

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



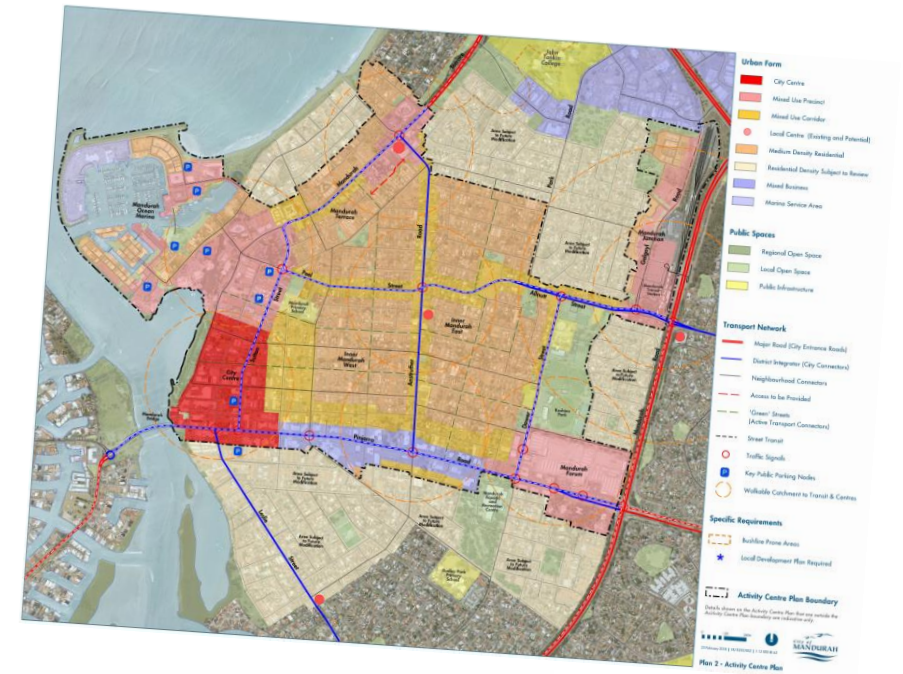
Planning Functions

- 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

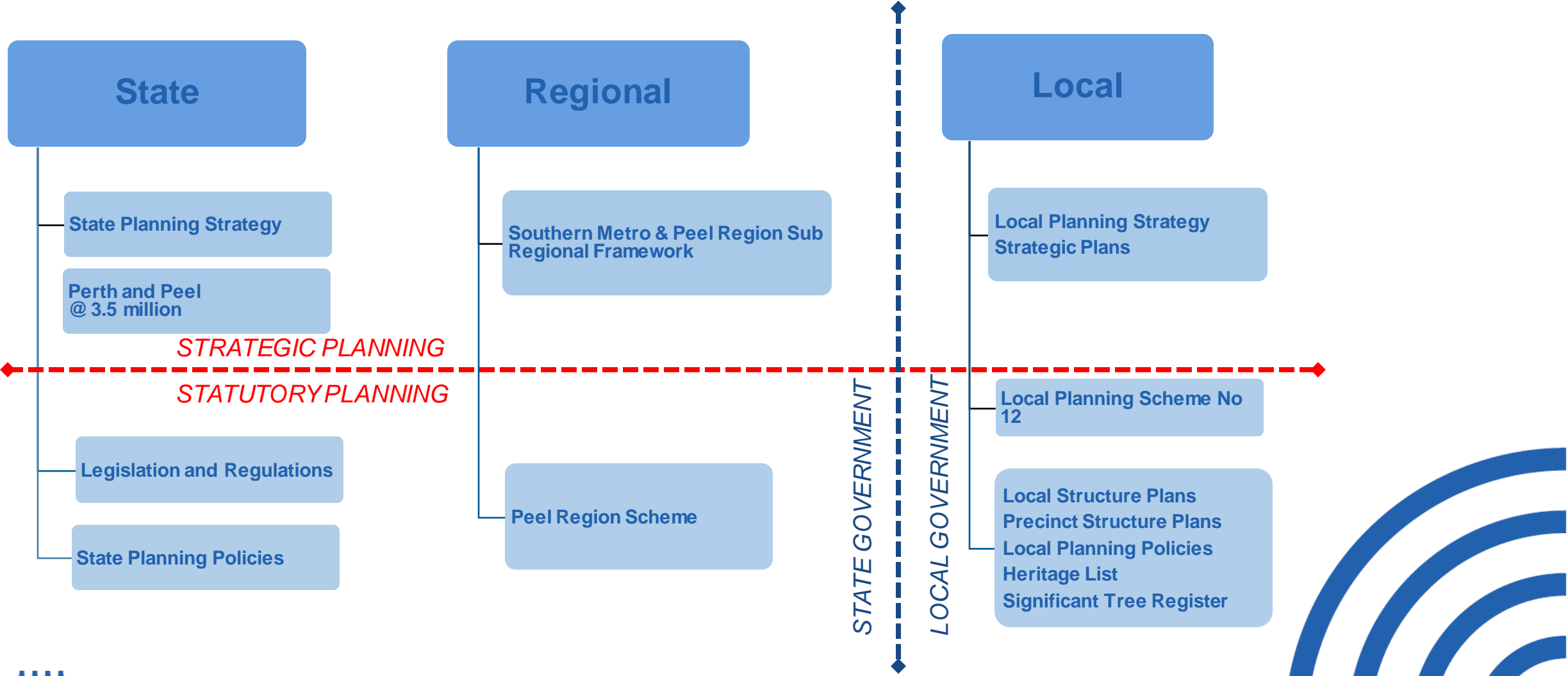
State based planning provisions

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:

