

ORDINARY COUNCIL: 24 MAY 2022

PCC.4/5/22 Proposed Amendment to Madora Bay North Local Structure Plan

The proposed amendments to the Madora Bay North Local Structure Plan (LSP) was presented to the Planning and Community Consultation Committee where the following was resolved.

That the Planning and Community Consultation Committee defer the Proposed Amendment to Madora Bay North Local Structure Plan to the Ordinary Council Meeting held on 24 May 2022 and request Officers to liaise with the applicant in relation to the reduction of public open space and road improvement to enhance pedestrian access in the local centre.

Officers have discussed the abovementioned matters with the applicant and provide the following additional information.

An important general consideration for the application is the separate community consultation processes to be undertaken on the development of the Coastal Node and Village Centre areas. The timing of this consultation is after the need for the amendment to this Local Structure Plan. The applicant has indicated significant enhancements are proposed that have implications for built form, land use, amenity, recreation, traffic and parking in the area. This will provide further opportunities for Council, City officers and the community to influence these outcomes through the consultation, assessment and approval processes.

It is recommended that a condition be requested for inclusion by the Western Australian Planning Commission (WAPC) to require a Local Development Plan (LDP) be submitted and approved by the City for the Coastal Node and Village Centre Areas.

Public Open Space

The requirement for developers to provide 10% of gross subdividable area as public open space (POS) has been a constant in Western Australia since it was a recommendation of the Stevenson Hepburn Plan for Metropolitan Perth and Fremantle Report (1955). This position has been maintained since then and is applied through Development Control Policy 2.3 (DCP 2.3) and Liveable Neighbourhoods.

The proposed modifications to the LSP represent a reduction in POS from what has been provided in the existing approved Madora Bay North LSP, however importantly, at 10.8%, it is still in excess of the amount required to meet DCP 2.3. It is also important to note that the distribution of the POS proposed is consistent with the type, size and location of POS that Liveable Neighbourhoods recommend. This 10.8% does not include the developed foreshore reserve (Coastal Node). The proposed developed foreshore reserve will be in the order of 2.5 Hectares. If 2.5 Hectares were added to the calculation, the POS percentage would approach 13%.

In discussion with the applicant it is also noted that in addition to the POS provided within the site, significant development is planned for the Coastal Node and Village Centre areas. It could be considered the reduction in POS from the approved plan is offset by the investment in amenity within the foreshore reserve.

As noted there will be further opportunity to influence the design and features of the developed foreshore reserve via the LDP process.

Road Improvements and Modifications

During a community information session, a request to review the road network and in particular the road (Sabina Drive) that runs parallel to the foreshore with a view to redirecting it to the east of the activity centre node. This was raised again during a deputation and discussed by Elected Members at the Planning and Community Consultation Committee. The key elements and intent seemingly being the redirection of the road would provide a seamless and unencumbered link between the commercial activity centre node and the future Coastal Node for pedestrians, without the road in between.

Officers have liaised with the developer with this in mind and while there is no strong aversion to further exploring solutions that prioritise the pedestrian experience and outcome, additional traffic studies and modelling need to be conducted. Whether the optimal outcome results in traffic diverting to the east or along the route depicted on the Local Structure Plan (LSP) would be the result of such investigation.

Given the significance and scale of the Coastal Node and the importance of its interface with the activity centre node, it is anticipated both elements will be consulted with the community and ultimately presented to Council for determination. This provides additional time to explore the road network with a particular focus on the activity centre with some rigor and science. With this in mind and in liaising with the developer, it is agreed the preparation of a Local Development Plan (LDP) that encompasses the activity centre area is appropriate. The LDP will include the design and structure including movement network, built form and the interface with the foreshore. An amended recommendation is included below.

It is important to note the LSP is considered in the planning framework as a 'Due Regard Document' rather than having the statutory effect it once had. When applications for subdivision or development are considered, the LSP certainly forms the basis of the assessment and is an important planning instrument, however it is still open for the City to recommend approval to alternative street layouts proposed in subdivision applications and it is equally open for the WAPC to approve them. In this case, the LSP could be approved as presented and the road in question, should further modelling and investigation warrant it, could be proposed in an alternative alignment during the relevant stage of subdivision. Provided the intent and objectives of the LSP are not materially changed, this flexibility exists.

