

LOCAL PLANNING SCHEME NO. 4

AMENDMENT NO. 327

March 2025



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

SHIRE OF MURRAY
LOCAL PLANNING SCHEME NO. 4
AMENDMENT NO. 327

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

1. Rezoning Lot 106 (Reserve 26242) Newton Street, Dwellingup from 'Public Purposes' to 'Residential' (R10).
2. Amending the Scheme Maps accordingly.

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

1. It will have minimal impact on land in the scheme area that is not the subject of the amendment; and
2. It will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Pursuant to Regulation 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment to the above Local Planning Scheme affects the following structure plan(s):

- Dwellingup Structure Plan

Upon the amendment taking effect, the approval of the structure plan is not affected.

Dated this 27th day of March 2025.

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: | Local Planning Scheme |
| 4. SERIAL NO. OF AMENDMENT: | Amendment No. 327 |
| 5. PROPOSAL: | Rezoning of Lot 106 Newton Street,
Dwellingup from 'Public Purposes' to
'Residential' (R10) |

1.0 Introduction

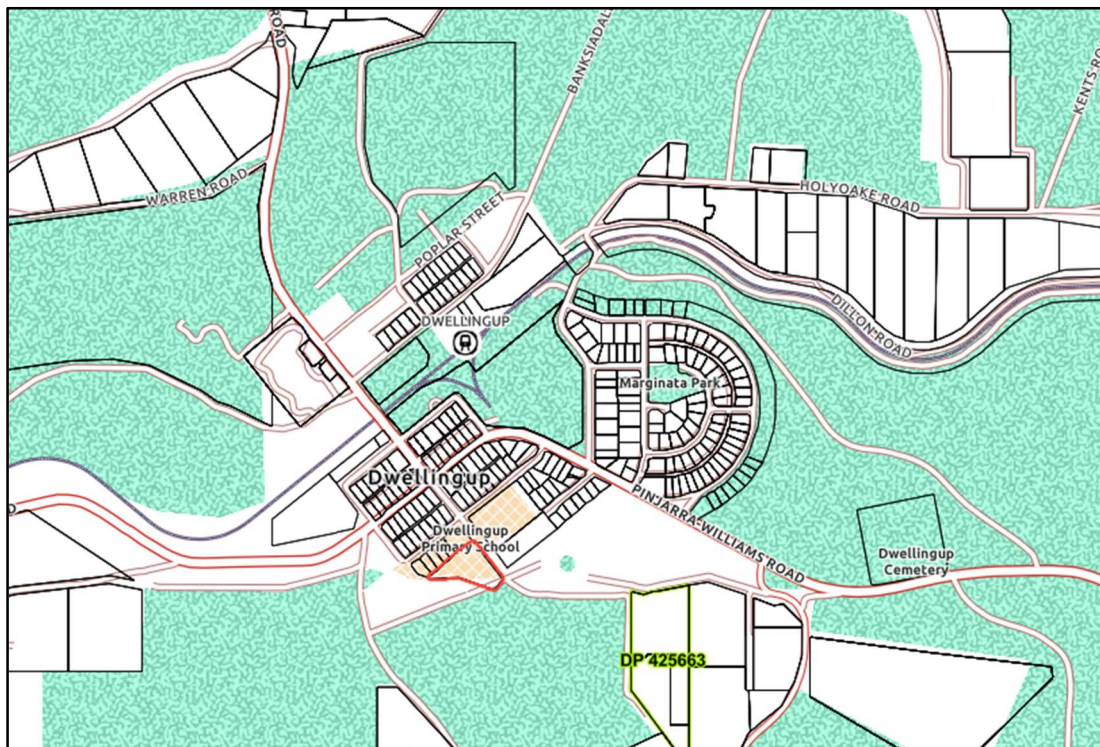
The purpose of this Scheme Amendment is to rezone Lot 106 Newton Street, Dwellingup (Reserve 26242) from 'Public Purposes' to 'Residential' (R10).

The purpose of progressing this rezoning is to provide for additional permanent residents within Dwellingup town, in order to increase the local workforce and to sustain and improve local services, including the adjacent primary school. With the recent increased tourism focus in Dwellingup, many established dwellings have been converted for use as short stay rental accommodation, in effect reducing the permanent residential population in the town. The Shire intends to place restrictions on future use of new residential lots (e.g. through covenants) to prevent new short term rental accommodation. It is intended that the proposal will deliver development that will reflect the character of the town by requiring larger lots (minimum 1,000m²), providing opportunities to retain vegetation and requiring building design guidelines that complement the Dwellingup character.