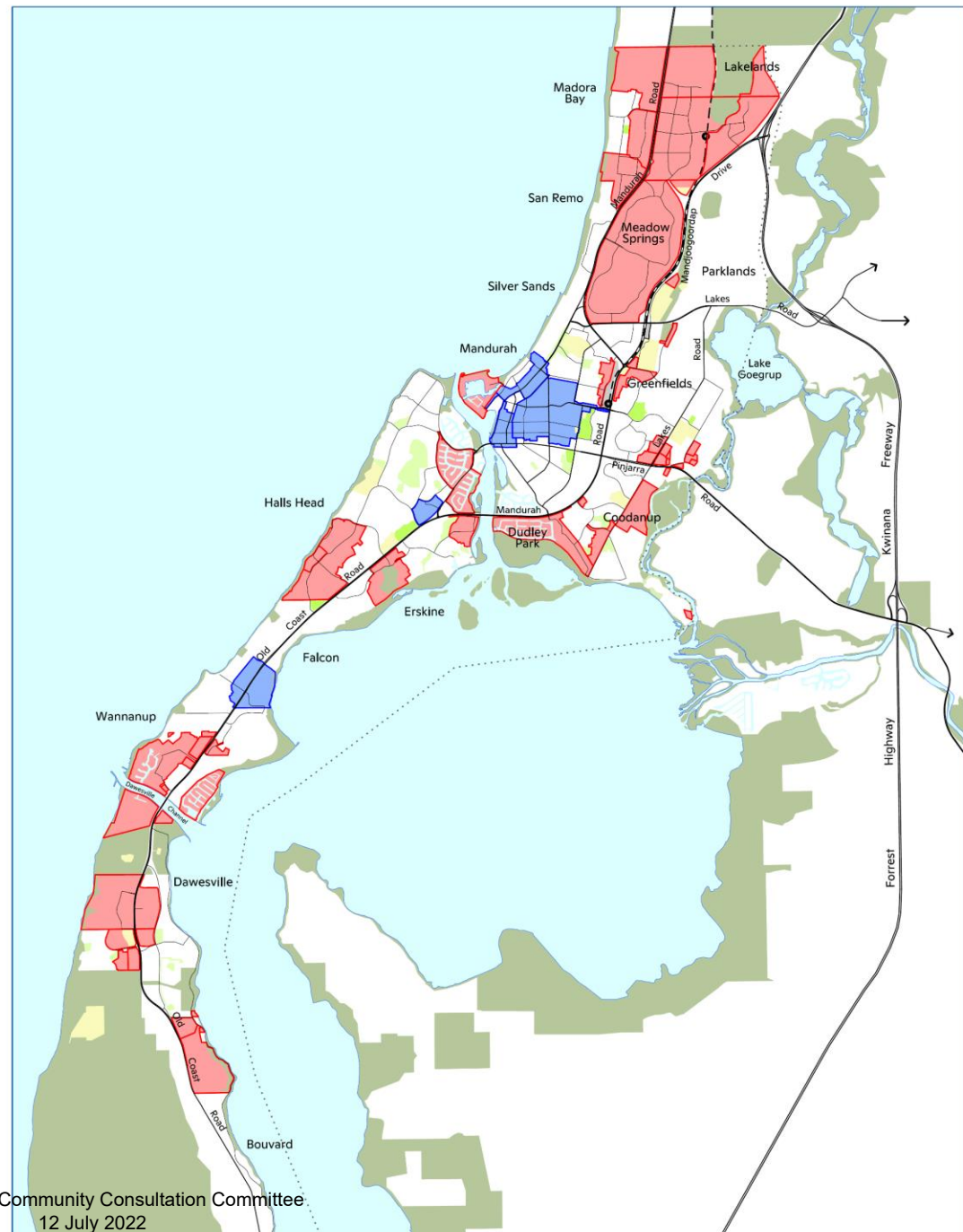
- Outline Development Plans for new growth areas;
- Precinct Plans for centres and redevelopment areas;
- Local Planning Policies used to implement Strategic Plans (ie Activity Centres, Tourism Strategy) in addition to operational policies;
- City of Mandurah initiated amendments (55 out of 135 adopted);
- 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



