



NOTICE OF MEETING

PLANNING COMMITTEE

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

**Tuesday 2 May 2017
at 5.30pm**

ALLAN CLAYDON
A/Chief Executive Officer
26 April 2017

Committee Members:

Councillor Peter Rogers (Chairman)
Councillor Jackson
Councillor Tahlia Jones
Councillor Knight
Hon Councillor Riebeling
Councillor Lynn Rodgers
Councillor Wortley.

Deputies:

Councillor Field (1st Deputy Member)
Councillor Lee (2nd Deputy Member)

NOTE: Should an Elected Member wish to view any location listed on this Agenda, officers will be available in the Councillor's Lounge at 9.00 am on Tuesday 2 May 2017.

AGENDA

1. OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS
2. ATTENDANCE AND 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. ANSWERS TO QUESTIONS TAKEN ON NOTICE

Nil

5. 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 telephone 9550 3706 or visit the City's website www.mandurah.wa.gov.au.

6. PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN**7. DEPUTATIONS**

Any person or group wishing to make a 5-minute Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must first complete an application form. For more information about making a deputation, or to obtain an application form, please telephone 9550 3706 or visit the City's website www.mandurah.wa.gov.au.

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.

8. CONFIRMATION OF MINUTES: 4 APRIL 2017

(NB: It is the Elected Members' responsibility to bring copies of the previous Minutes to the meeting if required).

9. DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**10. QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION**

10.1 Questions of which due notice has been given

10.2 Questions of which notice has not been given

11. BUSINESS LEFT OVER FROM PREVIOUS MEETING

12. REPORTS:

- | | | |
|----|---|--------|
| 1. | Amendment 136 to Town Planning Scheme No 3 –
Rural Residential and Rural Zone Modifications (BD) | 1 - 37 |
|----|---|--------|

13 LATE AND URGENT BUSINESS ITEMS

14 CONFIDENTIAL ITEMS

15 CLOSE OF MEETING

1. SUBJECT:	Amendment 136 to Town Planning Scheme No. 3 – Rural and Rural Residential Zones: Final adoption
CONTACT OFFICER/S:	Ben Dreckow
AUTHOR:	Ann Harrop
FILE NO:	Amendment No. 136

Summary

Following the completion of the advertising period, Council is required to consider Amendment 136 to Town Planning Scheme No 3 (Scheme 3) for final approval.

Amendment 136 was adopted by Council in September 2016, and proposes changes to the 'Rural' and 'Rural Residential' zones within Town Planning Scheme No. 3 arising from the Southern Mandurah Rural Structure Plan together with elements of the Biodiversity Strategy.

The Amendment was advertised for public comment in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the submission period closing on 31 March 2017.

A total of 25 submissions have been received including:

- 5 submissions from public agencies,
- 17 submissions from landowners within the Parklands and Lake Goegrup
- 2 submissions from Southern Mandurah Structure Plan area; and
- 1 submission from a Community Group.

Arising out of submissions received, a number of modifications are proposed to the Amendment as follows:

1. Retain the minimum lot size of 1ha where scheme water is currently available in Parklands and Lake Goegrup, with final lot sizes to be dependent on the assessment of bushfire hazard, biodiversity conservation and environmental constraints and;
2. Amending references to EPA guidelines with regards to determining separation distances to extractive industries from sensitive land uses.

It is recommended that Council adopt the amendment for final approval with these modifications for forwarding to the Western Australian Planning Commission and Minister for Planning.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.7/9/16 13 Sept 2016 Council resolved to adopted Amendment No. 136 to Town Planning Scheme No. 3 for the purposes of advertising.
- G.21/07/16 12 July 2016 Council resolved not to support the proposed Scheme Amendment of Lot 21 Southern Estuary Road and Part Lot 7 Dunkeld Drive Herron, from Rural to Rural Residential.
- G.19/3/15 24 March 2015 Council adopted the Southern Rural Structure Plan and Amendment 121 for forwarding to the Western Australian Planning Commission for final approval.

- G.24/4/13 23 April 2013 Council adopted the Southern Mandurah Rural Structure Plan for the purposes of advertising (for a minimum period of 90 days).
- G.25/4/13 23 April 2013 Council adopted Amendment 121 to Town Planning Scheme No. 3 which proposes to create the 'Southern Mandurah Rural Structure Plan' zone and revise the Rural and Rural Residential zone requirements from the Scheme arising from the removal of the Structure Plan area from these zones.

Background

In April 2013, Council adopted Amendment 121 to Town Planning Scheme No. 3 to create a new 'Southern Rural Structure Plan' zone in order to provide for the control and guidance of development in the Southern Rural area of Mandurah, culminating in a Structure Plan prepared in accordance with the provisions of Scheme 3.

In addition the amendment sought to remove the ability to subdivide rural residential lots down to 1ha where scheme water was available in order to protect biodiversity values recognised in the City's Biodiversity strategy, revise the Rural Residential and Rural zone provisions to remove those provisions specifically applicable to the Southern Rural Structure Plan, and consolidate the remaining provisions.

Concurrently at this meeting, Council adopted the Southern Rural Structure Plan for advertising purposes, covering the Rural Residential land south of Parkridge to the southern boundary of the City of Mandurah. The structure plan had two key principles:

- Updating land-use and subdivision provisions with the aim of increasing protection to Lake Clifton and the Harvey Estuary, via updating and replacing references to the Coastal and Lakelands Planning Strategy as the statutory planning control for new subdivision lot sizes and Councils Lake Clifton/Herron Structure Plan as a guide to new subdivision layouts.
- Vegetation protection (linking with the Biodiversity Strategy) balanced with the ensuring Council meetings its obligation for bushfire management for privately owned land.

The Western Australian Planning Commission provided consent to advertise subject to modifications on the 9 December 2013. Modifications required included reinstating the ability to subdivide rural residential lots down to 1ha where sewer was available, and removing residential zoned land from the Southern Rural Structure Plan area. The primary reason behind reinstating the ability to subdivide down to 1ha where scheme water was available, stemmed from this requirement being applicable outside the structure plan area (Parklands).

The amendment and structure plan were advertised for public comment and Council considered submissions received at its March 2015 meeting. It was resolved to adopt the draft Structure Plan and Amendment 121 subject to modifications and forward these documents to the Western Australian Planning Commission for final approval.

In November 2015, the City received the Ministerial decision to refuse to grant final approval for Amendment 121 on the grounds that the amendment aims to enable the provisions of a Local Structure Plan to have the full force and effect as the provisions of a Local Planning Scheme, which is inconsistent with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Further advice was received that as a result of the Minister for Planning refusing to grant approval to Amendment 121, there was no requirement under Town Planning Scheme No 3 for a structure plan to be prepared and approved for the southern rural area. In addition, the City was advised that the proposed Southern Mandurah Rural Structure Plan does not meet the criteria under the new Regulations, for which a structure plan may be prepared.

Whilst the Western Australian Planning Commission had deemed the creation of a structure plan for the Southern Rural area inconsistent with the *Planning and Development (Local Planning Scheme) Regulations 2015*, the need to address rural land use and subdivision remained.

As a result, Council adopted Amendment 136 in September 2016 for the purposes of advertising. The amendment proposes to:

1. Revise the *Rural Residential* zone requirements to:
 - (a) Increase the minimum lot size from 2ha to 5ha.
 - (b) Remove the ability to subdivide down to 1ha where scheme water is available.
 - (c) Introduce requirements to be met prior to the consideration of including land in the Rural Residential zone.
 - (d) Update and consolidate the subdivision and development requirements of the Rural Residential zone.
 - (e) Remove provisions that apply to the Parklands and Lake Goegrup areas with Table 7 and Appendix 4 that make strategic statements about the potential urbanisation of these areas, which are not appropriate for inclusion within a local planning scheme.
2. Revise the Rural zone requirements by:
 - (a) Amending the purpose and intent of the zone to remove references to Councils outdated Rural Strategy and reflect the nature of rural land within the City of Mandurah.
 - (b) Update and consolidate the subdivision and development requirements of the Rural zone.
3. Amend the Scheme Maps by introducing an “Additional Use” overlay for Lot 20 Old Coast Road, and including relevant provisions within Appendix 2 – Additional Uses to enable the establishment of a Convenience Store on the site.

Following Council's resolution, the amendment was forwarded to the Environmental Protection Authority for assessment under Part IV of the Environmental Protection Act 1986. The Environmental Protection Authority subsequently advised the amendment was not required to be formally assessed, with no advice given.

Amendment 136 was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* with submissions closing on the 31 March 2017.

Notifications were placed in the Mandurah Mail on the 23 February and 2 March 2017, and letters were sent to all landowners within Parklands and Lake Goegrup as well as affected landowners within the Southern Mandurah Rural and Rural Residential areas on the 3 February 2017.

Comment

Arising from the advertising of the Amendment, a total of 25 submissions have been received, including 5 submissions from service authorities, 1 submission by a community group and 19 submissions from the landowners affected by the amendment. A schedule of the submissions received has been included within **Appendix 1**, with the key issues being as follows:

Removal of Potential Urban Zoning

Amendment 136 proposes to amend Town Planning Scheme No. 3 by deleting the provisions from Areas 8 and 9 of Appendix 4 – Special Requirements Rural Residential, which relate to the Parklands area having been earmarked for future urban development and as such the Rural residential zoning provided in the Scheme is seen as an interim measure.

Of the 19 public submissions received, 10 raised objections to the removal of the strategic statements regarding the future urbanisation of Parklands for a variety of reasons including:

- Land having been purchased for investment purposes on the understanding the land was designated as future urban;
- The suitability of the Parklands area for urban development given the proximity to the City Centre as well as services, schools and amenities; and
- The majority of land being parkland cleared with remaining areas of significant vegetation capable of being retained through structure planning.

Parklands had been previously identified as Rural Living – Ultimate Urban under the Ministry for Planning South West Corridor Structure Plan (1993).

In October 1993, draft Town Planning Scheme No. 3 included Parklands within the Urban Development zone. Provisions were included within Appendix 4- Special Requirements Rural Residential to outline the requirements for a structure plan to be prepared showing how the area would be developed including identifying the location of commercial, recreational, open space and school sites.

In between the initial adoption and final adoption of Scheme 3, the Inner Peel Region Structure Plan was finalised (December 1997) by the Ministry for Planning which retained Parklands as Greenbelt living and the draft Peel Region Scheme had the area zoned Rural.

The second advertised draft of Scheme 3 required the Rural Residential zone over Parklands to be consistent with the Inner Peel Region Structure Plan and draft Peel Region Scheme, however the strategic statements regarding the potential urbanisation of this area remained within Appendix 4.

