



Minutes of Planning and Community Consultation Committee Meeting

Held on

Tuesday 12 July 2022 at 5.30pm

Held at Council Chamber, 83 Mandurah Terrace Mandurah

PRESENT:

COUNCILLOR	D PEMBER [Chairperson]	EAST WARD
COUNCILLOR	D WILKINS	EAST WARD
COUNCILLOR	J GREEN	COASTAL WARD
COUNCILLOR	B POND	COASTAL WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	C KNIGHT [Deputy Mayor]	NORTH WARD
COUNCILLOR	R BURNS	TOWN WARD

ELECTED MEMBERS OBSERVING:

COUNCILLOR	C DI PRINZIO	COASTAL WARD
COUNCILLOR	P ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MS	C MIHOVILOVICH	DIRECTOR BUSINESS SERVICES
MRS	C TAYLOR	ACTING DIRECTOR PLACE AND COMMUNITY
MR	J CAMPBELL-SLOAN	DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MR	M HALL	DIRECTOR BUILT AND NATURAL ENVIRONMENT
MRS	T JONES	MANAGER GOVERNANCE, PROCUREMENT AND PROPERTY

1. OPENING OF MEETING

The Chairperson declared the meeting open at 5.32 pm.

2. APOLOGIES

Leave of Absence

Councillor A Zilani

Apologies

Mayor R Williams
Councillor D Schumacher
Councillor A Kearns

3. IMPORTANT NOTE

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

4. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5. AMENDMENT TO STANDING ORDERS

PCC.1/7/22 STANDING ORDERS LOCAL LAW 2016

The Chairperson advised the meeting that the *City of Mandurah Standing Orders Local Law 2016* will be modified to ensure Committee Members and the public can participate in and follow the meeting as it progresses.

MOTION

Moved: Councillor C Knight
Seconded: Councillor R Burns

That the Committee of Council:

1. **Suspend the operation of the following provisions of the *City of Mandurah Standing Orders Local Law 2016* for the duration of this electronic meeting to ensure Council Members and the public can follow and participate in the meeting as it progresses:**
 - 1.1. **Standing Order 3.3 Public Question Time pertaining to public participation in meetings continues via electronic means with public submissions received to be read aloud by the Presiding Member at the relevant agenda item if required.**
 - 1.2. **Standing Order 7.2 Members to occupy own seats whilst present in meeting room. Relevant only for Elected Members attending the Council Chambers.**
 - 1.3. **Agree under Standing Orders 8.1(1) and 12.2, that instead of requiring a show of hands, a vote will be conducted by exception with the Presiding Member calling for those Members against each motion. If no response is received the motion will be declared carried and minuted accordingly.**
 - 1.4. **Reiterate the requirement as per Standing Order 7.3 for Members to advise the Presiding Member when leaving or entering the meeting at any time.**

CARRIED: 7/0

6. PUBLIC QUESTION TIME

Nil.

7. PRESENTATIONS

Nil.

8. DEPUTATIONS

Nil.

9. CONFIRMATION OF MINUTES

PCC.2/7/22 CONFIRMATION OF MINUTES TUESDAY 10 MAY 2022

MOTION

Moved: Councillor B Pond

Seconded: Councillor C Knight

That the Minutes of the Planning and Community Consultation Committee meeting of Tuesday 10 May 2022 be confirmed.

CARRIED: 7/0

10. DECLARATIONS OF INTERESTS

Nil.

11. QUESTIONS FROM COMMITTEE MEMBERS

Questions of Which Due Notice Has Been Given

Nil.

Questions of Which Notice Has Not Been Given

Nil.

12. BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

13. REPORTS FROM OFFICERS

PCC.3/7/22 LOCAL PLANNING SCHEME 12 – IMPLEMENTATION (UPDATES AND MODIFICATION TO LOCAL STRUCTURE PLANS AND LOCAL PLANNING POLICIES)

Summary

Local Planning Scheme No 12 was gazetted on 11 April 2022 replacing the previous operative Town Planning Scheme No 3. Local Planning Schemes are supported by Structure Plans, used to undertake further detailed planning for a specified area and Local Planning Policies, to support decision making for particular matters, primarily in regard to applications for development approval.

Town Planning Scheme No 3 was primarily predicated on land being zoned Urban Development for new suburban development with approximately 2350 hectares of land included in the Urban Development zone. The Urban Development zone requires a Structure Plan prior to further subdivision or development.

In progressing Scheme 12, approximately 1650 hectares of land subject to Structure Plans which have since been developed have been 'normalised' into standard zones and reserved land and relevant R-Code Density (residential density code). As a result, many existing structure plans no longer have any 'effect' or relevance under Scheme 12 with approximately 54 plans in place and given the extent of the revised Urban Development Zone will be reduced to approximately 20.

Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* –which are the deemed provisions for local planning schemes ('Deemed Provisions' covers the processing and administration of Structure Plans, and Clause 28(3) of the Deemed Provisions references the process to revoke Structure Plans and Clause 29 in regard to modifying Structure Plans – both primarily require the Western Australian Planning Commission's approval to do so with the support of the local government. At the recommendation of the Department of Planning, Lands and Heritage, it was suggested the best course of action to progress these changes was via a Council resolution. The report outlines the structure plans that will subject to revocation or modification.

Further, there are current 8 operative Local Planning Policies. The key policies that impact decision making have been recently been subject to review and change via Council adoption; however some administrative changes and revocation to a number of existing policies are also necessary based on the gazettal of Scheme 12.

Officer Recommendation

That the Planning and Community Consultation Committee recommend that Council:

1. In accordance with Clause 28(3) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* requests that the Western Australian Planning Commission revoke the following Local Structure Plans:

- San Remo / Madora Bay;
- Meadow Springs;
- Parklands West;
- Lot 607-608 Kirkpatrick Drive;
- Lot 5 Lakes Road
- Lots 31 and 32 Pinjarra Road;
- Coodanup Drive;
- Mariners Cove;
- Mariners Cove Canals;
- Port Mandurah;
- Seascapes;
- Seascapes Village;
- Bridgewater South;
- Northport;
- Northport Village;
- Northport Stage 12;
- Lots 6, 8, 104 and 105 Old Coast Road;
- Lots 10 and 11 Old Coast Road;
- Eastport;
- Lot 1000 Princeton Drive;
- Lot 19 Princeton Drive;
- Southport;
- Channel Heights;
- Florida Neighbourhood Centre;
- Lot 6 Dawesville Road (Bailey Boulevard);
- Lot 7 Bailey Boulevard;
- Lot 2 Dawesville Road;
- Lot 1001 Dawesville Road;
- Lot 2 Estuary Road; and
- Lot 285 Estuary Road.

2. In accordance with Clause 29 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* requests that the Western Australian Planning Commission amend the following Local Structure Plans by including a notation that the contents of the Structure Plan only apply to areas zoned Urban Development in Local Planning Scheme 12 or for areas shown as Tree Preservation Areas in the Structure Plan:

- Madora Bay East;
- Lakelands West;
- Lakelands East;
- Central Park;
- Lakes Road / Pinjarra Road;
- Frasers Mandurah;
- Newport Drive
- Bridgewater / Osprey Waters;
- Pleasant Grove South;
- Florida;
- Melros Beach / Bailey Boulevard;

and that these amendments are considered minor and are not subject to advertising as per Clause 29(3).

3. In accordance with Clause 29(3) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* notes that modifications will be made to the following Precinct Structure Plans and subsequently be subject to advertising and further consideration by Council in due course:

- Halls Head Town Centre;
- Falcon Village;

4. Notes that the relevant provisions pertaining to Local Centres and Neighbourhood Centres contained in the following Local Structure Plans will be converted to a Local Development Plan in accordance with Part 6 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Central Park;
- Coodanup Drive;
- Mariners Cove;
- Seascapes Village;
- Northport Village;
- Florida Neighbourhood Centre;

5. In accordance with Clause 5(2) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* modifies the following Local Planning Policies by updating references to the exemptions for approval under Clause 61 of the Regulations:

- (a) LPP2: Signage (as shown in Attachment 1.3);
- (b) LPP4: Canal Waterways Structures (as shown in Attachment 1.4);

6. In accordance with Clause 6 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* revokes of the following Local Planning Policies:
- (a) LPP5: Telecommunications Infrastructure;
 - (b) LPP9: Galbraith Loop Business Design Guidelines;
 - (c) LPP14: Significant Tree Register; and
 - (d) LPP15: Water Sensitive Urban Design;
7. Notes that the relevant contents of LPP9: Galbraith Loop Business Design Guidelines that do not conflict with the provisions of Local Planning Scheme 12 will be transferred to a Local Development Plan and the publication of the notice revoking LPP9 in accordance with Resolution 6, above, will await the completion of the relevant Local Development Plan for the location.

Committee Recommendation

MOTION

Moved: Councillor C Knight

Seconded: Councillor B Pond

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 - Northport Stage 12;
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- (g) LPP14: Significant Tree Register; and
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7. Notes that the relevant contents of LPP9: Galbraith Loop Business Design Guidelines that do not conflict with the provisions of Local Planning Scheme 12 will be transferred to a Local Development Plan and the publication of the notice revoking LPP9 in accordance with Resolution 6, above, will await the completion of the relevant Local Development Plan for the location.

CARRIED: 7/0

14. LATE AND URGENT BUSINESS ITEMS

Nil.

15. CONFIDENTIAL ITEMS

Nil.

16. CLOSE OF MEETING

There being no further business, the Chairperson declared the meeting closed at 6.20pm.

CONFIRMED:[CHAIRPERSON]

**Attachments to Committee Minutes:
 Planning and Community Consultation Committee Agenda 12 July 2022
 Presentation**

Implementation of Local Planning Scheme 12

Planning & Community Consultation Committee
12 July 2022



Presentation Outline

- Background – Planning Framework
- Report Contents and Key Recommendations
- Key Issues for Future Planning Considerations



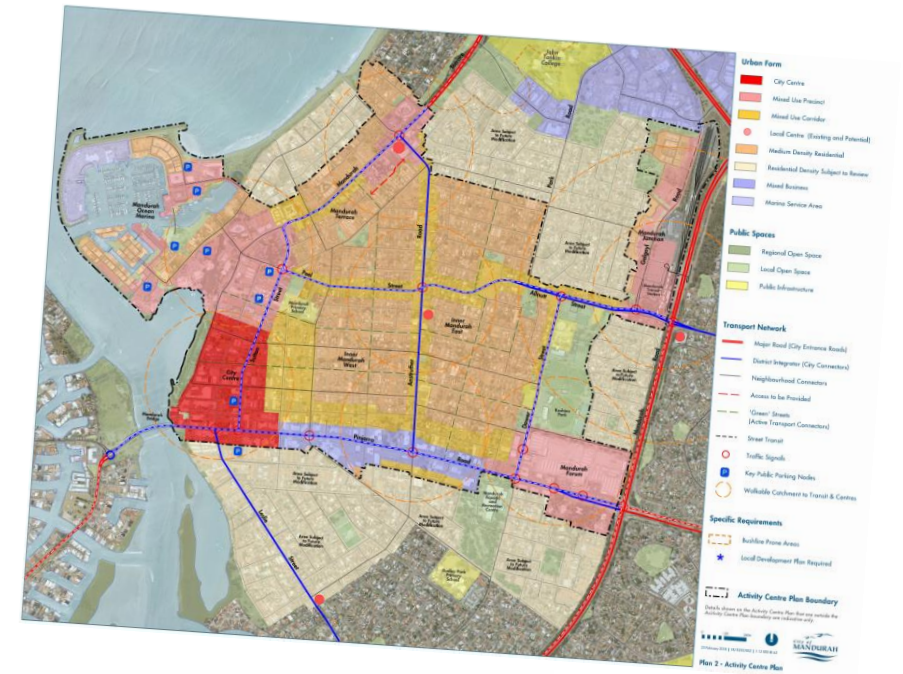
Planning Functions

- Strategic Planning

Big picture, long-term planning;
Integrating economic, environmental, social and infrastructure issues and priorities;
Ensure that planning framework is sound to assist the regulatory approvals;

- Statutory Planning

Regulatory Approvals:
Structure Plans;
Applications for Development Approval (DA);
Subdivision;



Layers of Responsibility

- Hierarchy of Responsibility

Minister for Planning

Western Australian Planning Commission

Local Government / Development Assessment Panels

- Planning Framework Hierarchy

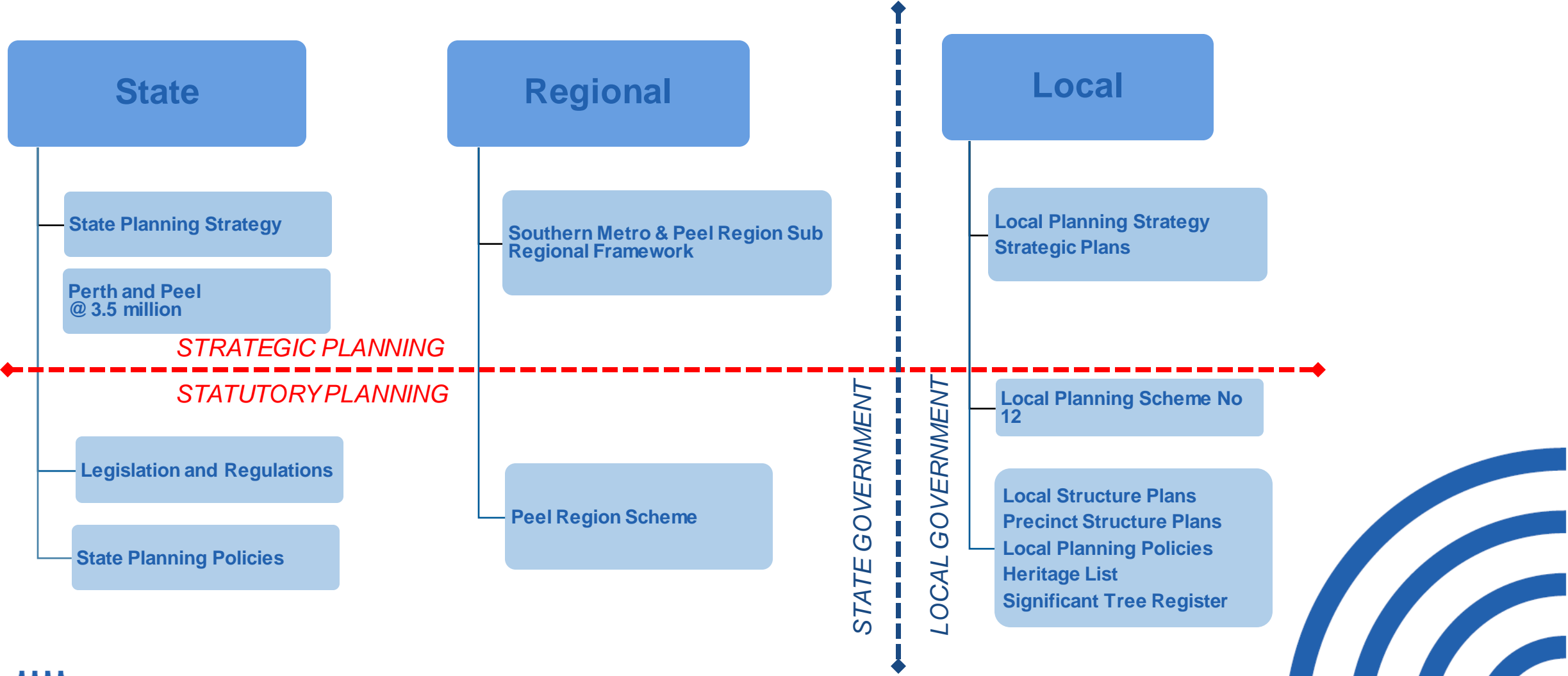
State based planning provisions

Regional planning provisions

Local government provisions



Structure and Framework



WESTERN AUSTRALIAN PLANNING FRAMEWORK

STATE PLANNING STRATEGY PRINCIPLES

- Community**
Enable diverse, affordable, accessible and safe communities
- Economy**
Facilitate trade, investment, innovation, employment and community betterment
- Environment**
Conserve the State's natural assets through sustainable development
- Infrastructure**
Ensure infrastructure supports development
- Regional Development**
Build the competitive and collaborative advantages of the regions
- Governance**
Build community confidence in development processes and practices



- State planning strategy 2050**
The State Planning Strategy provides the strategic context for planning and development decisions throughout the State.
- State planning policies**
State planning policies provide the highest level of planning policy control and guidance in Western Australia. Prepared under Part 3 of the *Planning and Development Act 2005*.
- Development control and operational policies**
Development control and operational policies guide decision making in relation to subdivision and development applications.
- Position statements**
Position statements provide a statement setting out the policy position of the WAPC with respect to a particular matter.
- Fact sheets, manuals and guidelines**
Fact sheets, guidelines and manuals provide detailed guidance on the application of Western Australian Planning Commission policies.
- Planning bulletins**
Planning bulletins provide advice on legislation, planning practice, subdivision and development control, and policy positions of the Western Australian Planning Commission (WAPC).
- INACTIVE RESCINDED**
- Inactive-rescinded policies**
Inactive-Rescinded policies is a collection of land use planning policies and documents that are no longer current or used in decision making, these may have been superseded or are no longer required.
- Regional and sub-regional strategies**
These strategies provide for the comprehensive planning of regions, sub-regions or particular locations to guide change in the short, medium and long term.
- Liveable neighbourhoods**
Liveable Neighbourhoods is a Western Australian Planning Commission (WAPC) operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.
- Design WA**
Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia.
- Strata reform and land tenure changes**
Reforms to strata legislation and the introduction of new land tenure types in Western Australia.
- Planning process flow charts**
Flow charts which explain the Western Australian planning system.
- State of Emergency planning changes**
In the event that the Western Australian Government declares a State of Emergency, the Minister for Planning can apply exemptions against local planning schemes.
- COVID-19 Planning Reforms**
Amendments to the *Planning and Development Act 2005* will support the State's economic recovery from COVID-19.

