



## ITEMS FOR DEBATE

### COUNCIL MEETING 21 DECEMBER 2022

#### **ADOPTION BY EXCEPTION RESOLUTION**

#### **RECOMMENDATION**

That the Committee Recommendations for Items 12.1, 12.2, 12.3, 12.4, 12.5, 12.7, 12.8 and 12.9 and the Officer Recommendations for Items 13.2, 13.3, 15.1, 16.1, 17.1 and 17.2 be adopted en bloc:

12.1	Policy and Legislation Committee - 9/11/2022 - LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS (LEMA)
12.2	Policy and Legislation Committee - 9/11/2022 - REVIEW OF THE CONSOLIDATED PARKING SCHEME (CPS)
12.3	Policy and Legislation Committee - 9/11/2022 - LOCAL PLANNING POLICY REVIEW : ADOPTION FOLLOWING CONSULTATION - LPP 1.5 COASTAL SETBACKS
12.4	Policy and Legislation Committee - 9/11/2022 - COUNCIL POLICY PROPOSAL: ART COLLECTION
12.5	Policy and Legislation Committee - 9/11/2022 - COUNCIL POLICY PROPOSAL: FINANCIAL HARDSHIP
12.7	Audit and Risk Committee - 23/11/2022 - CITY OF BUSSELTON 2021/2022 ANNUAL FINANCIAL REPORT, AUDITORS' REPORT AND MANAGEMENT LETTER
12.8	Finance Committee - 7/12/2022 - LIST OF PAYMENTS MADE - OCTOBER 2022
12.9	Finance Committee - 7/12/2022 - FINANCIAL ACTIVITY STATEMENTS - YEAR TO DATE AS AT 31 OCTOBER 2022
13.2	DRAFT COMMUNITY INFRASTRUCTURE PLAN 2022-2035 - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL
13.3	AMENDMENT NO. 54 TO LOCAL PLANNING SCHEME NO. 21 (LOT 2883 PUZEY ROAD, WILYABRUP) <i>Supplementary Agenda</i>
15.1	NAMING OF DUNSBOROUGH YOUTH SPACE
16.1	2023 COUNCIL AND COMMITTEE MEETING DATES

17.1	COUNCILLORS' INFORMATION BULLETIN
17.2	PROPOSED WALGA GOVERNANCE MODEL <i>Supplementary Agenda</i>

#### ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

Item No.	Item Title	Reason
12.6	Policy and Legislation Committee - 9/11/2022 - ANNUAL STATUTORY REVIEW OF DELEGATIONS OF AUTHORITY	Absolute Majority Required
12.10	Finance Committee - 7/12/2022 - BUDGET AMENDMENTS: ENGINEERING AND WORKS SERVICES	Absolute Majority Required
14.1	RFT12/22 NORTH JINDONG ROAD CONSTRUCTION	Absolute Majority Required
16.2	CERTIFICATE OF COMPLIANCE - CITY OF BUSSELTON STANDARDS FOR CEO RECRUITMENT, PERFORMANCE REVIEW AND TERMINATION	Absolute Majority Required
16.3	ANNUAL REPORT 2021-2022 <i>Supplementary Agenda</i>	Absolute Majority Required

## ITEMS FOR DEBATE

<p><b>Item No.</b> <b>13.1</b></p>	<p>DUNSBOROUGH PRECINCT STRUCTURE PLAN AND ASSOCIATED AMENDMENT 52 TO LOCAL PLANNING SCHEME NO. 21 - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL</p>	<p><b>Pulled by</b> <b>Cr Riccelli</b></p>	<p><b>Page 81</b></p>
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### ALTERNATIVE RECOMMENDATION

**That the Council:**

- 1. Pursuant to Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), adopts the Dunsborough Precinct Structure Plan shown at Attachment B for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment G, **subject to the following changes to the Schedule of Modifications –****

**(a) Deletion of a portion of the text in column 3 from modification no 16, as follows:**

**“Once the density codings within the PSP area are finalised”**

**(b) Add an additional modification, such that the PSP reads as follows, with text to be added in bold and italicised, and text to be removed in bold and struck through:**

**“Modify the PSP ‘Executive Summary’ as follows:**

The Dunsborough Precinct Structure Plan (PSP), together with revisions to the City’s Local Planning Scheme No. 21 (LPS 21), will deliver a robust planning framework to facilitate the ongoing development and redevelopment of the Dunsborough Town Centre (DTC), reaffirming its position as a vibrant, functional and attractive centre of the local community, while providing a high level of services and experiences for both residents and visitors.

