

5 DEVELOPMENT SERVICES

5.1 DELEGATED AUTHORITY REGISTER - LOCAL PLANNING SCHEME NO. 2

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Attachments:

1. Attachment 1 - Existing Delegated Authority Register 2017-2018 (Planning Delegations)
2. Attachment 2 - Summary of Existing and Proposed Delegated Functions
3. Attachment 3 - Planning Delegations under Local Planning Scheme 2 (Final)

RECOMMENDATION:

That Council:

1. **RESCINDS** the existing delegations 6.1 to 6.13 as shown in Attachment 1; and
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in Attachment 3, pursuant to s. 5.24 of the *Local Government Act 1995* and cl. 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PURPOSE OF REPORT:

To consider amendments to the City's Delegated Authority Register required as a result of the revocation of the City's Town Planning Scheme No. 1 and the adoption of the City's Local Planning Scheme No. 2 (the Scheme).

BACKGROUND:

At its meeting on 27 June 2017, Council adopted the 2017/18 Delegated Authority Register, which included 13 planning delegations under Part 6 of the Delegated Authority Register as shown in **Attachment 1**. These delegations relate to the City's planning powers as set out under the *Planning and Development Act 2005*, *Metropolitan Region Scheme* and City of Vincent Town Planning Scheme No. 1 (TPS1). On 4 April 2018, the Acting Minister for Planning endorsed the new City of Vincent Local Planning Scheme No. 2 (LPS2), as a replacement to TPS1. LPS2 is scheduled to be gazetted and become operational on 16 May 2018 and TPS1 is scheduled to be revoked on the same day. The revocation of TPS1 will render the City's current planning delegations ineffective and so it is necessary to amend the City's delegations such that they apply to LPS2.

DETAILS:

Administration has undertaken a comprehensive review of the current delegations set out under Part 6 of the 2017/18 Delegated Authority Register. The results of this review, following consultation with Council Members, are set out in the summary of existing and recommended delegated functions included in **Attachment 2**. In addition the Delegated Authority Register has been amended to rationalise duplicate functions, remove obsolete functions, and clarify the remaining functions. The amended Register now contains only two separate functions delegated from Council to the Chief Executive Officer (CEO), one for compliance related matters provided for under the *Planning and Development Act 2005* and the other for the ability to determine applications for development approval under Local Planning Scheme No. 2 and the *Metropolitan Region Scheme*.

The intent of the amendment is to broadly maintain the existing level of delegation to the CEO. All of the changes proposed to the level of delegation are set out in **Attachment 2**. Five major changes to the level of delegation have been recommended, as follows:

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