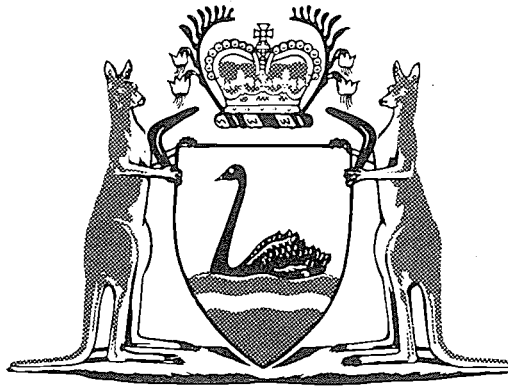


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STATE PLANNING COMMISSION ACT 1985 (AS AMENDED)

NOTICE OF RESOLUTION

DEVELOPMENT ABUTTING RESERVED LAND

File 970-1-1-3; 810-2-1-1.

NOTICE is hereby given that the State Planning Commission at its meeting held on 9 March 1988, and acting pursuant to the provision of the State Planning Commission Act 1985 resolved as follows.

1. Cancellation of Delegation

The State Planning Commission, acting pursuant to the provisions of section 20 of the State Planning Commission Act 1985 ("the Act"), has resolved to cancel the following delegations—

- (i) Delegation dated 12 December 1985 relating to the determination by the local government authorities of applications for approval to commence and carry out development pursuant to Part IV of the Metropolitan Region Scheme ("the Scheme"), notice of which was published in the *Government Gazette* on 16 December 1985.
- (ii) Delegation dated 14 January 1987 relating to the determination by local government authorities of applications for approval to commence and carry out development on land abutting land reserved under the Scheme, notice of which was published in the *Government Gazette* dated 18 March 1987.

2. Notice of Delegation

The State Planning Commission acting pursuant to the provisions of section 20 of the State Planning Commission Act resolved to delegate—

- (a) to the local government authorities set out in Schedule 1 hereunder, and
- (b) subject to the direction of those local government authorities and the requirements of Schedule 2 set out hereunder to a member or officer thereof,

its functions as responsible authority in respect of the determination, in accordance with part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development on land within their respective districts zoned under Part III of the Scheme—

- (i) except where the land is subject to a resolution under Clause 32 of the Scheme,
- (ii) except where the land is subject to a declaration under Section 35C of the Metropolitan Region Town Planning Scheme Act 1959 (as amended), and
- (iii) except to the extent necessary to give effect to the provisions of Clauses 4 and 5 of this notice.

Schedule 1

Municipalities of the Cities of Armadale, Bayswater, Belmont, Canning, Cockburn, Fremantle, Gosnells, Melville, Nedlands, Perth, South Perth, Stirling, Subiaco and Wanneroo.

Municipalities of the Towns of Bassendean, Claremont, Cottesloe, East Fremantle, Kwinana and Mosman Park.

Municipalities of the Shires of Kalamunda, Mundaring, Peppermint Grove, Rockingham, Serpentine-Jarrahdale and Swan.

Schedule 2

For the purpose of this notice the delegated powers to a member or officer of a local government authority may only be exercised—

- (i) by a member of that authority being the Chairman of the committee required at the direction of Council to consider and report upon all applications for approval to commence and carry out development within its municipal district, and being qualified by experience with the work of any such committee; and/or
- (ii) by that officer of the authority, holding a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the authority.

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 government authority within the Metropolitan Region.

“local road” means a road other than a private road or a road subject of reservation under Part II of the Scheme.

“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.

“road reservation” means a reservation under Part II of the Scheme, for the purposes of a road.

