



# **Shire of Murray**

## **LOCAL PLANNING SCHEME NO. 4**

### **AMENDMENT NO. 318**

**June 2022**

**PLANNING AND DEVELOPMENT ACT, 2005  
RESOLUTION TO PREPARE  
AMENDMENT TO A LOCAL PLANNING SCHEME**

**SHIRE OF MURRAY  
LOCAL PLANNING SCHEME NO. 4  
AMENDMENT NO. 318**

RESOLVED that the Local Government, pursuant to of Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- a) rezoning portion of Lots 19-23 Pinjarra Road, Lots 122, 124, 2521 and portion of Lot 127 Tonkin Drive, Lots 125, 126 and 128-130 Walter Road and Lot 120 North Yunderup Road, the road reserve of Walter Road and portion of the road reserve of Towera Road from Special Rural, Public Recreation/Conservation Reserve, Major Highway Reserve and no zone to Special Development; and
- b) amend the Scheme Maps accordingly; and
- c) adding Special Provisions relating to the above land and Lot 123 Tonkin Drive, Portions of Lot 185 North Yunderup Road, portion of Lot 205 Walter Road, Lot 304 and portion of Lot 650 Towera Road, North Yunderup in Schedule 7 of the Scheme text to address specific matters relevant to the planning and development of the land, as below:

<b>(A) SPECIFIED LAND</b>	<b>(B) SPECIAL PROVISIONS RELATING TO (A)</b>
Portion of Lots 19-23 Pinjarra Road, Lots 122, 123, 124, 2521 and portion of Lot 127 Tonkin Drive, Lots 125, 126, 128-130, portion of Lot 205 Walter Road and the road reserve of Walter Road, Lot 120 and portion of Lot 185 North Yunderup Road and Lot 304, portion of Lot 650 Towera Road and the road reserve of Towera Road abutting these Lots.	Subdivision and development shall generally be in accordance with a Structure Plan prepared and approved for the entirety of the specified land in accordance with the provisions of Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Amendment is 'standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- 1. It is consistent with the Peel Region Scheme and does not comfortably fall within either the complex or basic amendment categories

Dated this 23rd day of June 2022.

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**REPORT**

- |   |   |
|---|---|
| 1. LOCAL AUTHORITY                      | Shire of Murray   |
| 2. DESCRIPTION OF TOWN PLANNING SCHEME: | Local Planning Scheme No. 4   |
| 3. TYPE OF SCHEME:                      | District Zoning Scheme  |
| 4. SERIAL NO. OF AMENDMENT:             | Amendment No. 318   |
| 5. PROPOSAL:                            | Initiating an Amendment to rezone various Lots in North Yunderup to Special Development and to include Special Provisions within Schedule 7 |

# **AMENDMENT REPORT**

## **1.0 Introduction**

The purpose of this Scheme Amendment is to rezone land from Special Rural, Public Recreation/Conservation Reserve, Major Highways Reserve and no zone to Special Development and to include suitable special provisions in Schedule 7 of the Local Planning Scheme No.4 (LPS4) text to require comprehensive planning of the land prior to subdivision and development.

The special provisions will be applicable to the land that is being rezoned as well as the broader North Yunderup urban cell. Ultimately the amendment will ensure that the subdivision and development of the area occurs in a coordinated and logical manner through the preparation of a District Structure Plan (DSP). The DSP area will include the land subject to the rezoning and all adjacent Urban zoned land generally southwards to Wilgie Creek.

The DSP should consider provisions for future community facilities, appropriate commercial centre, school provisions and transport connections. This will enable the orderly and proper consideration of provision for community facilities, appropriate commercial centre, school provision and transport connections and infrastructure.

Refer Figure 1 - Land to be Rezoned to Special Development and Land to be subject to the Schedule 7 Special Provisions

## **2.0 Background**

The subject land is bounded by North Yunderup Road to the west, Tonkin Drive to the north, Pinjarra Road to the north east, and Wilgie Creek to the South. The land includes the unconstructed road reserves of Walter Road and portion of Towera Road. It also includes Lot 2521 on the corner of Tonkin Drive and North Yunderup Road which is owned by the Shire of Murray and as a former recreation reserve that was closed and purchased by the Shire as part of its Land Asset Strategy as the land was considered excess to requirements.

