

**LOCAL PLANNING POLICY**

<b>POLICY NO:</b>	<b>LPP.9</b>
<b>POLICY SUBJECT:</b>	<b>AMENDMENTS TO THE SHIRE'S LOCAL PLANNING SCHEME (INCLUDING REZONING)</b>
<b>ADOPTION DATE:</b>	<b>20 August 2009</b>
<b>LAST REVIEW</b>	<b>13 May 2010</b>

**STATEMENT OF INTENT**

This policy is designed to clearly define the process by which the Shire of Toodyay Local Planning Scheme can be amended.

**OBJECTIVES**

- To provide guidance to persons wishing to apply to Council to initiate amendments to its Local Planning Scheme; and
- To provide guidance on the minimum requirements pertaining to amendment documentation.

**BACKGROUND**

The Planning and Development Act 2005 combined with the Town Planning Regulations 1967 (as amended) make the provision for Amendments to be made to Local Planning Schemes and the procedures to be followed in so doing. These procedures may be summarised as follows although for formal requirements readers are directed to the relevant legislation:

- a) Resolution by Council to initiate an Amendment to its Local Planning Scheme;
- b) Submission of the proposed Amendment to the Department of Environment & Conservation (DEC) for clearance under the Environmental Protection Act;
- c) Approval by the Western Australian Planning Commission (WAPC) to advertise the Amendment unless it can be certified that the proposal is consistent with all relevant planning documents in which case the Council may go straight to advertising without the need for the approval of the WAPC;
- d) Advertisement of the proposed Amendment for public comment for a period of generally 42 days but which might be reduced on application to the WAPC to a minimum of 21 days;
- e) Any submissions received must be considered and scheduled in accordance with the provisions of the Town Planning Regulations as to whether or not they involve support for or objection to the proposed Amendment or express a neutral view;

- f) The Council is then required to either adopt the Amendment with or without modifications or to resolve not to proceed with the Amendment;
- g) If the Amendment is adopted with or without modifications, the Amendment is referred to the WAPC with a request that the Amendment be submitted to the Minister for Planning for final approval;
- h) If the Council resolves not to proceed with the Amendment, advice of that decision is to be forwarded to the WAPC and the Minister for Planning;
- i) The WAPC then considers the planning merits of the proposed Amendment and recommends to the Minister whether or not final approval should be granted;
- j) Following the final approval of the Minister for Planning, the Amendment must be published in the Government Gazette upon which it becomes operative and forms part of the Local Planning Scheme.

### **STATUTORY POWERS**

This Local Planning Policy is made pursuant to Clause 2.2 of the Shire of Toodyay Local Planning Scheme No 4.

### **POLICY STATEMENT**

1. A person wishing to initiate an amendment to the Scheme must submit formal Scheme Amendment documents at the expense of the applicant/landowner. The formal amendment documents and any wording contained therein must be to the satisfaction of the Council and meet the requirements of the Town Planning Regulations 1967 (as amended) before the formal amendment process can commence. The Council reserves the right to require modifications to the wording of the formal amendment documents before initiating the formal amendment procedure.
2. A draft of the document is to be submitted to Council to enable preliminary comments to be made on its content and format prior to the lodgement of the formal documents. This preliminary advice is without prejudice and reflects the views of the officer only. A formal decision can only be made by Council.

The Amendment Documents are Council documents and this is to be reflected in the grammar, accuracy, tone, information and statements contained within the report.

3. An electronic copy (in Word format and PDF) and four (4) hard copies of the Amendment Documents are to be submitted to Council for initiation. All fees are to be paid prior to the Amendment being put to Council for initiation.
4. The applicant/landowner should be aware that further modifications to the formal Scheme Amendment documents may be required by the WAPC or

by the Minister for Planning at later stages of the process through which the Amendment must pass.

Where significant modifications are required in the initial stages of the amendment process, Council will only provide broad comment and will request the applicant to modify the document and a further draft be submitted. It is not the role of Council or its officers to write the report when a consultant is working on behalf of a client.

5. The Formal Scheme Amendment Documents must conform to the requirements of the Town Planning Regulations 1967 and contain the following:
  - a) The wording of the formal resolution to be made by Council to amend the Town Planning Scheme;
  - b) An accompanying Scheme Amendment Report setting out the full details of, and justification for, the proposed amendment incorporating any reports of any specialist consultants that support that justification;
  - c) A Scheme Amendment Text (as appropriate) setting out the ways in which the Scheme text is to be amended, indicating the wording to be deleted, modified or inserted by adoption of the Amendment;
  - d) The Adoption Schedule as required by the Regulations; and
  - e) Two (2) Scheme Amendment Maps indicating the land affected by the amendment - one showing the present zoning over the subject land and the other showing the proposed zoning of the subject land.

