

DELEGATED ADOPTION REPORT

PROPOSED LOCAL DEVELOPMENT PLAN – STAGE 24 DUNSBOROUGH LAKES

SUBJECT INDEX:	Local Development Plans
APPLICATION NO:	LDP22/0005
COMMUNITY OBJECTIVE:	2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable and housing choices.
BUSINESS UNIT:	Statutory Planning
SERVICE:	Statutory Planning
REPORTING OFFICER:	Principal Planner (Major Developments) – Andrew Watts
AUTHORISING OFFICER:	Director, Planning and Development Services – Paul Needham
DATE OF COMPLETION:	Two weeks from the date of the delegated decision
VOTING REQUIREMENT:	N/A – assessed under delegated authority
ATTACHMENT(S):	A. Location Plan B. Aerial Photograph C. Approved Subdivision Plan D. Proposed Local Development Plan

PRECIS

The City is requested to consider approval of a Local Development Plan (LDP) for proposed lots 1799 -1801 created as part of an approved Plan of Subdivision (WAPC Ref:161043), approved 11 November 2021) over Lot 9072 Commonage Road, Dunsborough.

The subdivision approval includes a condition requiring the preparation of an LDP for the subject lots to establish appropriate habitable building setbacks to ensure building sites have a Bushfire Attack Level rating of no greater than BAL29 and control landscaping and fencing in bushfire prone areas to not increase the level of risk from bushfire as set out in the approved bushfire management plan.

A location plan is provided at Attachment A and aerial photograph of the land at Attachment B.

Officers consider that the objectives of the proposed LDP are appropriate and that the proposal is consistent with the relevant planning framework. Officers in considering the proposal are satisfied that the minor nature of the LDP is not likely to adversely affect any owners or occupiers within the area covered by the plan or any adjoining area, particularly as the adjoining lands are all either Crown land or still owned by the subdivision developer. It is therefore recommended that in accordance with the provision of *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 6 cl. 50 (3) that the City determines the proposed LDP does not require advertising prior to consideration for approval.

BACKGROUND

The proposal aims to guide the future development of 3 (three), R30 coded lots that will be created through the 158 lot subdivision of Lot 9072 and Lot 41 Commonage Road, Dunsborough. The LDP has

been prepared to satisfy a condition of subdivision, which requires the preparation of an LDP to implement the approved Bushfire Management Plan by establishing minimum setbacks/habitable building exclusion areas to achieve development at BAL-29.

The subdivision plan with identification of Lots requiring the LDP is provided at Attachment C.

The primary purpose of the LDP (Attachment D) is to establish appropriate habitable building setbacks /separation to the 'Class (A) Forest' vegetation in the proposed reserves and balance land, as set out in the approved bushfire management plan, and then ensure no inadvertent bushfire threat is created in that setback / separation area.

The proposed LDP prescribes –

- the portions of the subject lots which are designated as habitable building exclusion areas to ensure a total 21 metres of separation is achieved to the 'Class (A) Forest' vegetation within the adjoining reserves and balance land;

The LDP specifies that other development standards will be in accordance with the R-Codes and the Local Planning Scheme.

The 'Officer Comment' section of this report discusses key considerations of the proposed LDP.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* and in the relevant objectives, policies and provisions of the *City of Busseton Local Planning Scheme No. 21* and proposed Vasse Structure Plan. Each is discussed below under appropriate subheadings.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising and approval of structure plans and local development plans.

An LDP is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. A local government may give due regard when making decisions in respect to the development of land within the LDP and it should be noted that they are generally not to be used to inform subdivision layout.

Local Development Plans are to be processed in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which includes advertising, consideration of submissions and a decision being made by the local government. In this instance it is being recommended that the proposed LDP does not require advertising and therefore will not be subject of any public submissions.

A local development plan is generally determined by the local government, as opposed to a structure plan being determined by the Western Australian Planning Commission.

Local Planning Scheme No. 21

The land is zoned 'Urban Development' and subject of Special Provision 42 which requires the preparation of a single integrated Structure Plan for the whole of the Special Provision Area. The proposal is considered to be consistent with the relevant provisions of the scheme relating to the Urban Development zone and Special Provision area.

RELEVANT PLANS AND POLICIES

The key policies relevant to the proposal are:

- I. *State Planning Policy 7.3 – Residential Design Codes Volume 1*
- II. *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*

Each is addressed below under appropriate subheadings.

State Planning Policy 3.7: Planning in Bushfire Prone Areas

The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

Subdivision within designated bushfire prone areas relating to land that has a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with the measures in SPP3.7.

Subdivision which on completion can achieve a BAL of BAL-12.5 – BAL-29 will be supported, with a general presumption against support of subdivision whereby any lot created would result in houses being exposed to BAL-40 or BAL-FZ.

In accordance with SPP3.7 the subdivision proposal was supported by a Bushfire Management Plan to show how the subdivision can achieve all of the relevant bushfire protection criteria including that each future house will be able to building to BAL-29 or less.

The proposed LDP includes provisions to ensure the enforcement of habitable building setbacks such that any house will not be exposed to greater than BAL-29.

