

Southern Mandurah Rural Structure Plan

Part 1: Structure Plan Text

Final (Subject to WAPC Approval)
March 2015

Record of Adoption

Stage	Document Version No	Document Date	Approval Date
Draft for Internal Review	1	December 2013	N/A
Revised Draft for Internal Review	2	February 2013	N/A
Revised Draft for Advertising	3	March 2013	23 April 2013
Modifications for Advertising (Formatting Only)	4	August 2014	N/A
Final (Subject to WAPC Approval)	5	March 2015	24 March 2015

Record of Structure Plan Map

Stage	Document Version No	Document Date	Approval Date
Draft for Internal Review	0	December 2013	N/A
Revised Draft for Advertising	A	19 March 2013	23 April 2013
Modifications for Advertising (Formatting Only)	B	11 August 2014	N/A
Final (Subject to WAPC Approval)	C	10 March 2015	24 March 2015

Schedule of Modifications

No	Description	Document Revision No	Document Date	Approval Date

Contents

1. Introduction	1
1.1 Application and Structure Plan Area	1
1.2 Structure Plan Content	1
1.3 Interpretation and Relationship with the Scheme	1
1.4 Structure Plan Principles	2
1.5 Operation	2
1.6 Interpretation and Definitions	2
2. Structure Plan Objectives	4
3. Land Use and Subdivision	5
3.1 Structure Plan Zones	5
3.2 Minimum Lot Sizes	6
3.3 Subdivision Assessment	6
3.4 Land Uses	7
4. Development	8
4.1 Bushfire Prone Area	8
4.2 Building Envelopes	9
4.3 Potable Water Supply	10
4.4 Fencing and Gates	10
4.5 Extractive Activities	11
4.6 Effluent Disposal Systems	12
4.7 Stocking Rates for Animals	14
5. Administration	17
5.1 Adoption of the Structure Plan	17
5.2 Modifications to the Structure Plan	17
5.3 Amendment 121 to the Scheme	18

List of Plans

Plan 1	Structure Plan Map	3
Plan 2	Nutrient Retention Area	13
Plan 3	Stocking Unit Code	15

List of Tables

Table 1	Minimum Lot Sizes	6
Table 2	Land Use Table	7
Table 3	Building Envelope Setback Requirements	9
Table 4	Stocking Rates for Animals	14

1. Introduction

1.1 Application and Structure Plan Area

This Structure Plan, once endorsed, becomes the development control plan for the Southern Mandurah Rural Area, providing subdivision, land use and development standards for the Structure Plan Area as required by Town Planning Scheme No 3.

This Structure Plan shall apply to the land contained within the inner edge of the line denoting the Structure Plan Boundary on the Structure Plan Map as shown in Plan 1.

1.2 Structure Plan Content

1.2.1 This structure plan comprises:

- (a) the Structure Plan Text; and
- (b) the Structure Plan Map (Plan 1)

1.2.2 The Structure Plan should be read in conjunction with the Mandurah Planning Strategy and the provisions of Town Planning Scheme 3.

1.2.3 The Part Two Background Report prepared with the Structure Plan is to be used as a reference only to clarify and guide interpretation and implementation of Part One.

1.2.4 Notes and instruction contained in the Structure Plan Text are not part of the Structure Plan and are for reference purposes only.

1.3 Interpretation and Relationship with the Scheme

Unless otherwise specified in this part, the words and expressions used in this Structure Plan shall have the respective meanings given to them in the City of Mandurah Town Planning Scheme 3 (*'the Scheme'*) including any amendments gazetted thereto.

The Structure Plan Map (Plan 1) outlines land use, zones and reserves applicable within the structure plan area.

Where applicable, the zones and reserves designated under this Structure Plan apply to the land within it as if the zones and reserves were incorporated into the Scheme.

Pursuant to clause [proposed] Clause 4.15 and Clause 7.11 of the Scheme:

- (a) The provisions, standards and requirements specified under Part One of this Structure Plan shall have the same force and effect as if it were a provision, standard or requirement of the Scheme. In the event of there being any variations or conflict between the provisions, standards or requirements of the Scheme and the provisions, standards or requirements of this structure plan, then the provisions, standards or requirements of this Structure Plan shall prevail;
- (b) Any other provision, standard or requirement of Part One of the Structure Plan that is not otherwise contained in the Scheme, shall apply to the structure plan area as though it is incorporated into the Scheme, and shall be binding and enforceable to the same extent as if part of the Scheme.

1.4 Structure Plan Principles

The provisions of the Structure Plan have been prepared in response to the recommendations of the Western Australian Planning Commission's *Coastal and Lakelands Planning Strategy* and the Environmental Protection Authority's *Bulletin 864 (Final Criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton)* requirements and all other relevant State Planning Policies.

