

STRUCTURE PLAN

LOT 50 STOCK ROAD,
PARKLANDS

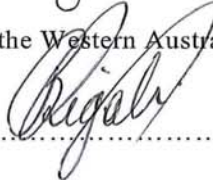
RECORD OF ENDORSEMENT

This structure plan is prepared under the provision of the City of Mandurah Town Planning Scheme No 3

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

..... 31 July 2017 DATE

Signed for and on behalf of the Western Australian Planning Commission



.....
An officer of the Commission duly authorised by the Commission pursuant to s16 of the Planning and Development Act 2005, for that purpose, in the presence of:

.....  WITNESS

..... 31 July 2017 DATE

Date of Expiry 31 July 2027

TABLE OF MODIFICATIONS TO STRUCTURE PLAN

Amendment No.	Summary of Amendment	Amendment Type	Date Approved by WAPC

EXECUTIVE SUMMARY

This Structure Plan has been prepared on behalf of DCDK Pty Ltd as a precursor to subdivision.

The purposes of the Structure Plan is to ensure a comprehensive approach to planning and development is undertaken with input from landowners, government agencies and other key stakeholders.

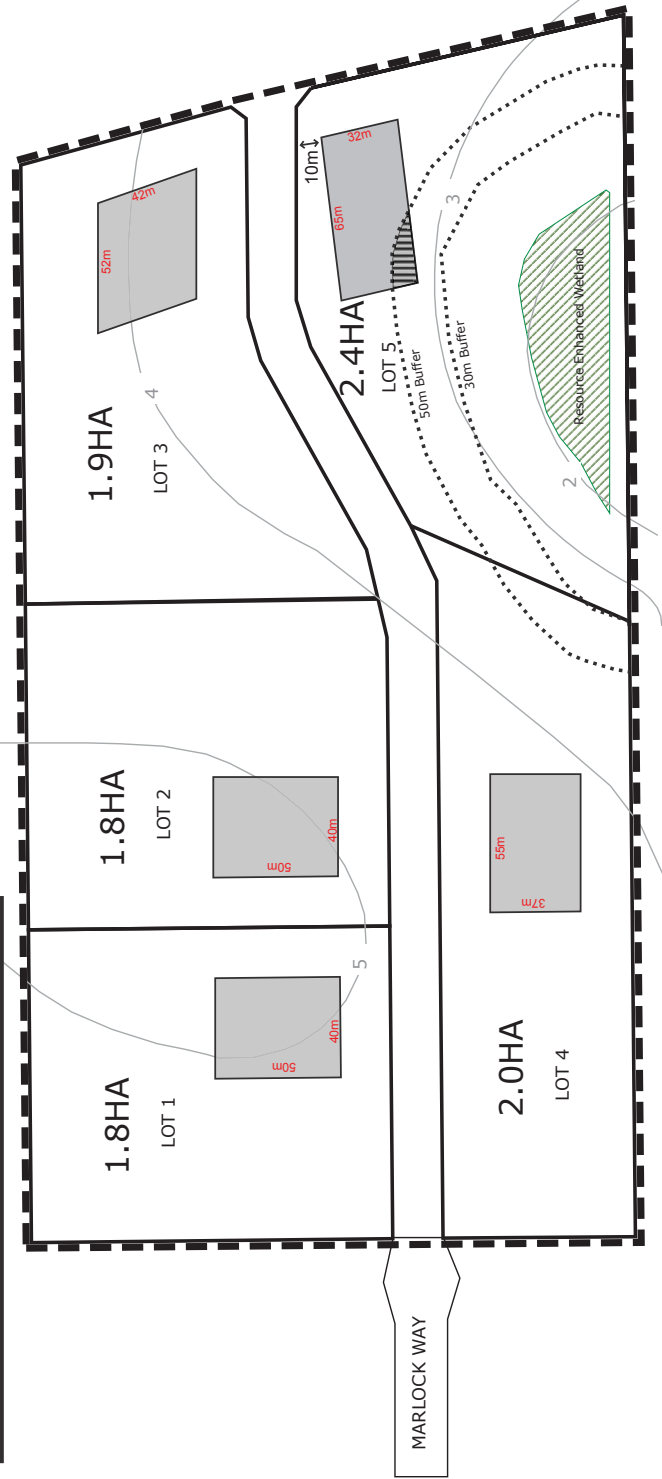
Structure Plan Summary Table

Item	Data
Total area covered by the Structure Plan	11.02 hectares
Estimated lot yield	5 lots
Estimated number of dwellings	5
Estimated percentage of natural area	Remnant vegetation is to be retained on about 70 per cent of the site.

Item	Data
Total area covered by structure plan	11.02 hectares
Total estimated lot yield	Five lots
Estimated number of dwellings	Five single dwellings
Estimate percentage of natural area	70% of remnant vegetation to be retained

LEGEND

- Structure Plan Boundary
- Building Envelopes (20m min setback from boundaries unless otherwise indicated)
- Portion of Building Envelopes Affected by 50m wetland buffer. See Structure Plan Part 1 Section 3.1.1(b) for development controls



STRUCTURE PLAN MAP

LOT 50 STOCK ROAD, PARKLANDS



Scale 1:2000 @ A3

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- Appendix 3 – Preliminary Flora and Vegetation Assessment – prepared by SW Environmental
- Appendix 4 – Wetland Reclassification Application – prepared by SW Environmental

PART ONE

IMPLEMENTATION

1. Structure plan area

The Lot 50 Stock Road, Parklands Structure Plan (structure plan) covers an area of about 11 hectares.

