Scheme Amendment 76
Town Planning Scheme No. 7

Special Use Zone 59 - Residential Mixed Use
Lots 3, 4, 100, 104, and 105
Forrest Avenue, South Bunbury

July 2015
Publication Details

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<td>• Robert Vinci on behalf of landowners of Lots 100 (#27), 104 (#29), 105 (#31), 4 (#33) and 3 (#35), Forrest Avenue, South Bunbury.</td>
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Appendix A, Town Planning Regulations 1967

Planning and Development Act 2005 (as amended)

RESOLUTION DECIDING TO AMEND
A TOWN PLANNING SCHEME

City of Bunbury Town Planning Scheme No. 7

RESOLVED that the local government, in pursuance of section 75 of the Planning and Development Act 2005 (as amended), amend the above Local Planning Scheme by:

(a) amending the Scheme Text by inserting additional text in the table under Schedule 2 – Special Use Zones at No. 59 with associated provisions included in the “Special Use(s)” and “Conditions” columns of the table.

(b) modifying the Scheme Map by rezoning:

   i) portion of Lot 100(#27) Forrest Avenue and Lots 104(#29), 105(#31), 4(#33) and 3(#35) Forrest Avenue, South Bunbury from “Residential Zone” R60 to “Special Use Zone No. 59 – Residential Mixed Use”;

   (ii) portion of Lot 100(#27) Forrest Avenue from “Public Purposes Reserve” (Drainage) to “Special Use Zone No.59 – Residential Mixed Use”;

   (iii) portion of Lot 101(#1) Higgins Street from “Public Purposes Reserve” (Drainage) to “Residential Zone” R20/40; and

   (iv) land adjacent to Lot 100(#27) Forrest Avenue from “Residential Zone” R60 to “Access Road Reserve”.

Dated this..............................................day of..............................................2015

..............................................................................
(Chief Executive Officer)
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Summary Information

Proposal

<table>
<thead>
<tr>
<th>Scheme TEXT:</th>
<th>Amending the Scheme Text by inserting additional text in the table under Schedule 2 – Special Use Zones at No. 59 with associated provisions included in the “Special Use(s)” and “Conditions” columns of the table.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheme MAP:</td>
<td>Amending the Scheme Map by rezoning:</td>
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<tr>
<td></td>
<td>• portion of Lot 100(#27) Forrest Ave and Lots 104(#29), 105(#31), 4(#33) and 3(#35) Forrest Avenue, South Bunbury from “Residential Zone” R60 to “Special Use Zone No. 59 – Residential Mixed Use”.</td>
</tr>
<tr>
<td></td>
<td>• portion of Lot 100(#27) Forrest Avenue from “Public Purposes Reserve” (Drainage) to “Special Use Zone No.59 – Residential Mixed Use”;</td>
</tr>
<tr>
<td></td>
<td>• portion of Lot 101(#1) Higgins Street from “Public Purposes Reserve” (Drainage) to “Residential Zone” R20/40 and</td>
</tr>
<tr>
<td></td>
<td>• land adjacent to Lot 100(#27) Forrest Avenue from “Residential Zone” R60 to “Access Road Reserve”.</td>
</tr>
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</table>

State Planning Framework

| State Planning Strategy: | • “South West Urban System”; and |
|                         | • “South West Region”. |
| State Planning Policies: | • Statement of Planning Policy No. 3: Urban Growth and Settlement, March 2006; and |
|                         | • State Planning Policy No. 3.1: Residential Design Codes, August 2013. |
| Development Control Policies: | As applicable. |

Greater Bunbury Strategy 2013 (and Structure Plan):  • “Urban Developed Land”.

Greater Bunbury Region Scheme:  • “Urban Zone”.

Other:  • Activity Centres for Greater Bunbury Policy 2012

Local Planning Policy Framework

| Local Planning Strategy: | Not yet drafted. |
**Local Planning Scheme:**
City of Bunbury Town Planning Scheme No. 7 (TPS7).

**Scheme TEXT:**
Not applicable.

<table>
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<tr>
<th>Scheme MAP - Special Control Area</th>
<th>Zone/Reserve</th>
<th>R-Code</th>
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<tr>
<td>Nil.</td>
<td>• Lots 100(#27), 104(#29), 105(#31), 4(#33) and 3(#35), Forrest Avenue, South Bunbury</td>
<td>• Lots 100(#27), 104(#29), 105(#31), 4(#33), and 3(#35) Avenue, South Bunbury</td>
</tr>
<tr>
<td></td>
<td>• Lot 101(#1) Higgins Street, South Bunbury</td>
<td>“R60”</td>
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**Heritage List:**
Not applicable.

**Local Planning Policy (LPP):**
- LPP: Building Height;
- LPP: Access & Parking for Pedestrian, Bicycles and Vehicles; and
- LPP: Non-Residential Development in or Adjacent to Residential Areas.

**Other (Local Planning Strategies (LPS), Local Area Plans, etc):**
- City Vision Strategy and Action Plan (2007);
- LPS Activity Centres & Neighbourhoods; and
- LPS Integrated Transport Study.

**Proponents:**
Robert Vinci.

<table>
<thead>
<tr>
<th>Lot 100(#27) Forrest Avenue, South Bunbury</th>
<th>Guy Italiano &amp; Frank Italiano</th>
</tr>
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<tbody>
<tr>
<td>Lot 104(#29) Forrest Avenue, South Bunbury</td>
<td>Robert Vinci</td>
</tr>
<tr>
<td>Lot 105(#31) Forrest Avenue, South Bunbury</td>
<td>Robert Vinci</td>
</tr>
<tr>
<td>Lot 4(#33) Forrest Avenue, South Bunbury</td>
<td>Michele Scasserra &amp; Nicetta Scasserra</td>
</tr>
<tr>
<td>Lot 3(#35) Forrest Avenue, South Bunbury</td>
<td>Leonarda Paszkudzka-Baizert &amp; George Muscat</td>
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</table>
1 Background

1.1 Introduction

This local planning scheme amendment report has been prepared for the purposes of affecting an amendment to the City of Bunbury Town Planning Scheme No. 7 (TPS7) in respect of:

- rezoning Lots 100(#27), 104(#29), 105(#31), 4(#33) and 3(#35) Forrest Avenue, South Bunbury from “Residential Zone” R60 to “Special Use Zone No. 59 – Residential Mixed Use”;
- rezoning portions of drainage reserve on Lot 100(#27) Forrest Ave and Lot 101(#1) Higgins Street to Special Use Zone No.59 and Residential Zone 20/30 respectively;
- rezoning land adjacent to Lot 100(#27) Forrest Avenue from “Residential Zone” R60 to “Access Road Reserve”; and
- inserting Special Use Zone No. 59 with special uses and conditions within the table at Schedule 2 – Special Use Zones.

This report represents the formal scheme amendment documentation, incorporating the amending pages and the adoption page, for proposed scheme amendment 76 to TPS7. The report was prepared in part using information contained in a submission received from Mr Robert Vinci, owner of lots 104 and 105 Forrest Avenue, and this is included within Section 3 of this report.

Essentially the amendment involves the rezoning of the subject lots to facilitate the development of a cluster of mixed use premises (forming the rudiments of a future longer strip) that will interface with the Forrest Avenue activity corridor. In order to accommodate the range of land uses consistent with a mixed use setting it is proposed that a “Special Use Zone” (in keeping with the Model Scheme Text - Appendix B of the Town Planning Regulations 1967) be created. The designation of the subject land within a Special Use Zone would facilitate the development of a limited range of small scale commercial land uses such as shop and office uses together with residential development pending the introduction of new dedicated mixed use zoning(s) within the forthcoming Local Planning Scheme No. 8 (LPS8).

