

# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

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#### 1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

#### 2. PURPOSE

##### 2.1 Introduction

The small coastal settlement of Eagle Bay is located in a natural amphitheatre on the eastern slopes of Cape Naturaliste and possesses a special character worthy of preservation. This character is attributable to the numerous assets including topography, creek lines, natural vegetation and bushland and quality beaches. The historic, scenic and recreational opportunities, low traffic volumes and speeds and low housing density all contribute to the low-key coastal character of Eagle Bay. These features have made Eagle Bay an attractive place to live and visit but this attractiveness may also threaten this special character through increased demand.



*Photo 1: View of Eagle Bay from Eagle Bay Meelup Road*

These provisions document outlines the tangible and intangible key components of the Eagle Bay character and provides the basis for design guidelines to ensure that these important characteristics are not compromised by future development.

##### 2.2 Statement of Intent

###### *Purpose*

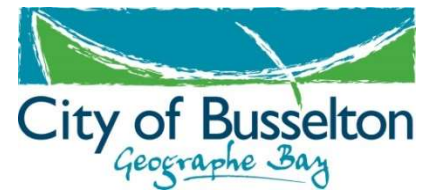
The principal objective of these provisions is to protect and enhance the unique and special character of Eagle Bay through land use and residential design controls.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



#### *Objectives for Eagle Bay*

The City's overall aim is to ensure that any future development complements the positive character and attributes of the area. In particular the objectives are to:

- a) Conserve the coastal/rural setting of Eagle Bay.
- b) Ensure that the immediate surrounds of Eagle Bay remain set in retained natural vegetation provided by reserves, partially cleared rural land and protected fringing dune system.
- c) Conserve the quality of the clean beaches, unpolluted ocean water, diversity of bird life and other native fauna.
- d) Contain the residential development within the natural amphitheatre setting.
- e) Retain the non-urban beachside character and intimate scale.
- f) Maintain the low overall density of development and the well-vegetated environment with natural bush running all the way to the beach.
- g) Retain and enhance the balance between natural landscape over and the built environment throughout Eagle Bay.
- h) Ensure that the low impact of built form and facilities (both private and public) have minimal impact on the natural environment.
- i) Improve pedestrian movement throughout the settlement and maintain low traffic volumes via a non-through road traffic environment.
- j) Provide for development of a low rise residential character in the foreshore areas to reduce the dominance of built form in the foreshore localities.
- k) Ensure that the development proposals for each sector take account of the characteristics of the adjoining sector

#### **2.3 Application**

This document comprises the text and Plan 1 herein and applies to all public and private land within the specified boundaries of the Eagle Bay Special Character Area shown on Plan 1. These provisions should be read in conjunction with the City of Busselton District Town Planning Scheme No. 20 ('the Scheme') the Residential Design Codes ('the R-Codes'), draft Eagle Bay Structure Plan and all other City and State policies applicable to the area. Where there is an inconsistency between these provisions and the R Codes or another City Policy then these provisions prevail to the extent of such inconsistency.

Where there is an inconsistency between these provisions and an approved Building Envelope Plan, Structure Plan, or DGP then those documents will prevail to the extent of such inconsistency.

Appendices 1 and 2 support the provisions but do not form part of the provisions other than by reference.

In assessing building plans, the City shall have regard to all those matters specified in the City of Busselton District Town Planning Scheme, the Residential Design Codes and these provisions and other relevant planning policies.

All development within the Area will require a building licence. However at the time an application for a building licence is made the plans will be assessed by the City to determine if they are consistent with the provisions and may also require an application for Planning Consent to be made.

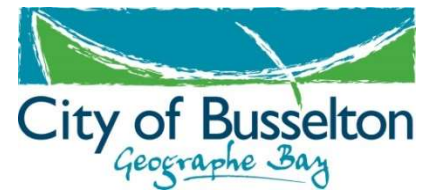
Should an application be lodged that is inconsistent with these provisions, the City may resolve to require an application for Planning Consent. The City may approve an application which does not comply with these



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



provisions where, in its view, a certain standard is not appropriate or relevant in that particular case. It is in this regard that particular guidelines have been defined for individual precincts and the Area as a whole.

Where an application departs from the requirements of these provisions, the applicant shall submit an assessment together with written justification for the variation. In considering any significant relaxation of requirements the application may also be subject to consultation with the affected nearby landowners.

Although this flexibility exists the intention of the Provisions is to provide guidance to proponents and a consistent approach to assessing development and or rezoning application within the area. These provisions have been adopted by the City pursuant to the City of Busselton District Planning Scheme No. 20. Where there is an inconsistency between these provisions and another City policy, then these provisions prevail to the extent of such inconsistency.



*Photo 2: Not all public facilities fit in with the desired character*

#### **2.4 The Five Precincts**

Within the Area, five broad precincts have been identified, as shown on Plan 1. These precincts have been designated to describe the distinguishable characteristics throughout areas of Eagle Bay.

##### Precinct 1: Small Lot Residential

The original settlement and earliest stage of residential subdivision consisting of the smaller lot residential land to the south of Eagle Bay-Meelup Road between Eagle Bay Road and Gypsy Street, plus the land each side of Ella Gladstone Drive. This precinct is characterised by the smaller lot sizes (typically 1,000 square metres or less) and predominant use of residential homes, with a local general store in a small business zone.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

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*Photo 3: Representative example of built form in Precinct 1*

#### Precinct 2: Medium Sized Lot Residential

The second stages of residential development focused around the land between the shop and the mouth of Jingarmup Brook. This precinct is characterised by low density lot sizes (typically around 2,000 square metres or a little less) with the predominant uses being single residential homes and recreation/open space areas. A high level of vegetation has been retained particularly in the northern section and replanted vegetation in the southern section.



