

## **LOCAL PLANNING POLICY**

<b>POLICY NO:</b>	<b>LPP.8</b>
<b>POLICY SUBJECT:</b>	<b>COMPLIANCE</b>
<b>ADOPTION DATE:</b>	<b>20 August 2009</b>
<b>LAST REVIEW:</b>	<b>13 May 2010</b>

### **STATEMENT OF INTENT**

This policy is designed to provide guidance in relation to the compliance with Council's Local Planning Scheme and Council's conditions for either planning and/or building approval within the Shire of Toodyay.

### **OBJECTIVES**

- To ensure that compliance with Council's set planning and building conditions are being adhered to with respect to the approval granted.
- To ensure that all aspects of the development conform and no unauthorised developments occur without the appropriate approvals.
- To limit the number of illegal developments and structures occurring in the Shire of Toodyay.

### **DEFINITIONS**

*'certificate of compliance'* – is a Council generated document stating that on the date of inspection the development complied with all planning and/ or building conditions, signed by the inspecting Council Officer.

*'bona fide reasons'* means genuine and sincere reasons that include, but are not limited to, the following:

- That the dwelling house has been substantially completed to the satisfaction of Council's Officers; or
- Legitimate unforeseen circumstances.

### **STATUTORY POWERS**

This Local Planning Policy is made pursuant to Clause 2.2 of the Shire of Toodyay Local Planning Scheme No 4.

### **POLICY STATEMENT**

1. Officers from the Planning & Development Department shall inspect a development approved by Council;
  - a) On the request of the developer; or

- b) Immediately following the expiration of the validity of the approval's time period, being two years from the date of the approval.
2. Where it is brought to the attention of Council that an unauthorised use has commenced, or that an approved use has commenced without compliance with the conditions of approval, Council Officers shall inspect the premises in order to confirm the activities being undertaken or to confirm the conditions not being met.
3. Following this abovementioned inspection, landowners will be issued with:
  - a) A *Certificate of Compliance*, stating that in the opinion of the Council Officer the development complies with Council's conditions of approval; or
  - b) A letter advising of the outstanding conditions and outlining 28 days in which to either advise the Planning & Development Department that:
    - (i) The conditions have been complied with and a final inspection can be carried out; or
    - (ii) Request that Council grant an extension of time to comply with the conditions of the development, provided that substantial completion of the conditions have occurred.or;
  - c) A direction being served to cease the unauthorised use forthwith, as the unauthorised use is in breach of the Council's Local Planning Scheme or in Council's opinion the unauthorised use is having a detrimental effect on the amenity of the area or raises an obvious issue of public health or safety.
4. When the landowner requests an extension of time under 3(b)(ii) above, the application shall be referred to the Chief Executive Officer for determination of an extension to the time to comply with the conditions of the development. If bona fide reasons exist for such an extension, the approval is not to be longer than six (6) months from the date requested. By expiry of such extension period absolute compliance is required or the provisions of 5(b) and 5(c) below will be enacted.
5. A subsequent and final inspection shall be carried out by a Council Officer from the Planning & Development Department and the landowner shall be issued with:
  - a) A *Certificate of Compliance*, stating that in the opinion of the Council Officer the development complies with Council's conditions of approval; or
  - b) Letter advising that as certain conditions remain outstanding, legal proceedings will be commenced against the landowner without further notice; or
  - c) In the event that an unauthorised use continues after written direction has been served, a letter advising that legal proceedings will be commenced against the landowner without further notice.

**Adopted as TP Policy 23 May 2005**  
**Reviewed Council Meeting 24 November 2005**  
**Reviewed Council Meeting 16 November 2006**  
**Reviewed Council Meeting 15 November 2007**  
**Amended Council Meeting 21 May 2009**  
**Reviewed Council Meeting 13 May 2010**