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

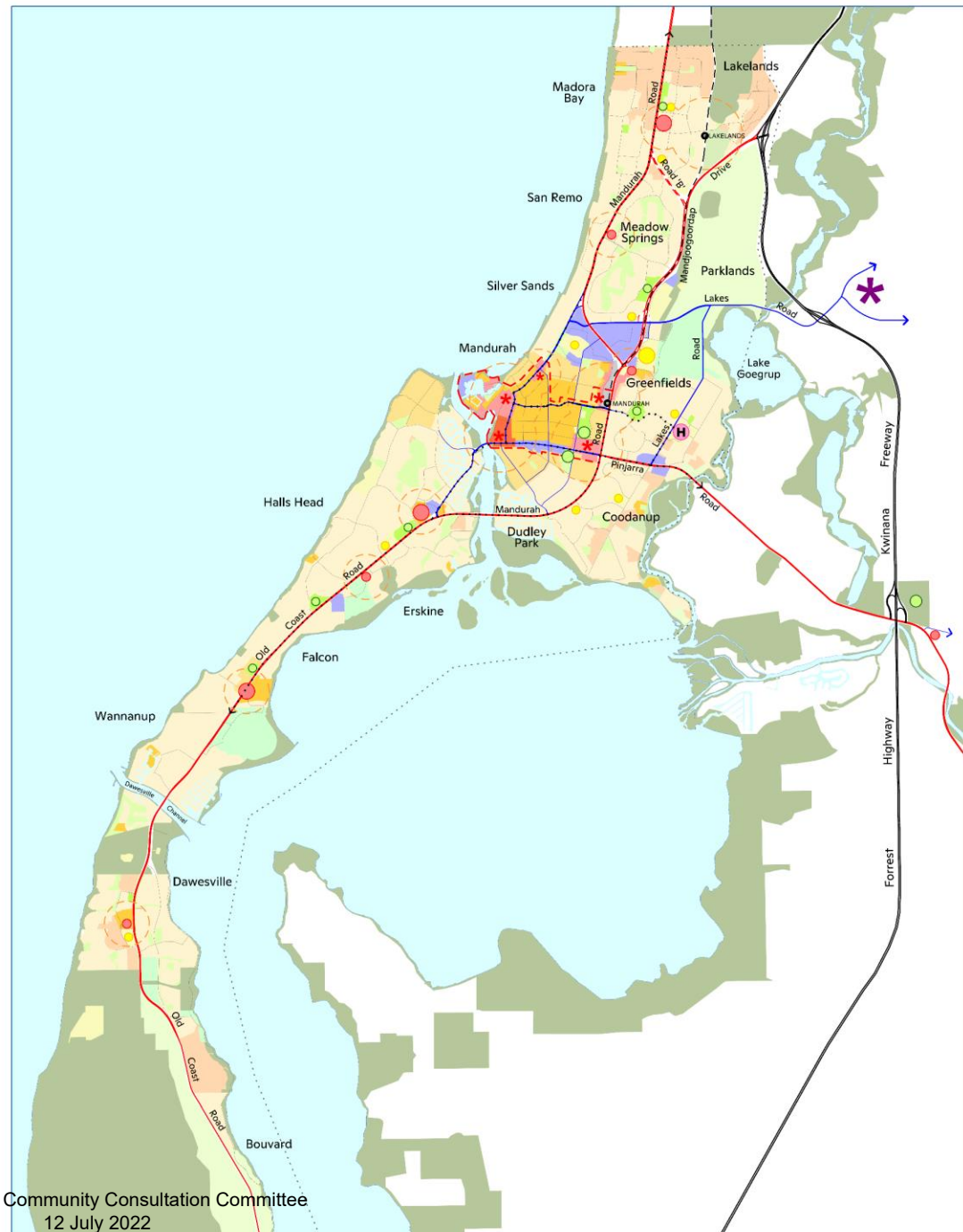
Activity Centres

- 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