The key principles of the Structure Plan are to achieve the following:

- (a) Updating the planning framework and statutory provisions to assist in protecting Lake Clifton and the Harvey Estuary;
- (b) To seek to maximise vegetation retention and biodiversity conservation; and
- (c) To halt the decline of water quality and quantity impacting on the health of Lake Clifton and its thrombolities.

These are further explained in Part 2: Background Report which provides a reference resource for the Structure Plan Area.

1.5 Operation

In accordance with Clause 7.11.3.10 of the Scheme, this structure plan shall come into operation when it is approved by the Western Australian Planning Commission (WAPC) as outlined in Section 4.1 of the Structure Plan.

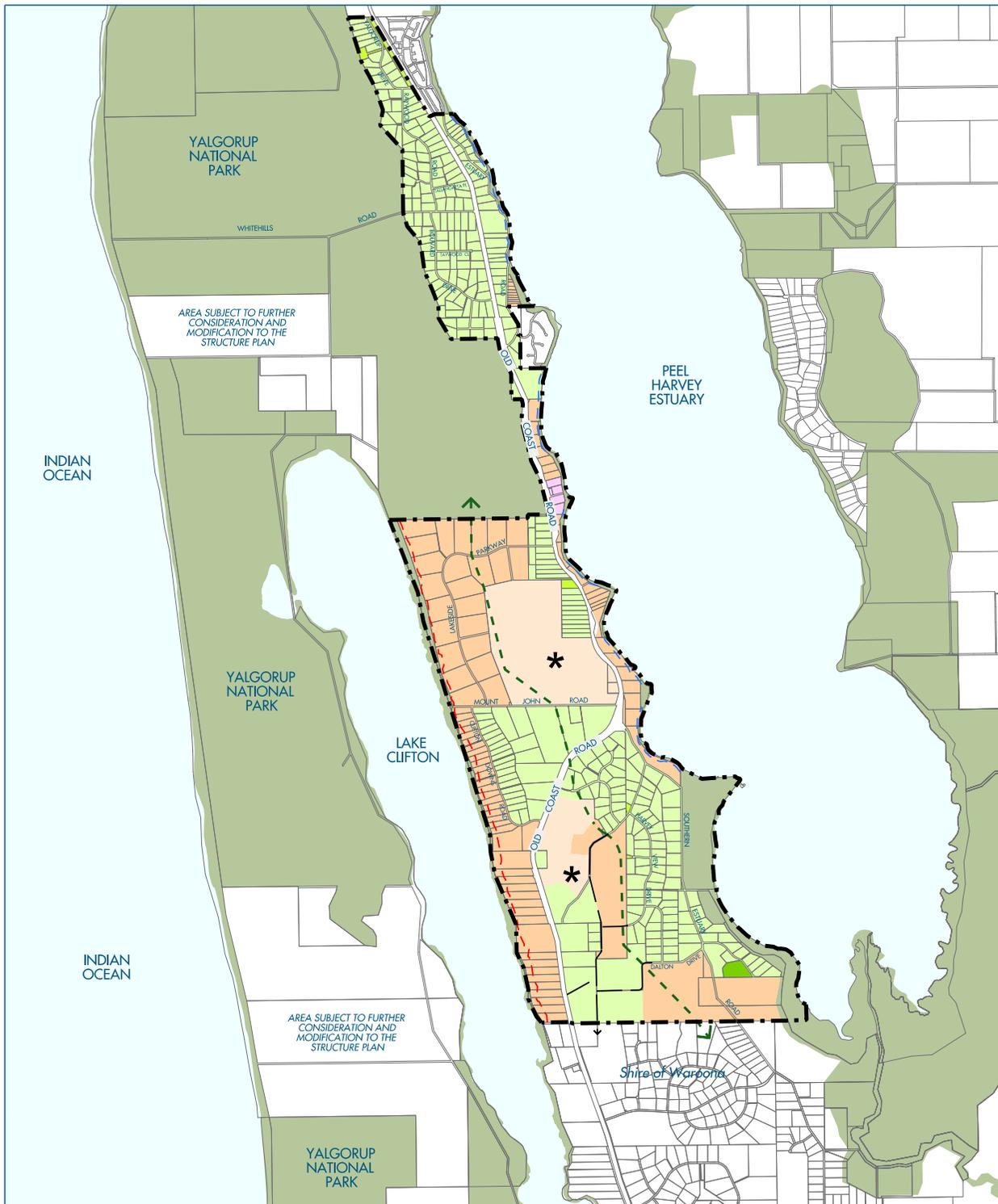
1.6 Interpretation and Definitions

For the purposes of the Structure Plan, in the absence of the definition of words and expressions in the Scheme, the following definitions shall apply:

Scheme means the *City of Mandurah Town Planning Scheme 3*

Bushfire Regulations means the combination of the following:

- *State Planning Policy 3.7: Planning for Bushfire Risk Management;*
- *Planning for Bushfire Risk Management Guidelines and Appendices; and*
- *Planning and Development (Bushfire Risk Management) Regulations*
- *Any other State Government Bushfire development requirements arising from the above*



Sub-Precinct Zones

- Rural Residential (5ha minimum)
- Rural Residential (10ha minimum)
- Rural (40ha minimum)
- Tourist (Caravan Park)

Special Controls

- 150m Lake Clifton Setback
- 50m Peel Harvey Estuary Setback
- South West Regional Ecological Linkage
- Local Road Connections Required through Subdivision
- * Extractive Activities (Existing)

Reserved Land

- Regional Open Space (Peel Region Scheme Reserved Land)
- Conservation and Passive Recreation
- Local Reserves

Notes

1. The Structure Plan Area is a designated Bushfire Prone Area
2. The Structure Plan Map is to be read in conjunction with the Structure Plan Text

Structure Plan Boundary

2. Structure Plan Objectives

The objectives of the Structure Plan are to achieve the following:

- (a) *Providing for subdivision, development and land use that will seek to protect the significant biodiversity values of the Area, including Lake Clifton and its Thrombolites, the Harvey Estuary and habitat for significant flora and fauna; and protect, and where possible restore the water quality of Lake Clifton.*
- (b) *Preventing subdivision, development and land use which would harm quality of groundwater and surface water resources in the Structure Plan Area;*
- (c) *Ensure new subdivisions and development comply with current standards of fire management and protection of people, biodiversity and property;*
- (d) *Protect the visual landscape and amenity of the Structure Plan Area.*

3. Land Use and Subdivision

3.1 Structure Plan Zones

For the purposes of providing specific details relating to subdivision requirements and land uses within the Structure Plan, the Structure Plan Area has been broken down into four distinctive structure plan zones as shown in Plan 1.

3.1.1 Rural Residential (5ha minimum)

The purpose and intent of the Rural Residential (5ha minimum) Zone is to designate areas where rural residential living can be accommodated without detriment to the environment or the rural character of the area.

Typically lands within this zone consist of areas already having been for rural residential living where retention of natural bushland and maintenance and enhancement the rural character and amenity of the locality is encouraged.

3.1.2 Rural Residential (10ha minimum)

The purpose and intent of the Rural Residential (10ha minimum) Zone is to identify areas with environmental sensitivities that warrant specific protection including areas directly adjoining the Harvey Estuary and Lake Clifton and lands containing significant large areas of local natural vegetation.

Other environmental constraints within this zone include proximity to identified wetlands, flood hazard areas, vasse soils and acid sulfate soils which mandate specific control over future subdivision and development.

3.1.3 Rural (40ha minimum)

The purpose and intent of the Rural Zone is to designate areas with environmental sensitivities that warrant specific protection from further subdivision and development representing areas containing a significant homogenous area of local natural vegetation supporting high levels of biodiversity.

In addition land within this zone also accommodate existing extractive activities where properties adjoining these activities shall avoid establishment of sensitive land uses in close proximity which may potentially prejudice current or future extraction of basic raw materials.

3.1.4 Tourist (Caravan Park)

The purpose and intent of the Tourist (Caravan Park) zone is to make provision for low key caravan park activities in an environmentally sensitive waterside location adjoining the Harvey Estuary consistent with Council's Local Tourism Planning Strategy.

3.2 Minimum Lot Sizes

Minimum lot sizes for the Structure Plan zones shall be in accordance with Table 1.

Table 1 Minimum Lot Sizes

Structure Plan Zone	Minimum Lot Size
Rural Residential (5ha minimum)	<i>5 hectares</i>
Rural Residential (10ha minimum)	<i>10 hectares</i>
Rural (40ha minimum)	<i>40 hectares</i>
Tourist (Caravan Park)	<i>No further subdivision permitted</i>

3.3 Subdivision Assessment

The following matters shall be considered when assessing an application for subdivision within the Structure Plan area:

- (a) the significance and conservation value of remnant vegetation including the retention and protection targets for Biodiversity set out in the Planning Strategy
- (b) the existing levels of the site;
- (c) the appropriateness for the future development of the site;
- (d) an assessment of the bushfire risk against the Bushfire Regulations, including the appropriateness of a Bushfire Management Plan, prepared in accordance with the Bushfire Regulations.
- (e) the need for a Acid Sulfate Soils Management Plan, and where relevant imposed as a condition of subdivision;
- (f) a determination of necessary Wetland Buffers to all wetlands within the Structure Plan Area, with all relevant Environmental Protection Policy, Conservation Category and Resource Enhancement Wetlands to be ceded as to the Crown as a reserve as a condition of any subdivision approval;
- (g) the provision of roads as identified on the Structure Plan Map;
- (h) for Lots within 1000m of Extractive Activities identified on the Structure Plan Map, the impact of the subdivision for rural residential purposes which may potentially 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.

