

## **1. INTRODUCTION**

The Council considers that the delegation of certain decision-making powers will expedite the processing of development applications, subdivision applications and associated administrative functions, to the benefit of ratepayers, the general public and the land development industry.

In this regard, section 5.42(a) of the Local Government Act 1995 (LG Act) states that a local government may delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the LG Act, other than those referred to in section 5.43.

Furthermore, 5.44(1) of the LG Act, states that a CEO may delegate to any employee of the local government the exercise of any of the CEO's duties under the LG Act, other than the power of delegation.

Regulations: Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015 provides for the Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Town Planning Scheme No.2 (TPS2).

Furthermore, Clause 83 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that the CEO may delegate to any employee of the Local Government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under TPS2 other than this power of delegation.

## **2. STATEMENT OF INTENT**

The purpose of this Planning Procedure is to outline the decision-making powers which the CEO has delegated to nominated Officers under Section 5.44(1) of the Local Government Act 1995 and Clause 83 of the Planning and Development (Local Planning Schemes) Regulations 2015.

The decision-making powers which have been delegated are those relating to the decisions under TPS2 and the Planning and Development (Local Planning Schemes) Regulations 2015 which are set out in Appendix 1 of this document and the administrative functions which are set out in Appendix 2.

The delegations listed in Appendix 1 and Appendix 2 apply to the following Officers:

- Director, Planning and Development Services;
- Manager, Strategic Planning and Environment;
- Manager, Statutory Planning;
- Manager, Major Planning Projects;
- Coordinator, Strategic Planning;
- Coordinator, Statutory Planning; and
- Special Projects Officer

## **3. PLANNING PROCEDURE**

### **3.1 Implementation**

The delegations in Appendix 1 and Appendix 2 are subject to the following:

- The nominated Officers are empowered to approve or conditionally approve or refuse applications within pre-determined guidelines contained within TPS2, adopted local government Policies and the Standards and the Standards and Policies of the Western Australian Planning Commission (WAPC) which have been adopted by the local government.
- Standard conditions, as set out in Planning Procedure No.1.11 – Standard Conditions and Footnotes for Development Applications and Planning Procedure No.1.13 – Model Subdivision Conditions Schedule for Subdivision Applications, subject to any modification that is required after considering the nature of the particular application.

- Non-standard conditions may be imposed after considering the nature of the particular application, providing that the condition relates to the following criteria:
  - (a) the built form of development;
  - (b) amenity sites;
  - (c) site planning issues;
  - (d) subdivision design matters;
  - (e) land use matters; and
  - (f) landscaping matters.
- With regard to the delegation referred to in Appendix 1, Section 4(1)(d), the Director, Planning and Development Services is the only Officer authorised to adopt a Structure Plan under Clause 29(3) of the Deemed Provisions.
- With regard to the delegation referred to in Appendix 1, Section 4(1)(d) and 4(1)(e), the Director, Planning and Development Services is the only Officer authorised to determine that advertising is not required and prepare a report to the WAPC on amendments to structure plans that are minor in nature.
- With regard to the delegation referred to in Appendix 1, Section 4(2)(d) and 4(2)(e), the Director, Planning and Development Services is the only Officer authorised to determine that advertising is not required and submit a report and recommendation to the WAPC on amendments to activity centre plans that are minor in nature.
- With regard to the delegation referred to in Appendix 1, Section 4(4)(b), the Director, Planning and Development Services is the only Officer authorised to negotiate a cash contribution in-lieu of car parking.
- The delegation referred to in Appendix 1, Section 4(14) does not apply to applications within Golden Bay and Singleton. In this regard, all applications to vary the location of building envelopes within the Golden Bay and Singleton Special Rural Zones will be referred to the Council for determination.
- The delegation referred to in Appendix 1, Section 4(15) does not apply to applications within Golden Bay and Singleton. In this regard, all applications to vary the location of building envelopes within the Golden Bay and Singleton Special Rural Zones will be referred to the Council for determination.

Note: Refer to Planning Policy No.3.3.17 - Variations to Building Envelopes for further information regarding the assessment of applications to vary the location of building envelopes within the Golden Bay and Singleton Special Rural Zones.

- The delegation referred to in Appendix 1, Section 4(16) does not apply to applications within Golden Bay or Singleton. In this regard, applications to vary the location of building envelopes within Golden Bay and Singleton Special Residential Zones will be referred to the Council for determination.

Note: Refer to Planning Policy No.3.3.17 - Variations to Building Envelopes for further information regarding the assessment of applications to vary the location of building envelopes within the Warnbro Dunes, Golden Bay and Singleton Special Residential Zones.

- All matters that have been dealt with under the delegated authority referred to in this Planning Procedure are to be reported to the Council on a monthly basis as an Information Bulletin item to the Planning and Engineering Services Committee.

