

## PLANNING

PL401

### PLANNING AND DEVELOPMENT ACT 2005

#### INSTRUMENT OF DELEGATION

DEL 2022/04 Powers of Officers (Housing Authority) Delegation to officers of certain powers and functions of the Western Australian Planning Commission

#### Preamble

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 section 16 of the Act (delegation)

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

- A. TO DELEGATE its powers and functions as set out in Column 1 of Schedule 1, to the person or persons from time to time holding or acting in the offices of the Housing Authority as specified in Column 2 of Schedule 1, subject to the conditions in Column 3 and terms set out in Schedule 2.
- B. TO AMEND its delegation of powers and functions as detailed in the instrument of delegation 'DEL 2022/04 Powers of Officers (Housing Authority)' as published in the *Government Gazette* on 13 December 2022, to give effect to this resolution.

SAM BOUCHER, Secretary, Western Australian Planning Commission.

#### Schedule 1

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
<p>Power to determine applications for approval of the development of public housing on zoned land made pursuant to the Metropolitan Region Scheme, the Peel Region Scheme or the Greater Bunbury Region Scheme, where such applications—</p> <ol style="list-style-type: none"> <li>1) propose the construction of—               <ol style="list-style-type: none"> <li>(a) any single house and ancillary dwellings, residential buildings or up to and including 30 grouped dwellings, provided the proposed works comply with the deemed to comply or design principles of the R-Codes Volume 1, including any modified provisions of the R-Codes in properly approved local planning frameworks;</li> <li>(b) up to and including 30 multiple dwellings provided the proposed works comply with—                   <ol style="list-style-type: none"> <li>(i) the design principles of the R-Codes Volume 1 as applicable; or</li> <li>(ii) the design element objectives of the R-Codes Volume 2 as applicable;</li> </ol>                   including any modified provisions of the R-Codes in properly approved local planning frameworks.                 </li> </ol> </li> <li>2) propose demolition of a building or structure, provided that building or structure is not in a heritage-protected place.</li> </ol>	<ul style="list-style-type: none"> <li>• Strategic Planner, Operations, Housing Authority</li> </ul>	<ol style="list-style-type: none"> <li>1) Application must be made by, or on behalf of, the Housing Authority.</li> <li>2) Design advice is sought through the Government Architect Western Australia in accordance with the process agreed between the Government Architect and Department of Communities;</li> </ol> <p>OR</p> <p>Design review is sought through the Local Government Design Review Panel if required by the local planning scheme or policy and the local government has established a design review panel.</p>

**Schedule 2**

1. The officer performing the powers and functions of the WAPC specified in Schedule 1 shall provide quarterly reports to the WAPC, in the format prescribed by the WAPC.
2. The reports provided under (1) shall detail the number of applications received in that period, the type of development applied for and the decision made on each application
3. The officer performing the powers and functions of the WAPC specified in Schedule 1 and referred to under (2) shall publish the decisions on the Department of Communities website for public information (residential buildings excluded) in the format prescribed by the WAPC.
4. The first reporting period shall commence on the date of gazettal of this instrument, with the first report being required not later than 3 months after gazettal.

**Interpretation**

1. A position listed in this instrument contemplates and includes its successor in title.
  2. A heritage-protected place is a place—
    - a. that is entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42; or
    - b. that is under consideration for entry into the State Register of Heritage Places (where “under consideration” is as described in subclause (2) of clause 1A, Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015 (the LPS Regulations)*); or
    - c. that is the subject of an order under the *Heritage Act 2018* Part 4; or
    - d. that is the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90; or
    - e. that is included on a heritage list as defined in clause 7 of Sch. 2 of the LPS Regulations; or
    - f. that is within a heritage area as defined in clause 7 of Sch. 2 of the LPS Regulations.
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