

**CITY OF SUBIACO**  
**LOCAL PLANNING POLICY 2.2**

**Non-residential development on land zoned Centre, Local Centre  
and Mixed Use**

**ADMINISTRATIVE**

<b>Version</b>	<b>Date</b>	<b>Comment</b>
0.1	22 June 2021	Draft for public advertising
1.0	21 September 2021	Final for publishing

**AUTHORITY**

- Planning and Development (Local Planning Schemes) Regulations 2015.
- City of Subiaco Local Planning Scheme No. 5 (Scheme).

**STATUTORY BACKGROUND**

This local planning policy (the policy) is made pursuant to Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) relating to local planning policies.

This policy applies in conjunction with the Scheme, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (R-Codes Volume 2), and any other relevant local planning policies.

**PURPOSE**

This policy includes controls for non-residential development and seeks to:

- facilitate the development of high quality built form;
- provide for pedestrian-oriented and attractive streetscapes; and
- protect the amenity of nearby sensitive land uses.

**APPLICATION**

This policy applies to non-residential development and the non-residential component of mixed use development, on land zoned Centre, Local Centre and Mixed Use in the Scheme, which is not within an area covered by an approved structure plan or local development plan.

The application of the policy to new development and additions and alterations to existing development (where those works are not exempt from the requirement to obtain development approval) is detailed in section 3.0 of this policy. In any case, the City shall determine the extent to which this policy applies to a development.

## POLICY

### 1.0 Objectives

- (a) To ensure that non-residential development protects the amenity of residential uses within and in close proximity to the Centre, Mixed Use and Local Centre zones.
- (b) To encourage high quality, pedestrian friendly, street-oriented development that integrates with surrounding areas.
- (c) To ensure that buildings positively contribute to, and enhance the streetscape by promoting interesting and varied design.
- (d) To ensure development incorporates environmentally sustainable design principles and sustainability measures in its design.
- (e) To ensure that building frontages at the street level assist in the creation of safe built environments.

### 2.0 Definitions

2.1 The following terms are defined for the purpose of this policy:

**AS 2890.1:** means *AS 2890.1 Parking Facilities Part 1: Off-street car parking* (as amended).

**Active uses:** Commercial land uses that open directly to the footpath. They enhance public security, and passive surveillance and improve the amenity of the public domain by encouraging pedestrian activity. A list of Active Uses is provided in Appendix 1.

**Deemed Provisions:** means the provisions contained in Schedule 2 of the LPS Regulations.

**Main building line:** means the point at which the wall of the building is closest to the street boundary. The main building line does not include projections such as architectural features, awnings, balconies and the like.

**Non-active uses:** means land uses that do not generate many pedestrian visits on a daily basis and are generally not visited by the public except by appointment. A list of Non-Active Uses is provided in Appendix 1.

**Operational rooms:** rooms within non-residential development that are occupied frequently for extended periods of time by users. Examples of operational rooms include offices, consulting rooms, retail areas, manufacturing and production areas, and the like.

Operational rooms do not include rooms such as kitchens, storerooms, service areas, corridors, stairwells and landings and the like that are not occupied on a frequent basis for extended periods of time.

Operational rooms shall be determined by the City.

**Scheme:** The applicable Local Planning Scheme to which this Policy applies, being the City of Subiaco Local Planning Scheme No. 5. (LPS 5).

**Street boundary:** means the boundary between the land that comprises a street and the land that abuts thereon. The street boundary includes both the primary and secondary street.

**Street setback area:** The area between the street boundary and the main building line.

2.2 All other terms, words and expression used in this policy have the same meaning as they have in the Scheme and the applicable planning framework under the *Planning and Development Act 2005*. The definitions of this policy prevail to the extent of any inconsistency.

### **3.0 Principles and requirements for development**

3.1 Applications for development approval need to demonstrate that the design meets the Design Principles in Table 1. The Development Requirements are one method of achieving the Design Principle. Discretionary consideration of a variation to a development requirement is guided by clause 3.3.

#### **3.2 Application of development requirements to development applications**

3.2.1 The development requirements in Table 1 apply to all new development.

3.2.2 The application of the development requirements to development applications for additions/and or alterations is specified in Table 1.