- Where, in the opinion of a nominated Officer, in consultation with the Director, Planning and Development Services, an application should be referred to the Council for determination, that application will be excluded from the requirements of this Planning Procedure.

### 3.2 Decisions Under Town Planning Scheme No.2

Under clause 83 of the Planning and Development (Local Planning Schemes) Regulations 2015, the CEO has delegated to the nominated Officers the exercise of various functions (refer to Appendix 1 for a copy of the Delegation of Authority).

### 3.3 Decisions under the Local Government Act

Under section 5.44(1) of the LG Act, the CEO has delegated to the nominated Officers the exercise of various functions (refer to Appendix 2 for a copy of the Delegated Authority).

## 4. INTERPRETATIONS

For the purposes of this Planning Procedure, the following terms shall have the same meaning as in Town Planning Scheme No.2:

'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.

'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

'IP' means that the use is not permitted unless the use is incidental to the predominate use of the land as determined by the Council.

'X' means a use that is not permitted by the Scheme.

'Residential Design Codes' means the Residential Design Codes in the Western Australian Planning Commission Statement of Planning Policy No.3.1, as amended from time to time.

## 5. IMPLEMENTATION

This Planning Procedure was approved by the Director, Planning and Development Services and came into effect on 4 January 2015, and was amended on 22 October 2018 and 31 January 2020.

### Appendices

1. City of Rockingham Delegated Authority, Chief Executive Officer to Other Employees, 5.3.1 Planning and Development Act 2005 - Town Planning Scheme.
2. City of Rockingham Delegated Authority, Chief Executive Officer to Other Employees, 5.3.2 Planning and Development Act 2005 - Other Delegations.

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**5.3 PLANNING SERVICES**


<b>5.3.1 TOWN PLANNING SCHEME</b>	
<b>Function Delegated:</b>	All of the functions under Town Planning Scheme (TPS2) and Planning and Development (Local Planning Schemes) Regulations 2015 as per attachment.
<b>Statutory Power being Delegated:</b>	City of Rockingham TPS No. 2 (TPS2) Local Government Act 1995 Section 5.42(b) the Planning and Development Act section 214(2), (3) or (5) Planning and Development (Local Planning Schemes) Regulations 2015
<b>Power is originally assigned to:</b>	Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO Planning and Development (Local Planning Schemes) Regulations 2015 Clause 82 of the Deemed Provisions Delegations by local government
<b>Power Delegated to:</b>	Chief Executive Officer
<b>Council's Conditions on Delegation:</b>	Nil
<b>Statutory Power to Delegate:</b>	Planning and Development (Local Planning Schemes) Regulations 2015 Clause 83 of the Deemed Provisions Local Government CEO may delegate powers to any employee of the local government
<b>CEO's delegation to:</b>	Director Planning and Development Services (Note 1) Manager Strategic Planning and Environment Manager Statutory Planning Manager Major Planning Projects Manager Land and Development Infrastructure Manager Health and Building Services (Note 3) and section 2 (Residential Design Codes (R-Codes)) Coordinator Health and Building Services (Note 3) and section 2 (R-Codes) Coordinator Statutory Planning Coordinator Strategic Planning Coordinator Sustainability and Environment Coordinator Building and Development Compliance Senior Projects Officer Senior Building Surveyor (Note 3) and section 2 R-Codes Senior Building and Planning Liaison (Note 3) and section 2 R-Codes Note 1. While all delegations listed in this delegated authority notice apply to the Director Planning and Development Services, only section 1(m) and (n) of the Attachment under Grant of Development Approval and under Other Matters section 4.1(d) and 4.1(e) and section 4.2(d) and 4.2(e) of the Attachment is the only authorised officer under this delegation. (Note 2. "Deemed Provisions" in this delegation refers to the <i>Deemed Provisions for local planning schemes</i> under Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . Note 3. In section 1(o) of the Attachment under Grant of Development Approval, the Manager Health and Building Services, Coordinator Health and Building Services and Senior Building Surveyor are the only ones with this delegation.

