

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO RES2014/03

Resolution under clause 27 of the GBRs

Notice of amendment to resolution made under clause 27 of the Greater Bunbury Region Scheme regarding development on zoned land requiring planning approval.

Preamble

Under clause 24 of the Greater Bunbury Region Scheme (GBRS), and subject to the exemptions stated in clause 25 and 26, 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 27 of the GBRs.

Resolution under clause 27 of the GBRs

On 23 March 2022, pursuant to section clause 27 of the GBRs, the WAPC resolved, amongst other things,—

- A. TO RECOMMEND to the Minister for Planning and the Governor that the updated SPP4.2 be approved and gazetted in accordance with Part 3 of the *Planning and Development Act 2005*.
- B. TO AMEND, as required, the Resolution 2014/03 made by the WAPC on 22 April 2014 and published in the *Government Gazette* on 9 May 2014 at pages 1415 -1420 (**Resolution 2014/03**) as amended, as set out in Schedule A below, to give effect to this resolution and the approval and subsequent gazettal of the updated SPP4.2.

SAM FAGAN, Secretary, Western Australian Planning Commission.

SCHEDULE A**1. Instrument of Resolution amended**

The amendments within this Schedule are to the Schedules set out in Resolution 2014/03.

2. Schedule 1—amended (p1416)

- a) Paragraph 9 is deleted and replaced with the following new paragraph 9—

9. Development in Activity Centres

Applications made under clause 24 of the GBRs for approval to commence and carry out major development for Category A activity centre uses—

- (a) where the local government or the WAPC considers that the major development proposed may be of State or regional significance;
- (b) where the local government considers the major development is more appropriately located in an activity centre of a higher level of the activity centre hierarchy than the activity centre in which it is proposed to be located;
- (c) where the WAPC (after consulting the relevant local government) considers the major development is more appropriately located in an activity centre of a higher level of the activity centre hierarchy than the activity centre in which it is proposed to be located;

except where—

- (a) the major development is located in a local centre or neighbourhood centre; or
- (b) the major development is generally in accordance with a precinct structure plan or equivalent for the activity centre endorsed by the WAPC; or
- (c) where the major development is 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.

2. Schedule 3—amended (p1418-1419)

- a) Schedule 3 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' has the same meaning as in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 'planning approval' means the planning approval of the WAPC as required under the GBRS 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.
- '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*.