State Planning Policy 7.3: Residential Design Codes Volume 1

The purpose of State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-codes) is to provide a comprehensive basis for the control of residential development throughout Western Australia.

A local development plan is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. It can facilitate the design and coordination of development upon small and highly constrained lots, and supplement development standards contained within local planning schemes and the R-codes.

A local development plan is intended as a planning instrument to address site specific opportunities or constraints. In addressing these issues, the LDP proposes variations to the deemed-to-comply provisions of the R-Codes to achieve desired outcomes.

FINANCIAL IMPLICATIONS

There are not considered to be any long term financial implications for the City arising from the proposal.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with strategic priority 2.8 of the City's *Strategic Community Plan 2021-2031*, which is – '2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable and housing choices'.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve adopting the proposed Port Lane Local Development Plan without requiring advertising. In this regard, there are no significant risks identified.

CONSULTATION

The CEO delegation to Director of Planning and Development Services (Delegation S7-01 F) provides delegation to determine to approve a Local Development Plan pursuant to Part 6 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which includes whether or not the proposal should be advertised prior to approval. It is proposed that the application for the proposed Local Development Vasse Stage 5B LDP does not require formal advertising as it is not anticipated to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.

OFFICER COMMENT

The proposed Local Development Plan – Stage 24 Dunsborough Lakes relates to a discrete number of R30 coded residential lots within the approved subdivision area of Lot 9072 Commonage Road Dunsborough. The proposal seeks to facilitate the delivery of single houses on lots subject to this LDP, which the Western Australian Planning Commission has issued subdivision approval.

The LDP has been evaluated on merit against the current planning framework and it is considered that support for final approval of this proposal is warranted.

CONCLUSION

Officers recommend that the proposed Local Development Plan – Stage 24 Dunsborough Lakes, does not require advertising and be issued final approval.

OPTIONS

Should the Officer Recommendation not be supported, the following options could be considered –

1. Resolve that the Local Development Plan requires adoption for advertising prior to consideration of final approval.

2. Resolve not to adopt the Local Development Plan for final approval.
3. Resolve to adopt the Local Development Plan for final approval, subject to modification(s).

The assessment did not reveal any substantive issue or reasonable grounds that would support any of the above options.

TIMELINE FOR IMPLEMENTATION OF RECOMMENDATION

The implementation of the officer recommendation will occur within 10 days of the date of the delegated decision.

OFFICER RECOMMENDATION

I, Andrew Watts, Senior Development Planner, advise that the proposed Local Development Plan – Stage 24 Dunsborough Lakes (Attachment D) is not likely to adversely affect owners or occupiers of land adjoining the subject property, does not require advertising and is deemed suitable for final approval, pursuant to Part 6 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and delegation DA7-01 (S1.3).



Date: 22 August 2022

Director, Planning and Development Services – Adoption for Public Consultation When No Request for Determination by Council Has Been Received

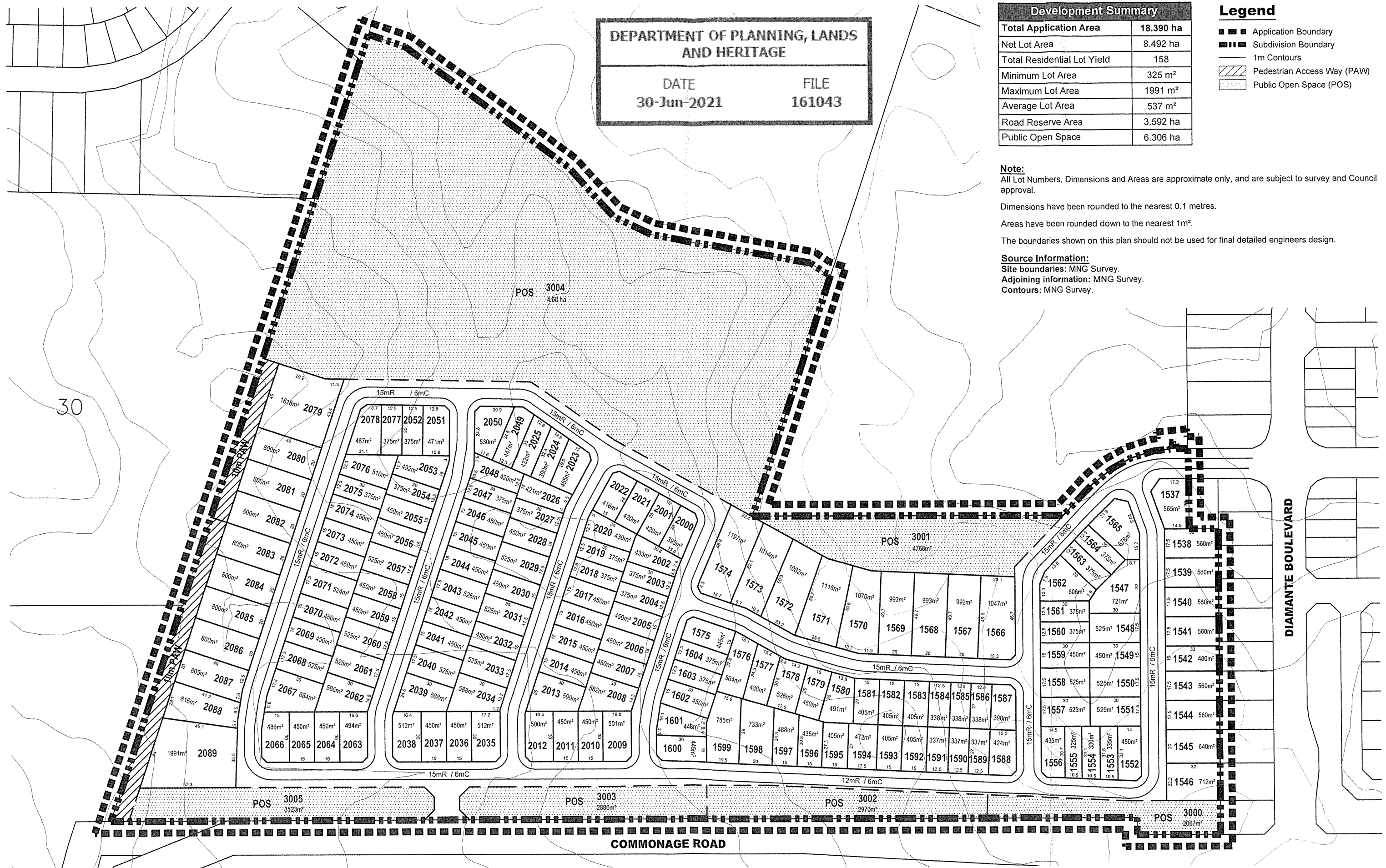
I, Paul Needham, Director Planning & Development Services, approve the issue final approval of the above proposal, pursuant to Part 6 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Delegation DA7-01 (S1.5).



