

City of Busselton

Geographe Bay

COUNCIL AGENDA

SUPPLEMENTARY ITEMS

27 October 2021

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

LATE ITEMS FOR THE COUNCIL MEETING TO BE HELD ON 27 OCTOBER 2021

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13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 AMENDMENT NO. 50 TO LOCAL PLANNING SCHEME NO. 21 (LOT 81 (18), STRATA PLAN 17588 (20), AND LOTS 115 TO 127 (26-50) GEOGRAPHE BAY ROAD, DUNSBOROUGH) - CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL

STRATEGIC THEME	LIFESTYLE - A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing.
STRATEGIC PRIORITY	2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.
SUBJECT INDEX	Local Planning Scheme No. 21 Amendments
BUSINESS UNIT	Strategic Planning
REPORTING OFFICER	Planning Officer - Joanna Wilkinson
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Location Plan   Attachment B Aerial Photo   Attachment C Scheme Amendment Map   Attachment D Schedule of Submissions   Attachment E Schedule of Modifications  

This item was referred from the Ordinary Meeting of Council 13 October 2021.

OFFICER RECOMMENDATION

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Amendment 50 to Local Planning Scheme No. 21 for final approval, in accordance with the modifications proposed in the Schedule of Modifications shown at Attachment E, for the purposes of amending the Scheme map by modifying the residential density code from R80 to R60 over Lot 81 (18), Strata Plan 17588 (20) and Lots 115 to 127 (26-50) Geographe Bay Road, Dunsborough, as set out at Attachment C.
2. Advise the Western Australian Planning Commission that Amendment 50 is considered a ‘standard’ amendment pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* 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 would have minimal impact on land in the Scheme area that is not the subject of the amendment;
 - (c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the Schedule of Submissions at Attachment D, which has been prepared in response to the public consultation process undertaken in relation to Amendment 50.
4. Upon preparation of the necessary documentation, refers the adopted Amendment 50 to the Western Australian Planning Commission for consideration and determination in accordance with the *Planning and Development Act 2005*.

5. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to Amendment 50 are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by officers likely to significantly affect the purpose and intent of the Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

EXECUTIVE SUMMARY

The purpose of this report is to set out recommendations regarding the final adoption of Amendment No. 50 (the Amendment) to *Local Planning Scheme No. 21* (LPS 21), following consideration of the submissions received through the consultation process. The amendment proposes a reduction to the density coding of 23 residential lots fronting Geographe Bay Road on the Dunsborough foreshore, from R80 to R60. A location plan and aerial photograph are provided at Attachments A and B, respectively.

The Amendment was initiated by Council in February 2021 (C2102/021) following community interest in a recent development approval (DA 20/0624) in this locality, granted by the Regional Joint Development Assessment Panel (RJDA). The majority of submissions to the Amendment demonstrate concern about future development in the locality and support for the proposed down-coding.

Officers recommend that Council seek finalisation of the Amendment in accordance with the modifications in the Schedule of Modifications provided at Attachment E.

BACKGROUND

Note: this section of the report has been drafted by an independent planning consultant who is not employed by the City. This consultant was engaged by the City to prepare the Amendment documents, draft comments and recommendations in respect of submissions received (Schedule of Submissions, Attachment D), and assist with the drafting of this Council report. Minor edits only have been made by officers and the consultant has indicated no objection to those edits. The views expressed in this section of the report do not necessarily reflect the views or understandings of City officers.

The Amendment was initiated by Council in response to community concerns about future development on Geographe Bay Road along the foreshore. This concern was prompted by the approval of DA 20/0624, a four storey apartment building on Lots 115 and 116 (26-28) Geographe Bay Road and Lots 139 and 140 (23-25) Lorna Street, by the RJDA in February 2021. Objections to DA 20/0624 centred on the height and bulk of the proposed development in this foreshore precinct, which was regarded as important to the attraction and ambience of Dunsborough as a residential and tourist area. Approval for the proposed development, including additional plot ratio requirements, setback dispensations and a parking reduction, was granted on the grounds that it satisfied the performance requirements of current state planning policies and was supported by a design assessment undertaken by consultants on behalf of the City. Some submitters indicated that they had been advised by the City that a three storey height limit would apply in this area as required in LPS 21.

This first apartment building development, as is often the case when areas are up-coded, demonstrated the potential and the impact of the R80 coding in this locality. The amalgamation of four lots for this development, their juxtaposition with Seymour Park and dual road access, enabled the design of a substantial four storey building on this site. Approval of this application highlighted the scope of height control provisions in LPS 21, providing for development above three storeys. It also raised wider concern about the ability of State and local planning instruments to achieve an acceptable design outcome in this locality without the support of a site-specific strategic framework and design guidelines for subdivision and development. Overall, there was significant concern about the transitioning of development in this area, and this approval was seen as an undesirable precedent for development along this sensitive foreshore strip.

The substantial increase in coding of lots from R15 to R80 was approved some four years ago as part of Amendment No. 1 to LPS 21. This change was justified at the time on the basis that it reflected the recommendations of a number of strategic plans and studies for the Dunsborough town centre. A proportion of the submissions opposed the coding change citing loss of “village” atmosphere as a result of the visual impact of increased height and bulk of buildings, increased noise and light, overshadowing, loss of privacy, and increased traffic and parking demand. The R80 coding was supported by the Council and approved by the Minister on the grounds that it reflected the strategic direction for the town. It was considered that any negative impacts could be managed through the development approval process, the provisions of LPS 21 with regard to permitted heights, the Residential Design Codes (R-Codes), and comprehensive assessment within urban design guidelines. The City also indicated that it was committed to constructive engagement with the community to ensure transitional improvement in the town.

Since the approval of Amendment No.1 new state policies have been introduced to guide the design of residential buildings at a higher density. An urban design assessment which includes the subject lots (apart from Lot 81 (18) Geographe Bay Road) was completed in 2021 to assist with the preparation of a Precinct Structure Plan (PSP) for the Dunsborough town centre, but to date no specific design guidelines or special provisions have been prepared for this area. The City is actively engaged in the preparation of the PSP and preliminary consultation has revealed community concern about density and height of future development in the area.

Summary of Submissions to Amendment 50

A total of 114 submissions were received during public advertising of the Amendment, including one public objection and no agency objections. A Schedule of Submissions is provided at Attachment D.

The support for the Amendment followed several consistent themes. In the first place, submissions emphasised the need to retain the seaside village feel of Dunsborough particularly outside the town centre and along the foreshore. Great emphasis was placed on protecting and enhancing its small, intimate and unique character and the special qualities of the bay area. In this regard four storey development was seen as conflicting with this important objective and also perceived as likely to obstruct views to the foreshore coming from the town centre, block out northern sun to adjoining properties and contribute to increased traffic and parking problems.

There was general support for the R60 down-coding, in particular the three storey height control. R60 was seen by some respondents as achieving a balance between providing for manageable residential density and at the same time providing a transition between the town centre and the seafront. Some submissions indicated that further design controls should be implemented such as requiring greater setbacks for higher buildings to avoid solid walls opposite the foreshore and measuring setbacks from balcony lines rather than wall lines. A number of submissions favoured a two storey limit to maintain the low density environment along the foreshore.

Several submissions raised concerns about past assurances by the City that the height of the development would be limited to three storeys on the foreshore, through specific provisions in LPS 21 regarding development within 150 metres of the mean high water mark. The 'loophole' that allowed the approval of a four storey building approval was questioned and the importance of removing this to safeguard the future amenity of the foreshore locality.

Four submissions were received from owners of lots directly affected by the proposed down-coding to R60. Three of these, the owners of Lot 119 (34), Lot 122 (40) and Lot 126 (48) Geographe Bay Road, supported the coding of R60 citing concern with the impact of four storey buildings on the surrounding lots and the vista and views from the park and beachfront. The submissions emphasised the need to protect the space, peace and environment of the foreshore and the coastal feel and integrity of the town.

One objection to the Amendment was received on behalf of the owner of the four lots granted development approval for DA 20/0624. This submits that the Amendment should be modified and the R80 coding on this land retained as there is already a development approval in place, the proposed design is broadly consistent with an R80 coding, and the development approval is currently being implemented. It is argued that the land has unique characteristics abutting a public reserve, has dual frontage, constitutes a large development site and is in close proximity to the R-AC3 coding of the town centre. The submission also questioned the planning rationale behind the Amendment as the change from R80 to R60 is not apparently supported by strategic planning, planning principles or urban design modelling. Should the Amendment be modified over Lots 115 and 116 (26-28) Geographe Bay Road, given the unique attributes of the land and the fact that there is a development approval in place, the owner raises no objection to the down-coding of the remaining lots.

Current strategic direction for higher density residential development

There continues to be significant emphasis in State Government planning direction on increasing residential density in urban areas to provide for more diverse accommodation choices and to achieve a more sustainable footprint from an economic, environmental and social point of view. The approach of imposing higher density codings without adequate design control and guidance over existing residential areas has proved to be a "blunt instrument" in several cases with a corresponding adverse impact on urban form, streetscapes and the adjoining areas. Many initiatives in this regard throughout urban areas in WA have raised community concern prompting some successful attempts to reduce density codings and substantial review of State policy in the past few years. *State Planning Policy 7.0 – Design of Built Environment (SPP 7.0)* was gazetted in 2019 to address these issues more comprehensively. It identifies important design principles to be taken into consideration - context and character, landscape quality, built form and scale, functionality and build quality, sustainability, amenity, legibility, safety, community and aesthetics.

