

RECEIVED

Appendix C: Planning Approval Requirements

The subject site is unique as it spans over a DevelopmentWA Redevelopment Area, a Planning Control Area, with permanent infrastructure affecting residents of both the City of Armadale and Shire of Serpentine-Jarrahdale.

DevelopmentWA will be the responsible authority for assessing and issuing the development approval (as it applies to the Armadale Redevelopment Area), however referrals to Local and State Government Departments will likely inform the final decision.

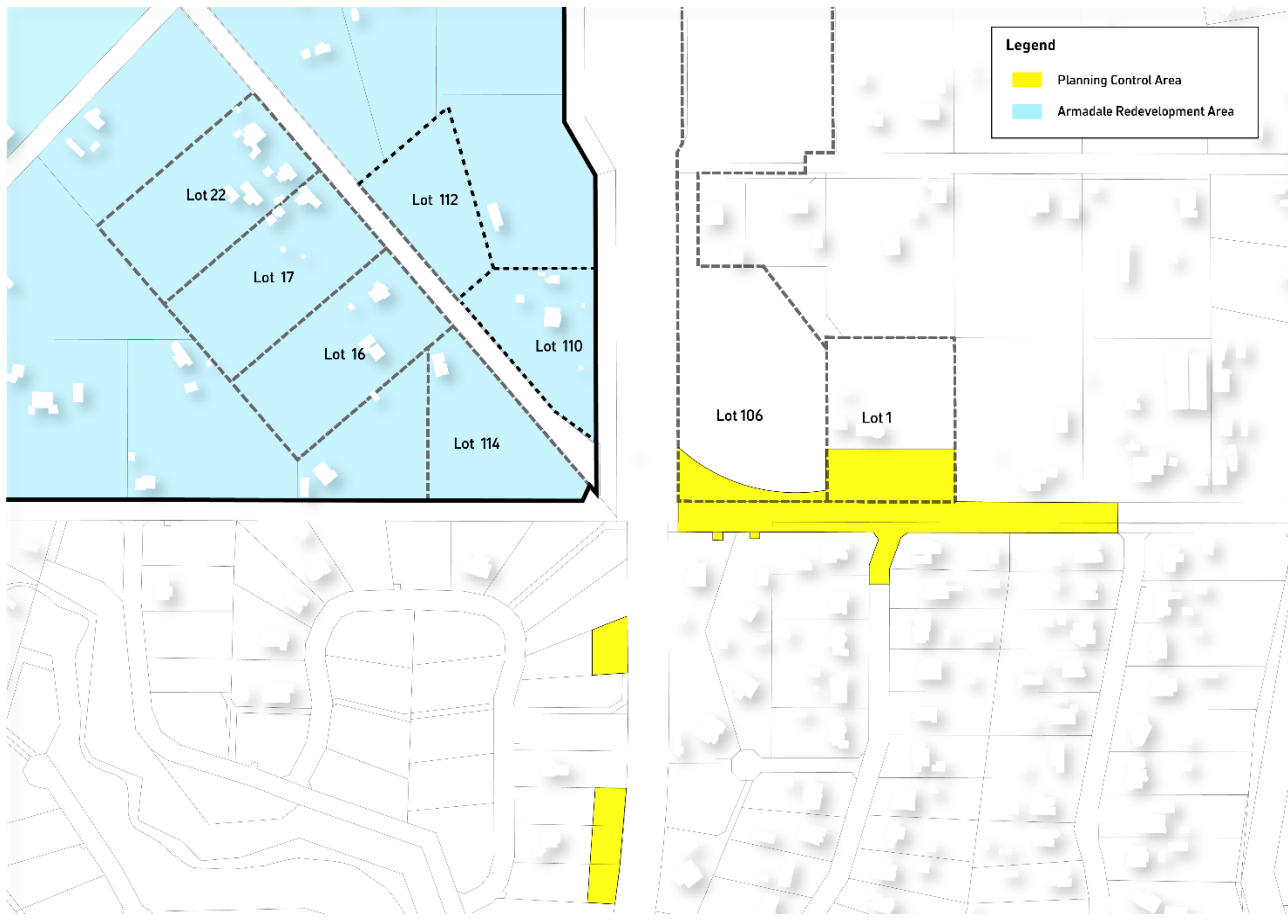


Figure 4: Planning Approval Requirements

DevelopmentWA – Wungong Redevelopment Area

A redevelopment area has been established over the Wungong area since 2006. Prior to the commencement of works as part of the BRE, DevelopmentWA confirmed the normalisation of the Armadale City Centre redevelopment area before Planning Control Area 164 was put into place on 24 June 2022. The DevelopmentWA redevelopment area maintains over Eleventh Road and therefore requires approval through assessment by DevelopmentWA, in lieu of the local authority or the Western Australian Planning Commission.

