

Policy Title:	Local Planning Policy: College Grove (Stage 5) Design Guidelines
Policy No.:	4.10.1
Previous Policy (No.):	College Grove (Stage 5) Design Guidelines (No.9)
Date Adopted:	21 October 2003 (Council Decision no. 284/03)
Date Last Reviewed:	5 March 2013 (Council Decision no. 55/13)
Legal Parent:	<u>Planning and Development Act 2005</u>
Legal Subsidiary:	<u>City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.</u>

PART A

1 PRELIMINARY

1.1 Citation

This Local Planning Policy is made under section 2.1 of the City of Bunbury Town Planning Scheme No. 7 (the “Scheme”), and may be cited as Local Planning Policy: College Grove (Stage 5) Design Guidelines (herein referred to as the “Local Planning Policy”).

1.2 Commencement

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 21 October 2003. The reviewed Local Planning Policy commenced operation on 21 March 2013.

1.3 Relationship to the Scheme and other Local Planning Policies

1.3.1 Pursuant to section 2.2 of the Scheme, this Local Planning Policy supplements the provisions of the Local Planning Scheme. Where a provision of this Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

1.3.2 The provisions of this Local Planning Policy comprises of the Policy Text and Policy Map. The Local Planning Policy is to be read in conjunction with the Scheme.

- Notes:
1. Land use and development within the Local Planning Policy Area is also subject to the Local Planning Scheme.
 2. A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.4 Relationship with Local Laws

- 1.4.1 This Local Planning Policy operates in conjunction with the Local Government's Local Laws in the regulation of development and the use of land within the Scheme Area.
- 1.4.2 Where a provision of the Local Planning Policy is inconsistent with a Local Law, the provision of the Local Law shall prevail.

2 PURPOSE

The purpose and intent of this Local Planning Policy is to guide the built form of residential development and to ensure a high level of quality and residential amenity within the 'College Grove (Stage 5)' area.

3 OBJECTIVES

In accordance with the Aims of the Scheme, land use and development should achieve the following outcomes for development within the Local Planning Policy Area –

- (a) to ensure that a high standard of residential development occurs and the environmental and visual qualities of the area are protected and maintained; and
- (b) to ensure development that enhances the natural topography of the site.

4 LOCAL PLANNING POLICY AREA

The boundaries of the Local Planning Policy Area incorporate that area referred to as 'College Grove (Stage 5)' as defined by Map 1.

5 APPLICATION

- 5.1 The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of the Scheme and/or where proposed development is considered incidental to a permitted use/development within the zone provisions of the Scheme as determined by the Local Government.
- 5.2 Subject to the Scheme, development and use of land shall be in accordance with the standards and requirements of this Local Planning Policy; and except as otherwise provided, shall require the prior planning approval of the Local Government in accordance with the provisions of the Scheme.
- 5.3 In considering an application for planning approval where a variation is proposed to one or more requirements prescribed under the Residential Design Codes and/or this Local Planning Policy, the Local Government may require the submission of a Development Impact Statement (with terms of reference determined by the Local Government), which has been undertaken by an appropriately qualified person or body at the applicant's expense, as part of any application for planning approval.

Note: Section 11 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

5.4 Accompanying Materials for Applications for Planning Approval

In addition to the information required in accordance with section 9.2 of the Scheme, any application for planning approval shall include detailed plans indicating -

- (a) building envelopes;
- (b) details of any excavation, fill and retaining walls;
- (c) details of existing vegetation and proposed clearing of existing vegetation;
- (d) fence details; and
- (e) details of proposed materials and colours.

6 EXEMPTIONS FROM PLANNING APPROVAL

Except where provided for within the provisions of the Residential Design Codes and subject to compliance with the relevant development requirements and standards of the Scheme, there are no other exemptions or exclusions permitted under the Scheme.

7 MEANING OF TERMS

7.1 Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have -

- (a) in the Planning and Development Act 2005; or
- (b) if they are not defined in that Act -
 - i. in the Dictionary of Defined Words and Expressions in Schedule 1 of the City of Bunbury Town Planning Scheme No. 7; or
 - ii. in the Residential Design Codes; or
 - iii. Building Code of Australia; or
 - iv. in a relevant Australian Standard.