The structure plan applies to Lot 50 Stock Road, Parklands, this being the land contained within the structure plan boundary indicated on the Structure Plan Map (Plan 1).

2. Operation

The date this structure plan comes into effect is the date of the structure plan being approved by the Western Australian Planning Commission (WAPC).

3. Subdivision and development requirements

3.1 Statutory requirements

The structure plan area is zoned rural residential in the City of Mandurah Town Planning Scheme No. 3.

Subdivision and development of the structure plan area is to comply with the provisions of the City of Mandurah Town Planning Scheme No.3 relevant to the rural residential zone.

3.2 Protection of environmental features

3.2.1 Resource enhancement wetland

The environmental values of the resource enhancement wetland in the south-eastern corner of the structure plan area need to be protected from adverse impacts arising from subdivision and development. This is best achieved by ensuring that development is located outside of a 30 to 50 metre buffer to the resource enhancement wetland as detailed below:

- a) All development, clearing of land (including firebreaks) and fences are to be excluded from a 30 metre buffer to resource enhancement wetland.
- b) Development and clearing of land is to be avoided as much as practically possible within 30 to 50 metres of the resource enhancement wetland. In this respect, only fences, firebreaks, clearing of land for asset protection zones and minor building encroachments are to be permitted within this area.

- c) All dwellings, significant structures and effluent disposal systems are to be located at least 50 metres from the boundary of the resource enhancement wetland.

Lot boundaries are to be located to ensure that asset protection zones can be located outside 30 metre buffer to the resource enhancement wetland and within all lot boundaries.

3.2.2 Protection of environmentally significant vegetation

All lot boundaries, building envelopes and buildings constructed within the structure plan area are to be located to minimise adverse impacts on significant vegetation and habitat trees for endangered species, such as the Carnaby's Black Cockatoo.

3.3 Response to Hazards and Separation Requirements

3.3.1 Bushfire Management

A bushfire management plan has been prepared for the site and is to be implemented at the subdivision and development stages.

3.3.2 Building construction requirements

Dwellings located in areas with a bushfire attack level rating of between BAL-12.5 and BAL-29 are to be constructed to an appropriate standard as required by Australian Standard 3959: Construction of Buildings in Bushfire Prone Areas and any amendments thereto.

3.3.3 Vehicular access

A road connection between Stock Road and Marlock Way is to be constructed, as shown on the structure plan map, to ensure that all proposed lots have access to two vehicular access routes to two different destinations.

4. Other requirements

4.1 Notifications

Notifications should be placed on the certificate of title for each lot in the structure plan area to advise of:

- a) the structure plan area being located in a bushfire prone area and it being subject to a bushfire management plan; and
- b) the structure plan area being located in close proximity to mosquito breeding areas and the associated risk of mosquito borne diseases.

4.2 Commonwealth Government

It is likely that the structure plan will need to be referred to the Commonwealth Department of Environment for assessment under the Environmental Protection and Biodiversity Conservation Act 1999. Enquiries in this regard should be made prior to the lodgement of subdivision applications.

5. Additional Information

<i>Additional Information</i>	<i>Approval Stage</i>	<i>Consultation Required</i>
<i>Urban Water Management Plan</i>	<i>Condition of subdivision approval, if required.</i>	<i>City of Mandurah / Department of Water</i>
<i>Wildlife Protection Management Plan</i>	<i>Condition of subdivision approval, if required.</i>	<i>City of Mandurah</i>

Part Two

EXPLANATORY SECTION

1. Purpose and Introduction

This section provides the background and explanatory information that supports the local structure plan for Lot 50 Stock Road, Parklands.

The local structure plan proposes 5 lots ranging in size from 1.8 hectares to 2.4 hectares with an average lot size of 1.98 hectares.

Importantly, the local structure plan provides for the extension of Marlock Way through to Stock Road

2. Site Description

2.1 Regional Location

Lot 50 Stock Road, Parklands is located within the City of Mandurah approximately 7.9 kilometres by road northeast of the Mandurah CBD. The lot is 11.02 hectares in area and located approximately 120m west of the Kwinana Freeway – refer **Figure 1** – Locality Plan.

2.2 Local Location

The subject site is within the locality of Parklands and has direct road frontage to Stock Road, which borders the eastern site boundary. Marlock Way is a cul-de-sac that terminates on the western boundary of the site.

The site can be accessed from the Kwinana Freeway via Lakes Road to the south. The existing public road network facilitates multiple egress and access routes to the site.

Parklands is predominantly rural-residential areas characterised by woodland and scrub vegetation.

2.3 Cadastral Information

The subject site is described as Lot 50 on Diagram 54423, Certificate of Title Volume 1512 and Folio 477 and has an area of 11.02 hectares.

2.4 Surrounding Land Use

The land to the west and south of Lot 50 is characterised by rural living lots ranging in size from 1 to 5 hectares. The Lakes Memorial Park/Cemetery is located immediately north of Lot 50 and extends through to Marginata Road.

A Subdivision Guide Plan for the former Lot 5 Marlock Way to the immediate west facilitated the subdivision of that land into eight, 2 hectare rural residential lots, and extension of Marlock Way through to the western boundary of the subject lot. The future subdivision of Lot 5 into more intensive 1 hectare lots was opposed by the City of Mandurah at the time, on grounds that more intensive subdivision (below 2 hectare lots) was contrary to orderly and proper planning of the area.

2.5 Natural Characteristics

An environmental report has been prepared in support of this proposal, which included a Level 1 flora and fauna survey and provides detailed environmental characteristics of the site (refer **Appendix 3**).

