



Government of **Western Australia**  
Department of the **Premier and Cabinet**

# **Perth and Peel Green Growth Plan for 3.5 million**

*Strategic Assessment of the Perth and Peel Regions*

*Draft Action Plan A: Urban and Industrial*

December 2015

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# Abbreviations

Abbreviation	Description
BRM	Basic Raw Materials
DER	Department of Environment Regulation
DoP	Department of Planning
DoW	Department of Water
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EPA	Environmental Protection Authority
ESA	Environmentally Sensitive Area
GIS	Geographic Information System
ha	Hectare
LG	Local Government
LPS	Local Planning Scheme
MNES	Matter(s) of National Environmental Significance
MRS	Metropolitan Region Scheme
OEPA	Office of the Environment Protection Authority
Parks and Wildlife	Department of Parks and Wildlife
P&R	Parks and Recreation
PRS	Peel Region Scheme
P&D Act	<i>Planning and Development Act 2005 (WA)</i>
POS	Public Open Space
ROS	Regional Open Space
SPP	State Planning Policy
Strategic Assessment	Strategic Assessment of the Perth and Peel Regions
Strategic Conservation Plan	Strategic Conservation Plan for the Perth and Peel regions
WAPC	Western Australian Planning Commission

# 1 Introduction

## 1.1 OVERVIEW OF THIS ACTION PLAN

This Action Plan has been prepared in the context of the Strategic Assessment of the Perth and Peel Regions (Strategic Assessment) that has been undertaken by the Western Australian Government under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Strategic Assessment addresses the impacts on matters of national environmental significance (MNES) and State environmental values from future development of the Perth and Peel regions, including urban, industrial, rural residential and infrastructure development, harvesting of pines and basic raw materials (BRM) extraction.

This Action Plan provides guidance on the implementation of the Urban and Industrial Class of Action. It also describes the enabling legislative and planning framework which will ensure that development occurs in a sustainable way whilst supporting future growth. Where necessary, regulation, policies and processes will be revised or developed in order to implement this Action Plan and facilitate effective delivery of the objectives and commitments set out in *Strategic Conservation Plan for the Perth and Peel Regions* (Strategic Conservation Plan). Until such time, existing regulatory and policy mechanisms will continue to apply.

The Action Plan will be reviewed every five years and updated to reflect any changes while continuing to deliver the objectives and commitments set out in the Strategic Conservation Plan.

## 1.2 RELATIONSHIP TO THE STRATEGIC CONSERVATION PLAN

A key output of the EPBC Act strategic assessment process is the endorsement of a “Plan, Program or Policy” by the Commonwealth Minister for the Environment. The “Plan, Program or Policy” is the document that sets out the commitments that the State will deliver to protect MNES in the Strategic Assessment Area and enable development to be approved.

As part of progressing the Strategic Assessment, a single plan has been developed that addresses both MNES and State environmental values – the Strategic Conservation Plan. The Plan includes:

- the conservation outcomes, objectives and commitments that will be endorsed, and the classes of action that will be approved, by the Commonwealth Minister for Environment under the EPBC Act strategic assessment process; and
- the commitments for State environmental values as relevant to the EPA’s advice under section 16(e) of the *Environmental Protection Act 1986* (EP Act).

As part of the Strategic Conservation Plan, a series of Action Plans have been developed to assist with implementation of the Strategic Conservation Plan. The Structure of the Strategic Conservation Plan and the supporting Action Plans are shown in Figure 1-1.

## 1.3 RELATIONSHIP TO STRATEGIC PLANNING FOR THE PERTH AND PEEL REGIONS

The Strategic Assessment has been progressed in consideration of major planning frameworks for the Perth and Peel regions.

Western Australia (WA) has a population of over 2.57 million people (Australian Bureau of Statistics 2014). Of this number, more than 2 million live in the Perth and Peel regions, which are located within one of the world's 35 biodiversity hotspots. As a strategic approach to long-term urban planning, the Department of Planning (DoP) and the Western Australian Planning Commission (WAPC) in 2010 released *Directions 2031 and Beyond – Metropolitan Planning Beyond the Horizon* (Directions 2031) which is a high level strategic plan and associated spatial framework to guide development policy and planning to accommodate an additional half a million people by 2031. It outlines a vision for future land uses and a more liveable, prosperous, connected and sustainable community.

To realise the vision encompassed in Directions 2031, the WAPC has developed a series of detailed draft sub-regional planning frameworks with a unified, long-term growth strategy for land use and infrastructure required to support a population of 3.5 million in the Perth and Peel regions. This series of draft planning frameworks, titled *Perth and Peel@3.5million*, was released for public consultation in May 2015 and includes:

- *Draft North-West Sub-regional Planning Framework.*
- *Draft North-East Sub-regional Planning Framework.*
- *Draft Central Sub-regional Planning Framework.*
- *Draft South Metropolitan Peel Sub-regional Planning Framework.*

It is intended that once finalised, these draft sub-regional planning frameworks will support the projected growth of the Perth and Peel regions in a sustainable manner.

The Strategic Conservation Plan is complementary to the draft sub-regional planning frameworks and provides alignment across government on a land use plan to support the growth of the Perth and Peel regions to 3.5 million people.

## **1.4 STRUCTURE OF THIS DOCUMENT**

The structure of this document is as follows:

Section 2: provides an overview of how the Urban and Industrial Class of Action were developed using spatial data and mapping of environmental attributes in order to avoid MNES and State environmental values in the preparation of the draft sub-regional planning frameworks.

Section 3: provides a detailed description of proposed urban and industrial development, including detail of the type of development, its location, design, zoning and timeframes for development.

Section 4: describes how urban and industrial development will be regulated and delivered into the future. The section includes:

- a description of the legislative and planning frameworks designed to manage development;
- information on how this Action Plan relates to other Action Plans;
- how the assurance framework described in the Strategic Conservation Plan relates to this Action Plan; and
- funding arrangements for the implementation of the Action Plan.

## **1.5 TRANSITIONAL ARRANGEMENTS**

It is important to note that the planning processes detailed in this Action Plan integrate planning process improvements through implementation of the Strategic Conservation Plan.

The integration of the Strategic Conservation Plan objectives into the planning processes will require further refinement and negotiation between relevant State agencies and stakeholders, and may require updates to relevant planning and environmental legislation and policies. The detail on implementation approaches in this Action Plan may therefore be subject to change.

With the introduction of new process improvements, transitional arrangements will be introduced to ensure Strategic Conservation Plan outcomes can be achieved while legislation and policies are amended. This is to ensure the conservation and environmental commitments can be met once the Strategic Conservation Plan becomes operational.

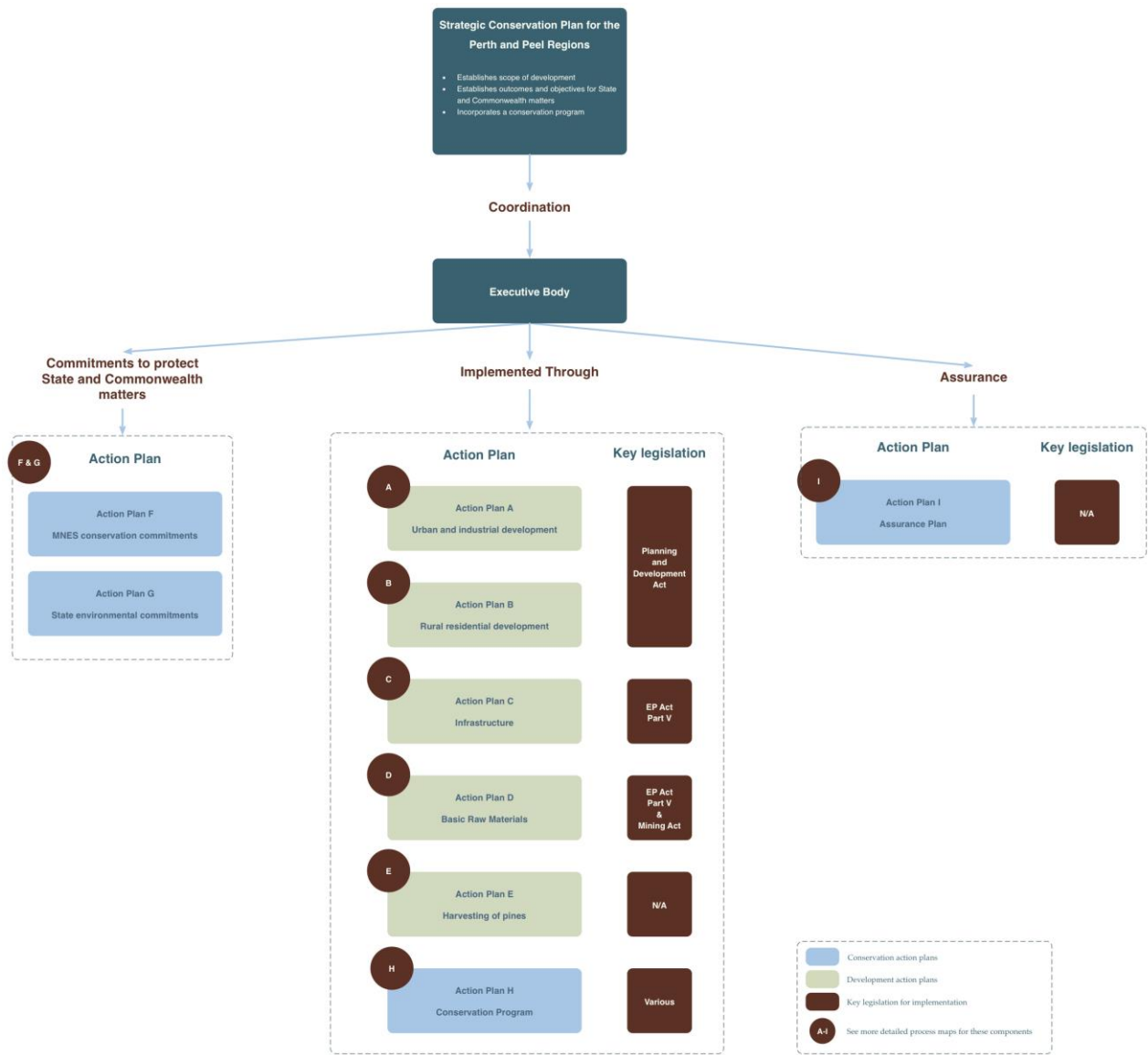


Figure 1-1: Structure of the Strategic Conservation Plan and the supporting Action Plans

## 2 Background to the development of this Action Plan

The area covered by the Urban and Industrial Class of Action has been established and refined through a series of strategic planning programs over many years.

