



Scheme Amendment No. 10

Local Planning Scheme No. 8



Clauses 17 & 18 (Zoning Table)

and Schedules 1, 2 & 3

Standard Amendment

May 2023

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Form 2A

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

City of Bunbury Local Planning Scheme No. 8 Scheme Amendment No. 10

1. Resolved that the local government, pursuant to section 75 of the *Planning and Development Act 2005* amend the above local planning scheme by:
 - (a) modifying levels of permissibility associated with liquor store large, liquor store small, lunch bar, multiple dwelling and small bar at clause 17 within Table 3 – Zoning Table
 - (b) modifying text and notes at clause 18 – Interpreting Zoning Table
 - (c) inserting a new entry at A.U.15 within Schedule 1, Table 4 – Additional Uses Table
 - (d) deleting R.U.1, R.U.3, R.U.9, R.U.13 and R.U.15 from Schedule 2, Table 5 – Restricted Uses Table
 - (e) modifying land uses and/or requirements listed at R.U.2, R.U.4, R.U. 6, R.U.8, R.U.10 and R.U.14 within Schedule 2, Table 5 – Restricted Uses Table
 - (f) modifying requirements listed at No.3 and No.6 within Schedule 3, Table 6 – Additional Site and Development Requirements Table, and
 - (g) capturing a new entry as No.9 within Schedule 3, Table 6 – Additional Site and Development Requirements Table,

in accordance with the amending pages of the draft Scheme Amendment No. 10 report.
2. Determine that the amendment is ‘standard’ under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - (a) it does not result in any significant impact on land in the Scheme area that is not the subject of the amendment; and
 - (b) it is neither a complex nor basic amendment.

Dated this day of2023

.....
Mal Osborne
Chief Executive Officer

1 Background

1.1 Purpose of Local Planning Scheme

Local planning schemes are made under the *Planning and Development Act 2005*, which sets out the land use planning and development matters that may be addressed in schemes and the requirements for the regular review of schemes. The Act also provides for regulations governing the procedure for the preparation and amendment of local planning schemes and their general provisions, which have application as if part of a scheme. The Planning and Development (Local Planning Schemes) Regulations 2015 prescribe the deemed and model provisions that are to be used for the zoning of land and the regulation of land uses and development control.

1.2 Amending the Local Planning Scheme

Under Part 5, Division 3, cl.34 of the Planning and Development (Local Planning Schemes) Regulations 2015, a 'standard' amendment means any of the following types of amendments to a local planning scheme:

- (a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve*
- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission*
- (c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment*
- (d) *an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan*
- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area*
- (g) *any other amendment that is not a complex or basic amendment.*

1.3 Scheme Amendment Procedure

The proposed scheme amendment has been prepared by the City of Bunbury and is to be progressed in accordance with both the *Planning and Development Act 2005* (sections 75 and 84) and the Planning and Development (Local Planning Schemes) Regulations 2015.

To date, the proposed scheme amendment has not been formally assessed by the Environmental Protection Authority (EPA). The referral of all scheme amendments to the EPA is a requirement under section 81 of the *Planning and Development Act 2005*, which currently obliges local governments to refer any scheme amendment to the EPA upon resolution to prepare or adopt an amendment to the Local Planning Scheme (i.e. LPS8). This referral is to enable the EPA to discharge its responsibilities under section 48A of the *Environmental Protection Act 1986*.

It is expected that the proposed amendment will not require an environmental review in accordance with section 48C(1)(a) of the *Environmental Protection Act 1986* as there are no known significant environmental impacts generated by the proposals.

Subject to formal assessment not being required by the EPA, relevant government authorities and service

agencies will be invited to provide their comments and public advertising would commence in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Following public advertising, the amendment proposals shall be returned to Council for its further consideration, together with any submissions received during the statutory advertising period. The resolution (recommendation) of Council, together with the amending documentation and all submissions are then submitted to the WAPC for the Commission's determination and referral to the Minister for Planning.

1.4 Community Consultation

Following a Council decision to initiate and adopt for the purpose of advertising a 'standard' scheme amendment to LPS8, copies of the scheme amendment documentation will be referred the EPA for its consideration for Environmental Review in accordance with the *Environmental Protection Act 1986*. Following a favourable response from the EPA public notices will be placed in locally circulated newspapers and local landowners (and occupiers) notified in writing where appropriate.

In accordance with both the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed standard amendment is to be referred to all relevant state government agencies and publicly advertised for comment during a formal advertising period of not less than 42 days.

Council must consider any submissions received during the public advertising period prior to final adoption of the proposed amendment. The submissions, together with the scheme amending documentation and Council's resolution, are then to be forwarded on to the WAPC for its endorsement and final approval by the Minister for Planning.

Public advertising dates and submission forms can be downloaded from the public notices and advertisements page of the City of Bunbury's website at www.bunbury.wa.gov.au. Submissions can be lodged during the public advertising period in person at Council's administration centre located at 4 Stephen Street, or alternatively posted to:

Chief Executive Officer
City of Bunbury
PO Box 21
Bunbury WA 6231

Submissions can also be emailed to: info@bunbury.wa.gov.au

2 Proposal

2.1 Purpose of the Scheme Amendment

This Scheme Amendment Report has been prepared for the purpose of revising the City of Bunbury Local Planning Scheme No. 8 (LPS8) by:

- modifying levels of permissibility associated with liquor store large, liquor store small, lunch bar, multiple dwelling and small bar at clause 17 within Table 3 – Zoning Table
- modifying text and notes at clause 18 – Interpreting Zoning Table
- inserting a new entry at A.U.15 within Schedule 1, Table 4 – Additional Uses Table
- deleting R.U.1, R.U.3, R.U.9, R.U.13 and R.U.15 from Schedule 2, Table 5 – Restricted Uses Table
- modifying land uses and/or requirements listed at R.U.2, R.U.4, R.U. 6, R.U.8, R.U.10 and R.U.14 within Schedule 2, Table 5 – Restricted Uses Table
- modifying requirements listed at No.3 and No.6 within Schedule 3, Table 6 – Additional Site and Development Requirements Table, and
- capturing a new entry as No.9 within Schedule 3, Table 6 – Additional Site and Development Requirements Table.

The amendment is being undertaken to ensure that the Scheme:

- responds promptly and appropriately to changes in legislation and related planning instruments
- acts upon findings from its monitoring and review in implementation
- remains clear and unambiguous in intent.

2.2 Planning Context

2.2.1 Scope of Amendment

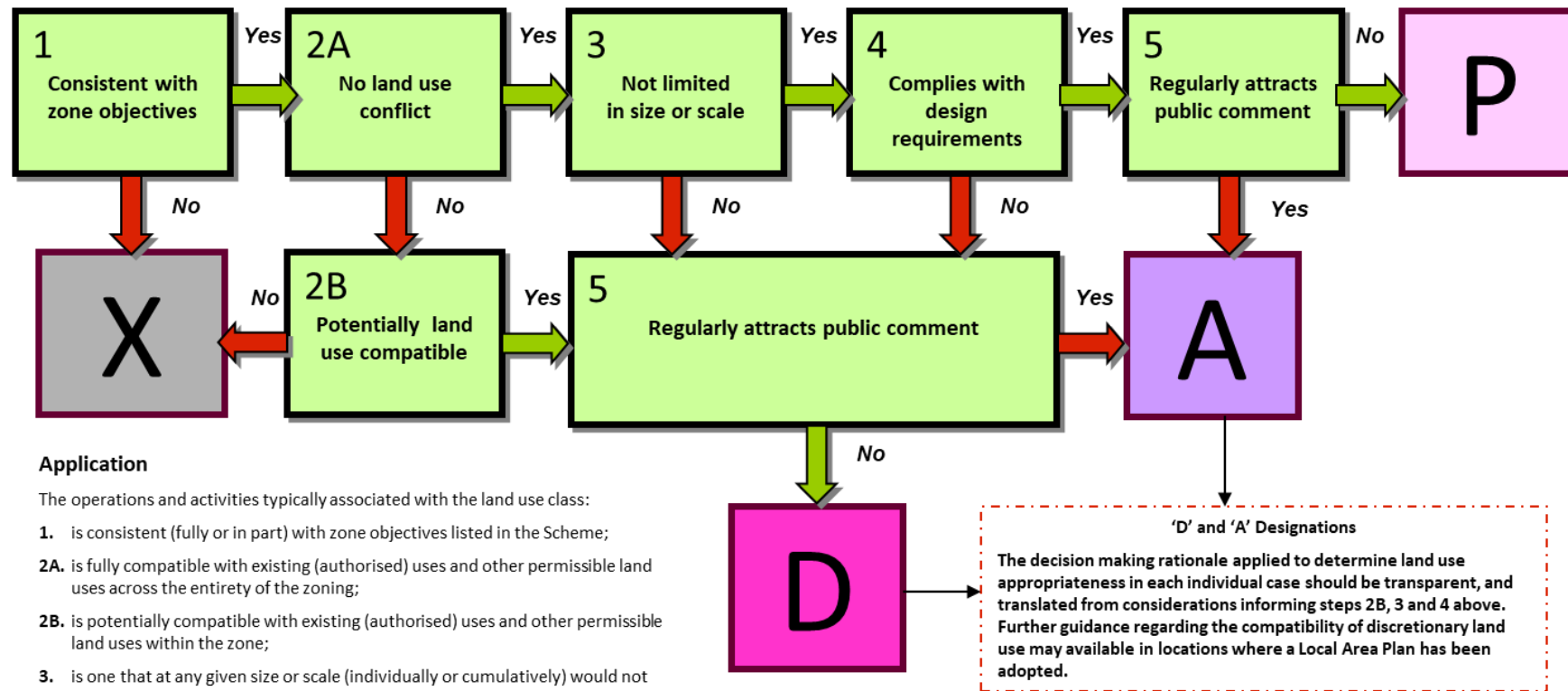
Monitoring and review by the City of its Local Planning Strategy and Local Planning Scheme (the ‘Scheme’) has been on-going since their respective endorsement and gazettal in 2018. To-date three omnibus amendments to the Scheme have progressed, two have been approved by the Minister for Planning and formally gazetted, while the third (Scheme Amendment No.8) remains in progress following initiation by the City on 14 March 2023.

Scheme Amendment No. 10 is also a product of the City’s monitoring and review program. While remaining consistent with the intent of the adopted Local Planning Strategy, proposals contained within this scheme amendment specifically focus upon the following related elements:

- Part 3, clause 17 – Zoning Table
- Part 3, clause 18 – Interpreting Zoning Table
- Schedule 1 – Additional Uses Table
- Schedule 2 – Restricted Uses Table
- Schedule 3 – Additional Site and Development Requirements Table

The methodology employed to guide recommended changes in land use permissibility (i.e. proposed ‘P’, ‘D’, ‘A’ and ‘X’ designations in the Zoning Table of the Scheme text) are the same as was applied in the preparation of Local Planning Scheme No. 8, which ensures a consistent approach is maintained in administering the Scheme for the orderly and proper planning of the city (refer to Figure 1).

Figure 1: Methodology for guiding land use class permissibility.



Note: The above has been prepared to assist in providing a consistent approach in determining an appropriate level of permissibility to a land use class within zones of the Scheme. Elements such as urban form (building height, bulk and scale), intensity of use (including traffic generation) and case specific environmental impacts (able to be managed by use of development conditions) are matters to be assessed and considered at the development application stage.

Consistent with the Planning and Development (Local Planning Schemes) Regulations 2015, the symbols convey the following:

- P *means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme*
- I *means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme*
- D *means that the use is not permitted unless the local government has exercised its discretion by granting development approval*
- A *means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions*
- X *means that the use is not permitted by this Scheme.*

2.2.2 Review Process

Monitoring and review over the course of the Scheme's implementation has included maintaining a list of matters arising and/or requiring further investigation. This record has formed the basis for the preparation of subsequent scheme amendments and was drawn upon again in formulating proposals contained within this amendment document.

Review was also supplemented by a series of internal workshop meetings held with statutory planners directly engaged in the implementation of the Scheme and concurrent assessment of development applications. Outcomes from these workshops have shaped the amendment proposals.

2.3 Scheme Text Amendments

2.3.1 Part 3, Clause 17: Zoning Table, Liquor Store - Large

Within the Scheme, 'Liquor Store – Large' means: *"premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300m²"*

Intent

This land use is currently afforded an 'A' designation within the Regional Centre Zone and District Centre Zone. It is proposed to change this to a 'D' designation within those two zones.

'Liquor Store – Large' is a land use for which there is recognised demand and a reasonable expectation of provision from within the community. It is also acknowledged however that as an outlet for alcohol, alongside other types of alcohol outlet, that it represents an activity that needs to be responsibly managed. In a town planning context the main alcohol management issues for consideration have been identified by the Western Australian Local Government Association (WALGA) as:

- cumulative impact
- trading hours and conditions
- existing and potential harm and anti-social behaviour, and
- physical design

Further:

“The liquor outlet type, placement and the number that sell alcohol within a community are important planning considerations that have the potential to affect not only the general wellbeing and safety of a community, but also the future cost to a Local Government in managing and responding to resulting alcohol issues”.

and,

“There are certain features of an environment (both physical and social) that can make it more or less likely that problems will occur there. Local Governments are in the unique position to influence the nature of many environments through building and planning approval processes. Through thoughtful planning, design and maintenance of these different environments, a reduction in alcohol related problems such as crime and antisocial behaviour can be achieved”¹

It is entirely reasonable therefore to employ a cautious / risk adverse approach when designating a level of permissibility for each type of alcohol outlet within a particular zone of the local planning scheme.