2.0 Background

The subject land comprises of 1.077 hectares, with a frontage of 124 metres (m) to Newton Street and 178m to Forrest Street. Approximately the northern 50m of Newton Street abutting the land is sealed and used as on-street parking for the Dwellingup Primary School, with the remainder being unsealed. The portion of Forrest Street abutting the land is unmade and currently vegetated.

The subject land abuts five developed residential lots fronting Church Street and an early childhood centre on the corner of Newton and Church Streets. The opposite side of the Forrest Street road reserve is State Forest. The subject land is a vacant, naturally vegetated, unmanaged Crown reserve. The land slopes upwards from west to east by approximately 11m.



1. Location Plan



2. Aerial Photo

3.0 Environment

Emerge Associates have prepared a 'Basic Fauna and Targeted Black Cockatoo Assessment' and a 'Detailed Flora and Vegetation Assessment' for the subject land (**Appendix 3**).

The Fauna Assessment identified a total of 17 native and two non-native fauna species. Of the 17 native's species, two (2) were threatened and one (1) was a priority species, those being:

- *Zanda latirostris* - Carnaby's black cockatoo (endangered);
- *Calyptorhynchus banksii naso* - Forest red-tailed black cockatoo (vulnerable); and
- *Isoodon fusciventer* - quenda (priority 4 in WA).

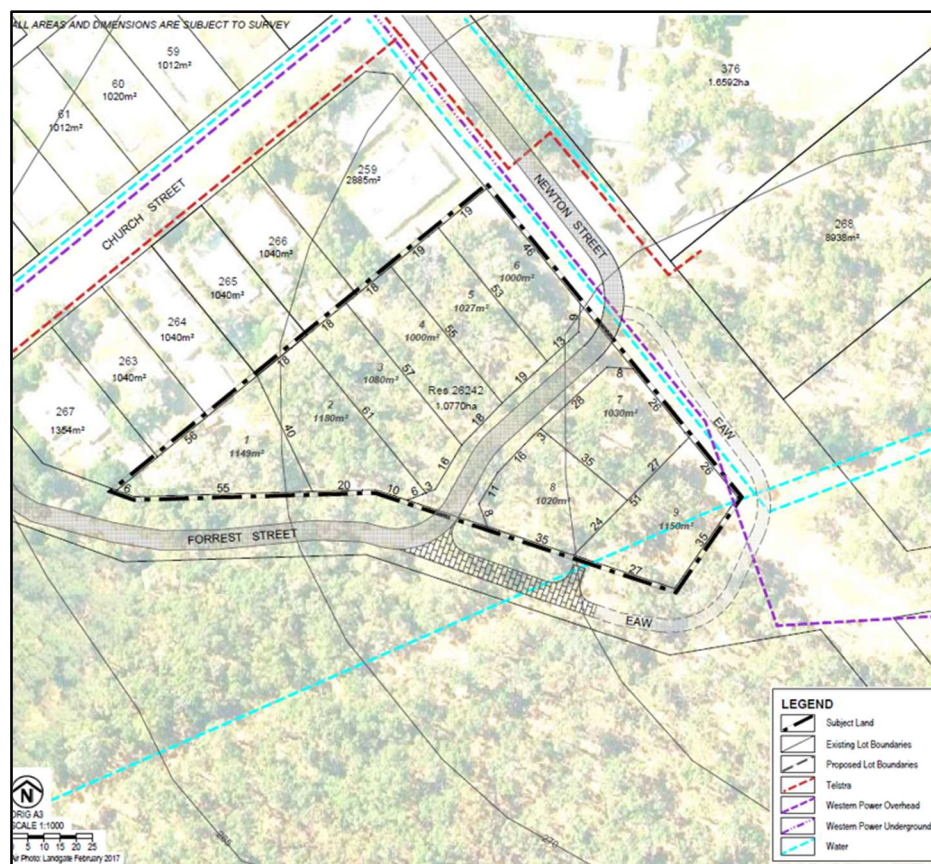
The forest habitat which covers the subject land represents potential for roosting habitat, however, no evidence of roosting was observed during the survey. Additionally, no trees with sufficient hollows were identified on site. Given the proposed lot sizes, there will be ample opportunity to retain significant vegetation. It is also anticipated that a fauna relocation plan can be developed at subdivision stage should development progress. No threatened flora was present on site.