Perth has had a long history of metropolitan plans to guide its urban development. The most recent is the draft *Perth and Peel@3.5million* suite of documents. The documents adhere to the principles detailed in the WAPC's *Directions 2031 and Beyond* (Directions 2031). The documents will be reflected in the State Planning Framework Policy (State Planning Policy No.1) and taken into account when preparing and reviewing planning strategies, policies and plans. The documents provide guidance to government agencies and local governments on land use, land development, environmental protection, infrastructure investment and the delivery of physical and social infrastructure.

Similarly, there has been a range of strategic documents that have guided industrial expansion in the Perth and Peel regions. In 2012, the WAPC released the Economic and Employment Lands Strategy to ensure the timely delivery of general and light industrial land in the Perth metropolitan and Peel regions.

The release of the WAPC's *Perth and Peel@3.5million* suite of documents, including the four draft sub-regional frameworks, signalled a shift in timeframes and staging with respect to industrial and urban expansion in the Perth and Peel regions. The draft sub-regional planning frameworks advocate a longer term view and now consider urban and industrial expansion out to 2050.

The concurrent preparation and implementation of *Perth and Peel@3.5million* and the Strategic Assessment ensures that the planning intent of all documents are complementary in achieving both the land use planning objectives and conservation objectives for a city of 3.5 million people.

The effective implementation of *Perth and Peel@3.5million* will be achieved through the use of the Metropolitan Region Scheme (MRS) and Peel Region Scheme (PRS), amended to provide the statutory expression of the sub-regional planning frameworks.

As a requirement of the *Planning and Development Act 2005* (P&D Act) (Sections 123 and 124), local government planning schemes are required to be consistent with the broad land uses outlined in the MRS and PRS. Also required within the P&D Act (Section 77) is the need for local planning scheme amendments to show due regard to any State Planning Policies which provide direction on environmental protection and urban growth.

The planning framework for future urban and industrial development will consist of a combination of strategic and statutory plans and processes. They will provide a framework for the coordinated provision of services, infrastructure, land use, development and conservation outcomes to guide the intended pattern of future development. They are essential to informing and guiding state and local government decision makers in the assessment of rezoning and structure plan proposals and of subdivision and development applications.

### 2.1 AVOIDANCE OF IMPACTS THROUGH THE PLANNING PHASE

Development of the Strategic Conservation Plan has offered the opportunity to undertake significant avoidance of impacts to MNES and State environmental values. Planning at the scale of the Strategic



Assessment enables holistic consideration of environmental values in the context of the overall landscape and regional values. This is often not practical through a project-by-project approach to development.

There are three key components to avoidance:

1. avoidance through the planning phase for the Urban and Industrial Class of Action;
2. avoidance through the impact assessment phase; and
3. ongoing avoidance during the implementation of the Strategic Conservation Plan and Action Plans.

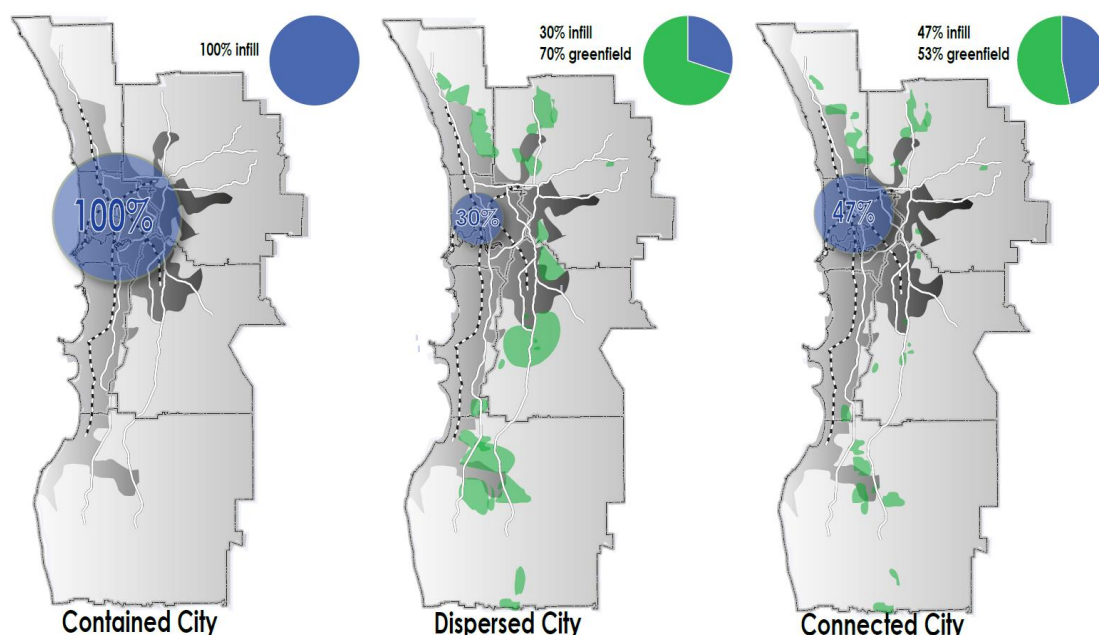
This section provides a description of the avoidance processes undertaken during the planning phase with respect to MNES and State environmental values. Avoidance through the impact assessment phase is discussed in both the Commonwealth and State Impact Assessment Reports. Ongoing avoidance, to be delivered through implementation of the Strategic Conservation Plan, is addressed in section 4.2 of this Action Plan.

In developing the *Perth and Peel@3.5million* suite of documents, the DoP undertook scenario planning to consider what urban form outcome most closely aligns with the aspirations previously sought under Directions 2031, namely:

- a greater balance between greenfield and urban infill development;
- protecting and enhancing environmental attributes, agricultural land, open space and heritage;
- limiting new urban and industrial areas; and
- developing and revitalising activity centres as alternative places to live and work.

This resulted in three new scenarios: the Contained, Dispersed and Connected city scenarios, depicted in Figure 2-1.

**Figure 2-1: Growth pattern scenarios**



The challenge is to retain the liveability of the Perth and Peel regions and identify optimal locations for new urban and industrial development while having regard to: environmental values; existing planning policy aspirations; housing affordability considerations; the cost of maintaining or extending infrastructure; the avoidance of low lying areas to reduce BRM demand; the avoidance of externalities such as pollution; and the need to produce a consolidated urban form with more space intensive housing located close to work places, public transport, shops and community services.

In the Connected City scenario, 25,700ha of outward expansion has been avoided compared to the Dispersed City scenario.

*Perth and Peel@3.5million* supports the Connected City model and affirms the 47% infill development target contained in Directions 2031.

Under this scenario, the Perth and Peel regions will be best placed to:

- accommodate significant population growth while limiting urban sprawl;
- ensure the regions' environmental assets are protected;
- increase housing diversity and affordability;
- reduce car dependency;
- achieve efficient use of water sources in a drying climate; and
- maintain liveability.

This strategic foundation has provided the basis for the development of a spatial land use configuration or 'footprint' for a city of 3.5 million people. This footprint has undergone a number of iterations and forms an important part of the effort to avoid environmental impacts as environmental values were considered in the determination of the footprint boundaries.

### **2.1.1 Urban**

Areas identified as potential urban expansion or investigation in historical planning documents were matched against the data and mapping of MNES and State environmental values. Informed by this data and mapping, a further 4,000 ha of land with environment values was avoided during the preparation of the footprint.

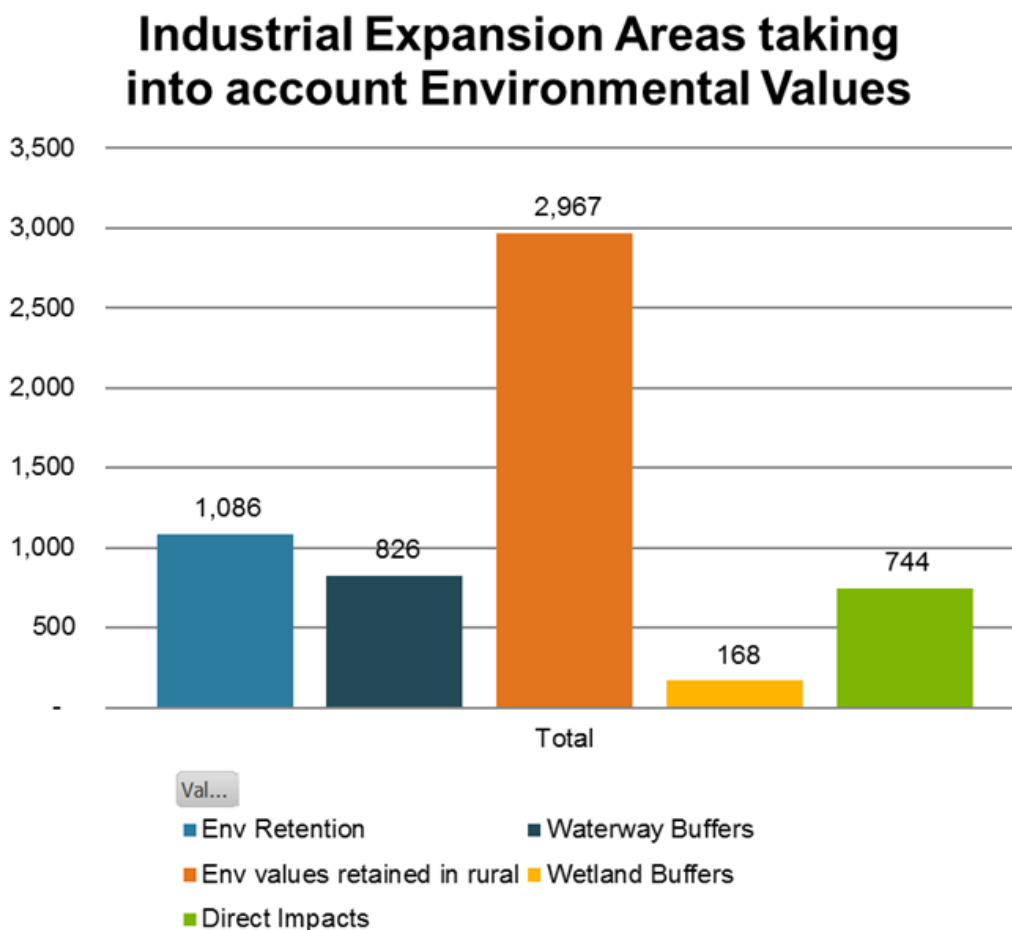
In addition, approximately 2,300ha of land containing environmental values within existing urban and urban expansion sites require further avoidance, mitigation or offsetting through structure planning, subdivision and conservation planning processes.

