

Chief Executive Officer
Shire of Mt Marshall
PO Box 20
BENCUBBIN WA 6477

Transmission via electronic mail to: admin@mtmarshall.wa.gov.au

Dear Sir/Madam

REVIEW OF SHIRE OF MT MARSHALL LOCAL PLANNING SCHEME NO. 3

I refer to your email dated 21 November 2021 regarding the review of Scheme No. 3.

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 agrees with the recommendations of the report.

- (a) the local planning strategy should be revoked, and a new local planning strategy prepared; and
- (b) following the update to the Strategy, Local Planning Scheme No. 3 may be updated by way of an omnibus amendment.

Pursuant to regulation 67(2) the Shire of Mt Marshall 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 localplanningschemes@dplh.wa.gov.au.

Please direct any queries about this matter to:

localplanningschemes@dplh.wa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Fagan', written in a cursive style.

Ms Sam Fagan
Secretary
Western Australian Planning Commission

25/01/2022



Report of Review

Shire of Mt Marshall Local Planning Strategy and Local Planning Scheme No. 3.

Prepared by:

Shire of Mt Marshall, Hames Sharley, and Franklin Planning

8 November 2021

REVISION SCHEDULE

No.	Date	Details	CM
1	19/09/2021	First Draft Report	CF
2	08/11/2021	Final Report for Council Adoption	NS

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Table of Contents

1. Summary	1
2. Background	1
3. Context	2
3.1. Location	2
3.2. Population	2
3.3. Economy	3
3.4. Environment	3
4. Subdivision and Development Activity	4
4.1. Land Use Planning Reform	4
5. Local Planning framework	4
5.1. Local Planning Strategy	4
5.2. Local Planning Scheme	5
6. Consultation	6
7. Officer's/Consultant Comments	6
8. Recommendation	7
Appendices	8
Appendix 1 - Structure and content of LPS3	8
Appendix 2 – Summary of amendments to LPS3.	9
Appendix 3 - Assessment of compliance with Regulations	10

1. SUMMARY

This Report of Review was endorsed by the Shire of Mt Marshall on 15 November 2021 in accordance with the requirements of the Regulations and is now submitted to the WAPC for consideration. It recommends that a review of the Local Planning Strategy (Strategy) be undertaken, and that Local Planning Scheme No. 3 (LPS3) should be the subject of an omnibus amendment to bring it into line with the recent WAPC Planning Reform initiatives and to address any identified anomalies or inconsistencies. The document concludes that a comprehensive review of LPS3 is unwarranted.

2. BACKGROUND

The following report has been prepared to satisfy the requirements under Regulations 65 and 66 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), which requires that, in each 5th year following the date a Scheme was last published in the Government Gazette, a local government shall prepare a review by way of a report to the Western Australian Planning Commission (WAPC) on the operation of the Scheme.

3. CONTEXT

3.1. LOCATION

The Shire of Mt Marshall is a local government authority located in the north-eastern sector of the Wheatbelt Region of Western Australia. The Shire covers an area of 10,134 km² and is roughly 150 km north-south and 95 km east-west. It is located approximately 80 kms north-northwest of Merredin and about 273 km northeast of Perth.

The Shire shares borders with the Shires of Trayning, Koorda, Mukinbudin, Yalgoo, Dalwallinu, Westonia, Yilgarn, Wyalkatchem, Sandstone and Menzies (**Attachment 1 - Context Plan**). It includes two primary townsites being Bencubbin (location of Shire's administration offices) and Beacon. There are also a number of smaller townsites/localities including Gabbin, Mandinga, Welbungin and Walki.

First expeditions into the area were led by the Surveyor General Captain John Septimus Roe in 1836. Graziers and people looking to harvest Sandalwood were the first European settlers in the Mt Marshall area with the first grazing lease taken up in 1868. Permanent settlement and development of the land for farms commenced around 1910.

3.2. POPULATION

Historically, the Shire's population peaked around 1929 when approximately 2,200 people resided in the area. The Great Depression and a series of droughts saw the population decrease to 1,260 by 1940. By 1979 the population was estimated at 1,000. Since 2015, the Shire's Estimate Resident Population has gradually declined from 531 (2015) to 512 in 2020. The largest settlement is Buncubbin with 242 persons (ABS, 2016).

