheme No.4 or included under interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 subject to the Chief Executive Officer being satisfied that -</p> <ol style="list-style-type: none"> <li>a. The Development Contribution Plan and/or budget allocation being approved by Council;</li> <li>b. The works will meet the objectives implicit in the Scheme text or interim contribution arrangements describing the infrastructure or administrative work; and</li> <li>c. the works are in accordance with the Development Contribution Plan or interim contribution arrangements text and specifications or guidance noted in the adopted or draft Infrastructure Cost Schedule, Cost Apportionment Schedule, Development Contribution Plan Report or Deed of Agreement; and</li> <li>d. it is timely to fund the works in the context of the Development Contribution Plan or interim contribution arrangements, Forward Financial Planning the current Development Contribution Plan Reserve Fund balance and taking into consideration forward financial planning for the Development Contribution Plan, Cost Contributions already received by the City and the need to act opportunistically to achieve the works; and</li> <li>e. the cost of works to be undertaken are at or below current market rates; or</li> <li>f. where the cost is higher than the estimated costs that the costs can be justified and that decisions are considered with due regard for points i and ii below: <ol style="list-style-type: none"> <li>i. where in the opinion of the Chief Executive Officer works may significantly exceed the estimated costs for an entire infrastructure or administrative works item and have a significant financial impact on an overall Development Contribution Plan infrastructure program excluding cost increases for State Government service costs, the Chief Executive Officer shall refer the proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred.</li> <li>ii. the granting of credits or reimbursements payments may be conditional upon the owner proponent that is undertaking the works providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records.</li> </ol> </li> </ol>

	<p>2. Acquisition of land and/or granting of credits or provision of payments pertaining to The Chief Executive Officer is delegated authority to grant credits or credit payments for the acquisition of land identified in a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 shall be –</p> <ul style="list-style-type: none"> <li>a. approved by Council and/or contained in a budget allocation adopted by Council;</li> <li>b. at a value less than or equal to the land value established pursuant to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 and if provided for in the Development Contribution Plan an additional 10%; or</li> <li>c. at a value equal to or less than the land value established pursuant to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 and if provided for in the Development Contribution Plan an additional 10% and any additional claim that is not significant and/or in accordance with advice from the City's valuer; and</li> <li>d. taking into consideration forward financial planning, Cost Contributions already received by the City and the need to act opportunistically to achieve the works.</li> </ul> <p>3. Advertisement of reviews of Contribution Costs, Infrastructure Cost Schedules and Assessed Values pertaining to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 is to be conducted.</p>
Express power to subdelegate	<p><b>Planning and Development (Local Planning Schemes) Regulations 2015</b></p> <p>Clause 83 - Deemed Provision – CEO may delegate powers</p> <p>Schedule 2 - Deemed Provisions for Local Planning Schemes</p>
Subdelegates	
Subdelegate conditions	N/A

Statutory framework	<p>C1.82 &amp; 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</p> <p><b>Planning and Development Act 2005</b></p> <p>s. 256 Regulations for content of local planning schemes</p> <p>s. 257A Model provisions, effect of</p> <p>s. 257B Deemed provisions, effect of</p> <p><b>Planning and Development (Local Planning Schemes) Regulations 2015</b></p> <p>r. 8 Contents of local planning scheme</p> <p>Schedule 1 - Model provisions for local planning schemes</p> <p>cl. 82 Delegations by local government</p> <p>Town Planning Scheme No. 4.</p>
Policy	Local Planning Policies may refer
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	27 May 2019
Adoption references	Resolution – D31/5/19

Last reviewed	27 May 2019
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Delegation	<b>DS 7.0 Exercise Powers under the Town Planning Scheme Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City 9.1.2 Town Planning Scheme No. 4 – development control</b>
Category	<b>Development Services Directorate</b>
Head of Power	<b>Part 9 – Planning and Development Act 2005</b>
Delegator	Council
Express power to delegate	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
Express power or duty delegated	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> Schedule 2 – Deemed provisions for local planning schemes.  City of Armadale Town Planning Scheme No. 4  Authority to exercise functions and powers of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (Schedule 2), under the Deemed Provisions, Town Planning Scheme No. 4, Local Planning Policies, and provide advice/recommendations to the Western Australian Planning Commission, WAPC, Development Assessment Panel Government Departments and DevelopmentWA on all referrals.  The Chief Executive Officer be given full delegation to deal with:  1. All strata, survey strata, subdivision and amalgamation applications within the City and the Metropolitan Redevelopment Authority Area within Armadale. 2. Determination of applications for 'P' Uses, 'D' Uses, 'A' Uses, 'Uses Not Listed' and 'Non-Conforming Uses*'. 3. Determination of applications for signage and/or advertising devices, illuminated directional signs and directional signs. 4. Determination of applications for an extension to the term of a planning approval. 5. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy. 6. Determination of applications for the establishment or variation of a development envelope, with the exception of development envelopes on lots larger than on (1ha) hectare that propose development envelope modifications that would be larger than the Maximum Development Envelope Size specified on Table 1 of Policy 2.1 – Establishment or Amendment of Development Envelopes. 7. Determination of applications for two houses on one lot in a General Rural Zone. 8. Determination of setbacks within all areas of the City. 9. Determination of variations to the Residential Design Codes. 10. Refuse applications for "X" uses in all zones. 11. Determine requests to waive or refund in whole or in part payment of a fee for a planning service.