### 2.1.2 Industrial

Areas previously earmarked for industrial expansion were analysed against the data and mapping of MNES and State environmental values. As a consequence of this analysis, nearly 3,000 ha of land was removed from the industrial development footprint, avoiding impacts on relevant MNES and State environmental values.

Retention mapping for industrial expansion areas, as shown in figure 2-2, identified approximately 1,000 ha of land with environmental values requiring protection within 40 designated industrial precincts. Based on data identifying waterways within the Perth and Peel regions, a projected total of 826ha will be subject to waterway buffers. A total of 168ha is projected to be subject to conservation category wetland buffers. The mapping identified a further 744ha of land where impacts on MNES may still occur. These areas will require further avoidance, mitigation or offsetting through structure planning, subdivision and conservation planning processes (as described in Action Plan H) to ensure that these environmental values are protected.

**Figure 2-2: Reduction in industrial footprint as a result of avoidance process**

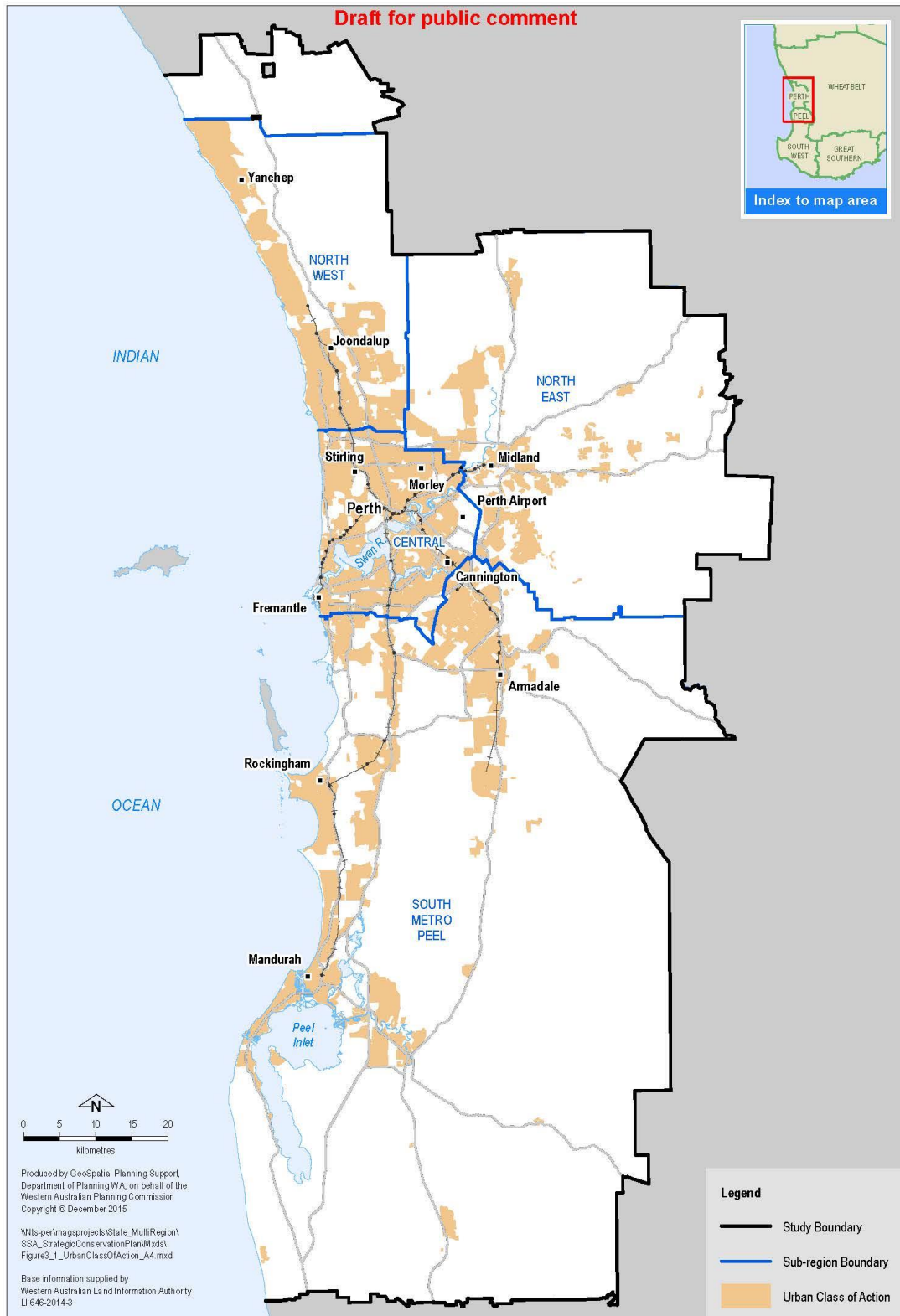


### 3 Detailed description of the proposed development

#### 3.1 URBAN DEVELOPMENT

Action	Urban Development
Short description	The Strategic Conservation Plan provides for the allocation and development of specified urban areas, including areas that are already zoned for this purpose but not yet developed, as well as areas that are yet to be zoned, but intended for urban purposes.
Key Characteristics	<p>This Action Plan incorporates existing, new and proposed urban areas to support a city of 3.5 million people. This includes, but is not limited to, homes and associated employment, education, shopping, commercial, health and civic facilities, light industry, as well as local recreation, open space, conservation and cultural areas. This development will include the continued use of existing urban land and buildings, the redevelopment of existing urban areas and the development of new urban areas.</p> <p>At the Region Scheme level, the following zonings and reserves may be appropriate to support implementation:</p> <ul style="list-style-type: none"> <li>• Urban and Urban deferred (including proposed new Urban zone areas or ‘expansion’ and ‘investigation’ sites as identified in the draft sub-regional planning frameworks)</li> <li>• Central City Area</li> <li>• Regional Centre</li> <li>• Civic and Cultural</li> <li>• Public Purpose</li> <li>• Parks and Recreation</li> </ul> <p>This Action Plan also includes the provision of essential local infrastructure to support development such as local roads and utilities (e.g. water, sewage and electricity) not covered under the Class of Action.</p>
Spatial Extent	<p>The area for urban development is shown in Figure 3-1.</p> <p>The spatial area has been depicted using the appropriate land areas, zones and reserves, as they will exist in the Metropolitan and Peel Region Schemes. These urban areas reflect those depicted in the four draft sub-regional planning frameworks.</p>

Figure 3-1: Extent of urban development



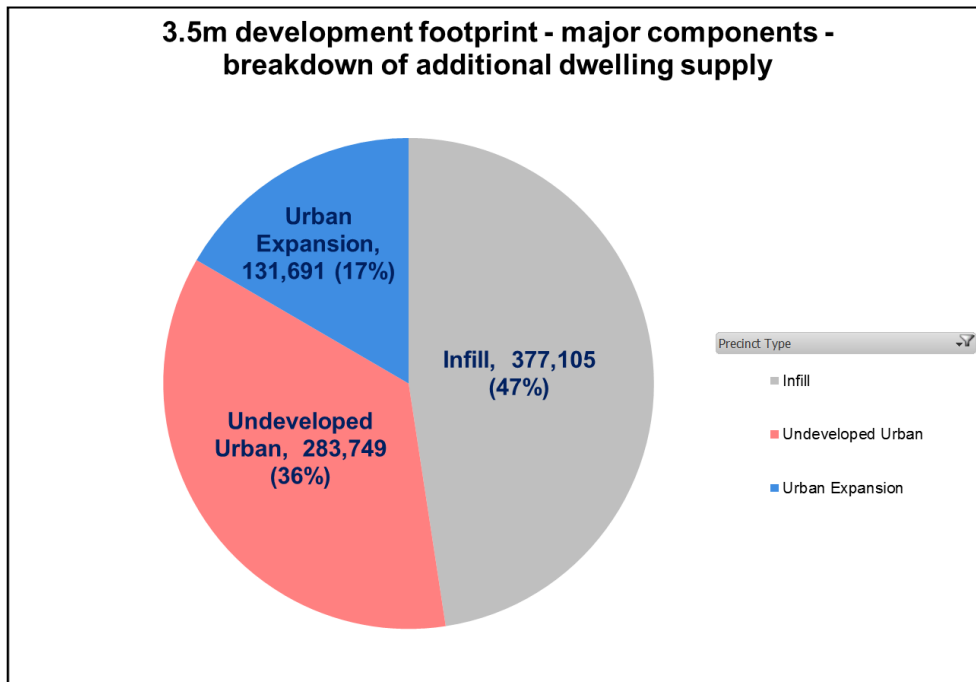
### 3.1.1 Coverage

As of 2015, land zoned for urban development within the Perth and Peel regions totals an area of 93,140 ha. Of this, 70,420 ha has been developed with the balance of 22,720 ha yet to be developed.

