

10.2 Consideration of Scheme Review Report

File Code	PS.TPS 4.03
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Disclosure of Any Interest	Nil
Attachments	1. Scheme Review Report ↓

PURPOSE

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require a local government to carry out a review of its Local Planning Scheme nominally every five years. The review must consider whether the local planning scheme is up-to-date and complies with the Regulations.

As a first step, the Regulations require the preparation of a Scheme review report to be approved by a resolution of Council, and then the approved report to be submitted to the Western Australian Planning Commission (WAPC). The WAPC will then decide whether it agrees or disagrees with the recommendations in the Scheme review report. The resolution by the WAPC will determine the next steps to be taken by the Shire.

A Scheme review report has been prepared (**Attachment 1**) to fulfil the above regulatory requirements, with its main objective to recommend as to whether Local Planning Scheme No.4 (LPS4) and the local planning strategy:

- a) are satisfactory in their existing form; or
- b) should be amended; or
- c) should be repealed and a new scheme and local planning strategy be prepared.

Since the Gazettal of LPS4 10 years ago, there has been significant changes to legislation that impacts the current local planning framework. In addition, there are key matters that require further investigation such as, amongst others, tourism and housing diversity.

Considering the above, the Scheme review report (**Attachment 1**) recommends to the WAPC that a new Local Planning Strategy (Strategy) be prepared, and LPS4 be repealed and a new scheme be prepared in its place.

It is recommended that Council approves the Scheme review report.

BACKGROUND

The Regulations took effect in October 2015 and have since been amended as part of major reforms of the State's planning system. As well as including a range of reforms to standardise scheme provisions across the State (referred to as the 'deemed provisions'), the Regulations also require a local government to carry out a review of its local planning scheme nominally every five years.

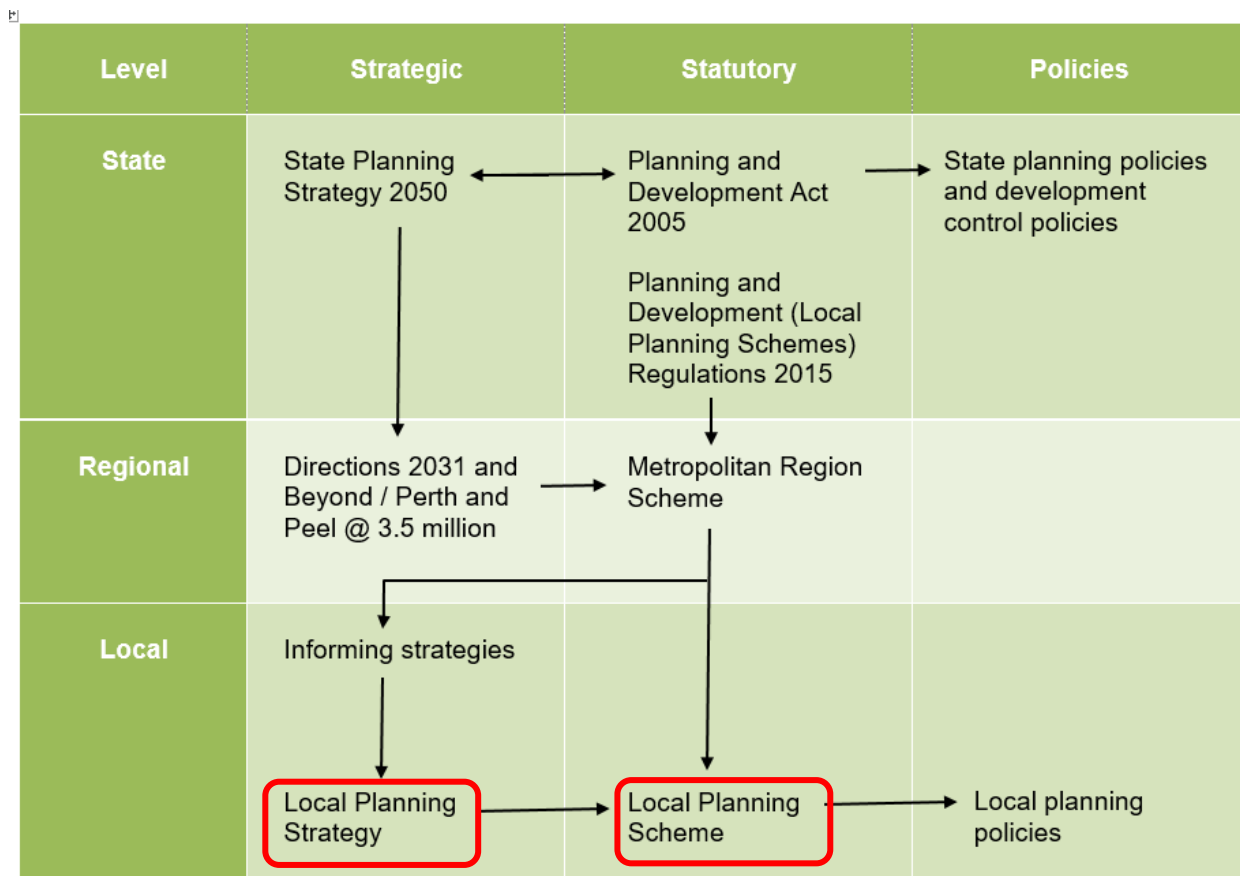
The WAPC endorsed the Shire's current Local Planning Strategy (the Strategy) in 2013. The Strategy addresses relevant State Planning Policies and Frameworks, and interprets the impacts and requirements of these documents for the Shire. The Strategy provides context for the land use zones, reservations, and statutory provisions that are contained within the Scheme.

LPS4 was gazetted on 17 February 2014 and replaced Town Planning Scheme No.3. Amendments have been made to LPS4 overtime to address issues or further the planning of specific sites.

At its September 2020 Ordinary Council meeting, Council resolved to give in principle support for the Shire to undertake an interim review of LPS4 (C9.09.20).

The purpose of LPS4 is to outline the statutory planning related requirements and controls for how land in the Shire can be used and developed, and provides the framework for decision making. The Scheme is also the primary mechanism for implementing the Strategy.

Below – Where the local planning strategy and local planning scheme exist within the State Planning Framework



The following table outlines the key decisions and changes in the planning framework since February 2014, which are considered relevant to LPS4 and the Strategy:

Date	Key Decisions and Changes in Planning Framework since February 2014
2015, 2018, 2019, 2021 and 2023	Amendments to State Planning Policy 7.3 – Residential Design Codes Volume 1
2015	Release of Liveable Neighbourhoods review
2015	Introduction of the Regulations
2017	Introduction of Version 1.3 of the Guidelines for Planning in Bushfire Prone Areas
2018	Completion of the Shire’s Local Commercial Strategy
2018	Finalisation of Perth and Peel @ 3.5 Million and North-East Sub-Regional Planning Framework
August 2020	WAPC refused Structure Plan 34 – North Stoneville (SP34)

Dec 2020 and 2021	Amendments to the Regulations.
2021	Introduction of Version 1.4 of the Guidelines for Planning in Bushfire Prone Areas.
April 2023	The Local Biodiversity Strategy and Watercourse Hierarchy Strategy were adopted by Council.
April 2023 to July 2023	Revised <i>State Planning Policy 3.7 - Planning in Bushfire Prone Areas</i> and <i>Planning for Bushfire Guidelines</i> advertised by the DPLH.
May 2023	Council resolved to recommend to the WAPC that amended SP34 be refused, and that LSIP 265 be revoked by the WAPC (SC5.05.23).
March 2024	Council resolved (C5.03.24) to: <ul style="list-style-type: none"> • Acknowledge that a subdivision proposal at Lot 9503 Lake Valley Terrace, Parkerville represented a lower-intensity development outcome for the North Parkerville townsite (Structure Plan 33); • Support a Rural Residential subdivision proposal; • Requested the applicant apply to concurrently rezone the subject area from 'Urban Deferred' to 'Rural' under the Metropolitan Region Scheme and from 'Development' to 'Rural Residential' under Local Planning Scheme No.4.

STATUTORY / LEGAL IMPLICATIONS

Planning and Development Act 2005

Section 123(1) of the *Planning and Development Act 2005* (the Act) indicates that a local planning scheme will not be approved by the Minister unless that local planning scheme is in accordance with, and consistent with, the relevant region planning scheme.

Section 77 of the Act requires that, in preparing or amending a local planning scheme, the local government is to have due regard to any State Planning Policy (SPP) affecting its district and may modify a SPP with such modifications set out in the scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

Regulation 65 of the Regulations states that:

“A local government must carry out a review of each local planning scheme prepared by the local government –

- (a) in the 5th year after the scheme is published in the Gazette under section 87(3) of the Act; and*
- (b) in the 5th year after the completion of each review carried out under this Division.”*

Regulation 66 of the Regulations outlines the steps that are required to be undertaken to complete the review of the Scheme, and includes the following:

- (a) A report must be prepared, approved by resolution of Council, and then forwarded to the WAPC (Regulation 66 (1));
- (b) The report must be prepared in the manner and form specified by the WAPC (Regulation 66 (2)); and
- (c) The report must recommend whether the existing Scheme and Strategy for the local government are satisfactory, require amendment, or should be repealed and replaced.

In accordance with Regulation 66(2), the report is to include:

- the date the local planning scheme was gazetted;
- a list of amendments to the scheme including dates they were gazetted;
- when the scheme was last consolidated under Part 5 of the Act;
- an overview of subdivision and development activity, lot take-up and population change in the scheme area since the scheme gazettal / last review; and
- details of any amendment to the scheme that have been undertaken to bring it into line with other legislation, region scheme or State planning policy (r.64(2)).

The report is to make a recommendation to the WAPC on how to proceed in accordance with Regulation 66(3).

Regulation 67 requires the WAPC to:

- “(1) Within 90 days of receiving a report of a review of a local planning scheme, or such longer period as the Minister or an authorised person allows, the Commission must consider the report and —*
- (a) decide whether the Commission agrees or disagrees with the recommendations in the report; and*
 - (b) notify the local government which prepared the report of the Commission’s decision.*
- (2) After receiving notification of the Commission’s decision on a report of a review of a local planning scheme the local government must publish in accordance with regulation 76A —*
- (a) the report; and*
 - (b) notice of the Commission’s decision.”*

The resolution by the WAPC will determine the next steps to be taken by the Shire.

