

Shire of Denmark

**Local
Planning
Scheme
No. 4**



Community Engagement Session – May 2014

What Is A Local Planning Scheme?

- A Local Planning Scheme (previously referred to as a Town Planning Scheme) is a legal document that sets out how land can be used and what controls relate to development, use and subdivision of land.
- Local Planning Schemes are made under Part 5 of the Planning & Development Act 2005 and Town Planning Regulations 1967.
- Local Planning Schemes have a similar legal status to regulations and other types of subsidiary legislation; thus have legislative effect and must be treated as 'law'.
- Local governments are responsible for the preparation and administration of Local Planning Schemes.



Why Do We Need a New Scheme?

- Town Planning Scheme No. 3 (TPS 3) was gazetted on the 25 March 1994; revoking TPS 2 which had been operational since 4 July 1980.
- As per the Act, a review of a Planning Scheme should occur every five (5) years. This review process considers whether the Planning Scheme is satisfactory in its existing form or whether there is a need for a new scheme to be prepared.
- The Shire of Denmark undertook such review in 2002 and subsequently resolved at that time that a consolidated TPS No. 3 was satisfactory.
- In 2003 the WAPC considered the request for a consolidated TPS No. 3 and the Shire's then draft Local Planning Strategy and resolved that until such time as the Local Planning Strategy was ready for endorsement by the WAPC that a recommendation on the consolidated TPS No. 3 would be held in abeyance.
- The Shire of Denmark's Local Planning Strategy (2011) was adopted by Council in October 2011 and endorsed by the Western Australian Planning Commission (WAPC) in May 2012.
- Having regard to the Strategy (2011), Council resolved in March 2013 to prepare Local Planning Scheme No. 4 (Res 210313).



Consolidated TPS 3 – satisfactory having regard to the number of amendments that the Shire had undertaken to TPS 3 (noting as at May 2013 there have been 99 Scheme Amendments granted final approval by the Minister for Planning and that have taken effect) to ensure it's currency with current planning requirements and meeting local requirements for development.

LPS 4 purpose is to modernise the statutory planning controls within the municipality, reflect current best practice with regard to land use planning and provide guidance for the future development of the municipality.

Relationship to Local Planning Strategy

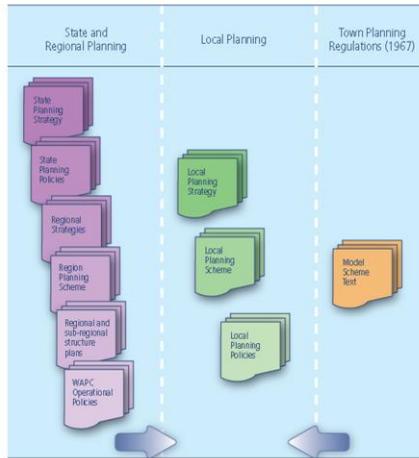
- A Local Planning Strategy (Strategy) sets out the long term planning directions for a local government area and guides land use planning for the next 20 years.
- A Strategy provides the rationale for the land use and development controls in a Local Planning Scheme.
- Local Planning Schemes are the principal statutory tool for implementing the Strategy.
- A Local Planning Scheme is required to be consistent with the Strategy.
- The Shire of Denmark's Local Planning Strategy (2011) was adopted by Council in October 2011 and endorsed by the Western Australian Planning Commission (WAPC) in May 2012.



When preparing LPS 4 there may be inconsistencies with the Strategy; thus there may be amendments required to be undertaken to the Strategy to ensure is consistent.

The amendment process does not re-open the entire LPS; only those aspects that need amending/review.

State & Regional Planning Context



State Planning Policies (SPP)

- SPPs are prepared and adopted by the WAPC as per the Planning & Development Act 2005.
- The WAPC & Local Governments must have 'due regard' to the provisions of SPP's when preparing or amending Local Planning Schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of SPP's when determining appeals.
- Relevant SPP's to the Shire of Denmark include:
 - SPP 1: State Planning Framework Policy
 - SPP 2: Environment and Natural Resources Policy
 - SPP 2.4: Basic Raw Materials
 - SPP 2.5: Land Use Planning in Rural Areas
 - SPP 2.6: State Coastal Planning Policy
 - SPP 2.7: Public Drinking Water Source Policy
 - SPP 2.9: Water Resources
 - SPP 3: Urban Growth and Settlement
 - SPP 3.1: Residential Design Codes
 - SPP 3.4: Natural Hazards and Disasters
 - SPP 3.5: Historic Heritage Conservation
 - SPP 3.6: Development Contributions for Infrastructure
 - SPP 4.1: State Industrial Buffer Policy
 - SPP 5.2: Telecommunications Infrastructure