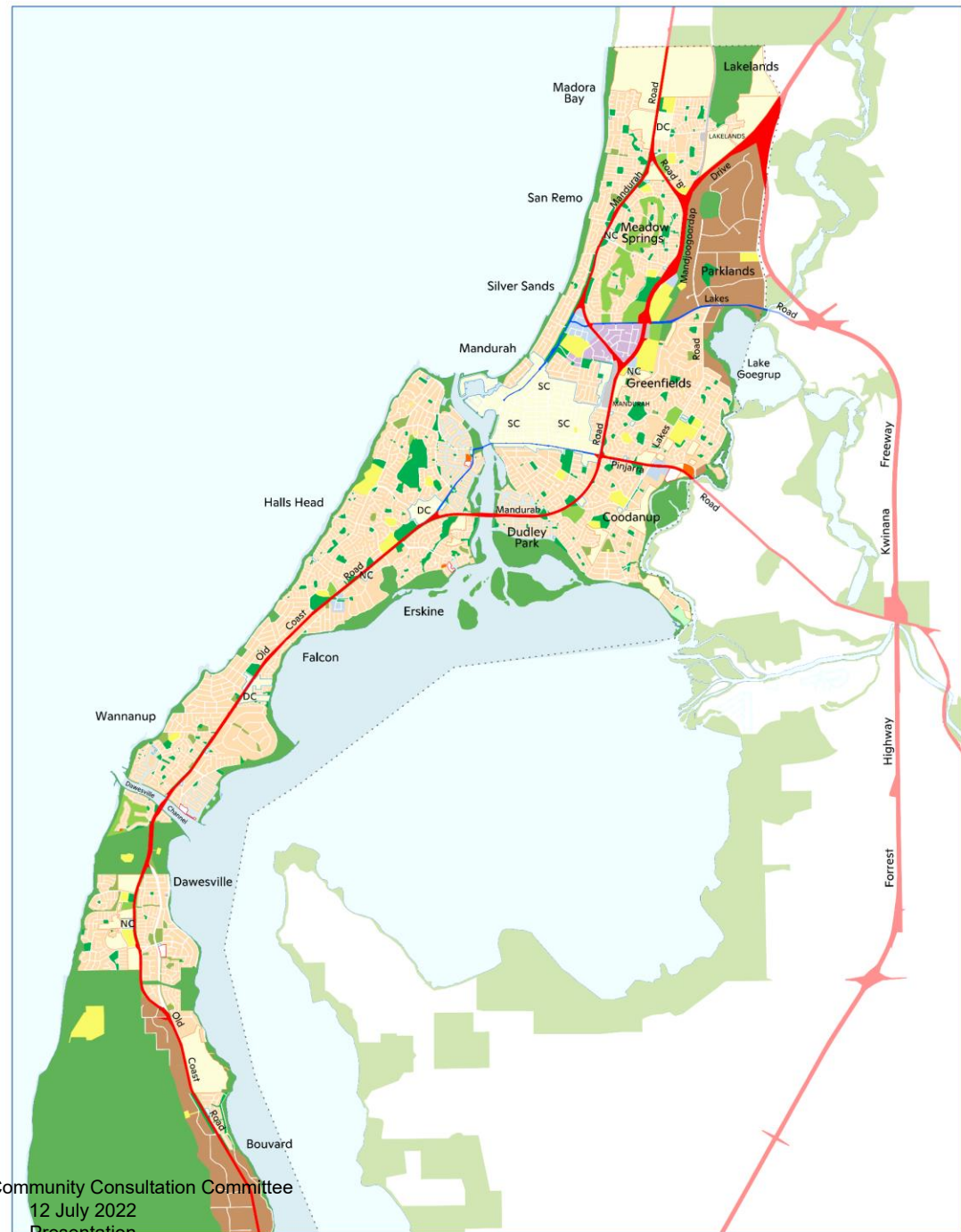
Local Reserved Land

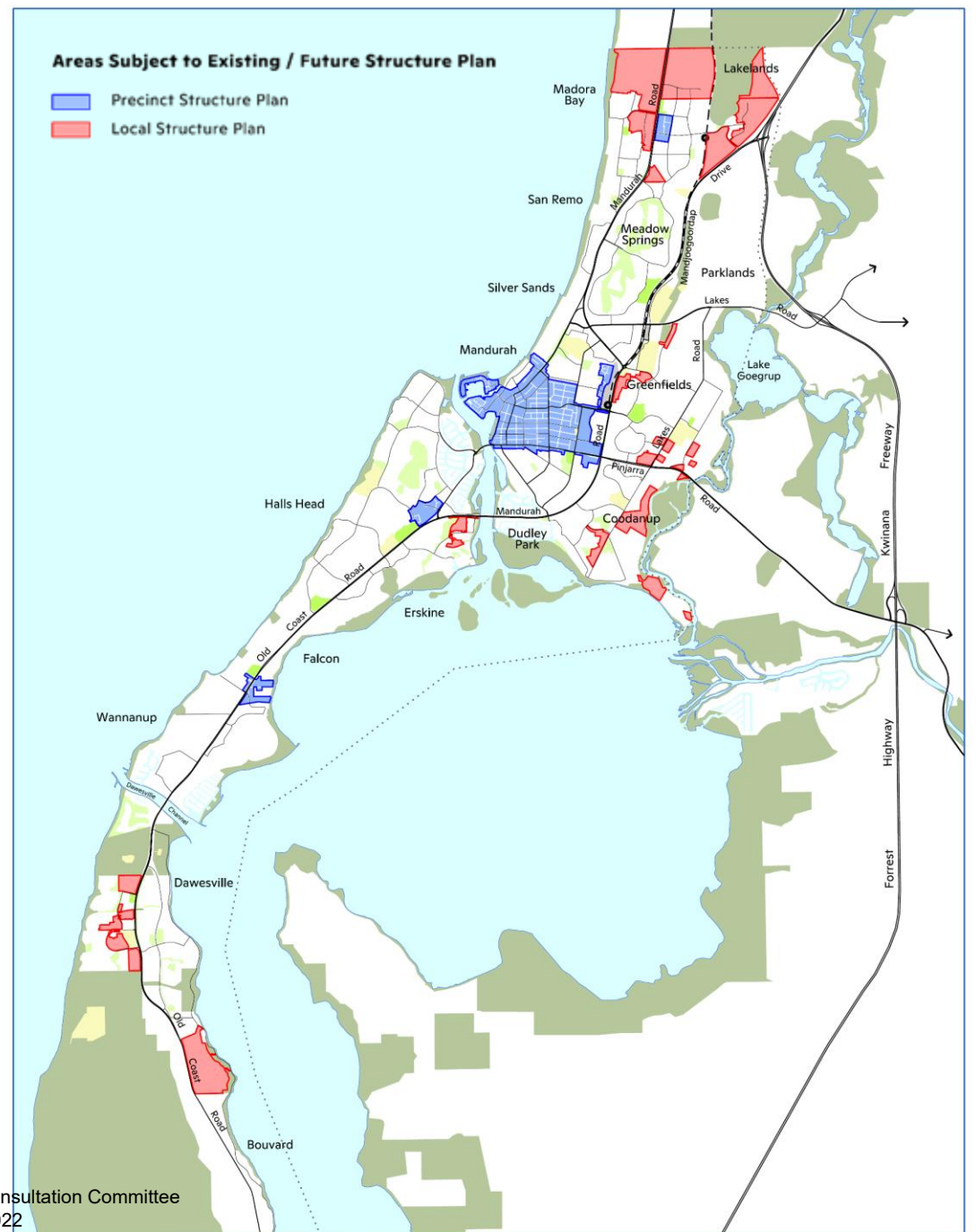
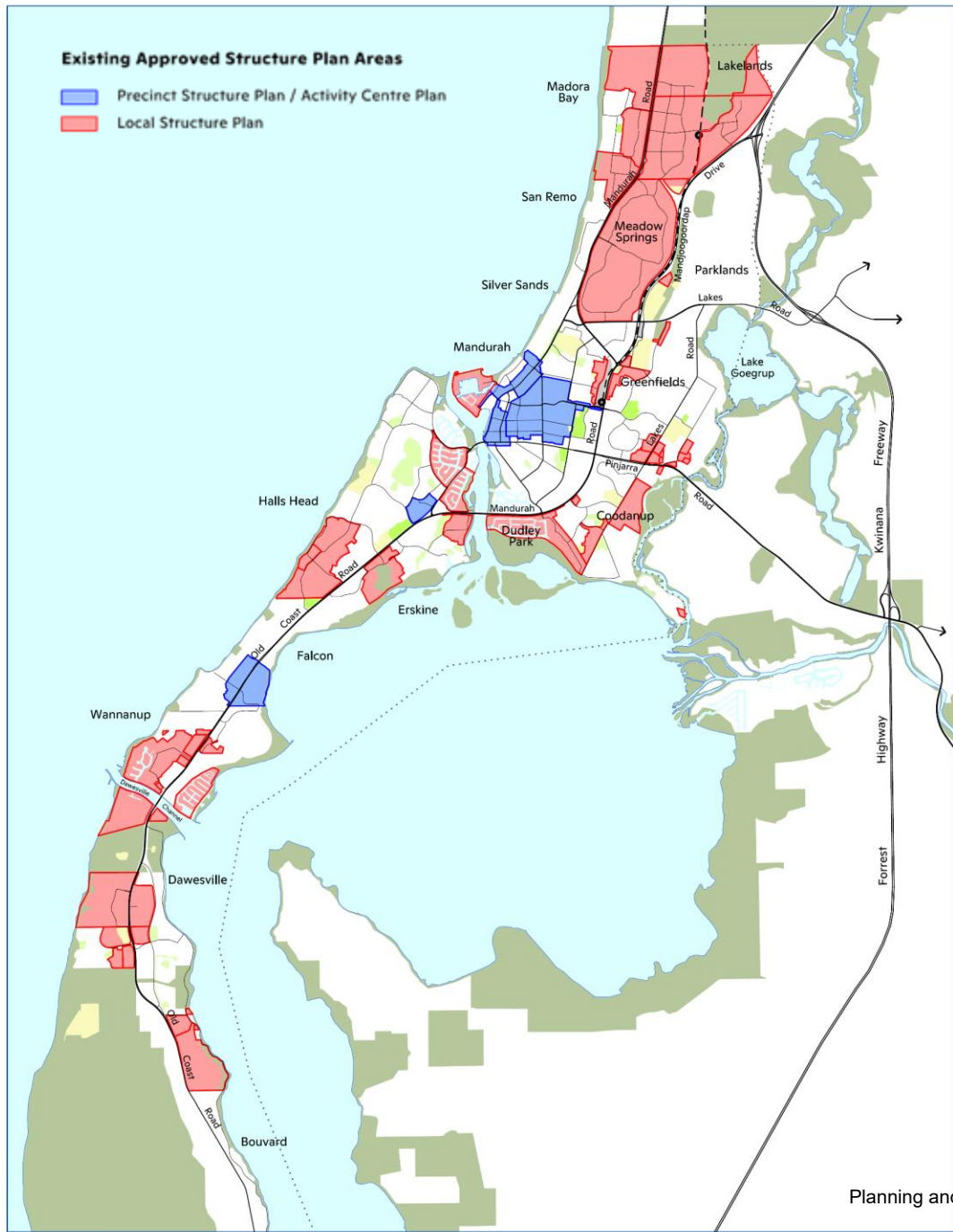
- Public Open Space
- Environmental Conservation
- Public Purposes

