



07/06/2021

Introduction

Earnest Consulting has been engaged by Wingecarribee Shire Council to carry out a review of the planning function of Council. This review has arisen from the suspension of Council and a decision by the Administrator, Mr. Viv May, as part of his general review of council, to have an independent review of the Planning functions of Council. There have been a significant number of representations by the community, as to how Council had been operating and carrying out its functions in this area.

The review has commenced with a series of interviews by Mr Malcolm Ryan, Director of Earnest Consulting P/L with both staff members and members of the public. To date 19 interviews with members of staff and 38 interviews with members of the public have been conducted. Currently there are another 45 meetings proposed with members of the public. These will not be completed until 30/7/2021. There may of course be other requests that can be accommodated by this date.

The issues raised during the discussions with staff members have been referred to the Acting General Manager for his action and where appropriate implementation.

This interim report has been requested due to the longevity of the interview process to enable Council to consider changes that could be enacted earlier. There are consistent themes coming out of the interviews and it is considered reasonable for Council to consider these observations now rather than wait until the project is concluded.

These themes will be discussed below and suggested actions made and some general observations that may assist Council in altering its strategic objectives. The final report will include all the notes taken during the interviews and there may be specific recommendations and observations made about those individual issues.

Themes arising from interviews with staff members

- Poor or no leadership which manifests in lack of trust in their decision making and lack of authority to make decisions
- Not enough staff due to vacant positions not being filled
- Changes to the way customer service staff function at the front counter removed a lot of corporate knowledge resulting more enquiries going to the professional staff
- No triaging of requests such that requests for repairs being sent to the development engineers rather than to assets
- Old IT systems (nb new updated systems are now being installed)
- Too many hours taken up by being "on duty"
- No "technician" to check the completeness of applications resulting in time being consumed for the assessment staff to check the application before they can start on an application
- Interference by Councillors to pre-determine recommendations especially on Planning Proposals
- Council adopting a strategic policy then continually amending it so it never gets finalised
- Poor outdated DCPs
- Inconsistency between various strategic policies of Council such as Council's position to promote tourism and the contents of the LEP that effectively prohibits those land uses
- Poor non complete pay rates and working conditions
- Managers have no visibility of their budgets
- Managers appear to have little impact on HR staff to get job offers out in a competitive market place
- Little or no communication on changes in IT or customer service function

Observations from the public

- There appears to no commitment to any of the normal ideals of customer service such as
 - returning phone calls
 - responding to correspondence
 - responding to compliance issues
 - Hostile attitude to enquiries at the front counter
- Applications take too long (however some types of applications such as simple DAs are dealt with in good time)
- Continual requests for more information or changes to the details of an application
- Inconsistent processes and outcomes such as different staff asking for different information on the same application
- Different staff ask for changes on the layout and typography of plans
- No consistent checklists of data required for different types of applications
- Staff look tired and stressed
- Outcomes on applications appear to be different for people who are seen to be friends of Councillors or senior staff
- Quick to take legal action but seem to have a high failure rate
- Difficult to access documents associated with applications even when the application is on notification particularly with the DA Tracker
- Very few resources devoted to compliance action and responding to issues
- Duty staff are seen as being rigid in their responses and not willing to depart from the way things are done
- The DCPs are sometimes rigidly adhered to whilst other times they are not

Observations by Earnest Consulting

- Poor leadership from all levels of senior management has left the planning staff without a framework to operate in and results in inconsistent processes and objectives
- Staff are stressed and overworked largely due to the high number of vacant positions
- WSC does not appear to be competitive in the market place to attract new staff and retain existing staff
- The Planning instruments being used are in need of review and updating, particularly the DCPs
- The records system needs to be robust, consistent and compliant with all statutory requirements
- Records management needs to be the “single source of truth” of all of Council’s records
- It only just recently that the IT systems have been update in hardware and software but the implementation of the systems and the utilisation of their capabilities needs to become a major priority of the whole of Council
- The data needed in the processing of planning applications comes from sources across the whole organisation and there needs to be a corporate commitment to meeting referral times and to maintaining accurate data
- There seems to be a disconnect between Council’s strategic goals and priorities and the statutory planning instruments. The appears to be a Council commitment to promoting tourism however the LEP has many provisions that limit or prohibit that outcome leading to confusion of the staff and the community over this inconsistency
- Public access to the contents of development applications, planning proposals and internal and external referrals in these applications needs to easy, on-line and complete. It is acknowledged that legal advice may suggest to limit access, however this simply leads to the suspicion that Council is trying to suppress information. A visit to Northern Beaches Council may reveal an alternate view on public access to application material.
- The compliance function of Council appears to be spread very thinly across several teams, resulting in a perception from the community that actions are not consistent or non-existent
- There are instances of the community getting different advice on the same issue from different parts of the organisation. Resulting the in the “left hand, right hand syndrome”
- The amount of time devoted “duty” at the front counter is not justified when there are so many staff vacancies
- The pre-lodgement service is poorly used due to its expense and inconsistent advice.

