

NOTICE OF MEETING

PLANNING AND COMMUNITY CONSULTATION COMMITTEE

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

**19 May 2025
at 5.30pm**

CASEY MIHOVILOVICH
Chief Executive Officer
14 May 2025

Committee Members

Councillor R Burns
Councillor J Cumberworth
Councillor B Pond
Councillor J Smith
Councillor S Wright

Mayor C Knight
Councillor A Kearns
Councillor D Schumacher
Councillor D Wilkins
Councillor A Zilani

AGENDA

1. OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

2. ACKNOWLEDGEMENT TO COUNTRY

3. APOLOGIES

4. IMPORTANT NOTE:

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

5. RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil

6. AMENDMENT TO STANDING ORDERS

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

7. PUBLIC QUESTION TIME

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

8. PRESENTATIONS

9. DEPUTATIONS

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

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

10. CONFIRMATION OF MINUTES: 8 October 2024

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

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

12.1 Questions of which due notice has been given

12.2 Questions of which notice has not been given

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

<i>No.</i>	<i>Item</i>	<i>Page No</i>	<i>Note</i>
1	Amendments to Local Planning Scheme 12 – Short Term Rental Accommodation	3 - 18	
2	Madora Bay (Seaside) Local Centre – Local Development Plan	19 - 27	

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

1	SUBJECT:	Amendments to Local Planning Scheme 12 – Short Term Rental Accommodation and Tourist Development
	DIRECTOR:	Strategy and Economic Development
	MEETING:	Planning & Community Consultation Committee
	MEETING DATE:	19 May 2025

Summary

The State Government's planning reforms for short-term rental accommodation came into effect on 18 September 2024 via *Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024* ('STRA Regulations').

As a result, local governments are required to amend their local planning schemes to ensure a consistent approach to short term rental accommodation. In addition, a number of sites where tourist development was previously permitted and could be developed under Town Planning Scheme 3 requires update and review.

As a result, two Amendments are proposed to Local Planning Scheme No 12:

- Amendment No 8: Short Term Rental Accommodation (STRA) modifications; and
- Amendment No 9: Tourist Accommodation on Private Community Uses Zoned Land.

Amendment No 8 to Local Planning Scheme No 12 ('Scheme 12') is required to ensure alignment with the new 'deemed' and 'model' land use classes and general definitions introduced into the state planning framework. Most significantly, it includes amendments to reflect the 'deemed' land use classes previously identified as 'holiday homes' as:

- 'hosted short-term rental accommodation' and
- 'unhosted short-term rental accommodation',

together with the removal of superseded land uses.

These changes are a result of extensive review from industry and State Government, discussion papers, parliamentary reviews, and regulatory change. The following report provides further detail and background information on these changes, including specific implications for the City. It is recommended that Amendment 8 is adopted as a 'basic' amendment with no need for advertising arising from this Amendment. There is no change to the Council's previous approach to 'holiday homes'.

Amendment No 9 proposes to reinstate tourist development opportunities on two development sites that adjoin and are a part of The Cut Golf Course and Meadow Springs Golf Course which were permitted in the previous Town Planning Scheme 3, however in aligning standard land use zones from the model provisions for local planning schemes, these uses are no longer permitted. Amendment 9 seeks to reinstate these uses being permitted on these sites as 'additional uses'.

Disclosure of Interest

The Manager, Strategic Planning and Urban Design declares an impartiality interest as a family member is employed on a casual basis by Ten Golf, owners and operators of The Cut Golf Course.

Previous Relevant Documentation

- P.8/8/17 01 August 2017 Council resolved to continue to take an approach which limits its involvement in the approval process of Holiday Homes but remain responsive to complaints received, consistent with its position of 2015.
- G.19/6/15 23 June 2015 Council adopted a 'Responsive Action' approach to Holiday Homes.
- G.17/03/15 24 March 2015 Council resolved that Officers report back to Council to initiate a Local Law and relevant town planning amendment in addition to detailing observations over Easter and complaints received in relation to Holiday Homes.

Background

Amendment No 8: Short-Term Rental Accommodation (STRA)

Short-Term Rental Accommodation (STRA) refers to the practice of renting out a property (or part of a property) for a relatively short period of time, usually on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays. The State Government has committed to various initiatives to deliver better regulation of the short-term rental accommodation sector.

In November 2023, the Western Australian Planning Commission released its *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*. This included development of a state-wide registration scheme for STRA, as well as an incentive scheme to encourage transition of properties from the short to long term rental market.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to planning regulations were flagged as a key part of the State Government's goal to ensure a fairer and more consistent treatment of STRA from both a legal and practical standpoint. The planning changes, which have triggered the need for the City to amend its scheme, aim to provide greater consistency across the state in relation to what approvals are needed for STRA proposals as well as how these uses are defined in local planning schemes.

State Planning Framework

The State Government's planning reforms for short-term rental accommodation are being implemented predominantly through the *Planning and Development (Local Planning Schemes) Regulations 2015 amendment – Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024* (STRA Regulations), which in turn have been informed by policy direction provided through the Position Statement.

Local Planning Context

Local Planning Scheme No.12 was gazetted on 11 April 2022.

Historically in Mandurah, properties have been used as Holiday Homes, either by families in family-owned properties, or by owners renting properties on a short-term basis. Anecdotally, observations have been made that holiday homes have transitioned to a more business-based approach than has previously been the case and these properties are more easily accessible via the many national and international holiday home websites that are available.

Council considered reports in March and June 2015 in relation to issues surrounding the operation of Holiday Homes within the City. A number of options for the management of Holiday Homes were considered including:

1. The introduction of a Local Law similar to the City of Busselton model which would require all Holiday Homes to obtain an approval under the Local law and the planning scheme.
2. Amending the Town Planning Scheme to introduce definitions for Holiday Homes an approval process akin to that which is currently in place in relation to the operation of Home Occupations.
3. Improving the City's response procedures to address community concern.

At the time, it was determined that it was difficult to determine whether a dwelling is being utilised for holiday purposes or by the owners. It was found that many of these dwellings had no visual differentiation between each other and other residential properties on the street, with car proliferation being minimal and in keeping with expectations for standard residential properties.

Following consideration of the various options for addressing the operation of holiday homes, Council resolved to adopt a 'Responsive Action' response that included recording known Holiday Home locations, giving complaints in relation to noise, vehicle parking and refuse associated with known Holiday Homes a high priority, and preparing a brochure outlining procedures to be followed if issues in relation to the operation of a Holiday Home should arise. Extensive work was undertaken to research and identify operative holiday homes and maintaining a register to aid communication with owners to prioritise addressing of complaints.

