

Control policy 1.2

1 - general principles

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Background notes

- 1 This policy deals with the general principles and policies used by the Western Australian Planning Commission (WAPC) in its determination of applications for approval to commence development. The WAPC is the responsible authority for those classes of application listed in section 1.7 of the policy.
- 2 The context for this policy is provided by *Statement of Planning Policy No.1 State Planning Framework*, the *State Planning Strategy* and other principles for sustainable settlement contained in the state government's *State Sustainability Strategy*, released in September 2003.
- 3 This policy states in plain terms the development approval requirements in respect of land the subject of metropolitan and other region schemes. While the WAPC has taken due care and consideration in preparing this policy, persons should not rely on the accuracy of the policy in determining development approval requirements but should refer to the primary development control instruments, such as the *Metropolitan Region Scheme*, *Peel Region Scheme*, *Swan River Trust Act 1988* and the relevant Notice of Delegation of the WAPC's functions. These instruments may be amended from time to time and such amendments may not be reflected in this policy.
- 4 The policy was originally adopted by the WAPC in 1988. The policy was reconsidered and updated by the WAPC in May 1998 and further in August 2004, to reflect refinements and revisions to other WAPC policies.

- 1.3 Approval to commence development for public works by public authorities is required in respect of land both zoned and reserved under the MRS. Clause 16 of the MRS exempts certain public works as outlined above.
- 1.4 The PRS requires all development on reserved land or development of a kind or class specified in a resolution made by the WAPC under clause 21 of the respective region scheme, to have the planning approval of the WAPC, excepting in circumstances similar to those referred to above. The circumstances in which development is permitted without approval of the WAPC are set out in clauses 19 and 20 of the PRS.
- 1.5 For the purpose of the PRS, the term 'development' has the same meaning given to it by the relevant legislation, which is:
- the development or use of any land including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works and as in the case of a place to which a conservation order made under section 59 of the *Heritage of Western Australia Act 1990* applies, also includes any act or thing that:
- (a) is likely to change the character of that place or the external appearance of any building; or
- (b) would constitute an irreversible alteration of the fabric of any building.
- 1.6 The Act, the MRS, resolutions made under clause 32 of the MRS, resolutions made under clause 21 of the PRS and delegations made under the WAPC's own Act, all combine to assign responsibility for the determination of

development made under the scheme. The responsible authority for that determination is either the WAPC or the relevant local government.

- 1.7 The WAPC is the responsible authority for all applications which are
- a) on land reserved, or partly reserved, by the MRS or PRS for any purpose other than regional road purposes (except private jetties and associated facilities with an artificial waterway);
 - b) by its resolution gazetted on 20 September 2002 concerning development on or abutting regional reserves;
 - c) the subject of a resolution made under clause 32 of the MRS;
 - d) the subject of a resolution made under clause 21 of the PRS, but with the exception of development of land abutting a regional road reservation where determination has been delegated to local governments;
 - e) on land within, or partly within, a planning control area declared under section 35C of the *Metropolitan Region Town Planning Scheme Act 1959*; and

3 Relevant considerations

3.1 The WAPC will have regard to the following relevant planning considerations in making decisions on development applications:

compatibility with relevant planning policies, strategies and development control criteria;

integration of development into the site and its surroundings;

transport and traffic impacts;

vehicular and non vehicular access, circulation and car parking;

relevant environmental, economic and social factors;

relevant factors of amenity² and sustainability³.

Applications to commence development should be supported by plans and information set out in appendix 2 and any other material which the WAPC may reasonably require.

3.2 To ensure orderly and proper planning, the WAPC may impose conditions on development approvals, which will ensure a proper standard of development.

3.3 The WAPC does not have the power to approve a variation to a development approval. Therefore in situations where substantive variation is required to the development approval, a new development approval must be sought.

3.4 The WAPC will have regard to the following general principles in imposing conditions as part of a development approval:

have a relevant planning purpose;

have relevance to the development to be approved; and

be fair, reasonable and practicable.

