

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

Title: *DEL 2008/09 Powers of Commissioner of Main Roads*

Resolution Date: *16/12/2008*

Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to Commissioner of Main Roads gazetted 22/03/1996*

Delegation to Commissioner of Main Roads gazetted 08/01/1999

Delegation to Commissioner of Main Roads gazetted 29/08/2006

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/09 POWERS OF COMMISSIONER OF MAIN ROADS

Notice of delegation to the Commissioner of Main Roads of certain powers and functions of the Western Australian Planning Commission

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 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 section 16 of the Act (delegation)

On 16 December 2008, 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 schedule, to the Commissioner of Main Roads, in relation to the land specified in column 2 of the schedule, subject to the conditions specified in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to the Commissioner of Main Roads as detailed in notices published in the *Government Gazette* on 22 March 1996 (page 1446), 8 January 1999 (page 54) and 29 August 2006 (pages 3585-3586).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1—POWERS DELEGATED TO COMMISSIONER OF MAIN ROADS

Column 1 (Powers and Functions)	Column 2 (Land)	Column 3 (Conditions)
1. All of the functions, powers, rights and duties of the WAPC that have arisen or may arise in respect of claims for compensation made or to be made under the <i>Land Administration Act 1997</i> in relation to certain land which has either been taken or which may be taken in the future, including (but without derogating from the generality of this delegation)—	In relation to the land depicted on Deposited Plan 50760 and Deposited Plan 50761 at the Department of Land Information which has either been taken or which may be taken in the future for the purposes under the New Perth Bunbury Highway and Regional Open Space	The Commissioner of Main Roads shall not in exercising this delegation make any contract or incur any expenditure the consideration or cost of which exceeds \$1,000,000 without the prior consent of the Minister under section 204 of the Act.
(a) making offers of compensation to the claimants as required under the <i>Land Administration Act 1997</i> ,	In relation to the land depicted in WAPC Plan No.0.0719 which has either been taken or which may be taken in the future for the purposes under the Metropolitan Region Scheme of Controlled Access Highways (City Northern By-Pass)	
(b) making advance payments in partial satisfaction of such claims,		

Column 1 (Powers and Functions)	Column 2 (Land)	Column 3 (Conditions)
(c) the negotiation and settlement of such claims, (d) the defence of such claims, and (e) otherwise the doing of all such acts, matters or things however arising in relation to such claims.	In relation to certain land depicted in Main Roads Western Australia land requirement plan, drawings numbered 9823-015-4 and 9823-016-4, which has either been taken or which may be taken in the future for the purposes under the Metropolitan Region Scheme of Controlled Access Highways (Kwinana Freeway)	