Subsequent State and regional strategic planning undertaken by the State Government have continued to identify Parklands as retaining its Rural Residential function including the:

- Draft South Metropolitan and Peel Sub-Regional Plan (June 2009) and
- Draft South Metropolitan Peel Sub-Regional Planning Framework (2015)

Parklands and Lake Goegrup Rural Residential areas remain 'Rural' under the Peel Region Scheme, and zoning under Town Planning Scheme No. 3 must be consistent with this zone. An urban zoning is not consistent with the 'Rural' zone under the Peel Regional Scheme.

A number of submissions raised concerns that the future urban designation was being removed based on environmental grounds that could otherwise be addressed through planning controls.

Vegetation within Parklands has been identified as Banksia Woodland which has been classified as a Threatened Ecological Community and is listed under the *Environmental Protection and Biodiversity Conservation Act 1999*. Banksia Woodland is a known feeding habitat of the Black Cockatoo (including Carnaby's Black Cockatoo, Forest Red Tailed Black Cockatoo and Baudin's Black Cockatoo) which is also afforded protection under the EPBC Act 1999. This means that major developments (including rezoning to urban development), works or infrastructure that may impact on this vegetation would need to be assessed at a national level before proceeding.

The Department of Premier and Cabinet in partnership with the Commonwealth Department of the Environment have undertaken a strategic assessment under the EPBC Act of future development proposed under existing State and sub-regional plans. This Strategic Assessment has not identified Parklands as being suitable for future urban development.

Whilst it is acknowledged some landowners may have purchased land in anticipation of future zoning changes, until such time as Parklands is identified as future urban by the State Government and the Peel Region Scheme is amended, it is not appropriate for Town Planning Scheme No. 3 to provide definitive statements regarding future zoning. If the zoning of land in Parklands is to be anything other than Rural, this is ultimately a decision for the State Government and not the City of Mandurah.

Removing the ability to subdivide down to 1ha where scheme water is available

Amendment 136 proposed to increase the minimum lot size for Rural Residential lots from 2ha to 5ha and remove the minimum lot size of 1ha applicable where scheme water was available.

The removal of the ability to subdivide down to 1ha where scheme water is available was proposed to prevent further fragmentation of significant Local Natural Areas identified within the Parklands and Lake Goegrup areas.

Scheme water is currently only available in Parklands to lots along Red Road, Marri Court and portions of Stock Road and Mulga Drive as well as the Rural Residential lots surrounding Lake Goegrup, however should scheme water be further rolled out throughout the area there is significant potential for the vegetation to become highly degraded. It is generally recognised that further subdivision causes the degradation of vegetation due to clearing, fragmentation, removal of understorey, dieback, weed invasion and general increased development by virtue of additional building envelopes and firebreaks.

Currently 35% of lots that have access to scheme water within area have already been subdivided or have a valid approval for subdivision down to 1ha. There are 38 lots remaining that have the potential to subdivide under current scheme provisions subject all other requirements being met. 8 submissions were received objecting to the removal of the minimum 1ha lot size where scheme water is available. These were from landowners who have existing access to scheme water who wish to retain the ability to subdivide.

Within the submissions received, a number of landowners advised that they connected to scheme water with the express purpose of subdividing their property, with some owners having already made significant financial outlays in preparation for subdivision including surveying services and the preparation of bushfire management plans.

In recognition of this, it is recommended the amendment be modified to introduce a 'grandfathering' clause to allow those lots with current access to scheme water to have the potential to subdivide to a minimum lot size of 1ha subject to all other requirements being met. The 1ha minimum lot size will not apply to any additional lots should scheme water be extended further throughout the area as outlined. (See **Attachment 3**).

Banksia Woodland Protection

A number of submissions received queried the importance of vegetation within Parklands and raised concerns regarding conflicts between the protection of vegetation with bushfire management.

As mentioned above, vegetation within Parklands has been identified as a Threatened Ecological Community and recognised feeding habitat for the Carnaby Cockatoo (including the Carnaby's Black Cockatoo, Forest Red Tailed Black Cockatoo and Baudin's Black Cockatoo) both of which are protected under the EPBC Act 1999. As such the protection of this vegetation is considered important and in recognition of this, the City purchased 24ha of bushland within the Parklands that had been earmarked for subdivision.

Notwithstanding this, Council's Biodiversity Strategy recognises the importance of protecting vegetation on privately owned land and recommends Council act proactively to protect the biodiversity values of the District.

Minimum 5ha lot size for Rural Residential Lots

Two submissions were received from landowners within Southern Mandurah objecting to the adoption of a 5ha minimum lot size for all Rural Residential zoned land.

The proposed 5ha minimum for Rural Residential lots was proposed in accordance with the Southern Mandurah Rural Structure Plan which was adopted by Council in March 2015.

The Structure Plan had proposed to include land within either the Rural Residential (5ha minimum) or the Rural Residential (10ha minimum) zone based on analysis of the opportunities and constraints of the land. The Structure Plan underwent significant consultation prior to its adoption and whilst it is recognised that this Structure Plan, has not been approved by the WAPC, this was based on changes made to the *Planning and Development (Local Planning Schemes) Regulations 2015* regarding the form and function of structure plans, rather than the planning merits of the plan.

As a result, the Structure Plan is considered to be a strategic document adopted by the Council and it is appropriate that Amendment No. 136 reflects the minimum lot size as identified within this plan.

Other

The Department of Health in their submission have requested some minor modifications to Amendment No. 136 in accordance with current guidelines and to require the preparation of a mosquito management plan prior to rezoning and to reference EPA guidelines with regards to determining separation distances to extractive industries from sensitive land uses.

In locations where mosquito activity is high, management and design outcomes form part of the subdivision or development assessment in any case, and a further reference in the Scheme is not considered warranted at this time.

MEAG/MCCAG Comment

This item was considered by the Mandurah Environmental Advisory Group at its meeting on the 10th of March 2017 and the following recommendations were made:

MEAG support amendment 136 as is written.

Consultation

In accordance with the requirements set out in the Planning and Development (Local Planning Schemes) Regulations 2015, Amendment No. 136 was publicly advertised for a period no less than 42 days with the consultation period closing on the 31 March 2017.

Letters advising of the proposed changes under Amendment No. 136 were sent to all landowners within Parklands and Lake Goegrup and to all 'Rural' and 'Rural Residential' landowners within Southern Mandurah whose subdivision potential may be affected by the amendment. In addition a public notice was placed in the Mandurah Mail on the 23 February and 2 March 2017.

Following initial feedback on the amendment, a Frequently Asked Questions sheet was forwarded to all residents within Parklands and Lake Goegrup on the 16 February 2017, to provide further detail on the intent of the amendment. (See **Attachment 2**).

A total of 25 submissions were received during the consultation period. Of these submissions 5 were received from public agencies, 17 submissions from landowners within Parklands and Lake Goegrup, 2 submissions from Southern Mandurah and 1 submission from a Community Group.

Statutory Environment

The procedures for amending a Local Planning Scheme are set out in Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

On completion of the submission period for a scheme amendment, Council is required to consider all submissions made and pass a resolution to:

- a. Support the amendment without modification; or
- b. Support the amendment with proposed modifications to address the issues raised in the submissions;
or
- c. Not support the amendment.

Policy Implications

The Scheme Amendment has been prepared with consideration of the following:

- *SPP 2 Environmental and Natural Resources*
- *SPP 2.1 The Peel Harvey Coastal Plain Catchment*
- *SPP 2.6 State Coastal Planning Policy*
- *SPP 2.8 Bushland Policy for the Perth Metropolitan Region*
- *SPP 2.9 Water Resources*
- *SPP 3.4 Natural Hazards and Disasters*
- *SPP 3.7 Planning in Bushfire Prone Areas*

Economic Implications

Nil

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2013 – 2033* are relevant to this report:

Environment:

- Protect and ensure the health of the natural environment and waterways.
- Factor climate change predictions into land-use planning, building design and future Council decisions.

Infrastructure:

- Facilitate the provision of diverse housing stock.

Identity:

- Encourage active community participation and engagement.

Conclusion

Amendment 136, to Town Planning Scheme No 3 will provide improved statutory control and guidance for Rural and Rural Residential zoned land as previously proposed under the Southern Mandurah Rural Structure Plan zone.

In consideration of the submissions received, it is recommended that Council adopt Amendment 136 for final approval subject to the following modifications:

1. Retain the minimum lot size of 1ha where scheme water is currently available in Parklands and Lake Goegrup, with final lot sizes to be dependent on the assessment of bushfire hazard, biodiversity conservation and environmental constraints.
2. Amending references to EPA guidelines with regards to determining separation distances to extractive industries from sensitive land uses.

NOTE:

- Refer **Attachment 1** **Amendment 136 Submissions Table**
Attachment 2 **Parklands Frequently Asked Questions (As Advertised)**
Attachment 3 **Parklands and Lake Goegrup Lots with Scheme Water**

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

RECOMMENDATION

That

1. In accordance with Regulation 50(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Council supports Amendment 136 to Town Planning Scheme No 3, which proposes to update land use and subdivision provisions for the existing Rural and Rural Residential zones subject to modification, with the Scheme Amendment to read as follows:

- (a) Deleting Clause 4.7.1 ("Purpose and Intent of Zone") and replacing with the following:

4.7.1 Purpose and Intent of Zone (Refer to Table 7)

This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage replanting of indigenous vegetation.

Prior to considering any proposals to amend the Scheme to allow further rural residential subdivision Council will require a submission supporting the rezoning of the land to the Rural Residential zone, and such submission shall include:

- (a) *An assessment of the significance and conservation value of remnant vegetation including the retention and protection targets for Biodiversity set out in the Local Planning Strategy;*
- (b) *An assessment of the bushfire risk against the relevant State Planning Policy and associated guidelines, demonstrating compliance with bushfire protection criteria whilst not impacting on biodiversity targets;*
- (c) *An acid sulphate soils assessment;*
- (d) *An analysis of proposed lot sizes and subdivision design based on the assessment of land capability, bushfire hazard, biodiversity conservation and environmental assets;*
- (e) *Information regarding the method whereby it is proposed to provide a potable water supply to each lot;*
- (f) *The proposed staging of the development and any development provisions which may be required; and*

(g) any other information the Council may reasonably require.

- (b) Deleting Clause 4.7.3 ('Rural Residential Zone Specific Provisions') and Clause 4.7.4 ('Rural Residential Zone General Provisions') and replacing with the following:

4.7.3 Subdivision of land

Subdivisional lot sizes shall be not less than 5 hectares, unless otherwise specified within Appendix 4. Lot sizes nevertheless shall be dependent upon the assessment of land capability, bush fire hazard, biodiversity conservation and environmental constraints.