Eleventh Road bridge is considered a major development as defined in the *Metropolitan Redevelopment Authority Regulations 2011*.

Metropolitan Redevelopment Act 2011

BRE works require approval under the *Metropolitan Redevelopment Act 2011* through assessment and approval by DevelopmentWA.

A portion of the BRE development area is impacted by the *Metropolitan Redevelopment Authority Act 2011*, which suspends the *Planning and Development Act 2005*. It should be noted that any infrastructure within affected redevelopment areas is subject to DA and approval through DevelopmentWA.

We understand this development application is considered a 'Major' development which has a maximum timeframe of 120 days.

Planning Control Area

A Planning Control Area (PCA) prepared under s.112 of the *Planning and Development Act 2005* (PD Act) was declared over the Armadale and Byford development sites on 22 June 2022. PCA 164 also includes additional land that was identified as being potentially required for the delivery of METRONET within the BRE development area. PCA 164 is shown in Figure 3.

The purpose of the PCA is to facilitate development of the land for Railway purposes, and to allow (if required) the future reservation of land in the Metropolitan Region Scheme (MRS).

METRONET Act 2018

The Railway (METRONET) Act 2018 (METRONET Act) states that METRONET works can be carried out without the approval of the WAPC despite any provisions in the MRS of PCA.

METRONET works are defined as:

“works for the purpose of, or in connection with, a METRONET railway but does not include the construction or alteration of a railway station, or any related car parks, public transport interchange facilities or associated means of pedestrian or vehicular access”.

Accordingly, all the railway works other than works for the new stations, works in relation to car parks, bus interchange facilities and associated means of pedestrian and vehicle access are exempt works.

Development approval is generally not required for other railway infrastructure in either the existing railway reserve or on non-railway land that is outside of PCA 164. This is because the METRONET Act also exempts these works from requiring development approval under the MRS.

Whilst some works are exempt from the requirement to obtain development approval, the plans and specialist material provided may illustrate and/or include details of the exempt works. This is because this material has been prepared to inform and guide the project holistically given that the construction of exempt and non-exempt works is intrinsically interconnected as part of the delivery and ultimate operation of the rail and road infrastructure.



BRE Exemptions Matrix

Planning approval requirements for BRE are unique, given the application of the *Railway (METRONET) Act 2018*, and various reserves and planning controls that apply to the project area. A summary of this information is outlined below.

Table 7 provides a matrix that identifies whether the works are exempt from the requirement to obtain development approval from the WAPC under Planning Control Area 164.

Works Location	METRONET Works ¹ – as defined in Railway (METRONET) Act 2018	METRONET station (Railway station; related car parks; public transport interchange facilities; means of pedestrian or vehicular access to station; public realm)
Works located: Within Planning Control Area, and Within Metropolitan Region Scheme Railway Reserve	Approval required for all works	WAPC approval required for all works
Works located: Within Planning Control Area, and Outside Metropolitan Region Scheme Railway Reserve	Exempt	WAPC approval required for all works
Works located: Outside Planning Control Area, and Outside Metropolitan Region Scheme Railway Reserve	Exempt	WAPC required for all works

Table 9: METRONET Exemption Matrix

METRONET works means works for the purpose of, or in connection with, a METRONET railway but does not include the construction or alteration of a railway station, or any related car parks, public transport interchange facilities or associated means of pedestrian or vehicular access.

‘METRONET Works’ as described by WAPC as 1:

- Early works and site establishment works
- New drainage or alteration to drainage where associated with rail works (turkeys nests).

