

PL403

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

Amendment to Delegation to Officers of certain powers and functions of the
Western Australian Planning Commission

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 s16 of the Act (delegation)

On 23 September 2020, 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 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 *Planning and Development Act 2005*, as specified in column 2 of the attached Schedule 14, subject to the conditions specified in column 3 of the attached Schedule 14;
- B. TO AMEND the Instrument of Delegation “Delegation to Officers of Certain Powers and Functions of the Western Australian Planning Commission 2018/01” published in the *Government Gazette* on 3 October 2018 to give effect to this delegation as set out in the attached Schedule.

Ms SAM FAGAN, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Amendment to Instrument of Delegation

Schedule***Schedule 14***

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
SCHEDULE 14—Powers and functions concerning the Port Hedland West End Improvement Scheme.			
General delegations	1.1 Where such power is conferred upon the WAPC, power to amend the manner and form of any document referred to, required by or provided under the Port Hedland West End Improvement Scheme (“the Scheme”).	• Chairperson of the WAPC • Director General	Limited to amendments of an administrative nature.
	1.2 Power to set or amend a timeframe, or stipulate a date, under the Scheme, where such power is conferred upon the WAPC.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Zones and uses (Pt. 3)	1.3 Power to determine, for the purposes of clause 13(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 12 of the Scheme.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.4 Power to determine for the purpose of clause 18(2) of the Scheme whether a non-conforming use has been more than 75% destroyed by a natural disaster.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
Improvement Policies (Pt. 6)	1.5 Power to determine for the purpose of clause 18 (4) of the Scheme whether a proposed change in use of land subject to a non-conforming use is— a. less detrimental to the amenity of the locality than the existing non-conforming use; and b. closer to the intended purpose of the zone in which the land is situated.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.6 Power to perform the function under clause 19 of the Scheme, to prepare and maintain a register of non-conforming uses.	• Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.7 Power to make a State planning policy available for public inspection (cl. 20(2)). 1.8 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	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Improvement Policies (Pt. 6)			
	1.9 Power to prepare an amendment to an improvement scheme policy in accordance with clause 31 and 32 of the Scheme (cl. 31(1)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.10 Power to amend or repeal an Improvement Scheme Policy in accordance with clause 31 of the Scheme (cl. 31(4)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	Limited to administrative amendments that do not affect fundamental aspects of the policy.
	1.11 Power to advertise a proposed improvement scheme policy in accordance with clause 32 of the Scheme (cl. 32(1)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.12 Power to determine to whom, in what form and during what period submissions in relation to a proposed improvement scheme policy may be made (cl. 32(1)(a)(iv)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.13 Power to determine, in addition to the requirements of clause 32(1)(a) of the Scheme, how to give notice of any Improvement Scheme Policy, and determine and carry out any other appropriate consultation (cl.32(1)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.14 Power to review a proposed improvement scheme policy in light of any submissions made (cl. 32(3)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.15 Power to determine to resolve whether to proceed with a policy or not proceed in accordance with clause 32(3)(b) of the Scheme (cl. 32(3)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Improvement Policies (Pt. 6)	1.16 Power to publish notice of a policy in accordance with Clause 32(4) of the Scheme (cl. 32(4)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Planning Directors, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.17 Power to make an improvement scheme policy available for public inspection (cl. 32(6)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.18 Power to determine whether an improvement scheme policy is published on the website of the WAPC (cl. 32(6)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.19 Power to make a minor amendment to an improvement scheme policy without advertising (cl. 33(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	
	1.20 Power to determine whether an amendment to an improvement scheme policy is minor (cl. 33).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.21 Power to revoke an improvement scheme policy in accordance with clause 34 of the Scheme.	• Chairperson of the WAPC	
Heritage Protection (Pt. 7)	1.22 Power to designate, for the purpose of clause 36(1) of the Scheme, an area as a heritage area.	• Chairperson of the WAPC	Designation to be by resolution. An area must not be designated unless the WAPC satisfies the requirements under clause 36(3) of the Scheme.