The following matters shall be considered when assessing an application for subdivision within the Rural Residential zone:

- 4.7.3.1 The significance and conservation value of remnant vegetation including the retention and protection targets for Biodiversity as set out in the Local Planning Strategy;*
- 4.7.3.2 The existing levels of the site;*
- 4.7.3.3 The appropriateness of the site for future development;*
- 4.7.3.4 An assessment of the bushfire risk against the relevant State Planning Policy and associated guidelines, demonstrating compliance with bushfire protection criteria whilst not impacting on biodiversity targets;*
- 4.7.3.5 The need for an Acid Sulphate Soils Management Plan, and where relevant imposed as a condition of subdivision;*
- 4.7.3.6 A determination of necessary Wetland Buffers to all wetlands, with all relevant Environmental Protection Policy, Conservation Category and Resource Enhancement Wetlands to be ceded to the Crown as a reserve as a condition of any subdivision approval.*
- 4.7.3.7 For lots within 1000m on any existing approved Extractive Industry, the potential to prejudice current or future extraction activities including the likely effects of vehicular traffic, noise, blasting, dust and vibration arising from the extractive industry on the proposed subdivision and potential new lots arising from the subdivision unless appropriate measures can be taken to ameliorate the adverse impacts in accordance with the relevant Environmental Protection Authority's relevant guidelines.*

4.7.4 General Development Requirements

The following shall apply to all development within the Rural Residential zone:

- 4.7.4.1 A building envelope shall be approved under the provisions of ~~Clause 7.1 of the Scheme (Planning Approval)~~, Part 7 of the Deemed Provisions of the Scheme (Development Approval) unless otherwise approved as part of a Subdivision Guide Plan that was previously approved under the provisions of Scheme 3.*

- 4.7.4.2 All Building Envelopes shall be located in accordance with the following provisions:**
- (a) Shall not exceed 2000 square metres in area, unless otherwise specified in Appendix 4 in an approved Bushfire Management Plan.**
 - (b) Minimise the need for clearing of remnant vegetation by being located within the most degraded area of the lot;**
 - (c) Ensure consistency with the Bushfire Regulations with respect site layout, vehicular access, firefighting water supply and siting of development;**
 - (d) Have regard for visual landscape values respecting views to and from the development site through avoidance of significant rock outcrops, ridgelines and visually dominant topography; and**
 - (e) Setback from relevant property boundaries as required by Table 7 – Rural Residential zone.**
- 4.7.4.3 Any variation of an approved building envelope shall be subject to the approval requirements for an application for development approval as required by the Scheme.**
- 4.7.4.4 All development shall be contained within the approved Building Envelope, which includes the following:**
- (a) The area for the construction of a dwelling and all outbuildings which shall generally be constructed in a central location within the building envelope to minimise clearing required for a Building Protection Zone as specified in the Bushfire Regulations;**
 - (b) Contain effluent disposal systems and associated drainage and potable water supply tank;**
 - (c) Any earthworks or filling of the land, including those required to meet minimum finished floor levels as required;**
 - (d) The undertaking of all land uses as set out in Table 7, unless otherwise approved as part of an application for development approval.**
- 4.7.4.5 Council may require the planting of trees and/or groups of trees, where tree cover is considered deficient to facilitate rehabilitation of understorey species as a condition of any development approval.**
- 4.7.4.6 No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where development approval has been obtained or is exempt under Section 6.5 of the Scheme.**
- 4.7.4.7 Within a Nutrient Retention Area as identified in the relevant Structure Plan, all development shall be serviced by an Aerobic Treatment Unit (ATU) that include high nutrient retaining capacities in accordance with Department of Health guidelines. In all other areas, conventional onsite effluent disposal systems shall only be permitted if located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded**

groundwater level and at least a 100 metre horizontal separation from any water body.

4.7.4.8 *All stormwater shall be contained on site.*

4.7.4.9 *The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Stocking rates shall be limited to those specified by Agriculture WA. Where in the opinion of the Council the continued presence of animals on any portion of land ~~in the estate~~ is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.*

4.7.4.10 *All buildings intended for residential use must include provision for the storage of water in tanks of not less than 130000 litres capacity where no arrangement has been made for connection to a reticulated water supply provided by a licenced water provider.*

4.7.4.11 *In respect of existing subdivisions, the development standards as specified in Appendix 4 shall apply.*

(c) *Deleting the second sentence of Clause 4.8.1 and replacing with “This zone applies to those parts of the municipality that have significant environmental sensitivities”.*

(d) *Deleting Clause 4.8.3 ('Rural Zone Specific Provisions') and Clause 4.8.4 ('Rural Zone General Provisions') and replacing with the following:*

4.8.3 *Specific Provisions*

The following shall apply to all new subdivision and development of land in the Rural zone:

4.8.3.1 *Subdivision lot sizes shall be not less than 40 hectares but shall be subject to the assessment of land capability, environmental asset and bushfire risk management measures together with the relevant plans, strategic advice and bulletins of the Western Australian Planning Commission and Environmental Protection Authority. The subdivider may be required to undertake strategic revegetation of cleared or degraded areas.*

4.8.3.2 *No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where development approval has been obtained or is exempt under Section 6.5 of the Scheme.*

4.8.3.3 *No clearing or development of any type will be permitted within 300m of the high water mark of Lake Clifton and the Peel-Harvey Estuary with the exemption of firebreaks as required.*

4.8.3.4 *Effluent disposal systems shall be located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded groundwater level and at least a 100 metre horizontal separation from any water body.*

4.8.3.5 *The keeping of horses, sheep, goats and other grazing animals shall be limited to equivalents per hectare as recommended by the Department of Agriculture. Where in the opinion of the Council the continued presence of*

animals on any portion of land ~~in the estate~~ is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

4.8.3.6 *A potable water supply comprising not less than 130,000 litre tank is to be provided for each lot not connected to reticulated water at the time of developing the land with sheds and/or a dwelling.*

4.8.3.7 *All subdivision and development surrounding classified wetlands shall be referred to the relevant state government agency responsible for wetland classification for assessment.*

(e) Deleting the following from the Minimum Lot Area requirements in Table 7 – Rural Residential Zone: “2ha or 1ha with scheme water (with the exception of those areas within the Lake Clifton catchment where generally an average lot size of 5ha with 2ha minimum is required)”, and replacing with “Determined in accordance with Clause 4.7.3 or as specified in Appendix No.4”.

(f) Deleting the following from the Other Requirements in Table 7 – Rural Residential zone: “& the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton) requirements.

(g) Deleting the Other Requirements from the Dwelling (Single House) use in Table 7 – Rural Residential Zone.

(h) Adding “With the intention of preserving and conserving the existing natural vegetation and mature trees, and preventing land use practices detrimental to the amenity of the locality, no intensive agricultural or horticultural or market gardening activities will be permitted on the land within the Zone, although Council may permit domestic scale activities within the defined Building Envelope only” into the other requirements Intensive Agriculture, Hobby Farm, Rural Pursuit land uses.

(i) Modifying Appendix 4 - Special Requirements – Rural Residential as follows:

i. Deleting Areas 8 and 9;

ii. Adding Areas 1 and 2 with the following text and the Areas being shown (as per Attachment 3 of the Report)

“1. Due to the proximity of Lake Goegrup and the potential for ecological disturbance of the wetland, Council may refuse any development that will have a negative impact on the ecology of the Lake.

2. Subdivision lot sizes shall be no less than 1 hectare, subject to the assessment of land capability, bushfire hazard, biodiversity conservation and environmental constraints”.

(j) Amending the Scheme Maps to include an Additional Use overlay on Lot 20 Old Coast Road, Bouvard and inserting the following provisions into Appendix 2 – Additional Uses:

NO	LAND PARTICULARS	BASE ZONE	ADDITIONAL USES	DEVELOPMENT STANDARDS/CONDITIONS
17	Lot 20 Old Coast Road, Bouvard	Rural	Convenience Store	Nil

2. **Three copies of the modified Scheme Amendment documents for Amendment 136 be signed and executed on behalf of Council and forwarded to the Western Australian Planning Commission seeking final approval by the Minister for Planning.**

Attachment 1
Amendment 136 – Submissions Table

Owner / Address	Submission (Summarised comments)	Comment
<p>1. T & S Galea</p> <p>Lot 7, No 313 Lakes Road, Parklands</p> <p>Lot Area:2.023ha</p> <p>No Scheme Water Available</p>	<p>Please keep us informed</p>	<p>a. Noted.</p>
<p>2. T Sri-Innop Dodd, RG Ross & N Sri-Innop Ross</p> <p>Lot 402, No 30 Marlock Way, Parklands</p> <p>Lot Area: 2.102ha</p> <p>No Scheme Water available</p>	<p>a. Smaller lots would assist in fire and bush management and would be easier to maintain.</p> <p>b. Would like the ability to subdivide property into small parcels.</p> <p>c. Previously gave up land free of cost and contributed towards the construction of Marlock Way believing it would make the area more accessible for future subdivision.</p> <p>d. Property is currently too difficult to manage due to its size. Insurance and maintenance cost of these properties is high to need to retain trees and potential risk to the house.</p>	<p>a. Subdivision into smaller lots would result in the further degradation of vegetation through clearing, fragmentation, removal of understorey, dieback, weed invasion and general increase developed by virtue of additional building envelopes and firebreaks.</p> <p>b. The subject lot is not connected to scheme water and is therefore not currently eligible for subdivision. The land has not been designated for urban investigation under any State or regional planning undertaken by the State Government since 1993.</p> <p>c. The Parklands area remains zoned "Rural" under the Peel Region Scheme, and zoning under Town Planning Scheme No. 3 must be consistent with this zone. An urban zoning is not consistent with the "Rural" zone under the Region Scheme</p> <p>d. Insurance and maintenance costs due to the size of a property are not a material planning consideration.</p>
<p>3. Eric Fawcett</p> <p>Lot 97, No 121 Mulga Drive, Parklands</p> <p>Lot Area: 2.0347ha</p> <p>No Scheme Water available</p>	<p>a. Oppose proposed changes.</p> <p>b. Many people have purchased land on the understanding the land had been identified for future urban development.</p> <p>c. Urban development makes sense for this area given its proximity to town centre and infrastructure including sewerage, refuse recycling tip, upgraded power supply, all of which are within 1km of property. In addition close schools, new sporting</p>	<p>a. Noted.</p> <p>b. Whilst it is acknowledged that landowners may have purchased land in anticipation of future zoning changes, no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993 and the Strategic Assessment for the Perth and Peel regions under the EPBC Act 199 has not identified Parklands as being suitable for future urban development.</p> <p>c. It is recognised that Parklands is located within close proximity to the City Centre and services, however the area has not been identified as future urban under any regional or subregional planning undertaken by the State Government since 1993.</p>