POLICY IMPLICATIONS

In relation to State Planning Policies (SPPs), Development Control Policies (DCPs), and Position Statements, a number of these are currently under review by the Department of Planning, Lands and Heritage. The Shire is already providing comment and contributing to these reviews.

Should the WAPC resolve that LPS4 be amended, or should be repealed and a new scheme be prepared, the Shire’s local planning policies will need to be reviewed and amended (where necessary) accordingly.

FINANCIAL IMPLICATIONS

The scheme review is proposed to be progressed as a cross functional in-house project, managed by the Shire’s Coordinator Strategic Planning.

Once the resolution by the WAPC is known, and therefore the next steps to be taken by the Shire, a more detailed understanding of the financial implications will also be known.

Discrete studies/strategies may be required to inform an updated Strategy and Scheme. Assistance from consultants may be necessary to assist with particular elements or the preparation of those studies or supporting strategies.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 3 - Built environment

Objective 3.3 – Regulated land use and building control to meet the current and future needs of the community

Strategy 3.3.1 – Incorporate appropriate planning controls for land use that meet current and future needs without compromising the highly valued character of the natural and built environment

Corporate Business Plan

A key objective of the Built Environment Strategic Theme in the Corporate Business Plan is: *“Regulated land use and building control to meet the current and future needs of the community.”*

Economic Development and Tourism Strategy 2023-2028

A role of the Shire identified by the Economic Development and Tourism Strategy in terms of economic development, is that it *“maintains a regulatory and land use planning framework that supports businesses and community wellbeing with a focus on protecting and enhancing the natural environment”*.

Current Local Planning Strategy

The Strategy:

- Sets out the long-term planning directions for the Shire 10 to 15 years from when it was endorsed in 2013;
- Applies the wide range of relevant State, regional and local planning policies and strategies; and
- Provides the rationale for the land use and development control provisions in LPS4.

The Strategy is to be read in conjunction with LPS4 and vice versa. The Strategy guides the operation of LPS4.

It is a requirement of LPS4 that, except to the extent of any inconsistency between the two, determinations under LPS4 are to be consistent with the Strategy.

SUSTAINABILITY IMPLICATIONS

Amendments to LPS4 or the preparation of a new Scheme should assist with achieving the Corporate Business Plan’s Community Vision ‘a place for sustainable living’, and address the principles of the *Local Government Act 1995* which stipulates that Councils are to promote the economic, social and environmental sustainability of their district.

RISK IMPLICATIONS

Risk: Reputational - Should Council not approve the Scheme review report the Shire will not be able to fulfil the statutory requirements prescribed by the Regulations. If the Shire does not provide the Scheme review report, there will be no clear guiding framework for any amendments to the Scheme in the future.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
It has been 10 years since LPS4 was Gazetted. The introduction of, and subsequent modifications to, the Regulations means that LPS4 does not currently align with the Model Scheme Provisions. The preparation of a new local planning scheme will ensure that the Shire has a document which is consistent with the current Regulations and provides appropriate development standards throughout the Shire for further years. Therefore, it is recommended that Council approves the Scheme review report.		

EXTERNAL CONSULTATION

Should the WAPC resolve that LPS4 be amended or be repealed and a new Scheme be prepared in its place, the subsequent version of the Scheme prepared shall be advertised in accordance with Part 4 Division 2 of the Regulations as well as the Shire's Community Engagement Policy.

COMMENT

The Shire is required by the Regulations to undertake a review of the Scheme. To facilitate this, the Shire has prepared the Scheme review report.

All development within the Shire is facilitated through the Local Planning Scheme. An up to-date, relevant scheme is therefore key to the implementation of both the State Government's and the Shire's strategies and policies to not only facilitate growth, but also to control existing development.

The preparation of a new local planning scheme will ensure that the Shire has a document which is consistent with the current Regulations and provides appropriate development standards throughout the Shire for further years.

Generally, a Local Planning Strategy is expected to have an active lifespan of between 10 to 15 years. The current Strategy has been operational since it was endorsed in 2013, which means that it is currently in its eleventh year. It is essential that the current Strategy be reviewed to ensure that it aligns with contemporary planning principles and current regulatory requirements.

Considering the above, it is recommended that Council approves the Scheme review report.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION MOTION		C5.04.24	
Moved by	Cr Cicchini	Seconded by	Cr Ellery
<p>That Cr Jeans be allowed a three minute extension of time to speak to this item, in accordance with clause 6.11 of the <i>Shire of Mundaring Meeting Procedures Local Law 2015</i>.</p>			
			CARRIED 9/0
For:	Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Cook, Cr Ellery, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Nil		

OFFICER RECOMMENDATION / COUNCIL DECISION		C6.04.24	
Moved by	Cr Mehta	Seconded by	Cr Ellery
<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves the Scheme review report (Attachment 1), and forwards to the Western Australian Planning Commission in accordance with Regulation 66 (1) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; 2. Recommends to the Western Australian Planning Commission that the Shire of Mundaring Local Planning Scheme No. 4 be repealed and a new scheme be prepared in its place, in accordance with Regulation 66 (3) (a) (iii) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and 3. Recommends to the Western Australian Planning Commission that the Shire of Mundaring prepare a new Local Planning Strategy to reflect the current state and local planning framework. This Strategy will replace the existing Local Planning Strategy, which shall be revoked upon endorsement of the new Strategy in accordance with Regulation 66 (3) (b) (iii) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 			
			CARRIED 6/3
For:	Pres McNeil, Cr Mehta, Cr Ellery, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Cr Jeans, Cr Daw and Cr Cook		



SHIRE OF MUNDARING

Local Planning Scheme No.4 Scheme Review Report



Page 1 of 31

Table of Contents

- 1.0 BACKGROUND.....4**
- 1.1 Purpose of Report.....4
- 1.2 Council decision to undertake a review of Scheme.....5
- 1.3 Events leading to the Scheme review.....5

- 2.0 CHARACTERISTICS OF THE SHIRE OF MUNDARING.....6**

- 3.0 LOCAL PLANNING FRAMEWORK.....9**
- 3.1 Overview of Scheme Amendments.....9
- 3.2 Development Area Activity in the Shire of Mundaring.....12

- 4.0 POPULATION ACTIVITY.....14**

- 5.0 DEVELOPMENT ACTIVITY WITHIN THE SHIRE OF MUNDARING.....17**
- 5.1 Types of Dwellings.....17
- 5.2 Lot Creation.....17
- 5.3 Dwelling Completions.....18
- 5.4 Commercial Development Activity.....22

- 6.0 KEY MATTERS IDENTIFIED BY THE SCHEME REVIEW.....23**
- 6.1 Changes in State and Local Planning Framework since 2014.....23
- 6.2 Land Use and Work Provisions.....23
- 6.3 North Stoneville Townsite Structure Plan 34.....24
- 6.4 North Parkerville Townsite Structure Plan 33.....24
- 6.5 Demand for Housing.....25
- 6.6 Ageing Local Population.....26
- 6.7 Commercial Expansion.....26
- 6.8 Watercourse Protection.....28
- 6.9 Precinct Plans.....28

- 7.0 CONCLUSION.....30**

- 8.0 RECOMMENDATION.....31**

EXECUTIVE SUMMARY

The Regulations took effect in October 2015, and have since been amended as part of major reforms of the State's planning system. As well as including a range of reforms to standardise scheme provisions across the State (referred to as the 'deemed provisions'), the Regulations also require a local government to carry out a review of its local planning scheme nominally every five years.

The WAPC endorsed the Shire's current Local Planning Strategy in 2013. The Strategy addresses relevant State Planning Policies and Frameworks, and interprets the impacts and requirements of these documents for the Shire. The Strategy provides context for the land use zones, reservations, and statutory provisions that are contained within the Scheme.

LPS4 was gazetted on 17 February 2014 and replaced Town Planning Scheme No.3. Amendments have been made overtime to address issues or further the planning of specific sites.

A scheme review report is presented for Council's consideration because at its September 2020 Ordinary Council meeting, Council resolved to give in principle support for the Shire to undertake an interim review of LPS4 (**C9.09.20**).

The following are considered to be key contextual points specific to the Shire of Mundaring, which need to be considered as part of the Scheme review process:

- The Shire of Mundaring is located on the eastern fringe of Perth, about 35 kilometres from the Perth CBD.
- The Shire of Mundaring is a predominantly rural area, with residential areas primarily to the west in the foothills of Perth, with rural areas and extensive network of national parks and reserves acting as natural wedges between historic villages.
- There is a lack of a networked sewer.
- There is exposure to bushfire risk.
- The local Shire population consists of a higher proportion of people in the older age groups (60+ years) compared to the inner Perth areas.

1.0 BACKGROUND

1.1 Purpose of Report

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), under Part 6, Division 1, Regulation 65 requires a local government to review its Local Planning Scheme, nominally every 5 years. Regulation 66(1) requires a review report, and Regulation 66(2) stipulates the manner and form of the report and the information to be included.

In accordance with Regulation 66(2), the report is to include:

1. the date the local planning scheme was gazetted (refer to section 1.3 of this report);
2. a list of amendments to the scheme including dates they were gazetted (refer to section 3.0 of this report);
3. when the scheme was last consolidated under Part 5 of the Act (has not been consolidated previously);
4. an overview of subdivision and development activity, lot take up and population change in the scheme area since the scheme gazettal / last review (refer to section 4.0 of this report); and
5. details of any amendment to the scheme that have been undertaken to bring it into line with other legislation, region scheme or State planning policy (r.64(2)) (none undertaken);

This review report provides the WAPC with recommendations (as per the Regulations) as to whether the scheme and the local planning strategy:

- (i) are satisfactory in their existing form; or
- (ii) should be amended; or
- (iii) should be repealed, and a new scheme and new local planning strategy be prepared in their place.