#### **3.3 Discretionary consideration**

Consideration may be given to varying a development requirement specified in Table 1 where the variation satisfies the following criteria:

3.3.1 It can be demonstrated that due to the specific circumstances of the proposed development or site that it cannot achieve the particular development requirement; and

3.3.2 The nature and extent of the variation does not have any significant impact upon the amenity of adjoining properties and/or the locality; and

3.3.3 It can be demonstrated that the particular development principle to which the variation relates can be met through other suitable means to the satisfaction of the City.

**Table 1: Development principles and development requirements**

<b>Development Principle (DP)</b>	<b>Application of development requirement to additions and/or alterations</b>	<b>Development Requirement (DR)</b>
<b>Active land uses</b>		
<p><b><u>DP 1</u></b></p> <p>Development includes a variety of land uses that promote vibrancy in the locality, and activation of the ground level of buildings and the street.</p>	<p>Applies where the land use is not existing/already approved, or is not exempt from the requirement to obtain development approval.</p>	<p>DR 1.1 Active uses are provided at the ground floor level to promote street level activation and vibrancy.</p> <p>DR 1.2 Non-active uses are preferred on the upper levels of buildings.</p> <p>DR 1.3 Office uses may be considered as active uses for particular periods of the day where the proponent can provide suitable justification to the City that demonstrates increased activity levels and higher occupation frequencies consistent with active uses.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Refer to section 5.0 Appendix 1 Table 2 for active and non-active uses in the Centre, Mixed Use and Local Centre zones.</li> <li>2. Refer to section 5.0 Appendix 1 Figure 1 for preferred land use locations.</li> <li>3. Land use permissibility is assessed in accordance with the requirements of the Scheme.</li> </ol>
<b>Design and articulation</b>		
<p><b><u>DP 2</u></b></p> <p>Development is well designed and articulated, with visually interesting facades, no blank facades, and with the design of buildings addressing all street frontages that the site abuts.</p>	<p>Applies where significant modifications to façade design are proposed, as visible from the street or public realm.</p>	<p><b>General façade design and articulation requirements</b></p> <p>DR 2.1 Building facades are to incorporate design features to enhance appearance, create visual interest and reduce the instance of blank and unarticulated walls, including consideration of the following design features:</p> <ol style="list-style-type: none"> <li>a) Materials, colours and finishes – high-quality, durable and diverse materials and finishes. Highly reflective finishes that have poor glare outcomes are to be avoided. A cohesive materials, colours and finishes palette is developed and used in the development that reflects the character of the locality;</li> <li>b) Scale – reinforce a human-scale and pedestrian-oriented environment. Building design is to carefully consider the overall scale, perception and legibility of the building through bulk and roofline treatment;</li> <li>c) Articulation – building facades to have contrast between solid elements (such as walls) and voids (for example, windows, doors, balconies and the like), generally with a higher void to solid ratio, particularly on the ground floor; and</li> </ol> <p>DR 2.2 Concrete or blank walls that are visible from an adjoining property or public realm shall be painted or finished to an appropriate standard.</p> <p>DR 2.3 The façade of development shall be designed to promote surveillance of the street,</p>

