

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:

**10 November 2025
at 5.30pm**

CASEY MIHOVLOVICH

Chief Executive Officer
5 November 2025

Committee Members

Councillor R Burns
Councillor J Cumberworth
Councillor J Green
Councillor P Jackson [Presiding Member]
Councillor O Mulder

Councillor D Schumacher
Councillor D Wilkins
Councillor S Wright
Councillor A Zilani

Deputy

Mayor Kearns

AGENDA

1. OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

2. ACKNOWLEDGEMENT TO COUNTRY

3. APOLOGIES

4. 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.

5. RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil

6. AMENDMENT TO STANDING ORDERS

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

7. 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.

8. PRESENTATIONS

9. 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.

10. CONFIRMATION OF MINUTES: 19 May 2025

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

11. DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**12. QUESTIONS FROM COMMITTEE MEMBERS WITHOUT DISCUSSION**

12.1 Questions of which due notice has been given

12.2 Questions of which notice has not been given

13. BUSINESS LEFT OVER FROM PREVIOUS MEETING**14. REPORTS:**

<i>No.</i>	<i>Item</i>	<i>Page No</i>	<i>Note</i>
1	Proposed Amendment No. 5 to Local Planning Scheme 12	3-13	

15. LATE AND URGENT BUSINESS ITEMS**16. CONFIDENTIAL ITEMS****17. CLOSE OF MEETING**

1. SUBJECT: Proposed Amendment No. 5 to Local Planning Scheme 12

Summary

Council is requested to adopt a proposed amendment to the City of Mandurah Local Planning Scheme No 12 (Scheme 12). The purpose of the amendment is to correct an administrative error that occurred in 2003, where a condition of subdivision was cleared prior to the execution of a Deed of Agreement which ensured the parking constructed on Lot 1302 Port Quays remained at the benefit of the commercial tenancies on the adjacent mixed-use development on Lot 1301 Port Quays.

The amendment seeks to amend Scheme 12 so that Lot 1302 is included in the 'Specific Site Requirements Table' in Schedule 1 of Scheme 12 with the development conditions requiring the provision of a minimum of 24 parking bays to the benefit of Lot 1301. Initially the proposal was to seek 20 bays, however since the consultation period, it was identified that an additional 4 bays would be required to ensure a minimum number of bays to accommodate parking that included any development of Strata Lot 5 of Lot 1301.

This report will demonstrate and discuss that the subject property was always intended to serve as a parking facility for Lot 1301. The availability of this parking is essential to effective functioning of the "Local Centre." It is noted the proposed amendment would still allow for development to occur on Lot 1302.

Council adopted the proposed amendment for the purpose of commencing advertising in November 2023 and after receiving advice from the Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC), the City advertised the proposal and received four submissions.

It is recommended Council grant final approval for the amendment and forward this recommendation to the WAPC for their consideration prior to determination by the Minister for Planning.

Disclosure of Interest

Nil

Location



Property Details

Owner:	Mike Keeley Pty Ltd
Scheme No 12 Zoning:	Local Centre
Peel Region Scheme Zoning:	Urban Development
Lot Size:	1445 square metres
Topography:	Flat
Land Use:	Currently developed as a car park

Previous Relevant Documentation

- G.12/11/23 28 November 2023 Council resolved to support adopting the proposed Amendment for the purpose of advertising
- G.22/6/20 23 June 2020 Council resolved to 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 Scheme 12 and Local Planning Strategy which incorporated changes suggested by the EPA.
- G. 6/01/17 24 January 2017 Council adopted draft Local Planning Scheme and Strategy for forwarding to the Western Australian Planning Commission and the Environmental Protection Authority for consent to advertise the draft Scheme.
- G.22/8/16 9 August 2016 Council granted conditional approval for a Tavern at Strata Lot 5, (No 4) Port Quays. This approval was granted subsequent to the securing of Lot 1302 Port Quays for parking.
- G.30/8/01 21 August 2001 Council adopted the Northport Outline Development Plan and Design Guidelines subject to conditions.