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



5.3.1 TOWN PLANNING SCHEME	
<b>CEO's Conditions on delegation:</b>	Nil
<b>Record Keeping</b> s5.46(3)	Evidence of determinations to be recorded in appropriate file or register
<b>Compliance Links</b>	<ul style="list-style-type: none"> <li>• City of Rockingham TPS No. 2</li> <li>• Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>• Planning and Development Act 2005</li> <li>• Local Government Act 1995</li> </ul>

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011    Item ES-020/11	24 July 2012            Item GCS-009/12 27 August 2013        Item GCS-007/13 12 March 2014         Amend Position from Special Officer to Projects Officer 15 April 2014            Item PDS-025/14 2 May 2014                Item PDS-030/40 22 July 2014             Item GMS-011/14 26 August 2014         Item PDS-067/14 28 July 2015             Item PDS-050/15 24 November 2015      Item GMS-026/15 27 September 2016     Item GMS-018/16 25 July 2017              Item GMS-013/17 26 October 2017 change of position titles now Manager Health and Building Services and Coordinator Health and Building Services 28 August 2018         Item GM-026/18 made some amendments to Manager Health and Building Services and Senior Building Surveyor and added Coordinator Building and Development Compliance 5 October 2018         Minor typographical amendment to clause 4(4) 10 October 2018 added new position Senior Building and Planning Liaison and amended Senior Projects Officer title 27 August 2019         Item GM-018/19 28 January 2020        Item PD-002/20

SIGNATURE:  DATE: 31 January 2020

---

Chief Executive Officer

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005**

**1. GRANT OF DEVELOPMENT APPROVAL**

**Functions Delegated:**

- a) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated "P", "D" or "IP".
- b) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of land mentioned in the Zoning Table of TPS2 and designated "A", unless in the opinion of the Director Planning and Development Services an application generates significant concern or could impact on the amenity of the locality, the application will be referred to the Council for determination.
- c) The granting of Development Approval with or without conditions under TPS2 to development on a Local Reserve under TPS2 for the purpose for which the land is reserved under TPS2.
- d) The granting of Development Approval with or without conditions under TPS2 to development on land specified in Schedule No.2 (Additional Uses) of TPS2 for the purpose specified with respect to that land in Schedule No.2.
- e) The granting of Development Approval with or without conditions under TPS2 to development on land specified in Schedule No.3 (Special Use Zone) of TPS2 for the purpose specified with respect to that land in Schedule No.3.
- f) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in Schedule No.4 (Special Rural Zones) of TPS2 and designated "P", "D" or "IP".
- g) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in Schedule No.5 (Special Residential Zones) of TPS2 and designated "P", "D" or "IP".
- h) The granting of Development Approval with or without conditions under TPS2 to the erection, placement and display of advertisements and the use of land or buildings for that purpose under clause 5.3.1 of TPS2 unless the advertisement is an exempted advertisement listed in Schedule 6 of TPS2.
- i) The granting of Development Approval for unauthorised development or land use requiring Retrospective Development Approval pursuant to Clause 65 of the Deemed Provisions.
- j) The granting of a renewal, revocation or amendment to a Development Approval for development or use of land pursuant to Clause 77 of the Deemed Provisions.
- k) The granting of Development Approval for a Use Not Listed in the Zoning Table subject to compliance with Clause 3.2.4 of TPS2.
- l) The granting of Development Approval with or without conditions under TPS2 for Bulk Earthworks (Development) on land zoned 'Urban' or 'Urban Deferred' under the Metropolitan Region Scheme.
- m) The granting of Development Approval for the operation of Home Occupations and Home Businesses, when a submission in objection does not include valid planning considerations and can be resolved through condition(s) of Development Approval, in the opinion of the Director Planning and Development Services. Applications must also comply in all respects with the objectives and provisions of the Home Occupations and Home Businesses Planning Policy 3.3.10 pursuant to Clause 82 and 83 of the Deemed Provisions.
- n) If in the opinion of the Director Planning and Development Services an application for the operation of a Home Occupation or Home Business generates significant concern or could impact on the amenity of the locality, the application will be referred to the Council for determination.
- o) The granting of R-Codes Approval for a Single House, Two Grouped Dwellings and incidental development, subject to compliance with the objectives and provisions of the Residential Design Codes (R-Codes).