	<p>12. Determine all applications for commercial vehicle parking, including approvals, refusals and/or renewals.</p> <p>13. Determine or make decisions where an adopted policy requires a discretionary decision regarding policy provisions that refer to "Council" and/or "the City".</p> <p>14. Determine all retrospective applications, including approvals or refusals.</p> <p>15. Determine Outline Development Concept Plans under Policy PLN 3.1.</p> <p>16. Amending or revoking planning approvals.</p> <p>The Chief Executive Officer also be given full delegation to deal with:</p> <p>1. All Notice of Determinations for single houses and outbuildings within all zones.</p> <p>2. Determination of applications for variations to approved group housing and aged person's developments.</p> <p><sup>a</sup> Exemptions:</p> <ul style="list-style-type: none"> <li>• Applications involving new unit developments (grouped, multiple, aged or single persons dwellings) within the River Road Heritage Precinct Area covered by Policy PLN 3.9 shall be referred to Council for determination where approval is recommended.</li> <li>• Applications within the General Rural and Rural Living zones involving the following new land uses or where a previous approval for the use does not exist on the lot shall be referred to Council for determination, where approval is recommended: <ul style="list-style-type: none"> <li>– Fuel Depot;</li> <li>– Hospital;</li> <li>– Industry – Extractive;</li> <li>– Place of Worship</li> </ul> </li> </ul>
Function	<p>1) Approve, with or without conditions or refuse –</p> <ul style="list-style-type: none"> <li>(a) any strata, survey strata, subdivision or amalgamation application, referral or certificate; <b>[NB: consolidated from DS 4.0]</b></li> <li>(b) any application for a 'P', 'D' or 'A' use, 'Use Not Listed' or a 'Non-Confirming Use' and Works;</li> <li>(c) any application for a sign(s) and/or advertising device, illuminated directional sign or directional sign;</li> <li>(d) any application for an extension to the term of an existing development approval;</li> <li>(e) applications for the establishment or variation of a development envelope, with the exception of development envelopes on lots larger than one (1ha) hectare that propose development envelope modifications that exceed would be larger than the maximum development envelope size specified in Table 1 of Local Planning Policy 2.1 'Establishment or Amendment of Development Envelopes', unless the envelope has had previous approval and is not increasing in size;</li> <li>(f) applications for two houses on one lot in a General Rural Zone;</li> <li>(g) any application to vary standard development requirements in all zones;</li> <li>(h) any application for parking a commercial vehicle, including an annual renewal of an approval previously granted;</li> <li>(i) revoke an approval previously issued for parking a commercial vehicle;</li> <li>(j) an amendment or cancellation of a development approval;</li> </ul>



	<p>(k) any retrospective development applications;</p> <p>(l) Authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No. 4, the Residential Design Codes of Western Australia and any policy of Council; <b>[NB: consolidated DS 10.0]</b></p> <p>(m) any requests to waive or refund in whole or in part payment of a fee for a planning service.</p> <p>2) Refuse applications for 'X' uses in all zones in the district;</p> <p>3) Where Local Planning Policy contains a discretionary function affecting the approval or refusal of an application and the policy refers to "Council" and/or "the City", approve or refuse that application based on its compliance with that policy;</p> <p>4) Make recommendations and/or provide comment to service agencies and state government departments/agencies on development application referrals; where no local government approval is required and where the proposal is generally consistent with the aims and objectives of Town Planning Scheme No. 4 and relevant Local Planning Policies.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Nil</p> <p>1) Applications involving new unit developments (grouped, multiple, aged or single persons dwellings) within the River Road Heritage Precinct Area covered by Policy PLN 3.9 shall be referred to Council for determination where approval is recommended, <b>excepting an amended application(s) that does not substantially alter the existing approval.</b></p> <p>2) Applications within the General Rural and Rural Living zones involving the following new land uses or where a previous approval for the use does not exist on the lot shall be referred to Council for determination, where approval is recommended:</p> <ul style="list-style-type: none"> <li>- Fuel Depot;</li> <li>- Hospital;</li> <li>- Industry – Extractive;</li> <li>- Place of Worship</li> </ul>
<b>Subdelegates</b>	<p><del>Yes – Refer to Secondary Delegations</del></p> <p><b>Planning and Development (Local Planning Schemes) Regulations 2015</b></p> <p>Clause 83 - Deemed Provision – CEO may delegate powers</p> <p>Schedule 2 - Deemed Provisions for Local Planning Schemes</p>
<b>Express power to subdelegate</b>	
<b>Subdelegate conditions</b>	
<b>Statutory framework</b>	<p><del>C1.82 &amp; 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</del></p> <p><b>Planning and Development Act 2005</b></p> <p>Western Australian Planning Commission delegated functions (delegated pursuant to s. 16 of the <b>Planning and Development Act 2005</b>) to local government officers pertaining to the exercise of</p>

	<p>prescribed functions of the Metropolitan Region Scheme and the <i>Strata Titles Act 1985</i> functions, as amended by the Commission from time to time.</p> <p><b>Planning and Development (Local Planning Schemes) Regulations 2015</b></p> <p>cl. 82 - Delegations by Local Government</p> <p>Schedule 2 - Deemed Provisions for Local Planning Schemes;</p> <p><b>Metropolitan Region Scheme</b></p> <p>Referral requirements for certain applications to the Western Australian Planning Commission for determination that is of State or regional significance, as advised by the Commission, and certain development within Activity Centres under Clause 32 of the Metropolitan Region Scheme, as amended by the Commission from time to time.</p> <p><b>Town Planning Scheme No. 4</b></p>
<b>Policy</b>	<del>Nil</del> Local Planning Policies
<b>Record keeping</b>	Exercise of the functions are to be recorded in the City's records management system and Authority
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	<del>Resolution</del> D31/5/19
<b>Last reviewed</b>	27 May 2019