4.0 Servicing

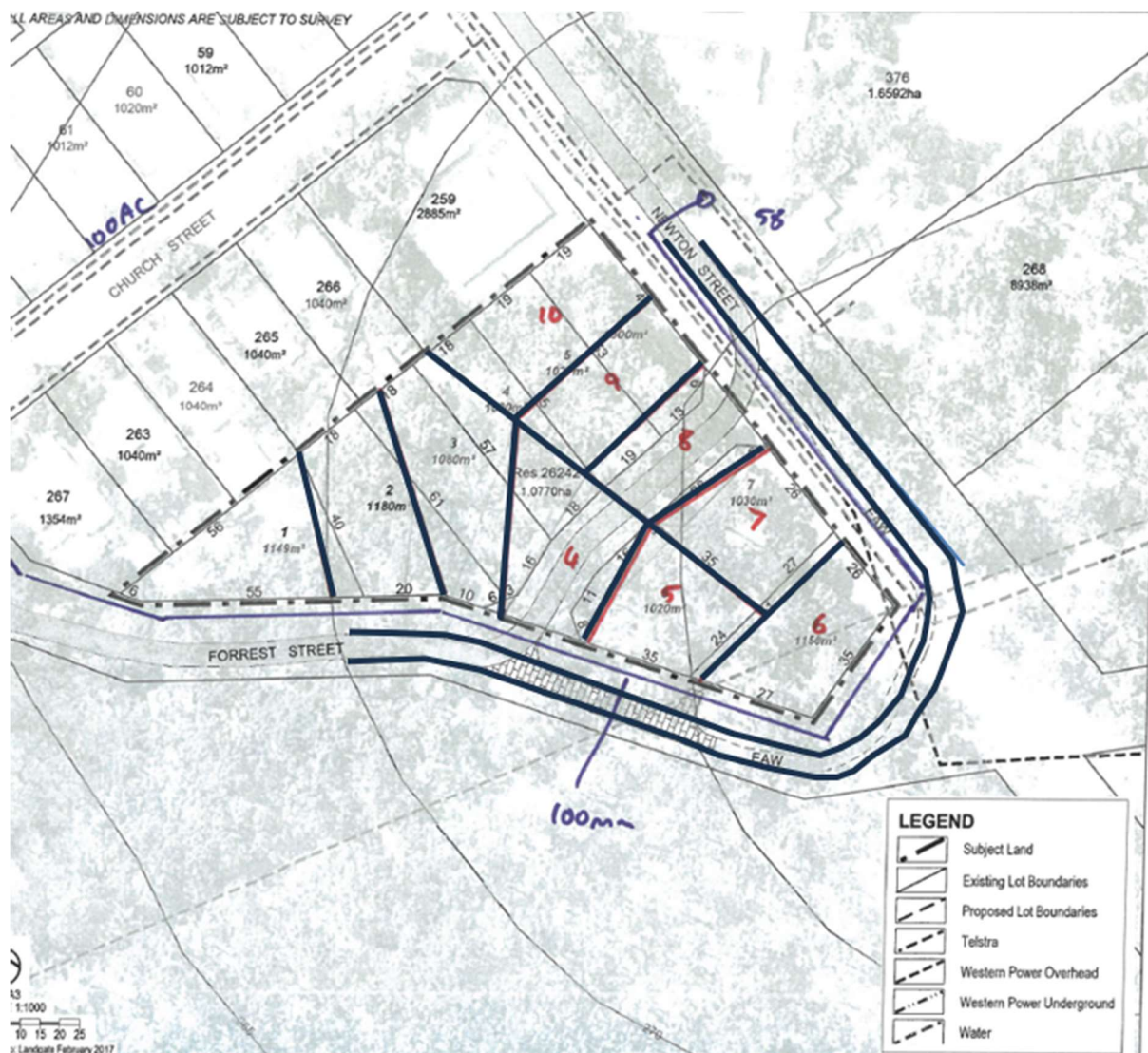
Porter Consulting Engineers have prepared an infrastructure servicing report for the subject land (**Appendix 1**). Essentially the report concludes that the land can be serviced by power, water and telecommunications infrastructure. As there is no reticulated sewerage network in Dwellingup however, nor is this considered a viable prospect, effluent disposal will need to be provided by on-site treatment facilities, consistent with the rest of Dwellingup.

