

**8. Parliament House Precinct 6**

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

**9. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park**

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

**10. Leach Highway and Stock Road—Leach Highway to South Street**

The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 1.7068.

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PL404\*

**PLANNING AND DEVELOPMENT ACT 2005****RESOLUTION**

RES 2014/02 RESOLUTION UNDER CLAUSE 21 OF THE PRS

**Resolution made under clause 21 of the Peel Region Scheme regarding development on zoned land requiring planning approval****Preamble**

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clause 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS.

**Resolution under clause 21 of the PRS**

On 25 March 2014, pursuant to clause 21 of the PRS, the WAPC resolved—

- A TO REVOKE its resolution made under clause 21 of the PRS as detailed in a notice entitled “Resolution under clause 21 of the PRS” published in the *Government Gazette* on 4 November 2011 (pages 4657-4660);
- B TO REQUIRE any development which is on land zoned under the Peel Region Scheme and which is of a kind or class set out in Schedule 1 to have the planning approval of the WAPC;
- C TO REQUIRE local governments in the area covered by the PRS, following referrals and procedures as specified in schedule 2 either—
  - (i) to forward applications for approval to commence and carry out such development to the WAPC for determination, or
  - (ii) to assess and determine such applications where the WAPC, under section 16 of the Act, has delegated those functions to the local government;
- D TO CONFIRM that words used in the schedules have the meanings given to them in the *Planning and Development Act 2005* and the PRS and, unless the context otherwise requires, the meanings defined in schedule 3;
- E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

**SCHEDULE 1—Development on zoned land requiring planning approval****1. Development of State or Regional Significance**

Development of state or regional significance and development called in by or referred to the WAPC, in the following circumstances—

- (a) Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.
- (b) Development, in the opinion of the local government, which is of state or regional significance or for which an application should be determined by the WAPC by the WAPC in the public interest.

## 2. Land abutting Regional Open Space Reservation

All development on land abutting a regional open space reservation except—

- (a) Residential development of four or fewer dwellings that does not encroach onto the reservation.
- (b) Ancillary and incidental development that does not encroach onto the reservation and which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the PRS.
- (c) Development, other than intensive agriculture, associated with existing rural activities which in the opinion of the local government does not conflict with the purposes of the regional open space reservation stated in clause 10(a) of the PRS.

## 3. Land abutting Regional Road Reservation

Development of the following kinds on zoned land abutting a regional road reservation—

- (a) Development including earthworks and drainage which encroaches upon the regional road reservation.
- (b) Development with direct access or existing vehicular access to a regional road reservation.
- (c) Development where access to a regional road reservation is proposed.
- (d) Development which in the opinion of the WAPC or the local government has the potential to significantly increase traffic and has access to a regional road reservation.
- (e) Development where existing access to a regional road reservation is to be retained but where alternative access is available.

Exceptions—

- (i) Residential development of four or fewer dwellings that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.
- (ii) Ancillary and incidental development that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.

## 4. Development in Special Control Areas

Development on land—

- (a) in the water catchments special control area (SCA No. 1) which in the opinion of the WAPC or the local government may conflict with the purposes of SCA No. 1 stated in clause 15(1)(b) of the PRS.
- (b) In the waste water treatment plant odour buffers special control area (SCA No. 2) excepting where, in the opinion of the local government (where consistent with the advice and / or recommendation of the Water Corporation), the use or development of the land is consistent with detailed planning endorsed by the Commission under clause 15(23)(d) of the PRS.

## 5. Development in Activity Centres

Development relating to a building or extension/s to an existing building for shop-retail purposes—

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the activity centre than the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the activity centre than the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres;

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

For the purpose of this resolution—

“activity centre” means the categories of activity centres set out in Table 3 of State Planning Policy 4.2, namely—

- Perth Capital City;
- Strategic metropolitan centres;
- Secondary centres;
- District centres; and
- Neighbourhood centres.

“activity centre structure plan” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“major development” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m<sup>2</sup>; or
- development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m<sup>2</sup>.

“shop-retail” means the land use activities included in “Planning land use category 2: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“specialised centres” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“State Planning Policy 4.2” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.

## 6. Development in the rural zone

Development in the rural zone, other than for a poultry farm, which in the opinion of the WAPC or the local government may not be consistent with the purposes of the rural zone stated in clause 12(e) of the PRS.

## 7. Poultry Farms

Development for a new poultry farm or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing poultry farm.

### SCHEDULE 2—Requirements for referral to advice agencies and forwarding to the WAPC

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which shall be forward it to the WAPC within seven days and may within 42 days (or such longer period as the WAPC allows) make recommendations to the WAPC except where the local government exercises the powers and follow the procedures provided by an instrument of delegation made by the WAPC under section 16 of the *Planning and Development Act 2005*.

2. An application for development in or abutting a primary regional road reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

4. An application for development in the water catchment special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

5. An application for development in the wastewater treatment plant special control area (SCA No. 2) is to be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.

6. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.

7. Following referral of any application for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC together with the advice and recommendations provided by all advice agencies consulted and the reasons why the recommendation of the advice agency is not acceptable to the local government.

### SCHEDULE 3—Definitions

In this notice of resolution, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 2.

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the Peel office of the Department of Planning.

‘Not acceptable’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

'Planning approval' means the planning approval of the WAPC as required under the PRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

### INDEX

Matter referred to	Where referred to		
	Preamble and resolution	Sch 1	Sch 2
<b>Development on zoned land</b>			
Development of state and regional significance		1	-
Abutting regional open space reserves		2	
Abutting primary regional roads reserves		3	2
Abutting other regional roads reservations		3	3
In water catchments (SCA No. 1)		4(a)	4
In waste water treatment plant odour buffers (SCA No. 2)		4(b)	5
Development in Activity Centres		5	
Not consistent with the purposes of the rural zone		6	
Poultry farm		7	
<b>Words defined in schedule 3</b>			
'Abutting'		2, 3,	2, 3
'Access'		3	
'Advice agency'			5,6
'Forward to the WAPC'	Resolution (b)(i)		1, 6
'Net lettable area'		5	
'Not acceptable'			6
'Planning approval'	Preamble, resolution (a), (b)(i)		1
<b>Planning and Development Act 2005</b>			
section 16			1
<b>Peel Region Scheme</b>			
generally	Preamble, Resolution (b), (c), (d)		
clause 10(a)		2(b), (c)	
clause 12(e)		6	
clause 15(1)(b) re special control area No. 1		4(a)	
clause 15(2)(d) re special control area No. 2		4(b)	
clause 18	Preamble		
clause 21	Preamble, resolution		
clause 30			1

PL405\*

### PLANNING AND DEVELOPMENT ACT 2005

#### RESOLUTION

#### RESOLUTION UNDER CLAUSE 27 OF THE GBRS RES 2014/03

#### Resolution made under clause 27 of the Greater Bunbury Region Scheme regarding development on zoned land requiring planning approval

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on *reserved* land, a person must not commence or carry out development unless that person has planning approval. Also under clause 24, on *zoned* land, a person must not commence or carry out development of a kind or class specified in a resolution made by the Western Australian Planning Commission (WAPC) under clause 27 unless that person has planning approval.

Under clause 27 of the GBRS, on *zoned* land, the WAPC may by resolution require specified development to have planning approval before it is commenced or carried out. By virtue of Section 5(2) of the *Planning and Development Act 2005* (the Act), this includes public works.