Town Planning Scheme No 3

Initially prepared in 1992 & Gazetted in July 1999;



Reliance on:

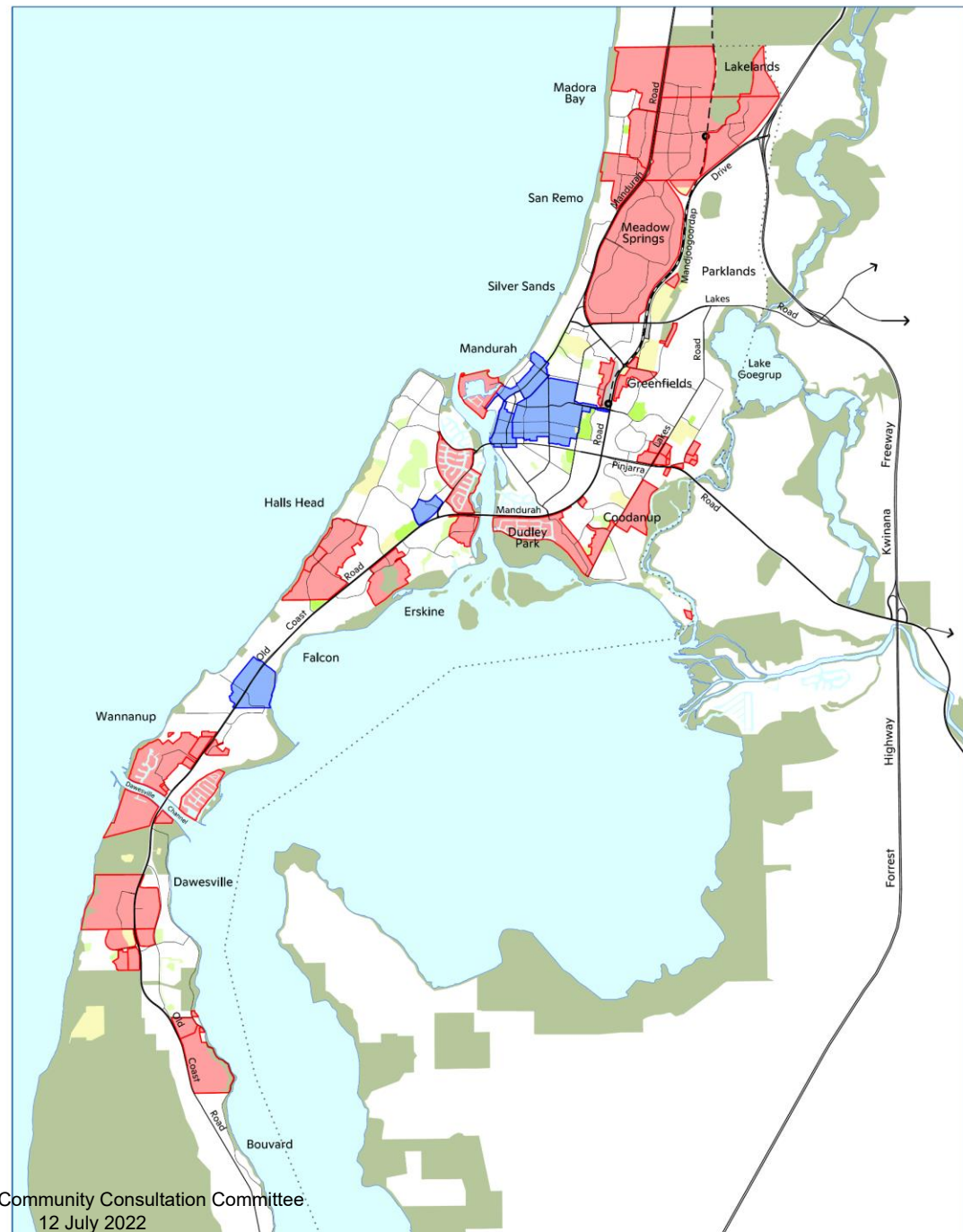
- Outline Development Plans for new growth areas;
- Precinct Plans for centres and redevelopment areas;
- Local Planning Policies used to implement Strategic Plans (ie Activity Centres, Tourism Strategy) in addition to operational policies;
- City of Mandurah initiated amendments (55 out of 135 adopted);
- No Local Planning Strategy in place;



Existing Structure Plans Areas (June 2022)

Existing Approved Structure Plan Areas

-  Precinct Structure Plan / Activity Centre Plan
-  Local Structure Plan



 City of Mandurah Boundary



14 June 2022 | 13/4664/016E-e | 1:100 000 @ A3



Local Planning Strategy

Planning and Community Consultation Committee
12 July 2022
Presentation

Local Planning Strategy Contents

Strategic Elements

- Activity Centres
- Urban Form and Housing
- Environment and Biodiversity
- Bushfire Protection
- Tourism
- Rural Development
- Infrastructure



Local Planning Strategy

Key Outcomes:

- Simplification of Planning Framework
- Consolidation of Area for Future Development

Form of development will transition from new suburbs on edges to infill redevelopment

Infill brings different challenges in development / asset management

Avoid further regional suburban sprawl (ie maximise development in Mandurah)

Restrict development in environmentally sensitive areas

*(Serpentine River, Lake Goegrup and the Peel-Harvey Estuary and Lake Clifton
– so Rural is ‘restricted’ not just waiting for a rezoning to urban)*



Local Planning Strategy

- Ensure avoid further individual planning strategies and integrate into one Local Planning Strategy
- Future Work and Potential Modifications Upcoming:
 - Integrated Transport Strategy
 - Community Infrastructure Plan
(merging and updating of Social Infrastructure Plan, Active Recreation Strategy)
 - CHRMAP Outcomes
 - Transform Mandurah Action Plan
 - Updates to reflect structure plan modifications

*Existing topic Strategies and Plans elaborate on details
(such as detailed modelling or analysis)*



Plan 5 - Local Planning Strategy Spatial Plan (Urban)

Urban Form

- Urban Core
- Mixed Use Precinct
- Urban Neighbourhood
- Suburban (Infill)
- Suburban (Future)
- Suburban (Existing)
- Suburban (Large Lot)
- Rural Living
- Mixed Business

Open Space

- Regional Open Space
- Conservation
- Active
- District Parks / Golf Course

Transport Network

- Freeway
- Major Road
- District Integrator Road
- Neighbourhood Connector Roads
- Perth to Mandurah Rail & Stations
- Priority Bus Networks

Activity Centres

- Strategic Centre
- Strategic Centre Precinct
- District Centre
- Neighbourhood Centre
- Peel Business Park
- Walkable Catchments to Centres and Transit

Community Infrastructure

- Tertiary Education
- Regional Hospital
- Regional Recreation
- High Schools
- District Recreation

City of Mandurah Boundary



Local Planning Scheme 12

- March 2014 – April 2022 from initial preparation to final gazettal;

Scheme Text

Part 1	Preliminary
Part 2	Reserves
Part 3	Zones and the Use of Land
Part 4	General Development Requirements
Part 5	Special Control Areas
Part 6	Terms Referred to in Scheme
Schedule A	Supplemental Provisions to the Deemed Provisions: <u>Significant Tree Register</u> Additional Clause 61 (Development exempt from approval)
Schedule 1	Development Requirements (General, Zone & Site Specific)
Schedule 2	Parking Requirements

Scheme Maps

Zones and Reserves

Deemed Provisions for Local Planning Schemes

Part 1	Preliminary
Part 2	<u>Local Planning Framework (Local Planning Strategy & Local Planning Policies)</u>
Part 3	<u>Heritage Protection (Heritage List)</u>
Part 4	<u>Structure Plans (Local Structure Plans & Precinct Structure Plans)</u>
Part 6	<u>Local Development Plans (Local Development Plans)</u>
Part 7	Requirement for Development Approval
Part 8	Applications for Development Approval
Part 9	Procedure for Dealing with Applications for Development Approval
Part 9A	<u>Provisions About Car Parking (payment in lieu of parking plan)</u>
Part 10	Enforcement and Administration
Part 10A	Bushfire Risk Management
Part 10B	<u>Exemptions from Planning Requirements for State of Emergency (exemption notice)</u>
Part 11	Forms
Part 12	Miscellaneous
Part 13	Transitional Provisions from 2020 Amendment Regulations

(applies to all Schemes in WA)



Underline: *Local Planning Scheme provides head of power for a further plan or document*

Highlight: *Key areas of influence on local outcomes*



Local Planning Scheme 12 Map Summary

Peel Region Scheme Reserved Land

- Regional Open Space
- Primary Regional Roads
- Other Regional Roads
- Waterways
- Railways
- Public Purposes

Local Reserved Land

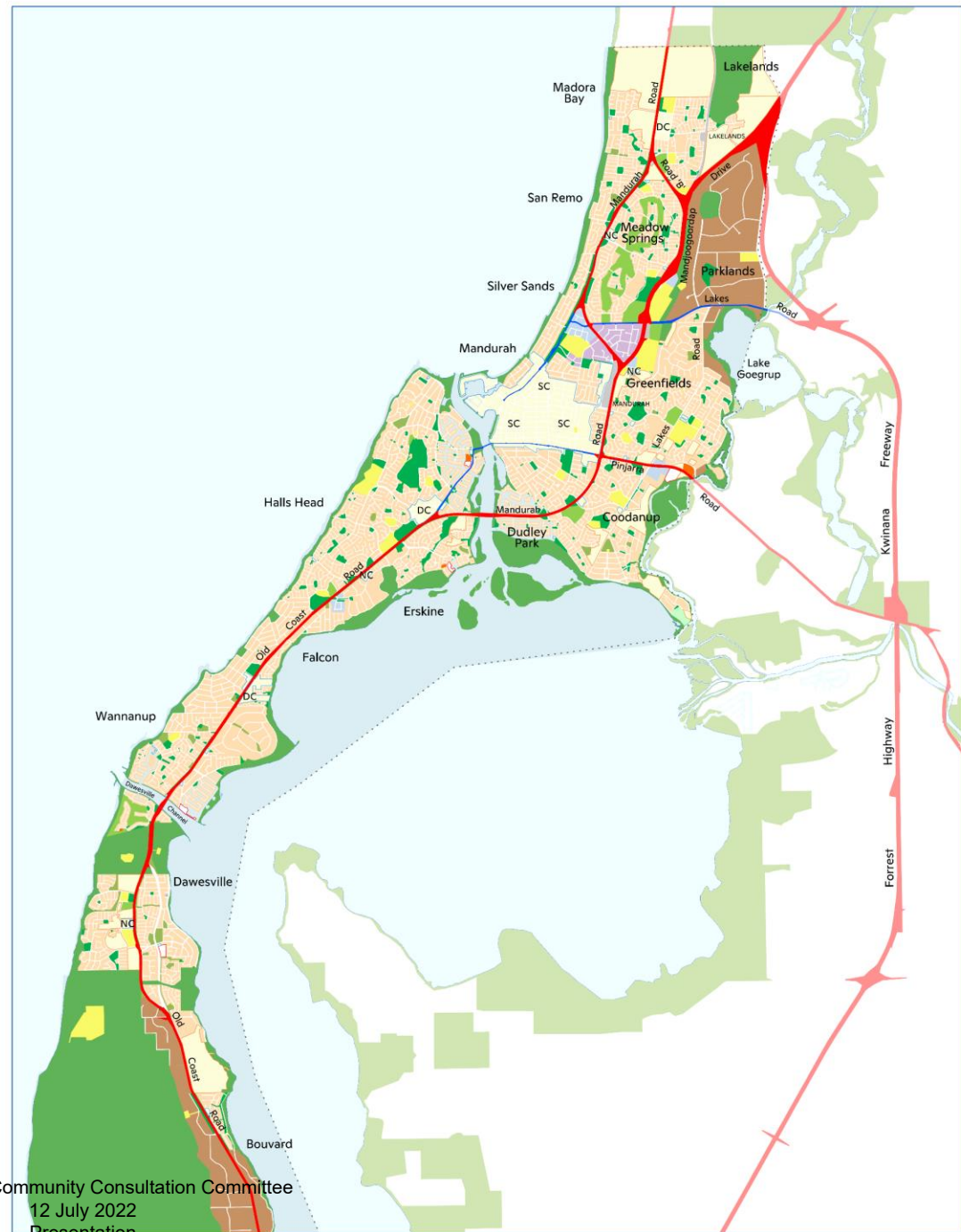
- Public Open Space
- Environmental Conservation
- Public Purposes