The stance is reflected in the limited level of permissibility currently designated to Liquor Store – Large outlets within the Scheme’s zoning table.

Rationale for the change

The proposal to change the designation within the Regional Centre Zone and the District Centre Zone from ‘A’ to ‘D’ is based on the following:

- i) these two zones are regarded as offering the most robust environments from a place management perspective for locating alcohol related outlets. The two zones typically already accommodate alcohol related establishments indispersed with a mix of other commercial uses that may open late into the evening (e.g. shops, restaurants, leisure and entertainment facilities). As such outlets have potential to assimilate with and be managed alongside a variety of broadly compatible uses - more so than within less vibrant settings typical of other zones
- ii) the ‘A’ level of permissibility requires advertising to be undertaken on each occasion a proposal is submitted, regardless of the scale or complexity of the development involved and this is considered as overly onerous in instances where the use is existing, and the works are minor in nature
- iii) the character the Regional Centre zone and District Centre zone is not however universal, with pockets / streets interfacing sensitives uses or containing a high proportion of residential properties. Accordingly permissibility is intended to remain discretionary (‘D’), with the option remaining available for the City to require advertising and seek public comment when warranted.

Levels of permissibility corresponding to other zones in the Scheme have been reviewed and no changes are proposed.

2.3.2 Part 3, Clause 17: Zoning Table, Liquor Store - Small

Within the Scheme, Liquor Store Small means: *“premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300m².”*

Intent

This land use is currently afforded an ‘A’ designation within the Regional Centre Zone and District Centre Zone. It is proposed to change this to a ‘D’ designation within these two zones.

¹ Local Government Town Planning Guideline for Alcohol Outlets, WALGA, 2017

Rationale for the change

A similar rationale can be applied to that provided for changes in the level of permissibility proposed for Liquor Store -Large at 2.3.1.

2.3.3 Part 3, Clause 17: Zoning Table, Lunch Bar

This land use is currently afforded an 'X' designation within the Mixed Use Commercial Zone, Mixed Use Residential Zone, and Tourism Zone. It is proposed to change this to an 'A' designation within each those zones.

Within the Scheme, Lunch Bar means:

"premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation with a nett lettable area of not more than 100m², but does not include a fast food outlet or restaurant."

Acknowledging 'commercial' facets reasonably associated with the character of mixed use and tourism zones, it is appropriate to extend lunch bar permissibility to allow its consideration for approval within these two zones. The general nature and level of activity associated with a lunch bar is not regarded as being dissimilar to that of a 'fast food outlet' (where this does not include a drive through facility) which presently enjoys an 'A' level of permissibility within these zones. Re-designating of lunch bar to 'A' use permissibility within these zones would then be consistent with the level of permissibility already afforded to 'fast food outlet' in the same two zones.

2.3.4 Part 3, Clause 17: Zoning Table, Multiple Dwelling

In the R-Codes, Multiple dwelling means:

"a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:

- does not include a grouped dwelling, and*
- includes any dwellings above the ground floor in a mixed use development"*

Intent

This land use is currently afforded a 'P' designation within the Regional Centre Zone. It is proposed to change this to a 'D' designation within this zone.

Rationale for the change

There is broad consensus that multiple dwelling should be regarded as a desirable land use within the Regional Centre. In review however there is concern that without the ability to assess a development application (DA), changes of use (where no works are proposed) could result in sub-optimal design outcomes.

The formal submission of a DA allows matters related to building design and residential amenity to be assessed – for example:

- i) to ensure that sufficient and appropriate access to private open space is provided for future occupiers, and
- ii) in acknowledging the vibrant, mixed use character of the Regional Centre and the lively nature of the venues/businesses it supports and may operate late into the evening, to ensure that habitable rooms of a multiple dwelling are satisfactorily protected (acoustically insulated) from potential noise nuisance. This will reduce the likelihood of complaints and potential for land use conflict that may otherwise occur and that could undermine efforts to promote the city centre as a great place to live, work and play².

² City Centre Action Plan, City of Bunbury 2020

2.3.5 Part 3, Clause 17: Zoning Table, Small Bar

Within the Scheme, Small Bar means:

“premises the subject of a small bar licence granted under the Liquor Control Act 1988”.

Intent

This land use is currently afforded an ‘A’ designation within the Regional Centre Zone and District Centre Zone. It is proposed to change this to a ‘D’ designation within those two zones.

Rationale for the change

A similar rationale can be applied to that provided for changes in the level of permissibility proposed for Liquor Store -Large at 2.3.1.

2.3.6 Part 3, Clause 18: Interpretation of Zoning Table

Modifications introduced to the Planning and Development (Local Planning Schemes) Regulations 2015 since they were first incorporated into the City’s Scheme have included revisions to sections of model scheme text at clause 18. It is appropriate to amend the Scheme to be consistent with the wording of the new provisions as updated. The relevant extract from the Planning Regulations Amendment Regulations 2020 is provided below.

32. Schedule 1 clause 18 amended

(1) In Schedule 1 clause 18(2):

- (a) delete “giving notice” and insert:

advertising the application

- (b) delete the notes and insert:

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

(2) In Schedule 1 clause 18(4)(b) delete “give notice” and insert:

advertise

(3) Delete Schedule 1 clause 18(6).

(4) Delete Schedule 1 clause 18(7)(b).

The City has identified the opportunity to supplement the wording in this part to provide greater clarity within the updated Note 2 and Note 3 as follows (City’s additional wording is provided in bold):

*Note 2: Under Clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval. **This exemption does not apply in to land and use classes specified within Schedule 2 – ‘Restricted Uses’ Table***

Note 3: In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use or is specified as an 'Additional Use' at Schedule 1.

2.3.7 Schedule 1: Additional Uses Table

Review of Schedule 1 – Additional Uses Table included consideration of legislative changes introduced by the Planning Regulations Amendment Regulations 2020, in particular clause 61 'Development for which development approval not required'. Outcomes of this review determined that existing Scheme provisions remain relevant, and revision of the table is not necessary. Review of Schedule 2 – Restricted Uses Table however resulted in an entry being proposed to be transferred in part to Schedule 1. This is addressed within the following section at RU15.

2.3.8 Schedule 2: Restricted Uses Table

Schedule 2 provides a list of sites where, because of special circumstances applicable to the site or setting, it has been deemed appropriate to limit the range of permissible uses associated with the parent zone.

Intent

Review undertaken extended to considering:

- the on-going need for Restricted Use to apply (to a particular site)
- the on-going relevance of development requirements attached to Restricted Use sites

Rational for Change

Many of the Restricted Use sites designated in LPS8 were previously 'Special Use Zones' within TPS7 and as such accommodated a specific type or mix of land uses that did not fit comfortably within a single zone of the adopted Scheme. These included most of the City's dedicated tourism and short stay accommodation sites. Recognising the importance of retaining the limited number short stay facilities available in Bunbury, the Restricted Use Schedule was employed at the time as a means of ensuring:

- i) their on-going contribution to bed-space availability and overall tourism product in Bunbury
- ii) the particular demands of a visitor type/market continued to be met (e.g. caravan and camping)
- iii) new development complements the recognised / established tourism function of such sites
- iv) new development remains compatible with the character of the broader setting (especially relevant to 'stand-alone' tourism sites surrounded by sensitive land uses).

With respect to the point i) above, it is relevant to acknowledge that the short stay accommodation sector has transformed over recent years and the heavy reliance upon traditional hotel and motel businesses to meet visitor demand is no longer regarded as being so acute. Furthermore, given the greater level of competition within the sector and the diverse range and types of facilities and services now available, it is considered reasonable in appropriate circumstances to allow traditional providers to explore a wider range of compatible activities that would diversify their core business. These are considered further with following sections. Points ii), iii) and iv) above remain relevant, and as such the Restricted Use designations where these apply are not proposed to be removed, however updates to conditions are appropriate to:

- reflect changes that have occurred in legislation and planning guidelines
- improve wording and clarity in general
- remove outdated conditions (e.g. where these have been superseded by those attached to development approvals)
- modify requirements where these already overlap with provisions found elsewhere within the scheme.

Outcomes of the review are discussed in more detail below and the changes being proposed are captured within the Amending Pages.

RU1: Lot 505 Jetty Road, Bunbury (Marlston North Precinct)

Proposals associated with a Marlston North Precinct broadly emerged from recommendations contained within the *Report to The Waterfront Taskforce 2009*³, with the site development requirements within the Scheme guided both by conceptual drawings prepared as part of this work and feedback generated from the processing and adoption of Greater Bunbury Region Scheme Amendment 0010/41 which was considered in 2010. The development requirements include the need to prepare a structure plan and conditions generally relate to the use of the land and guide the built form.

Envisaged to become a *‘vibrant activity node and destination at the Northern end of Marlston Waterfront’*, the Taskforce Report (Appendix 7) sought to encourage development outcomes generally comprising hospitality/retail/commercial (ground floor) and hospitality/residential (upper floors). The restricted uses as adopted were shaped to reflect this intent.

While remaining attractive for the future location of hospitality/visitor related uses, removing the restricted use status will allow greater flexibility in the range of development opportunities / use options that are able to be explored and then contemplated under the umbrella of the parent ‘Regional Centre’ zoning. The appropriateness of land use(s) being proposed (to the development site and setting) would subsequently be controlled by reference to permissibility as designated within the Scheme’s zoning table.

Acknowledging recent changes to the overarching planning framework, notably those introduced by the State through its planning reform agenda, it is considered appropriate to replace the requirement for a structure plan with that for a Local Development Plan (LDP). Aspects of built form (e.g. massing, height, appearance) and required supporting information is now able to be adequately addressed through a Local Development Plan prepared in accordance with State Planning Policy 7.2 Precinct Design.

The precinct plan requirement and development conditions (updated as relevant) are proposed to be transferred from Schedule 2 to Schedule 3 and captured as a new entry within Table 6 – Additional Site and Development Conditions.

RU2 Marlston East Precinct, Bunbury

Minor modification to wording (as identified in bold) to improve clarity of Condition No.2 as follows:

2. All development (**excluding external and alfresco areas**) is to be set back a minimum distance of 10m from the seawall crest to the building line, to the specifications and satisfaction of the local government.

RU3: Lot 366 Marlston Drive, Bunbury (Lighthouse Beach resort)

The Lighthouse Resort’s prestigious setting together with the significant contribution it makes in providing short stay accommodation is acknowledged within the City’s Local Planning Strategy 2018 which identifies the lot as a ‘Tourism Site’.

Designated as ‘Tourism Zone’ within LPS8, the Restricted Use status currently limits land use upon the site to that of ‘Hotel’ and ‘Motel’. Designated as Special Use Zone No. 48 within TPS7, development was previously restricted to ‘Motel’ alone. The restricted use controls were essentially borne out of a desire to protect and retain the limited number of dedicated short stay (hotel and motel) facilities that remained in the City.

‘Already lacking in short-stay accommodation, the City is conscious of the need to retain current stock, whilst at the same time not wishing to stifle opportunities for appropriate redevelopment where benefits may result from up-grading and diversifying the product. Maintaining and improving the existing range of short stay accommodation is seen as essential to tourism in Bunbury within the immediate to short term (0-10 years), particularly within key locations...’⁴

³ Prepared by the Technical Advisory Group to the Minister’s Bunbury Waterfront Taskforce

⁴ Local Planning Strategy for Tourism 2009, City of Bunbury

Over recent years the short stay accommodation sector has however witnessed significant change. The traditional short stay providers (notably hotels and motels) have been joined by a raft of other business models that offer a diverse range of short stay options in new locations and within different settings with the assistance of on-line booking platforms.⁵

Acknowledging the significant change taking place in this sector and the increased competition faced by traditional providers it is considered reasonable in appropriate circumstances for existing operators to be able to explore a range of complementary opportunities / activities that would allow them to diversify their business product and thus support their viability into the longer term.

Accordingly it is proposed to remove the existing 'Restricted Use' status of this Tourism Zone site. Proposals for any new land use or uses would in future be considered having regard to the objectives of the parent Tourism Zone and consistent with the level of permissibility designated within the Scheme's zoning table. It is of some relevance that 'Regional Centre Zone' lies to the east and south of this site – which then already allows a wide range of commercial and residential development opportunities to be investigated. As such the setting provides a compatible interface for considering a broader range of permissible uses.

In accommodating the modification, acknowledging clause 27(2) of LPS8⁶ it is appropriate to apply a density code over the lot. Having regard to the setting and density coding of interfacing land, an R-Code of 'R100' is proposed.

RU4: Koombana North Precinct, Bunbury

Reference in Condition No.2 to the 'Bunbury Waterfront Project Taskforce Report' is outdated, its relevance being superseded following the adoption of the Koombana North Structure Plan. Accordingly condition No.2 is proposed to be deleted.

