

<b>Policy Title:</b>	<b>Local Planning Policy: Detailed Area Plan – Stirton Court</b>
<b>Policy No.:</b>	4.6.1
<b>Previous Policy (No.):</b>	Lot 3 Adam Road Precinct Detailed Area Plan (No. 15)
<b>Date Adopted:</b>	21 December 2004 (decision no. 368/04)
<b>Date Last Reviewed:</b>	7 June 2011 (decision 118/11)
<b>Legal Parent:</b>	<u>Planning and Development Act 2005</u>
<b>Legal Subsidiary:</b>	<u>City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.</u>

## PART A

### 1. PRELIMINARY

#### 1.1 Citation

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

#### 1.2 Commencement

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 21 December 2004. The reviewed Local Planning Policy commenced operation on 23 June 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 implement dwelling (habitable rooms) orientation towards Five Mile Brook and appropriate guidance for open space, setbacks & fencing.

## **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 character and amenity with orientation towards Five Mile Brook.

## **4 LOCAL PLANNING POLICY AREA**

- 4.1 This Local Planning Policy applies to the area previously known as Lot 3 Adam Road, now Stirton Court 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 DAP are not permitted, except with written approval from Local Government after it has consulted with abutting 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**

6.1 Single houses which comply with the requirements of the Detailed Area Plan do not require prior planning approval of the Local Government.

Note: A building licence from the Local Government is required in any case.

6.2 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;
  - ii. in the Residential Design Codes;
  - 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 – Stirton Court;
- (b) the Residential Design Codes for residential and mixed use developments, subject to the variations;
- (c) the applicable zone provisions under the Scheme;
- (d) relevant Special Control Area(s);
- (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 site; and
  - (c) any other relevant information requested by the Local Government.

### **11 NOTIFICATION & ADVERTISING**

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

### **12 IMPLEMENTATION & REVIEW**

#### **12.1 Why a Local Planning Policy?**

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

specific place.

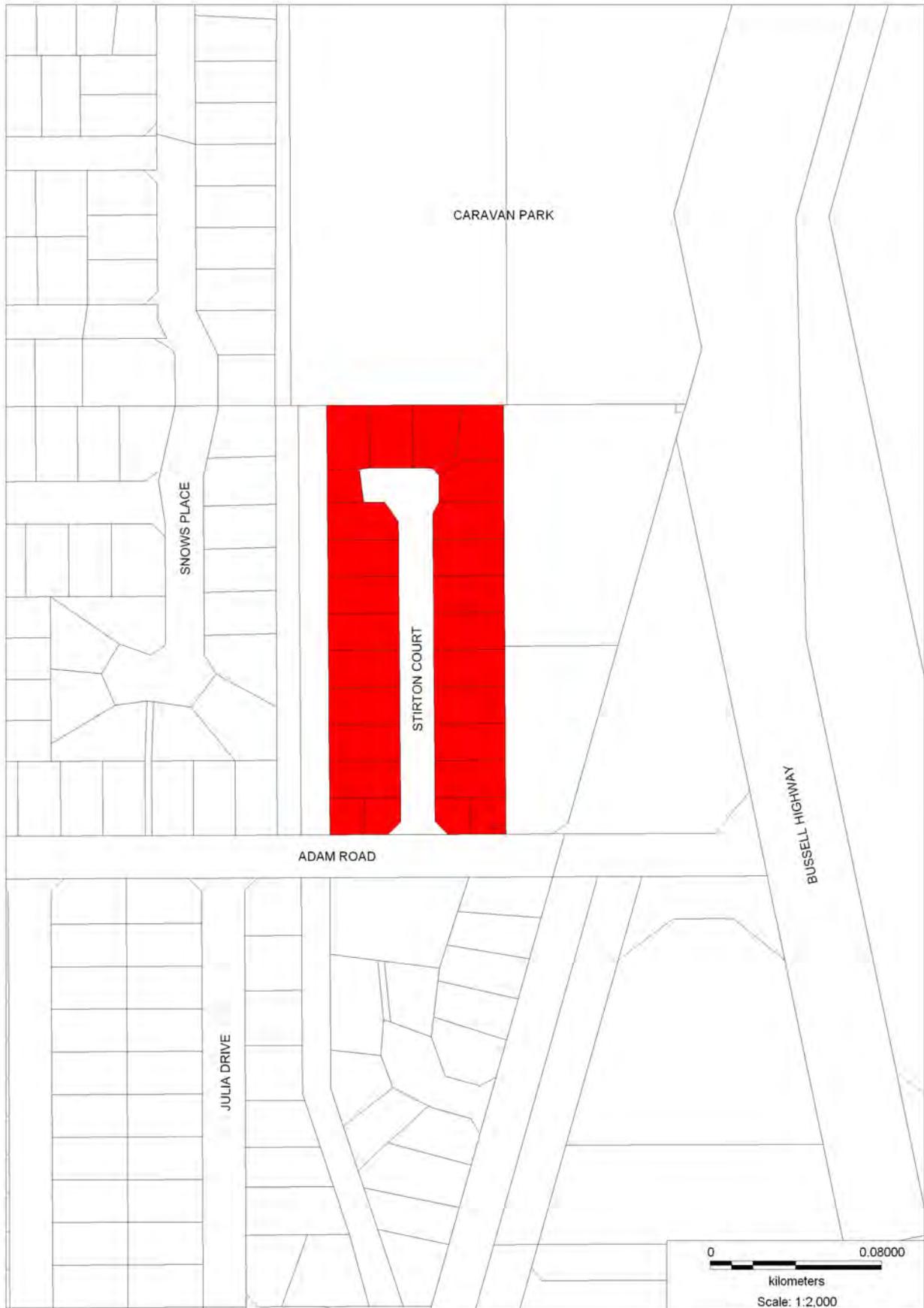
A Local Planning Policy is a tool to assist developers in preparing proposals with a greater understanding of the Council's desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence;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

