

PLANNING AND DEVELOPMENT ACT 2005

Notice of Resolution under Clause 28 of the Metropolitan Region Scheme

Notice of resolution made under clause 28 of the Metropolitan Region Scheme (MRS) regarding planning approval requirements for development on zoned land.

Under clause 28 of the MRS, the Western Australian Planning Commission (WAPC) may by resolution, require development on zoned land to have development approval before it is commenced or carried out. This may include public works.

Resolution under clause 28 of the MRS

On 22 JANUARY 2025, pursuant to clause 28 of the MRS, the WAPC RESOLVED—

- A. TO REQUIRE any development which is on zoned land under the Metropolitan Region Scheme, and which is of a kind or class set out in schedule 1, to be approved by the WAPC before the said development is commenced or carried out;
- B. TO CONFIRM that words used in the schedules to this resolution have the meanings given to them in the *Planning and Development Act 2005* (the Act) and the MRS and, unless the context otherwise requires, the meanings defined in Schedule 2 of this notice. In the case of any inconsistency, the Act prevails; and
- C. TO DECLARE that this resolution takes effect on 31 March 2025.

SAM BOUCHER, Secretary, Western Australian Planning Commission.

SCHEDULE 1 – Development on zoned land requiring planning approval

1. Development of State or Regional Significance

Development in respect of which the WAPC, by notice in writing in each case, advises the local government in whose district the development is proposed that the development is of state or regional significance or that, in the public interest, the development requires development approval under the MRS.

2. Land abutting a Regional Open Space Reservation

All development on land abutting reserved land for Regional Open Space or Regional Open Space – Restricted Public Access except –

- i. residential development of four or fewer dwellings; or
- ii. ancillary and incidental development, which does not conflict with the purposes of the reservation for Regional Open Space or Regional Open Space – Restricted Public Access as stated in Clause 20 of the Metropolitan Region Scheme; or
- iii. development of a class specified in items 1 – 18 inclusive of column 1 of the Table at clause 61(1)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; or
- iv. development associated with existing rural activities which does not conflict with the purposes of the reservation for Regional Open Space or Regional Open Space – Restricted Public Access, as provided by clause 20 of the Metropolitan Region Scheme and which is not intensive agriculture.

3. Land abutting a Regional Road Reservation

All development on land abutting reserved land for Primary Regional Roads or Other Regional Roads (Regional Road Reservation), that –

- i. Includes earthworks and drainage; or
- ii. Has or proposes direct vehicle access to the Regional Road Reservation; or
- iii. Where access to a Regional Road Reservation is proposed; or
- iv. Significantly, or has the potential to significantly, increase traffic and access to a Regional Road Reservation; or
- v. Proposes to retain existing direct vehicle access to the Regional Road Reservation despite there being an alternative access available.

– except –

- i. residential development of four or fewer dwellings (and associated earthworks and drainage) where existing vehicle access is unchanged; or
- ii. ancillary and incidental development, where no additional, relocated or new access is proposed; or
- iii. development of a class specified in items 1 – 18 inclusive of column 1 of the Table at clause 61(1)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

4. Land abutting a Port Installations Reservation

All development on land abutting a reserve for Port Installations.

– except –

- i. development of a class specified in items 1 – 18 inclusive of column 1 of the Table at clause 61(1)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5. Land adjacent to railway reserves

All development on land:

- i. within 100 metres from the boundary of land owned by or vested in the Public Transport Authority; or
- ii. on top of or within 100 metres of a tunnel or other underground structure

– except –

- i. development of a class specified in items 1 – 18 inclusive of column 1 of the Table at clause 61(1)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

6. Development in and /or adjacent a Bush Forever Area

- i. All development partly or wholly within a Bush Forever Area; or
- ii. All development adjacent to a Bush Forever Area where clearing of native vegetation or direct drainage into a Bush Forever Area is proposed.

7. Major development in activity centres

Major development as defined in State Planning Policy 4.2 Activity Centres within an established strategic, specialised, secondary or district centre.

– except where –

- i. the major development is generally in accordance with a precinct structure plan; or
- ii. the major development is located in an activity centre that is exempt from the requirement to prepare a precinct structure plan as identified in a local planning strategy endorsed under regulation 15 of the Planning and Development (Local Planning Schemes) Regulations 2015.

8. Kwinana Industrial Area

All development within the area shown on WAPC plan No. 3.2859

– except–

- i. Development which has an estimated cost of less than \$2,000,000.

9. North Coogee Area

All development within the area shown on WAPC plan 4.1675.

10. Parliament House – Inner Precinct

All development within the area depicted as the Inner Precinct on WAPC plan 3.2858.

11. Public works

Development of –

- i. non-residential public works with an estimated development cost of \$15 million or greater.
- ii. non-residential public works with an estimated development cost of less than \$15 million where the development is an intensification of the site or will have a significant adverse impact on the local amenity of the area.
- iii. public housing for five or more dwellings in a grouped dwelling or three or more multiple dwellings configuration (any development value).

12. Non-conforming uses

Any extension or change to a non-conforming use of land.

SCHEDULE 2 - Interpretation

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

“activity centre” has the same meaning as in State Planning Policy 4.2;

“activity centre hierarchy” has the same meaning as in State Planning Policy 4.2;

“Category A activity centre uses” means the Category A land uses as defined in State Planning Policy 4.2;

“major development” has the same meaning as in State Planning Policy 4.2;

‘planning approval’ means the planning approval of the WAPC as required under the MRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, or officers.

DEFINITIONS

Adjacent – lying near, close, or contiguous; adjoining; neighbouring.

Adjoin – 1. To be in connection or contact with; abut on. 2. To lie or be next, or in contact.

Adjoining – bordering; contiguous.

Abut – to share a common boundary.