7.2 Notes, and instructions printed in italics, are not part of this Local Planning Policy.

PART B

8 GENERAL STANDARDS FOR LAND USE & DEVELOPMENT

8.1 Land Use & Development

The development of premises is to be in accordance with the requirements of –

- (a) this Local Planning Policy: College Grove (Stage 5) Design Guidelines; and
- (b) the Residential Design Codes for residential and mixed use developments, subject to the variations; and
- (c) the applicable zone provisions under the Scheme; and
- (d) relevant Special Control Area(s); and
- (e) relevant Local Planning Policies or Local Laws; and
- (f) applicable Australian Standards.

Note: Section “8 General Standards for Land Use & Development” of this Local Planning Policy sets out the prescriptive provisions by which land use and development must be carried out within the Local Planning Policy Area.

8.2 Excavation and Site Works

8.2.1 Excavation and site works shall be minimised.

8.2.2 Modifications to the ground level within the front setback area is not permitted.

8.2.3 All excavation and site works shall be contained within the building envelope, with the exception of works to accommodate an access driveway (refer to clause 8.6).

8.3.4 Retaining wall height restrictions for each lot are as specified in Table 8.3.4 below.

Table 8.3.4: Retaining Wall Height Restrictions

Lot No.	Wall Height	Lot No.	Wall Height
201	1.5m	218	2.0m
202	1.5m	219	2.0m
203	2.0m	220	2.0m
204	1.5m	221	2.0m
205	1.5m	222	2.0m
206	2.0m	223	2.25m
207	2.0m	224	2.0m
208	2.0m	225	2.5m
209	1.5m	226	2.25m
210	2.0m	227	2.25m
211	1.0m	228	2.5m
212	1.0m	229	2.0m
213	1.0m	230	2.0m
214	1.5m	231	2.0m
215	2.0m	232	2.0m
216	2.0m	233	1.5m
217	2.0m	234	1.5m

- 8.3.5 Excavation or clearing is not permitted on the side/rear boundaries of lots abutting the existing and future reservoir site.

8.4 Vehicle Access

- 8.4.1 Where a battleaxe access leg is provided to gain access to a lot it is to be the sole means of access.
- 8.4.2 Vehicle access driveways shall be adequately sealed and drained.

8.5 Building Setbacks

- 8.5.1 The minimum front setback from Winthrop Avenue, Keble Heights and Hildas Close is 15.0m.
- 8.5.2 The minimum front setback for battleaxe lots is 10.0m.
- 8.5.3 The minimum side setback is 5.0m.
- 8.5.4 The minimum rear setback is 10.0m.
- 8.5.5 Notwithstanding setback requirements referred to above (clauses 8.5.1 to 8.5.4), subject to consultation with adjoining landowners and demonstration that the development occurs so that the environmental and visual qualities of the area are protected and maintained, and subject to compliance with the building envelope requirements, the following setbacks may be approved –
- (a) The front setback of any lot that fronts Winthrop Avenue, Keble Heights and Hildas Close may be varied by the interchange of the front with the rear setback;
 - (b) The minimum side setback may be reduced to 3.0m;
 - (c) The minimum front setback for battleaxe lots may be reduced to 5.0m; and/or
 - (d) The rear setback for battleaxe lots is 10.0m (to ensure that the integrity of the reservoir site is maintained) except for lots 202, 203, 228, 229, 233 and 234 where the minimum may be reduced to 5.0m.

8.6 Building Envelope

- 8.6.1 A building envelope with an area not exceeding 500m² (not including site works and retaining walls to accommodate an access driveway) may be permitted to be cleared and utilised for the construction of the dwelling, all outbuildings and other structures such as patios and gazebos. The proposed building envelope is to be shown on the site plan.
- 8.6.2 A maximum increase of 50m² to the building envelope may be allowed, subject to consultation with adjoining landowners and demonstration that the development does not have an adverse impact on the environmental and visual qualities of the area.
- 8.6.3 Clearing of vegetation is not permitted outside of the approved building envelope, except to provide site access, fulfil bushfire compliance requirements or to remove trees that are dead, diseased or dangerous (as determined by the City's Landscape Architect). A vegetation survey map is to be provided as part of any planning

application.

If access is required to be provided to outbuildings at the rear of properties then every effort must be made to ensure that significant vegetation is not removed and any determinations in this regard are subject to consultation with adjoining landowners and to be to the satisfaction of the Local Government.

