

STRUCTURE PLANS

- proposal to extend duration

This fact sheet has been prepared to outline planning considerations relevant to proposals to extend the duration of structure plans approved under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations).

It incorporates specific agency assessment and legislative requirements for the duration and extension of an approved structure plan.

A Structure Plan prepared under a local planning scheme may be prepared by the local government or by a third party making an application to the local government.

What are structure plans?

A structure plan is a key planning instrument for the coordination of future zoning, subdivision, and development of an area of land. It can be prepared for an undeveloped locality or parcel(s) of land (greenfield or brownfield) or an established locality that is identified for intensification of development and land use (infill). There are different types of structure plans for these circumstances which are outlined in the WA Planning Manual - Guidance for Structure Plans published in 2023 (refer to Clause 3 - Types of Structure Plans). A structure plan contains a set of steps, measures and controls that are necessary to guide the plan's implementation through progressive subdivision and/or development of the land in its application area.

Additionally, the 'deemed provisions' in Schedule 2 of the LPS Regulations include a range of regulatory requirements relating to the preparation, advertising and implementation of structure plans. The LPS Regulations provide for the making of structure plans which have a more greenfield function and focus and precinct structure plans which are used for urban consolidation precincts and infill areas. In accordance with cl.28(4) of the deemed provisions, a structure plan that was approved before 19 October 2015 is taken to have been approved on that day and will expire on 18 October 2025. Clause 28 specifies that a Structure Plan determined after 19 October 2015 will expire either 10 years after the approval date, or on another date specified by the Western Australian Planning Commission (WAPC) in its approval decision.

Why is this fact sheet required?

The WA Planning Manual - Guidance for Structure Plans provides direction on:

- a) The need and purpose of a structure plan
- b) Guiding principles and steps to prepare a structure plan
- c) The WAPC's approved manner and form
- d) Information requirements for structure plans
- e) Supporting templates

The upcoming expiration of some structure plans, which were granted a 10-year approval under clause 28(4) of the LPS Regulation, has raised questions about the extension process and the necessary procedures. Consequently, local governments, industry associations, consultants, and landowners have sought further guidance from the WAPC. Stakeholders have requested additional direction and advice on the process of revoking/lapsing or extending expiring structure plans, and the process of how the request for an extension will be processed by the WAPC.

What is the general process for seeking extension to a structure plan?

For proponents

1. Pre-lodgment consultation with the relevant local government/s, the Department of Planning, Lands and Heritage (the Department) and key State government stakeholders
2. Preparation and lodgment of a form 5D – Application to extend the approval of a Structure Plan with the WAPC
3. Assessment and recommendation to the WAPC
4. Determination of the request

For local governments

1. Pre-lodgment consultation with the Department and key State government stakeholders
2. Preparation and lodgment of a form 5D – Application to extend the approval of a Structure Plan with the WAPC.
3. Assessment and recommendation to the WAPC
4. Determination the request

Pre-lodgment consultation process

Prior to formally lodging a request to extend the approval period of a structure plan, it is strongly recommended that advice is sought from the local government (if relevant), key government stakeholders and the Department, prior to seeking an extension to the approval period. This information will guide the WAPC in considering whether the structure plan ought to be extended.

Local governments are typically the starting point for most proponents and, are a good source of advice for required approvals and any supporting technical information that may be required.

And, written input from the relevant local government will be particularly helpful in informing the WAPC's decision on whether to extend a structure plan.

Consultation with service agencies and Government stakeholders

It is recommended that proponents and local governments consider consultation with relevant service agencies and government departments prior to lodging a formal request. This is particularly important where there may have changes in:

1. Service delivery and capacity
2. Road network requirements and access arrangements
3. Environmental approval that may impact the ability to deliver elements of the structure plan
4. Environmental risks such as coastal, bushfire and flooding

Key considerations for the assessment to extend the approval period of a structure plan

Matters to be considered when seeking extension of the approval period

Sections 4.1 and 6.3 of the WA Planning Manual – Guidance for Structure Plans, provide guidance on the matters to be considered when extending the approval period for a structure plan. Other key considerations include the need and purpose of the structure plan and whether that need, and purpose has been fulfilled, normalized through a scheme review or the need continues.