Metropolitan Region Scheme

Clause 16 (1a) of the Metropolitan Region Scheme (MRS) states that development on reserved land that is owned or vested in a public authority, may be commenced, or carried out without approval if the development is permitted development or is expressly authorised under an Act to be commenced or carried out without the approval of the WAPC. Some of the works for DA 2 falls within an MRS reserve.

1.8020

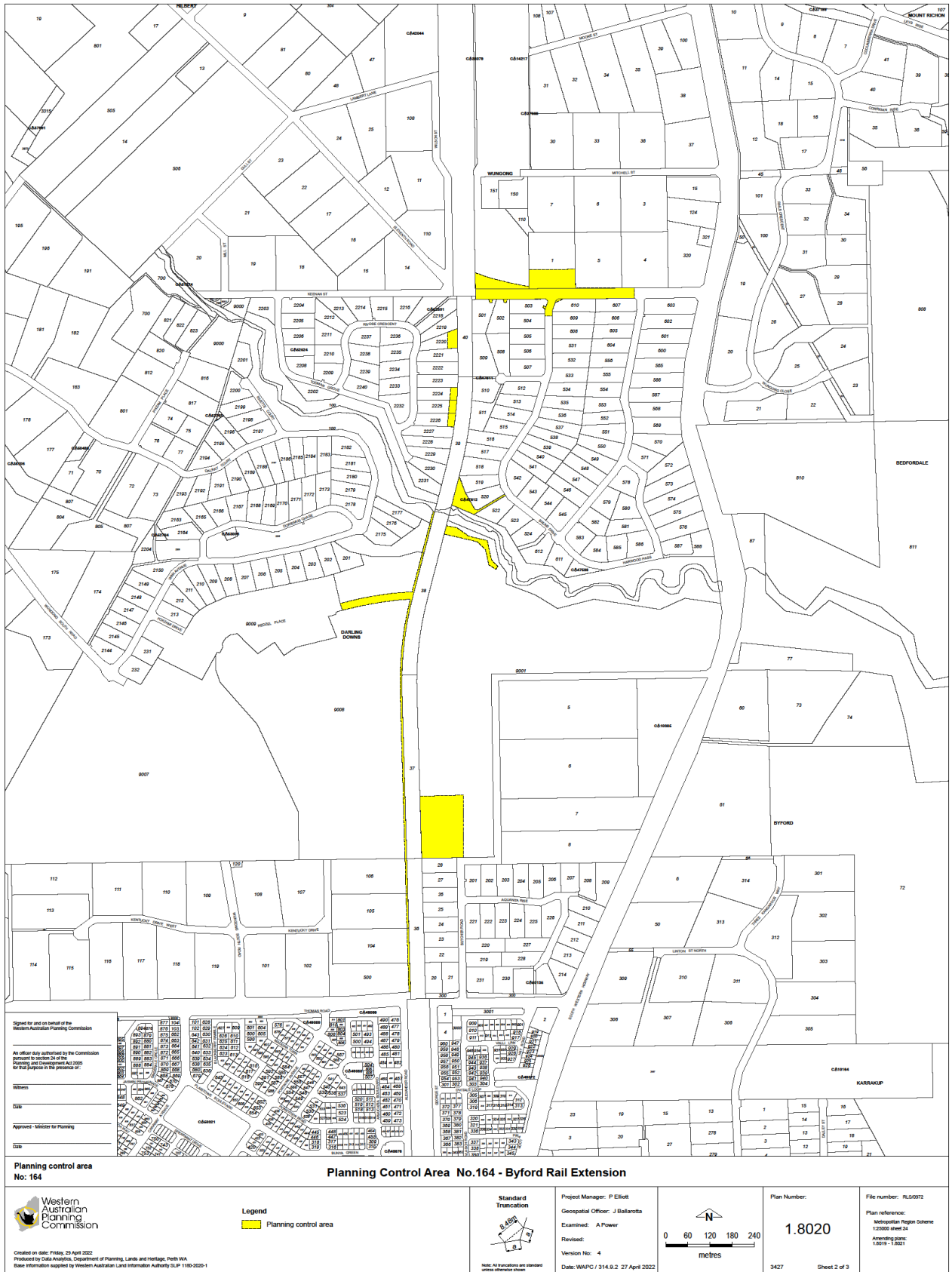


Figure 7: Planning Control Area 164