Note: Any outbuilding is required to be located within the allowable building envelope. However, access driveways to the outbuilding are not required to be located within the building envelope.

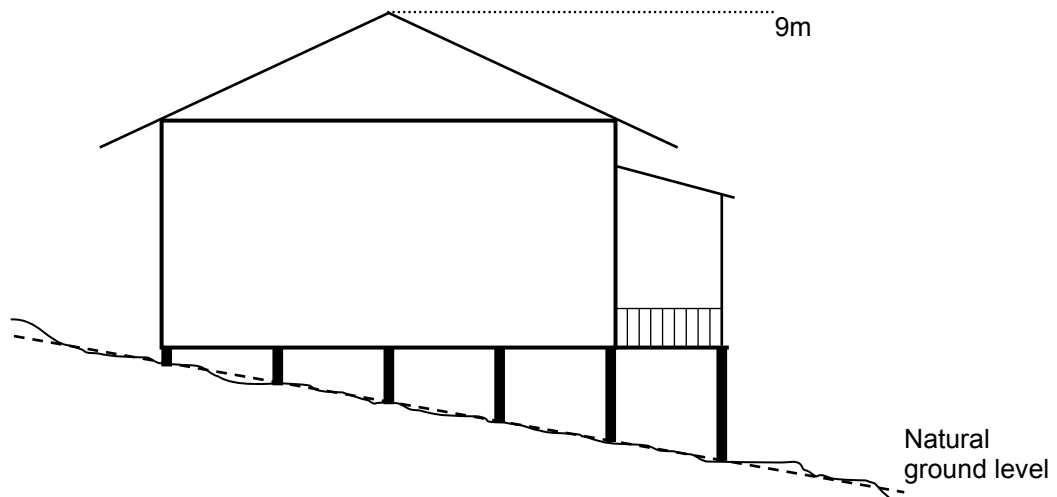
8.6.4 The building envelope referred to above must be approved by the Local Government before any works, including clearing, occur on site.

8.6.5 The Local Government may require the landowner to rehabilitate all embankments prior to occupancy. Rehabilitation may require the retention of existing topsoil which is to be spread back over exposed embankments and the planting and maintenance of vegetation complementary to the existing vegetation.

8.7 Building Height

The maximum building height to the top of a pitched roof shall be 9.0m above natural ground level, in accordance with the Residential Design Codes and any relevant Local Planning Policy. For the purpose of this clause natural ground level means the level of the ground prior to the commencement of any development (refer Figure 8.7).

Figure 8.7: Building Height



8.8 Building Design and Materials

8.8.1 Dwellings shall be sited so as to best utilise solar opportunities.

8.8.2 Dwellings shall be sited so as to maximise privacy.

8.8.3 General materials and goods stored under pole houses shall be stored so as not to be visible from the street or any other public place.

8.8.4 All building materials shall be neutral in colour, to the satisfaction of the Local Government. The use of any Zinalume® roofing material (including any zinc-aluminium coated, galvanized iron, bare or polished metal sheeting) is not permitted. Reflective building materials (i.e. very light building materials, as defined and classified under the Building Code of Australia, with a light reflectance and/or chroma value exceeding 50%) with the potential to create specular glare impact or hazard should be avoided.

8.8.5 Construction of kit homes shall not be permitted unless it can be demonstrated that the proposed kit home is compatible, in terms of building design, size and quality, with adjacent residential development and the provisions contained in this Local Planning Policy.

8.9 Outbuildings and other Structures

8.9.1 Outbuildings and other structures shall be located at the rear of the dwellings.

8.9.2 Outbuildings and other structures shall be designed in a manner and constructed of materials so as to be visually complementing the dwelling that they are ancillary to.

8.9.3 Air condition units, satellite dishes, television aerials and other roof fixtures shall be placed in the least visually intrusive position and where possible, in the same plane as the roof and below the ridge line.

8.9.4 Tower television aerials shall not be permitted where alternative reception systems are available. Community aerials may be permitted, subject to Local Government discretion, provided they do not cause unreasonable material detriment to the visual amenity of the area.

8.10 Boundary Fences

8.10.1 All boundary fences shall be constructed in rural style using timber posts and wire or post and rail.

8.10.2 Solid fences such as masonry, timber, fibre cement shall not be permitted except for the purposes of privacy and child safety and shall only be permitted within the approved building envelope.

