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[1987

STATE PLANNING COMMISSION ACT 1985  
 METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959 (AS AMENDED)  
 METROPOLITAN REGION SCHEME  
 NOTICE OF RESOLUTION  
 DEVELOPMENT ABUTTING RESERVED LAND

File: 810/2/1/1; 970/1/1/3.

NOTICE is hereby given that at its meeting on 14 January 1987, the State Planning Commission acting pursuant to section 20 of the State Planning Commission Act 1985 ("the Act") and clause 32 of the Metropolitan Region Scheme ("The Scheme") resolved as follows:

1. Revocation of Clause 32 Resolution

The resolution of the Metropolitan Region Planning Authority pursuant to clause 32 of the Scheme, notice of which was published in the *Government Gazette* on 24 June 1983, is hereby revoked.

2. Modification to Delegated Power

The resolution of the Commission pursuant to section 20 of the Act, notice of which was published in the *Government Gazette* on 16 December 1985, delegating to local authorities the power of the Commission to determine applications under the Scheme for approval to commence and carry out development on land within their respective areas, is hereby modified to the extent required to give effect to clauses 4 and 5 of this Resolution as limited by clause 6 of this Resolution.

3. Interpretations

For the purpose of this Resolution the following terms have the meanings assigned to them:

"application" means an application made under the Scheme for approval to commence or carry out development on land which:—

- (a) is within the Metropolitan Region;
- (b) is zoned under the Scheme; and
- (c) abuts reserved land.

"Commission" means the State Planning Commission established under section 4 of the State Planning Commission Act 1985.

"Dwelling" means a separate self-contained place of residence containing at least one living room and includes rooms and outbuildings separate from such building but ancillary thereto.

"Local Authority" means a local authority within the Metropolitan Region.

"MRD" means the Main Roads Department of Western Australia.

"regional road" means any road designated under the Scheme as follows:

- (a) Land coloured red in the Scheme Map—Controlled Access Highway;
- (b) Land coloured broken red in the Scheme Map—Other Major Highway; and
- (c) Land coloured dark blue in the Scheme Map—Important Regional Road.

"reserved land" means land reserved under Part II of the Scheme.

"regional significance" has the meaning assigned to it by State Planning Commission Policy SPC 31.

"Scheme" means the Metropolitan Region Scheme (as amended).

#### 4. Determination by State Planning Commission

Subject to the provisions of clause 6 of this resolution, all applications which fall within any of the classes hereinafter described, shall be forwarded by the Local Authority to the Commission for determination:

- (a) Any application for land abutting those regional roads classified by Plan SP 217 of Policy Statement SPC 31 as Category 1 or Category 2 and which proposes development of regional significance.
- (b) Any application for land abutting those regional roads classified as Category 3 by Plan SP 217 of Policy Statement SPC 31.
- (c) All applications for land which abut land reserved under the Scheme for purposes other than "Controlled Access Highway", "Other Major Highway" and "Important Regional Road".

#### 5. Referral to Main Roads Department

Subject to the provisions of clause 6 of this resolution all applications which fall within any of the classes hereinafter described shall be referred to the Main Roads Department for comment and recommendation before determination by the Local Authority. In responding, the Main Roads Department shall have regard for the provisions of the relevant local authority town planning scheme and make its comment and recommendation within 15 days of receipt of the application. Where that recommendation is not acceptable to the Local Authority, then within 30 days the application shall be referred to the State Planning Commission for its determination.

- (a) Any application for land abutting those regional roads classified by Plan SP 206 of Policy Statement SPC 31 as Category 1 or Category 2 and which proposes development of regional significance.
- (b) Any application for land abutting those regional roads classified as Category 3 by Plan SP 206 of Policy Statement SPC 31.

#### 6. Exceptions

Notwithstanding the provisions of clauses 4 and 5 of this resolution, applications which fall within any of the following classes are not subject to clause 2 and power to determine such applications rests with the Local Authority:

- (a) Applications for the development of not more than four dwellings which, in the opinion of the Local Authority, will not prejudice or otherwise adversely affect the purpose and function of the abutting reservation except where the abutting reservation is for a road classified as Category 3 by Plans SP 206 or SP 217 of Policy Statement SPC 31.
- (b) Applications for development that is prohibited by any provision of a town planning scheme and which, for that reason, are refused by the Local Authority.
- (c) Applications for development which are refused by the Local Authority using discretionary power contained in a town planning scheme.

