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PLANNING AND DEVELOPMENT ACT 2005

**PLANNING AND
DEVELOPMENT VARIOUS
RESOLUTIONS AND
INSTRUMENTS OF
DELEGATION**

Legislation: *Planning and Development Act 2005 (s16)*

Title: *RES 2008/01 Resolution under clause 32 of the MRS*

Resolution Date: *16/12/2008*

Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Clause 32 resolutions previously gazetted*

Planning and Development Act 2005

NOTICE OF RESOLUTION

RES 2008/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS

Notice of resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission

On 16 December 2008, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) RESOLVED—

- A TO REQUIRE all local governments within the Metropolitan Region Scheme area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the schedule to the WAPC for determination;
- B TO REQUIRE the local governments specified in clauses 5 to 11 of the schedule to refer applications for development of the classes and in the locations specified in clauses 5 to 11 of the schedule to the WAPC for determination;
- C TO REVOKE resolutions made under clause 32 of the Metropolitan Region Scheme as detailed in notices published in the *Government Gazette* of 28 November 1997 (page 7026), 8 January 1999 (page 54), 8 January 1999 (page 55), 4 May 2001 (pages 2261-2262), 30 April 2004 (page 1372), 24 December 2004 (page 6191), 3 November 2006 (page 4670), 24 November 2006 (page 4821), 12 June 2007 (page 2743), 4 September 2007 (page 4532) and 18 July 2008 (page 3340);
- D TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

SCHEDULE 1

REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE AREA COVERED BY THE MRS

1. Development of State or Regional Significance

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

2. Development in the Rural Zone

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the Rural zone in the MRS—

- (a) extractive industry—all applications; and
- (b) any other use which in the opinion of the local government or the WAPC may not be consistent with the Rural zone.

3. Poultry Farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

4. Development of Metropolitan Centres

Applications under clause 28 of the MRS for approval to commence and carry out development relating to a building or extensions to a building used for shopping or metropolitan centre purposes, in the case of—

- (i) strategic regional centre developments, where approval of the proposal would result in the shopping floorspace of the centre exceeding 80,000 m² net lettable area or unless the proposal accords with the shopping floorspace specified in any structure plan, centre plan or Local Planning Strategy endorsed by the Commission or in a town planning scheme; or
- (ii) regional centre developments, where approval of the proposal would result in the shopping floorspace of the centre exceeding 50,000 m² net lettable area or unless the proposal accords with the shopping floorspace specified in any structure plan, centre plan or Local Planning Strategy endorsed by the Commission or in a town planning scheme; or

- (iii) district centre developments, where approval of the proposal would result in the shopping floorspace of the centre exceeding 15,000 m² net lettable area or unless the proposal accords with the shopping floorspace specified in any structure plan, centre plan or Local Planning Strategy endorsed by the Commission or in a town planning scheme; or
- (iv) neighbourhood and local centre developments, where approval of the proposal would result in the shopping floorspace of the centre exceeding 4500 m² net lettable area or unless the proposal accords with the shopping floorspace specified in any structure plan, centre plan or Local Planning Strategy endorsed by the Commission or in a town planning scheme; or
- (v) traditional “main street” centre developments in a strategic regional centre, regional centre or district centre (in respect to the floorspace specified in (i) to (iii) above) where approval of a proposal would result in the additional shopping floorspace of the centre exceeding 1000 m², or where the additional net total of shopping floorspace from such developments in any one centre would exceed 2500 m² in one calendar year, above the Shopping Floorspace Guide in Appendix 1 of Statement of Planning Policy No. 9 or any centre plan or Local Planning Strategy endorsed by the Commission; or
- (vi) proposed office and community uses, and retail types contrary to the requirements of Appendix 1 of Statement of Planning Policy No. 9 or proposed office and community uses, and retail types which the responsible local government considers appropriate for centres in a higher level in the hierarchy.

For the purpose of this resolution—

‘**centre plan**’ means a plan showing coordination, integration and mix of uses of the centre;

‘**district centre**’ means a centre designated as such in the Statement of Planning Policy No. 9 or any Local Planning Strategy endorsed by the Commission;

‘**hierarchy of centres**’ for the purpose of this resolution, means centres ranging from strategic centres at the highest level in the hierarchy to regional centres, to district centres, and neighbourhood and local centres at the lowest level in the hierarchy;

‘**Local Planning Strategy**’ means a document and plan setting out a local government’s broad vision and the longer term directions for land use and development as required under Regulation 12A of the *Town Planning Regulations 1967*;

‘**net lettable area**’ means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaners’ cupboards, lift shafts and motor rooms, escalators, tea rooms, and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of the occupiers of the floor or building; and
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use occupiers of the floor or building;

‘**neighbourhood centre**’ and a ‘**local centre**’ mean centres described as such in the Statement of Planning Policy No. 9 or any Local Planning Strategy endorsed by the Commission;

‘**regional centre**’ means a centre designated as such in the Statement of Planning Policy No. 9;

‘**shopping floorspace**’ means use for any purpose defined in Appendix 4 of Statement of Planning Policy No. 9 but excludes hotels, taverns, nightclubs, and function and reception centres;

‘**Statement of Planning Policy No. 9**’ means the Statement of Planning Policy No. 9—Metropolitan Centres Policy Statement for the Perth Metropolitan Region published in the *Special Government Gazette* on 17 October 2000;

‘**strategic regional centre**’ means a centre designated as such in the Statement of Planning Policy No. 9;

‘**traditional ‘main street’ centre**’ means a centre designated as such in Appendix 2 in the Statement of Planning Policy No. 9 or any Local Planning Strategy endorsed by the Commission.

REFERRAL ARRANGEMENTS FOR SPECIFIC LOCAL GOVERNMENTS

5. Stirling and Glendalough Station Precincts

The City of Stirling, in the areas defined in WAPC plan No. 4.1495, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (i) all applications that include non-residential uses and/or development; and
- (ii) all applications for 5 or more residential dwellings.

6. Kwinana Industrial Area

The Town of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

7. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.

8. Coastal Buildings Above Specified Heights

The local governments of the Cities of Wanneroo, Joondalup, Stirling, Nedlands, Fremantle, Kwinana, Cockburn and Rockingham and the Towns of Cambridge, Cottesloe and Mosman Park are to refer for determination by the WAPC all applications for development of the following kinds near the coast—

- (a) Development for residential (including short stay residential), car-parking, retail, office or hotel purposes, or any combination of these uses, exceeding five storeys or 21 metres in height (or both) on land within 300 metres of the horizontal setback datum defined in State Planning Policy No. 2.6, or
- (b) Where a height of eight storeys or more is permissible under the local government scheme, development for residential (including short stay residential), car-parking, retail, office or hotel purposes, or any combination of these uses, exceeding eight storeys or 32 metres in height (or both) on land within 300 metres of the horizontal setback datum defined in State Planning Policy No. 2.6,

and shown on WAPC Plan No. 0.0728 and in more detail on plans 2.0771, 2.0772, 2.0773, 2.0774, 2.0775, 2.0776, 2.0777, 2.0778, 2.0779 and 2.0780 (being Maps 1 of 10 to 10 of 10 respectively).

9. Parliament House Precinct 6

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (a) the area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) the area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

10. Hazelmere Precinct and Adjacent Land

The City of Swan is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1536.

11. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

Legislation: Planning and Development Act 2005 (s16)

Title: RES 2008/02 Resolution under clause 21 of the PRS

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: Clause 21 resolution gazetted 28/03/2003

Planning and Development Act 2005

NOTICE OF RESOLUTION

RES 2008/02 RESOLUTION UNDER CLAUSE 21 OF THE PRS

**Notice of resolution made under clause 21 of the Peel Region Scheme
regarding development on zoned land requiring planning approval**

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS.

Resolution under clause 21 of the PRS

On 16 December 2008, pursuant to clause 21 of the PRS, the WAPC RESOLVED—

- A TO REQUIRE any development which is on land zoned under the Peel Region Scheme and which is of a kind or class set out in schedule 1 to have the planning approval of the WAPC;
- B TO REQUIRE local governments in the area covered by the Peel Region Scheme, following referrals and procedures as specified in schedule 2 either—
 - (i) to forward applications for approval to commence and carry out such development to the WAPC for determination; or
 - (ii) to assess and determine such applications where the WAPC, under section 16 of the Act, has delegated those functions to the local government;
- C TO CONFIRM that words used in the schedules have the meanings given to them in the Act and the Peel Region Scheme and, unless the context otherwise requires, the meanings defined in schedule 3;
- D TO REVOKE resolutions made under clause 21 of the Peel Region Scheme as detailed in notices published in the *Government Gazette* on 28 March 2003 (pages 994-995) and 3 November 2006 (page 4670);
- E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

SCHEDULE 1—Development on zoned land requiring planning approval

1. Development of State or Regional Significance

Development of state or regional significance and development called in by or referred to the WAPC, in the following circumstances—

- (a) Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.
- (b) Development, in the opinion of the local government, which is of state or regional significance or for which an application should be determined by the WAPC in the public interest.

2. Land Abutting Regional Open Space Reservation

All development on land abutting a regional open space reservation except—

- (a) Residential development of four or fewer dwellings that does not encroach onto the reservation.
- (b) Ancillary and incidental development that does not encroach onto the reservation and which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the PRS.
- (c) Development, other than intensive agriculture, associated with existing rural activities which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the PRS.

3. Land Abutting Regional Road Reservations

Development of the following kinds on zoned land abutting a regional road reservation—

- (a) Development including earthworks and drainage which encroaches upon the regional road reservation.
- (b) Development with direct access or existing vehicular access to a regional road reservation.
- (c) Development where access to a regional road reservation is proposed.
- (d) Development which in the opinion of the WAPC or the local government has the potential to significantly increase traffic and has access to a regional road reservation.
- (e) Development where existing access to a regional road reservation is to be retained but where alternative access is available.

Exceptions

- (i) Residential development of four or fewer dwellings that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.
- (ii) Ancillary and incidental development that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.

4. Development in Special Control Areas

Development on land in the water catchments special control area (SCA No. 1) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 1 stated in clause 15(b) of the PRS.

5. Commercial and Retail Development

Development of any building or extensions to an existing building where the building or extensions are to be used for shopping purposes and where—

- (a) the net lettable area of the proposed building is more than 2500 m², or
- (b) the net lettable area of the extensions is more than 1000 m².

6. Development in the rural zone

Development in the rural zone, other than for a poultry farm, which in the opinion of the WAPC or the local government may not be consistent with the purposes of the rural zone stated in clause 12(e) of the PRS.