The land proposed to be rezoned had been zoned Urban Deferred under the Peel Region Scheme (PRS) for a number of years and Special Rural, Public Recreation/Conservation Reserve Major Highway Reserve and no zone under LPS4. The Western Australian Planning Commission (WAPC) resolved to transfer the land from Urban Deferred to Urban on 8 December 2021. The resolution was gazetted on 17th December 2021.

As part of its consideration the WAPC advised that the land is to be included in a broader District Structure Plan (DSP) for the locality. Adjacent PRS Urban zoned land is already zoned Special Development under LPS4. The Special Development zone

is a flexible zone that requires subdivision and development to be in accordance with an approved structure plan. A structure plan has not been prepared to date.

### **3.0 Amendment Type**

As per Part 5 of the Regulations, there are several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

Regulation 35(2) requires the local government to specify in its resolution to prepare or adopt an amendment what type of amendment it is, as well as the explanation for forming that opinion.

This proposed amendment is considered to be a 'standard' amendment, under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it is consistent with the Peel Region Scheme and does not comfortably fall within either the complex or basic amendment categories.

## **4.0 Town Planning Context**

### **4.1 Planning and Development Act**

The lifting of the Urban Deferment has resulted in an inconsistency between the PRS and the LPS4. Where such an inconsistency arises, the Shire is required under section 124 of the Planning and Development Act to resolve to prepare an amendment to LPS4 within 90 days of the change to the PRS taking effect which will render LPS4 consistent with the PRS.

### **4.2 Peel Region Scheme**

The subject land is zoned 'Urban' under the provisions of the *Peel Region Scheme* ('PRS').

Refer Figure 2 - Peel Region Scheme Zoning.

### **4.3 Shire of Murray Local Planning Scheme No. 4**

The subject site is zoned Special Rural, Public Recreation/Conservation Reserve, Major Highway Reserve and Special Development under the *Shire of Murray Local Planning Scheme No.4*.

Refer Figure 3 – Local Planning Scheme No. 4 Zoning.

#### **4.4 Perth and Peel @ 3.5 Million**

This document seeks to meet the target identified under *Directions 2031* and the *State Planning Strategy 2050*. The suite of documents includes the over-arching Perth and Peel @ 3.5 Million report and four planning frameworks for the Central, North-West, NorthEast and South Metropolitan Peel sub-regions.

The subject site is situated within the South Metropolitan Peel Sub-Region and is identified as 'Urban'. The subdivision and development of the land for residential purposes is consistent with the *Perth and Peel @ 3.5 Million* framework. The proposed Amendment to the Scheme will require the preparation of a district structure plan to facilitate the orderly and proper planning of the locality.

#### **4.5 State Planning Policy 3.6 - Infrastructure Contributions**

The WAPC's *State Planning Policy 3.6 - Infrastructure Contributions* ('SPP 3.6') sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, and the form, content and process to be followed.

The amendment will require the preparation of a Development Contribution Plan (DCP) in accordance with the requirements of SPP 3.6, ensuring there is an appropriate need and nexus between the proposed infrastructure items and the development.

#### **4.6 State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

*State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7) provides a framework in which to implement effective, risk-based land use planning and development outcomes to preserve life and reduce the impact of bushfire on property and infrastructure. Although the subject land is bushfire prone, it is not necessary to apply SPP3.7 as this amendment simply seeks to bring the local planning scheme into conformance with the region scheme. SSPP3.7 will be duly considered as part of the DSP.

### **5.0 Proposal**

The purpose of this Scheme Amendment is to amend LPS 4 by:

- rezoning portion of Lots 19-23 Pinjarra Road, Lots 122, 124, 2521 and portion of Lot 127 Tonkin Drive, Lots 125, 126 and 128-130 Walter Road and Lot 120 North Yunderup Road, the road reserve of Walter Road and portion of the road reserve of Towera Road from Special Rural, Public Recreation/Conservation Reserve, Major Highway Reserve and no zone to Special Development; and
- Amend the Scheme Maps accordingly; and

- adding Special Provisions relating to the above land and Lot 123 Tonkin Drive, Portions of Lot 185 North Yunderup Road, portion of Lot 205 Walter Road, Lot 304 and portion of Lot 650 Towera Road, North Yunderup in Schedule 7 of the Scheme text to address specific matters relevant to the planning and development of the land, as below:

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## 6.0 Justification

The proposed Amendment is considered justified and appropriate for the following reasons:

- It will bring the local planning scheme into conformance with the region scheme.
- The special provision ensure that the broader locality will undergo comprehensive planning through structure planning prior to subdivision or development with. Once a DSP has been finalised Local Structure Plans (LSP) will be prepared consistent with the DSP. This structure planning will enable the overall urban precinct to subdivided and developed in an orderly and proper manner.
- By requiring a DCP to be prepared the amendment provides a framework for the equitable distribution of infrastructure costs over an area of land with fragmented ownership.