### POLICY STATEMENT SPC 31

#### GUIDELINES FOR DEVELOPMENT ADJACENT TO REGIONAL ROADS

##### 1. INTRODUCTION.

1.1 Since 1983 the former Metropolitan Region Planning Authority and the State Planning Commission have used the provisions of the Metropolitan Region Scheme to require that development applications for land abutting regional reservations be referred to the Authority/Commission for determination. Since that time, it has become obvious that only a small proportion of such applications raise issues of regional significance, particularly those abutting regional roads. Accordingly, the Commission has modified its resolution of June 1983 to reduce the number of such applications that must be referred to it. This Policy Statement SPC 31 is intended to complement and explain that new resolution.

1.2 It should be noted that access to major roads may also be controlled under other legislation as follows:—

- (i) Section 28A of the Main Roads Act empowers the Governor on the recommendation of the Commissioner of Main Roads to proclaim "control of access" over any section or part of a main road. Any person wishing to construct an access to the road must first obtain the approval of the Commissioner of Main Roads.
- (ii) Section 359 of the Local Government Act requires the approval of the Commissioner of Main Roads to the construction of access to premises, other than residential premises, to or from a road proclaimed a highway or main road for the purposes of the Main Roads Act.

##### 2. CLASSIFICATION OF ROADS.

2.1 The Metropolitan Region Scheme reserves land for three categories of regional road according to function and responsibility. These are "Controlled Access Highways" "Other Major Highways" and "Important Regional Roads".

2.2 Most Controlled Access Highways (CAH) and Other Major Highways (OMH) form the primary road system. The construction and maintenance of most of these roads is the responsibility of the Commissioner of Main Roads.

However, not all roads classified as CAH and OMH in the Region Scheme are Main Roads, so for the purpose of this Policy Statement the attached Plans designate each road as follows:—

\*Plan SP 206—Roads under MRD control.

\*Plan SP 217—Roads under SPC control.

(Freeways are included under Controlled Access Highways).

2.3 Important Regional Roads form part of the district system and include the principal feeders and connectors to the primary routes. Local Authorities are normally responsible for the construction and maintenance of Important Regional Roads.

Some of the Important Regional Roads are also declared Main Roads under the Main Roads Act and come under the jurisdiction of the Commissioner of Main Roads.

2.4 Local streets are not designated in the Metropolitan Region Scheme. Control of development and access to local streets is the responsibility of Local Authorities.

### 3. FUNCTIONS OF REGIONAL ROADS.

#### 3.1 Primary Roads (CAH and OMH).

The primary road system provides the principal means, and often the only means, of connection between the major segments of large urban centres. Its significance for the movement of people and goods is immense and involves large scale public expenditure in construction and maintenance.

Although the principal function of the primary road system is to carry through traffic, most primary roads have the subsidiary function of distributing local traffic. Older primary roads still have the additional function of providing access for vehicles and pedestrians to frontage properties.

#### 3.2 District Roads (In most cases Important Regional Roads).

The secondary system carries traffic between the industrial, business, residential and recreational districts of the city.

It forms a grid based network passing between residential and commercial cells, not through them. District roads connect up local roads—which carry traffic within these cells—and feed the longer distance primary system.

The functional relationship of regional roads is well illustrated by Fig. 1 which shows the major road system planned for the North West Corridor at Joondalup. In the older existing areas of Perth, however, the hierarchy is less clearly defined with many roads fulfilling a range of functions.

New regional roads such as those illustrated at Fig. 1 are planned without driveway access.