7. Poultry Farms

Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm.

8. Development near the coast

Development of the following kinds near the coast—

- (a) Development for residential (including short-stay residential), car parking, retail, office or hotel purposes, or any combination of these uses, exceeding five storeys or 21 metres in height (or both) on land within 300 metres of the horizontal setback datum of the coast as defined in State Planning Policy 2.6 State Coastal Planning Policy; or
- (b) Where a height of eight storeys or more is permissible under the local planning scheme, development for residential (including short-stay residential), car parking, retail, office or hotel purposes, or any combination of these uses, exceeding eight storeys or 32 metres in height (or both) on land within 300 metres of the horizontal setback datum of the coast as defined in State Planning Policy 2.6 State Coastal Planning Policy.

SCHEDULE 2—Requirements for referral to advice agencies and forwarding to the WAPC

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which shall forward it to the WAPC within seven days and may within 42 days (or such longer period as the WAPC allows) make recommendations to the WAPC except where the local government exercises the powers and follows the procedures provided by an instrument of delegation made by the WAPC under section 16 of the *Planning and Development Act 2005*.

2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.

4. An application for development in the water catchment special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

5. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.

6. Following referral of any application for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC together with the advice and recommendations provided by all advice agencies consulted and the advice and recommendation of the local government. These should be accompanied by the reasons why the recommendation of the advice agency is not acceptable to the local government.

SCHEDULE 3—Definitions

In this notice of resolution, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

- ‘**Abutting**’ reserved land means the zoned land shares a common boundary with reserved land.
- ‘**Access**’ means entry or exit (or both) from either a road or abutting development by a vehicle.
- ‘**Advice agency**’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 2.
- ‘**Forward to the WAPC**’ and similar expressions mean convey by mail, by hand or electronically to the Peel region planning office of the Department for Planning and Infrastructure.
- ‘**Net lettable area**’ means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
 - lobbies between lifts facing other lifts servicing the same floor;
 - areas set aside for the provision of facilities or services to the floor or building;
 - areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- ‘**Not acceptable**’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- ‘**Planning approval**’ means the planning approval of the WAPC as required under the PRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- ‘**Shopping purposes**’ means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

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Legislation: Planning and Development Act 2005 (s16)

Title: RES 2008/03 Resolution under clause 27 of the GBRS

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: Clause 27 resolution gazetted 25/01/2008

Planning and Development Act 2005

NOTICE OF RESOLUTION

RES 2008/03 RESOLUTION UNDER CLAUSE 27 OF THE GBRS

Notice of resolution made under clause 27 of the Greater Bunbury Region Scheme regarding development on zoned land requiring planning approval

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on *reserved* land, a person must not commence or carry out development unless that person has planning approval. Also under clause 24, on *zoned* land, a person must not commence or carry out development of a kind or class specified in a resolution made by the Western Australian Planning Commission (WAPC) under clause 27 unless that person has planning approval.

Under clause 27 of the GBRS, on *zoned* land, the WAPC may by resolution require specified development to have planning approval before it is commenced or carried on.

Resolution under clause 27 of the GBRS

On 16 December 2008, pursuant to clause 27 of the GBRS, the WAPC RESOLVED—

- A TO REQUIRE any development which is on land zoned under the Greater Bunbury Region Scheme and which is of a kind or class set out in schedule 1 to have the planning approval of the WAPC;
- B TO REQUIRE local governments within the area covered by the Greater Bunbury Region Scheme following referrals and procedures as specified in schedule 2, either—
 - (i) to forward applications for approval to commence and carry out such development to the WAPC for determination, or
 - (ii) to assess and determine such applications where the WAPC, under section 16 of the Act, has delegated those functions to the local government;
- C TO CONFIRM that words used in the schedules have the meanings given to them in the Act and the Greater Bunbury Region Scheme and, unless the context otherwise requires, the meanings defined in schedule 3;
- D TO REVOKE its resolution made under clause 27 of the Greater Bunbury Region Scheme as detailed in a notice published in the *Government Gazette* of 25 January 2008 (pages 223-226);
- E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

SCHEDULE 1—Development on zoned land requiring planning approval

1. Development of State or Regional Significance

Development of state or regional significance and development called in by or referred to the WAPC, in the following circumstances—

- (a) Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.
- (b) Development, in the opinion of the local government, which is of state or regional significance or for which an application should be determined by the WAPC in the public interest.

2. Land abutting a Regional Open Space Reservation

All development on land abutting a regional open space reservation except—

- (a) Residential development of four or fewer dwellings that does not encroach onto the reservation.
- (b) Ancillary and incidental development that does not encroach onto the reservation and which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the GBRS.
- (c) Development, other than intensive agriculture, associated with existing rural activities which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the GBRS.

3. Land abutting a Regional Road Reservation

Development of the following kinds on land abutting a regional road reservation—

- (a) Development including earthworks and drainage which encroaches upon the regional road reservation.
- (b) Development with direct access or existing vehicular access to a regional road reservation.
- (c) Development where access to a regional road reservation is proposed.
- (d) Development which in the opinion of the WAPC or the local government has the potential to significantly increase traffic and has access to a regional road reservation.
- (e) Development where existing access to a regional road reservation is to be retained but where alternative access is available.

Exceptions

- (i) Residential development of four or fewer dwellings that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.
- (ii) Ancillary and incidental development that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.

4. Land abutting other Reservations

All development on land abutting a public purposes, railways, state forests or waterways reservation.

5. Development in Special Control Areas

Development of the following kinds in special control areas—

- (a) Development on land in the water catchments special control area (SCA No. 1) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 1 stated in clause 15(c) of the GBRs.
- (b) Development on land in the Kemerton industrial zone buffer special control area (SCA No. 2) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 2 stated in clause 18(b) of the GBRs.
- (c) Development on land in the Glen Iris service corridor buffer area special control area (SCA No. 3) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 3 stated in clause 21(b) of the GBRs.

6. Development in the Strategic Agricultural Resource Policy Area

Development in, adjacent to or in close proximity to the strategic agricultural resource policy area which, in the opinion of the WAPC or the local government, would potentially be incompatible with agricultural activities in the policy area or would be adversely affected by, or would adversely affect, those activities, including but not limited to bed and breakfast, caravan park, club premises, corrective institution, educational establishment, exhibition centre and park home park.

7. Development in the Strategic Minerals and Basic Raw Materials Resource Policy Area

Development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area which, in the opinion of the WAPC or the local government, would potentially be incompatible with mining or materials extraction in the policy area or would be adversely affected by, or would adversely affect, those activities, including but not limited to agriculture—intensive, animal establishment, animal husbandry—intensive, caravan park, club premises, corrective institution, educational establishment, exhibition centre, fuel depot, industry—rural, park home park, place of worship, private recreation, rural pursuit, veterinary centre and winery.

8. Development in the Floodplain Management Policy Area

Development on land partly or wholly within the land subject to the floodplain management policy which, in the opinion of the WAPC or local government, would have the potential to increase the risk or impact from major river flooding, would be adversely affected by flooding, or would adversely affect the natural flood carrying capacity of floodplains or water quality of waterways as a natural resource.

9. Commercial and Retail Development

Development of any building or extensions to an existing building where the building or extensions are to be used for shopping purposes and where—

- (a) the net lettable area of the proposed building is more than 2500 m², or
- (b) the net lettable area of the extensions is more than 1000 m².

10. Development in the rural zone

Development in the rural zone, other than for a poultry farm, which in the opinion of the WAPC or the local government may not be consistent with the purposes of the rural zone stated in clause 12(e) of the GBRs.

11. Poultry Farms

Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm.

12. Development near the coast

Development of the following kinds near the coast—

- (a) Development for residential (including short-stay residential), car parking, retail, office or hotel purposes, or any combination of these uses, exceeding five storeys or 21 metres in height

(or both) on land within 300 metres of the horizontal setback datum of the coast as defined in state planning policy 2.6 State coastal planning policy, or

- (b) Where a height of eight storeys or more is permissible under the local planning scheme, development for residential (including short-stay residential), car parking, retail, office or hotel purposes, or any combination of these uses, exceeding eight storeys or 32 metres in height (or both) on land within 300 metres of the horizontal setback datum of the coast as defined in state planning policy 2.6 State coastal planning policy.

SCHEDULE 2—Requirements for referral to advice agencies and forwarding to the WAPC

1. Under clause 36 of the GBRs, an application for planning approval is to be submitted to the local government, which shall forward it to the WAPC within seven days and make recommendations to the WAPC within 42 days (or such longer period as the WAPC allows) except where the local government exercises the powers and follows the procedures provided by an instrument of delegation made by the WAPC under section 16 of the *Planning and Development Act 2005*.
2. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.
4. An application for development abutting reserved land, other than land reserved for regional open space or for regional roads, shall be referred within seven days to the public authority responsible for that reserved land.
5. An application for development in the water catchment special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
6. An application for development in, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.
7. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Industry and Resources for advice and recommendation before being considered by the local government.
8. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Environment and Conservation for advice and recommendation before being considered by the local government.
9. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.
10. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC together with the advice and recommendations provided by all advice agencies consulted and the advice and recommendation of the local government.
11. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.

SCHEDULE 3—Definitions

In this notice of resolution, words have the meanings given to them in the Act and the GBRs.

Unless the context otherwise requires—

- ‘**Abutting**’ reserved land means the zoned land shares a common boundary with reserved land.
- ‘**Access**’ means entry or exit (or both) from either a road or abutting development by a vehicle.
- ‘**Advice agency**’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- ‘**Forward to the WAPC**’ and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department for Planning and Infrastructure.
- ‘**Net lettable area**’ means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
 - (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
 - (b) lobbies between lifts facing other lifts servicing the same floor;

- (c) areas set aside for the provision of facilities or services to the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

‘Not acceptable’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

‘Planning approval’ means the planning approval of the WAPC as required under the GBRs and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

‘Proximity’ and **‘in close proximity’** mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.