In terms of the areas that will provide for additional dwelling supply, future growth will be focused on infill development (47%) within the existing 70,420 ha of urban zoned land, development of the 22,720 ha of undeveloped land zoned urban (36%) and development of 11,000 ha of urban expansion land in peri-urban areas on the fringes of the Perth and Peel geographical area (17%) (see **Figure 3-2**).

Overall this will result in a combined urban footprint of approximately 104,000 ha for Perth and Peel, provide approximately 800,000 new dwellings, and deliver an estimated capacity of 1,454,000 urban dwellings to meet the needs of a population of approximately 3.5 million people.

**Figure 3-2: Breakdown of additional dwelling supply**



### 3.1.2 Rationale

The Perth and Peel regions have evolved from a relatively compact and contained urban form centred on the Swan River in 1970 into a sprawling and elongated city extending 150 km from north to south by 2015.

In recognition that this growth pattern cannot continue, a range of State planning policies and regional strategies have been developed to influence the planning for urban expansion. Well established planning principles relating to consolidation of development, servicing and operational costs, resource efficiency, biodiversity, environmental values and groundwater protection all play a part in shaping the spatial dimensions and growth areas identified in the urban area.

### 3.1.3 Infill and expansion

This Action Plan contains a mixture of infill and expansion areas. *Perth and Peel@3.5million* seeks a shift in historical development trends, seeking to deliver 47% of all new growth through infill development. Infill development is the redevelopment or intensification of areas that are already urban zoned and that have already been developed for urban uses.

The four draft sub-regional planning frameworks provide a targeted approach to infill by identifying where urban consolidation needs to occur in activity centres, public transport corridors and station precincts, and where targeted increases in the density and diversity of mixed-use development, housing and employment have the most potential to occur.

The urban expansion areas are identified in the draft sub-regional planning frameworks by two land use categories: urban expansion and urban investigation. These categories contain land that is either currently or proposed to be subject to future conversion from rural zoned to urban zoned land. In each case this relates to “greenfield” sites that have not previously been zoned for urban development, but may be rezoned to facilitate development for urban purposes at some point in the future.

The draft sub-regional planning frameworks also provide guidance for the preparation of amendments to the MRS and PRS, local planning strategies/schemes and district, local and activity centre structure plans. In summary the draft sub-regional planning frameworks set out to:

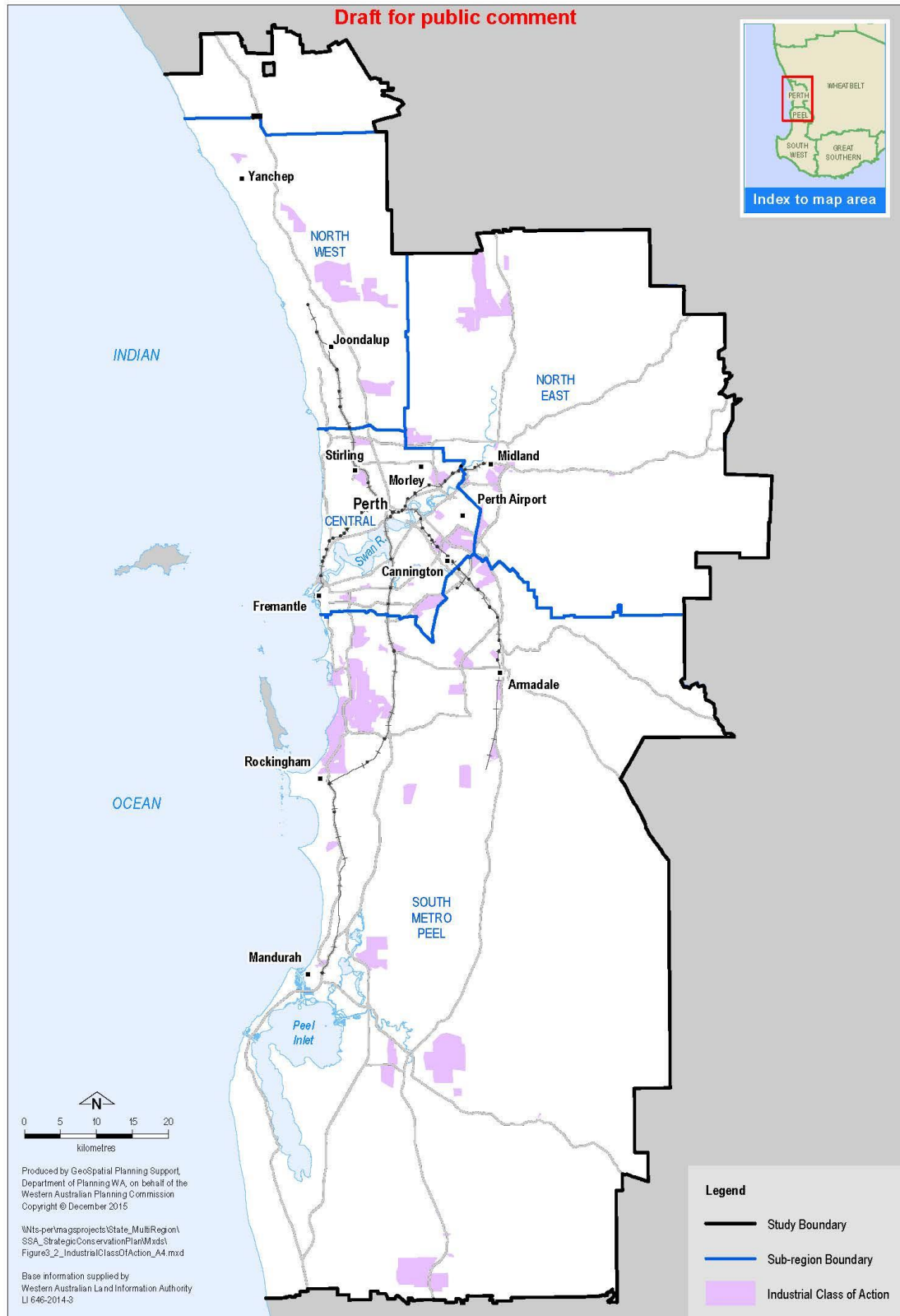
- achieve a more consolidated urban form within each sub-region;
- meet long term housing requirements;
- identify key activity centres and employment nodes to meet the future needs of industry, commerce and the community;
- identify requirements for key social infrastructure such as those required for health and tertiary education;
- provide a future regional transportation network and facilitate the provision of service infrastructure;
- meet the growing requirements for regional sport and recreation areas;
- protect areas with regional conservation and landscape values;
- protect strategic BRM resources, allowing for timely extraction;
- protect areas that supply drinking water; and
- guide the staging and sequencing of future urban development.

## 3.2 INDUSTRIAL DEVELOPMENT

Action	Industrial Development
Short description	The Strategic Conservation Plan provides for the allocation and development of specified industrial areas, including areas that are already zoned for this purpose but not yet developed, areas that are already zoned for this purpose but which may be redeveloped, and new areas of land currently in other land use that will be rezoned and developed for industrial purposes.
Key Characteristics	<p>This Action Plan incorporates existing, redeveloped and new industrial areas required to support a future city of 3.5 million people. This includes, but is not limited to, industrial manufacturing activity, services and wholesale businesses, storage, distribution of goods and associated uses. These areas will accommodate the construction and use of buildings for these activities.</p> <p>At the Region Scheme level, the following zonings and reserves may be appropriate to support implementation:</p> <ul style="list-style-type: none"> <li>• Industrial (including proposed new Industrial zone areas or 'expansion' and 'investigation' sites as identified in the draft sub-regional frameworks)</li> <li>• Special Industrial (a single site located in Kwinana)</li> <li>• Public Purpose</li> <li>• Railways</li> <li>• Port Installation</li> <li>• Parks and Recreation</li> </ul> <p>This Action Plan also includes the provision of essential local infrastructure to support development such as local roads and utilities (e.g. water, sewage, waste disposal and electricity) not covered under the Class of Action.</p>
Spatial Extent	<p>The area for industrial development is shown in Figure 3-3.</p> <p>The spatial area of the Industrial development action has been depicted using the appropriate region scheme zones, as they will exist in the Metropolitan and Peel Region Schemes. These areas reflect those depicted in the four draft sub-regional planning frameworks.</p>



Figure 3-3: Extent of industrial development



### 3.2.1 Coverage

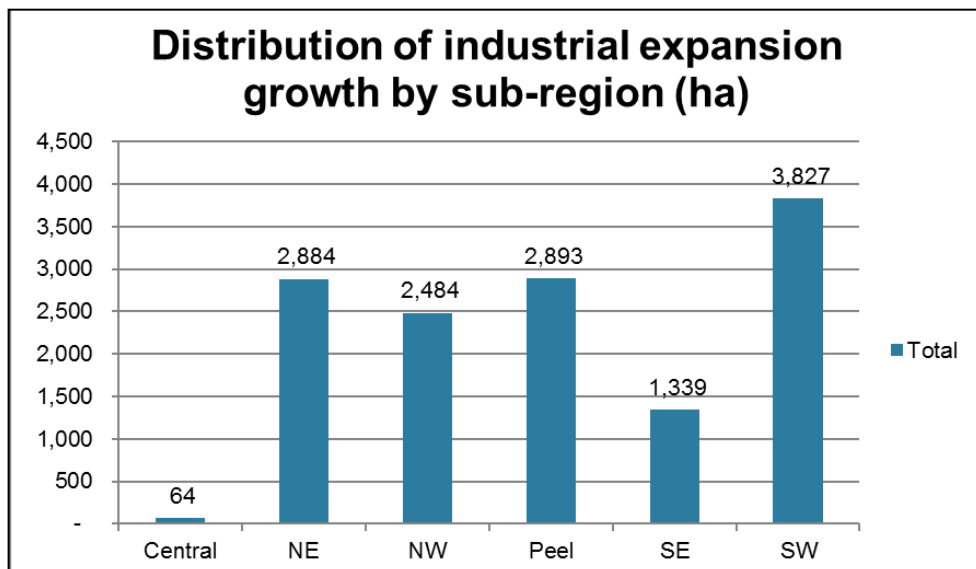
In terms of the provision of land for industrial purposes, there has been a doubling of the existing stock of land zoned for industrial use in the Metropolitan region and a similar increase (78%) in the Peel region. The need for this additional industrial land is based on modelling undertaken for DoP's Economic and Employment Lands Strategy (DoP 2012).

