

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2025/02 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 (the WAPC) may, by resolution published on a website maintained by, or on behalf of, the WAPC, 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 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 22 JANUARY 2025 pursuant to section 16 of the Act, the WAPC resolved –

- A. To REVOKE the Instrument of Delegation 2022/02 Powers of Officers (Department of Finance), as gazetted on 4 November 2022.
- B. 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.
- C. TO RESOLVE that this resolution takes effect on 31 March 2025.

Sam Boucher, Secretary,
Western Australian Planning Commission

SCHEDULE 1

Column 1 Powers and Functions	Column 2 Officers	Column 3 Conditions
Powers under the Metropolitan Region Scheme (MRS)		
<p>Power to determine applications for approval to commence and carry out proposals for zoned land or reserved (public purposes) of the type listed in item 11 (i) or (ii) of the Clause 28 Notice.</p>	<ul style="list-style-type: none"> • General Manager, Statutory Planning and Asset Policy. • Assistant Director Statutory Planning Services 	<ol style="list-style-type: none"> 1. Provided application is in accordance with the objectives and intent of any policies (if any) of the WAPC. 2. The power may only be exercised if the delegate: <ol style="list-style-type: none"> a. complies with the referral requirements set out in Schedule 2 below; and b. accepts and applies the advice and/or recommendation (if any received) from the public authority specified in cl.2, Schedule 2 below. 3. Excluding applications where: <ol style="list-style-type: none"> a. The development is subject to item 1 of the Clause 28 Notice, in that it is of State or Regional significance; or b. 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. c. the proposal is, or forms part of, a mixed-use development.

SCHEDULE 2

Referral Requirements

- 1) An application for development in or abutting land reserved under the Metropolitan Region Scheme must be referred to the public authority responsible for that reserved land within 7 days of the delegate receiving the application or, if further information or material is required, within 7 days of the process in clause 38 to 40 concluding.
- 2) For the purposes of paragraph (1) the public authority responsible for reserved land is:
 - (a) In the case of reservation for regional open space: the Department of Planning Lands and Heritage;
 - (b) In the case of reservation for primary regional roads: Main Roads Western Australia;
 - (c) In the case of reservation for other regional roads: the Department of Planning Lands and Heritage;
 - (d) In the case of other reservations: the public authority for which the land is reserved or that owns or manages the reserved land.
 - (e) In the case of a development in or adjacent to a Bush Forever area (as defined in the Metropolitan Region Scheme): the Department of Planning Lands and Heritage.
- 3) Each public authority to which the application is referred must:
 - (a) be provided at least 42 days within which to respond; and
 - (b) informed that if no response is received within that time, the application may be determined on the information available.
- 4) Where the advice and/or recommendation provided by the public authority specified in clause 2 above, is not acceptable to delegate, the application, together with the advice and/or recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the delegate, shall be referred immediately to the WAPC for determination.

Other Requirements

- 5) The officer performing the powers and functions of the WAPC specified in Schedule 1 shall provide quarterly reports to the WAPC, in the format prescribed by the WAPC.
- 6) The reports provided under (1) shall detail the number of applications received in that period, the type of development applied for and the decision made on each application.
- 7) The first reporting period shall commence on the date commencement of this instrument, with the first report being required no later than 3 months after commencement and thereafter submitted not later than 28 days after 31 March, 30 June, 30 September and 31 December each year.

Interpretation

1. A position listed in this instrument contemplates and includes its successor in title.
2. The Clause 28 Notice refers to the notice published by the WAPC pursuant to clause 28 of the MRS.
3. “not acceptable” means that the delegate wishes to determine the application, in a manner that is inconsistent with the recommendation received from the public agency with which the delegate was required to consult under this Notice of Delegation.
4. “public authority” has the meaning given in the Planning and Development Act 2005.