‘Shopping purposes’ means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

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Matter referred to	Where referred to		
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Legislation: Planning and Development Act 2005 (s16)

Title: DEL 2008/02 Powers of committees

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: Delegation to officers and committees gazetted 12/12/2006

Delegation to officers and committees gazetted 09/02/2007

Delegation to officers and committees gazetted 12/10/2007

Delegation to officers and committees gazetted 25/01/2008

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/02 POWERS OF COMMITTEES

**Notice of delegation to committees of certain powers and functions of the
Western Australian Planning Commission**

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 2 of the schedule, to the committees specified in column 1 of the schedule;
- B TO REVOKE its delegation of powers and functions to various eligible persons and bodies as detailed in notices published in the *Government Gazette* on 12 December 2006 (pages 5504-5505), 9 February 2007 (pages 437-443), 12 October 2007 (pages 5531-5532) and 25 January 2008 (pages 230-231).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE

Column 1 (Committee)	Column 2 (Powers and Functions)
1. Executive, Finance and Property Committee	1.1. All powers and functions of the WAPC that may lawfully be delegated under the Act and any other written law.
2. Statutory Planning Committee	2.1. Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
	2.2. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
	2.3. Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the <i>Environmental Protection Act 1986</i> .
	2.4. Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.

Column 1 (Committee)	Column 2 (Powers and Functions)
	2.5. Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the <i>Swan and Canning Rivers Management Act 2006</i> where the determining authority is the WAPC.
	2.6. All functions of the WAPC as set out in— (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act; (ii) <i>Town Planning Regulations 1967</i> ; (iii) <i>Town Planning and Development (Subdivisions) Regulations 2000</i> ; (iv) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme; (v) <i>Strata Titles General Regulations 1996</i> ; (vi) Section 52 and section 85 of the <i>Land Administration Act 1997</i> ; (vii) Section 40 of the <i>Liquor Control Act 1988</i> ; (viii) Part 4—Development Control of the Hope Valley-Wattleup Redevelopment Act 2000; (ix) <i>Perry Lakes Redevelopment Act 2005</i> .
	2.7. Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
	2.8. Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
	2.9. Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
	2.10. Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
	2.11. Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
	2.12. Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the <i>Environmental Protection Act 1986</i> and to refer such proposal to the Environmental Protection Authority.
	2.13. Power to waive or clear conditions affixed as conditions of approval.
	2.14. Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the <i>Land Administration Act 1997</i>
	2.15. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
	2.16. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
	2.17. Power to defend, respond, appeal and otherwise deal with legal proceedings.
	2.18. Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.

Column 1 (Committee)	Column 2 (Powers and Functions)
3. Statutory Planning Committee meeting as the Metropolitan Region Planning Committee	3.1. All functions of the WAPC as set out in— (i) subsections (f)(i)(j)(l) of section 14 of the Act; (ii) Part 4 of the Act; (iii) the Metropolitan Region Scheme.
	3.2. All functions of the WAPC set out in section 126 of the Act.
	3.3. Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of the Metropolitan Region Scheme but only where those determinations are not inconsistent with predetermined policies (if any) of the WAPC and will not be significantly at variance with the recommendations made by the relevant local government or where no response has been received from the local government within the period prescribed in clause 29(3) of the Scheme
	3.4. Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under clause 32 of the Metropolitan Region Scheme requiring such determination.
4. Infrastructure Coordinating Committee	4.1. Such powers and functions under the Act as are necessary to— (i) co-ordinate the preparation of the Metropolitan Development Program; and (ii) plan for the coordinated provision of infrastructure for land development.
5. Sustainable Transport Committee	5.1. Such powers and functions under the Act as are necessary to— (i) determine alignments, reservations and plans for the protection of transportation reserves that may require amendments to the Metropolitan Region Scheme; (ii) determine transportation requirements of amendments to the Metropolitan Region Scheme; and (iii) prepare transportation strategies and policies both within and outside the Perth Metropolitan Region.
6. Central Perth Planning Committee (only where the matters under consideration by the Committee are within the area of the City of Perth)	6.1. All functions of the WAPC as set out in— (i) subsections (f)(i)(j)(l) of section 14 of the Act; (ii) Part 4 of the Act; (iii) the Metropolitan Region Scheme.
	6.2. Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under clause 32 of the Metropolitan Region Scheme requiring such determination.
	6.3. All functions of the WAPC as set out in— (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 214, 215, 216 of the Act; (ii) <i>Town Planning Regulations 1967</i> ; (iii) <i>Town Planning and Development (Subdivisions) Regulations 2000</i> ; (iv) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme; (v) <i>Strata Titles General Regulations 1996</i> ; (vi) Section 52 and section 85 of the <i>Land Administration Act 1997</i> ; (vii) Section 40 of the <i>Liquor Control Act 1988</i> . (subject to the exercise of these functions having due regard in each case to published WAPC policy).
	6.4. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act (subject to the exercise of the functions under this clause having due regard in each case to published WAPC policy).

Column 1 (Committee)	Column 2 (Powers and Functions)
	<p>6.5. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law (subject to the exercise of these functions having due regard in each case to published WAPC policy)</p> <p>6.6. Power to defend, respond, appeal and otherwise deal with legal proceedings (subject to the exercise of these functions having due regard in each case to published WAPC policy).</p> <p>6.7. Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act (subject to the exercise of these functions having due regard in each case to published WAPC policy).</p>
<p>7. Peel Region Planning Committee (only where the matters under consideration by the Committee are within the Peel Region of the State)</p>	<p>7.1. All functions of the WAPC as set out in—</p> <ul style="list-style-type: none"> (i) Sections 14(a), 14(c), 14(f), 14(i), 14(j), 14(l), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 126, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216, 217 of the Act; (ii) the Peel Region Scheme but not including clauses 19(f), 43 and 44(1); (iii) <i>Town Planning Regulations 1967</i>; (iv) <i>Town Planning and Development (Subdivisions) Regulations 2000</i>; (v) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme; (vi) <i>Strata Titles General Regulations 1996</i>; (vii) Section 52 and section 85 of the <i>Land Administration Act 1997</i>; (viii) Section 40 of the <i>Liquor Control Act 1988</i>. <p>7.2. Power to do all things that are necessary for the purpose of carrying out Parts 4, 6, 7 and 8 of the Act.</p> <p>7.3. Power to advise the Minister for Planning on any application for review or matter arising therefrom pursuant to Part 14 of the Act.</p> <p>7.4. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.</p> <p>7.5. Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.</p> <p>7.6. In relation to an instrument of delegation to local governments, the power to prescribe the form and manner (if any) in which local governments are to report delegated decisions to the WAPC.</p>
<p>8. South West Region Planning Committee (only where the matters under consideration by the Committee are within the South West Region of the State)</p>	<p>8.1. All functions of the WAPC as set out in—</p> <ul style="list-style-type: none"> (i) Sections 14(a), 14(c), 14(f), 14(i), 14(j), 14(l), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 126, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216, 217 of the Act; (ii) the Greater Bunbury Region Scheme but not including clauses 25(g), 49 and 50(1); (iii) <i>Town Planning Regulations 1967</i>; (iv) <i>Town Planning and Development (Subdivisions) Regulations 2000</i>; (v) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme; (vi) <i>Strata Titles General Regulations 1996</i>; (vii) Section 52 and section 85 of the <i>Land Administration Act 1997</i>; (viii) Section 40 of the <i>Liquor Control Act 1988</i>. <p>8.2. Power to do all things that are necessary for the purpose of carrying out Part 4 and Part 6 of the Act.</p>

Column 1 (Committee)	Column 2 (Powers and Functions)
	<p>8.3. Power to advise the Minister for Planning on any application for review or matter arising therefrom pursuant to Part 14 of the Act.</p> <p>8.4. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.</p> <p>8.5. Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.</p> <p>8.6. In relation to an instrument of delegation to local governments, the power to prescribe the form and manner (if any) in which local governments are to report delegated decisions to the WAPC.</p>
<p>9. Ningaloo Sustainable Development Committee (only where the matters under consideration by the Committee are within the Ningaloo Coast Interim Development Order Area)</p>	<p>9.1. All functions of the WAPC as set out in—</p> <ul style="list-style-type: none"> (i) Sections 14(a), 14(c), 14(f), 14(i), 14(j), 14(l), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 126, 135, 136, 138, 139, 140, 142, 143, 144, 147, 151, 153, 154, 169, 185, 214, 215, 216, 217 of the Act; (ii) the Ningaloo Coast Regional Interim Development Order 2007; (iii) <i>Town Planning Regulations 1967</i>; (iv) <i>Town Planning and Development (Subdivisions) Regulations 2000</i>; (v) <i>Strata Titles Act 1985</i> or the provisions of a strata or survey-strata scheme; (vi) <i>Strata Titles General Regulations 1996</i>; (vii) Section 52 and section 85 of the <i>Land Administration Act 1997</i>; (viii) Section 40 of the <i>Liquor Control Act 1988</i>. <p>9.2. Power to do all things that are necessary for the purpose of carrying out Part 4 and Part 6 of the Act.</p> <p>9.3. Power to advise the Minister for Planning on any application for review or matter arising therefrom pursuant to Part 14 of the Act.</p> <p>9.4. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.</p> <p>9.5. Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.</p> <p>9.6. In relation to an instrument of delegation to local governments, the power to prescribe the form and manner (if any) in which local governments are to report delegated decisions to the WAPC.</p>

Legislation: Planning and Development Act 2005 (s16)

Title: DEL 2008/03 Powers of committees (Hope Valley-Wattleup)

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revolves: Delegation to officers and committees gazetted 25/05/2007

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/03 POWERS OF COMMITTEES (HOPE VALLEY-WATTLEUP)

**Notice of delegation to committees of certain powers and functions of the
Western Australian Planning Commission relating to the
Hope Valley Wattleup Redevelopment Act 2000**

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 2 of the schedule, to the committees specified in column 1 of the schedule;
- B TO REVOKE its delegation of powers and functions to various eligible persons and bodies as detailed in a notice published in the *Government Gazette* of 25 May 2007 (pages 2343-2344).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1

Column 1 (Committee)	Column 2 (Powers and Functions)
Statutory Planning Committee	All functions of the WAPC as set out in the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> .