The proposed Scheme Amendment is consistent with the relevant State and Local planning framework.

## 7.0 Conclusion

This Scheme Amendment will ensure that the local planning scheme is consistent with the region scheme and that development in the broader North Yunderup locality will progress in a coordinated and well-planned manner.

**PLANNING AND DEVELOPMENT ACT, 2005  
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**SHIRE OF MURRAY  
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











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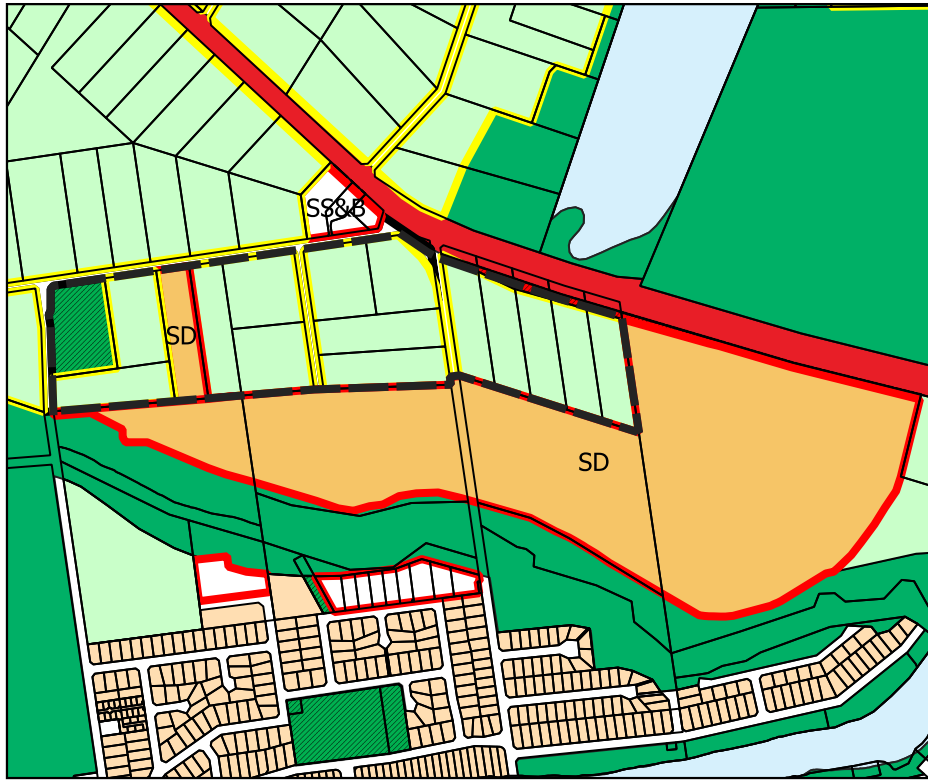
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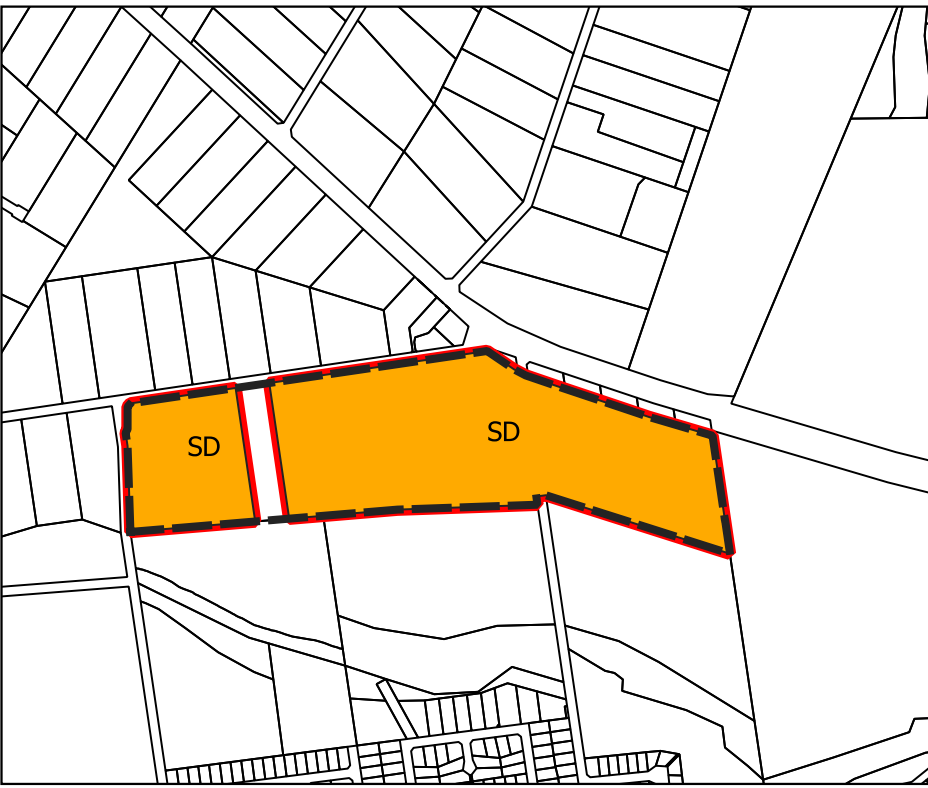


