

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/14 Powers of local governments (Ningaloo Coast RIDO 2007)*

Resolution Date: *16/12/2008*

Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to local governments gazetted 12/10/2007*

*Planning and Development Act 2005*

INSTRUMENT OF DELEGATION

DEL 2008/14 POWERS OF LOCAL GOVERNMENTS (NINGALOO COAST RIDO 2007)

**Notice of delegation to local governments of development control powers of the Western Australian Planning Commission relating to the Ningaloo Coast Regional Interim Development Order 2007**

**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 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its functions under the Ningaloo Coast Regional Interim Development Order 2007 (the Order) as specified in column 1 of the schedule to local governments and to members and officers of those local governments specified in column 2 of the schedule, in respect of land described in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 12 October 2007 (pages 5532-5533).

WAYNE WINCHESTER, Secretary,  
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Local Government)	Column 3 (Land)
<p>Power to determine an application made under Part 3 of the Order in accordance with the procedure set out in Part 4 of the Order except—</p> <p>(i) where the WAPC, by notice in writing in each case, advises the local government that it is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; and</p> <p>(ii) where the local government is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest.</p> <p>The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local district under the local planning scheme.</p>	<ul style="list-style-type: none"> <li>• Shire of Carnarvon</li> <li>• Shire of Exmouth</li> </ul>	<p>Applies to applications for development of land defined in—</p> <ul style="list-style-type: none"> <li>• Map 1 Area of Delegation (Carnarvon)</li> <li>• Map 2 Area of Delegation (Exmouth)</li> </ul>