Date: 24/8/22







DEPARTMENT OF PLANNING, LANDS
AND HERITAGE

DATE 30-Jun-2021 FILE 161043

Development Summary	
Total Application Area	18.390 ha
Net Lot Area	8.492 ha
Total Residential Lot Yield	158
Minimum Lot Area	325 m ²
Maximum Lot Area	1991 m ²
Average Lot Area	537 m ²
Road Reserve Area	3.592 ha
Public Open Space	6.306 ha

- Legend**
- Application Boundary
 - Subdivision Boundary
 - 1m Contours
 - Pedestrian Access Way (PAW)
 - Public Open Space (POS)

Note:
All Lot Numbers, Dimensions and Areas are approximate only, and are subject to survey and Council approval.

Dimensions have been rounded to the nearest 0.1 metres.

Areas have been rounded down to the nearest 1m².

The boundaries shown on this plan should not be used for final detailed engineers design.

Source Information:
Site boundaries: MNG Survey.
Adjoining information: MNG Survey.
Contours: MNG Survey.

PLAN REF: 132985-3-005
Rev No: K
DATE: 22 JUNE 2021
CLIENT: DAWS & SON PTY LTD
DRAWN BY: JC
CHECKED BY: JLS



DUNSBOROUGH LAKES
SUBDIVISION PLAN
PORTION OF LOT 9072 P415225 & 41 P413522

URBAN DESIGN
Level 4 HQ South
520 Wickham Street
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T +61 7 3539 9500
W rpsgroup.com



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LOCAL DEVELOPMENT PLAN PROVISIONS

Dunsborough Lakes - Stage 24
The provisions of City of Busselton Local Planning Scheme No.21 (the Scheme) and State Planning Policy 7.3 Residential Design Codes (R Codes) Volume 1 are varied as outlined in the Local Development Plan (LDP).
Unless otherwise detailed in this LDP, all development shall be in accordance with the Scheme, the R Codes and the approved Dunsborough Lakes Structure Plan.

Density
1. The R Codes density applicable to the lots subject to this LDP is as per the approved Dunsborough Lakes Structure Plan (as amended).

Bushfire
2. In accordance with the Bushfire Management Plan - Lots 41 & 9072 Commonage Road, Dunsborough prepared by Ecosystem Solutions, the construction of habitable buildings, or portions of habitable buildings, is not permitted within the Habitable Buildings Exclusion Area identified on the LDP.

Approval
This LDP has been approved by the City of Busselton under Clause 52 (1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 6.
Signature: _____
Dated: 24/8/22

LEGEND

LDP Subject Site

Habitable Building Exclusion Area

Residential R30 (as per Dunsborough Lakes Structure Plan)

Note: Development on affected lots is to comply with the requirements of the Bushfire Management Plan Lots 41 & 9072 Commonage Road, Dunsborough prepared by Ecosystem Solutions.

LOCAL DEVELOPMENT PLAN STAGE 24, DUNSBOROUGH LAKES (LOTS 1799-1801)

An Urban Quarter Project

Scale: 1:1000 @ A3

0102030m

PLAN: URQDL-4-002

REVISION: C

DATE: 24/08/2022

DRAWN: JP

PROJECTION: MRCS 94

PLANNER: CH

DATUM: AHD

CHECK: CH

Town Planning & Urban Design

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