**Table 1: Development principles and development requirements**

Development Principle (DP)	Application of development requirement to additions and/or alterations	Development Requirement (DR)
		<p>right of way (ROW) (where a site abuts a ROW), and internal circulation areas within the site (such as car parking areas, footpaths and the like). Facades shall incorporate window and door openings to provide passive surveillance and enhance the pedestrian scale of development. Passive surveillance is to be provided from upper levels from balconies, operational rooms and the like.</p> <p><b>Note:</b> Design Review Panel feedback may be sought to assist on the assessment of the above matters and any other development requirement in DP 2.</p>
	<p>Applies where:</p> <ol style="list-style-type: none"> <li>1. Additional storeys are proposed as part of the works.</li> <li>2. Significant modifications to the design of the existing ground and/or upper floor(s) are proposed as part of the works.</li> </ol>	<p><b>Differentiated design for the ground and upper floor(s)</b></p> <p>DR 2.4 The ground floor is to have a minimum ceiling height of 4 metres to provide for functional ground floor active uses (refer Table 1, DP 1 and DR 1.1, 1.2 and 1.3 above) and greater flexibility for adaptive reuse.</p> <p>DR 2.5 A minimum of 60% of the ground floor façade surface area facing the street is to comprise glazing/openings. This requirement applies to all street frontages.</p> <p>DR 2.6 Reflective or heavily tinted glazing at ground floor level is not supported; windows at ground level are to be visually permeable.</p> <p>DR 2.7 Ground floor commercial tenancies that have direct street frontages are to have entries onto that frontage and be outward facing to facilitate street activation.</p> <p>DR 2.8 The façade is to be articulated above ground level through the inclusion of balconies, recessed outdoor living areas, and/or other architectural features.</p>
	<p>Applies to sites that are located on the intersection of two streets (not including a ROW), where the works involve significant modifications to the building as viewed from the abutting street(s) that change how the building addresses those</p>	<p><b>Corner sites</b></p> <p>DR 2.9 The design and materials of the building should be articulated and address both the primary and secondary street(s). The primary and secondary street façades of the ground floor should be of similar quality.</p> <p><b>Note:</b> Examples of design features that may be incorporated into the design of development on corner sites include (but are not limited to): building mass focused on corner(s) of a site, additional architectural detailing, materials, finishes and colours on the corner(s) of the development, and a dominant entrance feature on the corner(s).</p>

**Table 1: Development principles and development requirements**

<b>Development Principle (DP)</b>	<b>Application of development requirement to additions and/or alterations</b>	<b>Development Requirement (DR)</b>
	street(s).	
<b><i>Sustainability</i></b>		
<p><b><u>DP 3</u></b> Development incorporates environmentally sustainable design and sustainability measures.</p>	<p>Applies where significant additions and/or alterations are proposed that result in the expansion of the building and resultant intensification of existing or proposed land use(s).</p>	<p>DR 3.1 The development is to incorporate passive solar design, maximisation of northerly orientation for operational rooms, and achieve shading from summer sun.</p> <p>DR 3.2 The development shall include reasonable sustainability measures such as:</p> <ul style="list-style-type: none"> <li>a) Energy efficiency measures, for example, a photovoltaic array and electric vehicle charging facilities;</li> <li>b) Water efficiency measures such as reduction of potable water use through water management and conservation means such as waste water recycling and/or rainwater harvesting;</li> <li>c) Sustainable use of materials, such as use of recycled materials in the construction of the development; or</li> <li>d) Other appropriate sustainability measure determined by the City.</li> </ul>
<b><i>Pedestrian friendly design</i></b>		
<p><b><u>DP 4</u></b> Development is pedestrian friendly within the site, and incorporates legible pedestrian access, clearly identifiable building entrances, and weather protection for pedestrians.</p>	<p>Applies where new pedestrian access footpaths and/or building entrances are proposed as part of the works.</p>	<p><b>Pedestrian access and building entrances</b></p> <p>DR 4.1 Legible pedestrian access via footpaths is to be provided from parking areas to building entrances and between the street and rear parking areas (where required).</p> <p>DR 4.2 New development is to encourage pedestrian safety and accessibility, including consideration of the following matters:</p> <ul style="list-style-type: none"> <li>a) The design of exterior spaces, including car parks, is to minimise pedestrian and vehicle conflict;</li> <li>b) Building entrances are to be clearly defined and visible from car parking areas, the street and public realm;</li> <li>c) Building entrances shall be accessible directly from the street, car park and key pedestrian routes as applicable;</li> <li>d) Separate entrances shall be provided for residential and non-residential components of a mixed use development; and</li> <li>e) Pedestrian entrances are to be provided with weather protection.</li> </ul>