~~The DTC is undergoing a transitional period, with significant recent interest in new development.~~ **The DTC has seen a significant interest in new development.** The future and function of the DTC will be addressed through the PSP, with an effective combination of vision and practical implementation to enable its ongoing and growing role as a **major premier seaside tourist** town in the region, ~~while retaining key elements of character and identity in contrast to Busselton which operates as the Regional City Centre (identified in the Local Planning Strategy 2019, Table 3 Activity Centre Framework).~~

**The PSP will focus on servicing the future needs of the local community and broader region, in a manner and form that considers higher level planning documents and the strategic direction of the City of Busselton, while reflecting the community vision for an aesthetic that blends the beach and bush within an attractive human scaled coastal village setting.**

The existing DTC is diverse in nature, land use and design. An established crucifix form, public realm interface and engaged local community provide a great starting point to leverage from. Critically, though, the DTC currently lacks robust built form guidelines and a safe, comfortable and convenient pedestrian/cyclist network, and improvements can be made to connectivity with the broader road network.

The planning for this PSP has been led by the City of Busselton in consultation with key stakeholders including the local community, business owners, and the Department of Planning, Lands and Heritage.

The DTC is planned to provide:

- An enhanced urban ecology, including improvements to Dugalup Brook, and protection of existing vegetation and habitat.
- An improved public realm, including the quality and connectivity of green linkages, acknowledgement of Aboriginal heritage, and an expandable public event space.
- An improved movement network that is legible, safe, comfortable and convenient for all users, with better access/egress to and from the DTC, and an adequate car parking supply.
- Land uses that service daily needs of the local community and allow for residential density to achieve urban consolidation, while being appropriately scaled consistent with the character and identity of the town.
- A built form framework that **addresses introduces a nuanced approach, and seeks to address** community concerns around the height, bulk and scale of development proposals.

Implementation of the PSP requires both private and public investment. The PSP is a framework to guide future change and attract new investment to the area, and its success will rely on the cooperation and collaboration of the City of Busselton, State government agencies, local land and business owners and the community more broadly.

This PSP, as required by the relevant clauses of the Planning and Development (Local Planning Schemes) Regulations 2015, provides standards to be applied for buildings, structures and other works, and arrangements for the management of services and vehicles. The PSP is to be given due regard in the consideration of development and subdivision applications by the relevant determining authority. The PSP also sets out the rationale for a range of changes to LPS 21 **and the Local Planning Strategy (2019).**

~~The PSP will reinforce Dunsborough's role as a major town in the region, to service the future needs of the local community and broader region in a manner and form that is consistent with higher level planning documents, and the strategic direction of the City of Busselton and the Western Australian Planning Commission."~~

- (c) Add an additional modification, such that the PSP reads as follows, with text to be added in bold and italicised, and text to be removed in bold and struck through:

*"Modify the PSP Part 1 section 2 'Objectives' to modify Objective (b) as follows:*

- a) "Achieves built form and landscape design that ~~reflects a contemporary, human-scaled coastal town setting~~ **retains and enhances the unique village character and lifestyle value of the Dunsborough Town Centre.**"*
- b) Re-order Objectives (a) and (b), so Objective (b) becomes the first objective."*

- (d) Add an additional modification, such that the PSP reads as follows, with text to be added in bold and italicised, and text to be removed in bold and struck through:

*"Modify the PSP Part 2 section 1 'Introduction: Precinct Type and Form' as follows:*

Dunsborough Town Centre (DTC) is identified in the *Local Planning Strategy 2019* as the principal activity centre in the western portion of the Busselton District. As such it is considered an 'Activity Centre Precinct' under the provisions of *State Planning Policy 7.2: Precinct Design* and draft *State Planning Policy 4.2: Activity Centres*. This Precinct Structure Plan (PSP, formerly known as an Activity Centre Plan) sets out to plan for the strategic growth and development of the DTC. It aims for a vibrant place of community and visitor activity that is one of the main centres of economic, social and cultural life in the District.

As Dunsborough has developed over time, the City has been planning to facilitate improvements to the function, attractiveness and vitality of the DTC. Over many years this process has included a review of past planning instruments and technical studies, on-ground assessments of parking and access issues, and multiple rounds of consultation with stakeholders, including landowners, residents and community groups. An important milestone in that ongoing process was the *Dunsborough Town Centre Conceptual Plan* (DTCCP), which was adopted as an overall, guiding document by the Council in January 2014 (Figure 3), and has been subject to ongoing implementation.

