



INTERIM ITEMS FOR DEBATE – COUNCIL MEETING 25 MAY 2022

As published 19 May 2022 - subject to change

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| Item No. 13.2 | DRAFT DUNSBOROUGH PRECINCT STRUCTURE PLAN AND ASSOCIATED AMENDMENT 52 TO LOCAL PLANNING SCHEME NO. 21 - CONSIDERATION FOR INITIATION; AND AMENDMENT 50 MINISTERIAL DECISION | Pulled by Cr Cox | Page 3 <i>Supplementary Agenda</i> |
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ALTERNATIVE RECOMMENDATION

That the Council:

1. In pursuance of Part 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), adopts the draft Dunsborough Precinct Structure Plan (**PSP - Attachment B**) for consultation, to be advertised concurrently with Amendment 52, as set out in the points below, **and subject to the following modifications –**
 - (a) Delete objective (b) from page 1 of the PSP document;
 - (b) Realign the Structure Plan Boundary, as depicted on the PSP Map, to exclude Lot 5153 (1) Leslie Pearce Court and Lot 9020 Caves Road;
 - (c) Revise the depiction of R-AC4, R-AC0 and R60 residential density codings on the PSP Map, to be consistent with recommendations 2 I (a) and 2 I (b) below;
 - (d) Revise the PSP Map by deleting “Building Height Area (BHA)”, “3 Storey BHA”, “4 Storey BHA” and “5 Storey BHA” from the legend, and all building height areas shown on the PSP Map; and
 - (e) Revise the PSP document accordingly.

2. In pursuance of Part 5 of the Regulations, prepares Amendment 52 to the *City of Busselton Local Planning Scheme No. 21* for consultation, for the purposes of:
 - I. Amending the Scheme Map (Attachment C) by:
 - (a) Amending the residential density code from R-AC3 to R-AC4 over **all lots zoned ‘Centre’ lots bound by Reserve 42545, Naturaliste Terrace, Reserve 42673, and Cape Naturaliste Road, Dunsborough.**
 - ~~(b) Amending the residential density code from R-AC3 to R-AC0 over the remainder of land zoned ‘Centre’, being:~~
 - ~~(i) Lots bound by Caves Road, Cape Naturaliste Road, Dunn Bay Road and Naturaliste Terrace;~~
 - ~~(ii) Lots bound by Dunn Bay Road, Cape Naturaliste Road, Reserve 42673 and Naturaliste Terrace;~~

~~(iii) Lots bound by Dunn Bay Road, Naturaliste Terrace and Hannay Lane;~~

~~(iv) Lots 1-7 (233) Naturaliste Terrace, and Lots 1-17 (31) and 112 to 104 (13 to 29) Dunn Bay Road; and~~

~~(v) Lots bound by Reserve 26512, Chieftain Crescent, Seymour Boulevard, Reserve 38693 and Dunn Bay Road.~~

