

What is a Scheme Amendment?

A Scheme Amendment is a change to the Town's Local Planning Scheme No. 7 (Scheme). You may have heard of the term 'rezoning', when the zone over land changes from one to another. This occurs as part of a Scheme Amendment.

The Scheme consists of Scheme Maps that delineate zones and reserves, and the Scheme Text that outlines the development controls for zoned and reserved land. A change to any of these parts is referred to as a Scheme Amendment and must follow a process governed by the *State's Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations).



When is a Scheme Amendment required?

Scheme Amendments occur for different reasons, including:

- A change in zoning to accommodate development
- A change in R-Code to increase or decrease a residential density
- A change in the wording of the Scheme Text
- To correct any inconsistency or error

It is recommended that proponents discuss a proposed Scheme Amendment with the Town's Planning and Development Team before preparing any detailed documentation.

Types of Scheme Amendments

Determining the type of Scheme Amendment is usually based on its nature and complexity. The Planning Regulations classify Scheme Amendments as follows:

Basic Amendment

- Corrects an administrative error; or
- Brings the Scheme into consistency with any over-riding State legislation, State planning policy, or any approved plan or strategy for the area

Standard Amendment

- Where the amendment is consistent with Scheme objectives relating to Zone / Reserve;
- Is consistent with an endorsed local planning strategy;
- Creates an additional zone introduced by an adopted structure plan, activity centre plan or local development plan; or
- Would not result in any significant environmental, social, economic or governance impact on land in the Scheme area

Complex Amendment

- Is not consistent with, or addressed in, an endorsed local planning strategy;
- Relates to development of a significant scale impact in relation to development in the locality;
- Is required by an order made by the Minister under section 76 or 77A of the Act;
- Identifies or amends a development contribution area or a development

What is a 'Spot Rezoning'?

This is where a rezoning is requested over an individual property, such as a change to a zone or residential density coding (R-Code). Generally, 'Spot rezonings' are not supported outside a more comprehensive review of the Scheme.

'Spot rezoning' will only be supported if the particular site-specific circumstances are unique, the requested rezoning is of a special or urgent nature, and the resultant development will not adversely affect surrounding areas. Instead, the request should relate to a broader, more logical area or be considered as part of a major Scheme review.

Do I need to use planning consultants?

It is recommended to use a planning consultant given the sometimes complex nature of the process and matters that need to be considered. A planning consultant will prepare the Amendment document, which will be used throughout the process to:

- Providing the basis for the Town's report to Council;
- The advertised document;
- For forwarding on to the Western Australian Planning Commission for consideration and decision.

The Town may also require technical reports, including but not limited to: environmental, hydrological, infrastructure, transport or heritage to accompany Scheme Amendment documentation.

What is the process for a Scheme Amendment?

When undertaking an assessment of a Scheme Amendment, the Town must follow the process contained in the Planning Regulations. The Department of Planning, Lands and Heritage's website contains flowcharts for the Scheme Amendment process.

1 Initiation of Scheme Amendment

Following an assessment of the application, a report will be submitted to the Council to determine if the amendment should be initiated.

Should Council resolve to refuse to support initiating the amendment, the applicant will be advised accordingly. If Council considers an application has merit, it may resolve to initiate a scheme amendment for the purposes of public advertising.

2 EPA Referral

If Council resolves to initiative the amendment, the amendment documents will then be referred to the Environmental Protection Authority (EPA) to determine whether there is a need for an environmental assessment to be undertaken and to seek approval to advertise.

3 Advertising

On receipt of approval to advertise the amendment, the Town will arrange advertising in accordance with the Regulations. The consultation period is a minimum of 42 days in the case of a standard amendment, and a minimum of 60 days in the case of a complex amendment.

4 Consideration of Submissions

Following the advertising period, a report on any submissions received will be prepared and referred to Council. Should Council resolve to adopt the scheme amendment with or without modifications, the Town will forward the submissions together with Council's comments and recommendations to the WAPC. Should Council resolve not to adopt the scheme amendment, the Town must still forward the documents to the WAPC.

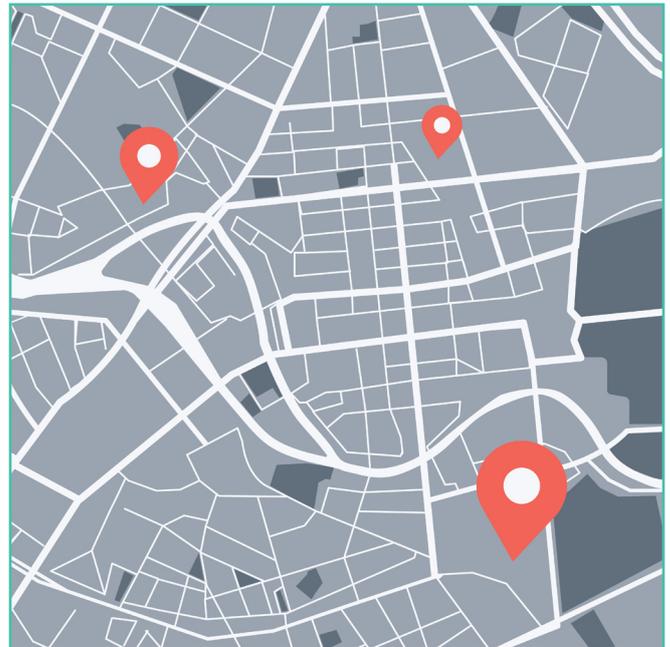
5 Final determination

The WAPC will make a recommendation to the Minister for Planning who makes the final determination on all Scheme Amendment applications. If the Minister agrees to grant final approval, the Town will then arrange for the scheme to be published to the government gazette.

Scheme Amendment Fees

The Scheme Amendment fee depends on the complexity of the proposal. *The Planning and Development Regulations 2009* outlines fees and is based on likely officer allocation of time to process a Scheme Amendment. For instance, a 'standard' Scheme Amendment may vary between \$3,000 and \$12,000 and is payable on lodgement of the Scheme Amendment.

You will need to discuss the complexity of your proposed Scheme Amendment with one of our Town Planners to obtain an invoice for your specific Scheme Amendment. If a Scheme Amendment is not initiated by Council, the Town will refund an appropriate portion of the application costs depending on officer time spent on processing the proposal.



How are Scheme Amendments advertised?

'Basic' Scheme Amendments are not required to be advertised. However, the Planning Regulations require 'standard' Scheme Amendments to be advertised for 42 days and 'complex' Scheme Amendments for 60 days. The advertising process for 'standard' and 'complex' Scheme Amendments will always involve:

- The provision of all relevant information on the Town's 'Public Consultation' webpage
- A notice to be published in the local newspaper
- The Amendment document to be made available at the front counter of the Town's Civic Centre
- An invitation to comment to all relevant government agencies that might be affected by the proposal.

In most cases, directly affected landowners will be contacted by written correspondence and made aware of the proposed Amendment. These landowners will be directed to the Town's 'Public Consultation' webpage for details on the Amendment.

How long do Scheme Amendments take?

The Scheme Amendment process is lengthy and complex, usually involving consideration at two Ordinary Council Meetings, a public consultation period (except for 'basic' Amendments), and processing at State Government level before being finally determined by the Minister. It is usually the case that this process takes nine to twelve months and sometimes longer.