

<b>Policy Title:</b>	<b>Local Planning Policy: Detailed Area Plan – Casuarina Drive (cnr Wollaston Street)</b>
<b>Policy No.:</b>	4.1.5
<b>Previous Policy (No.):</b>	N/A
<b>Date Adopted:</b>	22 May 2012 (decision no. 149/12)
<b>Date Last Reviewed:</b>	N/A
<b>Legal Parent:</b>	<u>Planning and Development Act 2005</u>
<b>Legal Subsidiary:</b>	<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: Detailed Area Plan – Casuarina Drive (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 22 May 2012. The Local Planning Policy commenced operation on 14 June 2012.

#### 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 Where a provision of this Local Planning Policy is inconsistent with another adopted Local Planning Policy that relates to a designated area, then the provisions of the Local Planning Policy that relate to design guidelines for a designated area shall prevail.

1.3.3 The provisions of this Local Planning Policy comprises of the Policy Text and Policy Maps. 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 for residential development, small scale commercial uses, such as offices, and the horizontal or vertical mix of those uses.

### **3 OBJECTIVES**

In accordance with the Aims of the Scheme, achievement of the following objectives is sought for all developments and land uses within the local Planning policy area -

- (a) to achieve and maintain a high quality of residential and commercial design; and
- (b) to establish and protect local streetscape character and amenity for mixed uses and reduce potential land use conflicts.

### **4 LOCAL PLANNING POLICY AREA**

- 4.1 This Local Planning Policy applies to Lot 222 Casuarina Drive as depicted in Map 1.
- 4.2 The Detailed Area Plan (DAP) map is depicted in Map 2.
- 4.3 The DAP requirements are outlined in Clause 8.2 of this Local Planning Policy.

### **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 Variations to the DAP are not permitted, except with the written approval of the Local Government after it has consulted with adjoining or affected land owners.
- 5.4 In considering an application for planning approval where a variation is proposed to one or more of the DAP requirements prescribed under 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 10 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

## 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: Detailed Area Plan – Casuarina Drive; 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.

#### **8.2 Detailed Area Plan Requirements (DAP Text)**

##### **8.2.1 Purpose and Implementation**

- (a) The intent of this DAP is to guide the land use and built form outcomes following subdivision of the subject land.
- (b) Subdivision of the site is subject to a separate approval from the Western Australian Planning Commission (WAPC) and is to be considered in conjunction with this DAP.
- (c) The requirements of the relevant Local Planning Policies are varied as described in the DAP Text and shown on the DAP.
- (d) The requirements of the City's Town Planning Scheme (the Scheme), the Residential Design Codes (R-Codes) and other relevant LPP shall be satisfied in all other matters.
- (e) Consultation with adjoining or other landowners to achieve a variation of the R-Codes in accordance with the approved DAP, is not required.
- (f) Variations to the DAP are not permitted, except with the written approval of the local government after it has consulted with adjoining or affected land owners.

##### **8.2.2 Land Use**

- (a) All development or change of use within the area defined by the DAP will require the prior planning approval of the local government in accordance with the provisions of the Scheme.
- (b) Table 1 indicates, subject to the Scheme, all uses that are either permitted ("P") or discretionary ("D" and "A") in the City Centre zone.

The local government may apply one or more of the following requirements to be submitted with an application for a "Compatible" use:

- i. Non-residential uses that operate outside of standard business trading hours and/or have the potential to have offsite impacts (e.g. traffic impacts or emissions from noise, light, odour and vibration) are required to provide a Development Impact Statement to support the proposed land use.

- ii. Delivery times of goods/services to non-residential premises shall be provided as part of this application to the satisfaction of the local government, including details of specified loading and service bays on the premises.
- iii. Development proposals shall demonstrate that appropriate interface between residential and commercial uses addresses suitable residential amenity requirements.

“Incompatible” land uses shall not be supported unless there is adequate and reasonable justification for the proposed land use and/or development. Development proposals for a use listed in the “Incompatible” column shall be advertised (including letters to adjoining landowners) and require a Development Impact Statement to be submitted as part of the application for planning approval.