3.4 Land Uses

Land Uses for the Structure Plan zones shall be in accordance with Table 2. The application of these land uses shall be subject to the development requirements outlined in the Structure Plan.

Table 2 Land Use Table

Land Uses	Rural Residential (5ha)	Rural Residential (10ha)	Rural (40ha)	Tourist (Caravan Park)
<i>Ancillary Dwelling</i>	<i>IP</i>	<i>IP</i>	<i>IP</i>	<i>IP</i>
<i>Bed and Breakfast Accommodation</i>	<i>AA</i>	<i>AA</i>	<i>X</i>	<i>X</i>
<i>Caravan Park</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>P</i>
<i>Cattery</i>	<i>SA</i>	<i>SA</i>	<i>X</i>	<i>X</i>
<i>Corner Shop</i>	<i>SA</i>	<i>X</i>	<i>X</i>	<i>SA</i>
<i>Dog Kennels ¹</i>	<i>SA</i>	<i>SA</i>	<i>X</i>	<i>X</i>
<i>Eco-Tourist Facility</i>	<i>SA</i>	<i>SA</i>	<i>SA</i>	<i>SA</i>
<i>Extractive Industry</i>	<i>X</i>	<i>X</i>	<i>SA</i>	<i>X</i>

Refer to Clause 3.2.1 of Scheme 3 for interpretation of 'P', 'AA', 'SA' and 'X'.

Land Uses	Rural Residential (5ha)	Rural Residential (10ha)	Rural (40ha)	Tourist (Caravan Park)
<i>Grouped Dwelling</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>
<i>Hobby Farm</i>	<i>AA</i>	<i>AA</i>	<i>AA</i>	<i>X</i>
<i>Home Occupation</i>	<i>IP</i>	<i>IP</i>	<i>IP</i>	<i>IP</i>
<i>Intensive Agriculture</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>
<i>Plant Nursery</i>	<i>SA</i>	<i>SA</i>	<i>X</i>	<i>X</i>
<i>Public Worship – Place Of</i>	<i>SA</i>	<i>X</i>	<i>X</i>	<i>SA</i>
<i>Single House</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>IP</i>
<i>Veterinary Clinic ¹</i>	<i>SA</i>	<i>SA</i>	<i>X</i>	<i>X</i>

¹ To be located within an approved building envelope only.

4. Development

4.1 Bushfire Prone Area

- 4.1.1 The Structure Plan Area is a designated Bushfire Prone Area.
- 4.1.2 Dwelling construction within the Structure Plan Area will be subject to the relevant bushfire prone area building requirements pursuant to the Building Code of Australia and Australian Standard 3959 – 1999 (AS3959).
- 4.1.3 The application of a Building Envelope required under Section 4.2 of the Structure Plan shall include a Bushfire Management Plan prepared in accordance with the Bushfire Regulations that demonstrates:
- (a) all relevant bushfire protection acceptable solutions, or alternatively all relevant performance criteria, contained in the Bushfire Regulations have been considered and complied with, and effectively address the level of bushfire hazard applying to the land;
 - (b) the identification of the minimum Building Attack Level pursuant to AS3959;
 - (c) a minimum width of the Building Protection Zone and fire break, access and egress requirements to achieve a satisfactory bush fire management outcome in accordance with the Guidelines and AS3959.
 - (d) where native vegetation needs to be cleared to achieve a satisfactory bush fire management outcome, an identification of the extent of required clearing, and the nature and condition of the vegetation to be cleared, including an analysis of the comparative impact of the proposed location/s relative to alternative location/s.
- 4.1.4 Council may refer an application for a Building Envelope to the Department of Fire and Emergency Services for advice prior to application being determined if the application does not satisfy the relevant Acceptable Solutions contained within the Bushfire Regulations.

4.2 Building Envelopes

- 4.2.1 All lots within the Structure Plan Area shall be subject to the approval of a Building Envelope.
- 4.2.2 A Building Envelope shall be approved under the provisions of Clause 7.1 of the Scheme (Planning Approval), unless otherwise approved as part of a Subdivision Guide Plan that was previously approved under the provisions of Scheme 3.
- 4.2.3 All Building Envelopes shall be located in accordance with the following provisions:
- Shall not exceed 2000 square metres in area, unless otherwise required arising from the Bushfire Management Plan as specified in Section 4.1.3;
 - Minimise the need for clearing of remnant vegetation by being located within the most degraded area of the lot;
 - Ensure consistency with the Bushfire Regulations with respect site layout, vehicular access, fire fighting water supply and siting of development;
 - 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
 - Setback from relevant property boundaries as required by Table 3.