Model Scheme Text (MST)

- MST provides standard clauses, terms and provisions for greater consistency in the basic legal and administrative provisions of Local Planning Schemes.
- MST places greater emphasis on the strategic focus and planning content of schemes – which is where the flexibility and adaptability to local circumstances can be introduced.
- The WAPC is currently reviewing the MST provisions (mainly interpretation provisions and layout) and the Shire of Denmark is liaising with the DoP regarding 'piloting' the proposed provisions and layout.



MST introduced in 1999 thus TPS 3 pre-MST provisions.

NB: Following slides have been based on current MST layout so this may change in the future.

LPS Text Content

Part 1: Preliminary

- Citation
- Responsible Authority
- Scheme Area
- Contents of Scheme
- Purposes of Scheme
- **Aims of the Scheme**
- Definitions
- Relationship with Local Laws



NB: sections highlighted in red are those that are not MST provisions – that is the Shire prepares the information as relevant

Citation

- References becomes effective upon publication of Scheme in government gazette
- Revokes existing town planning schemes (gazettal of LPS 4 will revoke TPS 3).

Contents of Scheme

- This is where the reference of “to be read in conjunction with Local Planning Strategy” is included.

Purposes of Scheme

- Sets out the planning aims and intentions for the Shire
- Sets aside land as reserves for public purposes
- Zones land within the scheme area for the purposes defined in the Scheme
- Controls and guides land use and development
- Sets out procedures for the assessment and determination of planning applications
- Makes provision for the administration and enforcement of the scheme and

- Addresses other matters as set out in Schedule 7 of the P&D Act 2005.

Aims of the Scheme

- This section sets out the underlying principles and objectives behind the provisions and offer an insight into the local government's motivations
- Due regard is given to Strategy provisions and Strategic Community Plan in preparation of the aims.

Definitions

- Reference is that words used in the scheme have the same meaning as per the P&D Act; or if not in the Act as per Schedule 1 of the Scheme or the R-Codes.

Relationship with Local Laws

- Where scheme is inconsistent with a local law, the Scheme prevails.

LPS Text Content cont'd

Part 2: Local Planning Policy Framework

- Scheme Determinations to Conform with Local Planning Strategy
- Local Planning Policies (LPP)
- Relationship of LPP to Scheme
- Procedure for Making or Amending a LPP
- Revocation of Local Planning Policy

LPS 4 Related Matters for Consideration

All current TPS 3 policies will be reviewed as part of LPS 4 processes.

Aim is to have suite of LPP's that will be 'ready to go' within short timeframe of gazettal of LPS 4.



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Scheme Determinations to Conform with Strategy

- Scheme determinations to be consistent with Strategy.

Local Planning Policies

- Provides ability for preparation of a LPP in relation to planning and development matters as deemed appropriate.

Relationship of LPP to Scheme

- If LPP is inconsistent with Scheme, Scheme prevails
- LPP is not part of the scheme and does not bind the local government in respect of any planning application but the local government is to have due regard to the provisions of such policy and the objectives which the policy is designed to achieve before making its determination.
- LPPs must be consistent with, and cannot vary, the intent of the Scheme provisions (nor the R-Codes).

Procedure for Making or Amending a LPP

- Provides details of statutory requirements for preparation and/or amending a LPP
- Public consultation is a statutory requirement for all LPP's

Revocation of Local Planning Policy

- Provides details of process to revoke an LPP.

LPS 4 Related Matters

As at May 2014 there are 31 operative LPP's (currently referenced as Town Planning Scheme Policies) adopted as per Clause 8.2 of TPS 3. Each policy will be reviewed in light of LPS 4 provisions to determine if still required/relevant; if so any modifications required etc. All LPS 4 policies will then be advertised as a suite of policies for public comment – noting that this is likely to occur only after the Shire of Denmark has adopted LPS 4 after public advertising.