RU5: Koombana Bay Caravan Park, Bunbury

No change.

RU6: Sanctuary Golf Resort, Pelican Point

Various updates to conditions to address changes in the planning framework and nomenclature over time. The restriction applied to the 'Shop' to be for the purpose of 'golf merchandise retail sales alone' is removed to allow (potentially) a greater range of products to be available to guests visiting / staying at the resort.

RU7: Back Beach Northern, Central and Southern Precincts, Bunbury

These sites are the subject of on-going review, outcomes from which have yet to be finalised. As such no changes are proposed as part of this amendment.

RU8: Lot 11 Ocean Drive, Lot 2 Greensell Street, Bunbury Ocean Drive Motel

The 'Tourism Zone' designation over this site most directly relates to its long standing status and value as a coastal motel rather than any intrinsic qualities associated with the site itself. While the established land use has bedded in over-time alongside predominantly residential surroundings, acknowledging that the site shares common boundaries with sensitive premises, in the interests of managing development expectations and scope for land use conflict / possible emergence of less well-suited activities, it is

⁵ Levelling the Playing Field, Managing the impact of the rapid increase of Short-Term Rentals in Western Australia Economics and Industry Standing Committee, Report 7, 2019

⁶ Clause 27(2) "Within the Tourism Zone, holiday house, holiday accommodation and serviced apartment uses developed in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government having exercised its discretion be granting development approval."

reasonable to retain the current 'Restricted Use', noting however that this still facilitates a range of potentially compatible uses to be considered.

Various updates are proposed to conditions in order to address changes that have occurred in both the planning framework and in the provision of short stay accommodation over time (as discussed above at RU3). Conditions considered to have become redundant are proposed to be deleted.

RU9: Lot 90 (No.45) Forrest Ave, South Bunbury (Bunbury Apartment Motel)

Located in the 'Mixed Use Commercial Zone' within LPS8 the Restricted Use status currently limits land use upon the site to that of 'Hotel' and 'Motel'. Designated as Special Use Zone No. 40 within TPS7, development was previously restricted to 'Motel' alone.

While the restricted use controls essentially reflected the desire at the time to protect and retain the limited number of dedicated short stay facilities located in the City, the significant changes that have occurred over recent years in the short stay accommodation sector means that the previous reliance placed upon traditional providers to support overnight visitor demand is no longer regarded as critical. This site is not zoned for tourism purposes and does not form part of any 'Tourism Precinct' identified within the Local Planning Strategy 2018. Accordingly it is proposed to remove the existing 'Restricted Use' status of this site. Proposals for any new land use or uses would in future be considered having regard to the objectives of the parent Mixed Use Commercial Zone, consistent with the level of permissibility designated within the Scheme's zoning table.

In accommodating the proposed modification it is appropriate to apply a density code over the lot. Having regard to the setting, 'R40/60' is proposed, consistent with the density coding of adjoining 'Mixed Use – Commercial' zoned land.

RU10: Lot 13 (No.205) Ocean Drive, Bunbury (Sea View Apartments)

The site of the former Fawltly Towers Motel has been redeveloped and a modern facility established which offers a mix of short stay and longer term serviced apartments and supporting facilities. The lot is essentially fully developed and scope for further new build is therefore quite limited.

Although the desired land use outcome for the site has essentially been achieved it is surrounded at close quarters by residential land uses (Residential Zone), and in the interests of both managing expectations and limiting potential for land use conflict it is considered appropriate to retain the 'Restricted Use' status.

Existing development conditions however have largely been superseded by those attached to relevant planning approval(s). Accordingly, with the exception of the floorspace limitation on 'Shop', other conditions are considered to have become redundant and are proposed to be deleted.

RU11: Timperley Road Caravan Park, South Bunbury

No change.

RU12: Washington Ave/Bussell Highway Caravan Park, Usher

No change subject to further investigation.

RU13: Lot 20 (No.2) Lyons Cove, Bunbury

A vacant lot with frontage along Koombana Drive, this site is acknowledged within the City's Local Planning Strategy 2018 as a 'Tourism Site' and as part of a 'Tourism Precinct'. Designated 'Tourism Zone' in LPS8, the Restricted Uses are currently limited to 'Hotel', 'Motel' 'Restaurant Café' and 'Serviced Apartment', and these uses appear alongside a number of associated site development conditions.

Previously forming part of Special Use Zone No. 20 in TPS7, the current Restricted Use status applied to this lot in LPS8 reflects both its prime strategic setting along the Koombana Drive entry into the city centre and the desire to increase and improve, in appropriate locations, the stock of short stay accommodation

available in the City. While the intent retains merit, given the significant changes that are occurring in the short stay accommodation sector and the fact that this site has remained vacant for some time, a more flexible approach is reasonably warranted. Broadening the scope of development options available could stimulate new development interest and lead to site positively contributing to the character and vibrancy of the surrounding tourism precinct.

Accordingly it is considered appropriate to remove the existing 'Restricted Use' status of this Tourism Zone site. Proposals for any new land use or uses would in future be considered having regard to the objectives of the parent Tourism Zone and consistent with the level of permissibility designated within the Scheme's zoning table. The existing development conditions associated with the site do remain relevant and are therefore proposed to be transferred to Schedule 3 – Additional Site Development Requirements Table.

RU14: Lyons Cove / Marabank Loop Bunbury (incorporating Quest Apartments)

Various updates are proposed to existing conditions to address changes that have occurred in the planning framework and in the provision of short stay accommodation over time (as discussed above at RU3). Conditions considered to have become redundant are proposed to be deleted.

RU15: Lot 3 Lot 4 Blair Street, Bunbury

The 'Service Station' Zone that operated within Town Planning Scheme No.7 (TPS7) was discontinued in LPS8. As a consequence, this site together with similarly zoned sites now generally appear as 'Local Centre' Zone within the new Scheme.

During the finalisation of LPS8 this particular site became the subject of redevelopment interest, and it is understood that to address the fact that contamination is present (the result of the former service station use) it was captured within Schedule 2 primarily to limit future development to the consideration of non-residential activities. If however the contamination was able to be cleared / addressed to the satisfaction of responsible regulatory agencies there would be no reason to then omit the consideration of residential use.

Sites similarly zoned that accommodate a service station are not included within the Restricted Use Table but instead appear within Schedule 1 (with 'Service Station' listed as an additional use). In the interests of consistency is considered appropriate to delete the current entry in Schedule 2 and transfer this listing in an updated form to Schedule 1 - Additional Uses Table. Notably approval was granted by Council for the development of a new service station on this lot in 2021. Key conditions attached to that development approval are proposed to be included in the Schedule 1 table.

Notwithstanding the extant approval for a service station, in accordance with the provisions of the Scheme any residential development in this zone - were it to be contemplated, would necessarily be in the form of 'multiple dwelling'. Noting that the current density code of this site is R20/30, it is appropriate for this to be adjusted to better cater for potential mixed use and/or multiple dwelling outcomes. It is proposed therefore to change the existing split R-Code from R20/30 to R40.

2.3.9 Schedule 3: Additional Site Development Requirements Table

Schedule 3 provides a list of sites where, because of special circumstances associated with the lot(s) or setting, it has been deemed appropriate to attach specific development requirements.

Intent

The review undertaken extended to considering:

- the on-going need for development requirements to apply to a particular site
- where development requirements are to be retained, updates/improvements to wording.

Rational for Change***No.1: Part Lot 108 (no.42) Strickland Street***

No change.

No.2: Lot 501 and Lot 211 Holywell Street, Bunbury (Punchbowl Site)

No change subject to further investigation.

No.3: Land at Marabank Loop, Avonbank Way and Lyons Cove

Various updates are proposed to existing conditions to address changes that have occurred in the planning framework over time. Conditions considered to have become redundant are proposed to be deleted.

No.4: Lot 18 Forrest Highway, Lots 17 and 31 Vittoria Road, Glen Iris

No change.

No.5: Lot 100 Bunning Boulevard, East Bunbury

No change.

No.6: Lots at Ward Street, Bunbury

Various updates are proposed to existing conditions to address changes that have occurred in the planning framework over time. Conditions considered to have become redundant are proposed to be deleted.

No.7 Part Lot 108 Strickland Street – Albert Road/Mervyn Street Local Centre

No change.

No.8 Lots at Castle St, South Bunbury

No change.

No.9 Marlston North Precinct

A new entry, this involves transferring in an updated form the development conditions currently associated with R.U.1 in Schedule 2 - which is proposed to be deleted.

2.4 Scheme Map Amendments

2.4.1 Restricted Use map designations and annotations


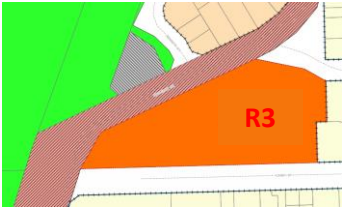
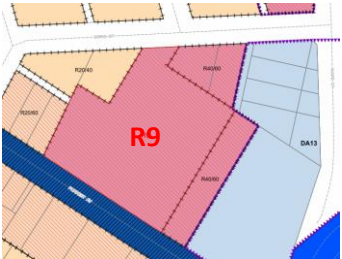
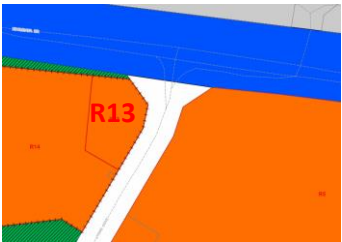
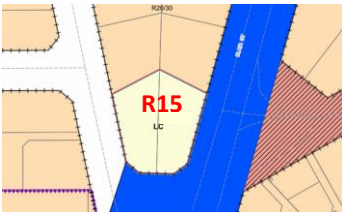
Intent

To remove the Restricted Use ('R') map designations and annotations in keeping with text amendments proposed to Schedule 2.

Rationale

For text and map consistency, and for reasons provided within the relevant proposed amendments to text.

Mapping Amendments

Map Extract	Name/Location and Map Sheet
	Map Amendment No.1 R1 - Lot 505 Jetty Road, Bunbury (Marlston North Precinct) Map Sheet: 1
	Scheme Map Amendment No. 2 R3 - Lot 366 Marlston Drive, Bunbury (Lighthouse Beach resort) Map Sheet: 1 & 4
	Scheme Map Amendment No. 3 R9 - Lot 90 (No.45) Forrest Ave, South Bunbury (Bunbury Apartment Motel) Map Sheet: 5
	Scheme Map Amendment No. 4 R13 - Lot 20 (No.2) Lyons Cove, Bunbury Map Sheet: 5
	Scheme Map Amendment No. 5 R15 – Lot 3 and Lot 4 (No.302) Blair Street, South Bunbury Map sheet 7

3 Conclusion & Recommendations

3.1 Conclusion

The scheme amendment documentation has been prepared consistent with procedural requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and is considered to be concordant with relevant state and local government planning policies and strategies.

3.2 Recommendations

The following recommendations are made with respect to progressing the proposed scheme amendment:

A.	<p>Initiate and adopt for the purposes of public advertising modifications to the City of Bunbury Local Planning Scheme No.8 as Local Planning Scheme Amendment No.10, extending to:</p> <ul style="list-style-type: none"> (a) modifying levels of permissibility associated with liquor store large, liquor store small, lunch bar, multiple dwelling and small bar at clause 17 within Table 3 – Zoning Table (b) modifying text and notes at clause 18 – Interpreting Zoning Table (c) inserting a new entry at A.U.15 within Schedule 1, Table 4 – Additional Uses Table (d) deleting R.U.1, R.U.3, R.U.9, R.U.13 and R.U.15 from Schedule 2, Table 5 - Restricted Uses Table (e) modifying land uses and/or requirements listed at R.U.2, R.U.4, R.U. 6, R.U.8, R.U.10 and R.U. 14 within Schedule 2, Table 5 – Restricted Uses Table (f) modifying requirements listed at No.3 and No.6 within Schedule 3, Table 6 – Additional Site and Development Requirements Table, and (g) capturing a new entry as No.9 within Schedule 3, Table 6 – Additional Site and Development Requirements Table, <p>in accordance with the amending pages of the draft Local Planning Scheme Amendment No. 10 report.</p>
B.	<p>Determine that proposed Scheme Amendment No. 10 is a ‘standard’ amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:</p> <ul style="list-style-type: none"> (a) the amendment does not result in any significant impact on land in the scheme area that is not the subject of the amendment; and (b) it is neither a complex nor a basic amendment.
C.	<p>Refer a copy of the draft Scheme Amendment No. 10 documentation to the Environmental Protection Authority (EPA) for review in accordance with section 81 of the <i>Planning and Development Act 2005</i>.</p>
D.	<p>Subject to formal assessment not being required by the Environmental Protection Authority, refer copies of the draft Scheme Amendment No. 10 documentation to relevant public authorities for consideration and comment, and publicly advertise the proposal as a standard amendment for a period of not less than 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.</p>
E.	<p>Following the completion of public advertising, return the scheme amending documentation to Council for further consideration, along with any submissions lodged with the City of Bunbury during the advertising period and any proposed modifications.</p>

Amending Pages

Planning and Development Act 2005

CITY OF BUNBURY LOCAL PLANNING SCHEME NO. 8 Scheme Amendment No. 10

The City of Bunbury under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above Local Planning Scheme by⁷:

Scheme Text Amendment 1:

Part 3, cl 17 Zoning Table - Table 3

Modifying Table 3 - 'Zoning Table' by revising the land use classification permissibility within designated zones of entries listed such that they appear within the Table as follows:

Table 3 – Zoning Table

Use and Development Class	Zones												
	Regional Centre Zone	District Centre	Neighbourhood Centre Zone	Local Centre Zone	Mixed Use - Commercial Zone	Mixed Use – Residential Zone	Tourism Zone	Residential Zone	Private Community Purpose Zone	Service Commercial Zone	Light Industry Zone	General Industry Zone	Rural Zone
Liquor Store Large	A D	A D	A	X	X	X	X	X	X	A	X	X	X
Liquor Store Small	A D	A D	A	A	A	X	A	X	X	A	X	X	X
Lunch Bar	P	P	P	P	X A	X A	X A	X	D	P	P	P	X
Multiple Dwelling	P D	D	A	A	D	D	X	D	X	X	X	X	X
Small Bar ²	A D	A D	A	X	A	X	A	X	A	X	X	X	X

Scheme Text Amendment 2:

Part 3, cl 18 Interpreting Zoning Table

Modifying text at cl.18 (2) to so that this clause reads as follows:

18 Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings —

⁷Note: While only those sections of text affected by the proposals are captured, the wording of existing text in grey font is provided for the purpose of context, existing text to be deleted is struck through like this, and text captured in blue font identifies changes already proposed and initiated within Scheme Amendment No.8 – Third Omnibus Amendment’.

- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
- I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after ~~giving notice~~ advertising the application in accordance with clause 64 of the deemed provisions; ~~and~~
- X means that the use is not permitted by this Scheme.

Notes for this clause:

Note 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. ~~For development on land that does not require development approval see clause 61 of the deemed provisions.~~

~~Note 2: In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.~~

Note 2: Under Clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval. This exemption does not apply in to land and use classes specified within Schedule 2 – ‘Restricted Uses’ Table.

Note 3: In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use or is specified as an ‘Additional Use’ at Schedule 1.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

(b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class P or class I use, the local government may

not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

~~(6) If a use of land is identified in a zone as being a class 'X' use, the local government must refuse an application for development approval for that use in that zone unless —~~

~~(a) the development approval relates to land that is being used for a non-conforming use; and~~

~~(b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.~~

~~(7)~~ (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —

(a) a structure plan; ~~and/or~~

~~(b) an activity centre plan; and/or~~

~~(c)~~ (b) a local development plan.

Schedule 1, Table 4 – Additional Uses Table

Scheme Text Amendment 3:

Amending Schedule 2 – Table 5 ‘Restricted Uses Table’ by inserting a new entry at A.U.15 such that row within the table reads as follows:

No.	Description of Land	Additional Use	Conditions
A.U.15	South Bunbury: Lot 3 (No. 302) Blair Street; and Lot 4 (No. 302) Blair Street.	<p>The following land use classes use are listed as discretionary ‘A’ uses:</p> <ul style="list-style-type: none"> • Service Station • Motor Vehicle Wash 	<ol style="list-style-type: none"> 1. Dependant on the discretionary approval of local government the use(s) shall be subject to limited times of operation. 2. Development approval shall be supported by a: <ol style="list-style-type: none"> (a) Delivery Management Plan (DMP) (b) Landscaping Plan <p>each submitted, approved and implemented to the specification and satisfaction of the City of Bunbury</p> 3. The subject land parcels must be amalgamated/consolidated into the one certificate of title at the full cost of the landowner and to the satisfaction of the City of Bunbury.

Schedule 2, Table 5 - Restricted Uses Table

Scheme Text Amendment 3:

Amending Schedule 2 – Table 5 ‘Restricted Uses Table’ by:

- deleting entries at R.U.1, R.U.3, R.U.9, R.U.13 and R.U.15
- modifying uses listed in the ‘Restricted Use’ column and requirements listed within ‘Conditions’ column, such that the table reads as follows:

No.	Description of Land	Restricted Use	Conditions
R.U.1	<p>Bunbury (Marlston North Precinct): Lot 500 Jetty Road Lot 505 Jetty Road</p> <p><i>deleted</i></p>	<p>The following land use classes are listed as permitted ‘P’ uses:</p> <ul style="list-style-type: none"> • Hotel; and • Motel. <p>The following land use classes are listed as discretionary ‘D’ uses:</p> <ul style="list-style-type: none"> • Amusement Parlour; • Car Park; • Civic Use; • Club Premises; • Convenience Store; • Exhibition Centre; • Fast Food Outlet; • Lunch Bar; • Restaurant / Café; • Shop (maximum floorspace of 300m²nla); • Serviced Apartment (all floors except ground floor); and • Tourist Development. <p>The following land use classes are listed as discretionary ‘A’ uses:</p> <ul style="list-style-type: none"> • Cinema / Theatre; <p><i>deleted</i></p>	<p>1. Structure Plan:</p> <p>1.1 Prior to any subdivision or development, the local government shall require the preparation and approval of a structure plan for the subject land in accordance with Part 4 of the deemed provisions.</p> <p>1.2 in addition to the structure planning requirements of the Scheme, matters set out within the Bunbury Waterfront Project Taskforce Report (October 2009), in particular policy statement Appendix 7, and the Western Australian Planning Commission Structure Plan Preparation Guidelines (August 2012) are to be addressed to the satisfaction of the local government.</p> <p>1.3 The structure plan is to address sea defence measures including details of any infrastructure requirements within the foreshore reserve (factoring in the impact of coastal processes and future sea level rise).</p> <p>1.4 The structure plan is to include a landscape master plan addressing the landscape principles relating to the foreshore, public open space, road reserve, dual use path network within, and adjacent to, the subject land.</p> <p>2. Development Requirements:</p> <p>2.1 Serviced apartment uses are to be developed in the form of multiple dwellings in accordance with the R Codes and the specific requirements of Building Class 3 of the Building Codes of Australia and must be able to be occupied either permanently as a dwelling or temporarily for short term accommodation purposes, except for ground floors.</p> <p>2.2 Drive through facilities are not permitted.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>2.3 All development is to be set back a minimum distance of 20m from the south-western property boundary adjoining land at street number 27 to number 29 Bonnefoi Boulevard.</p> <p>2.4 Buildings are to provide for an activated ground floor frontage to the Koombana Bay foreshore and to Jetty Road extension.</p> <p>2.5 Sum total of 'shop' use per lot (including a strata or survey strata lot) is limited to a maximum floorspace area of 300m² net lettable area (nla).</p> <p>3. The subdivider shall be responsible for the implementation of:</p> <ul style="list-style-type: none"> (a) drainage and stormwater management in accordance with a local water management plan (b) extension of Jetty Road and associated works (c) public vehicle parking within the road reserve(s) (d) pedestrian and bicycle pathways (and public bike racks) (e) works to address storm surge and sea level rise (f) foreshore improvements (g) public open space development (h) infrastructure remediation works (roads and pathways), within the agreed structure plan area; and (i) associated infrastructure connections adjacent to the subject land to the satisfaction of the local government and prior to the creation of titles <p style="text-align: center;"><i>deleted</i></p>
R.U.2	Bunbury (Marlston East Precinct): Lot 8 (No. 11) Bonnefoi Boulevard; and Strata Lots 1 to 4 on Strata Plan: 44714 (No. 15) Bonnefoi Boulevard.	The following land use classes are listed as discretionary 'D' uses: <ul style="list-style-type: none"> • Amusement Parlour • Civic use • Club Premises • Convenience Store • Exhibition Centre • Fast Food Outlet • Lunch Bar • Restaurant / Café 	<ol style="list-style-type: none"> 1. Drive through facilities are not permitted. 2. All development (excluding external and alfresco areas) is to be set back a minimum distance of 10m from the seawall crest to the building line, to the specifications and satisfaction of the local government. 3. Sum total of 'shop' use per lot (including a strata or survey strata lot) is limited to a maximum floorspace area of 300m²nla.

No.	Description of Land	Restricted Use	Conditions
		<ul style="list-style-type: none"> Shop (300m²nla max floorspace) <p>The following land use classes are listed as discretionary 'D' uses:</p> <ul style="list-style-type: none"> Cinema/Theatre Market Night Club Reception Centre Small Bar 	
R.U.3	<p>Bunbury (Lighthouse Beach Resort):</p> <p>Lot 366 Ocean Drive and Carey Street.</p> <p>Lot 366 (No. 2-8) Marlston Drive</p> <p><i>deleted</i></p>	<p>The following land use classes are listed as discretionary 'P' uses:</p> <ul style="list-style-type: none"> Hotel; and Motel. <p><i>deleted</i></p>	
R.U.4	<p>Bunbury (Koombana North Precinct):</p> <p>Lot 505 Holman Street.</p> <p>Lot 43 (No. 30) Holman Street;</p> <p>Lot 44 (No. 20) Holman Street;</p> <p>Lot 16 (No 21) Holman Street;</p> <p>Lot 9 (No. 31) Holman Street; and</p> <p>Lot 45 (No. 12) Holman Street.</p>	<p>The following land use classes are listed as permitted 'P' uses on all floors, except ground floor:</p> <p>Multiple Dwelling (R-AC0).</p> <p>The following land use classes are listed as discretionary 'A' uses on all floors:</p> <ul style="list-style-type: none"> Amusement Parlour; Car Park; Child Care Premises; Cinema / Theatre; Civic Use; Club Premises; Community Purpose; Consulting Rooms; Educational Establishment; Exhibition Centre; Fast Food Outlet; 	<ol style="list-style-type: none"> Where development standards are not prescribed below or in the an adopted structure plan, the general development standards of the Scheme shall prevail. The location, built form, building bulk and the relationship of buildings to each other shall be generally in accordance with the Bunbury Waterfront Project Taskforce Report (October 2009), in particular policy statement Appendix 6. Buildings are to provide for an activated ground floor frontage to the Koombana Bay foreshore and to Koombana Drive. Residential uses are not permitted on the ground floor of buildings. Serviced apartment uses are to be developed in the form of multiple dwellings in accordance with the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

No.	Description of Land	Restricted Use	Conditions
		<ul style="list-style-type: none"> • Hotel; • Lunch Bar; • Market; • Medical Centre; • Motel; • Office; • Reception Centre; • Tourist Development (e.g. backpackers); • Restaurant / Café; • Shop; and • Small bar; and • Tavern. <p>The following land use classes are listed as discretionary 'A' uses on all floors except the ground floor:</p> <ul style="list-style-type: none"> • Home Occupation; and • Serviced Apartment. 	<ol style="list-style-type: none"> 5. Development on the subject land is to: <ol style="list-style-type: none"> (a) provide for a variety of architectural expression (b) achieve quality contemporary building design (c) incorporate sustainable building principles; and (d) incorporate design elements, details and finishes which articulate the building facades and provide interest. In particular, architectural landmark elements will be required to be incorporated into building elevations adjacent to the eastern boundary of the site. 6. Noise attenuation measures shall be provided between residential and non-residential uses to the satisfaction of the local government and in accordance with the requirements of an endorsed noise mitigation assessment. 7. Vehicle access will be via Holman Street and there will be no direct vehicular access onto, or from, Koombana Drive. 8. The subdivider shall be responsible for the implementation of: <ol style="list-style-type: none"> (a) drainage and storm water management (b) extension of Holman Street and associated works (c) modifications and extensions to Holman Street car park (d) public vehicle parking within the road reserve(s) (e) pedestrian and bicycle pathways (and public bike racks) (f) works to address storm surge and sea level rise (g) foreshore improvements (h) public open space development; and (i) infrastructure remediation works (roads and pathways) within the agreed structure plan area, and to associated infrastructure connections adjacent to the subject land to the specifications and satisfaction of the local government and prior to the creation of titles. 9. The preparation and implementation of an acid sulfate soil management plan, where necessitated by the proposed subdivision and/or development, to the satisfaction of the relevant public authority.
R.U.5	Bunbury: (Koombana Bay Caravan Park).	<i>no change / as existing</i>	<i>no change / as existing</i>

