**PLANNING AND DEVELOPMENT ACT 2005**

AMENDMENT TO INSTRUMENT OF DELEGATION

Amendment to 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, 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 November 2024*,* pursuant to section 16 of the Act, the WAPC RESOLVED -

1. TO DELEGATE its powers and functions as set out in column 1 of Schedule 17 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 Schedule 17, subject to the conditions specified in column 3 of Schedule 17;
2. TO AMEND the Instrument of Delegation “Delegation to Officers of Certain Powers and Functions of the Western Australian Planning Commission 2018/01” published in the *Government Gazette* on 3 October 2018 (and as amended) to give effect to this delegation as set out in the attached Schedule.

**PLANNING AND DEVELOPMENT ACT 2005**

Amendment to Instrument of Delegation

Schedule 17

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| **Instrument** | **Column 1 – Power and functions** | **Column 2 – Delegate** | **Column 3 - Conditions** |
| SCHEDULE 17 – Powers and functions concerning the Mandogalup Improvement Scheme No.1 (the Scheme) | | | |
| General delegations | 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 Scheme. | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Directors, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement * Planning Managers, Land Use Planning and Strategy & Engagement * Principal Planners, Land Use Planning and Strategy & Engagement | Limited to amendments of an administrative nature. |
|  | Power to set or amend a timeframe, or stipulate a date, under the Scheme, where such power is conferred upon the WAPC. | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement   Executive Planning Director, Land Use Planning and Strategy & Engagement   * Planning Directors, Land Use Planning and Strategy & Engagement |  |
| Part 2 – Improvement Scheme Policies | Power to perform the functions and exercise the powers of the WAPC under Part 2 of the Scheme | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Directors, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement | Resolution under clause 12(3)(b)(i) confined to matters where:   1. the advice and/or recommendation of an advice agency or the relevant local government is agreed (if relevant); and 2. the improvement scheme policy aligns with the objectives and provisions of the Scheme, relevant zone/s and/or precinct/s. |
| Part 7 – Structure Plans | Power to perform the functions and exercise the powers of the WAPC under Part 7 of the Scheme | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Directors, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement | Power to approve a structure plan under clause 56 (1)(a)(c) limited to where –   1. the advice and/or recommendation of an advice agency or the relevant local government is agreed (if relevant); and 2. the structure plan aligns with the objectives and provisions of the Scheme, relevant zone/s and/or precinct/s; |
| Part 8 – Local Development Plans | Power to perform the functions and exercise the powers of the WAPC under Part 8 of the Scheme | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Directors, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement * Planning Managers, Land Use Planning and Strategy & Engagement * Principal Planners, Land Use Planning and Strategy & Engagement | Power to approve a local development plan under clause 69 limited to where –   1. the advice and/or recommendation of an advice agency or the relevant local government is agreed (if relevant); and 2. the local development plan aligns with the objectives and provisions of the Scheme, relevant zone/s and/or precinct/s; |
| Part 10 and 11 | Power to perform the functions and exercise the powers of the WAPC under Part 10 and 11 of the Scheme | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Directors, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement * Planning Managers, Land Use Planning and Strategy & Engagement * Principal Planners, Land Use Planning and Strategy & Engagement | Power to determine an application for development approval under clause 88(2):   1. Excludes applications of State or regional importance; and 2. Is limited to where advice and/or recommendation of an advice agency or the relevant local government is agreed (if relevant); and 3. Excludes applications for development in the North-East Precinct D, except where a local structure plan has been prepared, and/or subdivision has been approved for the land to which the application relates. |
|  | Such powers and functions of the WAPC that may be lawfully undertaken, including under clause 99 (1) and (2) of the Scheme, relating to the acquisition and development, of land under the Scheme for the purpose of carrying out and giving effect to the Scheme, including –   1. the payment of capital expenditure, costs and other expenses incurred in connection with the acquisition of any property under any provisions of those Schemes; 2. 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. | * Chairperson of the WAPC * Director General | Must have due regard to published WAPC policy and the current terms of the Service Delivery Arrangement.  Does not apply to any matter than involves –   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. |
| * Assistant Director General, Heritage & Property Services, Land Use Planning and Strategy & Engagement * Executive Director, Property Services | Must have due regard to published WAPC policy and the current terms of the Service Delivery Arrangement.  Does not apply to any matter than involves –   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. |
|  | Power to designate an officer for the purposes of clause 99 (3), who may enter and inspect property within the Scheme area | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement | The designation must be made by a formal written instrument, such as a memorandum or letter. |
|  | Power under clause 99 of the Scheme, to require repair to an advertisement. | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Director, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement * Planning Managers, Land Use Planning and Strategy & Engagement * Principal Planning Officers, Land Use Planning and Strategy & Engagement |  |
|  | Power to form the opinion as to whether there is in place an agreement for the WAPC to use any copyrighted material provided in support of the application —   * 1. Excludes the power to refuse approval for the purposes of advertising the application or implementing a decision on the application; and  1. Excludes the power to refuse approval for zero remuneration (cl 101). | * Chairperson of the WAPC * Director General * Assistant Director General, Land Use Planning and Strategy & Engagement * Executive Director, Land Use Planning and Strategy & Engagement * Planning Directors, Land Use Planning and Strategy & Engagement |  |