

## **1. INTRODUCTION**

A Structure Plan provides for the coordination of future zoning and subdivision of an area of land. The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) outlines that a Structure Plan may be prepared for an area that:-

- (a) is all or part of a zone identified in a Town Planning Scheme as an area suitable for urban or industrial development; and an area requiring a Structure Plan to be prepared before any future subdivision or development is undertaken; or
- (b) a State Planning Policy requires a Structure Plan to be prepared; or
- (c) the Western Australian Planning Commission (the Commission) considers that a Structure Plan for the area is required for the purposes of orderly and proper planning.

In this regard, Schedule 2, Part 4 - Structure Plans of the Regulations sets out the statutory requirements for the preparation, assessment and determination of Structure Plans.

## **2. STATEMENT OF INTENT**

The purpose of this Planning Procedure is to set out the statutory requirements for the preparation, assessment, determination and adoption of Structure Plans in the Development Zone. This Planning Procedure should be read in conjunction with the Regulations and the *Structure Plan Framework* (WAPC, 2015).

## **3. PLANNING PROCEDURE**

### **3.1 Preparation of a Structure Plan**

#### **3.1.1 Statutory Requirements**

Schedule 2, Part 4, clause 16 of the Regulations states that a Structure Plan must:-

- (a) be prepared in a manner and form approved by the Commission; and
- (b) include any maps, information or other material required by the Commission; and
- (c) unless the Commission otherwise agrees, set out the following information:
  - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
  - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
  - (iii) any major land uses, zoning or reserves proposed by the plan;
  - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
  - (v) the population impacts that are expected to result from the implementation of the plan;
  - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;

- (vii) the proposed staging of the subdivision or development covered by the plan.

### 3.1.2 Structure Plan Framework

The *Structure Plan Framework* (the Framework) constitutes the manner and form for the preparation of Structure Plans under the Regulations, as well as outlining procedural issues associated with Structure Plans.

Note: Refer to Appendix 1 for a Checklist which summarises the information requirements for Structure Plans as set out in the Framework.

## 3.2 Responsibility

- 3.2.1 All enquiries from Applicants intending to submit a proposed Structure Plan for approval (or an amendment to a Structure Plan) should be directed to the Co-ordinator, Strategic Planning, who will allocate an Assessment Officer to progress the application.
- 3.2.2 All subsequent submissions and correspondence associated with a proposed Structure Plan should also be directed to the Co-ordinator, Strategic Planning, who will forward the information to the Assessment Officer.

## 3.3 Pre-Lodgement

The City actively encourages Applicants to liaise closely with its Officers prior to formally submitting an application for approval, and the following options are available:-

- Meeting with representatives from relevant City Departments (to be arranged by the Co-ordinator, Strategic Planning);
- Site Meeting with interested representatives;
- Lodgement of preliminary plan for discussion.

Where issues are identified, several meetings may be held prior to lodgement.

## 3.4 Lodgement

Schedule 2, Part 4, clause 17(1) of the Regulations, states that on receipt of an application for a Structure Plan to be assessed and advertised, the local government:-

- (a) must consider the material provided by the Applicant and advise the Applicant in writing -
- (i) if the Structure Plan complies with clause 16(1); or
  - (ii) if further information from the Applicant is required before the Structure Plan can be accepted for assessment and advertising;
- and
- (b) must give the Applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.

Schedule 2, Part 4, clause 17(2) of the Regulations states that the Structure Plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice to the Applicant of its decision by the latest of the following days -

- (a) 28 days after receipt of an application;
- (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
- (c) if the local government has given the Applicant an estimate of the fee for dealing with the application - the day the Applicant pays the fee.

**Note:** The complete Structure Plan document is to be lodged in hard copy and digital format (pdf for written reports, and shape files for structure plans, as per the Commission's digital data guidelines). The City requires two bound hard copies, one unbound hard copy, two digital copies with the Part One, Part Two Reports, each Technical Appendix and the BAL Contour Map as separate files.

### **3.5 Advertising**

Schedule 2, Part 4, clause 18(1) of the Regulations states that the local government must, within 28 days of preparing a Structure Plan or accepting an application for a Structure Plan to be assessed and advertised -

- (a) advertise the proposed Structure Plan in accordance with subclause (2); and
- (b) seek comments in relation to the proposed Structure Plan from any public authority or utility service provider that the local government considers appropriate; and
- (c) provide to the Commission -
  - (i) a copy of the proposed Structure Plan and all accompanying material; and
  - (ii) details of the advertising and consultation arrangements for the plan.