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/04 Powers of committees (Whiteman Park)*

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: *Delegation to officers and committees gazetted 28/09/2001*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/04 POWERS OF COMMITTEES (WHITEMAN PARK)

Notice of delegation to committees of certain powers and functions of the Western Australian Planning Commission relating to management of Whiteman Park

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 2 of the schedule, to the committees specified in column 1 of the schedule;
- B TO REVOKE its delegation of powers and functions to various eligible persons and bodies as detailed in a notice published in the *Government Gazette* of 28 September 2001 (page 5399).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1

Column 1 (Committees)	Column 2 (Powers and Functions)
Whiteman Park Board of Management, being a committee by that name created by the WAPC under section 19 of the Act, which operations are limited to the land defined as <i>Whiteman Park</i> and depicted on WAPC plan 0.0421	The powers and functions of the WAPC set out in— (a) section 14(j) of the Act; and (b) section 15(2)(d)(ii) of the Act; as are necessary to undertake the administrative and financial obligations and functions of the WAPC that are—
Executive Committee of the Whiteman Park Board of Management, being a committee by that name created by the WAPC under section 19 of the Act, which operations are limited to the land defined as <i>Whiteman Park</i> and depicted on WAPC plan 0.0421 (limited in any one action to expenditure relating to <i>Whiteman Park</i> to the value of \$10,000.)	(i) within the <i>Whiteman Park Budget</i> approved and allocated by the WAPC on an annual basis; (ii) in accordance with the <i>Objective, Terms of Reference and Priority Management Responsibilities</i> for the Whiteman Park Board of Management as approved from time to time by the WAPC; (iii) in accordance with the requirements of the <i>Financial Administration and Audit Act 1985</i> , the State Supply Commission Policies and other statutory requirements applicable to the operations of the WAPC itself.

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/05 Powers of committees (Araluen Botanic Park)*

Resolution Date: *16/12/2008*

Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to committees gazetted 02/02/1996*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/05 POWERS OF COMMITTEES (ARALUEN BOTANIC PARK)

**Notice of delegation to committees of certain powers and functions of the
Western Australian Planning Commission relating to the management of
Araluen Botanic Park**

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE its powers and functions as set out in column 2 of the schedule, to the committees specified in column 1 of the schedule;

B TO REVOKE its delegation of powers and functions to the Araluen Botanic Park Board as detailed in a notice published in the *Government Gazette* of 2 February 1996 (page 427).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1

Column 1 (Committee)	Column 2 (Powers and Functions)
Araluen Botanic Park Board of Management	Powers and functions of the WAPC set out in (a) section 14(j) of the Act; and (b) section 18(2)(d) of the Act; as are necessary to undertake the administrative and financial obligations of the WAPC that are— (i) within the Araluen Botanic Park Budget approved and allocated by the WAPC on an annual basis; (ii) in accordance with the “Objectives” and “terms of Reference” for the Araluen Botanic Park Board of Management as approved from time to time by the WAPC; (iii) in accordance with the requirements of the <i>Financial Administration and Audit Act 1985</i> , the State Supply Commission Policies and other statutory requirements applicable to the operations of the WAPC itself.

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/06 Powers of officers*

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revoques: *Delegation to officers gazetted 28/09/2001*

Delegation to committees and officers gazetted 12/12/2006

Delegation to committees and officers gazetted 9/02/2007

Delegation to committees and officers gazetted 12/10/2007

Delegation to committees and officers gazetted 25/01/2008

Amendment to delegation to committees and officers gazetted 31/10/2008

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/06 POWERS OF OFFICERS

**Notice of delegation to officers of certain powers and functions of the
Western Australian Planning Commission**

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 1 of the schedule, 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 the schedule, subject to the conditions specified in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to various eligible persons and bodies as detailed in notices published in the *Government Gazette* on 28 September 2001 (page 5398), 28 September 2001 (pages 5399-5400), 12 December 2006 (pages 5504-5505), 9 February 2007 (pages 437-443), 12 October 2007 (pages 5531-5532), 25 January 2008 (pages 230-231) and 31 October 2008 (pages 4787-4789).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

**SCHEDULE 1—Powers regarding the preparation of planning schemes and
interim development orders under the Act**

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
1.1. Power to recommend to the Minister for Planning that approval be granted or withheld with respect to Interim Development Orders and extensions thereto made or extended pursuant to section 102 of the Act.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	—
1.2. Power to give consent to advertise amendments to local planning schemes in cases where such determination rests with the WAPC under the provisions of the <i>Town Planning Regulations 1967</i> , and to determine the periods for which those amendments are advertised where	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 	Confined to matters related to land within the Perth Metropolitan Region.

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
<p>variations to the 42 day period prescribed by regulation 25(fa) are justified.</p> <p>1.3. Power to recommend to the Minister for Planning as to whether or not requests for extensions of time for the consideration of submissions or to undertake modifications to an amendment prior to advertising be granted pursuant to regulation 14(4) or 25AA(6) of the <i>Town Planning Regulations 1967</i>; or power to approve requests for extensions of time for the consideration of submissions pursuant to regulation 17(1) of the <i>Town Planning Regulations 1967</i> where such power is conferred upon the WAPC.</p> <p>1.4. Power pursuant to regulation 15(5) of the <i>Town Planning Regulations 1967</i> to specify a lesser period than three months from the date of advertisement in which submissions may be made where a scheme is a development scheme or a scheme that does not involve the zoning or classification of land, where such power is conferred upon the WAPC.</p> <p>1.5. Power to recommend to the Minister for Planning that amendments to local planning schemes be given final approval under the provisions of regulations 19 and 25(1)(g) of the <i>Town Planning Regulations 1967</i> where</p> <p>(i) no submissions were made during the advertising period, or where that recommendation accords with the local government's determination of any submissions received, and</p> <p>(ii) the recommendation does not substantially modify the local government's resolution deciding to amend the local planning scheme.</p>	<ul style="list-style-type: none"> • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	
	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 • Team Leader Statutory Planning Northern Regions 20020282 • Team Leader Statutory Planning Central Regions 20020174 • Team Leader Statutory Planning Southern Regions 20020163 • Team Leader Statutory Planning Great Southern 20020177 • Team Leader Strategic Planning Northern Regions 20020307 • Team Leader Strategic Planning Central Regions 20070222 • Team Leader Strategic Planning Southern Regions 20020446 	<p>Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.</p>
	<ul style="list-style-type: none"> • Director South West Planning Program 20020142 • Team Leader Statutory Planning 20020143 • Senior Project Planner 20020144 	<p>Confined to matters related to land within the South West Region of the State.</p>
	<ul style="list-style-type: none"> • Director Peel Planning Program 20080158 • Team Leader Peel Region 20020182 • Team Leader Peel Region Scheme 20080159 	<p>Confined to matters related to land within the Peel Region of the State.</p>
<p>1.6. Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	<p>—</p>

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
<p>plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.</p> <p>1.7. Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.</p> <p>1.8. Power pursuant to Regulation 22 of the <i>Town Planning Regulations 1967</i> to endorse local planning scheme and local planning scheme amendment documents for submission to the Minister for Planning.</p>	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	<p>Confined to matters related to land within the Perth Metropolitan Region.</p>
	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 • Team Leader Statutory Planning Northern Regions 20020282 • Team Leader Statutory Planning Central Regions 20020174 • Team Leader Statutory Planning Southern Regions 20020163 • Team Leader Statutory Planning Great Southern 20020177 • Team Leader Strategic Planning Northern Regions 20020307 • Team Leader Strategic Planning Central Regions 20070222 • Team Leader Strategic Planning Southern Regions 20020446 	<p>Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.</p>
	<ul style="list-style-type: none"> • Director South West Planning Program 20020142 • Team Leader Statutory Planning 20020143 • Senior Project Planner 20020144 	<p>Confined to matters related to land within the South West Region of the State.</p>
	<ul style="list-style-type: none"> • Director Peel Planning Program 20080158 • Team Leader Peel Region 20020182 • Team Leader Peel Region Scheme 20080159 	<p>Confined to matters related to land within the Peel Region of the State.</p>

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
1.9. All functions of the WAPC as set out in section 126 of the Act	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	
	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 	Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.
	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 	Confined to matters related to land within the Perth Metropolitan region.
	<ul style="list-style-type: none"> • Director Peel Planning Program 20080158 	Confined to matters related to land within the Peel Region of the State.
	<ul style="list-style-type: none"> • Director South West Planning Program 20020142 	Confined to matters related to land within the South West Region of the State.

SCHEDULE 2—Powers regarding subdivision applications and other applications under Part 10 of the Act

Column 1	Column 2	Column 3
<p>2.1. Power to determine all applications to the WAPC under Part 10 of the Act where such determination is in accordance with predetermined policies (if any) of the WAPC.</p> <p>2.2. Power, with respect to applications to the WAPC under Division 2 of Part 10 of the Act determined by or on behalf of the WAPC, to advise applicants that a revised plan of subdivision is considered to contain amendments that are minor and not so significant so as to amount to a significantly different proposal in circumstances where a revised plan does not materially affect the decision given by or on behalf of the WAPC.</p> <p>2.3. Power pursuant to section 144(2) of the Act to</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	—
	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	Confined to matters related to land within the Perth Metropolitan Region.

Column 1	Column 2	Column 3
<p>determine requests for reconsideration but only in respect of decisions made by an officer under delegated power and where the recommendation is to approve the request and where approval to the reconsideration would not be inconsistent with WAPC policy or where the recommendation is to refuse the request on the basis that it is clearly contrary to WAPC policy.</p> <p>2.4. Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.</p> <p>2.5. In accordance with section 153 of the Act, power to grant approval for an applicant to pay to the relevant local government a sum of money in lieu of land being set aside for public open space that represents the value of that portion in circumstances where the WAPC has approved a plan of subdivision upon the condition that such land be set aside for public open space.</p>	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 • Team Leader Statutory Planning Northern Regions 20020282 • Team Leader Statutory Planning Central Regions 20020174 • Team Leader Statutory Planning Southern Regions 20020163 • Team Leader Statutory Planning Great Southern 20020177 • Team Leader Strategic Planning Northern Regions 20020307 • Team Leader Strategic Planning Central Regions 20070222 • Team Leader Strategic Planning Southern Regions 20020446 <ul style="list-style-type: none"> • Director South West Planning Program 20020142 • Team Leader Statutory Planning 20020143 • Senior Project Planner 20020144 <ul style="list-style-type: none"> • Director Peel Planning Program 20080158 • Team Leader Peel Region 20020182 • Team Leader Peel Region Scheme 20080159 	<p>Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.</p> <p>Confined to matters related to land within the South West Region of the State.</p> <p>Confined to matters related to land within the Peel Region of the State.</p>
<p>2.6. Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the <i>Swan and Canning Rivers Management Act 2006</i> where the determining authority is the WAPC.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	<p>—</p>

Column 1	Column 2	Column 3
2.7. Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan Valley Planning Committee in whole or in part in relation to the approval of development of land within the Swan Valley Planning Act Area where the determining authority is the WAPC, in accordance with section 40(4) of the Act	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 	—
2.8. Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	—
	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 	Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.

