

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO DEL2014/01

Notice of Amendment to Instrument of Delegation—Powers of Local Governments (GBRS)

Notice of amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme, as gazetted on 9 May 2014, and as amended.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (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 to 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 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 on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 23 March 2022 pursuant to section 16 of the Act, the WAPC resolved, amongst other things,—

- A. To AMEND the Instrument of Delegation 2014/01 Delegation Powers of Local Governments GBRS of certain powers and functions of the Western Australian Planning Commission as gazetted on 9 May 2014 (and as amended), as set out in Schedule 1 below.

SAM FAGAN, Secretary, Western Australian Planning Commission.

SCHEDULE 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2018/01—Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme as gazetted on 9 May 2014, and as amended.

2. Amendment to Schedule 2—Development on zoned land delegated to local governments (p1421)

- a) Clause 12 is deleted and replaced with the following new clause 12—
12. Development of the following kinds which is for Category A activity centre uses and which requires planning approval under the GBRS—
- (a) Development which—
- a. is major development located in a local centre or neighbourhood centre; or
 - b. is generally in accordance with a WAPC endorsed precinct structure plan;
 - c. is major development located in an activity centre that is exempt from the requirement to prepare a precinct structure plan as identified in an endorsed local planning strategy.
- (b) Development for which the local government decides to refuse approval under the GBRS.

3. Amendment to Schedule 4—Definitions (p1423-1424)

- a) all text under the heading 'Interpretation' is deleted and replaced with the following—
- In this notice of resolution, words have the meanings given to them in the Act and the GBRS. 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.
- 'activity centre' is defined in State Planning Policy 4.2.

'activity centre hierarchy' means the category of activity centres set out in State Planning Policy 4.2, namely—

- Capital City;
- Strategic centres;
- Specialised centres;
- Secondary centres;
- District centres;
- Neighbourhood centres; and
- Local centres

'advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

'animal husbandry-intensive' has the same meaning as in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

'Category A activity centre uses' means land uses as defined in State Planning Policy 4.2.

'forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning, Lands and Heritage.

'major development' means development as defined in State Planning Policy 4.2;

'net lettable area' is defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

'non-conforming use' has the same meaning as it has in the *Planning and Development Act 2005* section 172.

'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' and 'planning approval under the GBRS' mean the planning approval of the WAPC as required under the GBRS and by resolution of the WAPC under clause 27 of the GBRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

'precinct structure plan or equivalent' means a structure plan prepared for an activity centre as required under State Planning Policy 4.2, and includes what were previously referred to as an activity centre plan.

'proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.

'State Planning Policy 4.2' means State Planning Policy 4.2—Activity Centres, published in the *Government Gazette*.