Background

The subject property is within the 'Northport Outline Development Plan' (ODP) (**refer Attachment 1.1**) which was approved in 2001 and Northport Village ODP (**refer Attachment 1.2**). The subject property was identified as 'Retail Precinct' and indicatively showed the development, including the built form and parking area. A small portion of the area developed as parking is shown on the ODP as 'Possible Future Retail' including a note that suggests ground floor shops fronting Port Quays with residential use above the ground floor.

In December 2002, the City granted development approval for a mixed-use development comprised of commercial tenancies and apartments on Lot 1288 Port Quays (**refer Attachment 1.3**). The parking relating to the residential component of the development was contained on the southern portions within the area accommodating the built form (now Lot 1301), with the parking for the commercial tenancies developed in the northern portion of the lot (now Lot 1302) which included 45 parking bays.

In 2003, the Western Australian Planning Commission (WAPC) granted a subdivision approval which created Lots 1301 (mixed-use development and residential parking) and Lot 1302 (commercial parking). The approved subdivision included the following condition (3) requiring a legal agreement to be entered with the City of Mandurah:

"The applicant entering into an agreement with the City of Mandurah to ensure reciprocal rights are established for proposed Lot 1301 to utilise proposed Lot 1302 for car parking to the satisfaction of the Western Australian Planning Commission."

Further to condition 3 above, there was the following advice note:

"In respect to condition 3, the Reciprocal Rights agreement should also allow redevelopment over Lot 1302, provided the same number of parking bays remain available to Lot 1301."

This legal agreement was drafted; however, the clearance of the condition was issued to the applicant in 2005 prior to the agreement having been executed.

In 2016, a proposed Tavern was approved by Council for Strata Lot 5 in Lot 1301 Port Quays. While this approved development did not progress, it is important to note the proposal was not considered until the consent of the owner of Lot 1302 (at the time) for the provision of parking to the benefit of Lot 1301 was obtained. This was received and a condition requiring the formalisation of the parking agreement between Lot 1301 and Lot 1302 was added. This further demonstrates the intent for parking to be provided on Lot 1302.

In 2019, the City approved a development proposal for multiple dwellings on a portion of Lot 1302 and through this assessment it was negotiated and conditioned that an agreement was entered into to provide twelve parking bays to the benefit of Lot 1301. This development approval has not progressed and lapsed in November 2023.

The owner of Lot 1302 also owns Strata Lot 5 of Lot 1301, in July 2022, the City granted a change of use approval for the development of two apartments. This approval included a condition requiring the residential parking and storeroom to be provided on Lot 1302. This development was never realised and lapsed in July 2024. This results in the tenancy possibly being used for commercial purposes such as café/ restaurant which may not require a future development approval.

This ground floor tenancy has had numerous applications over the past two decades, including applications for a café/ restaurant and tavern, however, there has not been an occupancy of this tenancy. It is important to note a modification to the recommendation that was initially advertised is recommended to include the four-bays for Strata Lot 5 of Lot 1301 Port Quays residential development. The total amount recommended is twenty-four bays for the benefit of Lot 1301, to ensure Lot 1301 can function as a Local Centre.

Comment

Scheme 12 zones the subject property as 'Local Centre' and as such, the City could receive applications to develop Lot 1302. Without the legal agreement in place, the City's ability to ensure parking provided to benefit Lot 1301 containing commercial tenancies is uncertain. It is considered the proposed amendment to Scheme 12 will provide greater security to the commercial tenants on Lot 1301 that parking will have ongoing availability.

It is considered the proposed amendment is consistent with what was intended on the site from when it was originally developed. This position is evidenced by the following:

- The approved ODP shows the subject site being developed as parking, with the possibility to develop a portion of the site,
- The original development approval shows the provision of the parking on the subject site; and
- The conditions of subdivision required a legal agreement to ensure the reciprocal access to parking to the benefit of Lot 1301 and further advised that any development should provide the same number of lots for that purpose.

