

10.1.2 Development in a Planning Control Area

Delegator:	Local Government				
Express Power to Delegate:	<i>Local Government Act 1995:</i> s5.42 Delegation of some powers or duties to the CEO				
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> s. 115 – Development in a planning control area				
Delegate:	Chief Executive Officer				
Function:	For development in a planning control area, authority to forward to the WAPC the application and the Town’s recommendation.				
Council Conditions on this Delegation:	Nil.				
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees				
Sub-Delegate/s:					
	1107.01	Manager Development Services			
	1109.01	Coordinator Urban Planning			
	1110.01-03	Senior Planning Officer			
	1111.01-05	Planning Officer			
CEO Conditions on this Sub-Delegation:	Nil				
Compliance Links:	<i>Planning and Development Act 2005</i>				
Record Keeping:	Exercise of authority to be recorded in CM9.				
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes

10.1.3 Subdivision applications

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> s5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Planning and Development Act 2005:</i> s. 142 – Subdivision applications			
Delegate:		Chief Executive Officer			
Function:		Authority to provide a recommendation to the WAPC in relation to applications for subdivision or amalgamation and assessing and determining requests for subdivision clearance.			
Council Conditions on this Delegation:		Nil.			
Express Power to Sub- Delegate:		<i>Local Government Act 1995:</i> s5.44 CEO may delegate some powers and duties to other employees			
Sub-Delegate/s:					
		1107.01	Manager Development Services		
		1109.01	Coordinator Urban Planning		
		1110.01-03	Senior Planning Officer		
CEO Conditions on this Sub-Delegation:		Nil			
Compliance Links:		<i>Planning and Development Act 2005</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
Versio n	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes

10.1.4 Advice to external agencies

Delegator:		Local Government			
Express Power to Delegate:		<i>Local Government Act 1995:</i> s5.42 Delegation of some powers or duties to the CEO			
Express Power or Duty Delegated:		<i>Planning and Development Act</i>			
Delegate:		Chief Executive Officer			
Function:		Authority to provide technical comments and recommendations to an external authority that is responsible for making determinations on a planning matter.			
Council Conditions on this Delegation:		For guidance, this delegation includes - providing recommendations on development applications (to bodies such as the WAPC/DPLH; SDAU; DBCA; Heritage Council etc.) and MRS Amendments; providing comment on planning reform matters and proposed planning matters generally.			
Express Power to Sub- Delegate:		s. 5.44 of the <i>Local Government Act 1995</i>			
		1107.01	Manager Development Services		
		1108.01	Coordinator Urban Planning		
		1109.01	Senior Planning Officer		
CEO Conditions on this Sub-Delegation:		Nil			
Compliance Links:		<i>Planning and Development Act 2005</i>			
Record Keeping:		Exercise of authority to be recorded in CM9.			
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10.1.5 Planning fees

Delegator:	Local Government	
Express Power to Delegate:	s. 5.42 of the Local Government Act 1995	
Express Power or Duty Delegated:	<i>Planning and Development Regulations 2019</i> r. 47, r. 48A, r. 48, r. 49, r. 50, 52	
Delegate:	Chief Executive Officer	
Function:	Authority to impose a fee for a planning service, and to waive or refund a fee in whole or part.	
Council Conditions on this Delegation:	Financial hardship, personal, or family circumstances will not be accepted as grounds for the waiving or reduction of development fees. Fees will be reduced by 50% where the applicant is a 'not-for-profit' organisation who provides evidence of an income tax exemption status from the Australian Taxation Office. Fees will only be waived in circumstances where the CEO determines that the payment of a fee is unreasonable due to a previous error or omission on the Town's part. The waiver or refund of development application fees will not apply to applications made where a use or development has already been commenced or carried out unlawfully and the purpose of the application is to render that use or development lawful under the Scheme. Application fees will be refunded as follows – - Where the Planning Officer has not commenced an assessment of the application – 90% of the application fee will be refunded. - Where the Planning Officer has assessed one set of plans/documents only and the application has not been advertised for public comments – 50% of the application fee will be refunded. - In all other situations, fees will not be refunded.	
Express Power to Sub- Delegate:	s. 5.44 of the <i>Local Government Act 1995</i>	
	1107.01	Manager Development Services
	1108.01	Coordinator Urban Planning
CEO Conditions on this Sub-Delegation:	Nil	
Compliance Links:	<i>Planning and Development Act 2005</i>	
Record Keeping:	Exercise of authority to be recorded in CM9.	

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