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



<b>ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005</b>
<p>p) The granting of Development Approval for a Single House, Grouped Dwelling or Multiple Dwelling, when a submission in objection does not include valid planning considerations and applications comply in all respects with the objectives and provisions of the Codes and Planning Policy 3.3.20 – Residential Design Codes, pursuant to Clause 82 and 83 of the Deemed Provisions.</p> <p>q) The granting of Development Approval for Commercial Vehicle Parking, when a submission in objection does not include valid planning considerations and applications comply in all respects with Planning Policy 3.3.13 – Parking of Commercial Vehicles in Residential Zones, pursuant to Clause 82 and 83 of the Deemed Provisions.</p>
<b>2. DISCRETION TO MODIFY DEVELOPMENT STANDARDS</b>
<p><b>Function Delegated:</b>  The authority to modify development standards under clause 4.20 of TPS2 and Clause 2.4 and 2.5 of the Residential Design Codes.</p>
<b>3. REFUSAL OF DEVELOPMENT APPROVAL</b>
<p><b>Functions Delegated:</b>  The refusal of an application for Development Approval under TPS2 as follows:</p> <p>a) The refusal of a development for the purpose of a use mentioned in the Zoning Table of TPS2 and designated “X”;</p> <p>b) The refusal of a development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated “D” or “A”, which fails to comply with TPS2 and City Policy.</p> <p>c) The refusal of an application under TPS2 to development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated “P”, which fails to comply with the provisions of TPS2, but not on the grounds of the permissibility of the use.</p> <p>d) The refusal of a development for the purpose of a Single House, Grouped Dwelling or Multiple Dwelling that fails to comply with the objectives and provisions of the Codes and TPS2.</p> <p>e) The refusal of a development for an advertising device and advertisement that fails to comply with TPS2 and City Policy.</p> <p>f) The refusal of an application to vary an approved Building Envelope that fails to comply with TPS2 and City Policy. This delegation is subject to Section 5(i) and (j).</p> <p>g) The refusal of an application for Commercial Vehicle parking, which fails to comply with TPS2 and City Policy.</p>
<b>4. OTHER MATTERS</b>
<p><b>Functions Delegated:</b></p> <p><b>(1) Structure Plans</b></p> <p>a) The determination under Clause 17(1) of the Deemed Provisions as to whether a structure plan complies with the requirements of Clause 16(1), or if further information is required before the structure plan can be accepted for assessment and advertising.</p> <p>b) The advertising of a structure plan under Clause 18(2) of the Deemed Provisions.</p> <p>c) The provision of advice and assistance to the Commission under Clause 23 of the Deemed Provisions.</p> <p>d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 29(3) of the Deemed Provisions.</p> <p>e) The preparation of a report and recommendation on an amendment to a structure plan, under Clause 20 of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.</p> <p><b>(2) Activity Centre Structure Plans</b></p> <p>a) The determination under Clause 33(1) of the Deemed Provisions as to whether an activity centre structure plan complies with the requirements of Clause 32(1), or if further information is required before the structure plan can be accepted for assessment and advertising.</p>

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005**

- b) The advertising of an activity centre structure plan under Clause 34(2) of the Deemed Provisions.
- c) The provision of advice and assistance to the Commission under Clause 39 of the Deemed Provisions.
- d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 45(3) of the Deemed Provisions.
- e) The preparation of a report and recommendation on an amendment to an activity centre structure plan, under Clause 36 of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.

**(3) Local Development Plans**

- a) The determination not to advertise a Local Development Plan under Clause 50(3) of the Deemed Provisions.
- b) The approval of a Local Development Plan with or without conditions under Clause 52(1)(a) of the Deemed Provisions.
- c) The determination to require modifications to a Local Development Plan under Clause 52(1)(b) of the Deemed Provisions.
- d) The determination to amend an approved Local Development Plan under Clause 59(1) of the Deemed Provisions.
- e) The refusal of a Local Development Plan under Clause 52(1)(c) of the Deemed Provisions.

**(4) Car Parking**

- a) The determination under clause 4.15.1 of TPS2 as to the number of car parking bays to be provided on land where for a particular use a car parking requirement is not specified in Table 2, Table 3 or Table 4 of TPS2.
- b) Where the Council has agreed to accept cash-in-lieu of carparking under clause 4.15.6 of TPS2, the authority to negotiate the cash-in-lieu contribution in accordance with the criteria set out in clause 4.15.6 of TPS2 and Planning Policy No.3.3.4 – Cash-in-lieu of Carparking as applicable.

**(5) Licensed Premises Applications**

- a) The determination under clause 4.22.1 of TPS2 whether to waive any requirement of an application referred to in that clause.
- b) The refusal of an application for a Section 40 Certificate that is inconsistent with TPS2 and Planning Policy 3.3.19 Licensed Premises and could have significant potential impact upon the amenity of an area or affected neighbouring properties, following consultation.

**(6) Application for Development Approval**

The determination under Clause 63 of the Deemed Provisions whether to waive any particular requirement of an application referred to in that clause.

**(7) Advertising Applications**

- a) The determination to waive a requirement for an application for Development Approval to be advertised if the departure from the scheme requirements is of a minor nature under Clause 64(2) and 64(1)(c) of the Deemed Provisions.

**(8) Referral of Applications to Government Departments**

The determination to provide a copy of an application for Development Approval to any other statutory, public or planning authority for objections and recommendations under Clause 66 of the Deemed Provisions.

**(9) Agreement Powers**

For the purposes of implementing TPS2, enter into an agreement in respect of a matter relating to TPS2 with any owner, occupier or other person having an interest in land affected by TPS2 under Clause 78(1)(a) of the Deemed Provisions.