	<p>grounds, hospital, university, industrial area, shopping centres, golf course etc.</p> <p>d. Main reason for zoning change is to protect valuable eco-system yet many developments around parklands have resulted in said valuable ecosystem being destroyed.</p> <p>e. If the natural bush of Parklands is that important than it should be bought back and managed as a reserve to be protected.</p> <p>f. The subdivision of Geogrup should not go ahead and also be purchased and turned into reserve.</p> <p>g. It makes sense to develop an area such as Parklands into residential that is already had the environment compromised than to open up completely new untouched bush for further development.</p> <p>h. Council seems to have two sets of rules. Prepared to extend and develop more industrial land that was natural bush north of the refuse site and allowed development and freeway, freeway access road and train line through natural bush, and currently developing an irrigated grassed area on public space on Red Road rather than returning it back to bush.</p> <p>i. Parklands no longer identified for urban with no real consultation or compensation.</p> <p>j. If the council was truly concerned with protecting the environment then they would limit the amount of urban spread and develop areas such as Parklands that is close to the city centre and all public services.</p>	<p>d. Existing provisions under TPS 3 and provisions proposed under Amendment 136 includes vegetation protection mechanisms within Rural Residential properties.</p> <p>e. The City of Mandurah through its Bushland Protection Strategy has acquired 24ha of bushland within Parklands in order to protect this parcel from further subdivision.</p> <p>f. The changes proposed under Amendment 136 will result in no further subdivision of the Rural Residential lots adjacent to Lake Goegrup.</p> <p>g. Parklands contains vegetation that has been identified as a Threatened Ecological Community and is therefore worthy of protection.</p> <p>h. The industrial land north of the refuse site is zoned urban development and the industrial development is consistent with this zoning.</p> <p>The Red Road Reserve masterplan has been prepared to provide for local recreation opportunities as well as for substantial revegetation. Revegetation represents Stage one of the proposal.</p> <p>i. Parklands has not been identified as future urban in any state or regional planning since 1993. Amendment No. 136 proposes the removal of a strategic statement about the potential for the area to become future urban in order to ensure consistency between local and state planning.</p> <p>j. The City's future growth will be largely catered for through infill development within the City centre.</p>
<p>4. Brett Samuels</p> <p>Lot 10, No 34 Marlock Way, Parklands</p> <p>Lot Area: 2.1709</p> <p>No Scheme water available</p>	<p>a. Parklands is just 5km from the city centre making it virtually inner urban and is the only significant sized developable area immediately east of Mandurah City without water table, clay and sulphate soil issues. Parklands is elevated within predominantly yellow sand, walking distance to University, Tafe, College and Schools, within 3km of hospital,</p>	<p>a. Whilst it is recognised that Parklands is located within close proximity to the City Centre and services, the area has not been identified as future urban under any regional or subregional planning undertaken by the State Government since 1993. In addition the Strategic Assessment for the Perth and Peel Regions under the Federal Government's EPBC Act</p>

	<p>has available two 132Kv power circuits, has main scheme water transecting the suburb, is encircled by Kwinana freeway, Perth train line, major entrance road to Mandurah and Lakes Road leading to future 10000ha Pell Business Park, and contains one of Mandurah's largest council owned recreation space.</p> <p>b. Whilst acknowledging environmental considerations, proactive planning is the way forward, including researching urban nodes with wildlife corridors, master planning the entire estate starting with land south of Marginata Road which is virtually totally degraded.</p>	<p>1999 has not identified Parklands as being suitable for future urban development.</p> <p>b. Vegetation within the Parklands area primarily consists of Banksia Woodland which is listed as a Threatened Ecological Community under the EPBC Act 1999. Major developments, works or infrastructure that may impact on this vegetation will need to be formally assessed under the EPBC Act before proceeding, and together with the existing pattern of development and the number of landowners involved represents significant constraints to urban development occurring in a manner that would not result in significant loss of vegetation.</p> <p>The Parklands area remains zoned "Rural" under the Peel Region Scheme, and zoning under Town Planning Scheme No. 3 must be consistent with this zone. An urban zoning is not consistent with the "Rural" zone under the Region Scheme.</p>
<p>5. Dr Peter and Mrs Raelyn Punch</p> <p>Lot 504, No 1 Pinto Close, Parklands</p> <p>Lot Size: 2.0972ha</p> <p>No scheme water available</p>	<p>a. Property was purchased as an investment on the understanding the property has been zoned future urban and is a significant component of our retirement nest egg. Our intention was to subdivide the lot once the zoning change came through.</p> <p>b. The proposed change will have a serious impact on us financially as it will prevent us subdivision our lot.</p> <p>c. Refute the suggestion the area is not suitable for urban development as within 500m on the opposite side of Manjoogoordup Road a subdivision has been created on country identical to or lot.</p> <p>d. The land has been parkland cleared for years, there are very few mature banksia's and believe decision has been made on flimsy environmental grounds.</p> <p>e. The City is selecting a soft target rather than the large corporations that</p>	<p>a. Whilst it is acknowledged that landowners may have purchased land in anticipation of future zoning changes, no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993 and the Strategic Assessment for the Perth and Peel regions under the EPBC Act 199 has not identified Parklands as being suitable for future urban development.</p> <p>b. The subject lot is unable to be subdivided under the current zoning and scheme provisions.</p> <p>c. Whilst it is recognised that Parklands is located adjacent to existing Urban areas, Parklands has not been identified as future urban under any State or Regional planning since 1993.</p> <p>d. Vegetation within Parklands has been identified as Banksia Woodland which is a Threatened Ecological Community identified for protection under federal legislation.</p> <p>e. Through Amendment No. 136, the City is seeking to align TPS No. 3 with</p>

	<p>have been given cart blanche to clear every tree in Madora and Lakelands.</p> <p>f. Urge City to reconsider proposal and instead apply the urban zoning as soon as possible so the area can be developed in a fashion similar to Lakelands.</p>	<p>the State and Regional Planning undertaken for the area.</p> <p>f. The Parklands area remains zoned "Rural" under the Peel Region Scheme, and zoning under Town Planning Scheme No. 3 must be consistent with this zone. An urban zoning is not consistent with the "Rural" zone under the Region Scheme.</p>
<p>6. C and C Venables</p> <p>Lot 31, No. 2 Maldon Place</p> <p>Lot Size: 2.012ha</p> <p>No scheme water available</p>	<p>a. Object to the amendment.</p> <p>b. Suggest impact on trees and Carnaby Cockatoos can be solved by identifying habitat trees to be retained at the subdivider/owner expense and only allow clearing around the house. The house can be located to fit in around trees.</p> <p>c. Intended to subdivide our property into 5 2000m2 lots as part of our 20 year retirement plan based on the future urban zoning of the land.</p>	<p>a. Noted</p> <p>b. Building envelopes are a mechanism that is currently uses in order to minimise clearing of vegetation on Rural Residential lots. However, further subdivision does result in degradation of vegetation due to fragmentation, weed infestation, removal of understorey and general increased development by virtue of firebreaks and additional building envelopes.</p> <p>c. Subdivision into 5 lots would not be permitted under the current zoning of the property. Whilst it is acknowledged that landowners may have purchased land in anticipation of future zoning changes, no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993 and the Strategic Assessment for the Perth and Peel regions under the EPBC Act 199 has not identified Parklands as being suitable for future urban development.</p>
<p>7. Nigel Rooney</p> <p>Lot 215, No 18 Mulga Drive, Parklands</p> <p>Lot Area: 2.0249ha</p> <p>Scheme water available</p>	<p>a. Believe Parklands is perfect for further subdivision particularly from Red Road down to Gordon Road or even as far back as Marginata Road.</p> <p>b. The City is proposing a football oval and recreational area on the Red Road Reserve. Question who will use this without the area being developed and having people to support it?</p> <p>c. Believe that firebreaks on adjacent properties together with battle-ax legs provides sufficient cleared areas to safely exit a property.</p> <p>d. Believe the new fire regulations and restrictions will result in most of the properties being cleared anyway.</p> <p>e. The Black Cockatoos do not feed or stay on my property and have never done so.</p>	<p>a. Noted.</p> <p>b. The Red Road Masterplan was prepared as a result of community consultation with the residents of Parklands.</p> <p>c. Any further subdivision will need to comply with the Planning for Bushfire Protection Guidelines with respect to emergency access.</p> <p>d. There is a need to balance fire protection mechanisms with vegetation protection.</p> <p>e. Vegetation within Parklands has been identified as Banksia Woodland which is a recognised feeding habitat for the Black Cockatoo.</p> <p>f. Modifications are proposed to Amendment No. 136 to retain the</p>

	f. Numerous properties have been subdivided around my property and I have the full intention of subdividing my property in the future. Will compensation be provided for those owners no longer able to subdivide?	ability to subdivide down to 1ha for those landowners currently eligible to do so under TPS3, subject to addressing bushfire management and vegetation protection.
<p>8. C & R Wolfenden</p> <p>Lot 51, No 60 Mulga Drive, Parklands</p> <p>Lot Size: 2.0342ha</p> <p>Scheme water available</p>	<p>a. Object to the removal of the option to subdivide to 1ha where scheme water is available.</p> <p>b. Purchased the land as the land was zoned with the option to subdivide.</p> <p>c. In 2010 were offered an opportunity to connect to scheme water which we did as it would satisfy one of the subdivision requirements for our future use. Would not have paid for the connection if we had known the amendment would be introduced as we were already self-sufficient by utilizing rain water tanks.</p> <p>d. Believe consultation should have been made prior to the City commencing the amendment planning process.</p> <p>e. Believe each subdivision application should be judged on its merits. In our case we believe our property should be allowed to subdivide for the following reasons:</p> <ol style="list-style-type: none"> 1) Our block is already partially bushland cleared, which was how we purchased it from the original owners. There would be minimal clearing required for building envelopes in certain parts of the subdivision. 2) The tract of land which the Water Authority acquired can act as an extra escape route in case of emergency fire evacuation. 3) The land behind our property is to be developed into public open space which will be also be cleared substantially and can act as a buffer to fire as well and allow emergency access/escape. 4) Our property's main driveways will/are onto a major roadway, Mulga Drive which leads to Gordon Road (650 metres), an access route to the Coast via Mandurah Road (1.9km) and out of Mandurah via the Freeway. 5) A main water tower is situated apposite our property which can be used as a water source by firefighters in an emergency. 	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Noted. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water.</p> <p>d. The amendment process includes a 42 day consultation period. All submissions received will be considered prior to any final decision being made.</p> <p>e. Noted. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water.</p>
<p>9. K Miller</p> <p>Lot 601, No 151 Red Road, Parklands</p>	<p>a. Object to the amendment as it is a blanket discrimination against the long term planning of families in place of assessing property development of</p>	<p>a. Noted</p>