Vegetation on Lot 50 is generally described as banksia woodlands in conditions that vary from degraded to excellent.

The site slopes from the north-west (5m AHD) to the south-east portion of the site (2m AHD). The site is predominantly around 4.5m to 5m AHD.

Figure 1 - Locality Plan

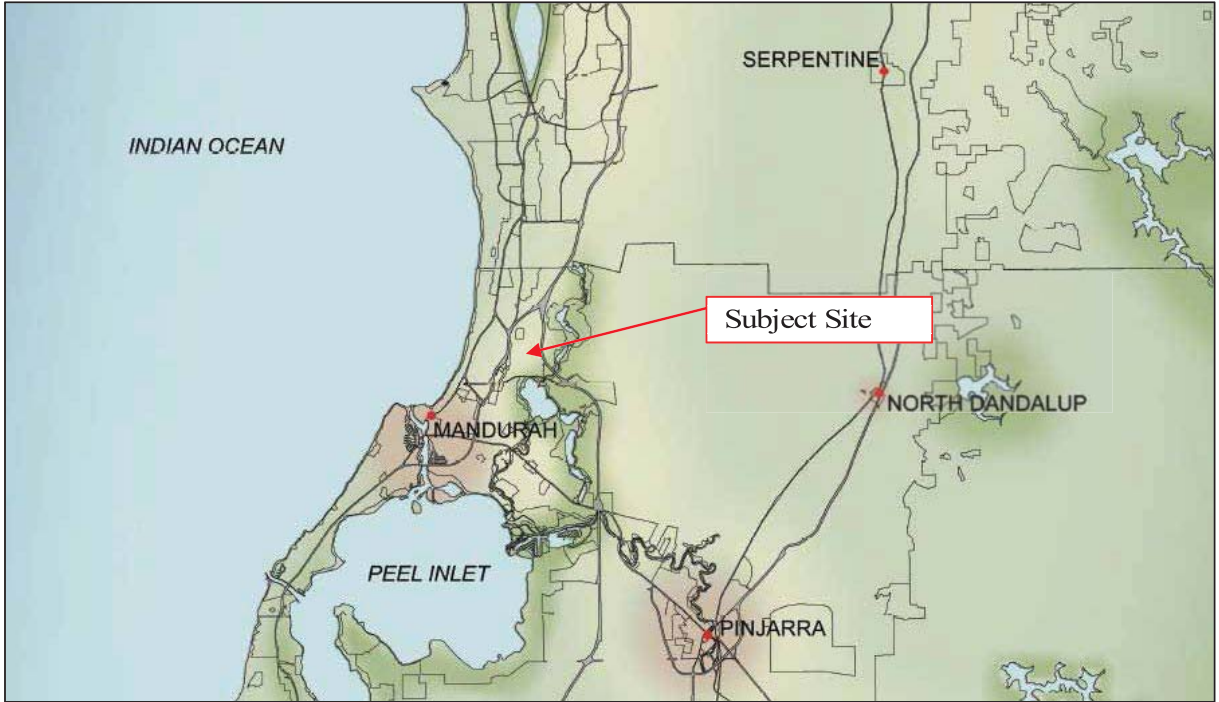


Figure 2 - Aerial Photograph



Source: Nearmap

2.5.1 Acid Sulfate Soils

The northern portion of subject site is classified as being of “no known risk of Acid Sulfate Soils occurring within 3 metres of natural soil surface (or deeper)” on the WA Atlas Mapping system (refer **Figure 3**).

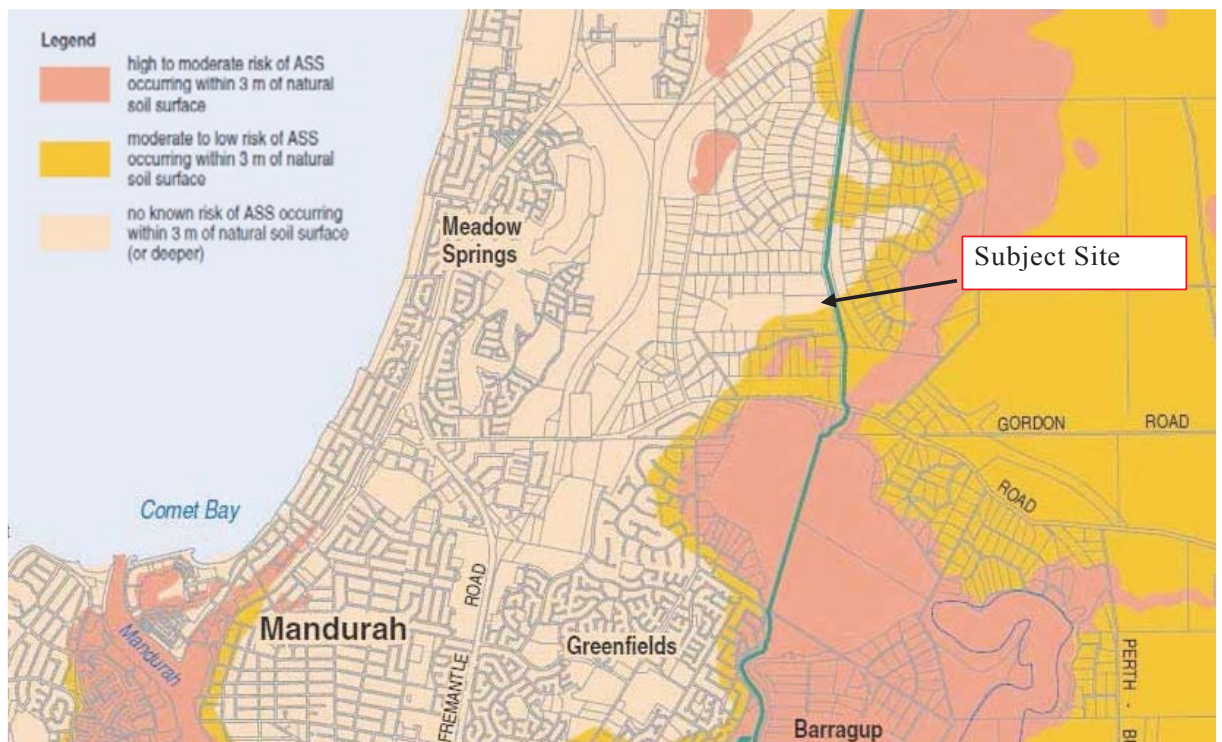
Acid Sulfate Soils Planning Bulletin 64 (2009) (rescinded) focuses on Acid Sulphate Soils assessment and management as conditions of approval in areas designated as having “high to moderate risk”. As a result of the site’s classification no further testing of the site is warranted.