**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005**

**(10) Repair of Existing Advertisements**

- a) The determination as whether to require the owner of an advertisement or the owner of the land as necessary, to repair the advertisement under Clause 80 of the Deemed Provisions.
- b) The determination under Clause 80 of the Deemed Provisions as to whether to require the advertiser to take action referred to in that clause.

**(11) Enforcement**

- a) The determination under clause 8.3(a) of TPS2 whether to give notice referred to in that clause for compliance with conditions of Development Approval.
- b) The determination under clause 8.3(b) of TPS2 whether to prosecute the owner or occupier of the land pursuant to Part 13 – Enforcement and Legal Proceedings of the Planning and Development Act 2005.

**(12) Directions by Responsible Authority regarding Unauthorised Development**

The determination under sections 214(2), 214(3) and 214(5) of the Planning and Development Act 2005 whether to give written direction referred to in that section.

**(13) Responsible Authority May Alter Unauthorised Development**

- a) The determination under sections 215(1) and 215(2) of the Planning and Development Act 2005 whether to alter unauthorised development referred to in that section.
- b) The determination under section 216 of the Planning and Development Act 2005 (the Act) to apply for an injunction to the Supreme Court with respect to a contravention of the Act.

**(14) Special Rural Zones – Schedule No.4**

- a) The power to determine and vary the location and size of any building envelopes under Schedule No. 4 of TPS2.
- b) The determination of an application for approval to removal indigenous trees or substantial vegetation (native vegetation or significant habitat trees – Amt 169) under Schedule No. 4 of TPS2.

**(15) Special Residential Zones – Schedule No. 5**

- a) The power to determine and vary the location and size of any building envelopes under Schedule No.5 of TPS2.
- b) The determination of an application for approval to removal indigenous trees or substantial vegetation under Schedule No.5 of TPS2.

**(16) Development Contributions - Anstey Park**

- a) The review of estimated costs under clause 5.4.5.5(a) of TPS2.
- b) The acceptance of a Cost Contribution, based upon estimated costs, as a final Cost Contribution under clause 5.4.5.5(b) of TPS2.
- c) The power to agree to an Owner's Cost Contribution being paid by cheque or cash, or by transferring to the Council land to the value of the Cost Contribution or some other method acceptable to the Local Government or a combination of these methods under clause 5.4.7.1(a) of TPS2.
- d) The power to agree to an Owner paying an Owner's Cost Contribution in a lump sum, by instalments or in another manner under clause 5.4.7.1(b) of TPS2.
- e) The lodgement of a caveat against an Owner's title under clause 5.4.7.1(a) of TPS2.  
The withdrawal of a caveat against an Owner's certificate of title to permit a dealing and then re-lodgement under clause 5.4.7.2(b) of TPS2.
- f) The withdrawal of a caveat against an Owner's certificate of title under clause 5.4.7.2(c) of TPS2.

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005**

**(17) Development Contribution Areas**

- (a) The review of estimated costs under clause 5.5.12.2 of TPS2.
- (b) The acceptance of a Cost Contribution, based upon estimated costs, as a final Cost Contribution under 5.5.12.4(b) of TPS2.
- (c) The power to agree to the manner in which a Cost Contribution is determined under clause 5.6.12.7(a) of TPS2.
- (d) The power to agree to an Owner's Cost Contribution being paid by cheque or cash under clause 5.5.15.1(a) of TPS2.
- (e) The power to agree to an Owner paying an Owner's Cost Contribution in a lump sum, by instalments or in another manner under clause 5.5.15.2 of TPS2.
- (f) The lodgement of a caveat against an Owner's certificate of title under clause 5.5.16.1 of TPS2.
- (g) The withdrawal of a caveat against an Owner's certificate of title to permit a dealing and then re-lodgement under clause 5.5.16.2 of TPS2.
- (h) The withdrawal of a caveat against an Owner's certificate of title under clause 5.5.16.3 of TPS2.

**(18) Development Contribution Plan No.2**

- (a) The estimation of the number of dwellings to be applied as the "Catchment Area Yield" under Schedule No. 11 of TPS2.
- (b) The estimation of the number of dwellings to be applied as the "Development Area Yield" under Schedule No. 11 of TPS2.
- (c) The estimation of the number of dwellings to be applied as the "Total Catchment Area Dwellings" under Schedule No. 11 of TPS2.
- (d) The determination of the desired timing and priority of the items of infrastructure, where such is consistent with the current endorsed Business Plan.

**(19) Heritage Protection**

- (a) The power under clause 10 of the Deemed Provisions to enter into a Heritage Agreement with the owner or occupier of land or building to bind the land or affect the use of land or building.
- (b) The determination under clause 11 of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in heritage area or a place on a heritage list.
- (c) The determination under clause 12 (1-3) of the Deemed Provisions to vary site or development requirements, subject to undertaking public consultation to preserve the heritage values of a heritage area or a place on a heritage list or on the Register of Heritage Places.
- (d) The determination under Clause 13 (1-6) of the Deemed Provisions to consider a place on a heritage list is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.