Zones

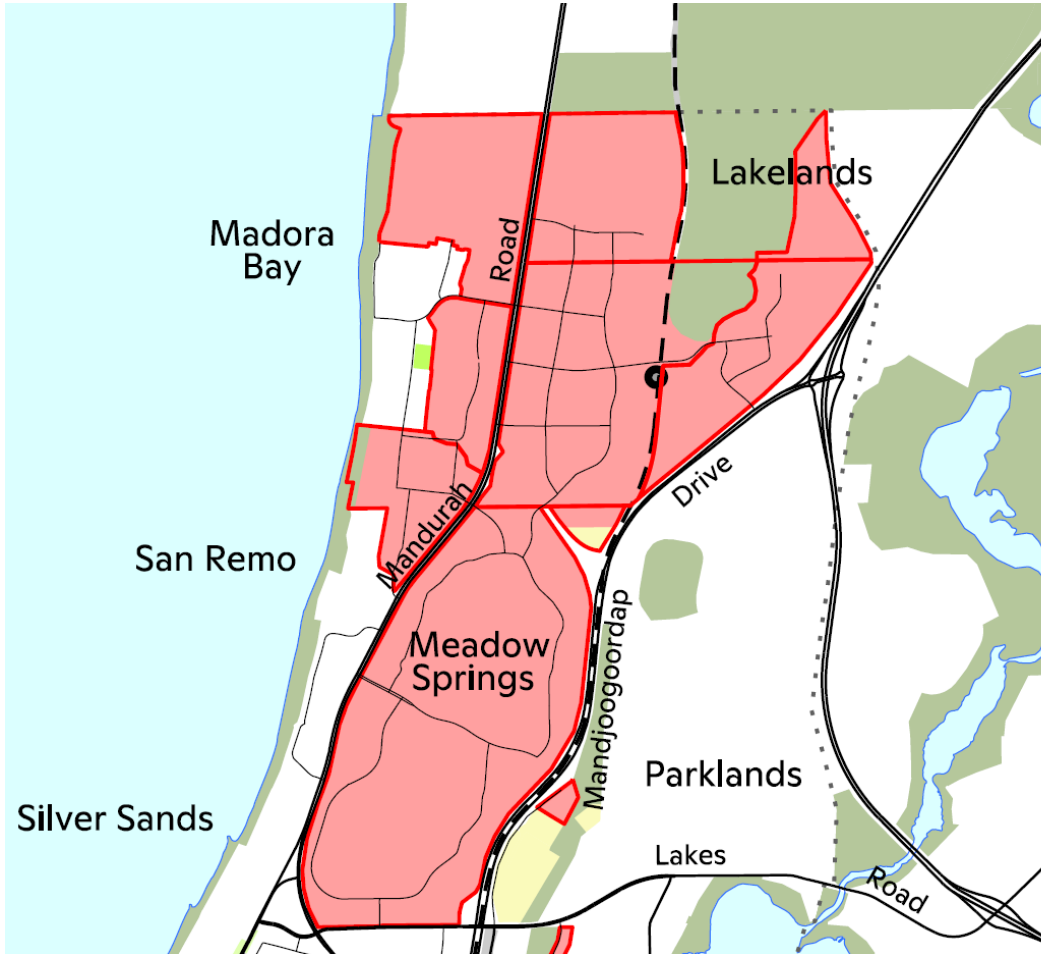
- SC Strategic Centre (Subject to Precinct Structure Plan)
- DC District Centre (Subject to Precinct Structure Plan)
- NC Neighbourhood Centre
- Local Centre
- Service Commercial
- Light Industry
- Mixed Use
- Residential
- Urban Development (Subject to Structure Plan)
- Tourism
- Rural Residential
-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