While not forming part of the planning framework, the DTCCP reflected a number of recommendations from the City's *Local Commercial Planning Strategy (2011)* and *Local Cultural Planning Strategy (2011)*, and various projects have subsequently been progressed through to completion. For example, Amendments 1 and 29 to LPS 21 included a range of significant changes to planning controls for the DTC, including:

- Introduction of the R-AC3 coding to support ***an increase in*** residential and mixed use development ~~and building height controls to allow for 4 to 5 storey developments~~.
- Extension of the DTC through rezoning of Clark Street to Centre zone (with R-AC3 density coding).
- Introduction of an Additional Use area ('A74') fringing the DTC to provide additional, low-impact business/commercial opportunities and a legible transition between land uses in the centre and adjoining residential areas.
- Expansion of city/town centre provisions in Part 4 'General Development Requirements'.
- Introduction of a range of incentives (including increased plot ratio) to support mixed use development.
- Revocation of obsolete Additional Uses and Special Provisions.

A number of on-ground improvement works and other endorsed initiatives, including streetscape and public open space enhancements, have also been completed or are in progress.

The intention of the PSP is to provide updated planning and policy guidance to follow on from changes adopted through Amendments 1 and 29.

The project area boundary (Figure 1, pg. 1) only slightly changes the project area identified in the DTCCP process with the addition of Lot 81 (No. 18) Geographe Bay Road, near to the intersection of Gifford Road, and it generally takes into account the planning initiatives that have already occurred. Planning and design in the PSP area is focussed on ensuring that the DTC remains a community focal point that includes a variety of commercial, retail and hospitality activity, additional housing choice, and entertainment and tourism opportunities."

- (e) **Add an additional modification, such that the PSP reads as follows, with text to be added in bold and italicised, and text to be removed in bold and struck through:**

***"Modify the PSP Part 2 section 3.1.1 'Location: Regional Context' as follows:***

***While Busselton is classed as the main 'Regional Centre', Dunsborough is classed as a 'Major Town' in the Leeuwin-Naturaliste Sub-regional Strategy (WAPC, 2019), and is the principal activity centre in the western portion of the District of Busselton.***

It is situated approximately 25km west of the Busselton Regional Centre, 80km south west of the Bunbury Regional City, and 250km south of the Western Australian Capital City, Perth.

The Dunsborough area is now the fourth largest centre of settlement in the South West Region (after Greater Bunbury, Busselton and Margaret River). ***Its population currently sits at approx. 9500 however due to its popularity as a 'coastal' tourist destination, approx. 45% of properties are classified as 'unoccupied', resulting in annual population peaks and troughs.***

The PSP area is located adjacent to the intersection of the arterial roads Caves Road and Cape Naturaliste Road. Caves Road provides access to the broader primary distributor network and destinations such as Bunbury, Margaret River and Perth.”

- (f) Add an additional modification, such that the PSP reads as follows, with text to be added in bold and italicised, and text to be removed in bold and struck through:

***“Modify the PSP Part 2 section 3.1.3 ‘Land Use and Open Space’, (final paragraph) as follows:***

The PSP provides an opportunity to devise appropriate design responses so that commercial activity continues to be a major driver of the DTC, and investment is encouraged to maintain the vibrancy and purpose of the DTC while also reducing potential retail leakage. High land values in the DTC mean that ~~reasonably dense development is often needed to achieve reasonable return on investment for new development proposals~~ ***increased density in development of up to three storeys may be needed. Given the experience in other three storey or height controlled coastal towns, (such as Margaret River, Byron Bay, Port Douglas and Noosa), this should produce a satisfactory financial return while retaining the desired character.”***

- (g) Add an additional modification, with text to be added in bold and italicised, and text to be removed in bold and struck through:

***“Modify the PSP Part 2 section 3.1.4 ‘Tenure, Ownership and Buildings’:***

- a) ***To modify the third paragraph as follows:***

An analysis of existing built form within the PSP area was undertaken in the *Dunsborough Urban Design Assessment* (Urbis, 2021) (Appendix 2). Built form to date has mainly been constructed as low rise (predominantly single or double storey) and low density, with no defined architectural character evident in the streetscape. ***However, it is often described as having a ‘sense of place’ and a perceived ‘coastal/seaside’, ‘village’ and ‘pedestrian scale’ atmosphere and architectural vernacular.”***

- b) ***To modify the final paragraph as follows:***

The PSP provides an opportunity, especially through appropriate PSP design responses, to encourage and manage height, scale, form, density and location of car parking ~~in accordance with~~ ***taking into consideration*** the Local Planning Strategy (2019) and LPS 21, allowing for growth of commercial development and increased housing choice, providing guidance on the nature of built form, ~~and taking into account~~ ***representing community and*** stakeholder values and interests, ***while retaining key elements of its unique character and identity.”***

- (h) Add an additional modification, with text to be added in bold and italicised, and text to be removed in bold and struck through:

***“Modify the PSP Part 2 section 3.2.5 ‘Housing’ as follows:***

The PSP area consists of approximately 64% multiple/grouped dwellings and 36% single houses. One further site is developed with a Residential Building (hostel style accommodation). Several sites are vacant and five mixed use developments have been granted development approval. At the time of writing, two building permits have been issued. When constructed, these developments will result in an additional 81 multiple dwellings and 18 tourism accommodation units.

