
PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

The Western Australian Planning Commission (WAPC) under section 16 of the *Planning and Development Act 2005* (the PD Act) may, by resolution, delegate any function of the WAPC 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 PD Act, a reference in this instrument to a function 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 28 February 2024, pursuant to section 16 of the Act, the WAPC resolved—

- A. TO DELEGATE its powers and functions under **Part 11B of the *Planning and Development Act 2005*** (PD Act) and the ***Planning and Development (Significant Development) Regulations 2024*** (Significant Development Regulations) as specified, and subject to such conditions and limitations as specified, 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 PD Act as specified, in the tables in the attached Schedule.

SCHEDULE

1. General Delegations

1.1	
Function and Statutory Power being Delegated	Authority to exercise all powers and discharge all duties regarding development applications and associated processes under Part 11B of the PD Act and the Significant Development Regulations, as amended from time to time.
Power Delegated to:	Statutory Planning Committee
Conditions on Delegations:	Nil
1.2	
Function and Statutory Power being Delegated	Authority to exercise all powers and discharge all duties regarding development applications and associated processes under Part 11B of the PD Act and the Significant Development Regulations, as amended from time to time, except for the following— <ul style="list-style-type: none"> a) designating a person or body as an appropriate design reviewer under section 171H; and b) determining a significant development application under section 171P.
Power Delegated to:	Chairperson of WAPC
Conditions on Delegations:	a) This delegation only extends to determining amended applications the subject of a previous decision of the WAPC under section 171X where— <ul style="list-style-type: none"> i. the proposed amendments will result in the same or lessened impact on the locality; and ii. the determination would not conflict with the provisions of the applicable planning instrument under section 171R.
1.3	
Function and Statutory Power being Delegated	Authority to exercise all powers and discharge all duties regarding development applications and associated processes under Part 11B of the PD Act and the Significant Development Regulations, as amended from time to time, except for the following— <ul style="list-style-type: none"> a) designating a person or body as an appropriate design reviewer under section 171H; b) determining a significant development application under section 171P; c) varying the manner and form of a development application under section 171N; d) determining whether design review is required prior to lodging an application or during the assessment of an application (regulation 6(1)(b), regulation 12); and e) determining not to consult with the Minister on applications for amendment or cancellation lodged under section 171X(2) (regulation 17).
Power Delegated to:	<ul style="list-style-type: none"> • Assistant Director General, Land Use Planning • Executive Planning Director, Land Use Planning • Director State Development Assessment Unit, Land Use Planning
Conditions on Delegations:	a) This delegation only extends to determining amended applications the subject of a previous decision of the WAPC under section 171X where— <ul style="list-style-type: none"> i. the proposed amendments will result in the same or lessened impact on the locality; and ii. the determination would not conflict with the provisions of the applicable planning instrument under section 171R.

2. Specific Delegations

2.1	
Function and Statutory Power being Delegated	All functions under Part 11B of the PD Act and the Significant Development Regulations to— a) apply a procedural provision of the applicable planning instrument when considering a significant development application under section 171Q(2); b) determine whether a lodged application complies with regulations and the requirements of the WAPC and accept it for assessment or advise the applicant to submit additional documents or information prior to accepting it for assessment (regulation 9); and c) Undertake consultation and referral processes (including the time period within which submissions must be received) with those bodies required by the Significant Development Regulations (regulation 13, regulation 15) and any other person or body whom it would be appropriate to consult with (regulation 14).
Power Delegated to:	<ul style="list-style-type: none"> • Planning Manager, State Development Assessment Unit, Land Use Planning • Principal Planning Officer, State Development Assessment Unit, Land Use Planning
Conditions on Delegations:	Nil
2.2	
Function and Statutory Power being Delegated	All functions under Part 11B of the PD Act and the Significant Development Regulations to— a) undertake consultation and referral processes (including the time period within which submissions must be received) with any other person or body whom it would be appropriate to consult with (regulation 14).
Power Delegated to:	<ul style="list-style-type: none"> • Director, State Referral Coordination Unit, Office of Director General • Planning Manager, State Referral Coordination Unit, Office of Director General • Principal Planning Officer, State Referral Coordination Unit, Office of Director General
Conditions on Delegations:	Nil