

9.3.1 LOCAL PLANNING FRAMEWORK – REPORT OF REVIEW

Location:	Whole of Shire
Folder Path:	SODR-877026889-1155
Disclosure of Interest:	Nil
Date:	15 September 2023
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PROPOSAL

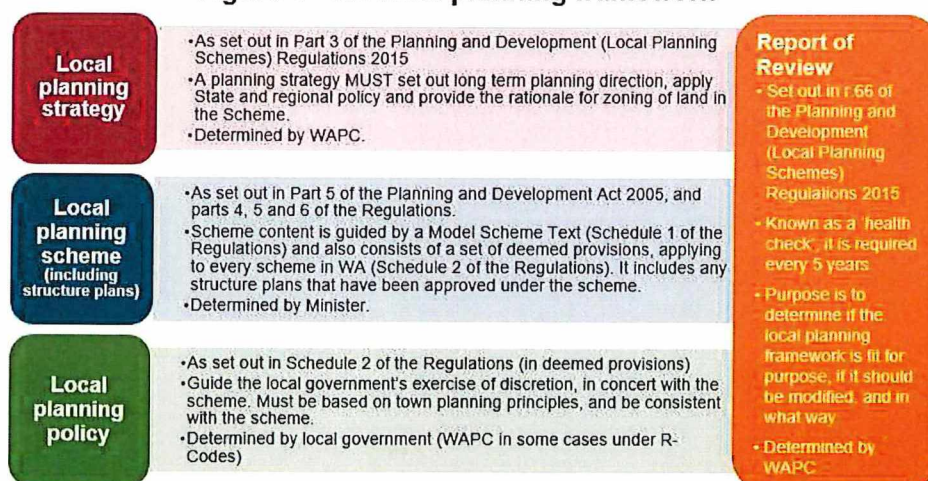
The purpose of this report is for Council to consider the Report of Review of *Local Planning Scheme No.7* prior to submission to the Western Australian Planning Commission for their determination.

BACKGROUND

The key decision-makers in the Western Australian Planning system are the Minister for Planning, Western Australian Planning Commission (Commission) and local governments. These roles and responsibilities are set out in legislation and regulation, principally the *Planning and Development Act 2005*.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) establishes the framework for local planning, through Local Planning Strategies and Schemes. As shown in figure 1 below, the Local Planning Framework consists of three key components; a Local Planning Strategy and Scheme, and a suite of Local Planning Policies that guide local government discretion in decision-making. The Regulations require local governments to prepare a Report of Review periodically to assess the effectiveness of the local planning framework.

Figure 1 - the local planning framework



A Report of Review is a health-check for the local planning framework, which is required to be prepared every 5 years to assess how the framework is operating, and if adjustments need to be made. A Report of Review is required to consider whether a local government's Local Planning Strategy and Scheme, and any structure plans adopted under the Scheme are:

- Satisfactory in their existing form; or

- Should be amended; or
- Should be repealed / revoked and/or have a new one prepared.

It is also recommended that Local Planning Policies be considered as part of this review, although this is at the Shire's discretion.

The subject Report of Review examines the Shire's Local Planning Framework and makes recommendations to the Commission. Following the recommendation from the Shire, the Commission is to decide whether the Commission agrees or disagrees with the Report of Review and notify the Shire of its decision. The Shire is then required to publish the Report of Review and notice of the Commission's decision. The reason for this is to increase transparency in the planning system and provide stakeholders and community members with a 'road map' of future changes (or not) to the Local Planning Framework.

The Shire's Local Planning Framework consists of:

- Local Planning Strategy - The current Local Planning Strategy (Strategy) was finalised in 2020. The Strategy covers the whole of the Shire.
- Local Planning Scheme - Local Planning Scheme No. 7 (Scheme) was gazetted in 2006. The Scheme covers the whole of the Shire. Since gazettal, the Scheme has been amended 38 times.
- Structure / Local Development Plans - Marine Fields Structure Plan (SPN 0699) approved in 2015 and the Turquoise Coast Development Area Structure Plan approved in 2004. The Local Development Plan for Lot 62 Roberts Street, Jurien Bay was approved in 2018.
- Local Planning Policies - The Shire has 13 Local Planning Policies that have been prepared to guide land use planning in the local context since gazettal of the Scheme.

COMMENT

The Report of Review considers the:

- background of the current Local Planning Framework;
- planning context – population, economy, environment; and
- land demand and supply – new lots, building commencements, future land supply.

After consideration of these factors the Report of Review recommends the following:

1. The Strategy is satisfactory in its existing form.
2. The Scheme should be revoked, and a new scheme prepared in its place.
3. As part of preparing a new scheme, assess existing Structure Plans and Development Plans and determine which plans (if any) should be amended/revoked.
4. As part of preparing a new scheme, assess the relevance of existing Local Planning Policies to determine which policies (if any) should be amended/revoked and whether any new policies are required.

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While it is possible to update the current Scheme via an omnibus amendment, in this instance, the scope of updates to the Scheme is of a scale that a new Scheme is the preferable pathway.

Preparing a new Scheme will result in a statutory instrument that is responsive to the local planning context, consistent with the Regulations and aligned with State's land use planning policy and practice. It is anticipated the preparation of a new Scheme could take between 1-2 years to complete.