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Heritage Protection (Pt. 7)	1.23 Power to fulfil the requirements of Clause 36(3) of the Scheme to— (a) notify in writing each owner of land affected by the proposed designation; and (b) provide the owner with a copy of the proposed improvement scheme policy for the heritage area; and (c) advertise the proposed designation of a heritage area in accordance with clause 36(3)(b) of the Scheme; and (d) carry out any other consultation the WAPC considers appropriate.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.24 Power to determine whether any other consultation in respect of designation of a heritage area is appropriate (cl. 36(3)(c)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.25 Power to determine to whom, in what form and during what period submissions in relation to a proposed designation of a heritage area may be made (cl. 36(4)(c)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.26 Power to review a proposed designation in light of any submissions made (cl. 36(6)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.27 Power to determine to resolve whether to proceed with a designation or not proceed in accordance with clause 36(6)(b) of the Scheme (cl. 36(6)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Heritage Protection (Pt. 7)	1.28 Power to provide notice of a designation of an area as a heritage area to the <i>Heritage Council of Western Australia</i> , and to each owner of land affected by the designation (cl. 36(7)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.29 Power to modify or revoke a designation of a heritage area (Cl 36(8)).	• Chairperson of the WAPC	
	1.30 Power to enter into a heritage agreement with an owner or occupier of land or a building (cl. 37(1)).	• Chairperson of the WAPC	In accordance with Part 7 of the <i>Heritage Act 2018</i> . The WAPC may not enter into an agreement that relates to heritage matters other than in accordance with clause 37(1) of the Scheme.
	1.31 Power to determine, for the purpose of Clause 38 of the Scheme that a heritage assessment be required to be carried out prior to the approval of any development proposed in a heritage area or in respect of a place entered in the heritage list (cl 38). 1.32 Power to require a heritage assessment be carried out (cl. 38(1)).	• Chairperson of the WAPC	Heritage assessment must be in a form approved by the <i>Heritage Council of Western Australia</i> .
	1.33 Power to vary any site or development requirement specified in the Scheme to facilitate the built heritage conservation of a place entered in the Register of Places under the <i>Heritage Act 2018</i> or listed in the heritage list; or enhance or preserve heritage values in a heritage area (cl. 39(1)). 1.34 Power to determine any conditions to which a variation under clause 39(1) of the Scheme may be subject to (cl. 39(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Heritage Protection (Pt. 7)	1.35 Power, where clause 39(1) of the Scheme applies, to consult with affected parties; and have regard to any views expressed prior to making a determination to vary the site or development requirements (cl.39(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.36 Power to form an opinion as to whether the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or heritage area the subject to clause 39(1) of the Scheme (cl. 39(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.37 Power to form an opinion as to whether a heritage place is not being properly maintained (cl.40). 1.38 Power to give a Heritage Conservation Notice (cl 40). 1.39 Power to vary or revoke a Heritage Conservation Notice (cl. 40(5)). 1.40 Power to enter a heritage place and carry out repairs specified in a Heritage Conservation Notice, where a person fails to comply with a Heritage Conservation Notice (Cl. 40(3)).	• Chairperson of the WAPC	
Structure Plans (Pt. 8)	1.41 Power to determine whether a structure plan is required for the purposes of orderly and proper planning. (cl. 42)	• Chairperson of the WAPC	
	1.42 Power to prepare a structure plan (cl. 43(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Structure Plans (Pt. 8)	1.43 Power to determine the manner and form by which a structure plan is to be prepared. (cl. 43)	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.44 Power to determine what maps, information or material must be included in a structure plan or to agree to information, different to that prescribed, being included. (cl. 43 (1))	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.45 Power to consider a submitted structure plan and determine whether it complies with clause 43(1) of the Scheme, or if further information is required before it can be accepted. (cl.44(1))	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.46 Power to advise an applicant as to whether: (a) the structure plan complies with clause 43(1) of the Scheme; or (b) further information from the applicant is required before the structure plan can be accepted for assessment and advertising (cl. 44(1)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.47 Power to provide an estimate of the fee for dealing with the application in