**Table 1: Land Use Table**

<b>Desirable</b>	<b>Compatible</b>	<b>Incompatible</b>
Bed and Breakfast	Betting Agency	Amusement Parlour
Civic Use	Caretaker's Dwelling	Ancillary Accommodation
Community Purpose	Car Park	Child Care Premises
Consulting Rooms	Cinema / Theatre	Convenience Store
Exhibition Centre	Club Premises	Funeral Parlour
Grouped Dwelling	Cottage Industry	Holiday Cottages
Multiple Dwelling	Educational Establishment	Hospital
Office	Family Day Care	Hotel
Serviced Apartments	Fast Food Outlet	Market
Shop	Home Business	Motel
Single House	Home Occupation	Night Club
	Home Store	Reception Centre
	Lunch Bar	Restaurant
	Medical Centre	Service Station
	Place of Worship	Showroom
	Recreation - Private	Storage
	Residential Building	Tavern
	Restricted Premises	Telecommunications Infrastructure
		Trade Display

- (c) Non-residential uses are not permitted on Lots 6 and 7 (as depicted on the DAP).

### **8.2.3 Car Parking**

- (a) The minimum number of car parking bays to be provided for residential uses shall be two (2) bays per residential unit/dwelling.
- (b) The minimum number of car parking bays as indicated on the DAP shall be provided for each lot. Additional car parking shall be provided in accordance with requirements of the Scheme and the R-Codes.

### **8.2.4 Building Setbacks**

- (a) Non-residential and mixed use development fronting Casuarina Drive and Wollaston Street shall be in accordance with the following:
  - i. Shall have a nil front setback, except for residential uses, for building walls up to 6m in height and a minimum front setback of 4m for walls above this level;
  - ii. Lot 10 shall have a nil front setback (along Casuarina Drive, truncation and Wollaston Street) for building walls up to 6m in height and a minimum front setback of 4m for walls above this level;
  - iii. Shall have a nil side setback, except for Lot 1 (northern boundary), for building walls up to 6m in height and a minimum of 2m setback from side boundaries for building walls above this level;
  - iv. Lot 1 shall have a minimum nil side setback (northern boundary) for building walls up to 4m in height and a minimum of 2m setback from the northern boundary for building walls above this level.
- (a) Residential development (not within a mixed use development) shall be in accordance with the following:
  - i. Shall have a minimum front setback of 2m.
  - ii. May have a nil rear setback for garages, except for Lots 1 and 2.
  - iii. Lots 1 and 2 shall have a minimum rear setback of 2m (to Abrahamson Mews) for garages.

### **8.2.5 Architectural Form and Building Façades**

- (a) The appearance of the built form from public streets shall be attractive and visually compatible with the existing character of the area. Building facades and walls that adjoin a street and/or internal accessway/laneway shall be detailed and articulated with design indentations/reliefs, architectural features, colour schemes and active frontages, such as door and window openings, that reduce the visual impact of large blank wall spaces, and which permit passive surveillance of public areas.
- (b) Façades to Abrahamson Mews (Lots 1-4 and 6 and 7) shall have regard to the residential character of the adjoining area.
- (c) Outdoor living areas shall not be located forward of the building line along Casuarina Drive and Wollaston Street.

### **8.2.6 Fencing**

- (a) Solid front (street) fencing shall not exceed 1.2m in height with fencing above 1.2m to a maximum of 1.8m being visually permeable.

- (b) Front fencing is encouraged only on lots used for residential purposes and is not desirable on lots with nil front setback.
- (c) Rear laneway fencing and gates (where erected) shall comprise of black powder coated steel which is a minimum of 80% visually permeable and does not exceed a height of 1.8m.
- (d) Bin or external storage areas shall be screened from street/public view by fencing or enclosures constructed in a style and of materials consistent with the building.
- (e) Retaining walls as depicted on the DAP shall be constructed of limestone or masonry.