Table 1: WA Tomorrow Population Forecasts

BAND	2016	2021	2026	2031	AAGR
A	520	250	190	135	-8.60%
B	520	395	335	280	-4.04%
C	520	480	410	360	-2.42%
D	520	515	480	435	-1.18%
E	520	695	685	620	1.18%

Source: WAPC (2021)

In terms of the population's demographic characteristics:

- 54.1% of the Shire's population were male and 45.9% were female;
- Aboriginal and/or Torres Strait Islander people account for 1.0% of the population;
- Children aged 0 to 14 constitute approximately 22 per cent of the Shire's population which is above the WA average (19%);
- Approximately 14.9 per cent of the population is aged 65 years old or over which is lower than the WA average (18.6%);
- Median age of the Shire is 42 which is considerably higher than the WA average (36); and
- The Shire's households are generally families and the average household size is 2.5 persons per dwelling.

Population forecasts published in the Western Australian Planning Commission's Western Australia Tomorrow Population Forecasts (WAPC, 2016) (WA Tomorrow) indicated that the population may fall to 135 (Band A - low) or slightly increase to 620 (Band E- high) by 2031.

3.3. ECONOMY

The key sectors of the Shire's economy are Agriculture, Forestry and Fishing (\$67m); Public Administration and Safety (\$7.6m); and Rental, Hiring and Real Estate Services (\$7.3m). Of the 273 employed in the Shire in 2016, most had jobs in the 'Agriculture, forestry and fishing' (56%), 'Public administration and safety' (8.8%), and Education and Training (5.9%) sectors.

Strategic planning initiatives, such as the Wheatbelt Regional Planning and Infrastructure Strategy, and the Wheatbelt Blueprint. More recently, sub-regional economic development strategies, such as the Wheatbelt Regional Organisation of Council's (NEWROC) Strategic Plan have articulated various initiatives, such as: facilitating partnerships arrangements to promote the region as a great place to visit; identification of opportunities and strategies for attracting and expanding new businesses by promoting the availability of accessible land; and addressing telecommunications blackspots and expansion of existing networks.

The Shire's economy is expected to remain reliant on the agricultural sector but the identification of Kaolin on some properties within the agricultural district has led to interest from the mining sector. Discussions as to the feasibility of extracting this resource have resulted in the identification of potential site near the townsite of Gabbin for mining operations. Commencement of mining operations could provide opportunities for population and employment growth. The Shire's caravan parks are also reporting a marked (10-20%) increase in patronage and this may drive future economic development opportunities.

3.4. ENVIRONMENT

The majority of the Shire's natural environment has been extensively altered through clearing of native vegetation for broad-acre agriculture. Consequently, the region is experiencing land and water management issues, including rising groundwater levels, salinity, eutrophication of waterways, and loss of biodiversity.

The key challenge for the Shire and broader region includes improving the management of significant natural areas and water resources, creating corridors/linkages between isolated vegetation remnants, re-establishing native vegetation, controlling water flow to combat salinity, and strategic planning of new residential areas to minimise bushfire risk.

4. SUBDIVISION AND DEVELOPMENT ACTIVITY

Since 2016, the WAPC has issued Final Approval for the creation of 5 lots for Residential purposes (1 per annum) and 8 Industrial lots through subdivision. The Shire has confirmed that development activity over the life of the current scheme has been subdued.

Accommodating the net change positive change in population associated with the E-band forecasts translates into a requirement for approximately 40 additional dwellings by 2031 (or approximately 5 per annum). The majority of these houses will be required in Bencubbin, which is expected to remain as the district's major population centre. Continuation of the 'ageing' trend within the population may have implications for the types of housing that is required.

At the present time, the Strategy identifies land for subdivision and development across the district through various zones focussing on the settlements of Bencubbin and Beacon. A high-level interrogation of zoned land areas Residential, Commercial, Light Industry, General Industry in the major settlements via aerial photography indicates that there is a sufficient stock of suitably zoned, undeveloped land parcels meet elevated levels demand (should this be experienced). (**Attachment 2A/B - Zoning in key settlements**).

It should also be noted that there are approximately 310 single dwellings across the Shire, which has decreased slightly since 2001 when there were 357 dwellings. Of the current dwelling stock almost all are single houses with 197 are occupied (65%) and 128 unoccupied (35%). The Bencubbin townsite contains 128 dwellings with similar occupancy rates.

At the present time, there appears to be sufficient zoned land and dwelling stock to accommodate future demand. This may, however, need to be reassessed if potential economic opportunities are to be realised.