The R-Codes indicate that a local government may, with the approval of the WAPC, prepare local planning policies, local development plans, structure plans, and activity centre plans to deal with specific local circumstances. This acknowledgement of the need to protect sensitive and unique areas, such as coastal towns and foreshores, using these planning instruments reflects widespread practice in Australia and is of particular relevance to Dunsborough.

The *Local Planning Strategy 2020* is the most recently endorsed strategic planning document for the City of Busselton, and recommends the continued growth of the Dunsborough Urban Area through the redevelopment and consolidation of the existing urban area, and identification of suitable areas for planned, progressive expansion. In this respect, it deals in broad terms with the issue of increased density and where it should be applied, but does not prescribe a specific density or built form outcomes.

It is intended that the PSP for the Dunsborough town centre, which is being progressed, will provide more guidance on how such development should occur in the Study Area. An Urban Design Assessment Report prepared by Urbis as part of the PSP process identified that the town centre had its own “sense of place” and a low key friendly atmosphere. The report came up with broad urban design objectives for identified precincts including the area the subject of the amendment defined as Dunn Bay East. Within this particular area it identified the potential for inconsistent streetscapes and the need to ensure that scale and transitioning between areas was properly managed. The Report was again broad in scope and not intended to be accompanied by specific recommendations to address the above design issues.

Future development along Geographe Bay Road

The application of the R80 coding in Amendment No. 1 to the local planning scheme, a substantial change from R15 coding in 2017, was based on broad recommendations in strategic documents including the objective of linking the town centre with the foreshore and providing for more activation from Dunn Bay Road southwards along Geographe Bay Road. The amendment created the opportunity for a range of mixed uses on the land coded R80 subject to the preparation of urban design guidelines or special provisions to address a range of issues. These included appropriate building setbacks, built form articulation, architectural design, function, bulk, scale, massing, grain, signage, vehicular access, and location of crossovers/provision of onsite car parking; roofscapes, skylines and service installation sites. This detailed guidance has not been undertaken to date and the assessment of DA 20/0624 was carried out using the R-Codes and a design assessment of the proposal by Urbis consultants.

The design assessment of DA 20/0624 specifically addressed design principles in the absence of local design guidelines and concluded that it was a suitable design response which largely met the design principles of SPP7.0. The assessment acknowledged in terms of context and character that the proposal departed from the existing two and three storey buildings in the vicinity, but considered it appropriate in the wider residential context of three storey structures across the town centre. It was also justified on the basis of its location close to Dunn Bay Road and its potential to provide a gateway entry and transition between the town centre and the foreshore. The assessment placed considerable emphasis on its advantageous siting next to Seymour Park which provided the opportunity not only for visual relief and containing the park edge but also surveillance and access for the gym and café uses. It also pointed out the opportunities for servicing, legibility and transitioning of building form offered by the larger lot size and its frontage to two streets.

The majority of the remaining R80 lots subject to the Amendment are between 800 and 900 square metres and are further removed from the town centre. Access is limited to Geographe Bay Road, there is no abutting open space and the interface is with R15 coded residential land. The lead up to and the processing of this Amendment has highlighted the need and demand for additional design controls to provide for more rigorous assessment of higher coded development along this portion of the Dunsborough foreshore. Whilst current State design policies and possible assistance by a Design Review Committee in the future may assist in development assessment, there is a need to address wider strategic issues than building design such as the transitioning of development with surrounding areas and articulating a clear vision for the future development of the town.

Alternative Recommendations for Amendment No. 50

The alternative courses of action by the Council regarding the progress of the Amendment in terms of the *Planning and Development (Local Planning Schemes) Regulations 2015*, are to support the Amendment without modification, to support the Amendment with proposed modifications or not to support the Amendment.

The R60 coding if approved in this locality would reduce the prospect of development above three storeys on the remaining foreshore lots. This coding is not in conflict with the broad urban consolidation objective for the Dunsborough town centre and continues to reflect the strategic direction for mixed use and higher residential development in this locality. This would reflect the majority of views in submissions and signal the concern about the potential impact of the current R80 coding in this sensitive locality within the current planning framework. Given the constraints associated with developing the remaining lots and the progression of the PSP process this is unlikely to create any negative impact for landowners in the short term. It is recommended therefore that the Council resolve to seek final adoption of the Amendment.

The shortcomings of a blanket density code in this sensitive foreshore locality without supporting design guidance have been outlined above and it is recommended that the issue of more detailed analysis of potential development outcomes on the remaining lots be given priority as part of the PSP process or its recommendations for further action.

The proposed designation of the R60 coding on Lots 115 and 116 (26-28) Geographe Bay Road, whilst retaining the R80 coding on Lots 139 and 140 (23-25) Lorna Street, is potentially confusing given that the lots are being amalgamated to form one development site, with development approval for one building. In order to reflect a uniform coding over this development site, a modification to the Amendment to R80 or R60 should be required.

An R80 coding over the site would indicate the density approved for the apartment development. It would also represent an exception for this significant lot on the Dunsborough foreshore as Lots 81 and Strata Lots 1-9 across Dunn Bay Road and Lots 117- 127 Geographe Bay Road would remain coded R60. It is acknowledged that the site has some unique advantages for the design of a landmark commercial and residential development but a similar case could be argued for redevelopment of the site on the opposite corner of Dunn Bay Road.

If the R60 coding proceeds within this amendment, it will not affect the validity of the approval already issued. The development approval remains valid (notwithstanding any down-coding) unless the approval lapses and the development has not been substantially commenced. However, the development approval is the subject of an application for judicial review in the Supreme Court (unrelated to the proposed down-coding) and, depending on the outcome, this may impact on the validity of the approval.

Notwithstanding the concerns raised by the owner, it is recommended that the Amendment be modified to include Lots 139 and 140 in the R60 coding to reflect the overarching intention to down-code lots on the Dunsborough foreshore. It is envisaged that the PSP process will provide specific provisions and clearer guidance aimed at protecting the future of this unique foreshore location and this may prompt future amendments to the local planning scheme.

This recommendation for final approval and modification is made on the grounds that the proposed down-coding is not contrary to current strategic planning direction, reflects community concern about future development of this coastal locality, and will not cause a negative impact on future development of the area.

OFFICER COMMENT

Note: this section of the report has been drafted solely by Planning Officers who are employed by the City.

Recommended Modification to the Amendment – Scheme Map

Officers acknowledge that the proposal to down-code the subject lots from R80 to R60 broadly aligns with the strategic objective for urban consolidation and redevelopment in Dunsborough, and that it continues to allow for mixed use development in order to link the foreshore to the town centre.

In terms of mixed use development, land on the periphery of the town centre has been identified through a number of strategic documents, endorsed by Council, to allow for low-key commercial and service land uses to support the town centre. This was formally enacted through Amendment No. 1 and the introduction of 'Additional Use 74'. The recent *Dunsborough [Town] Centre Commercial Growth Analysis* (Pracsys, 2018), commissioned to inform the Dunsborough PSP, identified that there will be a shortfall of commercial floor-space in the Dunsborough town centre, to meet future demand. Mixed use development of these peripheral sites, including the subject land, will contribute to alleviating the shortfall of future demand.

Officers agree that the proposed designation of R60 coding on Lots 115 and 116 (26-28) Geographe Bay Road, whilst retaining the R80 coding on Lots 139 and 140 (23-25) Lorna Street, is potentially confusing given that the four lots have been approved for amalgamation and will form one development site, with development approval for one building. Officers also understand that a significant number of people in the community have expressed concern with four storey development on the site.

Officers also agree that, in contrast to the communication around the application of the 'RAC-3' Coding to the 'Centre' Zoned portion of the Dunsborough town centre, where implications in terms of building height and density were made clear, the same cannot be said to the application of the R80 coding to areas on the periphery. In part as a result of that and also having considered the submissions, officers do support the application of the R60 coding to the bulk of the land subject of the amendment.

Reflecting the recommendation of the independent planning consultant, the Schedule of Modifications provided as Attachment E indicates support for application of the R60 coding across the whole of the site. City officers are not fully supportive of that recommendation, and there are some alternatives that the Council may wish to consider – as briefly outlined in the 'Options' section of this report.

Recommended Modification to the Amendment - Scheme Text

Officers have recommended three additional modifications that relate to height control clauses in LPS 21. The key reason for these additional modifications is to ensure that the fundamental intent of the amendment is reflected in the Scheme – i.e. to apply a three storey height control to the affected land. The proposed changes and the more detailed rationale for them is set out below.

1. To update clause 4.3.2 to include reference to the R60 residential density coding, to clarify that building proposals are permitted under the relevant provisions of the R-Codes.

