

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2025/01 Powers of Officers (Department of Housing and Works) (Housing)

Delegation to officers of certain powers and functions of the Western Australian Planning Commission under the Metropolitan Region Scheme, the Peel Region Scheme or the Greater Bunbury Region Scheme.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published on a website maintained by, or on behalf of, the WAPC, 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 22 JANUARY 2025 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 of Schedule 1 and the requirements in Schedule 2.
- B. TO REVOKE its delegation of powers and functions to committees, person or persons as detailed in the instrument of delegation 'DEL 2022/04 Powers of Officers (Housing Authority)' as published in the Government Gazette on 5 March 2024.
- C. TO RESOLVE that this resolution takes effect on 31 March 2025.

The delegation was amended by resolution of the WAPC on 23 JULY 2025.



Sam Boucher, Secretary,
Western Australian Planning Commission.

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Officer/s)	Column 3 (Conditions)
<p>Power to determine applications for approval of the development of public housing 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"> 1) propose the construction of: <ol style="list-style-type: none"> (a) any 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 these R-Codes in properly approved local planning frameworks; (b) up to and including 30 multiple dwellings provided the proposed works comply with— (i) the design principles of the R-Codes Volume 1 as applicable; or (ii) the design element objectives of the R-Codes Volume 2 as applicable, including any modified provisions of either R-Codes in properly approved local planning frameworks. 2) propose demolition of a building or structure, provided that building or structure is not in a heritage-protected place. 	<ul style="list-style-type: none"> • Strategic Planner, Department of Housing and Works 	<ol style="list-style-type: none"> 1) Application must be made by, or on behalf of, the Housing Authority. 2) Design advice must be sought: <ol style="list-style-type: none"> (a) through the Government Architect Western Australia in accordance with the process agreed between the Government Architect and the Department of Housing and Works; or (b) through the Local Government Design Review Panel if required by the local planning scheme or policy, the local government has established a design review panel. 3) The power may only be exercised if the delegate complies with the referral requirements set out in Schedule 2 below. 4) This delegation excludes proposals: <ol style="list-style-type: none"> (a) which form part of a mixed use development; or (b) where the subject land is partly within the development control area described in section 10 of the <i>Swan and Canning Rivers Management Act 2006</i> or is outside the development control area but abuts waters within the development control area.

SCHEDULE 2

Referral Requirements

- 1) An application for development in or abutting land reserved under the Metropolitan Region Scheme, the Peel Region Scheme or the Greater Bunbury Region Scheme (as applicable) must be referred to the public authority responsible for that reserved land within 7 days of the delegate receiving the application or, in the case of the MRS, if further information or material is required, within 7 days of the process in clause 38 to 40 concluding.
- 2) For the purposes of paragraph (1) the public authority responsible for reserved land is:
 - (a) In the case of reservation for regional open space: the Department of Planning Lands and Heritage;
 - (b) In the case of reservation for primary regional roads: Main Roads Western Australia;
 - (c) In the case of reservation for other regional roads: the Department of Planning Lands and Heritage;
 - (d) In the case of other reservations: the public authority for which the land is reserved or that owns or manages the reserved land;
 - (e) In the case of a development in or adjacent to a Bush Forever area (as defined in the Metropolitan Region Scheme): the Department of Planning Lands and Heritage.
- 3) Each public authority to which the application is referred must:
 - (a) be provided at least 42 days within which to respond; and
 - (b) informed that if no response is received within that time, the application may be determined on the information available.

Other Requirements

- 4) 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.
- 5) 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.
- 6) The first reporting period shall commence on the date commencement of this instrument, with the first report being required no later than 3 months after commencement and thereafter submitted not later than 28 days after 31 March, 30 June, 30 September and 31 December each year.

Interpretation

1. A position listed in this instrument contemplates and includes its successor in title.
2. "public authority" has the meaning given in the *Planning and Development Act 2005*.

3. 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.