4.1. LAND USE PLANNING REFORM

The State government's program of reforming the land planning system has undergone a number of tranches since the release of the *Planning and Development (Local Planning Scheme) Regulations* in 2015. The reform agenda seeks to improve transparency and consistency across the system and reduce unnecessary red tape. An important part of this is to improve the manner, form and functioning of local planning schemes and strategies. In 2021, the reform agenda saw further amendments to the Regulations that have implications for Schemes. Likewise, the WAPC recently released comprehensive guidance for preparing local planning strategies. The current Strategy and LPS3 should be updated to reflect this guidance. A second phase of reform is currently underway.

5. LOCAL PLANNING FRAMEWORK

5.1. LOCAL PLANNING STRATEGY

The Shire of Mt Marshall Local Planning Strategy was adopted in September 2013. The document provides the rationale for zoning and classifications under LPS3 across the Shire and, in particular, provides land use direction for land and development in main townsites of Bencubbin and Beacon.

The Strategy is generally consistent with Shire's Strategic Community Plan that was published in 2013, the State's regional planning policies and strategic directions (i.e. Wheatbelt Regional Planning and Infrastructure) and is consistent with the WAPC's guidance in respect to the manner and form (in 2013).

Notwithstanding, the Shire believes that the current Strategy should be reviewed so that it can respond

to a range of contemporary trends as outlined in the Shire's new Strategic Community Plan, the NEWROC's Strategic Plan and other emerging opportunities for which land use planning directions / responses are required. Reviewing the Strategy also presents an opportunity to bring the document in line with the Local Planning Strategy Guidelines as recently published by the WAPC.

5.2. LOCAL PLANNING SCHEME

Local Planning Scheme No. 3 (LPS3) was gazetted on the 27 December 2013 in accordance with section 87(3) of the *Planning and Development Act 2005* (PD Act).

A summary of the Scheme content/structure is provided in **Appendix 1**.

Since gazettal, LPS3 has been amended twice: Amendment 1 sought to ensure the Scheme conformed with the Regulations as published in 2015; and Amendment 2 introduced various clauses. A summary of each amendment is provided in **Appendix 2**.

An assessment of the Scheme's conformity against the Regulations is provided in **Appendix 3**.

Current status

In review the status of LPS3 in accordance with the requirements this Report of Review, the Shire considered the following:

- Are there any planning implications/impacts on land use in the local government area?
- Is the scheme capable of facilitating the type of development for which demand is anticipated?
- Are there structure plans that need to be incorporated into the scheme?
- Can the direction and recommendations established in the Local Planning Strategy be implemented through the Scheme or are amendments to the scheme required?

Following its review, the Shire has concluded that:

- Historically, subdivision and development activity has been low and it is anticipated that population/demographic and economic drivers will remain subdued. Therefore, no responses to major planning issues (such as land use/development issues) are required;
- The format and content are considered to be largely contemporary and addressing inconsistencies with the current LPS Regulations can be accommodated by an amendment to LPS3 rather than through a comprehensive review; and
- There are no current or contemplated structure plans;
- Implementing the review of the Strategy may require modifications to the Scheme in due course but it is not anticipated that these directions will be clear for some time.
- In advance of the new Strategy, it is considered that an omnibus amendment can address any contemplated directions/recommendations during the next five years.

6. CONSULTATION

In preparing this Report of Review consultation has been undertaken with the Department of Planning, Lands and Heritage. If the recommendations of this Report of Review are supported and a new Strategy is to be prepared, a targeted and appropriate consultation process will be undertaken with relevant stakeholders and the Shire community (noting that recent engagement was undertaken in developing the Shire's most recent Strategic Community Plan).

7. OFFICER'S/CONSULTANT COMMENTS

Local Planning Strategy

While the Strategy is generally considered sound, it has not been amended since its adoption in 2013 so the Shire believes that the Strategy should be reviewed to:

- Ensure consistency and alignment with the objectives and goals of the Shire's Strategic Community Plan and the NEWROC Strategic Plan.
- Review the structure, form and content of the Strategy in line to bring it into conformity with the Local Planning Strategy Guidelines.
- Review the strategies and actions incorporated in the document to ensure consistency with the expectations of Council and the community.
- Update references to zoning and reserves to be consistent with the model provisions contained within the Regulations.
- Review whether the pattern and form of development within the Local Planning Strategy is adequate to meet future needs of the Shire's community and whether the planning framework adequately caters for sustainable growth in light of new economic opportunities.

