

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DEL 2022/02 Powers of Officers (Department of Finance)

Delegation to officers of certain functions of the Western Australian Planning Commission, under the Metropolitan Region Scheme (MRS).

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (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 to 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 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 on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 26 October 2022, pursuant to section 16 of the Act, the WAPC resolved—

- A. TO DELEGATE its powers and functions as set out in column 1 of Schedule 1, to the person or persons from time to time holding or acting in the offices in the Department of Finance, as specified in column 2 of Schedule 1, subject to the conditions specified in column 3 of Schedule 1 and the requirements in Schedule 2.
- B. TO PUBLISH an updated instrument of delegation.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule 1

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions (if any))
Powers under the Metropolitan Region Scheme (MRS)		
1. Power to determine applications for approval to commence and carry out development on zoned land used for Primary Schools, where such development is a public work undertaken by a public authority	<ul style="list-style-type: none"> • General Manager, Statutory Planning and Asset Policy. • Assistant Director, Statutory Planning and Asset Policy 	
2. Power to determine applications for approval to commence and carry out, on zoned or reserved land, the development of— <ol style="list-style-type: none"> (a) Transportable accommodation; (b) Transportable offices; (c) A shed; (d) An outbuilding. 		Provided application is in accordance with the objectives and intent of any policies (if any) of the WAPC. Excluding applications where— <ol style="list-style-type: none"> 1) The land is subject to a resolution under clause 32 of the MRS; or 2) The land is subject to the declaration of a planning control area under s112 of the Act; or 3) where that land is partly within the development control area described in section 10 of the <i>Swan and Canning Rivers Management Act 2006</i> or is outside the development control area but abuts waters within the development control area.

Schedule 2

1. The officer performing these powers and functions shall provide bi-annual reports to the WAPC, in a format prescribed by the WAPC.
2. The reports provided under point 1 above shall detail the number of applications received in that period, the type of development applied for and the decision made on each application.
3. The reporting period shall commence on the date of gazettal of this instrument, with the first report due no later than 6 months after gazettal.

Interpretation

A position listed in this instrument contemplates and includes its successor in title.