Schedule 2, Part 4, clause 18(2) of the Regulations states that the local government must advertise the Structure Plan in one or more of the following ways -

- (a) by giving notice of the proposed Structure Plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the Structure Plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
- (b) by publishing a notice of the proposed Structure Plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
- (c) by publishing a notice of the proposed Structure Plan on the local government website including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;

- (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed Structure Plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.

Schedule 2, Part 4, clause 18(3) of the Regulations states that the local government -

- (a) must make a Structure Plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
- (b) may publish the Structure Plan and the material accompanying it on the website of the local government.

Schedule 2, Part 4, clause 18(4) of the Regulations states that if a local government fails to advertise a Structure Plan in accordance with clause 18, the Commission may take reasonable steps to ensure that the plan is advertised.

Schedule 2, Part 4, clause 18(5) of the Regulations states that all costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

### **3.6 Post Advertising Assessment by the Council**

Schedule 2, Part 4, clause 19(1) of the Regulations states that the local government -

- (a) must consider all submissions made to the local government within the period specified in a notice advertising the Structure Plan; and
- (b) may consider submissions made to the local government after that time; and
- (c) may request further information from a person who prepared the Structure Plan; and
- (d) may advertise any modifications proposed to the Structure Plan to address issues raised in submissions.

Schedule 2, Part 4, clause 19(2) of the Regulations states that if a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the Structure Plan.

Schedule 2, Part 4, clause 19(3) of the Regulations states that modifications to a Structure Plan may not be advertised on more than one occasion without the approval of the Commission.

Schedule 2, Part 4, clause 20(1) of the Regulations states that the local government must prepare a report on the proposed Structure Plan and provide it to the Commission no later than 60 days after the day that is the latest of -

- (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
- (b) the last day for making submissions after a proposed modification of the Structure Plan is advertised under clause 19(2); or

- (c) a day agreed by the Commission.

Schedule 2, Part 4, clause 20(2) of the Regulations states that the report on the proposed Structure Plan must include the following -

- (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the Structure Plan advertised under clause 19(2);
- (b) any comments by the local government in respect of those submissions;
- (c) a schedule of any proposed modifications to address issues raised in the submissions;
- (d) the local government's assessment of the proposal based on appropriate planning principles;
- (e) a recommendation by the local government on whether the proposed Structure Plan should be approved by the Commission, including a recommendation on any proposed modifications.

### **3.7 Determination by the Commission**

Schedule 2, Part 4, clause 22(1) of the Regulations states that on receipt of a report on a proposed Structure Plan, the Commission must consider the plan and the report and may -

- (a) approve the Structure Plan; or
- (b) require the local government or the person who prepared the Structure Plan to:
  - (i) modify the plan in the manner specified by the Commission; and
  - (ii) resubmit the modified plan to the Commission for approval;or
- (c) refuse to approve the Structure Plan.

Schedule 2, Part 4, clause 22(2) of the Regulations states that before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the Structure Plan since it was advertised, direct the local government to readvertise the Structure Plan in the manner specified by the Commission.

Schedule 2, Part 4, clause 22(3) of the Regulations states that the Commission may not direct the local government to readvertise the Structure Plan on more than one occasion.

Schedule 2, Part 4, clause 22(4) of the Regulations states that if the Commission is not given a report on a proposed Structure Plan in accordance with clause 20(1), the Commission may make a decision on the proposed Structure Plan under subclause (1) in the absence of the report.

Schedule 2, Part 4, clause 22(5) of the Regulations states that the Commission is to be taken to have refused to approve a Structure Plan if the Commission has not made a decision under subclause (1) within -

- (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the Structure Plan and the resubmission of the modified plan; or
- (b) a longer period agreed in writing between the Commission and the person who prepared the proposed Structure Plan.

Schedule 2, Part 4, clause 22(6) of the Regulations states that despite subclause (5), the Commission may decide whether or not to approve a Structure Plan after the period applicable under subclause (5) has expired, and the validity of the decision is not affected by the expiry.

Schedule 2, Part 4, clause 22(7) of the Regulations states that the Commission must give the local government and any person who prepared the proposed Structure Plan written notice of its decision to approve or to refuse to approve a Structure Plan.