In the 10 years of operation of this approach, very limited concern or impacts of holiday homes in residential areas have eventuated and they remain exempt for planning approval in Scheme 12.

However, in July 2024, a state-wide STRA Register (*'the Register'*) came into effect, implemented to gather information on the STRA sector in Western Australia (WA), in accordance with the *'Short- Term Rental Accommodation Act 2024.'* The information collected from the Register will be used to enable data driven decision making, allowing for more informed policy and regulatory responses to be made. As of 1 January 2025, it is a mandatory requirement that all STRA operating within WA must be registered with the State Government. This information replaces the need for the City to have its own register of holiday homes.

The register is maintained through the Department of Energy, Mines, Industry Regulation and Safety and based on publicly available information, there are 600 premises in Mandurah currently registered.

Position Statement

The Western Australian Planning Commission produced a Position Statement that foreshadowed a series of amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (*'LPS Regulations'*) with the overall aim of providing more certainty and consistency across jurisdictions in respect to the treatment of STRA.

Key changes flagged in this document included dedicated land use classes for STRA to ensure a clear delineation between this use and traditional accommodation types, as well as a state-wide exemption for hosted STRA and a 90-night exemption for unhosted STRA within the Perth Metropolitan Area.

The Position Statement also included guidance on strategic and statutory planning matters for both tourism and STRA, as well as local planning policy development.

Local Planning Scheme (LPS) Regulations

The LPS Regulations are a key component of Western Australia's planning system comprising of three major parts:

- Regulations proper, which set out the process for preparing or amending a local planning scheme;
- 'Model' provisions, set out in Schedule 1, which are to be used by local governments in preparing or amending a local planning scheme; and
- 'Deemed' provisions, set out in Schedule 2, read automatically into all local planning schemes, and override any existing scheme provision to the extent of any inconsistencies. Where there is a conflict between these provisions and the scheme, the deemed provisions prevail.

Amendments to both Schedules 1 and 2 of these regulations have been made to facilitate the necessary planning changes of the State Government's short-term rental accommodation (STRA) reform initiatives, as envisaged by the Position Statement. These changes, most notably, include:

- new 'deemed' land use classes of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' to ensure these accommodation types are classified as dedicated land use classes in planning schemes;
- new 'deemed' general terms to define 'short-term rental accommodation' and link to the overarching *Short-Term Rental Accommodation Act 2024*, which provides the legal framework for the STRA Register;
- a new 'model' land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA, and consolidate a number of existing land use terms for tourist and visitor accommodation (aside from 'hotel'), as well as other changes to general definitions;
- a state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings); and
- a 90-night (cumulative) exemption within a 12-month period for 'unhosted' short-term rental accommodation in the Perth metropolitan area; however, in regional areas (including the Peel Region), local governments have discretion to determine permissibility within their own local planning scheme.

Council is required to initiate an amendment to Scheme 12 as soon as possible with the amendment expected to be finalised by mid - 2025, and no later than 1 January 2026. This Scheme Amendment will ensure Scheme 12 is consistent with the STRA Regulations.

Amendment No 9: Tourist Accommodation on selected Private Community Uses Zoned Land

Under Town Planning Scheme No 3 (Scheme 3), land located adjacent to, or a part of existing golf courses were included in zones that allowed for or provided for additional development opportunities to allow for tourist accommodation:

- Lot 3000 Meadow Springs Drive (north-west corner) – Meadow Springs Golf Course;

The land was zoned Urban Development and identified as 'golf course' within the Meadow Springs Structure Plan, with prior concepts for the master planning of the Meadow Springs estate identifying tourist development opportunities close to the club house and around the remaining vacant land on the corner of Meadow Springs Drive and Oakmont Avenue. No further considerations or discussion have been made for an extended period on the development potential of this land, however, as it is zoned land, it is expected, over time, that opportunities may arise for further dialogue to activate this development site.

- Lot 400 and 401 Country Club Drive, Dawesville – The Cut Clubhouse site

Originally one site, the site was subdivided into two lots to facilitate a tourist / serviced apartment site on Lot 401 in 2015 under previous ownership of the golf course and clubhouse. The golf course itself sits on two separate sites – Lot 1500 (owned in freehold) and Reserve 2851 (lease over a Crown Reserve).

Lots 400 and 401 were zoned Urban Development in Scheme 3, with the Southport Structure Plan identifying these lots as 'Clubhouse' together with a requirement for this site and adjoining sites to be subject to a Development Guide Plan to determine land use, development outcomes, height, and scale. The subject lots were identified as 'Clubhouse Site' with a height of 6 storeys to allow for 34 short stay apartments. Whilst this Development Guide Plan can continue to be referenced as a Local Development Plan for this location, the land use provisions have been replaced by Scheme 12 provisions.

In preparing the then draft Scheme 12, initial drafts included these sites in a 'special use' zone to allow for a range of tourist and golf course related development outcomes, however, the final version was required to align with the Model Provisions for Local Planning Schemes, and these sites, together with private schools and the Mandurah Greyhounds site within the 'Private Community Uses' zone. The objectives of this zone are as follows:

- To provide sites for privately owned and operated recreation, and education premises.
- To integrate private recreation areas with public recreation areas wherever possible.
- To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
- To provide for the educational and private recreation requirements of the wider region without unduly impacting on local amenity.
- To provide for the controlled development of existing educational institutions and identified private recreation facilities within the Town, including private educational facilities, sports grounds with facilities for spectators, and recreation activities of a similar nature.
- To ensure that the activities on these sites do not unduly affect the residential amenity of the locality including, but not limited to, traffic and parking.

In preparing the land use table for this zone to cover privately owned recreation and education premises was a challenging given the extensive differences in context of a private school in a suburban and residential location to sites that have recreational and high level of visitation. As a result, the land use table is generally designed to align with the private education perspective in a residential context. Notably, residential and tourist development uses are not permitted in Scheme 12.

Comment

Amendment No 8: Short-Term Rental Accommodation (STRA)

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, local governments are required to amend their local planning schemes to modify and delete various land use and general definitions to Scheme 12. The new exemptions are also 'deemed' and as such are already operative, however this amendment does include changes to the zoning table to reflect the hosted STRA exemption as a permitted use.