No.	Description of Land	Restricted Use	Conditions
	Lot 751 Koombana Drive; and Lot 752 Koombana Drive		
R.U.6	<p>Pelican Point: Sanctuary Golf Resort Strata Lots 39, 40, 41 and 42 (No. 105) Old Coast Road. <i>AMD 1 GG 13/8/19</i></p>	<p>The following land use classes are listed as discretionary 'D' uses:</p> <ul style="list-style-type: none"> • Club Premises • Holiday Accommodation • Hotel • Motel • Reception Centre • Restaurant / Café • Serviced Apartment • Shop (max floorspace 300m²nla) and • Tourist Development. 	<p>1. Development is to be in accordance with the land use provisions and relevant development conditions of a Local Development Plan prepared in accordance with the scheme for the entire site.</p> <p>1. Development shall be consistent with a local development plan (precinct design) prepared for the entire site in accordance State Planning Policy 7.2 Precinct Design and approved in accordance with Part 6 of the Deemed Provisions.</p> <p>2. In addition to the above the Local Development Plan The local development plan is to specifically incorporate and/or adhere to the following requirements of the local government:</p> <p>(a) Vehicle access to the site is to be limited to the existing entry points from Old Coast Road.</p> <p>(b) A dust, light and odour pollution impact analysis is to be undertaken having due regard to the proximity of the Primary Regional Roads Reserve, Rail Reserve, Port Installations Reserve and Industry Zone. Any mitigating measures deemed necessary as an outcome of the study are to be implemented concurrently with any development application.</p> <p>(c) A noise mitigation study is to be prepared (by a suitably qualified acoustic engineer) in accordance with State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning and address potential noise impacts from the:</p> <ul style="list-style-type: none"> (i) Forrest Highway and Old Coast Road (ii) Port Access Road and Rail Corridor; and (iii) Proposed Port of Bunbury expansion as identified in the 'Buffer Definition Study' <p>to the satisfaction of the local government, Main Roads Western Australia and the Southern Ports Authority. Any mitigation measures as an outcome of the Noise Mitigation Study are to be implemented concurrently with any development application.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>(d) A 'Bushfire Management Plan' is to be prepared to the satisfaction of the local government and the Department of Fire and Emergency Services Authority of Western Australia. Any mitigating measures deemed necessary as an outcome of the assessment are to be implemented concurrently with any development application.</p> <p>(e) Details of commercial and residential waste storage and collection arrangements to the satisfaction of local government.</p> <p>(f) Areas (and facilities) set aside as communal open space are to be shown on the L local D development P plan.</p> <p>(g) A draft strata management statement to the satisfaction of the City of Bunbury and the Western Australian Planning Commission. Such management statement (to be approved by the local government prior to issuance of any development approval) is to address the management of the short-term accommodation and the relationship to the unrestricted length of stay occupancy standard.</p> <p>3. Where a L local D development P plan (or any subsequent amendments) proposes development at a scale that may generate significant additional vehicular movements onto or from Old Coast Road, the City of Bunbury, in consultation with Main Roads Western Australia, shall require the submission of a suitable Traffic Impact Assessment.</p> <p>4. The local government may choose to waive the requirement for a local development plan where it is satisfied that:</p> <p>(a) proposed development does not conflict with the principles of orderly and proper planning, and</p> <p>(b) proposed development would not prejudice the overall development potential of the area.</p> <p>5. Short-Term Accommodation and Unrestricted Length of Stay:</p> <p>(a) shall be in the form of grouped dwelling and/or multiple dwelling and are to be designed, constructed, operated/occupied as determined by the local government, with regard to relevant local planning policies and matters to be</p>

No.	Description of Land	Restricted Use	Conditions
			<p>considered by local government under the Scheme.</p> <p>(b) shall be restricted to Strata Lot 40 and shall be designed in accordance with a residential density code of 'R40', as prescribed under the Residential Design Codes.</p> <p>(c) shall provide a proportion of the open space requirement (necessary to conform with the relevant provisions of the Residential Design Codes), on site as communal open space within an area designated on the approved Local Development Plan plan map</p> <p>(d) shall provide additional communal/recreational facilities (or alternatively, contribute to the upgrading of central facilities) as designated on the approved Local Development Plan Local Development Plan.</p> <p>6. All short-stay accommodation units will be subject to a section 6 restriction under the Strata Titles Act 1985, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p> <p>7. As a condition of sub-division, the following notifications are to be included on the certificates of title—</p> <p>(a) For any 'short-stay' lots - 'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the City of Bunbury as required.'</p> <p>(b) For all lots - 'Residents are advised of potential noise impacts from existing/proposed adjacent road, rail and port infrastructure/activities which may impact residential amenity.'</p> <p>8. 'Shop' use is restricted to a maximum (in total) of 300m² and is restricted to golf merchandise retail sales.</p> <p>9. The applicant shall liaise with the Department of Indigenous Affairs Planning, Lands and Heritage, to determine if development is within 30m of registered sites on the adjoining land and provide written evidence to the local government in this regard.</p>

No.	Description of Land	Restricted Use	Conditions
			10. Any advertising signage along the 'Primary Regional Roads Reserve' requires the approval of Main Roads Western Australia.
R.U.7	Bunbury (Back Beach Northern, Central and Southern development precincts): Lot 76 Ocean Drive; Lot 66 Ocean Drive; Lot 497 Ocean Drive; Lot 1 Ocean Drive; and Lot 2 Ocean Drive.	<i>no change / as existing</i>	<i>no change / as existing</i>
R.U.8	Lot 11 (No. 123) Ocean Drive; and Lot 2 (No. 14) Greensell Street.	<p>The following land use classes are listed as discretionary 'D' uses:</p> <ul style="list-style-type: none"> • Hotel • Motel • Restaurant / Café • Serviced Apartment • Shop (maximum floorspace of 100m²nla) and • Tourist Development. <p>If the requirement for a local development plan is waived, the above land use classes are permitted only where the local government has exercised discretion as an 'A' use by granting development approval.</p>	<p>1. Application Requirements:</p> <p>1.1 All development shall be consistent with a local development plan (precinct design) prepared in accordance with State Planning Policy 7.2 Precinct Design and approved by the local government in accordance with Part 6 of the Deemed Provisions.</p> <p>1.2 The local development plan is to be prepared in accordance with Liveable Neighbourhoods and incorporate design principles appropriate to the lot's/development site's designation as a 'Non Strategic Tourism Site'. The local development plan must show such detail to the satisfaction of the local government that the development is consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity.</p> <p><i>Note: Guidance on 'Non Strategic Tourism Site' design principles is provided by the following, as amended:</i> <i>(a) City of Bunbury Local Planning Strategy for Tourism (2009); and</i> <i>(b) Tourism Planning Taskforce Report (2006), recommendation 10.</i></p> <p>1.3 The local government may choose to waive the requirement for a local development plan where it is satisfied all criteria have been adequately addressed by applicant for development approval.</p> <p>1.4 The local development plan is to include design statements to the satisfaction of the local government, which as a minimum demonstrate how the design layout achieves a high level of integration across the lot/development site and</p>

No.	Description of Land	Restricted Use	Conditions
			<p>within its local area.</p> <p>1.5 The local development plan (and/or development application) must include information or detail to the satisfaction of the local government dealing with, but not limited to, the following:</p> <ul style="list-style-type: none"> (a) standards and requirements for development, site planning and building design (b) any required limitations on floor areas relating to particular land uses (c) building height, scale and plot ratio (d) development setbacks from boundaries (e) landscaping within setback areas and between buildings (f) interface and buffer treatments (including fencing) between the surrounding residential uses and the development site (g) urban design treatment of streetscapes and residential interfaces (h) traffic management including access ways and internal circulation (i) vehicle parking and circulation areas and treatments (j) pedestrian access and movement (k) location and extent of communal and private outdoor living areas; and (l) passive surveillance (Designing out Crime principles). <p>1.6 1.2 The local government shall may require the preparation and submission of a Stormwater Management Plan as part of to accompany any local development plan. The Stormwater Management Plan is to be designed and implemented in accordance with the decision process for Stormwater Management in WA (Department of Water, 2009) and the Stormwater Manual for Western Australia (Department of Water, 2004-2007).</p> <p>1.7 Transport Assessment:</p> <ul style="list-style-type: none"> (a) A transport assessment is to be prepared as part of any local development plan. A The transport assessment is to be undertaken in accordance with Western Australian Planning Commission Transport Assessment Guidelines for Developments Volume 3 Subdivisions, as amended, to the specifications and satisfaction of the local government; and (b) The transport assessment and its recommendations are to be submitted for consideration and approval by the local government, prior to the local government's endorsement of any local development plan (and/or application for development approval).

No.	Description of Land	Restricted Use	Conditions
			<p>1.3 A transport impact assessment may be required to be submitted for consideration and approval by the local government prior to the endorsement of any local development plan and/or the granting of development approval.</p> <p>1.8 1.4 The local government may require an acoustic report to be prepared assessing potential noise impacts from the proposed development on surrounding properties to the satisfaction of the local government. and the Western Australian Planning Commission.</p> <p>1.5 The local government may choose to waive the requirement for a local development plan where it is satisfied that:</p> <ul style="list-style-type: none"> (a) proposed development does not conflict with the principles of orderly and proper planning, and (b) proposed development would not prejudice the overall development potential of the area. <p>2. Land Use Requirements and Unrestricted Length of Stay:</p> <p>2.1 Hotel, motel, serviced apartment and tourist development uses without the unrestricted length of stay occupancy standard are to be the primary/predominant land uses and shall be located/orientated toward Ocean Drive.</p> <p>2.2 Serviced apartment uses developed in accordance with the 'multiple dwelling' type of the R Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or local development plan, subject to the local government having exercised its discretion by granting development approval.</p> <p>2.3 2.1 Serviced apartment uses with the unrestricted length of stay occupancy standard shall be designed in accordance with the 'multiple dwelling' type and a residential density code of R80, as prescribed under the R- Codes.</p> <p>2.4 A minimum of 14 rooms/units within any development on site are to be</p>

No.	Description of Land	Restricted Use	Conditions
			<p>provided and maintained exclusively for the purpose of short term accommodation only (i.e. hotel, motel, tourism development or serviced apartment without unrestricted length of stay occupancy standard).</p> <p>2.5 2.2 All serviced apartment uses, where the unrestricted length of stay occupancy standard has not been approved, will be subject to a 'Section 6' restriction under the Strata Titles Act 1985, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p> <p>2.6 2.3 As a condition of subdivision, the following notification is to be included on the certificates of title: 'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the local government as required.'</p> <p>2.7 2.4 Sum total of 'shop' use is limited to a maximum floorspace area of 100m²nla in total for the entire restricted use area.</p> <p>2.8 2.5 The shop and restaurant uses are to be restricted to Lot 11 Ocean Drive and are not to front Greensell Street.</p> <p>3. Development Standards:</p> <p>3.1 All development is to be undertaken in a manner which is consistent with an approved local development plan.</p> <p>3.2 3.1 Where development standards are not prescribed in the an approved local development plan the Scheme provisions shall prevail.</p> <p>3.3 Vehicle access and parking is to be provided in accordance with scheme requirements and located in accordance with the approved local development plan.</p>

No.	Description of Land	Restricted Use	Conditions
R.U.9	<p>South Bunbury: Lot 90 (No. 45) Forrest Avenue.</p> <p><i>deleted</i></p>	<p>The following land use classes are listed as discretionary 'P' uses:</p> <ul style="list-style-type: none"> Hotel; and Motel. <p><i>deleted</i></p>	<p>Vehicle access is to be provided only from Forrest Avenue.</p> <p><i>deleted</i></p>
R.U.10	<p>Bunbury: Lot 3 (No. 205) Ocean Drive. Lot 13 (No. 205) Ocean Drive.</p>	<p>The following land use classes are listed as discretionary 'D' uses:</p> <ul style="list-style-type: none"> Hotel Motel Restaurant / Café Serviced Apartment Shop (maximum floorspace of 100m² nla) 	<p>1. A minimum of 14 units shall be retained and maintained exclusively for the purpose of hotel, motel and/or serviced apartment use without unrestricted length of stay occupancy standard.</p> <p>2. Hotel, motel and/or serviced apartment uses without unrestricted length of stay occupancy standard are to be provided with frontage to Ocean Drive.</p> <p>3. Serviced apartment uses developed in accordance with the 'multiple dwelling' type of the R Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or local development plan, subject to the local government having exercised its discretion by granting development approval, except for a minimum of 14 units.</p> <p>4. Where development would result in a strata scheme arrangement, prior to occupation, a long term management agreement will be required to be established and retained between owners of any multiple dwelling use and the hotel, motel and serviced apartment operators in order to ensure the integrated management of all short term and unrestricted length of stay accommodation uses.</p> <p>5. All serviced apartments where the unrestricted length of stay occupancy standard has not been approved will be subject to a 'Section 6' restriction under the Strata Titles Act 1985, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p> <p>6. As a condition of subdivision, the following notification is to be included on the certificates of title: 'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12 month period. In this regard a register of guests is to be</p>

No.	Description of Land	Restricted Use	Conditions
			made available for perusal by the local government as required. 7. 1. The sum total of 'shop' use is limited to a maximum floorspace area of 100m ² in total for the entire restricted use area.
R.U.11	South Bunbury: Lots 249 and 248 Timperley Road, cnr Bussell Highway. Lot 248 and Part Lot 249 (No. 65) Timperley Road, cnr. Bussell Highway.	The following land use classes are listed as discretionary 'P' uses: <ul style="list-style-type: none"> • Caravan Park • Caretakers Dwelling. 	<i>no change (no conditions)</i>
R.U.12	Usher: Lot 2 Bussell Highway, Cnr. Washington Avenue.	The following land use classes are listed as discretionary 'P' uses: <ul style="list-style-type: none"> • Caravan Park • Caretakers Dwelling. 	<i>no change (no conditions)</i>
R.U.13	Bunbury: Lot 20 (No. 2) Lyons Cove. <i>deleted</i>	The following land use classes are listed as discretionary 'D' uses: <ul style="list-style-type: none"> • Hotel • Motel • Serviced Apartment. <i>deleted</i>	1. Serviced apartment uses developed in accordance with the 'multiple dwelling' type of the R Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or local development plan, subject to the local government having exercised its discretion by granting development approval. 2. Serviced apartment uses with the unrestricted length of stay occupancy standard shall be designed in accordance with the 'multiple dwelling' type and a residential density code of R100, as prescribed under the R Codes. 3. The maximum plot ratio within the subject site shall be 1.5. 4. Development to address the uses proposed on the site and the relationship between those uses and adjoining land uses to the satisfaction of the local government. 5. Development of the site being of a high quality and enhancing and complimenting the existing developments in the North Shore area in order to provide a high

