

PL404

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

DEL 2022/01 Powers of Officers (Department of Transport (Maritime matters))

Delegation to officers of certain functions of the Western Australian Planning Commission, under the Metropolitan Region Scheme (MRS) Greater Bunbury Region Scheme (GBRS) or Peel Region Scheme (PRS)

**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 8 December 2021 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 Transport, 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.

SAM FAGAN, Secretary, Western Australian Planning Commission.

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**Schedule 1**

<b>Column 1 (Powers and Functions)</b>	<b>Column 2 (Officers)</b>	<b>Column 3 (Conditions)</b>
Power to determine applications for approval to commence and carry out development, submitted or referred to the WAPC, pursuant to the provisions of the MRS, GBRS or PRS, for— <ol style="list-style-type: none"> <li>(a) Wharves, jetties, moorings, pens or gangways;</li> <li>(b) Road, car park and hardstand surfaces;</li> <li>(c) Landscaping, ablutions facilities, end of trip facilities and end user amenities on land reserved for parks and recreation or public open space.</li> <li>(d) Leading marks, navigational aids, lights or markers;</li> <li>(e) Signage;</li> </ol>	<ul style="list-style-type: none"> <li>• Director, Maritime Planning</li> </ul>	<ol style="list-style-type: none"> <li>1) Application must be for land or waters vested in, or acquired by, the Minister for Transport; and</li> <li>2) The delegate accepts the recommendations of any referral agency.</li> <li>3) Excludes applications—               <ol style="list-style-type: none"> <li>a. Which will result in or have a significant impact on the environment;</li> <li>b. where the delegate is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest.</li> </ol> </li> </ol>

<b>Column 1 (Powers and Functions)</b>	<b>Column 2 (Officers)</b>	<b>Column 3 (Conditions)</b>
(f) Waterway management including rubbish removal and wrack removal; (g) Measures required to manage coastal erosion, beach nourishment or reshaping.		

### **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.