



INTRODUCTION

It is possible to develop housing amongst many areas which are primarily of a non-residential (commercial) nature. Council's Scheme also encourages residential uses to be developed in conjunction with non-residential activities in certain areas, for example within the Residential/Commercial Zone or District Centre Zone, found along the Albany Highway activity corridor. Here, the residents of appropriately designed mixed use developments or stand-alone residential developments can benefit from proximity to various services, facilities and attractions often available in non-residential and mixed-use environments, and can contribute to after-hours activity.

This Policy has been prepared to provide guidelines for residential and mixed-use development proposed within non-residential areas.

OBJECTIVES

- a) To ensure that, where residential and non-residential uses are developed on the site, the activities are compatible so that each can function without undue interference from another use, and are developed in such a manner that the amenity of all uses is safeguarded.
- b) To promote successful development of residential uses in non-residential areas, as a means of achieving a diversity of uses, benefitting from proximity to services and attractions, and contributing to after-hours activity.
- c) To ensure non-residential uses are able to conduct their normal day to day activities without undue influence from or conflict with residential uses.

POLICY SCOPE

Where permitted under the relevant Scheme and Precinct provisions.

POLICY REQUIREMENTS

1. Wholly Residential Development

In considering an application for a wholly residential development within a non-residential area (i.e. on non-Residential zoned land), the Council shall have regard to:

- a) protecting the character of the area and ensuring non-residential uses are able to conduct their normal day to day activities without undue influence from residential uses;
- b) ensuring residential uses are not developed where it will result in significant

unacceptable disturbance to residents resulting in a reduced level of amenity, acknowledging that residential uses in non-residential areas should expect a different level of amenity to that available in a residential area; and

- c) the relevant provisions of the Residential Design Codes and the development standards of the Scheme.

2. Mixed-Use Development

Where residential uses are to be developed in conjunction with non-residential uses, the development should have regard to the following matters, in addition to any area-specific development standards or design guidelines applicable to the site under Council's Scheme or adopted State and/or Local Planning Policies:

- a) Address, Servicing and Access

The address and entry points for the residential use must be separate from other uses and readily identifiable. All necessary rubbish bin areas, letterboxes, drying areas and similar facilities and services must be separately provided for residential uses.

- b) Amenity and Security

A high level of amenity and security should be ensured for all uses, particularly residential. All development should be designed to avoid problems such as overlooking, overshadowing and nuisances. In addition, maximum advantage should be taken of available views and favourable orientation for residential development.

- c) Parking

Car parking shall be provided as required under the relevant Local Planning Policy requirements. Parking for the residential use(s) shall be separate from parking for other uses. Access to car parking spaces shall be available for all uses at all times of operation.

- d) Setbacks

Setbacks for residential development shall be provided as required under the Scheme and relevant Precinct Plan requirements. For the purpose of determining the distance between non-residential and residential buildings or parts of buildings on the same site, both shall be treated as though they are residential and set back accordingly. Likewise, windows, doors and similar openings in non-residential buildings shall be treated, for the purposes of calculating setbacks, as though they are major openings in residential buildings.

- e) Open Space

Open space shall be provided for residential uses as required under the Residential Design Codes. For the purposes of calculating the amount of required open space for Single Houses and Grouped Dwellings, the 'site' (area) shall be that portion of the site set aside for residential purposes.

f) Visual Privacy

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 multiple dwellings within the site.

VERSION CONTROL

Date Initially Adopted :	Former Policy 3.6 and 3.7 under Town Planning Scheme Policy Manual – adopted 30 September 1998
Date(s) Amended :	1. Adopted as Local Planning Policies 4 and 5 at Ordinary Council Meeting 9 February 2016; 2. Amended by Council resolution at Ordinary Council Meeting 11 December 2018.

Also refer to the R-Codes, Volume 2 'Apartments' which may prevail over requirements in this Policy