<p>Lot Size: 3.8967ha</p> <p>Scheme water available</p>	<p>existing rural and rural residential zones on individual merit.</p> <p>b. Parkland has no services such as footpaths on individual streets and increasing landholding size it is likely to receive even less services</p> <p>c. Perth has a commendable policy of infill.</p>	<p>b. Noted</p> <p>c. Noted.</p>
<p>10. CJ Miller</p> <p>Lot 601, No 151 Red Road, Parklands</p> <p>Lot Size: 3.8967ha</p> <p>Scheme water available</p>	<p>a. Strongly objects to the amendment.</p> <p>b. This proposal has already been taken to higher authorities, by the City of Mandurah, seeking their endorsement, when you alleged that the vote will be taken after the closing date of 31/3 /2017. This is not a fair democratic process.</p> <p>c. One of the reasons given for the implementation of 136, is that future urbanisation will protect the black cockatoos" habitat. Previously informed the Lakeside Cemetery would not be developed in the future north side (Marginata Rd) as it would damage the black cockatoos habitat. This area is now being serviced.</p> <p>d. Secondly, The City of Mandurah has had an opportunity to purchase 27 hectares of bushland, next door to the Lakeside Cemetery</p> <p>e. Thirdly, given residents of Parklands, particularly Red Road and part of Mulga Road have already paid for their own water and electricity supply, paid for surveyors fees and had their properties in at Land gate and WA Planning, in consideration of development, these developments should be given approval to continue. These endeavours were only considered as it was the City of Mandurah who allowed this to go ahead given we had scheme water in place. Some of these properties do not have many trees on them given they have been degraded over many years by livestock .</p> <p>f. Finally, given many local residents of Parklands purchased their properties as retirement investments and may now be penalised as the City of Mandurah seemingly has a vision that changes as the wind blows and appears to be incompetent at reading their Planning Commission urbanisation notices properly .These people will need compensation to</p>	<p>a. Noted.</p> <p>b. The amendment has been progressed in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. Following Council's resolution the amendment will be forwarded to the WAPC for approval by the Minister for Planning together with all submissions made.</p> <p>c. The City is required to submit an application for any clearing required in conjunction with Lakeside Cemetery with the Department of Environment Regulation (DER), with consideration to potential impacts on any potential Black Cockatoo feeding habitat.</p> <p>d. In recognition of the significance of the Banksia Woodland vegetation community, the City of Mandurah through its Bushland Protection Strategy has acquired 24ha of bushland within Parklands.</p> <p>e. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water.</p> <p>f. Whilst it is acknowledged that landowners may have purchased land in anticipation of future zoning changes, no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993 and the Strategic Assessment for the Perth and Peel regions under the EPBC Act 199 has not identified</p>

	address natural justice issues of Local Government incompetence.	Parklands as being suitable for future urban development.
<p>11. C Brown</p> <p>Lot 25, No 76 Red Road, Parklands.</p> <p>Lot Size: 2.4028ha</p> <p>Scheme water available</p>	<p>a. Object to the proposed changes for Red road, in regards to removing the ability to subdivide down to 1ha with scheme water.</p> <p>b. Subdividing was a part of retirement plan and intended to do so in the next year or two.</p> <p>c. Property is already connected to scheme water and is cleared so is not a threat to fire.</p>	<p>a. Noted.</p> <p>b. Noted.</p> <p>c. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water.</p>
<p>12. Emma Obst and Scott Pursehouse</p> <p>Lot 208, No 1 Marri Court</p> <p>Lot Size: 2.0044ha</p> <p>Scheme water available</p>	<p>a. We purchased our property with the intension of subdividing (as the regulations allowed us to in line with the current zoning) and our application was lodged late last year. I believe the majority of people already connected to scheme water also have the intension of subdividing in the future, and remaining properties in the Parklands District also, not yet connected to scheme water, had this intension, many being a part of retirement plans. Our surrounding properties, bar one have all been successfully subdivided in recent years.</p> <p>b. I also question how Lot 477 Mulga Drive East subdivision was approved as I don't believe they are connected to scheme water?</p> <p>c. Our application is still being processed and has been deferred for the second time due to additional time being required to modify and consider the Bushfire Management Plan and make it consistent with the requirements of the State Planning Policy 3.7. Our BAL level is 12.5 but the issues that have been raised relate to the impact of vegetation, in particular Banksia and Red Gum Trees. As per our version 2 BMP, our building envelope (including driveway and shed) does not require us to remove ANY trees including the said protected trees, and MAY only require small branches of other species to be slightly cut back. Furthermore, all areas confirmed black cockatoo habitat will remain protected as they are outside of our building envelope. Therefore we believe the subdivision of our property will have minimal impact on the vegetation, the character of the area or habitat quality of all</p>	<p>a. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water.</p> <p>b. Lot 477 Mulga Drive East was strata titled into two lots in 1997. The application was not supported by Council and refused by the Western Australian Planning Commission. An appeal on this decision was upheld on the basis of the property containing two dwellings.</p> <p>c. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water subject to all other requirements being met.</p>

	<p>vegetation and fragmentation of wildlife corridors and all these aspects will be retained. We are doing everything we are required and being asked of and we would like to know exactly on what basis our application is being held up? We believe we are being disadvantaged with regards to this application, not including the financial and emotional issues associated with this.</p>	
<p>13. Mr and Mrs Stone</p> <p>Lot 302, No 168 Gordon Road, Parklands</p> <p>Lot Size: 1.0024ha</p> <p>Scheme Water Available</p>	<p>a. <u>Multiple ownership and availability of services</u></p> <p>The suitability of Parklands as future urban development was recognised, identified and earmarked many years ago. We received a letter in the late 80's/early 90's from the WA Town Planning Commission stating that the Parklands area would be turned into normal residential blocks.</p> <p>Our property is located close to all required amenities such as schools, Tafe, university, health care and shopping centres, and in fact is considerably closer to all services and amenities than some areas already developed (eg Madora, Lakelands etc).</p> <p>b. Preservation of Banksia Woodlands</p> <p>If Federal, State and Local Government Protection is required for Banksia Woodland vegetation, why has no action been taken to stop the ongoing destruction of the Banksia Woodlands in a large part of Parklands caused by contamination of the groundwater with bacteria, nitrates and other nutrients by the Water Corporation which was first recognised 20 years ago.</p> <p>It was recognised in 1997 the groundwater in an area approximately 1km radius of the Wastewater Treatment Plant had been severely contaminated and was so severe that the Water Corporation extended scheme water to that portion of southern Parklands free of charge. The pollution continues to decimate native trees. Throughout the balance of Parklands at least 50% of the properties have been parkland cleared and contain none or few Banksias.</p> <p>c. Protection of Carnaby's Black Cockatoo feeding habitat</p>	<p>a. Whilst it is acknowledged that Parklands is located close to schools, amenities and services no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993. The Strategic Assessment for the Perth and Peel regions under the EPBC Act 1999 also has not identified Parklands as being suitable for future urban development.</p> <p>b. The Waste Water Treatment Plant is licenced by the Department of Environment Regulation. The Water Corporation are required to undertake extensive groundwater monitoring on a regular basis in accordance with their licence conditions. The parameters tested include nutrients and bacteria.</p> <p>c. The Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain prepared under s266B of the Environmental Protection and</p>

	<p>In 32 years of living in the parklands area we have never seen any Carnaby's Black Cockatoos on our property or in its vicinity. Have only ever seen the Forest Red tailed black cockatoo.</p> <p>The closest feeding habitat as identified in the Carnaby's Cockatoo Habitat Survey Assessment of the Perth-Peel region prepared for Department of Sustainability, Environment, Population and communities is the Rockingham Lakes Regional Park to the north and Austin Bay Nature Reserve and Carrabungup Nature Reserve south of the Peel inlet. Have not been able to find any environmental science data supporting the City's statement that Parklands contains a Carnaby's Cockatoo Feeding habitat.</p> <p>d. Subdivision to 1ha in Bushfire Prone areas</p> <p>Dispute that subdivision of lots down to 1ha is not appropriate in bushfire prone areas. Subdivision down to 1ha would provide occupants with far greater fire protection than the existing 2ha by additional firebreaks, building envelopes, building protection zones, hazard protection zones, scheme water and the required fire management plans (non-existent for the present 2ha lots).</p> <p>Stating that subdivision down to 1ha would result in little vegetation remaining on lots is misleading as the maximum building envelope is 2000m² with the building protection and hazard reduction zones generally within that zone, and 80% of each lot is protected by the current Tree Preservation provisions.</p> <p>e. Reference is made regarding battleaxe legs being inappropriate from a management perspective however they have been deemed suitable for DFES. Many properties have frontage of more than 100m and could be subdivided without the need for battleaxe legs, and any battleaxe legs required would be 100m or less. Firebreaks and neighbouring properties can provide adequate escape routes.</p> <p>f. The proposal to increase the minimum lot size from 2ha to 5ha appears to be related to the southern areas of Lake Clifton however in TPS 3 the lot size is already specified as</p>	<p>Biodiversity Act 1999, states that Banksia Woodland supports a rich and diverse array of fauna species including the black cockatoos (Carnaby's black cockatoos, forest red-tailed black cockatoo and Baudins black cockatoo. These species migrate to the coast each year where they feed upon the flower and fruiting cones of Banksia and related species within the ecological community. All three species of Black Cockatoo are afforded protection under the EPBC Act.</p> <p>d. Bushfire management is required to be balanced with vegetation protection. Clearing for building envelopes, firebreaks, building protection zones and hazard reduction zones all result in the impacts vegetation through fragmentation, removal of understorey, introduction of dieback and weed invasion.</p> <p>e. Any further subdivision will need to comply with the Planning for Bushfire Protection Guidelines with respect to emergency access.</p> <p>f. The proposed 5ha minimum lot size will apply to all new subdivisions within the Rural Residential zone and will replace the currently Scheme provisions which states that within the Lake Clifton catchment an average lot size of 5ha with a minimum of 2ha applies.</p>
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	<p>5ha with a minimum lot size of 2ha. It is not clear where the minimum 2ha would be permitted. This should be clarified.</p> <p><u>Conclusion</u></p> <p>g. Reference is made to DRAFT South Metropolitan Peel Sub-Regional Planning Framework. It is inappropriate and premature for the City to make any changes based on a draft document prior to the finalisation of this document.</p> <p>h. Any attempt to protect and preserve the Banksia Woodland by decree prior to rectifying the ongoing destruction of Banksias and other native trees by the Water Corporation would be a waste of time. A comprehensive study should be undertaken to establish the current extent of the groundwater pollution and methods and time span of any possible rectification.</p> <p>As a large percentage of Parklands has already been parkland cleared a comprehensive survey should be undertaken to identify the location of the pockets of remnant Banksia and methods that could be utilised for their protection without the far reaching effect of an amendment to TPS 3 that affects the whole of Parklands. Is Parklands a Carnaby's Black Cockatoo feeding habitat? Where is the environmental scientific evidence identifying this? Studies should be done on the methods of protecting identified areas without the far reaching effect of an amendment to TPS 3 that affects the whole of Parklands.</p> <p>i. The subdivision down to 1ha for lots with scheme water provides occupants with far greater protection from bushfire than the current 2ha lots as previously explained.</p> <p>The protection of human life is far more important than the preservation of remnant pockets of Banksia woodlands.</p> <p>j. Due to the proximity to all essential amenities and the rapid depletion of suitable future urban land Parklands should remain as described in TPS 3 until required for urbanisation. Parklands is an area already affected by human habitation. There are large broad hectare areas of Banksia woodlands just north of Parklands unaffected by human habitation that could be preserved and protected by</p>	<p>g. Whilst the South Metropolitan Peel Sub-Regional Planning Framework is still a draft, not other State or regional planning undertaken by the State government has identified Parklands as future urban since 1993.</p> <p>h. Banksia Woodland is a Threatened Ecological Community and is afforded protection under federal legislation. The City will liaise with the Water Corporation and DER regarding the potential contamination issues.</p> <p>i. Bush fire protection should balance with the need to protect vegetation.</p> <p>j. Whilst it is acknowledged that Parklands is located close to schools, amenities and services no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993.</p>
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	decree and could also provide feeding habitat for Carnaby's Black Cockatoos.	
<p>14. James Guerin</p> <p>Lot 304, No 154 & Lot 303 No 160 Gordon Road, Parklands</p> <p>Lot Sizes: 1.1129ha and 1.0328ha</p> <p>Scheme Water Available</p>	<p>a. <u>Multiple ownership and availability of services</u></p> <p>The suitability of Parklands as future urban development was recognised, identified and earmarked many years ago.</p> <p>Stating multiple ownership as a significant constraint to future urbanisation is misleading, there are many precedents in metropolitan Perth where vast areas of 5acres lots were urbanised.</p> <p>Availability of services cannot be considered a restraint as all services are available in Gordon Road. Developers are responsible for installing and extending services.</p> <p>Parklands is located close to all required amenities such as schools, Tafe, university, hospital, health care and shopping centres, and in fact is considerably closer to all services and amenities than some areas already developed (eg Madora, Lakelands etc).</p> <p>b. <u>Preservation of Banksia Woodlands</u> If Federal, State and Local Government Protection is required for Banksia Woodland vegetation, why has no action been taken to stop the ongoing destruction of the Banksia Woodlands in a large part of Parklands caused by contamination of the groundwater with bacteria, nitrates and other nutrients by the Water Corporation which was first recognised 20 years ag. It was recognised in 1997 the groundwater in an area approximately 1km radius of the Wastewater Treatment Plant had been severely contaminated and was so severe that the Water Corporation extended scheme water to that portion of southern Parklands free of charge. The pollution continues to decimate native trees.</p> <p>With the population growth the treatment plant has had to cater for it is logical to assume that the area of pollution would be greater. The current area of pollution needs to be re-assessed.</p> <p>I</p> <p>c. <u>Protection of Carnaby's Black Cockatoo feeding habitat</u></p>	<p>a. Whilst it is acknowledged that Parklands is located close to schools, amenities and services no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993. The Strategic Assessment for the Perth and Peel regions under the EPBC Act 1999 also has not identified Parklands as being suitable for future urban development. Multiple ownership and number of lots whilst not insurmountable does make land assembly more challenging with the need to share costs regarding the provision of service, public open space and public facilities.</p> <p>b. The Waste Water Treatment Plant is licenced by the Department of Environment Regulation. The Water Corporation are required to undertake extensive groundwater monitoring on a regular basis in accordance with their licence conditions. The parameters tested include nutrients and bacteria.</p> <p>c. The Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain prepared under s266B</p>

