

LOCAL PLANNING SCHEME NO. 4

AMENDMENT NO. 331

April 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. 331**

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

1. Inserting a new clause 6.4.6 as follows:

The minimum lot size shall be no less than 2 ha unless a lesser lot size is specified in schedule 4.

2. Renumbering clause 6.4.6 – 6.4.9 accordingly.

3. Include a new clause 6.10.4(c) as follows:

The minimum lot size shall be no less than 4 ha.

4. Renumber Clause 6.10.4 (c) – (q) accordingly.

5. Delete the plan of Lots 491 AND Part Lot 643 Hines Road, North Dandalup from Schedule 9 – Hills Landscape Protection Zone.

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

- It will have minimal impact on land in the scheme area that is not the subject of the amendment.

Dated this 23rd day of April 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. 331 |
| 5. PROPOSAL: | Omnibus Amendment |

1.0 Introduction

At the present time, there are 81 operative structure plans in Murray. 68 of these plans are set to 'expire' on 19 October 2025.

A number of those structure plans apply to rural residential land within the Special Rural and Hills Landscape Protection Zones. Broadly these areas have already been developed and have sufficient planning controls within the relevant schedules of Local Planning Scheme 4 (LPS4).

Amendment No.331 seeks to amend LPS4 to provide minimum lot sizes where none exist in the relevant schedule. This will ensure that there is sufficient planning control upon the expiration of the structure plans.

2.0 Background

Under the Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regs) structure plans have an approval period of 10 years. As the Planning Regs came into operation in October 2015, a number of existing plans will, in effect, expire in October 2025.

Following communication with the Department of Planning, Lands and Heritage (DPLH), an audit has been undertaken of existing structure plans in operation within Murray.

A separate basic amendment DSA 330 is being progressed to normalise structure plan areas that have already been developed

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 a 'standard' amendment, under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it will have minimal impact on land in the scheme area that is not the subject of the amendment.

4.0 Town Planning Context

4.1 Planning and Development Local Planning Scheme Regulations 2015 (Planning Regs)

Clause 28 of the Deemed Provisions (Schedule 2 of the Planning Regs) outlines that the approval of a structure plan has effect for 10 years from the date that the WAPC approves the plan. This clause was introduced in local planning schemes by the LPS Regulations in October 2015 and subclause (4) of Clause 28 provided that any existing structure plan's 10 year approval period was to commence from 19 October 2015.

With October 2025 approaching, many structure plans in Western Australia will expire. Structure plans are generally required for new urban development areas or identified precincts, prior to further development or subdivision. They generally provide for land uses and densities, road layouts and open spaces within a new development area, or for precincts, where built form controls apply in addition to the requirements of a planning scheme.

4.2 Local Planning Scheme No.4

Currently minimum lot sizes for the rural residential type zones are catered for in specific schedules of LPS4.

5.0 Proposal

An audit has been undertaken of Subdivision Guide Plans (Structure Plans) that are expiring in October.

The audit has uncovered that there are four “Special Rural” structure plans and five “Hills Landscape Protection” structure plans that are expiring that do not have a minimum lot size specified within the relevant schedule.

It is therefore proposed to amend LPS4 to ensure that there is sufficient lot size control in the Special Rural and Hills Landscape Protection zones by including minimum lot sizes.

| Structure Plan | Date Adopted | Action and Comment |
|---|--------------|---|
| SPECIAL RURAL | | |
| SR14 – Lot 72, Moores Road, Pinjarra. Subdivision Guide Plan | 1/11/96 | <p>This area has been subdivided with lot sizes ranging from 3.1HA to 4.6Ha</p> <p>No minimum lot size in scheme</p> <p>Amend Special Rural provisions to provide a 2ha min lot size. This is consistent with the adjoining SR41 recently approved by the Minister for Planning.</p> <p>Action:</p> <p>Let Structure Plan lapse and amend scheme to include minimum 2ha lot size</p> |
| SR25 – Lot 601 Beacham Road, Pinjarra Subdivision Guide Plan | 4/2/03 | <p>This area has been subdivided.</p> <p>No minimum lot size in scheme</p> <p>Action:</p> <p>Let Structure Plan lapse and amend scheme to include minimum 2ha lot size</p> |
| SR28 – Land zoned ‘Special Rural’ in the Scheme and having frontage to Hanover Way, James Eden Drive, San Simeon Way and Zaruma Way, and Lots | 15/6/04 | <p>This area has been subdivided.</p> <p>No minimum lot size in scheme</p> <p>Action:</p> <p>Let Structure Plan lapse and amend scheme to include minimum 2ha lot size</p> |