LPS Text Content cont'd

Part 3: Reserves

- Reserves
- Regional Reserves
- Local Reserves
- Use and Development of Local Reserves

LPS 4 Related Matters for Consideration

- What land should be reserved for public purposes that is not currently 'reserved' under TPS 3?
- Any road related requirements (major new road connections? road widening?)



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Reserves

- Reservation of land under a scheme is generally applied where the use of the particular area is to be some form of public use or where protection of a natural resource cannot be achieved through zoning of the land. This might include recreation and environmental protection as well as areas to be used for public facilities and public utilities (e.g. hospitals, schools, waste water treatment plants, major transport corridors etc).

Regional Reserves

- Not applicable to the Shire of Denmark as there is no region planning scheme that relates to the area

Local Reserves

- References as depicted on the Scheme Map.

Use and Development of Local Reserves

- When land is reserved it may still remain in private ownership but cannot be developed without the approval of the local government
- In determining an application for planning approval, local government is to have due regard to the ultimate purpose intended for such reserve and where reserved for a public authority consult with such authority before determining the application.

LPS Text Content cont'd

Part 4: Zones and the Use of Land

- Zones
- Objectives of the Zones
- Zoning Table

Use classes	Zones			
	Rural	Residential	Local centre	Industrial
Agriculture – extensive	P	X	X	X
Bed & breakfast	D	A	X	X
Childcare premises	D	A	P	X
Educational establishment	A	A	D	X (or A)
Home occupation	P	P	P	X
Medical centre	X	X	P	X
Service station	X	X	D	D

- Interpretation of the Zoning Table
- Additional Uses
- Restricted Uses
- Special Use Zones
- Non-Conforming Uses



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Zones

- Zones as depicted on the Scheme Map.
- LPS designations and associated references will be the informing document.

Objectives of the Zones

- Provides strategic guidance of why the zone exists and some guidance as to type of land uses that may be appropriate in the zone as a result

Zoning Table

- This table outlines the permitted and prohibited land uses within each zone
- Symbols that are used in current MST provisions are:
 - P – means the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme (local government cannot refuse a “P” use because of the unsuitability of such use for designation of “P” automatically references the use is appropriate).
 - D – means that the use is not permitted unless the local government has exercised its discretion and grants planning approval (NB: in TPS 3 this is currently identified as ‘AA’ use)
 - A – means that the use is not permitted unless the local government has advertised the proposal and then exercised its discretion to grant planning approval (NB: in TPS 3 this is currently identified as ‘SA’ use)
 - X – means a use that is not permitted by the Scheme and the local government has no power to approve (NB: in TPS 3 this is currently identified with a blank cell)

Interpretation of the Zoning Table

- References where a specific use is mentioned in the zoning table it is deemed to be excluded from the general terms used to describe any other use (e.g. liquor store may be listed as a specific use, thus the use class of ‘liquor store’ is to apply and not that of ‘shop’).
- Provides guidance on how to consider those land uses that are not specifically mentioned in the zoning table (i.e Use Class Not Listed)

Additional Uses

- Provides for an additional use on a specific portion of land that otherwise would not be permitted in that zone; the base zoning remains in place but the Additional Use zoning applies to the land as well

Restricted Uses

- Irrespective of the zoning and the associated zoning table, a restricted use is the only use or uses that are permitted on a specific land parcel(s).

Special Use Zones

Special Use zones apply to special categories of land use which do not comfortably sit within any other zone.

Non-Conforming Uses

- Are those existing approved & operational uses that are now a prohibited (X) use as a result of a change in zoning (either via new scheme or scheme amendment).
- Use can continue indefinitely as long as it is not discontinued for a period of more than six months or the use is terminated by the local government (or other public authority) by paying compensation accordingly.
- Provides guidance as to how extensions and changes to a non-conforming use will be considered and what happens in the event that a non-conforming use building is destroyed.