“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 217/1 of Policy Statement SPC 31 as Category 1 and which proposes development involving any of the following features—
 - (i) direct access between the subject land and the road reservation;
 - (ii) encroachment upon the road reservation;
 - (iii) any other feature which, in the opinion of the Local Authority, is of regional significance.
- (b) Any application for land abutting those regional roads classified by Plan SP 217/1 of Policy Statement SPC 31 as Category 2 and which proposes development involving any of the following features—
 - (i) additional or new access between the subject land and the road reservation;
 - (ii) alteration to an existing access between the subject land and the road reservation;
 - (iii) potential for a significant increase in traffic using an existing access onto the road reservation, such to be determined by the Local Authority;
 - (iv) retention of an existing access between the subject land and the road reservation, where there is an alternative access to a local road;
 - (v) encroachment upon the road reservation;
 - (vi) any other feature which, in the opinion of the Local Authority, is of regional significance.
- (c) Any application for land abutting those regional roads classified as Category 3 by Plan SP 217/1 of Policy Statement SPC 31.
- (d) Any application for land abutting land reserved under the Scheme for purposes other than “Controlled Access Highway”, “Other Major Highway” or “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 30 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 206/1 of Policy Statement SPC 31 as Category 1 and which proposes development including any of the following features—
 - (i) direct access between the subject land and the road reservation;
 - (ii) encroachment upon the road reservation;
 - (iii) any other feature which, in the opinion of the Local Authority, is of regional significance.
- (b) Any application for land abutting those regional roads classified by Plan SP 206/1 of Policy Statement SPC 31 as Category 2 and which proposes development involving any of the following features—
 - (i) additional or new access between the subject land and the road reservation;
 - (ii) alteration to an existing access between the subject land and the road reservation;
 - (iii) potential for a significant increase in traffic using an existing access onto the road reservation, such to be determined by the Local Authority;
 - (iv) retention of an existing access between the subject land and the road reservation, where there is an alternative access to a local road;
 - (v) encroachment upon the road reservation;
 - (vi) any other feature which, in the opinion of the Local Authority, is of regional significance.
- (c) Any application for land abutting those regional roads classified as Category 3 by Plan SP 206/1 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 subject to clause 2 and power to determine such applications rests with the Local Authority—

- (a) Applications for residential development of not more than four dwellings or which constitutes an ancillary and incidental addition or modification to an existing authorised development and 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 206/1 or SP 217/1 of Policy Statement SPC 31.
- (b) Applications for development that are 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
REGIONAL ROADS (DEVELOPMENT APPLICATIONS)
(Revision No. 1: Issued May 1988)

1. INTRODUCTION

1.1 This policy statement complements the resolution of the Commission of May, 1988, which deals with responsibility for the determination of development applications abutting land reserved under the Metropolitan Region Scheme. The resolution provides for certain classes of application abutting regional roads to be determined by either the Commission or, with the advice and recommendation of the Main Roads Department, by the Local Authority. This Policy Statement is intended to clarify the procedures under which these applications are to be dealt with.

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 or 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 2061/1—Roads under MRD control.

*Plan SP 217/1—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. PROCEDURE FOR DEVELOPMENT APPLICATIONS

3.1 Local Authorities may now 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, certain classes of application 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.

3.2 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, together with the Commission's Policy Statement on Regional Roads (Vehicular Access)—Policy No. 5.1. Proposals that are considered to jeopardise safety will not be permitted.

3.3 Plan No. SP 206/1 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.

3.4 Plan No. SP 217/1, 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. 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.

3.5 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 3.3 and 3.4 as the case may be.

3.5.1 For Category 1 roads (frontage access not allowed)—

Direct access between the subject land and the road reservation;

Development 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.

3.5.2 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;

When, 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.

3.5.3 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.

3.6 for the purpose of this Policy Statement alternative access is either a public road or a public laneway with a minimum width of 6 m for a multi-residential development or 8 m for a commercial development.

3.7 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.

4. APPEALS

4.1 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 of 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.

