

# Scheme Amendments

The Town of Port Hedland Town Planning Scheme No.5 (TPS5) applies to the municipal district of the Town of Port Hedland as shown by the Scheme area boundary on the Scheme Maps. The general objectives of the scheme are to:

- (a) Encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity;
- (b) Implement strategic planning for the municipality, including the recommendations of the State Planning Strategy and relevant regional planning strategies;
- (c) Reserve certain portions of land required for public purposes;
- (d) Zone the balance of the land within the Scheme Area for purposes described in the Scheme;
- (e) Define the uses and types of development to be permitted on land within the Scheme Area; and
- (f) Control and regulate the development of land, erection and demolition of buildings and the carrying out of works.

## **What is a Scheme Amendment**

It may be appropriate and necessary from time to time to amend TPS5. Any proposed modifications to TPS5, whether to the Scheme Text and/or Scheme Maps, are referred to as a Scheme Amendment. A Scheme Amendment can be proposed by landowners, the Town itself or State Government agencies. The decision to initiate a Scheme Amendment is however at the discretion of the Council.

A Scheme Amendment may be requested for various different reasons including:

- A change in zoning to accommodate development.
- A change in density coding to increase a residential density.
- A change in the wording of the Scheme Text for more effective planning.
- A change to implement a strategic vision of a Local Planning Strategy.

## **Spot Zoning**

**In any Town Planning Scheme, it is important for zoning to be applied in an orderly and proper manner. The Council will generally not support requests for a change of zoning and/or residential density coding for an individual lot or other small area.**

## **Scheme Amendment Fee**

The Town imposes a \$10,162.15 flat fee (includes all advertising) to all Scheme Amendment applications on lodgement. If an application is not initiated by the Town then the lodgement fee, minus the cost of staff time spent, will be refunded to the applicant. Furthermore, the fee only

# Scheme Amendments

provides for up to 50 external referral letters to be sent. Should the actual number be higher than allowed for, additional fees may be charged as per Councils Fees and Charges.

## **Town Planning Consultant**

It is considered advisable for the applicants to engage a suitably experienced planning consultant who can fully address all relevant 'Planning' issues in the initial Scheme Amendment request and subsequent stages. The consultant would also be engaged prepare the formal statutory Scheme Amendment document to be sent to the Western Australian Planning Commission and the Minister.

## **Scheme Amendment Process**

Section 75 of the Planning and Development Act 2005 provides for local governments to amend a local planning scheme. A Scheme Amendment becomes operative when approved by the Minister and published in the Government Gazette.

The procedure for amending a Town Planning Scheme is set out in the Town Planning Regulations 1967.

## **Discuss your proposal**

Before lodging a formal request, applicants are encouraged to make an appointment with a Planning Officer at the Town 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 TPS5 without the need for a Scheme Amendment; and
- Inform of the Town's current and proposed strategies, policies and studies.
- 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 a Planning Officer, applicants should:

- Read this information sheet;
- 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.

## **Prior to Initiating a Scheme Amendment**

In accordance with Section 9.7.3 of Town Planning Scheme No 5, in the case of a proposed request to amend the Scheme by a person other than the current landowner, the Town will

# Scheme Amendments

advertise the Scheme Amendment proposal to the affected property owners for a period of 28 days prior to considering the initiation of a proposed Scheme Amendment. This is a separate process required by Town Planning Scheme, and does not include the 42 day advertising period required by the Town Planning Regulations 1967.

## Subsequent Statutory Process

*Timeframes are indicative only. More complicated Scheme Amendments may require additional time.*

*In addition, the Town does not have control over timeframes taken by the Western Australian Planning Commission (WAPC).*

	Action	Approximate timeframe
1	<b>Preliminary discussion</b> Applicant and City officers discuss merits of proposal prior to formal lodgement	N/A
2	<b>Scheme Amendment request lodged</b> Request acknowledged, registered electronically, allocated to officer and fee determined	1 WEEK
3	<b>Internal Assessment</b> Subject to receipt of fee, Scheme Amendment request referred to internal departments for comment. Officer to consolidate comments and provide response to applicant requesting modifications/more information (if required)	5 WEEKS
4	<b>Notification to affected Property Owners</b>	4 WEEKS
5	<b>Council Report and Resolution</b> Officer prepares report to Council for consideration to initiate Scheme Amendment. Council resolve whether to initiate Amendment (with or without modifications) or not to proceed with the Amendment. (Note: Ordinary Council Meetings are held on a monthly basis except January)	4 WEEKS
6	<b>Referral to Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC)</b> Upon receipt of satisfactory documents, Scheme Amendment referred to EPA for comment and approval to advertise. Documents also sent to WAPC for information purposes.	4 WEEKS <i>*EPA may require an Environmental Review, or refuse to support the Amendment</i>
7	<b>Advertising</b> Following receipt of consent to advertise from EPA, Scheme Amendment is advertised via local newspaper, letters to affected landowners and service authorities/government agencies, on City's website, within City buildings and signs on site (if required).	6 WEEKS



# Scheme Amendments

8	<b>Assess Submissions</b> Officer assesses any submissions received during advertising period and prepares a schedule of submissions to supplement report to Council.	1 WEEK
9	<b>Council Report</b> Officer prepares report to Council with recommendation to either proceed with final approval, proceed with modification, not to proceed or request extension to assessment period (defer).	4 WEEKS
10	<b>Council Decision</b> Council resolve to either adopt, adopt with modifications, refuse or defer Scheme Amendment. Officer notifies applicant and submissioners of Council resolution.	1 WEEK
11	<b>Referral to WAPC</b> Scheme Amendment referred to WAPC for Minister for Planning consideration.	1 WEEK
12	<b>Minister for Planning Decision</b> Minister for Planning may approve, approve with modification or refuse Scheme Amendment. If major modifications are required, re-advertising of Scheme Amendment may occur at this stage.	6 – 8 WEEKS
13	<b>Final Approval and Gazettal</b> If Minister for Planning grants approval, Scheme Amendment is published in the Government Gazette (date when amendment legally comes into effect). Officer notifies applicant and submissioners of Scheme Amendment gazettal.	3 WEEKS
<b>TOTAL</b>		12 MONTHS* *may be longer if complex issues arise.

**Please be advised there is no right of appeal should the Scheme Amendment be refused by Council**