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PLANNING AND DEVELOPMENT ACT 2005

**DELEGATION TO OFFICERS OF
CERTAIN POWERS AND
FUNCTIONS OF THE WESTERN
AUSTRALIAN PLANNING
COMMISSION**

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Delegation to officers of certain powers and functions of the
Western Australian Planning Commission

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 member, committee or officer of the WAPC or to a public authority or a member or officer of a public authority.

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 s16 of the Act (delegation)

On 20 September 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate its powers and functions as set out in column 1 of the attached Schedules to officers of the WAPC and the person or persons from time to time holding or acting in the offices in the department charged with the administration of the *Planning and Development Act 2005*, as specified in column 2 of the attached Schedules, subject to the conditions specified in column 3 of the attached Schedules;
- B. To revoke its delegation of powers and functions, as detailed in the Schedules to the Instrument of Delegation entitled “Delegation to officers of certain powers and functions of the Western Australian Planning Commission” published in the *Government Gazette* on 16 October 2015 (Pages 4161-4182) and as subsequently amended;
- C. To revoke its delegation of powers and functions, as detailed in Schedule 1 of the Instrument of Delegation titled “DEL 2008/10 Powers of Officers (Hope Valley—Wattleup) published in the *Government Gazette* on 19 December 2008 (page 5439) and as subsequently amended;
- D. To publish notice of its powers and functions outlined in the schedules below, under section 16(2) of the *Planning and Development Act 2005* to give effect to this resolution.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Schedules—Delegation of Powers and Functions

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|-------------------------|--|---|---|
| | SCHEDULE 1—Powers and functions regarding State Planning Policies, the preparation and amendment of local planning schemes and strategies under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (“The LPS Regulations”) and as deemed to apply by virtue of Schedules to the LPS regulations, structure plans and related plans and interim development orders under the Act | | |
| | State Planning Policies | | |
| State Planning Policies | 1.1. With prior approval or direction of the Minister, power to amend State Planning Policies pursuant to s31 of the Act. 1.2. With prior approval or direction of the Minister or Commission, power to undertake consultation and advertising as outlined in s28 of the Act. | <ul style="list-style-type: none"> • Chairman of the WAPC | Delegation 1.1 is limited to administrative amendments that do not affect the substantive policy. |
| | General delegations | | |
| | 1.3. Power to amend the manner and form by which any— a. documents are provided to the WAPC; b. maps are prepared; c. submissions are made; d. notices are published; and e. reports are made; under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (“ <i>The LPS Regulations</i> ”), including the power to amend the manner and form by which compensation, under the <i>Planning and Development Act 2005</i> , is applied for. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | Limited to amendments of an administrative nature. |
| | 1.4. Power to amend a timeframe, or stipulate a date, under the <i>LPS Regulations</i> , where such power is conferred upon the WAPC. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | Excluding any timeframe under Part 6 of the <i>LPS Regulations</i> . |
| | 1.5. Power to endorse— a. Under r32 of the LPS Regulations a local planning scheme; b. Under r63 of the LPS Regulations an amendment to a local planning scheme. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning. | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | <p>1.6. power under r67 of the <i>LPS Regulations</i> to decide whether the Commission—</p> <p>a. agrees or disagrees with the recommendations contained in a report submitted to it under r66 of the <i>LPS Regulations</i>; and</p> <p>b. notify the local government of this decision.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Land Use Planning | <p>Confined to matters where the recommendations of the local government can be objectively supported.</p> |
| Local planning strategies | | | |
| | <p>1.7. Power to perform the functions and exercise the powers of the WAPC pursuant to—</p> <p>a. r15 (1) (a) and (b) of the <i>LPS Regulations</i> to endorse a local planning strategy;</p> <p>b. r15 (1) (c) of the <i>LPS Regulations</i> to require modifications to a local planning strategy.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Manager, Schemes and Amendments, Land Use Planning | <p>Provided that the endorsement, or the modification required thereto—</p> <ul style="list-style-type: none"> • is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>; and |
| | <p>1.8. Power to perform the functions and exercise the powers of the WAPC pursuant to r17 of the <i>LPS Regulations</i>—</p> <p>a. to endorse the amendment to a local planning strategy;</p> <p>b. to require modifications to the amendment to the local planning strategy.</p> | | <ul style="list-style-type: none"> • the approval does not significantly depart from the local government's treatment of submissions received. |
| Local planning schemes | | | |
| <i>Preparation or adoption of a local planning scheme</i> | | | |
| | <p>1.9. Power under r21(4) of the <i>LPS Regulations</i> to advise if any modifications are required to a draft local planning scheme before it is advertised.</p> <p>1.10. Power under r37(4) of the <i>LPS Regulations</i> to advise if modifications are required to a complex amendment to a scheme, before it is advertised.</p> <p>1.11. Power under r42(3) and r51(3) of the <i>LPS Regulations</i> to grant consent to advertise modifications to a local planning scheme.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Manager, Schemes and Amendments, Land Use Planning | <p>Provided that the material is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>.</p> <p>Does not apply to such instruments which will exclude or vary a model provision under s257A <i>Planning and Development Act 2005</i>.</p> |
| | <p>1.12. Power, under r29 of the <i>LPS Regulations</i>, to consider and make recommendations to the Minister on the scheme documents submitted to the WAPC under r28.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC | <p>Provided the recommendation would be—</p> <ul style="list-style-type: none"> • consistent with the objectives and intent of any policies (if any) of |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|--|--|---|--|
| | | | <p>the WAPC and any applicable <i>State Planning Policies</i>; and</p> <ul style="list-style-type: none"> • the recommendation does not substantially modify the local government's treatment of any submissions received. <p>Excludes the power to recommend the Minister refuses approval to what is sought.</p> <p>Does not apply to such schemes which will exclude or vary a model provision under <i>s257A Planning and Development Act 2005</i>.</p> |
| <i>Amending a local planning scheme</i> | | | |
| | <p>1.13. Power, under r36 of the <i>LPS Regulations</i>, to provide advice as to the classification of an amendment to a local planning scheme.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Manager, Schemes and Amendments, Land Use Planning | |
| <i>Complex amendments</i> | | | |
| | <p>1.14. Power, under r45 of the <i>LPS Regulations</i>, to consider and make recommendations to the Minister on the complex scheme amendment documents submitted to the WAPC under r44.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC | <p>Provided the recommendation would be—</p> <ul style="list-style-type: none"> • consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>; and • the recommendation does not substantially modify the local government's treatment of any submissions received. <p>Excludes the power to recommend the Minister refuses approval to what is sought.</p> <p>Does not apply to such amendments which will exclude or vary a</p> |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | | | model provision under s257A <i>Planning and Development Act 2005</i> . |
