

Guidelines

for the Lifting of Industrial Deferment

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1. Introduction

Land may be included in the industrial deferred zone under the Greater Bunbury Region Scheme (GBRS). This zone provides a strong indication that the land is physically and locationally suitable for industrial purposes, although certain requirements have to be met before the Western Australian Planning Commission (WAPC) will consider to the land being transferred to the industrial zone.

Where information is available to satisfy the WAPC that land is suitable for industrial development and all servicing considerations have been adequately addressed, land may be included within the industrial zone without proceeding through the intervening stage of industrial deferment.

Under Clause 13 of the Greater Bunbury Region Scheme, land included within the industrial deferred zone may be transferred to the industrial zone by resolution of the WAPC notified in the Government Gazette. Clause 48 of the Greater Bunbury Region Scheme and rule 9(c) of the State Administrative Tribunal Rules 2004 allows for an appeal to the State Administrative Tribunal within 28 days of the WAPC's refusal to lift industrial deferment. These guidelines describe the basis for lifting of industrial deferment.

These guidelines apply to land within the Greater Bunbury Region Scheme area only.

2. Criteria for lifting industrial deferment

The transfer of land from industrial deferred zone to industrial zone may be initiated by the landowner, the local government or any public authority.

Before agreeing to the transfer of land from the industrial deferred zone to the industrial zone the WAPC will require evidence that:

- the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
- planning is sufficiently advanced to depict an acceptable overall design to guide future development, by means of an endorsed structure plan (WAPC and LG);
- the proposed industrial development is in accordance with endorsed strategic planning framework.

- regional requirements have been satisfied or provisions made for them; and
- any constraints to industrial development can be satisfactorily addressed.

Proposals to lift industrial deferment will be referred to the local government and the relevant committees of the WAPC for comment. The proposal, together with the supporting information and justification in accordance with section 5 of these guidelines, will generally be considered and determined by the WAPC.

If there are issues related to the proposal to lift industrial deferment which should be resolved prior to consideration by the WAPC, the proponent(s) will be advised in writing of the unresolved issues and how these may be resolved.

The advice will also request the landowner/s to advise whether or not they are prepared to wait for the resolution of the issue or whether they wish the WAPC to make a formal decision on the matter so that the right of appeal provided in the legislation can be exercised, should the WAPC decision prove to be negative. If the landowner requests that a decision be made, the matter will be placed before the WAPC for determination.

3. Subdivision and development of industry deferred land

There is a presumption against any subdivision or development which will make the assembly of land and the provision of services and facilities for industrial development more costly and difficult.

Local government planning schemes are required to be consistent with the region planning scheme. Provisions within a local planning scheme for land zoned industrial deferred under the GBRS should be considered to allow for the creation of an industrial development investigation area or industrial development zone.

Where appropriate provisions restricting development should apply, until industrial deferment is lifted under the GBRS.

4. Environmental requirements

Amendments to the GBRS are subject to the provisions of section 48A of the Environmental Protection Act 1986. Any land proposed to be zoned industrial deferred by amendment to the GBRS will be considered for environmental assessment.

Where land has not been assessed under the GBRS, yet significant environmental issues have been identified by means of section 16 EPA advice for example, any necessary environmental review should be undertaken as part of the process of amending the local planning scheme and/or during the preparation of the structure plan.

5. Information requirements

Applicants should submit a detailed structure plan indicating the future development and servicing of the land prior to seeking the lifting of industrial deferment. The content of the plan should take account of matters identified in the WAPC's *Structure Plan preparation Guidelines August 2012*. In any event, such a plan should address the issues listed below.

5.1 Justification

- a clear description, explanation and justification for the proposed change from industrial deferred to industrial;
- details relating to the specific characteristics of the land and pertaining to its proposed use.

5.2 Land and ownership

- the land to which the amendment applies;
- ownership details;
- clearly annotated plan/s depicting the land involved and other features as appropriate; and
- the extent and agreements of landowners to the lifting of industrial deferment.

5.3 Natural environment

- an accurate description of the land including the natural environment;
- description of the means by which natural features (such as foreshores, wetlands, groundwater, remnant vegetation) will be protected; and
- identification of any environmental issues which may impact on future development (such as noise, water catchment, contaminated land, risk management and air pollution).

5.4 Services

- information regarding the way in which the land will be serviced by water, drainage, sewer, power and other services;
- information regarding the services of the area by road and/or rail including information regarding how development will be accommodated within the regional road system; and

5.5 Employment

- information regarding the type of industry proposed as an employment generator.

5.6 Consultation

- details regarding any consultations undertaken with relevant service providers and agreements reached.

6. Public information

It is not a requirement of the legislation to advertise the WAPC's intent to lift industrial deferment or to seek public comment.

Planning issues associated with rezoning of land for industrial development are considered at the time of rezoning to industrial deferred through Part 4 of the Planning and Development Act 2005 scheme amendment process. Public consultation will occur during that phase as well as the during the amendment of the local planning scheme and the preparation of any structure plan for an area.

A notice will be placed in the Government Gazette advising the WAPC's resolution to lift industrial deferment.

Following the lifting of industrial deferment the WAPC will take all reasonable steps to notify landowners in writing.