*Photo 4: Representative example of built form in Precinct 2*

#### Precinct 3: Large Lot Residential

The third and final stage of residential development consists of the residential area to the south-east. This precinct is characterised by the larger lot sizes (typically around 2,000 to 10,000 square metres) and copses of remnant vegetation and again predominant uses of large single residential dwellings and open space areas.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

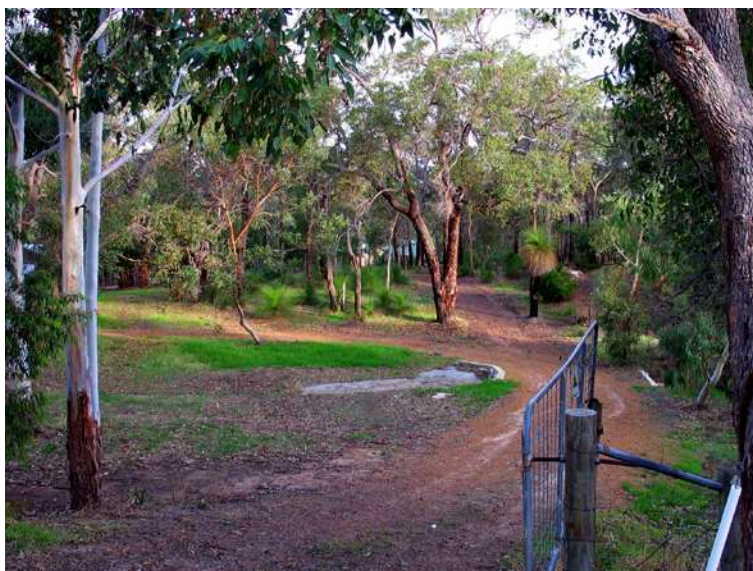
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*Photo 5: Representative example of built form in Precinct 3*

#### Precinct 4: Rural Residential

This includes the Rural Residential zoned land generally to the west of the Jingarmup Brook. This precinct is characterised by 2.0-3.0 Hectare lot sizes and broad tracts of natural vegetation either side of Jingarmup Brook defining the limits of development of the settlement. Many lots remain vacant at present with large residential homes scattered throughout the precinct.



*Photo 6: Representative example of vegetation form in Precinct 4*

#### Precinct 5: Reserve(s)

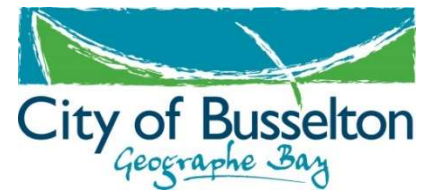
This precinct comprises the Meelup Regional Recreation Reserve, the regional open space along the foreshore of Geographe Bay and the fringing reserves which define the boundary of the settlement, separating it from the surrounding farmland. This precinct is characterised by a high level of remnant vegetation, the coastal landscape



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



along the Geographe Bay foreshore and the absence of any development apart from roads and car parking. The predominant uses of this area are natural bush and recreation open space.



*Photo 7: Representative example of coastal form in Precinct 5*

## 2.5 Background

Eagle Bay's unique and special character is widely recognised by residents and visitors alike. The concern for preservation of this character is very strong among residents and the general community. The very factors that have made the area so attractive have also led to pressure for development to further capitalise on its unique attributes. Without policy guidance these two competing forces may result in detrimental impacts on some of the special attributes of the area threaten to create conflict within the Area.

The extent to which landowners wish to be involved in the future of Eagle Bay is evident from the response to the City's development and review of the Eagle Bay Structure Plan and ongoing concerns regarding key development proposals. Community responses have consistently indicated strong concern over the retention of the character of the area, resulting in the formulation of these provisions.

### 2.5.1 EAGLE BAY SPECIAL CHARACTER AREA

It is the combination of the unique natural amphitheatre abutting the coast, extent of mature remnant vegetation, coupled with Eagle Bay's significance to the residential community, landowners, holiday makers and visitors that gives Eagle Bay its special character. It is this special identity which is described in these provisions along with the controls proposed to ensure its protection.

#### 2.5.1.1 The Natural Environment

The settlement is set within the 'A' Class Meelup Regional Park and the partially cleared and uncleared farmland on Cape Naturaliste. Eagle Bay is situated within a natural amphitheatre formed by Jingarmup Brook and surrounded and effectively hidden by the topography of a high ridge line close to the beach.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---



*Photo 8: The broad crescent of Eagle Bay beach*

The north-eastern aspect of the bay and eastern views over Geographe Bay towards Dunsborough and Busselton are extremely unusual, if not unique to the south west of Western Australia. Eagle Bay possesses spectacular scenery and a largely undisturbed ecosystem surrounding the settlement.

The settlement overlooks a broad crescent shaped beach and protected bay waters that are characteristic of the coastal zone in this region.



*Photo 9: Jingarmup Brook near its mouth*

Jingarmup Brook and the headlands on the coastline, including Rocky Point to the north, form significant landmarks in the area.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---



*Photo 10: The distinctive rocks around Rocky Point*

#### 2.5.1.2 The Social Environment

Eagle Bay is a well-known coastal recreational area which has developed a reputation as a tourist destination both within the City and beyond. The beach in particular is an attractive destination for residents and visitors due to its protection from prevailing south-west winds and resultant placid waters.



*Photo 11: The beach is a major social focal point and recreation resource for the area*

Many land owners are non-permanent (absentee landowners) and home occupation is low most of the year. The site is only accessed via one road from Dunsborough, creating an isolated village and quiet holiday atmosphere. Low traffic volumes and low speeds encourage pedestrian movement around the settlement and to and from the beach.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---

Even with the relatively low use of the area some conflicts already exist between powerboats and swimmers.



Photo 12: Boats often intermingle with swimmers which represents a potential hazard

#### 2.5.1.3 The Built Environment

Constrained by the Meelup Regional Park, the local topography of the area and Eagle Bay's isolated location, the settlement has remained relatively small with a high standard of residential quality. The form and structure of the houses and the materials used vary but continuity has been formed by the high construction standard and the high level of remnant vegetation.

The lack of reticulated sewerage and water supply in Eagle Bay has limited residential development at a low density and extent of gardens with favoured use of native species.



Photo 13: Typical Eagle Bay residence



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---

Most of the building stock is single residential dwellings on green title lots, with some strata title residential duplex developments strata-titled short stay accommodation units on the lot to the south of the General Store. The precincts described above have quite a defined architectural style reflective of the time of subdivision and development, although this has changed over the years through redevelopment. Many dwellings are of two storey and/or split-level in nature, suited to the steep terrain that is a feature of the locality. The General Store forms the only commercial development in the area servicing needs of residents and tourists alike.



