



## Draft Local Planning Strategy and Draft Local Planning Scheme No.3 Frequently Asked Questions

*The information contained in the FAQs aims to simplify what can be technical and sometimes complicated concepts regarding the Local Planning Strategy (Strategy) / Local Planning Scheme No.3 (Scheme).*

*This information is provided as general guidance only and individuals are encouraged to investigate individual circumstances. Please also note that the formally advertised documents and statutory framework take precedence above these FAQs.*

### **What is the purpose of the Local Planning Strategy / Why are we developing one?**

The Shire does not currently have an implemented Strategy, a fundamental component of the local planning framework. Recent planning reforms under the Planning and Development (Local Planning Schemes) Regulations 2015 mandate that a Strategy has to be drafted in conjunction or prior to a Scheme being introduced. The document is a high level and strategic document that sets out the framework for local planning and development over the next ten to fifteen years. The main purpose of the Strategy is to:

- Plan future land use and urban development within the Shire.
- Plan for the local community by ensuring appropriate planning controls exist for land use and development.

### **What then is the purpose of the Local Planning Scheme?**

The Planning and Development (Local Planning Schemes) Regulations 2015 requires all local governments to maintain and develop a Local Planning Scheme, a legal document that regulates what we can and can't do on our properties. The Scheme regulates the zoning of all land within the local government, the uses that are appropriate in certain areas and sets residential design codes in residential areas. This legal document therefore imparts land use rights to every property in the Shire and provides the implementation methodology for all planning decisions made by the Shire. The Scheme needs to align with the Strategy and cannot be drafted without it.

The main purpose of the Scheme:

- Sets aside land for future development for public purposes / local reserves.
- Sets out policies and controls for how land in the Shire can be used and developed.
- Sets out the zoning of land within the Shire.
- Controls and guides current and future land use and development.

### **Why are we updating our Scheme?**

The current Town Planning Scheme No.2 was originally developed in 1989 and is now 30 years old.

The Scheme needs to be redone to ensure that it keeps pace with contemporary planning methodologies. The updated Scheme has taken all the amendments that have occurred since 1989 into consideration and sets out the way land is to be used and developed, classifies areas for land use and includes provisions to coordinate infrastructure and development within our Shire.

### **Where can I view a copy of the Strategy and Scheme?**

Both the Strategy and Scheme are available for viewing on the Shire's website and at the Shire's administration office.

## **Who is the approval authority of the Strategy and Scheme?**

The Western Australian Planning Commission is the overall approval authority for the Strategy and Scheme. The Shire does provide comment on the future outcomes of the documents and any amendments, and provides an administrative function in their drafting and implementation.

## **Will the Strategy and Scheme change from now until it is approved?**

Yes. The Strategy and Scheme have the potential to change, subject to the submissions received throughout the advertising period. This is why all stakeholders, including landowners in the Shire, are encouraged to make a submission on the prescribed form available on our website and in hardcopy at the Shire administration office. Under the Planning and Development (Local Planning Schemes) Regulations 2015, all local governments are required to advertise for 90 days. Please note that submissions received outside of these dates cannot be accepted as part of this process.

## **What will happen to the Rural Strategy?**

The Shire, residents and landowners put considerable time and effort into the Rural Strategy over a number of years. As such, the Rural Strategy is an important document and provides the basis for the non-urban areas in the Strategy and Scheme – it therefore generally reflects the land uses that were approved by the Western Australian Planning Commission in the final Rural Strategy document. The new Strategy will however take precedence over the Rural Strategy, which will be superseded.

## **Why have I not received a letter from the Shire in this regard?**

Letters will be sent to all landowners within the Shire using our rates list. The Shire believes that it is important that every landowner has the right and opportunity to be informed and provide a submission for consideration. If you are a landowner and have not received a letter, it may be that your details of the Shire are not such that a letter could be sent to you. Whatever the circumstance we can arrange for further letters and correspondence to be sent to you if you contact us. If you are a resident who is not an owner of land within the Shire, the letter was probably been sent to the owner of the property. You are still able to engage in the process and comment on the Strategy and Scheme, but will not receive a formal letter in this regard. The Shire is committed to do what it can reasonably be expected to do to engage with all landowners and stakeholders in this process and encourages you to be involved.

## **Can I meet with the officers to explain the implications on my property?**

Residents are encouraged to read the draft Strategy and Scheme documents to gain a better understanding of their purpose and implications. Frequently Asked Questions have been developed to respond to the most common queries and may be able to assist with your answering your questions. The Shire will be holding Community Information Sessions and Drop-in Sessions during the advertising period, which will provide the opportunity for residents to discuss the draft Strategy and Scheme with Shire officers and the implications of these documents on individual properties. If you have further queries that you would like to discuss with Shire officers, please contact the Shire on 9526 1111.

## **What happens if my application is already lodged?**

Once the new Scheme comes into operation, all applications for a development approval (DA) must be determined under the new Scheme and new planning policies, even if your application has already been lodged with the Shire. The reason for this is that land use rights may have been added to your property or some that you may have had previously may have been removed. This would not affect the majority of landowners but there are properties that will be impacted. A "cheat sheet" of the most common changes is available on the website and in hardcopy at the Shire offices.

