

PL402

**PLANNING AND DEVELOPMENT ACT 2005**  
NOTICE OF AMENDMENT TO INSTRUMENT OF DELEGATION  
DEL 2018/01 Powers of Officers (as amended)

Delegation to officers of certain functions of the Western Australian Planning Commission as gazetted on 3 October 2018 (and as amended) (*Government Gazette* No.150).

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (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 to a member or officer of a public authority.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties, and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 28 February 2024, pursuant to section 16 of the Act, the WAPC resolved—

1. 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 (as amended) to give effect to this delegation as set out in the attached Schedule.

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**Schedule 1**

**1. Instrument of delegation amended**

The amendments within this Schedule are to Schedule 1 as set out in the Instrument of Delegation 2018/01 to officers of certain powers and functions of the Western Australian Planning Commission published in the *Government Gazette* on 3 October 2018, and as amended and consolidated in the *Government Gazette* on 16 December 2022.

**2. Amendment to Schedule 1—SCHEDULE 1 Powers and functions regarding State Planning Policies, the preparation and amendment of local planning schemes and strategies under the *Planning and Development (Local Planning Schemes) Regulations 2015* (“*LPS Regulations*”), and as apply by virtue of a local planning scheme, or as deemed to apply by virtue of Schedules to the *LPS Regulations*, structure plans and related plans and interim development orders under the Act.**

- (a) Delete the row containing item 1.5.  
 (b) Delete the text in column 1 for items 1.9. and 1.10.  
 (c) Insert the following row into Schedule 1 after 1.11.—

1.11A. Power under r21A of the <i>LPS Regulations</i> to consider a proposed local planning scheme, make a recommendation, and submit the proposed scheme to the Minister together with the recommendation.	<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>• Executive Planning Directors, Land Use Planning</li> <li>• Planning Directors, Land Use Planning.</li> </ul>	Power not to be exercised where the delegee forms the opinion that the proposed local planning scheme raises an issue of potential— (a) State or regional significance; or (b) public interest of such significance that it should be addressed by the WAPC.
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- (d) Delete the text in column 1 of item 1.12. and replace with—  
 “1.12. Power, under r29 of the *LPS Regulations* to consider the proposed scheme and additional documents, make recommendations, endorse a copy of the proposed scheme and submit it to the Minister together with the additional documents and recommendations.”  
 (e) Insert the following row into Schedule 1 after the heading “Complex amendments”—

1.13A. Power under r37A of the <i>LPS Regulations</i> to consider a proposed complex amendment, make a recommendation, and submit the proposed complex amendment to the Minister together with the recommendation.	<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>• Executive Planning Directors, Land Use Planning</li> <li>• Planning Directors, Land Use Planning</li> </ul>	Power not to be exercised where the delegee forms the opinion that the proposed complex amendment raises an issue of potential— (a) State or regional significance; or (b) public interest of such significance that it should be addressed by the WAPC.
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- (f) Delete the text in column 1 of item 1.14. and replace with—  
 “1.14. Power, under r45 of the *LPS Regulations* to consider the proposed complex amendment and additional documents, make recommendations, endorse a copy of the proposed complex amendment and submit it to the Minister together with the additional documents and recommendations.”  
 (g) Insert the following row into Schedule 1 after the heading “Standard amendments”—

1.14A. Power under r46B of the <i>LPS Regulations</i> to consider a proposed standard amendment, make a recommendation, and submit the proposed standard amendment to the Minister together with the recommendation.	<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>• Executive Planning Directors, 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 Planners, Land Use Planning</li> </ul>	Excludes the power to recommend the Minister refuses approval to advertise the proposed standard amendment.

- (h) Delete the row containing item 1.15.  
 (i) Delete the text in column 1 of item 1.16 and replace with—  
 “1.16. Power, under r55 of the *LPS Regulations* to consider the proposed standard amendment, make recommendations, endorse a copy of the proposed standard amendment and submit it to the Minister together with the additional documents and recommendations.”  
 (j) Delete the text in column 1 of item 1.18 and replace with—  
 “1.18. Power, under r60 of the *LPS Regulations* to consider the proposed basic amendment, make recommendations, endorse a copy of the proposed basic amendment and submit it to the Minister together with the additional documents and recommendations.”