8.11 Bushfire Protection

8.11.1 As a minimum, all new dwellings are to be constructed in accordance with the standard residential dwelling requirements for class 1 of the Building Code of Australia (BCA). Buildings located in or exposed to a potential or designated bushfire prone area should be designed and constructed in accordance with the relevant requirements of the BCA and Australian Standard AS 3959-2009: Construction of buildings in bushfire prone areas (as amended).

8.11.2 A fuel free Building Protection Zone (BPZ) shall be established and maintained around each dwelling for the purposes of bushfire hazard protection.

8.11.3 Where the provisions of the Local Planning Policy are inconsistent with a relevant "Special Order" (i.e. an Annual Bush Fire Notice) issued in accordance with section 33 of the *Bush Fires Act 1954*, the provisions of the extant "Special Order" shall prevail.

Note: Building Protection Zone

1. As a general guide, a 20m wide Building Protection Zone (BPZ) with the following characteristics should be established around dwellings in order to protect against bushfire hazard:
 - (a) Clearing of a 3.0m distance is to be carried out along the property boundary. This means that all dead vegetation and dry grasses must be removed (but no removal of live standing trees).
 - (b) With the exception of reticulated gardens the first 5–10m around the building should be clear of all flammable material to a mineral earth standard.
 - (c) All tree branches must be pruned back away from the building for a distance of 5m.
 - (d) All dry grass in the 20m BPZ is to be slashed to a height of 10 cm.
2. Owing to the size of certain lots it may not be possible to achieve the normal 20m wide BPZ in all circumstance given that the position of buildings varies from lot to lot, and hence, building setback distances may be less than 20m from a property boundary. Therefore, the requirements for a BPZ may be modified (i.e. the buffer distance may be reduced) to match the site specific conditions and individual circumstances as determined by the position of the dwelling and out buildings on a lot.

8.12 Subdivision

Any further subdivision of lots within the Local Planning Policy Area will not be supported.

PART C

9 VARIATION OF DEVELOPMENT REQUIREMENTS

- 9.1 Development in accordance with this Local Planning Policy is deemed to comply. However, alternative designs may be considered subject to demonstration that the proposed land use and/or development is in keeping with the purpose and objectives of this Local Planning Policy to the satisfaction of the Local Government.
- 9.2 In exercising any discretion the Local Government should ensure that the variation will not contravene the following provisions of the Scheme -
- (a) purpose & objectives of this Local Planning Policy;
 - (b) section 1.6 The Aims of the Scheme;
 - (c) section 4.2 Zone Objectives; and
 - (d) section 10.2 Matters to be Considered by Local Government.

10 DEVELOPMENT IMPACT STATEMENT

- 10.1 Where an application proposes a variation to one or more Acceptable Development solutions, or is considered to have a significant impact on the existing conditions of a locality, the Local Government shall require a Development Impact Statement to be submitted for assessment as part of an application for planning approval, unless the requirement has been waived by the Local Government.
- 10.2 The report is to be undertaken to the satisfaction of the Local Government and contain the following information in sufficient detail to permit the Local Government to make a proper development assessment of any proposed variation as part of a planning application -
- (a) site analysis showing the natural and finished ground levels, the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding uses, and the nature of existing and likely development in the vicinity of the subject lot/development site;
 - (b) any visual impacts on residential character;
 - (c) any impacts that may effect the quality of the residential amenity;
 - (d) materials and colour palette (if required);
 - (e) any impact on level of traffic in residential amenity;
 - (f) overshadowing diagram;
 - (g) vegetation survey map; and
 - (h) any other relevant information requested by the Local Government.

11 NOTIFICATION & ADVERTISING

Where advertising is required to be undertaken or is deemed to be required by the Local Government, advertising will be undertaken in accordance with the provisions of section 9.4 of the Scheme.

12 IMPLEMENTATION & REVIEW

12.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical and the Scheme makes allowance for this by enabling the Local Government to adopt local planning policies from time to time in order to address specific issues or a range of issues in a specific place.

A local planning policy is a tool to assist developers in preparing proposals with a greater understanding of the Council's desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; and that the City's staff and Councillors can assess development proposals in a more consistent and transparent manner.

12.2 Policy Review

The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.

Map 1: Local Planning Policy Area

[refer to clause 4]



Legend
College Grove (Stage 5)