Parking Requirement

Scheme 12 provides the required parking ratios for commercial land uses, with the most parking required for uses like 'shop' in a local centre being a ratio of 4.5 bays for every 100m² nett lettable area (NLA). The tenancies within the precinct that are currently used for a commercial purpose have an aggregate NLA of 437m², which results in a parking requirement of 20 bays.

Regarding Strata Lot 5 of Lot 1301 (previously approved as two apartments) based on the absence of any commercial development taking up the space over the previous 20 years, it could be argued that requiring additional bays to a potential commercial use on Lot 1302 is unreasonable. It is considered appropriate to incorporate the four bays initially set aside for the previously approved residential development in Strata Lot 5, into the required parking provision for the benefit of Lot 1301. The City officers recommend that this provides a reasonable outcome and will support to the commercial tenancies.

Development Potential

As mentioned above, the ODP which guided the original development indicates that a portion of the area occupied by Lot 1302 could be developed, which is also reflected in the advice note provided by the WAPC at the time Lot 1302 was created. The WAPC advice suggested the redevelopment could occur subject to the same number of bays being provided (which WAPC determined to be 45 bays to be provided). Acknowledging the proposed amendment seeks to only require enough parking to suit the current commercial tenants (24 bays), based on the currently developed parking area and leaving 24 bays as constructed, it is estimated a development footprint of between 500-600m² remains. This amount of footprint could allow for the development of two or three storeys mixed-use commercial / residential development.

MEAG Comment

This item does not have any impact on the natural environment and therefore has not been referred to Mandurah Environmental Advisory Group for comment.

Consultation

The proposed Scheme Amendment was publicly advertised to surrounding landowners between 20 May 2025 until 4 July 2025. Four (4) submissions were received within the public consultation period, with two (2) submissions being from the same person.

Owner / Address	Submission (Summarised comments)	Comment
1. A Cheney Abrolhos Quays, Wannanup	Submission One: a) Requests confirmation on the number of car bays being formalised being 24 bays and not a minimum 20, as this is how it could be interpreted. Suggest more specific wording. b) Request clarification on how the City of Mandurah decided on the number car bays being 20.	a. Agreed. The recommendation seeks to incorporate the additional four parking bays and increase the requirement to 24 bays as a result of the lapsing of the previously approved residential development on Strata Lot 5 of Lot 1301. b. As outlined within this report, the calculation is based on the parking requirements that apply to commercial property within Scheme 12, which requires 4.5 bays for every 100m ² of nett lettable area (NLA). The City has calculated the NLA of existing commercial development to be

437m² and as such require 20 bays. The recommendation now includes the incorporation of the additional four bays previously attributed to the residential development on Strata Lot 5 of Lot 1301 which has since lapsed.

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| <p>c) Suggest the provision of visitor car parking bays for the residential apartments at Lot 1301 needed to be provided.</p> <p>d) Request clarification around the 2 existing ACROD bays and if they are to remain.</p> <p>e) Suggest changes to the wording to ensure the 14 owners within Lot 1301 are not compromised and are acknowledged.</p> | <p>c. The visitor bays for the existing residential development can be accommodated within existing on street parking.</p> <p>d. The Building Codes of Australia would require at least one accessible bay is provided. It is recommended the amendment is amended to reflect the need to supply at least one universally assessable bay.</p> <p>e. Noted, however it is considered there is no adverse impact or compromise to the 14 owners of Lot 1301 as the requirement proposed relates to the commercial tenancies supported by parking on Lot 1302.</p> |
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Submission Two:

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| <p>f) Request the wording change to “a minimum of 2 car parking bays for Strata Lot 5 and a Total provision of a minimum of 24 car parking bays for Lot 1301”.</p> | <p>f. Agreed; The recommendation includes a change to require 24 bays for the benefit of Lot 1301.</p> |
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2. B & J Trelevan
Northport Boulevard,
Wannanup

The City should adopt a consultative approach and resolve issues by agreement. Benefitting one group of property owners at the expense of another.