*Photo 14: The general store has a distinctly different style to other built form in Eagle Bay*

### 3. INTERPRETATION

N/A

### 4. POLICY STATEMENT

#### 4.1 Elements of special character & development controls

##### 4.1.1 General Aesthetics

The most striking characteristic of Eagle Bay is the natural scenic beauty with wooded hills down to clean white beaches fringing a protected blue bay. Much of the settlement offers views of the ocean and the coastline.

Access into Eagle Bay can be gained off Cape Naturaliste Road either via Eagle Bay or via the Eagle Bay-Meelup Road. Eagle Bay Road delivers visitors through a rural setting of rolling hills used for pastoral grazing and vineyards with large areas of remnant bushland, descending into the settlement with the ocean backdrop.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---



*Photo 15: A glimpse of ocean as you enter Eagle Bay on Eagle Bay Road*

By contrast, the Eagle Bay-Meelup Road delivers visitors along a well vegetated route winding along the coastline leading to Eagle Bay where the scattered dwellings can be seen among the trees on the hillside leading to the beach.

Both entrances to Eagle Bay provide a very intimate experience when compared with those of west coast of Cape Naturaliste. The combination of the topography and densely vegetated slopes reaching the beach creates an inviting and special feel to the settlement.

The white beach defining the eastern edge of Eagle Bay is particularly attractive and although well used it is virtually unspoilt.



*Photo 16: Example of older style of architecture in Precinct 1*



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

#### 4.1.2 Social, Historic, Conservation & Recreation

A key feature of Eagle Bay's character is the passive recreation activities and inherent social connections generated by the use of the beaches, ocean and surrounding bushland.



*Photo 17: View of Eagle Bay beach from Eagle Bay Meelup Road car park*

The social character of Eagle Bay is comprised of an interesting mix of permanent residents, visiting non-permanent landowners and tourists. At times only 15-20% of residential dwellings are occupied but there is a strong community spirit and identity. There is a shared concern among all landowners for the fragile coastal environment and the safety of properties with absentee owners. The threat of fire is also a concern for all property owners and residents.

The General Store serves as an informal meeting place on a day to day basis with special events often held in the Bushfire Brigade Shed on Lot 48 Fern Road adjacent to the boat ramp.



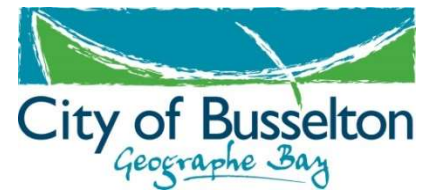
*Photo 18: Lot 48 car park*



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



Eagle Bay in general has a closer than usual relationship between private and public land because of the extensive vegetation connecting through both public and private lots and the presence of Meelup Regional Park on the southern boundary. The extent of conservation and recreational reserves within the area (Precinct 5) are an intrinsic part of the settlement's character. The maintenance and protection of these high quality portions of public land is integral to the maintenance of the special character of the Area.

Jingarmup Brook is a significant feature of the Eagle Bay area but is currently only protected by a reserve over a very limited portion of its lower reaches. Its perennial stream flow and quality of vegetation has been adversely impacted by protracted low rainfall, use for irrigation and the effects of stock in the stream bed.

The ecology of these recreation reserves is unique and worth protecting. There are very few areas in Western Australia that sustain the ecological mix seen in Eagle Bay. These reserves are of great significance not only to the local ambience and beauty of the place, but to the City and the State, serving as a part of the Leeuwin Naturaliste system.

The remnant of the old fish canning factory at the back of the beach (within Precinct 5) is a relatively unknown aspect of local history that requires preservation and clearer identification. This will help give Eagle Bay a special link to the past.

#### 4.1.3 Access & Movement

With the exception of Eagle Bay Road, traffic volumes and speeds are generally low throughout the Area. The majority of visitor parking is generally accommodated on driveways but can spill over onto road verges. Existing road and verge widths generally accommodate this use in a safe manner even in the peak holiday period, but will require monitoring with increased traffic volumes.

The road-side car parking along the Eagle Bay-Meelup Road currently meets the car parking demands for this area even in peak periods. Currently these car parks are treated with consolidated pea-gravel, but are known to contain root pathogens harmful to native plants. An alternative surface treatment such as stabilised limestone would be better for this purpose and in character with the sandy coastal location.



*Photo 19: Car parking alongside Eagle Bay Meelup Road*

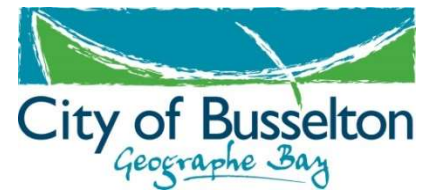


# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---



The boat ramp car park within Lot 48 Fern Road is only occasionally congested during peak holiday periods. Unfortunately a number of Peppermint Trees within the car park have been damaged by users and compaction of the ground. The continued informal nature of the car park is encouraged but in a more organised arrangement with installation of barriers to protect vegetation and improve efficiency of parking/movement. The consolidated sand and gravel surface provides a pleasant informal finish.

Most pedestrian movement is along road verges or on the road pavement itself, which is possible due to low traffic speeds and volumes, as the settlement lacks footpath facilities. The objective of the Eagle Bay Footpath Strategy (attached) is to identify the projected main pedestrian routes where traffic conflicts may occur in order that footpaths shall be constructed in these locations.

#### 4.1.4 Streetscapes

The streetscapes of Eagle Bay are typically dominated by indigenous vegetation, as opposed to buildings, primarily as a result of generous housing setbacks, the high retention level of vegetation, planting of native plant species and the general lack of fencing or walls.



*Photo 20: A typical well vegetated streetscape in Eagle Bay*

Driveways within the front setbacks are to be constructed of consolidated pea gravel or asphalt, where there are steep slopes likely to be affected by water erosion. Pea gravel, red asphalt or dark tone brick/concrete pavers are considered in good character for Eagle Bay.

Some kerbing is located the lower side of some roads where necessary to contain water runoff and prevent erosion and drainage problems. Kerbing should be avoided unless essential for such drainage purposes and should be designed to blend into the adjacent verge treatment. This may involve the use of flush drains and fully mountable kerbs constructed in charcoal coloured concrete.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---



*Photo 21: Sugar Gums in Gypsy Street – not endemic but in character with Eagle Bay landscape*

In most instances the gardens in private setbacks are left as native vegetation with some use of an introduced species, with the natural gradient of the land generally unaltered. In a few instances retaining walls run near to the front boundaries of properties and the impact is considered stark and inappropriate.

