

METROPOLITAN REGION SCHEME (BEELIAR WETLANDS) BILL 2018

EXPLANATORY MEMORANUM

The purpose of this Bill is to reserve and zone certain land within the Metropolitan Region Scheme in order protect several significant areas of wetland that make up the Beeliar Regional Park (the Beeliar Wetlands).

The Metropolitan Region Scheme is a large planning scheme which applies to the Perth Metropolitan Area. It includes a scheme text and a set of maps. The scheme text sets out the planning rules that apply to zones and reserves. The zones and reserves, which broadly identify what the land can be used for, are depicted on maps.

Clause 1: Short title

This Act may be cited as the *Metropolitan Region Scheme (Beeliar Wetlands) Act 2018* (**the Act**).

Clause 2: Commencement

This clause provides that sections 1 and 2 of the Act will come into operation on the day that the Act receives Royal Assent, with the remainder of the Act coming into effect the next day.

Clause 3: Terms used

This clause contains definitions of the following terms used in the Act:

- ‘Metropolitan Region Scheme,’ which is defined by reference to the *Planning and Development Act 2005*;
- ‘Plan,’ which describes the Western Australian Planning Commission plan used to identify the land to be reserved and zoned through the Act (**the Plan**); and
- ‘Planning Act,’ which is defined to mean the *Planning and Development Act 2005*.

Clause 4: Metropolitan Region Scheme amended

Subclause 4(1) amends the Metropolitan Region Scheme by deleting the ‘Primary Regional Roads’ reserve that traverses the Beeliar Wetlands and a small portion of the ‘Urban’ zone shown in the area shaded dark green on the Plan and reserving that land for ‘Parks and Recreation’.

Subclause 4(2) amends the Metropolitan Region Scheme by deleting a small portion of the ‘Primary Regional Roads’ reserve shown in the area shaded red brown on the Plan and zones that portion of land ‘Urban’. This area is zoned ‘Urban,’ rather than reserved for ‘Parks and Recreation,’ in order to ensure consistency with the zoning of adjacent land.

Clause 5: Effect of amendments

Subclause 5(1) provides that the amendments to the Metropolitan Region Scheme made by the Act are to have the same force and effect as if they were processed under the principal legislation governing such matters, namely the *Planning and Development Act 2005*.

Subclause 5(2) clarifies that once the Act comes into operation, any future amendments to the classification of land in the Metropolitan Region Scheme are to follow the relevant scheme amendment process in the *Planning and Development Act 2005*. In other words, an amendment to the Act is not required to undertake future amendments to the Metropolitan Region Scheme.