accordance with the <i>Planning and Development Regulations 2009</i> regulation 48 (c. 44(1)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Structure Plans (Pt. 8)	1.48 Power to advertise a structure plan in accordance with clause 45(2) of the Scheme (cl. 45(1)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.49 Power to determine whether comments in relation to the proposed structure plan should be sought from any public authority or utility service provider, and if so, which public authority or utility service provider comments are to be sought from (cl. 45(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.50 Power to determine whether an owner or an occupier is likely to be affected by the approval of a structure plan (cl. 45(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.51 Power to make a structure plan and accompanying material available for public inspection (cl. 45(3)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.52 Power to determine whether a structure plan and the material accompanying it is published on the website of the WAPC (cl. 71(4)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Structure Plans (Pt. 8)	1.53 Power under clause 46 of the Scheme to— - consider submissions received; - request further information from a person who prepared the structure plan; - advertise any modifications proposed to the structure plan; and - to determine any steps to advertise the proposed modification.	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning - Planning Managers, Land Use Planning - Principal Planning Officers, Land Use Planning	
	1.54 Power to advertise modifications to a structure plan on more than one occasion. (cl. 46 (3))	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning - Planning Managers, Land Use Planning - Principal Planning Officers, Land Use Planning	
	1.55 Power to approve or refuse to approve a structure plan (cl. 47(1)(a) and (c)).	Chairperson of the WAPC	
	1.56 Power to require the person who prepared the structure plan to modify the plan and resubmit the modified plan (cl.47(1)(b)).	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning	
	1.57 Power to determine the manner in which a structure plan is to be modified (cl.47(1)(b)(i)).	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning	
	1.58 Power to form an opinion as to whether major modifications have been made to a structure plan (cl.47(2)).	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning	
	1.59 Power to determine whether a structure plan is to be readvertised (cl.47(2)).	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Structure Plans (Pt. 8)	1.60 Power to provide written notice to the local government and any person who prepared the proposed structure plan of a decision to approve or to refuse to approve a structure plan (cl.47(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.61 Power to approve a structure plan that provides for further details of a proposed subdivision included in the plan to be submitted and approved before the subdivision is approved under Part 10 of the <i>Planning and Development Act 2005</i> (cl. 48(1)).	• Chairperson of the WAPC	Approval may only be provided if the WAPC is satisfied that further matters that are to be approved would not result in a substantial departure from the structure plan.
	1.62 Power to form an opinion as to whether further matters that are to be approved would not result in a substantial departure from the structure plan referred to in clause 48(1) of the Scheme (cl. 48(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.63 Power to determine the manner in which an approved structure plan is published (cl. 50).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.64 Power to approve an application for development approval or subdivision approval in an area referred to in clause 42 of the Scheme as being an area for which a structure plan may be prepared, but for which no structure plan has been approved (cl. 51).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Structure Plans (Pt. 8)	1.65 Power to determine whether a proposed development for the purposes of Clause 51 of the Scheme— (a) does not conflict with the principles of orderly and proper planning; and (b) would not prejudice the overall development potential of the area (cl.51(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.66 Power to extend the period of approval of a structure plan (cl. 52(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	
	1.67 Power to revoke approval of a structure plan (cl. 52(3)).	• Chairperson of the WAPC	
	1.68 Power to form an opinion as to whether a structure plan cannot be effectively implemented because of a legislative change or a change in State planning policy (cl. 52(3)).	• Chairperson of the WAPC	
	1.69 Power to amend a structure plan (cl. 53(1))	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	
	1.70 Power to form an opinion as to whether an amendment is of a minor nature (cl. 53(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.71 Power to decide whether an amendment to a structure plan is to be advertised (cl. 53(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.72 Power extend the period of approval of a structure plan (cl. 53(4)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Activity Centre Plans (Pt. 9)	1.73 Power to determine whether an activity centre plan is required for the purposes of orderly and proper planning. (cl. 55)	Chairperson of the WAPC	