Whilst the new 'deemed' land use classes are automatically read into the Scheme 12 through the LPS Regulations, these uses are being incorporated into scheme zoning tables to ensure absolute clarity from an interpretation perspective, particularly given these uses replace long-standing 'model' land use classes within the City's planning framework.

To implement the required changes, this amendment requires deletion of all references to the land use classes of *bed and breakfast* and *holiday house*, replaced with the new 'deemed' definitions of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation'. This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

In addition to the STRA Regulations, the Position Statement and Planning Bulletin 115 provide further direction for how STRA should be dealt with in local planning schemes from a permissibility standpoint. To reflect these requirements, this amendment proposes the following designations for these new land use classes:

- 'Hosted short-term rental accommodation' is proposed as a Permitted use in all zones where any type of 'dwelling' is capable of approval, to reflect the state-wide exemption in the 'deemed provisions.' Hosted Short Term Rental Accommodation has historically been called a 'Bed and Breakfast' in local planning schemes and have been exempt from the need for development approval in Mandurah for a significant period of time.
- 'Unhosted short-term rental accommodation' (previously called 'holiday homes') within the Perth Metropolitan Area are exempt from requiring development approval for a period of up to 90-nights within a 12-month period from the date of registration. Use beyond requires a development approval from the local government.

For local governments outside the Metropolitan Region Scheme, zoning table and scheme provisions for unhosted short term rental accommodation regardless of the number of nights used in a 90-day period are at the discretion of the individual local governments. This is in recognition of the need to provide greater flexibility for regional local governments, acknowledging that there are various approaches dependent on local community demographics, housing availability and tourism markets. In Scheme 12, holiday homes are included in the Scheme as a permitted use within a range of zones where a house is permitted and due to the extensive history of dealing with 'holiday homes', this is proposed to continue for 'unhosted short-term rental accommodation'.

- A new model land use class of 'Tourist and Visitor Accommodation' has been introduced to supersede various traditional accommodation land use types and provide a clearer delineation between these traditional formal tourist uses and 'short-term rental accommodation'

'Tourist and Visitor Accommodation is defined as (as per the model provisions):

(a) *means a building, or a group of buildings forming a complex, that —*

(i) *is wholly managed by a single person or body; and*

- (ii) *is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and*
- (iii) *may include on-site services and facilities for use by guests; and*
- (iv) *in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;*

and

- (b) *includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but*
- (c) *does not include any of the following —*
 - (i) *an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);*
 - (ii) *a caravan park;*
 - (iii) *hosted short-term rental accommodation;*
 - (iv) *a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*
 - (v) *a park home park;*
 - (vi) *a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*
 - (vii) *a road house;*
 - (viii) *workforce accommodation;*

Note: Underlined terms are defined elsewhere in the local planning scheme.

In the context of Scheme 12, this implies the deletion of the following uses within the zoning table, various Special Use zones and parking requirements tables to align to the new definitions:

- Motel – specifically referenced in the new land use class definition;
- Serviced apartment – specifically referenced in the new land use class definition;
- Tourist development – directly replaced by the new use class; and
- Holiday accommodation – directly replaced by the new class.

A summary of the proposed changes (compared to existing) is as follows:

Existing Use Class	Proposed Use Class	Land Use Permissibility
• Bed and Breakfast Accommodation	• Hosted Short-Term Rental Accommodation	<ul style="list-style-type: none"> • D in Centre Zones • X in Business Zones • P in Residential Zones • I in Tourism Zone
• Holiday Home	• Unhosted Short-Term Rental Accommodation	<ul style="list-style-type: none"> • D in Centre Zones • X in Business Zones • P in Residential Zones • I in Tourism Zone

<ul style="list-style-type: none"> • Motel • Serviced Apartment • Tourist Development • Holiday Accommodation 	<ul style="list-style-type: none"> • Tourist and Visitor Accommodation 	<ul style="list-style-type: none"> • P in Neighbourhood Centre • D in Local Centre • X in Business Zones • A in Residential Zones • P in Tourism Zone
<ul style="list-style-type: none"> • Hotel 	(No Change)	<ul style="list-style-type: none"> •

Notes:

- ***P is Permitted (no approval required); D is Discretionary (approval required); A is Discretionary but must be advertised; I is Incidental (meaning it is ancillary to the main use);***
- ***Centre Zones: Neighbourhood Centre and Local Centre***
- ***Business Zones: Service Commercial and General Industry***
- ***Residential Zones: Mixed Use, Residential, Rural Residential, Rural Smallholdings, Rural***
- ***Strategic Centre and District Centre zones reference are provided in Precinct Structure Plans***

There are also some consequential changes required to general terms used in Scheme 12 as they are not included in the Deemed Provisions for Local Schemes. These changes are reflected in the Amendment Text and summarised as follows:

Existing	Proposed
<p>cabin</p> <p><i>means a dwelling forming part of a tourist development or caravan park that is:</i></p> <p>(a) <i>an individual unit other than a chalet; and</i></p> <p>(b) <i>designed to provide short-term accommodation for guests.</i></p>	<p><i>means a building that -</i></p> <p>(a) <i>is an individual unit other than a chalet; and</i></p> <p>(b) <i>forms part of –</i></p> <p style="padding-left: 40px;">(i) <i>tourist and visitor accommodation; or</i></p> <p style="padding-left: 40px;">(ii) <i>a caravan park;</i></p> <p><i>and</i></p> <p>(c) <i>if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period</i></p>
<p>chalet</p> <p><i>means a dwelling forming part of a tourist development or caravan park that is -</i></p> <p>(a) <i>a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</i></p> <p>(b) <i>designed to provide short-term accommodation for guests.</i></p>	<p><i>means a building that —</i></p> <p>(a) <i>is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</i></p> <p>(b) <i>forms part of –</i></p> <p style="padding-left: 40px;">(i) <i>tourist and visitor accommodation; or</i></p> <p style="padding-left: 40px;">(ii) <i>a caravan park;</i></p> <p>(c) <i>and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no</i></p>

Existing	Proposed
	<i>individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.</i>
short-term accommodation <i>means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period.</i>	<i>definition deleted</i>

Amendment No 9: Tourist Accommodation on selected Private Community Uses Zoned Land