1.2 Council decision to undertake a review of Scheme

At its Ordinary Meeting on 8 September 2020, Council resolved to give in-principle support for the Shire to undertake a review of LPS4, with the goal of aligning this document with the vision and strategies of the Shire’s Community Strategy Plan 2020-2030, which include the following:

	Community	Healthy, safe, sustainable and resilient community, where businesses flourish and everyone belongs
	Natural environment	A natural environment that is protected, sustainable and enjoyed
	Built environment	Transport, infrastructure and planning for liveable, connected communities

1.3 Events leading to the Scheme review

The Shire's previous Town Planning Scheme No. 3 (TPS 3) operated between 18 March 1994 and February 2014 (about 20 years), and controlled and guided subdivision and development throughout the Shire during that time.

In 1999, the Shire commenced a review of TPS 3, producing a Scheme Examination — Issues Paper, which was advertised from November 2000 to January 2001. In August 2001, Council recommended that TPS 3, subject to modifications arising from the Scheme Examination Report, continue for another five years, rather than being replaced by a new Scheme. However, in April 2003, the then Minister for Planning and Infrastructure advised that she considered it desirable to review TPS 3 by way of the preparation of a new Scheme and Local Planning Strategy (LPS).

Detailed work on the preparation of draft LPS4 and the draft LPS commenced in 2006. Importantly the timing of the review ensured the Shire’s scheme adopted the most contemporary model scheme provisions, noting the P&D Act was gazetted in 2005.

The draft LPS and LPS4 were adopted by Council in December 2009. After receiving Ministerial consent to advertise, the documents were formally advertised from Friday 18 February 2011 to Monday 23 May 2011.

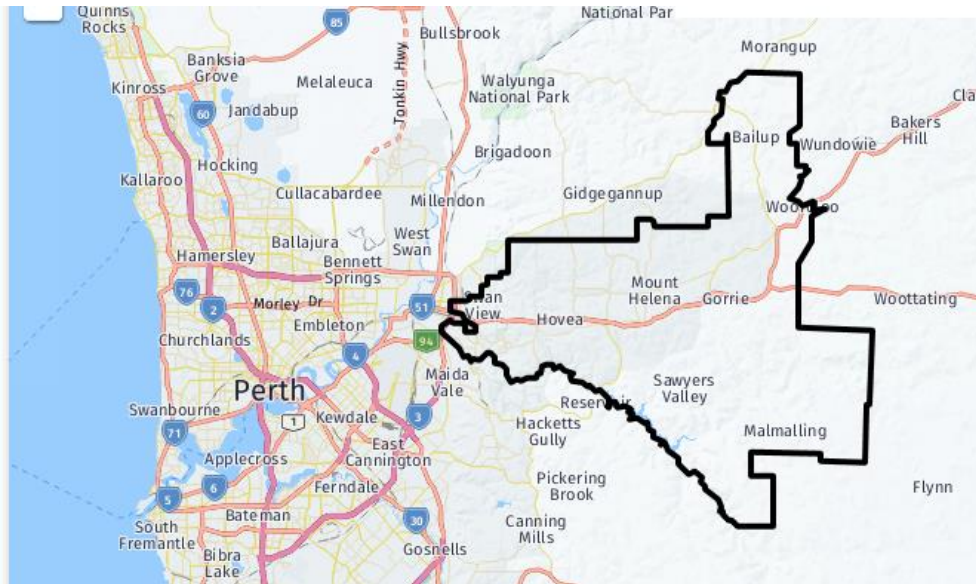
At its meeting held on 31 July 2012, Council considered the draft scheme, strategy and consultation outcomes, and unanimously adopted the documents.

The Shire's Local Planning Strategy was adopted in 2013, and based on the expected timeframe of that plan, it was anticipated it would remain relevant for the Shire for the following 10-15 years. LPS 4 was gazetted on Monday 17 February 2014, revoking the Shire's previous Town Planning Scheme No. 3.

2.0 CHARACTERISTICS OF THE SHIRE OF MUNDARING

The Shire of Mundaring is located on the eastern fringe of Perth, about 35 kilometres from the Perth CBD. The Shire of Mundaring is bounded by the Shire of Toodyay in the north, the Shires of Northam and York in the east, the City of Kalamunda in the south, and the City of Swan in the west and north-west.

Figure 1 – Locality Plan



The Shire of Mundaring is a predominantly rural area, with residential areas primarily to the west in the foothills of Perth, with rural areas and extensive network of national parks and reserves acting as natural wedges between historic villages.

The Shire encompasses a total land area of 644 square kilometres, of which nearly half is National Park, State Forest or water catchments. The exposure to bushfire risk (refer to **figure 2**) and the lack of a networked sewer (refer to **figure 3**) continues to limit urbanisation east beyond the Darling Scarp.

Major features of the Shire include Beelu National Park, Greenmount National Park, John Forrest National Park, Woorlooo Regional Park, Mundaring Weir, Lake C Y O'Connor, Lake Leschenaultia, Chidlow Recreation Reserve, the Railway Reserves Heritage Trail, the Munda Biddi Bike Trail, Perth Hills National Parks Centre, Mundaring Golf Club, several State Forests and various wineries.

Figure 2 – Bushfire hazard mapping for the Shire of Mundaring

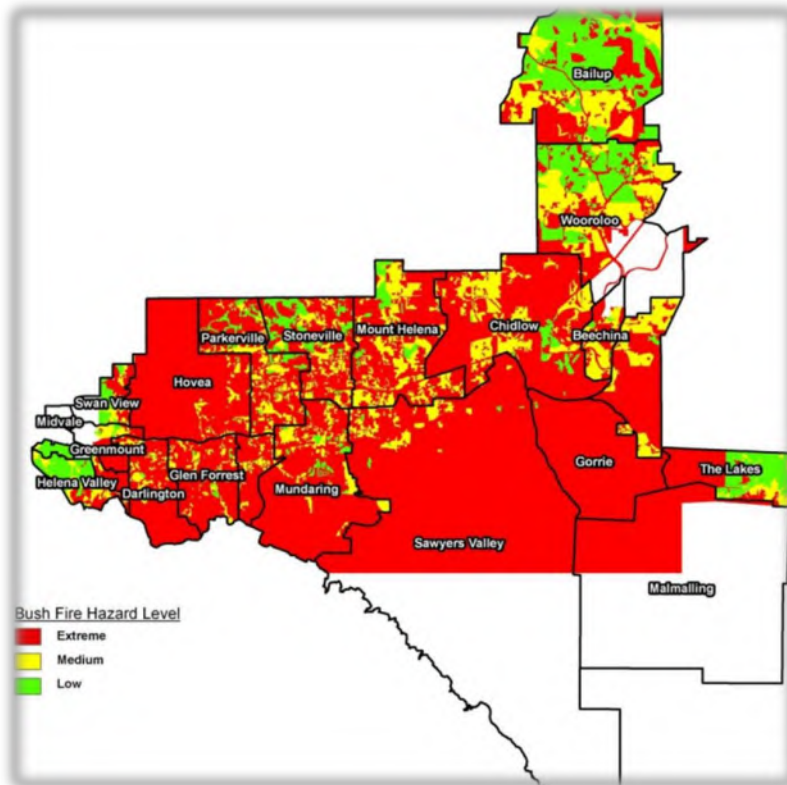
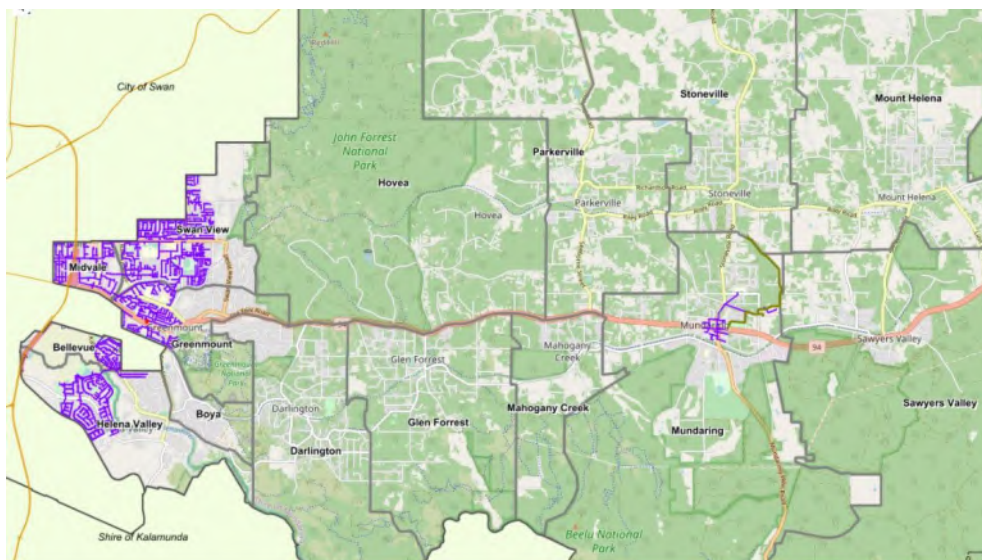