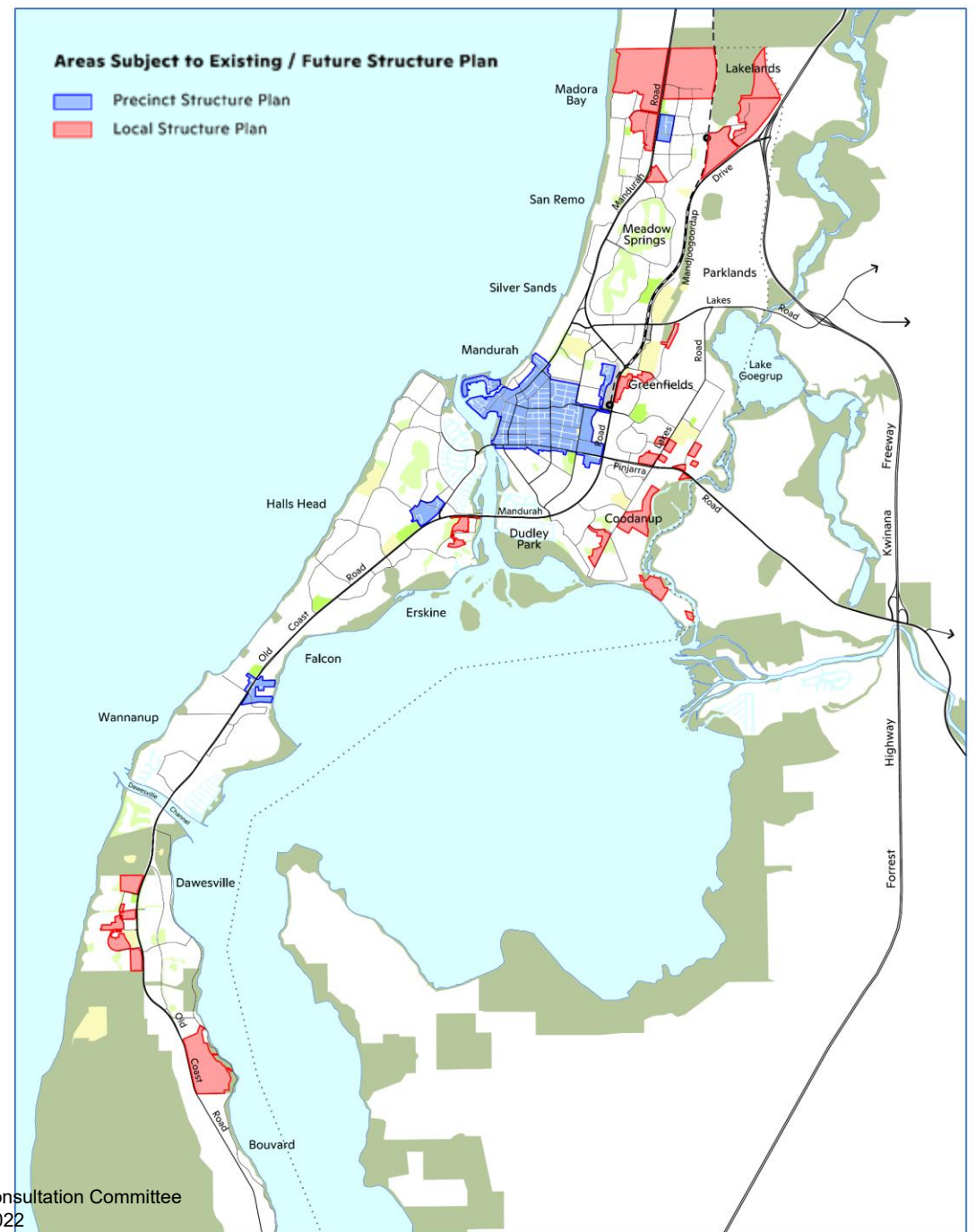
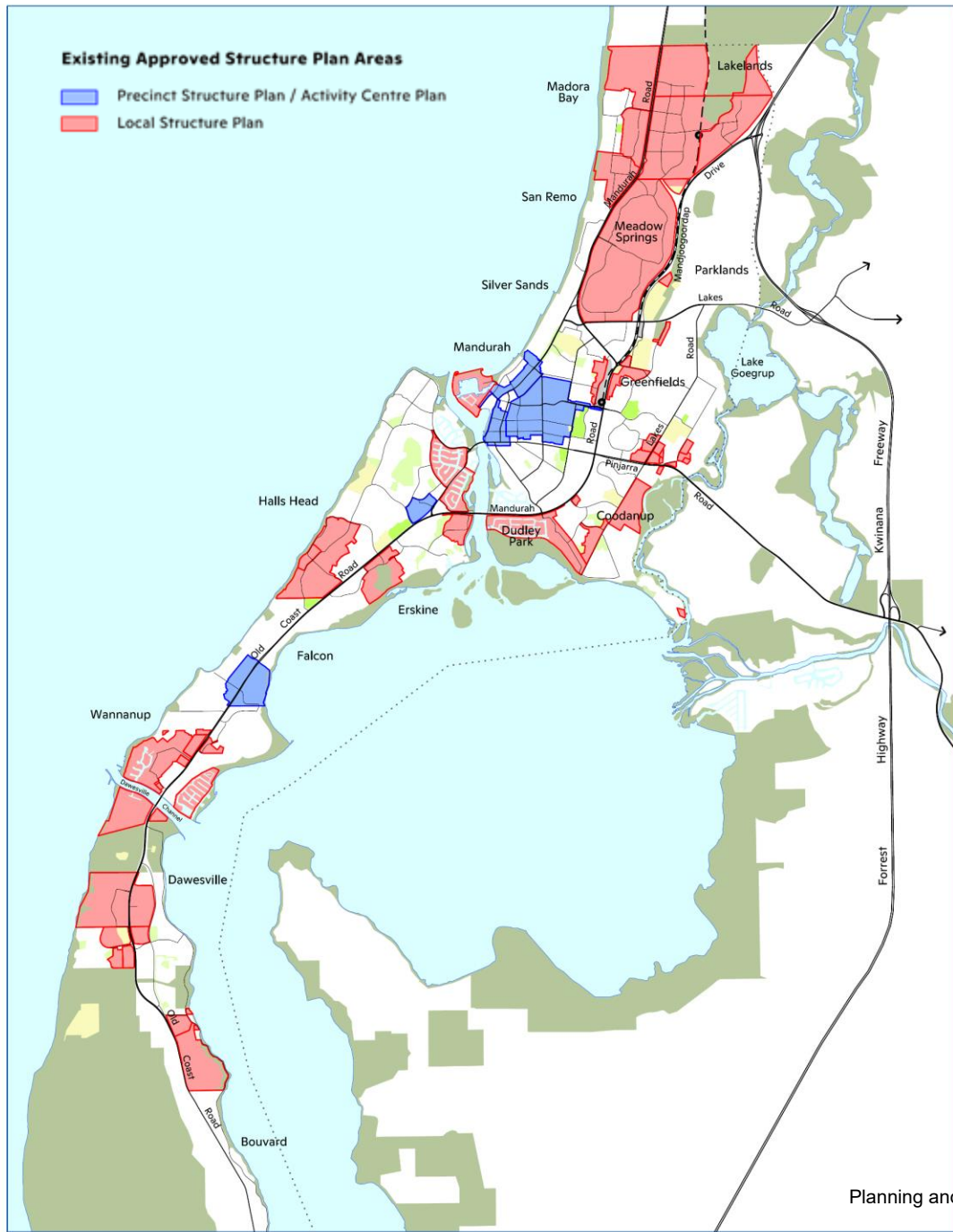
Zones

- SC Strategic Centre (Subject to Precinct Structure Plan)
- DC District Centre (Subject to Precinct Structure Plan)
- NC Neighbourhood Centre
- Local Centre
- Service Commercial
- Light Industry
- Mixed Use
- Residential
- Urban Development (Subject to Structure Plan)
- Tourism
- Rural Residential
- Rural Smallholdings
- Rural
- Private Community Uses
- Special Use

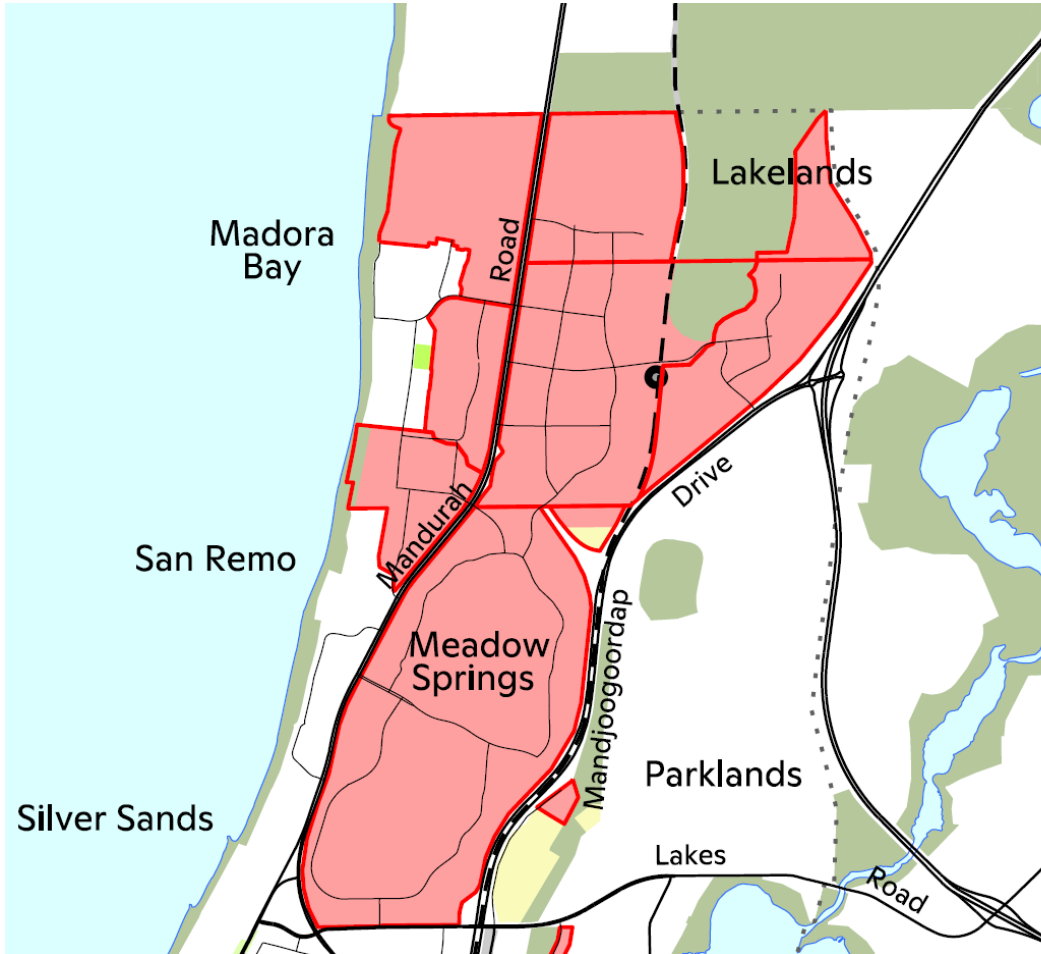


 City of Mandurah Boundary



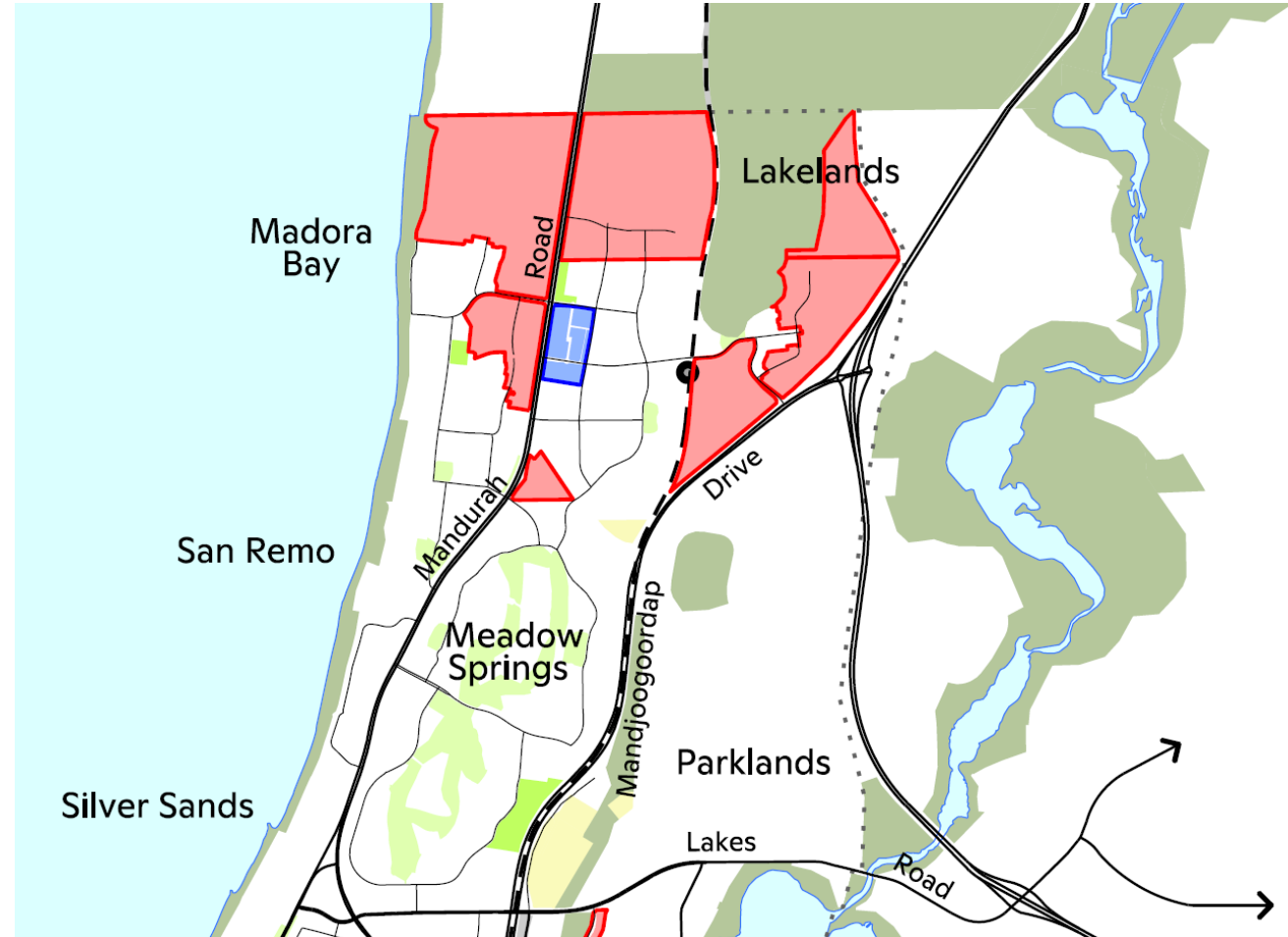


Mandurah North



Existing Approved Structure Plan Areas

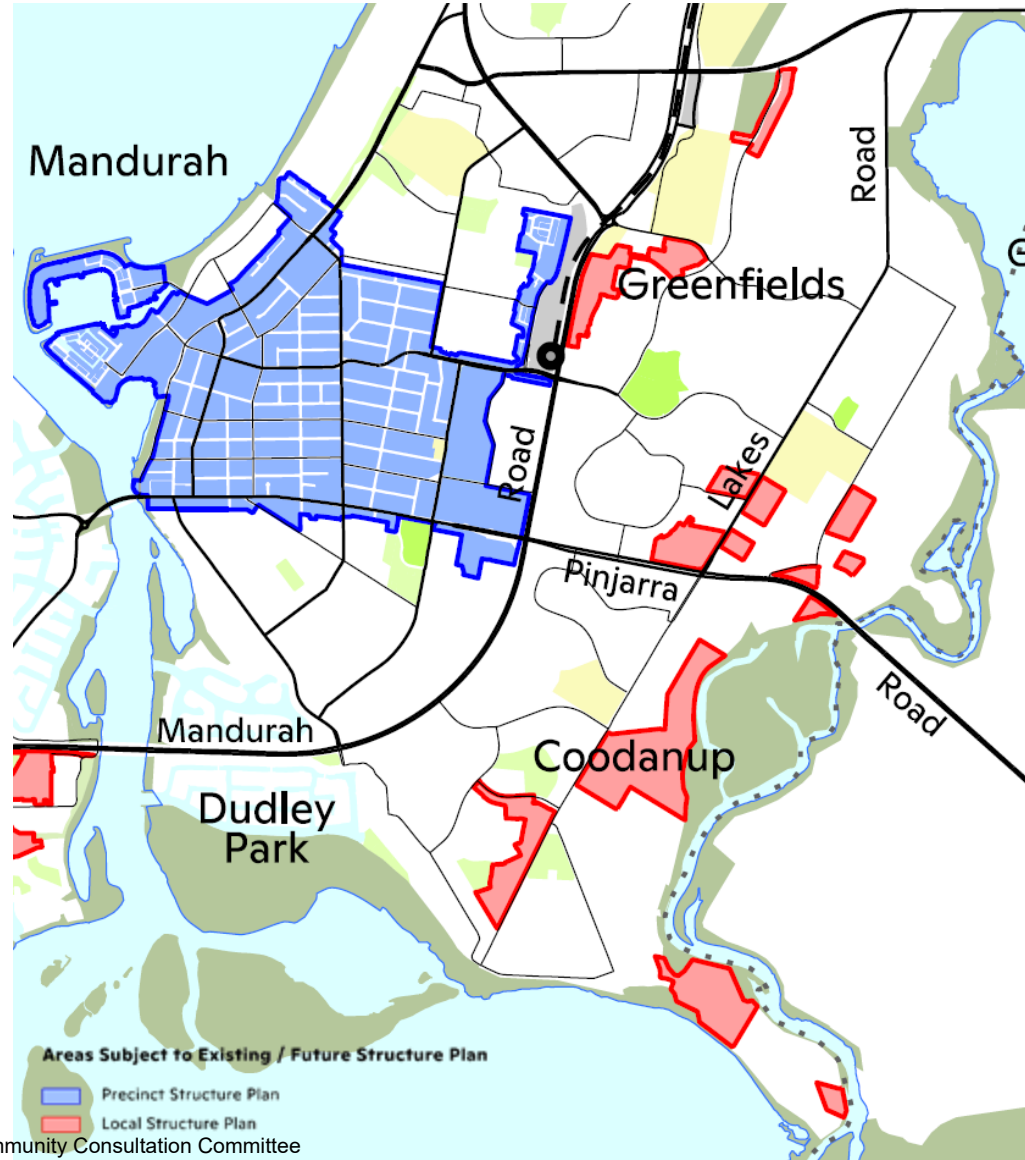
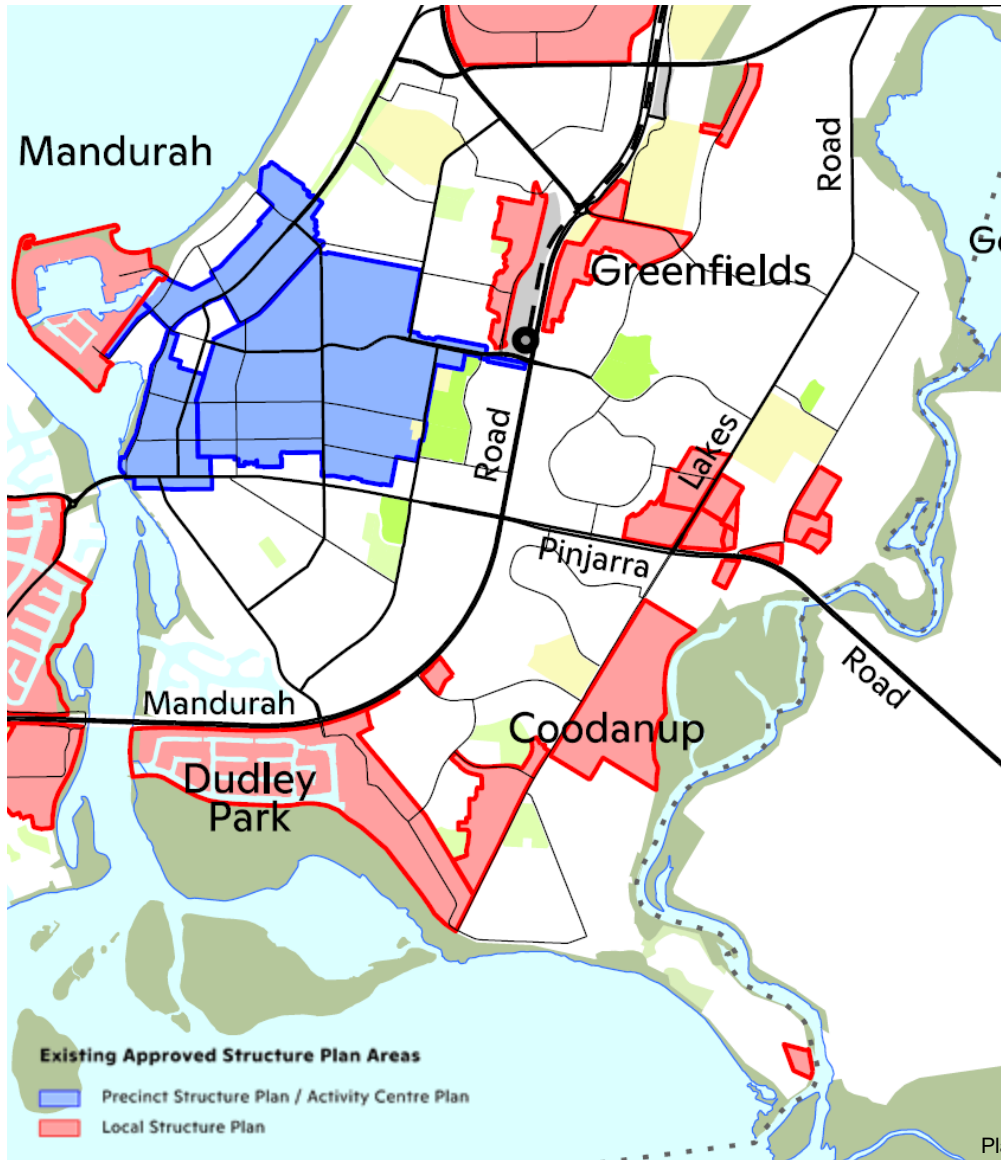
- Precinct Structure Plan / Activity Centre Plan
- Local Structure Plan