The southern third of subject site is within the moderate to low risk of ASS occurring within 3 metres of natural soil surface. This relates to proposed lots 4 and 5.

Planning Bulletin 64 and Department of Water and Environmental Regulation guidelines only requires further action where land is identified as being at moderate to high risk of Acid Sulphate Soils or where there is soil disturbance of 100m² or more with excavation below the nature water table.

Given that each lot will be developed for single dwellings and outbuildings, no ground disturbing activities are contemplated apart from road construction works.

Figure 3 - Acid Sulfate Soils



2.5.2 Potential Contamination

A search of the Department of Water and Environmental Regulation's Contaminated Sites Database does not indicate the presence of site contamination. The subject land is not therefore constrained in this regard.

2.5.3 Wetlands

The 'wetland' section of Lot 50 is mapped by the former Department of Environment Conservation's geomorphic wetlands datasets as a Resource Enhancement Wetland, which may have been modified or degraded, but still supports substantial attributes and functions. The wetland is a "sumpland," meaning it is seasonally inundated.

2.5.4 Mosquito Impacts

The subject site is within three kilometres radius of tidal wetlands. As such, the subject site is subject to adult mosquito activity at various times throughout the year, in particular during the low flow periods and within shallow waters that comprise the tributaries to the Serpentine River. A direct consequence of this activity is the increased potential risk for humans to contract Ross River Virus and Barmah Forest Virus in this area.

A Notification in the form of a memorial will also be placed on the Certificates of Title of future lots advising of the existence of mosquitoes, in accordance with section 165 of the Planning and Development Act 2005.

2.6 Effluent Disposal

It is proposed that the new dwellings on the proposed lots will utilise on-site effluent disposal in the form of Aerobic Treatment Units (ATU's)

The draft Government Sewerage Policy requires the discharge point of the on-site effluent disposal system to be at least 1.2 to 1.5m between above the highest known groundwater level. Effluent disposal systems on the subject site are clearly able to meet the required separation distances.

ATU's are considered necessary for the development of the proposed lots. In this regard, they have a greater ability to remove nutrients (nitrogen and phosphate) from effluent which is very important given the site's close proximity to the existing wetland.

2.7 Cultural Heritage

2.7.1 Aboriginal Heritage

A search of the Department of Planning, Lands and Heritage heritage sites database confirms there are no registered sites of Aboriginal Heritage within or neighbouring the subject site.

Within the locality Goegrup Lake (ID 17984) and the Serpentine River (ID502407) are registered Aboriginal sites for ceremonial, fish trap, historical, mythological and skeletal material/burial reasons.

2.7.2 European Heritage

There are no sites of European heritage significance listed for the subject site under the Commonwealth Heritage Lists, Heritage Council or City of Mandurah Municipal Heritage Inventory. As such the subject site is not constrained from development in this regard.

3. Description of Proposed Subdivision

A plan for subdivision has been prepared as a requirement of TPS 3 to guide the future subdivision and coordinate development of the ‘Rural Residential’ and ‘Rural’ zoned portions of the subject site. Refer **Appendix 1** – Subdivision Plan.

3.1 Density

The plan for subdivision proposes the extension of Marlock Way through to Stock Road and the creation of 5 lots, ranging in size from 1.8 hectares to 2.4 hectares, with an average lot size of 1.98 hectares. This plan proposes a minor departure from the 2 hectare minimum lot size requirement for three of the proposed lots, as summarised below.

Lot Sizes	Lot Numbers				
	1	2	3	4	5
Area	1.8ha	1.8ha	1.9ha	2.0ha	2.4ha

3.2 Building Envelopes

Building envelopes are a means of concentrating the built form into dedicated areas, to preserve rural landscape, to define areas which may be cleared and areas where remnant vegetation is to be retained. It also enables more effective fire management where buildings at risk are concentrated into areas where fire response and management can be implemented.

The Structure Plan has designated specific locations for 2000m² building envelopes in order to minimise potential disruption to remnant vegetation pockets and more specifically mature trees.

There is to be no clearing of vegetation or filling of land outside of the defined building envelopes other than for access or bush fire protection. There is also the opportunity for Council to require the retention of specific trees within the building envelopes as it sees fit. At the subdivision stage, the subdivider can undertake strategic revegetation of any cleared or degraded areas, although this potentially can impact on the Bushfire Management Plan objectives.