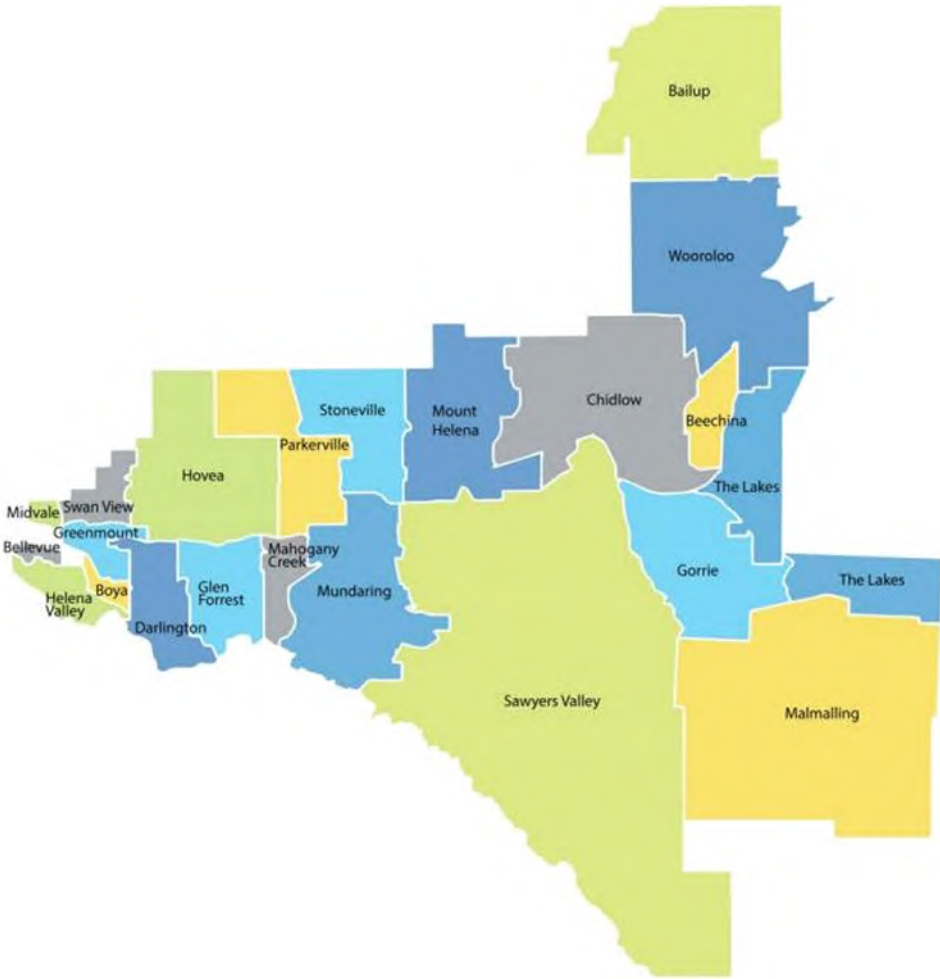
Figure 3 – Deep sewer availability within the Shire of Mundaring



The Shire of Mundaring includes the localities of Bailup, Beechina, Bellevue (part), Boya, Chidlow, Darlington, Glen Forrest, Gorrie, Greenmount, Helena Valley, Hovea, Mahogany Creek, Malmalling, Midvale (part), Mount Helena, Mundaring, Parkerville, Sawyers Valley, Stoneville, Swan View (part), The Lakes and Wooroloo (refer to **figure 4**).

The Mundaring Town Centre is the civic, commercial and community hub of the Shire, and is identified as a District Centre in Directions 2031 and Beyond.

Figure 4 - Localities within the Shire of Mundaring



3.0 LOCAL PLANNING FRAMEWORK

3.1 Overview of Scheme Amendments

Since 2014, there have been 13 amendments to LPS4 initiated and gazetted. A list of all amendments to LPS4 is provided in the table below (refer to **figure 5** for a map showing the locations of the property specific scheme amendments).

No.	Amendment Summary	Gazetted
1	<p>Modifying the Zoning Table by changing the use class Home Occupation from 'D' to 'P' in Rural Residential, Rural Small Holdings and General Agriculture.</p> <p>Changing the density coding of all lots bounded by Stuart Street, Great Eastern Highway, Ruby Street and Albert Street, Greenmount from Residential R5 to Residential R12.5.</p> <p>Removing the following road reserves from the Residential zone coded R30 and including them in the Local Reserve: Road Reserve: Goldsbrough Entrance, Helena Valley (that portion zoned Residential); Greystone Terrace, Helena Valley (that portion zoned Residential); Portion of Lomandra Road, Helena Valley; and Seabrook Chase, Helena Valley.</p> <p>Also various minor changes to the Scheme text.</p>	30 May 2017
2	Rezoning Lot 124 Scott Street, Greenmount from the Public Purposes zone to the Residential zone, with an associated Residential Design Code designation of R40.	4 March 2016
5	Amend Schedule 4 - Special Uses by adding Lot 55 Helena Valley Road, Helena Valley as a Special Use, Park Home Park and amending the scheme map accordingly.	19 May 2017
6	<p>Schedule 12 – Requirements applying to specific development zones – amended by adding No. 5 Katharine Street, Bellevue.</p> <p>Amended the Scheme maps to reflect the Development zone and Rural Small Holdings zone over 1100 (Lot 800) Katharine Street, Bellevue.</p> <p>Amended the Scheme maps (Special Control Areas) by redefining the floodway boundary over 1100 (Lot 800) Katharine Street, Bellevue.</p>	25 May 2018
7	<p>Replaced wording of clauses 5.7.12.1, 5.7.12.2, 5.7.12 (c), 5.7.12.3 (d)</p> <p>Modified clauses 5.7.12 (a), 5.7.12.3 (f). Deleted clause 5.7.12.3 (i). Added clause 5.7.12.5. Renumbered subsequent clauses. Modified Schedule 1.</p> <p>Added new cover sheet.</p>	11 October 2016

9	Including Lot 239 Wilkins Street, Bellevue, on the Scheme Maps; and Zoning Lot 239 Wilkins Street, Bellevue, 'Development'	20 October 2017
11	Rezoning 1 (Lot 1871) Ayres Road and 4655 (Lot 86) Richardson Road, Stoneville, from Rural Residential 1 to Residential R5. Amending the LPS4maps accordingly.	18 January 2019
12	Rezoning Lots 29, 30 and 32 Johnston Street, Lots 28, 1, 2, 3, 35, 36, 37 and 38 Bernard Street, Lots 11, 12, 13, 39 and 42 Lion Street, and Lots 40 and 41 Hummerston Street, Mount Helena from Rural Residential 2 to Development. Rezoning Lots 100 and 101 Dean Street, Mount Helena from Rural Residential 1 to Development; and amending the Scheme Map accordingly.	2 October 2018
13	Rezoning 310 (Lot 3), 510 (Lot 100) and 600 (Lot 2) Houston Street and 700 (Lot 4) Lion Street, Sawyers Valley from Rural Residential 4 to Rural Residential 2; and amending the Scheme Map accordingly.	2 July 2019
14	Rezoning 8855 (Lot 100) Great Eastern Highway from Special Use to Rural Residential with a code of 2. Schedule 4 - Special Use Zones: SU 27, Lot 100 Great Eastern Highway, Mundaring – deleted. Schedule 2 – Additional Uses: AU 11, Lot 100 Great Eastern Highway, Mundaring – Inserted. Amending the LPS4 maps accordingly.	26 March 2019
16	Reclassifying Lots 487 and 506 on Deposited Plan 209189, Jellicoe Road, Glen Forrest from 'Public Purpose' to 'Conservation'. Amend the scheme maps accordingly.	9 June 2023
17	Rezoning 215 (Lot 1) Katharine Street, Bellevue, from Rural Residential 1 to Residential with a code of R20; Amending the scheme maps accordingly.	4 December 2020
18	Rezone Lot 103 (No. 2500) Helena Valley Road, Helena Valley from Rural Residential 1 to Special Use. Insert into Schedule 4 – Special Use zones: - No.34 - Lot 103 (No. 2500) Helena Valley Road, Helena Valley.	10 May 2022

