

### Introduction

This fact sheet provides a summary of the Scheme Amendment process (rezoning) as it relates to the City's Local Planning Scheme No. 3. It is not a definitive document but rather seeks to provide general information to assist the public in understanding the requirements and processes applicable to Scheme Amendment proposals.

### What is a Scheme Amendment?

Scheme Amendment facilitates changes to the statutory planning framework by amending the Local Planning Scheme. The most common type of Scheme Amendment is known as a rezoning, where the existing zoning of a property (i.e. Residential) is changed to a new zoning (i.e. Business). The zoning of land determines what uses and development may be allowed on that land.

A Scheme Amendment may be requested by a landowner or instigated by the City. The City has a general presumption against changing the zoning of individual lots ("spot rezoning's") independent of a broader zoning review. However, the particular circumstances of specific sites may sometimes warrant this.

### How do I request a Scheme Amendment?

The following information must be submitted to enable Council to determine if the rezoning should be initiated:

- A covering letter signed by the owner of the land or alternatively the signature of the owner included as an attachment to the covering letter.
- The cover letter is also required to provide consent for the use of any copyrighted material provided in support of the proposed amendment. If consent is not provided the amendment will not be progressed; and
- Details of the subject site, the requested new zoning, the purposes for which it is sought and justification for the application (referencing any applicable strategies or policies or the State and/or Local Government). Concept plans and other supporting information may also be required. In this regard you may want to engage a town planning consultant to prepare your submission.

Upon receipt of the proposal the City will undertake an initial review of the proposal, following which fees in accordance with the City's Planning [Fees and Charges](#) will be requested. Should Council resolve not to initiate the amendment, the applicant may be refunded that portion of the fee that has not been used during the City's assessment of the proposal.

### Types of Scheme Amendments

When undertaking a Scheme Amendment, the City must follow the process contained in the State Government's *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)*.

The Regulations identify three different scheme amendment streams, as follows:

1. Basic Amendment – a streamlined process for predominantly administrative scheme amendments;
2. Standard Amendment – for scheme amendments of less strategic significance or complexity that are neither a basic or complex amendment; and
3. Complex Amendment – for scheme amendments that are significant in scale and/or inconsistent with the planning framework.

The City's officers will determine what stream the proposed amendment is aligned with. For further information on which stream an amendment may fall into, please refer to the definitions contained in the Regulations.

### The Scheme Amendment Process

The process for each stream of amendment varies – please refer to the flowcharts located at the end of this document. However generally the Scheme Amendment process includes the following steps:

### a) Initiation of Rezoning

Following an assessment of the application, a report will be submitted to the Planning and Development Committee and subsequently to allow 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 purpose of public advertising. If Council refuses to initiate a Scheme Amendment, the applicant may seek the Minister for Planning's reconsideration pursuant to Section 76 of the *Planning & Development Act 2005*.

### b) Referral to State Government Agencies

If Council resolves to initiate the amendment, the City will prepare the formal scheme amendment documentation. Once this has been completed to the City's satisfaction, the amendment is forwarded to the Environmental Protection Authority for preliminary approval to advertise. In the case of a Complex Scheme Amendment, the amendment will also require consent to advertise from the Western Australian Planning Commission (WAPC).

### c) Advertising (applicable to Standard and Complex Amendments only)

On receipt of approval to advertise the amendment, the City will arrange advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Planning Consultation Procedure. This will also require the applicant to arrange for sign/s to be erected on site for the duration of the advertising period. 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.

### d) Report on Submissions Received

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 City will forward the submissions together with Council's comments and recommendations to the WAPC. Should Council resolve not to adopt the Scheme Amendment it must still forward the documents to the WAPC.

### e) Final Determination

The final Scheme Amendment document, a schedule of all submissions received and details of Council's decision are referred to the WAPC to obtain the Minister for Planning's final approval. If the Minister agrees to grant final approval, the City will then arrange for the Scheme Amendment to be published in the Government Gazette, at which point it legally comes into effect. Where the Minister requires changes, the amendment is referred back to the City to process those changes. In all cases, the final decision rests with the Minister.

## Timeframes for Scheme Amendments

Scheme amendments are subject to processing timeframes as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. These vary depending on the amendment stream. For standard and complex amendments, applicants should anticipate a timeframe of up to 12 months.