Schedule 2, Part 4, clause 28(1) of the Regulations states that the approval of a Structure Plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless -

- (a) the Commission earlier revokes its approval; or
- (b) an amendment to the Scheme that covers the area to which the Structure Plan relates takes effect in accordance with section 87 of the Act.

### **3.8 Amendment of Structure Plan**

Schedule 2, Part 4, clause 29(1) of the Regulations states that a Structure Plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.

Schedule 2, Part 4, clause 29(2) of the Regulations states that the procedures for making a Structure Plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a Structure Plan.

Schedule 2, Part 4, clause 29(3) of the Regulations states that despite subclause (2), the local government may decide not to advertise an amendment to a Structure Plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.

Schedule 2, Part 4, clause 29(4) of the Regulations states that an amendment to a Structure Plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

**Note:** The Framework states that a 'minor' amendment to an approved Structure Plan is a change or departure that:

- does not materially alter the purposes and intent of the Structure Plan;
- does not change the intended lot / dwelling yield by more than 10%;
- does not adversely impact upon the amenity of adjoining landowners and occupiers;
- does not restrict the use and development of adjoining land; or
- does not significantly impact on infrastructure provision or impact upon the environment.

### **3.9 Determination by the Commission**

The procedures for making a Structure Plan set out in the Regulations (refer to section 3.7 of this Planning Procedure), with any necessary changes, are to be followed in relation to an amendment to a Structure Plan.



### **3.10 Review**

Schedule 2, Part 4, clause 25 of the Regulations states that a person who prepared a Structure Plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the Structure Plan.

## **4. DELEGATION**

Pursuant to Schedule 2, Part 10, clause 83 of the Regulations, the Chief Executive Officer has delegated to nominated Officers the functions specified below:-

- (a) The determination under Clause 17(1) of the Deemed Provisions as to whether a Structure Plan complies with the requirements of Clause 16(1), or if further information is required before the Structure Plan can be accepted for assessment and advertising.
- (b) The advertising of a Structure Plan under Clause 18(2) of the Deemed Provisions.
- (c) The provision of advice and assistance to the Commission under Clause 23 of the Deemed Provisions.
- (d) The determination that advertising of an amendment to a Structure Plan is not required, where it is minor in nature, under Clause 29(3) of the Deemed Provisions.
- (e) The preparation of a report and recommendation on an amendment to a Structure Plan, under Clause 20 of the Deemed Provisions,

## **6. ENDORSEMENT**

This Planning Procedure was endorsed by the Director, Planning and Development Services and came into effect on 13 November 2017.

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## **Appendices**

1. Checklist for the preparation of a proposed Structure Plan.

## APPENDIX 1

### CHECKLIST – STRUCTURE PLAN CONTENT

#### PART ONE – IMPLEMENTATION

##### 1. Structure Plan Area

- Designate the area to which the Structure Plan applies.

##### 2. Operation

- The date the Structure Plan comes into effect is the date the Structure Plan is approved by the Commission.

##### 3. Staging

- Details of staging of the Structure Plan, based on triggers such as:
  - provision of infrastructure
  - provision of schools
  - road constructions/upgrades

Note: As staging is dependent upon triggers it is not necessary to include spatial areas or timing of staging.

##### 4. Subdivision and Development Requirements

- Outline requirements including land use zones and reserves within the Structure Plan area.
- Outline mechanisms to protect environmental or heritage features.
- Identify how subdivision and development will respond to hazards and separation areas.
- Identify how subdivision and development will respond to or be staged in relation to major infrastructure.
- Provide arrangements to interface with land adjoining the Structure Plan area.
- Provide for public open space in accordance with Commission policies where this is not provided for on the Structure Plan map.
- Provide for the achievement of residential density targets applied under higher level strategic plans and strategies and sub-regional structure plans prepared by the Commission.
- Where a density plan is a suitable instrument for the allocation of residential density, list the locational criteria for the distribution of density on a density plan. Provide for a density plan to be submitted and approved by the Commission at subdivision stage.

##### 5. Local Development Plans

- Describe and identify on the map (if known) where a Local Development Plan/s is required.

Note: Local Development Plans are not to be applied to entire structure plan areas. They are to be used to address specific design issues for small areas of development that require special design consideration.

- Identify the issues and main principles to be addressed in the Local Development Plan/s.