Noted. The City is proposing the amendment to correct an administrative error that occurred over 20 years ago and protect the access to parking for existing commercial development as was intended for the land in question.

3. M Keeley
Australis Circle, Wannanup

The proposal is limiting the development potential of 2 Port Quays and will impose a financial burden on the owner. The owner would be liable to pay rates and taxes for the benefit of others whilst not being compensated for the land that can no longer be developed.

Noted. The subject property was intended to be used as parking to benefit Lot 1301 as shown on Outline Development Plans and subdivision conditions. There remains development potential on Lot 1302.

The Environmental Protection Authority advised there was no adverse impact on the environment resulting from the proposed amendment and consented to the City consulting.

In addition, the Department of Planning Lands and Heritage consented to the City advertising the proposed amendment and recently advised that the proposed modification to the amendment to include the additional four bays would not warrant the proposal needing to be readvertised.

Statutory Environment

The proposed amendment is undertaken in accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The proposed amendment will be forwarded to the Western Australian Planning Commission along with Council's recommendation for consideration before being presented to the Minister for Planning for final determination.

Policy Implications

Nil

Financial Implications

The City considers the availability of parking for commercial tenancies is essential for the viability of the Local Centre.

The requirement for 24 bays to be provided on Lot 1302 for the benefit of Lot 1301, will have implications for the future development of the site.

Economic Implications

As noted, the Local Centre as detailed provides an important commercial hub for the local community. The uncertainty around parking availability to service commercial tenancies is not suitable and requires resolution.

Environmental Implications

There are no environmental implications associated with this scheme amendment.

Risk Analysis

The proposed amendment is considered to secure an outcome for the existing commercial business and reduce the risk of a decline in visitation through inadequate parking provision.

The current landowner has objected to the proposed amendment detailing the potential implications for development potential on Lot 1302.

The proposed amendment seeks to provide clarity for all concerned on parking requirements for the Local Centre.

Strategic Implications

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 are relevant to this report:

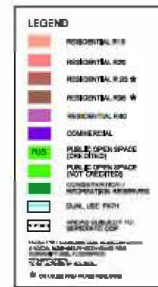
Economy:

- Local jobs to retain our people and attract skilled workers
- A diversified economy that supports growth sectors
- Well-planned, sustainable urban development
- A thriving city that residents are proud to call home and people want to visit
- A supportive business environment where investment is encouraged, and entrepreneurship prospers

Leadership:


- A clear and shared vision for Mandurah's future

- a) the amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone;
 - b) the amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - c) an amendment to the scheme so that it is consistent with the region planning scheme that applies to the scheme area;
 - d) the amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - e) the amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - f) is not an amendment that is a complex or basic amendment.;
3. Authorises the Chief Executive Officer (through the Coordinator Planning and Lands) to prepare the necessary Scheme Amendment documentation for Amendment No. 5 to the City of Mandurah Local Planning Scheme No. 12.