Table 3 Building Envelope Setback Requirements

	Setback
<i>Front Boundary (unless otherwise required)</i>	
<i>Lots Fronting Old Coast Road</i>	100m
<i>All Other Lots</i>	50m
<i>Side Boundary (unless otherwise required)</i>	15m
<i>Rear Boundary (unless otherwise required)</i>	50m
<i>Lake Clifton (measured from high water of lake as measured from the saltwater dependant wetland vegetation species)</i>	150m
<i>Peel Harvey Estuary (measured from high water of the estuary as measured from the saltwater dependant wetland vegetation species)</i>	50m
<i>Other Wetlands</i>	50m
<i>Vasse Soil Type</i>	20m
<i>South West Regional Ecological Linkage</i>	75m

- 4.2.4 Any variation of an approved building envelope shall be subject to:
- the approval requirements for an application for planning approval as required by the Scheme; and
 - must not detrimentally impact surrounding remnant indigenous vegetation, affect the rural amenity of the area or impact on bushfire protection measures required in the Structure Plan.

4.2.5 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;

Note: a minimum habitable finished floor level of 2.7m AHD is required to ensure adequate flood protection from the 1 in 100 Flood Level as set out by the Department of Water for land adjoining the Peel Harvey Estuary. No filling within or adjoining Conservation Category Wetlands shall be permitted.

- (d) The undertaking of all land uses as set out in Section 2.4 of the Structure Plan, unless otherwise approved as part of an application for planning approval.

4.2.6 No indigenous trees, bushland or other indigenous vegetation shall be cleared, felled or removed outside the defined building envelope except where necessary in the following situations:

- (a) the vegetation is dead, diseased or poses a danger to humans, stock or buildings;
- (b) the clearing is necessary for any firebreak as required under the Bush Fires Act 1954; or

- (c) the clearing is for the purpose of access to an approved building envelope;

4.2.7 In order to enhance the biodiversity and wildlife habitat of lands within the Structure Plan Area, the 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 planning approval.

4.3 Potable Water Supply

4.3.1 All buildings intended for residential use must include provision for the storage of water in tanks of not less than 130,000 litres capacity on the basis that no arrangements have been made for connection to a reticulated water supply provided by a licensed water provider.

4.3.2 Groundwater bores shall be subject to the restrictions of the Department of Water Southwest Groundwater Catchment Allocation Plan.

4.4 Fencing and Gates

Fencing within the Structure Plan area shall be consistent with the following:

- (a) Specifications for a Sufficient Fence as defined in Council's relevant Local Law dealing with fencing;
- (b) Where adjoining land under the management of the Department of Park and Wildlife (or equivalent), the specifications set out by the Department;
- (c) Any other specifications arising from the Bushfire Regulations or Bushfire Management Plan.