	<p>The closest feeding habitat as identified in the Carnaby's Cockatoo Habitat Survey Assessment of the Perth-Peel region prepared for Department of Sustainability, Environment, Population and communities is the Rockingham Lakes Regional Park to the north and Austin Bay Nature Reserve and Carrabungup Nature Reserve south of the Peel inlet.</p> <p>The 2016 Great Cocky Count, DPaW noted Forest Red tailed black cockatoos were observed at a site in Parklands, however neither Baudin's nor Carnaby Cockatoos were observed.</p> <p>Have not been able to find any environmental science data supporting the City's statement that Parklands contains a Carnaby's Cockatoo Feeding habitat.</p> <p>d. Subdivision to 1ha in Bushfire Prone areas</p> <p>Subdivision down to 1ha would provide occupants with far greater fire protection than the existing 2ha by additional firebreaks, building envelopes, building protection zones, hazard protection zones, scheme water and the required fire management plans (non-existent for the present 2ha lots).</p> <p>The statement that subdivision down to 1ha would result in little vegetation remaining on lots is misleading as the maximum building envelope is 2000m² with the building protection and hazard reduction zones generally within that zone, and 80% of each lot is protected by the current Tree Preservation provisions. Reference is made regarding battleaxe legs being inappropriate from a management perspective however they have been deemed suitable for DFES. Many properties have frontage of more than 100m and could be subdivided without the need for battleaxe legs, and any battleaxe legs required would be 100m or less.</p> <p>e. Battleaxe legs are required to be hard surfaces capable of supporting large Fire Brigade appliances and have turn around T junctions. In the event of a bushfire this enables the Fire Brigade far greater access and fire fighting ability than the soft sand firebreaks common to most 2ha properties.</p>	<p>of the Environmental Protection and Biodiversity Act 1999, states that Banksia Woodland supports a rich and diverse array of fauna species including the black cockatoos (Carnaby's black cockatoos, forest red-tailed black cockatoo and Baudins black cockatoo. These species migrate to the coast each year where they feed upon the flower and fruiting cones of Banksia and related species within the ecological community. All three species of Black Cockatoo are afforded protection under the EPBC Act.</p> <p>d. Bushfire management is required to be balanced with vegetation protection. Clearing for building envelopes, firebreaks, building protection zones and hazard reduction zones all result in the impacts vegetation through fragmentation, removal of understorey, introduction of dieback and weed invasion.</p> <p>e. Any further subdivision will need to comply with the Planning for Bushfire Protection Guidelines with respect to emergency access.</p>
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	<p>Firebreaks and neighbouring properties can provide adequate escape routes.</p> <p>f. <u>Increasing the minimum lot size from 2ha to 5ha.</u></p> <p>The proposal to increase the minimum lot size from 2ha to 5ha appears to be related to the southern areas of Lake Clifton however in TPS 3 the lot size is already specified as 5ha with a minimum lot size of 2ha. It is not clear where the minimum 2ha would be permitted. This should be clarified.</p> <p><u>Conclusion</u></p> <p>g. Reference is made to DRAFT South Metropolitan Peel Sub-Regional Planning Framework. It is inappropriate and premature for the City to make any changes based on a draft document prior to the finalisation of this document.</p> <p>h. Any attempt to protect and preserve the Banksia Woodland by decree prior to rectifying the ongoing destruction of Banksias and other native trees by the Water Corporation would be futile.</p> <p>A comprehensive study should be undertaken to establish the current extent of the groundwater pollution and methods and time span of any possible rectification.</p> <p>As a large percentage of Parklands has already been parkland cleared a comprehensive survey should be undertaken to identify the location of the pockets of remnant Banksia and methods that could be utilised for their protection without the far reaching effect of an amendment to TPS 3 that affects the whole of Parklands.</p> <p>i. Is Parklands a Carnaby's Black Cockatoo feeding habitat? Where is the environmental scientific evidence identifying this. Studies should be done on the methods of protecting identified areas without the far reaching effect of an amendment to TPS 3 that affects the whole of Parklands.</p>	<p>f. The proposed 5ha minimum lot size will apply to all new subdivisions within the Rural Residential zone and will replace the currently Scheme provisions which states that within the Lake Clifton catchment an average lot size of 5ha with a minimum of 2ha applies.</p> <p>g. Whilst the South Metropolitan Peel Sub-Regional Planning Framework is still a draft, not other State or regional planning undertaken by the State government has identified Parklands as future urban since 1993.</p> <p>h. Banksia Woodland is a Threatened Ecological Community and is afforded protection under federal legislation. The City will liaise with the Water Corporation and DER regarding any potential contamination issues.</p> <p>i. The Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain prepared under s266B of the Environmental Protection and Biodiversity Act 1999, states that Banksia Woodland supports a rich and diverse array of fauna species including the black cockatoos (Carnaby's black cockatoos, forest red-tailed black cockatoo and Baudins black cockatoo. These species migrate to the coast each year where they feed upon the flower and fruiting cones of Banksia and related species within the ecological community. All three species of Black</p>
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	<p>j. The subdivision down to 1ha for lots with scheme water provides occupants with far greater protection from bushfire than the current 2ha lots as previously explained. The protection of human life is far more important than the preservation of remnant pockets of Banksia woodlands.</p> <p>k. Due to the proximity to all essential amenities and the rapid depletion of suitable future urban land Parklands should remain as described in TPS 3 until required for urbanisation. Parklands is an area already affected by human habitation. There are large broad hectare areas of Banksia woodlands just north of Parklands unaffected by human habitation that could be preserved and protected by decree and could also provide feeding habitat for Carnaby's Black Cockatoos.</p>	<p>Cockatoo are afforded protection under the EPBC Act.</p> <p>j. Bush fire protection should balance with the need to protect vegetation. The amendment seeks to minimise the number of additional lots created in a bushfire prone location.</p> <p>k. Whilst it is acknowledged that Parklands is located close to schools, amenities and services no regional or subregional planning undertaken by the State Government has identified the Parklands area as future urban since 1993.</p>
<p>15. CLE Town Planning on behalf of Formside Investments Pty Ltd</p> <p>Lots 9-12 Lakes Road, Parklands</p> <p>Lot Sizes: 2.0234ha, 2.0026ha, 2.0285ha, 1.8854ha</p> <p>No scheme water</p>	<p>a. Lots 9-12 have been acquired by Formside Investments on behalf of the Catholic Education Office for the purpose of potentially establishing a K-12 Primary/High School in the future to provide for the education needs of the future residential population of Parklands and the surrounding communities of Greenfields and Meadow Springs.</p> <p>b. In recognition of the potential urbanisation of the Parklands locality as well as the future growth of Mandurah and the surrounding residential communities, the subject land was purchased as it represented a strategic site, well suited to provide for the future educational needs of the Mandurah Community.</p> <p>c. Notwithstanding that the Parklands locality has not been identified in the Draft Perth & Peel @ 3.5 million and the associated Southern Metropolitan and Peel Sub-Regional Framework as future urban, the strategic location of the proposed school site is well placed to provide convenient access to the surrounding residential communities of Greenfields and Meadow Springs as well as the Parklands locality. The future size, form and potential viability of the school will be carefully considered and reviewed by the Catholic Education Office to determine the appropriate allocation and distribution of schools to service the education needs for the surrounding residential community.</p>	<p>a. Noted. The development of an education facility would be subject to a separate amendment and development process.</p> <p>b. Noted.</p> <p>c. Noted. The development of an education facility would be subject to a separate amendment and development process.</p>

