

DELEGATION OF AUTHORITY

DEVELOPMENT APPLICATIONS FOR NON-RESIDENTIAL DEVELOPMENT

Function to be performed:

To determine development applications for non-residential development as follows:

1. Grant approval for applications in the following circumstances:
 - 1.1 where the application is listed a permitted or discretionary use in the relevant zone of the local planning scheme;
 - 1.2 where the application is for a use which is not specifically mentioned in any of the zoning table(s) of the local planning scheme;
 - 1.3 where the application is on a land reserved in the local planning scheme;
 - 1.4 where the application is a non-conforming use in the local planning scheme;
 - 1.5 where the application is for the approval of a building envelope, the removal of trees and vegetation, and/or the removal of a tree on the Significant Tree Register that is dead or constitutes an immediate threat to life or property.
 - 1.6 where the application is for a building or place on the Register of Heritage Places under the Heritage of Western Australia Act 1990 or the Heritage List, acting under the advice and recommendations of the State Heritage Office, except for demolition.
 - 1.7 the erection or installation of signage;

and to impose any condition, as may be seen fit, in order for the development to relate to the proper and orderly planning of the locality.

This delegation is subject to:

- a) the application meeting the development standards required under the relevant local planning scheme, structure plan, activity centre

	<p>plan, local development plan or local planning policy; or</p> <p>b) where an application is required to be advertised, due to the proposed development seeking to vary the development standards required under the relevant local planning scheme, structure plan, activity centre plan, local development plan or local planning policy, and no submission(s) have been received on relevant matters that can be considered in making a determination for an application for development approval.</p> <p>2. To refuse to grant approval in the following circumstances:</p> <p>2.1 where the application is a use not permitted in the local planning scheme;</p> <p>2.2 where the application seeks variations under the discretionary provisions of the relevant local planning scheme, structure plan, activity centre plan, local development plan or local planning policy which are not in keeping with the proper and orderly planning of the locality;</p> <p>and to set out any refusal reasons as may be seen fit, in order to maintain the proper and orderly planning of the locality.</p> <p>3. To amend or cancel a development approval, subject to the original determination having being determined under the circumstances listed above.</p> <p>The above provision includes applications determined by the relevant Development Assessment Panel, where the Responsible Authority Report was prepared and endorsed under delegation.</p>
Delegator:	Council of the City of Mandurah
Delegate:	Chief Executive Officer
Sub-delegation to:	<p>Director Sustainable Communities</p> <p>Executive Manager Development and Compliance</p> <p>Manager Planning and Land Services</p> <p>Coordinator Approvals</p> <p>Senior Town Planner</p>
Express Power to Delegate/Sub-Delegate:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <p>Schedule 2 Deemed provisions for local planning schemes</p> <p>c.82 Delegations by local government</p>

	c.83 Local government CEO may delegate powers
Express Power or Duty Delegated:	<i>Planning and Development (Development Assessment Panels) Regulations 2011:</i> r.17A Amendment or cancellation of development approval
Conditions and Exceptions:	N/A
Duration of delegation:	Until next annual review
Origin of Delegation:	Minute G.23/12/01, 12 December 2001
Delegation last reviewed:	Minute G.18/6/19, 25 June 2019
Sub-delegation last amended:	27 September 2019