City of Mandurah Boundary



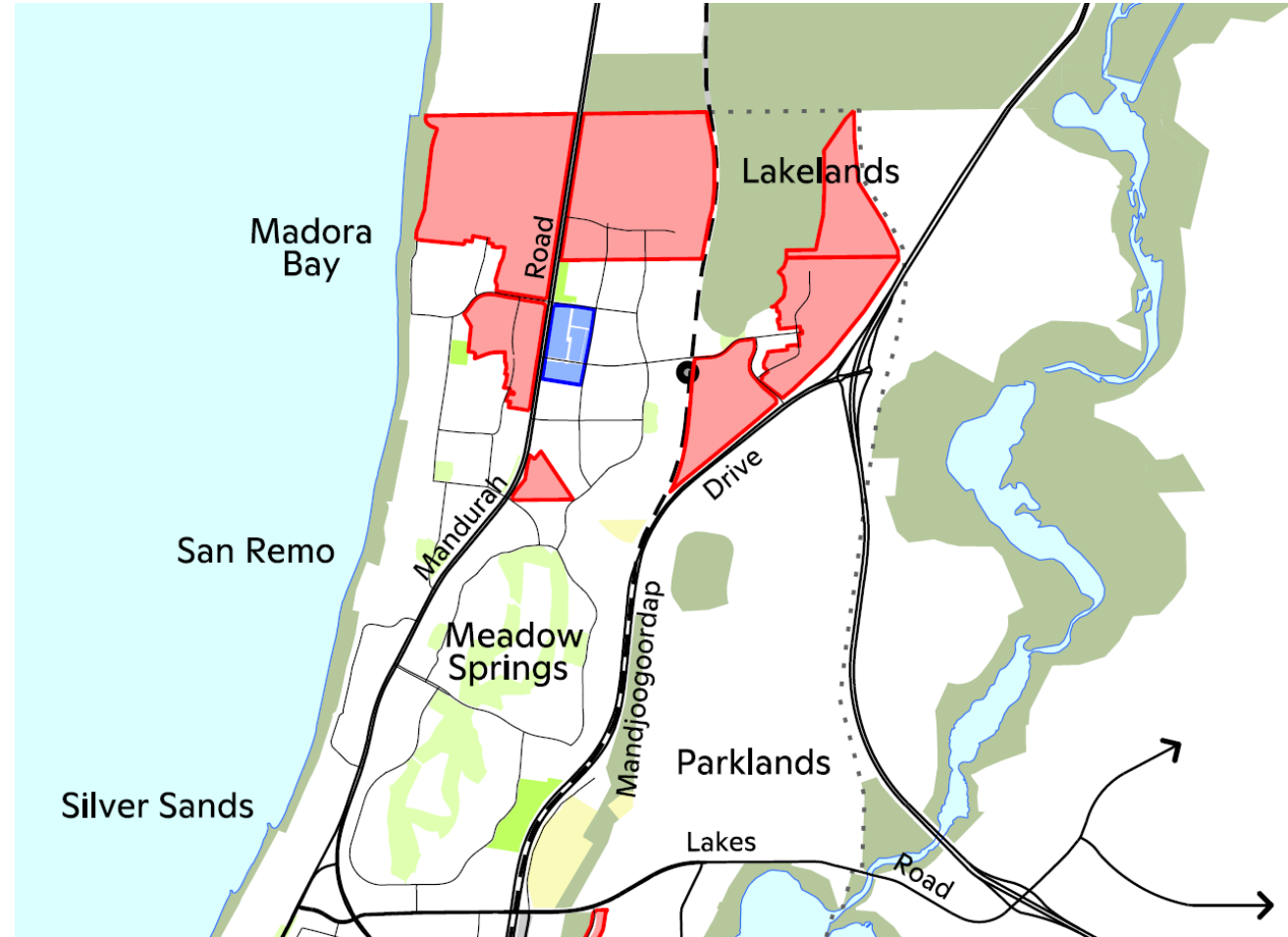


Mandurah North



Existing Approved Structure Plan Areas