LPS Text Content cont'd

Part 4: Zones and the Use of Land cont'd

LPS 4 Related Matters for Consideration

- The extent of zones
- The objective(s) of each zone
- The permissibility of land uses within each zone
- Any 'Additional Uses'
- Any 'Special Uses'
- Any 'Restricted Uses'



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LPS Text Content cont'd

Part 5: General Development Requirements

- Compliance with Development Standards & Requirements
- Residential Design Codes

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R30

R Code	Dwelling type	a		b		c			d	
		Minimum lot area (sq m)	Minimum lot area (acres)	Minimum lot area (sq m)	Minimum lot area (acres)	Open space to lot (m ²)	Open space to lot (sq m)	Primary street	Secondary street	Other/none
R10	Single house or grouped dwelling	984 5000	-	50	80	-	20	-	10	-
R11.5	Single house or grouped dwelling	984 4000	-	40	80	-	15	7.5	7.5	-
R20	Single house or grouped dwelling	984 2000	-	30	50	-	12	6	7.6	-
R30	Single house or grouped dwelling	984 1000	-	20	40	-	7.5	3	7.6	-
R11.5	Multiple dwelling	984 1000	-	20	-	-	7.5	3	7.6	-
R11.5	Single house or grouped dwelling	984 1000	762.5	17	16	-	7.5	3	7.6	-
R11.5	Multiple dwelling	984 1000	-	20	-	-	7.5	3	7.6	-
R11.5	Single house or grouped dwelling	984 500	455	12	10	-	6	1.5	7.6	-
R11.5	Multiple dwelling	984 500	-	20	-	-	6	1.5	7.6	-
R11.5	Single house or grouped dwelling	984 500	587.5	12	10	30	6	1.5	7.6	-
R11.5	Multiple dwelling	984 500	-	20	-	-	6	1.5	7.6	-
R30	Single house or grouped dwelling	984 500	400	10	10	30	6	1.5	7.6	-
R30	Multiple dwelling	984 500	-	20	-	-	6	1.5	7.6	-
R30	Single house or grouped dwelling	984 500	400	8	10	30	6	1.5	7.6	-
R30	Multiple dwelling	984 500	-	20	-	-	6	1.5	7.6	-
R30	Single house or grouped dwelling	984 500	400	-	45	24	4	1.5	7.6	-
R30	Multiple dwelling	984 500	-	20	-	-	4	1.5	7.6	-
R40	Single house or grouped dwelling	984 300	300	-	45	20	4	1	7.6	-
R40	Multiple dwelling	984 300	-	20	-	-	4	1	7.6	-
R50	Single house or grouped dwelling	984 150	300	-	40	16	2	1	7.6	-
R50	Multiple dwelling	984 150	-	20	-	-	2	1	7.6	-
R60	Single house or grouped dwelling	984 100	300	-	30	10	1	1	7.6	-
R60	Multiple dwelling	984 100	-	20	-	-	1	1	7.6	-

Legend
 * subject to variations permitted under clause 5.1.1 C3.4
 † only applicable to single houses
 ‡ secondary street includes cornered street, private street, right-of-way or street
 § indicated not applicable
 ¶ see Tables 2a and 2b and Clause 5.1.2
 Au. average site area

All standards for single house or grouped dwellings unless R10, R11.5 and R30 otherwise as for the R10 Code



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Compliance with Development Standards & Requirements

References all development to comply with provisions of the scheme.

Residential Design Codes

References that unless provided for in the scheme the development of land for any of the residential purposes dealt with by the R-Codes is to conform with the provisions of those R-Codes.

The density applicable to the land is determined by the R-coding on the Scheme Map – this then determines, for residential zoned properties, whether it has subdivision potential and the applicable development requirements (e.g. setbacks, height, open space requirements).

LPS Text Content cont'd

Part 5: General Development Requirements cont'd

- **Special Application of Residential Design Codes**
- Restrictive Covenants
- Variations to Site and Development Standards and Requirements
- Environmental Conditions
- **Site & Development Requirements**

LPS 4 Related Matters for Consideration

- The development requirements provisions to apply
- The R-Codings to apply



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Special Application of Residential Design Codes

Provides the opportunity for exclusions and variations to the R-Codes provisions if deemed required.

Restrictive Covenants

Relates to restrictive covenants that purport to limit or restrict the number of residential dwellings on land that is less than that permitted by the Scheme; whereby the Scheme extinguishes such covenant only after public advertising of such has been undertaken.

Variations to Site and Development Standards & Requirements

Provides ability for the local government to vary to development requirement of the Scheme (other than for residential development) subject to the local government undertaking consultation if deemed variation is likely to affect the amenity of the site and/or the area.