| Standard amendments | | | |
| | 1.15. Power under r54 of the <i>LPS Regulations</i> , to direct that a standard amendment be treated as a complex amendment and re-advertised accordingly. | <ul style="list-style-type: none"> • Chairman of the WAPC • Planning Directors, Land Use Planning | |
| | 1.16. Power, under r55 of the <i>LPS Regulations</i> , to consider and make recommendations to the Minister on the standard scheme amendment documents submitted to the WAPC under r53. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | <p>Provided the recommendation would be—</p> <ul style="list-style-type: none"> • consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>; and • the recommendation does not substantially modify the local government's treatment of any submissions received. <p>Excludes the power to recommend the Minister refuses to approval to what is sought.</p> <p>Does not apply to such amendments which will exclude or vary a model provision under s257A <i>Planning and Development Act 2005</i>.</p> |
| Basic amendments | | | |
| | 1.17. Power under r 59 of the <i>LPS Regulations</i> , to direct that a basic amendment be treated as a standard or complex amendment and re-advertised accordingly. | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| | 1.18. Power, under r60 of the <i>LPS Regulations</i> , to consider and make recommendations to the Minister on the basic scheme amendment documents submitted to the WAPC under r58. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | <p>Provided the recommendation would be—</p> <ul style="list-style-type: none"> • consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>; and • the recommendation does not substantially |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|--|--|--|--|
| | | | <p>modify the local government's treatment of any submissions received.</p> <p>Excludes the power to recommend the Minister refuses to approval to what is sought.</p> <p>Does not apply to such amendments which will exclude or vary a model provision under s257A <i>Planning and Development Act 2005</i>.</p> |
| Provisions deemed to apply to Local Planning Schemes | | | |
| <i>Schedule 2—deemed provisions in local planning schemes</i> | | | |
| <i>This section relates to where a power or function is conferred upon the WAPC by virtue of a provision deemed to apply to a local planning scheme under Schedule 2 of the LPS Regulations.</i> | | | |
| | 1.19. Power to approve amendments to the manner and form by which structure plans, activity centre plans and local development plans are prepared. (cl16) (cl32) (cl48) | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| | 1.20. Power to specify what information or material must be included in structure plans or activity centre plans, or, to agree to information, different to that prescribed, being included. (cl16) (cl32) | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| | 1.21. Power to agree to the advertising of a proposed local planning policy, (or amendment thereto) in a manner different to that prescribed. (cl4) | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | 1.22. Power to determine that a structure plan, an activity centre plan or a local development plan (or amendment thereto) is required for the purposes of orderly and proper planning. (cl15(c)) (cl 31(b)) (cl47(d)) | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | The proposal is to be consistent with the definition of a Structure Plan, Activity Centre Plan and/or Local Development Plan. (cl14, cl30, cl46) |
| | 1.23. Power to approve the advertising of modifications to a structure plan or an activity centre plan, on more than one occasion. (cl19), (cl35) | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | <p>1.24. Power to consider reports on an activity centre plan or structure plan submitted to the WAPC and to—</p> <p>a. approve the instrument; or</p> <p>b. require modifications to the instrument and its resubmission to the WAPC.</p> <p>This clause applies equally to amendments to such instruments. (cl22, cl38)</p> <p>1.25. Power to determine the proposed activity centre plan or structure plan, or amendment thereto, must be readvertised, if major modifications have been made to it since it was advertised. (cl22 (2), cl38 (2))</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | <p>Provided that the approval or modification required is—</p> <ul style="list-style-type: none"> • consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>; and • the approval does not significantly depart from the local government's recommendations provided (if any). <p>Excludes the power to refuse approval.</p> |
| | <p>1.26. Where, pursuant to cl22 (1)(b) or cl38 (1)(b), the WAPC (or one of its subcommittees) requires a proposed structure plan or activity centre plan to be modified and then resubmitted for approval, power to approve the modified plan, provided it has been modified as specified by the WAPC or its subcommittee.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>1.27. Power to direct a local government to provide further services or further information in relation to the assessment of a structure plan, an activity centre plan or an amendment thereto. (cl23, 39)</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>1.28. Power to determine that an amendment to a structure plan or activity centre plan is of a minor nature, and therefore no advertising is required. (cl29(3), cl45(3))</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| | <p>1.29. Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| <i>Layout Plans under SPP 3.2</i> | | | |
| | 1.30. Power to provide comment on, and approve, a layout plan which requires the approval or endorsement of the WAPC pursuant to the provisions of <i>State Planning Policy 3.2 Aboriginal Settlements</i> . | <ul style="list-style-type: none"> • Director, Aboriginal Programs and Policy • Planning Directors, Land Use Planning | |
| <i>Interim Development Orders</i> | | | |
| | 1.31. Power to recommend to the Minister for Planning that approval be granted or withheld with respect to Interim Development Orders and extensions thereto made or extended pursuant to section 102 of the Act. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | All decisions and planning regions. |

SCHEDULE 2—Powers regarding subdivision applications and other applications under Part 10 of the Act

| | | | |
|---------------------------------|--|--|--|
| Subdivision applications | <p>2.1. Power to determine all applications to the WAPC under Part 10 of the Act where such determination is in accordance with the objectives and intent of any policies (if any) of the WAPC and with s138 of the Act.</p> <p>2.2. Power, with respect to applications to the WAPC under Division 2 of Part 10 of the Act determined by or on behalf of the WAPC, to advise applicants that a revised plan of subdivision is considered to contain amendments that are minor and not so significant so as to amount to a significantly different proposal in circumstances where a revised plan does not materially affect the decision given by or on behalf of the WAPC.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | All decisions and planning regions. |
| | <p>2.3. Power to determine applications/ requests made under section 144(2) or 151 of the Act when—</p> <ol style="list-style-type: none"> a. the original decision was made under delegation; and b. the recommendation is to approve the application/request. <p>2.4. Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.</p> | <ul style="list-style-type: none"> • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | Excludes the power to refuse approval. |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | 2.5. In accordance with section 153 of the Act, power to grant approval for an applicant to pay to the relevant local government a sum of money in lieu of land being set aside for public open space that represents the value of that portion in circumstances where the WAPC has approved a plan of subdivision upon the condition that such land be set aside for public open space. | | |