Dwellings can be classified by land use, including permanent residential use or short-term accommodation. Different types of short-term accommodation in the PSP area include ‘Holiday Home (Single House) or (Multiple/Grouped Dwelling)’, ‘Tourist Accommodation’ (single occupancy accommodation units) and ‘Residential Building’ (hostels). Figure 28 shows existing housing that is approved as short-term accommodation, and indicates that a significant portion of housing supply in the PSP area is not necessarily available for the permanent market.

The planning framework promotes a higher number and variety of housing in town and city centres, and immediately adjacent areas. Currently there is a lack of housing density in the PSP area, contributing to fewer people and less activation. The ability to achieve increased housing density and diversity was introduced by Amendment No. 1 to LPS 21, although the timing and extent to which greater housing density may occur in the PSP area is fully dependent on landowners and developers.

Changes introduced through Amendment No. 1 were intended to support housing development and choice, achieved through additional building height ~~—four storeys in R80 coded areas, and four to five storeys (in 2017) in R-AC3 coded areas~~ ***that allowed for mixed-use development and increased density/building height.*** Through the introduction of Volume 2 of the R-Codes, an unintended consequence of the R-AC3 coding has been the potential to develop six storey buildings.

Since 2019 concern has been raised by the community on numerous occasions about these height controls, including:

- In 2019, five storey mixed use development comprising 18 commercial tenancies and 14 residential apartments at the corner of Seymour Boulevard and Dunn Bay Road (R-AC3) received 129 public submissions, including 103 objections. 63 objections raised specific concern about building height.
- In 2021, at the same site a six storey mixed use development proposal comprising one commercial tenancy and 25 residential apartments received 616 submissions, including 602 objections. More than 240 objections raised specific concern about building height.
- A four storey mixed use development comprising one commercial tenancy and 28 residential apartments at the corner of Dunn Bay Road and Geographe Bay Road (R80) received 121 public submissions, including 105 objections. 35 objections raised specific concern about building height.
- A six storey mixed use development comprising seven commercial tenancies, 13 office tenancies and 42 residential apartments at the corner of Dunn Bay Road and Cyrillean Way (R-AC3) received 783 submissions, including approximately 755 objections. More than 200 objections raised specific concern about building height.
- A petition to Council from the Dunsborough Progress Association with 747 signatories, requesting an amendment to LPS 21 to change the density coding of

23 lots on Geographe Bay Road from R80 to R60 (three storey height limit). Council responded to this petition by initiating Amendment No. 50 to LPS 21.

- Amendment No. 50 to change the density coding of 23 lots on Geographe Bay Road from R80 to R60 received 96 public submissions, including 95 in support. Many submissions raised specific support for a maximum three storey height limit.

These concerns are consistent with building height concerns raised during broad community engagement in 2018 and similar objections submitted during the advertising of Amendment No. 1 (2016). Discussion from the community is often centred on a desire to retain the 'beachside aesthetic' and 'low-rise, village feel' of Dunsborough.

These concerns are considered in the context of an activity centre hierarchy in the District and region, population and visitor growth, land use and economic demand, urban structure, built form, placemaking and activation.

Current development of the PSP area is, on the whole, low-rise and low in density. For the DTC to retain its place as the 'social and economic heart' of the Dunsborough-Naturaliste area, with its growing population and visitor economy, ~~consolidation and~~ **some** increased density in development is necessary. In addition, to create an active walkable centre there needs to be a shift from very low-rise, often car-oriented development, toward somewhat denser, more pedestrian-oriented development.

Whilst most residential development will occur outside of the DTC, including (in time) apartment development, the DTC and nearby areas will need to accommodate some apartment development, usually as part of mixed use development, to help provide Dunsborough residents with housing choice. Through sufficient land supply, the large majority of new housing development in the area, though, will continue to be in the form of single houses on individual lots.

The PSP provides an opportunity to take a more ~~refined~~ **considered** approach to reduce the currently permissible density, ~~while still planning for which allows for medium density and~~ relatively low-rise building design in the DTC and in adjacent walkable catchment areas, in a manner that strategically provides for growth and also listens and responds to community concern."

