

Amendments to the Local Planning Scheme

Introduction

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

Objective

- 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.

Scope

Scheme Amendments are a statutory process involving a change to the zoning, land use permissibility, or development controls under the applicable Local Planning Scheme.

This policy applies to all Local Planning Schemes in the Shire of Toodyay. This policy will apply to all requests received by the Shire of Toodyay for Scheme Amendments.

This policy does not apply to 'basic amendments' as defined by the Planning and Development (Local Planning Schemes) Regulations 2015.

Definitions

Term	Definition
Act	<i>Planning and Development Act 2005</i>
Basic amendment	Definition as outlined in Reg 34 of the Planning and Development (Local Planning Schemes) Regulations 2015
CEO	Chief Executive Officer
Complex amendment	Definition as outlined in Reg 34 of the Planning and Development (Local Planning Schemes) Regulations 2015
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Regulations	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Shire	the Shire of Toodyay.

Term	Definition
Standard amendment	Definition as outlined in Reg 34 of the Planning and Development (Local Planning Schemes) Regulations 2015

Policy Statement

Council decisions on Scheme Amendments should take account of and be guided by the following:

1. Does the proposal have strategic merit?

- 1.1 Consideration should be given to how the proposed Scheme Amendment aligns with the vision and objectives of the Local Planning Strategy, and the potential implications of the proposal on the long-term planning for the Shire.
- 1.2 Where a Scheme Amendment departs from the vision and objectives of the Local Planning Strategy, consideration should be given to whether the Scheme Amendment demonstrates the following:
 - (a) A change that represents a better outcome for the specific site, and for the Shire overall.
 - (b) Provision of direct community benefit.
 - (c) A new opportunity or development outcome that is currently not anticipated within the Local Planning Strategy but is considered to have unique attributes and would achieve the overall intent of the Strategy.
 - (d) Delivery of strategic priorities approved by the Council.
 - (e) A specific infrastructure response to a key neighbourhood need identified in a strategy or plan of the Shire of Toodyay.

2. Is the proposal in the interests of orderly and proper planning?

- 2.1 Changes to individual lots or other small areas will generally not be supported independently of a broader Local Planning Scheme review. However, consideration will be given to proposals where:
 - (a) there are compelling site-specific circumstances (unique, unusual, urgent), and
 - (b) the proposal would achieve the outcomes of Part 1 above; and
 - (c) the resultant development would not adversely affect surrounding areas.
- 2.2 Scheme Amendments required for procedural purposes or that are considered to improve or clarify the existing intent of a Local Planning Scheme will generally be supported.
- 2.3 Consideration should be given to the extent to which a development proposal has progressed, with greater weight given to proposals with Development Approval, or concept plans and agreements between landowners and developers that will result in a tangible outcome.

- 2.4 Scheme Amendments should not be used in lieu of other strategic planning documents (such as Precinct Structure Plans) and should not facilitate development of a scale that unduly pre-empts or fetters the strategic planning of an area.

3. Does the proposal align with existing Scheme/ Policy objectives?

- 3.1 Where a Scheme Amendment deviates significantly from the existing Scheme/Policy (i.e. it results in a change to zoning, plot ratio, the building height limit, or a significant change to the development potential of an individual lot or other small area), the following should be taken into consideration:
- (a) Any unintended consequence and/or risk associated with initiating the amendment.
 - (b) Any undesirable precedents set because of initiating the amendment.
 - (c) The uniqueness of the proposition and site outcome.
 - (d) The level of community benefit being delivered by the proposal.
 - (e) The level of direct and long-term economic benefit, above what is considered to be the natural by-product of the development, that delivers specific outcomes identified in the Shire of Toodyay Economic Development Strategy.

4. Is there community support for the proposal?

- 4.1 Consideration needs to be given to any external feedback received on the formal advertising of the Local Planning Strategy or other planning instruments that directly relates to the Scheme Amendment. For example, if the community provided strong support for a land use during the advertising of the Local Planning Strategy, and that land use was proposed to be delivered as part of a Scheme Amendment, consideration would be given to those submissions received.

5. Amendment Application Process

- 5.1 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 Planning and Development (Local Planning Schemes) Regulations 2015 (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.
- 5.2 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.
- 5.3 The Amendment Documents are Council documents, and this is to be reflected in the grammar, accuracy, tone, information and statements contained within the report.

- 5.4 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
- 5.5 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.
- 5.6 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.
- 5.7 The Formal Scheme Amendment Documents must conform to the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 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.
- 5.8 Further information pertaining to the Standard Requirements for Amendment Documents are located within Appendix 1 of this policy document.
- 5.9 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 landform 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.
- 5.10 The Development Plan may also need to be accompanied by a set of specific development conditions/controls for the subject land.
- 5.11 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

Reference Information

Nil.

Legislation

- [Planning and Development Act 2005](#)
- [Planning and Development Regulations 2009](#)
- [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)
- [Shire of Toodyay Local Planning Scheme](#)

Associated documents

Nil.

Version control information

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Council Policy: Amendments to the Local Planning Scheme Policy

Appendix No 1 – Minimum 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.

The table below contains what 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 Amendment Documentation will be referred to a range of government agencies concurrently with it being placed on public advertising. It is important that it provides all the relevant information on the proposal and a logical understanding of the issues facing the site and the remedies being offered.

Standard Outline	
Page / Detail	What to include
Cover Page	<ul style="list-style-type: none"> Name of Local Planning Scheme and Amendment No.; and A photo of the site.
Contents Page	<ul style="list-style-type: none"> (Including page numbers)
Resolution Page	<ul style="list-style-type: none"> (As required by Regulation)
Proposal Page	<ul style="list-style-type: none">
Title Page	<ul style="list-style-type: none">
Introduction	<ul style="list-style-type: none"> Identify the site and existing uses; Outline the proposal; Should include a location plan/photo.
Strategic Background	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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;

Standard Outline	
Page / Detail	What to include
	<ul style="list-style-type: none"> • Landscape and visual impact; • Topography; • Site History; • Cultural Significance (Aboriginal, Maritime, Environmental, European); • Design/Planning response to constraints.
Services and Infrastructure	<ul style="list-style-type: none"> • Roads; • Power; • Water; • Effluent disposal; • Fire; • Telecommunications; • Community facilities; • Public Open Space.
Amendment Proposal	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Summary of Proposal; • Summary of Justification.
Resolution Pages	<ul style="list-style-type: none"> • (As required by Regulation)
Zoning Maps	<ul style="list-style-type: none"> • (As required by Regulation)

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).

It is important to ensure that the above 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.