| POS funds | 2.6. Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy. | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Land Use Planning | |
| Swan River Trust | 2.7. Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the <i>Swan and Canning Rivers Management Act 2006</i> where the determining authority is the WAPC. | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| Swan Valley | 2.8. Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan Valley Planning Committee in whole or in part in relation to the approval of development of land within the Swan Valley Planning Act Area where the determining authority is the WAPC, in accordance with section 40(4) of the Act. | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| PCAs | 2.9. Power pursuant to s113 of the Act to revoke a declaration concerning a planning control area. | <ul style="list-style-type: none"> • Chairman of the WAPC | Subject to Minister's prior approval. |
| | 2.10. Power to determine applications for approval to commence and carry out development in a planning control area, but only where the development proposed— a. is consistent with the purpose for which the | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | <p>planning control area was established; or</p> <p>b. is incidental to development on land adjoining the planning control area.</p> | | |
| SCHEDULE 3—Powers under other legislation | | | |
| Strata Titles, Liquor licences, Land Administration Act, Perry Lakes, certain redevelopment matters | <p>3.1. Power to determine applications and other matters lodged with the WAPC for decision under the provisions of the <i>Strata Titles Act 1985</i> or the provisions of any strata or survey-strata scheme where any such determination is in accordance with the objectives and intent of any policies (if any) of the WAPC.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>3.2. Power to issue a certificate in accordance with section 40 of the <i>Liquor Control Act 1988</i>.</p> <p>3.3. Power pursuant to sections 52 and 85 of the <i>Land Administration Act 1997</i> to approve plans of survey where in accordance with the objectives and intent of any policies (if any) of the WAPC.</p> | <ul style="list-style-type: none"> • Planning Administration Manager • Planning Directors | <p>The delegation to the Planning Administration Manager is confined to power identified in clause 3.2 of Column 1.</p> |
| | <p>3.4. Authority to advise the Minister for Planning when the Minister undertakes the role of the WAPC in relation to the approval of the lease or subdivision of land pursuant to Part 10 of the <i>Planning and Development Act 2005</i>, within areas the subject of a redevelopment act and planning scheme and under the control of a redevelopment authority.</p> <p>3.5. Power to determine applications for development approval made under Division 5 of Part 3 of the <i>Perry Lakes Redevelopment Act 2005</i> but only where those determinations are not inconsistent with an approved redevelopment plan that relates to the land.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>3.6. Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance</p> | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning • Planning Administration Manager, | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | with any applicable policy and legislation. | <ul style="list-style-type: none"> • Planning Administration Team Leader • Planning Administration, Support Officer | |
| EPA matters | 3.7. Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the <i>Environmental Protection Act 1986</i> and to refer such proposal to the Environmental Protection Authority. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| MRA matters | <p>3.8. Power to provide written submissions to the Metropolitan Redevelopment Authority on any draft redevelopment scheme, or amendment to a redevelopment scheme, submitted to the WAPC in accordance with section 39 of the <i>Metropolitan Redevelopment Act 2011</i>.</p> <p>3.9. Power to make a recommendation to the Minister for Planning on any draft redevelopment scheme, or amendment to a redevelopment scheme, provided to the WAPC in accordance with section 46 of the <i>Metropolitan Redevelopment Act 2011</i>.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | |
| SCHEDULE 4—Power to endorse documents | | | |
| Signing Plans and Documents under PDA | 4.1. Power to endorse the following classes of approval that may be granted pursuant to Part 10 of the Act— | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | |
| | <p>a. diagrams and plans of survey and deposited plans submitted in accordance with an earlier approved plan of subdivision or amalgamation; and</p> <p>b. any other documents relating to leases, licences, transfers, conveyances and mortgages, easements, memorials on title and other dealings in land, submitted for formal endorsement, subject to prior compliance with all relevant conditions (if any) affixed as a condition of approval or waiver of conditions pursuant to 4.4.</p> | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | 4.2. Power to endorse documents listed in delegation 4.1, where the WAPC is requested to consider variations to the earlier approved plan of subdivision or amalgamation. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | Variations are to be in keeping with the purpose and intent of WAPC policy, and to be consistent with the principles of orderly and proper planning. |
| Strata title matters and approval of conditions | <p>4.3. Power pursuant to section 25B of the Strata Titles Act 1985 to endorse survey-strata plans or plans or re-subdivision or consolidation for a survey-strata scheme submitted for formal endorsement, subject to prior compliance with all relevant conditions (if any) affixed as a condition of approval.</p> <p>4.4. Power to clear conditions affixed as conditions of approval with respect to the classes of approval set forth in 4.1, 4.2 and 4.3.</p> | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Land Administration Act | 4.5. Power to sign diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the <i>Land Administration Act 1997</i> | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| SCHEDULE 5—Enforcement and legal proceedings | | | |
| Appeals | <p>5.1. Power to advise the Minister for Planning on any appeal, review or matter arising therefrom pursuant to Part 14 of the Act.</p> <p>5.2. Power to defend and otherwise deal with matters lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.</p> <p>5.3. Power to consider and determine a request for reconsideration ordered by the State Administrative Tribunal pursuant to s31 of the <i>State Administrative Tribunal Act 2004</i></p> <p>5.4. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning • Director, Planning Appeals | Managers and Principal Planning Officers may only exercise this delegation within the jurisdiction of the State Administrative Tribunal and the director to whom they report must be fully informed of the proceedings at all times. |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|---|---|--|---|
| | 5.5. Power to exercise all functions of the WAPC as set out in Part 13 of the Act. | | |
| SCHEDULE 6—Powers under the Metropolitan Region Scheme | | | |
| Approval of DA's and Plans under MRS | <p>6.1. Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of the Metropolitan Region Scheme (MRS) but only where those determinations are in accordance with the objectives and intent of any policies (if any) of the WAPC.</p> <p>6.2. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of the MRS and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the MRS have been complied with.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| EPA | 6.3. Power to determine whether or not proposals and the ongoing implementation of the MRS comply with conditions (if any) applied pursuant to sections 48F and 48J of the <i>Environmental Protection Act 1986</i> . | | |