A preliminary concept plan has been prepared for the subject land (see Figure 3). This provides a potential nine (9) lot configuration with Newton Street and Forrest Street being connected to form a loop and an Emergency Accessway forming a second loop. The purpose of the concept plan is to demonstrate that the site is capable of orderly subdivision. A formal subdivision application will be necessary once the site has been rezoned, where the preferred layout will be further considered. This will need to include a perimeter road around the site to improve bushfire resilience.

Porter's have also recommended consideration of a modified concept that shows 10 lots and a full loop road around the overall site linking Newton Street to Forest Street, which may provide a more efficient design from a servicing perspective. Under this concept, it is noted that vehicular access to proposed Lots 9 and 10 will necessitate changes to the existing on-street parking on Newton Street for the adjacent school. The alternative concept plan recommended by Porter's is shown on Figure 4.



3. Preliminary Nine Lot Concept Plan



4. Alternative 10 Lot Concept Plan

4.0 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.

The proposed Amendment is considered to be a 'Standard Amendment' as:

- it will have minimal impact on land in the scheme area that is not the subject of the amendment; and
- it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

5.0 Town Planning Context

5.1 Peel Region Scheme

The subject land is zoned Urban under the Peel Region Scheme (PRS). The proposed amendment is consistent with the PRS zoning.

4.2 Shire of Murray Local Planning Scheme No. 4

The proposed zoning of 'Residential' (R10) is consistent with the prevailing density of the surrounding area.

4.3 South Metropolitan Peel Sub-Regional Planning Framework

In March 2018, the Western Australian Planning Commission (WAPC) adopted the Framework, forming part of the Perth and Peel @ 3.5 million suite of land use planning and infrastructure frameworks, intended to guide the future growth of Perth and Peel regions as a compact, consolidated and connected city that can accommodate a population of 3.5 million by 2050 whilst minimising environmental impacts.

The subject land is identified as 'Urban' in the Framework. The proposed Amendment is therefore consistent with the Framework.

4.4 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The new State Planning Policy 3.7 Bushfire and associated Planning for Bushfire Guidelines (bushfire planning framework) became operational for applications lodged from 18 November 2024. The subject land is designated as bushfire prone and therefore the requirements of SPP3.7 are applicable. A BMP has been prepared to support the proposed Amendment (**Appendix 2**). This demonstrates that the proposal meets the Bushfire Protection Criteria acceptable solutions under the Planning for Bushfire Guidelines for three of the four criteria, being:

- Element 2: Siting and Design;
- Element 3: Vehicular Access; and
- Element 4: Water.

Given the site's location surrounded by State Forest it is located within a broader landscape area type which is classed as unacceptable. An outcomes assessment has been undertaken, including scenarios, a vulnerability assessment, and additional mitigation measures. In this instance the BMP demonstrates that the site can achieve an acceptable outcome meeting the policy intent to preserve life and protect property as follows:

- The site is part of the Dwellingup townsite and on the edge of a contiguous urban area. It will establish a new interface with the adjacent bushland. The town of Dwellingup is historic, and the subject site has been long established for urban development, being zoned Urban under the Peel Region Scheme, since 2003. The edge of the town will always form an interface to a bushfire threat. The subject land is therefore no different to the other interface areas of the town. As most existing development in the town predated current bushfire construction standards, new development which will need to meet current bushfire construction standards will provide a more resilient interface than the present situation.
- The site will be developed with a continuous perimeter road, Forrest Street joining to Newton Street, which will provide a more suitable separation distance and interface to the adjoining bushland than the current situation where the existing interface lots back directly onto bushland.

- All dwellings will be constructed to a bushfire standard and be required (by a covenant or similar upon subdivision) to be maintained as low threat (AS 3959:2018 (e) and (f)).