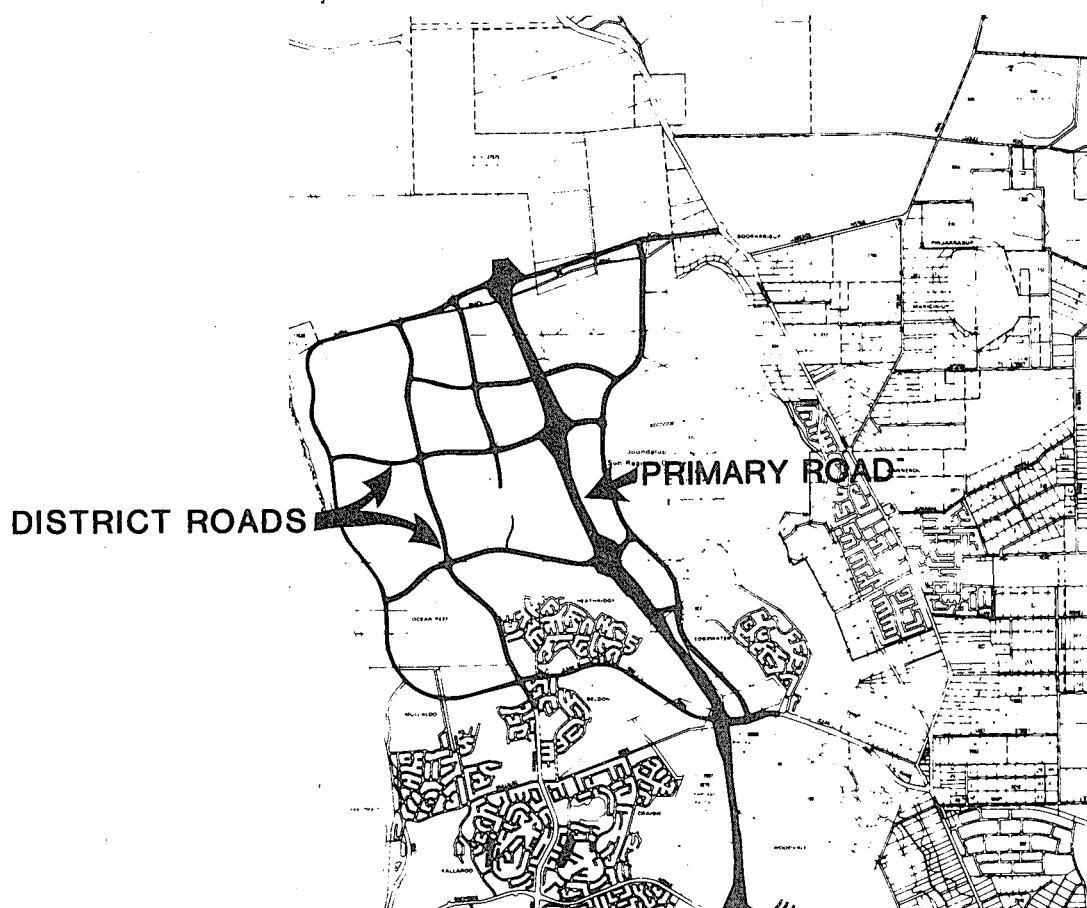


Fig. 1 (Extract from North West Corridor of the Metropolitan Region Scheme)

### 4. THE ACCESS PROBLEM.

4.1 Many existing major regional roads perform two functions, they carry through traffic and at the same time give direct access to properties fronting the road. Only the more recently constructed roads do not give direct property access. Furthermore, there has been a tendency for frontage properties to be developed for commercial uses which attract higher traffic volumes turning on and off the road, than do residential uses.

4.2 With the continued growth of traffic in the region, it has become clear that the two functions are incompatible. This is for two reasons:—

Firstly, turning traffic (both leaving and entering the road) causes conflict and is thereby a contributory cause of accidents. Research shows that the majority of accidents happen adjacent to junctions and accesses where most turning movements occur. Accident rates are, therefore, consistently higher on roads with no control of access than on roads with full or partial access control. Furthermore, the accident rate increases as the number of access points along the road increases.

Secondly, one of the most important factors contributing to delays and congestion on major roads is the number of both junctions with other roads and driveways providing direct access to and from adjacent land. Turning traffic slows and interrupts the free flow thereby increasing congestion.

Where commercial development fronts the road, both these effects are greater because commercial development generates more turning traffic.

4.3 In summary, the capacity of major roads to carry traffic, the safety of that traffic, and the free flow of traffic are all related to access to the road; the fewer the number of driveways and intersections, the smoother the traffic flow and safer the road.

#### 5. DEVELOPMENT ADJACENT TO REGIONAL ROADS.

5.1 Under the new resolution of the Commission, Local Authorities may determine most development applications for land abutting regional roads although in certain cases they are required to consult with the Main Roads Department before making that determination. However, applications which abut regional roads under the control of the Commission and which propose development deemed as being "of regional significance" under the terms of this Policy will continue to be determined by the Commission.