**Table 3-1: Provision of Industrial land**

	Existing Industrial zoned land in 2015 (Ha)	Additional Industrial expansion/investigation proposed for <i>Perth and Peel</i> @ <i>3.5 million</i> (Ha)	% Increase
MRS	10,972	10,597	96.58%
PRS	3,686	2,893	78%

The distribution of industrial expansion opportunities has centred mainly in the south-west, Peel and north-east sub-regions, with the identification of key industrial growth precincts at North Ellenbrook, Latitude 32, Nambeelup, Oakley North and Nowergup. Projected industrial expansion growth per sub-regions is depicted in Figure 3-4.

**Figure 3-4: Projected industrial expansion growth by sub-region**



### 3.2.2 Rationale

Industrial land plays a key role in the economic wellbeing of Perth and Peel, with benefits extending right across Western Australia. There is a continued need for industrial land for general, light and service industrial purposes, driven by an increasing population and the demand for resources from overseas markets.

It is important to ensure there is an adequate land bank of suitably zoned industrial land to capitalise on and meet future growth in the Perth and Peel regions.

Staged delivery of infrastructure and public and private sector investment to maximise economic development and employment potential will be critical to the successful development of priority land for industrial purposes. This will require a coordinated and collaborative approach to delivery across government and private stakeholders.

Development needs to be coordinated with population growth and the release and development of urban areas. This will ensure that the growth and location of jobs coincides with demand to produce enhanced local employment options.

As with urban development, industrial development will be guided by *Perth and Peel @ 3.5 million*, which advocates the benefits of a more compact and environmentally sustainable city, while using land and infrastructure in an efficient manner over a long-term planning horizon (of approximately 35 years).

## 4 Implementation Framework

### 4.1 LEGISLATION AND POLICY

#### 4.1.1 Planning and Development Act 2005

The *Planning and Development Act 2005* (P&D Act) is the primary legislative instrument governing development in Western Australia. Its stated purposes are to provide for an efficient and effective land-use planning system in the State and to promote the sustainable use and development of land.

The P&D Act is the enabling legislation for most of the tasks undertaken by the WAPC, DoP and local government in progressing planning and development for Western Australia. In summary, the P&D Act:

- establishes and specifies the functions and powers of the WAPC;
- establishes the need for and process by which the WAPC can create and administer State planning policies, region planning schemes, interim development orders, planning control areas and improvement plans and schemes, and identifies the relationship between these different planning instruments;
- gives power to local governments to develop local planning schemes for their jurisdictions and establishes the process by which these schemes are to be formulated, administered and reviewed;

- establishes the requirement for WAPC approval to subdivide or amalgamate any lot and outlines the functions of the WAPC and processes it must follow in dealing with applications for subdivision or amalgamation;
- confirms the requirement for approval to commence development where established in a planning scheme or interim development order;
- sets out a regime for the payment of compensation for injurious affection caused by the making or amendment of a planning scheme or the acquisition of such land by the responsible authority;
- establishes the existence and operating procedures of the Metropolitan Region Improvement Account and the financial provisions relating to the WAPC;
- outlines the enforcement and legal proceedings applicable, and the review of decisions available, under the planning system; and
- requires proposed schemes and scheme amendments to be referred to the Environmental Protection Authority.

#### **4.1.2 Planning and Development (Local Planning Schemes) Regulations 2015**

The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) prescribe the procedures by which local planning strategies, local planning schemes and amendments to local planning schemes must be prepared and adopted by local government, the WAPC and the Minister for Planning, and sets out a Model Scheme Text as the foundation of local planning schemes.

A further component of the 2015 Regulations, as compared to the previous Town Planning Regulations 1967, is the inclusion of deemed provisions in Schedule 2. The Regulations enable the State to incorporate standard provisions into each operational scheme throughout the State, without the need to formally amend each individual scheme or await incremental change through the use of the model scheme text, as was previously the case. The Regulations will include deemed provisions for structure plans and local development plans, thereby strengthening an important element of the planning framework and the consideration of environmental issues.

#### **4.1.3 Environmental legislation that influences planning**

The planning system is influenced by other State legislation in addition to the P&D Act, including the following:

- *Environmental Protection Act 1986* (EP Act):
  - Schemes – The EP Act requires the EPA to determine whether or not to assess schemes and scheme amendments referred to it. The EPA may also determine that a scheme or scheme amendment is, by its nature, environmentally unacceptable. When assessed, conditions may be placed on the relevant scheme.
  - Proposals – The EP Act requires the referral of a proposal if there is likely to be a significant effect on the environment. Where a proposal is assessed and determined to be environmentally acceptable, it may be subject to environmental conditions.
- *Contaminated Sites Act 2003* – sets out a regime for classifying land that is contaminated. Where land is classified as “contaminated – remediation required”, the WAPC must not approve subdivision of that land, and a local government is not to approve development of that land,

without seeking and taking into account the advice of the Chief Executive Officer of the Department of Environment Regulation.

- *Heritage Council of Western Australia Act 1990* – establishes a State Register of Heritage Places, which is primarily a planning tool that notifies relevant planning decision-making authorities of heritage places and their significance.

#### **4.1.4 Other applicable legislation**

The P&D Act provides the primary legislative framework for planning control in Western Australia. There are, however, a number of legislative instruments that establish separate planning regimes for location-specific areas, including:

- *Metropolitan Redevelopment Authority Act 2011*;
- *Swan and Canning Rivers Management Act 2006*;
- *Perry Lakes Redevelopment Act 2005*;
- *Hope Valley Wattleup Redevelopment Act 2000*; and
- *Swan Valley Planning Act 1995*.

The following law may contain provisions which may further vary development control arrangements contained in the P&D Act and/or planning schemes:

- *Mining Act 1978*;
- State Agreement Acts; and
- Part V of the *Environmental Protection Act 1986* (*clearing of native vegetation*).

## **4.2 PLANNING AND APPROVAL PROCESSES**

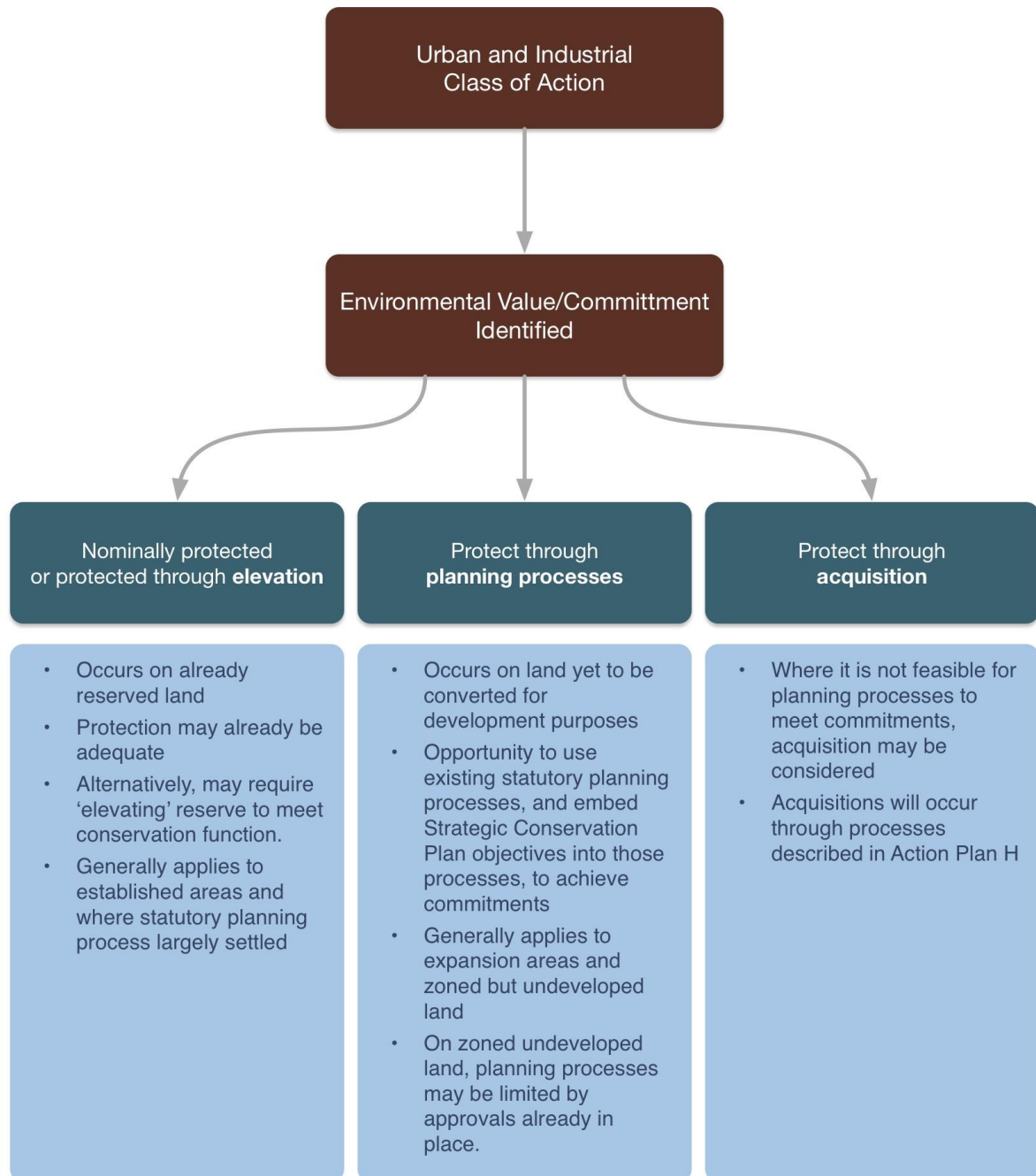
One objective of the Strategic Assessment is to deliver upfront Commonwealth environmental approvals for approved classes of action and a streamlined State environmental assessment and approvals process for new developments.