- (b) Amending the residential density code from R80 to R60 over:
- (i) Lots 51 and 87 to 102 Chieftain Crescent;
 - (ii) Lots 86 and 162 Chester Way;
 - (iii) Lot 141 Lorna Street;
 - (iv) Lots 1 & 2 (4), 5 (2), 17, 18 and 41 to 43 Prowse Way;
 - (v) Lots 3 and 4 Greenacre Road; **and**
 - (vi) Lot 60 (191) Naturaliste Terrace; **and**
 - (vii) **Strata Plan 28592 (3 Dunn Bay Road).**
- (c) Amending the 'Drive Through Facility Control Area' Special Control Area to include the whole of:
- (i) Lots 1-2 (64) Dunn Bay Road;
 - (ii) Lot 1 (61) Dunn Bay Road; and
 - (iii) Reserve 42673.
- (d) Amending the zoning of a portion of 'Road' reserve at the northern end of Lorna Street, between serified portions of Reserve 26512, to redesignate as 'Recreation' reserve.
- (e) Realigning the zoning of Lot 400 (24) Dunn Bay Road and the portion of 'Road' reserve adjacent to the western and south western side of Lot 400 to be consistent with the cadastral boundary, as depicted on the Scheme Amendment Map.
- II. Retitling the "Centre" zone to "District Centre" zone throughout the Scheme, and amending the Scheme Map accordingly.
- III. Amending Table 1 "Zoning Table" in relation to the use classes 'Single House', 'Ancillary Dwelling', 'Repurposed Dwelling', 'Second-hand Dwelling', 'Marina', 'Marine Filling Station', 'Motor Vehicle, Boat or Caravan Sales' and 'Transport Depot', by replacing the symbol 'D' with the symbol 'X' in the Centre zone.
- IV. Amending clause 4.3 "Modifications of R-Codes" by changing sub-clause 4.3.2 to read as follows:
- "Building height provisions as specified under –*
- (a) *Table 3 and Deemed-to-Comply provision 5.1.6 C6 of Volume 1 of the R-Codes, and*
 - (b) *Table 2.1, and Acceptable Outcome A2.2.1 of Volume 2 of the R-Codes;*
- do not apply, except to land coded R-AC3, R-AC4, ~~R-AC0~~ or R80. In all other areas, maximum building height requirements are required to comply with the provisions of clause 4.8 of the Scheme."*

- V. Amending clause 4.8 “Height of Buildings” by amending sub-clause 4.8.9, removing reference to “Centre” zone.
- VI. Amending clause 4.21 “Development in the Regional Centre and Centre Zones” by removing reference to “Centre” zone, “Dunn Bay Road”, “Naturaliste Terrace” and “Dunsborough”.
- VII. Inserting a new clause 4.22 as follows, and renumbering subsequent clauses and clause references throughout the Scheme:

“4.22 Development in the District Centre Zone

Development within the District Centre zone shall address the following provisions:

~~(a) In addition to the provisions of Volume 2 of the R Codes, the following provisions apply to land coded R-AC0—~~

~~(i) Table 2 sets out the primary controls; and~~

~~(ii) Primary controls shall apply to Building Height Areas as shown on the Scheme Map.~~

TABLE 2 — R-AC0-PRIMARY CONTROLS

| Building Height Area (BHA) / Primary Controls | 3-storey BHA | 4-storey BHA | 5-storey BHA |
|--|---------------------|--|---------------------|
| Boundary Wall Height (storey) | 3 | 2 | 2 |
| Setback — min. primary street | Nil | Nil, unless otherwise specified in clause 4.22 | |
| Setback — min. secondary street | Nil | Commercial use: Nil; and Non-commercial use: 2m; or unless otherwise specified in clause 4.22 | |
| Setback — min. side | Nil | Nil, unless otherwise specified in clause 4.22 | |
| Setback — min. rear | 3m | Nil, unless otherwise specified in clause 4.22 | |
| Plot Ratio | 1.2 | 1.3 | 1.5 |

- (a) *To achieve a consistent building line, increased lot boundary setbacks may be required on Naturaliste Terrace, between the intersections of Cyrilleen Way and Dunn Bay Road;*
- (b) *A 5 metre lot boundary setback shall be provided on the west side of Naturaliste Terrace, between the intersections of Dunn Bay Road and Caves Road. The setback area shall include:*
 - (i) *A minimum 2.5 metre wide footpath and pedestrian shelter; and*
 - (ii) *A landscaped area adjacent to the boundary;*
- (c) *Additional primary and secondary street setbacks may be considered where development is providing an associated alfresco space within the setback area;*
- (d) *Development abutting Caves Road shall respond to the prominence and scenic character of Caves Road by addressing the following matters:*

- (i) Buildings shall not be located within 6 metres of the Caves Road boundary;*
- (ii) Building design, finishes and materials shall respond to and enhance the scenic character of Caves Road;*
- (iii) Building services such as bin storage, utilities, storage tanks and the like shall be adequately concealed so they are not visible from Caves Road; and*
- (iv) Landscape planting shall provide an attractive interface between development and Caves Road;*