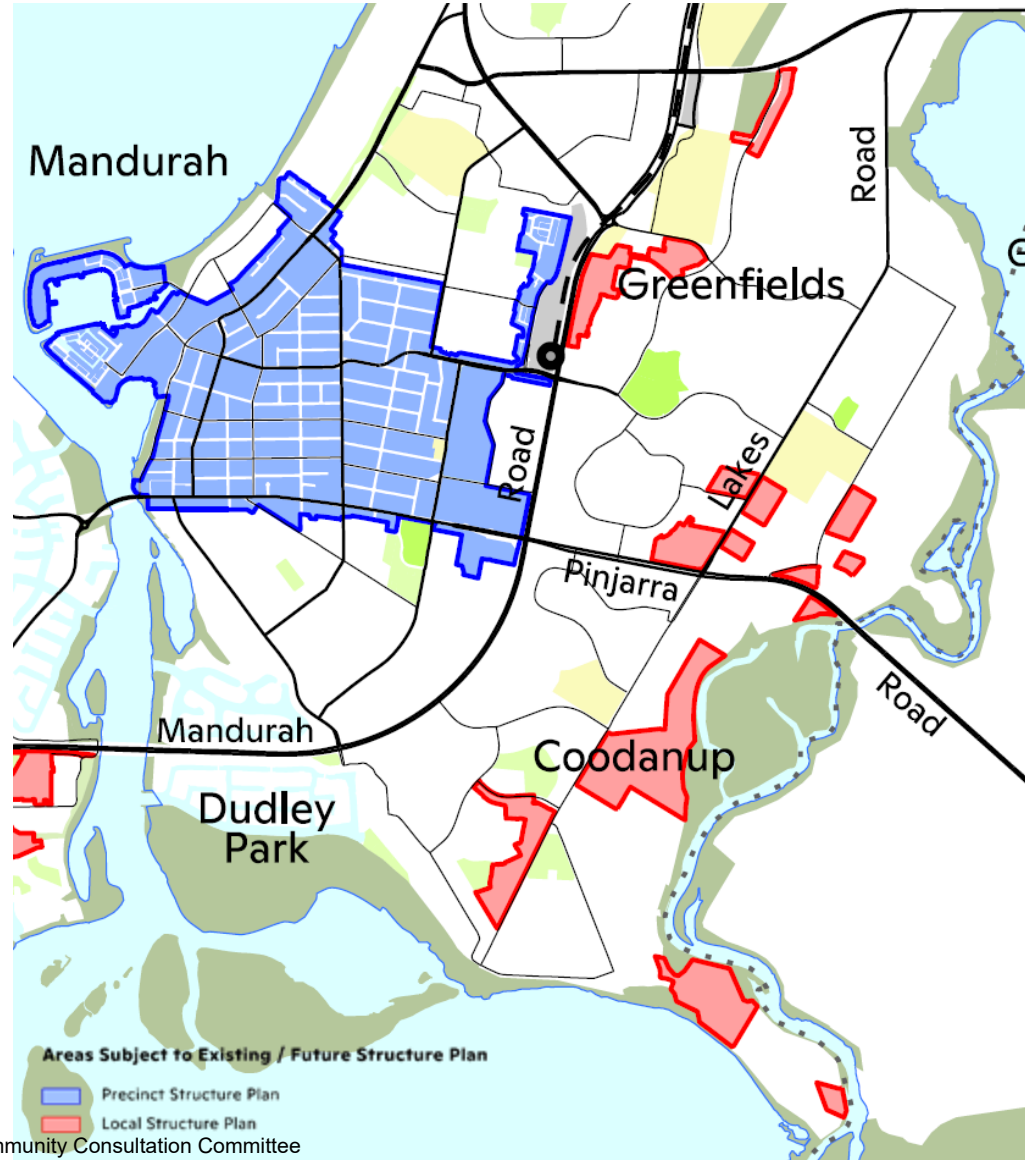
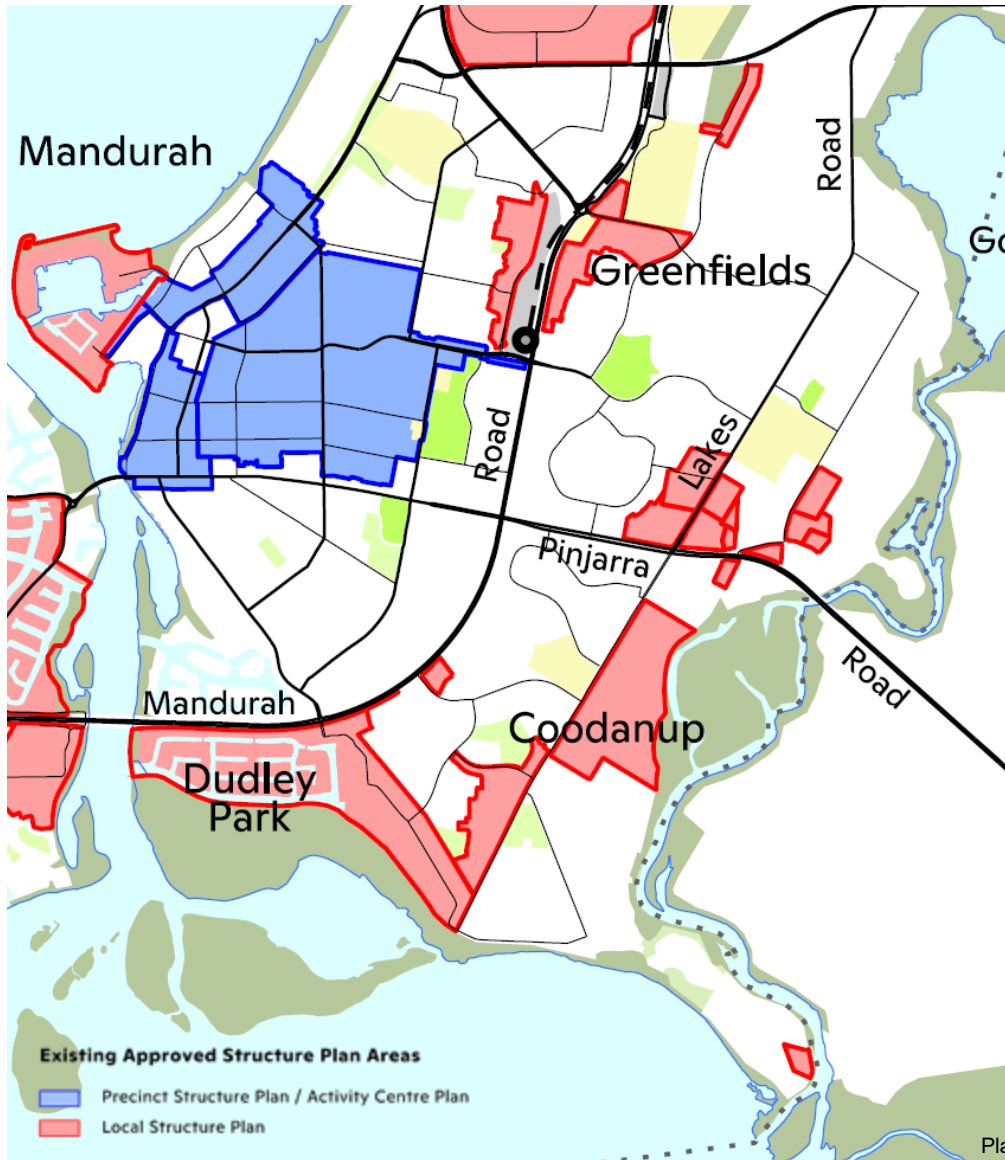
- Precinct Structure Plan / Activity Centre Plan
- Local Structure Plan