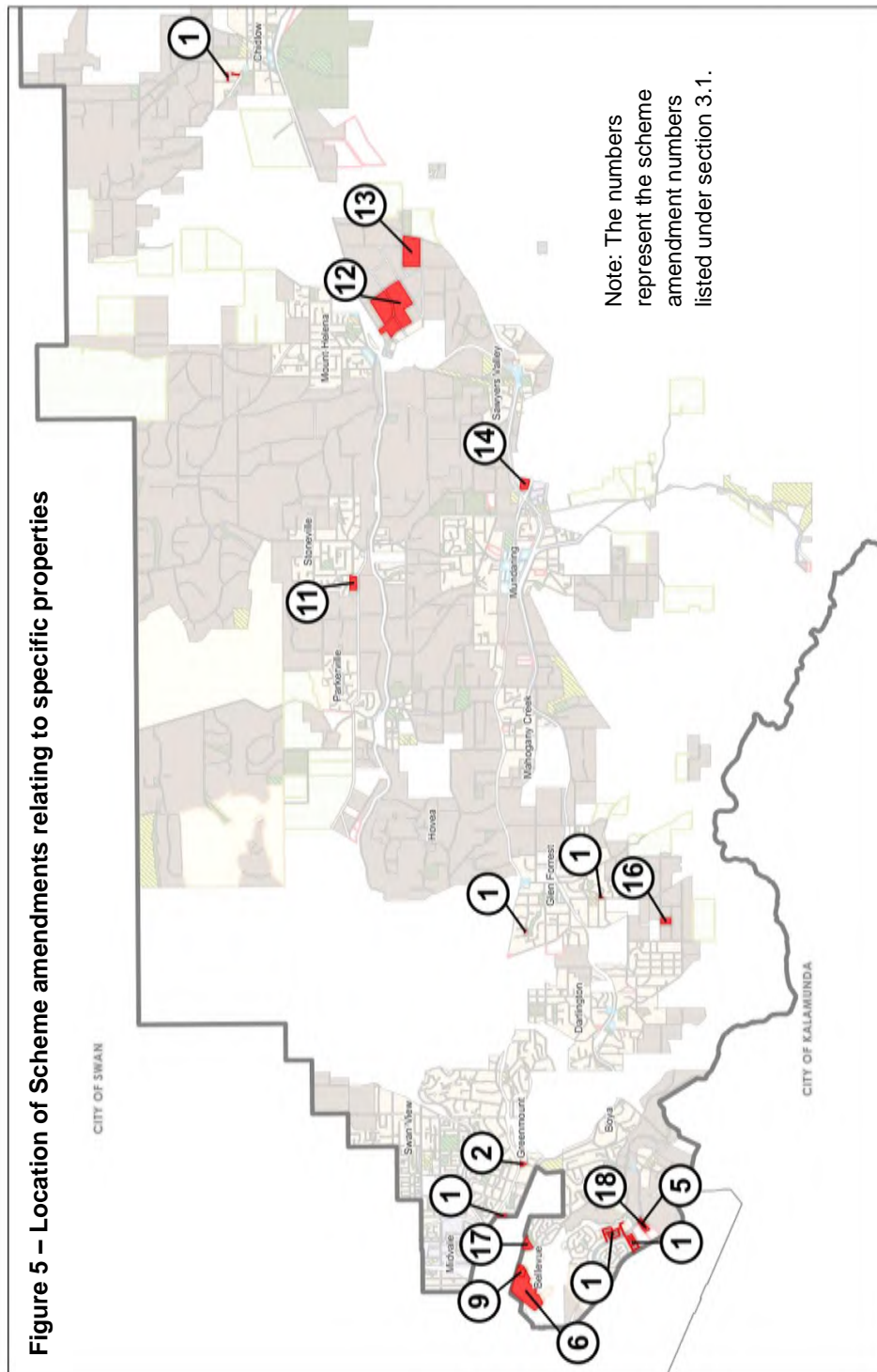


Figure 5 – Location of Scheme amendments relating to specific properties

3.2 Development Area Activity in the Shire of Mundaring

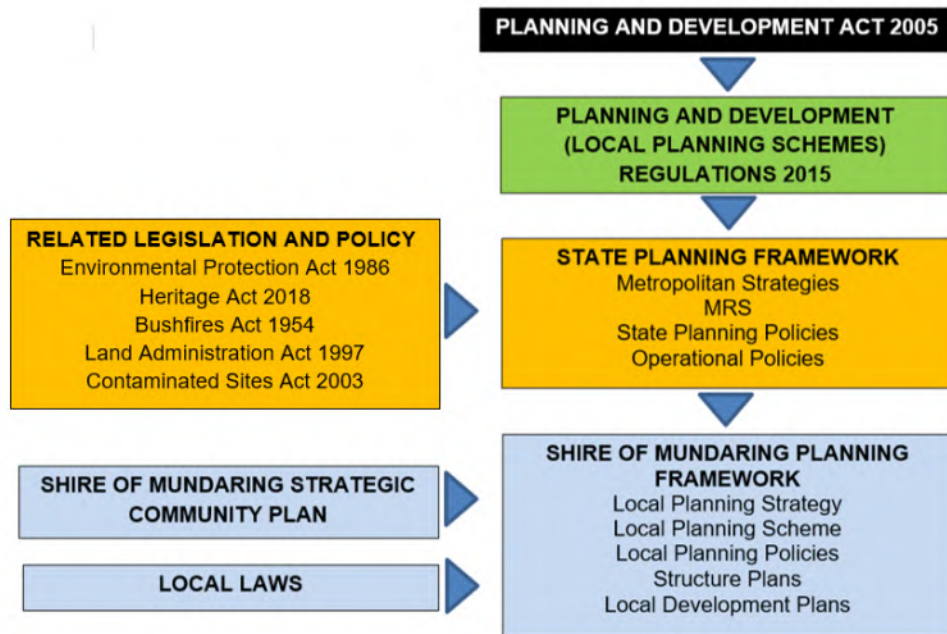
There are eight Development Areas delineated on the Scheme Map. LPS4 requires a structure plan to be approved to guide subdivision and development within these areas. The table below provides information in relation to the Development Areas where a structure plan has been approved for these precincts.

Development Area	Location	WAPC Structure Plan Approval
DA1	Lots 2, 3 and 6 Midland Road, Helena Valley (Structure Plan 71)	3 November 2016
DA2	Lot 1854 Beacon Road and Lot 1915 Roland Road, Parkerville (Structure Plan 64)	23 July 2015
DA3	335 Lake Valley Terrace, Parkerville (Structure Plan 33)	4 March 2010
DA4	4683 Stoneville Road, Stoneville (Structure Plan 34)	23 July 1998
DA5	500 Katharine Street, Bellevue (Structure Plan 74)	17 January 2018

In addition to the abovementioned structure plans, amendments to the following structure plan are in draft form:

Structure Plan	Location	Status
34	North Stoneville Townsite	<p>July 2020: SP34 was refused by the Statutory Planning Committee</p> <p>August 2020: Satterley lodged an appeal against the Statutory Planning Committee decision with the State Administrative Tribunal.</p> <p>March to May 2023: An amended version of SP34 was advertised by the DPLH.</p> <p>December 2023: The amended version of SP34 was refused by the Statutory Planning Committee and the WAPC.</p>

Figure 6 – Local Planning Framework

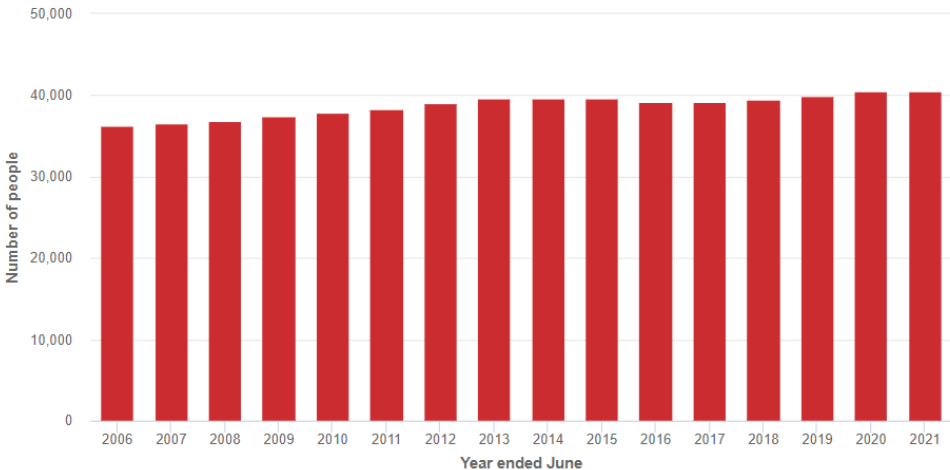


4.0 POPULATION ACTIVITY

In 2021, the Shire of Mundaring had a population of approximately 40,541 people, living in 13,976 dwellings with an average household size of 2.55.

The estimated resident population for the Shire indicates annual growth increased steadily between 2006 and 2013, and then slowed between 2013 and 2021 (refer to **figure 7** below).

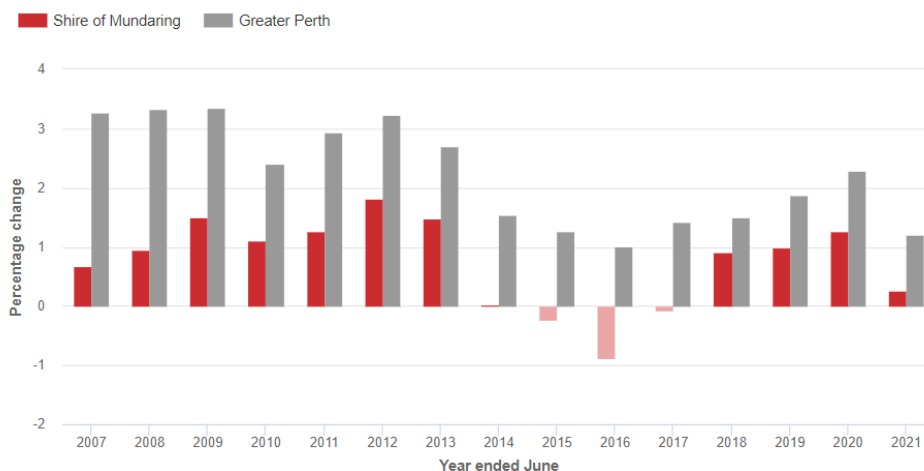
Figure 7 - Shire of Mundaring Estimated Resident Population (.idcommunity)



Source: Census data from profile.id

The slow down corresponded with a Statewide trend. In comparison, the Shire experienced a greater growth decline between 2014 and 2017 (refer to **figure 8** below).

Figure 8 - Shire of Mundaring Percentage Change in Estimated Resident Population (.idcommunity)



Source: Census data from profile.id

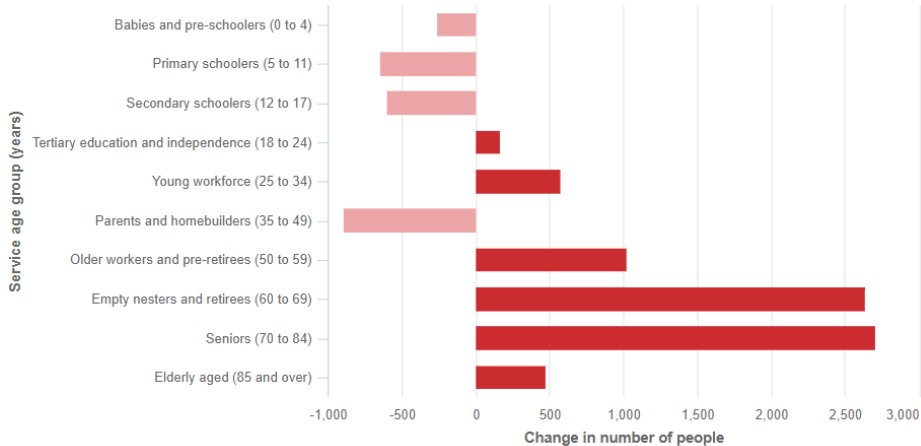
Analysis of the service age groups of the Shire in 2021 compared to Greater Perth shows that there was a lower proportion of people in the younger age groups (0 to 17 years) and a higher proportion of people in the older age groups (60+ years).

Overall, 20.4% of the population was aged between 0 and 17, and 26.8% were aged 60 years and over, compared with 22.5% and 21.2% respectively for Greater Perth.