Environmental Conditions

This relates to those environmental conditions that are required to be incorporated into a Scheme following assessment under the Environmental Protection Act 1986.

Site & Development Requirements

- access, car parking, building design, heights, setbacks, landscaping provisions etc etc would be provided for in this section.
- Structure plan requirements and Developer Contributions for Infrastructure provisions also go here

Residential Design Codes (R-Codes)

Density Coding Considerations



- Form of development seeking to achieve
- Redevelopment opportunities arising from consideration and age and condition of existing housing stock .
- Suitable sites for new housing development, redevelopment or infill
- Streetscape values
- Heritage/character values
- Capacity of infrastructure to service housing at the density proposed – access, transport networks, servicing requirements, access to social infrastructure (open space, schools, sporting & community facilities)
- Interface with adjoining development



Current draft Government Sewerage Policy (2002) requires minimum lot sizes of 2000m² or density development not greater than R5.

Generally zoning/density changes occur at rear boundaries however this can present some issues with r-code designation changes at the rear – setbacks, visual dominance, overlooking & privacy

For information, Nornalup Character Study has a recommendation that the zoning of residential properties along Riverside Drive should be amended to R2.5 (min lot size of 4000m²) due to loamy soils, high water tables, ability to contain stormwater due to topography

LPS Text Content cont'd

Part 6: Special Control Areas

- **Operation of Special Control Areas**

LPS 4 Related Matters for Consideration

- If there is a need for Special Control Areas
- If so what provisions are to relate



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Special Control Areas

Provided for in a scheme to identify areas which are significant for a particular reason and where special provisions in the Scheme may need to apply. These provisions would typically target a single issue or related set of issues often overlapping zone and reserve boundaries. Special control areas should be shown on the scheme map and special provisions incorporated into the text in addition to the provision of the zones and reserves.

Such provisions would set out the purpose and objectives of the special control area, any specific development requirements, the process for referring applications to relevant agencies and matters to be taken into account when considering development proposals.

An example would be pertaining to an airport; rural zoned land adjoining the airport may have height restrictions on it depending on flight paths, CASA requirements etc and these only relate to rural zoned land within the Special Control Area.

LPS Text Content cont'd

Part 7: Heritage Protection

- Heritage List
- Designation of a Heritage Area
- Heritage Agreements
- Heritage Assessment
- Variations to Scheme Provisions for A Heritage Place or Heritage Area

LPS 4 Related Matters for Consideration

- Identification of those sites in the MHI for inclusion on the Heritage List and/or Heritage Area as appropriate



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Heritage List

- Provides ability for local government to establish a heritage list to identify those places within the scheme area that are of cultural heritage significance and worthy of conservation under the provisions of the Scheme.
- Provides guidance on how to prepare the heritage list (having regard to municipal heritage inventory listings and including those considered appropriate); consultation processes etc.

Designation of a Heritage Area

- Provides details on the process of how to designate 'heritage areas' – which are those areas whereby special planning controls are needed to conserve and enhance the cultural heritage significance and character of the area.

Heritage Agreements

Provides ability for local government to enter into a heritage agreement with an owner/occupier of land or a building for the purpose of binding the land or affecting the use of the land or building.

Variations to Scheme Provisions for a Heritage Place or Heritage Area

Provides ability for local government to vary an scheme or R-Codes provisions to facilitate conservation, enhancement or preservation of a heritage place on the State Register, Heritage List or Heritage Area.

LPS 4 Considerations

Heritage List/Heritage Areas do not need to be in place prior to LPS 4 being gazetted. As per Policies would be recommended that work is progressed after adoption of LPS 4 by Council (after consideration of submissions) such that once gazetted the final processes can be undertaken such that Heritage List/Heritage Area adoption is after gazettal of LPS 4.

LPS Text Content cont'd

Part 8: Development of Land

- Requirement for Approval to Commence Development
- **Permitted Development**
- Amending or Revoking a Planning Approval
- Unauthorised Existing Developments

LPS 4 Related Matters for Consideration

- What developments should be exempt from requiring planning approval?