	1.74 Power to determine the manner and form by which an activity centre plan is to be prepared (cl. 56(1)).	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning	
	1.75 Power to determine what maps, information or material must be included in an activity centre plan or to agree to information, different to that prescribed, being included. (cl. 56 (1))	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning - Planning Managers, Land Use Planning - Principal Planning Officers, Land Use Planning	
	1.76 Power to prepare an activity centre plan (cl. 56(2))	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning - Planning Managers, Land Use Planning - Principal Planning Officers, Land Use Planning	
	1.77 Power to consider a submitted activity centre plan and determine whether it complies with clause 56(1) of the Scheme, or if further information is required before it can be accepted. (Clause 57 (1))	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning - Planning Managers, Land Use Planning - Principal Planning Officers, Land Use Planning	
	1.78 Power to advise an applicant as to whether: (a) the activity centre plan complies with clause 56(1) of the Scheme; or (b) further information from the applicant is required before the activity centre plan can be accepted for assessment and advertising (cl. 57(1)(a)).	- Chairperson of the WAPC - Director General - Assistant Director General, Land Use Planning - Planning Directors, Land Use Planning - Planning Managers, Land Use Planning - Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Activity Centre Plans (Pt. 9)	1.79 Power to provide an estimate of the fee for dealing with the application in accordance with the <i>Planning and Development Regulations 2009</i> regulation 48 (c. 44(1)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.80 Power to advertise an activity centre plan in accordance with clause 58(2) of the Scheme (cl. 58).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.81 Power to determine whether comments in relation to the proposed activity centre plan should be sought from any public authority or utility service provider, and if so, which public authority or utility service provider comments are to be sought from (cl. 58(1)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.82 Power to determine whether an owner or an occupier is likely to be affected by the approval of an activity centre plan (cl. 58(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.83 Power to make an activity centre plan and accompanying material available for public inspection (cl. 58(3)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Activity Centre Plans (Pt. 9)	1.84 Power to determine whether an activity centre plan and the material accompanying it is published on the website of the WAPC (cl. 58(3)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.85 Power under clause 59 of the Scheme to— a. consider submissions received; b. request further information from a person who prepared the activity centre plan; c. advertise any modifications proposed to the activity centre plan; and d. determine any steps to advertise the proposed modification.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.86 Power to advertise modifications to an activity centre plan on more than one occasion. (cl. 59)	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.87 Power to approve or refuse to approve an activity centre plan (cl. 60)	• Chairperson of the WAPC	
	1.88 Power to require the person who prepared the activity centre plan to modify the plan and resubmit the modified plan (cl.60(1)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.89 Power to determine the manner in which an activity centre plan is to be modified (cl.60(1)(b)(i)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.90 Power to form an opinion as to whether major modifications have been made to an activity centre plan (cl.60(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Activity Centre Plans (Pt. 9)	1.91 Power to determine whether an activity centre plan is to be readvertised (cl.60(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.92 Power to provide written notice to the local government and any person who prepared a proposed activity centre plan of a decision to approve or to refuse to approve the activity centre plan (cl.60(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.93 Power to approve an activity centre plan that provides for further details of— (a) a subdivision included in the plan to be submitted and approved before subdivision is approved under Part 10 of the <i>Planning and Development Act 2005</i> ; or (b) development included in the plan to be submitted and approved before development commences (cl. 61(1)).	• Chairperson of the WAPC	Approval may only be provided if the WAPC is satisfied that further matters that are to be approved would not result in a substantial departure from the activity centre plan.