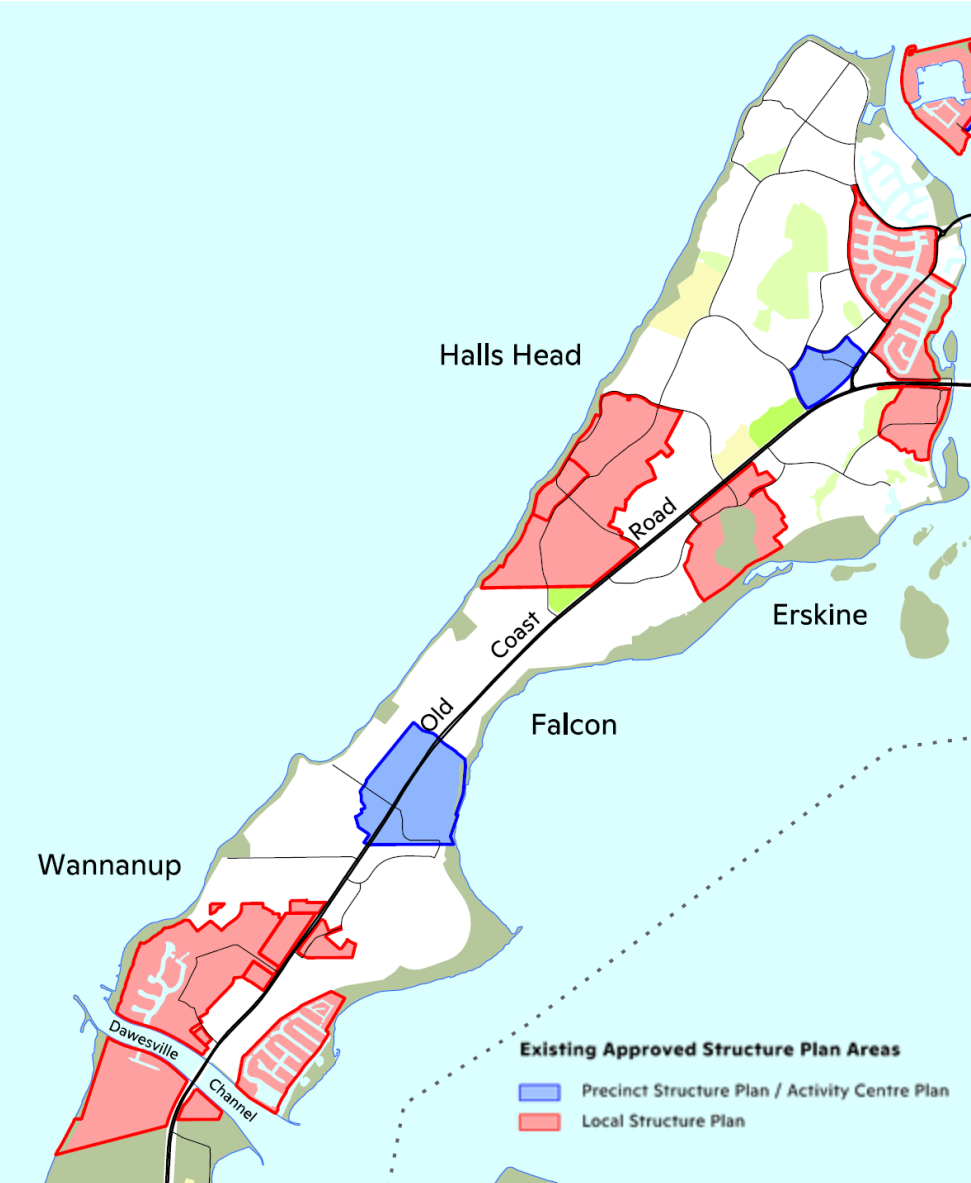
Areas Subject to Existing / Future Structure Plan

- Precinct Structure Plan
- Local Structure Plan

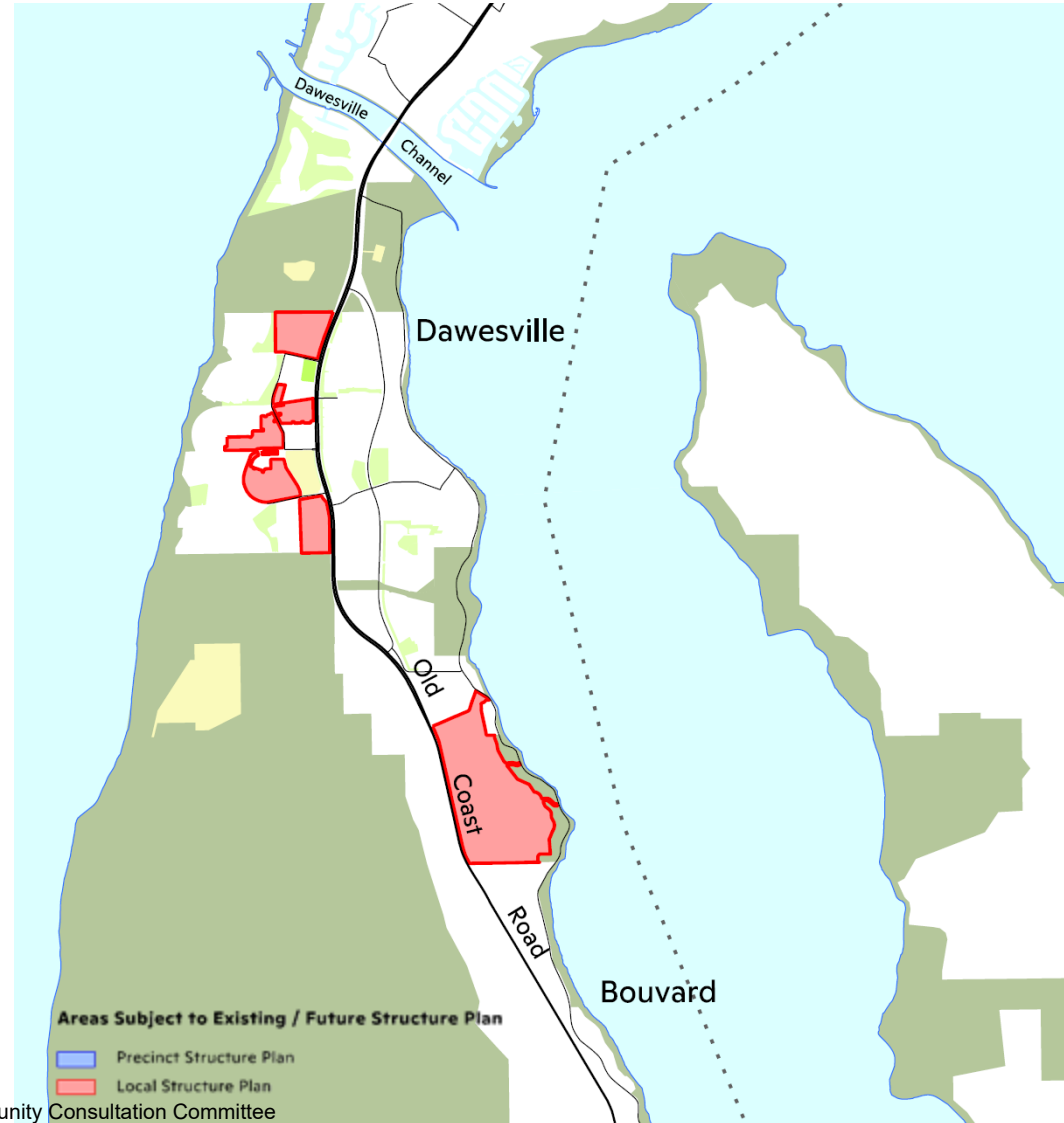
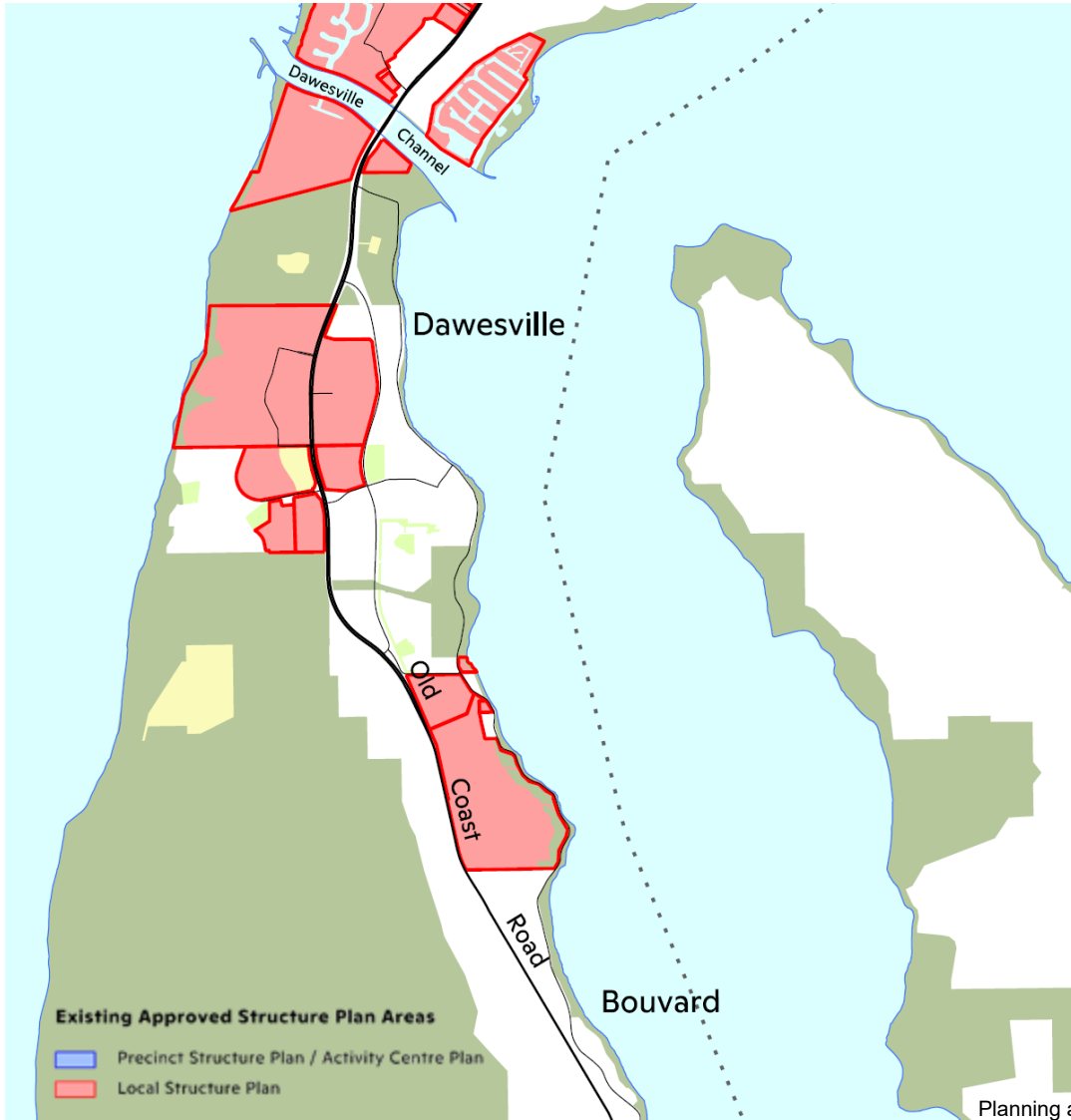
Mandurah Central and East



Mandurah Island



Dawesville



Structure Plans

Topic	Reason	WAPC Approval Required	Recommendation
Revoke 30 Structure Plans	All land is 'normalised' and no longer required Scheme 12 has zoned and reserved land in accordance with the Structure Plan and the development/subdivision of the land; All R-Code densities now on Scheme Maps; Plans will be accessible on GIS via a 'historical structure plan' layer	Yes	Recommendation 1
Revised 11 Structure Plans	Retain the plans however, the area that is subject to the Structure Plan has been reduced due to the change in the Urban Development area in Scheme 12 due to developed areas being zoned or reserved in Scheme 12;	Yes	Recommendation 2
Local and Neighbourhood Centres – 6 Locations to be now a Local Development Plan	Need to retain previous planning controls from existing Structure Plans; Scheme 12 provides for a LDP in local and neighbourhood centre zones to outline development requirements	No	Recommendation 4



Precinct Structure Plans

Plan Name	Status & Comment	WAPC Approval Required	Recommendation
Lakelands Town Centre	Recently Adopted by WAPC; Modification No 1 from landowner recently approved;	Pending (separate to this report)	
Inner Mandurah; Mandurah Terrace; City Centre Precinct Plans	Retain; Combined Central Mandurah PSP currently being reviewed by the WAPC for approval'	Pending (separate to this report)	
Halls Head Town Centre	Precinct Text to be updated to match WAPC Requirements; Plan requires updates to be consistent with expanded area zoned District Centre in Scheme 12;	Plan will need to be modified and advertised; Subject to further consideration by Council in due course;	Recommendation 3
Falcon Village	Precinct Text to be updated to match WAPC Requirements; Plan requires updates to be consistent with reduced area zoned District Centre in Scheme 12; Plan provisions require simplification and reduction of high expectations for development outcomes such as Minimum two storeys; L-Shaped Driveways; Update Falcon Reserve Master Plan.	Plan will need to be modified and advertised; Subject to further consideration by Council in due course;	Recommendation 3



Local Planning Policies

Policy	Status & Comment	Recommendation
LPP1: Residential Development	Review recently completed by ensuring consistency with existing R-Codes; Adopted by Council in May 2022;	No Change
LPP2: Signage	Last reviewed in September 2017 and prepared in line with then draft Scheme 12; No specific references to Scheme 3 are included; Update references to the Deemed Provisions are required; one small wording change to clause 1.3(d) (typographical error);	Recommendation 5 <i>Future review may consider impacts of changing trends in signage, including use of Variable Message Boards.</i>
LPP3: Non-Residential Uses in Residential Zones	Review recently completed in September 2021 by combining three previous policies together to cover Medical Centres, Child Care and Home-Based Business into one policy. No specific references to Scheme 12 included.	No Change
LPP4: Canal Waterways Structures	Last reviewed in December 2017 and prepared in line with then draft Scheme 12; No specific references to Scheme 3 are included; Update references to the Deemed Provisions are required;	Recommendation 5 <i>Future review may consider impacts of potential replacement of Canal Walls by landowners.</i>
LPP5: Telecommunications Infrastructure	This policy reviewed in August 2017 to compliment provisions introduced to Scheme 3; Criteria now included in Scheme 12; Section 4 covers processes relevant to advertising applications where an approval is required, however this is considered procedural in nature and not required in a local planning policy.	Recommendation 6



Local Planning Policies

Policy	Status & Comment	Recommendation
LPP9: Galbraith Loop	<p>This policy was last reviewed in May 2011 following modifications to zoning in the location. Historically, it has included provisions relating to land use and development requirements in managing a small scale industrial area adjacent to residential land;</p> <p>Land uses have been changed in Scheme 12 and there are very few vacant lots remaining.</p> <p>Given it is a policy for a specific location to manage setbacks and building design, a Local Development Plan would be a better outcome.</p>	Recommendation 6 & 7
LPP14: Significant Tree Register	<p>LPP14 essentially provides the head of power to create the significant tree register as was referenced in Town Planning Scheme 3;</p> <p>Through Clause 13A of the Schedule A (Supplemental Provisions), Scheme 12 now creates the head of power for the register;</p>	Recommendation 6
LPP15: Water Sensitive Urban Design	<p>Policy is designed to set out design of development in regard to water sensitive urban design.</p> <p>This policy was filling a gap in WAPC and State policies on managing stormwater in structure plans and subdivisions – and very little to do with development applications which is the main role and purpose of Local Planning Policies.</p> <p>Policies such as Liveable Neighbourhoods, draft State Planning Policy 2.9, Local government guidelines for Subdivisional Development and so on have replaced the need for this policy.</p>	Recommendation 6



Implications for Future Planning Proposals

- Increased land-owner requested Scheme Amendments;
- Further City initiated Scheme Amendments pending;
- Reduced new or revised Structure Plans;
- Ensure Local Planning Strategy remains updated and current and relied upon for decision making;



NOTICE OF MEETING

PLANNING AND COMMUNITY CONSULTATION COMMITTEE

Members of the Planning and Community Consultation Committee are advised that a meeting of the Committee will be held in the Council Chambers, 83 Mandurah Terrace, Mandurah on:

**Tuesday 12 July 2022
at 5.30pm**

MARK R NEWMAN
Chief Executive Officer
30 June 2022

Committee Members

Councillor D Pember [Chairperson]
Mayor R Williams
Councillor B Pond
Councillor J Green
Councillor D Wilkins
Councillor R Burns

Councillor A Kearns
Councillor C Knight
Councillor P Jackson
Councillor A Zilani
Councillor D Schumacher

AGENDA

1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

2 APOLOGIES

3 IMPORTANT NOTE:

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

4 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5 AMENDMENT TO STANDING ORDERS

Modification to *Standing Orders Local Law 2016* - electronic attendance at meeting.