The scheme amendment as proposed reflects approaches and lessons learnt with the introduction of other special use zones created for the purpose of developing mixed use precincts (e.g. scheme amendments 42 and 73). Significantly, the City of Bunbury has prepared Special Use Zone No. 59 in a form that is expected to facilitate its seamless transition into a standardised residentially biased mixed use zone under a revised Scheme.

The City has received a scheme amendment request form TME Town Planning Consultants seeking the creation of a similar “Special Use Zone – Residential Mixed Use” in Oakley Street Bunbury. Separate scheme amending documentation is currently being drafted for that proposal (Scheme Amendment No.81). Whilst Scheme Amendment No.76 and No.81 will travel independently, given they share similarities in respect of the Special Use Zoning created, their progress needs to be co-ordinated to ensure they remain comparable and thus each able to be accommodated seamlessly within the same land use zone of a revised Scheme.

The scheme amendment includes minor corrections and up-dates to the scheme map comprising:

- rezoning of the “Public Purpose Reserve” that no longer functions as a drainage channel, and was sold by the City in 2011 to adjacent property owners at Lot 100(#27) Forrest Avenue and Lot 101(#1) Higgins Street; and
- rezoning the triangular parcel of land adjacent to Lot 100(#27) that functions as a road truncation at

1 Now operating as Calibre Consulting
the junction of Higgins Street and Forrest Avenue from “Residential Zone” to “Access Road Reserve”.

1.2 Geographical Context

1.2.1 Location and Description of Subject Site

The area subject to this amendment proposal is outlined in Table 1 and Maps 1 and 2.

Table 1: Subject Site.

<table>
<thead>
<tr>
<th>Land Parcels (Special Use Zone No.59 proposal)</th>
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<tbody>
<tr>
<td>Subject Site - Forrest Avenue</td>
</tr>
<tr>
<td>Lots 100(#27), 104(#29), 105(#31), 4(#33), 3(#35) Forrest Avenue, South Bunbury</td>
</tr>
</tbody>
</table>

1.2.2 Landowners within the Subject Site

Mr Robert Vinci, landowner of lots 104 and 105 Forrest Avenue, has expressed to the City a desire to pursue mixed use development on his land as soon as possible, hence his submission which is captured within Section 3. In preparing his submission, Mr Vinci sought support from neighbouring property owners and signatures attained. Given the length of that time had elapsed since that initial consultation and because the nature of the mixed use proposal had not then been fully developed, the City in March of this year contacted landowners with property on Forrest Avenue situated between Higgins Street and the Bunbury Motel (i.e. Lots 1 #37A, 2 #37, 3 #35, 4 #33, 89 #39 and 100 #29 Forrest Avenue) to gauge their support for a rezoning and their interest in being included within a potential scheme amendment. Owners of lots 3, 4, and 100 responded positively (and their responses are included within Section 3) whilst no replies were received from owners of lots 1, 2 or 89 Forrest Avenue, and as a result their properties have not been included within the subject site.

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2 It should be noted that the drawings that have been provided by Mr Vinci as part of his submission are conceptual only and do not necessarily meet the development standards or conditions associated with the proposed Special Use Zone.
Map 1: Subject Area – Forrest Avenue Cadastre.
Map 2: Subject Site (Lots) – Forrest Avenue Aerial Photo (2014).
**Subject Site**

The site along Forrest Avenue is located approximately 1.3 kilometres from the city centre (approximately 1.6 km by road) and 150 metres from the Bunbury Plaza neighbourhood centre, and is currently included in the “Residential Zone” under TPS7, which is consistent with the previous Town Planning Scheme No. 6 (TPS6). The subject site comprises of five detached single dwellings situated on irregular shaped lots that directly front on to Forrest Avenue.

As can be appreciated from Figures 1 and 2 below, the primary east-west road connection was originally planned as Strickland Street; however, this remains closed to through traffic on the western side of its intersection with Blair Street. It should also be acknowledged that the present road reserve width of this section of Strickland Street is constrained to approximately 10 metres, and despite the existence of the “Local Distributor Road Reserve”, the potential for expansion of the carriageway has been partially compromised by previous development approvals.

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**Figure 1:** Extract from Existing Scheme Map.

**Figure 2:** Actual Existing Road Network.
Consequently, the 20 metre wide Forrest Avenue has naturally assumed the role of a higher order “Local Distributor Road”, connecting Blair Street to Spencer Street (on route to the city centre) and carrying an average of 11,600 vehicles per day (September 2010), despite not being recognised as such under TPS6 or TPS7.

In responding to the high volume of vehicular traffic, the subject section of Forrest Avenue is undergoing transition from a more a traditional residential streetscape character to that of a mixed use activity corridor - comprising small scale community purposes and commercial activities. The subject site is also surrounded by a range of services and facilities, notably:

- public transport network with a regular bus service provided along Forrest Avenue;
- convenience shopping at Bunbury Plaza within a short walking distance;
- local employment opportunities offered by an array of commercial activities associated with the “Shopping Centre Zone” and nearby “Mixed Business Zone”;
- a range of social services located nearby, including the South Bunbury Primary School; and
- passive and active recreational opportunities in Forrest Park and Big Swamp Park, which are located within approximately 250 metres and 680 metres walking distance respectively.

### 1.2.2 Property Details

Table 2 below provides a summary of the land ownership details (relating to the Special Use Zone No.59 proposal) at the time of preparing this Local Scheme Amendment Report.

<table>
<thead>
<tr>
<th>Lot Number / Street Address</th>
<th>Landowner</th>
<th>Lot Area (m²)</th>
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<tr>
<td>Lot 100(#27) Forrest Avenue, South Bunbury</td>
<td>Guy Italiano &amp; Frank Italiano</td>
<td>1053</td>
</tr>
<tr>
<td>104(#29) Forrest Avenue, South Bunbury</td>
<td>Robert Vinci</td>
<td>870</td>
</tr>
<tr>
<td>105(#31) Forrest Avenue, South Bunbury</td>
<td>Robert Vinci</td>
<td>688</td>
</tr>
<tr>
<td>4(#33) Forrest Avenue, South Bunbury</td>
<td>Michele Scasserra &amp; Nicetta Scasserra</td>
<td>823</td>
</tr>
<tr>
<td>3(#35) Forrest Avenue, South Bunbury</td>
<td>Leonarda Paszkudzka-Baizert &amp; George Muscat</td>
<td>780</td>
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<tr>
<td><strong>Total Area</strong></td>
<td><strong>4214 (0.42ha)</strong></td>
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### 1.3 Planning Context

#### 1.3.1 State Planning Framework

**State Planning Strategy**

The State Planning Strategy 2050 (2014) makes reference to the following:

- encouraging the expansion of regional towns’ commercial and industry base to support the significant projected population growth and the consequent increased demand for employment opportunities and

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3 Classified as an “Integrator Arterial” road under Liveable Neighbourhoods (Ed 4, October 2007).
diversifying population needs; and

- promoting compact settlement structures including increased density and diversity of housing through mixed use and transit orientated developments).

**State Planning Policies**

**State Planning Policy No.3: Urban Growth and Settlement**

The Urban Growth and Settlement strategy endorses Liveable Neighbourhood and Sustainable Community principles, including “an urban structure of walkable neighbourhoods clustered to form towns of compatible mixed uses in order to reduce car dependence for access to employment retail and community facilities”.

One of its main objectives includes the promotion of:

“...a sustainable and well planned pattern of settlement to provide for a wide variety of housing, employment, recreation facilities and open space”.