5.2 In operating this Policy, Local Authorities will naturally continue to have special regard for the safety of all road users including pedestrians, the disabled, cyclists and motorists. Proposals that are considered to jeopardise safety will not be permitted.

5.3 Plan No. SP 206 which is part of this Policy Statement identifies those regional roads which are the responsibility of the Main Roads Department. Applications which abut roads in category 1 or category 2 which are "of regional significance" as well as all those abutting roads in category 3 must be referred by the Local Authority receiving the application to the Main Roads Department for comment and recommendations to be incorporated into the Local Authority's decision on the application. If the Local Authority is not prepared to accept the recommendations of the Main Roads Department then it must within 30 days of the receipt of the recommendation, forward the application to the State Planning Commission for determination. Local Authorities are asked to forward copies of decisions made by them under this section to the Main Roads Department for information.

5.4 Plan No. SP 217, which is part of this Policy Statement identifies those Regional Roads which are the responsibility of the State Planning Commission. Applications which abut roads in category 1 or category 2 which are of "regional significance" as well as those in category 3 must be forwarded by the Local Authority receiving the application to the State Planning Commission for determination. Local Authority's recommendations upon the application should also be forwarded to the Commission in sufficient time to allow a decision to be made within the statutory period of 60 days. It must be noted here that the separate approval of the Local Authority in terms of its own town planning scheme may also be required.

5.5 Any development applications which contain any of the following features are, for the purpose of these policy guidelines, considered to be of regional significance and shall be dealt with in accordance with the procedures set out in paragraphs 5.3 and 5.4 as the case may be.

##### 5.5.1 For Category 1 roads (frontage access not allowed):

- Direct access between the subject land and the road reservation;
- Development proposal which encroaches upon the road reservation;
- Any other feature which, in the opinion of the Local Authority, causes the proposed developments to be of regional significance.

##### 5.5.2 For Category 2 roads (where access may be allowed):

- Additional or new access between the subject land and the road reserve;
- Alteration to an existing access between the subject land and the road reservation;
- New or retention of an existing access between the subject land and the road reservation where there is an alternative access to a local road;
- Where, in the opinion of the Local Authority, there is potential for a significant increase in traffic using an existing access onto the road reservation;
- Development which encroaches upon the road reservation;
- Any other feature which, in the opinion of the Local Authority, causes the proposed development to be of regional significance.

5.5.3 For Category 3 roads (where the land requirement is not accurately defined in the Metropolitan Region Scheme) all development applications should be referred to MRD or SPC as appropriate.

5.6 Local Authorities are reminded of the need to ensure that no drainage discharges from the subject land onto or across an adjacent regional reservation without the approval of the relevant authority.

#### 6. APPEALS.

Any appeal that may result from the determination of applications made under the new resolution will be responded to by the body that issued the decision—i.e. the Commission or the Local Authority. Where a Local Authority has resolved, using the discretion contained in the resolution or in this Policy Statement, not to refer an application to the Commission for determination then any subsequent appeal is against the decision of the Local Authority. Neither the Commission nor the Main Roads Department would normally become involved in defending the appeal, although each would be available for advice and support when requested.

