



Department of **Planning,**
Lands and Heritage



Western
Australian
Planning
Commission

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Western Australia.*



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Lifting of Urban Deferment Guidelines

November 2019

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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1 INTRODUCTION

Land may be included in the urban deferred zone under a region planning scheme. This zone provides a strong indication that the land is physically and locationally suitable for urban purposes, and that this use is consistent with planning intentions, although certain requirements have to be met before the Western Australian Planning Commission (WAPC) will agree to the land being transferred to the urban zone.

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

Under clause 27 of the *Metropolitan Region Scheme* and clause 13 of the *Peel Region Scheme* and *Greater Bunbury Region Scheme*, land included within the urban deferred zone may be transferred to the urban zone by resolution of the WAPC, notified in the Government Gazette. These guidelines describe the basis for lifting of urban deferment and apply to land subject to region schemes and zoned urban deferred under such schemes.

These guidelines supersede the *WAPC Guidelines for the Lifting of Urban Deferment* (November 2007).

2 CRITERIA FOR LIFTING URBAN DEFERMENT

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

Before agreeing to the transfer of land from the urban deferred zone to the urban zone, the WAPC will require evidence, such as a draft structure plan, 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;
- the proposed urban development represents a logical progression of development;
- regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and
- any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.

Proposals to lift urban deferment will be referred to the local government and relevant State government agencies for comment. The proposal, together with supporting information and justification in accordance with section 6 of these guidelines, will generally be considered and determined by the WAPC.

Where appropriate, if there are issues related to a proposal to lift urban deferment which should be resolved prior to consideration by the WAPC, the landowner/s will be advised of the unresolved issues, how these may be resolved and relevant timeframes for steps by the respective parties.

If the landowner requests that a decision be made, the matter will be placed before the WAPC for determination.

3 CONCURRENT LOCAL PLANNING SCHEME AMENDMENT

Where the WAPC amends a region scheme to include land in an Urban zone the WAPC may concurrently amend the zoning of the land under a local planning scheme to a development zone (or equivalent), as provided for by s 126 (3) of the *Planning and Development Act 2005*. Generally, this zone would require a local structure plan prepared in accordance with the deemed provisions for local planning schemes set out by the *Planning and Development (Local Planning Schemes) Regulations 2015* to be approved prior to subdivision approval.



Land that is subject to lifting of urban deferred to urban zoning under a region scheme may also be the subject of concurrent amendment of zoning under a local planning scheme. The WAPC will generally not exercise this power without consulting relevant agencies, and only in situations in which corresponding amendments of the scheme maps is all that is required, i.e. amendment of the local scheme text is not also required.

4 SUBDIVISION AND DEVELOPMENT OF URBAN DEFERRED LAND

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

Local planning schemes are required to be consistent with the region planning scheme. Provisions within a local planning scheme for land zoned urban deferred under a region planning scheme should reflect the limitations of the urban deferred zone.

Land zoned urban deferred under a region planning scheme should generally be zoned rural or, where appropriate provisions restrict development until urban deferment is lifted under the region planning scheme, urban development in the local planning scheme.

5 ENVIRONMENTAL REQUIREMENTS

Proponents should identify details of any existing environmental approvals (State and Commonwealth) relating to a site and compliance with these approvals. Region scheme amendments are required to be referred to the Environmental Protection Authority (EPA) under the *Planning and Development Act 2005*. The EPA must make a decision on whether or not to assess the amendment pursuant to s 48A of the *Environmental Protection Act 1986*. Where the EPA decides to assess an amendment it will be subject to an environmental review. Any land zoned urban deferred since August 1996 will have been subject to environmental review, should such review have been considered necessary by the EPA. Any land proposed to be zoned urban deferred by amendment to a region planning scheme in the future will also be considered for environmental assessment.

Transferring land from the urban deferred zone to the urban zone does not constitute an amendment to a region planning scheme. Therefore environmental assessment of amendments pursuant to s 48A of the *Environmental Protection Act 1986*, does not apply to such transfers. Where land was included in the urban deferred zone prior to August 1996, when legislative provisions providing for environmental assessment of planning schemes, and amendments to planning schemes, were enacted, the WAPC will seek advice from the EPA prior to considering the lifting of urban deferment, to ensure that environmental issues have been identified.