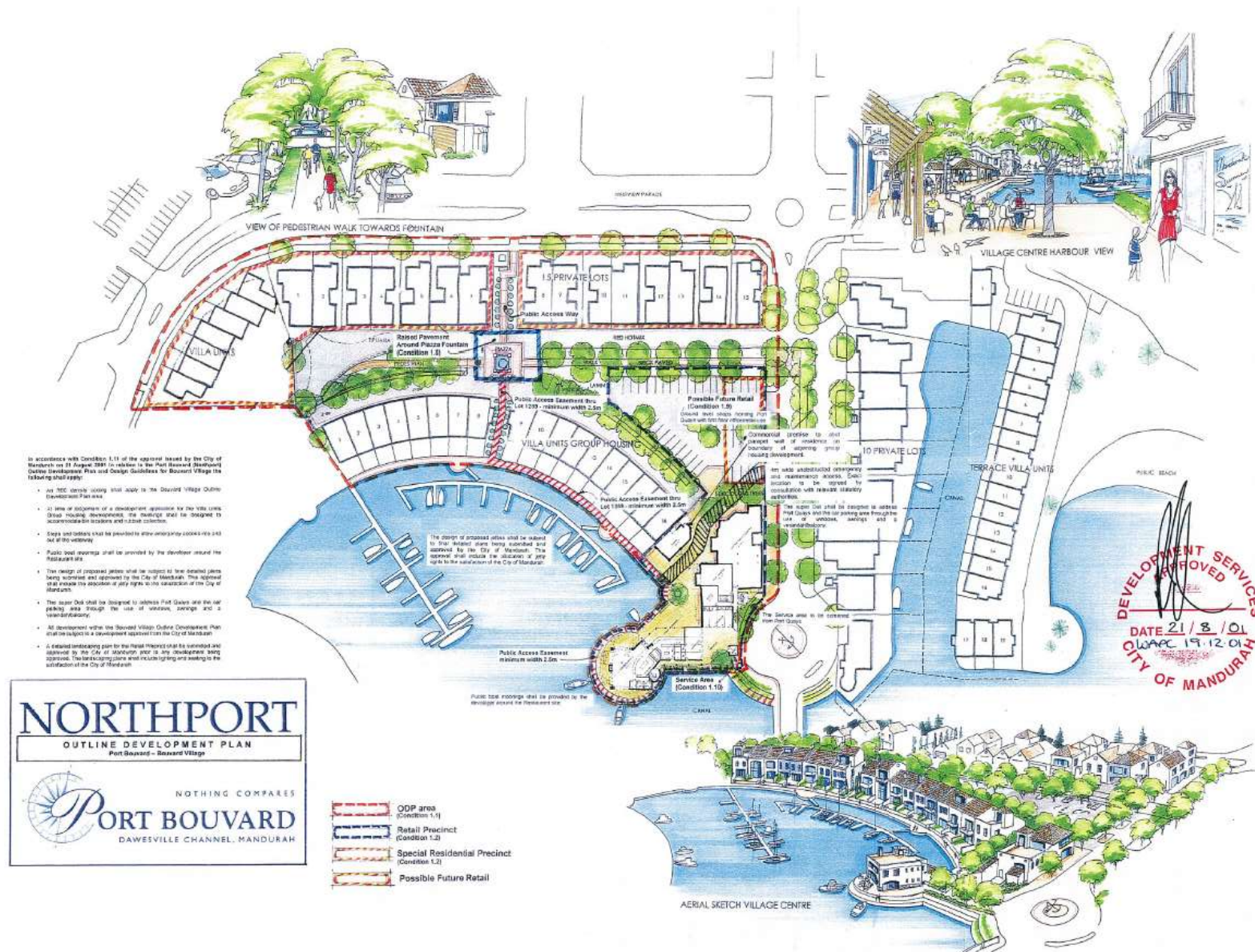
ODP: only suppliers for local council
'Urban Development' and 'Care
in Town Planning Scheme II'