Local Planning Scheme No. 3

In respect to the Status of LPS3, the Shire has concluded that a formal scheme review is unwarranted as:

- Development activity in the Shire is expected to remain subdued;
- The existing scheme provisions are mostly contemporary in respect to format/content; and
- An omnibus amendment to the Scheme can achieve conformity with the recent WAPC Planning Reform initiatives; and address any identified anomalies or inconsistencies with the current LPS Regulations.

8. RECOMMENDATION

That the Shire of Mt Marshall Council, pursuant to Regulation 66 (3) of *the Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission that the:

- 1 Shire of Mt Marshall Local Planning Scheme No 3 be amended via an omnibus amendment to ensure it conforms with recent amendments to the LPS Regulations.
2. Shire of Mt Marshall Local Planning Strategy be revoked, and a new strategy prepared in its place to ensure:
 - a) consistency with the long-term planning directions of the Shire; and
 - b) conformity with the WAPC Local Planning Strategy Guidelines.

APPENDICES

APPENDIX 1 - STRUCTURE AND CONTENT OF LPS3

Part 1 – Preliminary

Part 2 – Reserves

Part 3 – Zones

Part 4 – General Development Requirements

Part 5 – Special Control Areas

Schedule A – Supplementary Provisions

Schedule 1 - Dictionary of Defined Words and Expressions

Schedule 2 – Additional Uses

Schedule 3 – Restricted Uses

Schedule 4 – Special Use Zones

Schedule 5 – Exempted Advertisements

Schedule 6 – Environmental Conditions

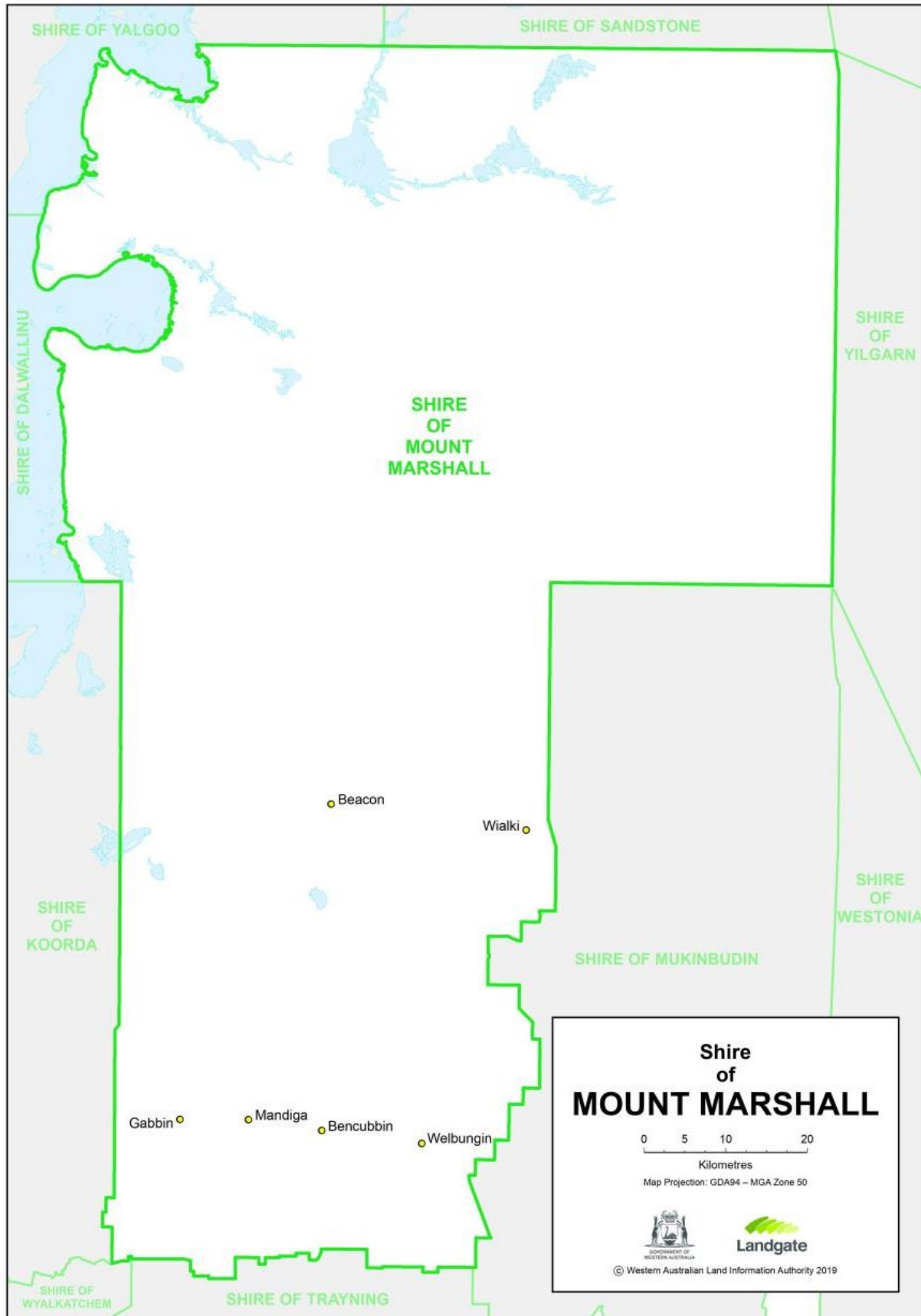
APPENDIX 2 – SUMMARY OF AMENDMENTS TO LPS3.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
-	27/12/13	25/02/14	ML	Scheme Gazetted
2	21/07/17	25/07/17	GM	<p>Inserted references to the deemed provisions in the preamble to the Scheme.</p> <p>Inserted references to the deemed provisions and supplemental provisions in clause 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly.</p> <p>Inserted references to the Regulations accordingly in clauses 1.7.1(b)(ii), 1.7.2 and 1.7.3.</p> <p>Correct Schedule references to clauses 1.5(g) and 5.6.1.</p> <p>Deleted the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2:</p> <ul style="list-style-type: none"> • Parts 2, 7, 8, 9, 10 and 11 in their entirety • Clause 1.9 and 5.10 • Schedules 6, 7, 8 and 9. <p>Inserted new Schedule A – Supplemental Provisions.