Since Scheme 12 must adhere to the model provisions for local schemes and lacks specific provisions to address the conflict between previous scheme controls and the need to manage both private education sites and privately run golf courses within a single zone, a logical approach is required. This involves identifying additional uses suitable for selected sites and establishing a requirement for a local development plan. This plan will manage development controls such as height, scale, access, and setbacks, serving as a precursor to detailed design for development outcomes. The Department of Planning, Lands and Heritage has supported this approach. Consequently, modifications to Table 4 of Scheme 12 are proposed to address these issues as follows:

No	Description of Land	Additional Use	Conditions
A2	<i>Lot 3000 Meadow Springs Drive, Meadow Springs</i>	<i>P Uses:</i> <ul style="list-style-type: none"> <i>Tourist and Visitor Accommodation</i> 	<i>(a) Where Tourist and Visitor Accommodation Uses are proposed, the site shall be subject to a Local Development Plan as per Part 6 of the Deemed Provisions to determine the location, form and scale of development for the site, having regard to the prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development.</i>
A3	<i>Lot 400 and 401 Country Club Drive, Dawesville</i>	<i>P Uses:</i> <ul style="list-style-type: none"> <i>Tourist and Visitor Accommodation</i> 	<i>(a) Where Tourist and Visitor Accommodation Uses are proposed, the site shall be subject to a Local Development Plan as per Part 6 of the Deemed Provisions to determine the location, form and scale of development for the site, having regard to the prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development.</i>

MEAG Comment

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

Consultation

In the development of various reports on Holiday Homes in 2015 and 2017, together with the management of a City register of known holiday homes, regular communication with known owners was undertaken on multiple occasions – outlining that where behaviour and management of the neighbourhood was undertaken, that Council's approach to exempt them from development approval would continue. In the development of Scheme 12 and ensuing periods there is no demonstrated outcome to change these outcomes.

Statutory Environment

The Local Planning Schemes Regulations 2015 identifies three different levels of Scheme amendments – basic, standard, and complex. The provisions of Regulation 35(2) of the Regulations requires Council's resolution to specify the level of the amendment and provide justification of the selected scheme amendment level.

Under Planning Bulletin 115, the WAPC however outlined that the classification of amendments is at the discretion of the individual local government, however, the following provides a guide on scenarios where a 'basic' or 'standard' amendment stream might apply with the following options:

- (a) Scheme amendments that propose to replace superseded land use classes with the new STRA land uses, without changes to permissibility in the zoning table, can generally be processed as a 'basic' amendment.
- (b) If an amendment introduces or changes permissibility for new STRA and traditional accommodation uses, or introduces supplemental development standards or other scheme provisions, it will generally be progressed as a 'standard' amendment.

As a result of the above, Amendment No 8 only proposes to replace superseded land use classes uses, without changes to permissibility in the zoning table, Amendment 8 will be a 'basic' amendment. A basic amendment can be forwarded direct to the Western Australian Planning Commission with no further advertising and referral to external agencies.

As Amendment No 9 seeks to modify and change the permissibility for traditional accommodation, it will be a Standard Amendment and subject to public advertising and referral to relevant government agencies.

Policy Implications

Nil

Financial Implications

N/A

Economic Implications

The proposed scheme amendment will result in a contemporary and current local planning scheme and provide consistency and certainty within the tourism industry which in turn will support economic growth.

Environmental Implications

The Amendment No 8 does not have any significant environmental impact as such no internal referrals have been undertaken. Development outcomes arising from Amendment No 9 will be dealt with through subsequent stages of planning through development application process.

Risk Analysis

If the proposed scheme amendment is not adopted there is risk in Scheme 12 not being consistent with the STRA Regulations.

Strategic Implications

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

Economy:

- Well-planned, sustainable urban development

Community:

- Safe and connected communities

Leadership:

- Sound decisions based on evidence and meaningful engagement

Conclusion

As an outcome of *Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024 (STRA Regulations)*, changes to Scheme 12 are required to ensure consistency with the land use definitions contained in model provisions to local planning schemes. No changes to land use permissibility are proposed, and therefore, the amendment is considered a basic amendment and can progress to final approval without the need for advertising and additional assessment by other state agencies.

As a result of identifying these changes, restricted opportunities for tourism related development at two golf course sites that were previously available under Scheme 3 are no longer available and therefore a separate amendment to rectify this omission, which will be a standard amendment, is proposed to be adopted for advertising purposes.

RECOMMENDATION

That the Planning & Community Consultation Committee recommend that Council:

- 1. In accordance with Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare the following amendment to Local Planning Scheme No 12:**

“PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME
CITY OF MANDURAH
LOCAL PLANNING SCHEME NO 12
AMENDMENT NO 8

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

(a) In Division 1, Clause 6.1, ‘Terms Used’:

- delete the definition for ‘*short-term accommodation*’.
- replace the general definition for ‘*cabin*’ to:

means a building that -
 - (a) *is an individual unit other than a chalet; and*
 - (b) *forms part of –*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*
and
 - (c) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*
- replace the general definition for ‘*chalet*’ to:

means a building that —
 - (a) *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
 - (b) *forms part of –*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*
 - (c) *and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*

(b) In Division 2, Clause 6.2, ‘Land Use Terms Used’:

- delete the definitions for:

- bed and breakfast;
 - holiday accommodation;
 - holiday house;
 - motel;
 - serviced apartment; and
 - tourist development.
- Inserting the definitions for “*tourist and visitor accommodation*” as per Schedule 1 – Model Provisions:
 - (a) *means a building, or a group of buildings forming a complex, that —*
 - (i) *is wholly managed by a single person or body; and*
 - (ii) *is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and*
 - (iii) *may include on-site services and facilities for use by guests; and*
 - (iv) *in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;*
 - and*
 - (b) *includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest’s stay by the owner or manager of the apartment or an agent of the owner or manager; but*
 - (c) *does not include any of the following —*
 - (i) *an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);*
 - (ii) *a caravan park;*
 - (iii) *hosted short-term rental accommodation;*
 - (iv) *a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*
 - (v) *a park home park;*
 - (vi) *a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*
 - (vii) *a road house;*
 - (viii) *workforce accommodation;*
- (c) In Clause 3.2 ‘Zoning Table’, insert in alphabetical order the following land uses and permissibility:

Use Class	Neighbourhood Centre	Local Centre	Service Commercial	General Industry	Mixed Use	Residential	Rural Residential	Rural Smallholdings	Rural	Private Community Uses	Tourism
Hosted Short-Term Rental Accommodation	D	D	X	X	P	P	P	P	P	X	I
Unhosted Short-Term Rental Accommodation	D	D	X	X	P	P	P	P	P	X	I
Tourist and Visitor Accommodation	P	D	X	X	A	A	A	A	A	X	P

(d) In Clause 3.2 'Zoning Table'; Table 6 'Special Use Zones in Scheme Area'; Schedule 2 'Parking Requirements' delete references to:

- bed and breakfast;
- holiday accommodation;
- holiday house;
- motel;
- serviced apartment; and
- tourist development.