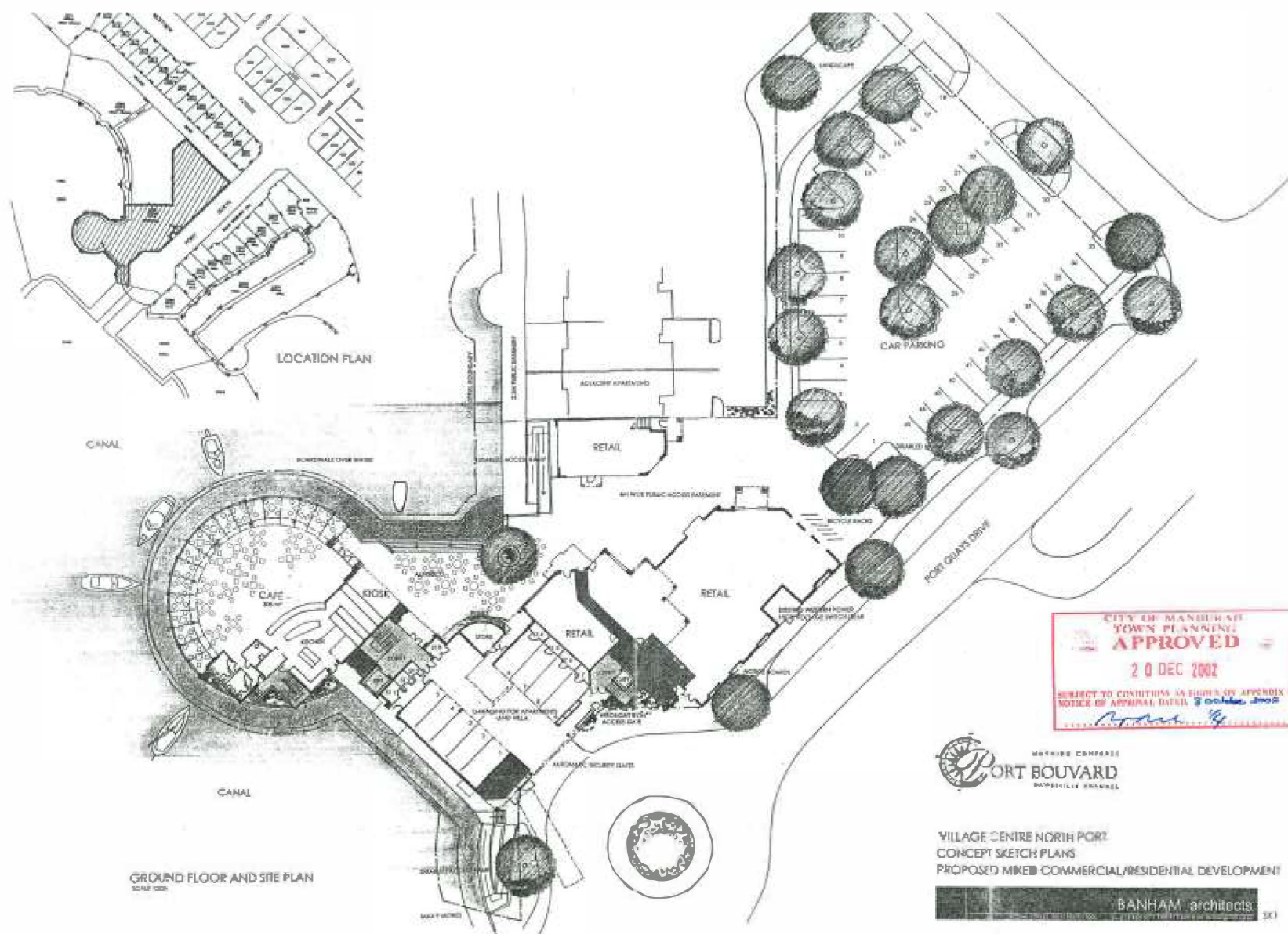
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ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY

TIME	PORT BOUARD NORTHPORT PRECINCT OUTLINE DEVELOPMENT PLAN			 NORTH
LOCATION				Designer: J. B. BROWN Drawn: J. B. BROWN Checked: J. B. BROWN Date: 1/1/2012 Scale: 1/8" = 1'-0" Civil Eng: J. B. BROWN Rev: 1/1/2012
REV. DATE DESCRIPTION				Drawn: J. B. BROWN Checked: J. B. BROWN Date: 1/1/2012 Scale: 1/8" = 1'-0" Civil Eng: J. B. BROWN Rev: 1/1/2012

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Original Development Approval