No.	Description of Land	Restricted Use	Conditions
			<p>standard of visual amenity to the locality to the satisfaction of the local government.</p> <p>6. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.</p> <p>7. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of the local government.</p> <p>8. All proposed car parking for the development to be provided in accordance with Scheme provisions and to be provided under cover where possible or otherwise screened from external view from outside the development site so as to not negatively affect the external appearance of the development to the satisfaction of the local government.</p> <p>9. No direct vehicle access is to be provided from Koombana Drive.</p> <p>10. Development to provide pedestrian access along the Koombana Drive frontage to the satisfaction of the local government.</p> <p>11. Deep sewerage and underground power to be provided to the satisfaction of the local government.</p> <p>12. All serviced apartment uses be setback a minimum distance of 25m from the southern paved edge of Koombana Drive. A reduction of the required setback may be considered subject to an acoustic report specifying construction required for noise attenuation.</p> <p>13. An acoustic report is to accompany any development proposal adjacent to Koombana Drive specifying construction requirements for noise attenuation to the specifications of the local government and any relevant public authority and consistent with State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p> <p>14. Appropriate setbacks being imposed around two monitoring bores of the site/lot as recommended by the relevant public authority.</p>

No.	Description of Land	Restricted Use	Conditions
			<i>deleted</i> <i>Note: Refer to Schedule 3 – Additional Site and Development Requirements</i>
R.U.14	<p>Bunbury:</p> <p>Lot 12 Lyons Cove (No. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 38 Marabank Loop); and</p> <p>Lot 18 (No. 14 and 16) Lyons Cove, and portion of Lot 19 Lyons Cove.</p> <p>Lot 36 Lyons Cove</p> <p>Lot 36 (U1-7 No. 16) Lyons Cove</p> <p>Lot 36 (U3-29 No. 14) Lyons Cove</p> <p>Lot 18 (No. 14) Lyons Cove</p> <p>Lot 12 (Nos. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 38) Marabank Loop</p>	<p>The following land use classes are listed as discretionary 'P' uses:</p> <ul style="list-style-type: none"> • Holiday Accommodation • Hotel • Motel • Serviced Apartment • Convenience Store (incidental use) • Reception Centre (incidental use) • Recreation Private (incidental use) • Restaurant / Café (incidental use); and • Other incidental uses to a tourist resort. 	<p>1. A minimum of 52 units shall be retained and maintained exclusively for the purpose of holiday accommodation, hotel, motel and/or serviced apartment use without unrestricted length of stay occupancy standard.</p> <p>2. Holiday accommodation and serviced apartment uses (on Lot 12) developed in accordance with the R Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government having exercised its discretion by granting development approval.</p> <p>3. The unrestricted length of stay occupancy standard is restricted to Lot 12 only, and holiday accommodation and serviced apartment uses shall be designed in accordance with a residential density code as indicated on the Scheme Map, and as prescribed under the R Codes.</p> <p>4. Development to address the uses proposed on the site and the relationship between those uses and adjoining land uses to the satisfaction of the local government.</p> <p>5. Development of the site being of a high quality and enhancing and complimenting the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of the local government.</p> <p>6. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.</p> <p>7. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of the local government.</p> <p>8. All proposed car parking for the development to be provided in accordance with</p>

No.	Description of Land	Restricted Use	Conditions
			<p>Scheme provisions and to be provided under cover where possible or otherwise screened from external view from outside the development site so as to not negatively affect the external appearance of the development to the satisfaction of the local government.</p> <p>9. No direct vehicle access is to be provided from Koombana Drive.</p> <p>10. Development to provide pedestrian access along the Koombana Drive frontage to the satisfaction of the local government.</p> <p>11. Deep sewerage and underground power to be provided to the satisfaction of the local government.</p> <p>12. All holiday accommodation and serviced apartment uses be setback a minimum distance of 25m from the southern paved edge of Koombana Drive. A reduction of the required setback may be considered subject to an acoustic report specifying construction required for noise attenuation.</p> <p>13. An acoustic report is to accompany any development proposal adjacent to Koombana Drive specifying construction requirements for noise attenuation to the specifications of the local government and any relevant public authority and consistent with State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p> <p>14. Appropriate setbacks being imposed around two monitoring bores of the site/lot as recommended by the relevant public authority.</p> <p><i>Note: Refer to Schedule 3 – Additional Site and Development Requirements</i></p>
R.U.15	<p>South Bunbury: Lot 3 (No. 302) Blair Street; and Lot 4 (No. 302) Blair Street.</p> <p><i>deleted</i></p>	<p>The following land use classes are listed as discretionary 'D' uses:</p> <ul style="list-style-type: none"> • Consulting Rooms • Convenience Store • Office (maximum floorspace of 200m² nla) • Shop (maximum floorspace of 300m²) 	<p>1. Local Development Plan:</p> <p>1.1 The local government shall require the preparation and submission of a local development plan for the subject lots / development sites to be approved prior to any development approval being granted;</p> <p>1.1 Development shall be consistent with a local development plan (precinct design) prepared in accordance with State Planning Policy 7.2 Precinct Design and approved in accordance with Part 6 of the Deemed Provisions.</p>

No.	Description of Land	Restricted Use	Conditions
		<p>The following land use classes are listed as discretionary 'A' uses:</p> <ul style="list-style-type: none"> • Fast Food Outlet; • Medical Centre; • Motor Vehicle Wash; • Restaurant / Café; and • Service Station. <p style="text-align: center;"><i>deleted</i></p>	<p>1.2 The local development plan may include information or detail dealing with, but not limited to the following:</p> <ul style="list-style-type: none"> (a) provisions/requirements for development site planning (including building envelopes), building design and scale (b) buffer treatments between the surrounding residential uses and the development site (c) urban design treatments of streetscapes and residential interfaces (d) traffic management, including accessways and internal circulation (e) vehicle parking and circulation areas and treatments (f) building height and scale (g) development setbacks from boundaries (h) landscaping within setback areas and between buildings; and (i) stormwater management plan. <p>1.2 The local government may choose to waive the requirement for a local development plan where it is satisfied that:</p> <ul style="list-style-type: none"> (a) proposed development does not conflict with the principles of orderly and proper planning; and (b) proposed development would not prejudice the overall development potential of the area. <p>2. Contaminated Sites:</p> <p>Future development proposals shall have due regard to the Contaminated Sites Act 2003 and associated regulations.</p> <p>3. Development Requirements:</p> <p>3.1 The following supporting information is required to be submitted as part of any application for development approval for non-residential land uses, which is to include but is not necessarily limited to:</p> <ul style="list-style-type: none"> (a) an assessment to address proximity and impacts of proposed land uses to existing residential or other sensitive land uses, to be prepared in consultation with the relevant public authority with consideration of the Environmental Protection Authority (EPA) Guidance Statement No. 3 – Separation Distances

No.	Description of Land	Restricted Use	Conditions
			<p>Between Industrial and Sensitive Land Uses (June 2005); and</p> <p>(b) transport traffic impact assessment to address access and impacts of traffic associated with future land uses on the lots, to be prepared in consultation with Main Roads Western Australia and the local government.</p> <p>3.2 Access and drainage is to be in accordance with the specifications of Main Roads Western Australia and the local government.</p> <p>3.3 The subject lots are to be amalgamated prior to occupation of any future development.</p> <p>3.4 Sum total of office use per lot (including strata or survey strata lot) is limited to a maximum of 200m²nla.</p> <p>3.5 Sum total of shop use per lot (including strata or survey strata lot) is limited to a maximum of 300m²nla.</p> <p><i>deleted</i></p>

Scheme Text Amendment 4:

Amending Schedule 3 – Table 6 ‘Additional Site and Development Requirements Table’ by modifying standards listed within the ‘Requirement’ column at entry No.2, No.3 and No.6, and by inserting a new entry as No. 9, such that the table reads as follows:

Schedule 3, Table 6 - Additional Site and Development Requirements Table

No.	Description of Land	Requirement
1.	South Bunbury: Portion of Lot 107 on Deposited Plan: 47979 adjoining Moore Street, Strickland Street. Part Lot 108 (No. 42) Strickland Street (identified as portion of Lot 107 on Deposited Plan: 47979 adjoining Moore Street)	<i>no change / as existing</i>
2.	South Bunbury: Lot 501 Holywell Street; and Lot 211 Pandal Street. Lot 501 (No. 14) Holywell Street; and Lot 211 (No. 26) Holywell Street.	<i>no change / as existing</i>
3.	Bunbury: Lots 1-7, 9-11, 13 and 27 Marabank Loop; and Lots 14-16, 21-26 Avonbank Way. Lots 2 to 7 (Nos. 62, 60, 58, 56, 52, 50, 48) Lots 9-16 (Nos.10, 12, 16, 18, 19, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44), Lot 27 (No. 25), Lot(s) 55, Lot 56 and Strata Lots 1 to 4 (No.62) Marabank Loop Lots 21 to 26 (Nos. 1, 3, 5, 7, 9, 11) Avonbank Way Lot 18, Lot 20 (No.2), Lot 36 (U1-7 No. 16) and Lot 36 (U3-29 No. 14) Lyons Cove	1. Unrestricted Length of Stay: All single houses and grouped dwellings developed in accordance with the R-Codes and specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia may be occupied permanently as a dwelling or temporarily for short term accommodation purposes (unrestricted length of stay) subject to the local government having exercised its discretion by granting development approval. 2. Development of the site being of a high quality and enhancing and complimenting the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of the local government. 3. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.

No.	Description of Land	Requirement
		<p>4. 1. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of local government.</p> <p>2. The maximum plot ratio on Lot 20 Lyons Cove shall be 1.5.</p> <p>5. 3. No direct vehicle access is to be provided from Koombana Drive.</p> <p>6. 4. Deep sewerage and underground power to be provided to the satisfaction of local government.</p> <p>7. All residential development (including unrestricted length of stay) is to be setback a minimum distance of 25m from the southern paved edge of Koombana Drive. A reduction of the required setback may be considered subject to an acoustic report specifying construction required for noise attenuation.</p> <p>8. 5. An acoustic report may be required is to accompany any development proposals adjacent to Koombana Drive specifying construction requirements for noise attenuation to the specifications of the local government and any relevant public authority and that shall be prepared consistent with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p> <p>9. 6. Appropriate setbacks being imposed around two monitoring bores of the site/lot as recommended by the relevant public authority.</p>
4.	<i>no change / as existing</i>	<i>no change / as existing</i>
5.	<i>no change / as existing</i>	<i>no change / as existing</i>
6.	<p>Bunbury: Lots 73, 74, 75, 76, 77, 78, 79, 80 Ward Street and Lot 81 Blair Street, Lots 73 to 80 (Nos. 4, 6, 8, 10, 12, 14, 16, 18) Ward Street; and Lot 81 (No.162) Blair Street.</p>	<p>1. Land Use Requirements:</p> <p>1.1 'Grouped Dwellings' and 'Multiple Dwellings' have a residential density coding of R20/60 in accordance with clause 26 of the Scheme.</p> <p>1.2 Notwithstanding clauses 26(2) and 26(3) of the Scheme, the local government may support development or built strata subdivision of a lot with a development site frontage of less than 25 metres, up to the maximum permissible residential density of the applicable dual density code, subject to—</p> <p>(a) the development of a mixed use development; or</p> <p>(b) the development of 'Multiple Dwellings'.</p>