The policy aim of the Amendment is to allow R60 coded buildings, with a three storey height control, to be proposed and considered within the Amendment area. Submissions were broadly supportive of the R60/three storey height control. Current height controls in clause 4.8.1(a) require that a building containing more than two storeys must not be erected within 150 metres of the mean high water mark, which is contrary to the policy aim of the Amendment. Clause 4.8.3 is intended to provide the discretion to vary clause 4.8.1, however these modifications would provide further clarification to landowners and developers that the R-Codes can be applied.

2. To update clause 4.8.1 to clarify that the wording “except where otherwise provided for in the Scheme” applies to both parts (a) and (b) of the clause.

Currently, it is possible that the clause may be interpreted so that wording “except where otherwise provided for in the Scheme” is applied only to part (b) of clause 4.8.1.

3. To update clause 4.8.1 to clarify that building height is measured from natural ground level.

For proposals where a residential density coding has been designated, they would be measured consistently with ‘Figure Series 7 – Building Height’ of the Volume 1 of the R-Codes, or in accordance with ‘2.2 Building height’ in Volume 2 of the R-Codes. For non-residential proposals, this also clarifies that building height would be measured from natural ground level (which is the reference point used in practice currently).

4. To update clauses 4.3.2 and 4.8.3 when referring to the R-Codes, to reflect amendments to Volume 1 and the introduction of Volume 2.

When drafted, clauses 4.3.2 and 4.8.3 referred to a version of the R-Codes that is now redundant. In 2019 the R-Codes was effectively split into two separate volumes and, the result is that Volume 1 still contains provisions for single houses, grouped dwellings and multiple dwellings in areas coded less than R40, however planning and design standards for multiple dwellings in areas coded R40 or greater, within mixed use development and/or activity centres, is now contained in Volume 2 – Apartments. Each volume uses different terminology when referring to design standards and performance principles, and the structure and format of Volume 2 is quite different from that of Volume 1.

In regard to providing direct reference in clause 4.3.2 to the ‘Deemed-to-Comply’ and ‘Acceptable Outcome’ provisions of Volumes 1 or 2 of the R-Codes, Parts 2.4 and 2.5 (Volume 1) and page IV (Volume 2) of the R-Codes explicitly allow for the standards in each policy to be applied with a degree of flexibility, and the exercise of judgement on the contextual merit of individual proposals. While direct reference is made in this clause to ‘Deemed-to-Comply’ and ‘Acceptable Outcome’, a proposal could still be assessed on ‘Design Principles’ and ‘Element Objectives’ of Volumes 1 or 2 of the R-Codes, as proposed in the modification to clause 4.8.3.

5. To clarify that clauses 4.3.2 and 4.8.3 should be read in accordance with amended versions of the R-Codes.

The R-Codes is subject to reasonably regular amendments (more so than many other State planning policies). This modification provides clarity that if specific parts of the R-Codes have been referenced in the Scheme, and the structure or format of the R-Codes is subsequently changed, then the stated part of the R-Codes should be read in accordance with the amended version of the R-Codes, which may be different to what is stated in the Scheme.

6. To update clause 4.8.3 to clarify that only buildings proposed on land where a residential density coding has been designated, are to be consistent with the relevant provisions of the R-Codes.

Clause 4.8.3 currently requires that applications proposing to exceed the height controls specified in clause 4.8.1 are to be assessed against the relevant criteria of clause 67 'Matters to be Considered' of the Deemed Provisions, and the relevant criteria of the R-Codes. However not all land within the City is zoned Residential and, it may not always be appropriate to assess development proposing to exceed the height controls against the relevant criteria of the R-Codes. In fact, it may be the case that none of the criteria are relevant.

Detailed Urban Design Guidelines

As discussed in the Background section above, Amendment No. 1 to LSP 21 up-coded the subject sites to R80, and at the same time the opportunity for mixed use development was created. Amendment No. 1 was gazetted in 2017, at a time when the State was developing new 'performance-based' urban design guidance through draft policies on the design of the urban environment and, more specifically, apartments within mixed use developments and/or activity centres. In many instances, as the State introduces and 'works through' policy reform, local governments can be delayed in their own development of complementary policy. Indeed the State planning policies 7.0: Design of the Built Environment and 7.3: Residential Design Codes Volume 2 – Apartments were not gazetted until, respectively, February and May 2019. Any work the City had done in this policy space prior to the gazettals may have been premature and rendered redundant during the time those policies were being formulated.

Officers accept and agree that detailed urban design guidelines for all of the subject lots will provide clarity around the design of future developments. In this regard, there is an opportunity to provide a nuanced approach in focused 'design response areas' through the Dunsborough PSP, in a manner that strategically provides for residential and commercial growth, and also listens and responds to community concern. A considerable amount of work in researching and collating information and data in respect to the preparation of the Dunsborough PSP has already been carried out, and it is anticipated that this will be presented to Council, for endorsement to advertise, later in 2021.

Statutory Environment

The key statutory documents relevant to this proposal include the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the relevant objectives and provisions of the *City of Busselton Local Planning Scheme No. 21*. Each is discussed below under appropriate subheadings.

Planning and Development Act 2005

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this Amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), which came into operational effect on 19 October 2015, identify three different levels of amendments – basic, standard and complex. The resolution of the local government is to specify the level of the amendment and provide an explanation justifying this choice. This Amendment is considered to be a ‘standard’ amendment.

Local Planning Scheme No. 21

The subject land is zoned ‘Residential’ with a residential density coding of R80; and, is identified in Schedule 2 ‘Additional Uses’ no. A74. Land uses and conditions specified for A74 are:

LAND USE PERMITTED/SPECIFIED	CONDITIONS
Guesthouse Medical Centre Office Consulting Rooms Restaurant/Café Shop Tourist Accommodation	<ol style="list-style-type: none"> 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 50% of total development floor space, up to a maximum area of 300m² per lot. 3. A nil setback to the street shall be considered for active frontages. 4. The provisions of Clause 4.25 relating to cash in lieu of car parking shall apply. 5. Urban design guidelines (and/or Special Provisions) shall be prepared and adopted as a Local Planning Policy to address the following matters in relation to any proposed development: <ol style="list-style-type: none"> a. Appropriate building setbacks to prevent or suitably mitigate overshadowing or overlooking of neighbouring properties; b. Built form articulation, architectural design, function, bulk, scale, massing, grain, signage, and surveillance (in relation to the streetscape, surrounding buildings, adjoining land uses and the overall character and amenity of the subject development area); c. Vehicle access, and the location of crossovers/provision of onsite car parking; d. Roof scapes, skylines and service installation sites to ensure minimal visual intrusion.

Relevant Plans and Policies

The key policy documents relevant to this proposal are the *Dunsborough Town Centre Conceptual Plan 2014*, and the *Local Planning Strategy*. Each is discussed below under appropriate subheadings.

Dunsborough Town Centre Conceptual Plan 2014

This Plan shows land along Chieftain Court, Geographe Bay Road and Dunn Bay Road designated for potential expansion of low-key commercial development and increased residential density into adjoining streets which connect to the town centre and foreshore. It recommends that Dunsborough improves linkage with the foreshore by replacing low and intermittent activity with an area of interest and pedestrian amenity from the town centre.

City of Busselton Local Planning Strategy 2020

The LPS recommends the continued growth of the Dunsborough Urban Area through the redevelopment and consolidation of the existing urban area and identification of suitable areas for planned, progressive expansion. This objective to be achieved by urban consolidation and redevelopment (including increases in permissible residential density) in existing urban areas, especially in areas close to the town centre, high amenity areas, such as coastal locations, adjacent to open space, or areas close to significant community facilities.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

The Amendment was advertised for a period of 49 days ending 20 August 2021. During the advertising period it became apparent that direct written advice had not been sent to the 23 affected landowners. Each owner was contacted by telephone and email advising that the closing period for submissions would be extended by a further week.

A total of 114 submissions were received, from five government agencies and 96 different members of the public, including four affected landowners. Some members of the public provided two submissions of support, and 10 public submissions declared that they 'did not support' the proposal, however their comments indicated that they were in fact supportive. Each of these submitters was invited to clarify their views, and each provided a second submission, changing their view from 'do not support' to 'support'.

One public submission was a clear objection, and there were no objections received from Government agencies.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council could:

1. Resolve to not support the Amendment for final approval (and provide a reason for such a decision). The Council would need to make that as a recommendation to the Minister, setting out the rationale for the recommendation. The decision would then rest with the Minister, having also received and considered a recommendation on the amendment from the Western Australian Planning Commission.
2. To make different or further modifications including, potentially, retaining the R80 coding over Lots 115 and 116 (26-28) Geographe Bay Road, and Lots 139 and 140 (23-25) Lorna Street, or retaining the R80 coding over the Lorna Street lots only, reflecting the amendment as advertised.

CONCLUSION

The Amendment concerns the potential future development of land along the Dunsborough foreshore, an iconic area of the South West and one that has merit for special design consideration. The coding of the land for R80 residential development in 2017, whilst reflecting broad strategic objectives, also placed reliance on LPS 21 and state residential development controls, and the use of specific design guidelines to guide future development. The recent approval of an apartment complex has demonstrated the potential impact of R80 coding, particularly in terms of height and bulk, in this sensitive foreshore location, and highlighted concerns about future development in this locality.

