

9.1.2 REVIEW OF LOCAL PLANNING SCHEME AND LOCAL PLANNING STRATEGY

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	TP 14
Author	Steve Potter, Executive Manager Operations
Responsible Officer	Steve Potter, Executive Manager Operations
Attachments	9.1.2(1): WAPC Correspondence
Voting Requirements	Simple majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the formal advice from the Western Australian Planning Commission (WAPC), dated 20 October 2020 as contained in Attachment 9.1.2(1); 2. Resolves to prepare a new Local Planning Scheme pursuant to Part 4, Division 1, Regulation 19 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 3. Authorises the Chief Executive Officer to undertake the necessary notifications of Council’s decision to prepare a new Local Planning Scheme pursuant to Part 4, Division 1, Regulation 20 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 4. Instructs the Chief Executive Officer to consider resourcing requirements in the preparation of the 2021/22 draft Annual Budget; 5. Subject to funding under Point 4 being approved in the 2021/22 Annual Budget, instructs the Chief Executive Officer to prepare and present a Project Plan to Councillors for the Scheme / Strategy Review in a Concept Forum.

STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

- Outcome: Effective leadership and civic responsibility
- Strategy: A strategically focused, open and accountable local government
- Action: Provide accountable and strategic leadership.

EXECUTIVE SUMMARY

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the local government is required to internally review its Local Planning Scheme at five year intervals and a report to this effect was considered by Council in December 2019,

with Council's recommendations subsequently being communicated to the Western Australian Planning Commission (WAPC).

In October 2020, the Shire received a copy of the WAPC's response to Council's recommendations.

In light of the WAPC's decisions and advice, the Shire will need to determine how to proceed, with specific regard as to how any review of the Shire's planning instruments will be resourced.

In addition, there are statutory requirements that the Shire is required to comply with when preparing a new Local Planning Scheme and this also forms part of the recommended resolution presented.

BACKGROUND

At the December 2019 Ordinary Council Meeting, Council resolved the following:

"That Council:

- 1. Pursuant to Part 6, Division 1, Sections 66(1)(b) and (c) of the Planning and Development (Local Planning Schemes) Regulations 2015 approves the "Report of Review" (Attachment 9.1.3(1)) and provides a copy to the Western Australian Planning Commission;*
- 2. Pursuant to Part 6, Division 1, Section 66(3)(a) of the Planning and Development (Local Planning Schemes) Regulations recommends to the Western Australian Planning Commission that Local Planning Scheme 7 be amended;*
- 3. Pursuant to Part 6, Division 1, Section 66(3)(b) of the Planning and Development (Local Planning Schemes) Regulations recommends to the Western Australian Planning Commission that the Local Planning Strategy be reviewed."*

In October 2020, the WAPC provided a formal response to the Shire's 'Report of Review' which in summary contained the following statements:

- The WAPC is supportive of the Shire of Donnybrook Balingup's 'Report of Review' to amend its Local Planning Strategy;
- The WAPC is not supportive of the Shire's proposed amendment of the existing Local Planning Scheme No. 1 and requires the Shire to prepare a new Local Planning Scheme to ensure the Shire has a contemporary scheme, which is consistent with the form and content of the 'model provisions for local planning schemes' in the Planning and Development (Local Planning Schemes) Regulations 2015;
- The WAPC advises the Shire that:
 - the proposed review of industrial land is supported;

- whilst the Donnybrook Stone Special Control Area (SCA) does not impact the future expansion of the Donnybrook townsite, a review of this SCA in consultation with DMIRS can be considered;
- a comprehensive review and consolidation of residential and low-density residential growth areas is recommended given the current significant oversupply; and
- the Department is available to provide further assistance and guidance regarding other planning matters that should be addressed as part of the preparation of the new Local Planning Scheme and amendment to the Local Planning Strategy.

A full copy of the WAPC's correspondence is provided in Attachment 9.1.2(1).

OFFICER COMMENT

The review of the Scheme / Strategy (Review) represents an important and significant project for the future growth and development of the Shire, however prior to commencing the process Council will first need to determine how this project will be resourced.

Currently, the Shire has a single staff member (Principal Planner) who is responsible for all Shire related planning related matters including the following:

- Processing all development applications, subdivisions, scheme amendments and structure plans submitted by local residents and land developers;
- Liaising with government agencies on land use planning matters (DPLH / DWER/ MRWA / DFES etc).
- Preparing approval documents including notices and plans;
- Completing all orders and requisitions for private land transfers;
- Responding to all planning related enquiries (phone, email, front desk);
- Planning related compliance matters;
- Writing Council reports;
- Dealing with Native title matters;
- Processing road closures and other amendments to encumbrances on land titles;
- Providing advice and coordinating approvals on Shire projects.

What is evident when reviewing the list of tasks currently performed by the Shire's existing staff member is that they are mainly 'statutory' based. Further, due to a combination of a growing Shire population and additional State legislation (e.g. bushfire planning) impacting on statutory land use planning, it is becoming increasingly challenging for the existing staff member to comply with statutory deadlines whilst meeting customer expectations in terms of application processing timeframes, dealing with compliance matters and responding to enquiries. It is noted that the Shire's population has grown 29% since 2001, however the Shire resource allocated to land use planning has not increased in that time.

It is noted that 'Planning' as a discipline entails two separate streams; these being 'statutory planning' and 'strategic planning' which, in brief, are defined as follows:

Statutory Planning: concerns the day-to-day decision making by the various responsible authorities on planning schemes, subdivision and development proposals.

Strategic Planning: focuses on the big picture and setting a framework for future development of towns and regions, to effectively guide land supply, land use, and urban and regional development.

