

Policy Title:	Local Planning Policy: Detailed Area Plan – Hayward Street
Policy No.:	4.4.1
Previous Policy (No.):	n/a
Date Adopted:	23 August 2011 (decision no. 181/11)
Date Last Reviewed:	n/a
Legal Parent:	<u>Planning and Development Act 2005</u>
Legal Subsidiary:	<u>City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.</u>

PART A

1 PRELIMINARY

1.1 Citation

This Local Planning Policy is made under section 2.1 of the City of Bunbury Town Planning Scheme No. 7 (the “Scheme”), and may be cited as Local Planning Policy: Detailed Area Plan – Hayward Street (herein referred to as the “Local Planning Policy”).

1.2 Commencement

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 23 August 2011. The Local Planning Policy commenced operation on 15 September 2011.

1.3 Relationship to the Scheme and other Local Planning Policies

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

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

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

1.4 Relationship with Local Laws

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

2 PURPOSE

The purpose and intent of this Local Planning Policy is to provide guidelines for the design of dwellings and fences on the subject site while introducing design elements which promote high quality development for small lots.

3 OBJECTIVES

In accordance with the Aims of the Scheme, achievement of the following objectives is sought for all developments and land uses within the Local Planning Policy Area -

- (a) to achieve and maintain a high quality of residential design; and
- (b) to establish and protect local streetscape character and amenity for small lots.

4 LOCAL PLANNING POLICY AREA

- 4.1 This Local Planning Policy applies to strata lots 1-20 on the corner of Hayward Street and Jarvis Street, as defined by Map 1.
- 4.2 The Detailed Area Plan is depicted in Map 2.

5 APPLICATION

- 5.1 The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of the Scheme and/or where proposed development is considered incidental to a permitted use/development within the zone provisions of the Scheme as determined by the Local Government.
- 5.2 Subject to the Scheme, development and use of land shall be in accordance with the standards and requirements of this Local Planning Policy; and except as otherwise provided, shall require the prior planning approval of the Local Government in accordance with the provisions of the Scheme.
- 5.3 Variations to the Detailed Area Plan (DAP) are not permitted, except with the written approval of the Local Government after it has consulted with adjoining or affected land owners
- 5.4 In considering an application for planning approval where a variation is proposed to one or more requirements prescribed under the Residential Design Codes and/or this Local Planning Policy, the Local Government may require the submission of a Development Impact Statement (with terms of reference determined by the Local Government), which has been undertaken by an appropriately qualified person or

body at the applicant's expense, as part of any application for planning approval.

Note: Section 10 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

6 EXEMPTIONS FROM PLANNING APPROVAL

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

7 MEANING OF TERMS

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

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

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

PART B

8 GENERAL STANDARDS FOR LAND USE & DEVELOPMENT

8.1 Land Use & Development

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

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

PART C

9 VARIATION OF DEVELOPMENT REQUIREMENTS

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

10 DEVELOPMENT IMPACT STATEMENT

- 10.1 Where an application proposes a variation to the Detailed Area Plan, or is considered to have a significant impact on the existing conditions of a locality, the Local Government shall require a Development Impact Statement to be submitted for assessment as part of an application for planning approval, unless the requirement has been waived by the Local Government.
- 10.2 The report is to be undertaken to the satisfaction of the Local Government and contain the following information in sufficient detail to permit the Local Government to make a proper development assessment of any proposed variation as part of a planning application -
- (a) the location of the subject site and the specific design of the proposed development and all facilities proposed to be provided;
 - (b) site analysis showing the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding buildings and the designs of existing and likely development including the character of the streetscape in the vicinity of the subject lot/development sit; and
 - (c) any other relevant information requested by the Local Government.

11 NOTIFICATION & ADVERTISING

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

12 IMPLEMENTATION & REVIEW

12.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical and the Scheme makes

allowance for this by enabling the Local Government to adopt Local Planning Policies from time to time in order to address specific issues or a range of issues in a specific place.

