

CITY OF BELMONT

Request for Scheme Amendment(s) to Local Planning Scheme

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What is a Local Planning Scheme?

A Local Planning Scheme is the principal statutory planning document for a local government area. It consists of a Scheme Text and Scheme Maps, which are read in conjunction with Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The key function of the Scheme is to provide for the zoning and reservation of land, permissibility of land uses and development requirements.

Local Planning Schemes are prepared pursuant to Part 5 of the *Planning and Development Act 2005* and Part 2 of the Regulations. Schedule 1 of the Regulations contains model provisions which establish a standardised format for Local Planning Schemes, including zones and land use classification. All Local Planning Schemes are required to be prepared in accordance with the model provisions, unless otherwise approved by the Western Australian Planning Commission.

What is a Scheme Amendment?

From time to time it is necessary to make changes to the Local Planning Scheme in order to bring it in line with strategic objectives, new state government legislation and policies, or the community's changing needs. This is called a 'Scheme Amendment' and allows the City to improve the function of the Scheme and respond to changes in particular areas.

These changes can be proposed by landowners, the City itself or State Government agencies. The decision to initiate a Scheme Amendment is however at the discretion of the City (the proponent has no appeal rights if the City determines not to pursue the amendment), and once initiated the City becomes responsible for progressing a Scheme Amendment through to the Western Australian Planning Commission and ultimately the Minister for Transport, Planning and Lands.

Scheme amendments occur for a number of different reasons including:

- a change in zoning to accommodate development;
- a change in the residential density coding to increase residential density;
- a change in the Scheme's wording to ensure more effective planning;
- to implement the strategic vision of the Local Planning Strategy; or
- to ensure orderly and proper planning.

Spot Rezoning

Modification of a small area of land in isolation from the wider locality is sometimes referred to as 'spot rezoning'. The Council will generally not support requests for spot rezoning for a change of zoning, residential density coding or building height limits for an individual lot or other small area, independently of a broader Scheme Review.

Spot rezoning will generally 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. Rather, the request should relate to a broader, more logical area, or be considered as part of a major Scheme review.

Town Planning Consultants

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It is usually advisable for an applicant to engage a suitably experienced Planning Consultant who can fully address all relevant planning issues in a Scheme Amendment request. If the Council supports the requested Scheme Amendment, this professional report will provide the basis for the City's report to Council.

The consultant may also be invited to prepare the necessary statutory report to be sent to the Western Australian Planning Commission and the Minister, following public advertising of the proposal. This report is also made available as public information during the advertising period when community comments are invited.

Preliminary Discussion

Before lodging a formal request, prospective applicants are encouraged to make an appointment with a Senior Planning Officer to discuss their proposal. The Officer will:

- advise whether or not the desired form of development can currently be approved within the framework of the existing Local Planning Scheme No. 15 without the need for a Scheme Amendment; and
- offer guidance as to whether the applicant's Scheme Amendment request is likely to be supported and how it should be formulated and justified.

To prepare for the meeting with the Senior Planning Officer, applicants should:

- investigate the existing development potential of the site; and
- consider the details of the intended development in terms of desired land uses, site layout and possible building design.

Formal Request

Information required to be submitted as part of a formal request, include an explanatory letter and a detailed report addressing all relevant considerations, including:

- the address of the subject lot or lots;
- an accurate description of the requested change in zoning, density coding or other amendment to the Scheme;
- the reasons for the request;
- justification for the application (referencing any applicable Council strategies or policies);
- likely effect (if any) of the proposal on surrounding land, in terms of building form, traffic, access, and the proposed use of the land generally.
- Concept plans or other supporting information further clarifying the purpose of the requested change may be required.

The formal request, including full justification and explanation, can be forwarded to the City:

By Post

City of Belmont
Locked Bag 379
CLOVERDALE WA 6985

By Email (size limit 10mb)

belmont@belmont.wa.gov.au

Scheme Amendment Fee

Scheme Amendments are subject to fees. Fee estimates are calculated in accordance with the *Planning and Development Regulations 2009*. The applicable fee is calculated by estimating the staff time and resources necessary to process and consider the Scheme Amendment.

Please note that the fees may vary according to the complexity of the amendment proposed and any additional hours logged by City staff. A record of costs will be kept in accordance with the *Planning and Development Regulations 2009*.

Scheme Amendment Process

The procedure for amending a Local Planning Scheme is set out in the State Government's *Planning and Development (Local Planning Schemes) Regulations 2015*. There are different timeframes applicable depending on whether the amendment is categorised as a 'Basic', 'Standard' or 'Complex' amendment. A description of these categories is provided below:

- **Basic Amendment**
 - corrects an administrative error; or
 - brings the Planning Scheme into consistency with any over-riding provisions of a State Government Act, State planning policy, or any approved local scheme, plan or strategy for the area.
- **Standard Amendment**
 - relates to a zone or reserve that is consistent with Scheme objectives;
 - 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 contribution plan.

Basic flow charts for each of the scheme amendments processes are available from the Western Australian Planning Commission's web site.

Refer:

Process for amendments to local planning schemes flowchart

https://www.dplh.wa.gov.au/getmedia/05184eac-8412-47ec-a7bf-803c0bebd996/FC_Process_for_Amendments_to_LPS_flowchart

Process for basic amendments to local planning schemes flowchart

https://www.dplh.wa.gov.au/getmedia/f35442e3-e5f6-4232-b57c-dd2c5afa2bf2/FC_Process_for_basic_amendments_to_local_planning_schemes_flowchart

Process for standard amendments to local planning schemes flowchart

https://www.dplh.wa.gov.au/getmedia/8eae00dc-809d-43ae-8de3-41808ca01217/FC_Process_for_standard_amendments_to_local_planning_schemes_flowchart

Process for complex amendments to local planning schemes flowchart

[https://www.dplh.wa.gov.au/getmedia/b2312852-605d-40a4-849a-](https://www.dplh.wa.gov.au/getmedia/b2312852-605d-40a4-849a-61fc8f9fab05/FC_Process_for_complex_amendments_to_local_planning_schemes_flowchart)

[61fc8f9fab05/FC Process for complex amendments to local planning schemes flowchart](https://www.dplh.wa.gov.au/getmedia/b2312852-605d-40a4-849a-61fc8f9fab05/FC_Process_for_complex_amendments_to_local_planning_schemes_flowchart)

The procedure for each kind of Scheme Amendment would generally involve:

1. A Council resolution to amend the Scheme;
2. Preparation of statutory amending documents;
3. Endorsement of the documents by the Council;
4. In the case of Standard and Complex Amendments:
 - a. advertising the draft Amendment proposals for comment;
 - b. consideration of any submissions; and
5. A Council resolution to support the Amendment (with or without modification) or not support it.
6. A determination by the Minister for Planning, Lands and Heritage.