4.5 Extractive Activities

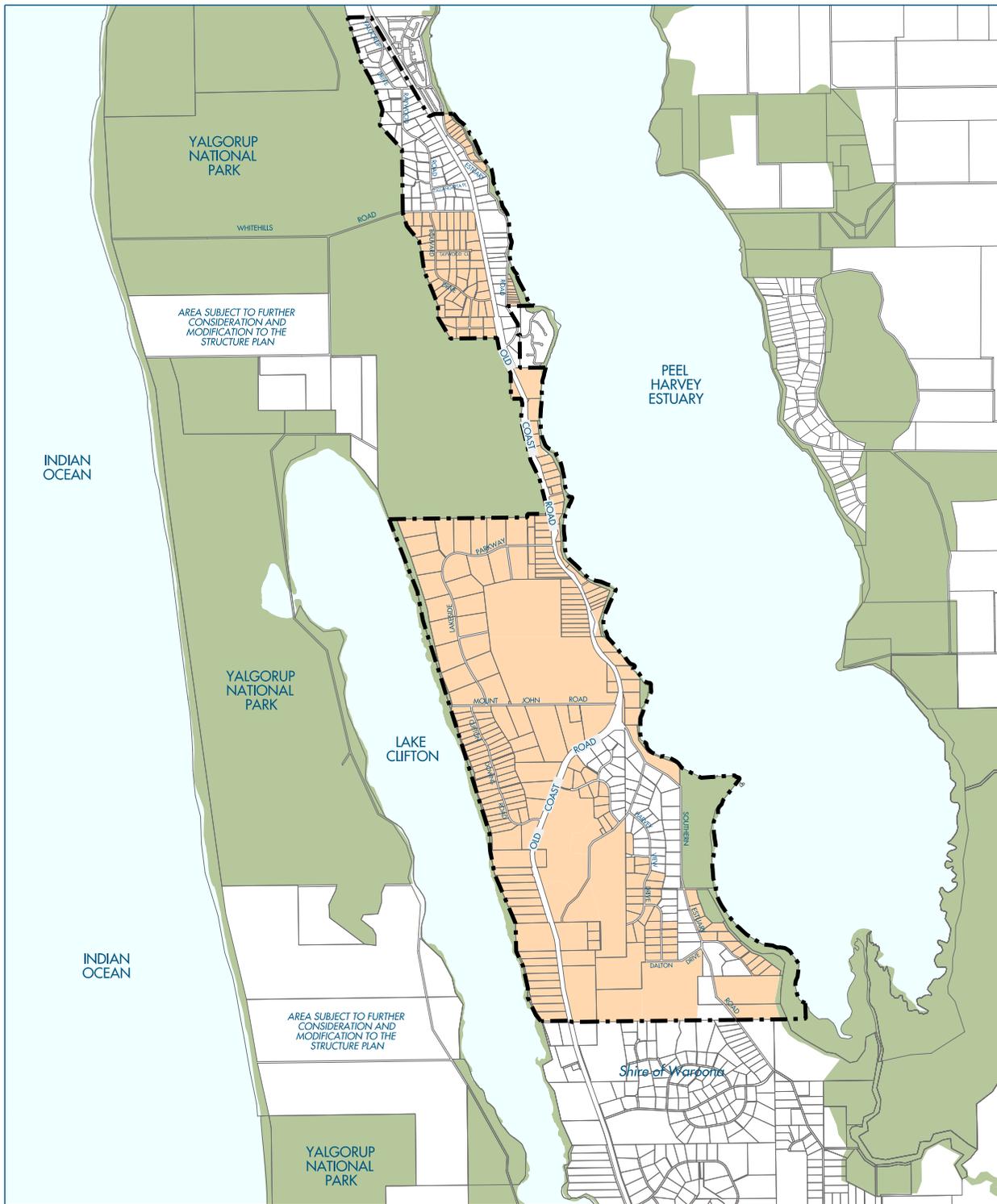
The assessment of further applications for extensions to the area or time period of approval for existing Extractive Activities as identified on Plan 1 shall be assessed in accordance with the State Planning Policy 2.4: Basic Raw Materials (2000) and the Peel Region Scheme – Strategic Minerals and Basic Raw Materials and Strategic Agricultural Resource Policy (2002).

Applications for extractive industry operations are to be accompanied by a management plan and report which that:

- demonstrates that sensitive land uses within 1,000 m of the proposal will not be adversely affected by the extractive industry operations;
- identifies appropriate buffer distances;
- provides details of the proposed use, development and management of the site;
- describes arrangements for vehicular access to the site, and
- sets out proposals for the progressive and ultimate rehabilitation of the site for its intended long-term use.

4.6 Effluent Disposal Systems

- 4.6.1 Within a Nutrient Retention Area, all development shall be serviced by an Aerobic Treatment Unit (ATU) that include high nutrient retaining capacities in accordance with Department of Health guidelines.
- 4.6.2 For the purposes of the Structure Plan, the 'Nutrient Retention Area' includes the areas as generally shown in Plan 2.
- 4.6.3 In all other areas, conventional onsite effluent disposal systems shall only be permitted if:
- Factors such as slope, soil type, permeability, vegetation cover and system design have been addressed.
 - There is at least 2m vertical separation exists between the base of the leach drain and the highest known groundwater level or bedrock,
 - There is at least 100m horizontal separation between the disposal system and the nearest water body.
 - There are no adverse effects on public health, water resources, or the character of the area.
 - The system is in accordance with the relevant Department of Health and Environment Protection Authority Guidelines.