**5. IMPLEMENTATION**

The delegations are subject to the following conditions:

- (a) The nominated Officers are only empowered to approve or conditionally approve applications within predetermined guidelines contained within TPS2, adopted City Policies and the Standards and Policies of the Western Australian Planning Commission which have been adopted by the Council.
- (b) Standard conditions (as set out in Planning Procedure 1.11 – Standard Conditions and Footnotes for Development Approvals and Planning Procedure 1.13 – Model Subdivision Conditions Schedule for Subdivision Applications) should generally be imposed, subject to any modification that is required after considering the nature of the particular application.

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005**

- (c) Non-standard conditions may be imposed after considering the nature of the particular application, providing that the condition relates to the following criteria:
- built form of development;
  - amenity issues;
  - site planning issues;
  - subdivision design matters;
  - land use matters; and
  - landscaping matters.
- (d) With regard to the delegation referred to in Section 2 of this delegation, Clause 4.20 of TPS2 states that if a development (except for development in respect of which the Codes apply) is the subject of an application for Development Approval and does not comply with a standard or requirement prescribed under TPS2, the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- In considering an application for Development Approval under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to:
- (i) Consult the affected parties by following one or more of the provisions for advertising uses under Clause 64(3) of the Deemed Provisions;
- (ii) Have regard to any expressed views prior to making its determination to grant the variation;
- (iii) The power conferred by clause 4.20 of TPS2 may only be exercised if Council is satisfied that:
- Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 64(3) of the Deemed Provisions;
  - Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality; The non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
  - The spirit and purpose of the requirements or standards will not be unreasonably departed from.
- (e) With regard to the delegation referred to in Section 4(1)(d), the Director Planning and Development is the only Officer authorised to adopt a Structure Plan under Clause 29(3) of the Deemed Provisions.
- (f) With regard to the delegation referred to in Section 4(1)(d) & 4(1)(e), the Director Planning and Development is the only Officer authorised to determine that advertising is not required and prepare a report to the Commission on amendments to structure plans that are minor in nature.
- (g) With regard to the delegation referred to in Section 4(2)(d) and 4(2)(e), the Director Planning and Development Services is the only Officer authorised to determine that advertising is not required and submit a report and recommendation to the Commission on amendments to activity centre plans that are minor in nature.
- (h) With regard to the delegation referred to in Section 4(4)(b), the Director Planning and Development Services is the only Officer authorised to negotiate a cash contribution in-lieu of car parking.
- (i) Refer to Planning Policy No.3.3.17 – Variation to Building Envelopes for further information regarding the assessment to vary the location of building envelopes within the Warnbro Dunes, Golden Bay and Singleton Special Residential Zones.
- All matters that have been dealt with under the delegated authority are to be reported to the Council on a monthly basis as a Bulletin item to the Planning and Engineering Services Committee.

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



**ATTACHMENT TO DELEGATION 5.3.1 - PLANNING AND DEVELOPMENT ACT 2005**

- Where, in the opinion of a nominated Officer, in consultation with the Director of Planning and Development Services, an application should be referred to the Council for determination that application will be excluded from the requirements of this Delegated Authority Register.

***Appendices***

Delegation of Authority issued pursuant:

Regulations 82 and 83 of the Planning and Development (Local Planning Schemes) Regulations 2015; and Sections 5.41 to 5.46 of the Local Government Act 1995.