4.5 Government Sewerage Policy

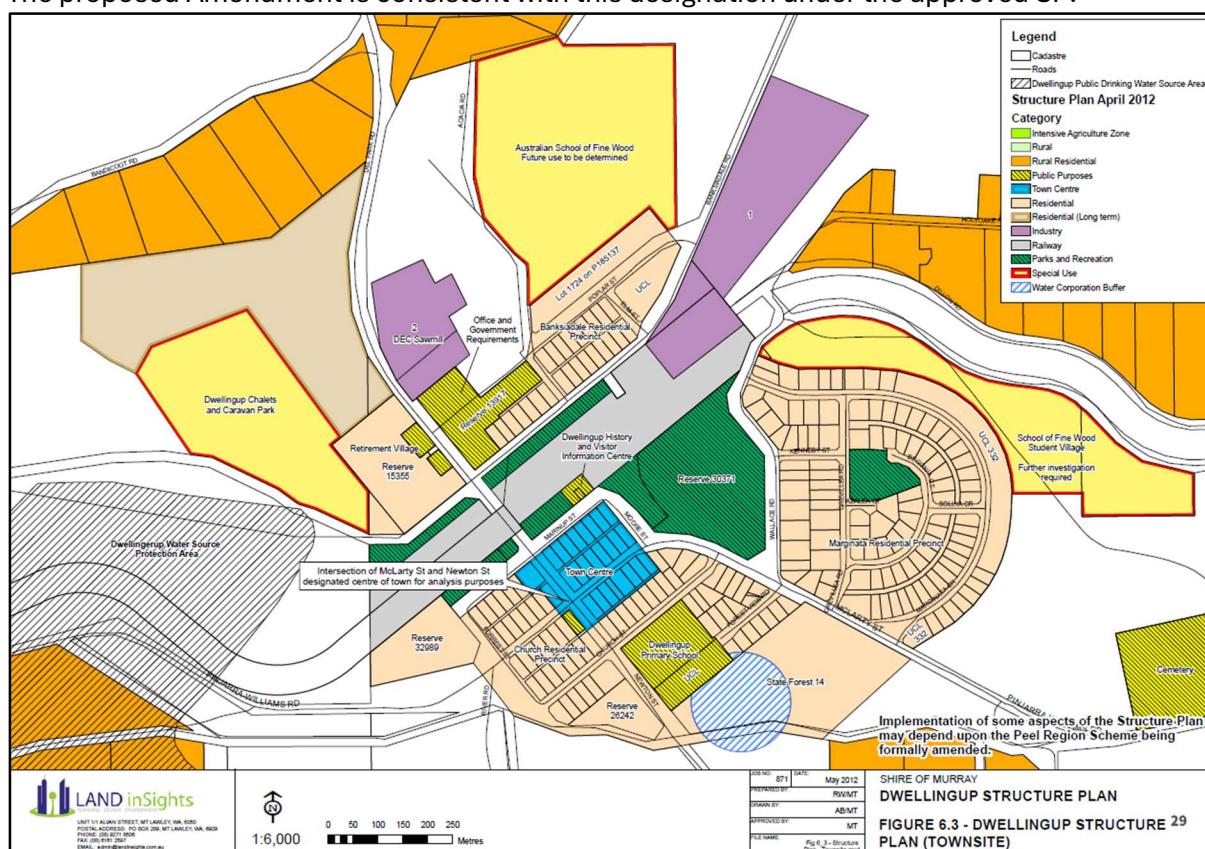
The Government Sewerage Policy provides guidance for planning, development, and the installation of sewage infrastructure to protect public health and the environment. The Policy promotes reticulated sewerage as the best disposal method for sewage. There is no reticulated sewerage system available in Dwellingup, nor is this a viable project, given the relative isolation of the town and the soil conditions. The subject land must therefore be serviced by onsite facilities.

The subject land is not located within a sewerage sensitive area or a public drinking water source areas. The minimum lot size for onsite sewerage disposal outside such areas is 1,000m². Both concept plans therefore meet with the Government Sewerage Policy.

4.6 Dwellingup Structure Plan

The Dwellingup Structure Plan (SP) was approved by the WAPC in April 2012. It was prepared in response to the anticipated population growth due to the expansion of the Boddington Goldmine. Under the SP the subject land was identified as 'Residential' (see Figure 5).

The proposed Amendment is consistent with this designation under the approved SP.



5. Dwellingup Structure Plan (2012) – Townsite Portion

4.7 Dwellingup Futures Roadmap (Roadmap)

The Roadmap outlines a strategic vision and pathway for the sustainable growth and development of Dwellingup, based on a diversified economy scenario. This focusses on significant tourism growth, while also focusing on developing arts, education, natural resource management and research industries, leading to a more diverse and resilient local economy that is adaptable to change.

