



General authority —

Version 2: 1 July 2008

Evidence of resource entitlement for roads

Development applications **NOT** provided for by this general authority must be referred to the local office of NRW for evidence required under the *Integrated Planning Act 1997* (IPA) and Integrated Planning Regulation 1998 (IPA Reg).

Examples of such development applications on **local roads** that need to be referred to NRW include

- a. for vegetation clearing development applications;
 - b. sewerage or water not/not to be the property of local government; or
 - c. other private uses of roads, including where a permit to occupy, or a temporary or permanent closure of the road, will be needed under the provisions of the *Land Act 1994*.
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This general authority¹ relates **only** to development applications (**other than for vegetation clearing**) under IPA WHERE the road is under the **control of local government**; AND

- for uses² —
 - for road purposes; OR
 - consistent with a road; OR
 - which may be regulated by local government under a local law³; OR
 - of a shop/building awning:
 - providing a public service only i.e. NOT used for commercial benefit; AND
 - constructed and maintained in accordance with local government requirements, **but excluding** a hotel veranda, a balcony or part of a roof, a facade or architectural designs

AND satisfies the requirement of section 3.2.1(5) of IPA and section 12 and Item 8 of Schedule 10 State resources of the IPA Reg that a development application as listed above relating to the resource of land that is road (under the control of local government) is supported by evidence that the chief executive administering the *Land Act 1994* is satisfied that the development application may proceed in the absence of an allocation of, or an entitlement to, the resource.

WHERE applicable, a **copy** of this general authority may be used as evidence⁴ for the relevant items of Form 1, Part A of IPA development applications⁴.

Power exercised: to conduct the public business of the State

Greg Coonan

Director, State Land Asset Management a duly authorised delegate of the Chief Executive under the current Land Act (Chief Executive) Delegation

¹ Ground anchors are specifically excluded from this general authority

² Examples of such uses (traditionally associated with the use of a road include):

- *development for road purposes*, including for streetscape, kerb and channelling, and public infrastructure such as drainage, sewage and water supply that is/will become the property of the local government (**note: drainage, sewerage and water supply other than a local government facility are excluded**)
- *crossovers/driveways for access across road* to the adjoining land, being a use consistent with a road
- *uses which may be regulated by a local law* such as—
 - *advertising signs*, including, but not limited to, identi-lights and signs on public structures such as bus shelters and telephone boxes, but excluding freestanding (**fixed**) signs.
 - *outdoor dining* to which the public has unrestricted access, with no fixed improvements UNLESS part of the streetscape, and tables and chairs, etc. are removed each day after trading
 - *street markets*
 - *sugar cane tramways*
- *a shop/building awning* providing the public with protection from the elements.

³ A local law may not regulate development, but may license the use and occupation of the road by the holder of an approved development permit, and therefore authority (“tenure”) under the *Land Act 1994* is not required.

⁴ ***In the later assessment*** of the development application under IPA, the application may need to be referred to other agencies, including NRW, as a referral (concurrence and/or advice) agency. - the applicant acknowledges that this general authority does not constitute a development approval nor implies that such a development approval will be subsequently granted.