- (i) Add an additional modification, with text to be added in bold and italicised, and text to be removed in bold and struck through:

*"Modify the PSP Part 2 section 3.3.2 'State Planning Policies', 'Draft State Planning Policy 4.2: Activity Centres (2020) (SPP 4.2)' (first paragraph) as follows:*

The intent of SPP 4.2 is to ensure planning and development adequately considers the distribution, function and broad land use considerations for activity centres. **However, it should also be noted that the** SPP 4.2 applies more particularly to the Perth, Peel and Greater Bunbury Region ~~Scheme areas, but its guiding principles may also be appropriately applied outside those areas."~~

- (j) Add an additional modification, with text to be added in bold and italicised, and text to be removed in bold and struck through:

*"Modify the PSP Part 2 section 3.3.3 'Local Planning Framework', 'Local Planning Strategy (2019) (LPS)', (final paragraph) as follows:*

The LPS supersedes previously endorsed sector-based strategies in the City of Busselton, including the Local Commercial Planning Strategy (2011) and the Local Cultural Planning Strategy (2011). **However, it should be noted that parts of the 2019**



*Local Planning Strategy, in particular LPS Strategy 8.2, may not be aligned with the PSP and as such will need to be reviewed.”*

- (k) Add an additional modification, with text to be added in bold and italicised, and text to be removed in bold and struck through:

*“Modify the PSP Part 2 section5 ‘Vision’ as follows:*

~~The development of an overall vision for the DTC has been an essential part of the PSP process~~ *The overall vision for the DTC underpins the objectives of the PSP. The development of the vision has been a lengthy consultative process,* to ensure that the City, community and other stakeholders have a common understanding of the relevant aims and objectives of the PSP.

This vision is:

The Dunsborough Town Centre will be developed as a vibrant, functional and attractive centre of the local ~~community area~~, providing a high level of services and experiences for both residents and visitors *while retaining its unique ‘coastal’ village atmosphere.*

In 2032, the Dunsborough Town Centre will be recognised as the premier seaside town in the South West Region *that reflects an aesthetic that blends the beach and bush within an attractive human scaled village setting.*

To effectively implement the vision developed in the PSP, the following direction statements have been prepared and are recommended:

- Pedestrian accessibility will be afforded high priority.
- Connections between the Town Centre and Foreshore, and between the Town Centre and Dunsborough Lakes, will be improved.
- Delivery of additional car parking spaces, generally at the periphery of the town centre.
- Additional public spaces and alfresco dining areas will be developed.
- Additional street trees and landscaping will be provided and the management of environmental assets, including Dugalup Brook, improved.
- *Building height will be relatively low-rise to maintain the character and coastal village atmosphere.*
- Additional community events, markets and place-making will be supported.”

2. In pursuance of the Regulations, adopts Amendment 52 to Local Planning Scheme No. 21 for final approval, **subject to the removal of the administrative error below**, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment G, 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’.
- (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;
  - (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;
  - (iii) Reserve 42673; and
  - (iv) Lot 5153 (1) Leslie Pearce Court and Lot 9020 Caves Road.
- (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) To achieve a consistent building line, increased lot boundary setbacks may be required on Naturaliste Terrace, between the intersections of Cyrillean 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);*
- (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 (b), 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) No 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) *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 Cyrillean 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 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:

<b>A84</b>	<i>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;</i>	<i>Consulting Rooms Guesthouse Medical Centre Office Restaurant/Café Shop Tourist Accommodation</i>	<ol style="list-style-type: none"> <li>1. <i>The Additional Uses specified shall be deemed to be “D” uses for the purposes of the Scheme.</i></li> <li>2. <i>‘Shop’ land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space, up to a maximum area of 300m<sup>2</sup> per lot.</i></li> <li>3. <i>A nil setback to the street shall be considered for a</i></li> </ol>
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	<p><b>Lots 1 to 17 (3) Dunn Bay Road; Lots 1 &amp; 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></p>		<p><i>development that includes one or more of the Additional Uses specified and an active frontage.</i></p> <p><b>4. Active frontages shall comply with the following design requirements:</b></p> <p><b>a. Minimum 50% transparent glazing;</b></p> <p><b>b. Roller doors or screens of solid material will not be permitted.</b></p> <p><b>5. The provisions of Clause 4.25 relating to cash in lieu of car parking shall apply.</b></p>
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**3. Pursuant to r.53 and Part 4 of Schedule 2 of the Regulations, endorses the Schedules of Agency and Public Submissions at Attachments D and E respectively, which have been prepared in response to the public consultation process undertaken in relation to the Dunsborough Precinct Structure Plan and associated Amendment No. 52, **subject to the following changes to the Schedule of Public Submissions:****

**Deletion of a portion of the text in column 3 from submissions no 34 (comment 8), 35 (comment 4), 156 (comment 4), 221 (comment 5), 275, 282, 311, and 313, as follows:**