	<p>d. Given that the Parklands locality has not been identified for future residential/urban purposes in the Perth & Peel @ 3.5 million and the associated Southern Metropolitan and Peel Sub-Regional Framework, we recognise and accept that Amendment No. 136 is simply making the necessary adjustment to more accurately reflect the Planning Framework plan. Were therefore raise no objection to the amendment.</p> <p>e. The Catholic Education Office will continue to review and monitor the needs of its potential students in the immediate surrounding neighbourhoods to assess whether Lots 9-12 Lakes Road, Parklands is considered suitable and viable as a potential school site.</p>	<p>d. Noted.</p> <p>e. Noted.</p>
<p>16. Rhys Morgan Lot 9, No 17-19 Balwina Road Greenfields</p> <p>Lot Size: 2.0335ha</p> <p>Scheme water available</p>	<p>a. My property is a 5 acre property. I bought the property because of its location and with the expectation that I could subdivide the property in the same way my daughter's property was subdivided off from their neighbours property about 2 years ago.</p> <p>b. In retirement, I could never look after 5 acres and it was always my intention to be able to split off 2-3 acres at the rear and 1-2 acres in the front of the house leaving me about an acre in the middle. This was not an unreasonable expectation since my daughter's property is about 1.25 acres split off from a larger property next door and that there had been a series of what I understand to be half acre subdivisions directly opposite on the other side of the road.</p> <p>c. Had I known these proposed changes could apply to my property then I would never have purchased it. Should they be universally applied, then I will have no alternative but to sell the property. I can only hope that this proposal is not adopted, but if it is, I respectfully ask that I be given special consideration and I am allowed to subdivide the property as per my original intention.</p>	<p>a. Noted.</p> <p>b. Under the current provisions of Town Planning Scheme No. 3, the subject lot would be able to be subdivided into a maximum of two lots.</p> <p>c. Noted. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water subject to all other requirements being met.</p>
<p>17. Rowe Group on behalf of Lot 2 and 3, No's 330 and 340 Lakes Road, Greenfields</p> <p>Lot Sizes: 2.0234ha and 1.9097ha</p> <p>Scheme Water Available</p>	<p>a. Objects to the increase in size from 1.0ha to 5.0ha and in addition requiring that lots size shall be dependent on land capability, bushfire hazard, biodiversity conservation and environmental constraints.</p> <p>b. Rowe Group on behalf of the landowners have made a submission on the Perth and Peel@3.5 Million</p>	<p>a. Noted.</p> <p>b. Noted.</p>

	<p>and South Metropolitan Peel Subregional Framework seeking the subject land be classified as Urban or Urban Expansion.</p> <p>c. The proposal to modify the provisions of TPS3 relevant to Rural Residential zone is considered pre-emptive given a final decision on the Perth and Peel @ 3.5 Million is yet to be made.</p> <p>d. The land to west of Lakes Road is zoned 'Urban' under the Peel Region Scheme (PRS) and 'Residential R5' under the City of Mandurah's Town Planning Scheme No.3 (TPS3) and is developed for low density residential development. Therefore, the subject land, as it is currently zoned, is a natural progression for rural-residential subdivision at the current lot size of 1.0ha.</p> <p>e. Lake Goegrup, located directly to the east of the subject land is a Conservation Category Wetland ('CCW'). An environmental assessment report prepared by BioScience (as part of the submission on the South Metropolitan and Peel Sub-Regional Framework) identifies a separation distance of 110m between the subject land and Lake Goegrup. This is considered adequate in terms of providing a buffer and is consistent with required setbacks.</p> <p>f. Under the current Rural Residential zoning, the City can approve a number of rural uses including 'Intensive Agriculture', 'Plant Nursery', 'Hobby Farm' and 'Rural Pursuit'. The environmental assessment report prepared by BioScience identified that these land uses could result in eutrophication due to input of excessive phosphates and nitrates which could be harmful for the CCW. The potential for detrimental impacts are greater associated with these uses with larger scale development facilitated by larger lot sizes.</p> <p>g. The City's justification for the proposed Amendment 136 is related to environmental factors. The BioScience Environment Report concluded that the subject land does not have significant environmental constraints that would prevent further subdivision. There is no significant remnant vegetation on the site and the depth to groundwater is adequate. As such, the subject land would support more intensive residential use of the land.</p>	<p>c. Disagree. The proposed amendment is consistent with zoning under the Peel Region Scheme and with previously endorsed sub-regional structure planning undertaken by State Government.</p> <p>d. Modifications to Amendment No. 136 are proposed to retain the minimum 1ha lot size for those properties with current access to scheme water subject to all other requirements being met.</p> <p>e. Noted.</p> <p>f. Uses such as Intensive Agriculture, Plant Nursery, Hobby Farm and Rural Pursuit, are uses require the prior approval of Council and are not permitted as a right. In considering such an application, the Scheme requires Council take into account soil types, slope, groundwater flows, surface drainage, the objectives of the Peel Harvey Coastal Plain Catchment SPP, and advice from the Department of Agriculture and Environment Protection Authority.</p> <p>g. Modifications to Amendment No. 136 are proposed whereby subdivision down to 1ha may be considered where scheme water is currently available. Final lot size will be dependent on an assessment of land capability, environment constraints and bush fire hazard which will be assessed on a case by case basis.</p>
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	<p>h. The City's concerns relating to biodiversity conservation can be addressed through subdivision design to ensure that vegetation is retained as appropriate, noting that the subject site is not heavily vegetated.</p> <p>i. Reticulated water is available to residential properties to the western side of Lakes Road. This could easily be extended to the subject land.</p> <p>j. The proposal to modify the provisions of TPS3 relevant to Rural-Residential zone is considered preemptive given a final decision on the on the Perth and Peel @ 3.5 Million and South Metropolitan Peel Sub-Regional Framework is yet to be made. Our Client's position on the Perth and Peel @ 3.5 Million and South Metropolitan Peel Sub-Regional Framework is attached. Also of related and particular concern is that Scheme Amendment 136 proposed to remove the provisions of Areas 8 and 9 from Appendix 4 of TPS3 that foreshadow that the subject land is likely to be utilised for Urban \ Residential development.</p>	<p>h. Noted.</p> <p>i. See (d) and (g) above.</p> <p>j. No regional or subregional planning undertaken by the State Government has identified the Parklands/Lake Goegrup Rural Residential areas as future urban since 1993. The Strategic Assessment for the Perth and Peel regions under the EPBC Act 1999 also has not identified these areas as being suitable for future urban development. Amendment No. 136 is therefore consistent with current State and Regional planning.</p>
<p>18. John Gustafson SicJam Enterprises Pty Ltd</p> <p>Lots 1 and 2 Southern Estuary Road</p> <p>Lot Sizes: 2.4166ha and 8.5433ha</p>	<p>a. Strongly oppose the changes to the current land use provision requiring a minimum of 5ha lots. Any changes to the plan should incorporate a "grandfathering clause" allowing previous developments to retain the minimum of 2ha lots upon which financial decisions were made. Changes now seriously affect the value of our property in the market as futures decisions to subdivide are significantly restricted. Increasing the minimum lot size from 2ha to 5ha cuts the lands value in half. This is unacceptable.</p>	<p>a. Existing approved subdivisions will continue to be valid for the length of the approval. Lots already subdivided below the 5ha minimum will not be affected by the amendment. Lots 1 & 2 Southern Estuary Road have were created in accordance with the Subdivision Guide Plan for Lot 479 Southern Estuary Road. No further subdivision would be permitted.</p>
<p>19. Rowe Group</p> <p>Acting on behalf owners of Lots 21 and 100 Southern Estuary Road and Pt Lot 7 Dunkeld Drive, Herron</p> <p>Lot Sizes: 94.3961ha, 8.4092ha, 82.6955ha</p>	<p>a. Landowners currently awaiting Minister for Planning's determination of a request under s76 of the Planning and Development Act 2005 to direct the City initiate an amendment to rezone Lot 21 and Pt Lot 7 to the Rural Residential zone. Disappointed City has initiated amendment prior to matter being determined.</p> <p>b. <u>Proposed zoning Town Planning Scheme No. 12.</u></p> <p>Zoning proposed under draft Town Planning Scheme No. 12 conflicts with the s76 request currently before the Minister.</p>	<p>a. At the time of initiated the amendment the City had not received notification of a s76 having been lodged with the Minister for Planning.</p> <p>b. An opportunity for placing a submission on the Draft Town Planning Scheme No. 12 will be given once approval has been granted by the WAPC to advertise the draft Scheme and Strategy.</p>

	<p>Proposed zoning under Scheme 12 is inconsistent with the approved subdivision guide plan and Subdivision Approval WAPC Ref 150657 for Lot 7 Dunkeld Drive</p> <p>Minimum lot sizes proposed are based on clearing assumptions that exaggerate the impact of clearing which arises from rural residential development.</p> <p>c. Amendment No. 136</p> <p>Amendment No. 136 seeks to increase lot sizes from 2.0ha to 5ha and in addition requires that lot size shall be dependent on land capability, bushfire hazard, biodiversity conservation and environmental constraints. In the absence of a determination of the s76 request it is not considered appropriate that subdivision/development controls be altered.</p>	<p>c. The s76 request relates to a specific property whereas Amendment 136 is applicable to all Rural and Rural Residential zoned lots within the city of Mandurah. The s76 request is an independent process undertaken by the WAPC and Council will be required to comply with any direction provided by the Minister for Planning.</p>
20. Peel Preservation Group Inc	<p>a. The Peel Preservation Group fully supports all the proposed amendments to Town Planning Scheme No. 3 as outlined in Amendment No. 136.</p> <p>b. The proposal to increase the minimum lot size for Rural Residential development from 2ha to 5ha, and remove the ability to subdivide down to 1 hectare, where scheme water is available, is environmentally sensitive, sensible and responsible.</p> <p>c. Also the proposal to remove strategic statements about the potential urbanisation of the designated areas in Parklands and Lake Goegrup is to be commended for its forward thinking and consideration in regard to protecting our remaining areas of natural vegetation from over development and the encroaching urbanisation.</p> <p>d. Increasing the minimum lot size to 5ha is a positive step towards retaining and supporting the biodiversity of local flora and fauna.</p> <p>e. Moving towards smaller subdivisions in rural- residential areas can also greatly increase the stock of domestic animals, whether it be horse, dog cat or domestic rodent to the great detriment of our local fauna, especially the small, vulnerable and potentially endangered marsupials. This is in addition to the loss of habitat as well as land degradation due to introduced animals.</p>	<p>Submission in support of amendment is noted.</p>