An R60 coding will continue to permit medium density development but will alleviate concerns about development exceeding three storeys. The Amendment proposal is not contrary to the strategic direction in state and local government policies and plans and reflects community concerns about the future development of this foreshore land, as it retains a medium density coding that will permit apartment and mixed-use development to occur, albeit at slightly lower density than is currently permissible. There is also the opportunity in future to provide more specific design guidance for the remaining lots in this locality and the townsite in the preparation of the PSP and further studies.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation will involve the referral of Amendment No. 50 to the Western Australian Planning Commission for final approval and this will occur within one month of the resolution.



Disclaimer: Every effort has been made to make the information displayed here as accurate as possible. This process is ongoing and the information is therefore ever changing and cannot be disseminated as accurate. Care must be taken not to use this information as correct or legally binding. To verify information contact the City of Busselton office.

Attachment A - Location Plan

20/09/2021

1:3000 @ A4L





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Attachment B - Aerial Photo

20/09/2021
1:3000 @ A4L



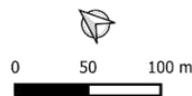
SCHEME AMENDMENT MAP

City of Busselton
Local Planning Scheme No.21 Proposed Rezoning Dunsborough
Sheet 9 - Lots 1-9, 81 and 115-127 Geographe Bay Rd, Dunsborough



ZONES	AREAS	RESERVES
Centre	Coastal Management	R Code
Residential	Drive Through Facility Control	Recreation
	Additional Use	
	Special Provision	

Disclaimer
The City of Busselton does not guarantee that this map is without errors and accepts no responsibility for consequences of actions that rely on this map.



Map Produced on 21/1/2021
GIS Section, City of Busselton
 City of Busselton
Geographe Bay

**ATTACHMENT D
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF SUBMISSIONS**

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
Agency Submissions				
1.	Department of Planning Lands and Heritage Aboriginal Heritage Operations 140 William Street Perth WA 6000	A review of the Register of Places and Objects as well as the Aboriginal Heritage Database indicates that Lot 81 (18), Strata Plan 17588 (20), and Lots 115 to 127 (26-50), Geographe Bay Road, Dunsborough are within the public boundary of Aboriginal site ID 20764 (Caves Road Campsite) but not within the boundary administered by the Department of Planning, Lands and Heritage (DPLH). As such, the DPLH Aboriginal Heritage Operations does not have any comment to make regarding the query.		That the submission be noted.
2.	Department of Fire and Emergency Services 20 Stockton Bend Cockburn Central WA 6164	Given the Amendment seeks to decrease the residential density code from R80 to R60 as per your correspondence, which may not be considered an intensification of land use, DFES agrees with the City of Busselton's assessment that the application of State of Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) may not be required, in this instance. Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker. Thank you for providing us with the opportunity to make a submission, DFES has no further comments.		That the submission be noted.
3.	Department of Planning Lands and Heritage Heritage Services 140 William Street Perth WA 6000	As there are no State Heritage Places within the proposed amendment area, there is no objection to the proposed amendment.		That the submission be noted.
4.	ATCO GAS C/- 81 Prinsep Road Jandakot WA 6164	ATCO is not impacted by this amendment.		That the submission be noted.