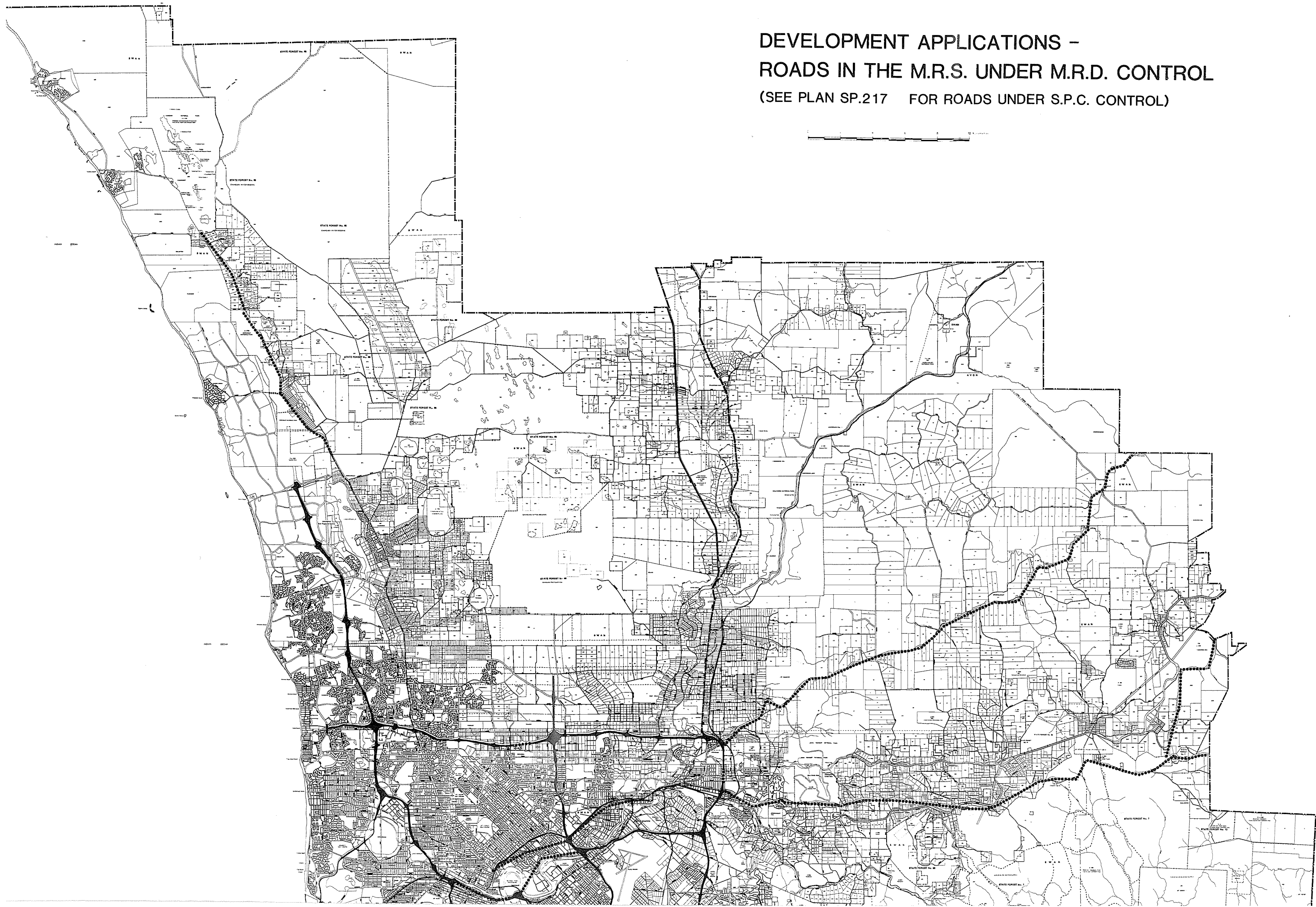
#### 7. DRIVEWAYS.