(e) In Table 6, 'Special Use Zones in Scheme Area':

- replace reference of 'bed and breakfast' to 'hosted short-term rental accommodation'; and
- replace reference of 'tourist development' with 'tourist and visitor accommodation'

(f) In Schedule 2 'Parking Requirements':

- replace reference of 'holiday house' with 'unhosted short-term rental accommodation'; and
- replace reference of 'tourist development' with 'tourist and visitor accommodation'

Dated 27 May 2025
Chief Executive Officer

2. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No 8 of City of Mandurah Local Planning Scheme No. 12 is a basic amendment for the following reasons:

(a) the amendment is consistent with the model provisions in Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and

- (b) the amendment deletes provisions that have been superseded by the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. That Council approves updates and modifications to the following Precinct Structure Plans to ensure consistent terminology and definitions in land use tables arising from the final gazettal of Amendment 8 to Local Planning Scheme No 12:
- (a) Mandurah Strategic Centre
 - (b) Lakelands Town Centre
 - (c) Halls Head Town Centre
 - (d) Falcon Village District Centre
- by deleting the definitions of:
- (a) bed and breakfast;
 - (b) holiday accommodation;
 - (c) holiday house;
 - (d) motel;
 - (e) serviced apartment; and
 - (f) tourist development.
- and replacing with ‘hosted short term rental accommodation’; ‘unhosted short term rental accommodation and ‘*tourist and visitor accommodation*’ as required.
4. In accordance with Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare the following amendment to Local Planning Scheme No 12:

“PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF MANDURAH

LOCAL PLANNING SCHEME NO 12

AMENDMENT NO 9

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- (a) Modifying Table 4: Specified Additional Use for Zoned Land in Scheme Area:

No	Description of Land	Additional Use	Conditions
A2	Lot 3000 Meadow Springs Drive, Meadow Springs	P Uses: Tourist and Visitor Accommodation	(a) Where Tourist and Visitor Accommodation Uses are proposed, the site shall be subject to a Local Development Plan as per Part 6 of the Deemed Provisions to determine the location, form and scale of development for the site, having regard to the

No	Description of Land	Additional Use	Conditions
			prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development
A3	Lot 400 and 401 Country Club Drive, Dawesville	P Uses: Tourist and Visitor Accommodation	(a) Where Tourist and Visitor Accommodation Uses are proposed, the site shall be subject to a Local Development Plan as per Part 6 of the Deemed Provisions to determine the location, form and scale of development for the site, having regard to the prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development

(b) Amending the Scheme Maps Accordingly.

Dated 27 May 2025
Chief Executive Officer

5. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No 9 of City of Mandurah Local Planning Scheme No. 12 is a standard amendment for the following reasons:

- (a) is an amendment relating to a zone that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (d) is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (e) is an amendment that is not a complex or basic amendment.

2	SUBJECT:	Madora Bay (Seaside) Local Centre – Local Development Plan
	DIRECTOR:	Strategy and Economic Development
	MEETING:	Planning & Community Consultation Committee
	MEETING DATE:	19 May 2025

Summary

Council is requested to consider a Local Development Plan (LDP) which applies to the Madora Bay (Seaside) Local Centre. The LDP will guide future development of the site and will ensure that future development provides a suitable transition and interface to surrounding residential development, and the adjacent foreshore node.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the LDP was advertised between 27 March and 17 April 2025, with no submissions being received.

It is recommended that Council approve the proposed Local Development Plan.

Disclosure of Interest

Nil

Location



Property Details

Applicant:	CLE Town Planning + Design
Owner:	Satterley Property Group
Scheme No 3 Zoning:	Local Centre
Peel Region Scheme Zoning:	Urban
Lot Size (existing):	70 hectares
Topography:	Relatively flat
Land Use:	N/A

Previous Relevant Documentation

- G.4/5/22 24 May 2022 Council determined support Amendment 1 to the Madora Bay North Local Structure plan.
- G.24/11/15 10 November 2015 Council determined not to support the Madora Bay North Local Structure plan.
- G.16/10/14 28 October 2014 Council resolved to adopt the Madora Bay North Local Structure plan for final approval.
- G.23/05/14 27 May 2014 Council resolved to adopt the Madora Bay North Local Structure plan for advertising purposes.

Background

The Madora Bay North Structure Plan was originally approved by the WAPC in March 2016.

Following a change in ownership of the project area, a revision to the Structure Plan was initiated and Amendment 1 to the Structure Plan was approved by the WAPC in September 2023. This Amendment's primary purpose was the redistribution of some areas of public open space and minor reconfiguration of the Local Centre to improve its interface with the foreshore reserve to the west.

It is relevant to note that the Council resolution to support Amendment 1 to the Structure Plan in May 2022 included the following modification:

- That the area noted as Coastal Node and Village Centre be subject to a Local Development Plan (LDP) in accordance with part 6 of the Deemed Provisions. The LDP shall provide details on the movement network, built form, recreational facilities and amenities with a particular focus on prioritising the pedestrian experience. The preparation of the LDP will include community consultation and be presented to Council for approval.*

This resolution required a Local Development Plan for the Local Centre zone to include foreshore node and surrounding street network, to ensure a holistic approach to the development of the broader node. The Council resolution identified the need for the LDP to provide details on the movement network, built form, recreational facilities and amenities with a particular focus on prioritising the pedestrian experience.

The WAPC is the decision-maker for Structure Plans. The Council resolution is therefore a recommendation which is forward to the WAPC for consideration. The WAPC did not support Council's resolution, and approved the Structure Plan with the following provision relating to a LDP for the land zoned Local Centre:

The development of the (Local Centre) zone should be in accordance with approved Local Development Plans. These should be based on 'main street' design principles promoting development to be built up to or close to the street, providing good surveillance of the primary street/s with coordinated parking areas located at the rear.

