

PL403

PLANNING AND DEVELOPMENT ACT 2005**INSTRUMENT OF DELEGATION
2017/01 POWERS OF COMMITTEES**

Delegation to Committees 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 15 February 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate its powers and functions as set out in column 2 of the schedule, to the committees specified in column 1 of the schedule.
- B. To revoke its delegation of powers and functions to committees as detailed in the instrument of delegation 'DEL 2016/01 Powers of committees' published in the *Government Gazette* on 29 April 2016 (and as amended).

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005**INSTRUMENT OF DELEGATION
SCHEDULE**

Column 1 (Committee)	Column 2 (Powers and Functions)
1. Executive, Finance and Property Committee	1.1. All powers and functions of the WAPC that may lawfully be delegated under the Act and any other written law.
2. Statutory Planning Committee	2.1. Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
	2.2. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
	2.3. Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the <i>Environmental Protection Act 1986</i> .

2.4. 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 a region scheme requiring such determination.
2.5. 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.
2.6. All functions of the WAPC as set out in— (1) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act; (2) <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> (3) Regulations 21, 22, 24 and 27 of the <i>Planning and Development Regulations 2009</i> ; (4) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme; (5) <i>Strata Titles General Regulations 1996</i> ; (6) Section 52 and section 85 of the <i>Land Administration Act 1997</i> ; (7) Section 40 of the <i>Liquor Control Act 1988</i> ; (8) <i>Perry Lakes Redevelopment Act 2005</i> .
2.7. 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.
2.8. Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
2.9. 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.
2.10. 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 with any applicable policy and legislation.
2.11. 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.
2.12. 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.
2.13. Power to waive or clear conditions affixed as conditions of approval.
2.14. Power to endorse 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>
2.15. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
2.16. Power to defend and otherwise deal with applications for review 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.
2.17. Power to defend, respond, appeal and otherwise deal with legal proceedings.
2.18. Power to prepare and approve policies relating to planning matters, and policies relating to the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
2.19. Power to determine matters under Regional Interim Development Orders.
2.20. Such powers and functions of the WAPC as set out in— (1) Part 5 and 8 of the Act and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in relation to any Improvement Plan or Improvement Scheme; and

	<p>(2) any gazetted Improvement Scheme; but excluding matters concerning—</p> <p>(i) applications for approval to developments of State or Regional Significance;</p> <p>(ii) scheme amendments relating to zoning (including amendments to the zoning table);</p> <p>(iii) the preparation of a new Improvement Plan or Scheme for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Maitland, Ashburton North and Browse LNG Precinct Strategic Industrial Areas.</p>
3. Infrastructure Coordinating Committee	<p>3.1. Such powers and functions under the Act as are necessary to—</p> <p>(1) co-ordinate the preparation of the Urban Development Program; and</p> <p>(2) plan for the coordinated provision of transport and infrastructure for land development.</p>
4. Infrastructure Steering Group	<p>4.1. Such powers and functions under the Act as are necessary to—</p> <p>(1) co-ordinate the preparation of the Urban Development Program; and</p> <p>(2) plan for the coordinated provision of transport and infrastructure for land development.</p>
5. Central Perth Planning Committee (only where the matters under consideration by the Committee are within the area of the City of Perth)	<p>5.1. All functions of the WAPC as set out in—</p> <p>(1) subsections (f)(i)(j)(l) of section 14 of the Act;</p> <p>(2) Part 4 of the Act;</p> <p>(3) the Metropolitan Region Scheme.</p> <p>5.2. 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 Metropolitan Region Scheme requiring such determination.</p> <p>5.3. All functions of the WAPC as set out in—</p> <p>(1) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 214, 215, 216 of the Act;</p> <p>(2) <i>Planning and Development (Local Planning Scheme) Regulations 2015</i></p> <p>(3) Regulations 21, 22, 24 and 27 of the <i>Planning and Development Regulations 2009</i>;</p> <p>(4) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme;</p> <p>(5) <i>Strata Titles General Regulations 1996</i>;</p> <p>(6) Section 52 and section 85 of the <i>Land Administration Act 1997</i>;</p> <p>(7) Section 40 of the <i>Liquor Control Act 1988</i>.</p> <p>(subject to the exercise of these functions having due regard in each case to published WAPC policy).</p> <p>5.4. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act (subject to the exercise of the functions under this clause having due regard in each case to published WAPC policy).</p> <p>5.5. Power to defend and otherwise deal with applications for review 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 (subject to the exercise of these functions having due regard in each case to published WAPC policy).</p> <p>5.6. Power to defend, respond, appeal and otherwise deal with legal proceedings (subject to the exercise of these functions having due regard in each case to published WAPC policy).</p> <p>5.7. Power to prepare and approve policies relating to planning matters, and policies relating to the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.</p>

Notes and Interpretation

In this delegation, unless the context otherwise requires—

1. The Infrastructure Steering Group is a committee established pursuant to Sch.2 of the *Planning and Development Act 2005*.
2. A reference to a committee or an instrument contemplates and includes a reference to its successor in title.