7.1 Driveways shall be designed in accordance with the Main Roads Department Manual for driveways in urban areas.

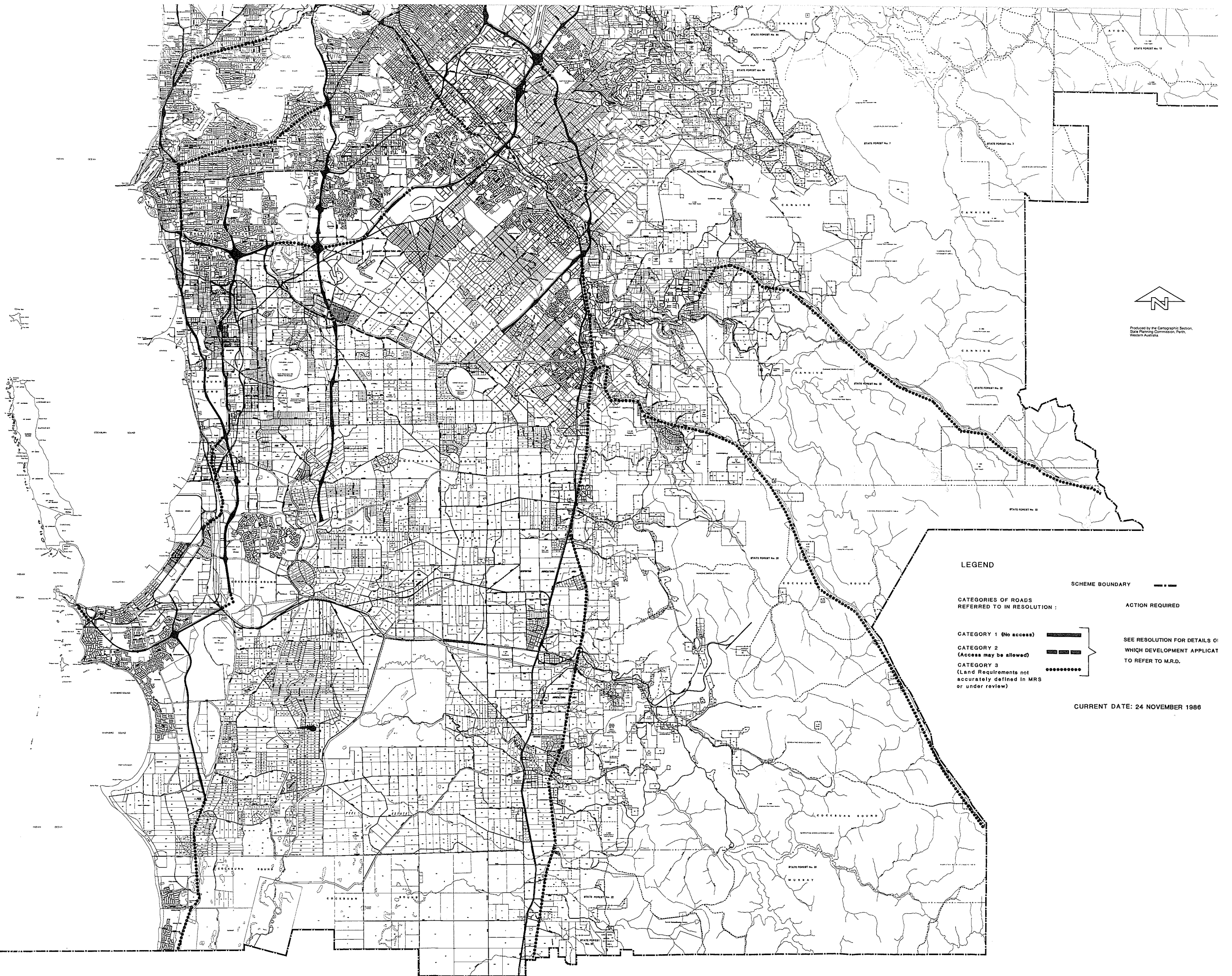
#### 8. REVISIONS.

This Policy Statement will be reviewed periodically by the State Planning Commission. Revisions to the text and to plans will be numbered sequentially. Updated plans may be issued without revising the text.

DEVELOPMENT APPLICATIONS -  
ROADS IN THE M.R.S. UNDER M.R.D. CONTROL  
(SEE PLAN SP.217 FOR ROADS UNDER S.P.C. CONTROL)