<b>Delegation</b>	<b>DS 9.0 9.1.3 Determine applications involving properties listed on the Municipal Heritage Inventory or Local Heritage Survey and/or Heritage List</b>
<b>Category</b>	Development Services Directorate
<b>Head of power</b>	Part 9 - Planning and Development Act 2005
<b>Subject</b>	Determine applications involving properties listed on the municipal heritage inventory or Local Heritage Survey
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by local government
<b>Express power or duty delegated</b>	Authority to determine development applications involving properties listed on the Local Heritage Survey and/or Heritage List and Municipal Heritage Inventory.  Town Planning Scheme No. 4 Schedule A - Supplemental Provisions to the Deemed Provisions
<b>Power or duty Function</b>	<p>Authority to Determine Applications involving properties listed on the Municipal Heritage Inventory (Local Heritage Survey).</p> <p><b>Approvals</b>  Delegated authority to Approve applications involving properties listed on the Municipal Heritage Inventory or Local Heritage Survey and/or Heritage List subject to the application satisfying the following criteria:  Applications for development involving properties, objects, structures and places listed as Category 'A' '1 and 2' in the Municipal Heritage Inventory (Local Heritage Survey):  • The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant;  • Consultation has been undertaken with the Heritage Council of Western Australia is undertaken and no response, no objection/comment or favourable advice is received;  • Consultation has been undertaken with the Community Heritage Advisory Group (or its members) is undertaken and no response, no objection or favourable advice is received.</p> <p>Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' '3 and 4' in the Municipal Heritage Inventory or equivalent category in the Local Heritage Survey:  • The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; and  • Consultation has been undertaken with the Community Heritage Advisory Group (or its members).</p> <p><b>Refusals</b>  Delegated authority to refuse applications involving properties listed on the Heritage List and/or Municipal Heritage Inventory or Local Heritage Survey if any of the following apply:  • The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions, or any other planning reason;  • The proposal would have a detrimental effect on the integrity of heritage value of the site;  • The advice received from the heritage referral agencies or the Community Heritage Advisory Group (or its members) is not favourable to the application.</p> <p><i>Notes:</i>  Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will assist in contribute to a favourable consideration of the application.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 83 - Local government CEO may delegate powers

<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	Town Planning Scheme No.4 and Local Planning Policies Planning and Development Act 2005 and State Planning Policies Planning and Development (Local Planning Schemes) Regulations 2015
<b>Policy</b>	Refer to relevant Local Planning Policies
<b>Record keeping</b>	Use of the delegation is to be recorded in the City's records management system and Attain

<b>Delegation</b>	<b>DS-14.0 9.1.5 Issue, Refuse, and Rescind Tree Preservation Notices</b>
<b>Category</b>	<b>Development Services Directorate</b>
<b>Head of power</b>	<b>Part 9 – Planning and Development Act 2005</b>
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Express power or duty delegated</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> Schedule 2; Part 10, Division 1 - Powers of local government  <b>Town Planning Scheme No.4</b> Schedule A, clause 80A  Authority to Issue, Refuse and Rescind Tree Preservation Notices The Chief Executive Officer is delegated authority to: <ul style="list-style-type: none"> <li>determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with Policy PLN 2.4;</li> <li>issue a notice if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and</li> <li>rescind a notice following an assessment or re-assessment of the tree in accordance with Policy PLN 2.4; and</li> <li>refuse or decline requests to rescind a notice;</li> <li>refuse to issue a notice when a nomination is received seeking issuance of a notice and the City does not consider the tree sufficiently significant to warrant a notice.</li> </ul>
<b>Function</b>	Authority to Issue, Refuse and Rescind Tree Preservation Notices The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>Determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with Policy PLN 2.4;</li> <li>Issue a notice if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed;</li> <li>Rescind a notice following an assessment or re-assessment of the tree in accordance with Policy PLN 2.4;</li> <li>Refuse or decline requests to rescind a notice based on advice and assessment in accordance with Policy PLN 2.4.</li> <li>Refuse to issue a notice when a nomination is received seeking issuance of a notice and the City does not consider the tree sufficiently significant to warrant a notice.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Following the City's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	Town Planning Scheme No 4 C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 <b>Planning and Development (Local Planning Schemes) Regulations 2015</b> r. 8 Contents of local planning scheme Schedule 2 – Deemed Provisions cl. 82 Delegations by local government  <b>City of Armadale Town Planning Scheme No 4</b> Schedule A, cl. 80A
<b>Policy</b>	Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19

Last reviewed	27 May 2019
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Delegation	<b>DS-8.0 9.1.6</b> Exercise discretion on behalf of Council to reach determination, where appropriate, of appeals/reviews processed by mediation
Category	Development Services Directorate
Head of power	Part 9 – Planning and Development Act 2005
Delegator	Council
Express power to delegate	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
Express power or duty delegated	Authority to Perform all functions associated with applications for review to the State Administrative Tribunal and to exercise discretion on behalf of Council the local government to attend and reach determination, where appropriate, of Applications for Review processed by mediation within the State Administrative Tribunal system under the Planning and Development Act 2005.
Function	1. Administer and represent the City in proceedings at the State Administrative Tribunal and reach determination, where appropriate, of Applications for Review finalised through mediation by the State Administrative Tribunal under the <i>Planning and Development Act 2005</i> . 2. Make application for cost recovery on behalf of the City in association with the City's dealing with a matter before the State Administrative Tribunal.
Delegates	Chief Executive Officer
Conditions	Function delegated includes all necessary administrative actions and procedures associated with an action brought on behalf of the City in accordance with the delegated authority
Express power to subdelegate	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> Clause 83 - Deemed Provisions – CEO may delegate powers Schedule 2 - Deemed Provisions for local planning schemes
Subdelegates	Yes - Refer to Secondary Delegations
Subdelegate conditions	N/A
Statutory framework	Cl.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 <b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government cl. 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for Local Planning Schemes  City of Armadale Town Planning Scheme No. 4
Policy	Nil
Record keeping	Exercise of the functions are to be recorded in the City's records management system and Attain.
Date adopted	27-May-2019
Adoption references	Resolution – D31/5/19
Last reviewed	27-May-2019