The requirement for the LDP to be submitted to the City is triggered through the subdivision process. In December 2022, subdivision approval 162740 was approved by the WAPC and included a condition which requires the LDP to address: *'built form, access and parking requirements for lots identified as Local Centre by the Structure Plan'*.

Based on the current planning framework for the site, the following approvals relate to the broader node:

- Local Development Plan which relates to the development of land within the Local Centre zone (i.e. the subject application).
- Civil plans which detail road design and streetscape treatments for the street network surrounding the Local Centre and foreshore node. Civil plans are submitted in response to subdivision conditions.
- Foreshore Management Plan which details the management of the foreshore reserve and guides the development of the foreshore node through the preparation of a concept master plan. Ultimately, the development of the coastal node is subject to subsequent landscaping approvals. The FMP is currently being assessed and will be considered by Council in due course.

Comment

As required by the Structure Plan and subdivision condition, the applicant has submitted the LDP in accordance with the details set out in the Local Development Plan framework as provided by the Western Australian Planning Commission.

Importantly, Scheme 12 outlines the following requirements for development that are relevant to the local centre zone:

- General Requirements to all non-residential development:

"Notwithstanding the requirements relating to development that are set out in a Precinct Structure Plan, Local Development Plans or Local Planning Policies the following provisions shall be provided for development in all Centre zones:

- Buildings shall be required to front the primary street and shall be of high quality. Elevations are to include articulation through variety of materials, height, setbacks and awnings covering pedestrian walkways around the building. Walls with no articulation and no variety of materials will not be accepted.*
- Wherever possible buildings are to address all public spaces, through the provision of windows and control of signage on windows to provide for surveillance and security. The blanking out of windows with signage is not acceptable.*
- Landscaping is to be of a high quality through the use of trees within parking areas, the street verge and around buildings, complimented by extensive low-rise native landscaping.*
- A variety of paving is to be provided adjacent to the building and within the car parking area to demarcate pedestrian crossings and driveway access, ensuring that the extent of bitumen is reduced.*

- (e) *Car parking areas are to be designed to wrap around the site and/or buildings, to form internal access ways. Car parking areas are to be articulated using high quality landscaping, tree plantings, variety of pavements, pedestrian refuge islands and access ways.*
 - (f) *The layout and location of access ways, parking, loading bays and service areas are to be designed to permit vehicles to enter streets in a forward gear.*
 - (g) *Service and loading areas are to be screened from street view and residential land uses.*
 - (h) *The extent and amount of signage shall be controlled and minimised and shall have regard to the following:*
 - (i) *An area on the building's facade shall be designed to incorporate the appropriate signage for individual tenancies, in a manner that does not detract from the building's design;*
 - (ii) *The painting of the building in a tenant's corporate colours is considered a form of signage and should not detract from the building's design; and,*
 - (iii) *Use of pylon and free-standing signs is to be restricted and kept to a minimum having reference to the applicable Precinct Structure Plan, Local Development Plan or Local Planning Policy.*
- **Specific Local Centre Zone Requirements**

"Within the Local Centre and Neighbourhood Centre zones, the following shall apply:

 - (a) *Minimum setbacks:*
 - (i) *Setbacks shall be established through a Local Development Plan or in the absence of an approved Local Development Plan as determined by the local government, generally based on 'main-street' design principles where appropriate for the context of the site and the location, ensuring that building entries, car parking locations and landscaping can be accommodated.*
 - (ii) *Where a site adjoins residential development the setback requirements shall be in accordance with the R-code of the adjoining site.*
 - (b) *Open space:*

A minimum of 10 percent of site shall be set aside for open space and landscaping, excluding car parking and manoeuvring areas;"

The LDP has been prepared to augment the provisions of Local Planning Scheme 12 Local Centre zone and Structure Plan requirements specifically for the size and layout of the sites to be created as a result of the subdivision of the area.

Final development, including building design, specific layout, elevations, scale etc, within the Local Centre will ultimately be determined at the development application stage, when assessed against the provisions of the LDP as well as the relevant planning framework. The following key planning controls contained in the LDP will be used to guide future development applications:

Built Form

- Nil setbacks are proposed adjacent to Sabina Drive to encourage main street outcomes consistent with the Structure Plan, which encourages activation and surveillance of the street and foreshore node.
- Nil setbacks are also proposed to Ocean Parade to facilitate wayfinding and a built form which emphasises the foreshore node as a key destination.

- Whilst nil setbacks are facilitated through ‘active frontages’, the LDP does allow for buildings to be setback to allow for alfresco dining and differing built form which creates visual interest. The street cross sections of Ocean Parade and Sabina Drive (currently subject to detailed design) will provide a verge/footpath spaces between 4.5m and 6m which provides appropriate spaces for alfresco spaces, however until development plans for the site(s) are prepared and tenancy mix is confirmed, this detail will need some degree of flexibility.
- A secondary street minimum setback of 3m facing planned residential development allows for a transition between the Local Centre and nearby residential development. Whilst the setback may be greater, a minimum setback of 3m allows for some landscaping relief.
- A minimum building height of 4.5m is proposed, which ensures buildings are of an appropriate scale which emphasises the foreshore node as a key destination.
- The LDP provides guidance on building materials and colours, by putting emphasis on the sites coastal location and restricts the use of blank elevations such as the use of tilt up concrete. A schedule of materials and colours would be submitted and assessed by the City as part of any future development application.

Vehicle Access and Parking

- Indicative vehicle access points have been provided on the LDP in order to prioritise pedestrian movement and landscaping outcomes along Ocean Parade. At the development application stage, any proposal will be required to include traffic and transport assessment for the City’s review.
- On the basis that the Local Centre zone contemplates a range of land uses and future development of the site is not yet known, the LDP states parking rates will be guided by the WAPC’s *Planning Manual: Car Parking Rates in Perth and Peel*.
- On-street parking is expected to be provided on surrounding streets facilitated through the subdivision approval process.

Landscaping

- A minimum of 5% of the total site area shall be provided as on-site landscaping, which is less than the 10% prescribed by Scheme 12.

Scheme 12 however does not differentiate between ‘soft’ and ‘hard’ landscaping – and primarily the ‘10% landscaping’ is space not occupied by parking or built form.