### 8.2.7 Noise Attenuation

Using the below construction standards and a setback of 7m from Casuarina Drive, the internal noise levels for residential uses will be equivalent to those where the setback is 15m.

**Table 2: Minimum Construction Requirements where Residential Uses are within 7m of Casuarina Drive**

<b>Proposed Construction</b>	<b>Acoustic Rating, Rw</b>
Double Brick Construction - 90mm Brick / 50mm Cavity, 90mm Brick	49
Roof & Ceiling (Habitable Rooms Only) - Tiled roof with sarking and 16mm thick fire-rated plasterboard (or 13mm thick sound-rated plasterboard) and ceiling insulation (215 Gold Batts 4.0)	44
<b>Where Facade (Habitable Rooms Only) fronts Road</b>	
Windows - 12.5mm thick VLam Hush laminated glass (or 6.5 VLam Hush + 6.5 VLam Hush at 16mm gap insulating Glass Unit)	39
Doors - 44mm thick solid timber core with RP8Si & RP10 Raven acoustic seals	31
<b>Where Facade (Habitable Rooms Only) is side on (perpendicular) to Road</b>	
Windows - 10.38mm thick laminated glass	36
Doors - 35mm thick solid timber core with RP99 & RP94Si Raven acoustic seals	28

### **8.2.8 Bin Stores**

- (a) Each lot shall make provision for bin storage that is screened from view from public areas and forms an integral part of the building.
- (b) Bins and associated storage areas shall not be located within designated car parking areas.

### **8.2.9 Landscaping**

- (a) Street Landscape: Street tree planting, of a species approved by Council and in locations depicted on the DAP, shall be carried out at the time of subdivisional works and maintained by the developer for a period of 12 months following issue of Certificates of Title.
- (b) Notwithstanding, all verge areas abutting the properties shall remain suitably landscaped and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed.

### **8.2.10 Vehicle Access**

- (a) Two accesses are proposed to service the development site. Access to a rear laneway will be taken from Wollaston Street and Abrahamson Mews. However, the laneway will not provide for a through movement.
- (b) Vehicular access to lots 1-4 shall be restricted to Abrahamson Mews and rear laneway. Vehicular access to lots 5-12 shall be restricted to rear laneway access only. At the time of subdivision a restrictive covenant will be imposed on the titles to restrict vehicle access.
- (c) Bins shall not be stored in the rear laneway.
- (d) Vehicles or machinery of any form shall not be parked in the rear laneway for any period of time. The rear laneway shall be kept clear at all times.
- (e) The delivery of goods to any commercial use shall be undertaken via the use of the 'Loading Only' bay to be created on Wollaston Street (as indicated on the DAP)
- (f) Lots 1-4 shall only be serviced by small service vehicles with a wheel base of 3m or smaller. Details regarding servicing, loading and unloading shall be provided as part of the application for planning approval.
- (g) Planning applications for non-residential development on lots 1-4 shall be accompanied by a traffic study/assessment.

### **8.2.11 Waste Management**

Bin collection shall only occur on Wollaston Street and Abrahamson Mews.

- (a) Lots 1 to 4 and 6 to 7 shall place their bins in Abrahamson Mews for collection.
- (b) Lot 12 shall place their bins to the west of the relocated parking bays on Wollaston Street.
- (c) Lots 5, 8, 9 and 11 shall place their bins to the east of the relocated parking bays on Wollaston Street.
- (d) Lot 10 shall place their bins to the east of the proposed laneway intersection on Wollaston Street.

## **PART C**

### **9 VARIATION OF DEVELOPMENT REQUIREMENTS**

- 9.1 Development in accordance with this 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 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 and 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 of the DAP requirements, 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) the location of the subject site and the specific design of the proposed development and all facilities proposed to be provided;
  - (b) site analysis showing the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding buildings and the designs of existing and likely development including the character of the streetscape in the vicinity of the subject lot/development site; and
  - (c) 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.