In considering the above, it is evident that the ability of the Shire to undertake a significant 'strategic' project such as a Scheme / Strategy review is limited with the current resource. It is noted that many local governments have separate sections (and specialist staff) for Statutory and Strategic Planning. Whilst this may not be possible for a small local government such as the SoDB, it is evident that if the review of the Scheme / Strategy is to proceed the Shire will need to factor in the allocation of additional Planning resources for this to occur.

In this regard, the Shire is considered to have three options which are:

1. Employ an additional Planning staff member (either on a permanent or fixed-term basis);
2. Engage a consultant to undertake the Review on the Shire's behalf;
3. Determine not to commence the Review process.

In considering these options, Staff consider it is in the public interest to commence the Review with the preference being to undertake the works 'in-house' by employing an additional Planning staff member, consistent with option 1 above, for the following reasons:

- It is more cost effective with the per hour cost of employing a staff member significantly less than employing an external consultant at higher rates;
- Internal Shire staff have a greater understanding of local issues and have more 'buy-in' with the process and eventual outcomes;
- The Shire currently has the expertise 'in-house', however does not have the capacity. The additional employee would likely be a sub-ordinate position that would enable the Principal Planner to be freed up to undertake the Review.

FINANCIAL IMPLICATIONS

The cost of a full-time Planning Officer would equate to approximately \$80,000 per annum.

There is currently \$40,000 in the Strategic Planning Reserve which could be allocated to partly off-set this cost.

CONCLUSION

There are a range of inconsistencies and inefficiencies that result from the Shire's existing planning instruments that could be addressed through a comprehensive review of the Scheme and Strategy. Further, a renewed Scheme and Strategy have the capacity to encourage appropriate local growth and investment through the removal of 'red-tape' in certain circumstances.

However, as highlighted in this report, there is insufficient capacity for the Shire to currently undertake this process with existing resources. As such, Council will need to determine the importance it places on this project when compared to other organisational objectives and whether it is willing to allocate the resources necessary for the process to commence.

It is recommended that Council resolve in accordance with the Officer's recommended resolution at the beginning of the report. Alternatively, if Council determines not to proceed with the Review in 2021/22, it is suggested that this be formally communicated to the DPLH/WAPC, through the adoption of the following alternative resolution:

That Council:

- 1. Receives the formal advice from the Western Australian Planning Commission (WAPC), dated 20 October 2020 as contained in Attachment 9.1.1(1);*
- 2. Instructs the Chief Executive Officer to advise the Western Australian Planning Commission that due to resource constraints, the Shire of Donnybrook Balingup will not commence the process of amending its Local Planning Strategy or preparing a new Local Planning Scheme in the 2021/22 financial year.*

COUNCIL RESOLUTION 57/21

Moved Cr Mitchell

Seconded Cr Newman

That Council:

- 1. Receives the formal advice from the Western Australian Planning Commission (WAPC), dated 20 October 2020 as contained in Attachment 9.1.2(1);**
- 2. Resolves to prepare a new Local Planning Scheme pursuant to Part 4, Division 1, Regulation 19 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 3. Authorises the Chief Executive Officer to undertake the necessary notifications of Council's decision to prepare a new Local Planning Scheme pursuant to Part 4, Division 1, Regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 4. Instructs the Chief Executive Officer to consider resourcing requirements in the preparation of the 2021/22 draft Annual Budget;**
- 5. Subject to funding under Point 4 being approved in the 2021/22 Annual Budget, instructs the Chief Executive Officer to prepare and present a Project Plan to Councillors for the Scheme / Strategy Review in a Concept Forum.**

CARRIED 7/0 by En Bloc Resolution



Your ref: TP 03
Our ref: TPS/2566
Enquiries: Neil Fraser
Email: Neil.Fraser@dplh.wa.gov.au

Chief Executive Officer
Shire of Donnybrook-Balingup
P O Box 94
Donnybrook WA 6239

Transmission via electronic mail to: records@donnybrook.wa.gov.au

Dear Sir/Madam

REVIEW OF SHIRE OF DONNYBROOK-BALINGUP LOCAL PLANNING SCHEME NO. 7 AND LOCAL PLANNING STRATEGY

I refer to your letter dated 23 December 2019 regarding the review of Scheme No. 7.

The WAPC has considered the report of review scheme under regulation 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and advises that it has resolved to:

1. agree with the recommendation in the Shire's Report of Review to amend its Local Planning Strategy;
2. not support the Shire's proposed amendment of the existing Local Planning Scheme No. 1 and require the Shire to prepare a new local planning scheme to ensure the Shire has a contemporary scheme, which is consistent with the form and content of the 'model provisions for local planning schemes' in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. advise the Shire that:
 - i. the proposed review of industrial land is supported;
 - ii. whilst the Donnybrook Stone Special Control Area (SCA) does not impact the future expansion of the Donnybrook townsite, a review of this SCA in consultation with DMIRS can be considered;
 - iii. a comprehensive review and consolidation of residential and low-density residential growth areas is recommended given the current significant oversupply; and



- iv. the Department is available to provide further assistance and guidance regarding other planning matters that should be addressed as part of the preparation of the new Local Planning Scheme and amendment to the Local Planning Strategy.

Pursuant to regulation 67(2) the Shire of Donnybrook-Balingup is required to publish the report and the Commission's decision on your website, and have a copy of both available at your office for inspection.

Once the information has been published on your website, please advise the WAPC of the date of publication, and provide a link to the published information to schemes@dph.wa.gov.au .

Please direct any queries about this matter to Mr Neil Fraser on 9791 0583 or neil.fraser@dph.wa.gov.au

Yours sincerely



Ms Sam Fagan
Secretary
Western Australian Planning Commission

26/10/2020