

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION

2022/06 Notice of Delegation to Officers in Main Roads 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 26 June 2023, 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 and the person or persons from time to time holding or acting in the offices at Main Roads specified in column 2 of the Schedule, in relation to any land specified in column 3 of the schedule, subject to the conditions specified in column 4 of the Schedule.
- B. To publish the instrument in accordance with its resolution of 26 June 2023.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule

Column 1 (Powers and functions)	Column 2 (Delegate)	Column 3 (Land)	Column 4 (Conditions)
In relation to the PCAs, all functions and powers of the WAPC to purchase land or to compulsorily acquire land and to process claims made for injurious affection.	<ul style="list-style-type: none"> • Commissioner of Main Roads • Manager of Property Management 	<p>Planning Control Area No. 157 as depicted on WAPC Plan 1.7958/1 and 1.7957/1</p> <p>Planning Control Area No. 168 as depicted on WAPC Plan 1.8000/1.</p> <p>Planning Control Area No. 169 as depicted on WAPC Plan 1.8001/1</p> <p>Planning Control Area No. 170 as depicted on WAPC Plan 1.8002/1.</p> <p>Planning Control Area No. 171 as depicted on WAPC Plan 1.8003/1</p> <p>Planning Control Area No. 172 as depicted on WAPC Plan 1.8004/1</p>	<p>Provided that the acquisition/compensation costs are available for, and will be drawn from, an Agency Special Purpose Account established for Westport purposes and not the Metropolitan Region Improvement Account.</p> <p>Does not apply to any matter that involves—</p> <ol style="list-style-type: none"> 1. Expenditure in excess of \$1 million unless the prior consent of the Minister is obtained (s204 of the Act); <p>Must have due regard to published WAPC policy (if any).</p> <p>Provided the delegate complies with reporting requirements for audit purposes.</p>

Reporting Requirements

1. The officer/s performing the powers and functions of the WAPC specified in the Schedule shall provide biannual reports to the WAPC, in the format prescribed by the WAPC.
2. The reports provided under (1) shall detail the funds that remain available to meet any liabilities incurred through the exercise of these powers.
3. The reporting period commences on the date of gazettal of this instrument, with the first report due no later than 6 months after gazettal.

Interpretation

PCA means the Planning Control Areas listed in Column 3, and as updated from time to time.

"land" in column 1 includes, where a lot is not wholly within the PCA, that portion of the lot outside the PCA boundary.