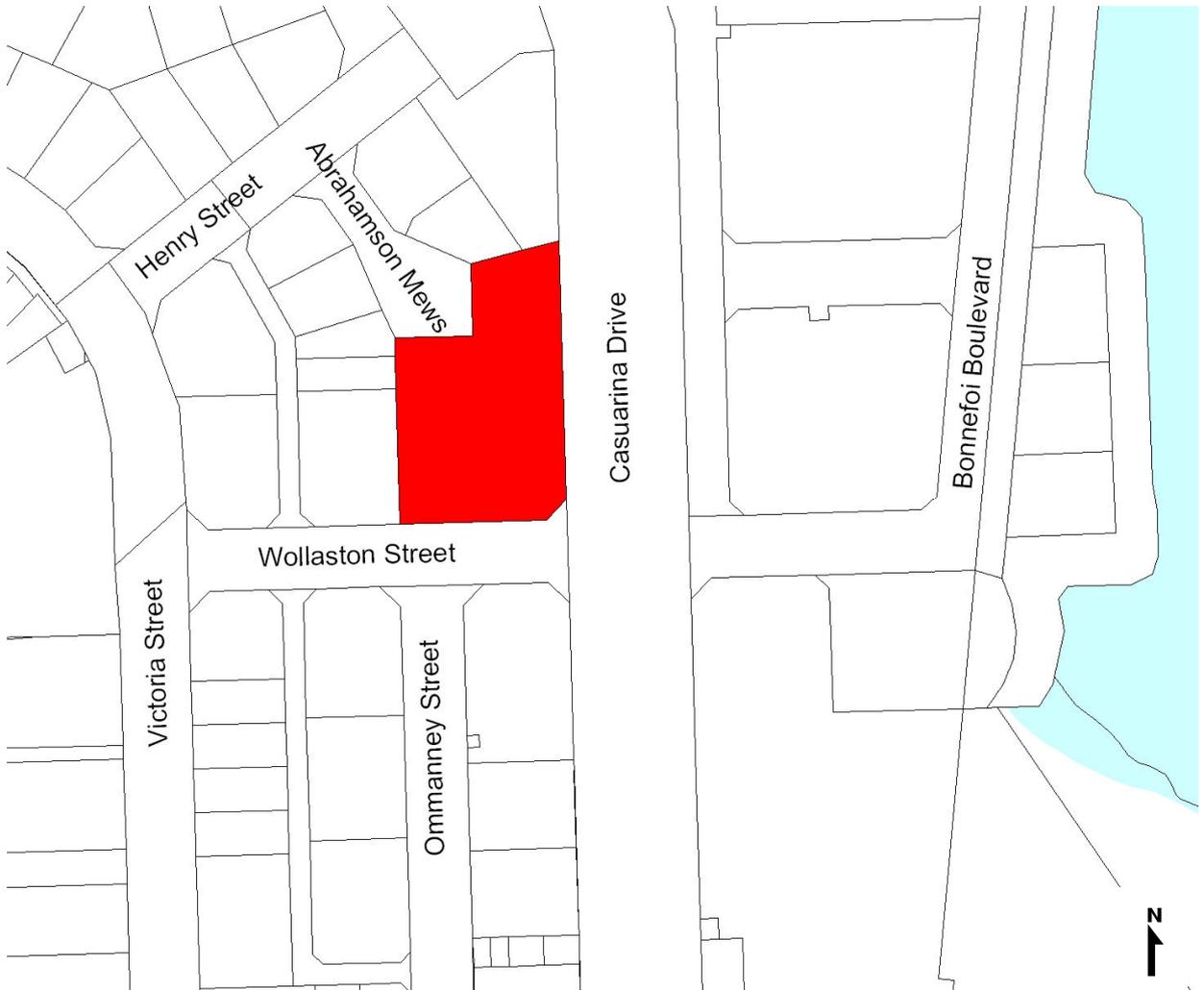
A Local Planning Policy is a tool to assist developers in preparing proposals with a greater understanding of the Council's desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; 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.