**Liveable Neighbourhoods and Residential Design Codes**

The Western Australian Planning Commission’s (WAPC) operational policy titled Liveable Neighbourhoods (Edition 4, October 2008) promotes appropriate mixed land use as part of its objectives. The aim of Liveable Neighbourhoods is to provide guidance on the designing of robust urban and suburban neighbourhood structures that can accommodate a range of uses that are also flexible enough to change and adapt over time, and incorporates the aims of:

- providing urban structures that offer walkable, mixed use neighbourhoods thereby reducing car dependence for access to work, shopping and community facilities;
- providing interconnected street networks which facilitate safe, efficient and pleasant walking, cycling and driving;
- facilitating mixed-use urban developments which provide a wide range of living and employment opportunities; and
- maximising land efficiency wherever possible.

Liveable Neighbourhoods acknowledges that in many areas, new developments will be abutting areas that have developed under more conventional or traditional policies (which sought to both accommodate motor vehicles and separate housing from non-residential activities). Many of these areas will comprise residential estates with hierarchical street systems and no mixed land use. Liveable Neighbourhoods seeks to promote the integration of new or redeveloped areas, as far as practicable, with abutting existing areas.

Of particular relevance to this proposal is that interfaces and edge treatments of new areas should generally transition into and be sympathetic with the existing urban fabric and character. Achieving better mixed use design outcomes requires a mechanism to enable lot design to be linked to a future building without the building plan being submitted at either the scheme amendment or subdivision stages. This is particularly important for small lots where design coordination is required to ensure that buildings work both for the occupier and the streetscape. In such situations it has become common practice to require a either a Structure Plan or Local Development Plan or LDP (formerly known as Development Area Plan or DAP) to be prepared for a particular lot or group of lots and submitted to the local government for approval. Once approved, the Structure Plan and/or LDP are used as the basis for subdivision and development.

The recently up-dated State Planning Policy 3.1 Residential Design Codes (R-Codes) provides more specific
guidance in respect of design of multiple dwellings and mixed use developments, and represents a valuable tool for gauging the appropriateness of such development.

In summary, the development of the site as part of a mixed use interface is consistent with Liveable Neighbourhoods principles, as:

- it is located adjacent to an existing main road;
- it is connected to a pedestrian pathway network;
- is serviced by public transport;
- is within a sufficient walkable catchment to an activity centre (Bunbury Plaza); and
- is in relatively close proximity to a range of commercial services, community facilities, recreational and employment opportunities.

**Greater Bunbury Strategy 2013**

The Department of Planning’s Greater Bunbury Strategy 2013 (released December 2013), guides urban, industrial and regional land use planning, growth and associated infrastructure delivery over short to long term horizons (to 2026 and beyond). A component of the Greater Bunbury Strategy is the Greater Bunbury Sub-regional Structure Plan 2013, which breaks the sub-region into eight land use categories and provides guidance for each. The Strategy flags the importance of delivering a range of residential and mixed use lots with urban infill strongly encouraged to cater for a range of household types, whilst facilitating employment growth and commercial expansion. Best practice urban design principles are recommended in order to achieve successful infill projects, with the Strategy promoting opportunities where they are seen to exist in the application of dual density coding and in the introducing mixed use development.

**Greater Bunbury Region Scheme**

The Greater Bunbury Region Scheme (GBRS) was gazetted on 25 January 2008, as the statutory Region Planning Scheme with the aim of promoting the sustainable environmental, social and economic development of the Region’s natural and physical resources. It serves as a statutory planning document designed to provide mechanisms to effectively implement regional planning.

The subject site is situated in the “Urban Zone” (see Figure 4), the stated purpose of which is:

“Urban – to provide for residential development and associated employment, tourism facilities, recreation and open space, shopping facilities, schools and other community facilities.”

It remains appropriate therefore for the Local Planning Scheme to apply a more specific local zone appropriate to the site’s function within the city’s urban fabric. Hence, Special Use Zone No. 59 as proposed is not regarded as inconsistent with the GBRS zoning.
Other State Government Studies, Policies and Strategies

Activity Centres for Greater Bunbury Policy 2012

Whilst the site does not fall within or directly adjacent to an activity centre identified by this Policy, it is strategically located to the south-east of the Bunbury Plaza neighbourhood centre, and is significant in regards to movement patterns into and out of the city centre and also between Blair Street and Spencer Street activity corridors.

1.3.2 Local Planning Policy Framework

Strategic Community Plan

The Strategic Community Plan: Bunbury 2030 (up-dated March 2015) builds on the earlier City Vision Strategy and is the City of Bunbury’s highest level policy document. It contains Council’s direction and key goals and objectives for the next 15-20 years in accordance with the following broad vision statement:

“Bunbury will continue to be recognised as the capital City of the South West region, with a strong and diverse economy offering a safe, friendly and vibrant lifestyle within an attractive natural and built environment”.
The amendment proposal has the capacity, albeit at a small scale, to assist in creating an environment that will attract new local business (Key Priority Area 4, Objectives 4.1, 4.2 and 4.3), support housing options, improve urban design, and add to a sense of place, character and identity in the city (Key Priority Area 3 Objective 3.4).

**Local Planning Strategy for Activities and Neighbourhood Centres**

The Local Planning Strategy for Activity Centres and Neighbourhoods (LPS-ACN), adopted by Council in 2010, addresses the concept of mixed use development and advocates for the introduction of one or more mixed use zone categories within a future Local Planning Scheme that would facilitate a mix and intensity of development appropriate to each identified setting.

Forming a strong link between two edges of the current mixed business zone and well within a walkable catchment to a range of facilities and services (including the Bunbury Plaza neighbourhood centre) the development of a mixed use corridor in this location is regarded as consistent with the recommendations of the LPS-ACN.

**Local Planning Strategy for Integrated Transport**

The Local Planning Strategy – Integrated Transport Study (LPS-ITS), prepared in 2012 establishes the grounds for a strategic approach to providing an efficient transport network that is more sustainable, safe and secure, offering improved accessibility for present and future generations.

The LPS-ITS looks to grow the mode share of public transport and cycling movements in Bunbury. As a key link in the movement network of the city, this section of Forrest Ave is well placed to contribute towards this goal.

**City of Bunbury Town Planning Scheme No. 7**

The City of Bunbury Town Planning Scheme No. 7 (TPS7) was gazetted on 13 December 2002. Sitting beneath the GBRS, the Scheme is the principal statutory instrument by which Council is able to control land use and development within its boundaries. Figure 5 is an extract from the Scheme Map which shows the majority of the subject site as “Residential Zone” with a density coding of R60.

A small portion of the subject land is currently shown as “Drainage Reserve”. This slither however no longer functions in that role, having already been sold by the City to adjacent landowners in 2011 and absorbed into their respective properties. This scheme amendment provides the opportunity for the resulting zoning anomaly to be corrected.
The City of Bunbury is in the process of preparing its inaugural Local Planning Strategy. This document will present strategic guiding directions and principles of land use planning and design for the city, and is designed to bridge the high level goals and vision found within the Strategic Community Plan and City Vision Strategy, with the zoning and provisions to be captured in the forthcoming revised Local Planning Scheme No. 8 (LPS8). Whilst the Strategy has yet to be formalised, opening up opportunities for mixed use development to occur through the introduction of dedicated mixed use zones (in keeping with the recommendations of the Local Planning Strategy for Activity Centres and Neighbourhoods) will figure as a key aspect of the draft document that is expected to be formally advertised during 2015.