SCHEDULE 3—Powers under other legislation

Column 1	Column 2	Column 3
3.1. Power to determine applications and other matters lodged with the WAPC for decision under the provisions of the <i>Strata Titles Act 1985</i> or the provisions of any strata or survey-strata scheme where any such determination is in accordance with predetermined policies (if any) of the WAPC.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	—
	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	Confined to matters related to land within the Perth Metropolitan Region.
3.2. Power to certify, in accordance with section 40 of the <i>Liquor Control Act 1988</i> , with respect to the acceptability of a proposal in terms of relevant existing approvals, written laws relating to planning, schemes and WAPC policy.		
3.3. Power pursuant to sections 52 and 85 of the <i>Land Administration Act 1997</i> to approve plans of survey where in accordance		

Column 1	Column 2	Column 3
<p>with predetermined policies (if any) of the WAPC.</p> <p>3.4. Authority to advise the Minister for Planning when the Minister undertakes the role of the WAPC in relation to the approval of the lease or subdivision of land pursuant to Part 10 of the <i>Planning and Development Act 2005</i>, within areas the subject of a redevelopment act and planning scheme and under the control of a redevelopment authority</p> <p>3.5. Power to determine applications for development approval made under Division 5 of Part 3 of the <i>Perry Lakes Redevelopment Act 2005</i> but only where those determinations are not inconsistent with an approved redevelopment plan that relates to the land.</p> <p>3.6. Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.</p>	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 • Team Leader Statutory Planning Northern Regions 20020282 • Team Leader Statutory Planning Central Regions 20020174 • Team Leader Statutory Planning Southern Regions 20020163 • Team Leader Statutory Planning Great Southern 20020177 • Team Leader Strategic Planning Northern Regions 20020307 • Team Leader Strategic Planning Central Regions 20070222 • Team Leader Strategic Planning Southern Regions 20020446 	<p>Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.</p>
	<ul style="list-style-type: none"> • Director of South West Planning Program 20020142 • Team Leader Statutory Planning 20020143 • Senior Project Planner 20020144 	<p>Confined to matters related to land within the South West Region of the State.</p>
	<ul style="list-style-type: none"> • Director Peel Planning Program 20080158 • Team Leader Peel Region 20020182 • Team Leader Peel Region Scheme 20080159 	<p>Confined to matters related to land within the Peel Region of the State.</p>
<p>3.7. Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the <i>Environmental Protection Act 1986</i> and to refer such proposal to the Environmental Protection Authority.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	<p>—</p>
	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director State Strategic Policy 20030054 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 	<p>Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.</p>

SCHEDULE 4—Power to endorse documents

Column 1	Column 2	Column 3
<p>4.1. Power to endorse the following classes of approval that may be granted pursuant to Part 10 of the Act—</p> <p>(i) diagrams and plans of survey and deposited plans submitted in accordance</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Secretary of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	<p>—</p>

Column 1	Column 2	Column 3
<p>with an earlier approved plan of subdivision or amalgamation; and</p> <p>(ii) any other documents relating to leases, licences, transfers, conveyances and mortgages, easements, memorials on title and other dealings in land, submitted for formal endorsement, subject to prior compliance with all relevant conditions (if any) affixed as a condition of approval or waiver of conditions pursuant to 4.3.</p> <p>4.2. Power pursuant to section 25B of the <i>Strata Titles Act 1985</i> to endorse survey-strata plans or plans or re-subdivision or consolidation for a survey-strata scheme submitted for formal endorsement, subject to prior compliance with all relevant conditions (if any) affixed as a condition of approval.</p> <p>4.3. Power to waive or clear conditions affixed as conditions of approval with respect to the classes of approval set forth in 4.1 and 4.2.</p> <p>4.5. Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the <i>Land Administration Act 1997</i></p>	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	Confined to matters related to land within the Perth Metropolitan Region.
	<ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 • Team Leader Statutory Planning Northern Regions 20020282 • Team Leader Statutory Planning Central Regions 20020174 • Team Leader Statutory Planning Southern Regions 20020163 • Team Leader Statutory Planning Great Southern 20020177 • Team Leader Strategic Planning Northern Regions 20020307 • Team Leader Strategic Planning Central Regions 20070222 • Team Leader Strategic Planning Southern Regions 20020446 	Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.
	<ul style="list-style-type: none"> • Director of South West Planning Program 20020142 • Team Leader Statutory Planning 20020143 • Senior Project Planner 20020144 	Confined to matters related to land within the South West Region of the State.
	<ul style="list-style-type: none"> • Director Peel Planning Program 20080158 • Team Leader Peel Region 20020182 • Team Leader Peel Region Scheme 20080159 	Confined to matters related to land within the Peel Region

SCHEDULE 5—Enforcement and legal proceedings

Column 1	Column 2	Column 3
5.1. Power to advise the Minister for Planning on any appeal, review or matter arising therefrom pursuant to Part 14 of the Act.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 • Team Leader Planning Appeals 20020513 	—

Column 1	Column 2	Column 3
<p>5.2. Power to defend and otherwise deal with reviews lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.</p> <p>5.3. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p>	<ul style="list-style-type: none"> • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 <ul style="list-style-type: none"> • Executive Director State and Regional Policy 20040336 • Director Northern Regions 20020162 • Director Central Regions 20080239 • Director Southern Regions 20040345 • Team Leader Statutory Planning Northern Regions 20020282 • Team Leader Statutory Planning Central Regions 20020174 • Team Leader Statutory Planning Southern Regions 20020163 • Team Leader Statutory Planning Great Southern 20020177 • Team Leader Strategic Planning Northern Regions 20020307 • Team Leader Strategic Planning Central Regions 20070222 • Team Leader Strategic Planning Southern Regions 20020446 <ul style="list-style-type: none"> • Director of South West Planning Program 20020142 • Team Leader Statutory Planning 20020143 • Senior Project Planner 20020144 <ul style="list-style-type: none"> • Director Peel Planning Program 20080158 • Team Leader Peel Region 20020182 • Team Leader Peel Region Scheme 20080159 	<p>Confined to matters related to land within the Perth Metropolitan Region.</p> <p>Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.</p> <p>Confined to matters related to land within the South West Region of the State.</p> <p>Confined to matters related to land within the Peel Region of the State.</p>
<p>5.4. Power to exercise all functions of the WAPC as set out in Part 13 of the Act.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	<p>—</p>

Column 1	Column 2	Column 3
	<ul style="list-style-type: none"> Executive Director State and Regional Policy 20040336 	Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.

SCHEDULE 6—Miscellaneous powers

Column 1	Column 2	Column 3
6.1. Power to make arrangements for the conveyance, assignment, transfer, subdivision, amalgamation and development of WAPC property.	<ul style="list-style-type: none"> Chairman of the WAPC Secretary of the WAPC Director Land Asset Management 20020100 	<ul style="list-style-type: none"> Subject to a limitation of \$100,000. Function to be exercised having due regard to published WAPC policy.
6.2. Power to make arrangements for the leasing of WAPC property including the determination of rents in accordance with established WAPC practice.	<ul style="list-style-type: none"> Chairman of the WAPC Secretary of the WAPC Director Land Asset Management 20020100 	<ul style="list-style-type: none"> Subject to a limitation of \$100,000. Function to be exercised having due regard to published WAPC policy.
6.3. Power to make arrangements for the management, maintenance, repair, insurance, valuation and other related incidental functions with respect to WAPC property subject to a \$100,000 (one hundred thousand dollars) maximum figure of expenditure per property in any one financial year.	<ul style="list-style-type: none"> Chairman of the WAPC Secretary of the WAPC Director Land Asset Management 20020100 	<ul style="list-style-type: none"> Subject to a limitation of \$100,000. Function to be exercised having due regard to published WAPC policy.
6.4. The awarding of contracts, and the appointment of consultants pursuant to section 15 of the Act, for activities to which a budget has been approved and allocated by the WAPC and subject to compliance in each case with State Supply Commission procedures.	<ul style="list-style-type: none"> Chairman of the WAPC Secretary of the WAPC Director General 20020084 Assistant Director General Strategic Corporate Support 20020061 General Manager WAPC Services 20050179 	<ul style="list-style-type: none"> Subject to a limitation of \$100,000. Function to be exercised having due regard to published WAPC policy.
6.5. Such powers and functions of the WAPC that may be lawfully undertaken relating to the acquisition, development, maintenance and management of land under the Metropolitan Region Scheme, the Peel Region Scheme and the Greater Bunbury Region Scheme for the purpose of carrying out and giving effect to those Schemes, including— (a) the application of	<ul style="list-style-type: none"> Chairman of the WAPC 	<ul style="list-style-type: none"> Must have due regard to published WAPC policy. Does not apply to any matter that involves— <ol style="list-style-type: none"> expenditure in excess of \$1,000,000 (one million dollars); the exchange of or disposal of land owned by the WAPC; or the resumption of land by the WAPC for a public purpose.

Column 1	Column 2	Column 3
<p>money from the Western Australian Planning Commission Account and the Metropolitan Region Improvement Fund for such purposes;</p> <p>(b) the payment of capital expenditure, costs and other expenses incurred in connection with the acquisition of any property under any provisions of those Schemes;</p> <p>(c) 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.</p>	<ul style="list-style-type: none"> • Secretary of the WAPC 	<ul style="list-style-type: none"> • Must have due regard to published WAPC policy. • Does not apply to any matter that involves— <ol style="list-style-type: none"> 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.
<p>6.6. Power to prescribe charges, and set conditions, for the sale and release of maps and publications.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Secretary of the WAPC 	<ul style="list-style-type: none"> • Subject to a limitation of \$100,000. • Function to be exercised having due regard to published WAPC policy.
<p>6.7. Waiving of the additional fee for considering a minor variation to a plan of subdivision as part of an application for approval of subdivision or re-subdivision.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Secretary of the WAPC • Executive Director Statutory Planning 20050095 • Executive Director State and Regional Policy 20040336 	<ul style="list-style-type: none"> • Subject to a limitation of \$100,000. • Function to be exercised having due regard to published WAPC policy. • Subject to a limitation of \$100,000 in any one contract. • Confined to matters related to land within the Kimberley, Pilbara, Gascoyne, Mid-West, Goldfields-Esperance, Wheatbelt and Great Southern regions.
<p>6.8. The functions of the WAPC provided in section 14(l) of the Act as are necessary to undertake the administrative and financial obligations of the WAPC</p> <p>(a) under section 181(1) of the Act to approve the quantum of the refund of compensation payable to the WAPC determined in accordance with sections 181(2) to (16) of the Act; and</p> <p>(b) to consent on behalf of the WAPC to the withdrawal of a notification when a refund of compensation is paid.</p>	<ul style="list-style-type: none"> • Director General 20020084 	<p>—</p>
<p>6.9. The powers and functions of the WAPC set out in the <i>Metropolitan</i></p>	<ul style="list-style-type: none"> • Relieving Field Officer 20060132 	<p>—</p>

