



City of Albany
Policy

Local Planning Policy 2.1 Non-Residential Development in the Residential Zone

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Introduction

The City of Albany acknowledges that in certain circumstances non-residential land uses can coexist with residential development. Table 2 - Zoning of the City of Albany *Local Planning Scheme No. 1* identifies a number of non-residential uses that may be considered within the Residential Zone.

This Policy has been prepared to provide general guidance and development standards for non-residential development in the Residential Zone, to ensure development is compatible with adjoining residences and does not detract from the amenity of the Residential Zone.

Policy objectives

1. To provide development standards for non-residential development in the Residential zone.
2. To ensure that non-residential development is compatible with the existing scale and character of the surrounding area.
3. To ensure potential undue impacts on residential amenity are appropriately managed.

Policy Scope

Inclusions

4. The provisions of this policy apply to all non-residential land use and development applications, including the non-residential element of any mixed-use development proposal, on land zoned 'Residential' under Local Planning Scheme No.1.

Exclusions

5. The Policy does not cover:
 - Home Occupation
 - Home Business
 - Home Office
 - Holiday House
 - Bed and Breakfast

Policy Statement

Advertising

6. Proposals for non-residential uses in the Residential zone may be advertised at the discretion of the City of Albany.

Location

7. Developments proposed on corner lots will be considered favourable as they generally allow for improved traffic distribution, reduce impact on the streetscape and provide a buffer to surrounding residences.
8. Battle-axe lots will generally not be supported for non-residential development as they limit the opportunity for the provision of car parking and can cause traffic issues due to the concentration of activity.
9. In order to avoid the adverse cumulative impacts of non-residential development, the City may take into consideration the likely impact both the proposed use and overall cumulative effect of a concentration of non-residential uses may have on the existing amenity, social cohesion and situational crime in the area.

Building Design and Site Layout

10. The development is to be of a scale and form that is consistent with the surrounding residential area, taking into account the requirements of *State Planning Policy 7.3 – Residential Design Codes*.
11. The development should incorporate suitable open space for its context, to be provided at a ratio consistent with the requirements of *State Planning Policy 7.3 – Residential Design Codes*.
12. The building shall be setback in accordance with the prevailing streetscape.
13. Where located adjacent to residential properties, non-residential development shall be designed to satisfy the following criteria:
 - (a) All openings to operational rooms where the finished floor level is raised 0.5m or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to be:
 - setback, in direct line of sight within the cone of vision, from the boundary of the adjoining property, a minimum of 6m; or
 - provided with permanent vertical screening to a minimum height of 1.6m.
 - (b) All unenclosed outdoor spaces (balconies, decks, verandahs and the like) where the finished floor level is raised 0.5m or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line are to be:
 - setback, in direct line of sight within the cone of vision, from the boundary of the adjoining property, a minimum of 7.5m; or
 - provided with permanent vertical screening to a minimum height of 1.6m.
14. The non-residential portion of any mixed use development is to be designed to minimise overlooking of major openings and outdoor active habitable spaces of the residential development.
15. Fencing to the secondary street or public open space should be visually permeable above 1.2m. Solid fencing portions will be assessed on their individual merit taking into account the need for noise mitigation and security.
16. Further to clause 15. above, facades fronting the street or public domain shall be designed in accordance with relevant Crime Prevention Through Environmental Design (CPTED) principles and address matters such as personal safety, passive surveillance and vandalism.
17. Car parking is to be contained entirely within the site and arranged in such a way that all vehicles can leave the site in a forward gear.
18. The provision of bicycle parking facilities and end of trip facilities are encouraged for all non-residential development.
19. Service and bin storage areas shall be suitably screened from the street and adjoining residential development.
20. Development should be designed to minimise earthworks/retaining and respect the natural topography of the site.
21. Landscaping shall be provided at a rate of 10% of total site area and shall be designed to:
 - Be visible from the streetscape and positively contribute to residential amenity;
 - Include a minimum 1.5m wide strip adjacent to all street boundaries;
 - Consider the retention of existing mature trees and vegetation;
 - Provide a buffer between the development and adjoining residential properties; and
 - Provide screening of parking and service areas.
22. Where a development comprises mixed use development the above landscaping rate applies to the proportion of the development, which is for non-residential purposes only. The landscaping associated with the residential portion of the development is to be assessed as per the R-Codes.

23. Air conditioners and other similar servicing plant shall be appropriately located and screened from the street and neighbouring properties.

Operation

24. Where a non-residential use is proposed to be located next to a residential property, the local government may request a management plan to demonstrate that the proposal will not have an undue impact on the amenity of surrounding residential uses. If approved, compliance with the management plan will be an ongoing condition of approval.
25. In addition to a management plan, the Local Government may also request a noise impact/acoustic assessment or a traffic impact assessment to be completed by suitably qualified professional.

Legislative and Strategic Context

26. The policy operates within the following framework of legislation.
- *Planning and Development Act 2005*
 - *Planning and Development (Local Planning Schemes) Regulations 2015*
 - *City of Albany Local Planning Scheme No.1.*

Review Position and Date

27. This policy was adopted on 27 June 2023. This policy should be reviewed every two years, or earlier if required.

Associated Documents

- *State Planning Policy 7.3 – Residential Design Codes Volume 1.*
- *State Planning Policy 7.3 – Residential Design Codes Volume 2.*
- *Draft LPP1.9 Waste Management Plans.*
- *WAPC Designing Out Crime Planning Guidelines*

Definitions

Non-Residential Development means any form of development or land use that does not meet the definition of 'Residential development' under *State Planning Policy 3.7 – Residential Design Codes*.

Mixed use development has the same meaning given under *State Planning Policy 3.7–Residential Design Codes*.

Management Plan is a formal document that defines how development objectives will be executed, monitored, and controlled whilst minimising adverse impacts. The approved management plan shall be implemented and complied with at all times the non-residential development is in operation. At a minimum, the Management Plan should address the following:

- Detailed description of use and information of how the premises will be managed on a day to day basis
- Hours of operation
- A mitigation plan to identify how potential impacts to residential amenity will be controlled
- Complaint response procedure (who to contact and what action to be taken to resolve complaints)
- Statement on the management of traffic and provision of car parking
- Facility access and security management.

Operational room means a room utilised for sales, meetings or congregating purposes and excludes rooms such as bathrooms, store rooms, lobbies, hallways, plant rooms and the like.