<b>Delegation</b>	<b>DS 12.0 9.1.7 Structure Plans and Local Development Plans Make Decisions, Recommendations and Determine Structure Plans, Activity Centre Plans and Local Development Plans Under Parts 4, 5 and 6 of the Deemed Provisions.</b>
<b>Category</b>	<b>Development Services Directorate</b>
<b>Head of power</b>	<b>Part 9 – Planning and Development Act 2005</b>
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Express power or duty delegated</b>	Delegated authority to make all decisions, recommendations and determinations referred to under Part 4 – Structure Plans, Part 5 – Activity Centre Plans and Part 6 – Local Development Plans of the Deemed Provisions and any other related provision under Town Planning Scheme No. 4 <b>Planning and Development (Local Planning Schemes) Regulations 2015</b> Schedule 2 - Deemed provisions for local planning schemes. City of Armadale Town Planning Scheme No. 4
<b>Function</b>	Make recommendations and determinations in respect of Structure Plans and Local Development Plans in accordance with Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and Town Planning Scheme No. 4.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	City of Armadale Town Planning Scheme No 4 C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 <b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government cl. 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for local planning schemes City of Armadale Town Planning Scheme No. 4
<b>Policy</b>	Nil
<b>Record keeping</b>	Exercise of the functions are to be recorded in the City's records management system and Attain.
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution – D31/5/19
<b>Last reviewed</b>	27 May 2019



Delegation for review -  
Development Services (new delegation)

<b>Delegation</b>	<b>9.1.8 Enforcement and Direction notices - Planning and Development Act 2005 [DRAFT]</b>
<b>Category</b>	Development Services Directorate
<b>Head of power</b>	Part 9 - Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42(1)(b) Delegation of some powers or duties to CEO s. 5.43 Limitations on delegations to CEO
<b>Express power or duty delegated</b>	<b>Planning and Development Act 2005</b> s. 214 Illegal development, responsible authority's powers as to s. 218. Planning scheme or condition on development, contravening etc.
<b>Function</b>	1. Give a written direction to a person pursuant to section 214 of the Act in respect of non-compliance with Town Planning Scheme No.4. 2. Take action to enforce a contravention of the Town Planning Scheme No.4 and illegal development. 3. Defend, initiate and/or commence legal proceedings for non-compliance with Town Planning Scheme No.4.
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 CEO may delegate some powers and duties to other employees
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 5.42(1)(b) Delegation of some powers or duties to CEO s. 5.43 Limitations on delegations to CEO s. 5.44 CEO may delegate some powers and duties to other employees  <b>Planning and Development Act 2005</b> s. 214(2), (3) and (5) Illegal development, responsible authority's powers as to s. 215. Illegal development, responsible authority's powers to remove etc. s. 218. Planning scheme or condition on development, contravening etc.  <b>Criminal Procedure Act 2004</b> The City of Armadale is a prescribed public authority for the purposes of regulation 7A of the <i>Criminal Procedure Regulations 2005</i> . In accordance with section 18 and section 20(1)(b) of the <i>Criminal Procedure Act 2004</i> , the Chief Executive Officer and other local government employees nominated by the Chief Executive Officer are authorised to undertake legal proceedings for the purposes of section 218 of the <i>Planning and Development Act 2005</i> . Section 218 provides –  <b>218. Planning scheme or condition on development, contravening etc.</b> <i>A person who—</i> (a) <i>contravenes the provisions of a planning scheme; or</i> (b) <i>commences, continues or carries out any development in any part of a region the subject of a region planning scheme or any part of an area the subject of a local planning scheme, an improvement scheme or the Swan Valley Planning Scheme otherwise than in accordance with the provisions of the planning scheme; or</i> (c) <i>commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition, commits an offence.</i>
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain



## Delegation of authority

Delegation for review -  
Development Services (no amendment required)

<b>Delegation</b>	<b>1.1.15 Notices requiring certain things to be done by owner or occupier of land</b>
<b>Category</b>	Development Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42 - Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 3.25 - Notices requiring certain things to be done by owner or occupier of land s. 3.26 - Additional powers when notices given
<b>Function</b>	<p>1. Give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —</p> <p>(a) is prescribed in Schedule 3.1, Division 1; or</p> <p>(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 [Act, s. 3.25(1)]</p> <p>2. Do anything the local government considers necessary to achieve, so far as is practicable, the requirements of a notice issued pursuant to s. 3.25 of the Act where the person who is given the notice fails to comply with it [Act, s. 3.26(1)]</p> <p>3. Recover the cost of anything done by the local government pursuant to s. 3.26(2) as a debt due from the person who failed to comply with the notice [Act, s. 3.26(3)]</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Clauses 4(2) and 5(3) of Schedule 3.1 prescribe that a notice cannot be given to an occupier who is not an owner.
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 3.25 Notices requiring certain things to be done by owner or occupier of land s. 3.26 Additional powers when notices given Sch. 3.1 Powers under notices to owners or occupiers of land
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.
<b>Date adopted</b>	12 June 2023
<b>Adoption references</b>	T2/6/23



## Delegation of authority

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	T2/6/23
24 Jun 2024	Amended delegation	Annual Review	D13/6/24



## Delegation of authority

Delegation for review -  
Development Services (repeal)

<b>Delegation</b>	<b>DS 1.0 Planning powers and duties</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	All of the powers and duties of the City of Armadale under the Town Planning Scheme, the Planning and Development Act 2005 and the associated Planning and Development Regulations.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	Section 9.28 Local Government Act Planning and Development Act 2005 and associated Regulations.
<b>Policy</b>	Refer to <a href="#">Planning Policy</a>
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D/31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Delegation</b>	<b>DS 4.0 Strata title certificates</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Approve and sign Strata Title Certificates which come within boundaries of the Municipality.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	Strata Titles Act 1985
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Delegation</b>	<b>DS 7.0 Exercise Powers under the Town Planning Scheme Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City</b>
<b>Delegator</b>	Council