(e) The upper storey external wall face and/or balcony roofs of the third storey shall be setback from the ground floor external wall face, a minimum of 4m on the interface of Reserves 42673, 35758 and 26513 (Dugalup Brook), Reserve 38693 (Lions Park) and Reserve 26512 (Seymour Park). in accordance with the following:

~~*(i) Three storey development: the third storey setback a minimum of 4m on the interface of Reserves 42673, 35758 and 26513 (Dugalup Brook), Reserve 38693 (Lions Park) and Reserve 26512 (Seymour Park);*~~

~~*(ii) Four and/or five storey development: the third and fourth storey setback a minimum of 4m on all boundaries; and*~~

~~*(iii) Five storey development: the fifth storey setback a minimum of 8m on all boundaries;*~~

- (f) No residential uses shall be permitted at ground floor fronting Dunn Bay Road, Naturaliste Terrace or Clark Street;*
- (g) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;*
- (h) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;*
- (i) At the ground floor level, development shall address the street with a primary business entrance and a shop front façade;*
- (j) Ground floor commercial uses shall incorporate transparent glazing for a minimum of 70% of all building frontages to adjacent streets;*
- (k) Other than sites subject to clause 4.22 (cb), a pedestrian shelter through the provision of a verandah, awning or the like, shall be provided with a minimum depth of 2.5 metres over the footpath for the full width of the lot frontage;*
- (l) Roller doors or screens of solid material on shop fronts will not be permitted, and security measures should be located and installed internally behind the glazing line;*
- ~~*(m) On land coded R-AC0, nNo vehicle access ways or car parking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind or within buildings;*~~
- (n) On land coded R-AC4, Notwithstanding clause 4.22 (m), car parking is supported between buildings and the street on lots fronting Clark Street, and Naturaliste Terrace between Greenacre Road and Cyrilleian Way, subject to:**
 - (i) Being limited to a single row of car parking bays; and**

(ii) Inclusion of a 2 metre wide landscaping area adjacent to the street; and

(iii) In such case, the rear setback may be 3 metres;

- (o) All cross-overs shall be rationalised and strategically placed in locations where they will have the least impact on vehicle, pedestrian and cyclist movement;*
- (p) Redevelopment sites shall incorporate shared use of car parking and reciprocal access arrangements with adjoining sites;*
- (q) For all boundaries abutting Reserves 42673, 35758 and 26513 (Dugalup Brook), Reserve 38693 (Lions Park) and Reserve 26512 (Seymour Park), no parking, loading bays, services or utilities are to be located on the public land interface;*
- (r) Undercroft, decked or roof top car parks shall be located above or behind interactive street frontages at ground level, such as shops or other uses that promote activity and, where car parking is visible from a street or public space, high quality architectural detailing shall be incorporated into the façade and other external walls of all floors;*
- (s) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;*
- (t) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally."*

~~VIII. Amending the Scheme Map by inserting an additional information area named "Building Height Area," as depicted on the Scheme Amendment Map.~~

VIII. Amending Schedule 2 "Additional Uses" by:

- (a) Amending Additional Use No. A74 by deleting the following properties listed in the 'Particulars of Land' column, and amending the Scheme Map accordingly:

"Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20), 81 (18) and 115 to 127 Geographe Bay Road, Lots 1 to 17 (3) Dunn Bay Road, Lots 1 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough."

- (b) Inserting an Additional Use (No. A84) provision as follows, and amending the Scheme Map accordingly:

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| A84 | Lots 51 and 87 to 102 Chieftain Crescent; Lots 86 and 162 Chester Way; | Consulting Rooms Guesthouse Medical Centre Office Restaurant/Café Shop | 1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme. 2. 'Shop' land uses may be permitted at ground floor level only and occupy up to |
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| | <p>Lots 139 to 141 Lorna Street; Lots 1-9 (20), 81 (18) and 115 to 127 Geographe Bay Road; Lots 1 to 17 (3) Dunn Bay Road; Lots 1 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way; Lots 3 and 4 Greenacre Road; and Lot 60 (191) Naturaliste Terrace, Dunsborough</p> | <p>Tourist Accommodation</p> | <p>50% of total development floor space, up to a maximum area of 300m² per lot.</p> <p>3. A nil setback to the street shall be considered for a development that includes one or more of the Additional Uses specified and an active frontage.</p> <p>4. Active frontages shall comply with the following design requirements:</p> <p>a. Minimum 50% transparent glazing;</p> <p>b. Roller doors or screens of solid material will not be permitted.</p> <p>5. The provisions of Clause 4.25 relating to cash in lieu of car parking shall apply.</p> |
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3. Pursuant to Regulation 35 (2) of the Regulations, determine that Amendment 52 is a 'standard amendment' in accordance with r.34 of the Regulations as it is:

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve; and
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.

4. Note that, as the draft Amendment is in the opinion of the Council consistent with Part V of the *Planning and Development Act 2005* (the Act) and Regulations made pursuant to the Act, upon preparation of necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Regulations. In the event that the EPA determines that the draft Amendment is to subject to formal environmental assessment, this assessment is to be prepared prior to advertising of the draft Amendment.

Notes the Ministerial decision and Schedule of Modifications to modify Amendment 50 (Attachment D).

REASONS FOR ALTERNATIVE

The reason for removing Lot 5153 Leslie Pearce Court and Lot 9020 Caves Road is due to the fact that I do not believe that this is a viable location for a future reserve and/or carpark. In my opinion there are better locations for carparking closer to the Town Centre such as the under utilised parking adjacent to the Dunsborough Playing Fields.

The fundamental reason for down-coding the building heights specified in the Draft Dunsborough Precinct Structure Plan from R-AC0 4 and 5 storeys to R-AC-4 (3 storeys) is in response to widespread community concern over the height, scale and bulk of developments in excess of 3 storeys in the Town Centre of Dunsborough. The Dunsborough community have been doggedly determined in expressing their opposition to any proposed large-scale, mixed-use apartment buildings in the Town Centre over 3 storeys in height.

They have attended workshops, formed Committee's, signed petitions, sent e-mails and made presentations to JDAP. This opinion has been held for many years and was clearly illustrated when the community successfully lobbied to down-code lots on Geographe Bay road from R-80 to R-60. This was in direct response to a development application for a 4 storey apartment building on the corner of Geographe Bay Road and Dunn Bay Road. More recently, development applications for two large scale apartment buildings on Dunn Bay Road resulted in the community lodging hundreds of responses against the height, scale and bulk of the developments to JDAP.

My reason for down-coding Strata Plan 28592 from R80-R60 is to provide consistency in height with other lots on Geographe Bay Road, Lorna Street, Chester Way and Chieftain Crescent. The significant level of community objections to the 4 storey apartment development on the corner of Geographe Bay Road and Dunn Bay Road would suggest that there is no support for height over 3 storeys in this area.

The Dunsborough Precinct Structure Plan has been drafted as a response to the prevailing community concern outlined above. It is a vital tool that will be used to inform and guide how development progresses in the Town Centre. Fundamentally a Precinct Structure Plan should aim to reflect the existing or desired future character of the local area. Character is defined in the R-Codes as an important aspect of local identity created through the combined effect of the following attributes;

1. The height, scale, setback, style and condition of existing buildings.
2. Land-uses and street based activity.
3. The physical form of the street including width and function, verges and footpaths.
4. Landscaping of the public and private realms.

Restricting building height is imperative in preserving the character of Dunsborough, which is of vital importance not only to residents but also to visitors and tourists. Defining the character of Dunsborough is not a difficult task for the local community. When asked this question the same key words come up time and time again. Low-key. Coastal. Village. Small town character is something that Dunsborough residents value about their community and very much want to preserve.

We all acknowledge that growth is inevitable, however growth needs to be planned for in an appropriate manner. As a Councillor, I feel that it is my responsibility to be proactive and work collaboratively with the community to develop sustainable strategies for growth. Whilst we need to accept to inevitability of growth and development in Dunsborough it is imperative that we control density by limiting building heights to ensure that we maintain our unique coastal, village character.

OFFICER COMMENT

To be provided.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.