Column 1	Column 2	Column 3
<p><i>Region Planning Authority (Reserved Lands) Regulations</i> to determine the acceptability of, and where appropriate to issue permits to persons or bodies for the conduct of, activities on land owned by the WAPC where the permitted activity is not inconsistent with the purpose for which the land is reserved under the Metropolitan Region Scheme and management practice for that land.</p>	<ul style="list-style-type: none"> • Field Officer 20050163 • State Land Field Officer 20070038 • State Land Field Officer 20070190 • Field Management Officer 20020108 • Field Management Officer 20020109 • Field Management Officer 20020110 • Field Management Officer 20020449 	

SCHEDULE 7—Powers under the Metropolitan Region Scheme

Column 1	Column 2	Column 3
<p>7.1. Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of the Metropolitan Region Scheme but only where those determinations are not inconsistent with predetermined policies (if any) of the WAPC and will not be significantly at variance with the recommendations made by the relevant local government or where no response has been received from the local government within the period prescribed in clause 29(3) of the Scheme.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Executive Director Statutory Planning 20050095 • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 	—
<p>7.2. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of the Metropolitan Region Scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the Metropolitan Region Scheme have been complied with.</p> <p>7.3. Power to determine whether or not proposals and the ongoing implementation of the Metropolitan Region Scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the <i>Environmental Protection Act 1986</i>.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	—

Column 1	Column 2	Column 3
7.4. Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under clause 32 of the Metropolitan Region Scheme requiring such determination.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 	—
7.5. Power to issue Clause 42 Certificates pursuant to the provisions of the Metropolitan Region Scheme.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 20020084 • Executive Director Statutory Planning 20050095 • Manager Mapping and GeoSpatial Data 20020426 • Coordinator Statutory Mapping 20020337 • Director Metropolitan North Planning Program 20050047 • Director Metropolitan Central Planning Program 20080234 • Director Metropolitan South Planning Program 20080235 • Director Schemes and Appeals 20070191 • Team Leader Statutory Planning (Metropolitan North East) 20040096 • Team Leader Statutory Planning (Metropolitan North West) 20040097 • Team Leader Statutory Planning (Metropolitan Central) 20020243 • Team Leader Statutory Planning (Metropolitan South West) 20040095 • Team Leader Statutory Planning (Metropolitan South East) 20040094 • Team Leader Statutory Planning (Schemes and Amendments) 20040098 	—

SCHEDULE 8—Powers under the Peel Region Scheme

Column 1	Column 2	Column 3
<p>8.1. Power to determine applications for approval to commence and carry out development submitted or referred to the WAPC pursuant to the provisions of the Peel Region Scheme but only where—</p> <p>(a) the determination is not significantly at variance with the recommendations made by the local government;</p> <p>(b) no response has been received from the local government within the period prescribed in clause 30(3) of the Peel Region Scheme; or</p> <p>(c) the application is refused.</p> <p>8.2. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p> <p>8.3. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the</p>	<ul style="list-style-type: none"> • Executive Director Statutory Planning 20050095 • Director Peel Planning Program 20080158 • Team Leader, Statutory Planning (Peel Region) 20020182 • Team Leader Peel Region Scheme 20080159 	—

Column 1	Column 2	Column 3
<p>provisions of the PRS and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the Peel Region Scheme have been complied with.</p> <p>8.4. Power to determine whether or not proposals and the ongoing implementation of the Peel Region Scheme comply with the conditions applied pursuant to section 48F and 48J of the Environmental Protection Act 1986.</p> <p>8.5. In relation to a resolution of the WAPC made under clause 21 of the Peel Region Scheme, power to determine whether or not applications to commence and carry out development are of state or regional significance, or in the public interest.</p> <p>8.6. In relation to a resolution of the WAPC made under clause 21 of the Peel Region Scheme, power to determine whether or not a proposed development in the Rural zone requires planning approval for the following reasons—</p> <ul style="list-style-type: none"> (a) development which abuts and has access to a regional reservation has the potential to significantly increase traffic; (b) development in a special control area may conflict with the purposes of the special control area; (c) development in the Rural zone may not be consistent with the purposes of the Rural zone. <p>8.7. Power to extend the period during which a local government is required to forward its recommendations to the WAPC under clause 30 of the Peel Region Scheme.</p>		
<p>8.8. Power to issue Clause 47 Certificates pursuant to the provisions of the Peel Region Scheme</p>	<ul style="list-style-type: none"> • Manager Mapping and GeoSpatial Data 20020426 • Coordinator Statutory Mapping 20020337 	<p>—</p>

SCHEDULE 9—Powers under the Greater Bunbury Region Scheme

Column 1	Column 2	Column 3
<p>9.1. Power to determine applications for approval to commence and carry out development submitted or referred to the WAPC pursuant to the provisions of the Greater Bunbury Region Scheme but only where—</p> <ul style="list-style-type: none"> (a) the determination is not significantly at variance with the recommendations made by the local government; (b) no response has been received from the local government within the period prescribed in clause 36(3) of the Greater Bunbury Region Scheme; or (c) the application is refused. 	<ul style="list-style-type: none"> • Executive Director, Statutory Planning 20050095 • Director, South West Planning 20020142 • Team Leader, Statutory Planning, South West Planning 20020143 • Senior Project Planner, Greater Bunbury Region Scheme 20020389 	<p>—</p>

Column 1	Column 2	Column 3
<p>9.2. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p> <p>9.3. Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of the Greater Bunbury Region Scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of the Greater Bunbury Region Scheme have been complied with.</p> <p>9.4. Power to determine whether or not proposals and the ongoing implementation of the Greater Bunbury Region Scheme comply with the conditions (if any) applied pursuant to section 48F and 48J of the Environmental Protection Act 1986.</p> <p>9.5. In relation to a resolution of the WAPC made under clause 27 of the Greater Bunbury Region Scheme, power to determine whether or not applications to commence and carry out development are of state or regional significance, or in the public interest.</p> <p>9.6. In relation to a resolution of the WAPC made under clause 27 of the Greater Bunbury Region Scheme, power to determine whether or not a proposed development requires planning approval for the following reasons—</p> <p>(a) development which abuts and has access to a regional road reservation has the potential to significantly increase traffic;</p> <p>(b) development in a special control area may conflict with the purposes of the special control area;</p> <p>(c) development in, adjacent to or in close proximity to a policy area is potentially incompatible with the intended activities in the policy area or would be adversely affected by, or would adversely affect, those activities;</p> <p>(d) development is sufficiently close to a policy area for the effects of activities in the policy area to be likely to adversely affect the proposed use and/or for the effects of the development to be likely to adversely affect uses in the policy area;</p> <p>(e) development in the rural zone may not be consistent with the purposes of the rural zone.</p> <p>9.7. Power to extend the period during which a local government is required to forward its recommendations to the WAPC under clause 36 of the Greater Bunbury Region Scheme.</p>		
<p>9.8. Power to issue certificates under clause 53 of the Greater Bunbury Region Scheme.</p>	<ul style="list-style-type: none"> • Manager, Mapping and Geospatial Data 20020426 • Coordinator Statutory Mapping 20020337 	—

**SCHEDULE 10—Powers under the Ningaloo Coast Regional
Interim Development Order 2007**

Column 1	Column 2	Column 3
<p>10.1. Power under clause 6 of the Ningaloo Coast Regional Interim Development Order 2007 to—</p> <p>(a) advise public authorities and local governments pursuant to subclause (2);</p> <p>(b) require modification to the development pursuant to subclause (3); and</p> <p>(a) submit the matter to the Minister for determination by the Governor under section 27(2) of the Act pursuant to subclause (4).</p> <p>10.2. Power under clause 11 of the Ningaloo Coast Regional Interim Development Order 2007 to—</p> <p>(a) determine that planning approval should not be granted before notice of the application is given;</p> <p>(b) give notice, or require the applicant to give notice, of the application in one or more of the ways set out in clause 11; and</p> <p>(c) determine which nearby owners and occupiers are likely to be affected by the proposed development.</p> <p>10.3. Power under clause 12 of the Ningaloo Coast Regional Interim Development Order 2007 to—</p> <p>(a) determine applications for planning approval provided any such determination is in accordance with the published policies of the WAPC; and</p> <p>(b) exercise any of the related powers of the WAPC conferred by clauses 15, 16, 18, 19 and 20 of the Ningaloo Coast Regional Interim Development Order 2007.</p> <p>10.4. Power under clause 13 of the Ningaloo Coast Regional Interim Development Order 2007 to consult on a proposed development with any public authority considered appropriate, in accordance with clause 13 of the Ningaloo Coast Regional Interim Development Order 2007.</p> <p>10.5. Power to defend and otherwise deal with any applications for review lodged with the State Administrative Tribunal against determinations of the WAPC under the Ningaloo Coast Regional Interim Development Order 2007.</p>	<ul style="list-style-type: none"> • Director, Ningaloo Sustainable Development Office 20040103 	—

Legislation: Planning and Development Act 2005 (s16)

Title: DEL 2008/07 Powers of officers (Hope Valley-Wattleup)

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: Delegation to officers and committees gazetted 25/05/2007

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/07 POWERS OF OFFICERS (HOPE VALLEY-WATTLEUP)

**Notice of delegation to officers of certain powers and functions of the
Western Australian Planning Commission relating to the
Hope Valley-Wattleup Redevelopment Act 2000**

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 1 of the schedule, to the person or persons from time to time holding or acting in the offices of the department charged with the administration of the *Planning and Development Act 2005*, specified in column 2 of the schedule, confined to matters related to land within the Hope Valley-Wattleup Redevelopment Area.
- B TO REVOKE its delegation of powers and functions to various eligible persons and bodies as detailed in a notice published in the *Government Gazette* of 25 May 2007 (pages 2343-2344);

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Officers)
Power to— <ol style="list-style-type: none"> (a) determine all applications for subdivision and development approval, structure plans and similar plans; (b) to defend or otherwise deal with applications for review lodged with the State Administrative Tribunal; (c) to defend, respond, appeal and otherwise deal with legal proceedings; and (d) to respond to and otherwise deal with planning strategies and policies and similar documents or amendments thereto, requiring the approval of the WAPC pursuant to the provisions of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> , but only where those determinations and responses are not inconsistent with the Act, the Master Plan or WAPC policy.	<ul style="list-style-type: none"> • Executive Director Statutory Planning 20050095 • Director Metropolitan South Planning Program 20080235 • Team Leader Statutory Planning (Metropolitan South West) 20040095

