



## Instrument of Delegation

Reference Number	Act Reference	Delegate	Delegation Subject
PDR 1	s.162 Planning and Development Act 2005 cl. 82 Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 <i>Deemed Provisions for local planning schemes</i>	Chief Executive Officer	Development Control

### Delegator

Council

### Power/Duty

To undertake the powers and duties of the local government able to be delegated under cl. 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes*, subject to the conditions set out below.

### Conditions

*Note: In addition to the conditions set out below, some decisions on applications for development approval cannot be made by the City by virtue of the Planning and Development (Development Assessment Panels) Regulations 2011.*

#### 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 *request* 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.

*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.*

#### 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.

This condition relates to applications to amend or renew 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.

**3. *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, Activity Centre Plan and/or Local Development Plan, the CEO shall ensure that a copy of the respective plan, together with an 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 delegated decision is made.

These delegations do not extend to the making of recommendations to the Western Australian Planning Commission regarding adoption or amendment of 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 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 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 made, and that Councillors have also been briefed on the matter as per Condition 6, to provide an opportunity for Councillors to exercise the 'call-in' provisions.

**6. *Briefing and reporting***

Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significance and/or high community interest, and on issues raised by Councillors.

As part of the agenda for each ordinary Council meeting, a summary of applications received and determined between the closing date of the previous summary and a date as close as practicable to the publication date of the agenda, shall be presented to Councillors as part of the 'Councillors Information Bulletin'.

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'.

**Verification**

Initial Council Resolution  
C1703/042

## **Review Requirements**

At Council's discretion as necessary (no statutory requirement)

### **Notes of Recent Alterations**

Minor amendments to the requirements in Condition 5 for delegated decision-making in relation to applications for review by the State Administrative Tribunal for the purpose of avoiding the 3-4 week delay associated with the reconsideration provisions in resolving matters where mediation has resulted in an opportunity to reconsider an application *(25 July 2018)*