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5.	Department of Education 151 Royal Street East Perth WA 6004	No in principle objections to the proposed down-coding		That the submission be noted.
Public Submissions				
1.	Anthony Sharp 170 Lagoon Drive Yallingup WA 6282	<u>Support</u> When R80 zoning was introduced in Dunsborough, the City of Busselton (COB) advised that building height would be controlled by provisions in the local planning scheme. The approval of a 4 storey building on the foreshore is contrary to this advice and will substantially change the character of the area. To ensure Dunsborough retains its unique character, the foreshore must not have more than 3 storey buildings.	Where reference is made to approval of a 4 storey building on the foreshore, this is in regard to development approval (DA20/0624) granted by the JDAP for a four storey development located at Lots 115 and 116 Geographe Bay Road (subject to this amendment) and Lots 139 and 140 Lorna Street.	That the submission be noted.
2.	Jacque Happ 749 Caves Road Anniebrook WA 6280	<u>Support</u> The Strategic Community Plan for Dunsborough emphasises the need to stimulate the vibrancy of the town without destroying its unique and boutique characteristics and village feel. The R80 zoning and its potential building height of more than 3 storeys will not achieve this important objective.	Noted.	That the submission be noted.
3.	Mike Foster 10 Naruo Court Dunsborough WA 6281	<u>Support</u> 4 storey development in Dunsborough does not represent the feel of the town and is unnecessary.	Noted.	That the submission be noted.
4.	Geoff Rocchi 16 Rocky Place Quedjinup WA 6281	<u>Support</u> Residential development above 2 levels on Geographe Bay road frontage will not maintain the present low density environment and increase parking requirements which cannot be accommodated in the area.	Noted.	That the submission be noted.
5.	Christine Emerson 30 Hakea Way Dunsborough WA 6281	<u>Support</u> 4 storey development in this locality will be overpowering, restricting the view of the sea along	Where reference is made to the '4 storey development', see comment for public submission no. 1.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		Dunn Bay Road and does not fit the character of the town. R80 is inappropriate within 150 metres of the shoreline.		
6.	Michelle Cameron-Brown 7 Lorna Street Dunsborough WA 6281	<u>Support</u> 4 storey development would block out a lot of the northern sun on surrounding properties and is not in keeping with the look of the rest of the area.	The R-Codes volumes 1 & 2 provide requirements for overshadowing of adjoining lots, between lots of the same and differing densities.	That the submission be noted.
7.	Bruce Cameron-Brown 7 Lorna Street Dunsborough WA 6281	<u>Support</u> A 4 storey building would block 75% of our northern sun which was a prime concern when we purchased the block and designed our home. Development at this height will create unacceptable increased traffic in this area.	See comment for public submission no. 6.	That the submission be noted.
8.	David Buckingham 140 Summerville Crescent Yallingup Siding WA 6282	<u>No not support</u> The JDAP approval conflicts with local planning regulation and advice to residents regarding building heights designed to protect the natural shoreline of Geographe Bay for Dunsborough. It sets an undesirable precedent for future development along this pristine foreshore.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 11 below). Where reference is made to the JDAP, see comment for public submission no. 1.	That the submission be noted collectively with submission 11 below.
9.	Marina Leith 12/700 Caves Road Marybrook WA 6280	<u>Support</u> Very nice diversity.	Noted.	That the submission be noted.
10.	Jenny Fletcher 7 Okapa Rise Dunsborough WA 6281	<u>Support</u> R80 zoning is not in keeping with the relaxed village feel and pristine, unpopulated beaches of Dunsborough, so attractive to residents and tourists. R60 zoning (3 storey) is a more appropriate height for a small town.	Noted.	That the submission be noted.
11.	David Buckingham 140 Summerville Crescent Yallingup Siding WA 6282 (Second submission)	<u>Support</u> The JDAP approval conflicts with local planning regulation regarding building heights designed to protect the natural shoreline of Geographe Bay for Dunsborough. It sets an undesirable precedent for future development along this pristine foreshore.	See also public submission no. 8.	That the submission be noted collectively with submission 8 above.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		Support reverting density to R60.		
12.	Maggie Anson 2 Muirfield Road Dunsborough WA 6281	<u>Support</u> Opposed to build up along coastal foreshore and support local regulation limiting building heights in this area.	Noted.	That the submission be noted.
13.	Alison Butler 3 Concord Brace Dunsborough WA 6281	<u>Support</u> When R80 zoning was introduced in Dunsborough, the COB advised that building height would be controlled by provisions in the local planning scheme. Approval of 4 storey buildings on the foreshore is contrary to this advice and will substantially change the character of the area.	Noted.	That the submission be noted.
14.	Nigel Smith 20 Howson Rise Yallingup WA 6282	<u>Support</u> An R60 zoning would enable a manageable population density, protect the open and natural character of the town and foreshore and manage this important transition zone between the town and the seafront.	Noted.	That the submission be noted.
15.	Philippa D'Arcy 6 Duffy Place Dunsborough WA 6281	<u>Support</u> R80 is not in keeping with the village atmosphere of Dunsborough. Support local regulation limiting building heights along the foreshore.	Noted.	That the submission be noted.
16.	Peter D'Arcy 6 Duffy Place Dunsborough WA 6281	<u>Support</u> R80 is not in keeping with the village atmosphere of Dunsborough. Support local regulation limiting building heights along the foreshore.	Noted.	That the submission be noted.
17.	Mark Webster Unit 4/9 Acorn Place Dunsborough WA 6281	<u>Support</u> 4 storeys along the foreshore is contrary to the intent of local regulations for height and will substantially change the character of the area. R60 and 3 storey height is a reasonable compromise allowing some room for increased development, but	Noted	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		also requires stricter setback controls to minimise impact on surrounding area.		
18.	Duncan Gardner 144 Glover Road Yallingup Siding 6282	<u>Support</u> 3 storey development should be the maximum for Dunsborough town centre and 2 storeys for residential areas.	Noted.	That the submission be noted.
19.	Lizzie Nunn 47 Kawana Boulevard Dunsborough WA 6281	<u>Support</u> At the time R80 zoning was introduced in Dunsborough, the COB advised that building height would be controlled by provisions in the local planning scheme. The approval of a 4 storey building by the JDAP on the foreshore is contrary to this advice and development at this scale will substantially change the character of the area.	Where reference is made to the JDAP, see comment for public submission no. 1.	That the submission be noted.
20.	Athol Blight 44 Queens Crescent Mount Lawley WA 6050 (Property owner: 17 Lorna Street, Dunsborough)	<u>Support</u> R60 allows plenty of scope for medium density developments along the iconic foreshore without it being unsightly or out of character with the area.	Noted.	That the submission be noted.
21.	Kristen Gadsdon 1 Norfolk Street Dunsborough WA 6281	<u>Support</u> Mass dwellings are too commercial for this country town and limiting height to less than 3 storeys will effectively maintain the beauty of the bay.	Noted.	That the submission be noted.
22.	Victoria Russell 29 Monclair Circuit Dunsborough WA 6281	<u>Support</u> The amenity of our coastal town needs to be protected by restricting large developments to reflect the existing height restriction of 2 to 3 storeys along Geographe Bay road.	Noted.	That the submission be noted.
23.	Moira Buckley 283 Quedjinup Drive Quedjinup WA 6281	<u>Support</u> High rise development along our foreshore is not wanted by the majority of the community. It does not fit with our coastal village personality and will not provide affordable housing for local families.	Noted.	That the submission be noted.
24.	Tim Greay	<u>Support</u>	Noted.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	51 Bina Place Quedjinup WA 6281	Rezoning to reduce building heights is supported to protect beach town vibe and avoid traffic and parking issues.		
25.	Patricia Roach 21 North Street Dunsborough WA 6281	<u>Support</u> 4 storey development will not maintain the seaside village atmosphere of Dunsborough and is contrary to the intent of local regulations for building heights along the foreshore.	Noted.	That the submission be noted.
26.	Marina Leith 12/700 Caves Road Marybrook WA (Second submission)	<u>Support</u> If designed properly can look fantastic and bring more life to the foreshore.	Noted.	That the submission be noted.
27.	Paul Dwyer P.O. Box 439 Yallingup WA 6282	<u>Support</u> Oppose built out urban development in Dunsborough and support retention of regional feel.	Noted.	That the submission be noted.
28.	Lincoln Trager 6/8 Nicholas Court Dunsborough WA 6281	<u>Do not support</u> Any developments over 3 storey will adversely impact the community and the feel of Dunsborough.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 36 below).	That the submission be noted collectively with submission 36 below.
29.	Holly Morrow Dunsborough WA 6281	<u>Support</u> Opposed to high rise development along the foreshore.	Noted.	That the submission be noted.
30.	Tania Sommerville 29 Diamante Boulevard Dunsborough WA 6281	<u>Do not support</u> Support keeping building heights to 3 storeys or lower along the foreshore to blend in with current development, prevent additional traffic and parking problems and risk of damage and pollution to the flora and beachfront.	As the comments appear to be in support of the proposal, the submitter was invited to clarify her position. A second submission, in support of the proposal, was later lodged (see 40 below).	That the submission be noted collectively with submission 40 below.
31.	Ingrid Spelman 22 Spyglass Cove Dunsborough WA 6281	<u>Support</u> R60 will ensure appropriate low scale development for Dunsborough foreshore and retain our village and traditional seaside character.	Noted.	That the submission be noted.
32.	Luke Gerson 11 Curtis Street Dunsborough WA 6281	<u>Support</u> A 3 storey height limit on Dunsborough foreshore will prevent overdevelopment, ensure minimum visual impact and retain the charm of the town.	Noted.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
33.	Craig Beenham 182 Dunsborough Lakes Drive Dunsborough WA 6281	<u>Support</u> Buildings over 3 storeys are not needed in small country towns and ruin the aesthetics.	Noted.	That the submission be noted.
34.	Dan Bish 10 Killarney Road Dunsborough WA 6281	<u>Support</u> Building heights should be in keeping with the local aesthetic.	Noted.	That the submission be noted.
35.	Matthew Stewart 3 Kunzea Place Dunsborough WA 6281	<u>Support</u> This amendment will help keep development in check and protect the community of Dunsborough.	Noted.	That the submission be noted.
36.	Lincoln Trager 6/8 Nicholas Court Dunsborough WA 6281 (Second submission)	<u>Support</u> R60 density is supported.	See also public submission no. 28.	That the submission be noted collectively with submission 28 above.
37.	Kris Davis 11 Rivendell Court Dunsborough WA 6281	<u>Support</u> The bay and foreshore is an amazing spot and family space. Building height and traffic should be restricted to protect the coast and natural amenity of the location.	Noted.	That the submission be noted.
38.	Greg Milner 23 Gibson Drive Dunsborough WA 6281	<u>Support</u> This rezoning is required to prevent 4 storey buildings along the foreshore which would detract for coastal small town amenity. Apartment buildings allowed along the foreshore will be priced for millionaires and will not alleviate housing shortages for average people.	Where reference is made to '4 storey buildings', see comment for public submission no. 1.	That the submission be noted.
39.	Bradley Proctor 8 Pimelea Parade Dunsborough WA 6281	<u>Support</u> Dunsborough is a coastal town that benefits from a country feel and high rise buildings along the foreshore will detract from this vibe.	Noted.	That the submission be noted.
40.	Tania Sommerville 29 Diamante Boulevard Dunsborough WA 6281 (Second submission)	<u>Support</u> I do support the change.	See also public submission no. 30.	That the submission be noted collectively with submission 30 above.
41.	Penny De Cuyper 69 Ballyneal Loop	<u>Support</u>	Noted.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	Dunsborough WA 6281	Buildings above R60 on the foreshore will change the coastal and visual aspect of Dunsborough.		
42.	Robert Anson 2 Muirfield Road Dunsborough WA 6281	<u>Support</u> Build up along the entire foreshore will overshadow the public open space and is contrary to local planning regulations.	Noted.	That the submission be noted.
43.	Bree Wiley 195 Quedjinup Drive Quedjinup WA 6281	<u>Support</u> Restriction to foreshore building height is imperative for protecting the beauty and integrity of our environment and community.	Noted.	That the submission be noted.
44.	Dale Wiley 195 Quedjinup Drive Quedjinup WA 6281	<u>Support</u> Will protect the integrity and beauty of our foreshore and environment.	Noted.	That the submission be noted.
45.	Georgina Marchesi 96 O'Byrne Road Quindalup WA 6281	<u>Support</u> R80 zoning was introduced in Dunsborough, to allow for multi- purpose uses and greater population density in the area along the foreshore, not to permit buildings greater than 3 storeys. Approval of 4 storey buildings on the foreshore is contrary to local regulation and will substantially change the character of the area and its coastal village charm.	Noted.	That the submission be noted.
46.	Lynn Sadler 13 Marron Rise Yallingup WA 6282	<u>Support</u> Dunsborough's village feel, particularly along the foreshore, should be retained by limiting building heights to no higher than 3 storeys.	Noted.	That the submission be noted.
47.	Sherylee Tutt 15 Lochinvar Place Quindalup WA 6281	<u>Support</u> The rezoning of the foreshore area from R60 to R80 in 2017 should never have occurred. The current amendment will retain the low-rise development, a special and slower characteristic of this holiday destination.	Noted.	That the submission be noted.
48.	Brett Pescod 18 Bay View Crescent Dunsborough WA 6281	<u>Support</u> 4 storey buildings along the whole beach front could end up like the Gold Coast.	Noted.	That the submission be noted.