## Delegation of authority

<p><b>Express power or duty delegated</b></p>	<p>Authority to Exercise Powers under the Deemed Provisions, Town Planning Scheme, Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City.</p> <p>The Chief Executive Officer be given full delegation to deal with:</p> <ol style="list-style-type: none"> <li>1. All strata, survey strata, subdivision and amalgamation applications within the City and the Metropolitan Redevelopment Authority Area within Armadale.</li> <li>2. Determination of applications for 'P' Uses, 'D' Uses, 'A' Uses, 'Uses Not Listed' and 'Non-Conforming Uses*'. 3. Determination of applications for signage and/or advertising devices, illuminated directional signs and directional signs.</li> <li>4. Determination of applications for an extension to the term of a planning approval.</li> <li>5. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy.</li> <li>6. Determination of applications for the establishment or variation of a development envelope, with the exception of development envelopes on lots larger than on (1ha) hectare that propose development envelope modifications that would be larger than the Maximum Development Envelope Size specified on Table 1 of Policy 2.1 – Establishment or Amendment of Development Envelopes.</li> <li>7. Determination of applications for two houses on one lot in a General Rural Zone.</li> <li>8. Determination of setbacks within all areas of the City.</li> <li>9. Determination of variations to the Residential Design Codes.</li> <li>10. Refuse applications for "X" uses in all zones.</li> <li>11. Determine requests to waive or refund in whole or in part payment of a fee for a planning service.</li> <li>12. Determine all applications for commercial vehicle parking, including approvals, refusals and/or renewals.</li> <li>13. Determine or make decisions where an adopted policy requires a discretionary decision regarding policy provisions that refer to "Council" and/or "the City".</li> <li>14. Determine all retrospective applications, including approvals or refusals.</li> <li>15. Determine Outline Development Concept Plans under Policy PLN 3.1.</li> <li>16. Amending or revoking planning approvals.</li> </ol> <p>The Chief Executive Officer also be given full delegation to deal with:</p> <ol style="list-style-type: none"> <li>1. All Notice of Determinations for single houses and outbuildings within all zones.</li> <li>2. Determination of applications for variations to approved group housing and aged person's developments.</li> </ol> <p>* Exemptions:</p> <ul style="list-style-type: none"> <li>• Applications involving new unit developments (grouped, multiple, aged or single persons dwellings) within the River Road Heritage Precinct Area covered by Policy PLN 3.9 shall be referred to Council for determination where approval is recommended.</li> <li>• Applications within the General Rural and Rural Living zones involving the following new land uses or where a previous approval for the use does not exist on the lot shall be referred to Council for determination, where approval is recommended: <ul style="list-style-type: none"> <li>- Fuel Depot;</li> <li>- Hospital;</li> <li>- Industry – Extractive;</li> <li>- Place of Worship</li> </ul> </li> </ul>
<p><b>Delegates</b></p>	<p>Chief Executive Officer</p>



## Delegation of authority

<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019





## Delegation of authority

<b>Delegation</b>	<b>DS 8.0 Exercise discretion on behalf of Council to reach determination, where appropriate, of appeals processed by mediation</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to perform all functions associated with applications for review and to exercise discretion on behalf of Council to attend and reach determination, where appropriate, of Applications for Review processed by mediation within the State Administrative Tribunal system under the Planning and Development Act 2005.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 Town Planning Scheme No. 4.
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Delegation</b>	<b>DS 9.0 Determine applications involving properties listed on the municipal heritage inventory or Local Heritage Survey</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to Determine Applications involving properties listed on the Municipal Heritage Inventory (Local Heritage Survey).</p> <p><b>Approvals</b> Delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory or Local Heritage Survey subject to the application satisfying the following criteria: Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory (Local Heritage Survey):</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant;</li> <li>• Consultation has been undertaken with the Heritage Council of Western Australia is undertaken and no response, no objection/comment or favourable advice is received;</li> <li>• Consultation has been undertaken with the Community Heritage Advisory Group (or its members) is undertaken and no response, no objection or favourable advice is received.</li> </ul> <p>Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory or equivalent category in the Local Heritage Survey:</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; and</li> <li>• Consultation has been undertaken with the Community Heritage Advisory Group (or its members).</li> </ul> <p><b>Refusals</b> Delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory or Local Heritage Survey if any of the following apply:</p> <ul style="list-style-type: none"> <li>• The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions, or any other planning reason;</li> <li>• The proposal would have a detrimental effect on the integrity of heritage value of the site;</li> <li>• The advice received from the heritage referral agencies or the Community Heritage Advisory Group (or its members) is not favourable to the application.</li> </ul> <p><b>Notes</b> Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will contribute to a favourable consideration of the application.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 Town Planning Scheme No 4
<b>Policy</b>	Nil



## Delegation of authority

<b>Delegation</b>	<b>DS 10.0 Determine the necessity, duration and extent of advertising of development services applications</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No.4, the Residential Design Codes of Western Australia and any policy of Council.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	City of Armadale Town Planning Scheme No 4 & Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Delegation</b>	<b>DS 11.0 Determine requests for tree removal or maintenance</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p><b>Approvals</b> Delegated authority to determine requests for tree removal or maintenance if after seeking comments from Council's Manager Parks and no objections are raised, to:</p> <ul style="list-style-type: none"> <li>• Determine requests to remove trees with a trunk circumference in excess of 0.6 metres measured at a height of one (1) metre from the ground in the District Centre, Local Centre and Mixed Business/Residential zone.</li> <li>• Determine requests to remove trees in all other Zones.</li> <li>• Determine requests to maintain trees that are subject to tree preservation orders.</li> </ul> <p>Note: Where appropriate, an arboriculturalist's report can be required to clearly outline whether the removal or maintenance of a tree or trees is necessary.</p> <p><b>Refusals</b> Delegated authority to refuse such applications.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	City of Armadale Town Planning Scheme No 4
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019