The largest changes in the age structure in the Shire between 2001 and 2021 were in the following age groups (also refer to **figure 9**):

- Seniors (70 to 84) (+2,705 people)
- Empty nesters and retirees (60 to 69) (+2,634 people)
- Older workers and pre-retirees (50 to 59) (+1,027 people)
- Parents and homebuilders (35 to 49) (-895 people)

Figure 9 - Change in age structure within the Shire between 2001 and 2021



Source: Census data from profile.id

5.0 DEVELOPMENT ACTIVITY

5.1 Types of Dwellings

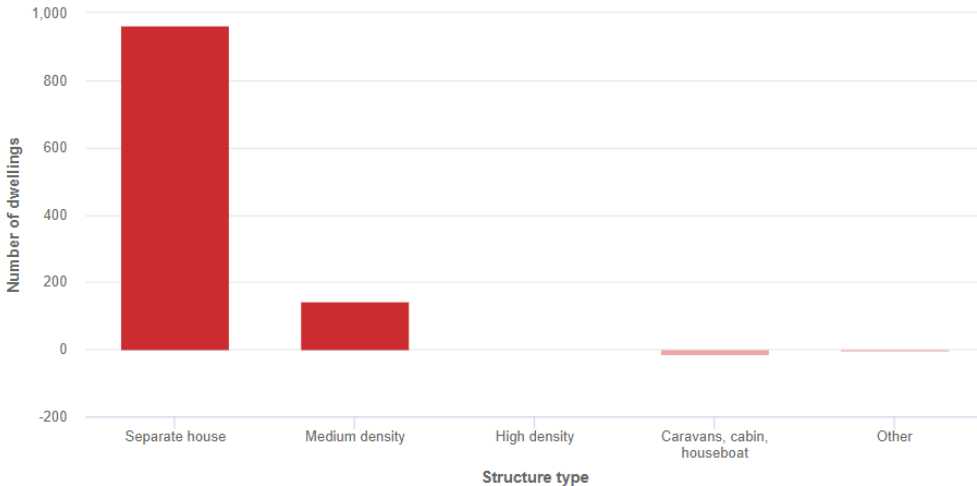
The type of housing available in the Shire largely contributes to (and can influence) the demographic and social-economic profile of the community. A greater concentration of higher density dwellings is likely to attract more young adults and smaller households. Larger, detached or separate dwellings with large landholdings are more likely to attract families and prospective families.

In 2021, there were 14,269 separate houses in the Shire, 619 medium density dwellings, and no high density dwellings.

The following table demonstrates the primacy of single dwellings in the Shire relative to the Greater Perth Area.

	Greater Perth Area	Shire of Mundaring
Low density dwellings	75.6%	95.5%
Medium density dwellings	17.6%	4.1%
High density dwellings	6.1%	0%

Figure 10 – Change in dwelling types (2011 to 2021)



Source: Census data from profile.id

5.2 Lot Creation

Between February 2014 and December 2022, a total of 928 lots were created throughout the Shire based on subdivision applications lodged and approved by the WAPC. This total comprised of a distribution of lots by the following broad categories:

WAPC lot creation information within the Shire of Mundaring between February 2014 and December 2022

Zoning	Total Lots Created (Final Approval) February 2014 to December 2022
Residential	593
Rural residential	223
Rural small holdings	4
Development	64
Town centre	7
General agriculture	2
Special use	26
Service commercial	9

5.3 Dwelling Completions

Between 17 February 2014 and 31 December 2022, 973 Development Approvals and 1,436 Building Permits were issued by the Shire for the construction of single houses, grouped dwellings and ancillary dwellings.

A breakdown of the number of Development Approvals and Building Permits issued annually for these dwellings collectively, between 17 February 2014 and 31 December 2022, is provided in the tables below.

Development Approvals issued for residential development between 17 February 2014 and 31 December 2022

Dwelling Type	2014	2015	2016	2017	2018	2019	2020	2021	2022	Totals
Single Dwellings	60	102	95	73	66	56	86	95	75	708
Grouped Dwellings	3	5	7	3	8	5	11	15	7	64
Ancillary Dwellings	18	31	23	28	21	24	14	23	19	201

*Building Permits issued for residential development between 17 February 2014 and 31 December 2022 (also refer to **figure 11**)*

Dwelling Type	2014	2015	2016	2017	2018	2019	2020	2021	2022	Totals
Single Dwellings	194	184	177	121	76	108	118	194	107	1,279
Grouped Dwellings	0	0	0	0	0	0	1	5	12	18
Ancillary Dwellings	21	23	14	15	20	9	17	6	14	139

The WAPC’s infill targets require the Shire of Mundaring to provide a minimum total of 1,620 dwellings by 2031 as outlined in the table below, and a minimum total of 2,760 dwellings by 2050.

WAPC infill dwelling targets for the Shire of Mundaring

Timeframe	Infill Targets
2011-2016	570
2016-2021	380
2021-2026	390
2026-2031	280
Post 2031	1,140

An additional 981 dwellings were provided within the Shire of Mundaring between 2011 and 2021. This exceeded the 950 additional dwelling target set by the WAPC for this time period by 31 dwellings.

Current forecasting indicates that LPS4 makes the Shire just about capable of achieving the abovementioned targets for each time period.

It is not clear whether the WAPC’s infill targets only apply to brownfield sites, or whether they also apply to greenfield sites. For the purpose of this Scheme review, dwellings approved by the Shire on both brownfield and greenfield sites have been stated in the above table.

Refer to **figure 12** which shows the location of properties which currently have subdivision potential.