Within the revised Scheme it is anticipated that more than one definitive mixed use zone will be created in order to facilitate mixed use developments and outcomes that best suit their immediate context and setting. A more intense commercially-biased form of mixed use development may be anticipated directly around existing large commercial centres and along identified activity corridors, whereas other fringe locations (such as this part of Forrest Avenue) may be better suited to lower intensity mixed use development that promote a residential bias. The scheme amendment (together with Scheme Amendment No.73 – Strickland Street) prepared by the City pre-empts such an approach.

Draft Local Planning Strategy and Scheme Review

The City of Bunbury is in the process of preparing its inaugural Local Planning Strategy. This document will present strategic guiding directions and principles of land use planning and design for the city, and is designed to bridge the high level goals and vision found within the Strategic Community Plan and City Vision Strategy, with the zoning and provisions to be captured in the forthcoming revised Local Planning Scheme No. 8 (LPS8). Whilst the Strategy has yet to be formalised, opening up opportunities for mixed use development to occur through the introduction of dedicated mixed use zones (in keeping with the recommendations of the Local Planning Strategy for Activity Centres and Neighbourhoods) will figure as a key aspect of the draft document that is expected to be formally advertised during 2015.

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4 The draft Local Planning Strategy and draft Local Planning Scheme No.8 were initiated by Council on 31 March 2015.
5 Currently pending a final decision by the Minister for Planning
Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles

This LPP commenced operation in December 2010, with the intent to ensure that the transport needs of the community are adequately met by the associated use and development of land within the city. More specifically, the Policy aims to guide exercising of discretion in the determination of applications for planning approval with respect to the provision of parking and/or access for pedestrians, bicycles and vehicles. The LPP applies to all land within the City of Bunbury, including the subject site.

Notably, the policy identifies a discretionary threshold for parking requirements in a mixed use environment, recommending that:

“...where greater than 50% of the gross floor area of a premises is used for residential purposes, and where the balance of the gross floor area is used predominantly between the hours of 9am and 5pm, the total number of car parking bays required to be provided under the Car Parking Table of the Scheme may be reduced by up to a maximum of 25%”.

The LPP complements the Scheme by providing a comprehensive guide to required access and parking standards in land use and development and in addressing such matters as cash-in-lieu and reciprocal and shared parking and access arrangements. Elements of this policy will need to be considered in subsequent planning processes and ultimately the assessment of any future development proposals for the site.

Local Planning Policy: Building Height

This LPP, adopted in 2009, establishes a logical framework of building height limitations in order to balance opportunities for development with the need to maintain important aspects of Bunbury’s recognised character, amenity and identity. The policy designates maximum building heights in the “Outer Business District Local Area” within which the subject site is situated. A building height of 12m is regarded as ‘Acceptable Development’ in this particular location. Where development above this height is proposed it would be assessed under ‘Performance Criteria’ and would need to be supported by an appropriate Development Impact Statement (Building Height and View shed Analysis).

Figure 5: Local Planning Policy: Building Height Map.
1.4 Scheme Amendment Procedure

The proposed amendment has been prepared by the City of Bunbury and progressed in accordance with both the Planning and Development Act 2005 (sections 75 and 84) and the Town Planning Regulations 1967.

To date, the proposed 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 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. TPS7). 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 proposal. Therefore, it is expected that instead of requiring an Environmental Review, the EPA may give ‘informal advice’. The recommendations of any informal advice may then be used to inform the scheme amendment (e.g. inclusion of any relevant conditions).

Assuming no objection is raised by the WAPC in proceeding with the amendment, the proposal would be advertised for public comment for a period of not less than 42 days in accordance with the provisions of the Planning and Development Act 2005.

On completion of advertising, the scheme amending documentation is to be referred back to Council for reconsideration with a schedule of any submissions received. Should Council then resolve to adopt the amendment, the scheme amending documentation, along with the schedule of submissions, is to be referred to the WAPC for its endorsement and referral to the Minister for Planning for final approval and gazettal.

1.5 Community and Stakeholder Consultation

Subject referral to the EPA for its consideration for Environmental Review in accordance with the Environmental Protection Act 1986 and WAPC not granting permission to proceed, public advertising the proposed amendment shall commence.

In accordance with both the Planning and Development Act 2005 and the Town Planning Regulations 1967, the proposed 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. Given the potential for this proposal to alter the character of the immediate locality with respect to adjoining residential properties, written notification will also be sent directly to affected properties.

Council must take into account 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’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
2 Proposal

2.1 Purpose

This Local Planning Scheme Report has been prepared for the primary purpose of effecting an amendment to the City of Bunbury Town Planning Scheme No. 7 (TPS7) to rezone lots 100(#27), 104(#29), 105(#31), 4(#33) and 3(#35) Forrest Avenue, South Bunbury from “Residential Zone” with a residential density code of “R60” to “Special Use Zone 59 – Residential Mixed Use”.

It is not the City of Bunbury’s intent to create and maintain a large number of disparate special use zones under a revised Scheme – each should ultimately fit into a defined pattern of standard zoning in order to ensure greater efficiency and certainty of development assessment. Accordingly, the purpose of the proposal is to enable the development of a residential-orientated mixed use corridor/precinct, in advance of a mixed use zone dedicated to facilitating such outcomes within the future revised Scheme.

Undertaking this Scheme Amendment proposal affords an opportunity to correct, as a secondary issue, anomalies in respect to the rezoning of the “Public Purpose Reserve” (adjacent to and between Lot 100 #27 Forrest Avenue and Lot 101 #1 Higgins Street) that no longer has a recognised drainage function, and the designating of the truncation at the junction of Higgins Street and Forrest Avenue (adjacent to Lot 100 #27 Forrest Avenue) as “Access Road Reserve”.

2.2 Aim and Intent

2.2.1 Mixed use outcomes along Forrest Avenue

The Local Planning Strategy for Activity Centres and Neighbourhoods recommends establishing ‘mixed use’ zones within the new Local Planning Scheme (LPS8). Areas situated adjacent to recognised activity centres and busy movement corridors, and those pockets synonymous with existing “Frame Areas” may be regarded as primary candidates for consideration as a future standardised mixed use zone. The specific location, extent and ultimate character of potential mixed use precincts are in the process of being thoroughly investigated as part of the on-going Scheme review.

Figure 6: Local Planning Policy 3.4: Non-Residential Development in or adjoining Residential Areas

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As identified within Local Planning Policy Non-Residential Development within or adjoining Residential Areas.
Within the confines of the current Scheme, where clear justification exists, designating a “Special Use Zone” may be regarded as an interim step to achieving desirable mixed use outcomes. In this instance, the subject site is close to a recognised Activity Centre, lies adjacent to a busy movement corridor with a high degree of exposure from passing traffic, and in part is included within a ‘Frame Area’. As such the subject lots are considered to be particularly appropriate for a mix of non-residential and residential activities (arranged either horizontally or vertically).

### 2.2.2 Rationale for the proposed Special Use Zone conditions

The special use zone as proposed is accompanied by conditions that provide the statutory framework for the creation (potentially) of a Structure Plan and establishes a number of supporting development standards. If the scale of the development triggers the Structure Plan requirement, then this is to be prepared in accordance with Scheme provisions to the specifications and satisfaction of the City of Bunbury for Council’s adoption and subsequent endorsement by the Western Australian Planning Commission (WAPC). Once endorsed, the Structure Plan will guide the future development and infrastructure servicing of the area (prior to approval of any further subdivision/amalgamation or development). Issues to be addressed in the Structure Plan include development layout and arrangement of uses, building envelopes, traffic management, access and car parking, pedestrian movement, signage, landscaping and passive surveillance.

The layout of activities on the subject site and the resulting built form is to be managed through the special use zone conditions in addition to the requirements of the Scheme and Residential Design Codes. In some instances development standards are proposed as ‘fixed’ and specific in order to manage inappropriate designs at subsequent Structure Plan and Development Application stages, whilst in other instances a broader intent has been deemed appropriate to allow for discretion and/or design detail to be determined at a later stage.

