

## 11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

### Planning and Sustainability

#### 11.1 Proposed Amendment No 308 to Town Planning Scheme No 4 to rezone portion of Lot 1 Napier Road, Oakley

File Ref: DSA 308  
 Previous Items: OCM 12 Feb 15 Item 12.2 (OCM15/009)  
 Author and Title: Cherryll Oldham, Senior Planning Officer  
 Voting Requirements: Simple Majority

**Appendix 2**

#### Recommendation/Council Decision

**OCM19/137**

**Moved: Cr A Rogers**

**Seconded: Cr C Rose**

#### That Council:

1. pursuant to Section 75 of the Planning and Development Act 2005, resolves to prepare Amendment No. 308 to the Shire of Murray Town Planning Scheme No. 4 to rezone portion of Lot 1 Napier Road, Oakley to Rural and Industrial Development consistent with the corresponding Rural and Industrial zones under the Peel Region Scheme;
2. pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 specifies that the Amendment is a standard amendment as it is considered consistent with the zones under the Peel Region Scheme, it does not comfortably fall within either the complex or basic amendment categories and will not result in any significant environmental, social, economic or governance impacts on land within the Scheme area;
3. authorises the Shire President and Chief Executive Officer to sign and seal the scheme amendment documents once prepared to the satisfaction of the Director Planning and Sustainability;
4. authorises the amendment to be forwarded to the Environmental Protection Authority for consideration of environmental assessment in accordance with section 81 of the Planning and Development Act; and
5. following compliance with sections 81 and 82 of the Act, proceeds to advertise the amendment for a period of at least 42 days.

**CARRIED UNANIMOUSLY 7:0**

#### In Brief

- An amendment to the Peel Region Scheme (PRS) has been finalised which reconfigures the Industrial zone on Lot 1 Napier Road, Oakley and renders the Shire's Town Planning Scheme No.4 (Scheme) inconsistent with the PRS.
- Clause 124 (3) of the Planning and Development Act requires a local government to amend its Scheme where such an inconsistency results with the PRS.
- The purpose of this amendment is to bring the Scheme into consistency with the PRS and to zone the PRS Industrial zoned portion of the lot to Industrial Development to ensure comprehensive planning via a structure planning process prior to subdivision and development of the land proceeding.

## Background

Lot 1 Napier Road is located approximately 9km east along Pinjarra-Williams Road from the South Western Highway. The lot has an area of over 515 hectares (Ha) with a 102Ha portion zoned Industrial. The Industrial zoning was created in 1988 to encompass a gallium plant constructed by Rhone-Poulenc Chime Australia Pty Ltd, which extracted gallium from a by-product of the adjacent Alcoa refinery. This gallium plant closed in 1990.



A PRS amendment was gazetted on 25 August 2017 which reconfigured the Industrial zoned portion of the lot by rezoning the eastern 22.3Ha of the existing Industrial zone to Rural and rezoning an equal area adjacent to the western side of the existing Industrial zone from Rural to Industrial. The extent of the amendment is shown on **Appendix 2**.

## Report Detail

It is proposed to amend the Scheme to bring the extent of Industrial and Rural zones on Lot 1 to be consistent with the corresponding zones under the PRS.

To ensure comprehensive planning is undertaken via a structure planning process prior to further subdivision and development of the land, it is also proposed to zone the PRS Industrial zoned portion of the land to Industrial Development under the Scheme.

## Murray 2030 Strategic Community Plan

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
<b>Strategy</b>	Ensure the Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

## Other Strategic Links

Nil

## **Statutory Environment**

### Planning and Development Act

Section 75 of the *Planning and Development Act* (Act) provides that a Local Government may amend its local planning scheme by an amendment that is either:

1. prepared by the Local Government, approved by the Minister and published in the Gazette; or
2. proposed by all or any of the owners of land in the scheme area, adopted with or without modification by the Local Government, approved by the Minister and published in the Gazette.

Section 124(2) of the Act provides that a local government must resolve to prepare an amendment to a local planning scheme within 90 days of a region planning scheme coming into effect, where the region planning scheme creates an inconsistency with the local planning scheme.

In this case the Peel Region Scheme amendment which reconfigured the Industrial zoned portion of the land was finalised in 2017. The Shire therefore has a statutory responsibility to amend its Scheme consistent with the Peel Region Scheme zoning.

### Planning and Development (Local Planning Schemes) Regulations

Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations (the Regulations) requires that a resolution to prepare an amendment must:

1. specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
2. include an explanation of the reason for the local government forming that opinion.

Regulation 34 sets out the criteria for each amendment category and in particular specifies that a Standard Amendment is:

- an amendment which is consistent with the applicable region planning scheme;
- an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; or
- any other amendment that is not a complex or basic amendment.

The Scheme Amendment is considered to meet the requirements of the Standard category in this case.

## **Sustainability & Risk Considerations**

### *Economic - (Impact on the Economy of the Shire and Region)*

The applicant advises that businesses are seeking more cost effective industrial land based on a small distance disadvantage that can be readily offset by cheaper leasing costs.

### *Social - (Quality of life to community and/or affected landowners)*

Although the area of Industrial zoned land remains the same, it will result in industrial land uses closer to the residents on rural lots to the south and west although these lots are still more than a kilometre from the new Industrial Development zone.

*Environment – (Impact on environment's sustainability)*

The reconfiguration of the Industrial zone will benefit the Peel Regionally Significant Natural Area situated within the eastern portion of the existing Industrial area. The southern water course may be affected by future industrial development, particularly as future access to the area will traverse the water course. Structure planning should assist with protection of the environmental qualities of the land.

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks in supporting the proposed Scheme amendment.

**Consultation**

Upon a local government resolving to prepare an amendment to a local planning scheme, section 81 of the *Act* requires it to refer the amendment to the Environmental Protection Authority (EPA) for consideration as to whether an environmental assessment is necessary under the *Environmental Protection Act*.

Following advice from the EPA that a standard Scheme Amendment does not require formal environmental assessment, Regulation 47 of the Regulations requires the local government to arrange advertising for a period of at least 42 days, by the following means:

1. notice in a newspaper circulating in the scheme area;
2. notice in the offices of the local government;
3. notice to each public authority that the local government considers is likely to be affected by the amendment;
4. notice on the local government's website; and
5. as otherwise directed by the WAPC and in any other way considered appropriate by the local government.

**Resource Implications***Financial*

The costs associated with this Scheme amendment can be accommodated within the operational budget.

*Workforce*

The assessment and reporting of the amendment can be accommodated within the scope of the existing workforce level.

**Options**

Council has the option of:

1. Preparing and proceeding to advertise the Scheme amendment as recommended.
2. Preparing and proceeding to advertise the Scheme amendment with an alternative industrial based zone.

**Conclusion**

Under the *Planning and Development Act* a local government is required to ensure zonings under the Scheme remain consistent with the PRS. The PRS has been amended to reconfigure the Industrial zoning and the proposed Scheme amendment will make the Scheme consistent with the PRS. The proposed Industrial Development zone will ensure comprehensive planning via a structure planning process is undertaken prior to further subdivision and development of the land proceeding.