Legend

-  Subject Site
-  murray\_cadastre
- LOCAL SCHEME ZONES**
-  RURAL
-  MAJOR HIGHWAY
-  NO ZONE
-  RESIDENTIAL
-  SPECIAL RESIDENTIAL
-  SPECIAL DEVELOPMENT
-  SS&B SPECIAL USE - Service Station and Boat Display
-  SPECIAL RURAL
- LOCAL SCHEME ZONES**
-  MAJOR HIGHWAY
-  PUBLIC RECREATION / CONSERVATION
- PeelRegionScheme**
-  PRIMARY REGIONAL ROADS
-  REGIONAL OPEN SPACE
-  WATERWAYS



EXISTING



PROPOSED

-  Subject Site
-  murray\_cadastre
- LOCAL SCHEME ZONES**
-  SPECIAL DEVELOPMENT






Date: 16 August 2022  
 Revision: A

Figure 1 - Zoning Plan

**COUNCIL ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the Shire of Murray at the Ordinary Meeting of the Council held on the 23rd day of June 2022.

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**COUNCIL RESOLUTION TO ADVERTISE**

by resolution of the Council of the Shire of Murray at the Ordinary Meeting of the Council held on the 23rd day of June 2022, proceed to advertise this Amendment.

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDATION**

This Amendment is recommended for support by resolution of the Shire of Murray at the Ordinary Meeting of the Council held on the 27th day of October 2022 and the Common Seal of the Shire of Murray was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**WAPC ENDORSEMENT (r.63)**

.....  
DELEGATED UNDER S.16 PLANNING  
AND DEVELOPMENT ACT 2005

DATE.....

Approval Granted

.....  
MINISTER FOR PLANNING

DATE.....