| Calls ins under the MRS | 6.4. Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under clause 32 of the MRS requiring such determination. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | |
| Cl. 32 | 6.5. power to determine minor amendments to the boundary delineating an area, the subject of a resolution under clause 32 of the MRS. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | The exercise of this power must not change the resolution of the WAPC in a substantial way. This delegation is intended to be used to make minor changes, if required, to a cl32 resolution, to give better effect to the intention of the original resolution. |
| Cl. 42 cert's | 6.6. Power to issue Clause 42 Certificates pursuant to the provisions of the MRS. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Information Capture Manager • Region Scheme Coordinator | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| Public housing DA's | 6.7. Power to determine applications for approval of the development of public housing where such applications are made pursuant to the provisions of the MRS, even if the relevant local government does not recommend support for an application, or the local government does not provide a recommendation within the specified time period. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| SCHEDULE 7—Powers under the Peel Region Scheme | | | |
| | <p>7.1. Power to determine applications for approval to commence and carry out development submitted or referred to the WAPC pursuant to the provisions of the Peel Region Scheme but only where—</p> <p>a. no response has been received from the local government within the period prescribed in clause 30(3) of the Peel Region Scheme;</p> <p>b. The determination is consistent with the recommendations made by the local government; or</p> <p>c. such determination would be inconsistent with the recommendation made by local government, but would accord with the objectives and intent of any policies (if any) of the WAPC.</p> <p>7.2. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of the PRS and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the Peel Region Scheme have been complied with</p> <p>7.3. Power to endorse management plans for the purposes of Clause 19(e)(iv) of the Peel Region Scheme.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| EPA | 7.4. Power to determine whether or not proposals and the ongoing implementation of the Peel Region Scheme comply with | | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|-------------------------------|---|---|---------------------|
| | the conditions applied pursuant to section 48F and 48J of the <i>Environmental Protection Act 1986</i> . | | |
| Call ins under the PRS | <p>7.5. In relation to a resolution of the WAPC made under clause 21 of the Peel Region Scheme, power to determine whether or not applications to commence and carry out development are of state or regional significance, or in the public interest.</p> <p>7.6. In relation to a resolution of the WAPC made under clause 21 of the Peel Region Scheme, power to determine whether or not a proposed development in the Rural zone requires planning approval for the following reasons—</p> <ol style="list-style-type: none"> a. development which abuts and has access to a regional reservation has the potential to significantly increase traffic; b. development in a special control area may conflict with the purposes of the special control area; c. development in the Rural zone may not be consistent with the purposes of the Rural zone. | | |
| Extension of time | 7.7. Power to approve a request received pursuant to clause 37(2) of the Peel Region Scheme for an extension of the term during which planning approval remains valid. | | |
| Cl. 47 cert's | 7.8. Power to issue Clause 47 Certificates pursuant to the provisions of the Peel Region Scheme. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Region Scheme Coordinator • Information Capture Manager | |
| Public housing DA's | 7.9. Power to determine applications for approval of the development of public housing where such applications are made pursuant to the provisions of the Peel Region Scheme, and the relevant local government does not recommend support for an application, or the local government does not provide a recommendation within the specified time period. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| SCHEDULE 8—Powers under the Greater Bunbury Region Scheme | | | |
| Approval of DA's or plans | <p>8.1. Power to determine applications for approval to commence and carry out development submitted or referred to the WAPC pursuant to the provisions of the Greater Bunbury Region Scheme (GBRS) but only where—</p> <p>a. no response has been received from the local government within the period prescribed in clause 36(3) of the GBRS;</p> <p>b. The determination is consistent with the recommendations made by the local government; or</p> <p>c. such determination would be inconsistent with the recommendation made by local government, but would accord with the objectives and intent of any policies (if any) of the WAPC.</p> <p>8.2. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of the GBRS and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the GBRS have been complied with.</p> <p>8.3. Power to endorse management plans for the purposes of Clause 25 (f) (v) of the GBRS.</p> <p>8.4. Power to amend planning approval granted on behalf of the WAPC for the purposes of Clause 30 of the GBRS.</p> <p>8.5. Power to approve written requests for the extension of the term of planning approval at any time prior to the expiry of a planning approval pursuant to s43 (2) of the GBRS for a maximum of a further two years only.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| EPA | <p>8.6. Power to determine whether or not proposals and the ongoing implementation of the GBRS comply with the conditions applied pursuant to section 48F and 48J of the <i>Environmental Protection Act 1986</i>.</p> | | |
| Call ins under the GBRS Call in powers | <p>8.7. In relation to a resolution of the WAPC made under clause 27 of the GBRS, power to determine whether or not applications to commence and carry out development are of state or regional significance, or in the public interest.</p> <p>8.8. In relation to a resolution of the WAPC made under cl 27 of the GBRS, power to determine whether or not a proposed development requires planning approval for the following reasons—</p> <ol style="list-style-type: none"> a. development which abuts and has access to a regional road reservation has the potential to significantly increase traffic; b. development in a special control area may conflict with the purposes of the special control area; c. development in, adjacent to or in close proximity to a policy area is potentially incompatible with the intended activities in the policy area or would be adversely affected by, or would adversely affect, those activities; d. development is sufficiently close to a policy area for the effects of activities in the policy area to be likely to adversely affect the proposed use and/or for the effects of the development to be likely to adversely affect uses in the policy area; e. development in the rural zone may not be consistent with the purposes of the rural zone. | | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|--|---|--|--|
| Extension of time | 8.9. Power to extend the period during which a local government is required to forward its recommendations to the WAPC under clause 36 of the GBRs. | | |
| Cl. 53 cert's | 8.10. Power to issue Clause 53 Certificates pursuant to the provisions of the GBRs. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Information Capture Manager • Region Scheme Coordinator | |