**“Officers remain supportive of a departure from the blanket R-AC3 coding, but to a more nuanced approach rather than the R-AC4 coding across the whole of the DTC. Vol. 2 of the R-Codes allows for a flexible approach through the R-AC0 density code primary controls can be reflective of detailed context analysis, and provide for specifically tailored and nuanced intensity and scale of development through height and setback controls.**

**A nuanced approach would provide some control over the suitability of proposals within the broader street block context. A blanket coding provides no guidance on preferred locations for reduced height and bulk, or preferred sites for larger scale development. Related to this point, it is noted that landowners who have recently chosen to develop their site less intensely, expressed concern over the blanket control, particularly in relation to the lack of consideration for landmark sites in the broader streetscape and activity centre context.**

**Some sections of the streetscape, particularly those with a narrower road reserve, would be less affected by buildings that are restricted to two storeys at the street interface (with setbacks for additional storeys) than the proposed R-AC4 coding potentially resulting in three storeys on all street fronts.**

**A blanket coding that restricts buildings to a three storey height control may also result in a greater proportion of floorspace being allocated to residential development due to the higher rate of car parking required for commercial development, and potential for shorter developer payback periods for residential development.”**

**4. Advise the Western Australian Planning Commission that Amendment no. 52 is considered a ‘standard’ amendment pursuant to 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;**

(b) an amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.

5. Upon preparation of the necessary documentation, refers the adopted Amendment no. 52 to the Western Australian Planning Commission for consideration and determination in accordance with the *Planning and Development Act 2005*.
6. Write to the State Government requesting inclusion of Lots 4, 6, 8, 10, 12 and 14 Clark Street, Dunsborough in a future infill sewerage program.
7. Note that the City will prepare a strategy to guide staging and implementation of the Dunsborough Precinct Structure Plan output plans.

**REASONS FOR ALTERNATIVE**

The suggested changes to the PSP more accurately reflect the principle objectives, vision and outcomes the PSP is trying to achieve for the Dunsborough Town Centre.

**OFFICER COMMENT**

Officer views on mixed use residential density coding and building height in the Dunsborough Town Centre were set out in May 2022 when Council initiated the Dunsborough PSP and Amendment 52 for advertising (C2205/11).

No further comment is provided, except that the modifications above are consistent with the direction as set out in the alternative recommendation.

**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.

<b>Item No. 13.1</b>	DUNSBOROUGH PRECINCT STRUCTURE PLAN AND ASSOCIATED AMENDMENT 52 TO LOCAL PLANNING SCHEME NO. 21 - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL	<b>Pulled by Cr Henley</b>	<b>Page 81</b>
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**ALTERNATIVE RECOMMENDATION**

**That the Council:**

- 1. Pursuant to Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), adopts the Dunsborough Precinct Structure Plan shown at Attachment B for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment G, **subject to the following changes to the Schedule of Modifications (with R-AC0: 3 and 4 storey height areas shown at Attachment I) –****

**Add an additional modification, to state:**

- a) “Modify the PSP Map to modify the designation of “R-AC4” to “R-AC0” over the lots identified in sub-modifications b) and c) below.**
- b) Modify the PSP Map to depict “3 Storey BHA” designations over –**
  - i. Lots 1 and 2 (59 and 61) Dunn Bay Road, and Lots 1-7 (16) Cyrillean Way;**
  - ii. Lots 1-2 (64) Dunn Bay Road and future lot 3 as identified on the approved Plan of Subdivision 9073-SUB-01-C dated 20 August 2021;**
  - iii. Lots 4 (232), 1-8 (234), 1-11 (236) and 3 (238) Naturaliste Terrace;**
  - iv. Lots 1-7 (233), 1 (237), 8 (239), 7 (241), 14 (243) and 1-3 (245) Naturaliste Terrace;**
  - v. Lots 4-10 (35), 1-17 (31), 104 (29), 1-18 (25-27), 107 (23), 108 (21), 109 (19), 110 (17), 1-11 (15) and 112 (13) Dunn Bay Road; and**
  - vi. Lots 1-56 (12) Dunn Bay Road;**
- c) Modify the PSP Map to depict “4 Storey BHA” designations over –**
  - i. Lots 107 and 108 (55 and 57) Dunn Bay Road, and Lot 109 (6) Cyrillean Way;;**
  - ii. Lots 2 (58), 1-6 (56), 1-10 (54) and 1-15 (42) Dunn Bay Road, and future lots 1 and 2 as identified on the approved Plan of Subdivision 9073-SUB-01-C dated 20 August 2021; and**
  - iii. Lots 1-22 (34) and 400 (24) Dunn Bay Road; and**
- d) “Modify the PSP Map by introducing “Building Height Area (BHA)”, “3 Storey BHA” and “4 Storey BHA” to the legend.**
- e) Modify the remainder of the PSP document to be consistent with sub-modifications a) to c) above.”**

- 2. In pursuance of the Regulations, adopts Amendment 52 to Local Planning Scheme No. 21 for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment G, **subject to the changes below to be included as additional modifications in the Schedule of Modifications, 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.