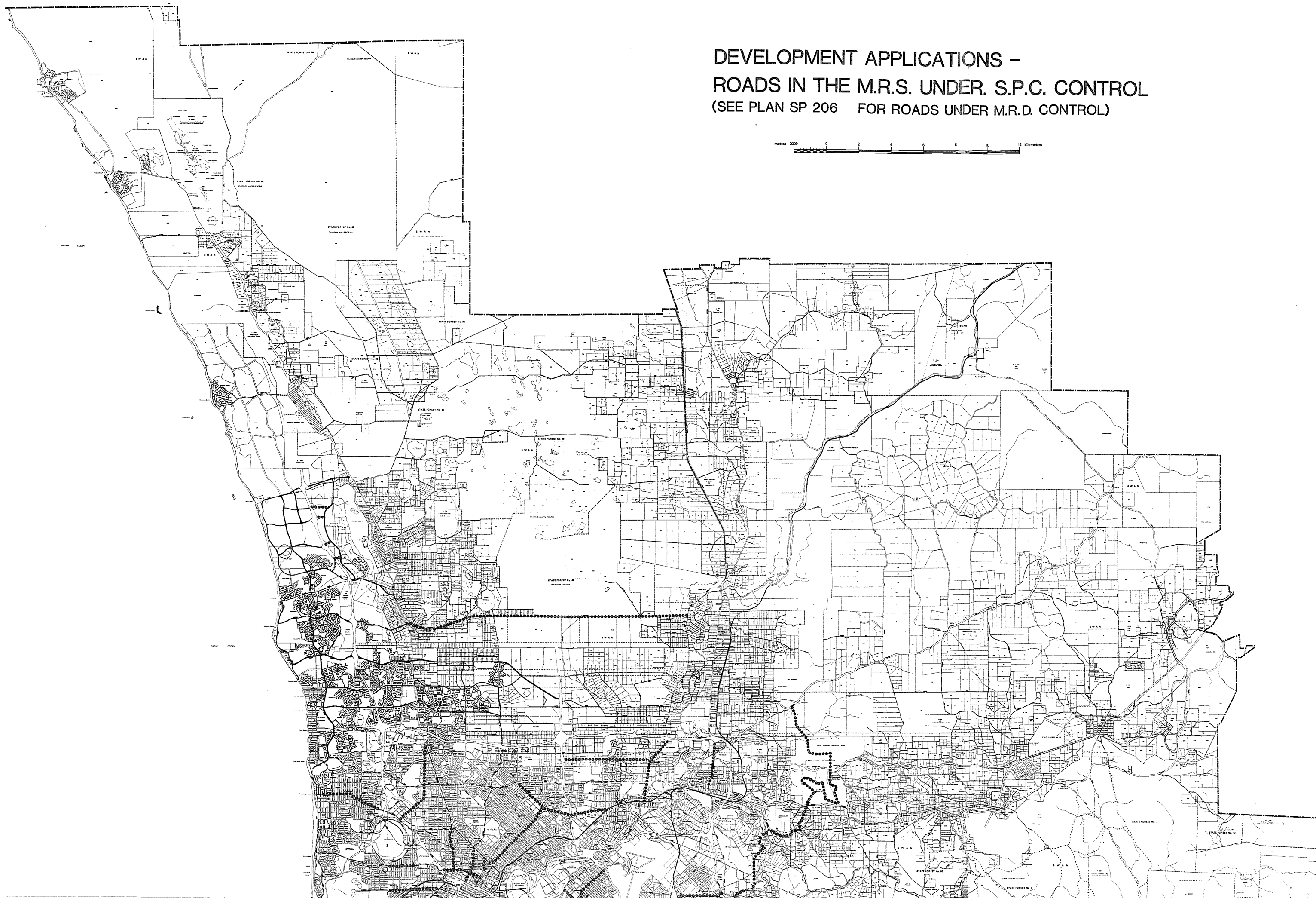
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State Planning Commission, Perth,  
Western Australia.