| Public housing DA's | 8.11. Power to determine applications for approval of the development of public housing where such applications are made pursuant to the provisions of the GBRs, and the relevant local government does not recommend support for an application, or the local government does not provide a recommendation within the specified time period. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| | 8.12. Power to submit to the Minister for Planning, after consultation with the Chairperson, the material contemplated by s48(1) (c)-(e) of the Act. 8.13. Power to submit to the Minister for Planning, after consultation with the Chairperson, the material contemplated in s59 of the Act concerning a minor amendment of a region scheme. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | Amendments are to generally conform with the scope and nature of that proposed by the WAPC in its resolution determining that the scheme be amended. |
| SCHEDULE 9—Miscellaneous powers | | | |
| | 9.1. Power to make arrangements for the acquisition of land and the conveyance, assignment, transfer, subdivision, amalgamation and development of WAPC property. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Business and Corporate Services • Manager, Strategic Property Unit | |
| | 9.2. Power to make arrangements for the leasing of WAPC property including the determination of rents in accordance with established WAPC practice. | <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Services • Manager, Strategic Property Unit • Property Operations Manager | Function to be exercised having due regard to published WAPC policy. |
| | 9.3. The calling of tenders, the awarding of contracts, and the appointment of consultants pursuant to section 15 of the Act, for activities to which a budget has been approved and allocated by the WAPC and subject to compliance in each case with State Supply Commission procedures. | <ul style="list-style-type: none"> • Chairman of the WAPC | Subject to a limitation equivalent to the Project Planning Contingency Fund established under the SDA for any financial year. Function to be exercised having due regard to published WAPC policy. <i>(amendment 1 April 2016)</i> |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|-------------------|---|---|---|
| | <p>9.4. Such powers and functions of the WAPC that may be lawfully undertaken relating to the acquisition and development, of land under the Metropolitan Region Scheme, the Peel Region Scheme and the Greater Bunbury Region Scheme for the purpose of carrying out and giving effect to those Schemes, including—</p> <p>a. the payment of capital expenditure, costs and other expenses incurred in connection with the acquisition of any property under any provisions of those Schemes;</p> <p>b. the carrying out of works and provision of public facilities thereon as may be necessary for the use and maintenance of the land for which it may be reserved.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General <hr/> <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Services • Assistant Director General, Strategy and Engagement • Assistant Director General, Land Use Planning <hr/> <ul style="list-style-type: none"> • Manager, Strategic Property Unit | <p>Must have due regard to published WAPC policy and the current terms of the SDA.</p> <p>Does not apply to any matter that involves—</p> <ol style="list-style-type: none"> 1. expenditure in excess of \$1,000,000 (one million dollars); 2. the exchange of or disposal of land owned by the WAPC; or 3. the resumption of land by the WAPC for a public purpose. <hr/> <p>Must have due regard to published WAPC policy and the current terms of the SDA.</p> <p>Does not apply to any matter that involves—</p> <ol style="list-style-type: none"> 1. expenditure in excess of \$500,000 (five hundred thousand dollars); 2. the exchange of or disposal of land owned by the WAPC; or 3. the resumption of land by the WAPC for a public purpose. <hr/> <p>Must have due regard to published WAPC policy and the current terms of the SDA.</p> <p>Does not apply to any matter that involves—</p> <ol style="list-style-type: none"> 1. expenditure in excess of \$500,000 (five hundred thousand dollars); 2. the exchange of or disposal of land owned by the WAPC; or 3. the resumption of land by the WAPC for a public purpose. |
| | <p>9.5. Power to prescribe charges and set conditions, for the sale and release of maps and publications.</p> | <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Services • Chief Finance Officer | <p>Function to be exercised having due regard to published WAPC policy, and any Budget and Treasury processes.</p> |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | 9.6. Waiving of the additional fee for considering a minor variation to a plan of subdivision as part of an application for approval of subdivision or re-subdivision. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning | Function to be exercised having due regard to published WAPC policy. |
| | 9.7. The functions of the WAPC provided in section 14(l) of the Act as are necessary to undertake the administrative and financial obligations of the WAPC under section 181(1) of the Act to approve the quantum of the refund of compensation payable to the WAPC determined in accordance with sections 181(2) to (16) of the Act. | <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Services • Manager, Strategic Property Unit | |
| | 9.8. The functions of the WAPC provided in section 14(l) of the Act as are necessary to undertake the administrative and financial obligations of the WAPC to consent on behalf of the WAPC to the withdrawal of a notification when a refund of compensation is paid. | <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Services • Manager, Strategic Property Unit | |
| | 9.9. The powers and functions of the WAPC set out in the <i>Planning and Development Regulations 2009</i> to determine the acceptability of, and where appropriate authorise the issue of permits to persons or bodies for the conduct of, activities on land owned by the WAPC where the permitted activity is not inconsistent with the purpose for which the land is reserved under the Metropolitan Region Scheme and management practice for that land. | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Business and Corporate Services | |
| | 9.10. The powers and functions of the WAPC set out in the <i>Planning and Development Regulations 2009</i> to issue permits to persons or bodies for the conduct of activities on land owned by the WAPC where the permitted activity is not inconsistent with the purpose for which the land is reserved under the Metropolitan Region Scheme and management practice for that land, and where prior authorisation has been given. | <ul style="list-style-type: none"> • Senior Field Management Officers | Subject to prior authorisation being made. |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | 9.11. Power to appoint Incurring Officers, Certifying Officers and Collectors of Public Moneys in accordance with the Treasurer's Instruction 304 issued under section 78 of the <i>Financial Management Act 2006</i> . | <ul style="list-style-type: none"> • Chairman of the WAPC • Assistant Director General, Business and Corporate Services • Chief Finance Officer | |
| | 9.12. Power to re-allocate budgeted funds. | <ul style="list-style-type: none"> • Chairman of the WAPC | Subject to the terms of the SDA; and a financial limit equivalent to the Project Planning Contingency Fund established under the SDA for any financial year. |
