

---

## PLANNING

---

PL101

*CORRECTION*

**SWAN VALLEY PLANNING ACT 2020**

INSTRUMENT OF DELEGATION

Subdelegation to Officers of certain powers and functions of the Swan Valley Statutory Planning Committee

Under section 35 of the *Swan Valley Planning Act 2020* (the SVPA) the Swan Valley Statutory Planning Committee (the SVSPC) may, by resolution published in the *Government Gazette*, delegate any function to a member or associate member as defined in section 4(1) of the *Planning and Development Act 2005*, (PD Act) subcommittee or officer of the WAPC or to a public authority or a member or officer of a public authority, Swan Valley local government or committee or employee of the Swan Valley local government.

**Resolution under s35 of the *Swan Valley Planning Act 2020* (Subdelegation)**

On 31 August 2021, pursuant to section 35 of the *Swan Valley Planning Act 2020*, the SVSPC RESOLVED—

- A. TO SUBDELEGATE its powers and functions as set out in column 1 of the attached 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 *Swan Valley Planning Act 2020*, as specified in column 2 of the attached Schedule, subject to the conditions specified in column 3 of the attached Schedule.

SAM FAGAN, Secretary, Western Australian Planning Commission.

**SWAN VALLEY PLANNING ACT 2020**

## Instrument of Delegation

**SCHEDULE**

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
<b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b>			
General delegations	1. Power to amend the manner and form by which any— a. documents are provided to the WAPC; b. maps are prepared; c. submissions are made; d. notices are published; and e. reports are made; under the Planning and Development (Local Planning Schemes) Regulations 2015 (“The LPS Regulations”), including the power to amend the manner and form by which compensation, under the PD Act, is applied for.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> </ul>	Limited to amendments of an administrative nature.
	2. Power to amend a timeframe, or stipulate a date, under the LPS Regulations, where such power is conferred upon the WAPC.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	Excluding any timeframe under Part 6 of the LPS Regulations.
	3. Power to endorse— a. Under r32 of the LPS Regulations a planning scheme, specifically the Swan Valley Planning Scheme; b. Under r63 of the LPS Regulations an amendment to the Swan Valley Planning Scheme.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning.</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
<b>Local planning strategies</b>	<p>4. Power to perform the functions and exercise the powers of the WAPC pursuant to—</p> <p>a. r15(1)(a) and (b) of the LPS Regulations to endorse a local planning strategy;</p> <p>b. r15(1)(c) of the LPS Regulations to require modifications to a local planning strategy with reference to the Swan Valley</p> <hr/> <p>5. Power to perform the functions and exercise the powers of the WAPC pursuant to r17 of the LPS Regulations—</p> <p>a. to endorse the amendment to a local planning strategy;</p> <p>b. to require modifications to the amendment to the local planning strategy with reference to the Swan Valley.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Planning Manager, Schemes and Amendments, Land Use Planning</li> </ul>	<p>Provided that the endorsement, or the modification required thereto is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable State Planning Policies</p>
<b>Planning schemes</b>	<p>6. Power under r42(3) and r51(3) of the LPS Regulations to grant consent to advertise modifications to the Swan Valley Planning Scheme.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Planning Manager, Schemes and Amendments, Land Use Planning</li> </ul>	<p>Provided that the material is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable State Planning Policies.</p> <p>Does not apply to such instruments which will exclude or vary a model provision under s257A PD Act.</p>
<b>Planning schemes</b>	<p>7. Power, under r29 of the LPS Regulations, to consider and make recommendations to the Minister on the scheme documents.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> </ul>	<p>Provided the recommendation would be consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>; and Excludes the power to recommend the Minister refuses approval to what is sought.</p> <p>Does not apply to such schemes which will exclude or vary a model provision under s257A PD Act.</p>

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Amending a Planning Scheme	8. Power, under r36 of the LPS Regulations, to provide advice as to the classification of an amendment to a planning scheme.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Planning Manager, Schemes and Amendments, Land Use Planning</li> </ul>	
Complex amendment	9. Power, under r45 of the LPS Regulations, to consider and make recommendations to the Minister on the complex scheme amendment documents.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> </ul>	<p>Provided the recommendation is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>.</p> <p>Excludes the power to recommend the Minister refuses approval to what is sought.</p> <p>Does not apply to such amendments which will exclude or vary a model provision under s257A PD Act.</p>
Standard amendments	10. Power under r54 of the LPS Regulations, to direct that a standard amendment be treated as a complex amendment and re- advertised accordingly.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Planning Directors, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Standard amendments	11. Power, under r55 of the LPS Regulations, to consider and make recommendations to the Minister on the standard scheme amendment.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	<p>Provided the recommendation is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>.</p> <p>Excludes the power to recommend the Minister refuses approval to what is sought.</p> <p>Does not apply to such amendments which will exclude or vary a model provision under s257A PD Act.</p>
Basic amendments	12. Power under r59 of the LPS Regulations, to direct that a basic amendment be treated as a standard or complex amendment and re- advertised accordingly.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
	13. Power, under r60 of the LPS Regulations, to consider and make recommendations to the Minister on the basic scheme amendment.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	<p>Provided the recommendation is consistent with the objectives and intent of any policies (if any) of the WAPC and any applicable <i>State Planning Policies</i>.</p> <p>Excludes the power to recommend the Minister refuses approval to what is sought.</p> <p>Does not apply to such amendments which will exclude or vary a model provision under s257A PD Act.</p>