In preparing the Special Use Zone conditions a number of matters have been addressed, including the following:

- ensuring that the permissible classes of land use(s) are appreciably different in form and function to the “Mixed Business Zone”;
- enhancing the urban experience through increased activity fronting Forrest Avenue whilst establishing a new amenity at the interface with residential uses (especially those sharing a common rear boundary);
- appropriately managing traffic flows along/onto Forrest Avenue;
- providing adequate off-street parking and vehicle access which looks to optimise the efficient use of land.

### Land use permissibility and requirements

**Dual residential density coding R20/60**

‘Grouped’ and ‘Multiple Dwellings’ are proposed to have a dual residential density coding of R20/60.

Whereas the existing R Code over the Residential zoning of the site is R60, within the context of a mixed use setting, which seeks to accommodate and integrate residential and commercial development (often at close quarters), a revised split coding of R20/60 is considered more appropriate. Integrating purely grouped dwelling development at the higher density within the existing long narrow lots would be challenging both in respect of satisfactorily managing space and amenity, and in delivering a consistent and compatible
streetscape that is also tuned towards benefiting from exposure to passing pedestrian and vehicular traffic.

Using the split coding, the lower R-Code would prevail as the maximum permissible residential density as per existing clause 5.3.2 of the Scheme, unless a minimum development site frontage of 25 metres is achieved. This land use requirement seeks to encourage at least two lots to be amalgamated in order to avoid isolating an adjoining site or sites. Amalgamation encourages lot size and shapes that support a practical and efficient layout to meet the intended use of land.

The second part of this proposed condition seeks to further encourage mixed use or multiple dwelling developments up to the permitted higher residential density code (i.e. R60) by enabling these land uses even if the site frontage is less than 25 metres. It is noted that reciprocal rights of access still need to be secured over the approved vehicle access way to allow for its shared use.

‘Shop’ and ‘Office’ maximum net lettable areas

A finer grain of zoning has been applied to the proposed Special Use Zone to enable a variety of residential and commercial activities in a manner that will facilitate revitalisation (i.e. giving certainty of investment outcomes) and encourages good urban design that is both attractive and adaptive over the longer term. Small scale retail and office uses are amongst the commercial activities considered appropriate for this out-of-centre activity corridor. A 300m² Net Lettable Area (NLA) floorspace cap for ‘Shop’, and 200m² NLA cap for ‘Office’ is proposed. This control seeks to carefully manage the size, character and operation of these non-residential activities in order to ensure that the scale remains compatible with and less intrusive upon the residential setting, and will complement rather than compete with in-centre locations (i.e. Local, Neighbourhood and District Activity Centres as well as the City Centre).

These caps reflect limits on maximum floor areas that already recognised within the Scheme:

i) 200m² nla being the maximum per lot for “office” use within the Mixed Business Area7; and

ii) 300m² nla being synonymous with the “convenience store” definition.

It is not the intent to encourage single lot ‘clusters’ of office use or retail use. Accordingly, in order to promote mixed use types of development and encourage a built form that is both attractive and adaptive over time, except where these uses form part of a mixed use development, the floor space maximums are to be applied on a per lot basis, including per strata or survey strata scheme.

Development Standards

Building height

A building height maximum of 12 metres above natural ground level (currently regarded as an acceptable building height within the LPP: Building Height) is maintained which will facilitate a reasonable level of development (up to three storeys) to occur in order to ensure the efficient use of scarce land, whilst also ensuring an appropriate scale in relation to the immediate context and setting. Development proposals incorporating a building height in excess of 9 metres may however, at the discretion of Local Government, require the submission of a supporting Development Impact Statement to the satisfaction of the local government to ensure that design appropriately responds to (and respects) its immediate setting and surroundings.

7 The Australian Bureau of Statistics defines a small business as 0-19 employees, and a medium business as having 20-199 employees. The Building Code of Australia requires a minimum floor area of 10m² per person. As such a 200m² building could house a total of 20 employees which would be representative of a small office.
Building setbacks

Requiring parking to be located behind or to the side of commercial and mixed uses enables buildings to be located forward on the lot, encouraging a more attractive built form with better urban design and streetscape outcomes. This is achieved by allowing for buildings to address the street directly with the 2.0 metre front setback area landscaped in a manner that provides for optimal pedestrian accessibility and comfort instead of being dominated by car parking. Siting buildings close to the primary street frontage looks to provide a sense of enclosure and definition to Strickland Street for the benefit of the pedestrian experience.

The design, layout and landscaping of setback areas, and the sitting and orientation of buildings to overlook these are important considerations in an urban design sense that is also critical for community safety.

The subject lots share boundaries with residential properties fronting Douglas St, Doris St and Higgins Street. These adjoining properties are proposed (draft LPS8) to retain their residential zoning into the future and as such should be afforded with an appropriate (and expected) level of amenity. Incorporating potentially high activity generating uses introduces a risk of nuisance, particularly given the irregular shapes of the subject lots and the need to accommodate for adequate car parking and services. For this reason, the proposed scheme amendment includes a condition which requires non-residential development to be in accordance with the development standards found within the City’s Local Planning Policy: Non-Residential Development within or adjoining Residential Areas. Controls on boundary treatments including the form and finish of a wall or fence, landscaping buffer requirements, minimum setback distances and buildings on the boundary are established.

Finished floor-to-floor heights

Flexibility of building use over time is encouraged through minimum finished floor-to-floor heights at ground and upper non-residential floors. This allows servicing requirements for a wide variety of uses – commercial, retail or residential – to be fitted in the ceiling space. Increased ceiling heights also contribute to a sense of space within the building interior, and daylight access.

Vehicular access

Shared and reciprocal access, circulation and parking solutions are desirable for mixed use development (for efficiency of scarce land resources and to deliver necessary capacity). Existing laneways provide opportunities for shared access which is encouraged.

Parking

A key determinant of viability for mixed use developments is parking. Clause 8.11 of the City’s Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles already allows for a possible reduction of the number of car parking bays provided on site for mixed use development that has greater than 50% of the gross floor area used for residential purposes. The proposed Special Use Zone condition amends this to 30% mixed use parking reduction bonus but does not specify the quantum of residential activities.

2.3 Environmental, Economic, Social, and Cultural Impacts

Natural Environment

There are no known environmental impacts generated by the proposal.
**Economic Issues**
The creation of quality mixed use outcomes with a good standard of urban design and amenity can expect to have positive economic impacts. Experience in other urban centres worldwide and locally has demonstrated that successful redevelopment of mixed use precincts spurs local revitalisation, delivers investment choice and supports local employment.

**Built Environment**
The opportunity of redevelopment presents the possibility of the replacement/enhancement of the existing aging housing stock, and to seek to affect a better transition between commercial and residential streetscapes. Specific development standards are to be applied to the special use zone and these will guide the resulting urban form.

**Social Environment**
Integrating similarly scaled and compatible non-residential and residential activities encourages a broader demographic and community interaction. Focusing development around an active public realm contributes to the creation of a high-amenity pedestrian-supportive environment. Providing opportunities for living in close proximity to work, community infrastructure and public transport supports an active lifestyle.

**Cultural Heritage**
There are no known impacts on either pre or post colonisation heritage values generated by the proposal.