6 PUBLIC QUESTION TIME

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time please visit the City's website mandurah.wa.gov.au or telephone 9550 3787.

7 PRESENTATIONS

8 DEPUTATIONS

Any person or group wishing to make a Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation please visit the City's website mandurah.wa.gov.au or telephone 9550 3787.

NB: Persons making a deputation to this Committee meeting will not be permitted to make a further deputation on the same matter at the successive Council meeting, unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.

9 CONFIRMATION OF MINUTES: 10 MAY 2022

Minutes available on the City's website via mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes

10 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**11 QUESTIONS FROM COMMITTEE MEMBERS WITHOUT DISCUSSION**

11.1 Questions of which due notice has been given

11.2 Questions of which notice has not been given

12 BUSINESS LEFT OVER FROM PREVIOUS MEETING**13 REPORT:**

<i>No.</i>	<i>Item</i>	<i>Page No</i>	<i>Note</i>
1	Local Planning Scheme Implementation (Updates and Modification to Local Structure Plans and Local Planning Policies)	12 – 3-44	

14 LATE AND URGENT BUSINESS ITEMS**15 CONFIDENTIAL ITEMS****16 CLOSE OF MEETING**

1	SUBJECT:	Local Planning Scheme 12 – Implementation (Updates and Modification to Local Structure Plans and Local Planning Policies)
	DIRECTOR:	Strategy and Economic Development
	MEETING:	Planning & Community Consultation Committee
	MEETING DATE:	12 July 2022

Summary

Local Planning Scheme No 12 was gazetted on 11 April 2022 replacing the previous operative Town Planning Scheme No 3. Local Planning Schemes are supported by Structure Plans, used to undertake further detailed planning for a specified area and Local Planning Policies, to support decision making for particular matters, primarily in regard to applications for development approval.

Town Planning Scheme No 3 was primarily predicated on land being zoned Urban Development for new suburban development with approximately 2350 hectares of land included in the Urban Development zone. The Urban Development zone requires a Structure Plan prior to further subdivision or development.

In progressing Scheme 12, approximately 1650 hectares of land subject to Structure Plans which have since been developed have been 'normalised' into standard zones and reserved land and relevant R-Code Density (residential density code). As a result, many existing structure plans no longer have any 'effect' or relevance under Scheme 12 with approximately 54 plans in place and given the extent of the revised Urban Development Zone will be reduced to approximately 20.

Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* – which are the deemed provisions for local planning schemes ('Deemed Provisions' covers the processing and administration of Structure Plans, and Clause 28(3) of the Deemed Provisions references the process to revoke Structure Plans and Clause 29 in regard to modifying Structure Plans – both primarily require the Western Australian Planning Commission's approval to do so with the support of the local government. At the recommendation of the Department of Planning, Lands and Heritage, it was suggested the best course of action to progress these changes was via a Council resolution. The report outlines the structure plans that will subject to revocation or modification.

Further, there are current 8 operative Local Planning Policies. The key policies that impact decision making have been recently been subject to review and change via Council adoption; however some administrative changes and revocation to a number of existing policies are also necessary based on the gazettal of Scheme 12.

Disclosure of Interest

- G.22/6/20 23 June 2020 Council considered submissions received on draft Local Planning Scheme 12 and resolved to adopt the Local Planning Strategy and proceed Scheme 12 to final approval by the Western Australian Planning Commission and the Minister for Planning.
- G.18/4/19 30 April 2019 Council adopted a modified Local Planning Scheme and Strategy which incorporated changes suggested by the Environmental Protection Authority.
- G.6/01/17 24 January 2017 Council adopted draft Local Planning Scheme No 12 and a revised Local Planning Strategy for forwarding to the Western Australian Planning Commission and the Environmental Protection Authority for consent to advertise the Scheme.

Background

Progression and Implementation of Local Planning Scheme 12

In July 2013, Council resolved to prepare a new local planning scheme and in March 2014 Council adopted a draft Scheme (under the heading 'Mandurah Planning Scheme').

The following year, the *Planning and Development (Local Planning Scheme) Regulations 2015* ('LPS Regulations') were prepared, advertised and gazetted and became operative in October 2015. The LPS Regulations resulted in significant changes to the format and operation of local planning schemes requiring the draft Scheme to be rewritten and reformatted.

Council adopted a revised Local Planning Scheme – Local Planning Scheme No 12 (Scheme 12) and a revised Local Planning Strategy at its meeting of 24 January 2017 for the purposes of forwarding to the Western Australian Planning Commission for consent to advertise.

In September 2018, the City received advice that the WAPC had examined the documents provided, and that subject to modifications, had determined the Scheme was suitable to be advertised in accordance with the Regulations. Prior to advertising, the documents were required to be referred to the Environmental Protection (EPA) for consideration pursuant to s82 of the *Planning and Development Act 2005* ('the Act').

Scheme 12 was subsequently referred to the EPA and in November 2018, a request for additional information was received. These changes were considered by Council in April 2019 where it was resolved to adopt the modified Scheme and Strategy and forward the documents to the EPA and again to the WAPC, seeking consent to advertise.

Notification was received on 4 June 2019 from the Office of the EPA, advising that the Scheme had been examined and the decision was made not to assess the scheme under Part IV, Division 3 of the *Environmental Protection Act 1986*. Consent to advertise Scheme 12 and the Local Planning Strategy was subsequently granted by the WAPC in October 2019.

The draft Scheme was subsequently advertised between 28 November 2019 and 28 February 2020 and Council then considered all submissions on the Scheme in June 2020 and resolved to progress with the Scheme and forward it to the WAPC for approval.

The WAPC considered the Scheme in March 2021 and recommended to the Minister for Planning that a number of changes were required to the form and function of the Scheme with this approval being received in May 2021. Whilst some delays in progressing the modifications were experienced by City officers, the changes were completed and in February 2022, the WAPC advised the City that the Minister for Planning had approved the Scheme in accordance with section 87(3) of the Act.

Upon publishing in the Government Gazette in accordance with section 87(4) of the Act, Scheme 12 commenced operation on 11 April 2022 and Town Planning Scheme No 3 is revoked.

Local Planning Strategy

Arising from the preparation of this Local Planning Strategy, the key theme that underpins the Strategy is that of consolidation, and the Strategy provides the following details in regard to the consolidation and simplification of the planning framework:

"The City's Town Planning Scheme No 3 was prepared approximately 24 years ago, and came into operation approximately 18 years ago.

It has served the expansive urban development of Mandurah; however it now requires an update to simplify the planning framework, particularly with regard to the numerous forms of additional planning layers that

the Scheme currently requires. As a result, Council has adopted a new local planning scheme – Local Planning Scheme 12.

A number of actions will assist in this regard:

- Reducing the need for an Outline Development Plan (Structure Plans) for smaller parcels of land which introduces a layer of approval otherwise covered by the planning approval framework (i.e. development or subdivision);
- Rezoning areas currently zoned Urban Development that have already been developed and therefore reduce the areas covered by existing Outline Development Plans (Structure Plans);
- Integrating the various Outline Development Plans and Precinct Plans within the Mandurah Central area into one consolidated Precinct Structure Plan that integrates the land use control, built form outcomes and redevelopment potential in an integrated manner;
- Where areas are not identified for significant redevelopment or new development, providing specific zoning control to ensure future development requirements are well understood;

As a result of the completion of the Local Planning Scheme and Strategy having been finalised, there is a need to review and refine existing elements of the local planning framework.

Comment

Local Structure Plans

Scheme 12 will continue to rely on Structure Plans to guide and control development outcomes in new urban development areas with the Structure Plan requirements now provided in the Deemed Provisions.

However, this focus is decreased from the provisions of Scheme 3 and as shown in **Attachment 1.1** as demonstrated below:

	Scheme 3	Scheme 12	Difference
Areas Requiring an ODP/LSP	2347ha	724ha	1623ha
Areas with approved ODP/LSP	2172ha	658ha	1514ha
Areas with no approved ODP/LSP	74ha	66ha	8ha

Each of the existing Structure Plans have been reviewed based on the new zoning under Scheme 12 and any additional development requirements provided in them.

As a result, the following recommendations are provided for existing Structure Plans (from north to south):

Plan Name	Status & Comment	WAPC Approval Required
Madora Bay North	Retain (albeit modified as per current application by the landowner)	Pending (separate to this report)
Madora Bay East	Retain (in part for area left zoned Urban Development)	Yes – to modify;
Lakelands North	Retain	N/A
Lakelands North-East	Retain	N/A

Plan Name	Status & Comment	WAPC Approval Required
Lakelands West	Retain for area left zoned Urban Development and for area subject to Tree Preservation Area	Yes – to modify;
Lakelands East	Retain for area left zoned Urban Development	Yes – to modify;
San Remo / Madora Bay	All land is normalised and no longer required	Yes – to revoke;
Meadow Springs	All land is normalised and no longer required	Yes – to revoke;
Parklands West	All land is normalised and no longer required	Yes – to revoke;
Lot 6 Bortolo Drive	Retain	N/A
Mandurah Junction	Retain (short term - will be revoked when Central Mandurah PSP is endorsed)	Pending (separate to this report)
Mandurah Ocean Marina	Retain (short term - will be revoked when Central Mandurah PSP is endorsed)	Pending (separate to this report)
Lot 607-608 Kirkpatrick Drive	All land is normalised and no longer required.	Yes – to revoke;
Central Park	Retain (for area left zoned Urban Development)	Yes – to modify; however, some provisions to be included in a Local Development Plan for Neighbourhood Centre zone;
Lakes Road	Retain (albeit modified as per current application by the landowner)	Pending (separate to this report)
Lakes Road / Pinjarra Road	Retain (for area left zoned Urban Development)	Yes – to modify;
Lot 5 Lakes Road	All land is normalised and no longer required	Yes – to revoke;
Lot 12 Old Pinjarra Road	Retain (short term – land has been developed but still zoned Urban Development – consider Basic Amendment in due course)	N/A
Teranca/Tuart Road	Retain	N/A
Lots 31 and 32 Pinjarra Road	All land is normalised and no longer required.	Yes – to revoke;
Frasers Mandurah	Retain (for area left zoned Urban Development)	Yes – to modify;
Coodanup Drive	All land is normalised and no longer required	Yes – to revoke however some provisions to be included in a Local Development Plan for Local Centre zone;
Newport Drive	Retain (for area left zoned Urban Development)	Yes – to modify;
Mariners Cove	All land is normalised and no longer required	Yes – to revoke however some provisions to be included in a Local Development Plan for Local Centre zone;
Mariners Cove Canals	All land is normalised and no longer required	Yes – to revoke;
Lot 100 Nairn Road	Retail	N/A

Plan Name	Status & Comment	WAPC Approval Required
Port Mandurah	All land is normalised and no longer required	Yes – to revoke;
Bridgewater / Osprey Waters	Retain (for area left zoned Urban Development)	Yes – to modify;
Seascapes	All land is normalised and no longer required	Yes – to revoke;
Seascape Village	All land is normalised and no longer required	Yes – to revoke however some provisions to be included in a Local Development Plan for Local Centre zone;
Bridgewater South	All land is normalised and no longer required	Yes – to revoke;
Northport	All land is normalised and no longer required	Yes – to revoke;
Northport – Bouvard Village	All land is normalised and no longer required	Yes – to revoke however some provisions to be included in a Local Development Plan for Local Centre zone;
Northport Stage 12	All land is normalised and no longer required	Yes – to revoke;
Lots 6, 8, 104 and 105 Old Coast Road,	All land is normalised and no longer required	Yes – to revoke;
Lots 10 and 11 Old Coast Road	All land is normalised and no longer required	Yes – to revoke;
Pleasant Grove South	Retain for area subject to Tree Preservation Area	Yes – to modify;
Eastport	All land is normalised and no longer required	Yes – to revoke;
Lot 1000 Princeton Drive	All land is normalised and no longer required	Yes – to revoke;
Lot 19 Princeton Drive	All land is normalised and no longer required	Yes – to revoke;
Southport	All land is normalised and no longer required	Yes – to revoke;
Channel Heights	All land is normalised and no longer required	Yes – to revoke;
Florida	Retain (for area left zoned Urban Development)	Yes – to modify;
Florida Neighbourhood Centre	All land is normalised and no longer required	Yes – to revoke however provisions to be included in a Local Development Plan for Neighbourhood Centre zone;
Melros Beach / Bailey Boulevard	Retain (for area left zoned Urban Development)	Yes – to modify;
Lot 6 Dawesville Road (Bailey Boulevard)	All land is normalised and no longer required	Yes – to revoke;
Lot 7 Bailey Boulevard	Retain	N/A
Lot 2 Dawesville Road	All land is normalised and no longer required	Yes – to revoke;

Plan Name	Status & Comment	WAPC Approval Required
Lot 1001 Dawesville Road	All land is normalised and no longer required	Yes – to revoke;
Lot 2 Estuary Road	All land is normalised and no longer required	Yes – to revoke;
Timbers Edge	Retain for area subject to Tree Preservation Area	Yes – to modify;
Lot 285 Estuary Road	All land is normalised and no longer required	Yes – to revoke;
Dawesville South	Note that plan is outdated – land is retained as Urban Development and is likely to have its approval lapse in 2025 (which is 10 years post the implementation of the Planning Scheme Regulation)	No;

As noted above, there are a number of matters arising from a review of these plans:

- Whilst many small scale centres have been zoned Local Centre or Neighbourhood Centre, the development requirements for both of these zones (such as setbacks), and for building design for any site not subject to the R-Codes, Scheme 12 makes references to development requirements may be set out in a Local Development Plan – therefore, as referenced above, where any development requirements relating to a non-residential site that is to be retained due to vacant (or undeveloped land) is to be transferred to a Local Development Plan; and
- The need for an approval to remove trees in Scheme 12 retains this requirement where located in a Tree Preservation Area (TPA) on a Structure Plan – three existing structure plans identify this requirement, being R10 lots in Lakelands, Pleasant Grove South and Timbers Edge. Whilst these areas have been ‘normalised’ by transferring them to a residential zone (if appropriate), these TPA’s will be retained; if the WAPC has a concern with this application, an alternative method of identifying these TPA’s may be necessary.

The structure plans that have been identified above with a note to retain for the area remaining zoned Urban Development, the intention is to include a notation on the plan; further, it will be clear that this modification does not extend the 10 year approval period given for existing Structure Plans (noting that the default date is 19 October 2025 for any plans approved prior to October 2015).

