

Frequently Asked Questions – FAQ's

This publication of Frequently Asked Questions (FAQ's) has been prepared by the City of Albany. It has been created to explain and respond to the major changes and issues arising from the release of the draft Local Planning Scheme No.2 and to provide general information to potential users of the new draft scheme.

Introduction

It has been agreed that the existing *Local Planning Scheme No.1* is repealed and a new scheme is prepared in its place. The new draft scheme has been developed to consider the model provisions defined by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and the City's 2019 Local Planning Strategy.

What is a Local Planning Scheme?

A local planning scheme includes a variety of zones and reserves and accompanying statutory planning provisions which combine to provide control of land use and development.

Why does the City need a new Scheme?

The Regulations require local governments to review their local planning scheme every five years. The current *Local Planning Scheme No. 1* was Gazetted in 2014.

What are the main changes introduced in the draft Local Planning Scheme No.2?

Key changes resulting from the preparation of the draft new scheme include:

- Introducing new zone and reserve classifications
- Introducing new land use classifications
- Identifying any proposed modifications to state planning policy
- Transitioning from the 'Light Industry' zone to the 'Mixed Use' zone for some precincts located on the fringe of Albany's central business district
- Deleting the 'Special Residential' zone, the majority of which is now classified as 'Residential'
- Identifying approval exemptions for some works and land uses
- Rationalising some additional use, restricted use and special use areas

How will the draft Local Planning Scheme No. 2 affect my property?

If you own a property or live in the City of Albany, your property may be subject to some change in development potential through the endorsement of a new Local Planning Scheme No. 2.

If you would like to discuss changes that affect you or how changes to nearby properties may relate to your property, please phone the City's Strategic Planning department on 68203050 or email lp2@albany.wa.gov.au

Please note that the City cannot provide comment on how any proposed zoning or density changes may affect individual property value. It is recommended that you seek professional advice from a licensed property valuer to obtain information on these matters.

Where can I view the draft Local Planning Scheme No. 2?

The draft Local Planning Scheme No. 2 is available to view on the City of Albany website at:

https://www.albany.wa.gov.au/Profiles/albany/Assets/ClientData/3_LPS2_Text_EPA_Version_.pdf

A hard copy of the scheme text and maps are available for public inspection at the City offices (102 North Road) and the City Library (York Street), during normal business hours.

What will the new draft local planning scheme consist of under the Regulations?

Local planning schemes will comprise the following documents:

- The scheme map
- The local planning scheme text (model provisions)
- The deemed provisions as outlined in Schedule 2 of the Regulations (these do not need to be reproduced in individual schemes as they apply automatically)
- Schedule A supplemental provisions to the deemed provisions
- Any supporting materials, plans, maps, diagrams, illustrations and other material required by the Western Australian Planning Commission.

What are model provisions?

The *Planning and Development (Local Planning Schemes) Regulations 2015* consist of model provisions.

Model provisions – provide the form and content for all new local planning schemes.

The model provisions apply when a scheme is next revised, prepared or amended by a local government. The City's new draft scheme has been developed to comply with the model provisions.

What are supplemental provisions?

Section 162 of the Act and Schedule 2, Part 7, clause 60 of the Regulations impose a presumption that all development requires approval unless it is exempted under Schedule 2, clause 61 of the Regulations.

Supplemental provisions are included within schemes as a schedule toward the end of the scheme text to identify additional exemptions (additional to those listed in the Regulations) to those listed under Schedule 2, clause 61 of the Regulations.

What is the approval process for a new scheme under the Regulations?

The preparation and adoption process for local planning schemes is defined in Part 4 of the Regulations, and a flowchart demonstrating the process is available online at www.dplh.wa.gov.au/lpsregs.

When is the scheme or amendment referred to the Environmental Protection Authority and who refers it?

The local government is to refer the scheme to the Environmental Protection Authority (EPA) prior to advertising. The local government cannot advertise the scheme document until the EPA has provided their final advice on the assessment. This is in accordance with Section 84 of the Act.