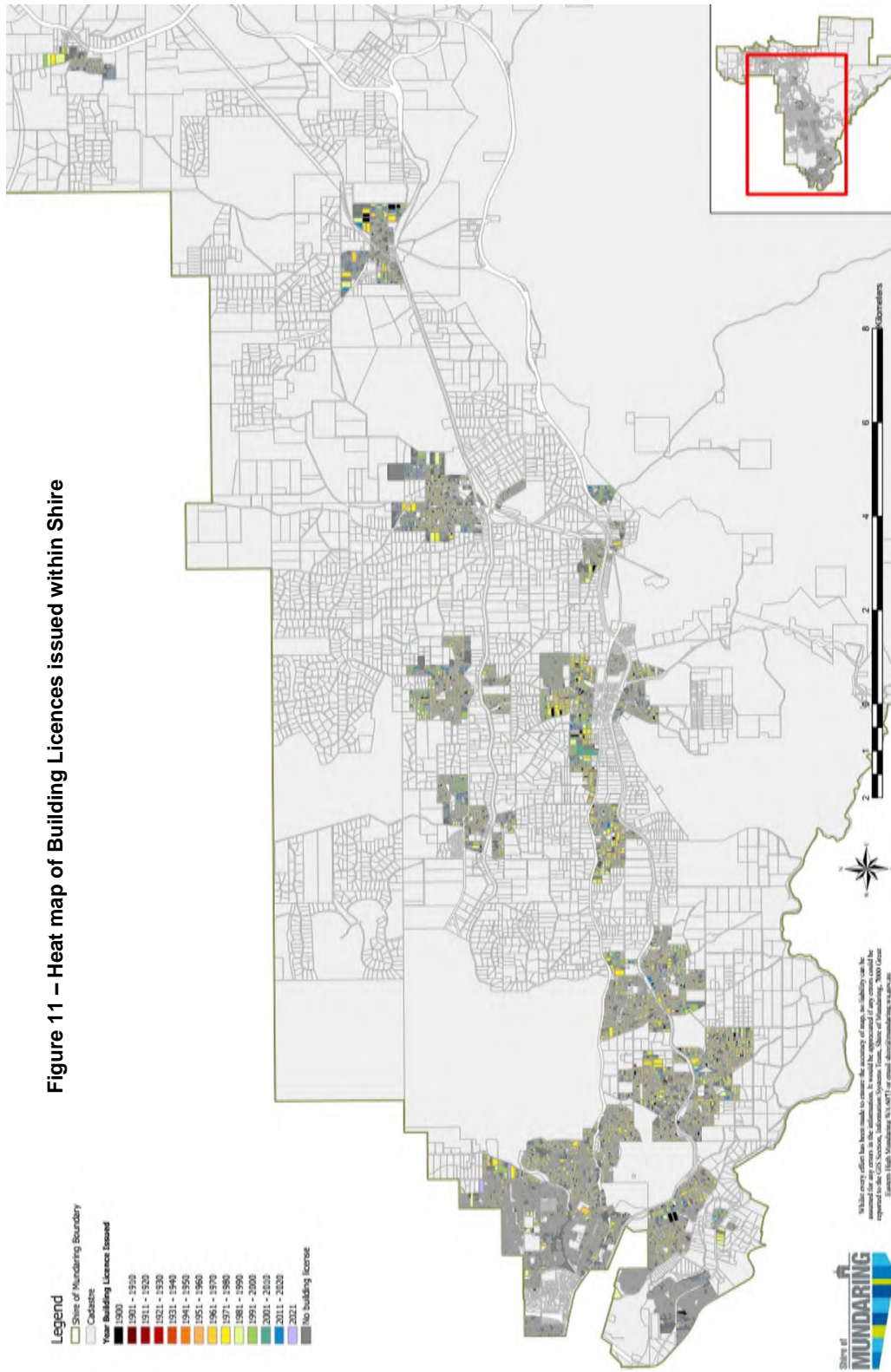


Figure 11 – Heat map of Building Licences issued within Shire

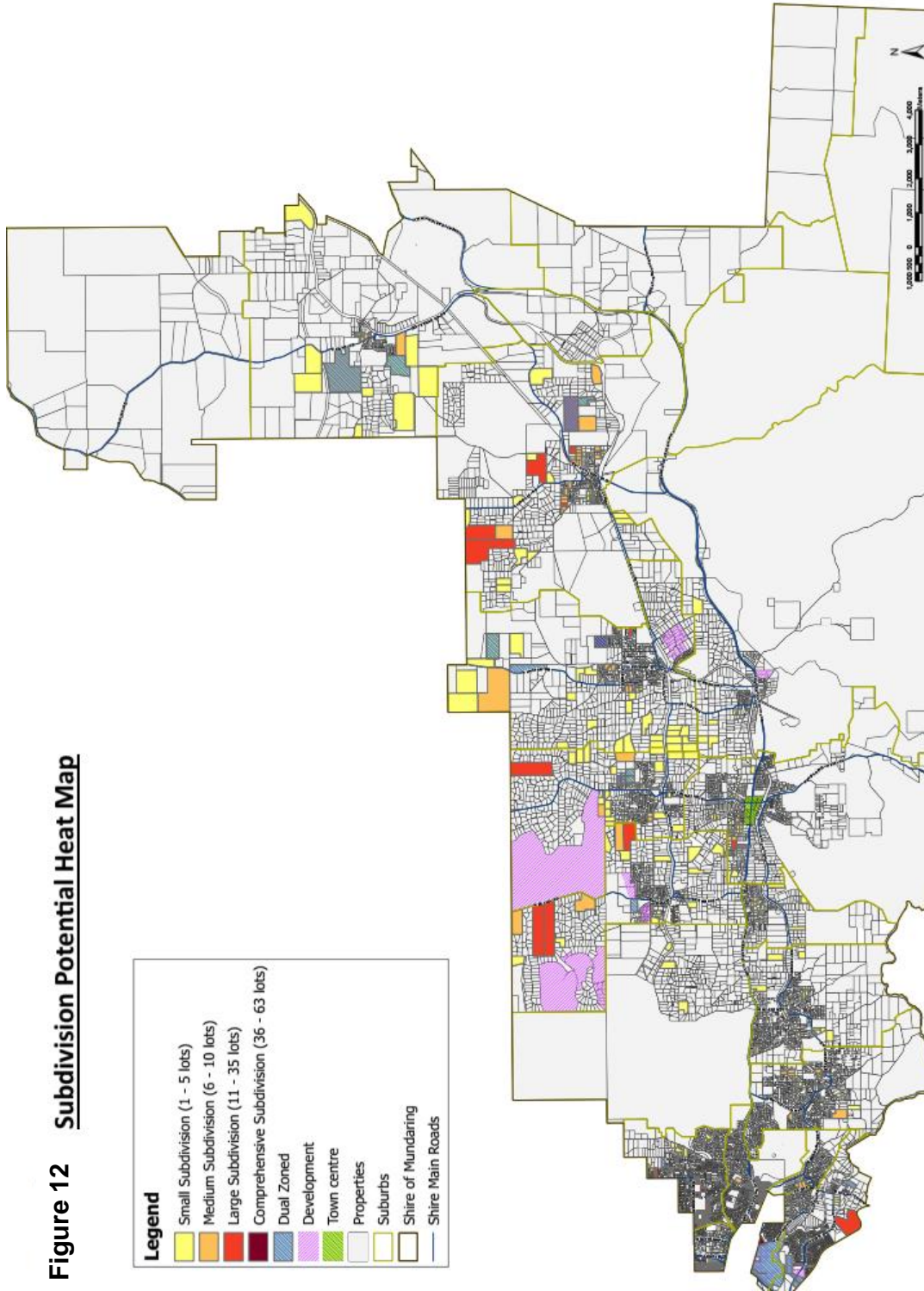


Figure 12 Subdivision Potential Heat Map

The amount and the location of the building approvals granted during the operation of LPS4 are generally concentrated within specific areas near to or within townsites, The location of potential medium and large subdivisions are few and far between.

The likely reasons for this are that nearly half of the Shire is National Park, State Forest or water catchments. Also the lack of a networked sewer and exposure to bushfire risk significantly limits development and subdivision potential throughout the Shire.

The largest areas identified for subdivision potential are in North Parkerville and North Stoneville both of which have structures plans (LSIP 259 and LSIP 265) prepared over 20 years ago, and which the Shire considers can no longer serve as a sound basis for contemporary planning in the Hills.

5.4 Commercial Development Activity

There were 116 Development Approvals and 61 Building Permits granted for non-residential development between 17 February 2014 and 31 December 2022. A breakdown of the number of Development Approvals issued annually for non-residential development, between 17 February 2014 and 31 December 2022, is provided in the table below.

Development Approvals issued for non-residential development between 17 February 2014 and 31 December 2022

Application Type	2014	2015	2016	2017	2018	2019	2020	2021	2022
New	3	9	5	14	5	6	2	3	2
Change of Use	3	12	9	10	10	8	7	7	1

Building Permits issued for non-residential development between 17 February 2014 and 31 December 2022

Application Type	2014	2015	2016	2017	2018	2019	2020	2021	2022
New	6	4	13	11	5	5	8	7	2

6.0 KEY MATTERS IDENTIFIED BY THE SCHEME REVIEW

6.1 Changes in State and Local Planning Framework since 2014

Since the endorsement of the Shire's Local Planning Strategy and the Gazettal of its PS4, the following (relevant) changes to the state and local planning framework have taken place:

Date	Legislation introduced or changed
2014	State Planning Strategy 2050 published
2015	Release of Liveable Neighbourhoods review
2015	Gazettal of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the Regulations)
2015	Gazettal of State Planning Policy 3.7 – Planning in Bushfire Prone Areas
2018	Completion of the Shire's Local Commercial Strategy
2018	Finalisation of Perth and Peel @ 3.5 Million and North-East Sub-Regional Planning Framework
2020	Introduction of WAPC's Operational Policy 1.1 Subdivision of Land – General Principles
2021	Introduction of Version 1.4 of the Guidelines for Planning in Bushfire Prone Areas
2021	Gazettal of State Planning Policy 3.6 – Infrastructure Contributions
2022	The adoption of the Shire's Local Biodiversity Strategy and Watercourse Hierarchy Strategy.

Currently the State Government is still implementing a program of major legislative, regulatory and policy changes to reform Western Australia's planning system.

The Scheme review has identified several areas where Scheme clauses can be brought more closely into alignment with terminology contained within some of the above legislation (e.g. the Model Provisions of the Regulations), whilst still achieving the Shire's aims.

In addition, the background document for the Shire's Local Planning Strategy will need to be amended to reflect these changes in the state and local planning framework.

6.2 Land Use and Work Provisions

Indicators suggest LPS4 provides appropriate development standards and land use permissibility. This is demonstrated by the low number of appeals through the State Administrative Tribunal involving the Shire, and there being few scheme amendments being required since its Gazettal in February 2014.

No significant inconsistencies between LPS4 and the Model Provisions of the Regulations have been identified, possibly due to LPS4 being prepared and then being considered by the WAPC around the time of the Regulations being prepared.

The current LPS4 provisions reflect the current and desired future amenity and character of the area, this includes, amongst others, the provisions relating to outbuildings and telecommunication infrastructure. Therefore it is appropriate that they remain largely unchanged in the local planning scheme.

It is acknowledged that there are opportunities available to refine the text to improve clarity and interpretation, as well as improve the way in which certain development is considered. For example, should development approval continue to be required for fill in excess of 0.5m in height, regardless of a property's size?

However, it is anticipated that no significant material change is required to the Shire's planning framework.

6.3 North Stoneville Townsite Structure Plan 34

In August 2019 and May 2023, Council recommended to the WAPC that the North Stoneville Structure Plan 34 be refused. Subsequently on both occasions the WAPC resolved to refuse Structure Plan 34.

Council has requested the WAPC to revoke LSIP 265 in accordance with Schedule 2 Part 4 Clause 28 (3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the structure plan can no longer serve as a sound basis for contemporary planning in the Hills, as significant legislative changes in State planning policies have occurred; particularly in relation to the natural environment, bushfire, and developer contribution arrangements since the approval of LSIP 265 in 1999.

In July 2020, Council requested that the WAPC amends the MRS zoning of the North Stoneville Townsite from Urban/Rural to Rural.

Considering the above Council decisions, reference to structure plan 34 (LSIP 265) is required to be removed from Schedule 11 of LPS4.

6.4 North Parkerville Townsite Structure Plan 33

In March 2024, a proposed subdivision at Lot 9503 Lake Valley Terrace, Parkerville, which falls within the North Parkerville Townsite, was presented to Council.

Whilst the proposal represented an alternative development outcome to the townsite, the Shire's Officers considered it to be a more appropriate outcome compared to Structure Plan 33 should it address various matters (e.g. bushfire management, public open space and vegetation protection, amongst other matters).

Council acknowledged that the proposal represents a lower-intensity development outcome to the North Parkerville urban townsite and supported the shift away from having a more urban town site.

Council requested the applicant apply to concurrently rezone the subject area from 'Urban Deferred' to 'Rural' under the Metropolitan Region Scheme and from 'Development' to 'Rural Residential' under Local Planning Scheme No.4.

Considering the above Council decision, reference to structure plan 33 (LSIP 259) is required to be removed from Schedule 11 of LPS4.

6.5 Demand for Housing

Directions 2031, Perth and Peel @ 3.5 Million and the Draft North-East Sub-Regional Planning Framework make provision for increasing residential densities in proximity to activity centres, public transport nodes and places of employment

Infill development within established urban areas has the potential to contribute to housing diversity and respond to ongoing changing demographics and community aspirations. It is expected that infill development will also contribute to maximising the use of existing infrastructure and economies of scale for provision of transport and service infrastructure.

It is not clear whether the infill targets set by the State Government only apply to brownfield sites, or whether it also applies to greenfield sites.

Brownfield sites

Strategically, Bellevue and Helena Valley are ideally located to accommodate sustainable residential infill due to their proximity to Midland. However, the lack of adequate sewerage infrastructure in these areas, as well as in the Mundaring Town Centre, means that there is little opportunity to provide additional housing.

As demonstrated under section 5.2 of this review report, since the Gazettal of LPS4 there have been relatively few grouped dwellings approved.

In most cases, a single dwelling which previously existed on a particular site has been demolished to make way for a new single dwelling. Thus, not contributing towards the infill housing target set by State Government.

Greenfield sites

To try and achieve the dwelling infill targets set by the state planning framework the Shire prepared the Foothills Growth Strategy, which applies to land within Helena Valley and Bellevue which mostly includes rural style lots, bushland and orchards.

In addition, the North-East Sub-Regional Planning Framework (Framework) have been introduced by State Government to provide strategic guidance to government agencies and local governments on all aspects of land use and infrastructure provision in the North-East sub-region.

Despite the above, potential development within rural (greenfield) areas is restricted by the bushfire and environmental requirements, amongst other matters.

6.6 Ageing Local Population

As outlined under section 4.0 of this review report, whilst the local population within the Shire has remained steady since the Gazettal of LPS4, there has been a significant increase in older residents (more than 50 years old) within the Shire. Being proactive in understanding and addressing these changes is in the interests of all current and future residents, as well as the sustainability of the Shire as a whole.