## Enquiries

Enquiries may be made to the Schemes, Policies and Heritage team on (08) 9205 8555 or by appointment at the City's offices during opening hours (8.30am to 5pm).

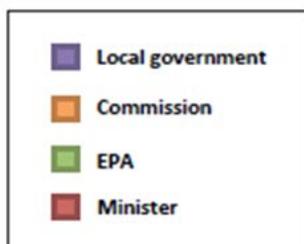
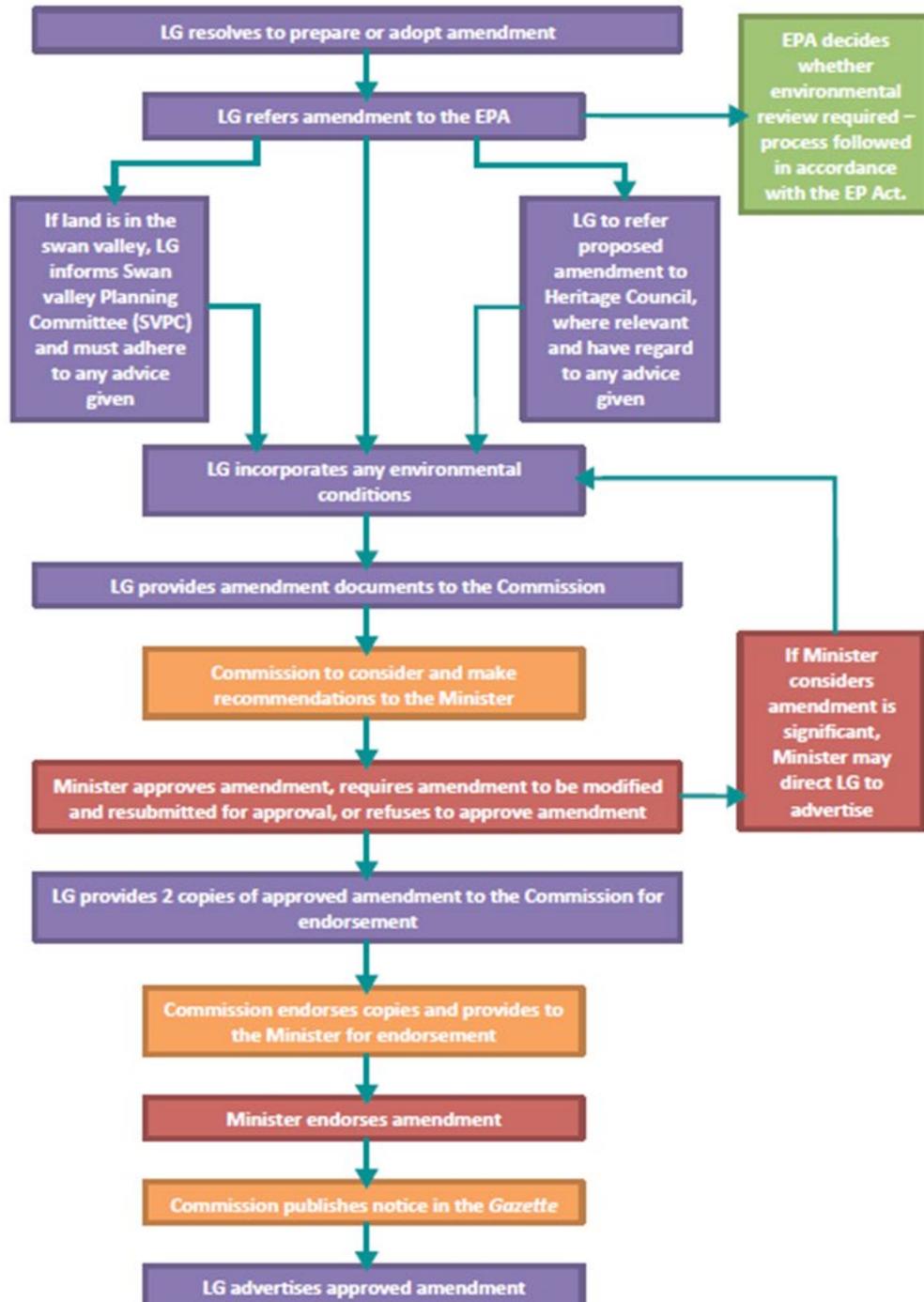
Further information may be available at:

- The City's website – [www.stirling.wa.gov.au](http://www.stirling.wa.gov.au)
- The WAPC website – [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au)
- The State Law Publisher's website – <https://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

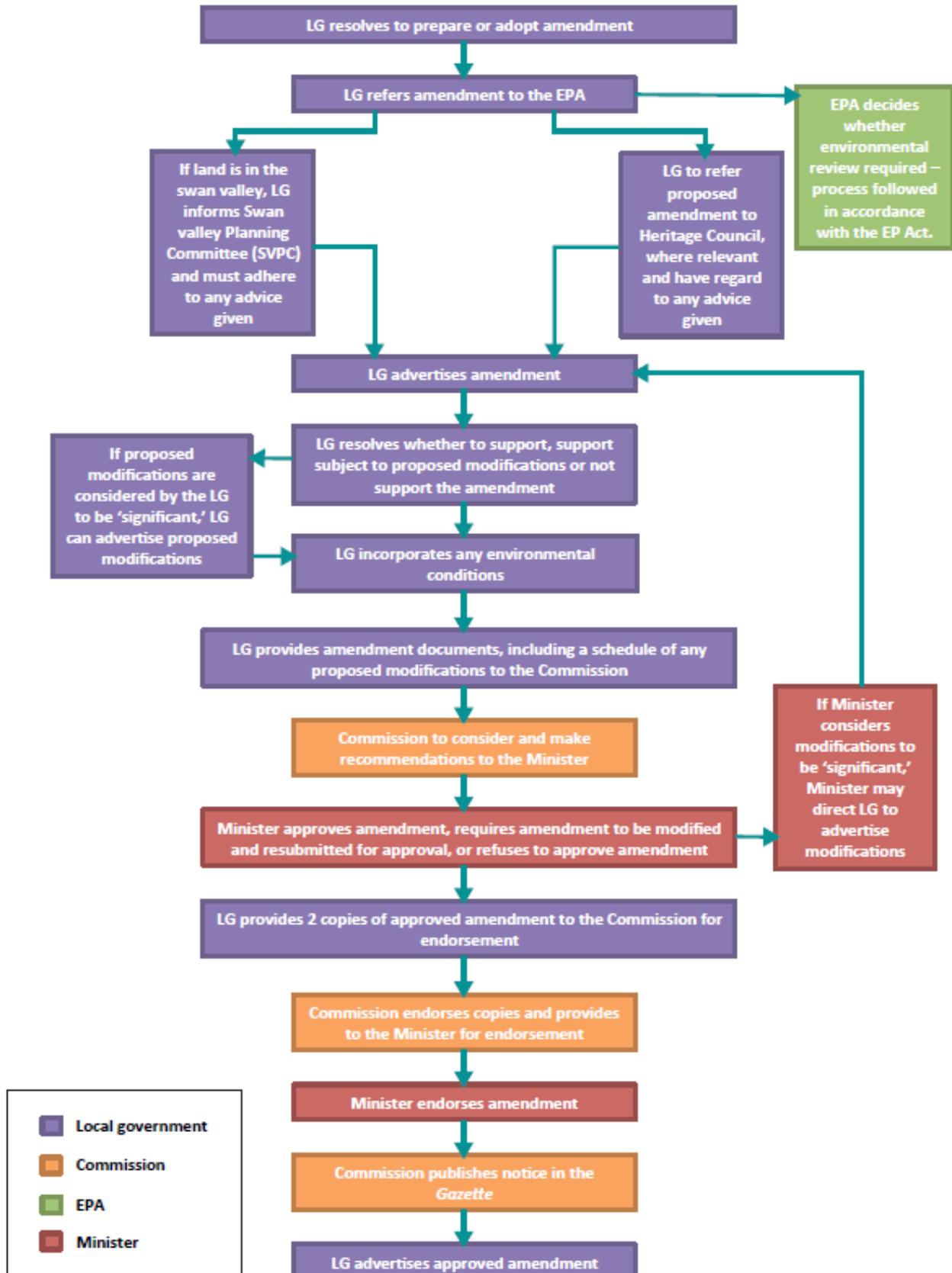
## Disclaimer

This publication is intended to provide general information only and may be subject to alteration without notification. Verification with the applicable legislation and other relevant documents is recommended when undertaking a detailed analysis.

### Basic Scheme Amendment



## Standard Scheme Amendment



## Complex Scheme Amendment