**2.4 Implications**

In entertaining this scheme amendment proposal in advance of the formal introduction of a revised Scheme, the City has ensured that the Special Use Zone is generally consistent with the intent and provisions anticipated for this section of Forrest Avenue. As such, it should be acknowledged that the special use zone (and its associated development standards) is intended to be rationalised into a standard mixed use zone under a revised Scheme and may ultimately form part of an expanded mixed use corridor along both sides of Forrest Avenue situated between the Plaza shopping centre and Blair Street intersection.
3 Scheme Amendment Submission

City of Bunbury
Town Planning Scheme Amendment 76

December 2014

Robert Vinci and Others
The Chief Executive Officer
Attention: Planning and Development Services
PO Box 21
Bunbury WA 6231

Scheme Amendment Submission - Proposed Special Use Zone - Mixed Use Frame.

It is respectfully requested that the City of Bunbury Council consider this submission to amend the Town Planning Scheme No. 7 by rezoning the following lots 34-39, 104, 105, and 1 Forrest Avenue, from "Residential Zone" R60 to "Special Use Zone - Mixed Use Frame".

As Forrest Avenue is naturally heading that way, this is what the market wants and what people who are buying in the area are looking for, seeing the opportunities to do and work or run a small business and be able to take advantage of the fact that Forrest Avenue today is a busy connecting road that links major highways through to the Bunbury Plaza Shopping Centre. It is a main street, but still a very liveable place and we don't want to lose all of the residential, and keep a bit of both to maintain the streets appeal.

The new proposed zoning would allow development of a mix of uses, which will consist of commercial shops on the lower half, and with residential on the top.

The new proposed changes/buildings may potentially increase surrounding property values, which could give the other property owners the opportunity to make the most out of their properties.

Please find below, a list of names of property owners and their signatures supporting this requested scheme amendment.

One property owner (Michael Scasserra who owns Lot 4, or 33 Forrest Avenue) was not able to be contacted at the time as he was overseas, but he has been contacted through family, and has mentioned that he has no issues with the rezoning request, so we will have his support if need be.

Attached are the certificates of title and an example of the design concept, which will be refined by a qualified architect/designer, subject to the scheme amendment being finalised.

Kind Regards

1. Date: 24/1/16 Name: M. ITALIANO Address: 27 FORREST AVE BUNBURY Sign: 
2. Date: 7/3/16 Name: P. FERGUSON Address: 39 FORREST AVE BUNBURY Sign: 
3. Date: 7/3/14 Name: Robert Vincig Address: 29 FORREST AVE BUNBURY Sign: 
4. Date: 7/3/14 Name: Robert Vincig Address: 31 FORREST AVE BUNBURY Sign: 
5. Date: 7/3 Name: Jeff GRAF Address: 87A FORREST AVE BUNBURY Sign: 
6. Date: Name: Address: Sign: 
7. Date: Name: Address: Sign:
RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

CITY OF BUNBURY
12 DEC 2014 RECEIVED

LAND DESCRIPTION:
LOT 105 ON DIAGRAM 54058

REGISTERED PROPRIETOR:
ROBERT ANGELO VINCI OF 95 BEELEURP ROAD, BEELEURP
(T K293979 ) REGISTERED 3 AUGUST 2007

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)


Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

END OF CERTIFICATE OF TITLE

STATEMENTS:
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

PREVIOUS TITLE: 1153-973.
PROPERTY STREET ADDRESS: 31 FORREST AV, SOUTH BUNBURY.
LOCAL GOVERNMENT AREA: CITY OF BUNBURY.
<table>
<thead>
<tr>
<th>Town or District</th>
<th>Number of Lot or Location</th>
<th>Field Book</th>
<th>Scale</th>
<th>Certificate in which Land is Vested</th>
<th>Area</th>
</tr>
</thead>
</table>

**DIA 54058**

**Certificate**

I hereby certify that this survey was performed by me personally (or under my own personal supervision, inspection and field check) in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations, 1961.

Licensed Surveyor:

Date:

**Approved by Town Planning Board**

Date:

Chairman:

**Diagram No.**

54058
RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 104 ON DIAGRAM 19986

REGISTERED PROPRIETOR:
(First Schedule)

ROBERT ANGELO VINCI OF 95 BEELEORUP ROAD, BEELEORUP
(T K293908 ) REGISTERED 3 AUGUST 2007

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(Second Schedule)

1. EASEMENT BENEFIT - SEE PLAN 3227 AND SECTION 167A OF THE T.L.A.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-------------------------------------------------------------------------------------------------------
END OF CERTIFICATE OF TITLE
-------------------------------------------------------------------------------------------------------

STATEMENTS:
The statements set out below are not intended to be nor should they be relied on as substitute for inspection of the land
and the relevant documents or for legal, government, legal, surveying or other professional advice.

SKETCH OF LAND: 1221-713 (104/D19986).
PREVIOUS TITLE: 1176-6, 1169-671.
PROPERTY STREET ADDRESS: 29 FORREST AV, SOUTH BUNBURY.
LOCAL GOVERNMENT AREA: CITY OF BUNBURY.
PROPOSITION – SCHEME AMENDMENT 76 – FORREST AVENUE, SOUTH BUNBURY

Please tick one of the boxes and return to the City using the pre-paid envelope provided:

Name: Guy Italiano & Frank Italiano
Property Address on Forrest Avenue: 27 Forrest Avenue, South Bunbury

1. □ I/we do not support the proposed scheme amendment

2. □ I/we support the proposed scheme amendment but do not wish to have my/our property included

3. □ I/we support the proposed scheme amendment and would like to have my/our property included if this is possible.

4. □ I/we are unsure/uninterested at this point in time.

5. □ I/we no longer own the property

Signature(s): ______________________  Date: 8/4/15
PROPOSITION – SCHEME AMENDMENT 76 – FORREST AVENUE, SOUTH BUNBURY

Please tick one of the boxes and return to the City using the pre-paid envelope provided:

Name: Leonardo Paszkudzka-Baizert & George Muscat
Property Address on Forrest Avenue: 35 Forrest Avenue, South Bunbury

1. □ I/we do not support the proposed scheme amendment
2. □ I/we support the proposed scheme amendment but do not wish to have my/our property included
3. ✓ I/we support the proposed scheme amendment and would like to have my/our property included if this is possible.
4. □ I/we are unsure/uninterested at this point in time.
5. □ I/we no longer the own the property

Signature(s): ____________________________ Date: 30/03/2015

Leonardo Paszkudzka-Baizert 30/03/2015
PROPOSITION – SCHEME AMENDMENT 76 – FORREST AVENUE, SOUTH BUNBURY

Please tick one of the boxes and return to the City using the pre-paid envelope provided:

Name: Michele & Nicetta Scasserra
Property Address on Forrest Avenue: 33 Forrest Avenue, South Bunbury

1. □ I/we do not support the proposed scheme amendment
2. □ I/we support the proposed scheme amendment but do not wish to have my/our property included
3. ☑ I/we support the proposed scheme amendment and would like to have my/our property included if this is possible. Provided we are not liable for any cost whether directly or indirectly caused by the proposed scheme amendment.
4. □ I/we are unsure/uninterested at this point in time.
5. □ I/we no longer the own the property

Signature(s):  
M. A. Scasserra  
E. Scasserra  
Date: 10.4.2015

__________________________  
__________________________  
10.4.2015
4 Conclusion and Recommendations

4.1 Conclusion

Scheme amendment 76, as drafted by the City, will allow its rationalisation with a new mixed use zone (“Mixed Use Frame”) under a revised Scheme. In the meantime, effecting this amendment will allow landowners to progress with development of their land while the revised Scheme is being progressed.

4.2 Recommendations

The following recommendations are made with respect to progressing proposed scheme amendment 76 to the City of Bunbury Town Planning Scheme No. 7:

A. The Local Government, in pursuance of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

(a) amending the Scheme Text by inserting additional text in the table under Schedule 2 – Special Use Zones at No. 59 with associated provisions included in the “Special Use(s)” and “Conditions” columns of the table.