Precinct Structure Plans (previously known as Precinct Plans and Activity Centre Plans)

Scheme 12 will continue to rely on Precinct Structure Plans to guide and control development outcomes for areas zoned Strategic Centre and District Centre, as a result, the following recommendations are provided for existing Precinct Structure Plans (from north to south):

Plan Name	Status & Comment	WAPC Approval Required
Lakelands Town Centre	Recently Adopted by WAPC; and subject to modification from landowner;	Pending (separate to this report)
Inner Mandurah; Mandurah Terrace; City Centre Precinct Plans	Retain (short term - will be revoked when Central Mandurah PSP is endorsed which is currently being reviewed by the WAPC for approval)	Pending (separate to this report)
Halls Head Town Centre	Precinct Text to be updated to match WAPC Manner and Form Text and Deemed Provisions references;	Plan will need to be modified and advertised; and subject to further consideration by Council in due course;

Plan Name	Status & Comment	WAPC Approval Required
	Plan requires updates to be consistent with expanded area zoned District Centre in Scheme 12;	
Falcon Village	<p>Precinct Text to be updated to match WAPC Manner and Form Text and Deemed Provisions references;</p> <p>Plan requires updates to be consistent with reduced area zoned District Centre in Scheme 12; Plan provisions require simplification and reduction of high expectations for development outcomes such as Minimum two storeys; L-Shaped Driveways; Update Falcon Reserve Master Plan.</p>	Plan will need to be modified and advertised; and subject to further consideration by Council in due course;

Local Planning Policies

After reviewing the existing Local Planning Policies, the following commentary and recommendations are provided for each policy:

Policy	Comment	Recommendation
LPP1 Residential Development	Review recently completed by ensuring consistency with existing Residential Design Codes (R-Codes); Adopted by Council in May 2022;	No Change
LPP2 Signage	<p>Last reviewed in September 2017 and prepared in line with then draft Scheme 12.</p> <p>No specific references to Scheme 3 are included; however, a number of references to the Deemed Provisions are to be updated following changes made in July 2021, one small wording change to clause 1.3(d) (typographical error); and formatting changes to presentation format.</p> <p>Future review may consider impacts of changes to Precinct Structure Plans and changing trends in signage, including use of Variable Message Boards.</p>	Updated Clause 1.3(b) and (c) to update references to Clause 61 of Deemed Provisions and update a number of typographic errors ;
LPP3 Non-Residential Uses in Residential Zones	Review recently completed in September 2021 by combining three previous policies together to cover Medical Centres, Child Care and Home-Based Business into one policy. No specific references to Scheme 12 included.	No Change
LPP4 Canal Waterways Structures	<p>Last reviewed in December 2017 and prepared in line with then draft Scheme 12.</p> <p>No specific references to Scheme 3 are included; however, a number of references to the Deemed Provisions are to be updated following changes made in July 2021; and formatting changes to presentation format.</p> <p>Future review may consider impacts of potential replacement of Canal Walls by landowners, however this will be reviewed as an outcome of the Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) outcomes.</p>	Updated Clause 1.3(b) to update references to Clause 61 of Deemed Provisions and update a number of typographic errors.
LPP5 Telecommunications Infrastructure	This policy was last reviewed in August 2017 to compliment provisions introduced to Scheme 3 to exempt telecommunications infrastructure from approval with criteria added. These criteria have	Revoke in accordance with Clause 6 of the

Policy	Comment	Recommendation
	been further expanded on in Scheme 12 and the policy provisions are considered superfluous. Section 4 covers processes relevant to advertising applications where an approval is required, however this is considered procedural in nature and not required in a local planning policy.	Deemed Provisions.
LPP9 Galbraith Loop Business Design Guidelines	This policy was last reviewed in May 2011 following modifications to zoning in the location. Historically, it has included provisions relating to land use and development requirements in managing a small scale industrial area adjacent to residential land; Land uses have been changed in Scheme 12 and there are very few vacant lots remaining. Given it is a policy for a specific location to manage setbacks and building design, a Local Development Plan would be a better outcome.	Revoke the Policy in accordance with Clause 6 of the Deemed Provisions once a Local Development Plan has been approved to compliment the provisions of Scheme 12.
LPP14 Significant Tree Register	LPP14 essentially provides the head of power to create the significant tree register as was referenced in Town Planning Scheme 3; Through Clause 13A of the Schedule A (Supplemental Provisions), Scheme 12 now creates the head of power for the register so the policy is superfluous;	Revoke.
LPP15 Water Sensitive Urban Design	Policy is designed to set out design of development in regard to water sensitive urban design. This policy was filling a gap in WAPC and State policies on managing stormwater in structure plans and subdivisions – and very little to do with development applications which is the main role and purpose of Local Planning Policies. Policies such as Liveable Neighbourhoods, draft State Planning Policy 2.9, Local government guidelines for Subdivisional Development and so on have replaced the need for this policy.	Revoke.
<p><i>Note - previous policies LPP6, LPP7, LPP8, LPP10, LPP11, LPP12 and LPP13 have been revoked and/or replaced with combined policies outlined above.</i></p>		

Consultation

The matters listed above are considered procedural as an outcome of the extensive advertising and consultation undertaken for the Local Planning Strategy and Local Planning Scheme – as a result no further consultation has been undertaken.

Statutory Environment

Provisions relating to the statutory environment in regard the *Planning and Development (Local Planning Schemes) Regulations 2015* have been outlined in the body of the report.

The key provisions is Clause 28 of Schedule 2 that outlines the duration of approval for a Structure Plan as follows:

- (3) *The Commission may revoke its approval of a structure plan if —*
- (a) *a new structure plan is approved in relation to the area to which the structure plan to be revoked relates; or*
 - (b) *the Commission considers that the plan has been implemented or is otherwise no longer required; or*

- (c) *the Commission considers that the structure plan cannot be effectively implemented because of a legislative change or a change in a State planning policy; or*
- (d) *for a structure plan that was the subject of an application under clause 16(3), the revocation is agreed to by —*
 - (i) *the owner of the land to which the structure plan relates (or, if the land is owned by 2 or more owners, each of them); and*
 - (ii) *the local government*

Parts (b) and (c) are the most relevant sections of this Clause.

Policy Implications

Local Planning Policies are administered under the provisions of the local planning scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015* as a 'due regard' document in planning decision making. A number of procedural Council policies compliment the Local Planning Policies listed above, and there are no impacts on these policies arising from this review work.

Having a Local Planning Policy numbering system to removes gaps and consistent formatting will assist in removing a number of elements of confusion in the planning framework.

As noted above, the progression of a number of Neighbourhood and Local Centre zone provisions from existing Structure Plans will be carried over into Local Development Plans. Delegation DA-PAD04 provides for officers to prepare a Local Development Plan where necessary and to determine the scope and degree of advertising; and if no relevant submissions are made if advertising is necessary, to approve an LDP.

Financial Implications

Nil

Risk Analysis

It is considered essential that the local planning framework is up to date and reviewed to ensure its reliance on decision making is sound and reduces the potential conflicts between various elements conflicting or having outdated information included in them.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices.

Conclusion

Local Planning Scheme No 12 was gazetted on 11 April 2022 replacing the previous operative Town Planning Scheme No 3. Local Planning Schemes are supported by Structure Plans, used to undertake further detailed planning for a specified area and Local Planning Policies, to support decision making for particular matters, primarily in regard to applications for development approval.

As a result, a number of Structure Plan require plans revocation or modification by the Western Australian Planning Commission with the support of Council.

Further, there are current 8 operative Local Planning Policies. The key policies that impact decision making have been recently been subject to review and change via Council adoption; As a result of Scheme 12, it

is recommended that two policies do not change, two are subject to administrative updates and four are revoked due to the gazettal of Scheme 12.

NOTE:

- Refer **Attachment 1.1 Existing Structure Plans Areas**
- Attachment 1.2 Proposed Structure Plans Areas**
- Attachment 1.3 Modified Local Planning Policy No 2 Signage**
- Attachment 1.4 Modified Local Planning Policy No 4 Canal Waterways Structures**

Existing Local Planning Policies are accessible via the following webpage:
[Local planning strategy schemes and policies](#)

RECOMMENDATION

That the Planning and Community Consultation Committee recommend that Council:

1. In accordance with Clause 28(3) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* requests that the Western Australian Planning Commission revoke the following Local Structure Plans:
 - San Remo / Madora Bay;
 - Meadow Springs;
 - Parklands West;
 - Lot 607-608 Kirkpatrick Drive;
 - Lot 5 Lakes Road
 - Lots 31 and 32 Pinjarra Road;
 - Coodanup Drive;
 - Mariners Cove;
 - Mariners Cove Canals;
 - Port Mandurah;
 - Seascapes;
 - Seascapes Village;
 - Bridgewater South;
 - Northport;
 - Northport Village;
 - Northport Stage 12;
 - Lots 6, 8, 104 and 105 Old Coast Road;
 - Lots 10 and 11 Old Coast Road;
 - Eastport;
 - Lot 1000 Princeton Drive;
 - Lot 19 Princeton Drive;
 - Southport;
 - Channel Heights;
 - Florida Neighbourhood Centre;
 - Lot 6 Dawesville Road (Bailey Boulevard);
 - Lot 7 Bailey Boulevard;
 - Lot 2 Dawesville Road;
 - Lot 1001 Dawesville Road;
 - Lot 2 Estuary Road; and
 - Lot 285 Estuary Road.
2. In accordance with Clause 29 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* requests that the Western Australian Planning

Commission amend the following Local Structure Plans by including a notation that the contents of the Structure Plan only apply to areas zoned Urban Development in Local Planning Scheme 12 or for areas shown as Tree Preservation Areas in the Structure Plan:

- Madora Bay East;
- Lakelands West;
- Lakelands East;
- Central Park;
- Lakes Road / Pinjarra Road;
- Frasers Mandurah;
- Newport Drive
- Bridgewater / Osprey Waters;
- Pleasant Grove South;
- Florida;
- Melros Beach / Bailey Boulevard;

and that these amendments are considered minor and are not subject to advertising as per Clause 29(3).

3. In accordance with Clause 29(3) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* notes that modifications will be made to the following Precinct Structure Plans and subsequently be subject to advertising and further consideration by Council in due course:

- Halls Head Town Centre;
- Falcon Village;

4. Notes that the relevant provisions pertaining to Local Centres and Neighbourhood Centres contained in the following Local Structure Plans will be converted to a Local Development Plan in accordance with Part 6 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Central Park;
- Coodanup Drive;
- Mariners Cove;
- Seascapes Village;
- Northport Village;
- Florida Neighbourhood Centre;

5. In accordance with Clause 5(2) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* modifies the following Local Planning Policies by updating references to the exemptions for approval under Clause 61 of the Regulations:

- (a) LPP2: Signage (as shown in Attachment 1.3);
- (b) LPP4: Canal Waterways Structures (as shown in Attachment 1.4);

6. In accordance with Clause 6 of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* revokes of the following Local Planning Policies:

- (a) LPP5: Telecommunications Infrastructure;
- (b) LPP9: Galbraith Loop Business Design Guidelines;
- (c) LPP14: Significant Tree Register; and
- (d) LPP15: Water Sensitive Urban Design;

- 7. Notes that the relevant contents of LPP9: Galbraith Loop Business Design Guidelines that do not conflict with the provisions of Local Planning Scheme 12 will be transferred to a Local Development Plan and the publication of the notice revoking LPP9 in accordance with Resolution 6, above, will await the completion of the relevant Local Development Plan for the location.**

Existing Structure Plans Areas (June 2022)

Existing Approved Structure Plan Areas

- Precinct Structure Plan / Activity Centre Plan
- Local Structure Plan

City of Mandurah Boundary

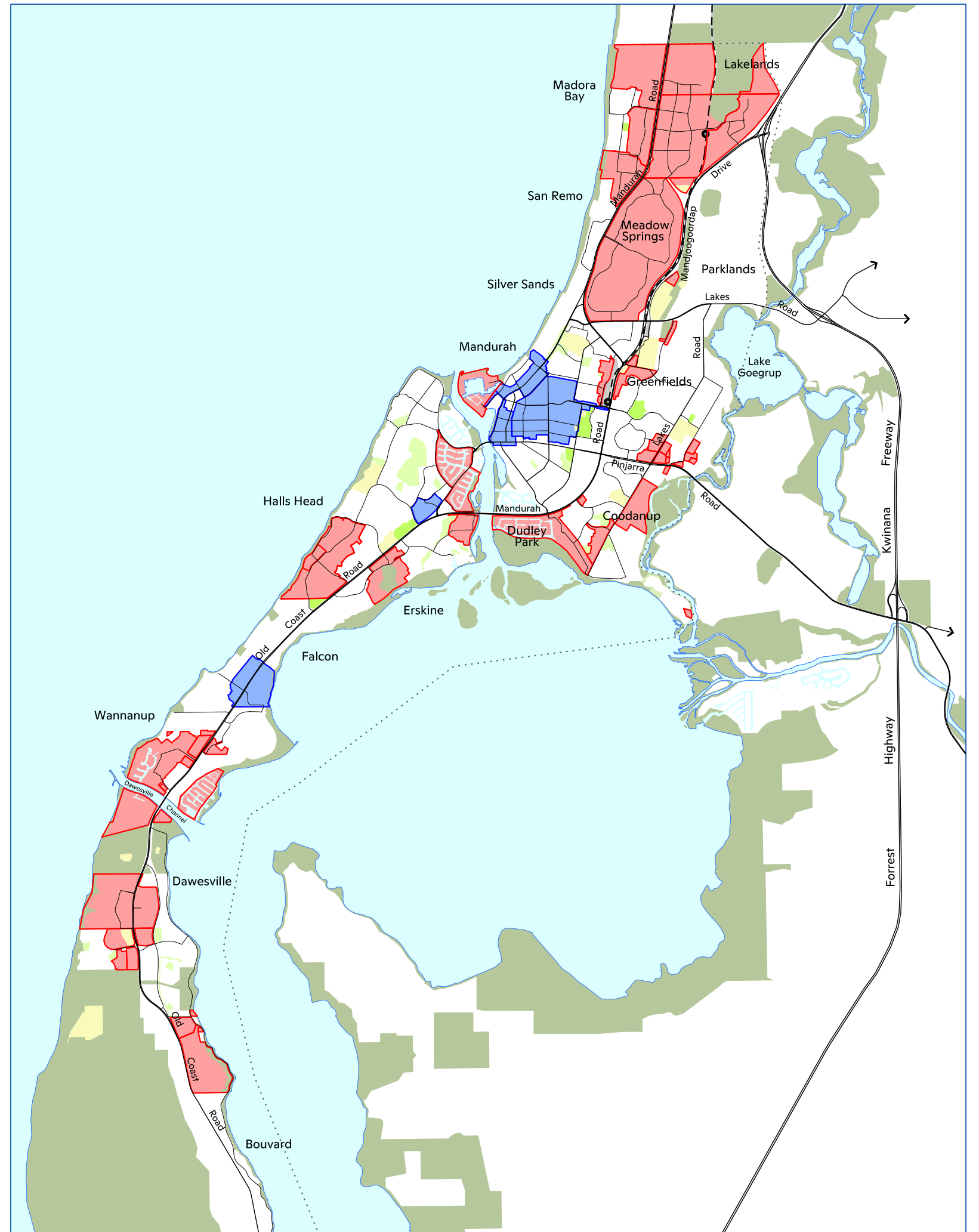


14 June 2022 | 13/4664/016E-e | 1:100 000 @ A3



Local Planning Strategy

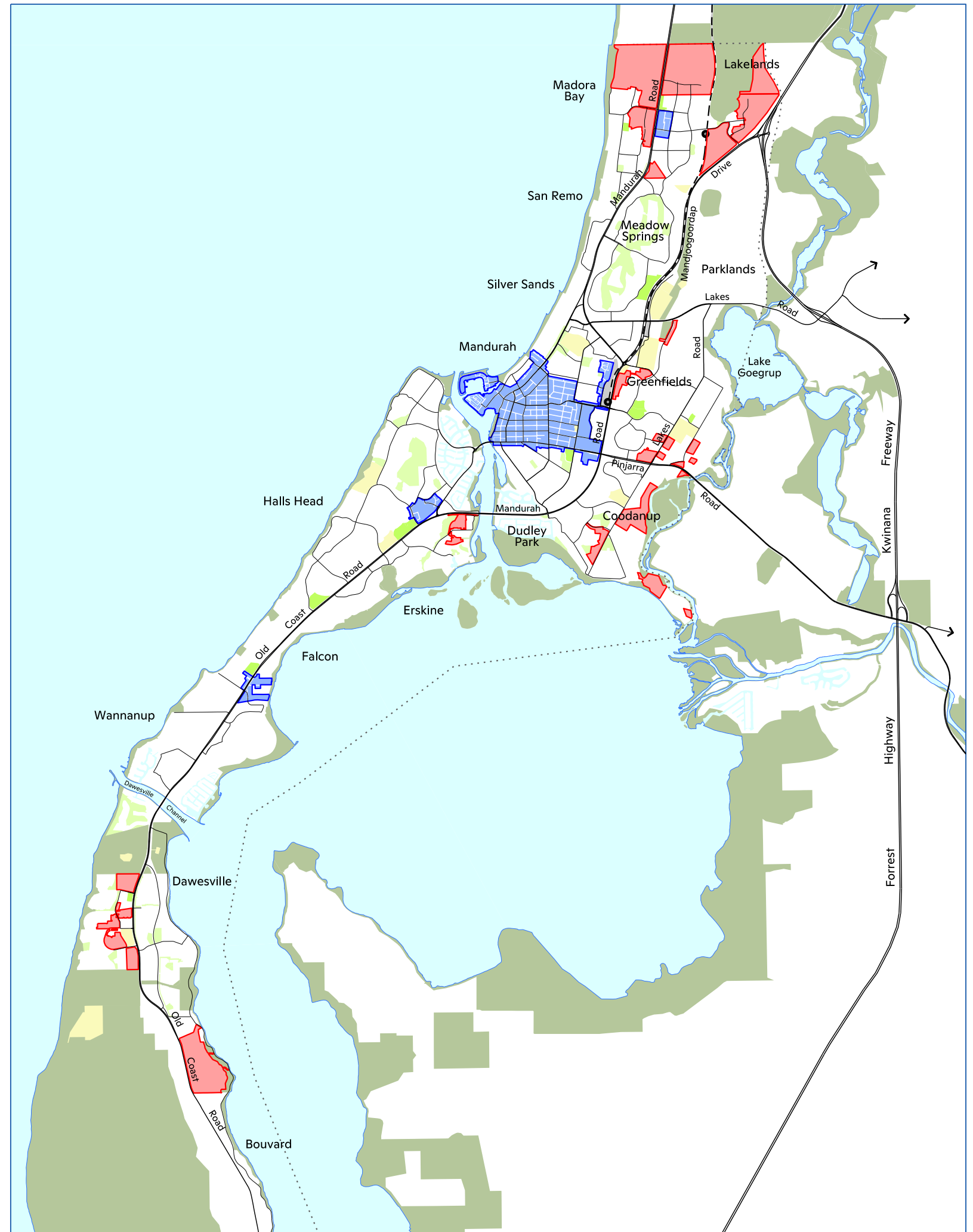
Planning & Community Consultation Committee
12 July 2022



