

PLANNING AND DEVELOPMENT ACT 2005

DA 7 – 01 Development Control

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<p><i>Planning and Development Act 2005</i> s.162</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2</p> <p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO</p>
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
FUNCTION	<u>The powers and duties of the local government able to be delegated under clause 82, Schedule 2 – Deemed Provisions for local planning schemes.</u>
CONDITIONS	<p>1. 'Call-in' provisions Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and <i>request</i> the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p><i>Note: Any Councillor may also submit a notice of motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.</i></p> <p>2. Reconsideration of applications for development approval Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>“Reconsideration” is a not a defined term in the City of Busselton Local Planning Scheme No. 21 or the Planning and Development (Local Planning Scheme) Regulations 2015, however for the purposes of this delegation, the term relates to applications to: a) a request to amend or delete conditions of a development approval, where City officers are not supportive of that request and informal discussion with the applicant has not resolved the issue; and</p>

b) ~~to~~ new development applications which are substantially the same as an earlier application refused under delegation.
~~This condition relates to applications to amend an approval where reconsideration of conditions is being requested, and also to new applications which are substantially the same as an earlier application refused under delegation (where the request is made within 60 days of the original determination date).~~

3. ~~Standard Structure Plans, and Precinct Structure Plans, Activity Centre Plans, Local Development Plans, Developer Contribution Plans~~

Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan ~~or Precinct Structure Plan, Activity Centre plan and/or Local Development Plan,~~ the CEO shall ensure that a copy of the respective plan, ~~together~~ ~~tighter~~ with a report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a ~~recommendation is forwarded to the Commission.~~ ~~delegated decision is made.~~

~~These delegations do not extend to the making of recommendations to the Western Australian Planning Commission regarding adoption or amendment to the Developer Contribution Plans.~~

4. Local Planning Policies, Local Heritage List, Heritage Precincts

Decisions relating to adoption, revocation or amendment of local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.

5. Applications for review by the State Administrative Tribunal (SAT)

Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 may also be made under delegation.

Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 shall be presented to the Council for consideration, unless officers have first briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the 'call-in' provisions set out at Condition 1 above have not been exercised before the decision is ~~n~~ made, ~~and that Councillors have also been briefed on the matter as per Condition 6 below, to provide an opportunity for Councillors to exercise the 'call-in' provisions.~~

Note that where the original decision was made by a Development Assessment Panel, the Panel is the respondent in relation to any application for review.

6. Briefing and Reporting

Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal

	<p>briefing on planning matters of strategic significant and/or high community interest, and on issues raised by Councillors. Each Friday, or in the case of Fridays which are public holidays, the next working day, a summary of applications received and determined in the preceding period (usually the preceding Friday to Thursday) shall be published on the City's website.</p> <p>Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.</p>
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN015 'Instrument of Council Delegation to CEO'	
VERIFICATION	Initial Council Resolution C1703/042	Recent Council Resolution C2101/010
RECENT ALTERATIONS	September 2021	
PREVIOUS DELEGATION REFERENCE	PDR1 – Development Control	