## Delegation of authority

<b>Delegation</b>	<b>DS 12.0 Make Decisions, Recommendations and Determine Structure Plans, Activity Centre Plans and Local Development Plans Under Parts 4.5 and 6 of the Deemed Provisions.</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Delegated authority to make all decisions, recommendations and determinations referred to under Part 4 – Structure Plans. Part 5 – Activity Centre Plans and Part 6 – Local Development Plans of the Deemed Provisions and any other related provision under Town Planning Scheme No.4
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	City of Armadale Town Planning Scheme No 4 C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
<b>Policy</b>	Nil
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Delegation</b>	<b>DS 13.0 Authority to implement works or grant Credit offsets for infrastructure works in a Development Contribution Plan included in Town Planning Scheme No. 4.</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to implement works or grant Credit offsets for infrastructure works in a Development Contribution Plan included in Town Planning Scheme No.4 or under interim contribution arrangements pertaining to a Development Contribution Plan that is proposed to be included in Town Planning Scheme No. 4.</p> <p>1. Delegated authority to undertake infrastructure or administrative works or authorise prefunding of infrastructure or administrative works leading to credits or reimbursement under a Development Contribution Plan in Town Planning Scheme No.4 or under interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 or included under interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 subject to the Chief Executive Officer being satisfied that:</p> <p>(i) the works will meet the objectives implicit in the Scheme text or interim contribution arrangements describing the infrastructure or administrative work; and</p> <p>(ii) the works are in accordance with the Development Contribution Plan Scheme or interim contribution arrangements text and specifications or guidance noted in the adopted Infrastructure Cost Schedule, Cost Apportionment Schedule, Development Contribution Plan Report or Deed of Agreement; and</p> <p>(iii) it is timely to fund the works in the context of the Development Contribution Plan or interim contribution arrangements, Forward Financial Planning, the current Development Contribution Plan Reserve Fund balance, the need to act opportunistically to achieve the works, and advice from applicable Development Contribution Plan Planning Steering Groups where appropriate; and</p> <p>(iv) the cost of works to be undertaken are at or below current market rates; or</p> <p>(v) where the cost is higher than the estimated costs that the costs can be justified and that decisions are considered with due regard for points two (2) and three (3) below.</p> <p>2. Where in the opinion of the Chief Executive Officer works may significantly exceed the estimated costs, the Chief Executive Officer shall refer the proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred.</p> <p>3. The granting of credits or reimbursements may be conditional upon the owner providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records.</p> <p>4. The Chief Executive Officer is delegated authority to grant credits or credit payments for the acquisition of land identified in a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4:</p> <p>(i) at a value less than or equal to the land value established pursuant to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 plus 10%; or</p> <p>(ii) at a value equal to or less than the land value established pursuant to a Development Contribution Plan included in town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 plus 10% and any additional claim that is not significant and/or in accordance with advice from the City's valuer.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil



## Delegation of authority

<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019



## Delegation of authority

<b>Delegation</b>	<b>DS 14.0 Issue, Refuse, and Rescind Tree Preservation Notices</b>
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to Issue, Refuse and Rescind Tree Preservation Notices</p> <p>The Chief Executive Officer is delegated authority to:</p> <ul style="list-style-type: none"> <li>• determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with Policy PLN 2.4;</li> <li>• issue a notice if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and</li> <li>• rescind a notice following an assessment or re-assessment of the tree in accordance with Policy PLN 2.4; and</li> <li>• refuse or decline requests to rescind a notice;</li> <li>• refuse to issue a notice when a nomination is received seeking issuance of a notice and the City does not consider the tree sufficiently significant to warrant a notice.</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Following the City's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	Town Planning Scheme No 4 C1.82 & 83 – Schedule 2 (Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
<b>Policy</b>	Planning Policy PLN 2.4
<b>Date adopted</b>	27 May 2019
<b>Adoption references</b>	Resolution - D31/5/19
<b>Last reviewed</b>	27 May 2019

Delegation for amendment -  
Development Services (clean)

<b>Delegation</b>	<b>9.1.1 Developer Contribution Plans - acquisition of land, credit offsets [ DRAFT ]</b>
<b>Category</b>	Development Services Directorate
<b>Head of power</b>	Part 9 - Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> Schedule 2 cl. 82 Delegations by local government
<b>Express power or duty delegated</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> Schedule 2; Part 10, Division 1 - Powers of local government  <b><i>Town Planning Scheme No.4</i></b> Part 5A Development Contribution Areas; Schedule 9B Development Contribution Plans
<b>Function</b>	Administration of Part 5A of the City of Armadale Town Planning Scheme No. 4 in respect to Development Contribution Areas, where the Scheme expressly requires the local government to administer, manage and disburse Development Contribution Area funds and agreements, with the exception of – <ul style="list-style-type: none"> <li>1. Determination of Infrastructure Cost Schedules</li> <li>2. Determination of other fees and charges associated with administration of a Developer Contribution Plan</li> <li>3. Deciding to claim compensation for betterment under section 184 of the <i>Planning and Development Act 2005</i></li> </ul>
<b>Delegates</b>	Chief Executive Officer