	1.94 Power to determine whether further matters that are to be approved would not result in a substantial departure from the activity centre plan referred to in Clause 61(1) of the Scheme.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.95 Power to determine the manner in which an activity centre plan is published (cl. 63).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Activity Centre Plans (Pt. 9)	1.96 Power to publish an activity centre plan (cl. 63).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.97 Power to approve an application for development approval or subdivision approval in an area referred to in clause 55 of the Scheme as being an area for which an activity centre plan may be prepared, but for which no activity centre plan has been approved (cl. 64).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.98 Power to determine whether a proposed development or subdivision for the purposes of Clause 64 of the Scheme— (a) does not conflict with the principles of orderly and proper planning; and (b) would not prejudice the overall development potential of the area (cl.64(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.99 Power to extend the period of approval of an activity centre plan (cl. 65(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	
	1.100 Power to revoke approval of an activity centre plan (cl. 65(3)).	• Chairperson of the WAPC	
	1.101 Power to form an opinion as to whether an activity centre plan cannot be effectively implemented because of a legislative change or a change in State planning policy (cl. 65(3)).	• Chairperson of the WAPC	
	1.102 Power to amend an activity centre plan. (cl. 66)	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Activity Centre Plans (Pt. 9)	1.103 Power to form an opinion as to whether an amendment to an activity centre plan is of a minor nature (cl. 66(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.104 Power to determine whether an amendment to an activity centre plan requires advertising (cl. 66(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
Local Development Plans (Pt. 10)	1.105 Power to determine that a local development plan is required to be prepared (cl. 68)	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.106 Power to prepare a local development plan in the circumstances set out in clause 68 of the Scheme (cl. 69(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.107 Power to approve the manner and form of a local development plan (cl. 69) 1.108 Power to determine what maps, other information or material is to be included in a local development plan (cl. 69) 1.109 Power to consider a submitted local development plan and determine whether it complies with clause 69(1) of the Scheme, or if further information is required before it can be accepted for assessment and advertising (cl. 70 (1))	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Local Development Plans (Pt. 10)	1.110 Power to advise an applicant as to whether: (a) the local development plan complies with clause 69(1) of the Scheme; or (b) further information from the applicant is required before the local development plan can be accepted for assessment and advertising (cl. 70(1)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.111 Power to provide an estimate of the fee for dealing with the application in accordance with the <i>Planning and Development Regulations 2009</i> regulation 48 (c. 70(1)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.112 Power to advertise a local development plan (cl. 71(1)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.113 Power to determine whether a local development plan is to be advertised where that plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area (cl. 71(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Local Development Plans (Pt. 10)	1.114 Power to form an opinion as to whether a local development plan is to be advertised where that plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area (cl. 71(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.115 Power to make a local development plan and accompanying material available for public inspection (cl. 71(4)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.116 Power to determine whether a local development plan and the material accompanying it is published on the website of the WAPC (cl. 71(4)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.117 Power to determine whether comments in relation to the proposed local development plan should be sought from any public authority or utility service provider, and if so, which public authority or utility service provider comments are to be sought from (cl. 71).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.118 Power to consider submissions in relation to a local development plan (cl. 72)	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.119 Power to approve or refuse to approve a local development plan (cl. 73).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Local Development Plans (Pt. 10)	1.120 Power to require the person who prepared the local development plan to modify the plan and resubmit the modified plan (cl.73(1)(b)(i) and (ii)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.121 Power to determine the manner in which a local development plan is to be modified (cl.73(1)(b)(i)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.122 Power to approve a local development plan that provides for further details of any development included in the plan to be submitted and approved before development commences (cl. 74(1)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	Approval may only be provided if the WAPC is satisfied that further matters that are to be approved would not result in a substantial departure from the local development plan.
