

Appendix B – Requirement for Planning Approval

Planning and Development Act 2005 and Public Works

Under Section 6 of the *Planning and Development Act 2005* (PD Act) there are exemptions from the requirement to obtain planning approval under a local planning scheme for ‘public works’ for the Crown, the Governor, a public authority, or a local government. For the VPCLXR project, ALUA acts on behalf of the PTA and these applicable exemptions remain in place.

Public Works are defined by the *Public Works Act 1902*. The definition of public works includes:

(b) any railway authorised by special Act or any work whatsoever authorised by any Act;

The METRONET Act, is the key enabling legislation for the VPCLXR project.

Accordingly, the proposed works for the VPCLXR project are considered to be public works under Section 6 of the PD Act and do not require approval under the City’s LPS 42.

Planning Control Area (PCA)

A PCA (PCA No.165) was declared over parts of the VPCLXR project area in June 2022. PCA No.165 includes the full length of the section of viaduct located generally from abutment to abutment, including all new train stations and the associated station precinct land which sits underneath the elevated rail line. The PCA is not limited in volume. The PCA boundaries will extend from and to the outside boundary of the road reserve for each road that runs adjacent to the rail corridor on both sides (i.e. Rutland Avenue, Bank Street, Railway Parade and Sevenoaks Street). A copy of the PCA is included at Appendix E.

Under Part 7 of the PD Act, all development within a PCA requires planning approval. Section 116 of the PD Act requires an application for any development within a PCA area to be determined by the WAPC.

Refer to Appendix E – PCA Boundary

Railway (METRONET) Act 2018

The *Railway (METRONET) Act 2018* (METRONET Act) provides that “METRONET works” can be carried out without the approval of the WAPC where these works are outside of railways reservations.

METRONET works are defined as:

works for the purpose of, or in connection with, a METRONET railway but does not include the construction or alteration of a railway station, or any related car parks, public transport interchange facilities or associated means of pedestrian or vehicular access.

This application is seeking approval for new railway stations, related car parks, public transport interchange facilities and associated means of pedestrian or vehicular access (among other works) and thus the works do not meet the definition of METRONET works. Therefore the works require planning approval irrespective of their location in the PCA and MRS Railways Reservation.