The Strategic Conservation Plan includes outcomes and objectives for MNES and State environmental values. Detailed commitments for these matters are included in Action Plans F and G. The Urban and Industrial Class of Action will contribute to meeting these commitments through planning and approvals processes. This Action Plan sets out a guide to the processes for avoidance, protection and/or acquisition of sites with significant environmental values through the planning process. The on-going management and rehabilitation of many of these sites will occur through processes described in Action Plan H. Planning processes may also be used for areas outside the Class of Action to implement Bush Forever or for areas owned by the WAPC. This is also described in Action Plan H.

The conservation and environmental commitments as they relate to the Urban and Industrial Class of Action occur on land with varying levels of existing development and approval for development. This impacts on how the commitments will be implemented as different processes and mechanisms will apply depending on the level of planning and development already in place. On this basis, there are three main streams by which the commitments will be met in the Urban and Industrial Class of Action, being:

- **Elevating nominally protected sites** – where a commitment falls on land that is already reserved, either by way of reservation for a public purpose in a planning scheme or, if land is Crown land, by the purpose of a management or other vesting, elevating the ability of such land to perform a conservation function.
- **Using planning processes** – where a commitment occurs on land that has potential for subdivision and development, there is opportunity to implement conservation outcomes through statutory planning processes.
- **Acquisition** – where it is not feasible to rely on planning processes to implement a commitment, acquisition of land may be considered.

Figure 4-1 outlines the approach by which the commitments will be met in the Urban and Industrial Class of Action.

**Figure 4-1: Planning approach for meeting commitments and protecting environmental values**

### 4.2.1 Elevating nominally protected sites

Nominally protected sites are those where the land has already been subject to some degree of land use planning and protection, either through classification of the land as ‘reserve’ or a Bush Forever site on a zoning map, and/or by formally creating reserve tenure over the land. As such, these sites are considered to be nominally protected.

There will however, be instances where the level of protection already afforded by the reserve purpose or classification set out in a management order may not be adequate to ensure protection of the value. For example, if a value falls within a Crown reserve for the purpose of ‘recreation’ (i.e. Carnaby’s feeding vegetation located within a playing fields reserve managed by a local government), the nominal protection of the ‘recreation’ reserve may not be enough to safeguard the conservation of the environmental value. In such instances, it may be necessary to consider ‘elevating’ the protection afforded by the reserve.

Where it is determined that the protection afforded by a reserve needs to be elevated, the State has the option to use implementation mechanisms provided through the *Land Administration Act 1997* and/or the *Conservation and Land Management Act 1984*. Typically, this will include a combination of:

- nominating ‘conservation’ as part of the reserve purpose; and
- issuing a management order to an appropriate conservation authority (typically the Department of Parks and Wildlife (Parks and Wildlife) or local government) and/or adopting a management plan over the site.

In certain instances there will also be opportunity for the P&D Act to contribute to elevating a site, although this will generally be limited to reconciling the *Land Administration Act 1997* reserve classification with the public purpose reservation shown on applicable zoning maps.

Elevating nominally protected sites will apply in areas that are already developed and where the statutory planning process has largely been applied.

Table 4-1 provides an overview of the mechanisms available for elevating a reserve site. It is important to note that this table does not detail the processes involved in elevating a site and that other, sometimes competing issues, may need to be considered.



Table 4-1: Elevation options

Elevation Options						
Site with Identified Value/s		Tenure	Management	Zoning and Scheme Provisions		Possible Other Options
		(Land Administration Act 1997)	(Land Administration Act 1997; Conservation and Land Management Act 1984)	(Planning and Development Act 2005)	Region Scheme	
Crown Reserve with Management Order to Parks and Wildlife		Check reserve status. If Class B or Standard reserve, elevate to Class A. <sup>1</sup>	NA (already has Management Order to Parks and Wildlife).	NA (although check that land is appropriately reserved under Region and Local Planning Schemes, reconcile if necessary).		List under IUCN conventions: I- Strict Nature Reserve II- Wilderness Area III- National Park IV- Habitat/Species Management area.
Crown Reserve, not Parks and Wildlife managed		Check reserve purpose. Amend to a conservation purpose as required.  Check reserve status. If Class B or Standard reserve, elevate to Class A. <sup>1</sup>	Apply Management Order to Parks and Wildlife. <sup>3</sup>	NA (check that land is appropriately reserved under Region and Local Planning Schemes, reconcile if necessary).		
Bush Forever land	WAPC owned	Transfer ownership to Crown.  Specify purpose of reserve for a conservation purpose.	If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or local government (LG)). <sup>3</sup>	For land that is not appropriately reserved under Region and Local Planning Schemes, reconcile as necessary.		Consider a negotiated planning solution, as appropriate in accordance with SPP2.8.
	Privately owned	Transfer ownership to Crown. <sup>2</sup>  Specify purpose of reserve for a conservation purpose.				
Region Scheme reserved land for a conservation purpose (Parks & Rec, Regional Open Space, State Forest, Waterways)		If not Crown land, transfer ownership to the Crown. <sup>2</sup>  Specify purpose of reserve for a conservation purpose.	If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or LG).	NA		If transferred to Crown, consider funding for local conservation and land care groups to assist with land management.  If privately owned, consider implementing conservation covenant/s (agreement) between owner and Parks and Wildlife.

<b>Region Scheme reserved land that does not include a conservation purpose (i.e. Railways, Port Installation, Civic and Cultural, Public Purposes, Road)</b>	<p>If not Crown land, transfer ownership to the Crown.</p> <p>Specify purpose of reserve for a conservation purpose.</p>	<p>If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or LG).<sup>3</sup></p>	<p>Amend Region Scheme to reserve land as Parks and Recreation or Regional Open Space (ROS) as appropriate.</p>	<p>If transferred to Crown, consider funding for local conservation and land care groups to assist with land management.</p> <p>If privately owned, consider implementing conservation covenant/s (agreement) between owner and Parks and Wildlife.</p>
<b>Local Scheme reserved land; Or Land reserved under a WAPC endorsed Structure Plan</b>	<p>If not Crown land, transfer ownership to the Crown.<sup>2</sup></p> <p>Specify purpose of reserve for a conservation purpose.</p>	<p>If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or LG).<sup>3</sup></p>	<p>Amend applicable Region Scheme to classify as P&amp;R or ROS, for sites 7 ha or larger.</p>	<p>If introduced under Urban Development zone (or similar) structure plan, reconcile Local Scheme to classify as reserve.</p> <p>If transferred to Crown, consider funding for local conservation and land care groups to assist with land management.</p> <p>If privately owned, consider implementing conservation covenant/s (agreement) between owner and Parks and Wildlife.</p>

## Footnotes:

- Class A has the greatest degree of protection, requiring approval of Parliament to amend the reserve's purpose or area, or to cancel the reservation. The A classification is used solely to protect areas of high conservation or high community value.
- Transfer of privately owned land to Crown can be achieved by:
  - Acquisition by the State (cost implication);
  - If land has subdivision potential, under Section 152 of the P&D Act, land can be ceded free of cost to the Crown as a condition of subdivision. See Part 10 – Reserve Conditions of the WAPC Model Subdivision Conditions Oct 2012.
- There are cost implications for the State in granting a Management Order to a State authority (e.g. Parks and Wildlife) and similarly for local government where Management Order applies to LG.

NOTE: This table does not imply any pre-arranged agreements between WAPC/DoP and any State authority (e.g. Parks and Wildlife) or local government for the management of reserved land under a Management Order.

NOTE: There may be other written law that may assist with protecting land considered to have significant environmental values.

### **4.2.2 Planning process**

Enabled by the legislation outlined in 4.1 above, the Western Australian planning system comprises a framework of planning policy, statutory documents and processes to guide decision making and ensure appropriate development outcomes. In brief, this consists of the following:

#### ***Strategic planning***

Includes the highest order planning policy documents which are developed and implemented by the WAPC or local government to provide guidance on planning, land use and development decision making. They provide the strategic basis for the development of statutory controls and provisions, but are not themselves regulatory instruments. The hierarchy of strategic and operational planning documents is broadly set out in State Planning Policy 1 and currently includes:

- State Planning Strategy 2050;
- Directions 2031 and Beyond;
- Perth and Peel @ 3.5 million;
- State Planning Policies;
- Liveable Neighbourhoods;
- Development Control Policies;
- WAPC guidelines and manuals;
- Local Planning Strategies; and
- Local Planning Policies.

#### ***Spatial planning***

Spatial plans are an integral part of the planning process. They provide a framework for the coordinated provision of services, infrastructure, land use and development, and provide a guide to the intended pattern of future development of an area. They can apply at either the strategic or statutory level, depending on the scale, and help guide State or local government decision makers in the assessment of rezoning, subdivision and development applications. Spatial plans consist of:

- Regional planning and infrastructure frameworks;
- Sub-regional planning frameworks and structure plans;
- District structure plans;
- Local structure plans and activity centre plans; and
- Local development plans.

#### ***Statutory planning***

Statutory planning documents adopted by the WAPC and local government guide and control land use, subdivision and development in WA. They have legal status and are enforceable and/or confer additional powers on planning authorities. Statutory planning documents consist of:

- Region planning schemes;
- Interim development orders;
- Declaration to establish planning control areas;
- Improvement plans and schemes; and
- Local planning schemes.