**Table 1: Development principles and development requirements**

<b>Development Principle (DP)</b>	<b>Application of development requirement to additions and/or alterations</b>	<b>Development Requirement (DR)</b>
	<p>Applies where awnings are proposed as part of the works.</p>	<p><b>Awnings</b></p> <p>DR 4.3 Where a building directly abuts a footpath that is outside the boundaries of the site, continuous awnings for weather protection are to be provided along the length of the building.</p> <p>DR 4.4 Awnings are to be designed and sited to integrate with those of adjoining buildings and structures to provide continuous cover.</p> <p>DR 4.5 The minimum clearance distance from the footpath level to the underside of an awning is 2.4 metres.</p> <p>DR 4.6 Awnings shall be cantilevered and are not to include any supporting structures such as posts, pillars or the like, unless otherwise required to achieve a positive heritage outcome for a heritage-protected place.</p> <p>DR 4.7 Awnings shall be designed to protect existing street trees.</p> <p><b>Note:</b> The acceptable width of the awning shall be determined on a case by case basis in consultation with the City, as clearance distances from roads are based on the road classification.</p>
<b>Amenity</b>		
<p><b><u>DP 5</u></b></p> <p>Development positively contributes to the amenity of surrounding land uses and the streetscape. This includes minimisation of overlooking of residential properties and other detrimental amenity impacts. This also includes provision of landscaping, vehicle access, car parking design, loading and</p>	<p>Refer to development requirements.</p>	<p><b>Visual privacy</b></p> <p>DR 5.1 For development that alters the existing visual privacy situation and results in overlooking of adjacent residential properties where no overlooking presently exists, the development is to be designed to satisfy the following criteria:</p> <p>a) All major openings to operational rooms and all unenclosed outdoor spaces (habitable spaces such as balconies, decks, verandahs and the like) where the finished floor level is raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to be:</p> <p>i. setback, in direct line of sight within the cone of vision, from the lot boundary of the adjoining residential property, a minimum distance as provided in Table 1a:</p>



**Table 1: Development principles and development requirements**

Development Principle (DP)	Application of development requirement to additions and/or alterations	Development Requirement (DR)																
unloading areas, services and external fixtures and bin storage and waste management that does not detrimentally impact the streetscape and is suitable to the development proposed.		<table border="1" data-bbox="1151 274 2114 486"> <thead> <tr> <th colspan="3" data-bbox="1151 274 2114 304">Table 1a: Visual privacy setback distances</th> </tr> <tr> <th data-bbox="1151 304 1541 424" rowspan="2">Operational room / outdoor space</th> <th colspan="2" data-bbox="1541 304 2114 335">Location</th> </tr> <tr> <th data-bbox="1541 335 1818 424">Setback for areas coded R50 or lower</th> <th data-bbox="1818 335 2114 424">Setbacks for areas coded higher than R50</th> </tr> </thead> <tbody> <tr> <td data-bbox="1151 424 1541 454">Operational rooms</td> <td data-bbox="1541 424 1818 454">6m</td> <td data-bbox="1818 424 2114 454">4.5m</td> </tr> <tr> <td data-bbox="1151 454 1541 486">Unenclosed outdoor spaces</td> <td data-bbox="1541 454 1818 486">7.5m</td> <td data-bbox="1818 454 2114 486">6m</td> </tr> </tbody> </table> <p data-bbox="1151 523 1205 553">or;</p> <p data-bbox="1093 592 2125 788">ii. are provided with permanent screening to a height of 1.6 metres to restrict views within the cone of vision from any major opening to operational rooms or an unenclosed outdoor space. Screening devices are to be at least 75% obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining residential property.</p> <p data-bbox="900 794 2125 890">DR 5.2 The non-residential component of any mixed use development is to be designed to minimise overlooking of major openings and outdoor active habitable spaces of multiple dwellings within the site.</p> <p data-bbox="900 928 2125 983"><b>Note:</b> In relation to DR 5.1, for clarity in relation to existing development that is subject to additions and/or alterations, where:</p> <ol data-bbox="900 989 2125 1190" style="list-style-type: none"> <li data-bbox="900 989 2125 1043">1. An existing development does not overlook other residential property, and the proposed new development results in overlooking, these provisions apply.</li> <li data-bbox="900 1050 2125 1134">2. An existing development currently overlooks other residential property, and the proposed new development results in overlooking, these provisions apply to part of the new development which results in the visual privacy concerns.</li> <li data-bbox="900 1141 2125 1190">3. An existing development overlooks a residential property and the proposed new development does not result in overlooking, these provisions do not apply.</li> </ol>			Table 1a: Visual privacy setback distances			Operational room / outdoor space	Location		Setback for areas coded R50 or lower	Setbacks for areas coded higher than R50	Operational rooms	6m	4.5m	Unenclosed outdoor spaces	7.5m	6m
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Applies where: 1. Significant additions and/or alterations are proposed that result in the expansion of the	<p data-bbox="900 1254 1361 1284"><b>Landscaping and deep soil areas</b></p> <p data-bbox="900 1305 1877 1335">DR 5.3 Landscaping shall be provided in accordance with Table 1b below.</p> <table border="1" data-bbox="909 1369 1984 1426"> <thead> <tr> <th colspan="4" data-bbox="909 1369 1984 1399">Table 1b: Landscaping requirements</th> </tr> <tr> <th data-bbox="909 1399 1043 1426">Site area</th> <th data-bbox="1043 1399 1249 1426">Minimum</th> <th data-bbox="1249 1399 1675 1426">Minimum requirement for trees</th> <th data-bbox="1675 1399 1984 1426">Minimum requirement</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Table 1b: Landscaping requirements				Site area	Minimum	Minimum requirement for trees	Minimum requirement									
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**Table 1: Development principles and development requirements**