Further information pertaining to the *Standard Requirements for Amendment Documents* are located within Appendix 1 of this policy document.

6. In some cases Council may stipulate that a proposed Scheme Amendment be accompanied by a Development Plan. A Development Plan is a very localised form of structure plan that will be used to guide the future development of the land the subject of the proposed Scheme Amendment. This development plan may need to address such issues as the following:
  - a) integration of proposal with surrounding development, land uses, transport links. The Development Plan is to consider the future subdivision of adjoining land areas and the Council may require that the Development Plan be expanded to consider adjoining properties.
  - b) impact on scenic landscape, conservation and heritage attributes;
  - c) staging and servicing of development including the provision of infrastructure;
  - d) the proposed lot layout and road configuration, having regard to the topography, vegetation and land form of the area;
  - e) fire management strategy;

- f) potential conflicts with surrounding land uses and buffer/setback requirements;
- g) environmental considerations including land, water and catchment management;
- h) land capability assessment;
- i) clearing requirements and building envelope locations; and/or
- j) building design guidelines.

The Development Plan may also need to be accompanied by a set of specific development conditions/controls for the subject land.

- 7. The applicant is to meet all costs related to the advertising of the proposed Scheme Amendment for public comment and all other associated Local Government costs

**Adopted as TP Policy 26 May 2005**  
**Reviewed Council Meeting 24 November 2005**  
**Amended Council Meeting 16 November 2006**  
**Reviewed Council Meeting 15 November 2007**  
**Amended Council Meeting 21 May 2009**  
**Reviewed Council Meeting 13 May 2010**

## **Standard Requirements for Amendment Documents**

This process is expected to reduce the time taken to complete an amendment, by reducing the need to do superfluous work, rework existing documents and by ensuring information required by the public is available during the consultation process. The following outlines the standard requirements for Amendment documents.

### **STANDARD OUTLINE:**

#### **Cover Page**

- Name of Local Planning Scheme and Amendment No.
- Should include a photo of the site

#### **Contents Page** *(Including page numbers)*

#### **Resolution Page** *(As required by Regulation)*

#### **Proposal Page**

#### **Title Page**

#### **Introduction**

- Identify the site and existing uses
- Outline the proposal
- Should include a location plan/photo

#### **Strategic Background**

- State strategies and relevant policies
- Council strategies and relevant policies
- State Planning Policies adopted under Part 3 of the Planning and Development Act 2005

#### **Planning**

- Justification for proposal
- Surrounding land uses/potential land use conflicts
- Zoning solution proposed
- Land suitability analysis
- Land capability analysis in accordance with Department of Agriculture criteria
- Recent development approvals/applications
- Movement networks (vehicular and pedestrian)

- Safety and Access
- Landscape and visual impact
- Topography
- Site History
- Cultural Significance (Aboriginal, Environmental, European, Maritime)
- Design/Planning response to constraints

#### **Services and Infrastructure**

- Roads
- Power
- Water
- Effluent disposal
- Fire
- Telecommunications
- Community facilities
- Public Open Space

#### **Amendment Proposal**

- Application throughout Scheme (i.e. beyond the subject site)
- Relationship to existing zones/Scheme provision (identify existing clauses that resolve site constraints/planning issues)
- All issues raised by Council or other agencies are to be addressed

#### **Conclusion**

- Summary of Proposal
- Summary of Justification

#### **Resolution Pages** *(As required by Regulation)*

#### **Zoning Maps** *(As required by Regulation)*

The above is considered the minimum standard for Amendment Documentation. It should be noted that where consideration has been given to a Scheme Amendment Request, Council may require that a supplementary list of information be supplied.

The document will be referred to a range of government agencies concurrently with it being placed on public advertising. The document is to provide all the relevant information on the proposal and is to provide a logical understanding of the issues facing the site and the remedies being offered. It is important to

ensure that this information is included, as it will provide a clear nexus between the opportunities and constraints for the proposal and the planning solution to the public.

It is up to the proponent (often a consultant) preparing the document to address each of the above issues. This may be in the suggested form or an alternative format can be used that is more suitable to a specific proposal (although such a format should still cover the required content).