**Figure 1 – Land to be Rezoned to Special Development and Land to be subject to the Schedule 7 Special Provisions**

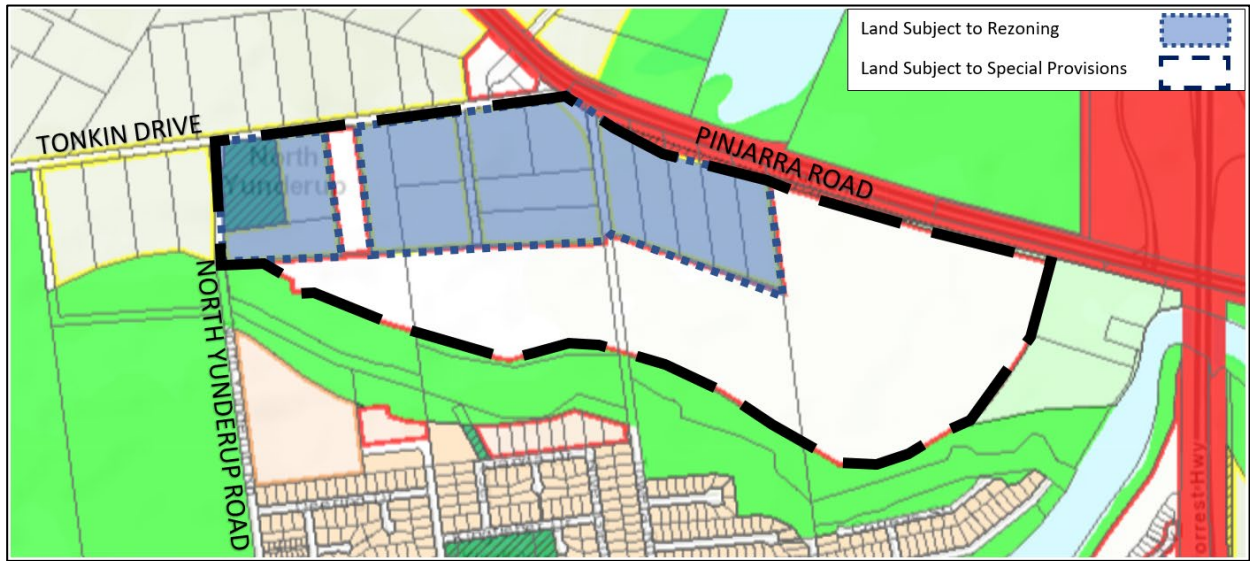


Figure 2 - Peel Region Scheme Zoning

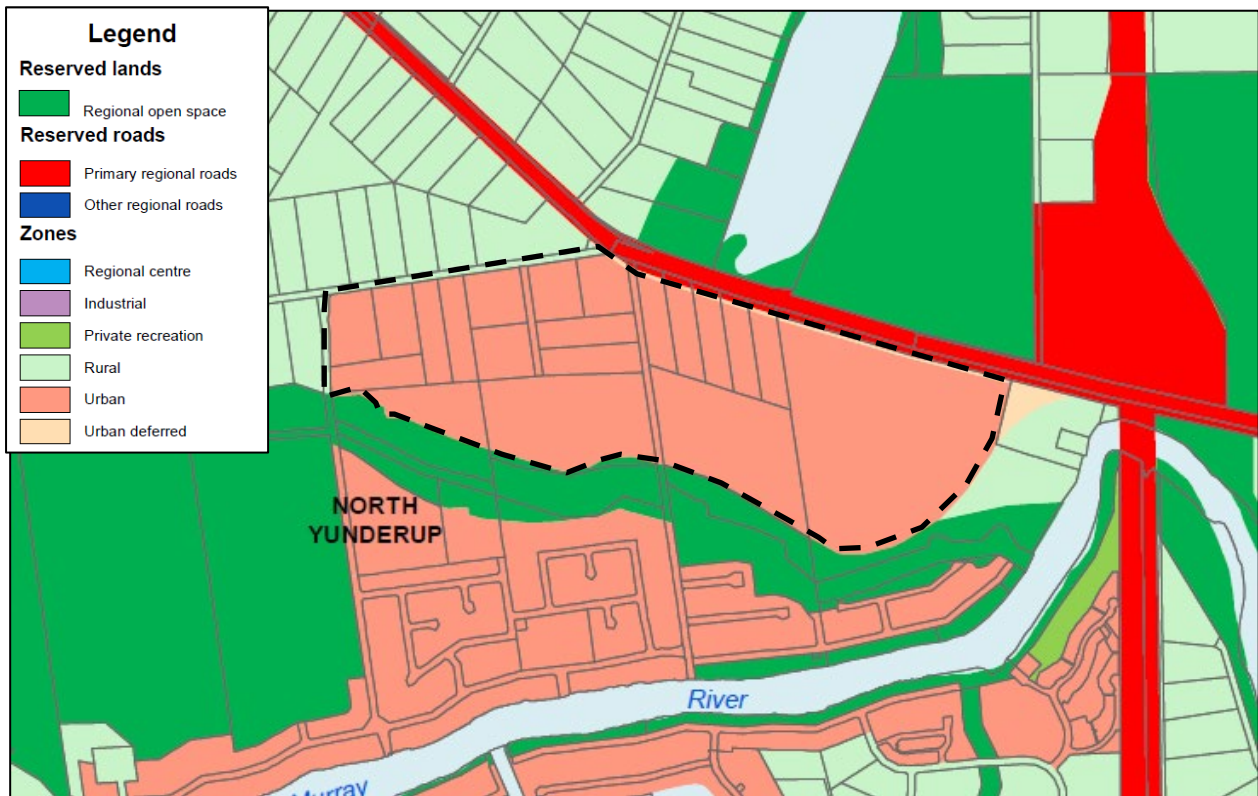


Figure 3 – Local Planning Scheme No. 4 Zoning