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Development (as per the P&D Act) means the development or use of any land including:

- Any demolition, erection, construction, alteration of or addition to any building or structure on the land
- The carrying out on the land of any excavation or other works;
- In the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that:
 - Is likely to change the character of that place or the external appearance of any building; or
 - Would constitute an irreversible alteration of the fabric of any building.

Taken literally, development includes digging of a hole to plant a rose bush.

LPS Text Content cont'd

Part 9: Applications for Planning Approval

- Form of Application
- Accompanying Material
- Additional Material for Heritage Matters
- Advertising of Applications



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Form of Application, Accompanying Material & Additional Material for Heritage Matters

- Planning Application form and information requirements detail

Advertising of Applications

- Details the statutory requirements for advertising of planning applications

LPS Text Content cont'd

Part 10: Procedure for Dealing With Applications

- Consultation with Other Authorities
- Matters to Be Considered by Local Government
- Determination of Applications
- Form and Date of Determination
- Term of Planning Approval
- Temporary Planning Approval
- Scope of Planning Approval
- Approval Subject to Later Approval of Details
- Deemed Refusal
- Appeals



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Consultation with Other Authorities

- References local government may consult with statutory, public or planning authorities as it considers appropriate; and if reserved land for purposes of a public authority will consult

Matters to Be Considered by Local Government

- Lists the matter that a local government is have due regard to when considering an application for planning approval, including but not limited to:
 - Aims and provisions of the planning scheme
 - Requirements of orderly & proper planning including any relevant new planning scheme or amendment which has been granted consent for public submissions to be sought
 - Any approved SPP's of the WAPC's
 - Any approved Environmental Protection Policy under the Environmental Protection Act 1986
 - Any relevant policy or strategy of the WAPC and any relevant policy adopted by the WA Government
 - Any relevant LPP
 - The compatibility of a use or development with its setting

- Any social issues that have an effect on the amenity of the locality
- The cultural significance of any place or area affected by the development
- The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment
- the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal
- The potential loss of any community service or benefit resulting from the planning approval
- Any relevant submissions received on the application
- Any other planning consideration the local government considers relevant

Determination of Applications

- Approve with or without conditions; or refuse

Form and Date of Determination

Refers to how planning approval or refusal advice to be conveyed

Term of Planning Approval

Refers to planning approval being granted for 2 years; potential to seek extension of time prior to expiry of approval period

Temporary Planning Approval

Provides ability for time limited approvals to be granted

Scope of Planning Approval

Refers that planning approval can be granted for use or development for which the approval is sought; use of development except for a specified part of aspect of that use or development; or for a specified part of aspect of that use or development

Approval Subject to Later Approval of Details

Provides that a local government may require subsequent planning approvals as all details not available at time of original application.

Deemed Refusal

- Where a planning application that does not require advertising is not determined within 60 days of receipt of the application, applicant can pursue a deemed refusal; where subject of advertising is 90 days.
- Local government can still determine an application that has been deemed refused.

Appeals

Provides for appeal rights where an applicant (not a third party) is aggrieved by a decision of the local government where discretion exists as per the P&D Act 2005.

LPS Text Content cont'd

Part 11: Enforcement and Administration

- Powers of the Local Government
- Removal and Repair of Existing Advertisements
- Delegation of Functions
- Person Must Comply with Provisions of Scheme
- Compensation
- Purchase or Taking of Land
- Notice for Removal of Certain Buildings



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Powers of the Local Government

- Provides power for local government to when implementing the Scheme:
 - Enter into agreement with any owner, occupier or other person having an interest in land affected by the provisions of the scheme
 - Acquire any land or buildings under the provisions of the Scheme
 - Deal with or dispose of any land which is has acquired under the Scheme provisions in accordance with the law
- Provides for employees of local government as authorised by the local government, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed

Removal and Repair of Existing Advertisements

Provides ability for local government to require an advertiser to remove, relocate, repair or otherwise modify an advertisement where it is in conflict with the amenity of the locality and/or has deteriorated to a point where is an eyesore.

Delegation of Functions

Provides ability for functions within the Scheme to be delegated to the CEO or employees of the local government having regard to Local Government Act

1995 requirements.