A feature of Eagle Bay is the absence of street lights unlike most urban areas, with the only streetlights in Eagle Bay are located at prominent intersections. Unless a strong case can be made in the future additional street lighting is not encouraged.

Power lines in the older subdivisions of Precincts 1 and 2 are above ground but below ground in the more recently developed areas of Precincts 2 and 3. The 'under-grounding' of all power lines should be encouraged so as to minimise adverse impacts on road side vegetation. Road side vegetation in most instances extends to the edge of the road and this feature should not change.



*Photo 22: Eagle Bay Road as it enters Eagle Bay*



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

Currently there is a low level of traffic and/or commercial signage across the entire Area and this characteristic element of the urban environment should be retained. There is a noticeable preference by some land owners to name their properties/houses and can be argued as character building to the area although such signage should not be too obtrusive.



*Photo 23: Indicative informal usage of streets as shared pedestrian and vehicular environments*

#### 4.1.5 Building Form, Style & Density

Due to the natural topography of the land most dwellings have views north-eastwards towards the ocean. Added to this is the low density of residential development and the beachside form and style of the dwellings.

The high retention level of remnant vegetation, subsequent rehabilitation of some previously cleared lots, large lot sizes and generous street setbacks has resulted in screening of most dwellings in the older precinct, with typically only a few roof pitches and windows being visible from the beach.



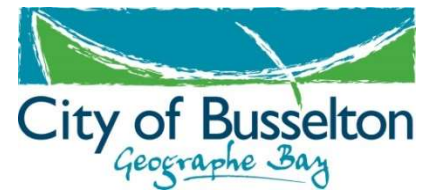
*Photo 24: There is a certain homogeneity in the architectural form even with the great variety*



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



Residential density within Eagle Bay is low with residential zoned land varying from 1,000m<sup>2</sup> to 10,000m<sup>2</sup> with an average of approximately 4000m<sup>2</sup>. This is attributable to the original subdivision layout and re-subdivision limitations to retain the non-urban character of the settlement and transition from residential to farming and bushland character.

Although exceptions exist, Eagle Bay's housing stock is of reasonably consistent form comprising some single but mainly two-storey dwellings, with extensive windows and balconies, steep roof pitches and often utilising stilts or pole construction rather than cut and fill. The similar appearance of many non-recent dwellings is attributable to their light-weight frame construction of timber or steel, giving the seaside atmosphere to the locality. This feature is often carried on to second storey balconies with use of natural colours such as brown, blue and green, regardless of whether they are constructed of metal or wood. A high percentage of houses have corrugated iron roofs.

Those houses that stand out as the exceptions are typically of a more suburban style using clay brick wall construction with tiled roofs. Very pale roof materials, especially white 'Colorbond', also do not sit comfortably in the landscape and should be avoided.

The following preferred 'Schedule of Materials and Colours' should be encouraged:

- General - Rammed earth, local stone or timber and 'Colour bonded steel'.
- Walls - Mid to dark shades of fawn, beige, brown, greys or blue.
- Roof - Mid to dark shades of grey or green.



*Photo 25: While rammed earth has a paler tone it is in character with the overall architectural theme*

The architecture of Eagle Bay is generally of a high standard and there is a substantially high number of purpose-built and architect designed homes. This indicates a high degree of recognition of the value of the inherent assets and natural beauty of the location and desire for sympathetic development.

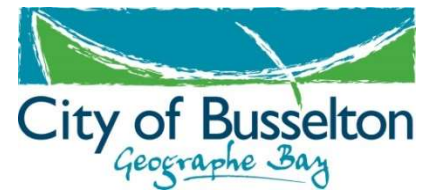
Houses in Precinct 1 vary slightly to those in Precincts 2 and 3 in that views of the ocean are generally not available in this precinct and the housing stock in this area is typically older and many buildings are single storey with flat roof pitches. Such styles are apparent largely as a result of housing fashions at their time of construction as some



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



of these dwellings are of weatherboard, fibro or brick veneer construction and date back to the early settlement of Eagle Bay in the early 1970's.

The most influential aesthetic characteristic of Precinct 1 is the smaller lot size that causes the built form of the houses on these lots to dominate as they would in a typical suburban environment. A fundamental difference in this precinct though is the style of the architecture typified by a distinctly coastal holiday-house form. Other differences are the absence of traditional fences and gardens, use of lightweight materials and a stilt or steel pole construction form.

Some dwellings within Precinct 2 and 3 are visible from 'nearby' elevated locations in the Leeuwin-Naturaliste National Park due to their height and location on top of the ridge. Future intrusion into the surrounding landscape should be prevented by stringent height assessment. The visual impact of lots near ridgelines and the beach should be reduced by the application of firmer controls upon the selection of materials and finishes, including colours and tones, for the individual developments.



Photo 26: A typical example of 'beach house' style as found in Precinct 1

Many properties have no fencing and where fencing is present it is usually of an open nature and low height, typically of a wire strand form style. The few instances where fencing exists along a frontage, especially where it is brick, limestone, or asbestos, are generally out of character.

Rather than formal fencing, the retention of the thick native under storey, or introduced screen planting is much more in character. If a specific need for fencing is apparent, the style and materials shall blend with surrounds and therefore be low key and unobtrusive.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

---



Photo 27: Typical low-key rural-style fencing that suits the area

#### 4.2 Design guidelines

The provisions are addressed in the following design guidelines. Each Element of the design guidelines has been predicated on the basis of the foregoing assessment which identified the key elements of the character of the Eagle Bay Special Character Area and suggestions for retaining/preserving this identifiable character. The elements include the following:

- A Setback Variations
- B Protection of Views
- C Coastal Setbacks/ Lots Adjoining Public Open Space
- D Outbuildings/Incidental Development
- E Single dwelling design
- F Building height
- G Vegetation Protection/Landscaping
- H Vehicle Access Design
- I Site Works

Building envelope plans shall still be given due regard in the assessment of development applications pursuant to the Scheme.

#### ELEMENT A- SETBACK VARIATIONS

The provision of greater front setbacks than the setbacks required under the Residential Design Codes is recommended in order to further strengthen the non urban beachside character of the area and ensure that built form is sympathetic to the natural features of the landscape.