The proposed building envelopes satisfy the general provisions of TPS3 that require a maximum 2000m² building envelope. The location of the building envelopes also satisfies TPS3 minimum setback provisions of 20m front, 50m rear and 10 metre side setbacks. Greater flexibility in these setbacks could have positive environmental outcomes, particularly as it relates to the Bushfire Management Plan requirements for the building protection zone.

The proposed building envelope on Lot 5 has been adjusted to achieve a balance between the setback to the wetland and the proposed road.

3.3 Effluent Disposal

Reticulated sewerage is not available for land in Parklands, and effluent disposal will need to be provided on site in the form of septic tanks or an ATU approved by the Department of Health. All development inclusive of effluent disposal systems is to be located within the building envelopes.

3.4 Bush Fire Management

A bush fire management plan has been prepared in support of this structure plan (refer **Appendix 2**).

The bush fire management plan was prepared to address the requirements of State Planning Policy No 3.7 Planning in Bushfire Prone Areas.

Required bushfire planning design requirements are summarised as follows:

- 1) The proposed subdivision is located within a designated bushfire prone area. By implementing the positioning and vegetation management measures identified in the Bush Fire Management Plan the proposed subdivision can meet the acceptable solution of being subject to BAL-29 or below. It does not require the use of BAL-40 or BAL-FZ construction standards.
- 2) The proposed subdivision meets the acceptable solution for asset protection: This is achieved by:
 - a) Incorporating a 21m APZ, fully within the boundary of each lot, into the landscaping surrounding the any future building work and maintaining it to comply with specified requirements into the future;
 - b) The extent of the APZ being established within the boundary of the lot results in the potential radiant heat impact of a fire on the proposed building work not exceeding 29kW/m² (this will result in greater than the minimum 20 m separation distance on all sides of all buildings).
- 3) Two access routes will be provided for the subdivision and for all lots contained within it, by the creation of a road from the east end of Marlock Way to meet Stock Road.
- 4) Private driveways longer than 50m but less than 125m will be required for four of the five lots (excepting the proposed Lot 4). All driveways will meet the technical requirements, although the construction of these driveways will be the landowner's responsibility.
- 5) The proposed lots will comply with the requirements of the local government annual firebreak notice issued under s33 of the Bush Fires Act 1954.
- 6) A reticulated water supply is available in the form of a fire hydrant on Red Road, approximately 50m from the corner of Stock Road. This is located approximately 185m from the southeast boundary of the proposed Lot 5, but is not within 200m of the other four lots. The location of this provides a water source for fire trucks to fill up from within a 20 minute turn- around time for all proposed lots.
- 7) The proposed lots will each have installed a minimum of 10,000 litres of stored water in tank form for firefighting purposes.

Compliance of the proposed development against all design elements and performance requirements of the WAPC's Guidelines for Planning in Bushfire Prone Areas (Version

1.1) t and cross-compliance against State Planning Policy 3.7 - Planning in Bushfire Prone Areas is summarised in **Appendix 2**.