## **What happens if I have an approval that is not in accordance with the Scheme?**

If an existing approval of a use is no longer a use that can be approved under the new Scheme, the Scheme allows for 'non-conforming uses' which is the continued use of land which has been approved in a previous version of the scheme. This situation should be the exception rather than the rule, but is a possible outcome.

## **How will the Strategy affect my property?**

The Strategy will potentially allow for and identify the following in relation to your property:

- The potential of rezoning to another zone if you so wish
- Access to community infrastructure and public open space
- Access to employment and opportunities

## **How will the new Scheme affect my property?**

The Scheme may or may not have direct impact on your property as not all zones within the Shire of Serpentine Jarrahdale are being changed or rezoned. Some properties may have a new zone name, however the intent will be the same as the current zone. Some properties are indicated for change and have been rezoned to improve the overall land uses in the Shire. This may affect the implication on the type of development and future use that can be undertaken on the specific land (which has been rezoned). The Scheme map, which shows the zoning and density codes for the Shire of Serpentine Jarrahdale can be found on the Shire's website and is available at the Shire administration offices. Furthermore, land use permissibility of land has changed in some areas. The changes will affect what kinds of land uses you can conduct from your property. In some instances the changes may enable future subdivision potential within particular areas due to the relaxation of constraints on lot sizes and land uses permitted within the particular zone.

## **Are the 'Planning for Growth' process and my rates linked?**

The quick answer is no, they are not linked. The ratings and valuations process, a process separate from 'Planning for Growth' is detailed below.

1. The Valuer General's Office determines the valuations of a property, Council only determines the cents in the dollar that is charged. Objections to the valuations process can be lodged through the Valuer General's Office process.
2. The State Department of Local Government authorizes any change in the method of rating i.e. changes from UV (Unimproved Value) to GRV (Gross Rental Value). This is done after an application process that looks at the following:
  - a. Size of the property
  - b. Land use
3. UV – Unimproved Value only looks at the land value not what is on the land and multiplied by the cents in the dollar. Therefore it doesn't matter whether there is a minor or significant development on the property.
4. GRV – Gross Rental Value – is based on the gross rental value of the buildings and improvements on the property.
5. When there is a change in rating methodology the following happens:
  - a. If the methodology goes from UV to GRV the valuation usually goes down but the cents in the dollar goes up.
  - b. Conversely if the methodology goes from GRV to UV the valuation usually up and the cents in the dollar goes down.
6. The zoning does not specifically have an effect unless it is commercial/industrial or intensive farming. These have their own rating category.

Any changes to the rating methodology therefore has to go through a process that includes consulting with ratepayers specifically regarding the rates, followed by a formal Council decision on rates, and only then applying to the Minister. This process of the setting of rates is not linked to "Planning for Growth".

## **Can I still lodge a Scheme Amendment application to Town Planning Scheme No.2 (TPS2)?**

Yes, a scheme amendment can be lodged for TPS2 as no moratorium has been placed on the submission of amendments. Developers and landowners are advised that there is a significant risk of refusal of an application if it is not in alignment with the current or new Strategy and Scheme – this risk is fully borne by the applicant. The suggested course of action is to prepare a submission to modify the new Strategy if the changes are affecting the Scheme amendment application you are looking to lodge. Applications for Scheme amendments can then be lodged once the Western Australian Planning Commission has made a final determination on the new Strategy and Scheme.

## **What can I do if I do not like the changes to the Strategy and/or Scheme?**

Once the advertising process has commenced, you have the right to submit a formal submission in relation to your specific property being affected and the reasons as to why you think it should or should not be changed. The submissions will be collated and responded to after closing of the formal advertising period. This will be presented to the Council in the new year and potential modifications will be suggested to the Scheme and Strategy. The Council resolution and all potential changes will then be sent to the Western Australian planning Commission for their consideration as the statutory decision-making authority.

## How can I make a submission?

There is a number of ways in which submissions can be lodged that includes:

- Shire's website – [www.sjshire.wa.gov.au/planningforgrowth](http://www.sjshire.wa.gov.au/planningforgrowth)
- Shire offices – hard copies provided to those who are unable to download or submit a form online.
- Community Information Sessions – to be held in November 2019. Please see our website and Facebook page for details.
- Drop-in Sessions – to be held in December 2019, dates yet to be finalised.

## What will happen to my submission?

All submissions will be compiled into a stakeholder submission register and reviewed by Shire officers. These submissions will be summarised and this will be presented to the Council in the new year and potential modifications will be suggested to the Strategy and Scheme. This process will be undertaken after the 90-day advertising period, and take four months to ensure all submissions are considered. The Council resolution and all potential changes will then be sent to the Western Australian Planning Commission for their consideration as the decision-making authority.