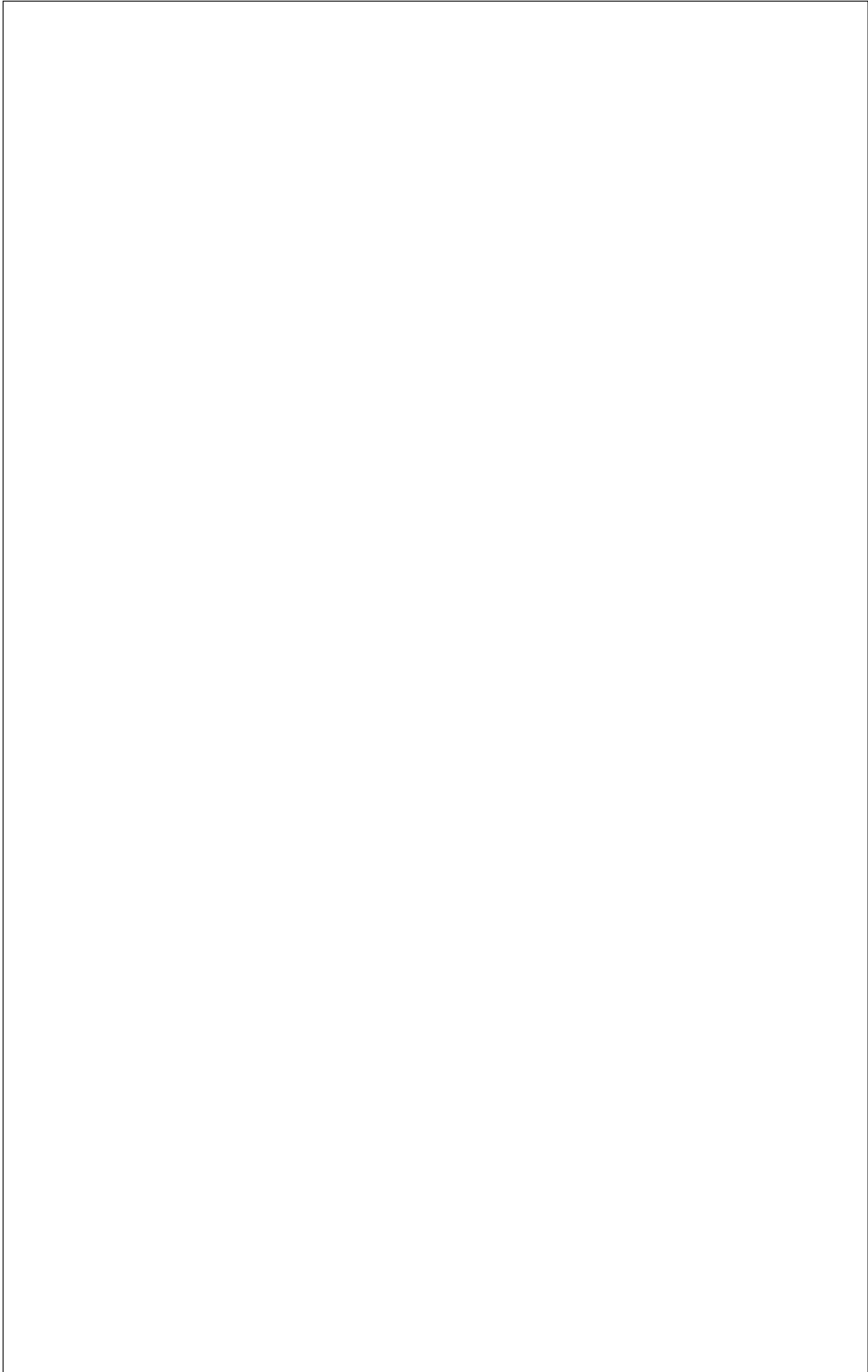
4 Policy measures

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4.1.1 Appendix 1 sets out the purposes for which land may be reserved under the MRS or PRS. In its determination of applications for approval to commence development on land reserved under the MRS, the WAPC is bound to have regard to the purpose for which the land is reserved and, without limiting the generality of the clause, may include conditions limiting the period of its approval and relating to the types of building that may be built on the land, or the removal of buildings. In its determination of applications for planning approval under the PRS, the WAPC must have regard to a range of matters, including the purpose for which land is reserved and may impose conditions of approval under the scheme.

4.1.2 A principal objective in this regard is to ensure that the use of reserved land, its acquisition or any development for its intended purpose is not prejudiced by the development application. The WAPC's decision may be influenced not only by the scale and purpose of the proposal, but also by other matters including its cost, the period of time it is likely to remain and impact upon the reservation.

4.1.3 The determination of certain classes of application on land abutting regional reservations has been delegated to the relevant local governments with Main Roads WA (MRWA) and the Department for Planning and Infrastructure (DPI) having a consult.1556 533.97T*(and relat



Appendix I

The purposes for which land may be reserved by the Metropolitan Region Scheme or other region scheme are as follows:

Parks and recreation*

Regional open space#

Primary regional roads

Other regional roads

Railways

Waterways

Port installations*

State forests

Water catchments*

Civic and cultural*

Public purposes*

Other public purposes#

* Metropolitan Region Scheme only

Peel Region Scheme only

Appendix 2

All applications for planning approval under the MRS and PRS should be submitted on Form 1 of the relevant scheme and must be accompanied by such plans and context information as the responsible authority may reasonably require:

- 1 Plans at a scale not less than 1:500 showing:-
 - (i) the location of the site including street names, lot number(s), north point and the dimensions of the site;