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



<b>5.3.2</b>	<b>PLANNING AND DEVELOPMENT ACT 2005 – OTHER DELEGATIONS</b>																
<b>Function Delegated:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Subdivision Recommendations</td> <td>Authority to Progress</td> </tr> <tr> <td>Subdivision Clearances</td> <td>Authority to Approve</td> </tr> <tr> <td>Public Works Planning Applications</td> <td>Authority to Progress</td> </tr> <tr> <td>Clause 32 Planning Applications</td> <td>Authority to Progress</td> </tr> <tr> <td>Licensed Premises Applications</td> <td>Authority to Approve</td> </tr> <tr> <td>Notices</td> <td>Authority to Issue</td> </tr> <tr> <td>Street Naming</td> <td>Authority to Approve</td> </tr> <tr> <td>Built Strata Subdivision Applications</td> <td>Authority to Approve</td> </tr> </table>	Subdivision Recommendations	Authority to Progress	Subdivision Clearances	Authority to Approve	Public Works Planning Applications	Authority to Progress	Clause 32 Planning Applications	Authority to Progress	Licensed Premises Applications	Authority to Approve	Notices	Authority to Issue	Street Naming	Authority to Approve	Built Strata Subdivision Applications	Authority to Approve
Subdivision Recommendations	Authority to Progress																
Subdivision Clearances	Authority to Approve																
Public Works Planning Applications	Authority to Progress																
Clause 32 Planning Applications	Authority to Progress																
Licensed Premises Applications	Authority to Approve																
Notices	Authority to Issue																
Street Naming	Authority to Approve																
Built Strata Subdivision Applications	Authority to Approve																
<b>Statutory Power being Delegated:</b>	Local Government Act 1995 Planning and Development Act 2005 Strata Titles Act 1985																
<b>Power is originally assigned to:</b>	Local Government																
<b>Statutory Power of Delegation</b>	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO																
<b>Power Delegated to:</b>	Chief Executive Officer																
<b>Council's Conditions on Delegation:</b>	Nil																
<b>Statutory Power to Delegate:</b>	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees																
<b>CEO's delegation to:</b>	Director Planning and Development Services Manager Strategic Planning and Environment Manager Statutory Planning Manager Major Planning Projects Manager Land and Development Infrastructure Coordinator Statutory Planning Coordinator Strategic Planning Coordinator Building and Development Compliance Senior Projects Officer Development Engineer Senior Landscape Architect																
<b>CEO's Conditions on delegation:</b>	Nil																
<b>Record Keeping</b> s5.46(3)	Details of determinations to be kept on appropriate file or register																
<b>Compliance Links</b>	<ul style="list-style-type: none"> <li>• Strata Titles Act 1985</li> <li>• Local Government Act 1995</li> <li>• Planning and Development Act 2005</li> </ul>																

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



<b>5.3.2</b>		<b>PLANNING AND DEVELOPMENT ACT 2005 – OTHER DELEGATIONS</b>	
<b>Date Adopted/Reviewed:</b>			
<u>Adopted</u>		<u>Reviewed</u>	
28 June 2011	Item ES-020/11	24 July 2012	Item GCS-009/12
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		17 January 2017 – Amended to amend Special Projects Officer to Senior Projects Officer	
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18 added Coordinator Building and Development Compliance
		27 August 2019	Item GM-018/19 Add in Manager Land and Development Infrastructure, Development Engineer and Senior Landscape Architect.

SIGNATURE: \_\_\_\_\_

Chief Executive Officer

DATE: \_\_\_\_\_

11 September 2019

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



<b>ATTACHMENT TO DELEGATION 5.3.2 - PLANNING AND DEVELOPMENT ACT 2005</b>
<b>1. SUBDIVISION RECOMMENDATIONS</b>
<p><b>Functions Delegated:</b></p> <p>The authority to make the following recommendations to the Western Australian Planning Commission (WAPC) in respect to any application to subdivide, strata subdivide or amalgamate land in the district:</p> <p>(a) To support an application to subdivide, strata subdivide or amalgamate land with or without conditions where the proposal is generally in conformity with TPS2, Residential Design Codes, Rural Land Strategy, City Planning Policy, Comprehensive Development Plan, Structure Plan, Integrated Development Guide Plan, Local Development Plan, Subdivision Guide Plan or Rural Concept Plan which has been approved by the Council as the basis for the subdivision of a defined area or precinct, subject to the imposition of the following:</p> <ul style="list-style-type: none"> <li>(i) appropriate requirements and specifications under TPS2 and any applicable City Planning Policy;</li> <li>(ii) any applicable conditions as set out under the City's 'Planning Procedure No. 1.1.3 – Model Subdivision Conditions Schedule for Subdivision Applications;</li> <li>(iii) any other relevant non-standard conditions, subject to the criteria having regard to the subdivision design matters, land use matters, landscape matters and site planning and amenity issues.</li> </ul> <p>(b) To refuse to support an application to subdivide, strata subdivide or amalgamate land where the proposal is contrary to TPS2, Residential Design Codes, Rural Land Strategy, City Planning Policy, Comprehensive Development Plan, Structure Plan, Integrated Development Guide Plan, Local Development Plan, Subdivision Guide Plan or Rural Concept Plan.</p>
<b>2. SUBDIVISION CLEARANCES</b>
<p><b>Function Delegated:</b></p> <p>The authority to issue a letter in support for subdivision clearance to the WAPC in respect to any application to subdivide or amalgamate land in the district, subject to the following conditions:</p> <p>(a) Subdivision condition(s) imposed must be relevant to the City.</p> <p>(b) The subdivision condition(s) must be fulfilled in accordance with all the Local Government conditions specified on the WAPC approval, to the satisfaction of the delegate, and the clearance advice is to be signed by the delegate.</p> <p>(c) In the event of a dispute between the delegate and the applicant on the measures required to satisfy a condition, the matter must be referred to the WAPC for clearance, together with the City's advice on the matter.</p>
<b>3. BUILT STRATA SUBDIVISION APPLICATIONS</b>
<p><b>Functions Delegated:</b></p> <p>The authority to determine applications for approval to subdivide land subject to built strata plan submitted under section 25 of the Strata Titles Act 1985. These applications relate to a strata plan for existing dwellings or buildings (or a building which is proposed to be constructed).</p>
<b>4. PUBLIC WORKS PLANNING APPLICATIONS</b>
<p><b>Functions Delegated:</b></p> <p>The authority to make recommendations as deemed appropriate to the WAPC in respect of applications for the development of land referred to the City by public authorities for public works under the Metropolitan Region Scheme.</p>