Person Must Comply with Provisions of Scheme

References scheme provisions to be complied with or local government can pursue non-compliance as per P&D Act 2005 (modified penalty infringement notices for minor non-compliance matters; penalties for major offences in order of \$50,000 and daily penalties of \$5,000)

Compensation

Where a person is injuriously affected by making or amendment to a Scheme, they may make a claim for compensation as per P&D Act:

- Within 6 months of publication of notice of approval of the scheme or amendment
- Where land reserved for a public purpose and planning application for development is refused; or planning approval granted but conditions effectively restrict use or development for no purpose other than a public purpose (to be lodged within 6 months of decision advice).

Purchase or Taking of Land

If where compensation for injurious affection is claimed, local government can elect to purchase or take land compulsorily

Notice for Removal of Certain Buildings

Provides for local government to issue notices for removal of buildings

Unacceptable Scheme Provisions

- Provisions which refer to, duplicate or are covered by other legislation
- Provisions which alter or attempt to override processes under enabling legislation such as the PD Act, Health Act or Building Code of Australia
- Provisions which are inconsistent with law, judgement and policies
- Provisions which require the preparation of structure plans or outline development plans without a right of appeal at all the relevant stages of the process
- Provisions imposing scheme costs on landowners without the right to arbitration
- Provisions which are not related within Schedule 7 of the Planning & Development Act 2005
- Provisions which include reference to fees or charges for planning or other services
- Provision which restrict, or purport to restrict, the WAPC's power to determine applications for subdivision of land
- Provisions which impose obligations or confer rights and powers upon the WAPC or transfer the authority of local government to administer the Scheme
- Provisions which may conflict with the policies of the WAPC



Unacceptable Scheme Provisions cont'd

- Provisions which are not consistent with a region scheme
- Provisions which conflict with other provisions in the Scheme
- Provisions which can effectively cancel existing planning approvals without the owner's consent
- Provisions authorising the reconsideration of development proposals
- Provisions that set out enforcement procedures, that set out administrative procedures or provisions that are difficult to administer or impose unacceptable liability on local government
- Provisions which relate to general amenity and are more effectively managed through local laws
- Provisions which are anomalous or ambiguous (e.g. inclusion of zones in a legend where there is no land zoned accordingly)
- Provisions which are overly detailed or subjective
- Provisions which promote unfair trade practices



LPS Maps

Scheme Maps indicate:

- Zones & Reserves
- Residential Density Codings
- Special Control Areas
- Road Widenings

In preparing LPS 4 maps, due regard will be given to the current zoning provisions and the designation on the Local Planning Strategy.



Where To From Here?

- Specific Themed Workshops: Community and/or Stakeholder Groups
 - CBD/Commercial Development
 - Rural Land
 Timeframe: end July 2014
- Draft LPS 4 for Council's consideration of initiation
 - Timeframe: end October 2014
- Draft LPS 4 considered by EPA & WAPC & Minister for Planning has granted consent to advertise
 - Timeframe: April 2015 *
- Statutory advertising period of minimum 90 days
 - Timeframe: May 2015 – Sep 2015 *

* Represents timeframes out of Shire control

* Represents timeframes dependent on previous



Themes as identified by Councillors to date but will be guided by the community in this regard

CBD/Commercial Development:

- Additional commercial land: need; location
- Development requirements: car parking, design provisions, land uses etc

Rural Land:

- Subdivision potential
- Appropriate land uses
- Homestead lot issues vs additional houses on rural lots
- Need for more rural residential/rural smallholdings etc

Where To From Here? cont'd

- Council's Consideration of submissions by Council and Adoption (with or without modification)
Timeframe: Nov 2015 *
- WAPC Assessment & Recommendation to Minister for Planning
Timeframe: April 2016 * *
- Minister for Planning approves LPS 4 (with or without modifications)
Timeframe: June 2016 * *
- Gazettal of LPS 4
Timeframe: July 2016 * *

* Represents timeframes out of Shire control

* Represents timeframes that are dependent on earlier timeframes



More Information

Resource Documents & Websites

- Local Planning Manual: A Guide to the Preparation of Local Planning Strategies and Local Planning Schemes in Western Australia
<http://www.planning.wa.gov.au/publications/819.asp>
- Appendix B: Model Scheme Text in the *Town Planning Regulations 1967*
http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2133_homepage.html
- Shire of Denmark website
www.denmark.wa.gov.au
- Department of Planning website
www.planning.wa.gov.au

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Question Time