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49.	Helen Jones 40 Bayfield Court Yallingup WA 6282	<u>Support</u> Refining from R80 to R60 will contribute to retention of the Dunsborough village feel.	Noted.	That the submission be noted.
50.	Alastair McMichael 3 Lorna Street Dunsborough WA 6281	<u>Support</u> Any significant increase in density of development along Geographe Bay Road between Dunn Bay Road and Chester Way would reduce the amenity and enjoyment of living in Lorna Street and be out of character for the area.	Noted.	That the submission be noted.
51.	Sarah Wright 10 Wentworth Loop Dunsborough WA 6281	<u>Support</u> 4+ storey developments will increase holiday rentals affecting the laid back and strong community lifestyle feel of this coastal country town.	Noted.	That the submission be noted.
52.	Kathryn Pollard 10 Cygnet Cove Dunsborough WA 6281	<u>Support</u> Dunsborough has a unique position in the West Australian landscape of an east facing bay with a delightful village atmosphere. High rise development would spoil the ambience.	Noted.	That the submission be noted.
53.	Kelly Lamp 1972 Caves Road Naturaliste WA 6281	<u>Support</u> This zoning change needs to happen to ensure that more 4 storey buildings are not approved as this will destroy the feel of the town.	Where reference is made to '4 storey buildings', see comment for public submission no. 1.	That the submission be noted.
54.	Ruth Thomas 14 Waterville Road Dunsborough WA 6281	<u>Support</u> The character and street scene of this part of Dunsborough needs to be safeguarded to minimise the visual impact of the urban area on the adjoining coastal scene and skyline.	Noted.	That the submission be noted.
55.	Victoria Viela 6 Glover Road Yallingup Siding WA 6282	<u>Support</u> R80 zoning was introduced in Dunsborough, to allow for multi-purpose uses and greater population density in the area along the foreshore, not to permit buildings greater than 3 storeys. Need to cap heights at R60. Approval of 4 storey buildings on the foreshore is contrary to local regulation and will substantially	Where reference is made to the approval of 'four storey buildings', see comment for public submission no. 1.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		change the character of the area and its coastal village charm.		
56.	Nita Pratt 43 Gibson Drive Dunsborough WA 6281	<u>Support</u> Opposed to multi story buildings above 3 storeys too close to changing foreshore lines, and unpredictable soil stability.	Noted.	That the submission be noted.
57.	Annie Mussell 60 Sloan Drive Dunsborough WA 6281	<u>Support</u> Support the reduction in permissible storeys along the foreshore to preserve the beach side feel of Dunsborough.	Noted.	That the submission be noted.
58.	Jane Huxley 102 St Michael's Parkway Dunsborough WA 6281	<u>Support</u> Any building higher than 3 storeys will detrimentally affect the vibe of the coastal village of Dunsborough.	Noted.	That the submission be noted.
59.	Colleen Shanhun 13 Lorna Street Dunsborough WA 6281	<u>Support</u> R80 development would increase loss of privacy and natural light and shading of backyards. It would have a negative effect on coastal character of the area and neighbourhood and create an excessive carbon footprint of tall buildings.	The R-Codes volumes 1 & 2 provide requirements for privacy and overshadowing of adjoining lots, between lots of the same and differing densities.	That the submission be noted.
60.	Therese Sayers 16 Chapman Street Dunsborough WA 6281	<u>Support</u> Tall buildings and big developments with additional traffic and parking needs will adversely impact on the coastal holiday feel of Dunsborough and the low key frontage to Geographe Bay which is unique and accessible to all.	Noted.	That the submission be noted.
61.	Richard Wain 138 Dunsborough Lakes Drive Dunsborough WA 6281	<u>Support</u> High density living in Dunsborough is not and cannot be supported by the infrastructure and services. Nothing over 3 storeys should be allowed adjacent to the beach as it is visually inappropriate.	Noted.	That the submission be noted.
62.	Sarah Trager Unit 6, 8 Nicholas Court Dunsborough WA 6281	<u>Support</u> R60 zoning is in keeping with the feel of the town, maximising the natural beauty of the Dunsborough coastline while keeping the low key country feel to the town.	Noted.	That the submission be noted.
63.	Stacey Mills	<u>Support</u>	Noted.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	138 Gifford Road Dunsborough WA 6281	Large buildings and eyesores will negate the natural beauty of the area and maintaining this charm is essential to the community.		
64.	Andrew Saberton PO Box 1025 Dunsborough WA 6281	<u>Support</u> 4 storey development is too high for the foreshore area.	Noted.	That the submission be noted.
65.	Geoffrey Forman Unit 4/20 Lorna Street Dunsborough WA 6281	<u>Support</u> The position and height of the proposed property development is out of character with the rest of Dunsborough and sets an undesirable precedent for other 4 storey buildings on the coast. 3 storey development will be a little more acceptable on Geographe Bay Road and less of a car parking problem. Development should be restricted to 2 storeys where Chieftain Crescent and Lorna St meet to be in keeping with the area.	Where reference is made to the 'proposed property development', see comment for public submission no. 1.	That the submission be noted.
66.	Mel Kent PO Box 618 Dunsborough WA 6281	<u>Support</u> Support building height restrictions on Geographe Bay Road to protect our coastal, country town of Dunsborough, unique to residents and visiting tourists.	Noted.	That the submission be noted.
67.	Kimberley Sadler 13 Marron Rise Yallingup WA 6282	<u>Support</u> Limit the amount of dwellings to minimize ecological impact of developments and protect village atmosphere along the foreshore.	Noted.	That the submission be noted.
68.	Johannes Versluis 6 Hebrides Close Quindalup WA 6281	<u>Support</u> Reduction of building height will maintain the pleasant feel of Dunsborough town, especially near the beach front and improve the existing streetscape of low-level buildings.	Noted.	That the submission be noted.
69.	Andy Park 193 Yungarra Drive Quedjinup WA 6281	<u>Do not support</u> R80 zoning was introduced in Dunsborough, to allow for multi - purpose uses and greater population density in the area along the foreshore, not to permit buildings greater than 3 storeys.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 74 below).	That the submission be noted collectively with submission 74 below.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		Approval of 4 storey buildings on the foreshore is contrary to local regulation and will substantially change the character of the area and its coastal village charm. We need to cap heights at R60.		
70.	Tracey Plester 96 Kinross Loop Quindalup WA 6281	<u>Support</u> Coastal small country village vibe with beautiful, natural, unspoilt and not overdeveloped coastlines, needs to be retained.	Noted.	That the submission be noted.
71.	Bridget Haak 4 Newberry Road Dunsborough WA 6281	<u>Support</u> 4 storey buildings on the foreshore will hem in green play-space and do nothing to enhance our village atmosphere. Planning should reduce the built environment on our coastline and be sensitive to the landscape.	Noted.	That the submission be noted.
72.	Paul Jordan 20 Swinley Approach Dunsborough WA 6281	<u>Support</u> R80 zoning was introduced in Dunsborough, to allow for multi -purpose uses and greater population density in the area along the foreshore, not to permit buildings greater than 3 storeys. Approval of 4 storey buildings on the foreshore is contrary to local regulation and will substantially change the character of the area and its coastal village charm. Heights need to be capped at R60.	Noted.	That the submission be noted.
73.	Sally Garnett 25 Hammond Road Yallingup WA 6282	<u>Support</u> The amendment will help retain the relaxed seaside feel by preventing high rise buildings along the coastline which is out of character for our region.	Noted.	That the submission be noted.
74.	Andy Park 193 Yungarra Drive Quedjinup WA 6281 (Second submission)	<u>Support</u> I would like to amend my submission to "I do support."	See also public submission no. 69.	That the submission be noted collectively with submission 69 above.
75.	Kate Fysh	<u>Support</u>	Noted.	That the submission be noted.

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	12 Big Rock Place Quedjinup WA 6281	Dunsborough is a holiday destination with a small community vibe. High rise buildings are unsightly along the coastline and R60 is more than high enough.		
76.	Annie Winchcombe 13 Cape Way Dunsborough WA 6281	<u>Do not support</u> 4 storey development on the beach front infringes on views and the amenity of our beachfront.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 109 below).	That the submission be noted collectively with submission 109 below.
77.	Janine Gasbarri 193 Eagle Bay Road Naturaliste WA 6281	<u>Support</u> R60 will limit impact on foreshore and is in line with community wishes.	Noted.	That the submission be noted.
78.	David Mills 56 O'Byrne Road Quindalup WA 6281	<u>Support</u> R60 development will prevent 4 storey development on foreshore.	Noted.	That the submission be noted.
79.	Tony Jackson PO Box 226 Burswood WA 6100	<u>Do not support</u> Increase in density will detract from amenity of foreshore area and create traffic and parking problems.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 90 below).	That the submission be noted collectively with submission 90 below.
80.	Ian Smith 65 Peppermint Drive Dunsborough WA 6281	<u>Support</u> Reduction in coding is necessary to minimise onerous impacts of density development and increased traffic and parking in this sensitive coastal area.	Noted.	That the submission be noted.
81.	Kevin and Julie Stanley 53 Pine Valley Pass Connolly WA 6027	<u>Support</u> R60 will allow development but also protect space, peace and environment of foreshore. Traffic noise and parking already a problem over weekends and summer period.	Owner of affected property Lot 122 (40) Geographe Bay Road, Dunsborough.	That the submission be noted.
82.	Luke Pearce 5 Diamante Boulevard Dunsborough WA 6281	<u>Support</u> Reduction in height limit to 3 storeys is in keeping with general community feel of Dunsborough and will protect its unique attraction to residents and holidaymakers.	Noted.	That the submission be noted.
83.	Chris Harding 23 Campion Way Quindalup WA 6281	<u>Support</u> 4 storey development is not consistent with retaining coastal atmosphere of Dunsborough	Noted.	That the submission be noted.