| | 9.13. Power to approve amendments to forms, where such approval is required of the WAPC under the <i>Planning and Development Regulations 2009</i> provided such amendment is consistent with the objectives and intent of any policies (if any) of the WAPC. | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| | 9.14. Such powers and functions of the WAPC that may be lawfully undertaken relating to offers of payment of compensation for injurious affection, including the power to obtain valuations of the affected land. | <ul style="list-style-type: none"> • Chairman of the WAPC • Secretary of the WAPC • Director General • Chief Property Officer | Provided that— <ol style="list-style-type: none"> a. delegation may only be exercised once the WAPC has resolved to pay compensation as opposed to electing to purchase the affected land; b. in formulating an offer, due regard must be had to any valuation obtained; and c. Does not apply to any matter that involves expenditure in excess of \$1,000,000 (one million dollars). |
| | 9.15. Such powers and functions of the WAPC that may be lawfully undertaken relating to the disposal of WAPC property or land. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Chief Property Officer | Confined to property or land identified in a disposal program, which the WAPC has already approved of. |
| | 9.16. Power to grant or surrender any Easement or Easements and to accept the benefit of any Easement or Easements; including the power to negotiate any fees related to such Easements. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Business and Corporate Support • Chief Property Officer | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|------------|--|--|--|
| | 9.17. Power to enter into, or approve of the terms of, any Deed of Covenant or Agreement, and any amendments thereto. | <ul style="list-style-type: none"> • Chairman of the WAPC • Secretary of the WAPC • Director General • Chief Property Officer | Confined to Deeds or Agreements required as a consequence of a WAPC (or SPC) decision on subdivision or development matters. |
| | 9.18. Power to surrender Management Orders. | <ul style="list-style-type: none"> • Secretary of the WAPC • Assistant Director General, Business and Corporate Support • Chief Property Officer | |
| | 9.19. Such powers and functions of the WAPC that may be lawfully undertaken relating to the dedication of roads. | <ul style="list-style-type: none"> • Secretary of the WAPC • Assistant Director General, Business and Corporate Support • Chief Property Officer | Must be exercised in accordance with WAPC policy. |
| | 9.20. Power to approve the transfer of land reserved for Parks and Recreation and Regional Open Space, to the State of Western Australia. | <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Support • Chief Property Officer | |
| | 9.21. Power to approve plans of subdivision. | <ul style="list-style-type: none"> • Chief Property Officer | Limited to applications in relation to land owned by the WAPC or purchased by the WAPC under contracts of sale, where the subdivision will create reserved or balanced lots. |
| | 9.22. Power to transfer land to central government agencies or Main Roads Western Australia for the purpose of region scheme reservations and planning instruments. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Chief Property Officer | Delegate must comply with any approved pricing policy. |
| | 9.23. Power to appoint members or persons to be members or deputy members of a committee. | <ul style="list-style-type: none"> • Chairman of the WAPC | The power to make such appointments does not remove the requirement to obtain Ministerial approval, where required, under the Act. |
| | 9.24. Power to accept or reject project variations for projects funded under the Service Delivery Agreement. | <ul style="list-style-type: none"> • Chairman of the WAPC | Up to the value of \$50,000. |
| | 9.25. Such powers and functions as are necessary to maintain the Commission's properties, including the power to evict tenants or appear in relation to matters concerning the <i>Residential Tenancies Act 1987</i> . | <ul style="list-style-type: none"> • Assistant Director General, Business and Corporate Support • Chief Property Officer • Manager, Acquisitions, Management, Disposals. • Rental Management Officer | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| SCHEDULE 10—Powers and functions concerning the Ashburton North Strategic Industrial Area Improvement Scheme | | | |
| General delegation | 10.1. Where such power is conferred upon the WAPC, power to amend the manner and form of any document referred to, required by or provided under the Ashburton North Strategic Industrial Area Improvement Scheme (“the Scheme”). | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | Limited to amendments of an administrative nature. |
| | 10.2. Power to set or amend a timeframe, or stipulate a date, under the Scheme, where such power is conferred upon the WAPC. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| Improvement Policies (Pt. 2) | 10.3. Power to amend an Improvement Scheme Policy | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | Limited to administrative amendments that do not affect fundamental aspects of the policy. |
| | 10.4. Power to determine, for the purpose of clause 15 (1) (b) of the Scheme, how to give notice of any Improvement Scheme Policy, or what other consultation would be appropriate. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Zones and uses (Pt. 3) | 10.5. Power to determine, for the purposes of clause 29 of the Scheme, whether a proposed use is less detrimental to the amenity of a locality than an existing non-conforming use and whether the proposed use is closer to the intended purpose of a zone than the existing non-conforming use. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | 10.6. Power to perform the function under clause 30 of the Scheme, to prepare and maintain a register of non-conforming uses. | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| General development requirements (Pt. 4) | 10.7. Power to form an opinion as to whether non-compliance with an additional site and development requirement will mean that a development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of a development (cl. 31 of the Scheme). | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|--------------------------|---|--|--|
| Req. for DA (Pt. 6) | 10.8. Power to determine, under clause 36, development for which approval under the Scheme is not required. | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| Form of DA (Pt. 7) | 10.9. Power to— a. identify any information or material that should accompany an application for development approval; b. waive or vary the requirements as to what material must accompany such an application. (cl. 39 of the Scheme) | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | 10.10. Power to determine whether use is consistent with the objective of a zone and that notice of the application should be given (cl.40 (1)(b) of the Scheme). | | |
| | 10.11. Power to determine a departure from the Scheme's requirements is minor and to waive the requirement for advertising a development application. (cl.40 (2) of the Scheme) | | |
| | 10.12. Power to identify, for the purposes of clause 40 (3) (a) of the Scheme, owners and occupiers likely to be affected by the grant of development approval. | | |
| | 10.13. Power to identify authorities that may be affected by a development application. (cl. 42 of the Scheme) | | |
| Determining DA's (Pt. 8) | 10.14. Power to perform the functions and exercise the powers of the WAPC under clause 34 and Part 8 of the Scheme, to determine— a. applications made for approval to commence and carry out development, provided such determination would accord with the objectives and intent of any policies (if any) of the WAPC; b. applications to amend or cancel development approval, provided the original decision was made under delegation. and the recommendation is to approve the request. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | Excluding applications of State or regional significance. |
| | | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning | Excluding applications of State or regional significance Excluding applications which the port authority or local government express an objection to. |