**LEGEND**

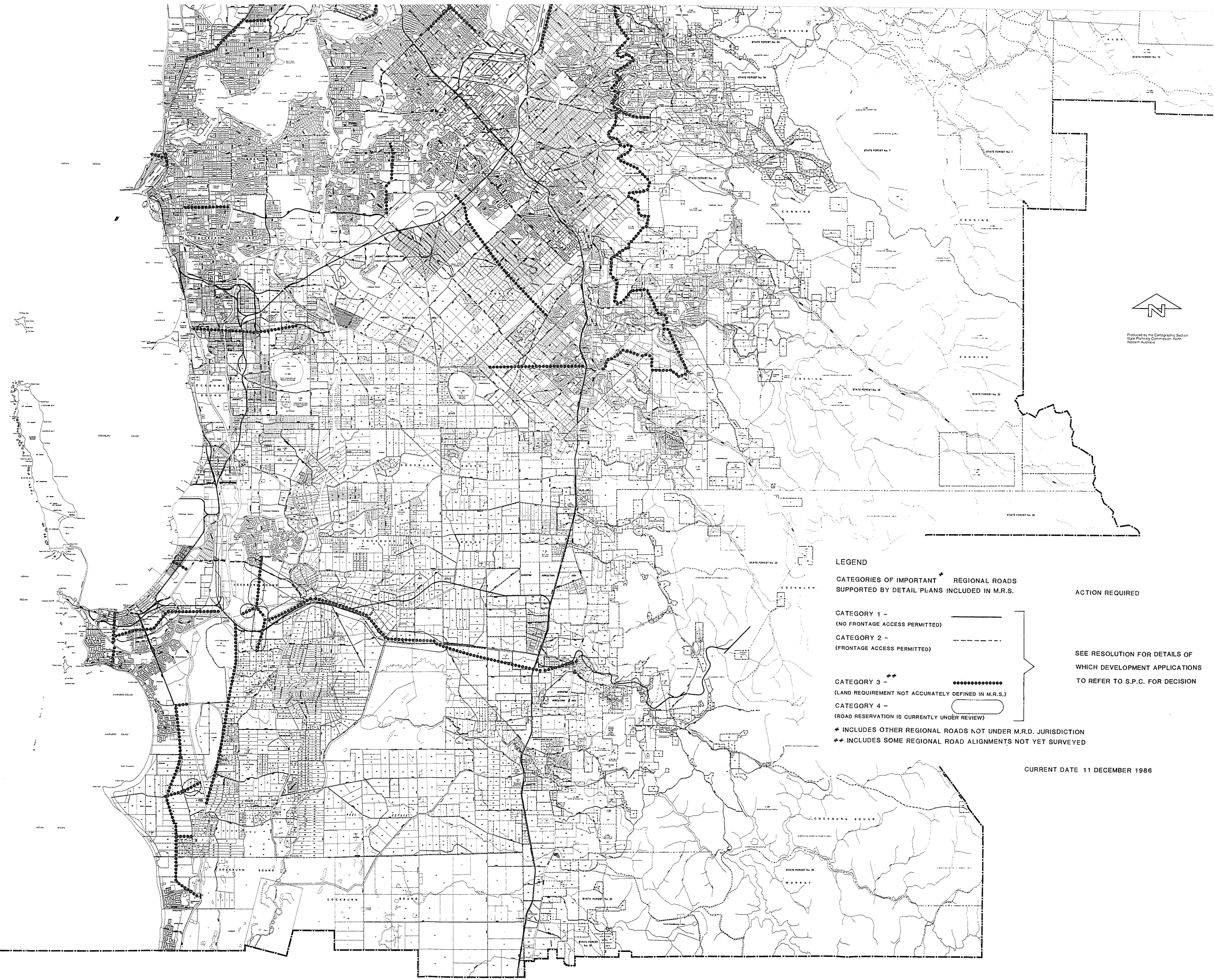
- |  |                 |   |
|--|-----------------|---|
|  | SCHEME BOUNDARY | ---   |
| CATEGORIES OF ROADS REFERRED TO IN RESOLUTION :                              |                 |   |
| CATEGORY 1 (No access)   | —————           | } SEE RESOLUTION FOR DETAILS OF WHICH DEVELOPMENT APPLICABLE TO REFER TO M.R.D. |
| CATEGORY 2 (Access may be allowed)   | ———             |   |
| CATEGORY 3 (Land Requirements not accurately defined in MRS or under review) | .....           |   |
|  | ACTION REQUIRED |   |

CURRENT DATE: 24 NOVEMBER 1986

DEVELOPMENT APPLICATIONS –  
ROADS IN THE M.R.S. UNDER S.P.C. CONTROL  
(SEE PLAN SP 206 FOR ROADS UNDER M.R.D. CONTROL)







Prepared by the Cartographic Section  
State Planning Commission Perth  
Western Australia

**LEGEND**

CATEGORIES OF IMPORTANT REGIONAL ROADS SUPPORTED BY DETAIL PLANS INCLUDED IN M.R.S. ACTION REQUIRED

- CATEGORY 1 - (NO FRONTAGE ACCESS PERMITTED) ———
  - CATEGORY 2 - (FRONTAGE ACCESS PERMITTED) - - - - -
  - CATEGORY 3 - \*\* (LAND REQUIREMENT NOT ACCURATELY DEFINED IN M.R.S.) ●●●●●●●●
  - CATEGORY 4 - (ROAD RESERVATION IS CURRENTLY UNDER REVIEW) ○
- \* INCLUDES OTHER REGIONAL ROADS NOT UNDER M.R.D. JURISDICTION  
 \*\* INCLUDES SOME REGIONAL ROAD ALIGNMENTS NOT YET SURVEYED

SEE RESOLUTION FOR DETAILS OF WHICH DEVELOPMENT APPLICATIONS TO REFER TO S.P.C. FOR DECISION

CURRENT DATE 11 DECEMBER 1986