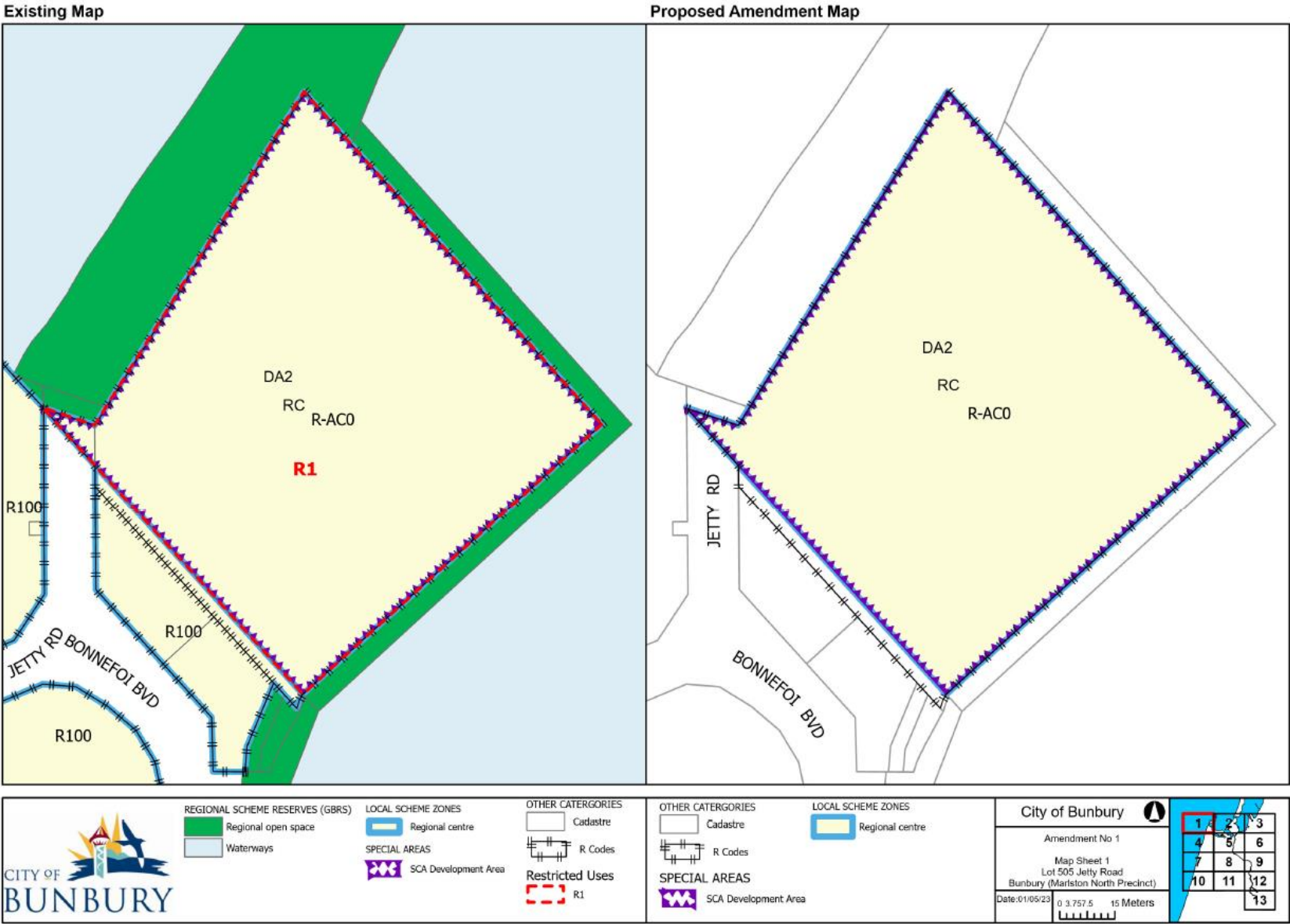
No.	Description of Land	Requirement
		<p>1.3 The sum total of 'Office' use per lot (including a strata or survey strata lot) shall be restricted to— (a) a floor space maximum of 500m² Net Lettable Area (NLA); or (b) if the use is part of a mixed use development, a floor space maximum of 1,000m² NLA.</p> <p>1.4 The sum total of 'Shop' use per lot (including a strata or survey strata lot) shall be restricted to a floor space maximum of 300m² Net Lettable Area (NLA).</p> <p>1.5 The sum total of 'Bulky Goods Showroom' use per lot (including a strata or survey strata lot) shall be restricted to— (a) a floor space maximum of 500m² Net Lettable Area (NLA); or (b) if the use is part of a mixed use development, a floor space maximum of 1,000m² NLA.</p> <p>2. 1. Local Development Plan: 2.1 Development is to be in accordance with the site and development requirements of a Local Development Plan for the entire site that is prepared and submitted to the satisfaction of the Local Government and approved in accordance with the Scheme.</p> <p>3. Development Standards: 3.1 1. All development Development is to be consistent with an adopted: (a) Local Development Plan (b) Infrastructure Implementation Plan (c) Landscaping Plan</p> <p>2. Where development standards are not prescribed within the provisions of the zone or in an adopted plans local development plans the general development requirements and the standards of the Scheme shall prevail.</p> <p>3.2 Setbacks to Streets: (a) The setback distance to lot boundaries s for all built development shall be in accordance with an adopted Local Development Plan. (b) In considering the setback requirements the local government will also have regard to the development standards of 'Local Planning Policy No.3.4: Non-Residential Development within or Adjoining Residential Areas'.</p> <p>3.3 Vehicular Access: (a) Vehicle access shall be limited to a maximum of three vehicle crossover points obtained solely from Ward Street and is to be in accordance with an adopted Local Development Plan.</p>

No.	Description of Land	Requirement
		<p>(b) Reciprocal rights of access are to be secured over any approved vehicle accessway to allow for its shared use by adjoining premises.</p> <p>3.5 Parking:</p> <p>(a) The number of car parking bays required shall be provided in accordance with Table 2 of the Scheme.</p> <p>(b) For a mixed use development, the number of car parking spaces required for the overall development under Table 2 of the Scheme may be reduced by a maximum of up to 25% provided that—</p> <p>i) the applicant is able to demonstrate to the satisfaction of the Local Government that the peak hours of operation of the different uses on the land are different or do not substantially overlap; and</p> <p>ii) the bays are clearly marked limiting the purpose for which the parking may be used at different times of the day.</p> <p>3.5 Landscaping:</p> <p>(a) Setback areas shall be planted with trees, shrubs and ground cover plants appropriate to the locality of the site and built form.</p> <p>(b) On-site car parking areas shall be landscaped with shade trees planted at the rate of no less than 1 tree per 6 car bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.</p> <p>3.5 Hours of Operation:</p> <p>(a) Non-residential development and land uses shall not be permitted to trade and/or operate (e.g. deliveries) between the hours of 10.00pm and 7.00am Monday to Saturday and 7.00pm to 9.00am on Sundays and public holidays.</p> <p>(b) Hours of operation beyond those stipulated in condition 3.5(a) may be considered where supported by a Development Impact Statement and Noise Management Plan, submitted at the development approval stage. These plans are to be prepared by a suitably qualified consultant to the specifications and standards of the Local Government and shall address the scope of issues that have the potential to impact upon the amenity of existing and future residents (such as noise, lighting and crime prevention) and propose appropriate mitigation measures.</p> <p>4. Transport Assessment:</p> <p>4.1 A supporting Transport Assessment is to be undertaken and approved to the specification and satisfaction of the Local Government in accordance with the Western Australian Planning Commission's "Transport Assessment Guidelines for Developments Volume 3—Subdivision", as amended, prior to the approval of a Local Development Plan.</p>

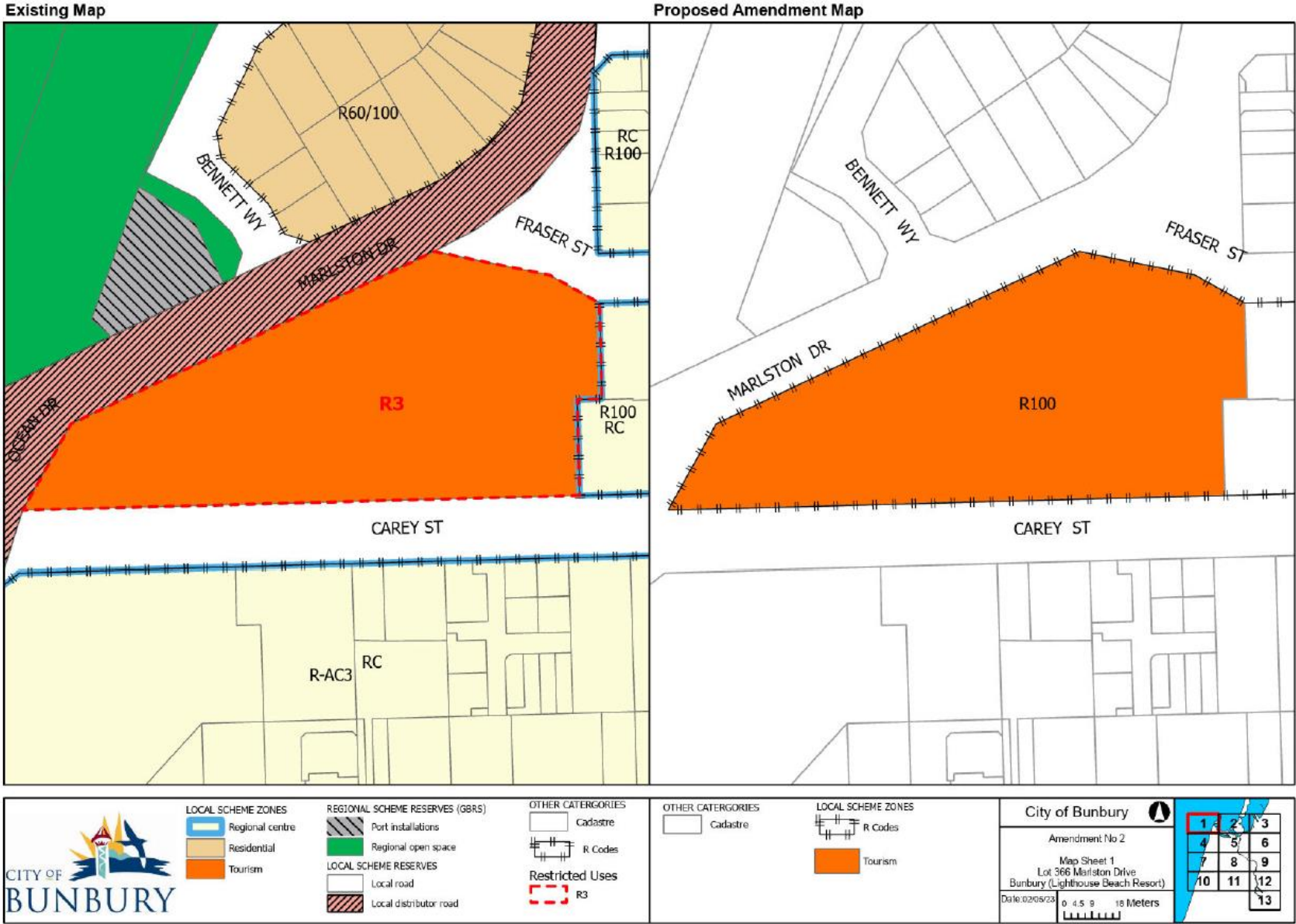
No.	Description of Land	Requirement
		5. Infrastructure Implementation Plan: 5.1 An Infrastructure Implementation Plan is to be prepared and approved to the specification and satisfaction of the Local Government, prior to the approval of a Local Development Plan.
7.	Bunbury part Lot 108 (#42) Strickland Street zoned 'Local Centre' (corner of Albert Road and Mervyn Street) <i>AMD 3 GG 12/02/2021</i>	<i>no change / as existing</i>
8.	Lots 44 to 48 inclusive (Nos. 2, 6, 8, 10); and Part Lot 102 Castle Street <i>AMD 4 GG 18/06/2021</i>	<i>no change / as existing</i>
9.	Bunbury (Marlston North Precinct): Lot 505 Jetty Road	1. Local Development Plan: 1.1 Development shall be consistent with a local development plan (precinct design) prepared in accordance with State Planning Policy 7.2 Precinct Design and approved in accordance with Part 6 of the Deemed Provisions. 1.2 The local development plan is to incorporate sea defence measures and shall satisfactorily address infrastructure requirements, factoring in the impact of coastal processes and future sea level rise. 1.3 The local development plan is to be accompanied by a landscape plan that satisfactorily addresses treatment and planting upon the site and within public reserves adjacent to the subject land. 1.4 The local government may choose to waive the requirement for a local development plan where it is satisfied that: (a) proposed development does not conflict with the principles of orderly and proper planning, and (b) proposed development would not prejudice the overall development potential of the area. 2. Development Requirements: 2.1 Serviced apartment uses are to be developed in the form of multiple dwellings in accordance with the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia and must be able to be occupied either permanently as a dwelling or temporarily for short term accommodation

No.	Description of Land	Requirement
		<p>purposes, except for ground floors.</p> <p>2.2 Drive through facilities are not permitted.</p> <p>2.3 All development is to be set back a minimum distance of 20m from the south-western property boundary adjoining land at street number 27 to number 29 Bonnefoi Boulevard.</p> <p>2.4 Buildings are to provide for an activated ground floor frontage to the Koombana Bay foreshore and to Jetty Road.</p> <p>2.5 'Shop' use per lot (including a strata or survey strata lot) is limited to a maximum floorspace area of 300m² net lettable area.</p> <p>3. The subdivider shall be responsible for the implementation of:</p> <ul style="list-style-type: none"> (a) drainage and stormwater management in accordance with a local water management plan (b) public vehicle parking within the road reserve(s) (c) pedestrian and bicycle pathways (and public bike racks) (d) works to address storm surge and sea level rise (e) foreshore improvements (f) public open space development (g) infrastructure remediation works (roads and pathways) within the local development plan area (h) associated infrastructure connections adjacent to the subject land, <p>to the satisfaction of the local government and relevant State agencies prior to the creation of titles.</p>