In order to address this outcome and the requirement of Scheme 12 where “*landscaping is to be of a high quality through the use of trees within parking areas, the street verge and around buildings, complimented by extensive low-rise native landscaping*”, the LDP also outlines the landscaping to be provided as follows:

- *A minimum 3m landscaping strip shall be provided where car parking is proposed adjacent to the street.*
- *Opportunities for landscaping should be investigated at the rear of buildings to assist with screening of back-of-house/service areas.*
- *Tree species are to be determined in consultation with the City and shall respond to the site’s coastal location.*
- *Landscaping areas shall comprise a mix of shade trees and ground covers to the satisfaction of the City.*

Ultimately these outcomes will result in the landscaping requirement to be 'soft' landscaping, therefore in this context, officers support this outcome. Further, the applicant, with officer's support, that the reduced rate of landscaping is appropriate based on the following:

- The LDP identifies large portions of 'active frontage' which generally require a nil setback, therefore limiting the ability to provide landscaping which is typically provided in the street setback.
- The developer is delivering enhanced streetscapes for the surrounding Ocean Parade and Sabina Drive.
- The landscaping requirement is a minimum, and additional landscaping could ultimately deliver on-site subject to the development form.
- The site abuts public open space and is adjacent to the foreshore node, providing significant greenspace in the immediate area.

Each of these elements is supported by officers in the assessment of the LDP and aligns with the intended outcomes of the structure plan and adjoining / surrounding development plans.

MEAG Comment

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

Consultation

In accordance with the Deemed Provisions for Local Planning Schemes, advertising is required to be undertaken for a minimum of 14 days. The LDP was advertised between 27 March and 17 April 2025, via direct letter / email notification to landowners within a 500m radius of the subject site, sign on-site, and via the City's website. A direct email notification was sent to the Madora Bay Community Association. No submissions were received.

Statutory Environment

The LDP has been prepared and assessed in accordance with the Deemed Provisions for Local Planning Schemes – Part 6 including, but not limited to:

- A local development plan must be prepared in a manner and form approved by the Commission;
- The local government must, within 28 days of accepting an application for a local development plan, to commence advertising of the subject plan and advertise the plan as required by the deemed provisions;
- The local government is to consider all submissions and must (within 60 days of the completion of advertising), determine to approve, modify or refuse the plan.
- Should the applicant feel aggrieved by the determination, they have the right to appeal the decision to the State Administrative Tribunal.

Delegation DA-PAD 04 Local Development Plans provides for the Chief Executive Officer (and sub-delegated to relevant officers) to:

“determine to approve, modify or refuse the Local Development Plan in accordance with clause 52 of the Deemed Provisions subject to where the plan has been advertised, no submissions have been received on relevant matters that can be considered in making a determination on a Local Development Plan.”

However, based on Council’s consideration of Amendment No 1 to the Madora Bay North Structure Plan in May 2022 included that *“the preparation of the LDP will include community consultation and be presented to Council for approval.”*

Policy Implications

Policy and design provisions relating to the LDP have been addressed above.

Financial Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Analysis

Nil

Strategic Implications

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

Economy:

- Well-planned, sustainable urban development

Leadership:

- Sound decisions based on evidence and meaningful engagement

Conclusion

The proposed Local Development Plan is considered to have addressed the requirements of the Madora Bay North (Seaside) Structure Plan, and the WAPC subdivision approval by applying appropriate development controls in relation to built form (i.e. setbacks, height and materials / colours), vehicle access and parking, and landscaping.

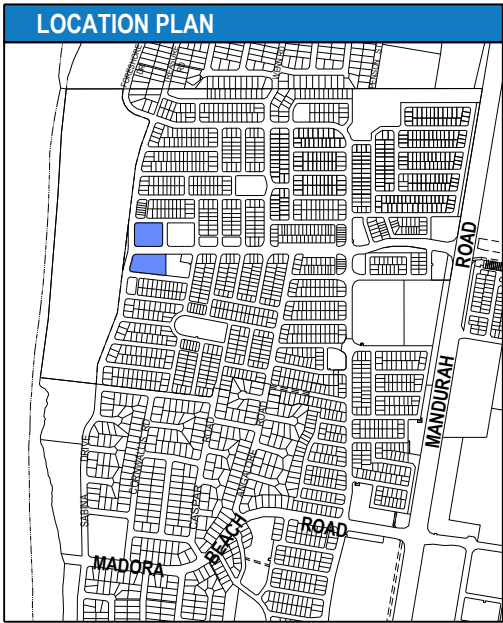
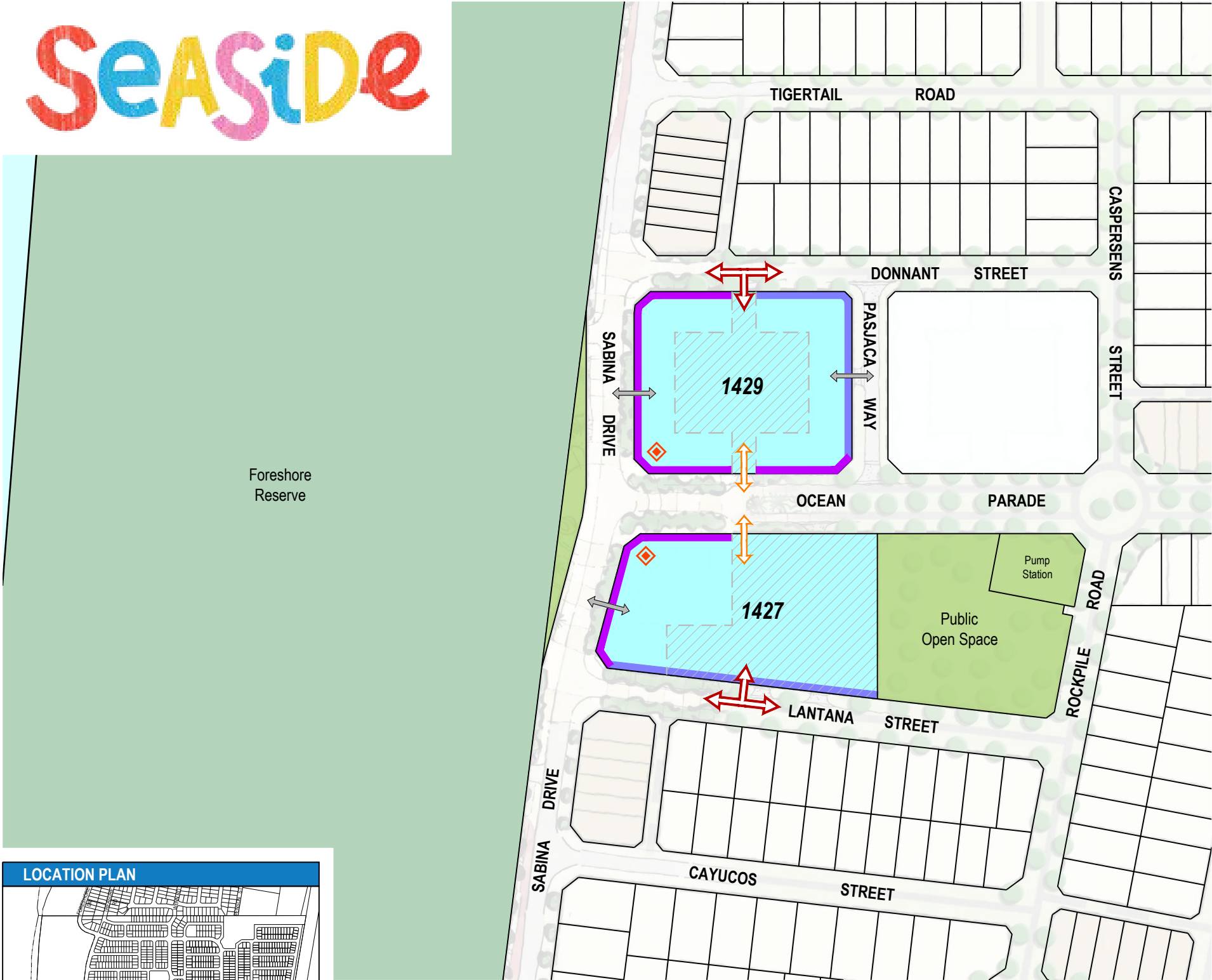
The LDP will guide future development of the site and will ensure that future development provides a suitable transition and interface to surrounding residential development, and the adjacent foreshore node.