If the EPA determines that an environmental review is required, the local government must complete the environmental review process prior to the scheme being advertised under Section 82(2) of the Act.

The EPA has determined that:

Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. Advice Given. (Not Appealable).

Potential impacts can be managed through the proposed scheme provisions and map mechanisms. Future planning processes and development requirements can also manage potential impacts. Future proposals may require referral under Part IV and/or V of the Environmental Protection Act 1986.

How long is the draft Local Planning Scheme No. 2 being advertised for?

Draft Local Planning Scheme No. 2 is required to be advertised for 90 days.

The City will undergo this advertising process from 22 September 2022 to 23 December 2022.

Submissions must be received by **5pm, Monday 23 December 2022**.

How can I make a submission on the new scheme?

Submissions on the planning scheme may be lodged via the online submission form (see link below) before the **23 December 2022** and must include:

1. The scheme name and number (*Local Planning Scheme No.2*)
2. The name and address of the person making the submission
3. Email address
4. The property affected
5. Details of the submission

Complete the online feedback form at:

<https://arcg.is/1jrna0>

Why has the 'Special Residential' zone classification been deleted?

Land zoned Special Residential under the planning scheme will be re-zoned to a different zone classification. The State Government no longer supports the Special Residential zone classification within local planning schemes. A position statement from the Department of Planning on this matter can be read here: <https://www.dplh.wa.gov.au/special-residential-zone>

The Special Residential zone is being removed in an effort to simplify the planning scheme by reducing the number of zones that apply to land within the City. The majority of properties currently zoned Special Residential will be changed to the Residential zone. Some properties may be changed to the Rural Residential zone.

- Minimum lot sizes are not proposed to change. A density code will be defined to reflect current lot size (e.g. R-Code density - R2, R2.5, R5 and R10).
- Site specific provisions (e.g. setback from lot boundaries) will be included in a Schedule 7, table 15 of the new scheme.
- In areas coded R2, R2.5, R5 or R10, residential development is to comply with Category A of Table 3 of the R-Codes (Max building heights – max wall height 3.5m, max total building height 7m), and
- Where the proposed development varies the specified requirements of a designated building envelope, the Design Principles of 5.1.3 of the R-Codes also apply (setback criteria).
- Effluent is to be managed in accordance with the Government Sewerage Policy.

Each zone under the planning scheme allows for certain types of land uses. As part of the proposal to change the Special Residential zone, most of the land uses currently permissible on Special Residential land will continue to be permitted or discretionary on the re-zoned land. See the Table 3 in the new scheme for land use permissibility.

Will modifications be made to draft Local Planning Scheme No. 2 based on submissions?

The City will review each submission and respond to matters raised in a Schedule of Submissions. Modifications to draft Local Planning Scheme No. 2 may be made, provided there is appropriate planning rationale for the modification and the modification is consistent with the Local Planning Strategy.

Should modifications be recommended to draft Local Planning Scheme No. 2, the City will prepare a Schedule of Modifications that outlines the specific modification requested and the justification to support the modification.

The Schedule of Modifications will then be referred to Council with draft Local Planning Scheme No. 2, and subsequently be forwarded to the Western Australian Planning Commission for consideration and recommendation to the Minister for Planning.

How do I stay informed on the process of draft Local Planning Scheme No. 2?

Once you have made a submission, the City will contact you with updates on the draft Local Planning Scheme No. 2 process, generally when key milestones are reached. To facilitate this process, you are encouraged to include an email address with your submission.

If you do not wish to make a submission but would like to stay informed, you can continue to visit the City of Albany webpage for updates.

When will Local Planning Scheme No. 2 take effect?

The final Local Planning Scheme No. 2 will come into operation when the Minister for Planning approves the Scheme and it is published in the Government Gazette.

On that day, Local Planning Scheme No. 1 is revoked and Local Planning Scheme No. 2 becomes operational.

How can I contact you if I would like further information?

If you require further information please contact the City's Strategic Planning department on 68203050 or email lpsc2@albany.wa.gov.au