To achieve this vision the pathway framework seeks to enhance tourism and economic opportunities and community infrastructure, while preserving the town's unique environmental and cultural values. Importantly it provides for the town to grow to provide a population that can support and sustain community infrastructure, such as the local primary school; daily to weekly goods and services for the community; a local workforce to support the growing economy; and short stay accommodation options to support the growing tourism industry.

The Roadmap identified the need for an updated planning framework that facilitates the land-use changes required to achieve the community vision for Dwellingup, as well as providing a contemporary response to current planning and bushfire requirements. The Roadmap identified the need for an additional 242 dwellings by 2036, to achieve the required population of 1,306 residents.

A draft Precinct Structure Plan that identifies potential land for these additional dwellings has been prepared and submitted to the WAPC for consideration. The proposed Amendment will contribute toward the identified need of additional dwellings in Dwellingup.

A key element of the Roadmap is the requirement to prepare Design Guidelines that will support the retention of Dwellingup's small-town charm. This will ensure that new development on the proposed lots will complement the existing character rather than standard project homes. As an interim measure, it is intended that a Local Development Plan can be prepared over the subject land to ensure this outcome is achieved. It is envisaged that this would deal with matters including:

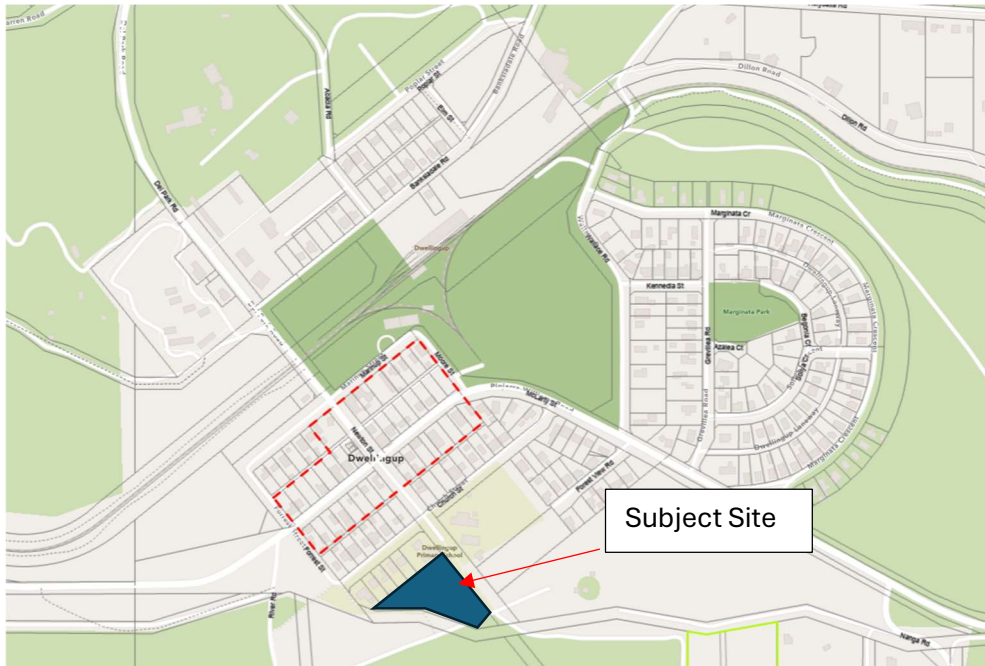
- Colours and Materials;
- Setbacks;
- Retention of vegetation; and
- Built Form elements (verandahs, roofs, windows etc.)

4.8 Short Term Rental Accommodation

The purpose of progressing this Amendment is to provide for additional permanent residents within Dwellingup town, in order to increase the local workforce and to sustain and improve local services, including the adjacent primary school. With the recent increased tourism focus in Dwellingup, many established dwellings have been converted for use as Short Term Rental Accommodation (STRA), in effect reducing the permanent residential population in the town.

In April 2025, as required by the State Government, Council initiated a separate Amendment to its Local Planning Scheme to manage STRA within the Shire. In support of this separate Amendment, a draft Local Planning Policy was also prepared that considers restricting consideration of new STRA in Dwellingup to a limited area surrounding the town's main street (see Figure 7). This Amendment and draft Local Planning Policy will be separately advertised for community submissions in the near future before being considered for adoption.

As an additional safeguard for the proposed residential area under this Amendment, because the land is publicly owned, the Shire intends to place restrictions on future use (e.g. through covenants) to prevent STRA from establishing on this proposed residential site.