Manner and form – information requirements

The LPS Regulations (Schedule 2, cl.16(1)(a) and (b)) require a structure plan to be prepared in the manner and form approved by the WAPC and include any maps, information and other material required by the WAPC.

In assessing whether the approval of a structure plan should be extended, the implementation section of the structure plan should continue to meet the contemporary planning framework, relative to the manner and form requirements.

Other important request-to-extend considerations

For the assessment of a request to extend the approval of an expiring structure plan, the WAPC will consider:

- a) The currency of the information in the structure plan, is the structure plan in a contemporary manner and form,
- b) Whether there is still a purpose for the structure plan, and
- c) Has the structure plan been implemented in part or in full.

The above listed elements together with the items outlined in section 3 of this Factsheet should be justified in any request to extend the approval as well as a justification for the length of the approval sought. The length of approval to extend will not exceed a period of 10 years unless there are exceptional circumstances that would warrant a longer period.

What will happen if the expiring structure plan doesn't meet the criteria for an extension

For some expiring structure plans, through discussions with the relevant local government and the Department, advice can be provided to proponents as to the suitability of revoking/lapsing a structure plan. This may be because the purpose of the structure plan has been completed and/or normalised through provisions in the local planning scheme, or alternatively approval of an extension for the purposes of preparing a new Structure Plan.

In considering whether to extend an approval for a structure plan, all elements discussed above in this Factsheet will be taken into consideration. In the event that the criteria in this Fact Sheet are not deemed to be satisfied, the WAPC may determine to refuse to extend the term of approval, in which case the structure plan will expire.

Additional resources

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

[WA Planning Manual - Guidance for Structure Plans 2023](#)

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FREQUENTLY ASKED QUESTIONS for Local Government and Proponents

1. How do you apply for an extension?

Applications to extend the term of a structure plan must include:

- A completed Form 5D.
- A covering letter or report addressing the criteria set out in the WA Planning Manual and this Fact Sheet.
- Written advice from the relevant local authority and other key stakeholders such as service authorities (on a case-by-case basis).

Applications are made directly to the WAPC and can be lodged via the WAPC's e-lodgment portal.

2. Form 5D - can an additional extension be granted

Each extension request should be considered on its merits and based on the criteria provided under clause 6.3 of the WA Planning Manual - Structure Plans and this Fact Sheet. Best practice would dictate that the Department considers an appropriate extension period so that further extensions will not be required/necessary.

3. Who can lodge Form 5D

The Regulations do not specify who should submit the application to extend the period of approval of a structure plan, however 6.3 of the WA Planning Manual - Guidance for Structure Plans states an **applicant** or **local government** can apply to the WAPC to obtain an extension to the period of approval, before the structure plan expires (Schedule 2, cl.28(2) of the Regulations). If the proponent submits the application to extend the period of approval, the applicant should provide written advice from the local government in relation to the extension.

4. What are some example scenarios for actions or decisions relating to a Structure Plan?

- a. Revoke - the structure plan is not in accordance cl.15 of the deemed provisions, or the Implementation Section is not contemporary.
- b. Extend - see 5. below for sliding timeframes.
- c. Grant a limited extension - provide time to review the structure plan (in part or in full) or to prepare a new structure plan - see 5. below for sliding timeframes.
- d. Grant a limited extension to provide time for the structure plan to be normalised by a local planning scheme review - see 5. below for sliding timeframes.

- e. Review/update the structure plan - in order to be contemporary, address issues previously not considered or apparent - see 5. below for sliding timeframes.

5. Example of sliding timeframes for extension:

- a. 1-3yrs - to enable time for review/update of a structure plan or finalisation of new local planning scheme.
- b. 3-5yrs - to enable final stages of a structure plan to be implemented.
- c. 5-10yrs - enable final stages of a larger or longer-term structure plan to be completed. Amendments to a structure plan have occurred and the structure plan is contemporary and consistent with the State Planning framework.