</p> <p>Amended the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: 3.3.1(b), 3.3.2(a), 4.3.2, 4.3.3, 4.4.2(b), 4.8(c), 4.9.2, 5.4.2, 5.5.2(a), 5.5.3(a).</p> <p>Deleted references to the following terms and replaced them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> • 'planning approval' replaced with 'development approval'; • 'council' replaced with 'local government'; • 'Town Planning Act' with 'Planning and Development Act'. <p>Modified the zoning table to update use class names to correspond with the appropriate definition within Schedule 1 Part 6 of the Model Provisions for Local Planning Schemes.</p> <p>Deleted use classes Storage and Plantation and their permissibility from the zoning table as they are covered by other use classes.</p> <p>Removed clause 8.5 and inserted as clause 4.10.</p> <p>Amended Schedule 1 and inserted definitions "Industry: cottage" and "Industry: service".</p> <p>Renumbered the scheme provisions and schedules sequentially and updated any cross referencing to the new clause numbers and deemed provisions as required.</p>
1	29/12/17	10/01/18	GM	<p>Modified Table 1 – Zoning Table to permit 'Group Dwelling' in a Rural zone as a 'D'.</p> <p>Inserted new clause 4.9.2 – Additional Dwellings into Part 4 – General Development Requirements.</p> <p>Modified Clause 4.9 – Rural Zone.</p>

APPENDIX 3 - ASSESSMENT OF COMPLIANCE WITH REGULATIONS

Provisions	Terms	Model Scheme Compliant
Local Reserves	Conservation, Parks and Recreation, Public Purpose (PP), PP Airstrip, PP Cemetery, PP Civic and Cultural, PP Depot, PP Police, PP Primary School, PP Public Utility, Wastewater Treatment Plant, PP Water Supply and Railways	Not compliant with 2021 Regulations
Zones	Residential, Commercial, Light Industry, General Industry, Rural Residential, Rural	Compliant
Land uses	There are 66 land use classes listed in the Scheme.	Compliant
Additional uses	None	NA
Restricted uses	None	NA
Environmental conditions	None	NA
Special control areas	None	NA
Special Uses	Caravan Park, Country Club, Garage and Rural Supples, Motor Workshop and Repairs	NA
Structure plans	None	NA
Local planning policies	None	NA

ATTACHMENT 1 – CONTEXT PLAN



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