7. Location Plan for where new STRA may be considered in Dwellingup under the draft STRA Local Planning Policy

5.0 Proposal

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

- (a) Rezone Lot 106 (Reserve 26242) Newton Street, Dwellingup from 'Public Purposes' to 'Residential' (R10).
- (b) Amend the Scheme Maps accordingly.

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 Peel Region Scheme and the South-Metropolitan Peel Region Subregional Framework and the Dwellingup Structure Plan.
- It will provide much needed housing in Dwellingup and help achieve the dwelling targets identified in the Dwellingup Futures Roadmap to help make Dwellingup a self-sufficient community.
- It is consistent with the bushfire planning requirements.
- The Shire intends to place restrictions on future use of the new lots (e.g. through covenants) to prevent STRA and ensure the intent to provide for additional homes for permanent residents is achieved.
- R10 lots sizes with a minimum area of 1,000m² will be consistent with the existing character of Dwellingup and provide opportunities to retain vegetation.
- Built form guidelines will be introduced through a Precinct Structure Plan or Local Development plan prior to subdivision to ensure built form outcomes are reflective of, and complement, the existing Dwellingup character.

7.0 Conclusion

The proposed Amendment is consistent with the planning framework and has been supported by technical studies that demonstrate the subject land can be developed in a manner that is consistent with the character of the town, sensitive to the environment, and safe from a bushfire risk perspective. As the proposal can assist with delivering much needed residential land within Dwellingup, it is recommended that the proposed Scheme Amendment is supported.