(c) ~~(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;

(vi) Lot 60 (191) Naturaliste Terrace; and

(vii) Strata Plan 28592 (3 Dunn Bay Road).

(d) ~~(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;

(iii) Reserve 42673; and

(iv) Lot 5153 (1) Leslie Pearce Court and Lot 9020 Caves Road.

(e) ~~(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.

(f) ~~(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-ACO 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-ACO –**

**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-ACO PRIMARY CONTROLS**

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

- (b) ~~(a)~~ To achieve a consistent building line, increased lot boundary setbacks may be required on Naturaliste Terrace, between the intersections of Cyrillean Way and Dunn Bay Road;
- (c) ~~(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;
- (d) ~~(c)~~ Additional primary and secondary street setbacks may be considered where development is providing an associated alfresco space within the setback area;
- (e) ~~(d)~~ Development abutting Caves Road shall respond to the prominence and scenic character of Caves Road by addressing the following matters:
- v. Buildings shall not be located within 6 metres of the Caves Road boundary;
  - vi. Building design, finishes and materials shall respond to and enhance the scenic character of Caves Road;
  - vii. 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
  - viii. Landscape planting shall provide an attractive interface between development and Caves Road;
- (f) ~~(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); and
  - ii. Four storey development: the third and fourth storey setback a minimum of 4m on all boundaries;
- (g) ~~(f)~~ No residential uses shall be permitted at ground floor fronting Dunn Bay Road, Naturaliste Terrace or Clark Street;
- (h) ~~(g)~~ Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;
- (i) ~~(h)~~ Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;
- (j) ~~(i)~~ At the ground floor level, development shall address the street with a primary business entrance and a shop front façade;
- (k) ~~(j)~~ Ground floor commercial uses shall incorporate transparent glazing for a minimum of 70% of all building frontages to adjacent streets;
- (l) ~~(k)~~ Other than sites subject to clause 4.22 ~~(b)-(c)~~, 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;

- (m) ~~(f)~~ 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;
- (n) ~~(m)~~ On land coded R-AC0, No 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;
- (o) ~~(n)~~ Notwithstanding clause 4.22 ~~(m)~~ On land coded R-AC4, car parking is supported between buildings and the street ~~on lots fronting Clark Street, and Naturaliste Terrace between Greenacre Road and Cyrilleean Way~~, subject to:
  - iv. Being limited to a single row of car parking bays; and
  - v. Inclusion of a 2 metre wide landscaping area adjacent to the street; and
  - vi. In such case, the rear setback may be 3 metres;
- (p) ~~(e)~~ All cross-overs shall be rationalised and strategically placed in locations where they will have the least impact on vehicle, pedestrian and cyclist movement;
- (q) ~~(p)~~ Redevelopment sites shall incorporate shared use of car parking and reciprocal access arrangements with adjoining sites;
- (r) ~~(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;
- (s) ~~(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;
- (t) ~~(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;
- (u) ~~(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.**

**~~IX.~~ 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:

A84	<p><b>Lots 51 and 87 to 102 Chieftain Crescent;</b>  <b>Lots 86 and 162 Chester Way;</b>  <b>Lots 139 to 141 Lorna Street;</b>  <b>Lots 1-9 (20), 81 (18) and 115 to 127 Geographe Bay Road;</b>  <b>Lots 1 to 17 (3) Dunn Bay Road;</b>  <b>Lots 1 &amp; 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way;</b>  <b>Lots 3 and 4 Greenacre Road; and Lot 60 (191) Naturaliste Terrace, Dunsborough</b></p>	<p><b>Consulting Rooms</b>  <b>Guesthouse</b>  <b>Medical Centre</b>  <b>Office</b>  <b>Restaurant/Café</b>  <b>Shop</b>  <b>Tourist</b>  <b>Accommodation</b></p>	<p><b>6. The Additional Uses specified shall be deemed to be “D” uses for the purposes of the Scheme.</b></p> <p><b>7. ‘Shop’ land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space, up to a maximum area of 300m<sup>2</sup> per lot.</b></p> <p><b>8. 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.</b></p> <p><b>9. Active frontages shall comply with the following design requirements:</b></p> <p><b>a. Minimum 50% transparent glazing;</b></p> <p><b>b. Roller doors or screens of solid material will not be permitted.</b></p> <p><b>10. The provisions of Clause 4.25 relating to cash in lieu of car parking shall apply.</b></p>
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3. Pursuant to r.53 and Part 4 of Schedule 2 of the Regulations, endorses the Schedules of Agency and Public Submissions at Attachments D and E respectively, which have been prepared in response to the public consultation process undertaken in relation to the Dunsborough Precinct Structure Plan and associated Amendment No. 52.
4. Advise the Western Australian Planning Commission that Amendment no. 52 is considered a ‘standard’ amendment pursuant to 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;
  - (b) an amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.
5. Upon preparation of the necessary documentation, refers the adopted Amendment no. 52 to the Western Australian Planning Commission for consideration and determination in accordance with the *Planning and Development Act 2005*.
6. Write to the State Government requesting inclusion of Lots 4, 6, 8, 10, 12 and 14 Clark Street, Dunsborough in a future infill sewerage program.
7. Note that the City will prepare a strategy to guide staging and implementation of the Dunsborough Precinct Structure Plan output plans.