## What is the timeframes for the Strategy and Scheme?

The timeframe is subject to change due to the Shire not being the approval authority for the Strategy and Scheme, however the following timeframe as per the figure below provides an indicative guide:

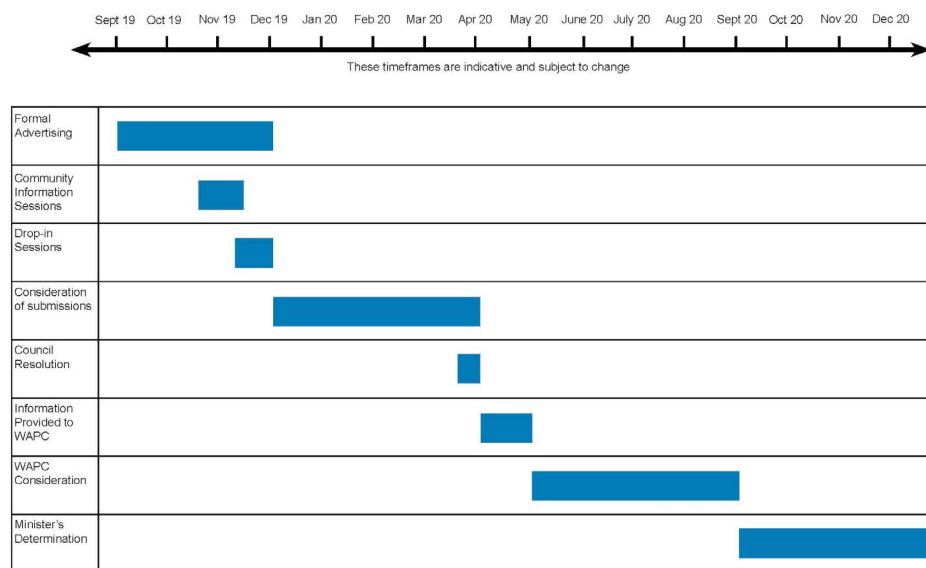


Figure 1: Strategy and Scheme estimated timeframe (subject to change)

## My property seems to be affected by the freight rail re-alignment. What now?

You need to put in a submission to "Planning for Growth". This will ensure that your voice is heard, as these submissions will be considered by the Western Australian Planning Commission when decisions are made regarding the Local Planning Strategy.

It is important to note that planning for the future land use and infrastructure needs to support future populations in the long-term. Such strategic planning occurs at the State Government level. Two of the most important strategic documents are the Perth and Peel @3.5m document and the southern subregional frameworks document. These are available here:

[https://www.dplh.wa.gov.au/getmedia/404a6895-f6ec-4829-87df-8de5b80075b8/FUT-PP-Perth\\_and\\_Peel\\_Sub\\_Region\\_March2018\\_v2](https://www.dplh.wa.gov.au/getmedia/404a6895-f6ec-4829-87df-8de5b80075b8/FUT-PP-Perth_and_Peel_Sub_Region_March2018_v2)

[https://www.dplh.wa.gov.au/getmedia/becc75c4-cd43-4f28-9372-1044387ab62a/FUT-PP-South\\_Metro\\_Peel\\_Sub\\_Region\\_March2018\\_v2](https://www.dplh.wa.gov.au/getmedia/becc75c4-cd43-4f28-9372-1044387ab62a/FUT-PP-South_Metro_Peel_Sub_Region_March2018_v2)

(the second document is the most relevant and shows the potential route of the rail)

The State government strategic planning considers the future infrastructure needs of a growing population and economy. It is the role of local government strategic planning to ensure that the State and regional strategic planning objectives are reflected in the local planning framework. This includes the planning and identification of future transport corridors within documents such as the Shire's Draft Local Planning Strategy.

Where transport infrastructure is identified within State and local strategic planning documents, it is important that this be considered in conjunction with the associated text within these documents. In relation to the freight rail realignment, Perth and Peel @ 3.5 Million – South Metropolitan Sub-Regional Planning Framework states that a key consideration of the long-term realignment will be to investigate and 'determine land requirements for future realignment of the freight railway that currently passes through Mundijong'.

This State planning document also refers to the future southern extension of Tonkin Highway to connect with the Forrest Highway south-west of Pinjarra. The partial extension of Tonkin Highway to Forrest Highway is identified in the medium term (2022–2031) while the completed extension is identified for the long-term (2031–2050). The Shire's Draft Local Planning Strategy aligns with the State planning framework, similarly identifying actions to investigate the land requirements of the freight rail realignment and work with the State government on this project and the future Tonkin Highway extension.

It is important to note that the transport corridors that have been identified in these State and local strategic planning documents are a high-level indication of the potential location. The location of these transport corridors are subject to business cases and feasibility studies to determine potential alignments and their impacts. This infrastructure is importantly a State Government planning, delivery and acquisition responsibility, and the Shire will advocate for detailed community engagement to occur at all parts of this process.

Comprehensive site and context analyses that address a range of factors would also be required to inform the proposed alignments. Extensive community engagement would be undertaken during these investigations, which would also be a significant consideration in determining the alignments. The Shire expects that the future planning of this State government infrastructure would involve close engagement with landowners and the community.

***It is therefore important to put in a submission to "Planning for Growth" that indicates how the indicated alignment affects your property and if possible, whether there is an alternative alignment that you would propose. Your expectations about future consultation can also be included in your submission.***