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	<p>building and resultant intensification of existing or proposed land use(s).</p> <p>2. In relation to DR 5.3, Table 1b, <i>Minimum requirement for trees for uncovered on-site car parking</i>, these provisions apply where a minimum of four additional car parking spaces are provided as part of the works.</p>	<table border="1"> <tr> <td data-bbox="907 276 1041 331"></td> <td data-bbox="1052 276 1243 308"><b>deep soil area</b></td> <td data-bbox="1254 276 1668 331"></td> <td data-bbox="1680 276 2094 331"><b>for trees for uncovered on-site car parking</b></td> </tr> <tr> <td data-bbox="907 339 1041 395">Less than 700m<sup>2</sup></td> <td data-bbox="1052 339 1243 395" rowspan="3">10% of site area</td> <td data-bbox="1254 339 1668 395">1 medium tree and small trees to suit area</td> <td data-bbox="1680 339 2094 715" rowspan="3">                     Landscaping of uncovered on-site car parking at a rate of one small tree per four car parking bays (or part thereof).   <b>Note:</b> this requirement is in addition to the 'minimum requirement for trees' in this table.                 </td> </tr> <tr> <td data-bbox="907 403 1041 459">700 – 1000m<sup>2</sup></td> <td data-bbox="1254 403 1668 459">2 medium trees <b>OR</b> 1 large tree and small trees to suit area</td> </tr> <tr> <td data-bbox="907 467 1041 715">&gt; 1000m<sup>2</sup></td> <td data-bbox="1052 467 1243 715"><b>OR</b> 7% of site area (if trees are retained on site – refer 3.4.2(5) below)</td> <td data-bbox="1254 467 1668 715">                     1 large tree and 1 medium tree for each additional 400m<sup>2</sup> in excess of 1000m<sup>2</sup>   <b>OR</b>                      1 large tree for each additional 900m<sup>2</sup> in excess of 1000m<sup>2</sup> and small trees to suit area.                 </td> </tr> </table>		<b>deep soil area</b>		<b>for trees for uncovered on-site car parking</b>	Less than 700m <sup>2</sup>	10% of site area	1 medium tree and small trees to suit area	Landscaping of uncovered on-site car parking at a rate of one small tree per four car parking bays (or part thereof).  <b>Note:</b> this requirement is in addition to the 'minimum requirement for trees' in this table.	700 – 1000m <sup>2</sup>	2 medium trees <b>OR</b> 1 large tree and small trees to suit area	> 1000m <sup>2</sup>	<b>OR</b> 7% of site area (if trees are retained on site – refer 3.4.2(5) below)	1 large tree and 1 medium tree for each additional 400m <sup>2</sup> in excess of 1000m <sup>2</sup>  <b>OR</b> 1 large tree for each additional 900m <sup>2</sup> in excess of 1000m <sup>2</sup> and small trees to suit area.		<p><b>Note:</b> Small, medium and large tree sizes are as per Table 3.3b in <i>State Planning Policy 7.3 Residential Design Codes</i>.</p>
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DR 5.4	<p>Landscaping documentation shall be prepared by a suitably qualified professional and shall address:</p>	<ul style="list-style-type: none"> <li>a) Location of landscaping;</li> <li>b) Details of retained trees and any trees proposed to be removed; and</li> <li>c) Species selection, including detail regarding plant size, height and canopy at maturity. Priority should be given to endemic, native and robust drought resistant plants that will survive with little irrigation after establishment.</li> </ul>	DR 5.5	<p>Landscape design is to enhance the streetscape and pedestrian amenity, and integrate with the design of a development. Landscaping shall be provided:</p> <ul style="list-style-type: none"> <li>a) Adjacent to building entrance(s) to provide streetscape and pedestrian amenity and to accentuate legibility of the entrance(s); and</li> <li>b) Landscaping of open space areas on the site adjacent to the street(s) and public realm.</li> </ul>													
DR 5.6	<p>Landscape design is to provide an attractive outlook for operational rooms.</p>	DR 5.7	<p>Existing trees shall be retained on site that meet the following criteria:</p> <ul style="list-style-type: none"> <li>a) healthy specimens with ongoing viability; and</li> <li>b) species is not included on a State or local area weed register; and</li> <li>c) height of at least 4 metres; and/or</li> </ul>														