**ATTACHMENT D
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF SUBMISSIONS**

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
84.	Peter Chandler 85 Amberley Loop Dunsborough WA 6281	<u>Do not support</u> Opposed to big developments for tourists in this small family town.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 88 below).	That the submission be noted collectively with submission 88 below.
85.	Patricia Roach 21 North Street Dunsborough WA 6281	<u>See submission 25</u>	Noted.	That the submission be noted.
86.	Joy Watling 4 Peppermint Drive Dunsborough WA 6281	<u>Support</u> No precedent for 4 storey buildings along and R80 will not enhance the streetscape of Geographe Bay Road.	Noted.	That the submission be noted.
87.	Julia Carrico 21 Moriarty Place Yallingup WA 6282	<u>Support</u> Height of buildings in Dunsborough needs to be capped at 3 storeys to reflect ambience of coastal country town.	Noted.	That the submission be noted.
88.	Peter Chandler 85 Amberley Loop Dunsborough WA 6281 (Second submission)	<u>Support</u> I do support the change and don't want higher density and taller buildings in COB.	See also public submission no. 84.	That the submission be noted collectively with submission 84 above.
89.	Diane Alldis 5/85 Reserve Street Wembley WA 6014	<u>Do not support</u> Development should be limited to 2 storeys in close proximity to beach front to blend with the landscape, prevent overshadowing and retain the attractive charm of the town.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 91 below).	That the submission be noted collectively with submission 91 below.
90.	Tony Jackson PO Box 226 Burswood WA 6100 (Second submission)	<u>Support</u> Comments per previous submission.	See also public submission no. 79.	That the submission be noted collectively with submission 79 above.
91.	Diane Alldis 5/85 Reserve Street Wembley WA 6014 (Second submission)	<u>Support</u> Comments per previous submission.	See also public submission no. 89.	That the submission be noted collectively with submission 89 above.
92.	Lavan 1 William Street Perth WA 6000	<u>Do not support</u> Acting on behalf of A & R Holdings, owner of affected properties Lots 115 & 116 (26 & 28) Geographe Bay	The alternative courses of action by the Council regarding the progress of the Amendment in terms of the <i>Planning and Development (Local Planning</i>	It is recommended that the amendment be modified to include Lots 139 and 140 (23-25) Lorna Street so that all four lots would be subject of the R60 coding.

**ATTACHMENT D
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF SUBMISSIONS**

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	<p>Acting on behalf of: A & R Holdings</p>	<p>Road, Dunsborough and non-affected properties Lot 139 & 140 (23 and 25) Lorna Street, Dunsborough.</p> <ul style="list-style-type: none"> • Amendment 50 should be modified, so as to exclude the land owned by my client and to retain that land as coded R80 for the following reasons: <ul style="list-style-type: none"> • there is already a development approval in place for this land, the proposed design is broadly consistent with an R80 coding and this development approval is currently being implemented. • The land has unique characteristics (as compared to the other lots along Geographe Bay Road) in that it abuts a public reserve, has two street frontages, constitutes a large development site and is in very close proximity to the R-AC3 coded parts of the Dunsborough town centre. • If such a modification is to occur, no objection is raised to the down-coding of the other lots along Geographe Bay Road. • Amendment 1 approved in 2017 was informed by a significant amount of strategic planning and R80 was considered to be the appropriate coding. The current proposal to down-code to R60 is not justified by further strategic planning and is not supported by built form modelling or similar to demonstrate the practical benefits and potential impact in this locality. It appears to be almost entirely motivated by opposition to the recent approval of development of the four storey building. • There would be no utility in down-coding this land to R60 if there is already a building on the land that has been constructed in accordance with an R80 coding. 	<p><i>Schemes) Regulations 2015</i>, are to support the Amendment without modification, to support the Amendment with proposed modifications or not to support the Amendment.</p> <p>The R60 coding if approved in this locality would reduce the prospect of development above three storeys on the remaining foreshore lots. This coding is not in conflict with the broad urban consolidation objective for the Dunsborough Townsite and continues to reflect the strategic direction for mixed use and higher residential development in this locality. This would reflect the majority of views in submissions and signal the concern about the potential impact of the current R80 coding in this sensitive locality within the current planning framework. Given the constraints associated with developing the remaining lots and the progression of the PSP process this is unlikely to create any negative impact for landowners in the short term. It is recommended therefore that the Council resolve to seek final adoption of the Amendment.</p> <p>The shortcomings of a blanket density code in this sensitive foreshore locality without supporting design guidance have been outlined above and it is recommended that the issue of more detailed analysis of potential development outcomes on the remaining lots be given priority as part of the PSP process or its recommendations for further action.</p> <p>The proposed designation of the R60 coding on Lots 115 and 116 (26-28) Geographe Bay Road, whilst retaining the R80 coding on Lots 139 and 140 (23-25) Lorna Street, is potentially confusing given that the lots are being amalgamated to form one</p>	

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AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF SUBMISSIONS**

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		<ul style="list-style-type: none"> • It is my understanding that the existing R80 coding in this area was only quite recently put in place, via Amendment 1 being gazetted in 2017. • It is accordingly unclear what practical benefits (if any) the City expects to achieve in down-coding this area to R60, as proposed in Amendment 50. 	<p>development site, with development approval for one building. In order to reflect a uniform coding over this development site, a modification to the Amendment to R80 or R60 should be required.</p> <p>An R80 coding over the site would indicate the density approved for the apartment development. It would also represent an exception for this significant lot on the Dunsborough foreshore as Lots 81 and Strata Lots 1-9 across Dunn Bay Road and Lots 117-127 Geographe Bay Road would remain coded R60. It is acknowledged that the site has some unique advantages for the design of a landmark commercial and residential development but a similar case could be argued for redevelopment of the site on the opposite corner of Dunn Bay Road.</p> <p>If the R60 coding proceeds within this amendment, it will not affect the validity of the approval already issued. The development approval remains valid (notwithstanding any down-coding) unless the approval lapses and the development has not been substantially commenced. However, the development approval is the subject of an application for judicial review in the Supreme Court (unrelated to the proposed down-coding) and, depending on the outcome, this may impact on the validity of the approval.</p> <p>Notwithstanding the concerns raised by the owner, it is recommended that the Amendment be modified to include Lots 139 and 140 in the R60 coding to reflect the overarching intention to down-code lots on the Dunsborough foreshore. It is envisaged that the PSP process will provide specific provisions and clearer guidance aimed at protecting the future of</p>	

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SCHEDULE OF SUBMISSIONS**

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			<p>this unique foreshore location and this may prompt future amendments to the local planning scheme.</p> <p>This recommendation for final approval and modification is made on the grounds that the proposed down-coding is not contrary to current strategic planning direction, reflects community concern about future development of this coastal locality, and will not cause a negative impact on future development of the area.</p>	
93.	Kevina Stewart 49 Peppermint Drive Dunsborough WA 6281	<u>Do not support</u> Leave zoning as is to protect the low rise amenity of the area reduce the likelihood of additional traffic volume and noise.	As the comments appear to be in support of the proposal, the submitter was invited to clarify her position. A second submission, in support of the proposal, was later lodged (see 94 below).	That the submission be noted collectively with submission 94 below.
94.	Kevina Stewart 49 Peppermint Drive Dunsborough WA 6281 (Second submission)	<u>Support</u> The minimum number of additional dwellings should be permitted with a maximum height restriction of 3 storeys and ideally only 2 storeys.	See also public submission no. 93.	That the submission be noted collectively with submission 93 above.
95.	Richard Paterson 9 Koorabin Drive Yallingup WA 6282	<u>Do not support</u> High buildings are not in keeping with the Dunsborough "village" concept. If Fremantle can thrive with 3 storeys, so can Dunsborough.	As the comments appear to be in support of the proposal, the submitter was invited to clarify his position. A second submission, in support of the proposal, was later lodged (see 97 below).	That the submission be noted collectively with submission 97 below.
96.	Frank Gaschk 18 Windmills Close Yallingup WA 6282	<u>Support</u> Building height on the coast should be staged and stepped back to control coastal erosion impacts and avoid the expense of 'protecting' coastal infrastructure burdened on future generations. Support the regulation of building heights as apartment buildings are high risk hotspots during a respiratory viral pandemic and concentrate noise and disruption in the local community. The social amenity, liveability and attraction for tourism of Dunsborough will be visually and spatially impacted by the development of high concentration and	Noted.	That the submission be noted.

**ATTACHMENT D
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF SUBMISSIONS**

No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		potentially monolithic structures along the seaboard.		
97.	Richard Paterson 9 Koorabin Drive Yallingup WA 6282	<u>Support</u> Comments per previous submission.	See also public submission no. 95.	That the submission be noted collectively with submission 95 above.
98.	Douglas Kirsop 2 Smith Street Dunsborough WA 6281	<u>Support</u> Development should be limited to R60 and 3 storeys along the beachfront to maintain character of the area, protect future buildings from coastal erosion and avoid pressure on facilities and services.	Noted.	That the submission be noted.
99.	Warren Brown 53 Amberley Loop Dunsborough WA 6280	<u>Support</u> Inappropriate to have high rise development directly on the foreshore with potential overshadowing of surrounding areas and devaluation of properties behind the lots. Full consideration must be given to the community impact and long term effects of the decision.	Noted.	That the submission be noted.
100	Terry Carmichael 6 Galley Ramble Dunsborough WA 6281	<u>Support</u> High rise apartment development is not in keeping with the village atmosphere, will disregard the uniqueness of the fore shore and affects adjoining areas.	Noted.	That the submission be noted.
101	Allen Cooper 8 Patton Terrace Quindalup WA 6281	<u>Support</u> Reducing from R80 to R60 supports the current planning policy of restricting buildings to 3 storeys or less within 150 metres of the high water mark.	Noted.	That the submission be noted.
102	Alana Milton 8 Staley Street Quindalup WA 6281	<u>Support</u> We need to preserve this unique town and fragile development from over development.	Noted.	That the submission be noted.
103	Natasha Blefari 9 Buckingham Grove, Quedjinup WA 6281	<u>Support</u> The height of buildings along the foreshore should be limited to keep with the small town vibe of the area.	Noted.	That the submission be noted.