<b>Conditions</b>	<p>1. Prefunding or undertaking of infrastructure or administrative works leading to and including the granting of credits or payments for the infrastructure or administrative works that are identified in a Development Contribution Plan included in Town Planning Scheme No.4 or under interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 subject to -</p> <ul style="list-style-type: none"><li>a. The Development Contribution Plan and/or budget allocation being approved by Council;</li><li>b. The works will meet the objectives implicit in the Scheme text or interim contribution arrangements describing the infrastructure or administrative work; and</li><li>c. the works are in accordance with the Development Contribution Plan or interim contribution arrangements text and specifications or guidance noted in the adopted or draft Infrastructure Cost Schedule, Cost Apportionment Schedule, Development Contribution Plan Report or Deed of Agreement; and</li><li>d. it is timely to fund the works in the context of the Development Contribution Plan or interim contribution arrangements and taking into consideration forward financial planning for the Development Contribution Plan, Cost Contributions already received by the City and the need to act opportunistically to achieve the works; and</li><li>e. the cost of works to be undertaken are at or below current market rates; or</li><li>f. where the cost is higher than the estimated costs that the costs can be justified and that decisions are considered with due regard for points i and ii below:<ul style="list-style-type: none"><li>i. where in the opinion of the Chief Executive Officer works may significantly exceed the estimated costs for an entire infrastructure or administrative works item and have a significant financial impact on an overall Development Contribution Plan infrastructure program excluding cost increases for State Government service costs, the Chief Executive Officer shall refer the proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred.</li><li>ii. the granting of credits or payments may be conditional upon the proponent that is undertaking the works providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records.</li></ul></li></ul> <p>2. Acquisition of land and/or granting of credits or provision of payments pertaining to land identified in a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 shall be –</p> <ul style="list-style-type: none"><li>a. Approved by Council and/or contained in a budget allocation adopted by Council;</li><li>b. at a value less than or equal to the land value established pursuant to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No. 4 and if provided for in the Development Contribution Plan an additional 10%; or</li><li>c. At a value equal to or less than the land value established pursuant to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 and if provided for in the Development Contribution Plan an additional 10% and any additional claim that is not significant and/or in accordance with advice from the City's valuer;</li><li>d. taking into consideration forward financial planning, Cost Contributions already received by the City and the need to act opportunistically to achieve the works.</li></ul> <p>3. Advertisement of reviews of Contribution Costs, Infrastructure Cost Schedules and Assessed Values pertaining to a Development Contribution Plan included in Town Planning Scheme No.4 or interim contribution arrangements pertaining to a Development Contribution Plan that is to be included in Town Planning Scheme No.4 is to be conducted.</p>
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<b>Express power to subdelegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> Clause 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	<b><i>Planning and Development Act 2005</i></b> s. 256 Regulations for content of local planning schemes s. 257A Model provisions, effect of s. 257B Deemed provisions, effect of  <b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> r. 8 Contents of local planning scheme Schedule 1 - Model provisions for local planning schemes cl. 82 Delegations by local government  Town Planning Scheme No. 4.
<b>Policy</b>	Local Planning Policies may refer
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>9.1.2 Town Planning Scheme No. 4 – development control [DRAFT]</b>
<b>Category</b>	<b>Development Services Directorate</b>
<b>Head of Power</b>	<b>Part 9 – Planning and Development Act 2005</b>
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b></p> <p>cl. 82 - Delegations by Local Government</p> <p>Schedule 2 - Deemed Provisions for Local Planning Schemes</p>
<b>Express power or duty delegated</b>	<p>Authority to exercise functions and powers of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> under the Deemed Provisions, Town Planning Scheme No. 4, Local Planning Policies, and provide advice/recommendations to the Western Australian Planning Commission, Government Departments and DevelopmentWA on all referrals.</p>
<b>Function</b>	<p>1) Approve, with or without conditions or refuse –</p> <ul style="list-style-type: none"> <li>(a) any strata, survey strata, subdivision or amalgamation application, referral or certificate;</li> <li>(b) any application for a 'P', 'D' or 'A' use, 'Use Not Listed' or a 'Non-Confirming Use' and Works;</li> <li>(c) any application for a sign(s) and/or advertising device, illuminated directional sign or directional sign;</li> <li>(d) any application for an extension to the term of an existing development approval;</li> <li>(e) applications for the establishment or variation of a development envelope, with the exception of development envelopes on lots larger than one (1ha) hectare that propose development envelope modifications that exceed the maximum development envelope size specified in Table 1 of Local Planning Policy 2.1 'Establishment or Amendment of Development Envelopes', unless the envelope has had previous approval and is not increasing in size;</li> <li>(f) applications for two houses on one lot in a General Rural Zone;</li> <li>(g) any application to vary standard development requirements in all zones;</li> <li>(h) any application for parking a commercial vehicle, including an annual renewal of an approval previously granted;</li> <li>(i) revoke an approval previously issued for parking a commercial vehicle;</li> <li>(j) an amendment or cancellation of a development approval;</li> <li>(k) any retrospective development applications;</li> <li>(l) the necessity, duration and extent of advertising of development applications under Town Planning Scheme No. 4, the Residential Design Codes of Western Australia and</li> </ul>

	<p>any policy of Council;</p> <p>(m) any requests to waive or refund in whole or in part payment of a fee for a planning service.</p> <p>2) Refuse applications for 'X' uses in all zones in the district;</p> <p>3) Where Local Planning Policy contains a discretionary function affecting the approval or refusal of an application and the policy refers to "Council" and/or "the City", approve or refuse that application based on its compliance with that policy;</p> <p>4) Make recommendations and/or provide comment to state government departments/agencies on development application referrals;</p>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<p>Nil</p> <p>1) Applications involving new unit developments (grouped, multiple, aged or single persons dwellings) within the River Road Heritage Precinct Area covered by Policy PLN 3.9 shall be referred to Council for determination where approval is recommended, excepting an amended application(s) that does not substantially alter the existing approval.</p> <p>2) Applications within the General Rural and Rural Living zones involving the following new land uses or where a previous approval for the use does not exist on the lot shall be referred to Council for determination, where approval is recommended:</p> <ul style="list-style-type: none"> <li>- Industry – Extractive;</li> <li>- Place of Worship</li> </ul>
<b>Express power to subdelegate</b>	<p><b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b></p> <p>Clause 83 - Deemed Provision – CEO may delegate powers</p> <p>Schedule 2 - Deemed Provisions for Local Planning Schemes</p>
<b>Subdelegate conditions</b>	
<b>Statutory framework</b>	<p><b><i>Planning and Development Act 2005</i></b></p> <p>Western Australian Planning Commission delegated functions (delegated pursuant to s. 16 of the <i>Planning and Development Act 2005</i>) to local government officers pertaining to the exercise of prescribed functions of the Metropolitan Region Scheme and the <i>Strata Titles Act 1985</i> functions, as amended by the Commission from time to time.</p> <p><b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b></p> <p>cl. 82 - Delegations by Local Government</p> <p>Schedule 2 - Deemed Provisions for Local Planning Schemes;</p> <p><b>Metropolitan Region Scheme</b></p> <p>Referral requirements for certain applications to the Western Australian Planning Commission for</p>

	<p>determination that is of State or regional significance, as advised by the Commission, and certain development within Activity Centres under Clause 32 of the Metropolitan Region Scheme, as amended by the Commission from time to time.</p> <p><b>Town Planning Scheme No. 4</b></p>
<b>Policy</b>	Local Planning Policies
<b>Record keeping</b>	Exercise of the functions are to be recorded in the City's records management system and Authority
<b>Date adopted</b>	
<b>Adoption references</b>	
<b>Last reviewed</b>	



