
PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2022/07 Powers of Officers (Housing Authority)

Delegation to officers of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

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 imposed 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 to the person or persons from time to time holding or acting in the position of the Manager Building Permit Authority in the Housing Authority, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to the person or persons from time to time holding or acting in the position of the Manager Building Permit Authority in the Housing Authority, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO PUBLISH a notice in the *Government Gazette* to give effect to this resolution.

SAM FAGAN, Secretary, Western Australian Planning Commission.

SCHEDULE 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, concerning a strata scheme containing no more than 10 lots, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);

- (e) in the opinion of the WAPC as notified to the Department of Communities in writing, or in the opinion of the Department of Communities as notified to the WAPC in writing, relate to—
- i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications, concerning a strata scheme containing no more than 10 lots, under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A delegate that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each quarter and in the format prescribed by the WAPC.

Interpretation

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