

Legislation: *Planning and Development Act 2005 (s16)*
Title: *DEL 2011/01 Powers of local governments (Hope Valley-Wattleup Redevelopment Act 2000)*
Resolution Date: *25 /1 /2011* Gazettal Date: *4/2/2011* File: *801-2-1-22 P10*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2011/01 POWERS OF LOCAL GOVERNMENTS (HOPE VALLEY-WATTLEUP REDEVELOPMENT ACT 2000 AND MASTER PLAN)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the *Hope Valley-Wattleup Redevelopment Act 2000* and the *Hope Valley-Wattleup Master Plan*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 25 January 2011, pursuant to section 16 of the Act, the WAPC RESOLVED:

- A TO DELEGATE to certain local governments, to officers of those local governments, to the Statutory Planning Committee and the Chairman of the WAPC, and to officers of the Department of Planning (DoP) from time to time holding or acting in those offices, as set out in column 2 of the attached Schedule, its powers and functions under the *Hope Valley-Wattleup Redevelopment Act 2000* and in respect of the *Hope Valley-Wattleup Master Plan* as specified in column 1 of the attached Schedule, within their respective districts as specified in column 3 of the attached Schedule.

Tony Evans, Secretary
Western Australian Planning Commission

PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

Schedule 1

<p>Column 1 (Powers and functions delegated)</p>	<p>Column 2 (Local Government and officers, WAPC committee and Chairman, and DoP officers)</p>	<p>Column 3 (Conditions)</p>
<p>1.1. Power to determine applications for development approval as set out in Part 4 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and Part 10 and Part 11 of the <i>Hope Valley-Wattleup Master Plan</i> except where:</p> <p>(a) the land is reserved for a public purpose in the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(b) the decision to refuse or approve with or without conditions would be contrary to the recommendation of the Western Australian Land Authority in its submission on the application made pursuant to clause 11.1 of the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(c) the WAPC has advised the local government in writing that the application is to be determined by the WAPC; or</p> <p>(d) the local government decides to forward the application to the WAPC for the WAPC's determination.</p> <p>1.2. Power to amend or revoke a planning approval previously granted by the local government under delegated power, as set out in clause 9.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.3. Power to grant approval to unauthorised existing development or use as set out in clause 9.3 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.4. Power to authorise any of the local government's employees to enter a building or land for the observance of the Master Plan as set out in clause 12.1.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.5. Power to issue a written notice under clause 12.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.6. Power to defend and otherwise deal with reviews lodged with the State Administrative Tribunal under section 29 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and to appeal, defend, respond and otherwise deal with any legal proceedings as it relates to this notice of delegation affecting the Hope Valley-Wattleup Redevelopment Area.</p> <p>1.7. Power to issue a written notice under section 31(1) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p> <p>1.8. Power under section 31(6) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> to take steps to remove, pull down, take up or alter any unlawful development, and recover the costs incurred in so doing.</p> <p>1.9. Power to commence and undertake a prosecution for an offence committed under section 25 or section 31 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p>	<ul style="list-style-type: none"> • Council of the City of Cockburn • Chief Executive Officer, City of Cockburn • Director of Planning and Development, City of Cockburn • Manager of Statutory Planning, City of Cockburn <ul style="list-style-type: none"> • Council of the Town of Kwinana • Chief Executive Officer, Town of Kwinana • Director of Operational and Technical Services, Town of Kwinana • Manager of Planning and Development, Town of Kwinana 	<p>Confined to land within the City of Cockburn</p> <p>Confined to land within the Town of Kwinana</p>

<p>1.10 Power to advise a local government in writing in the circumstance of 1.1(c) of this delegation that an application is to be determined by the WAPC.</p>	<ul style="list-style-type: none"> • Statutory Planning Committee of the WAPC • Chairman of the WAPC • Director General, DoP 15135.1 • Executive Director, Peel, Perth and South West Planning and Strategy, DoP 15196.1 	<p>City of Cockburn and Town of Kwinana</p>