***Planning application and enforcement***

The implementation of the statutory framework occurs largely through the subdivision and development approvals processes. These consist of:

- Subdivision;
- Development;
- Review of decisions; and
- Enforcement.

Within the parameters of the legislation and the overall planning framework outlined above, there are a number of embedded mechanisms which provide for consideration and protection of environmental values and afford a strong position to State and local government to deliver the environmental objectives sought through the Strategic Conservation Plan.

The framework as it applies to the Urban and Industrial Class of Action consists of:

- Sub-regional planning frameworks and structure plans;
- Region schemes;
- Local planning schemes;
- Local structure plans; and
- Subdivision and development control.

Figure 4-2 provides a diagrammatic representation of the planning hierarchy as it applies to urban and industrial development. A central concept of the planning hierarchy is an increasing level of detail as processes shift from left to right.

The Western Australian planning framework has a proven record of protecting high environmental values through this system of planning processes. A major outcome sought through the Strategic Conservation Plan is the embedding of additional data, protocols and systems in the planning process to achieve conservation of environmental values. In this regard, it is intended to incorporate the need for development to comply with the Strategic Conservation Plan into the planning framework.

Figure 4-3 provides a summary of the planning processes that will apply to urban and industrial development in order to meet the commitments with respect to MNES and State environmental values.

The planning processes detailed in this Action Plan integrate planning process improvements discussed in section 4.2.4 and align with the Strategic Conservation Plan.

The integration of the Strategic Conservation Plan objectives into the planning processes will require further refinement and negotiation between relevant State agencies and stakeholders, and may require legislative change in order to implement. The details provided here may therefore be subject to change.

Figure 4-2: Planning framework applicable to the Urban and Industrial Class of Action

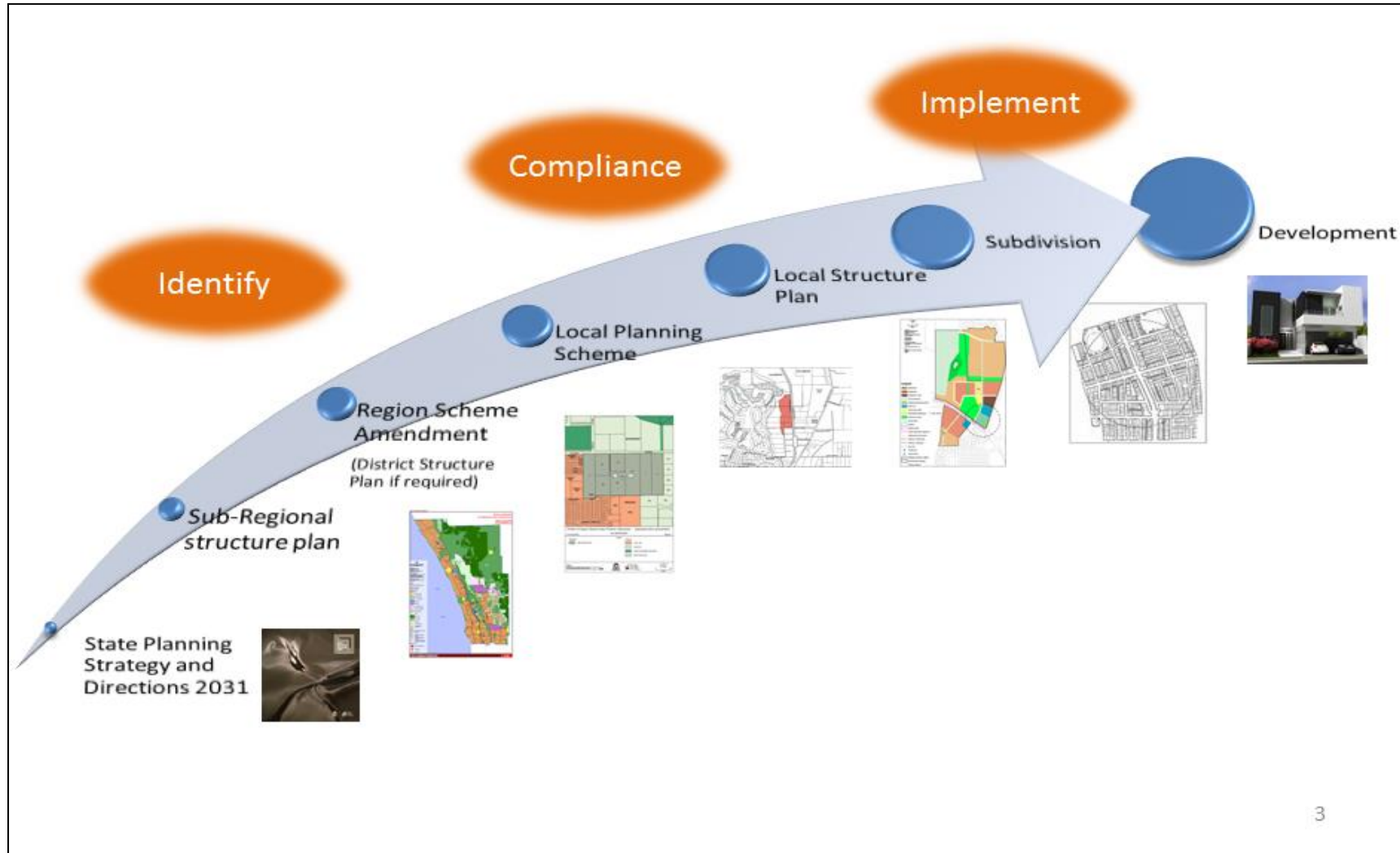
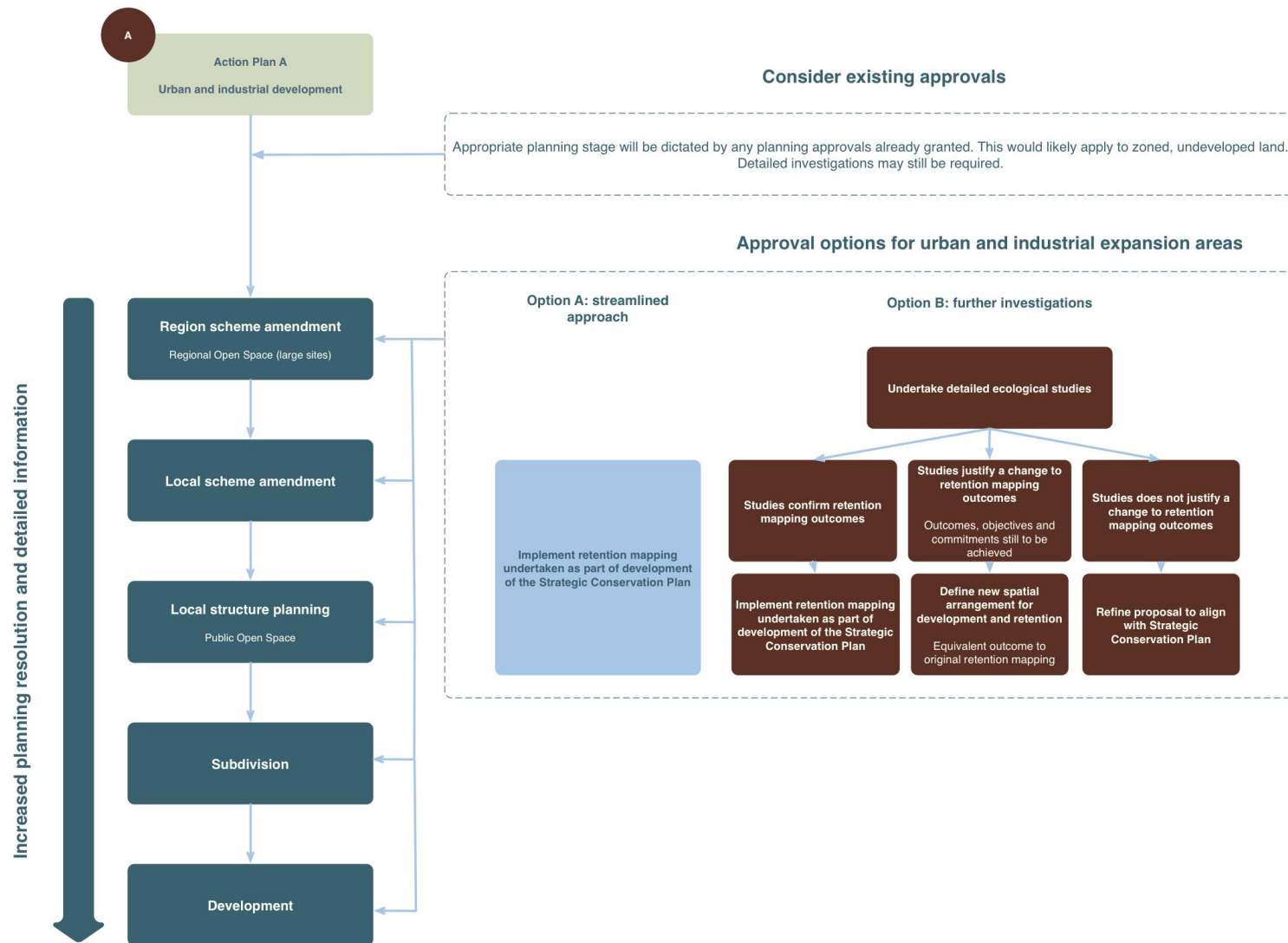


Figure 4-3: Summary of planning processes



***Retention of environmental values***

Within each of the areas identified for urban and industrial development, MNES and State environmental values may need to be retained. Where specific commitments to retain environmental values exist in Action Plan F or G, these must be incorporated into the design of the area. For broader commitments, there is some flexibility in the protection of these environmental values while achieving conservation outcomes as set out in Action Plan H – Conservation Program.