Where land has not been assessed under the region planning scheme, yet significant environmental issues have been identified, consideration of whether an environmental review is necessary will occur when the proposed amendment of the local planning scheme is referred to the EPA.

6 INFORMATION REQUIREMENTS

Proponents should submit information demonstrating that lifting of urban deferred zoning will be consistent with orderly and proper planning for the subject land and locality. This may include a draft structure plan indicating the future development and servicing of the land. The content of the draft structure plan should take account of matters identified in the WAPC's Structure Plan Framework (August 2015) and the deemed provisions for local planning schemes set out by the *Planning and Development (Local Planning Schemes) Regulations 2015*. In any event, proponents should address the issues listed below, as appropriate having regard to the scale of the proposal.

6.1 JUSTIFICATION

- a clear description, explanation and justification for the proposed change with reference to applicable planning strategies, policies, frameworks and draft or approved structure plans;



- proposed arrangements with respect to development contributions and details of any agreements supporting the proposed arrangements;
- evidence, in terms of the subdivision and development of nearby property and the provision of existing infrastructure services, that the proposed change represents a logical extension of urban development; and
- details relating to the specific characteristics of the land and pertaining to its proposed use.

6.2 LAND AND OWNERSHIP

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

6.3 NATURAL ENVIRONMENT

- an accurate description of the land including the natural environment;
- description of the physical conditions of the land;
- identification of the means by which natural features (such as foreshores, wetlands, remnant vegetation) will be protected; and

- identification of any environmental issues which may impact on future development (such as water catchment and groundwater protection areas) and how these will be addressed.

6.4 HAZARD AND RISK

- details of any identified hazard issues in relation to the subject land and locality, including odour, air pollution, noise and contaminated land, and the proposed methods of addressing such hazards where applicable, including through buffer areas or other appropriate mechanisms; and
- details of any identified risk issues in relation to the subject land and locality, including through the existing or planned operation of other land uses or infrastructure, bush fire, coastal processes, wetland and water course erosion and inundation, and the proposed methods of addressing such risks where applicable, including through ceding of land, setback areas or other appropriate mechanisms.

6.5 SERVICES AND FILL

- information regarding the way in which the land will be serviced by water, drainage, sewer, power and other optional services;
- information regarding the servicing of the area by road including information regarding how the development will be accommodated within the regional road system;
- information regarding the planned availability of public transport; and

- estimated fill requirements, including potential fill sources and any significant transport implications.

6.6 EMPLOYMENT

- where the land is remote from a developed urban front an employment strategy should be provided to indicate where the resulting community's employment will be located and the degree of employment self-sufficiency that could be achieved.

6.7 PUBLIC USES

- details regarding the areas required for school sites (primary and secondary), public utilities and community facilities.

6.8 CONSULTATION

- details concerning any liaison with local government and other parties concerning any draft structure plan or other relevant studies for the subject land and locality; and
- details regarding any consultations undertaken with relevant service providers, agencies and regulators, including the Economic Regulation Authority, and agreements reached.



7 RIGHT OF REVIEW

Clause 35 of the *Metropolitan Region Scheme*, clause 42 (b) of the *Peel Region Scheme* and clause 48 (b) of the *Greater Bunbury Region Scheme* provide for an application for review to the State Administrative Tribunal within 28 days of the WAPC's refusal to lift urban deferment, pursuant to Part 14 of the *Planning and Development Act 2005* and the legislation establishing and governing the operation of the Tribunal.

8 PUBLIC INFORMATION

It is not a legislative requirement to advertise the WAPC's intent to lift urban deferment or to seek public comment. Planning issues associated with the rezoning of land for urban development are considered at the time of rezoning to urban deferred through Part 4 of the *Planning and Development Act 2005* scheme amendment process and public consultation will also occur during the process of amending the local planning scheme (if applicable) and during the preparation of any structure plan/s for an area.

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

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