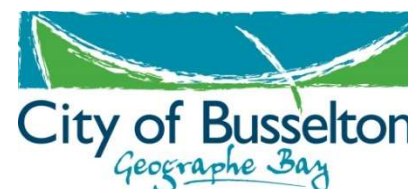
On some of the smaller lots in sector 1 the imposition of front and rear setbacks as outlined in the draft SCAP may require concessions and detailed site planning for the siting of dwellings, additions and ancillary development due to small lot sizes. Similarly the 20 m front setback in the Sector 4 may be problematic for some of the shallower lots in this sector and will require detailed site planning consideration and/or concessions.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



The following Table outlines, the minimum setbacks applicable within the Eagle Bay Special Character Area

Table 1 Setbacks by Sector.

Minimum Setbacks for development\*\*

Sector	Front Setback	Rear Setback	Secondary Street
Sector 1 R 5	9.0*	6.0	4.5
Sector 2 R5 and R2	15.0	6.0/10	6.0/10
Sector 3 R 2.5 and R2	20.0	6.0/10	12 /12
Sector 4 Rural Residential	As per DGP	As per DGP	

\* 9.0 metres is suggested as a guide. In determining the appropriate front setback, consideration shall be given to the setback of dwellings on neighbouring/nearby properties and the impact a 9.0 m front setback may have on the existing streetscape.

\*\* The provisions of any applicable Development Guide Plan, approved Building Envelope Plan or Structure Plan shall be considered in the determination of building setback. In the event of a conflict between the provisions of a Development Guide Plan, approved Building Envelope Plan or Structure Plan and these provisions the Development Guide Plan and Building Envelope Plan and Structure Plan will prevail to the extent of that conflict.

The following provision shall apply:

The minimum setbacks applicable to development on private lots within the Area shall be sufficient to retain any substantial remnant vegetation, but in any event shall not be less than the minimums specified in Table 1.

#### ELEMENT B- PROTECTION OF VIEWS

The desire of owners to maximise and protect existing views from a residential development can be understood, however this desire may conflict with the desire of surrounding owners to obtain the same view or for vegetation to be retained to screen development from nearby roads and vantage points. A land owner cannot claim that their view has been lost if their view is "built out" or obscured by an adjoining or nearby development as one cannot "own" a view as such. One can enjoy a view from a dwelling but there is no guarantee the view will not change as a result of future development unless a Development Guide Plan provides particular controls to limit development within view corridors.

The following provisions shall apply:

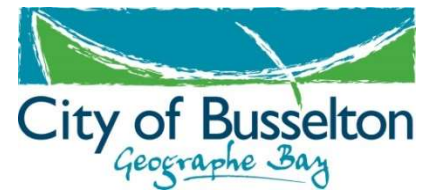
- Views are not a matter the provisions will generally exercise control over. While the provisions cannot guarantee the protection of views, the provisions provide a degree of control indirectly through primary and secondary street setbacks. The positioning and height of buildings, which require the approval of the City of Busselton, pursuant to CI42 shall be considered and determined by reference to CI13 and CI47 of the Scheme-enhanced by these provisions and Element 7 of the R Codes.
- Lots to which structure plan or Development Guide Plan apply may indicate the height to which buildings may be constructed for urban form purposes. These provisions do not seek to provide control of building height for lots so affected by the Scheme.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



- The rear setback and primary and secondary street setback controls provided in these provisions will be an important mechanism to regulate the extent to which an owner can manipulate the opportunity to maximise views through negotiating concessions and averaging to obtain a better view from a lot. Accordingly the minimum setback provisions should not be varied (averaged) unless performance criteria (below) are satisfied, or the lot dimensions require it, and even in this instance with great caution.

#### Performance Criteria

In the event an application for development seeks to vary or override a rear setback, or primary or secondary street setback requirement as determined by reference to these provisions, the following matters shall be considered prior to a decision being made:

- The impact of the variation on the established views from an adjoining residential lot.
- The development compliance with the R Codes requirements in respect of day-lighting, privacy and overshadowing for any adjoining lots.
- The adjoining owner's comments in respect of the application have been considered.

#### ELEMENT C COASTAL SETBACKS/LOTS ADJOINING RESERVES

The following provisions shall apply:

- Where a lot abuts a foreshore or public open space reserve the setback applicable to development shall be no less than the required front setback distance in order to retain the natural amenity of the Reserve and avoid the encroachment of development on the reserve area.
- Where a lot has more than one boundary abutting a foreshore or public open space reserve the setback to be applied to development from that reserve boundary shall be determined by the City following onsite inspection. In determining the required setback the City shall have regard to the existing development line, retaining the natural amenity of the Reserve and avoid the encroachment of development on the amenity of the reserve area.
- In instances where lots abut a public open space reserve, pedestrian access to the reserve should be limited to a single walk path with open fencing either side of the access, to be shown on the building site plan and to be approved by the City.

#### ELEMENT D - OUTBUILDING/INCIDENTAL DEVELOPMENT

For the purpose of these provisions, incidental development is defined to include the following classes of development:

- Tennis courts and prepared surfaces, retaining and fencing of these facilities and floodlighting for evening usage
- Gymnasiums
- Gazebos
- Sun rooms
- Lap pools and swimming pools
- Security gates and Entry Statements

Security gates and entry statements are considered contrary to the objectives of retaining the non urban beach side character and intimate nature of the settlement unless they can be screened from view from the street or public vantage points.

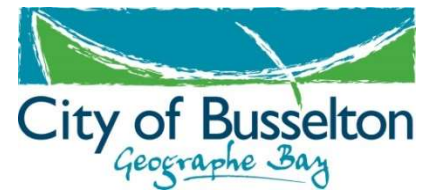


# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

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The following provisions shall apply:

- Incidental development shall be setback from front and neighbouring boundaries, including boundaries which interface with coastal foreshore and other public reserves, to protect the prevailing amenity of the locality in accordance with table 1.
- Incidental development will be limited in height to single storey i.e. 3.6 metres. Light towers will be limited to the maximum height of development applicable to each sector under these provisions.
- Entry statements to lots and security gates will not be approved other than where they are clearly not visible from the street or public vantage points or can be screened from view through an approved landscape management plan.