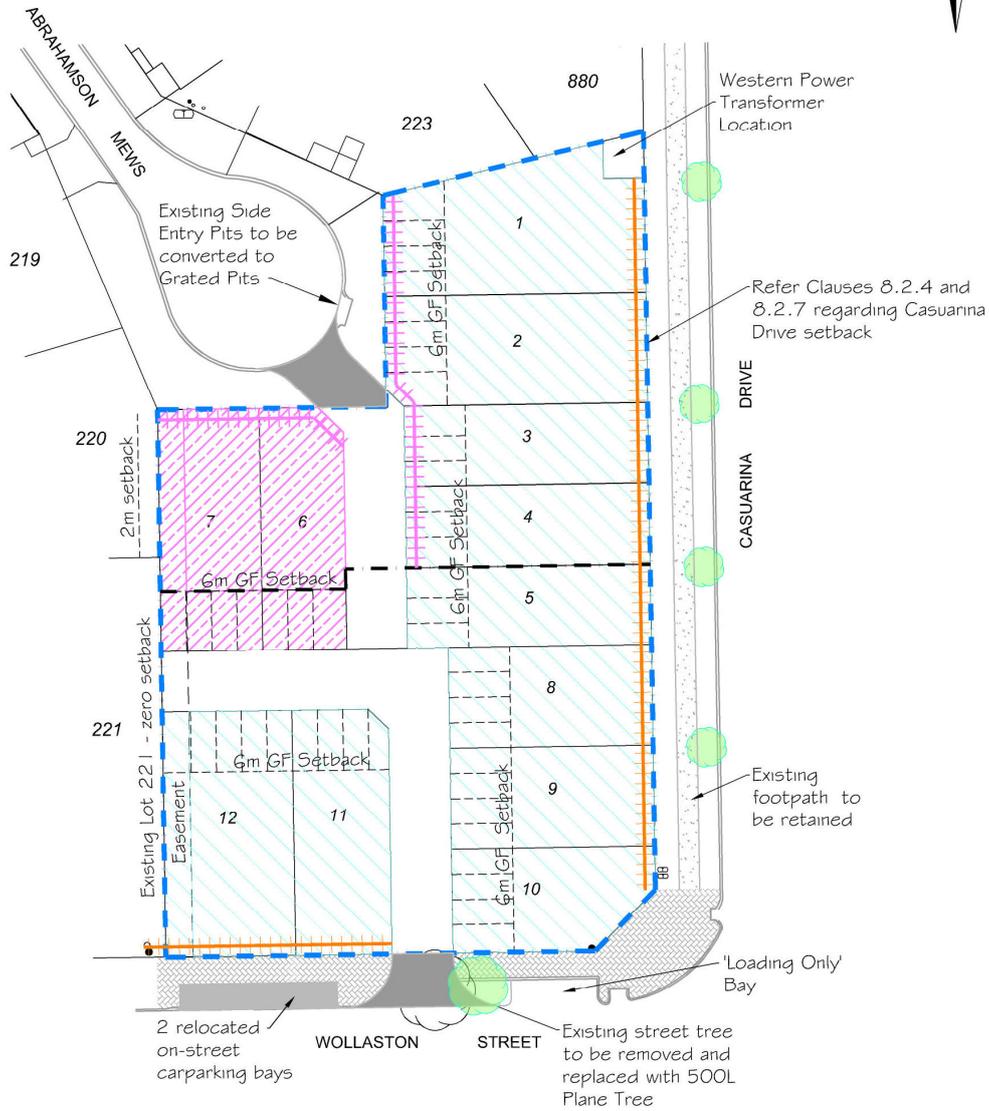
# Map 1: Local Planning Policy Area

[refer to clause 4.1]



# Map 2: Detailed Area Plan Map

[refer to clause 4.2]



DAP Text refer Clause 8.2

## Legend

	Residential		Commercial Facade
	Commercial / Mixed Use		Facade attractive and visually compatible with residential character
	On site Parking Bays		Retaining Wall to 3.5m AHD
	Precinct Boundary		Tree Planting
	6m GF Setback		6m Ground Floor Setback 0m Upper Floor Setback

Map submitted by:  
MPM Development Consultants