Areas Subject to Existing / Future Structure Plan

- Precinct Structure Plan
- Local Structure Plan

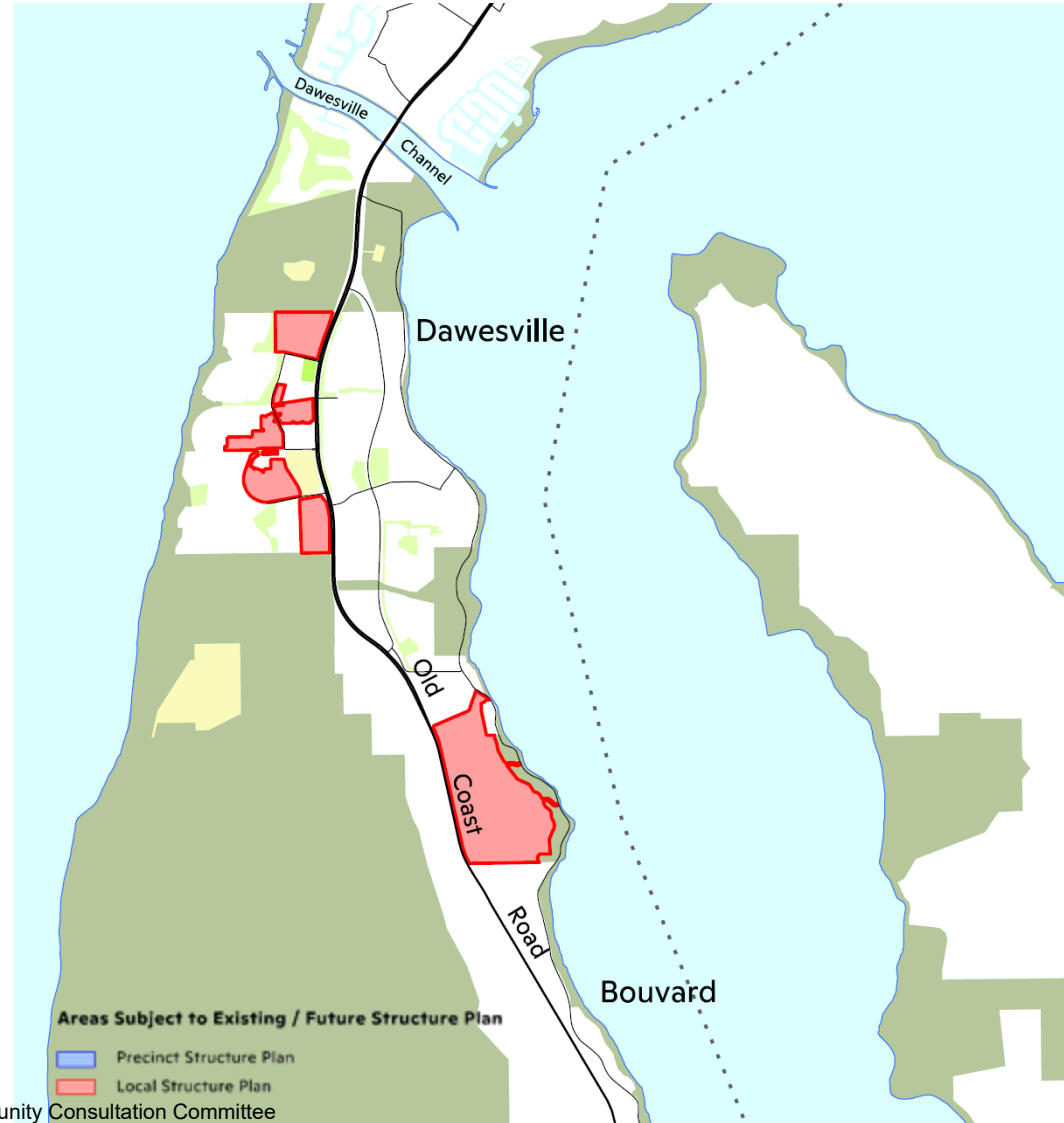
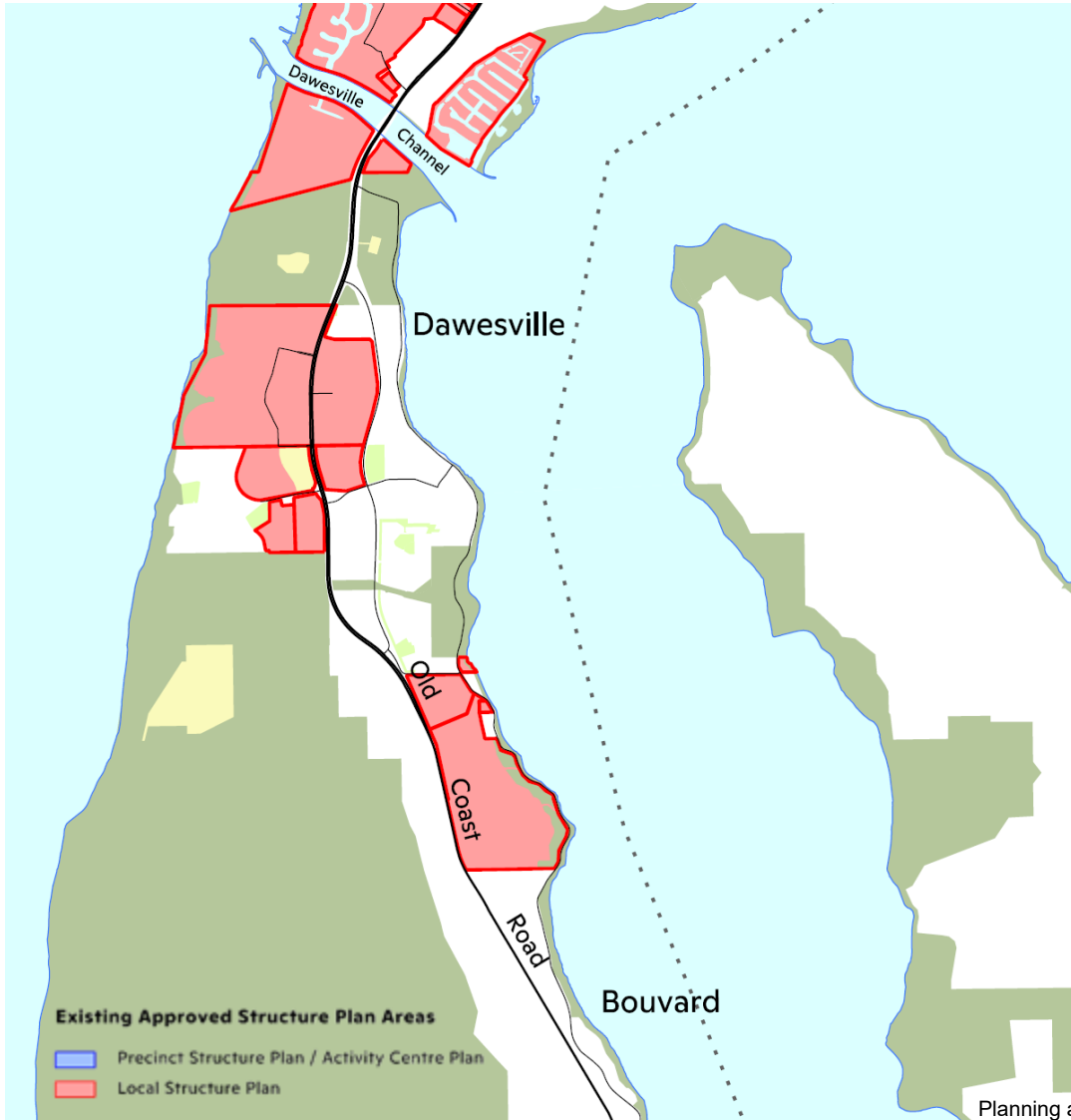
Mandurah Central and East



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;