21. Department of Parks and Wildlife	<p>a. The department is supportive of the clauses in the proposed amendment which addresses the protection of biodiversity values, and which provide development setbacks from Lake Clifton including clauses 4.71 (a) & (b), 4.7.3, 4.7.3.1, 4.7.3.6, 4.7.4.2 and 4.8.3.3.</p> <p>b. Clause 4.7.3 that requires minimum lot sizes for rural residential shall be no less than 5 hectares will reduce the level of native vegetation clearing, fragmentation and degradation of bushland subject to subdivision and will help retain local biodiversity values.</p>	Submission in support of amendment is noted.
22. Department of Fire and Emergency Services (DFES)	<p>a. The proposed amendment is located within an area that has been designated as a 'bushfire prone area' by the Fire and Emergency Services Commissioner. In accordance with SPP 3.7, any strategic proposal within a bushfire prone area is to be accompanied by a BHL assessment determining the applicable hazard level for the subject land, a BAL contour map where the lot layout is known, the identification of any bushfire hazard issues arising from the relevant assessment and clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.</p> <p>b. The proposed land use may also need to demonstrate compliance to Policy Measure 6.6 – Vulnerable or High Risk land uses of SPP 3.7.</p> <p>c. Amendment should not be supported until such time that the bushfire risk and hazard reduction measures are established and understood.</p>	<p>a. SPP 3.7 states that high order strategic planning should include high level consideration of relevant bushfire hazards when identifying or investigating land for future development. Amendment No. 136 is not proposing amending the zoning of any property with the exception of Lot 20 Old Coast Road, and seeks to introduce provisions regarding the requirements to be met prior to the consideration of including land in the Rural Residential zone and regarding development and subdivision which includes the need to address bushfire hazards. As no land for future development has been identified at this stage, a bushfire hazard level assessment is not warranted.</p> <p>b. Amendment No. 136 introduces the requirement to undertake an assessment of the bushfire risk in accordance with relevant State Planning Policy, demonstrating compliance with bushfire protection criteria/regulations which is consistent with the requirements of SPP 3.7.</p> <p>c. Disagree. As no land for future development has been identified at this stage, a bushfire risk and hazard assessment is not warranted.</p>
23. Water Corporation	<p>a. The proposed changes do not affect Water Corporation assets or operations.</p> <p>b. It should be noted that the existing and proposed rural and rural residential areas south of the Yalgorup Country Lodge on the Old Coast Road are not served with reticulated water. The Corporation does not have any long-term water planning to serve these areas in the future.</p>	Submission is noted.
24. Department of Health	<p>a. The Amendment should be modified (Clause 4.3) to require all</p>	<p>a. Amendment No. 136 requires the provision of a 130000L rainwater tank</p>

	<p>development have sufficient supply that is of the quality specified under the Australian Drinking Water Quality Guidelines 2004.</p> <p>b. The Amendment be modified so that the building envelope must take into account on-site wastewater disposal requirements. The structure plan should reference that approval is required for any on-site waste water treatment process. In particular the documents to be amended to reference DoH publications as appropriate.</p> <p>c. The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitos. A mosquito management plan should be developed for the whole area with the proviso that individual subdivisions with the strategic area comply with the Plan thus ensuring consistency across the area.</p> <p>d. Land use planning can guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding, fire, earthquake, strong wind and coastal erosion. There is an opportunity to incorporate these issues into the strategy and scheme amendment.</p> <p>e. The Amendment should require that extractive industries are in accordance with the Office of the Environmental Protection Authority Guidance Statement No. 3. The Guidance Statement takes into account protection of human health and the environment with a focus on protecting sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure.</p> <p>f. The DOH has released Guidelines for Separation of Agricultural and Residential land uses and it should be taken into consideration.</p>	<p>where reticulated water is unavailable. This is an acceptable means of providing a potable water supply under the Australian Drinking Water Guidelines 2011.</p> <p>b. Clause 4.7.4.4 requires that the building envelope shall contain effluent disposal systems and associated drainage.</p> <p>c. Noted. Areas of high mosquito activity are already considered prior to rezoning if necessary. Subdivision design and any management are in accordance with existing state policy and WAPC standard conditions. No further scheme provisions are proposed.</p> <p>d. As above.</p> <p>e. Noted. Modification proposed to reflect EPA guidelines.</p> <p>f. Noted.</p>
25. Department of Environment Regulation	<p>a. DER has no comment on the proposed Scheme Amendment. Where required, DER will provide input at subsequent stages of planning in reference to the Department's regulatory responsibilities under the <i>Environmental Protection Act 1986</i> or <i>Contaminated Sites Act 2003</i>.</p>	<p>Noted.</p>

Amendment 136 to Town Planning Scheme No. 3 Frequently Asked Questions – Parklands



The City of Mandurah is currently advertising Amendment 136 to Town Planning Scheme No. 3. This Amendment proposes changes to the land use and subdivision provisions for existing Rural and Rural Residential zones in Mandurah which includes the Parklands locality. Changes specifically related to the Parklands include:

- Removing statement from Table 7 and Appendix 4 of the Scheme that reference future urbanisation of these areas;
- Having a standard minimum lot size of 5 hectares for all Rural Residential zoned land, which removes the option to have a 1 hectare lot size where Scheme Water is available; and
- Consolidating the development requirements of the Rural Residential zone including standardised approval requirements for building envelope approval, stock management, bushfire and vegetation protection requirements.

This Information Sheet seeks to set out answer to questions that have been frequently asked since the commencement of the advertising period.

Why is the Parklands area no longer being identified for future urban development?

At the present time, Appendix 4 of Town Planning Scheme No 3 identifies Parklands as being earmarked for future urban development given its location in a regional context.

This statement is in conflict with larger scale planning and environmental assessments that have been progressed in the Peel region for an extended period including:

1. No regional or subregional planning undertaken by the State Government since 1993 has identified Parklands as future urban. The most recent sub regional planning framework released by the Western Australian Planning Commission in 2015, the Draft South Metropolitan Peel Sub-Regional Planning Framework, which provides high level strategic guidance for the future development of the Perth and Peel regions to accommodate long term growth of up to 3.5million people, designates the Parklands estate as remaining rural residential.
2. The Strategic Assessment for the Perth and Peel Regions under the Federal Government's Environmental Biodiversity and Conservation (EPBC) Act 1999 has not identified Parklands as being suitable for future urban development of Perth and Peel.
3. The existing pattern of development, number of lots, multiple landowners and availability of services are significant constraints to the future urbanisation of the area.
4. Council's Biodiversity Strategy has identified significant Local Natural Areas within the Parklands area. Vegetation within Parklands area primarily consists of Banksia Woodland which is classified as a 'Threatened Ecological Community and is listed under the EPBC Act 1999.

This means the Banksia Woodland vegetation complex is afforded national protection and activities such as major developments, works or infrastructure that may impact on this

vegetation will need be assessed at a national level before proceeding. Urbanisation of the Parklands area would result in significant loss of vegetation.

5. Significant areas of potential feeding habitat for the Carnaby's Black Cockatoo's have been identified within the District. The Carnaby's Black Cockatoo is listed as endangered under the EPBC Act and as such is afforded protection under this Act.

Why is it proposed to remove the ability to subdivide down to 1ha where scheme water is available?

Currently, Town Planning Scheme No 3 stipulates a minimum lot size of 1 hectare (equivalent to 2.5 acres) where scheme water is available. This has enabled the subdivision of some lots within the Parklands area to be subdivided into two parcels. Amendment No. 136 proposes to remove this ability to subdivide for the following reasons:

1. As mentioned above, Council's Local Biodiversity Strategy has identified significant Local Natural Areas within the Parklands area and Banksia Woodland is a threatened ecological community and a recognised Carnaby Cockatoo habitat (an endangered species), which afford it national protection under EPBC Act.

Further subdivision of lots within the Parklands would result in further fragmentation of this vegetation due to the need to clear additional land for firebreaks, building envelopes and for bushfire management.

2. Parklands has been designated as a Bushfire Prone Area in mapping prepared by the Department of Fire and Emergency Services.

Guidelines for Planning in Bushfire Prone areas released by the Western Australian Planning Commission in December 2015 states that subdivision in areas of high bushfire risk should only be considered if it meets the definition of unavoidable development.

In order to reduce bushfire risk, significant areas of vegetation would be required to be cleared. Based on the current lot layout, separation distances required between dwellings and vegetation and firebreak requirements subdivision down to 1 hectare would result in very little vegetation remaining on lots.

3. Subdivision of existing lots has resulted in some poor outcomes for the residents of these lots. For example, battle axe access lots with long narrow access legs and one escape route are not considered appropriate from a bushfire management perspective.

Why does Amendment No. 136 propose a change in the minimum lot size for Rural Residential lots from 2 hectares (5 acres) to 5 hectares (12.5 acres)?

The changes proposed under Amendment No 136 apply to all Rural Residential and Rural zoned lots within the City of Mandurah including those Rural Residential and Rural lots within the southern areas of Mandurah. The minimum lot size of 5 hectares will apply to all future Rural Residential subdivisions. As a result, if your lot is less than 5 hectares (or 12.5 acres) no further subdivision will be permitted under the proposed changes.

Will the way I use my land be affected by Amendment No. 136?

No.

Amendment No. 136 is not proposing any changes to the uses currently permitted under Town Planning Scheme No. 3 for Rural Residential areas. Amendment No. 136 does propose to update and consolidate the general development requirements for Rural Residential lots. These provisions are consistent with existing requirements under Town Planning Scheme No. 3 and include provisions relating to:

1. The approval and location of building envelopes up to a maximum of 2000 square metres;
2. The protection of indigenous trees and other indigenous vegetation outside an approved building envelope;
3. The requirement for an Aerobic Treat Unit in lieu of a standard septic tank within designated Nutrient Retention Areas (this does not affect an areas in Parklands);
4. The requirement to retain all stormwater on site;
5. The stocking of animals including a requirement to obtain approval prior to the keeping of horses, sheep, goats and other grazing animals and to limit stocking rates to those specified by Agriculture WA; and
6. The provision of a 130000 litre water tank.

Where can I get further information?

A copy of the Amendment No. 136 and associated documents are available for viewing from the following locations:

- The City's Administration Centre, during business hours; or
- Online at Have Your Say Mandurah website at haveyoursaymandurah.com.au.

Should you have any questions or would like to discuss any aspect of the Amendment and the potential impacts to your property, you are invited to contact Planning Services on 9550 3838 or planning@mandurah.wa.gov.au to arrange a meeting to discuss.

How do I make comment on the proposal?

Comments and submissions can be sent to:

City of Mandurah
PO Box 210
MANDURAH WA 6210

Alternatively, a submission can be made via email to planning@mandurah.wa.gov.au.

Please ensure your name, address and/or email details are included within your submission.

What is the process ahead?

Following the completion of the advertising period, all submissions received will be reviewed and a schedule of submissions will be prepared for inclusion within a report to Council.

All submitters will be notified in writing prior to the Amendment being considered by Council and given the opportunity to make a deputation to Council meeting.

Should Council resolve to approve, or approve subject to modifications, the Amendment (together with the Schedule of Submissions) will be forwarded to the Western Australian Planning Commission requesting endorsement and final approval by the Minister for Planning.

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