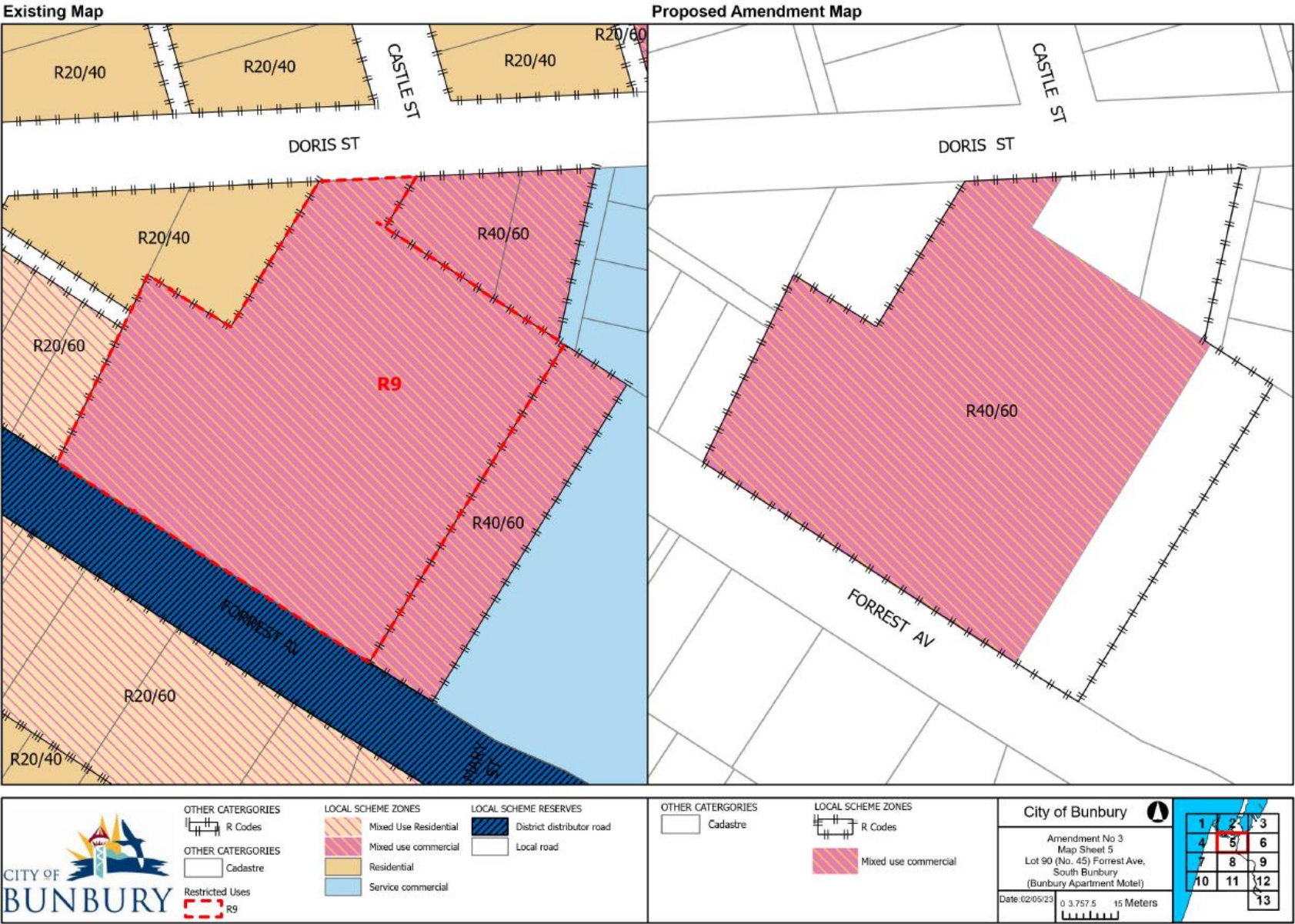
Scheme Map Amendment No.1: Lot 505 Jetty Road, Bunbury (Marlston North Precinct)
Modifying the Scheme map by removing designations and references to R1, as depicted below:



Scheme Map Amendment No.2: Lot 366 Marlston Drive, Bunbury (Lighthouse Beach Resort)
Modifying the Scheme map by removing designations and references to R3, and by overlaying a residential density code of R100, as depicted below:

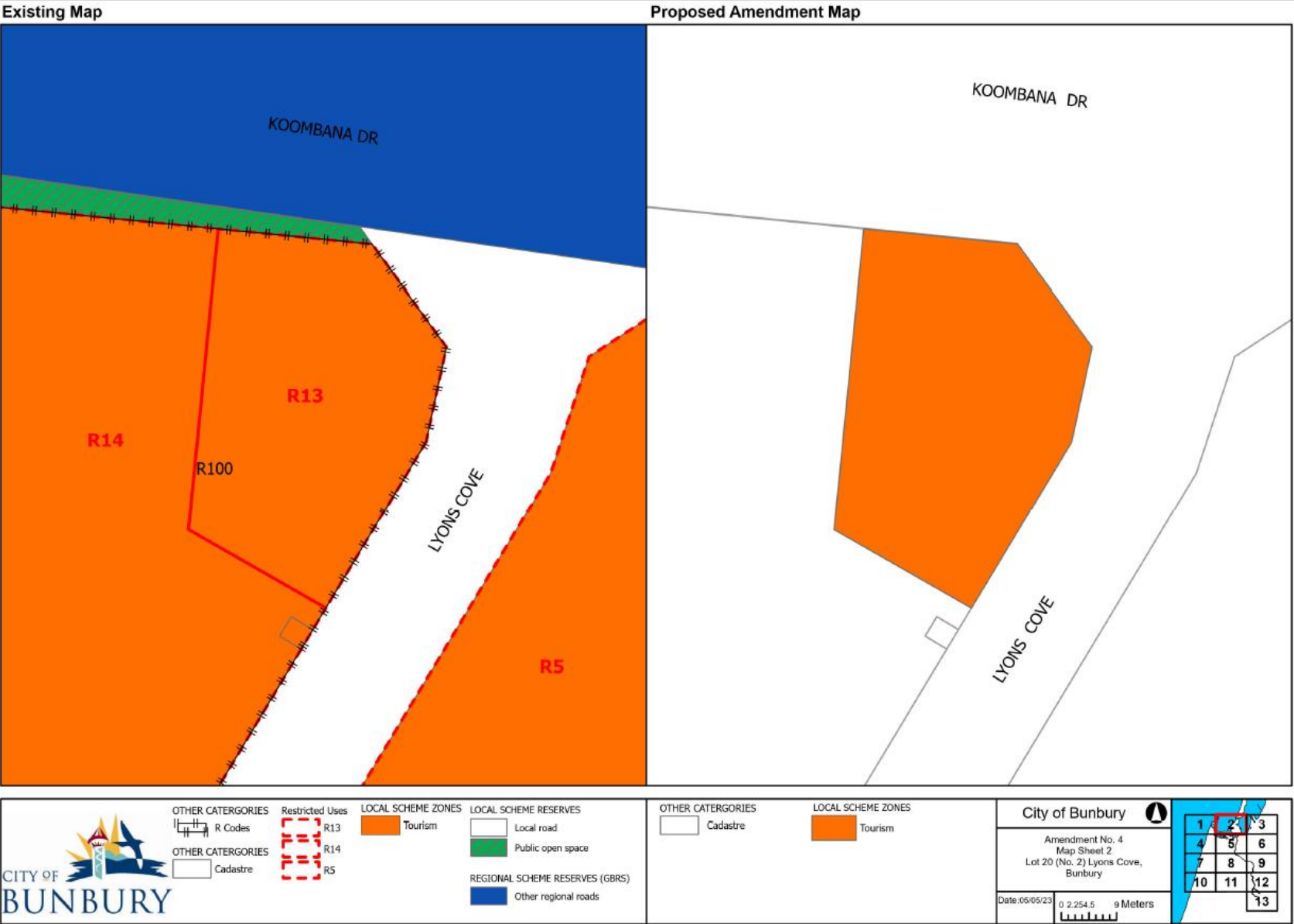


Scheme Map Amendment No.3: Lot 90 (#45) Forrest Avenue, South Bunbury (Bunbury Apartment Motel)
Modifying the Scheme map by removing designations and references to R9, and by overlaying a residential density code of R40/60, as depicted below:



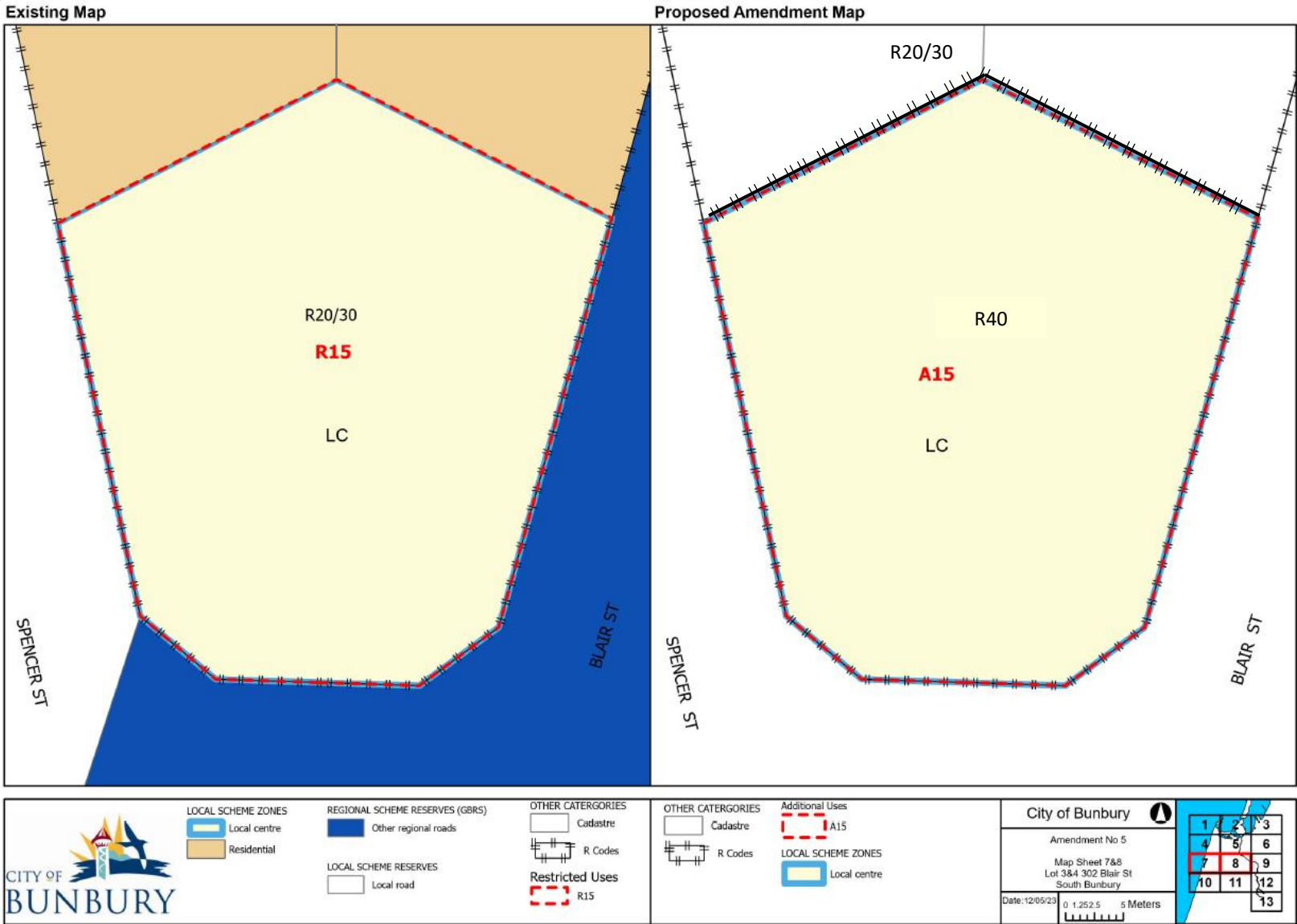
Scheme Map Amendment No.4: Lot 20 (#2) Lyons Cove, Bunbury

Modifying the Scheme map by removing designations and references to R13, as depicted below:



Scheme Map Amendment No.5: Lot 3 and Lot 4 (#302) Blair Street, South Bunbury

Modifying the Scheme map by removing the Restricted Use reference 'R15' and replacing this with Additional Use reference 'A15', and by replacing the split density code 'R20/30' with a density code of 'R40', as depicted below:



Adoption Page

Final Approval

Adopted for final approval by resolution of the City of Bunbury at its Ordinary Meeting of the Council held on the _____ day of _____ 2023 (Decision number ____/____); and the Common Seal of the City of Bunbury was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor


Jaysen de San Miguel

Signed:-

Chief Executive Officer

Mal Osborne

Signed:-



Common
Seal

Recommended/Submitted for Final Approval

Delegated under section 16
of the *Planning and
Development Act 2005*

Signed:-

Date:- ____ / ____ / ____

Final Approval Granted

Minister for Planning

Signed:-

Date:- ____ / ____ / ____
