

Curtin University of Technology

Department of Planning
Faculty of Built Environment, Art and Design

ENVIRONMENTAL PLANNING LAW 413/512

TUTORIAL 4 - PLANNING SCHEMES

General Scope of Topic

Planning schemes and other planning instruments. Regional planning controls in conjunction with local planning controls.

Topic

1. Identify the types of planning instruments which the P&D Act provides for. Give an example of each if possible (approx 300 words).
2. By reference to the case *City and Suburban Properties Pty Ltd v. City of Stirling* (T/A 37/98 Unreported; dec 14/8/98), explain how the need can arise for development approval under the Metropolitan Region Scheme when at least part of a development site is on zoned land under a local government scheme. Explain the facts of the *City and Suburban Properties Pty Ltd* case and explain the reasoning that led the Tribunal to conclude that planning approval was not required for that development under the relevant local government scheme. (500 words).
3. By reference to the facts in the case *City of Bayswater v. Minister for Family and Children's Services & Ors* [2000] 108 LGERA 182 (Full Court), explain the circumstances in which local governments commonly determine development applications for the purposes of the Metropolitan Region Scheme. Refer to the WAPC delegation of authority which was relevant to the circumstances of the *City of Bayswater* case. Explain which authority now has responsibility to determine applications by government agencies to carry out public work developments in the Perth Metropolitan Region and how that situation arises. (500 words).
4. Offer your view as to whether the Planning and Development Act 2005 changes the situation under 3 and 4 above, and if so as a result of what provisions, and how is the difference manifested? (200 words).
5. Assuming you are a planner in private practice advising a developer who owns land in the City of Canning, explain the advice you would give to your client as to the steps it should take and the order in which the steps should be taken if it wishes to develop a neighbourhood shopping centre on land zoned "Urban Deferred" under the MRS and "Rural" under the City of Canning Town Planning Scheme No. 40 where the land has a frontage to Canning River. (500 words).