Where commitments occur on land that is yet to be converted for development purposes (i.e. from rural to urban) there is an opportunity to embed the Strategic Conservation Plan objectives into existing planning processes in order to meet the commitments with respect to MNES and State environmental values.

With respect to urban and industrial expansion areas, further more refined spatial data and mapping of environmental values will be used to inform scheme amendments, structure planning, subdivision and development processes and designate areas of open space for the purpose of retention and protection of remnant vegetation that supports MNES and State environmental values.

Criteria will be developed to assist the decision-making process to allow for pragmatic outcomes to be achieved. Some of these criteria will relate to size, configuration and location of the area to be retained, as well as the significance, viability and context of the environmental value. Guidance will be prepared to assist proponents in the land development process to assist the selection of retention areas.

As part of the implementation of the Strategic Conservation Plan, State Government agencies will use the GIS database to determine the location of MNES and State environmental values. If a proponent incorporates the retention of these values into its designs, a streamlined approvals process will be enabled as depicted in Option A of Figure 4-3.

Where land contains significant environmental values, it is intended that these areas will be identified and ceded to the Crown through the subdivision process and reserved for conservation, although a number of other planning controls will contribute to meeting the commitments. This will apply in the urban and industrial ‘expansion’ and ‘investigation’ zones of the draft sub-regional planning frameworks, and in areas where the land is already zoned for urban or industrial development but development has yet to take place. It is important to note, however, that in the zoned but undeveloped areas, the ability of planning processes to implement the commitments will be influenced by the level of approvals already in place and the extent to which the environmental values were previously considered as part of those existing approvals.

It is intended that proposals which already have adopted structure plans will be subject to consideration on an individual basis in consultation with the DoP.

The mechanisms for retention of these sites will include but are not limited to Public Open Space, District Open Space and Regional Open Space, with the principal purpose of conservation. Due to the significant benefits provided by early identification of sites with environmental values to enable land development, these sites may be ceded to the Crown to secure tenure and management responsibilities, although there may be some circumstances that warrant acquisition at varied rates. The clarification of more refined boundaries is expected as a subsequent output of the Strategic Assessment with due regard given to the boundaries through structure planning, subdivision and development stages.

### **4.2.3 Acquisition**

In instances where a commitment exists for a MNES or State environmental value and it is not feasible for that commitment to be met through statutory planning processes, acquisition by the State of sites with such values may be considered to meet the commitments.

As detailed below, the State has an existing framework for acquiring land through regional reservations under the region schemes, and via the ongoing Bush Forever acquisition implemented under State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region (SPP 2.8).

#### ***Region Scheme Reservations***

The MRS and PRS include provisions for land to be classified for various public purposes (public purpose reservations). Specifically, the reservation purpose Parks and Recreation (P&R) in the MRS and Regional Open Space (ROS) in the PRS may be applied in the context of efforts to limit the development of environmentally valuable land by means of the planning approval process. These public purpose reservation descriptions under the region schemes are not limited to conservation and environmental values, and may also be applied to other areas of value to accommodate active and passive recreation such as playing fields.

#### ***Bush Forever***

SPP 2.8 was gazetted in 2010 with the aim of providing a policy and implementation framework to secure the long-term protection of biodiversity and associated environmental values across metropolitan Perth's bushland areas. A key component of Bush Forever is the spatial identification of a range of sites for protection, which are given statutory weight via spatial identification on the MRS maps through a notice of delegation.

A number of options are available under SPP 2.8 to achieve protection of designated Bush Forever sites, including acquisition. A significant function of the WAPC is to continue a program of acquisition of Bush Forever areas, and placing that land into the conservation estate.

#### ***Land Manager***

An important consideration for the State when acquiring land is to consider who will be responsible for managing that land. Where the purpose is to fulfil a conservation objective, this will generally fall to Parks and Wildlife and local government, but may also include others, such as the WAPC and the Botanic Gardens and Parks Authority.

Details of the State's commitments with respect to Bush Forever and acquisition of sites in the context of the Strategic Conservation Plan are included in Action Plan H.

### **4.2.4 Planning process improvements**

In order to embed the outcomes of the Strategic Conservation Plan into the planning system and create a more streamlined and effective system for the consideration of environmental values, it is intended to implement a number of planning process modifications and improvements, which will include the following:



***Pre-lodgement assistance to clarify and respond to issues***

The practice of 'pre-consult' prior to lodgement of local structure plans as outlined in the *Structure Planning and Preparation Guidelines* (2012) will be expanded to include as many planning processes as possible. The formalisation of this approach is to ensure environmental considerations can be clarified prior to the preparation of plans.

***GIS Database***

It will be important to spatially identify areas for retention. For the urban and industrial 'investigation' and 'expansion' areas identified in the draft sub-regional planning frameworks a GIS database will aggregate and spatially identify environmental attributes of Commonwealth and State importance.

A key objective of the GIS database will be to continually build on this data and convert it into a spatial GIS mapping tool which will provide a common data platform for the sharing of information to assist the assessment and consideration of urban and industrial proposals.

***Standardised and streamlined referral process under the Environmental Protection Act 1986***

The introduction of a streamlined referral process will be a key efficiency gain delivered by the Strategic Assessment. As the Strategic Conservation Plan includes commitments for the protection of environmental values, greater information and certainty enables the introduction of a 'fast-track' approach to the consideration of referrals when planning proposals are put forward.

Under the Strategic Conservation Plan, individual developers will not be required to seek environmental approval under the EPBC Act if their proposal aligns with the Strategic Conservation Plan, although the provisions of other State laws related to planning approvals and environmental protection will continue to apply. The benefits to developers will be significant in terms of planning certainty, time and resource savings and will form a crucial component of the streamlined approvals process delivered under the Strategic Conservation Plan.

Streamlining State approvals processes will be made possible through the early consideration of environmental matters and cumulative impacts in the development of the draft sub-regional planning frameworks, the Strategic Conservation Plan and the provision of the EPA's strategic advice under section 16(e) of the EP Act.

Opportunities will be investigated to streamline existing EPA referral and assessment processes under both planning and environmental legislation. Should this initiative be fully implemented, it is envisioned that Section 38 and 81 of the P&D Act will be amended so that only schemes and scheme amendments of classes not prescribed in the regulations made under the EP Act will need to be referred to the EPA (under Part IV Division 3 of the EP Act). Part IV Division 1 of the EP Act will continue to apply to environmentally significant proposals that are inconsistent with the Strategic Conservation Plan.

With respect to already zoned but as yet undeveloped land, developers will need to meet the relevant commitments articulated in the Strategic Conservation Plan as well as implement any EP Act advice or conditions provided through existing environmental approvals.

## 4.3 RELATIONSHIP TO IMPLEMENTATION OF OTHER ACTION PLANS

The implementation of this Action Plan is closely related to the implementation of a number of other Action Plans. All other development covered by Action Plans B to E will have relevance to the Urban and Industrial Class of Action. For instance, Action Plan D – Basic Raw Materials and Action Plan E – Harvesting of Pines will impact on areas identified for future urban and industrial expansion, in that there will be requirements to consider issues such as buffers from quarrying activities and processes to consider and address drinking water quality risks in order to realise sequential land uses as land is converted from pines or basic raw material (BRM) extraction to urban and/or industrial uses.

The following Action Plans also contain elements that are relevant to the Urban and Industrial Class of Action:

- Action Plan F - MNES conservation commitments
- Action Plan G - State environmental commitments
- Action Plan H - Conservation Program
- Action Plan I - Assurance Plan

Any changes in these Action Plans will automatically apply to the Urban and Industrial Action Plan, where relevant.

### 4.3.1 Commitments for MNES and State environmental values

The State has made commitments to retain and protect populations of MNES and State environmental values that occur on urban and industrial zoned land within the development footprint (as detailed in Action Plans F and G). Depending on the type of land where a commitment occurs, the Elevation table in **Table 4-1** provides an indication of how a commitment could be achieved.

As explained in Section 2, avoidance and mitigation of environmental impacts within the Urban and Industrial Class of Action will occur through:

- implementation of retention planning for expansion sites; and
- local scale avoidance and mitigation measures through planning and approvals processes.

Local scale planning offers the opportunity for further avoidance of impacts. Local government plays an important role in the planning process and often drives conservation of MNES and State environmental values at the local scale. The State will partner with local government in identifying further opportunities for avoidance of impacts and the delivery of specific conservation commitments. The designation of areas of vegetation to be retained will have due regard to local government biodiversity planning, viability assessment and ecological linkages.

In addition to these specific commitments, residual impacts on environmental values will be addressed through a program of offsets to support the delivery of the Conservation Program that will be implemented over the next thirty years. The Conservation Program and offsets framework are included in Action Plan H.

## **4.4 OTHER CONTROLS**

Under Section 51C of Part V Division 2 of the EP Act (clearing of native vegetation) it is an offence to clear native vegetation unless the clearing is undertaken in accordance with a clearing permit or an exemption applies.

There are two types of clearing permit exemptions:

- exemptions that are a requirement of a written law, or authorised under certain statutory processes under Schedule 6 of the EP Act; and
- exemptions for prescribed routine low impact land management practices under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

These exemptions do not apply in environmentally sensitive areas (ESAs) declared by the Minister for Environment under section 51B of the EP Act. The Clearing Regulations – Environmentally Sensitive Areas spatial dataset is available via Landgate's Shared Land Information Platform and from the Department of Environment Regulation's website.

The application of the clearing provisions of Part V of the EP Act to development within the Class of Action is outlined in Chapter 5 of the Strategic Conservation Plan.

## **4.5 FUNDING ARRANGEMENTS**

Funding mechanisms for implementation of the Strategic Conservation Plan and Action Plans are being developed. Funding measures are likely to include contributions from proponents applied through the approval processes that apply to each class of action under Action Plans A to D.

Further information on funding mechanisms relating to the implementation of the Strategic Conservation Plan and Action Plans will be released for public comment over the coming months.

