

1. Car Parking Shortfalls – Currently Council considers any application that proposes a car parking shortfall of more than five bays under Table 1 of the City’s Policy No. 7.7.1: Non-Residential Parking Requirements. This requirement is proposed to be retained and clarified given the recent amendment to that Policy. These recent amendments have also changed the way cash-in-lieu requirements are assessed. Given this, it is recommended that this delegation be further amended to require Council to approve the waiving of cash-in-lieu or reciprocal parking arrangement where the development does not meet the applicable car parking minimum set under Table 1 of the Policy No. 7.7.1 – Non-Residential Parking Requirements. This will still delegate the CEO the power to approve such applications provided cash-in-lieu or a reciprocal parking agreement is provided for the entire shortfall in parking under Table 1, up to a maximum of 5.0 bays.
2. Variations to precinct policies - Currently a development that varies any of the standards applicable in a precinct policy including the City’s various design guideline area policies and Policy No. 7.5.15 Character Retention and Heritage Areas requires the approval of Council. This includes minor variations, such as front fence infill for metre boxes and or setback protrusions. Rather than require all variations to be presented to Council it is considered a better approach to require that all development applications lodged within a design guideline, heritage area or character retention area be advertised for comment to that entire area and that if more than five objections are received the matter be presented to Council for determination. Given the performance based approach now being taken in the Character Retention and Heritage Areas Policy and Built Form Policy, it is recommended that determination of minor variations occur under delegated authority. This will ensure that only applications of community interest are presented to Council and ensures a consistent approach across all applications.
3. Refusal of applications – There is currently delegations for a number of application types to be approved under delegated authority but not refused. There is considered to be adequate guidance under LPS2 and the City’s policies to allow the CEO to also refuse these types of applications and it is recommended that the delegations be extended to allow this to occur.
4. “SA” Uses with one objection – Currently Council is required to determine any application that received more than five objections, except where the use is listed as an “SA” use under TPS1, where one objection triggers the requirement for an application to be presented to Council. The terminology for “SA” uses will change to “A” uses under LPS2. There is not considered to be any significant difference between “A” uses compared to other discretionary uses such as “AA” or “D” uses. The “more than five” objections trigger is considered to appropriately capture those applications that are of community concern and warrant formal consideration by Council. Given the above it is recommended that “A” uses also be presented to Council where more than five (5) objections are received.
5. Amendments to Council decisions – Currently Administration’s practice is to present to Council all applications that propose to amend a decision of Council. This is not specifically stated in the current delegations and so it is recommended that the delegations be amended to clarify this requirement. It is also recommended that the CEO be granted delegation to determine applications seeking to extend the period within which a development previously approved by Council must be substantially commenced.

The amended Register also proposes removal of the ‘Category Matrix’ and replaces this with a list of application types that must be presented to Council, which include all of those currently listed in the ‘Category Matrix’ as requiring the approval of Council. The list contains all uses previously classified as Category 1 or 2, as well as some unlisted uses from Town Planning Scheme No. 1 which are now defined under Local Planning Scheme No. 2 and are recommended to also require the approval of Council, as follows:

- Club premises
- Correctional Institution
- Exhibition Centre
- Hospital
- Nightclub
- Residential Building
- Small bar

A list of all changes to the Delegated Authority Register is included as **Attachment 2**, and the proposed new planning delegations are included [with track changes](#) as **Attachment 3** while the final (clean) version is included for Councils adoption as **Attachment 4**.