

# Non-residential Development in the Residential Zone Local Planning Policy

## Responsible Directorate: Planning and Community Development

### Objectives:

- To provide development standards for non-residential development in the Residential Zone.
- To ensure that non-residential development is compatible with and complements the character of the surrounding residential area.
- To ensure that non-residential development does not have a negative impact on the surrounding residential amenity.

### 1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

### 2. Application:

This policy applies to all non-residential development (not covered by other local planning policies) in the 'Residential' and 'Special Residential' zones and the 'Urban Development' zone where the applicable structure plan applies the 'Residential' zone.

### 3. Definitions:

**“non-residential development”** means development to which the *Residential Design Codes* (R-Codes) do not apply.

**“external fixtures”** means utilities, equipment, plant or other structures necessary for a building to achieve efficient, comfortable operating outcomes and may include rainwater storage tanks, air conditioning units, communication, power and water infrastructure, letterboxes or other fixtures necessary for the use of the building.

“**height**” when used in relation to a building, means the maximum vertical distance between natural ground level and the finished roof height directly above.

“**landscape, landscaping or landscaped**” means land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries or ornamental ponds.

“**small scale renewable energy system**” means a solar energy system of up to 100 kilowatts capacity or a small wind energy system of up to 10 kilowatts capacity.

“**solar energy system**” means a system which converts energy from the sun into useable electrical energy, heats water or produces hot air or a similar function through the use of solar panels.

“**wind energy system**” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

#### 4. Details:

##### 4.1. Building Setbacks:

- a. Building setbacks are to be in accordance with Part 5 of the R-Codes, with the exception of the following:

R-Code	Minimum Primary Street Setback Distance	Minimum Secondary Street Setback Distance
R5	12 metres	6 metres
R20 and R25	6 metres	1.5 metres
R30 and above	4 metres	1.5 metres

##### 4.2. Building Height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Land Use	Maximum Building Height		
	Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
Nursing Home, Retirement Village on a lot of 5,000m <sup>2</sup> or more coded R40 or lower	9 metres	10 metres	12 metres
Nursing Home, Retirement Village on a lot of 5,000m <sup>2</sup> or more coded R50 or higher	12 metres	13 metres	15 metres
All other non-residential land uses	6 metres	7 metres	9 metres

### 4.3. Building Design:

- a. Development is to be in accordance with the following requirements:

Design Element	Development Standard
(a) Appearance	(i) The building must be of residential appearance, in keeping with the surrounding environment, and not detract from the amenity of adjoining properties.

### 4.4. Parking and Access:

#### 4.4.1. Car Parking Standard

- a. Car parking bays are to be provided in accordance with the following table:

Use Class	Number of on-site parking bays
Caravan Park	1 bay per site/chalet plus 1 visitor bay per 10 sites
Civic Use	1 per 4 people accommodated
Home Store	1 per 25m <sup>2</sup> NLA
Land Sales Office (Temporary)	5 per Land Sales Office
Nursing Home	1 per 5 beds plus 1 per employee
Park Home Park	1 bay per park home plus 1 visitor bay per 10 park homes
Retirement Village	1 per unit plus 1 visitor bay per 10 units plus 1 per non-resident staff member

#### 4.4.2. Car Parking Location and Design

- a. Car park access and design is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) Car park location	(i) All car parking is to be provided on-site; verge parking is not permitted. (ii) Car parks should, where practicable, be located at the rear of the building and the location clearly sign-posted.
(b) Car park design	(i) Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time. (ii) Tandem car parking will be considered for employee parking only and must be clearly designated as such.
(c) Vehicle access	(i) The number of crossovers should be kept to the minimum to provide efficient ingress and egress. (ii) Vehicles are required to enter and exit the site in forward gear.
(d) Pedestrian access	(i) A footpath must be provided from the car park and the street to the building entrance.

#### 4.5. Landscaping:

- a. Landscaping is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) % landscaping	(i) A minimum of 8% of the area of a lot shall be landscaped. (ii) The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries.
(b) Size	(i) Any landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0 square metres.
(c) Shade trees	(i) Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays.

#### 4.6. Fencing

- a. Any fence located in the street setback is to be in accordance with the requirements of the *Residential Design Codes (R-Codes)* and the City's *Residential Development Local Planning Policy* or any relevant structure plan or local development plan.

#### 4.7. Servicing

- a. Services should be screened from view, and located at the rear of the building where practicable. Servicing is to be in accordance with the following requirements:

Provision	Development Requirement
(a) Bin storage areas	(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material. (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.
(b) External fixtures	(i) External fixtures must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.
(c) Lighting	(i) To minimise the negative impacts of lighting, lighting is to be installed in accordance with Australian Standard AS 4282.

#### 4.8. Sea Containers

The location and use of sea containers should not detract from the amenity, character and streetscape of an area.

- a. The permanent use of a sea container is to be in accordance with the following requirements, demonstrated through an application for development approval:

Provision	Development Requirement
(a) Visibility	(i) The sea container must not be visible from any street. (ii) The sea container must be clad with materials and is a colour that matches, or is complementary to, the materials and colour of the existing buildings on the property.

- b. The temporary use of a sea container can be considered in accordance with the following requirements:
- i. The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, up to a maximum of 12 months; or
  - ii. The sea container is only used for the loading or unloading of goods that is occurring on the subject site up to a maximum of 7 days; and
  - iii. The sea container is positioned so as not to obscure vehicle sightlines.
  - iv. A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use, in accordance with the provisions of subclause 61(1)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
  - v. Clause iv. above does not apply if the sea container is in place for less than 48 hours.

#### 4.9. Small scale renewable energy systems

- a. The development of small scale renewable energy systems is encouraged in order to reduce the production of greenhouse gas emissions. Small scale renewable energy systems are to be in accordance with the following requirements:

Provision	Development Requirement
(a) Solar energy system	(i) Solar energy systems must be integrated into the overall design of the building and located on rooftops so as not to detract from the building itself or impose on the existing streetscape.
(b) Wind energy system	(i) The system must be well setback from any overhead power lines. (ii) The turbine system must be fitted with an automatic and manual braking system or an over-speed protection device. (iii) Unless colour-matched to the supporting roof, the wind energy system and any tower structure must remain painted or finished in the colour or finish applied by the manufacturer. (iv) No signage, other than the manufacturer's or installer's identification, shall be attached to the system. (v) Any electrical components and wires associated with a small wind energy system must not be visible from the street. (vi) The system must not be located on a property/building on the City's Heritage List. (vii) A maximum of 1 turbine per lot is permitted. (viii) Turbines are not permitted on lots less than 350m <sup>2</sup> . (ix) The maximum height of a pole mounted system is 5m above natural ground level. (x) The minimum clearance of a pole mounted system is 3m from natural ground level. (xi) The maximum height of a roof mounted system is 3m above the roofline. (xii) The maximum blade diameter is 2m.

	(xiii) Not permitted between the building and street. (xiv) A pole mounted system must be setback from side and rear boundaries not less than the total height of the wind energy system, (xv) A roof mounted system must be setback a minimum of 7.5m from a major opening of an adjoining building.
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**Creation Date:** <mmmm yyyy (adopted by Council)>

**Amendments:**

**Related Documentation:** • *City of Joondalup Local Planning Scheme No. 3*