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



<b>ATTACHMENT TO DELEGATION 5.3.2 - PLANNING AND DEVELOPMENT ACT 2005</b>
<b>5. CLAUSE 32 PLANNING APPLICATIONS</b>
<p><b>Functions Delegated:</b></p> <p>The authority to make recommendations as deemed appropriate to the WAPC in respect of applications for the use or development of land, which is of a type or in a locality the subject of a WAPC Notice of Clause 32 Declaration pursuant to the Metropolitan Region Scheme.</p>
<b>ATTACHMENT TO DELEGATION 5.3.2 - PLANNING AND DEVELOPMENT ACT 2005</b>
<b>6. LIQUOR LICENCE APPLICATIONS</b>
<p><b>Function Delegated:</b></p> <p>The granting of a Section 40 Certificate under the Liquor Control Act 1988, with or without conditions for all liquor licence applications.</p>
<b>7. STREET NAMING</b>
<p><b>Functions Delegated:</b></p> <p>The authority to approve street names that are consistent with an approved street naming theme.</p>
<b>8. NOTICES</b>
<p><b>Functions Delegated:</b></p> <p>(1) <b>Notice Requiring Certain Things to be Done by Owner or Occupier of Land</b>  The determination under section 3.25(1) (a) of the Local Government Act 1995 whether to give a person a notice referred to in that section.</p> <p>(2) <b>Additional Powers when Notice Given</b></p> <p>(a) The determination under section 3.26(2) of the Local Government Act 1995 whether to do anything that it considers necessary as referred to in that section.</p> <p>(b) The determination under section 3.26(3) of the Local Government Act 1995 whether to recover costs as referred to in that section.</p>



**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**




<b>5.3.3 APPROVED SUBDIVISIONS</b>	
<b>Function Delegated:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve engineering and electrical works on approved subdivisions.</li> <li>2. Authority to approve landscape plans on approved subdivisions and land development.</li> <li>3. Authority to approve requests for installation of street lighting.</li> </ol>
<b>Statutory Power being Delegated:</b>	<p>Local Government Act 1995  s3.18 Performing Executive Functions</p> <p>Planning and Development Act 2005  s170 Proposed road or waterway, drawings etc of required</p>
<b>Power is originally assigned to:</b>	Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
<b>Power Delegated to:</b>	Chief Executive Officer
<b>Council's Conditions on Delegation:</b>	Nil
<b>Statutory Power to Delegate:</b>	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
<b>CEO's delegation to:</b>	Director Planning and Development Services Manager Land and Development Infrastructure Development Engineer Senior Landscape Architect Development Assessment Officer
<b>CEO's Conditions on delegation:</b>	Director Planning and Development Services (Items 1, 2, 3) Manager Land and Development Infrastructure (Items 1, 2, 3) Development Engineer (Items 1 and 3) Senior Landscape Architect (Item 2) Development Assessment Officer (1)
<b>Record Keeping</b> s5.46(3)	Evidence of approvals to be kept in appropriate register.
<b>Compliance Links</b>	Local Government Act 1995

**CITY OF ROCKINGHAM**  
**Delegated Authority**  
**Chief Executive Officer to Other Employees**



<b>5.3.3</b>		<b>APPROVED SUBDIVISIONS</b>	
<b>Date Adopted/Reviewed:</b>			
<u>Adopted</u>		<u>Reviewed</u>	
28 June 2011	Item ES-020/11	24 July 2012	Item GCS-009/12
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		18 January 2016	Corrected CEO Conditions
		27 September 2016	Item GMS-018/16
		17 January 2017 – Amended Landscape Architect to Senior Landscape Architect	
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18
		10 October 2018 amend position title from Development and Traffic Engineering to Development Engineer	
		27 August 2019	Item GM-018/19 Amend title to Development Engineer

SIGNATURE:   
 Chief Executive Officer

DATE: 11 September 2019