



For the  
*community*  
*creators*

# UDIA ENGAGEMENT TOOLKIT

Planning Framework Processes – What is a Local Planning Scheme and how are they updated?





# Overview

**A Local Planning Scheme is a legal document that establishes the local zones and reserves, development controls, land uses and development approval requirements within a local government area. To modify a Local Planning Scheme, such as rezoning land or introducing different land uses, a Council can initiate a local scheme amendment – or an owner of land may submit a Scheme Amendment Request.**

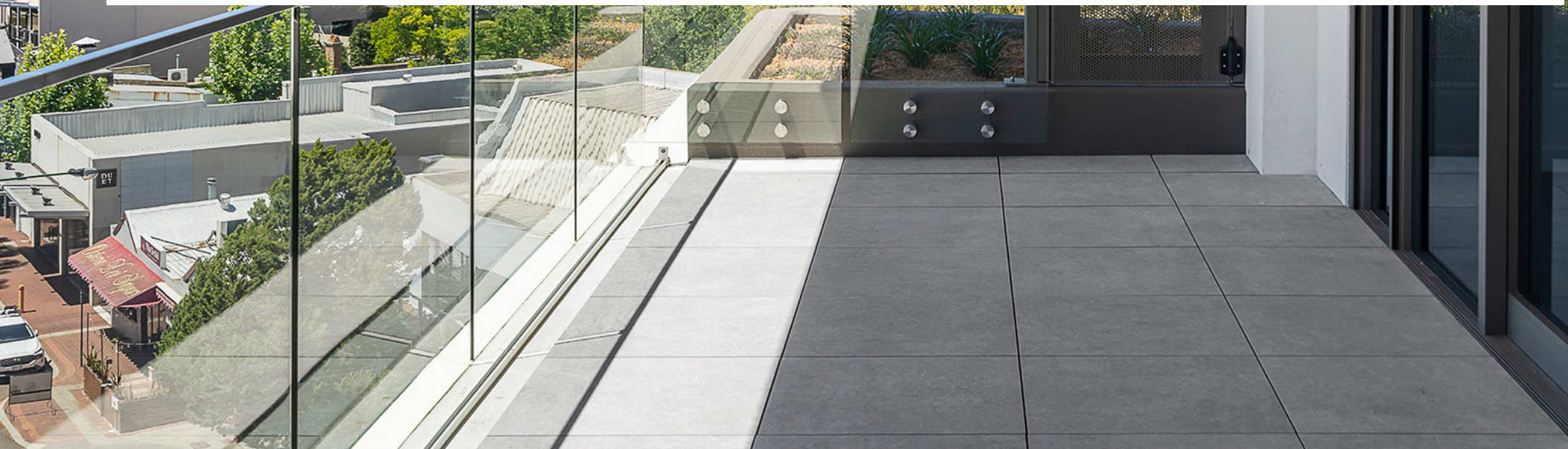
A Local Planning Scheme is owned and managed by the relevant Local Government. Under the *Planning and Development Act 2005*, it is necessary to maintain the Local Planning Scheme – whether by 5-yearly reviews or stand-alone scheme amendments – so that the scheme remains contemporary and fit-for-purpose.

Scheme Amendments occur for a variety of reasons, some of which include the following:

- A change in zoning to accommodate appropriate development;
- Modification to development standards for an area or zone;
- Modification to text in the Scheme to provide clarity and ensure effective planning;
- To implement the strategic vision of the Local Planning Strategy;
- To ensure content within the Scheme is up-to-date with current legislation;

- To make the local planning scheme consistent with a region scheme; or
- To deliver proper and orderly planning within a local government area.

Scheme amendments can be initiated by a local government at any time and must follow a specified procedure. For landowners, Scheme Amendment Requests that are submitted to a local government will need to provide appropriate planning and technical justification to be supported by the local government. An amendment is completed when it is published in the *Government Gazette*, meaning it has come into effect. Until then, the existing planning requirements of the scheme would continue to apply.





# Types of Scheme Amendments

There are three types of Scheme Amendments described by the Planning and Development (Local Planning Schemes) Regulations 2015. Below is a summary:

## Basic

A streamlined process for predominantly administrative Scheme Amendments. Examples include:

- Correcting administrative errors; or
- Amending a local planning scheme to align with provisions of a State Government Act, State Planning Policy, or approved region planning scheme, plan or strategy in the local government area.