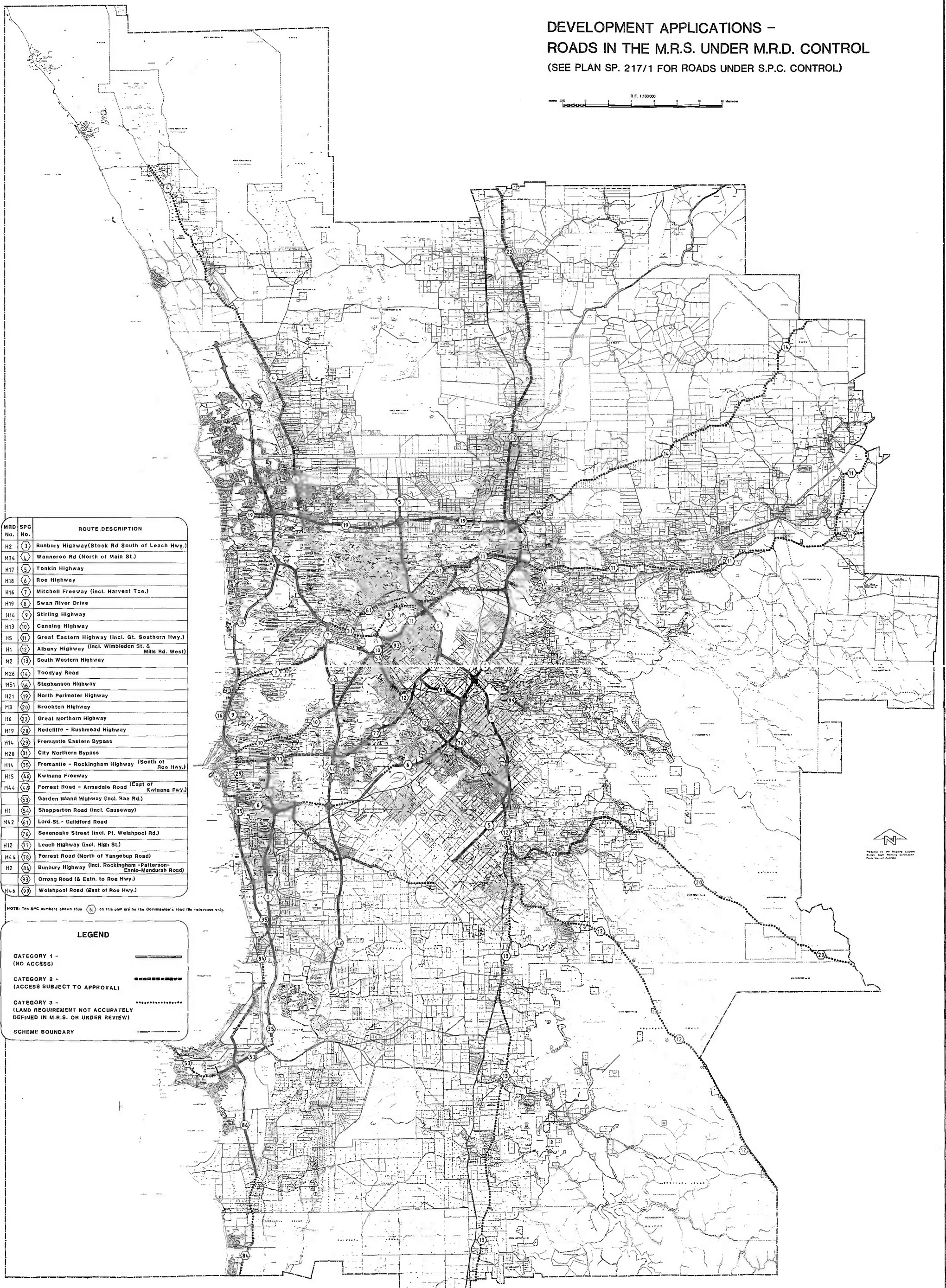
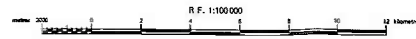
5. DRIVEWAYS

5.1 All driveways shall be designed in accordance with the Main Roads Department manual for driveways in urban areas.

6. REVISIONS

6.1 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. 217/1 FOR ROADS UNDER S.P.C. CONTROL)



MRD No.	SPC No.	ROUTE DESCRIPTION
H2	(3)	Bunbury Highway (Stock Rd South of Leach Hwy.)
M34	(4)	Wanneroo Rd (North of Main St.)
H17	(5)	Tonkin Highway
H18	(6)	Roe Highway
H16	(7)	Mitchell Freeway (incl. Harvest Tce.)
H19	(8)	Swan River Drive
H14	(9)	Stirling Highway
H13	(10)	Canning Highway
H5	(11)	Great Eastern Highway (incl. Gt. Southern Hwy.)
H1	(12)	Albany Highway (incl. Wimbledon St. & Mills Rd. West)
N2	(13)	South Western Highway
M26	(14)	Toodyay Road
M51	(16)	Stephenson Highway
H21	(19)	North Perimeter Highway
M3	(20)	Brookton Highway
H6	(22)	Great Northern Highway
H19	(28)	Redcliffe - Bushmead Highway
H14	(29)	Fremantle Eastern Bypass
H20	(31)	City Northern Bypass
H14	(35)	Fremantle - Rockingham Highway (South of Roe Hwy.)
H15	(46)	Kwinana Freeway
M44	(48)	Forrest Road - Armadale Road (East of Kwinana Fwy.)
	(53)	Garden Island Highway (incl. Roe Rd.)
H1	(54)	Shepperton Road (incl. Causeway)
M42	(61)	Lord St. - Guildford Road
	(76)	Sevenoaks Street (incl. Pt. Welshpool Rd.)
H12	(77)	Leach Highway (incl. High St.)
M44	(78)	Forrest Road (North of Yangebup Road)
H2	(84)	Bunbury Highway (incl. Rockingham - Patterson - Ennis-Mandurah Road)
	(93)	Orrong Road (& Extn. to Roe Hwy.)
M46	(99)	Welshpool Road (East of Roe Hwy.)