4. Town Planning Considerations

4.1 Scheme Provisions and Zoning

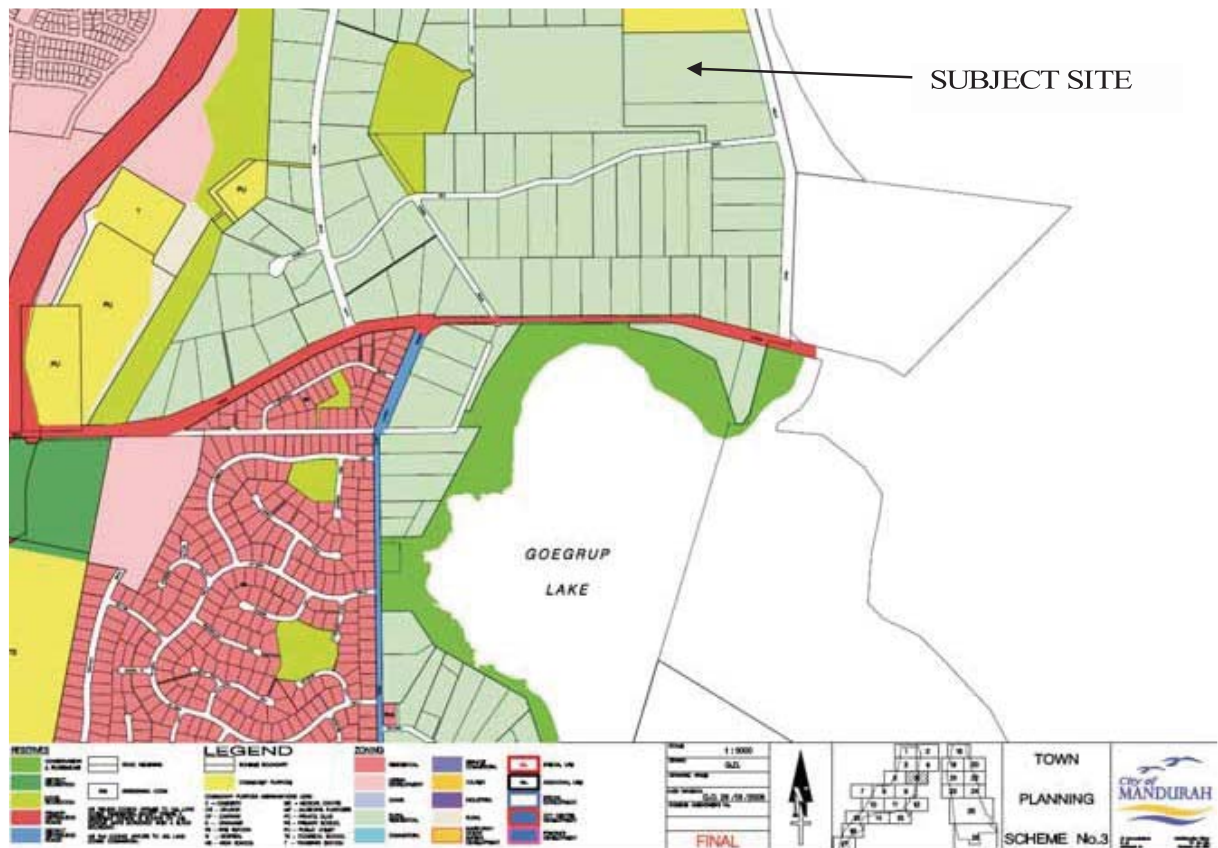
4.1.1 Peel Region Scheme

Under the Peel Region Scheme the subject site is zoned ‘Rural’, as is the land to the north and south. The site is situated centrally within this well established Rural Residential area of Parklands.

4.1.2 City of Mandurah Town Planning Scheme No. 3

Under the provisions of the City of Mandurah Town Planning Scheme No. 3 (TPS 3), the subject site is zoned ‘Rural Residential’.

Refer to **Figure 4** – Town Planning Scheme



The purpose and intent of the 'Rural Residential' zone is (Clause 4.7.1):

'to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.'

Clause 4.7.3 of TPS3 outlines the specific provisions relating to the subdivision and development of 'Rural Residential' zoned land. Subdivision and development of 'Rural Residential' zone land shall accord with a Subdivision Guide Plan and Technical Guidelines adopted by the Council and approved by the Western Australian Planning Commission.

Clause 4.7.4 of TPS3 and Appendix 4 - Special Requirements - Rural Residential (amongst other Scheme matters and policy requirements) set out the general requirement for the 'Rural Residential' zone:

"4.7.4.1 Notwithstanding the specific provisions relating to the Rural-Residential Zone the following shall apply to all new subdivision and development of land in that zone and shall be addressed in the Subdivisional Guide Plan and Technical Guidelines required under sub-clause 4.7.3.3.

- a) No further subdivision shall take place unless it can be demonstrated by the proponent, based on land capability and the ability to overcome site constraints, that development will not adversely impact on the area and precinct objectives as specified in the City of Mandurah Local Rural Strategy.*
- b) Subdivisional lot sizes shall be no less than 2 hectares gross (1 hectare where reticulated water is provided) unless otherwise specified in Appendix 4. Lot sizes shall nevertheless be dependent upon the assessment of land capability and environmental constraints.*
- c) Building envelopes shall be specified minimising clearance of natural vegetation and ensuring integration of rural residential living in sensitive environmental and landscape areas. A maximum 2000m² building envelope shall be established unless otherwise specified in Appendix 4. Council may permit variations in size, setback and location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective of the Zone or the amenity of the Area.*
- d) The subdivider shall be required to undertake strategic revegetation of cleared or degraded areas.*
- e) Subdivision may be required to respect views to and from the development based on existing landscape.*
- f) Significant slopes, ridgelines, rock outcrops, flora and fauna should be preserved.*
- g) Building materials shall be compatible with surroundings and non-reflective in nature.*
- h) Department of Agriculture approval shall be obtained for vegetation clearing over one hectare.*

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- i) No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where the developer of the estate or landowner obtains the prior consent in writing of Council, and where such vegetation is dead or diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, on-site effluent disposal system, or driveway within the defined Building Envelope and for access to the Building Envelope from the road.*
- j) All development and subdivision on land within the Lake Clifton Groundwater Catchment shall conform with the Environmental Protection Authority "Criteria of environmental acceptability for land use proposals within the catchment of Lake Clifton".*
- k) Effluent disposal systems shall be located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded groundwater level and at least a 100 metre horizontal separation from any water body.*
- l) Stormwater shall be contained on site in accordance with the principles laid down by the Department of Environmental Protection, to the satisfaction of Council.*
- m) Land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall not be permitted unless the Council is satisfied following consultation with the Department of Environmental Protection that the land use does not involve nutrient application or the clearing of the land.*
- n) The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Stocking rates shall be limited to those specified by Agriculture WA. Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.*
- o) With the intention of preserving and conserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, no intensive agricultural or horticultural or market gardening activities will be permitted on the land within the Zone although Council may permit domestic scale activities within the defined Building Envelope only.*
- r) No Super Six or similar fencing material is to be used on the land except within the defined Building Envelope.*
- s) Use of fertilisers other than compost generated from organic material is prohibited.*
- t) Groundwater bores or wells will be permitted subject to first obtaining a Groundwater Well Licence from the Water and Rivers Commission. Emergency water supply tanks expressly for fire-fighting purposes may be equipped with a bore.*
- u) A potable water supply comprising not less than 92,000 litre tank is to be provided for each lot not connected to reticulated water at the time of developing the land with sheds and/or a dwelling and shall be imposed as a condition of Development Approval and/or subdivision approval.*
- v) All subdivision and development surrounding classified wetlands shall be referred to the Department of Environmental Protection for assessment.*
- w) Council shall not require the construction of lot boundary fences for properties abutting the Yalgorup National Park as this will allow wildlife to roam free over most of the*

subdivision. Should common side boundary fences be constructed, they shall be of a type and design so as to permit kangaroos and other native animals to roam freely.

x) The significance and conservation value of remnant vegetation shall be assessed and included in appropriate reserves or protected by the imposition of suitable conservation controls.

