

**PL401**

**SWAN VALLEY PLANNING ACT 2020**  
**NOTICE OF INSTRUMENT OF DELEGATION**  
Powers of Swan Valley Statutory Planning Committee

Preamble.

Under section 34(2) of the *Swan Valley Planning Act 2020* the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate to the Swan Valley Statutory Planning Committee, any power or duty of the WAPC under the *Planning and Development Act 2005*, another provision of this Act or another written law.

Further and in accordance with section 59 of the *Interpretation Act 1984*, 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 s34 (2) of the SVP Act (the delegation)**

On 18 August 2021, pursuant to section 34(2) of the *Swan Valley Planning Act 2020*, the WAPC resolved to—

- A. Delegate its powers and functions as set out in column 2 of the schedule, to the committee specified in column 1 of the schedule, subject to the limitations and restrictions in column 3 of the schedule;
- B. In accordance with s36 of the SVP Act, to give effect to this resolution by publishing this notice in the *Government Gazette*.

SAM FAGAN, Secretary, Western Australian Planning Commission.

**SCHEDULE**

<b>Column 1 (Committee)</b>	<b>Column 2 (Powers and functions)</b>	<b>Column 3 (Conditions)</b>
Swan Valley Statutory Planning Committee	Mandatory delegations as per s34 (3) (a) – (c) <i>Swan Valley Planning Act 2020</i>	
	1. Power to perform all functions and exercise all powers of the WAPC under Part 2 of the <i>Swan Valley Planning Act 2020</i>	
	2. Power to perform all functions and exercise all powers the WAPC has under the <i>Planning and Development Act 2005</i> as the responsible authority for the Swan Valley Planning Scheme.	

	<p>3. Power to perform all functions and exercise all powers of the Commission under the <i>Swan and Canning Rivers Management Act 2006</i> Parts 4 and 5.</p>	
Mandatory delegations as per s34 (3) (d) <i>Swan Valley Planning Act 2020</i>		
	<p>4. Power to determine whether or not proposals and the ongoing implementation of the Swan Valley Planning Scheme from time to time pursuant to the <i>Swan Valley Planning Act 2020</i> comply with conditions (if any) applied pursuant to sections 48F and 48J of the <i>Environmental Protection Act 1986</i>.</p>	<p>Provided the function or power relates to land and development in the Swan Valley, as delineated by s4 of the <i>Swan Valley Planning Act 2020</i></p>
	<p>5. All functions of the WAPC as set out in—</p> <ul style="list-style-type: none"> <li>a. Sections 14(a), 14(c), 97, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 214, 215, 216 of the <i>Planning and Development Act 2005</i>;</li> <li>b. The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>c. Regulations 21, 22, 24 and 27 of the <i>Planning and Development Regulations 2009</i>;</li> <li>d. <i>Strata Titles Act 1985</i> or the provisions of a strata or survey- strata scheme;</li> <li>e. <i>Strata Titles (General) Regulations 2019</i>;</li> <li>f. Section 52 and section 85 of the <i>Land Administration Act 1997</i>;</li> <li>g. Section 40 of the <i>Liquor Control Act 1988</i>.</li> <li>h. <i>Community Titles Act 2018</i></li> <li>i. <i>Community Titles Regulations 2021</i></li> </ul>	
	<p>6. Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.</p>	
	<p>7. Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the <i>Environmental Protection Act 1986</i> and to refer such proposal to the Environmental Protection Authority.</p>	
	<p>8. Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the <i>Land Administration Act 1997</i>.</p>	
	<p>9. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the <i>Planning and Development Act 2005</i>.</p>	
	<p>10. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.</p>	
	<p>11. Power to defend, respond, appeal and otherwise deal with legal proceedings.</p>	

**Notes and Interpretation**

In this delegation, unless the context otherwise requires—

- i. .A reference to a committee or an instrument contemplates and includes a reference to its successor in title.