 Nutrient Retention Area

 Structure Plan Boundary



Plan 2
Nutrient Retention Areas

10 March 2015 | 12/821/004C | 1:80 000 @ A4

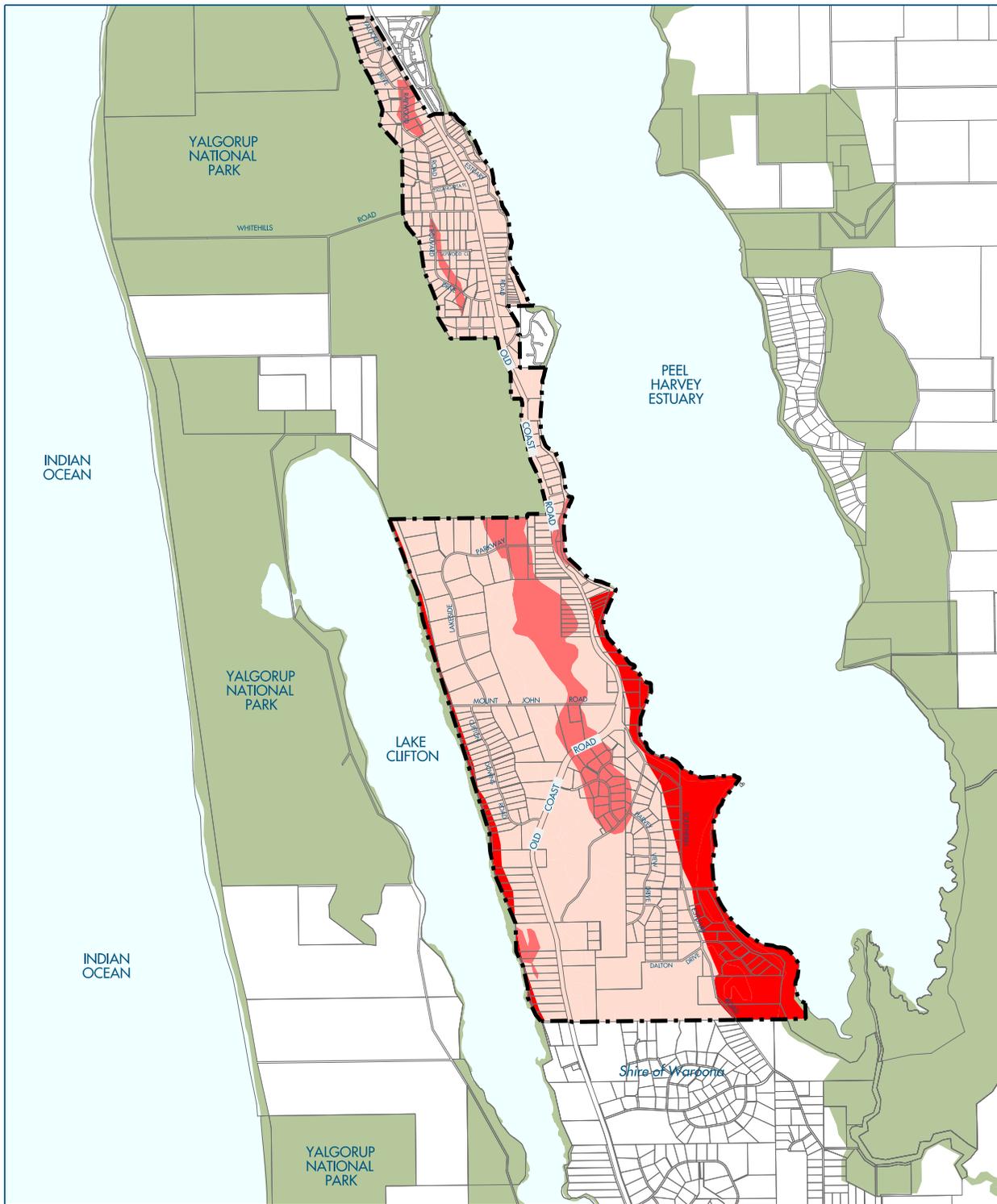


4.7 Stocking Rates for Animals

- 4.7.1 Planning Approval for the keeping of animals is *not required* where the stocking rates are consistent with the provisions of the Structure Plan as outlined in Table 4 and Plan 3 together with the following:
- Rates shown in Table 4 being based on area of cleared land and not total lot size.
 - Grazing being limited to parkland cleared areas only and further clearing of remnant bushland for grazing purposes shall not be permitted.
 - Grazing is not permitted within the setback areas to Lake Clifton, Peel-Harvey Estuary, Other Wetlands and Vasse Soils Types as defined in Table 3.
- 4.7.2 Where a landowner proposes to keep more animals that provided for in Table 4, an application for Planning Approval will be required, accompanied by a suitable Management Plan, which shall be assessed in accordance with the following:
- The provisions of the 'Stocking Rates for Rural Small Holdings, Agriculture WA';
 - The extent of dry pasture only;
 - Based on area of cleared land and not total lot size.
 - Importation of any feed shall not be permitted.
 - Grazing shall be limited to parkland cleared areas only and further clearing of remnant bushland for grazing purposes shall not be permitted.