y) Regard shall be given to the impact of development on wetlands and appropriate wetland buffers and stormwater drainage management techniques (i.e. sediment/nutrient traps) shall be employed.

aa) Regard shall be given to the impact of any proposal on groundwater quality and quantity and the employment of water sensitive design techniques.

ab) The impact of the proposal on waterbirds particularly shall be assessed, with regard to:

- species diversity and richness of migratory and endemic waterbirds;*
- adequacy of foreshore reserve;*
- wildlife corridors;*
- disturbance of wildlife by noise, light, water, quality impacts, increased predation by introduced fauna etc.;*
- maintenance of ecosystem and habitat; and*
- international treaties;*

ac) Council may require the establishment of voluntary reserves over parts of a subdivision in order to protect areas of environmental significance.

ad) No extraction or quarrying of any raw material (e.g. limestone) will be permitted from the land.

ae) A Strategic Fire Management Plan be prepared and the following fire management controls will be imposed as required by Council in consultation with CALM and the Local Bush Fire Authority:

- a strategic perimeter firebreak may be required, as a condition of subdivision, around the subdivision in a manner acceptable to the Local Bush Fire Authority, CALM and Council.*
- unless otherwise required by Council individual fire breaks around each lot will not be required or encouraged.*
- removal of understorey vegetation from building envelopes as approved by Council.*
- to facilitate fire fighting requirements gated access is to be provided to all lots as required by CALM and Council.*
- building envelopes to be maintained at a fuel reduced level as required by CALM and the Local Bush Fire Authority to ensure buildings are protected during wildfires.*
- outside the building envelopes, fire control standards to be as required by the City of Mandurah District Fire Protection Plan and the Local Bush Fire Authority fuel reduction orders.*

-
- firebreaks surrounding Building Envelopes to be maintained by the landholder.
 - a slashed firebreak shall be installed around every third block boundary (in preference to a mineral earth break).
 - Council will facilitate discussions between the subdivider and the local Bush Fire Authority with a view to contributing towards the cost of fire suppression equipment for the local Volunteer Bush Fire Brigade.

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

Appendix 4 of TPS 3 states:

“In the future, strategic planning of the District the whole of Areas 8 and 9 has been earmarked for future urban development and as such the Rural Residential Zoning provided in the Scheme is seen as an interim measure which is likely to change to "Urban Development" and "Residential" zones when the demand for further urban development generates a need for Areas 8 and 9 to be taken up for residential purposes.”

More significant aspects of these provisions include:

- A 2ha minimum lot size without reticulated water, or 1ha with reticulated water
- Preparation of a subdivision guide plan

The WAPC also have a number of policies relating to such subdivision including State Planning Policy No. 2.5 Rural Planning (December 2016) and Development Control Policy 3.4 Subdivision of Rural Land (December 2016), (refer section 4.4 below).

4.2 Draft Mandurah Planning Strategy

The Draft Mandurah Planning Strategy (2011) identifies the subject land as falling within the ‘Mandurah East’ planning district and identifies for ‘rural living’ purposes. The objectives of Rural Living are:

“The intent of the ‘Rural Living’ zone is to provide for a range of semi – urban living opportunities on land which is not deemed appropriate for agriculture or general rural activity. The environmental and physical characteristics of rural living lots should be extensively retained through sympathetic development which minimises environmental impact and contributes to the retention of the rural living character and amenity of the locality.”

The Strategy goes on to say that:

“Two main areas within Mandurah are rural living, being Parklands and lots on the western side of Lake Goegrup.”

Outside the Strategy Focus Area, most of the remaining parts of City’s boundaries are rural living. These areas are generally have lots of 2 hectares or more, are heavily vegetated and have restricted clearing areas for dwelling construction.

Due to the large area occupied by very few lots, services and infrastructure is minimal, however the type of development could be considered an alternative form of sprawling development. Within the areas identified, however it is generally contained.”

It also identifies the Parkland locality for long term suburban potential. Section 3.2.1 of the Strategy states:

“Parklands is identified in Scheme 3 as being subject to long term urban development, however, current landownership configuration and environmental issues make urbanisation problematic.

At a regional level, it is centrally located to key infrastructure necessary to support urbanisation.

The identification of this area as being a long term proposition, whilst problematic, should be retained.”

Section 4.3 of the Strategy identifies the key issues for the ‘Mandurah East’ planning district and in respect to Parklands the Strategy states that *“if Parklands is to be subject to long term suburban development, that the current practice short term subdivision to 1 hectare lots is discontinued”*.

This means that the current 2 hectare lot size is a more desirable planning outcome.

Parklands is also identified in the Strategy as generally falling within a tree preservation area and being within a high mosquito activity area.

An updated version of the draft local planning strategy was forwarded to the WAPC for approval in 2017 and is currently being examined by the Department of Planning.

4.3 Mandurah Biodiversity Strategy (2013)

The Mandurah Biodiversity Strategy (2013) identifies the subject land as falling within the ‘Parklands’ district.

The subject land is not identified as a regionally significant natural area in the EPA’s Environmental Protection Bulletin No.12 - Swan Bioplan – Peel Regionally Significant Natural Areas, although the identification of the Peel Regionally Significant Natural Areas did not take into account site specific wetland and fauna values, and these values should be addressed consistent with published EPA assessment guidance and technical guidelines.