| | | <ul style="list-style-type: none"> • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | Excluding applications of State or regional significance Excluding applications which the port authority or local government express an objection to. |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | | | Where the application has a monetary value, limited to applications with a value of up to \$50million. Excludes the power to refuse approval. |
| Enforcement and WAPC Powers (Pt. 10) | 10.15. Power to perform the functions and exercise the powers of the WAPC under clause 59 of the Scheme. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Assistant Director General, Business and Corporate support • Chief Property Officer | Function to be exercised having due regard to any published WAPC policy. Excluding matters where the WAPC has or will make a financial contribution, or has a financial interest. |
| | 10.16. Power to designate an officer for the purposes of clause 60, who may enter and inspect property within the Scheme area. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | The designation must be made by a formal written instrument, such as a memorandum or letter. |
| | 10.17. Power under clause 61 of the Scheme, to require repair to an advertisement. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| SCHEDULE 11—Powers and functions concerning the Shenton Park Hospital Redevelopment Improvement Scheme | | | |
| General delegations | 11.1. Where such power is conferred upon the WAPC, power to amend the manner and form of any document referred to, required by or provided under the Shenton Park Hospital Redevelopment Improvement Scheme (“the Scheme”). | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | Limited to amendments of an administrative nature. |
| | 11.2. Power to set or amend a timeframe, or stipulate a date, under the Scheme, where such power is conferred upon the WAPC. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Improvement Policies (Pt. 2) | 11.3. Power to amend an Improvement Scheme Policy. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | Limited to administrative amendments that do not affect fundamental aspects of the policy. |
| | 11.4. Power to determine, for the purpose of clause 12 (1) (b) of the Scheme, how to | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
|--|---|--|---------------------|
| | give notice of any Improvement Scheme Policy, or what other consultation would be appropriate. | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Zones and uses (Pt. 5) | <p>11.5. Power to determine, for the purposes of clause 20(6) and 26(3) of the Scheme, whether a proposed use is—</p> <p>a. less detrimental to the amenity of a locality than an existing non-conforming use;</p> <p>b. closer to the intended purpose of the zone in which the land is situated.</p> <p>11.6. Power to determine, for the purposes of clause 20(6) and 26(3) of the Scheme, whether a proposed use is—</p> <p>a. less detrimental to the amenity of a locality than an existing non-conforming use;</p> <p>b. closer to the intended purpose of the zone in which the land is situated.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| General development requirements (Pt. 6) | 11.7. Power to form an opinion as to whether non-compliance with an additional site and development requirement will mean that a development is likely to adversely affect any owners or occupiers in the general locality, or in an area adjoining the site of a development, or the future development of the locality (cl.32). | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | 11.8. Power to discharge or modify a restrictive covenant affecting land in the Scheme area. | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| Structure Plans (Pt. 8) | 11.9. Power to determine that a structure plan, (or amendment thereto) is required for the purposes of orderly and proper planning. (cl.36) | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| | 11.10. Power to approve amendments to the manner and form by which a structure plan is prepared. (cl.37) | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | <p>11.11. Power to specify what information or material must be included in a structure plan or to agree to information, different to that prescribed, being included. (cl. 37)</p> <p>11.12. Power to consider a submitted structure plan and determine whether it complies with clause 37(1) of the Scheme, or if further information is required before it can be accepted. (cl.38)</p> <p>11.13. Power under clause 40 of the Scheme to—</p> <ol style="list-style-type: none"> a. consider any submissions received; b. request further information; c. advertise any proposed modifications to the structure plan and to determine how to advertise such modifications. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>11.14. Power to approve the advertising of modifications to a structure plan on more than one occasion. (cl. 40 (3))</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| Structure Plans (Pt. 8) | <p>11.15. Power to consider reports on a structure plan submitted to the WAPC and to—</p> <ol style="list-style-type: none"> a. approve the instrument; or b. require modifications to the instrument and its resubmission to the WAPC. <p>This clause applies equally to amendments to such instruments. (cl.42 (1))</p> <p>11.16. Power to determine the proposed structure plan, or amendment thereto, must be re-advertised, if major modifications have been made to it since it was advertised. (cl.42 (2))</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>11.17. Where, pursuant to cl42 (1)(b), the WAPC (or one of its subcommittees) requires a proposed structure plan to be modified and then resubmitted for approval, power to approve the modified plan, provided it has been modified as specified by the WAPC or its subcommittee.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| Req. for DA (Pt. 9) | 11.18. Power to determine, under clause 50, development for which approval under the Scheme is not required. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Form of DA application (Pt. 7) | <p>11.19. Power to—</p> <p>a. identify any information or material that should accompany an application for development approval;</p> <p>b. waive or vary the requirements as to what material must accompany such an application. (cl. 52)</p> <p>11.20. Power to determine whether a use is consistent with the objective of a zone and that notice of the application should be given. (cl.53)</p> <p>11.21. Power to determine a departure from the Scheme's requirements is minor and to waive the requirement for advertising a development application. (cl.53)</p> | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Determining DA's (Pt. 11) | 11.22. Power to identify authorities that may be affected by a development application (cl. 56 of the Scheme). | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| | <p>11.23. Power to perform the functions and exercise the powers of the WAPC under Part 11 of the Scheme, to determine—</p> <p>a. applications made for approval to commence and carry out development, provided such determination would accord with the objectives and intent of any policies (if any) of the WAPC;</p> <p>b. applications to amend or cancel development approval, provided the original decision was made under delegation.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | <p>A delegate cannot exercise this power to determine an application, if that delegate was a member of a Design Review Panel which was consulted over, or provided recommendations, on that application.</p> <p>A delegate cannot exercise this power to determine an application, if that delegate was a member of a Design Review Panel which was consulted over, or provided recommendations, on that application.</p> |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | | | Excludes applications which the local government express an objection to. |
| Enforcement (Pt. 13) | 11.24. Power to designate an officer for the purposes of clause 74, who may enter and inspect property within the Scheme area. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | The designation must be made by a formal written instrument, such as a memorandum or letter. |
