

## Planning Infringement Notices (PINs)

### PLN Information Sheet No. 12

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#### ***Planning Infringement Notices:***

Planning Infringement Notices (PINs) are issued by local governments in Western Australia. Local Government Officers can be appointed as designated officers with authority to issue PINs for breaches against a Town Planning Scheme. Planning Compliance Officers must be appointed by the Chief Executive Officer as specified under section 234 of the *Planning and Development Act 2005* to issue a PIN upon any party believed to have committed an offence.

PINs carry an initial penalty of \$500.00 for any offence against a Town Planning Scheme. A PIN is used in straightforward matters as an effective means of addressing an offence and to achieve early compliance, as per the Western Australian Planning Commission's (WAPC) Planning Bulletin 98. PINs are preferred to commencing legal action through the Court system, where additional costs and fines are usually sought and imposed.

The WAPC's Planning Bulletin 98 identifies common examples of the circumstances where it would be appropriate to issue a PIN, for offences under sections 214, 218, 220 and 221 of the *Planning and Development Act 2005*, including (but not limited to):

- unauthorised advertising or erection of signs;
- unauthorised storage and wrecking of motor vehicles;
- unauthorised motor vehicle repairs;
- unauthorised parking commercial vehicles;
- operating a business without a valid approval;
- unauthorised storage of materials;
- unauthorised clearing of vegetation;
- unauthorised use of land or buildings;
- unauthorised change in the type of land use;
- unauthorised minor works;
- breaching a condition of a planning approval and/or approved plans;
- breaching a Town Planning Scheme provision, etc.

PINs differ from Retrospective Planning Application Fees. Retrospective Application fees are also penalties which are imposed for commencing development prior to approval. A commenced development that has been penalised by a Retrospective Planning Fee is not necessarily exempt from receiving a PIN and/or legal action for the same offence.

### ***What are my options if I have received a Planning Infringement Notice?***

There are a number of options that you have if you receive a PIN. Some of these options include:

#### **Option 1:**

Pay the PIN within the specified 28 day time period – refer to the [‘How do I pay a Planning Infringement Notice?’](#) section below.

#### **Option 2:**

Submit a letter to the City within the specified 28 day time period and request to have the PIN withdrawn if you feel you have fair and reasonable grounds to make such a request. All letters requesting the withdrawal of a PIN must be addressed to the City’s Executive Director Development Services. For further information refer to the section [‘Withdrawal of a Planning Infringement Notice’](#) below.

#### **Option 3:**

Submit a letter to the City within the specified 28 day time period to advise that you would like the PIN matter to be determined in a Court. Please note that having the matter heard in a Court may remove the original penalty of \$500.00, and the Court is likely to impose higher penalties and costs if you are unsuccessful.

If you elect to have the matter determined by a Court, the City will organise the prosecution procedure and you will receive a summons to attend Court. Please understand if you are not successful in Court, the City will also seek to recover the costs involved with a prosecution; these costs can be significant.

If you take no action the City could forward your details to the Fines Enforcement Registry. Refer to the section [‘Fines Enforcement Registry’](#) for further information. Alternatively, the City could withdraw the PIN and commence prosecution proceedings through the Court system, which could result in a higher penalty and costs being imposed by the Court. The City would normally seek a higher penalty and costs.

### ***How do I pay a Planning Infringement Notice?***

Payment can be made at the City of Armadale’s Administrative Offices – Cashier Counter, located at 7 Orchard Ave, Armadale WA 6111, or via post:  
City of Armadale, Locked Bag 2, Armadale WA 6992

Payment must be made within the time period specified on the PIN. The Infringement Number from the PIN must be included with your payment.

The following payment methods are accepted by the City:

- Cash;
- Cheque;
- Money Order; or
- Credit Card.

### ***Request for Extension of Time to Pay a Planning Infringement Notice***

You may request the City of Armadale to consider extending the time given to pay an infringement notice. Your letter must:

- Be marked to the attention of Planning Services – City of Armadale, and include the Infringement Number from the PIN;
- Include your reasons for requesting an extension of time for payment; and
- Propose a time period that you commit to paying the PIN within.

The City's designated officer may allow or not the request for an extension of time to pay a PIN. The City will provide advice of its decision in writing.

### ***Withdrawal of a Planning Infringement Notice***

A submission to request consideration to withdraw an issued infringement notice must be made in writing to the City (marked to the attention of Executive Director Development Services or Executive Manager Planning Services) with supporting documentation giving evidence as to why the infringement should be considered for withdrawal.

The City's Executive Manager Planning Services or Executive Director Development Services are the designated officers under section 231 & 230 of the *Planning & Development Act 2005* who will consider, and determine whether a PIN will be withdrawn or not. The City will provide advice of its decision in writing.

### ***Fines Enforcement Registry***

If the PIN is not paid within the prescribed or statutory period, the City can refer the matter to the Fines Enforcement Registry (FER). Failure to pay a PIN with FER can result in the loss of a driver's or vehicle license, even if the fine was not traffic related. Further fees are applicable once you have been registered with FER for not paying a PIN.

Once matters are lodged at FER, the Registry is largely responsible for their enforcement.

Fines Enforcement Registry

GPO Box X2293, PERTH WA 6847

Phone: 1300 650 235 or (Eastern States Callers: (08) 9235 0235)

Fax: (08) 9425 7070

### ***Continuing Offences***

Should the offence continue, regardless of whether a Planning Infringement Notice has been issued or not for that particular offence, the City may issue another PIN and/or commence a prosecution without further notice. Penalties are substantially higher with a maximum penalty of \$200,000 being applicable and a daily penalty of \$25,000 also being applicable for the continuation of that offence.

## *Further Information*

More information can be obtained from the following:

1. The City's Town Planning Scheme No.4:  
[http://www.armadale.wa.gov.au/services\\_and\\_facilities/planning/town\\_planning\\_scheme\\_no4/](http://www.armadale.wa.gov.au/services_and_facilities/planning/town_planning_scheme_no4/)
2. *Planning and Development Act 2005*:  
[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_722\\_homepage.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_722_homepage.html)
3. Planning Bulletin 98:  
<http://www.planning.wa.gov.au/publications/1124.asp>

For further information please contact the City of Armadale by telephoning (08) 9399 0111 or emailing [\*\*info@armadale.wa.gov.au\*\*](mailto:info@armadale.wa.gov.au).