| | | |
|--|---------|--|
| 190, 191, 192, 193 and part of Lot 9000 Curtis Lane, West Pinjarra. Subdivision Guide Plan | | |
| SR32 – Lot 604 Beacham Road, Pinjarra Subdivision Guide Plan | 21/7/09 | <p>This area has been subdivided. Sufficient development controls remain in the planning scheme.</p> <p>Although, no minimum lot size in scheme, all lots are less than 2ha in area, meaning that there is no possibility of further subdivision.</p> <p>Action:</p> <p>Let Structure Plan lapse and amend scheme to include minimum 2ha lot size</p> |
| HILLS LANDSCAPE PROTECTION | | |
| HLP 2 Murray Location 491 and portion of Murray Location 643 Hines Road Subdivision Guide Plan | 4/7/97 | <p>SP forms part of the scheme</p> <p>Delete map from scheme and include 4 ha minimum lot size as part of amendment.</p> |
| HLP 3 Lot 1 of Murray Location 496, Scarp Road, North Dandalup Subdivision Guide Plan | 24/3/98 | <p>This area has been subdivided.</p> <p>No min lot size in scheme</p> <p>Let Structure Plan lapse and amend scheme to include minimum 4ha lot size</p> |

| | | |
|---|-----------------|--|
| <p>HLP 4</p> <p>Lot 2 Hines Road, North Dandalup</p> <p>Subdivision Guide Plan</p> | <p>30/6/06</p> | <p>This area has been subdivided. Sufficient development controls remain in the planning scheme.</p> <p>No min lot size in scheme.</p> <p>Let Structure Plan lapse and amend scheme to include minimum 4ha lot size</p> |
| <p>HLP 5</p> <p>Lot 1362 Scarp Road, North Dandalup</p> <p>Subdivision Guide Plan</p> | <p>29/12/06</p> | <p>This area has been subdivided.</p> <p>Bushfire requirements may prevent further subdivisions</p> <p>No min lot size in scheme.</p> <p>Let Structure Plan lapse and amend scheme to include minimum 4ha lot size</p> |
| <p>HLP 6</p> <p>Lot 103 Del Park Road, North Dandalup</p> <p>Subdivision Guide Plan</p> | <p>2/3/10</p> | <p>This area has not been subdivided. Given changes in the state planning framework relating to bushfire a new structure plan should be prepared.</p> <p>No min lot size in Scheme</p> <p>Let Structure Plan lapse and amend scheme to include minimum 4ha lot size</p> |

6.0 Justification

- Without the amendment there will be gaps in the planning framework as there will be no specified minimum lot size for vast areas of Rural Residential land.
- The minimum lot sizes are responsive to the existing character and amenity of the subject areas.

7.0 Conclusion

The proposed Amendment will ensure that there are no gaps in the planning framework upon expiration of the applicable structure plans. Given that the areas are already developed and that the proposed minimum lot sizes are site responsive, it is considered to be an appropriate planning response.

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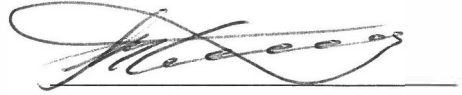
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5. Delete the plan of Lots 491 AND Part Lot 643 Hines Road, North Dandalup from Schedule 9 – Hills Landscape Protection Zone.

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 April 2025.



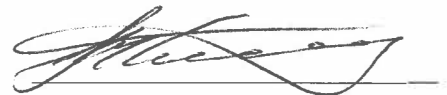
SHIRE PRESIDENT



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 23rd day of April 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)

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DELEGATED UNDER S.16 PLANNING
AND DEVELOPMENT ACT 2005

DATE.....

Approval Granted

.....

MINISTER FOR PLANNING

DATE.....