| | 11.25. Power under clause 75 of the Scheme, to require repair to an advertisement. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| SCHEDULE 12—Powers and functions concerning the Anketell Strategic Industrial Area Improvement Scheme | | | |
| General delegations | 12.1. Where such power is conferred upon the WAPC, power to amend the manner and form of any document referred to, required by or provided under the Anketell Strategic Industrial Area Improvement Scheme (“the Scheme”). | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General | Limited to amendments of an administrative nature. |
| | 12.2. Power to set or amend a timeframe, or stipulate a date, under the Scheme, where such power is conferred upon the WAPC. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning | |
| Improvement Policies (Pt. 2) | 12.3. Power to amend an Improvement Scheme Policy. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | Limited to administrative amendments that do not affect fundamental aspects of the policy. |
| | 12.4. Power to determine, for the purpose of clause 16 (1) (b) of the Scheme, how to give notice of any Improvement Scheme Policy, or what other consultation would be appropriate. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Zones and uses (Pt. 3) | 12.5. Power to determine, for the purposes of clause 26 of the Scheme, whether a proposed use is less detrimental to the amenity of a locality than an existing non-conforming use and whether the proposed use is closer to the intended purpose of a zone than the existing non-conforming use. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | 12.6. Power to perform the function under clause 27 of the Scheme, to prepare and maintain a register of non-conforming uses. | <ul style="list-style-type: none"> • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| General development requirements (Pt. 4) | 12.7. Power to form an opinion as to whether non-compliance with an additional site and development requirement will mean that a development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of a development (cl. 28 of the Scheme). | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Req. for DA (Pt. 6) | 12.8. Power to determine, under clause 32, development for which approval under the Scheme is not required. | <ul style="list-style-type: none"> • Chairman of the WAPC | |
| Form of DA application (Pt. 7) | <p>12.9. Power to—</p> <ol style="list-style-type: none"> a. identify any information or material that should accompany an application for development approval; b. waive or vary the requirements as to what material must accompany such an application. (cl. 34 of the Scheme). <p>12.10. Power to determine whether a use is consistent with the objective of a zone and that notice of the application should be given (cl.35 (1)(b) of the Scheme).</p> <p>12.11. Power to determine a departure from the Scheme's requirements is minor and to waive the requirement for advertising a development application. (cl.35 (2) of the Scheme).</p> <p>12.12. Power to identify, for the purposes of clause 35 (3) (a) of the Scheme, owners and occupiers likely to be affected by the grant of development approval.</p> | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| Determining DA's (Pt. 8) | 12.13. Power to identify authorities that may be affected by a development application. (cl. 37 of the Scheme). | <ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | <p>12.14. Power to perform the functions and exercise the powers of the WAPC under clause 30 and Part 8 of the Scheme, to determine—</p> <p>a. applications made for approval to commence and carry out development, provided such determination would accord with the objectives and intent of any policies (if any) of the WAPC;</p> <p>b. applications to amend or cancel development approval, provided the original decision was made under delegation.</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning <ul style="list-style-type: none"> • Planning Directors, Land Use Planning <ul style="list-style-type: none"> • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | <p>Excluding applications of State or regional significance.</p> <p>Excluding applications of State or regional significance.</p> <p>Excluding applications which the port authority or local government express an objection to.</p> <p>Excluding applications of State or regional significance.</p> <p>Excluding applications which the port authority or local government express an objection to.</p> <p>Where the application has a monetary value, limited to applications with a value of up to \$50million and excludes the power to refuse approval.</p> <p>Excludes the power to refuse an application to amend approval.</p> |
| Enforcement and WAPC Powers (Pt. 10) | 12.15. Power to perform the functions and exercise the powers of the WAPC under clause 54 of the Scheme. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | Function to be exercised having due regard to any published WAPC policy. |
| | 12.16. Power to designate an officer for the purposes of clause 55, who may enter and inspect property within the Scheme area. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning | The designation must be made by a formal written instrument, such as a memorandum or letter. |
| | 12.17. Power under clause 56 of the Scheme, to require repair to an advertisement. | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning | |
| SCHEDULE 13—Powers relating to the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> | | | |
| | <p>13.1. Power to—</p> <p>a. determine all applications for subdivision and development approval, structure plans and similar plans;</p> <p>b. to defend or otherwise deal with applications for review lodged with the State Administrative Tribunal;</p> | <ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning • Director, Planning Appeals | Determinations and responses are to be consistent with the Act, the Master Plan and/or WAPC policy. |

| Instrument | Column 1—Powers and functions | Column 2—Delegate | Column 3—Conditions |
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| | c. to defend, respond, appeal and otherwise deal with legal proceedings; and d. to respond to and otherwise deal with planning strategies and policies and similar documents or amendments thereto, requiring the approval of the WAPC pursuant to the provisions of the <i>Hope Valley—Wattelup Redevelopment Act 2000</i> . | | |

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

1. “the Act” means the *Planning and Development Act 2005*;
2. “SDA” means “Service Delivery Arrangement”;
3. “WAPC” or “Commission” means the “Western Australian Planning Commission”;
4. “Department” means the “Department of Planning, Lands and Heritage”;
5. A reference to “Land Use Planning Division” includes the State of Western Australia including the Indian Ocean Territories;
6. Unless the context otherwise requires, a reference to “Planning Directors” includes any position to which the level of “Director” is designated, located within the Land Use Planning Division of the Department of Planning, Lands and Heritage;
7. Unless the context otherwise requires, a reference to “Planning Managers” includes any position to which the level of “Planning Manager” is designated, located within the Land Use Planning Division of the Department of Planning, Lands and Heritage;
8. Unless the context otherwise requires, a reference to “Principal Planning Officers” includes any position to which the level of “Principal Planning Officer” is designated, located within the Land Use Planning Division of the Department of Planning, Lands and Heritage;
9. A reference to a position contemplates and includes a reference to its successor in title;
10. A reference to the “LPS Regulations” includes a reference to the Schedules to those regulations, being the Planning and Development (*Local Planning Schemes Regulations 2015*. (added 1 April 16)