

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Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes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.			
Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes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.			
Versio n	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes

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:	<p>Financial hardship, personal, or family circumstances will not be accepted as grounds for the waiving or reduction of development fees.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Application fees will be refunded as follows –</p> <ul style="list-style-type: none"> 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.	

Versio n	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
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