## Standard

For Scheme Amendments of less strategic significance or complexity that are neither a basic nor complex amendment. Examples include:

- Rezoning land that is consistent with scheme objectives;
- Amendment that is consistent with an endorsed Local Planning Strategy;
- Inserting an additional zone introduced by an adopted activity centre plan, structure plan or local development plan; or
- Would not result in any significant environmental, social, economic or governance impact(s) on the scheme area.

## Complex

For Scheme Amendments that are significant in scale and/or inconsistent with the planning framework. Examples include:

- Amendments that are not consistent with an endorsed Local Planning Strategy;
- Relates to a development of a significant scale impact in relation to development in the locality;
- Amends a development contribution area or plan; or
- A scheme amendment is made in response to the Minister exercising powers under the Planning and Development Act 2005.

When initiating a Scheme Amendment process, the Local Government's Council must resolve whether the amendment is Basic, Standard or Complex and this is assessed based on the degree of complexity and likely effect on the surrounding area.

The Scheme Amendment process will vary depending on the proposal. It is important to accurately state the Scheme Amendment as basic, standard or complex. Towards the end of the scheme amendment process, the legislation allows for the WAPC or Minister to determine it at another level of Amendment (i.e. complex instead of standard) and that would require restarting of the whole process again.



# Scheme Amendment Process

The procedure for amending a Local Planning Scheme is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. As a general guide on timeframes (which are indicative):

- Basic amendments may take 6 months;
- Standard amendments may take 12 months; and
- Complex amendments may take 24 months.

A number of variables may influence timeframes. The procedure generally involves the following steps:

1. Council resolves to initiate and classify the type of amendment to the scheme;
2. When initiated, the proposed amendment is referred to the Environmental Protection Authority (EPA) for referral and whether the proposed amendment should be assessed under the *Environmental Protection Act 1986*;
3. For standard and complex amendments, the proposed amendment is provided to the Western Australian Planning Commission (WAPC) for its recommendation to the Minister for Planning to approve the proposed amendment for advertising. Basic amendments are not advertised;
4. Public advertising for a minimum of 42 days for standard amendments and 60 days for complex amendments. Basic amendments are not advertised;
5. The local government carefully considers all submissions and prepares a final report to Council for its resolution, to approve with or without modifications, or refuse to approve the proposed amendment;
6. The Council's resolution including all submissions on the amendment is forwarded to the WAPC who will assess the proposal and make a recommendation to the Minister for Planning – to approve with or without modifications, or refuse to approve the proposed amendment;
7. The final decision is made by the Minister for Planning to approve, approve subject to modification or refuse the scheme amendment; and
8. If approved, the amendment is published in the *Government Gazette* and comes into effect.

# Spot Rezoning

It is important for the zoning to be applied in an orderly and proper manner. The planning system has a general presumption against changing the zoning of individual lot(s), otherwise known as a "spot rezoning", independent of a broader zoning or local planning strategy. An example of "spot rezoning" would be an occasion where it is proposed to amend one lot in a street block proposing to change its zone or density coding etc, with all neighbouring properties being excluded.

Due to the administrative process and resources involved in undertaking a scheme amendment, local governments may defer any "spot rezoning" requests into a holistic review or when they prepare a new scheme. This is not to say that "spot rezonings" can never happen; there would need to be compelling planning rationale and justification in order to be considered appropriate.

Spot rezonings will generally only be supported in the following cases:

- If the particular site-specific circumstances are unique;
- The proposed amendment is of state or regional importance, or demonstrates it is a special or unique proposal; and/or
- The future development will not adversely affect surrounding land.



# Frequently Asked Questions

## What is a Region Scheme Amendment?

A region scheme applies across one or more regions and would cover multiple local government areas. The region schemes are managed by the Western Australian Planning Commission. Currently, Western Australia has three region schemes:

- Metropolitan Region Scheme (MRS) – including the 30 metropolitan local governments;
- Peel Region Scheme (PRS) – including the local governments of Mandurah, Murray and Waroona; and
- Greater Bunbury Region Scheme (GBRS) – including the local governments of Bunbury, Dardanup, Capel and Harvey.

The content of the scheme may vary between each region, but they generally set out broad land use zones or reserves and identify land required for regional purposes. Local planning schemes need to be consistent with the region scheme.