NOTE:

- Refer ***Attachment 2.1 Seaside Local Centre Local Development Plan***

RECOMMENDATION

That the Planning & Community Consultation Committee recommend that Council in accordance with Clause 52 (1)(a) of the Deemed Provisions for Local Planning Schemes (*Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations*), approve the Seaside Local Centre Local Development Plan as detailed in Attachment 2.1 (Plan No: 962-267B-01 Dated: 10.01.2025).



LEGEND

- Lots Subject to LDP
- Public Open Space
- Active Frontage
- Secondary Frontage
- Car Parking Location
(Indicative Only)
- Full Movement
- Left In / Left Out Only
- Pedestrian Link
(Indicative Only)
- Building Emphasis

ENDORSEMENT TABLE	
.....
Manager Approvals Services	Date
City of Mandurah	
This Local Development Plan has been approved by Council under clause 52(1)(a) of the deemed provisions of District Planning Scheme No. 3.	



LOCAL DEVELOPMENT PLAN 4

Seaside Local Centre - Local Development Plan Provisions

Application of Local Development Plan

Unless provided for below, the provisions of the Madora Bay North Local Structure Plan and the City of Mandurah Local Planning Scheme No. 12 apply.

Future development shall have due regard to this Local Development Plan (LDP) in accordance with Clause 56 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the development application stage, variations to this LDP can be considered subject to appropriate justification and supporting information being provided.

Vision

This LDP has been prepared to coordinate the development of the Seaside Local Centre and support the delivery of an active and legible destination that prioritises pedestrians and integrates seamlessly with the Seaside Coastal Node.

Development Controls

Residential Development

- A residential density of R60 applies within the Local Centre. The below provisions do not apply to residential development, which shall be in accordance with the Residential Design Codes.

Setbacks and Frontages

Active Frontage

- A nil setback and continuous frontage, generally where illustrated on this LDP.
- Building setbacks may be increased by up to five metres to accommodate alfresco dining areas or a courtyard/forecourt, at the discretion of the City.
- Ground floor commercial uses to comprise a minimum of 50% glazing, or alternatively incorporate wall art or be treated with a variety of colours, materials and details to provide appropriate activation, at the discretion of the City.
- Provide pedestrian shelter by installing awnings over the adjoining footpaths, with a minimum height of 2.7m above the finished ground level and a minimum width of 2.0m.

Secondary Frontage

- A 3m setback for all built development, generally where illustrated on this LDP.
- Building setbacks are permitted to accommodate vehicle access, parking and circulation.
- Building façades shall have enhanced building edges that incorporate variations in height, colour, materiality and building depth to ensure appropriate visual interest and avoid the creation of blank walls.

Building Heights

- Buildings should have a minimum façade height of 4.5m.
- Developments should investigate opportunities for increased façade heights in building emphasis locations, where identified on this LDP.

Pedestrian Linkages

- Pedestrian links from internal car parking areas to the street and building fronts are to be provided generally in the locations identified on this LDP to enhance permeability.
- Pedestrian links shall have a minimum width of 3m and incorporate passive surveillance to enhance safety, including a combination of elements such as overlooking windows, appropriate lighting or landscaping to maintain open sightlines.

Vehicle Access

- Vehicle crossovers are to be provided generally in the locations identified on this LDP. Alternative crossover locations may be considered where demonstrated through supporting traffic information at the development application stage.

Service Areas

- Service areas shall be determined at the development application stage and must be integrated within the building design and screened from view from adjacent streets and public areas.

Parking

- Parking shall generally be located at the rear of buildings and screened from Sabina Drive where possible.
- Parking shall be provided in accordance with the rates set out in Appendix A of the WAPC's *Planning Manual: Non-Residential Car Parking Rates in Perth and Peel*. Parking rates may be varied at the discretion of the City, where supported by appropriate justification.

Landscaping

- A minimum of 5% of the total site should be set aside for landscaping.
- A minimum 3m landscaping strip shall be provided where car parking is proposed adjacent to the street.
- Opportunities for landscaping should be investigated at the rear of buildings to assist with screening of back-of-house/service areas.
- Tree species are to be determined in consultation with the City and shall respond to the site's coastal location.
- Landscaping areas shall comprise a mix of shade trees and ground covers to the satisfaction of the City.
- A landscaping concept plan shall be provided with any development application.

Building Colours and Materials

The colours and materials of buildings are to be determined at the development application stage with regard for:

- Incorporating a variety of distinctive colours and materials that provide visual interest and respond to the coastal location of the site.
- Avoiding the use of tilt up concrete unless appropriately treated.
- Ensuring all elements of the design (roofs, walls, and detailing) work together harmoniously as a unified whole.