(b) modifying the Scheme Map by rezoning:

i) portion of Lot 100(#27) Forrest Avenue and Lots 104(#29), 105(#31), 4(#33) and 3(#35) Forrest Avenue, South Bunbury from “Residential Zone” R60 to “Special Use Zone No. 59 – Residential Mixed Use”; and

(ii) portion of Lot 100(#27) Forrest Avenue from “Public Purposes Reserve” (Drainage) to “Special Use Zone No.59 – Residential Mixed Use”;

(iii) portion of Lot 101(#1) Higgins Street from “Public Purposes Reserve” (Drainage) to “Residential Zone” R20/40; and

(iv) land adjacent to Lot 100(#27) Forrest Avenue from “Residential Zone” R60 to “Access Road Reserve”,

as detailed in the local planning scheme amendment report.

B. Notify the Western Australian Planning Commission (WAPC) of Council’s decision to initiate proposed scheme amendment 76, and provide the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.

C. Refer a copy of the proposed scheme amendment 76 documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.

D. Subject to formal assessment not being required by the Environmental Protection Authority (EPA) and no objection received from the WAPC, proceed to advertise proposed scheme amendment 76 for public comment with a submission period of not less than forty two (42) days.

E. Following public advertising, the proposals and any public submissions lodged with the City during the advertising period are to be returned to Council for further consideration.
[Page intentionally blank]
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 by:

1. Amending the Scheme Text by inserting additional text in the table under Schedule 2 – Special Use Zone at No. 59 with associated provisions included in the “Special Use(s)” and “Conditions” columns of the table.

<table>
<thead>
<tr>
<th>No</th>
<th>Description of Land</th>
<th>Special Uses</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>Lots 3 (#35), 4 (#37) 100 (#27), 104 (#29) and 105(#31) Forrest Avenue, Bunbury</td>
<td>The following uses are classified as ‘P’ uses: (a) Home Occupation; (b) Home Office; (c) Public Utility; The following ‘D’ uses are permitted only where the Local Government has exercised its discretion by granting planning approval: (d) Ancillary Dwelling; (e) Bed and Breakfast; (f) Consulting Rooms (g) Convenience Store; (h) Family Day Care; (i) Grouped Dwelling; (j) Home Store; (k) Home Business (l) Lunch Bar (no drive through); (m) Multiple Dwelling; (n) Office (≤200m² NLA); (o) Residential Building; (p) Shop (≤300m² NLA) (q) Single Bedroom Dwelling; (r) Single House; (s) Telecommunications Infrastructure; The following uses are classified as ‘A’ uses:</td>
<td>The following provisions apply to any subdivision and/or development undertaken on land within the Special Use Zone, and where relevant, are to be incorporated into any Structure Plan prepared for part or parts of the Zone. 1 Land Use Requirements 1.1 ‘Grouped Dwellings’ and ‘Multiple Dwellings’ shall have a dual residential density coding of R20/60 in accordance with clause 5.3.2 of the Scheme. 1.2 Notwithstanding clauses 5.3.2 and 5.3.3 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: (a) the development of a mixed use development; or (b) the development of ‘Multiple Dwellings’. 1.3 The sum total of ‘Office’ use shall be restricted to: a) a floorspace maximum of 200m² Net Lettable Area (NLA) per lot, and 200m² Net Lettable Area (NLA) per strata or survey strata scheme; or b) a floorspace maximum of 200m² Net Lettable Area (NLA) on any lot, including a strata or survey strata lot, if the use forms part of a mixed use development. 1.4 The sum total of ‘Shop’ use a) a floorspace maximum of 300m² Net Lettable Area (NLA) per lot, and 300m² Net Lettable Area (NLA) per strata or survey strata scheme; or</td>
</tr>
<tr>
<td>No</td>
<td>Description of Land</td>
<td>Special Uses</td>
<td>Conditions</td>
</tr>
<tr>
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<tr>
<td></td>
<td>(t) Car Park;</td>
<td></td>
<td>b) a floorspace maximum of 300m² Net Lettable Area (NLA) on any lot, including a strata or survey strata lot, if the use forms part of a mixed use development.</td>
</tr>
<tr>
<td></td>
<td>(u) Child Care Premises;</td>
<td></td>
<td>1.5 Drive-through facilities at a ‘Fast Food Outlet’, ‘Lunch Bar’ or ‘Restaurant’ shall not be permitted.</td>
</tr>
<tr>
<td></td>
<td>(v) Civic Use;</td>
<td>(w) Club Premises;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(x) Community Purpose;</td>
<td>(y) Cottage Industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(z) Educational Establishment;</td>
<td>(aa) Fast Food Outlet (no drive through);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(bb) Funeral Parlour</td>
<td>(cc) Medical Centre;</td>
<td></td>
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<td></td>
<td>(dd) Place of Worship</td>
<td>(ee) Recreation - Private;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ff) Restaurant;</td>
<td>(gg) Unrestricted Residential Occupation;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(hh) Veterinary Centre;</td>
<td>(ii) Traffic management including access ways, internal circulation and arrangements for service / emergency vehicles and the loading and unloading of goods.</td>
<td></td>
</tr>
</tbody>
</table>

Permissible ‘D’ and ‘A’ uses from the Special Uses list above may be subsequently regarded as ‘P’ uses where they are identified on an adopted Structure Plan.

All other Land Uses under the Zoning Table not listed as Special Uses are an ‘X’ use.

2 Structure Plan

2.1 Redevelopment of lots in excess of 3,000m², or the amalgamation of 3 or more lots (whichever is the lesser) shall require prior to subdivision or development, the preparation, submission and endorsement of a Structure Plan in accordance with clauses under 6.2 of the Scheme.

2.2 The Structure Plan shall include information or detail to the specification and satisfaction of the Local Government dealing with, but not limited to, the following:

(a) Identification of specific land use activities.

(b) Layout, extent and arrangement of land uses.

(c) Standards and requirements for development, site planning and building design.

(d) Lot layout of subdivision design.

(e) Building envelopes addressing footprint, height and bulk.

(f) Development setbacks from boundaries and between buildings, accessways and right-of-ways.

(g) Urban design standards to guide, but not limited to, the following:

(i) building orientation;

(ii) active frontages;

(iii) building entrances;

(iv) building façades; and

(v) rooflines.

(h) Pedestrian and bicycle access and movement.

(i) Traffic management including access ways, internal circulation and arrangements for service / emergency vehicles and the loading and unloading of goods.

(j) Vehicle parking areas.
<table>
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<tr>
<th>No</th>
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<th>Conditions</th>
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<tr>
<td></td>
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<td>(k) The provision of visual screening elements to parking, servicing and loading areas.</td>
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<td>(l) Landscaping within setback areas and between buildings.</td>
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<td>(m) Passive surveillance and application of Crime Prevention Through Environmental Design (CPTED) principles.</td>
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<td>(n) Standards to guide the location, area, type and quality of signage.</td>
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<td>(o) Waste management.</td>
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<td>(p) A supporting Transport Assessment prepared in accordance with the WAPC’s Transport Assessment Guidelines for Developments Volume 3 – Subdivision, as amended.</td>
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<td>(q) A supporting Infrastructure Implementation Plan that addresses:</td>
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<td>(i) implementing approved parts of the Transport Assessment;</td>
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<td>(ii) construction of a right-of-way;</td>
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<td>(iii) allocation of responsibility for infrastructure provision; and</td>
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<td>(iv) timing and provision of infrastructure.</td>
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<td>(r) A Landscaping Plan prepared in accordance with the requirements of the relevant Local Planning Policy for landscaping.</td>
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3 Development Standards

3.1 Where development standards are not prescribed within the provisions of the Special Use Zone or in an adopted Structure Plan, the general development requirements and standards of the Scheme shall prevail.