NOTE: The SPC numbers shown thus (N) on this plan are for the Commissioner's road file references only.

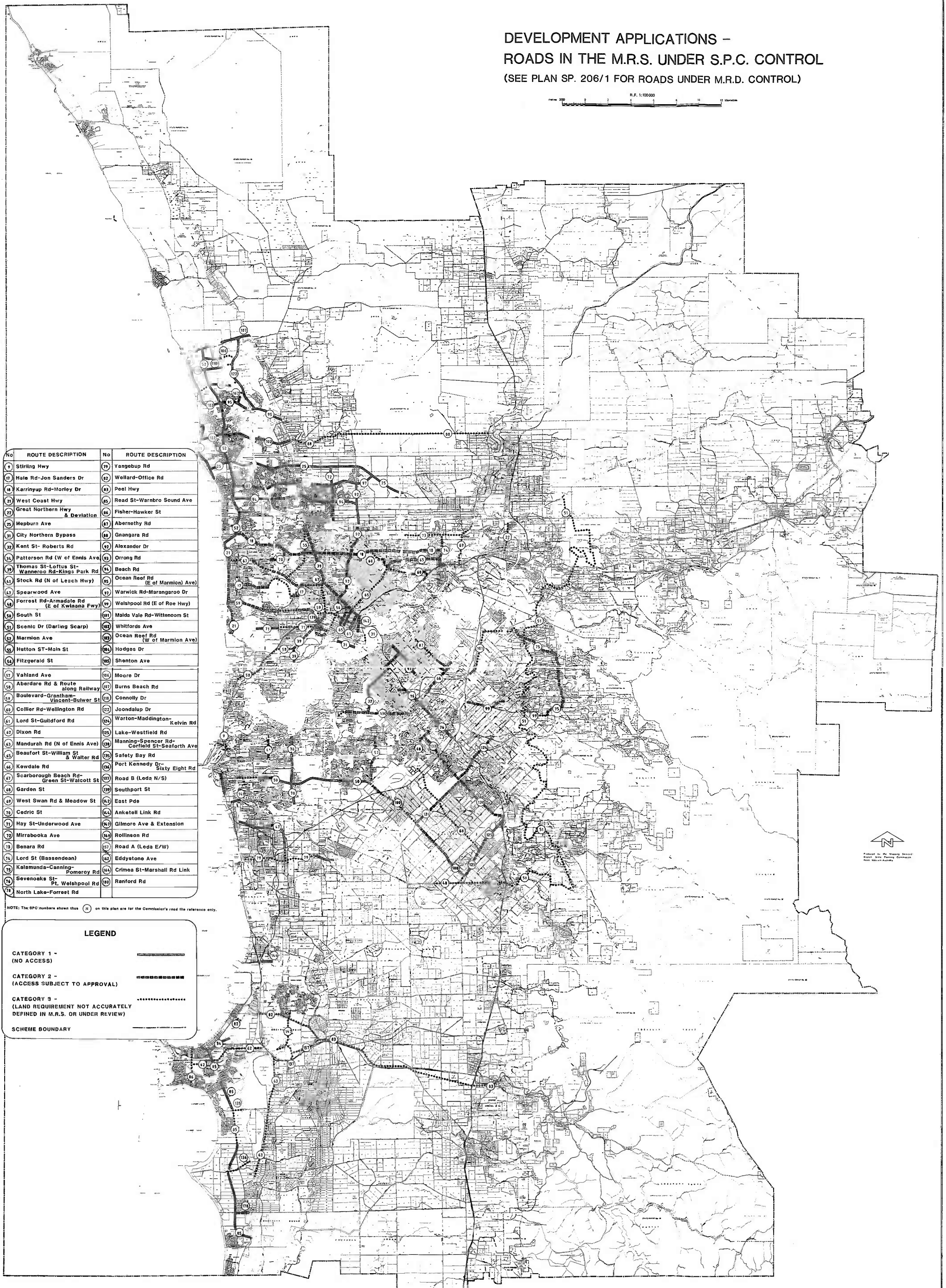
LEGEND

- CATEGORY 1 - (NO ACCESS)
- CATEGORY 2 - (ACCESS SUBJECT TO APPROVAL)
- CATEGORY 3 - (LAND REQUIREMENT NOT ACCURATELY DEFINED IN M.R.S. OR UNDER REVIEW)
- SCHEME BOUNDARY



DEVELOPMENT APPLICATIONS -
ROADS IN THE M.R.S. UNDER S.P.C. CONTROL
(SEE PLAN SP. 206/1 FOR ROADS UNDER M.R.D. CONTROL)

R.F. 1:10000



No	ROUTE DESCRIPTION	No	ROUTE DESCRIPTION
1	Stirling Hwy	19	Yangebup Rd
2	Hale Rd-Jon Sanders Dr	20	Wollard-Office Rd
3	Karrinyup Rd-Morley Dr	21	Peel Hwy
4	West Coast Hwy	22	Read St-Warnbro Sound Ave
5	Great Northern Hwy & Deviation	23	Fisher-Hawker St
6	Hepburn Ave	24	Abernethy Rd
7	City Northern Bypass	25	Gnangara Rd
8	Kent St-Roberts Rd	26	Alexander Dr
9	Patterson Rd (W of Ennis Ave)	27	Orrong Rd
10	Thomas St-Lotus St-Warnbro Rd-Kings Park Rd	28	Beach Rd
11	Stock Rd (N of Leach Hwy)	29	Ocean Reef Rd (E of Marmion Ave)
12	Spearwood Ave	30	Warwick Rd-Marangaroo Dr
13	Forrest Rd-Armadale Rd (E of Kwinana Fwy)	31	Welshpool Rd (E of Roe Hwy)
14	South St	32	Maida Vale Rd-Wittenoom St
15	Scenic Dr (Darling Scarp)	33	Whitfords Ave
16	Marmion Ave	34	Ocean Reef Rd (W of Marmion Ave)