#### ELEMENT E - SINGLE DWELLING DESIGN

Dwellings designed for multiple use or a use other than a single dwelling will place additional demands on services to support such development, e.g. sewer, water, local road systems etc which are particularly critical at Eagle Bay due to the absence of reticulated water and sewer services. In view of the demands of the coastal holiday accommodation market, the demands to maximise rental returns and the use of developments particularly during the holidays and summer periods, the problem will continue to the detriment of amenity of surrounding lots.

The following provisions shall apply:

- Residential designs will be closely scrutinised at a planning and building assessment stage to determine whether the building is designed to be used as a Single Dwelling.
- Designs that are determined by the City to represent a layout which could reasonably be utilised as a Grouped Dwelling or a Residential Building shall be determined as a use other than a Single House pursuant to the Scheme and R Codes and assessed accordingly.
- Any building designed to be used as a residential building, i.e. a proposed dwelling containing at least seven (7) bedrooms shall be determined as a Residential Building.

#### Performance Criteria

These provisions may be varied where the following applies:

- The application comprises an application for a Single Dwelling in combination with another dwelling type such as relative accommodation, aged persons dwelling or single bedroom dwelling on the same lot.
- In these instances the application will be assessed under the R Codes, the Scheme and any applicable policy and determined accordingly.

#### ELEMENT F - BUILDING HEIGHT

The following provisions shall apply;

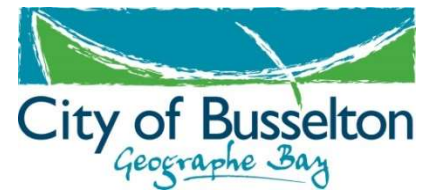
- At the time of submitting a Development Application, proponents shall submit "verifiable" cross sections of the development demonstrating compliance with the height limit as measured from natural ground level. Verifiable means that natural ground level has been accurately depicted on the plans and can be verified on site.
- The plans shall include an elevation of each of the sides of the building as well as a sectional elevation. The sectional elevation shall clearly indicate the building, *at its highest point from ground level including the allowance for site cut and fill*, measured vertically above the natural ground level and showing compliance with the maximum height limit at that point.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



- The applicable height limits will be 7.5m within 150 metres of the high water mark and 9.0 metres for all other areas unless otherwise determined by zoning provisions, structure plan or a DGP.
- Reduction of height in consideration of "view-scapes" and other matters specified by the Scheme will only generally be applied when the use is a discretionary use under the Scheme, i.e. a grouped dwelling or other such use requiring the exercise of discretion by the City to approve the use; or the application would require a variation to a Policy or R code provision such as rear setback in order to be approved for development.
- Proposals within 300mm of the maximum permissible height limit shall be required to be verified as complying with the maximum height limit by a licensed surveyor prior to the issue of a Permit to Use. Any non compliance with the maximum height limit shall be rectified by the proponent and certified by a licensed surveyor prior to the issue of a permit to use.

#### **ELEMENT G - VEGETATION PROTECTION/ LANDSCAPING**

The following provisions shall apply:

- Remnant vegetation is to be retained in any landscaping proposals including verges.
- A site survey showing all existing vegetation and justification for the removal of any vegetation as part of a residential design shall accompany all applications for development.
- Clearing of vegetation shall be limited to allow construction of approved development and a reasonable private garden area. Significant vegetation, particularly along property boundaries and in front and rear setback areas, should be retained where possible.
- Where possible remnant vegetation is to be retained and used to reduce the visual mass/bulk of dwellings. Applications shall be accompanied by a site survey showing all existing vegetation and a justification for removal of any vegetation proposed to be removed.
- Landscape treatment of all new developments or redevelopment shall predominantly use endemic vegetation, for all species with a mature height above 1.8m.
- The planting of predominantly endemic species will be actively encouraged.

#### **ELEMENT H - VEHICLE ACCESS DESIGN**

The recent trend in Eagle Bay housing design is toward wider driveway widths to enable two and three bay driveway access from the street to a garage or free standing carport.

The streetscape impacts of this trend are clearly evident and show a greater dominance and scale of driveway widths to the detriment of the emerging streetscape mosaic and vegetation verge character. The steeply sloping streets emphasise the visual impacts of steeply sloping broad concrete driveways and crossovers to the detriment of the local street scene. The issue should be redressed by requiring narrower crossover widths for residential development as part of the approval process.

Flexibility in the application of this element will be needed to allow turning radius, sight distances and safety considerations.

The following provisions shall apply in addition to the R Codes requirements:

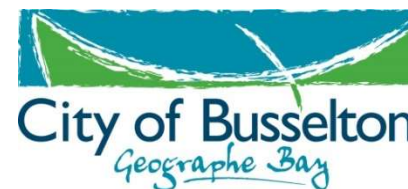
- One crossover per dwelling with a maximum single vehicle width plus minimal transitions which can then widen to the required internal driveway width within the lot shall apply within the Area.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



#### ELEMENT I - SITE WORKS

It is preferable for retaining walls not to be built along side and/or rear boundaries if possible and for a gradation in ground levels to occur from the FFL to the natural ground level at the property boundary to avoid the impact of retaining walls on the street scene and adjoining lots.

The R codes provide requirements for the limiting of site works and cut/fill in order to preserve the prevailing residential amenity but these provisions are not robust enough to deal with the larger scale of development proposals commonly received for development in Eagle Bay Special Character Area.

The following provisions shall apply:

- Development shall be carried out so as to minimise disruption to natural ground levels outside the perimeter of any building.
- Cut and fill for the purposes of slab on the ground construction shall not exceed 0.5m at any point.
- "Brick up" to slab construction or timber/steel frame stumps shall be the preferred method of development.
- No filling, excavation or retaining walls shall be constructed within the street setback area except where the proponent has submitted an Engineers Certificate stating that such is necessary for the prevention of erosion or to ensure site stability.
- Retaining walls along front/road boundaries or within the street setback areas are discouraged but where necessary due to topography shall have a maximum height of 1.0 metre and be stepped should the need arise for large scale retaining. Materials should be local stone and/or timber and be complemented by landscaping using local species. All proposed retaining walls shall be shown in applications together with a written technical justification.
- No fencing or other construction is permitted other than low, open 'rural-style' wire or ring-lock fences with wooden posts and star picket droppers within the front setback area of each lot unless specifically approved by the City of Busselton.