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/08 Powers of officers (Whiteman Park)*

Resolution Date: *16/12/2008* Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to officers and committees gazetted 28/09/2001*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/08 POWERS OF OFFICERS (WHITEMAN PARK)

**Notice of delegation to officers of certain powers and functions of the
Western Australian Planning Commission relating to management
of Whiteman Park**

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008 pursuant to section 16 of the Act the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 1 of the schedule, to 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 the schedule, subject to the conditions specified in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to various eligible persons and bodies as detailed in a notice published in the *Government Gazette* of 28 September 2001 (pages 5399).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
<p>The powers and functions of the WAPC set out in—</p> <p>(c) section 14(j) of the Act; and</p> <p>(d) section 15(2)(d)(ii) of the Act;</p> <p>as are necessary to undertake the administrative and financial obligations and functions of the WAPC that are—</p> <p>(iv) within the <i>Whiteman Park Budget</i> approved and allocated by the WAPC on an annual basis;</p> <p>(v) in accordance with the <i>Objective, Terms of Reference</i> and <i>Priority Management Responsibilities</i> for the Whiteman Park Board of Management as approved from time to time by the WAPC;</p> <p>(vi) in accordance with the requirements of the Financial Administration and Audit Act 1985, the State Supply Commission Policies and other statutory requirements applicable to the operations of the WAPC itself.</p>	<ul style="list-style-type: none"> • Manager, Whiteman Park 20020124 	<p>Limited in any one action to expenditure relating to Whiteman Park to the value of \$10,000.</p>

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/09 Powers of Commissioner of Main Roads*

Resolution Date: *16/12/2008*

Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to Commissioner of Main Roads gazetted 22/03/1996*

Delegation to Commissioner of Main Roads gazetted 08/01/1999

Delegation to Commissioner of Main Roads gazetted 29/08/2006

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/09 POWERS OF COMMISSIONER OF MAIN ROADS

Notice of delegation to the Commissioner of Main Roads of certain powers and functions of the Western Australian Planning Commission

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 1 of the schedule, to the Commissioner of Main Roads, in relation to the land specified in column 2 of the schedule, subject to the conditions specified in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to the Commissioner of Main Roads as detailed in notices published in the *Government Gazette* on 22 March 1996 (page 1446), 8 January 1999 (page 54) and 29 August 2006 (pages 3585-3586).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE 1—POWERS DELEGATED TO COMMISSIONER OF MAIN ROADS

Column 1 (Powers and Functions)	Column 2 (Land)	Column 3 (Conditions)
1. All of the functions, powers, rights and duties of the WAPC that have arisen or may arise in respect of claims for compensation made or to be made under the <i>Land Administration Act 1997</i> in relation to certain land which has either been taken or which may be taken in the future, including (but without derogating from the generality of this delegation)—	In relation to the land depicted on Deposited Plan 50760 and Deposited Plan 50761 at the Department of Land Information which has either been taken or which may be taken in the future for the purposes under the New Perth Bunbury Highway and Regional Open Space	The Commissioner of Main Roads shall not in exercising this delegation make any contract or incur any expenditure the consideration or cost of which exceeds \$1,000,000 without the prior consent of the Minister under section 204 of the Act.
(a) making offers of compensation to the claimants as required under the <i>Land Administration Act 1997</i> , (b) making advance payments in partial satisfaction of such claims,	In relation to the land depicted in WAPC Plan No.0.0719 which has either been taken or which may be taken in the future for the purposes under the Metropolitan Region Scheme of Controlled Access Highways (City Northern By-Pass)	

Column 1 (Powers and Functions)	Column 2 (Land)	Column 3 (Conditions)
(c) the negotiation and settlement of such claims, (d) the defence of such claims, and (e) otherwise the doing of all such acts, matters or things however arising in relation to such claims.	In relation to certain land depicted in Main Roads Western Australia land requirement plan, drawings numbered 9823-015-4 and 9823-016-4, which has either been taken or which may be taken in the future for the purposes under the Metropolitan Region Scheme of Controlled Access Highways (Kwinana Freeway)	

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2008/10 Powers of officers (Department of Environment & Conservation)
Resolution Date: 16/12/2008 Gazettal Date: 19/12/2008 File: 970-1-1-3
Revokes: Delegation to officers of Department of Conservation and Land Management gazetted 31/03/2000

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/10 POWERS OF OFFICERS (DEPARTMENT OF ENVIRONMENT AND CONSERVATION)

Notice of delegation to officers of certain powers and functions of the Western Australian Planning Commission

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 conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its powers and functions as set out in column 1 of the schedule to the person or persons from time to time holding or acting in the offices of the Department of Environment and Conservation as specified in column 2 of the schedule;
- B TO REVOKE its delegation of powers and functions to various eligible persons as detailed in a notice published in the *Government Gazette* of 31 March 2000 (page 1792).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

Planning and Development Act 2005

Instrument of Delegation

SCHEDULE

Column 1 (Powers and Functions)	Column 2 (Officers)
Powers and functions set out in the Western Australian Planning Commission (Reserved Lands) Regulations to determine the acceptability of and where appropriate to issue permits to persons or bodies for the conduct of activities on land owned by the WAPC where the permitted activity is not inconsistent with the purpose for which the land is reserved under the Metropolitan Region Scheme and management practice for that land.	Manager, Regional Parks Unit, Department of Environment and Conservation

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/11 Powers of local governments (MRS)*

Resolution Date: *16/12/2008* Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to local governments gazetted 20/09/2002*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/11 POWERS OF LOCAL GOVERNMENTS (MRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

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 local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clauses 1 and 2, within their respective districts, subject to the exceptions and conditions set out in clauses 1 to 5 and schedule 1;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 20 September 2002 (pages 4718-4720).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (i) where the land is subject to a resolution under Clause 32 of the MRS; or
- (ii) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (iii) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (iv) where the local government 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, or
- (v) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for development on land reserved under the MRS for the purpose of a regional road.

3. Referral Requirements for development on land on or abutting a Primary Regional Roads and Other Regional Roads reservation

Development applications that are on land that abut or that are fully or partly reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to Main Roads WA or the Department for Planning and Infrastructure, where required, for comment and

recommendation, before being determined by the local government as outlined in the following table—

Column 1 Primary Regional Road (PRR-Red)	Column 2 Other Regional Road (ORR-Dark Blue)	Column 3 Referral of development application to Public Authority required for Category 1 and 2	Column 4 Referral of development application to Public Authority not required for Category 1 and 2.
<p>Category 1 <i>No vehicle access permitted.</i></p> <p>Public Authority Main Roads WA</p>	<p>Category 1 <i>No vehicle access permitted.</i></p> <p>Public Authority Department for Planning and Infrastructure</p>	<p>Development application which has one or more of the following characteristics—</p> <ul style="list-style-type: none"> • Development application including earthworks and drainage that encroaches or impacts upon the regional road reservation. • Development application with potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation. • Development application which involves direct access between the subject land and the regional road reservation. <p>All other applications except those listed as non referral for Category 1 in Column 4.</p>	<p>In the case of a Category 1 or 2 road, a development application which the local government resolves to refuse under the MRS for reasons relating to the regional road reservation.</p> <p>In the case of a Category 2 road, a development application of four or fewer dwellings where the application proposes (or a condition is imposed to require) all of the following outcomes—</p> <ul style="list-style-type: none"> (i) No development, including car parking, earthworks or drainage, encroaching or impacting upon the regional road reservation excepting an existing crossover or temporary landscaping and where the level of the reserved portion is constructed at the existing or planned kerb level. (ii) The rationalisation of the existing crossovers to reduce the number of crossovers to one. (iii) No additional, relocated or new access between the development site and the regional road reservation. (iv) The development being designed so that all vehicles can enter and exit in a forward gear. (v) Development being designed to comply with appropriate policy and standards related to noise.
<p>Category 2 <i>No vehicle access permitted</i></p> <p>Public Authority Main Roads WA</p>	<p>Category 2 <i>Limited vehicle access permissible</i></p> <p>Public Authority Department for Planning and Infrastructure</p>	<p>Development application which has one or more of the following characteristics.</p> <ul style="list-style-type: none"> • Development application where any development, including earthworks, levels, drainage or car parking, would encroach or impact upon the regional road reservation. • Development application with potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation. • Development application which involves additional, relocated or new 	<p>Development application which has one or more of the following characteristics—</p> <ul style="list-style-type: none"> • Development application for the erection of a boundary fence that does not encroach into the road reservation, provided that the fence has adequate sight truncations to any access to the regional road. • Development application that proposes temporary or replacement signage (of no greater dimensions) relating to the use of the development attached to the existing building or

Column 1 Primary Regional Road (PRR-Red)	Column 2 Other Regional Road (ORR-Dark Blue)	Column 3 Referral of development application to Public Authority required for Category 1 and 2	Column 4 Referral of development application to Public Authority not required for Category 1 and 2.
		<p>access between the subject land and the regional road reservation.</p> <ul style="list-style-type: none"> • Development application which proposes retention of an existing access between the subject land and the regional road reservation, where there is an alternative access to a local road or laneway. • Development application which involves the construction of entrance ramps. <p>All other applications except those listed as non referral for Category 2 in Column 2.</p>	<p>structure and which is outside the reservation area.</p> <ul style="list-style-type: none"> • Development application which proposes a change of use with no structural modifications or additions to an authorised development and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including carparking, is situated outside of the reservation area.
<p>Category 3 <i>Vehicle access permissible</i> Public Authority Department for Planning and Infrastructure</p>	<p>Category 3 <i>Vehicle access permissible</i> Public Authority Department for Planning and Infrastructure</p>	<p>All development applications except those listed as non referral for Category 3 in Column 4.</p>	<p>In the case of a Category 3 road, a development application that the local government resolves to refuse under the MRS for reasons relating to the regional road reservation.</p> <p>Development application which has one or more of the following characteristics.</p> <ul style="list-style-type: none"> • Proposes temporary or replacement signage (of no greater dimensions) relating to the use of the existing development, provided it is attached to the existing building or structure and it is outside the reservation area or any road reservation requirement plan formally adopted by the WAPC. • Proposes a change of use with no structural modifications or additions to an authorised development, and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including car parking, is situated outside the reservation area or any road reservation requirement plan formally adopted by the WAPC.