A region scheme amendment generally seeks to change the zones or reserves within the given region. The amendment process is regulated by the *Planning and Development Act 2005* and the *Planning and Development (Region Planning Scheme) Regulations 2023*.

## Are Scheme Amendments advertised?

A basic amendment does not require advertising. Standard amendments are advertised a minimum 42 days and complex amendments are advertised a minimum of 60 days. Advertising is undertaken in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. Advertising typically would include:

- Publishing a copy of the amendment on the local government website;
- Making a copy of the amendment available for public viewing in a place within the local government area (usually the administration office, library, etc); and
- Publishing a notice in a local newspaper.

## What information do I need to include in a Local Planning Scheme Request?

Applicants are required to clearly outline the amendment proposed and the reason for the amendment, through the preparation of a scheme amendment request.

The request should identify the following:

- The current scheme provisions and the proposed change to the scheme provisions;
- A suitable planning justification for the scheme amendment proposal supported by a written report;
- Sufficient detail of the proposed development or change in land use, if applicable;
- Supporting technical information from qualified consultants (e.g. bushfire management, traffic assessment, environmental review, noise management, stormwater, etc.)



## How long does a Local Planning Scheme Amendment take?

A brief outline of the general timeline and process for scheme amendments is detailed in Table 1 below. The length of time varies depending on the complexity of the amendment and can range from 12 months to over two years for complex amendments.

Action		Approximate Timeframe		
		Basic	Standard	Complex
1	Preliminary Discussion	(Not included)		
2	Scheme Amendment Request Lodged	1 Week		
3	Internal Assessment	3 Weeks		
4	Council Report and Resolution	4 Weeks		
5	Referral to Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC)	4 Weeks	4 Weeks	6 Weeks
6	Advertising	N/A	42 Days	60 Days
7	Assess Submissions	N/A	1 Week	1 Week
8	Council Report	N/A	4 Weeks	4 Weeks
9	Council Decision	1 Week		
10	Referral to WAPC	1 Week		
11	Minister for Planning Decision	42 Days	60 Days	90 Days
12	Final Approval and Gazettal	TBA		
Total		23 Weeks (<6 Weeks)	32 Weeks (8 Months)	41 Weeks (~10 Months)

Table 1 Local Planning Scheme Amendments Process and Indicative Timeframes



## What happens if the Council does not initiate an amendment?

The only available avenue is to present compelling evidence to the Minister for Planning that the local government has not initiated or prepared an amendment, where one ought to be prepared or adopted. The Minister may exercise powers under section 76 of the *Planning and Development Act 2005* where such representation satisfies the legislative thresholds for the Minister to intervene.

## What happens if the EPA requires an environmental assessment?

If the Environmental Protection Authority determines that the amendment is to be assessed, it will publish its decision at [www.epa.wa.gov.au](http://www.epa.wa.gov.au). The amendment will then need to be assessed in accordance with the level of environmental assessment. The determination is not appealable.

The amendment would incorporate any environmental conditions resulting from the environmental assessment.

The environmental assessment of the scheme amendment must be undertaken before the amendment can proceed to the Minister for approval for advertising.