3.2 Where a Structure Plan is not required, an application for planning approval for the development of non-residential uses shall be supported by explanatory statements prepared to the satisfaction of Local Government that demonstrates consideration and solutions to:

(a) building bulk, form and scale that is responsive to site analysis conducted in accordance with the Residential Design Codes;

(b) the compatibility of land uses and internal arrangement of activities to
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<th>Conditions</th>
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|    |                     |              | minimise land use conflict and maximise amenity, efficiency and productivity;  
|    |                     |              | (c) adequate pedestrian access to and through the site;  
|    |                     |              | (d) integrated traffic management including site access, circulation, servicing and parking;  
|    |                     |              | (e) a quality building interface to the public realm and an active street frontage;  
|    |                     |              | (f) passive surveillance and application of Crime Prevention Through Environmental Design (CPTED) principles; and  
|    |                     |              | (g) appropriate waste management and servicing that improves amenity and environmental performance.  
|    | Building Height     |              | 3.3 The maximum building height for development is 12.0 metres above natural ground level.  
|    |                     |              | 3.4 Development proposals with a building height over 9.0 metres, will be required, at the discretion of Local Government, to submit a Development Impact Statement to the satisfaction of Local Government.  
|    | Building Setbacks   |              | 3.5 The setback distance to lot boundaries for all built development shall be in accordance with the following:  
|    |                     |              | (a) a minimum 2.0 metre front setback from the primary street.  
|    |                     |              | (b) a minimum 2.0m setback from the secondary street.  
|    |                     |              | (c) residential activities: as per Residential Design Codes.  
|    |                     |              | (d) ground floor commercial: nil side setback. Buildings shall be built from side boundary to side boundary except where access and parking is required.  
|    | Building Appearance |              | 3.6 Where a non-residential development site adjoins a Residential Zone, development is to be in accordance with the development standards of Local Planning Policy No. 3.4: Non-Residential Development within or adjoining Residential Areas.  

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<td>3.7</td>
<td>Mixed use and non-residential development and/or land uses must be designed to address the street and complement or enhance the intended local streetscape character and amenity.</td>
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<td>3.8</td>
<td>Building façades and walls that front Forrest Avenue are to be detailed and articulated with design indentations/reliefs, variation in materials, architectural features, colour schemes and active frontages, that include door and window openings, to reduce the visual impact of large blank wall spaces and provide for visual interest.</td>
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<td>3.9</td>
<td>Building orientation and frontages to a street public and/or open space must be designed for public safety and must incorporate major openings that permit passive surveillance over public and semi-public spaces, including car parking areas.</td>
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<td>3.10</td>
<td>Buildings should be designed to minimise overshadowing of adjoining premises and/or public open space in order to ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties. Protection of solar access for neighbouring properties should avoid significant overshadowing of: (i) outdoor living areas; (ii) north facing major openings to habitable rooms; (iii) north and west facing roof areas; and (iv) existing solar collectors.</td>
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<td>3.11</td>
<td>Building Entrances At least part of the main pedestrian entrance to a building must be on or within 3m of the site frontage.</td>
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<td>3.12</td>
<td>Buildings must provide shelter for pedestrians from the elements at the point of entry.</td>
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<td>3.13</td>
<td>Pedestrians can access the ground floor and any floors above from an entrance to a building which is at grade and directly accessible from a street or public space.</td>
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<td>3.14</td>
<td>For sites with a sloping frontage, the ground floor must not exceed more than 1.2 metres above or below the level of the site frontage. The level of the site frontage is measured at every point along that boundary.</td>
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<td>Finished Floor to Floor Heights</td>
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<td>3.15 The minimum finished floor to floor heights for all built development shall be in accordance with the following:</td>
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<td>(a) Ground floor: 4.0 metres.</td>
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<td>(b) Above ground floor non-residential activities: 3.5 metres.</td>
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<td>Vehicular Access</td>
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<td>3.16 Vehicle access to sites must be from side streets or a shared rights of way where available.</td>
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<td>3.17 Reciprocal rights of access shall be secured over any approved vehicle accessway to allow for its shared use by adjoining lots.</td>
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<td>Parking</td>
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<td>3.18 The number of car parking bays required shall be provided in accordance with Table 2 of the Scheme.</td>
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<td>3.19 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 30% provided that:</td>
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<td>(a) 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</td>
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<td>(b) bays are clearly marked limiting the purpose for which the parking may be used at different times of the day.</td>
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<td>3.20 Car parking areas are to be located to the side or rear of the development site. No car parking shall be permitted within the front setback area, except where development:</td>
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<td>i) is for residential purposes only and complies with the requirements of the R Codes; or</td>
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<td>ii) involves only the change of use of an existing building and opportunities for car parking to the side and/or rear are not practical.</td>
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<td>Landscaping</td>
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<td>3.21 Setback areas shall be planted with trees, shrubs and ground cover plants appropriate to the locality of the site and built form.</td>
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|    |                     |              | 3.22 On-site car parking areas shall be landscaped with shade trees planted at the rate of no
### Conditions

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<td>less than 1 tree per 6 car bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.</td>
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</table>

#### Signage and Advertising Devices

3.23 In accordance with relevant Local Planning Policy.

#### Hours of Operation

3.24 Non-residential development shall not be permitted to trade or undertake activities (e.g. deliveries) between the hours of 10.00pm to 7.00am Monday to Saturday and 7.00pm to 9.00am on Sundays and Public Holidays unless supported by a Development Impact Statement submitted for consideration at the development application stage. Prepared to the satisfaction of Local Government, the Development Impact Statement shall address 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 mitigating measures for consideration.

#### Noise Attenuation

3.25 Development proposals shall have regard to mitigating potential external and internal noise impacts. In circumstances where the City believes that excessive noise impacts may occur as a result of the proximity of noise sensitive development to potential noise sources an acoustic assessment may be required to support the application.

*Note: The area is identified as falling within a flood prone area and new development shall be subject to minimum finished floor level requirements.*

### 3. Amending the Scheme Map by rezoning:

- **i)** portion of Lot 100(#27) Forrest Avenue and Lots 104(#29), 105(#31), 4(#33) and 3(#35) Forrest Avenue, South Bunbury from “Residential Zone” R60 to “Special Use Zone No. 59 – Residential Mixed Use”;
- **ii)** portion of Lot 100(#27) Forrest Avenue from “Public Purposes Reserve” (Drainage) to “Special Use Zone No.59 – Residential Mixed Use”;
- **iii)** portion of Lot 101 (#1) Higgins Street from “Public Purposes Reserve” (Drainage) to “Residential Zone” R20/40; and
- **iv)** land adjacent to Lot 100(#27) Forrest Avenue from “Residential Zone” R60 to “Access Road Reserve”.

such that it is depicted as follows:
Adoption Page

Adopted for Advertising

Adopted for advertising of scheme amendment 76 to the City of Bunbury Town Planning Scheme No. 7, in accordance with the Planning and Development Act 2005, by resolution of the Council of the City of Bunbury at its Ordinary Meeting of the Council held on the 21st day of July, 2015 (Decision Number: 257115).

Mayor
Gary Brennan

Signed:

Chief Executive Officer
Andrew Brien

Signed:

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 ________, 20____; 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
Gary Brennan

Signed:

Chief Executive Officer
Andrew Brien

Signed:

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: ___/___/____

City of Bunbury