6. How to normalise into the local planning scheme yet keep components of a structure plan:

- a. Rezone
- b. R-coding
- c. Carrying over discrete controlling provisions only if required either as a general, zone, or site-specific provision (Part 4 of the model provisions - e.g. setbacks, building envelope, buffers, environmental provisions, lot sizes, floor levels)

STRUCTURE PLANS

- proposal to extend duration

7. Which circumstances do we need to advertise/ contact the landholders when:

- a. Expiring or repealed
- b. Extending
- c. Reviewing

The LPS Regulations specify requirements for advertising when preparing or amending a structure plan (Part 4, cl. 16. and cl.29(2) of the deemed provisions).

Prior to determining whether to extend, review or revoke a structure plan, consultation with all landowners of undeveloped land within the structure plan area ought to be undertaken by the proponent.

When a proposal to extend a structure plan is submitted by a landowner or representative and is supported by any other affected landowners (i.e. those whose land has not yet been developed), there is no need to formally advertise the proposal.

8. Can we also consider structure plans that are due to expire in following years - e.g., end 2026: How soon do we submit proposals to extend structure plans going forward?

Yes, a request to extend a structure plan may be submitted at any time. It is advised that early engagement is undertaken with the local government, service providers and any affected landowners within a minimum period of 12 months before the expiry of the structure plan. The Department can provide additional advice to proponents.

9. How do we identify what structure plans are due to expire?

- a. DPLH audit
- b. LG audit
- c. The date of WAPC approval in the Part 1 Implementation Section of the structure plan.

10. We have a structure plan that is currently being reviewed/updated but will not be completed prior to Oct 2025. What to do if you wish to extend the approval time?

Make application for a limited extension time - refer FAQ 5.

11. We have many structure plans linked to the Rural Residential zone that we want to keep to assist with guidance on Subdivision and Development?

Contemporary planning practice is that the structure plans be normalised and, if necessary, provisions carried over as controlling provisions in a local planning scheme through either a new local planning scheme or a local planning scheme amendment.

The WAPC will consider a limited extension on a case-by-case basis to allow time for structure plans be normalised and provisions carried over into a local planning scheme where appropriate.

STRUCTURE PLANS

- proposal to extend duration

12. We don't have capacity to review, and proponents don't have appetite to extend. We have concerns expiry will impact ongoing subdivision and development of a key development area. (e.g. Collie - Stott Strategic Industrial Area).

Ongoing and future subdivision and development should be undertaken in accordance with the provisions of the local planning scheme.

In this instance the local government should review the suitability of the strategic planning for the area to determine whether it is still necessary and appropriate to have a structure plan in place.

13. What assistance can DPLH/WAPC provide to smaller regional local governments:

DPLH will continue to provide planning assistance and advice where there is an absence of, or limited planning resources available on a case-by-case basis.

14. We have a structure plan that is made up of multiple plans - due to amendments over time (same SPN#). Can we extend all or some of the SP maps? Do we need to consolidate the plan?

Multiple plan structure plans do not meet the contemporary planning framework. These need to be consolidated or the provisions normalised through the local planning scheme. The WAPC may grant a limited extension in this instance to allow for this consolidation to occur.

15. We only want to retain a portion of the structure plan area as part has been normalised or will be normalised prior to the expiry of the approval date. Do we need to review, or do we extend?

Depends on the complexity of the remaining part.

- a. If the structure plan is not contemporary - review the undeveloped component (e.g., creek lines, flooding, bushfire, vegetation, other constraints not previously dealt with at SP) and normalise the developed part.
- b. If the undeveloped part is contemporary, consistent with the State Planning Framework and the structure plan is necessary to guide road layout, density, POS, School site across fragmented landholders - extend (provide justification for the period time requested).

16. Will extended or reviewed structure plans be published on the WAPC website.

Yes.

17. What is the process for LGs in advising WAPC that we have a list of structure plans we wish to extend?

- a. DPLH can provide informal assistance with an audit list of structure plans. However, you cannot submit to DPLH en bloc.
- b. Local governments must submit separate Form 5C (review) or Form 5D (Extend) for each individual structure plan via the Planning Online portal. They cannot be submitted en bloc.