**Table 1: Development principles and development requirements**

Development Principle (DP)	Application of development requirement to additions and/or alterations	Development Requirement (DR)
		<p>d) trunk diameter of at least 160mm, measured 1 metre from the ground; and/or</p> <p>e) average canopy diameter of at least 4 metres.</p> <p>DR 5.8 Where deep soil areas specified in Table 1b cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision shall be provided. Where on-structure planting is proposed, the following matters are to be addressed:</p> <p>a) The landscape plan shall clearly demonstrate that any planters are of sufficient size and the building structure can accommodate the additional saturated soil weight; and</p> <p>b) Plant species are selected to ensure they can survive and thrive in the intended conditions. Preference shall be given to species with longevity that are heat resistant, drought and wind tolerant, and have the ability to withstand seasonal changes in solar access.</p> <p>DR 5.9 The City may impose conditions of development approval relating to the submission of a landscaping plan and maintenance of landscaped areas for the life of the development.</p>
	<p>Applies where:</p> <ol style="list-style-type: none"> <li>1. New land use(s) are proposed that are not exempt from the requirement to obtain development approval.</li> <li>2. The scale of existing approved land use(s) are increased.</li> </ol>	<p><b>Amenity considerations</b></p> <p>The Centre, Local Centre and Mixed Use zones contemplate a variety of non-residential and residential land uses. Given the variety of uses, nearby residential uses within and adjacent to those zones may not experience the same level of amenity as would be the case if they were located within the Residential zone and surrounded by Residential zoned land.</p> <p>Given the nature of some non-residential developments, there is likelihood of amenity impacts on surrounding residential uses, such as those relating to ongoing operation. To manage these concerns, appropriate measures can be put in place to mitigate such impacts, which may include conditions imposed by the City in a development approval.</p> <p>DR 5.10 Where a development subject of this policy abuts a residential land use, or a land use that is sensitive or of a smaller scale than that which is proposed, either within the Centre, Mixed Use or Local Centre zone or adjacent to those zones, the City may have consideration to the following matters:</p>