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

12.2 Policy Review

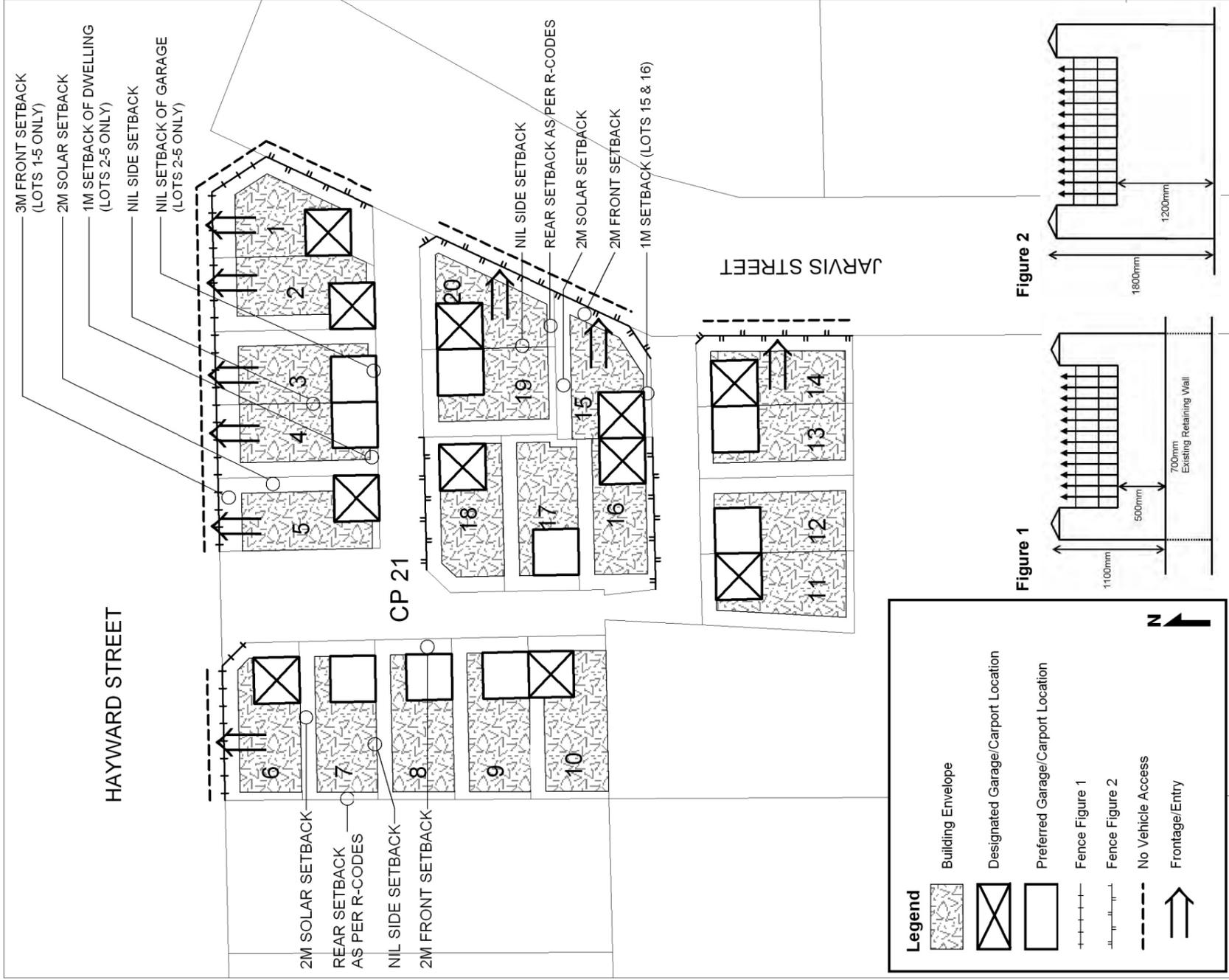
The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.

Map 1: Local Planning Policy Area

[refer to clause 4.1]



Map 2: Detailed Area Plan [refer to clause 4.2]



- Detailed Area Plan
 - All dwellings patios, garages and carports are to be located within the building envelopes, unless otherwise approved by the local government.
 - Building envelopes are subject to constraints of retaining walls.
 - The requirements of the R-Codes are varied as shown on the Detailed Area Plan (DAP).
 - The requirements of the R-Codes, the City's Town Planning Scheme and relevant Local Planning Policies shall be satisfied in all other matters.
 - Consultation with adjoining or other landowners to achieve a variation of the R-Codes, in accordance with the approved DAP, is not required.
 - Variations to the DAP are not permitted, except with the written approval of the local government after it has consulted with adjoining or affected land owners.

- Density
 - The density coding is R40.
- Setbacks
 - Front setbacks as shown on the DAP are minimum setbacks. Any encroachments into those setbacks (verandahs, patios or balconies) are not permitted.
 - A 2m solar setback applies as shown on the DAP. The Local Government, may consider encroachments into the 2m solar setback subject to:
 - the solar aspect of the design of the residence is not compromised;
 - access to the rear of the property is maintained from the outside/street; and
 - construction of a building wall on the side boundary (not including street boundaries) does not exceed 25% of the overall length of that boundary. This is based on construction of a wall commencing behind the minimum front setback indicated on the DAP.
 - Building walls on the boundary (nil setback), as indicated on the DAP, shall be no higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback.
 - The requirements of the R-Codes shall be satisfied in respect of setbacks and privacy matters for second storey development.
- Garages/Carports and Access
 - An alternative garage/carport location to that shown on the DAP may be approved by the Senior Manager of Development Services, Co-ordinator Statutory Planning or Co-ordinator Building subject to the development meeting solar orientation, streetscape objectives and statutory requirements.
 - Vehicle access is limited to the internal accessways (CP21) as shown on the DAP.
- Building Height
 - The maximum building height shall be in accordance with the relevant local planning policy and category B of Table 3 of the R-Codes.
- Building Form
 - Outdoor living areas shall not be located within the front setback area and/or forward of the building line. 16m² of the required outdoor living area shall be without permanent roof cover and shall remain as such in perpetuity.
 - The use of verandahs, balconies, decks and other architectural features is encouraged.
- Fencing
 - Fencing for strata lots 1 - 6 shall be in accordance with Figure 1.
 - Fencing for strata lots 1, 14, 15, 16, 18 & 20 shall be in accordance with Figure 2.
 - Fencing within the front setback area forward of the building (fronting CP 21) is not permitted, except as indicated on the DAP.
 - Fencing along side boundaries, except for street boundaries, shall not project forward of the building line.
- Servicing
 - Bins shall not be stored in the accessways (CP 21).
 - Vehicles or machinery of any form shall not be parked in the accessways (CP 21) for any period of time. The accessways (CP 21) shall be kept clear at all times.