The Strategy recommends that the ultimate protection and retention targets be as follows:

- 1. Protect a minimum 70 per cent of the 222 hectares of Local Natural in the District which equates to protection of 155 hectares and retention of a further 22 hectares (10% within road reserves, drainage areas etc.).*

2. *Protect all areas of confirmed Black Cockatoo habitat (all three Black Cockatoo species) in the District. Significant areas of potential feeding habitat for Carnaby's Black Cockatoo have been identified in the District, with an estimated 200 hectares of Local Natural Area mapped by the Department of Environment and Conservation potential Carnaby's feeding habitat (DEC, 2011).*
3. *Maintain ecological connectivity between regionally significant natural areas within and surrounding the District, preferably as near-continuous corridors, or where not possible, through protection of Local Natural Areas of at least 4 hectares with a low perimeter-area ratio, with maintaining connectivity north-south, east-west and between wetland and upland ecosystems being important for the range of species found in the area.*
4. *Protect all Local Natural Areas that have high ecological viability, including all Local Natural Areas greater than 4 hectares within the constraints imposed by past clearing for lots, fences and firebreaks. Ecological viability is influenced by size and shape of area, perimeter to area ratio, condition of vegetation, and connectivity to other protected areas.*

Recommended planning framework include:

1. *Given the current preparation of the South Metropolitan Peel Structure Plan, the above targets should be used as part of Council's input and submission into the Structure Plan, where by a strategic assessment of the vegetation and habitat values within Parklands to inform whether future long-term zoning of the land is retained with a Rural Residential zoning, or a future urban zoning is appropriate for this location.*
2. *As an interim measure (which could be in place for a 30 year period, subject to the outcomes of the South Metropolitan Peel Structure Plan, the Rural Residential zone provisions be modified so that no further subdivision is permitted in the zone; and that criteria regarding building envelopes and restrictions on clearing being more specific than current provisions, including the removal of the provisions in Appendix 4 of the Scheme Text which identifies the area as possible future urban.*
3. *This recommendation will result in a retention target of 216 hectares of Local Natural Area (being 97 per cent of the existing 222 hectares of Local Natural Area), on the basis that there are currently 15 vacant lots within Local Natural Areas and that 4000 square metres per lot of clearing is required for building envelopes and firebreak requirements for currently approved subdivisions where lots are not yet created.*
4. *Should the South Metropolitan Peel Structure Plan recommend the long term retention of the District as a Rural Residential/Rural Living area, that Council prepare a statutory Structure Plan to provide for the protection targets with the provisions of Town Planning Scheme requiring subdivision and development to be in accordance with the Structure Plan.*

References to 'no further subdivision' above relates to the subdivision of 2 hectare lots down to 1 hectare lots and not a carte blanche opposition to further subdivision in Parklands.

The Biodiversity Strategy has been incorporated into the updated version of the City's draft Local Planning Strategy which was forwarded to the WAPC for approval in 2017.

4.4 Development Control Policy No. 3.4 – Subdivision of Rural Land

Under the provisions of the WAPC's Development Control Policy No 3.4 – Subdivision of Rural Land (DC 3.4), the subdivision of rural land for rural living land uses must be properly planned through the preparation and endorsement of strategies and schemes and be zoned accordingly in local planning schemes prior to subdivision.

In this regard, the subject land is currently zoned Rural Residential under the local planning scheme and the local planning scheme currently specifies a minimum lot size of 2 hectares or 1 hectare with scheme water.

4.5 Summary of Planning Policy

The review of the current State, regional and local planning policy highlights that the proposed subdivision of the subject site complies with the current adopted planning policy framework.

State Planning Policy No. 1 (SPP 1) summarises existing State and regional policies and plans that apply to land use development in a State Planning Framework. It indicates those primary policies and strategies used by the WAPC and Department of Planning in their decision making. SPP 1 sets out in Part A the general principles for land use planning and development, and identifies five key principles and consideration that should influence decision making for planning and land use development. These include consideration of the environment, community, economy, infrastructure and regional development.

The proposed Structure Plan addresses some of these principles for example, providing rural residential housing in an area experiencing considerable population growth whilst still considering the unique local environment. It is an inevitable part of planning that there are on occasion conflicts between planning principles in relation to certain types of development in certain locations. SPP 1 acknowledges that there can be conflict between the provisions and states that *“a) the provision shall be liberally construed to avoid the conflict where the terms permit”*.

This report demonstrates that the proposed Structure Plan complies with current State, regional and local planning policy for the area in terms of lot sizes (apart from a minor variation below the 2 hectare minimum lot size for some of the lots), density, lot layout, bushfire management and environmental considerations.

Throughout this report we have sought to ‘balance’ planning principles from many aspects of State, regional and local planning policy to achieve both a sustainable use and future development of the subject site.

5. Conclusion

In summary of the above, the proposed Structure Plan and subsequent subdivision of the land is considered both environmentally justified and accords with current planning policy, on the basis that:

- it is generally consistent with the existing Rural Residential zoning and local planning strategy;
- new development can be connected to electricity and telecommunications;
- it is consistent with existing and approved Rural Residential subdivisions in Parklands;
- all new development, including on-site effluent disposal systems will be contained within building envelopes;
- the environmental impact can be appropriately managed;
- the land is not subject to a separation distance or buffer from an adjoining land use;
- the lots can be serviced by existing constructed road/s capable of providing access, including access and egress for emergency purposes; and
- the land is capable of supporting the development of dwellings and associated infrastructure and is not located in a floodway;
- bushfire risk can be minimised and managed in accordance with State policy, without adversely affecting the natural environment.

The proposed subdivision is consistent with various state, regional and local planning, resource and environmental policies relating to ‘Rural Residential’ subdivision and development. Finally, the proposal will assist in meeting the demand for ‘Rural Residential’ development in the region in a planned, orderly and sustainable manner.