<b>6. Other Requirements</b>								
<ul style="list-style-type: none"> <li>• Infrastructure corridors and details of infrastructure upgrades required to facilitate the subdivision.</li> <li>• Make reference to relevant funding arrangements for the provision of standard and community infrastructure in the Structure Plan area in accordance with the local planning scheme.</li> </ul>								
<b>7. Additional Information</b>								
<p>Where additional information is required to be submitted by the Structure Plan, the details of the additional information and the stage at which it is to be submitted may be incorporated into the Structure Plan in a table.</p> <table border="1"> <thead> <tr> <th>Additional Information</th> <th>Approval Stage</th> <th>Consultation Required</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Additional Information	Approval Stage	Consultation Required			
Additional Information	Approval Stage	Consultation Required						
<b>8. Structure Plan Mapping Requirements</b>								
<p>The Structure Plan map is to be provided as a hard copy within the Structure Plan report and also in digital format consistent with the Commission's Digital Data and Mapping Standards.</p> <p><a href="https://www.planning.wa.gov.au/dop_pub_pdf/StructurePlanFramework.pdf">https://www.planning.wa.gov.au/dop_pub_pdf/StructurePlanFramework.pdf</a></p>								

**CHECKLIST – PART TWO STRUCTURE PLAN REPORT**

**PART TWO – EXPLANATORY REPORT**

**1. Planning Background**

**1.1 Introduction and Purpose**

The objectives of the proposed Structure Plan and what it is trying to achieve.

**1.2 Land Description**

- 1.2.1 Location
- 1.2.2 Area and Land Use
- 1.2.3 Legal Description and Ownership

**1.3 Planning Framework**

- 1.3.1 Zoning and Reservations
- 1.3.2 Regional and Sub-Regional Structure Plan
- 1.3.3 Planning Strategies
- 1.3.4 Planning Policies
- 1.3.5 Other Approvals and Decisions
- 1.3.6 Pre-lodgement Consultation

**2. Site Conditions and Constraints**

- 2.1 Biodiversity and Natural Area Assets
- 2.2 Landform and Soils
- 2.3 Groundwater and Surface Water
- 2.4 Bushfire Hazard
- 2.5 Heritage
- 2.6 Coast and Foreshores
- 2.7 Context and Other Land Use Constraints

**3. Technical Appendices Recommendations**

**3.1 Environmental Assessment and Management Strategy**

Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.

Please see the City's Information Sheet for the Preparation of Environmental Assessment Reports prepared to inform Structure Plan Applications.

<b>3.2 Local Biodiversity Strategy</b>
Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.3 Ethnographic and Aboriginal Heritage Report</b>
Include recommendations from the Report to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.4 Local Traffic and Transport Management Strategy</b>
Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.5 Noise Impact Assessment</b>
Include recommendations from the Assessment to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.6 Local Water Management Strategy</b>
Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.7 Bushfire Hazard Assessment and Management Plan</b>
Include recommendations from the Assessment and/or Management Plan to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.8 Local Economic, Retail and Employment Strategy</b>
Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.9 Local Infrastructure and Servicing Strategy</b>
Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.
<b>3.10 Local Community Development Strategy</b>
Include recommendations from the Strategy to inform and link to the implementation provisions of the Structure Plan and provide a further basis for the assessment of subsequent planning applications.

**INFORMATION REQUIREMENTS**

**Plans that may be included in Part Two**

- Location Plan
- Aerial Photograph
- Context and Constraints Plan/s
- Environmental/Conservation Assets Plan
- Non-statutory Structure Plan Map
- Movement Networks Plan/Ped-shed Analysis
- Infrastructure/Servicing Plan
- Open Space Plan

**Technical Appendices**

- Environmental Assessment and Management Strategy
- Local Biodiversity Strategy
- Ethnographic and Aboriginal Heritage Report
- Local Traffic and Transport Management Strategy, including a Traffic Impact Assessment
- Noise Impact Assessment
- Local Water Management Strategy
- Bushfire Hazard Assessment and Management Plans
- Local Economic, Retail and Employment Strategy
- Local Community Development Strategy
- Local Infrastructure and Servicing Strategy

Note: A technical appendices index is to list all documents in a table and provide information on:

- The nature of the document (i.e. whether it was subject to a separate formal approval process or a supporting document only).
- The agency that assessed the document.
- The approval status of the technical documents (including any recommendations and resultant modifications, required by the referral/approval agency).