**Table 1: Development principles and development requirements**

<b>Development Principle (DP)</b>	<b>Application of development requirement to additions and/or alterations</b>	<b>Development Requirement (DR)</b>
		<p>a) Hours of operation for land use(s);                      b) The submission of a management plan and the information in this plan;                      c) Noise generated by the development and proposed noise management; and                      d) Any other matter considered relevant by the City in assessing the development.</p> <p>DR 5.11 Where a development subject of this policy abuts land zoned Residential, the bulk of the development shall be located towards the street and away from the land zoned Residential, subject to compliance with the building height and setback provisions in the Scheme.</p>
	<p>Applies where new vehicle access is required or proposed.</p>	<p><b>Vehicle access</b></p> <p>DR 5.12 For sites that adjoin a district distributor road reserve, vehicle access shall be provided in accordance with the Scheme. For all other sites vehicle access shall be provided:</p> <p>a) From a rear ROW where one is available;                      b) From a secondary street where no ROW exists; or                      c) From the primary street where no secondary street or ROW exists.</p> <p>DR 5.13 In addition to consideration of DR 5.13, vehicle access shall be determined in consultation with the City, with regard to the scale of development proposed and the site context, including considerations such as anticipated traffic generation and surrounding land uses.</p> <p>DR 5.14 The number of vehicle access points shall be minimised, and shall be integrated into the design of the development so as to not present as a dominant element when viewed from the primary and/or secondary streets.</p> <p>DR 5.15 The design of vehicle access point(s) shall be to the satisfaction of the City and in accordance with the applicable Australian Standards.</p>
	<p>Applies where new car parking is proposed as part of the works and/or modifications are proposed to existing car parking.</p>	<p><b>Location and design of car parking</b></p> <p>DR 5.16 Car parking areas shall be obscured from view from the primary and secondary streets and shall not be located within the street setback area. The development is to be designed to screen any car parking from view from the primary street, for</p>

**Table 1: Development principles and development requirements**

<b>Development Principle (DP)</b>	<b>Application of development requirement to additions and/or alterations</b>	<b>Development Requirement (DR)</b>
		<p>example, by way of sleeved car parking. Where appropriate, innovative articulated screening and landscaping may be incorporated into the design.</p> <p>DR 5.17 Access to non-residential car parking spaces shall be legible and accessible at all times of operation.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Car and bicycle parking shall be provided in accordance with the requirements of the Scheme.</li> <li>2. Bicycle parking facilities shall be provided in accordance with <i>Local Planning Policy 5.2 – Bicycle Parking Facilities</i>.</li> </ol>
	<p>Applies where modifications to, or new, loading and unloading areas are required as a result of proposed works.</p>	<p><b>Loading and unloading areas</b></p> <p>DR 5.18 Facilities are to be provided for the loading and unloading of service and delivery vehicles as determined on a case by case basis by the City, depending on the scale and nature of the development.</p> <p>DR 5.19 Where loading and unloading areas are required under DR 5.21, their design and location shall:</p> <ol style="list-style-type: none"> <li>a) Minimise any impact on the amenity of residential uses on or adjoining the site;</li> <li>b) The location shall be adequately integrated into the design of the building or otherwise screened from view from the street, public places and residential uses; and</li> <li>c) Loading and unloading areas shall be separate from commercial entrances and pedestrian areas.</li> </ol>