#### 5. REVIEW DETAILS

<b>Review Frequency</b>		2 yearly		
<b>Council Adoption</b>	<b>10/3/2010</b>		<b>C1003/069</b>	
<b>Previous Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	

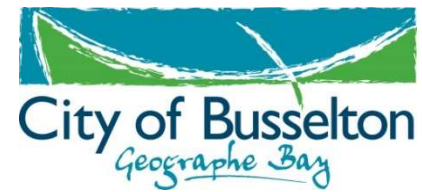
*\* Policy number changed from LPP 3B to LPP 3.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.*



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



#### APPENDIX 1

The following matters will guide the City of Busselton in its decisions regarding infrastructure development and maintenance within the Area:

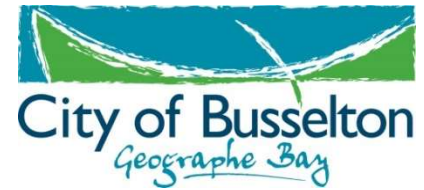
- The provision of any infrastructure or the implementation of public works projects, including road safety works, must have regard to protection where possible of remnant vegetation.
- Vegetation within Reserves and Coastal Management areas will be retained where possible in its current condition.
- Landscape treatments shall be in keeping with the natural environment and surrounds and have regard for the City's recommended species list for the Wonnerup to Bunker Bay Coastal Strip.
- Revegetation of denuded or damaged areas with indigenous plant species shall be required as part of any new development application which relates to such areas. Proposed revegetation plans shall be provided within the development application.
- The reserve comprising Meelup Regional Park is to be maintained for conservation and recreational use.
- The Meelup Regional Park Management Plan is to recognise the importance of protection and restoration of the coastal dunes and the remnants of the buildings/footings of the fish canning factory.
- Management of and access to reserves and coastal management areas shall be retained as far as practicable and within the limits of the City's resources.
- The design of any significant infrastructure or public works such as buildings, bridges, etc, is to reflect local materials such as timber and stone.
- The existing car parking facilities on Lot 48 Fern Road adjacent to the boat ramp are to be maintained with improvements such as limited landscaping and delineation of bays. Upgrading of the boat ramp car park is to be achieved by delineation of bays via planting of additional Peppermint Trees and construction of timber bollards.
- The existing boat ramp is to be maintained with limited construction works on the beach and protection of the informal nature of the ramp.
- Acquisition of land to extend the Jingarmup Brook reserve and protect stream flow from the impacts of adjoining land use is a long term priority.
- Land use within the Area shall remain of a predominantly residential development type.
- A series of plaques is to be developed that point out sites of specific historic interest and provide a brief history of their past including Baudin's landing, Reidel Reserve, the fish canning factory and Jingarmup Brook.
- Any future re-surfacing of the car parking bays alongside Eagle Bay-Meelup Road is to be undertaken using stabilised limestone or a sealed surface. The use of rolled and water bound pea-gravel will be discouraged.
- Roads are not to be widened or kerbed unless essential for traffic, drainage and safety reasons.
- Only roadside footpaths identified in the Eagle Bay Footpath Strategy are to be constructed. (refer attached Strategy)
- Low-scale traffic calming measures such as signage, narrow roads or raised red asphalt (or similar) is to be used as an alternative to roundabouts.
- The City is to implement increased planting of indigenous shrubs and shade trees in all public car parks in the Area.
- Recommendation to be made to Main Roads Western Australia that the speed limit be reduced to 40kph within the settlement and 'no through road' signs installed at the entry for all cul-de-sac streets.
- The City, as a matter of priority, shall rationalise and minimise signage within the Area. A strategy is to be developed by the community in conjunction with the City for timber and lightweight signs.



# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA



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- Construction of a walk trail (and eventually possibly dual use path) between Eagle Bay and Rocky Point is to be investigated.
  - That the consideration of night lighting of pedestrian paths within Eagle Bay be undertaken.

#### APPENDIX 2

Refer to this link for coastal plant species on the City's Website:

[http://www.busselton.wa.gov.au/service/engineering/developments\\_landscaping](http://www.busselton.wa.gov.au/service/engineering/developments_landscaping)



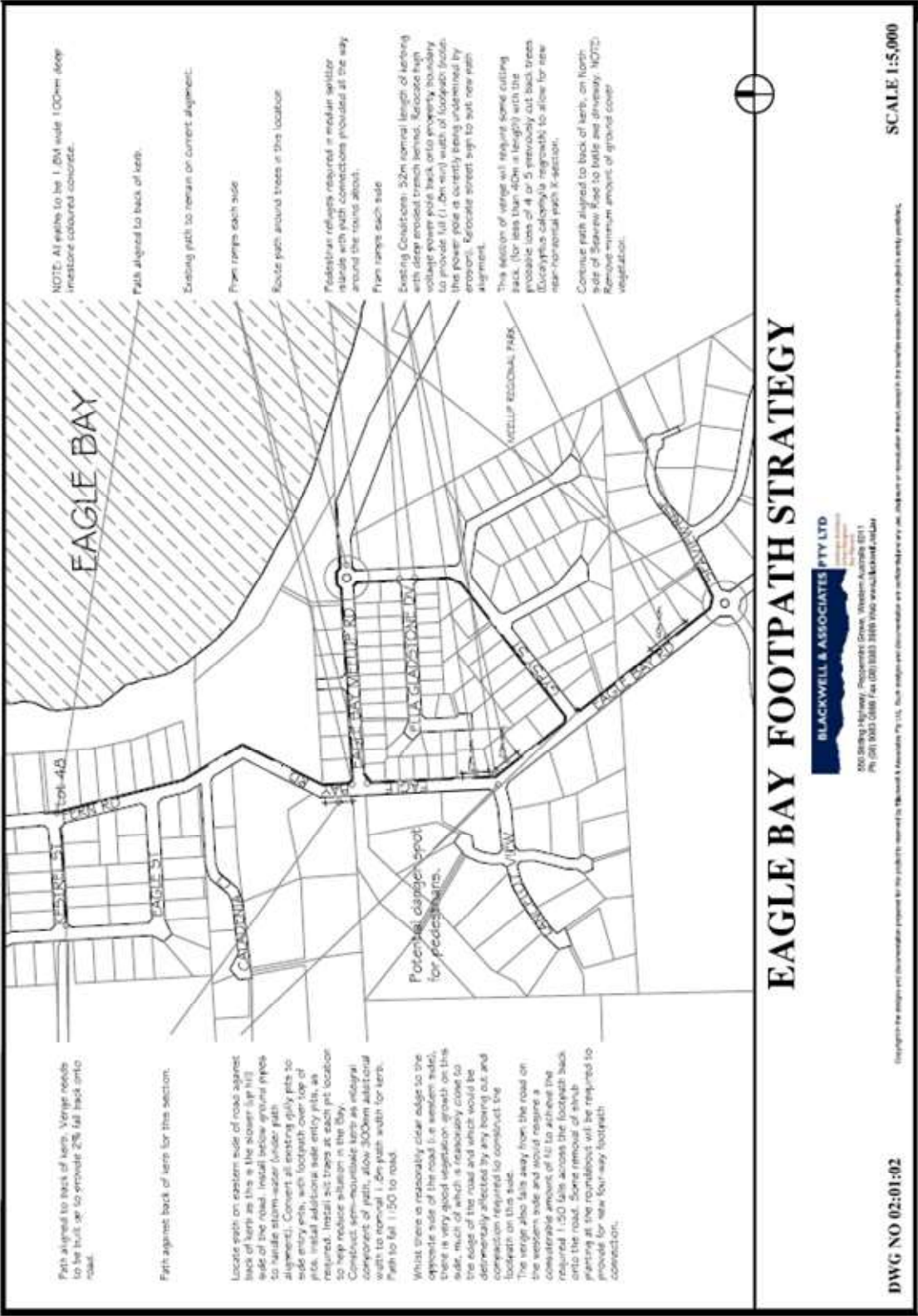
# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