	1.123 Power to form an opinion as to whether further matters that are to be approved would not result in a substantial departure from the local development plan referred to in clause 71(1) of the Scheme (cl. 74).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.124 Power to publish a local development plan on the WAPC website (cl. 76).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.125 Power to approve an application for development approval in an area referred to in clause 68 of the Scheme as being an area for which a local development plan may be prepared, but for which no local development plan has been approved (cl. 77).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Local Development Plans (Pt. 10)	1.126 Power to extend the period of approval of a local development plan (cl. 78(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.127 Power to revoke approval of a local development plan (cl. 79).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.128 Power to amend a local development plan (cl. 80(1)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.129 Power to form an opinion as to whether an amendment to a local development plan is of a minor nature (cl. 80(4)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning	
	1.130 Power to decide whether an amendment to a local development plan is to be advertised (cl. 80(4)).	• Planning Directors, Land Use Planning • Planning Managers, Land Use Planning	
Requirement for development approval (Pt. 11)	1.131 Power to extend the period of approval of a local development plan (cl. 80(5)).	• Principal Planning Officers, Land Use Planning	
	1.132 Power to determine development for which approval under the Scheme is not required (cl. 82).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.133 Power to determine a period of temporary works (cl. 82).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Form of DA application (Pt. 12)	1.134 Power to determine and specify what information or material must accompany an application for development approval, including where an application relates to a place entered on a heritage list prepared in accordance with the Scheme or within an area designated under the Scheme as a heritage area (cl. 84(1) and cl. 84(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.135 Power to waive or vary a requirement as to what an application for development approval must be accompanied by (cl. 84(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.136 Power to determine whether a use is consistent with the objective of a zone and that notice of the application should be given. (cl. 85)	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.137 Power to determine whether a departure from the requirements of the Scheme is of a minor nature (cl. 85(2)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.138 Power to advertise, or require an applicant to advertise, an application for development approval (cl. 85(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Form of DA application (Pt. 12)	1.139 Power to determine the manner in which an application for development approval may be advertised (cl. 85(3)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.140 Power to identify, for the purposes of clause 85(3)(a) of the Scheme, owners and occupiers likely to be affected by the grant of development approval (cl. 85).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.141 Power to make an application for development approval advertised under clause 85 of the Scheme and the material accompanying it available for public inspection (cl. 85(5)(a)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.142 Power to determine whether an application for development approval and the material accompanying it is published on the website of the WAPC (cl. 85(5)(b)).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
Determining DAs (Pt. 13)	1.143 Power to form an opinion as to whether an application for development approval may affect any other statutory, public or planning authority (cl. 87).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Determining DAs (Pt. 13)	1.144 Power to perform the functions and exercise the powers of the WAPC under clause 87 of the Scheme (cl. 87).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	
	1.145 Power to perform the functions and exercise the powers of the WAPC under Part 13 of the Scheme, to determine— a. applications made for approval to commence and carry out development, provided such determination would accord with the objectives and intent of any policies (if any) of the WAPC; b. applications to amend or cancel development approval, provided the original decision was made under delegation and the recommendation is to approve the request.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning • Planning Managers, Land Use Planning • Principal Planning Officers, Land Use Planning	Excluding applications of State or regional significance. Excluding applications which the port authority or local government express objection to. Excluding applications of State or regional significance. Excluding applications which the port authority or local government express objection to. Where the application has a monetary value, limited to applications with a value of up to \$5 million. Excludes the power to refuse approval.
Enforcement and Administration (Pt. 15)	1.146 Power to enter into an agreement with any land owner/occupier for the purpose of implementing the Scheme, where land has been acquired via the <i>Planning and Development Act 2005</i> Part 11 Division 4. (Cl. 104)	• Chairperson of the WAPC	Limited to the dealing with or disposal of land acquired by the Commission for the purpose of a local reserve for a use of the land that is compatible with the purpose for which it is reserved. Function to be exercised having due regard to any published WAPC policy. Excluding matters where the WAPC has or will make a financial contribution, or has a financial interest.
	1.147 Power to designate an officer for the purposes of clause 105 of the Scheme, who may enter and inspect property within the Scheme area.	• Chairperson of the WAPC	The designation must be made by a formal written instrument, such as a memorandum or letter.

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Enforcement and Administration (Pt. 15)	1.148 Power under clause 106 of the Scheme, to require repair to an advertisement.	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	The requirement must satisfy the requirements shown in clause 106(2) of the Scheme.
	1.149 Power to give notice under clause 106 of the Scheme (cl. 106).		
	1.150 Power to refuse to accept an application made under the Scheme (cl. 107).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	
	1.151 Power to form the opinion as to whether there is in place an agreement for the WAPC to use any copyrighted material provided in support of the application— (a) for the purposes of advertising the application or implementing a decision on the application; and (b) for zero remuneration. (cl. 107).	• Chairperson of the WAPC • Director General • Assistant Director General, Land Use Planning • Planning Directors, Land Use Planning	