17	Hutton St-Main St	35	Hodges Dr
18	Fitzgerald St	36	Shenton Ave
37	Vahland Ave	37	Moore Dr
38	Aberdare Rd & Route along Railway	38	Burns Beach Rd
39	Boulevard-Grantham-Vincent-Bulwer St	39	Connolly Dr
40	Coller Rd-Wellington Rd	40	Joondalup Dr
41	Lord St-Guildford Rd	41	War-ton-Maddington-Kelvin Rd
42	Dixon Rd	42	Lake-Westfield Rd
43	Mandurah Rd (N of Ennis Ave)	43	Manning-Spencer Rd-Corfield St-Seaforth Ave
44	Beaufort St-William St & Walter Rd	44	Safety Bay Rd
45	Kowdale Rd	45	Port Kennedy Dr-Sixty Eight Rd
46	Scarborough Beach Rd-Green St-Walcott St	46	Road B (Leda N/S)
47	Garden St	47	Southport St
48	West Swan Rd & Meadow St	48	East Pde
49	Cedric St	49	Anketell Link Rd
50	Hay St-Underwood Ave	50	Gilmore Ave & Extension
51	Mirrabeeka Ave	51	Rollinson Rd
52	Benara Rd	52	Road A (Leda E/W)
53	Lord St (Bassendean)	53	Eddystone Ave
54	Kalamunda-Canning-Pomeroy Rd	54	Crimea St-Marshall Rd Link
55	Sevensoaks St-Pt. Welshpool Rd	55	Ranford Rd
56	North Lake-Forrest Rd		

NOTE: The OPC numbers shown thus (1) on this plan are for the Commissioner's road file reference only.

LEGEND

- CATEGORY 1 - (NO ACCESS)
- CATEGORY 2 - (ACCESS SUBJECT TO APPROVAL)
- CATEGORY 3 - (LAND REQUIREMENT NOT ACCURATELY DEFINED IN M.R.S. OR UNDER REVIEW)
- SCHEME BOUNDARY