As recommended in the Strategy, and discussed in the Report of Review, the main issues that the new Scheme needs to deal with are:

- Aligning Scheme structure and content with the Model Scheme Text and Deemed Provisions of the Regulations;
- Normalising existing zones to the model zones in the Model Provisions, and adding Rural Enterprise and Environmental Conservation zones;
- Rezoning specific land parcels as identified in the Strategy;
- Updating Residential Design Code densities within the Shire's settlements particularly in Jurien Bay and Cervantes where a deep sewer network has been provided;
- Introducing a coding mechanism for rural residential land use based on prevailing lot sizes and settlement pattern;
- Updating land use permissibility in the zoning table;
- Updating and/or inserting zone-specific and general development provisions relating to:
 - assessment of rezoning, subdivision and development proposals in the Rural; Rural Residential and Rural Smallholdings zones; and Priority 2 Public Drinking Water Source Areas;
 - opportunities to vary development standards to allow for aged or dependent living (based on market demand and availability of infrastructure in Jurien Bay);
 - assessment of 'agriculture-intensive' proposals, 'animal husbandry - intensive' proposals, 'renewable energy facility' proposals and 'workforce accommodation' proposals on Rural land;
 - guidance on extraction of basic raw materials;
 - managing development impacts along Indian Ocean Drive; and
 - occupancy restrictions on residential units in the Tourism zone;
- Reviewing Special Control Area boundaries and consolidating supporting provisions, creating a new Special Control Area for the future wastewater treatment plant; investigate definition of a noise buffer for current and identified airport sites;
- Reviewing existing Structure / Development Plans to determine their status; and
- Reviewing Local Planning Policies for relevance and alignment with Scheme content and the Regulations (Deemed and Model Provisions).

CONSULTATION

Consultation is not required at this stage of the Local Planning Framework review. A public consultation phase is legislated to form part of the drafting process of a new Scheme under the Regulations.

STATUTORY ENVIRONMENTPlanning and Development (Local Planning Schemes) Regulations 2015 - Part 6 Review and consolidation of local planning schemes*65. Review of local planning scheme*

(1) A local government must carry out a review of each local planning scheme prepared by the local government —

(a) in the 5th year after the scheme is published in the Gazette under section 87(3) of the Act; and

(b) in the 5th year after the completion of each review carried out under this Division...

(3) The review must consider whether the local planning scheme is up-to-date and complies with these regulations.

66. Report of review

(1) The local government must, no later than 6 months after the requirement to carry out the review of a local planning scheme arises under regulation 65, or such longer period as the Commission allows —

(a) prepare a report of the review; and

(b) approve the report by resolution; and

(c) provide the approved report to the Commission.

(2) The report must be prepared in the manner and form approved by the Commission and must include the following information —

(a) the date on which the local planning scheme was published in the Gazette in accordance with section 87(3) of the Act;

(b) the date on which each amendment made to the scheme was published in the Gazette in accordance with section 87(3) of the Act;

(c) the date on which the scheme was last consolidated under Part 5 Division 5 of the Act;

(d) an overview of the subdivision and development activity, lot take-up and population changes in the scheme area since the later of —

(i) the date on which the scheme was published in the Gazette in accordance with section 87(3) of the Act; and

(ii) the date on which the scheme was last reviewed;

(e) an overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.

(3) The report must make recommendations as to —

(a) whether the scheme —

(i) is satisfactory in its existing form; or

(ii) should be amended; or

(iii) should be repealed and a new scheme prepared in its place;

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and

(b) whether the local planning strategy for the scheme —

(i) is satisfactory in its existing form; or

(ii) should be amended; or

(iii) should be revoked and a new strategy prepared in its place;

and

(c) whether any structure plan or local development plan approved under the scheme —

(i) is satisfactory in its existing form; or

(ii) should be amended; or

(iii) should have its approval revoked.

FINANCIAL IMPLICATIONS

The preparation of a new Scheme will be completed in house by Shire planning staff with the assistance of the officers from the Department of Planning, Lands and Heritage. As such, the cost involved in this project will be absorbed by standard operating costs subject to any formal community workshop and advertising needs throughout the process.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020 - The Strategy recommends that a new scheme (Scheme 8) be prepared.
- Strategic Community Plan - Envision 2029:

02 Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities. Identify and activate underutilised economic and land assets to promote employment and economic activity.

ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Report of Review (Doc Id: SODR-877026889-4157)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McDonald, seconded Cr Shanhun

That Council:

1. Pursuant to Regulation 66(1)(b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the Report of Review (Doc Id: SODR-877026889-4037) and forward a copy of the Report to the Western Australian Planning Commission.
2. Pursuant to Regulation 66(3)(a) and (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that:
 - a) The *Shire of Dandaragan Local Planning Strategy 2020* not be reviewed as it is satisfactory in its existing form.
 - b) The *Shire of Dandaragan Local Planning Scheme No. 7* should be repealed, and a new scheme prepared in its place.
 - c) As part of preparing a new scheme an assessment be made of:
 - i. Existing structure plans and development plans to determine which plans (if any) should be amended / revoked.
 - ii. The relevance of existing local planning policies to determine which policies (if any) should be amended / revoked and whether any new policies are required.

CARRIED 7/0

FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun

AGAINST: Nil