Note—

- PRR are shown coloured 'Red' and ORR shown coloured 'Dark Blue' in the Metropolitan Region Scheme (MRS).
- Clause 3 relates to plan SP 693/2(PRR) and SP 694/1(ORR) regional road network reservations in the MRS, as amended from time to time.
- Plan SP 693/2 also shows additional roads under control of Main Roads WA that are not currently reserved in the MRS.
- Plan SP 693/2(PRR) and 694/1(ORR) are scheduled to be superseded and the amended plans and any subsequent modifications thereto can be viewed on WAPC website by clicking on www.wapc.wa.gov.au
- In determining applications under this delegation, local governments shall have regard to WAPC Policy DC 5.1 .Regional Roads (Vehicular Access) and any other policies/advice of the WAPC/Department for Planning and Infrastructure.
- For enquiries and assistance regarding:
 1. PRR Category 1 and 2 call Main Roads Western Australia on 138 138 and
 2. PRR Category 3 and ORR Category 1, 2 and 3 call Department for Planning and Infrastructure-Urban Transport Systems on 9264 7777.

Category 1—frontage access is not allowed (control of access).

Category 2—frontage access may be allowed subject to approval.

Category 3—road reservation not accurately defined or under review.

(See the section below headed "Interpretations" for further explanation of these categories).

4. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

5. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 4 of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department for Planning and Infrastructure for comment and recommendation before being determined by the local government.

Schedule 1

For the purpose of this notice—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government town planning scheme.

Interpretations

In this Notice of Delegation, unless the context otherwise requires—

'access' means both entry and exit from either a road or abutting development by a vehicle.

'development' has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005*.

'local government' means a local government within the area covered by the MRS.

'local road' means a road other than a private road or a road subject of reservation under Part II of the MRS.

'not acceptable' means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public authority to which the local government was required to consult under this Notice of Delegation.

‘regional road’ means any road designated under the Scheme as follows—

- (a) land coloured red in the Scheme Map—Primary Regional Roads; and
- (b) land coloured dark blue in the Scheme Map—Other Regional Roads.

‘reserved land’ means land reserved under Part II of the MRS.

‘road reservation’ means land reserved for the purposes of a regional road.

‘category 1 road’ applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. a primary or district distributor road with widely-spaced signalised intersections or roundabouts, and few, if any, direct access points to individual sites or local streets).

‘category 2 road’ applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/12 Powers of local governments (PRS)*

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: *Delegation to local governments gazetted 28/03/2003*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/12 POWERS OF LOCAL GOVERNMENTS (PRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 28 March 2003 (pages 993-994).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the advice and/or recommendation of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, except in respect of public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the PRS.

3. On land abutting an other regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department for Planning and Infrastructure.
 - (b) Development which—
 - (i) complies with an approved access policy pertaining to other regional roads reservations, or a specified section of the other regional roads reservation, submitted by the local government and endorsed by the WAPC, and
 - (ii) is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the PRS.
4. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the PRS.
5. Development of the following kinds which is for shopping purposes and which requires planning approval under the PRS—
 - (a) Development which—
 - (i) is consistent with an approved centre plan, local commercial strategy or local planning strategy endorsed by the WAPC not more than five years prior to the application for planning approval being lodged, and
 - (ii) is approved subject to conditions requiring compliance with that plan or strategy.
 - (b) Development for which the local government decides to refuse approval under the PRS.
6. Development in the rural zone, other than for a poultry farm, which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
7. Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm, for which the local government decides to refuse approval under the PRS.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC within seven days and may (within 42 days, or such longer period as the WAPC allows) make recommendations to the WAPC.
2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.
4. An application for development within the water catchments special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
5. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.
6. Following referral of any application referred to in Schedule 2 for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all advice agencies consulted together with the advice and recommendation of the local government. These should be accompanied by the reasons why the recommendation of the advice agency is not acceptable to the local government.
7. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
8. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

- ‘**Abutting**’ reserved land means the zoned land shares a common boundary with reserved land.
- ‘**Access**’ means entry or exit (or both) from either a road or abutting development by a vehicle.
- ‘**Advice agency**’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- ‘**Centre plan**’, ‘**local commercial strategy**’ and ‘**local planning strategy**’, for the purposes of paragraph 5(a) of schedule 2, mean a strategic planning document, submitted to and endorsed by the WAPC, specifying the planned future character and scale of the commercial centre or shopping centre where development is proposed, with limits for such components as uses, floorspace, lettable area, etc.
- ‘**Forward to the WAPC**’ and similar expressions mean convey by mail, by hand or electronically to the Peel region office of the Department for Planning and Infrastructure.
- ‘**Not acceptable**’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- ‘**Planning approval**’ and ‘**planning approval under the PRS**’ mean the planning approval of the WAPC as required under the PRS and by resolution of the WAPC under clause 21 of the PRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- ‘**Shopping purposes**’ means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

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Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/13 Powers of local governments (GBRS)*

Resolution Date: *16/12/2008* Gazettal Date: *19/12/2008*

File: *970-1-1-3*

Revokes: *Delegation to local governments gazetted 25/01/2008*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/13 POWERS OF LOCAL GOVERNMENTS (GBRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme

Preamble

Under exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

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 local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 25 January 2008 (pages 227-229).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the advice and/or recommendation of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, except in respect of public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRS and for which the local government decides to refuse approval under the GBRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
 - (c) Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.
 - (d) Development for which the local government decides to refuse approval under the GBRS.

3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (d) Development where the local government accepts the advice and/or recommendation of the Department for Planning and Infrastructure.
 - (e) Development which—
 - (i) complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and
 - (ii) is approved subject to conditions requiring compliance with that policy.
 - (f) Development for which the local government decides to refuse approval under the GBRs.
4. On land abutting a public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the public authority responsible for that reserved land.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (c) Development where the local government accepts the advice and/or recommendation of the Department of Water and/or the Water Corporation, as the case may be.
 - (d) Development for which the local government decides to refuse approval under the GBRs.
6. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department of Agriculture and Food.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
7. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department of Industry and Resources.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
8. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the floodplain management policy area and which requires planning approval under the GBRs—
 1. Development where the local government accepts the advice and/or recommendation of the Department of Water;
 2. Development for which the local government decides to refuse approval under the GBRs.
9. Development of the following kinds which is for shopping purposes and which requires planning approval under the GBRs—
 - (c) Development which—
 - (i) is consistent with an approved centre plan, local commercial strategy or local planning strategy endorsed by the WAPC, and
 - (ii) is approved subject to conditions requiring compliance with that plan or strategy.
 - (d) Development for which the local government decides to refuse approval under the GBRs.
10. Development in the rural zone, other than for a poultry farm, which requires planning approval under the GBRs and for which the local government decides to refuse approval under the GBRs.
11. Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm, for which the local government decides to refuse approval under the GBRs.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 36 of the GBRs, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.
2. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.
4. An application for development abutting a public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.

5. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
6. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.
7. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Industry and Resources for advice and recommendation before being considered by the local government.
8. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.
9. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.
10. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.
11. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
12. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRs. Unless the context otherwise requires—

- ‘**Abutting**’ reserved land means the zoned land shares a common boundary with reserved land.
- ‘**Access**’ means entry or exit (or both) from either a road or abutting development by a vehicle.
- ‘**Advice agency**’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- ‘**Centre plan**’, ‘**local commercial strategy**’ and ‘**local planning strategy**’, for the purposes of paragraph 8(a) of schedule 2, mean a strategic planning document, submitted to and endorsed by the WAPC, specifying the planned future character and scale of the commercial centre or shopping centre where development is proposed, with limits for such components as uses, floorspace, lettable area, etc.
- ‘**Forward to the WAPC**’ and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department for Planning and Infrastructure.
- ‘**Not acceptable**’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- ‘**Planning approval**’ and ‘**planning approval under the GBRs**’ mean the planning approval of the WAPC as required under the GBRs and by resolution of the WAPC under clause 27 of the GBRs, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- ‘**Proximity**’ and ‘**in close proximity**’ mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.
- ‘**Shopping purposes**’ means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

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Legislation: *Planning and Development Act 2005 (s16)*

Title: *DEL 2008/14 Powers of local governments (Ningaloo Coast RIDO 2007)*

Resolution Date: 16/12/2008 Gazettal Date: 19/12/2008 File: 970-1-1-3

Revokes: *Delegation to local governments gazetted 12/10/2007*

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/14 POWERS OF LOCAL GOVERNMENTS (NINGALOO COAST RIDO 2007)

Notice of delegation to local governments of development control powers of the Western Australian Planning Commission relating to the Ningaloo Coast Regional Interim Development Order 2007

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 local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

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 section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its functions under the Ningaloo Coast Regional Interim Development Order 2007 (the Order) as specified in column 1 of the schedule to local governments and to members and officers of those local governments specified in column 2 of the schedule, in respect of land described in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 12 October 2007 (pages 5532-5533).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Local Government)	Column 3 (Land)
<p>Power to determine an application made under Part 3 of the Order in accordance with the procedure set out in Part 4 of the Order except—</p> <p>(i) where the WAPC, by notice in writing in each case, advises the local government that it is of the opinion that an 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; and</p> <p>(ii) where the local government is of the opinion that an 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.</p> <p>The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local district under the local planning scheme.</p>	<ul style="list-style-type: none"> • Shire of Carnarvon • Shire of Exmouth 	<p>Applies to applications for development of land defined in—</p> <ul style="list-style-type: none"> • Map 1 Area of Delegation (Carnarvon) • Map 2 Area of Delegation (Exmouth)

Legislation: *Planning and Development Act 2005 (s16)*

Title: *CAN 2008/01 Cancellation of delegation (City of Stirling)*

Resolution Date: 16/12/2008

Gazettal Date: 19/12/2008

File: 970-1-1-3

Revokes: *Delegation to the City of Stirling gazetted 18/02/2003*

Planning and Development Act 2005

CANCELLATION OF DELEGATION

CAN 2008/01 POWERS OF OFFICERS AND COMMITTEES

**Notice of cancellation of Instruments of Delegation to officers and
Committees of certain functions of the
Western Australian Planning Commission**

On 16 December 2008, the WAPC RESOLVED—

A TO CANCEL its delegation of powers and functions to the City of Stirling as detailed in a notice of delegation published in the *Government Gazette* of 18 February 2003 (page 513).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.