Proposed Structure Plans Areas (June 2022)

Areas Subject to Existing / Future Structure Plan

- Precinct Structure Plan
- Local Structure Plan



City of Mandurah Boundary



14 June 2022 | 13/4664/016E-p | 1:100 000 @ A3



Local Planning Strategy

Local Planning Policy No 2 Signage



September 2017 July 2022

Record of Adoption

Stage	Document Version	Approval Date
Draft for Internal Review	Version 1 March 2017	N/A
Draft for Council Adoption	Version 2 April 2017	11 April 2017
Draft for Final Approval	Version 3 September 2017	12 September 2017

Schedule of Modifications

No	Summary of Modifications	Document Version	Approval Date
1	<u>Updated Formatting:</u> <u>Clause 1.3(b) Updated to reflect changes to <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i></u>	<u>Version 4 July 2022</u>	



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1. Introduction

1.1 Policy Objectives

The objectives of this Local Planning Policy are to:

- (a) Ensure that advertisements are appropriately sized and sited for their location;
- (b) Require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance;
- (c) Discourage the ineffective, visually intrusive and proliferation of excessive advertisements; and
- (d) Provide guidelines for consistent decision making for advertisements on zoned land within Mandurah.

1.2 Background

Local Planning Policy No. 2 Signage replaces Local Planning Policy 9 - Advertising Devices in accordance with, Part 2, Clause 6(a) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (*'Deemed Provisions'*).

This policy replaces LPP7 dated March 2010. The policy seeks to exempt many forms of advertising from the need to obtain development approval where prescribed minimum requirements are met. This policy does not apply to signage on public land which is covered by the [City of Mandurah Local Government Property and Public Places Local Law](#)

1.3 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 2 Division 2 of the Deemed Provisions ~~for Local Planning Schemes (as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2).~~
- (b) ~~Item 10 of~~ Clauses 61(1)(i), ~~61(1)(h) and 61(2)(e)~~ of the Deemed Provisions ~~for Local Planning Schemes~~ outline that Development Approval is not required for the erection or installation of a sign of a class specified in a local planning policy that applies to the works development works or the use of land where specified in a Local Planning Policy.

This Local Planning Policy does specify forms of development that do not require development approval.

- (c) Clause 3(5) and Clause 67(g) of the Deemed Provisions ~~for Local Planning Schemes~~ state that the local government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.



1.4 Definitions

For the purposes of this policy the following definitions apply:

Awning Sign:

A sign painted or affixed flat to the surface of an awning which does not extend vertically or horizontally beyond the limits of such an awning.

Construction or Development Sign:

A sign that provides details of a development occurring on a property which is displayed during the course of the development.

Inflatable Sign:

A sign or other recognisable figure or emblem that is painted, stencilled or attached to an inflated device such as a balloon, which is anchored to a building or land.

Portable Sign:

A sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground.

Projecting Sign:

A sign attached to and projecting perpendicularly or horizontally from the face of a wall or building, but is not attached to the roof of the building or structure.

Property for Sale or Lease Sign:

A sign displayed during a period over which a single property transaction is offered and negotiated.

Under Verandah Sign:

A sign attached to or supported under a verandah or awning.

Wall Sign:

A sign painted on or affixed flat to the face of a wall or building.

Window Sign:

A sign attached to, placed upon, or printed on the interior or exterior of a window or door of a structure.

Permanent Freestanding Sign ('Pylon Sign'):

A sign which is erected on a permanently attached freestanding pole or other structure and used to advertise one or multiple tenancies on private land.

Roof Sign:

A sign attached to, or erected on or above the parapet or eaves or roof surface of a building.



2. Exempt Development

Pursuant to Item 10 of clause 61(1)(H) of the Deemed Provisions, signage is exempt from the need to obtain development approval in the following circumstances:

- (a) The proposal involves rebadging or replacing of existing approved signage; or where
- (b) The requirements of Table 1 are met; and
- (c) The proposal does not result in more than 3 forms of signage per street frontage per tenancy; and
- (d) The signage is integrated with the architectural design of the building and does not obscure architectural features; and
- (e) The proposal does not include any advertisement which contains any illumination, radio animation or movement, reflective, retro-reflective or fluorescent materials in its design or structure unless otherwise permitted within Table 1; and
- (f) Approval has been obtained from Main Roads WA where the proposed sign location is within 100m of a traffic signal-controlled intersection or when it is visible from, or adjacent to, a road that is under the care and control of Main Roads WA.

Note: *Advertisements in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918, the Electoral Act 1907 or the Local Government Act 1995 are exempt from the need to obtain development approval under the Schedule 2, part 7, Cl 61 of the Planning and Development (Local Planning Schemes) Regulations 2015.*



Table 1 Exempt Signage

Type of Sign	Zone	Criteria to be satisfied
Awning Sign	All zones except Residential	<ul style="list-style-type: none">• Maximum of one sign per street frontage per tenancy;• Maximum height of 600mm;• Does not extend past awning;• Located on ground floor only;• Maintains a minimum clearance of 2.75m between the underside of the sign and the footpath below;
Home Occupation Sign	All zones	<ul style="list-style-type: none">• Maximum of one sign per property;• Maximum area of 0.2m²;
Projecting Sign:	All zones except Residential	<ul style="list-style-type: none">• Maximum of one sign per street frontage of tenancy;• Maximum size of 4m²;• May be internally illuminated in a manner that does not flash or pulsate;• Maintains a minimum clearance of 2.75m between the underside of the sign and the footpath below;
Portable Sign:	All zones except Mandurah Strategic Activity Centre (City Centre Core) and Residential	<ul style="list-style-type: none">• Maximum one sign per tenancy;• Does not exceed 1.2m above the finished ground level;• Does not contain more than two sign faces;• Has no moving parts once the sign is in place;• Contains sign writing that is of a professional standard and quality and is appropriately maintained;• Is positioned wholly on the subject property and not within a road reserve;• Does not interfere with visibility and the safe movement of pedestrian and vehicular traffic;



Type of Sign	Zone	Criteria to be satisfied
Window Sign	All zones except Residential	<ul style="list-style-type: none">• Permitted only on ground and first floor windows of a building;• Total area of sign must not cover more than one quarter (25%) of the total glazed surface area of each level of the building along each elevation;• Remaining 75% of the glazed surface to be visually permeable;
Wall Sign	All zones except Residential	<ul style="list-style-type: none">• Maximum of one wall sign per elevation;• Sign is attached or directly painted on the external wall of the building;• The height of the sign does not exceed 1.2 metres and the length does not exceed two thirds of the length of the frontage of the building or tenancy, whichever is less;• The sign does not protrude past the limits of the façade or fascia of a building or tenancy portion;
Under Verandah Sign:	All zones except Residential	<ul style="list-style-type: none">• Maximum one sign per street frontage per tenancy;• Maintains a minimum clearance of 2.75m between the underside of the sign and the footpath below;• Does not extend past the verandah or awning;• May be internally illuminated in a manner that does not flash or pulsate.



Type of Sign	Zone	Criteria to be satisfied															
Construction, Development and Property for Sale or Lease Signs	All Zones	<ul style="list-style-type: none">• Maximum one sign per street frontage.• Displayed only during the period that building construction works are being undertaken, or the period in which the property is available for sale.• To be removed within 7 days of the completion of construction, or the sale, lease or rental agreement of the property.• Sign to be wholly located within the property boundary.• Maximum dimensions:															
		<table border="1"><thead><tr><th>Type of development</th><th>Maximum Area</th><th>Maximum Height</th></tr></thead><tbody><tr><td>Single or grouped dwellings</td><td>2m²</td><td>1.5m</td></tr><tr><td>Multiple dwellings and mixed use development</td><td>5m²</td><td>3m</td></tr><tr><td>Non-residential property less than 1ha</td><td>5m²</td><td>3m</td></tr><tr><td>Non-residential properties and residential estates greater than 1ha.</td><td>10m²</td><td>6m</td></tr></tbody></table>	Type of development	Maximum Area	Maximum Height	Single or grouped dwellings	2m ²	1.5m	Multiple dwellings and mixed use development	5m ²	3m	Non-residential property less than 1ha	5m ²	3m	Non-residential properties and residential estates greater than 1ha.	10m ²	6m
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Non-residential properties and residential estates greater than 1ha.	10m ²	6m															



3. Signage Requiring Approval

3.1 Signage Types

Development approval is required for the following forms of signage:

- (a) Signage that varies the requirements as set out in Part 2 and Table 1;
- (b) Roof Signs;
- (c) Permanent Free-Standing Signs;
- (d) Third Party Signs;
- (e) Inflatable Signs;
- (f) Any other form of signage not listed.

3.2 Assessment Criteria

Where an Application^s for Development Approval is required, the proposal will be assessed against the following criteria:

- (a) The scale and design of the proposed signage is compatible with the character of the locality and the general land use of the area.
- (b) The scale and design of the proposed signage is in keeping with the scale and design of the building and does not obscure architectural features.
- (c) The proposed signage does not block views, does not interfere with the safe movement of pedestrian traffic, or affect the amenity of adjoining properties.
- (d) The proposed signage represents a cohesive and attractive visual statement.
- (e) The proposed signage ensures that visual surveillance of the street is maintained or enhanced.



3.3 Variations to Standard Requirements

The approval of Roof Signs, Permanent Freestanding Signs, Third Party Signs, Inflatable Signs or any form or signage not listed within the policy will generally not be supported unless the following can be demonstrated:

- (a) The investigation and/or use of all alternative forms of advertising to adequately advertise the business have been exhausted or is considered to be ineffective due to the position of the building on-site, the topography of the site and surround land, or circumstances beyond the control of the applicant;
- (b) The scale and design of the proposed signage is compatible with the character of the locality and the general land use of the area;
- (c) The scale and design of the proposed signage is in keeping with the scale and design of the building and does not obscure architectural features;
- (d) The proposed signage does not block views, does not interfere with the safe movement of pedestrian traffic, or affect the amenity of adjoining properties;
- (e) The proposed signage represents a cohesive and attractive visual statement;
- (f) No more than one Roof Sign, Permanent Freestanding Sign or Inflatable Sign may be considered per lot.

3.4 Inflatable Signs

Where approval of an Inflatable Sign is proposed, the following requirements apply:

- (a) An inflatable sign shall only be erected for a maximum period of 28 days at a time and may only be erected on a property three times in each calendar year. A minimum period of 28 days must elapse between displays of an inflatable sign.
- (b) The inflatable sign shall be covered by general public liability insurance to a minimum of \$10 million by the property or business owner and a copy of this cover is to be submitted with the application together with confirmation that the cover does extend to the sign;
- (c) Approval must be sought from Main Roads WA where the proposed sign location is near a traffic signal controlled intersection or when it is visible from, or adjacent to, a road that is under the care and control of Main Roads WA;
- (d) The applicant is to provide in writing a minimum of 14 days notice, the period during which an approved inflatable sign is to be erected.
- (e) The sign shall not be internally or externally illuminated; and
- (f) Written certification from a professional engineer confirming the method of installation and confirming the placement of the sign will not compromise the structural integrity of the building to which it is to be attached shall be submitted with the application for the sign.



3.5 Permanent Freestanding Signs

Where approval for Permanent Freestanding Signs is proposed, the following requirements apply:

- (a) The proposed sign shall have no part more than 6.0m above the natural ground level immediately below the sign.
- (b) The proposed sign shall have a maximum width of 2.5m, measured horizontally across the extremities of the sign structure.
- (c) A maximum of one sign per property will be permitted irrespective of the number of tenancies.

Consistency with an approved Structure Plan ~~or Activity Centre plan~~ requirements if applicable.

Note: It is recognised that freestanding signs exist within the City of Mandurah that are in excess of the above requirements. These signs were approved under a previous policy that provided for large signs at major centres.

Rebadging or replacement of oversized freestanding signs may be considered where incorporated into a major shopping centre within Strategic or District Centres.



4. Enforcement

4.1 Planning Infringement Notices

Under Part 13, Division 3 of the Planning and Development Act 2005 an infringement notice may be issued for offences against a Local Planning Scheme.

This includes unauthorised advertising or erection of signage without an approval in accordance with this policy.

Planning Infringement Notices carry an initial penalty of \$500.

4.2 Enforcement Procedure

Where a sign is erected or installed contrary to the requirements of this policy, notice may be given in writing requiring the offender to remove the sign within 7 days.

Failure to remove the sign will result in the issuing of a planning infringement notice under the Planning and Development Act 2005.

Repeat offences will result in the immediate issue of a planning infringement notice.

Local Planning Policy No 4 Canal Waterways Structures



~~December 2017~~ July 2022

Record of Adoption

Stage	Document Version	Approval Date
Draft for Council Adoption	Version 1 Jun 2009	16 June 2009
Final	Version 2 Nov 2009	24 November 2009

Schedule of Modifications

No	Summary of Modifications	Document Version	Approval Date
1	Modify consultation requirements; jetty and lifting structures assessments criteria	Version 3 Dec 2010	Not Progressed
2	Renumbered Policy to LPP4 Reformatted and Updated to reflect LPS Regulations Exemptions from Approval Mandurah Ocean Marina requirements added	Version 4 Sep 2017 Version 5 December 2017	 19 December 2017
3	<u>Updated Formatting:</u> <u>Clause 1.3(b) Updated to reflect changes to <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i></u>	<u>Version 6 July 2022</u>	



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1. Introduction

1.1 Policy Objectives

The objective of this policy is to provide regulation over structures proposed within artificial canal waterways to ensure that:

- (a) Proposed waterway structure will not have any adverse impacts with regards to amenity and environmental sensitivity;
- (b) The construction of waterway structures maintains navigability in order to sustain safe and useable waterways;
- (c) Waterways structures are used only in association with water-based recreational activities;
- (d) The proliferation of waterway structures is controlled to avoid the alienation of public waterways and to maintain their aesthetic value; and
- (e) The assessment and approval process for the construction of a waterway structures is consistent and clearly identified.

1.2 Background

- (a) Local Planning Policy 4 Canal Waterways Structures replaces Local Planning Policy 11 under Clause 6(a) of in Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 ~~Deemed Provisions for Local Planning Schemes~~ (*'Deemed Provisions'*).
- (b) As per the Peel Region Scheme, the following development on reserved land does not require the planning approval of the Commission:

The erection, construction, maintenance, improvement or alteration of a jetty or associated structure (including boat lifting device or mooring pile) within an artificial waterway except where the jetty or associated structure –

 - (i) *Does not comply with a policy in regard to such structures that is adopted by the relevant local government; or*
 - (ii) *Is situated within the Dawesville Channel or on a regionally significant waterway identified by resolution of the Commission for the purposes of this provision.*
- (c) The Peel Region Scheme Boating Facilities Policy applies to jetties and related development within the natural waterways of the Peel Region.



1.3 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 2 Division 2 of the Deemed Provisions.
- (b) ~~Item 20 of~~ Clauses 61(1)(i) and ~~61(2)(e)~~ of the Deemed Provisions outline that Development Approval is not required for development works ~~or the use of land~~ where specified in a Local Planning Policy.

This Local Planning Policy does specify forms of development that do not require development approval.

- (c) Clause 3(5) and Clause 67(g) of the Deemed Provisions state that the local government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.



1.4 Definitions

For the purposes of this policy the following definitions apply:

'Davit'

means a structure that is located on top of the canal wall and is capable of mechanically moving a vessel from the waterway on to the dry lot.