**Table 1: Development principles and development requirements**

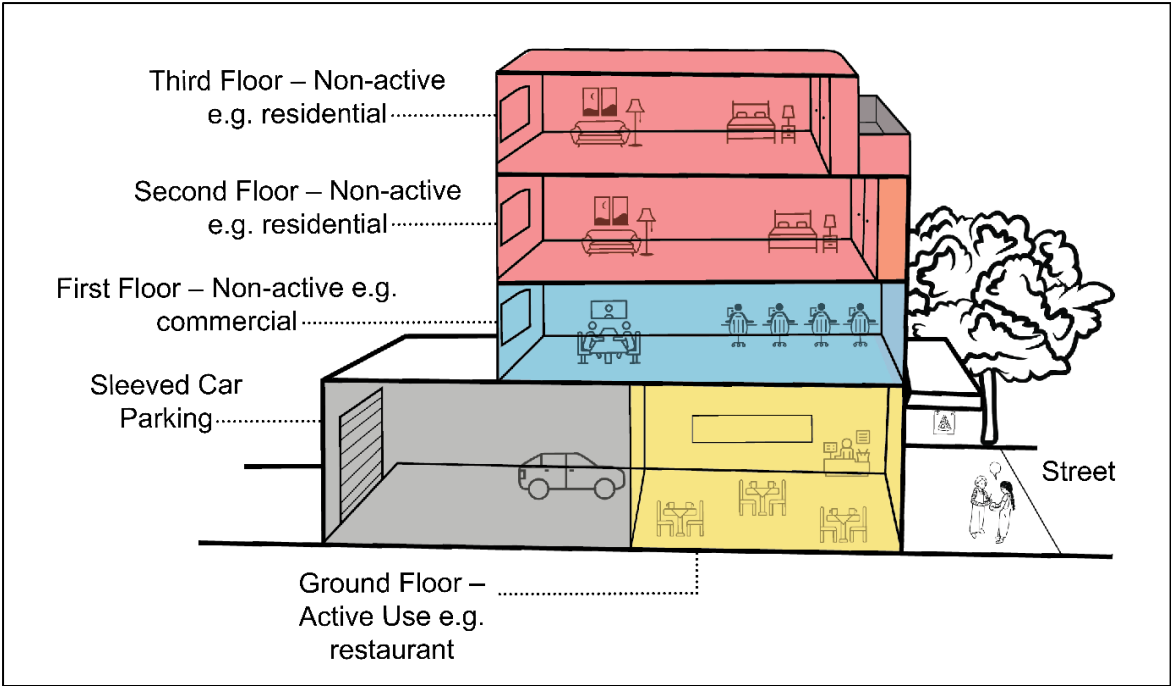
<b>Development Principle (DP)</b>	<b>Application of development requirement to additions and/or alterations</b>	<b>Development Requirement (DR)</b>
	<p>Applies where modifications to, or new, services and external fixtures are proposed as part of the works, for example, where intensification of, or change of land use results in modified bin storage requirements.</p>	<p><b>Services and external fixtures</b></p> <p>DR 5.20 All air conditioners, plant equipment, lift overruns, antennae, bin storage and other similar service facilities are to be screened from view from the street, any areas of public open space or public realm, and neighbouring properties, or otherwise located so as to not be visually obtrusive as viewed from those areas.</p> <p>DR 5.21 Lift over-runs, rooftop plants and servicing should not extend more than 3.5 metres above the top of a building and be set back so they are not significantly visible from the public realm and/or integrated into the design of the building.</p> <p>DR 5.22 The design of bin storage for development shall be in accordance with the City's Health Local Laws and the City's <i>Multi Dwelling Developments and Commercial Waste Guidelines</i>.</p>

#### 4.0 Guidance for the assessment of plot ratio for non-residential land uses

The Scheme provides for the definition of ‘plot ratio’ to have the same meaning as it has in the Residential Design Codes. For the purposes of calculating the plot ratio of non-residential land uses, the term ‘dwelling’ within that definition is replaced with the term ‘tenancy’.

#### 5.0 Appendix 1 – Active / non-active land uses in the Centre, Mixed Use and Local Centre Zones

<b>Table 2: Active/non-active land uses in the Centre, Mixed Use and Local Centre Zones</b>	
<b>Land use and development class</b>	<b>Active or non-active use</b>
<i>Entertainment</i>	
Amusement Parlour	Active
Betting Agency	Non-active
Cinema/Theatre	Active
Club Premises	Active
Restaurant/café	Active
Small Bar	Active
<i>Medical/Consulting</i>	
Animal establishment	Non-active
Consulting Rooms	Non-active
Funeral Parlour	Non-active
Medical Centre	Non-active
Veterinary Centre	Non-active
<i>Retail (and Recreation)</i>	
Convenience Store	Active
Garden Centre	Active
Home Store	Non-active
Liquor Store – Small	Active
Local Shop	Active
Market	Active
Recreation – Private	Active
Shop	Active
<i>Office and Other Commercial</i>	
Car Park	Non-active
Office	Non-active
Industry: Service	Non-active
Bulky Goods Showroom	Non-active
<i>Fast Food/Lunch Bar</i>	
Fast Food Outlet/Lunch Bar	Active
<i>Civic and Cultural</i>	
Art Gallery	Active
Educational Establishment	Non-active
Exhibition Centre	Active
<b>Note:</b>	
1. Land use permissibility as per the Scheme.	
2. Some land use(s) may be exempt from the requirement to obtain development approval under the LPS Regulations and <i>Local Planning Policy 8.1 – Exemption from the Need to Obtain Development Approval for Land Use in the Centre, Local Centre and Mixed Use Zones</i> .	



**Figure 1: Preferred land use location**  
**Note: Not to scale. Figure for indicative land use purposes only.**