## What happens if the Minister refuses to approve the scheme amendment for advertising?

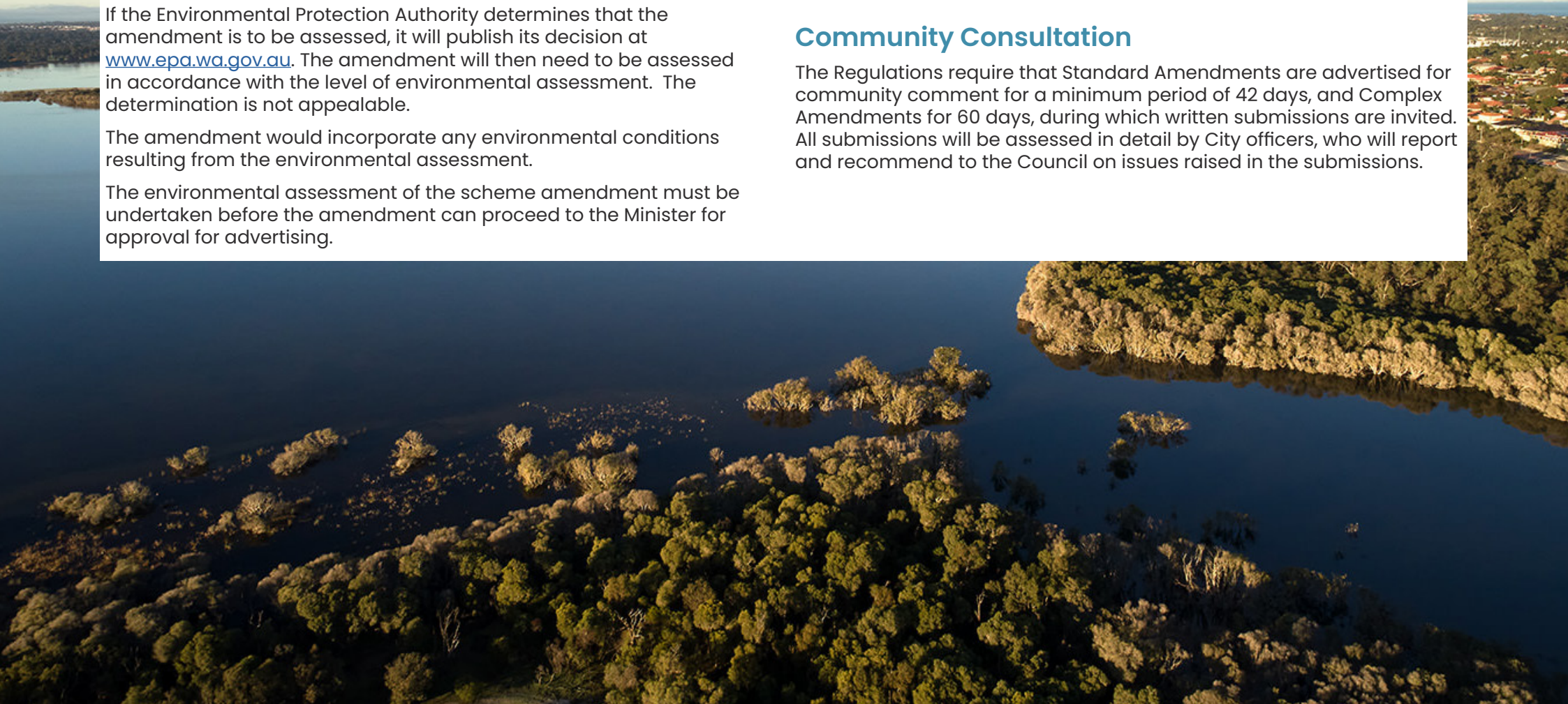
If the Minister refuses to approve the scheme amendment for advertising, the amendment cannot proceed further.

## What happens if the Council resolves to not support the amendment, after advertising?

Should Council resolve to not support the amendment, it is still required to be forwarded to the WAPC and for recommendation to the Minister for Planning approve with or without modification, or refuse to approve the amendment.

## Community Consultation

The Regulations require that Standard Amendments are advertised for community comment for a minimum period of 42 days, and Complex Amendments for 60 days, during which written submissions are invited. All submissions will be assessed in detail by City officers, who will report and recommend to the Council on issues raised in the submissions.







## Useful Links/ Resources

### Overview of the Regulations, Templates and Forms for Scheme Amendments

<https://www.wa.gov.au/government/document-collections/planning-and-development-local-planning-schemes-regulations-2015>

### Local Planning Scheme Amendment Flowcharts

<https://www.wa.gov.au/system/files/2024-04/local-planning-scheme-amendment-flowchartsv2.PDF>

### Frequently Asked Questions

<https://www.wa.gov.au/system/files/2021-07/PD-Practitioners-Frequently-Asked-Questions-updated-April-2021.pdf>

### Planning & Development (local planning schemes) Regulations (2015): see part 5 for Amendments

[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc\\_45565.pdf/\\$FILE/Planning%20and%20Development%20\(Local%20Planning%20Schemes\)%20Regulations%202015%20-%20%5B00-m0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45565.pdf/$FILE/Planning%20and%20Development%20(Local%20Planning%20Schemes)%20Regulations%202015%20-%20%5B00-m0-00%5D.pdf?OpenElement)

### Region Schemes

<https://www.wa.gov.au/organisation/departments-of-planning-lands-and-heritage/amending-the-region-planning-schemes#understanding>





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