From a housing perspective, the main concern is the mismatch between an expanding ageing population with a strong desire to age in place and a current housing stock that is largely inappropriate to suit the needs of this age group, with this concern resulting in uncertainty on whether appropriate supply will be available in the future

The Shire can have significant influence on housing outcomes for older residents because of its role as regulator of residential development, and planner and developer of local infrastructure.

The shift towards ageing in place means that housing forms will need to increasingly cater for aged residents with a particular focus on mainstream housing and independent living (private and public). Whilst the proportion of people desiring to live in this type of housing is increasing, traditional accommodation for seniors in aged care homes will be important to accommodate the increasing overall number of frail-aged and dementia clients, making it more feasible to provide required services through co-location.

Since the Gazettal of LPS4, the only nursing home approved in the Shire is at Lot 9 (no.22) Coongan Avenue, Greenmount.

The lack of adequate sewerage infrastructure within the Shire, in addition, to bushfire and environmental restrictions, means that currently there are very few locations where appropriate housing or care facilities may be able to be provided which will allow local residents to continue to reside in the Shire.

A challenge is also to try and diversify the choice of housing across the Shire, whilst ensuring that the local character and natural environment are preserved.

6.7 Commercial Expansion

Since the Gazettal of LPS4, limited commercial expansion has occurred within the commercial hub of the Mundaring townsite and in some of the smaller townsites.

The North-East Sub-Regional Planning Framework (Framework) states that existing and emerging district activity centres within the sub-region, including Mundaring, are expected to continue to expand in response to local population growth providing employment opportunities that will contribute to improving overall employment self-sufficiency.

However, the Mundaring town centre's growth is constrained by the availability of sewer. There is no proposed wastewater infrastructure for the area. The Shire sees wastewater infrastructure (and matters associated with wastewater disposal and storage) as important for the future growth of the Mundaring Town Centre.

Continued development of the local economy and expansion of employment opportunities are high priorities in view of locational 'disadvantage' and expected rates of population growth. Increased growth in tourism, home-based business, and commercial development are important components of the Shire's economic development strategy.

Council has adopted a Local Commercial Strategy (LCS) in February 2018 to support LPS4. The LCS examines the economic processes underpinning growth to anticipate and provide strategic direction for future commercial land use supply and types. The LCS intends to be adaptable to changing economic circumstances but sufficiently robust to bolster the Shire's broader spatial plans for Mundaring Town Centre, Helena Valley and elsewhere and to continue to support the existing and planned local village centres.

There is very limited vacant, Light Industry and Service Commercial zoned land in the Shire. The LCS states that, consequently, it is difficult to ascertain demand. However, the LCS notes:

"The... [light industrial and service commercial] development rates are low relative to the population increase and indicate that an element of latent (or unrealised) demand is likely."

"Acknowledging the forecast population increase, prevailing supply and the possibility of latent demand, it is prudent to plan for a quantum of land in the order of, say at least +5ha for future light industrial/service commercial use in the Hills Region... Depending on the uptake of any initial industrial development in the Hills region, potential may exist for future expansion."

Action Plan 4 of the LCS is to:

"Review the suitability of land in Sawyers Valley... for light industrial and/or service commercial uses... [in the] short term."

Progressing these and similar strategies within the LCS will help to achieve the vision and objective as outlined in the Strategy:

Vision:

"Activity centres and employment precincts will continue to have an important function in generating economic activity, providing services to residents and businesses, and creating local investment and jobs."

Objective:

"Maximise local economic development and employment opportunities."

6.8 Watercourse Protection

Watercourses are vital to the community's sense of place and wellbeing. They function as important recreational areas, hold historical, spiritual and cultural value, support flora and fauna, are used in the suppression of bushfires and are elements of the visual landscape strongly associated with 'Hills living.'

Any interventions in or around watercourses must therefore be conscious of the community's link and sensitivity to watercourses and their riparian areas.

In March 2023, Council adopted its Watercourse Hierarchy Strategy which concludes that the Shire's existing statutory provisions are largely effective and require only minor refinements. Based upon the recommended actions stipulated in the Watercourse Hierarchy Strategy, the inclusion of provisions in the local planning scheme relating to the following are to be considered:

- a) Matters to consider when having determining proposed development seeking to vary a watercourse setback provision under the local planning scheme.
- b) Provisions relating to Drainage Contribution fees. The Watercourse Hierarchy Strategy recommends various actions to mitigate against changes brought about by land development and other disturbances, and the subsequent alterations to landform and foreshore areas. This includes, amongst others, better control of storm (drainage) flows. Drainage Contribution fees are considered to be an equitable way of raising part of the funds for upgrade works due to the redevelopment of areas.

A Drainage Contribution fee will therefore be explored investigated as part of the scheme review, for all new subdivisions and development on rateable properties within the Shire, with the exception of any proposed addition(s) to any existing residential buildings, or any proposed ancillary residential structures (such as, but not limited to, patios and carports) in all circumstances.

The point here is that "The Shire's position is that the Developer Contribution Provisions within the deemed provisions are not a good fit for the dispersed and localised water management solutions across the Shire's catchment." – then we need to boost that argument.

6.9 Precinct Plans

The Shire's local planning scheme applies land use and development standards to various zones across the entire municipality, but for the most part does not address the particular form of land use and patterns of development that characterise or are proposed for specific areas or precincts.

Therefore, the Shire has previously adopted a number of Precinct Plans as Town Planning Scheme Codes under the local planning scheme to guide development in particular town or village centres. These precinct plans apply to the following areas:

- **Mundaring (District Shopping Zone)** - In April 1997 Council resolved to adopt a Precinct Plan for the District Shopping Zone in the Shire of Mundaring. This precinct plan covers the whole of the District Shopping zone, bounded by Mann Street, Hartung Street, Stoneville Road and Great Eastern Highway.
- **Mundaring (District Business Zone)** - It covers land bounded by Great Eastern Highway to the north, Fenton Street to the east, Jacoby Street to the south and Mindyah Court to the west.
- **Darlington** - The Darlington Village Precinct Plan was prepared between 1994 and 1997, with guidance from a Darlington Precinct Advisory Committee (DPAC), and arose from an earlier 1987 precinct plan of the same name.
- **Glen Forrest** - The Glen Forrest Village Centre Precinct Plan was adopted by Council on 26 June 2001. Covering a wide area, the precinct plan extends from Great Eastern Highway south to the Glen Forrest Primary School, incorporating significant local features, the two separate commercial areas, heritage sites and the immediately surrounding residential area.
- **Parkerville** - The Parkerville Village Centre Precinct Plan was adopted by Council in February 2002. Covering a wide area, the precinct plan includes all Residential zoned land in Parkerville, as well as the Parkerville Primary School, Parkerville Children's Home, local commercial centre and various reserves.
- **Mount Helena** - The Mt Helena Village Centre Precinct Plan was adopted by Council in February 1997, subject to modifications. The precinct plan covers a small area, limited to the Local Centre zone on Keane Street, McVicar Place and Marquis Street and adjacent land in the Regional Reserve for Parks and Recreation.
- **Chidlow** - The Chidlow Village Centre Precinct Plan was advertised for public comment in 2001 and adopted by Council in December 2002, subject to modifications. The modified precinct plan is dated November 2003. The precinct plan covers most of the Residential zoned land in Chidlow, as well as the primary school, commercial area and some recreational reserves.

Given the predictions of *Perth and Peel @ 3.5 million*, effective precinct design is integral to the future of townsites within the Shire of Mundaring, particular given their character and heritage. Despite this the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* make no reference to Precinct Plans.

Considering the above, the WAPC is invited to provide comment to the Shire on whether it believes Precinct Plans which form part of the local planning scheme, such as those for Mundaring, Darlington, Glen Forrest, Parkerville, Mount Helena and Chidlow, still play an important role in the planning framework.

7.0 CONCLUSION

This Scheme Review report has been prepared in accordance with Regulation 65 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the purposes of determining if the current Shire of Mundaring LPS4 is performing as intended, namely:

- is aligned with the intent of the Local Planning Strategy;
- is aligned with the State Planning Framework;
- supports transparent and efficient decision making; and
- outcomes are being delivered 'on the ground' that support the objectives of the Scheme as they relate to the development and growth of the Shire.

LPS4 has been in operation for over 9 years and continues to serve the municipality well, particularly in terms of development control and environmental management. The effectiveness of LPS4 is evidenced by the relatively few Scheme Amendments that have been initiated since gazettal of LPS4.

At its most fundamental level, LPS4 must regulate how land is to be used and developed. However, it also needs to deliver on the Shire's strategic vision and respond appropriately to the changes and challenges of our time.

Since its Gazettal, there has been significant changes to legislation that impacts LPS4. The analysis of the performance of LPS4 has highlighted the Scheme text is inconsistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* in terms of form and content. Therefore, it is considered essential for the Shire of Mundaring LPS4 to be amended.

In addition, there are other key matters outlined under section 6.0 of this review report which require further investigation, and support from the State Government in terms of being able to implement measures which address various issues (e.g. upgraded sewerage infrastructure in Mundaring Town Centre).

Considering the above, it is recommended that Local Planning Scheme No. 4 be repealed and a new scheme be prepared in its place, and that a new Local Planning Strategy be prepared to reflect the current state and local planning framework.

8.0 RECOMMENDATION

In view of these findings and conclusions, the following recommendations are made with respect to progressing the review of the Shire of Mundaring Local Planning Scheme No.4:

That Council:

1. APPROVES the Scheme Review Report and forwards to the Western Australian Planning Commission in accordance with Regulation 66 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. RECOMMENDS to the Western Australian Planning Commission, that the Shire of Mundaring Local Planning Scheme No. 4 be repealed and a new scheme be prepared in its place, in accordance with Regulation 66 (3) (a) (iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. RECOMMENDS to the Western Australian Planning Commission that the Shire of Mundaring should prepare a new Local Planning Strategy to reflect the current state and local planning framework. This Strategy will replace the existing Local Planning Strategy, which shall be revoked upon endorsement of the new Strategy in accordance with Regulation 66 (3) (b) (iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.