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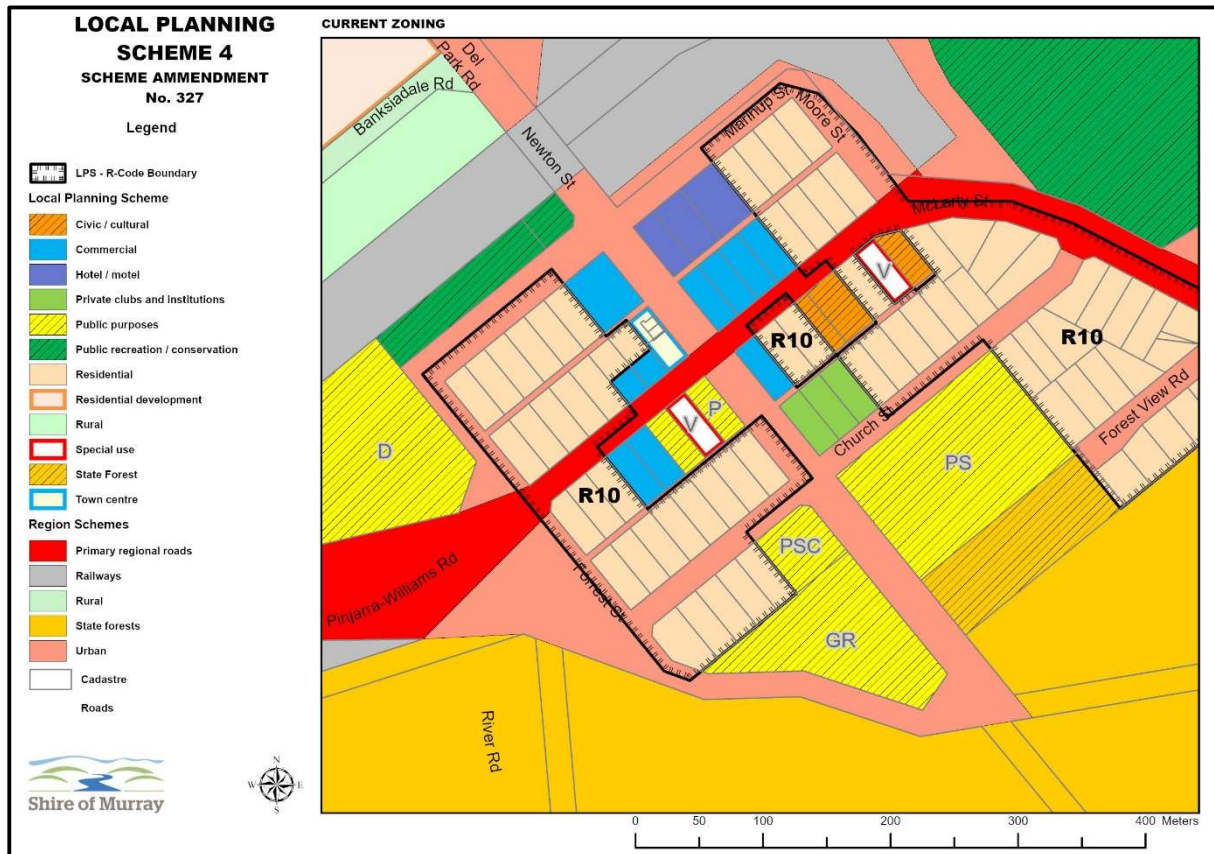
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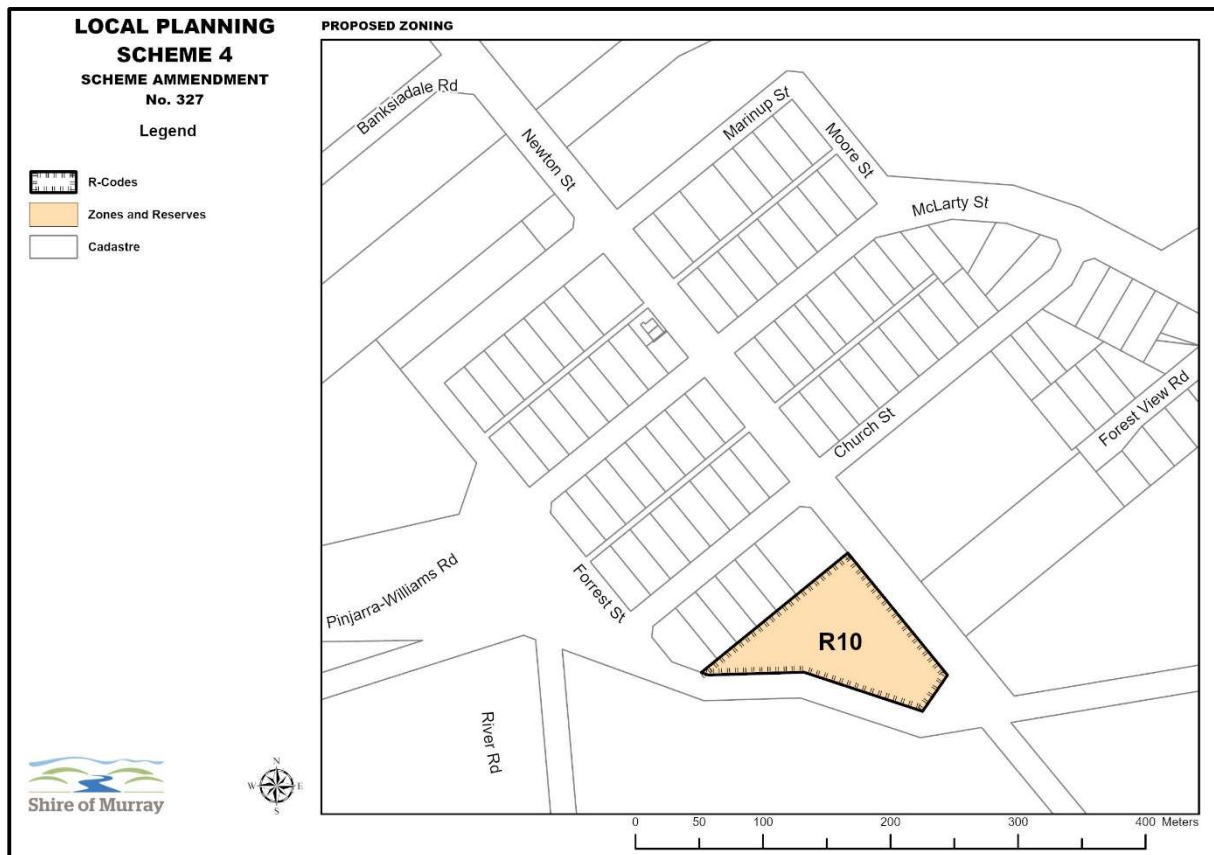
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- Dwellingup Structure Plan

Upon the amendment taking effect, the approval of the structure plan is not affected.



Current Zoning



Proposed Zoning

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 27th day of March 2025.

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 27th day of March 2025 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 ____ day of _____ 202__ 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.....