**REASONS FOR ALTERNATIVE**

1. I still believe a variation of height controls can be achieved with an absolute height limit more accurately defined and enforced in areas of concern and mitigated by design and step back.
2. I have concerns that further consideration by authorities to modify or change these instruments prior to gazettal in reaction to 'flat' height limits may lead to unintended consequences in future development.
3. I believe the development corridor between Caves Road and Dunn Bay Road best suited to stepped back development of up to 4 storeys that can accommodate better outcomes for design and parking.
4. Development already approved already provides some variation to height that will stick out more if isolated by surrounding blanket height caps.

**OFFICER COMMENT**

The alternative recommendation is consistent with previous recommendations for varied and locally tailored height controls in the Dunsborough Town Centre.

**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.





<b>Item No.</b> <b>13.1</b>	DUNSBOROUGH PRECINCT STRUCTURE PLAN AND ASSOCIATED AMENDMENT 52 TO LOCAL PLANNING SCHEME NO. 21 - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL	<b>Pulled by</b> <b>Officers</b>	<b>Page 81</b>
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**AMENDED RECOMMENDATION**

**That the Council:**

1. Pursuant to Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), adopts the Dunsborough Precinct Structure Plan shown at Attachment B for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment G.
2. In pursuance of the Regulations, adopts Amendment 52 to Local Planning Scheme No. 21 for final approval, **subject to the removal of the administrative error below**, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment G, 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'.
    - (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;
      - (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;
      - (iii) Reserve 42673; and
      - (iv) Lot 5153 (1) Leslie Pearce Court and Lot 9020 Caves Road.
    - (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-AC9~~ 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) *To achieve a consistent building line, increased lot boundary setbacks may be required on Naturaliste Terrace, between the intersections of Cyrillean 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);*
- (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 (b), 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) No 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) 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 Cyrillean 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 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:

<b>A84</b>	<i>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 &amp; 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way;          Lots 3 and 4 Greenacre Road; and Lot 60 (191) Naturaliste Terrace,          Dunsborough</i>	<i>Consulting Rooms          Guesthouse          Medical Centre          Office          Restaurant/Café          Shop          Tourist          Accommodation</i>	<p><i>11. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.</i></p> <p><i>12. 'Shop' land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space, up to a maximum area of 300m<sup>2</sup> per lot.</i></p> <p><i>13. 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.</i></p> <p><i>14. Active frontages shall comply with the following design requirements:</i></p> <ul style="list-style-type: none"> <li><i>a. Minimum 50% transparent glazing;</i></li> <li><i>b. Roller doors or screens of solid material will not be permitted.</i></li> </ul> <p><i>15. The provisions of Clause 4.25 relating to cash in lieu of car parking shall apply.</i></p>
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- 3. Pursuant to r.53 and Part 4 of Schedule 2 of the Regulations, endorses the Schedules of Agency and Public Submissions at Attachments D and E respectively, which have been prepared in response to the public consultation process undertaken in relation to the Dunsborough Precinct Structure Plan and associated Amendment No. 52.

4. Advise the Western Australian Planning Commission that Amendment no. 52 is considered a 'standard' amendment pursuant to 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;
  - (b) an amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.
5. Upon preparation of the necessary documentation, refers the adopted Amendment no. 52 to the Western Australian Planning Commission for consideration and determination in accordance with the *Planning and Development Act 2005*.
6. Write to the State Government requesting inclusion of Lots 4, 6, 8, 10, 12 and 14 Clark Street, Dunsborough in a future infill sewerage program.
7. Note that the City will prepare a strategy to guide staging and implementation of the Dunsborough Precinct Structure Plan output plans.

**REASONS FOR AMENDMENT**

An administrative error was made in recommendation 2 IV (b) regarding R-AC0.

The inclusion of R-AC0 is not consistent with the decision of Council in May 2022 (C2205/11), or the advertised Amendment 52 report.

**OFFICER COMMENT**

As above

**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.