The interviews with the staff of Council and members of the community have revealed a number of themes and concerns that are consistent from both groups. There has also a number of individual matters concerning applications and/or legal matters that have been referred to the General Manager for investigation.

In general, to date, the issues concern the general leadership of Council both from the elected body and the senior staff. This in turn leads to poor customer service, apparent lack of co-ordination of the various functions of Council and general lack of morale of the planning staff. There is a perception of inconsistent decision-making affecting planning matters and inconsistent application of various policy settings.

The planning function of Councils in NSW is a complex with many different statutory obligations, varying needs of the different sections of the community and the often-vexed relationship between the elected body and the staff. The planning functions are not just confined to the statutory instruments of LEP and DCPs, but permeate across the whole operations of council.

Planning decisions locate people and activities in a wide range of environments, deliver new assets to council, create demand for services that council needs to deliver and can adversely affect council's financial viability if these outcomes are not co-ordinated.

Council has a wide range of tools it must use to deliver its desired future and these need to be up to date, co-ordinated, integrated into all aspects of council's activities, reviewed constantly and subjected to annual performance measurement. These tools include:

- Community Strategic Plan
- Local Environmental Plan
- Asset Management Plan
- Operational Plan
- Long Term Financial Plan

There are of course a diverse range of tactical plans that are used to deliver the strategic outcomes. The co-ordination of all of these plans should be the responsibility of one group but of course the individual plans are in some cases the speciality of various parts of council.

The annual performance measures need to be meaningful to the community and in many aspects the annual community satisfaction survey can supply these indicators.

In parallel to this co-ordination of planning tools there is an overwhelming request from the community for a robust Customer service charter that should set clear performance indicators for all aspects of dealing with customers both outside and inside council. These main indicators should be part of every performance agreement for every staff member and include the elected body as well.

The morale of the staff involved in Council's planning function is not high. They need to feel valued by both the leadership team and the elected body. They are there to carry out the strategic and statutory functions of Council and if the policy settings of Council need to change, they should be frank and fearless in the advice they give. Of course, it goes without saying the elected body can make any decision they wish but they need to be in possession of advice they can rely on before doing so.

The following recommendations are some interim ones pending the completion of all the interviews with members of the Community and arise from the observations above.

Recommendations

1. A review of the salary system and employment policies, especially in the technical service areas, be undertaken to ensure Council is competitive in the market to retain and attract staff
2. An active recruiting program be undertaken to fill all the vacant positions
3. Contract staff are only used to obtain skills that are
 - a. not normally available with permanent staff or
 - b. where external specialist advice is needed, or
 - c. where there is a potential for a conflict of interest (eg applications by Council or for Councillors)
4. These contract roles should be regularly tendered to ensure Council is receiving best value and expertise
5. The Strategic Planning team should be led by a manager
6. A compliance team, led by a manager, be established that encompasses the rangers, parking officers, compliance officer, health and environmental officers and the tree officer to ensure the best available response to requests from the community
7. The development engineers be moved to an appropriate manager under the Deputy GM Operations, Finance and Risk to ensure consistent and co-ordinated advice is provided to both Strategic and Statutory Planning teams on infrastructure issues
8. Consideration be given to moving the Community Strategic Plan function to the Strategic Planning team to ensure co-ordination between the CSP LEP DCPs and operational plans
9. A strategic planning works program be adopted by Council to give priority to
 - a. Loading all the data needed into the e-services modules to deliver the best service to Council and the community
 - b. A review of the LEP and DCPs
 - c. Review and update of the contribution plans, including policies on VPAs and Works in Kind (WiK) requests
 - d. Adoption of a housing strategy
 - e. Outsourcing all Planning Proposals from the community to a panel of contractors on a fee for service arrangement until the major work outlined above is completed
10. That Council adopt an appropriate policy that ensures that the community, as far as possible, has free and unrestricted access to all documents associated with Planning Proposals and Development Applications including all internal and external referrals using an on-line "DA tracking" tool, similar to the policy currently adopted at Northern Beaches Council
11. That Council adopt a clear Customer Service charter to ensure that staff respond appropriately to phone calls, emails, correspondence and application processing. This policy should produce measurable indicators on the appropriate standards that are expected
12. That consideration be given to obtaining more technical skills for the front counter staff to triage applications to ensure a higher quality of application are received by the determining officers
13. That consideration be given to adopting a DA policy similar to that recently adopted by Central Coast Council to ensure that all applicants receive fair access to the determining officers.
14. That consideration be given to reducing the hours that "duty" staff are available until all vacant positions have been filled.

15. The fee for the pre-lodgement service be reduced to be similar to surrounding Councils. At the very least the service would be at a senior staff level, with business support to prepare the agenda, take minutes and book attendances. A higher fee could be considered for more senior staff to attend.
16. The attendances and attention to detail given to pre-lodgement meeting should be one of the first priorities of the offices attending to give high quality clear advice that can be relied upon. If there is a subsequent application lodged than the minutes of the pre-lodgement discussions for that application should be publicly displayed along with the application itself.