<b>Delegation</b>	<b>9.1.3 Determine applications involving properties listed on the Local Heritage Survey and or Heritage List [DRAFT]</b>
<b>Category</b>	Development Services Directorate
<b>Head of power</b>	Part 9 - Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> cl. 82 - Delegations by local government
<b>Express power or duty delegated</b>	Authority to determine development applications involving properties listed on the Local Heritage Survey and Heritage List
<b>Function</b>	<p><b>Approvals</b> Approve applications involving properties listed on the Local Heritage Survey and/or Heritage List subject to the application satisfying the following criteria: Applications for development involving properties, objects, structures and places listed as Category '1 and 2':</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant;</li> <li>• Consultation has been undertaken with the Community Heritage Advisory Group (or its members) and no response, no objection or favourable advice is received.</li> </ul> <p>Applications for development involving properties, objects, structures and places listed as Categories '3 and 4' in the Local Heritage Survey:</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; and</li> <li>• Consultation has been undertaken with the Community Heritage Advisory Group (or its members).</li> </ul> <p><b>Refusals</b> Delegated authority to refuse applications involving properties listed on the Heritage List and/or Local Heritage Survey if any of the following apply:</p> <ul style="list-style-type: none"> <li>• The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions, or any other planning reason;</li> <li>• The proposal would have a detrimental effect on the integrity of heritage value of the site;</li> <li>• The advice received from the heritage referral agencies or the Community Heritage Advisory Group (or its members) is not favourable to the application.</li> </ul> <p><i>Notes:</i> <i>Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will assist in consideration of the application.</i></p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> cl. 83 - Local government CEO may delegate powers

<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	<b>Town Planning Scheme No.4 and Local Planning Policies</b> <b><i>Planning and Development Act 2005 and State Planning Policies</i></b> <b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b>
<b>Policy</b>	Refer to relevant Local Planning Policies
<b>Record keeping</b>	Use of the delegation is to be recorded in the City's records management system and Attain

<b>Delegation</b>	<b>9.1.5 Issue, Refuse, and Rescind Tree Preservation Notices [ DRAFT]</b>
<b>Category</b>	<b>Development Services Directorate</b>
<b>Head of power</b>	<b>Part 9 – Planning and Development Act 2005</b>
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Express power or duty delegated</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> Schedule 2; Part 10, Division 1 - Powers of local government  <b>Town Planning Scheme No.4</b> Schedule A, clause 80A
<b>Function</b>	Authority to Issue, Refuse and Rescind Tree Preservation Notices  1) Determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with Policy PLN 2.4; 2) Issue a notice if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and 3) Rescind a notice following an assessment or re-assessment of the tree in accordance with Policy PLN 2.4; and 4) Refuse or decline requests to rescind a notice based on advice and assessment in accordance with Policy PLN 2.4. 5) refuse to issue a notice when a nomination is received seeking issuance of a notice and the City does not consider the tree sufficiently significant to warrant a notice.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Following the City's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> r. 8 Contents of local planning scheme Schedule 2 – Deemed Provisions cl. 82 Delegations by local government  <b>City of Armadale Town Planning Scheme No 4</b> Schedule A, cl. 80A
<b>Policy</b>	PLN 2.4 – Landscape Feature and Tree Preservation
<b>Date adopted</b>	
<b>Adoption references</b>	
<b>Last reviewed</b>	

<b>Delegation</b>	<b>9.1.6 Exercise discretion on behalf of Council to reach determination, where appropriate, of appeals processed by mediation [ DRAFT]</b>
<b>Category</b>	<b>Development Services Directorate</b>
<b>Head of power</b>	<b>Part 9 – Planning and Development Act 2005</b>
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Express power or duty delegated</b>	Perform all functions associated with applications for review to the State Administrative Tribunal and to exercise discretion on behalf of the local government.
<b>Function</b>	<ol style="list-style-type: none"> <li>1) Administer and represent the City in proceedings at the State Administrative Tribunal and reach determination, where appropriate, of Applications for Review finalised through mediation by the State Administrative Tribunal under the <i>Planning and Development Act 2005</i>.</li> <li>2) Make application for cost recovery on behalf of the City in association with the City's dealing with a matter before the State Administrative Tribunal.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Function delegated includes all necessary administrative actions and procedures associated with an action brought on behalf of the City in accordance with the delegated authority
<b>Express power to subdelegate</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> Clause 83 - Deemed Provisions – CEO may delegate powers Schedule 2 - Deemed Provisions for local planning schemes
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b> cl. 82 - Delegations by Local Government cl. 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for Local Planning Schemes
<b>Policy</b>	Nil
<b>Record keeping</b>	Exercise of the functions are to be recorded in the City's records management system and Attain.
<b>Date adopted</b>	
<b>Adoption references</b>	
<b>Last reviewed</b>	

Delegation	9.1.7 Structure Plans and Local Development Plans [ <b>DRAFT</b> ]
Category	Development Services Directorate
Head of power	Part 9 – Planning and Development Act 2005
Delegator	Council
Express power to delegate	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government Schedule 2 - Deemed Provisions for Local Planning Schemes
Express power or duty delegated	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> Schedule 2 - Deemed provisions for local planning schemes. City of Armadale Town Planning Scheme No. 4
Function	Make recommendations and determinations in respect of Structure Plans and Local Development Plans in accordance with Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and Town Planning Scheme No. 4.
Delegates	Chief Executive Officer
Conditions	Nil
Express power to subdelegate	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for Local Planning Schemes
Subdelegates	Yes - Refer to Secondary Delegations
Subdelegate conditions	N/A
Statutory framework	<b>Planning and Development (Local Planning Schemes) Regulations 2015</b> cl. 82 - Delegations by Local Government cl. 83 - Deemed Provision – CEO may delegate powers Schedule 2 - Deemed Provisions for local planning schemes City of Armadale Town Planning Scheme No. 4
Policy	Nil
Record keeping	Exercise of the functions are to be recorded in the City's records management system and Attain.
Date adopted	
Adoption references	
Last reviewed	