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
<b>Powers regarding subdivision applications under Part 10 of the Planning and Development Act 2005 and other legislation</b>			
Subdivision applications under Part 10 of the Planning and Development Act 2005 (PD Act)	<p>14. Power to determine all applications to the WAPC under Part 10 of the PD Act where such determination is in accordance with the objectives and intent of any policies (if any) of the WAPC and with s138 of the PD Act.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	All decisions.
	<p>15. Power, with respect to applications to the WAPC under Division 2 of Part 10 of the PD 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>16. Power to determine applications/ requests made under section 144(2) or 151 of the PD Act when—</p> <ol style="list-style-type: none"> <li>a. the original decision was made under delegation; and</li> <li>b. the recommendation is to approve the application/request.</li> </ol> <p>17. In accordance with section 153 of the PD 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"> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	Excludes the power to refuse approval.
POS funds under Part 10 of the Planning and Development Act 2005	<p>18. 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.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Assistant Director General, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Signing Plans and Documents under PDA	<p>19. Power to endorse the following classes of approval that may be granted pursuant to Part 10 of the PD Act—</p> <p>a. diagrams and plans of survey and deposited plans submitted in accordance with an earlier approved plan of subdivision or amalgamation; and</p> <p>b. 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 22.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	<p>20. Power to endorse documents listed in delegation 19, where the WAPC is requested to consider variations to the earlier approved plan of subdivision or amalgamation.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	<p>Variations are to be in keeping with the purpose and intent of WAPC policy, and to be consistent with the principles of orderly and proper planning.</p>
Strata title matters and approval of conditions	<p>21. Power pursuant to section 15 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>22. Power to clear conditions affixed as conditions of approval with respect to the classes of approval set forth in 19, 20 and 21.</p>	<ul style="list-style-type: none"> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Land Administration Act (LAA)	23. Power to sign diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the PD Act and the LAA.	<ul style="list-style-type: none"> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
Appeal	<p>24. Power to advise the Minister for Planning on any appeal, review or matter arising therefrom pursuant to Part 14 of the PD Act.</p> <p>25. Power to defend and otherwise deal with matters 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>26. Power to consider and determine a request for reconsideration ordered by the State Administrative Tribunal pursuant to s31 of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>27. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p> <p>28. Power to exercise all functions of the WAPC as set out in s214, 215, 216 of the PD Act.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> <li>• Director, Planning Appeals</li> </ul>	Managers and Principal Planning Officers may only exercise this delegation within the jurisdiction of the State Administrative Tribunal and the director to whom they report must be fully informed of the proceedings at all times.