Table 4 Stocking Rates for Animals

<i>Stocking Unit Code</i>	SR1	SR3	SR2	SR5
<i>Soil Type (see Plan 3)</i>	<i>Spearwood</i>	<i>Spearwood</i>	<i>Quindalup</i>	<i>Vasse / Spearwood</i>
<i>Dry Sheep Equivalent (DSE)</i>	<i>6 DSE/ha</i>	<i>2 DSE/ha</i>	<i>Not Suitable</i>	<i>Not Suitable</i>
<i>Specific Animals:</i>				
<i>Horses</i>				
<i>450kg Light</i>	<i>1.0/ha</i>	<i>0.4/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>1000kg Draught</i>	<i>0.5/ha</i>	<i>0.2/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>250kg Pony</i>	<i>2.0/ha</i>	<i>1.5/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>Sheep</i>				
<i>50kg weather ewe</i>	<i>6.0/ha</i>	<i>2.0/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>40kg lambing ewe (ewe & lamb)</i>	<i>9.0/ha</i>	<i>3.0/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>75kg ram</i>	<i>9.0/ha</i>	<i>3.0/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>Goats</i>				
<i>Milking Goat</i>	<i>12.0/ha</i>	<i>4.0/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>50kg dry milk goat</i>	<i>9.0/ha</i>	<i>3.0/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>35kg cashmere goat</i>	<i>6.0/ha</i>	<i>2.0/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>30kg dry angora goat</i>	<i>4.2/ha</i>	<i>1.4/ha</i>	<i>N/A</i>	<i>N/A</i>
<i>Other Animals</i>	<i>Refer to Stocking Rates Guidelines</i>			
<i>Note: These requirements are a summary of the 'Stocking Rates for Rural Small Holdings, Agriculture WA', with Dry Stocking Rates applied in the Structure Plan Area due to the environmental significance of the Area, and the restrictions with regard to water supply and quality in the application of Irrigated Stocking Rates</i>				



Stocking Unit Code

-  SR1 (Spearwood)
-  SR3 (Spearwood)
-  SR2 (Quindalup)
-  SR5 (Vasse / Spearwood)

 Structure Plan Boundary

- (g) Advice from the appropriate State government agriculture and water agencies (or their successor agencies) in relation to protection of watercourses, wetlands and ground and surface water quality.
- (h) Grazing is not permitted within the setback areas to Lake Clifton, Peel-Harvey Estuary, Other Wetlands and Vasse Soils Types as defined in Table 3.

4.7.3 Where in the opinion of the Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to unsatisfactory environmental degradation and impacts, 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.

5. Administration

5.1 Adoption of the Structure Plan

As referred to in Section 1.5, the Structure Plan (once endorsed by Council and adopted by the WAPC), requires that all development and subdivision will be determined in accordance with the Structure Plan. Clause 7.11 of the Scheme outlines the process required, in order to give effect to the Structure Plan under the Scheme, which is as follows:

- (a) Council to adopt the draft Structure Plan for the purposes of advertising;
- (b) The draft Structure Plan will be advertised for public comment for a period of 42 days;
- (c) Council to consider submissions received which may require modifications to the Plan and grant final approval to the Plan; and
- (d) The Structure Plan will be then referred to the Western Australian Planning Commission (WAPC) for approval.

5.2 Modifications to the Structure Plan

There may be circumstances under which the Structure Plan may warrant modification, either through a Council initiative or upon a request from a landowner or the community. On this basis, Council may consider modifications to the Structure Plan, subject to the following qualifications, whereby any proposed modifications to either the land use or layout of the Structure Plan:

- Must not compromise the overall function or integrity of the Structure Plan Area;
- Must be consistent with the Vision and Aims of the Structure Plan;
- Must not prejudice adjoining landowners in terms of amenity, interface or integration; and
- Must be able to demonstrate an improvement to the overall design and function of the Structure Area.

Such modifications, if deemed acceptable, will need to be undertaken by the process outlined by Clause 7.11 of the Scheme.

5.3 Amendment 121 to the Scheme

In order to ensure that the Structure Plan can be implemented through the Scheme and to ensure that there are no conflicts between the Structure Plan and Scheme, an Amendment to the Scheme is necessary. Council has adopted Amendment 121 to ensure this consistency.

In summary, Amendment 121 to the Scheme seeks to achieve the following:

- Create the Southern Mandurah Rural Structure Plan Zone to require all subdivision and development to be in accordance with an approved Structure Plan that is to be approved in accordance with Clause 7.11 of the Scheme to reference development being in accordance with a 'Structure Plan' rather than an Outline Development Plan, to generally reflect those provisions contained in Clause 4.14 (Precinct Development zone);
- Outlining additional criteria that is to be included in a Structure Plan for the Southern Mandurah Rural Structure Plan Zone;
- Rezone the Structure Plan area to the Southern Mandurah Rural Structure Plan zone.
- Modify the provisions of the Rural and Rural Residential zone under Clauses 4.7 and 4.8, Table 7 and 8, Section 6 and Appendix 4 of the Scheme Text to remove any reference to subdivision and development within the Structure Plan area.