Traffic Calming

Concerns about traffic, particularly around Sabina Drive and Swiftshire Road which abuts the south western edge of the LSP area. The WAPC has granted conditional subdivision approval for stage one of the Seaside Estate which includes this area (WAPC Reference 160476 refers). This approval was granted in February 2021 and includes a raft of conditions that the developer is working through. Traffic related conditions are included but they do not involve specific traffic calming measures.

While the LSP covers a portion of the approved subdivision land, the stage that was subject to this subdivision is not subject to the proposed Local Traffic Management Plan amendments. As this subdivision has been approved, the City cannot request the conditions be amended retrospectively. City officers will discuss other traffic calming measures with the developer for subdivisions already approved. However, if the developer does not install the traffic calming measures, the City would be responsible for investigating any apparent traffic safety concerns and undertake any works accordingly.

Those areas that still can be influenced by the Local Traffic Management Plan, that is, that do not have approved subdivisions, will be required to address traffic movement network and traffic calming measures.

Coastal Node and Village Centre

While this is not a specific part of the LSP being considered, concerns were raised about design aspects of these elements including the amount and location of car parking and the inclusion of an amphitheatre. The Coastal Node and Village Centre as represented on the LSP plans concept are not considered to be a final draft and for indicative purpose only. While there are certain requirements for the provision of parking, and access to the beach is a consideration the design itself has not yet been finalised. Given the significance of the Coastal Node and Village Centre areas, it is intended that community consultation will form part of any assessment and the final design would be required to be approved by Council via the LDP.

Officer Amended Recommendation to Council

That Council under Clause 20(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, provides this report to the Western Australian Planning Commission for the Madora Bay North Local Structure Plan (Plan Dated October 2021) recommending that the proposed Structure Plan should be approved, subject to the following modifications:

- a. **That the area noted as Coastal Node and Village Centre be subject to a Local Development Plan (LDP) in accordance with part 6 of the Deemed Provisions. The LDP shall provide details on the movement network, built form, recreational facilities and amenities with a particular focus on prioritising the pedestrian experience. The preparation of the LDP will include community consultation and be presented to Council for approval.**
- b. **A Local Traffic Management Plan (LTMP) shall be submitted to and endorsed by the City of Mandurah, prior to approval of the Structure Plan. The purpose of the LTMP is to address concerns regarding the connections to Angalore Road, Caspar Road and Sabina Drive, with a particular focus on traffic calming measures.**
- c. **An amended Local Water Management Strategy Addendum shall be submitted to and endorsed by the City of Mandurah and the Department of Water and Environmental Regulation, addressing concerns regarding the disposal of runoff into underground cells and adjacent public open space and also the proposed disposal of stormwater into the foreshore area.**
- d. **An amended Bushfire Management Plan shall be submitted to and endorsed by the City of Mandurah and the Department of Fire and Emergency Services, addressing concerns regarding responsibility for road verge fuel management and clearing/management of public open space.**
- e. **Landscape Boulevard and Connector Masterplan amended to include “dual use path to one verge with footpath on the opposite verge” for the ‘Coastal Drive’ and to incorporate a pedestrian priority area connecting the Local Centre to the Coastal Node.**
- f. **Identify the road connection to Treasure Road as a ‘Key Local Road’ on the Structure Plan (Plan 1).**

- g. Replace the Commercial zone with Local Centre zone and include the following additional use within the Structure Plan:
 - I. Tavern is an 'A' land use within the Local Centre zone.****
- h. Delete the Mixed Use land use table and refer to the land use table within Local Planning Scheme No 12. Include the following additional use for the Mixed Use zone within the Structure Plan:
 - II. Single House is a 'P' land use within the Mixed Use zone**
 - III. Restaurant/Café is a 'D' land use within the Mixed Use zone****
- i. Replace all references to Town Planning Scheme No 3 with Local Planning Scheme No 12.**
- j. Include reference to the R-MD Codes on the Structure Plan (Plan 1).**
- k. Landscape Public Open Space Master Plan amended to extend the Mandurah Road Buffer from POS 4 to POS 5.**
- l. An amended Foreshore Management Plan shall be submitted to and approved by the City of Mandurah prior to any subdivision or development. The amended Foreshore Management Plan is required to include additional information requested by the City, including, but not limited to, the final foreshore location and design, areas of revegetation, current weed species/extent and presence of priority species.**