'Jetty Envelope'

means a designated area as identified by the endorsed civil engineering deposited plan for the subject property in which the jetty is to be wholly constructed and contained within.

'Mechanical Boat Lifting Structure'

means a solid metal structure, constructed on pylons, which lifts a vessel out of the water.

'Mooring Poles'

means solid poles used to secure a vessel ensuring it does not drift from the mooring envelope.

'Mooring Envelope'

means a designated area as identified by the endorsed civil engineering deposited plan for the subject property in which any mooring pile, boat or boat lifting structure is to be wholly constructed and contained within. The mooring envelope serves as the designated area for the storage and mooring of any permitted vessel.

'Primary walkway'

means the jetty walkway that the vessel is moored at.

'Secondary walkway'

means the jetty walkway which isn't supporting the mooring of a vessel.

'Sea Pen'

means a floating structure designed to dry dock a vessel at water level, without raising the vessel above the surface of the water.



2. Jetties

2.1 Assessment Criteria

All jetties shall be subject to the following criteria:

- (a) Jetties to be wholly located within the approved jetty envelope as per the plans for canal estates approved by the City of Mandurah and/or the Department of Transport;
- (b) Jetties shall not unduly impact on the navigability, accessibility and useability of the canal waterway;
- (c) Jetties shall not unduly impact on the amenity of the canal waterway and/or surrounding properties;
- (d) No jetty structure shall be permitted to place a horizontal surcharge on the canal wall. The application must be endorsed by a suitable qualified engineer to verify that no horizontal surcharge shall be placed on the canal wall upon construction of the jetty;
- (e) No more than one jetty shall be constructed within any one jetty envelope unless agreed upon in writing by the City of Mandurah;
- (f) Jetty shall not be used for any purpose other than to access a moored or stored vessel; and
- (g) Jetties are not to be roofed (permanently or temporarily) or have structures built on them (i.e. patios, pergolas, shade sails, tarpaulins etc.).

2.2 Jetty Design Requirements

Jetties are to be designed in accordance with the following criteria, unless otherwise prescribed in Section 5 Specific Location Requirements:

- (a) The configuration is to be one of the following arrangements:
 - Finger shaped;
 - 'T' shaped;
 - 'L' shaped; or
 - Land Backed.
- (b) The primary walkway is to have a maximum length of 15 metres (subject to the size and dimensions of the approved jetty envelope);
- (c) The primary walkway to be a minimum width of 0.9m and maximum width of 2.0m;
- (d) Any secondary walkway shall be a minimum width of 0.6m and maximum width of 2.0m; and
- (e) A 2.0m minimum setback to property boundaries subject to compliance with the jetty envelope, if proposal varies this neighbour consultation and marine officer assessment will occur.



2.3 Approvals and Assessment

- (a) Development Approval for the construction of jetties is **not** required where the design is consistent with the Assessment Criteria set out in section 2.1 and the Design Requirements set out in section 2.2.

Note: *All jetties require a Building Permit from the City of Mandurah and a Jetty Licence from the Department of Transport.*

- (b) Applications seeking a departure from the provisions of Section 2.2 require Development Approval and are subject to the assessment criteria outlined in section 2.1.
- (c) This assessment may include the need for the proposal to be subject to advertising in accordance with Clause 64 of the Deemed Provisions for Local Planning Schemes.

2.4 Jetty Arrangement Plans (JAPS)

The need for shared jetty arrangements is to be considered as part of Grouped and Multiple Dwelling Developments in Canals or subdivision for small lots.

This information will be as a Jetty Arrangement Plan (JAP) which shall address information pertaining to the location, design and dimensions of jetties, mooring envelopes and the allocation of boat pens.

JAPs shall be subject to the following criteria:

- (a) No more than one jetty per dwelling will be permitted. Where possible, arrangements should be made for jetties to be shared between dwellings;

- (b) Where a jetty is shared between two or more dwellings, no **mechanical** boat lifting structures will be permitted;
- (c) Floating boat lifting structures may be considered subject to compliance with section 3 of this policy as per the boat pen allocations identified on the JAP;
- (d) All jetties shall be of the same or similar configuration;
- (e) All mooring pile locations will be indicated on the JAP;
- (f) A minimum separation distance of 9 metres is provided between the nearest points of each jetty; and
- (g) The navigability of boats for the JAP and surrounding landowners will be considered as part of any proposed JAP application.

Note: *Consultation with Department of Transport maybe required to confirm navigation ability and safety within the canal waterway can be maintained.*

A JAP shall be subject to a Development Approval which may be considered in conjunction with the assessment of the development or subdivision of the lot.



3. Boat Lifting Structures

3.1 Assessment Criteria

All boat lifting structures ~~s-Jetties~~ are to be designed in accordance with the following criteria, unless otherwise prescribed in Section 5 Specific Location Requirements:

- (a) Prior to a boat lifting structure being considered for approval, any associated jetty shall be constructed or otherwise approved by the City of Mandurah and licensed by the Department of Transport;
- (b) The boat lifting structure to be wholly located within the designated mooring envelope as per the plans for canal estates approved by the City of Mandurah and/or the Department of Transport;
- (c) All boat lifting structures are to be located adjacent or attached to a jetty.

Where the associated jetty does not conform to a configuration identified in Clause 2.2, the location of the boat lifting structure shall be assessed on its merits.

- (d) No more than one boat lifting structure per jetty will be permitted, unless otherwise approved through a Jetty Arrangement Plan;
- (e) No boat lifting structure shall place a horizontal surcharge on the canal wall;

- (f) The boat lifting structure shall not unduly impact on the amenity of adjoining owners;
- (g) The boat lifting structure shall not unduly impact on, or impede the navigability, accessibility and useability of the canal;
- (h) The boat lifting structure shall be designed and finished to an acceptable standard, which is in keeping with the general amenity of the canal estate.

3.2 Boat Lifting Structure Design Requirements

- (a) The boat lifting structure must be located adjacent or attached to an associated jetty;
- (b) The boat lifting structure shall be no higher than 1 metre (when installed and in operation) above the height of the jetty deck;
- (c) Vessels being lifted by the boat lifting structure shall be limited to 8 metres in length (measured from the extremes of the vessel);
- (d) The keel of any vessel being lifted shall be no higher than 0.6 metres AHD at any time once the boat lifter is in operation; and
- (e) No part of any vessel being lifted shall be higher than 3.0 metres AHD at any time once the boat lifter is in operation; and
- (f) Mechanical boat lifting structures shall achieve a minimum setback of 4.5 metres to all side boundaries of adjacent mooring envelopes.



3.3 Approvals and Assessments

- (a) Development Approval for the construction of boat lifting structures is **not** required where the design is consistent with the Assessment Criteria set out in section 3.1 and the Design Requirements set out in section 3.2.
- (b) Applications seeking a departure from the provisions of Section 3.2 require Development Approval and are subject to the assessment criteria outlined in Section 3.1.

This assessment may include the need for the proposal to be subject to advertising in accordance with Clause 64 of the Deemed Provisions ~~for Local Planning Schemes.~~

- (c) Notwithstanding the above, all Davits require development approval and will be subject to advertising in accordance with Clause 64 of the Deemed Provisions ~~for Local Planning Schemes,~~ with the following to apply:
 - (i) No boat is to be left suspended from the Davit at any time;



4. Mooring Poles

4.1 Design Requirements

Mooring Poles are to be designed in accordance with the following criteria:

- (d) Shall have a maximum height of 2.0m AHD;
- (e) The top 300mm are painted white or have a reflective tape provided;
- (f) No more than four mooring piles are within any one mooring envelope; and
- (g) Mooring piles and associated envelope areas, are not roofed (permanently or temporarily) or have structures built on them (i.e. patios, pergolas, shade sails, tarpaulins).

4.2 Approvals and Assessment

Development Approval for the construction of mooring poles is **not** required where the design is consistent with the Assessment Criteria set out in section 4.1.



5. Specific Location Requirements

5.1 Mandurah Ocean Marina

5.1.1 Summary

Precinct 1 (Residential/Mixed Use)

- (a) Generally lots with waterway frontage have mooring type A, with the exception of:
 - (i) Lot 246 has mooring type B.
 - (ii) Lot 247 has mooring type C.
- (b) Boat lifers of any type are not permitted

Precinct 2 (Residential)

- (a) Lots fronting a Venetian waterway have a mooring type A, with the exception of:
 - (i) Lots fronting marina (Lots 259-268; Lot 320) have mooring type D.
 - (ii) Lot 270 has mooring type E.
- (b) Boat Lifters of any type are not permitted.

Precinct 6(A) (Tourist/Residential/Mixed Use)

- (a) Lot 315 has mooring type E.
- (b) Boat lifers of any type are not permitted.





5.1.2 Mooring Types

Type A

Lots 196 to 223, 238, 240 to 245, 248 to 258, 273, 276, 279, 281 to 286.

- Power boat or rowing craft.
- Type A moorings designed for a Maximum boat length of 6m.
- Mooring shall be directly at waterway edge wall and timber chafers, attached to the edge wall, have been provided.
- Additional mooring (and fender) piles may be installed by the lot owner within the mooring envelope shown on the type A drawings. Alternatively the lot owner may make their own arrangements with the neighbouring lot owner to share the cost and the use of a 'joint use' mooring (and fender) pile shown on the drawing.

5.1.3 Type B

Lot 246

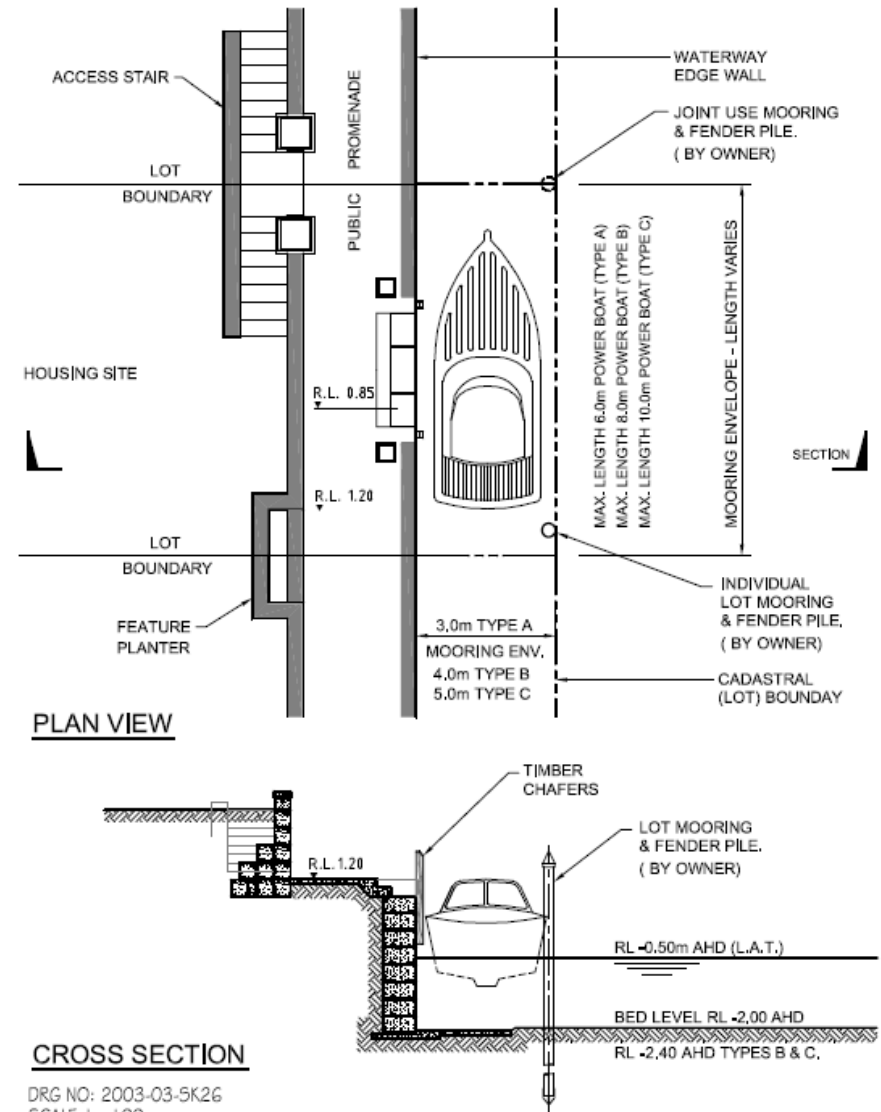
- As for type A except maximum-moorings designed for a boat length of 8m.
- Additional boat fenders, or chafer upgrade, shall be provided by the lot owner to accommodate the type and size of boat to be moored. The mooring chafers attached to the waterway edge wall are intended for a boat of a maximum length of 6m.

5.1.4 Type C

Lot 247

- As for type A except moorings designed for a maximum- boat length 10m.

MOORING ENVELOPE: TYPES A, B & C





Type D

Lots 259 to 268, 320.

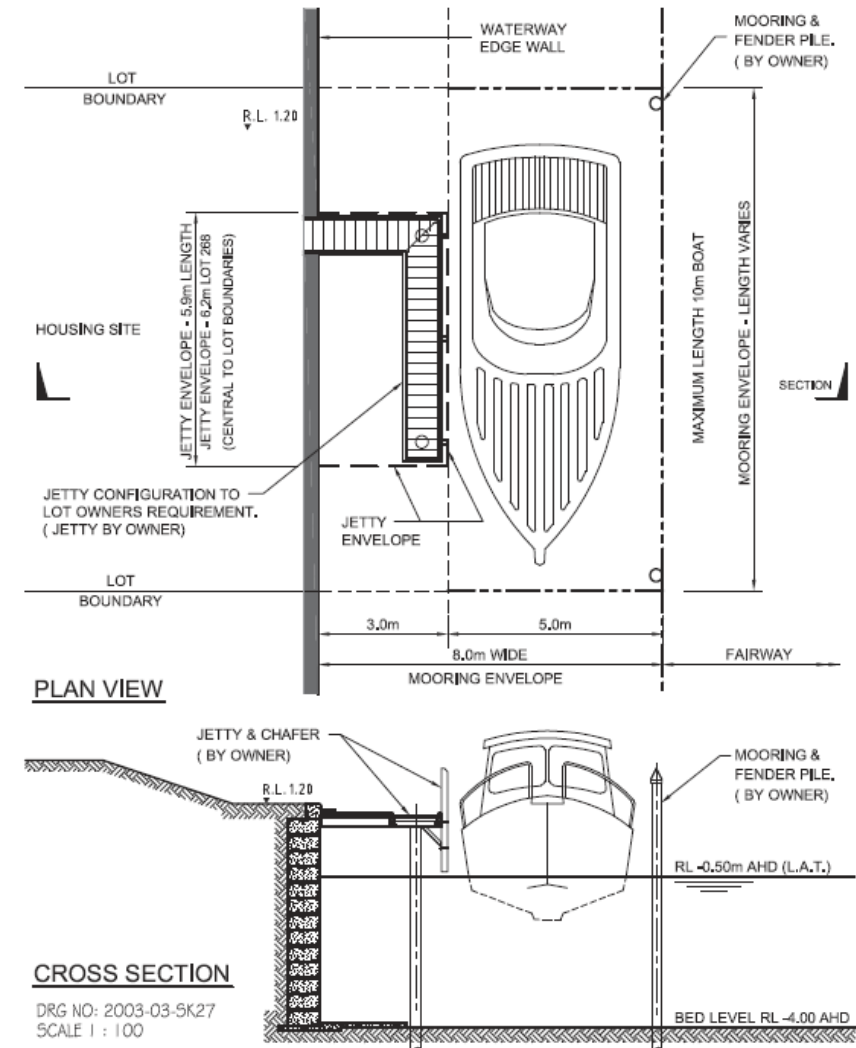
- Power or sail boat.
- ~~Moorings designed for a Maximum~~ boat length of 10m and to be ~~moored-contained~~ within the mooring envelope shown on the type D drawing.
- Mooring shall be remote from the waterway edge wall at a jetty to be constructed by the lot owner within the jetty envelope shown on the type D drawing.
- ~~Approval from the City of Mandurah for the construction of the jetty and a jetty licence from the Department of Planning and Infrastructure (DPI), prior to construction of the jetty is required.~~
- Mooring piles may be installed by the lot owner within the mooring envelope.

5.1.5 Type E

Lots 270 and 315.

- As for type D except that the mooring space provided on the northern side of these lots is classed 'Group Mooring' which may accommodate a number of boats at a common (or individual) jetty.
- ~~Approval from the City of Mandurah for boat mooring configurations within the envelope and a jetty licence from DPI, prior to the construction of the jetty shall be obtained by the lot owner.~~
- Lot 270 has one additional type A single boat mooring at the location shown on the drawing.
- Lot 315 has three additional type A boat moorings, combined together as a 'group mooring'.

MOORING ENVELOPE: TYPES D
(TYPE E SIMILAR)



5.2 Southport Canals

No Jetties or Boat Lifting Structures shall be permitted within the Southport Canals due to the design configuration and width of the canal.

Chafers are provided on Canal Walls.