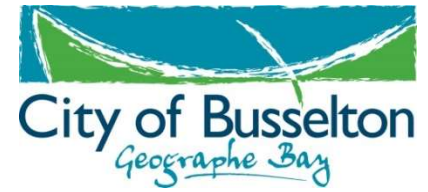


#### APPENDIX 3

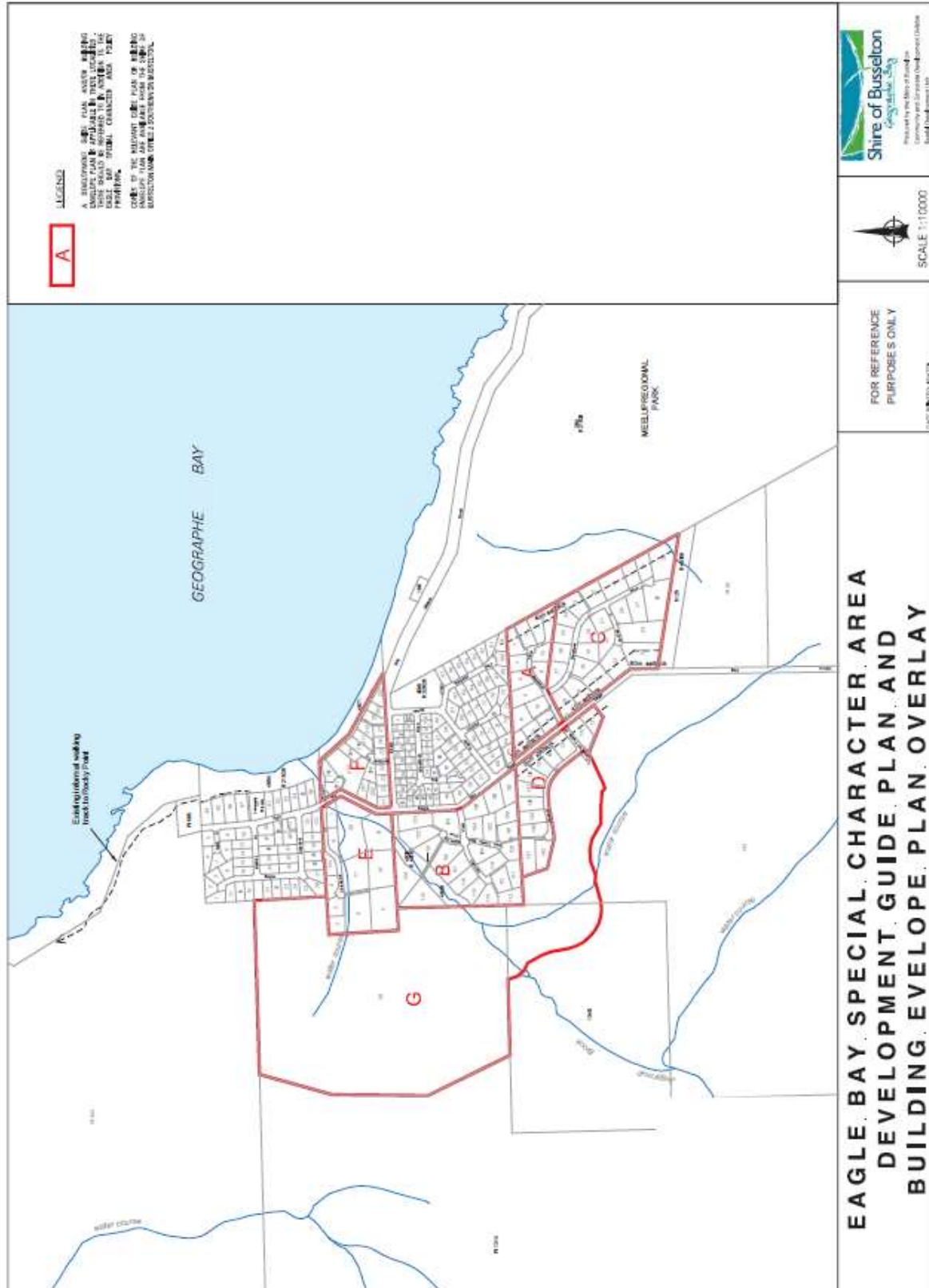




# Local Planning Policy No. 3.3 EAGLE BAY SPECIAL CHARACTER AREA



## APPENDIX 4





# Local Planning Policy No. 3.3

## EAGLE BAY

### SPECIAL CHARACTER AREA

#### APPENDIX 5