## **12.2 Policy Review**

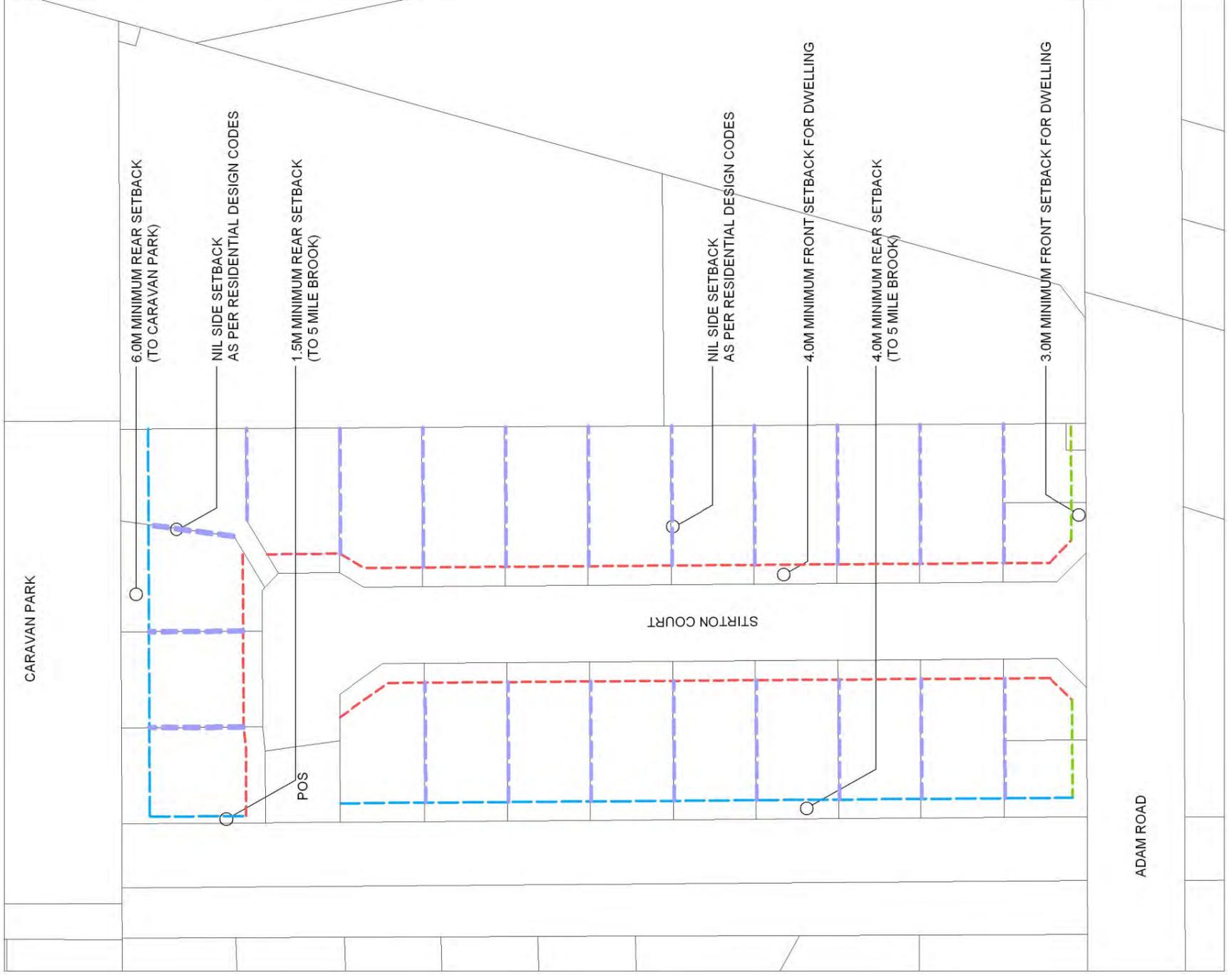
The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.

# Map 1: Local Planning Policy Area

[refer to clause 4.1]



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



**Subdivision of Lot 3 Adam Road, Bunbury**

Residential Design Codes (R-Codes) are varied in the following manner:

1. The requirements of the R-Codes are varied as shown on the Detailed Area Plan (DAP).
2. The requirements of the R-Codes and the City's Town Planning Scheme shall be satisfied in all other matters.
3. Consultation with adjoining or other landowners to achieve a variation of the R-Codes, in accordance with the approved DAP, is not required.
4. Density coding is R40.
5. All garages/carports shall have a minimum front setback of 5m.
6. The required rear setbacks shown on the plan do not apply to patios.
7. Verandahs and porches may project not more than one metre into the front setback area in accordance with Clause 6.2.2 of the R-Codes.
8. A minimum outdoor living area of 40m<sup>2</sup> shall be provided for each Single House with a minimum width/length of 5m.
9. Outdoor living areas shall be located adjacent to northern boundary of the lot.
10. Habitable rooms on lots adjacent to 5 Mile Brook Reserve shall be orientated towards the Reserve.
11. Living rooms shall face north setback area and/or 5 Mile Brook Reserve.
12. Overall maximum building height shall be 9m.
13. The requirements of the R-Codes shall be satisfied in respect of privacy matters for second storey development.
14. Variations to the DAP are not permitted, except with written approval from the Local Government, after it has consulted with adjoining or affected land owners.