**Powers under the *Land Administration Act 1997***

Land Administration Act 1997 (LAA)	29. Power pursuant to sections 52 and 85 of the LAA to approve plans of survey where in accordance with the objectives and intent of any policies (if any) of the WAPC.	<ul style="list-style-type: none"> <li>• Planning Directors, Land Use Planning</li> </ul>	
	30. 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.	<ul style="list-style-type: none"> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> <li>• Planning Administration Manager,</li> <li>• Planning Administration Team Leader</li> <li>• Planning Administration, Support Officer</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
<b>Powers under the <i>Liquor Control Act 1988</i></b>			
Liquor Control Act 1988	31. Power to issue a certificate in accordance with section 40 of the Liquor Control Act 1988.	<ul style="list-style-type: none"> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> </ul>	
<b>Powers under the <i>Strata Titles Act 1985</i></b>			
Strata Titles Act 1985	32. 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 the objectives and intent of any policies (if any) of the WAPC.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
<b>Swan Valley Planning Scheme No. 1</b>			
Zones, uses and development requirements (Pt. 4 and 5)	33. Power to determine, for the purposes of clause 23(4) of the Scheme, whether a proposed use not listed within the zoning table is— a. consistent with the objectives of a particular zone; b. to be primarily occupied by susceptible people as identified within Clause 22 of the Scheme.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	34. Power to determine for the purpose of clause 28(1)(c) of the Scheme whether a non-conforming use has been more than 75% destroyed by a natural disaster.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
	<p>35. Power to determine for the purpose of clause 28(3) of the Scheme whether a proposed change in use of land subject to a non-conforming use is—</p> <p>a. less detrimental to the amenity of the locality than the existing non-conforming use; and</p> <p>b. closer to the intended purpose of the zone in which the land is situated.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	<p>36. Power to form an opinion as to whether non-compliance with an additional site and development requirement will mean that a development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of a development (cl. 39 of the Scheme).</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
Planning Policies (part 2)	<p>37. Power to undertake advertising of a proposed planning policy in accordance with clause 15 (1).</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	<p>38. Power to review a proposed planning policy in light of any submissions made (cl. 15(3))</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
	<p>39. Power to determine whether an amendment to a planning policy is minor for the purposes of clause 16 (2) (cl. 16(2)).</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
	40. Power to revoke a planning policy in accordance with clause 17 of the Scheme.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> </ul>	
Structure Plans (Part 8)	41. Power to consider whether a structure plan is required for the purposes of orderly and proper planning (cl 43 (c)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
	42. Power to <ul style="list-style-type: none"> <li>(a) consider a submitted structure plan and determine whether it complies with clause 44(1) of the Scheme, or if further information is required before it can be accepted. (cl.45(1));</li> <li>(b) to agree to information, different to that prescribed, being included (cl 44(1)).</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	43. Power to advertise and seek comments on a structure plan in accordance with clause 46 of the Scheme (cl. 46).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	44. Power under clause 47 of the Scheme to— <ul style="list-style-type: none"> <li>a. consider submissions received, including whether to accept late submissions;</li> <li>b. request further information from a person who prepared the structure plan;</li> <li>c. to determine advertise any modifications proposed to the structure plan; and</li> <li>d. to determine any steps to advertise the proposed modification.</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
	45. Power to approve or refuse to approve a structure plan (cl. 48(1)(a) and (c)). or an amendment to a structure plan	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
		<ul style="list-style-type: none"> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	Excludes power to refuse approval
	46. Power to require the person who prepared the structure plan to modify the plan and resubmit the modified plan (cl.48(1)(b)) or an amendment to a structure plan.	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	47. Power to— a. form an opinion, for the purposes of cl 48 of the Scheme, as to whether modifications made to a structure plan (or an amendment to a structure plan) have been done in the manner specified by the WAPC; and b. If the modifications are correct, to approve the structure plan (or the amendment to the structure plan) (cl 48(2)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	46. Power to form an opinion as to whether major modifications have been made to a structure plan (or an amendment to a structure plan) and, if so, to determine whether to readvertise it (cl.48(2)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers,</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
		Land Use Planning	
	47. Power to determine the manner in which an approved structure plan is published (cl. 51).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
	48. Power to extend the period of approval of a structure plan (cl. 53(2)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
	49. Power to revoke approval of a structure plan (cl. 53(3)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	Power only to be exercised after consultation with the WAPC.
	50. Power to form an opinion as to whether an amendment is of a minor nature and, if so, to determine whether to advertise it (cl. 54(2)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
	51. Power extend the period of approval of a structure plan (cl. 54(3)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
Form of DA application (Pt. 10)	52. Power to require information, other than that prescribed, be provided with an application for development approval under the Scheme (cl.59 ((cl63(1(d) Deemed Provisions))).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Determining DAs (Pt 11)	53. Power to waive or vary a requirement as to what an application for development approval must be accompanied by (cl. 59—(cl63(2) Deemed Provisions)).	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	54. Power to perform the functions of and exercise the powers of the WAPC pursuant to cl 60 of the Scheme	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	
	55. Power to form an opinion as to whether an application for development approval may affect any other statutory, public or planning authority and consult accordingly (cl. 62)	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
	<p>56. Power to perform the functions and exercise the powers of the WAPC under Part 11 of the Scheme, to determine—</p> <p>a. applications made for approval to commence and carry out development, provided such determination would accord with the <i>Swan Valley Planning Act 2020</i>, the relevant Swan Valley Planning Scheme, objectives and intent of any policies (if any) of the WAPC;</p> <p>b. applications to amend or cancel development approval, provided the original decision was made under delegation and the recommendation of such application is to approve the request.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	
		<ul style="list-style-type: none"> <li>• Planning Managers, Land Use Planning</li> <li>• Principal Planning Officers, Land Use Planning</li> </ul>	Excludes power to refuse approval
<b>Enforcement and Administration (Pt. 12)</b>	<p>57. Power to exercise the functions and powers of the WAPC in relation to—</p> <p>a. Enforcement and scheme administration under cl 74 of the scheme; and</p> <p>b. the control of overstocking under cl 75 of the scheme.</p>	<ul style="list-style-type: none"> <li>• Chairperson of the WAPC</li> <li>• Director General</li> <li>• Assistant Director General, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	

### Interpretation

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

1. “WAPC” or “Commission” means the “Western Australian Planning Commission”;
2. “Department” means the “Department of Planning, Lands and Heritage”;
3. Unless the context otherwise requires, a reference to “Planning Directors” includes any position to which the level of “Director” is designated, located within the Land Use Planning, Division of the Department of Planning, Lands and Heritage;
4. A reference to a position contemplates and includes a reference to its successor in title;
5. A reference to the “LPS Regulations” includes a reference to the Schedules to those regulations, being the *Planning and Development (Local Planning Schemes) Regulations 2015*.