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No	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
Late Submissions				
104	Wayne Duyvestein 8 Shearers Close Quedjinup WA 6281	<u>Support</u> No 4 storeys should be permitted in Dunsborough and only 2 storeys on the foreshore.	Noted.	That the submission be noted.
105	Fiona Duyvestein 8 Shearers Close Quedjinup WA 6281	<u>Support</u> Storeys to be limited as possible on foreshore and no high rise for Dunsborough or Busselton.	Noted.	That the submission be noted.
106	Caron Reynolds 26 St. Michaels Parkway Dunsborough WA 6281	<u>Support</u> R80 and 4 storey development should not be permitted because of the impacts on the look and feel of the Dunsborough foreshore.	Noted.	That the submission be noted.
107	Anthony David Sheard 26 Flora Terrace Watermans Bay WA 6020	<u>Support</u> Concern about the impact of 4 storeys building height and boundary wall heights and related shade issues on the locality and surrounding properties and the vista and views from the park and beachfront. The proposed change to an R60 coding will better mitigate these concerns, reflect the initial intent of all parties, and current intent of the community and councillors.	Affected owner - Lot 119 (34) Geographe Bay Road	That the submission be noted.
108	Danielle Phipps 48 Geographe Bay Road Dunsborough WA 6280	<u>Support</u> Do not wish to see four-storey buildings neighbouring my residential property. The amendment reflects the changes desired by the community and the need to preserve the existing coastal feel and integrity of the town.	Affected owner – Lot 124 (44) Geographe Bay Road.	That the submission be noted.
109	Annie Winchcombe 13 Cape Way Dunsborough WA 6281	<u>Support</u> Yes – I do not support R80 – but do support the change to R60.	See also public submission no. 76.	That the submission be noted collectively with submission 76 above.

**ATTACHMENT E
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

No.	Proposed Modification	Reason
1.	That the Amendment be modified to include Lots 139 and 140 (23-25) Lorna Street.	<p>The alternative courses of action by the Council regarding the progress of the Amendment in terms of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, are to support the Amendment without modification, to support the Amendment with proposed modifications or not to support the Amendment.</p> <p>The R60 coding if approved in this locality would reduce the prospect of development above three storeys on the remaining foreshore lots. This coding is not in conflict with the broad urban consolidation objective for the Dunsborough Townsite and continues to reflect the strategic direction for mixed use and higher residential development in this locality. This would reflect the majority of views in submissions and signal the concern about the potential impact of the current R80 coding in this sensitive locality within the current planning framework. Given the constraints associated with developing the remaining lots and the progression of the PSP process this is unlikely to create any negative impact for landowners in the short term. It is recommended therefore that the Council resolve to seek final adoption of the Amendment.</p> <p>The shortcomings of a blanket density code in this sensitive foreshore locality without supporting design guidance have been outlined above and it is recommended that the issue of more detailed analysis of potential development outcomes on the remaining lots be given priority as part of the PSP process or its recommendations for further action.</p> <p>The proposed designation of the R60 coding on Lots 115 and 116 (26-28) Geographe Bay Road, whilst retaining the R80 coding on Lots 139 and 140 (23-25) Lorna Street, is potentially confusing given that</p>

**ATTACHMENT E
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

		<p>the lots are being amalgamated to form one development site, with development approval for one building. In order to reflect a uniform coding over this development site, a modification to the Amendment to R80 or R60 should be required.</p> <p>An R80 coding over the site would indicate the density approved for the apartment development. It would also represent an exception for this significant lot on the Dunsborough foreshore as Lots 81 and Strata Lots 1-9 across Dunn Bay Road and Lots 117- 127 Geographe Bay Road would remain coded R60. It is acknowledged that the site has some unique advantages for the design of a landmark commercial and residential development but a similar case could be argued for redevelopment of the site on the opposite corner of Dunn Bay Road.</p> <p>If the R60 coding proceeds within this amendment, it will not affect the validity of the approval already issued. The development approval remains valid (notwithstanding any down-coding) unless the approval lapses and the development has not been substantially commenced. However, the development approval is the subject of an application for judicial review in the Supreme Court (unrelated to the proposed down-coding) and, depending on the outcome, this may impact on the validity of the approval.</p> <p>Notwithstanding the concerns raised by the owner, it is recommended that the Amendment be modified to include Lots 139 and 140 in the R60 coding to reflect the overarching intention to down-code lots on the Dunsborough foreshore . It is envisaged that the PSP process will provide specific provisions and clearer guidance aimed at protecting the future of this unique foreshore location and this may prompt future amendments to the local planning scheme</p>
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**ATTACHMENT E
AMENDMENT 50 TO LOCAL PLANNING SCHEME 21
SCHEDULE OF MODIFICATIONS**

<p>2.</p>	<p>That the Amendment be modified so that clause 4.3.2 of the Scheme is amended to state:</p> <p><i>Building height provisions as specified under –</i></p> <p><i>(a) Table 3 and Table 4, and Deemed-to-Comply provision 5.1.6 C6 and 6.1.2 C2 of Volume 1 of the R-Codes (as amended), and</i></p> <p><i>(b) Table 2.1, and Acceptable Outcome A2.2.1 of Volume 2 of the R-Codes (as amended);</i></p> <p><i>do not apply, except for on land coded R-AC3, R80 or R60. In all other areas, maximum building height requirements are required to comply with the provisions of clause 4.8 of the Scheme.</i></p>	<ul style="list-style-type: none"> • Update references to the R-Codes, to reflect amendments to Volume 1 and the introduction of Volume 2. • Clarify that the clause should be read in accordance with amended versions of the R-Codes. • Include reference to residential density codings R80 and R60, to clarify that building proposals exceeding two or three storeys, as the case may be, are permitted under the relevant provisions of the R-Codes. • Support the policy aim of the Amendment to allow R60 coded buildings, with a three storey height control, to be proposed and considered within the Amendment area. • Remove inconsistencies between clause 4.3.2, clause 4.8 and building height controls through the R-Codes, to ensure the intent of the Amendment is reflected in the Scheme. In regard to providing direct reference in this clause to the ‘Deemed-to-Comply’ and ‘Acceptable Outcome’ provisions of Volumes 1 or 2 of the R-Codes, Parts 2.4 and 2.5 (Volume 1) and page IV (Volume 2) of the R-Codes explicitly allow for the standards in each policy to be applied with a degree of flexibility, and the exercise of judgement on the contextual merit of individual proposals. While direct reference is made in this clause to ‘Deemed-to-Comply’ and ‘Acceptable Outcome’, a proposal could still be assessed on ‘Design Principles’ and ‘Element Objectives’ of Volumes 1 or 2 of the R-Codes, as proposed in modification 4 below to clause 4.8.3.
<p>3.</p>	<p>That the Amendment be modified so that clause 4.8.1 of the Scheme is amended to state:</p> <p><i>Except where otherwise provided for in the Scheme, Aa person must not erect any building that –</i></p>	<ul style="list-style-type: none"> • Clarify that the wording “except where otherwise provided for in the Scheme” applies to both parts (a) and (b) of the clause.

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	<p>(a) contains more than two storeys or exceeds a height of 9 metres above natural ground level, where land is within 150 metres of the mean high water mark; or</p> <p>(b) contains more than three storeys or exceeds a height of 12 metres above natural ground level, where land is within 150 metres of the mean high water mark, except where otherwise provided for in the Scheme.</p>	<ul style="list-style-type: none"> • Remove inconsistencies between clause 4.8 and other building height controls through the R-Codes, to ensure the intent of the Amendment is reflected in the Scheme. • Clarify that building height is measured from natural ground level. For proposals where a residential density coding has been designated, they would be measured consistently with 'Figure Series 7 – Building Height' of the Volume 1 of the R-Codes, or in accordance with '2.2 Building height' in Volume 2 of the R-Codes. For non-residential proposals, this also clarifies that building height would be measured from natural ground level.
<p>4.</p>	<p>That the Amendment be modified so that clause 4.8.3 of the Scheme is amended to state:</p> <p><i>In respect to clauses 4.8.1 and 4.8.2 above, the local government, upon receipt of an application for development approval, may approve building heights which exceed those maximum height limitations as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under clause 67 of the Deemed Provisions and performance criteria specified under 5.1.6 (P6) and 6.1.2 (P2) of the R-Codes. For a building that is proposed on land where a residential coding has been designated, the local government must also be satisfied that the building height is consistent with –</i></p> <p><i>(a) the Design Principles specified under 5.1.6 P6 of Volume 1 of the R-Codes (as amended); or</i></p> <p><i>(b) the Element Objectives specified under O2.2.1-O2.2.4 of Volume 2 of the R-Codes (as amended).</i></p>	<ul style="list-style-type: none"> • Clarify that only buildings proposed on land where a residential density coding has been designated, are to be consistent with the relevant provisions of the R-Codes. • Update references to the R-Codes, to reflect amendments to Volume 1 and the introduction of Volume 2. • Clarify that the clause should be read in accordance with amended versions of the R-Codes. • Remove inconsistencies between clause 4.8 and other building height controls through the R-Codes, to ensure the intent of the Amendment is reflected in the Scheme.