

Local Planning Policy – Non-Residential Development in Residential and Private Community Purpose Zones

1. CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. This Policy may be cited as Local Planning Policy (LPP) Non-Residential Development in Residential and Private Community Purpose Zones.

2. INTRODUCTION

The purpose of this policy is to provide direction for the development and adaptive re-use of non-residential land uses within the Residential and Private Community Purpose zones.

3. OBJECTIVES

The objectives of this policy are:

- a) Ensure non-residential development protects the amenity of surrounding residential areas by achieving compatible height, bulk and setback outcomes.
- b) Minimise adverse amenity impacts on nearby residential properties caused by excessive noise, overshadowing and traffic.
- c) Facilitate development that does not unduly reduce traffic flow, overload parking supply, or obstruct pedestrian and cycling access.
- d) Promote retirement and aged-care developments that meet minimum design standards, provide adequate amenity and services, and are in accessible, well-connected areas with safe pedestrian infrastructure.
- e) Require larger style developments to include features that connect with the surrounding neighbourhood such as pedestrian links, public spaces, or shared facilities.
- f) To ensure development contributes to safe, well-lit and visible public spaces by avoiding hidden areas and supporting natural surveillance.

4. APPLICATION OF THIS POLICY

This policy applies to all non-residential land uses and development in Residential and Private Community Purpose zones, excluding Child Care Premises and Short-Term Rental Accommodation, which are covered by separate policies.

5. POLICY PROVISIONS

For new development, the State Planning Policy 7.3 Residential Design Codes (R-Codes) Volume 1 Part B applies to land coded R25 and below, R-Codes Volume 1 Part C applies to land coded R30 to R60, and R-Codes Volume 2 applies to land coded R80 and above.

5.1 GENERAL

Design Elements	Policy Provisions
<p>1. Preferred Location</p>	<p>1.1 Non-residential land uses are to be located:</p> <ul style="list-style-type: none"> • Adjacent to or directly opposite, an existing Local, Neighbourhood or District Centre; or • Along Activity Corridors (as shown in Appendix 1); <p>Other locations may be considered where it can be demonstrated that residential amenity can be protected.</p> <p>1.2 Non-residential land uses are discouraged in the following situations:</p> <ul style="list-style-type: none"> • Where access is from a local road, cul-de-sac, right-of-way, common driveway, or battle-axe leg; • Where the proposed non-residential land use results in isolating a residential property between non-residential uses.
<p>2. Passive Design</p>	<p>2.1 Orient buildings and openings to passively overlook streets, laneways, and public spaces, and provide street-facing frontages that reinforce neighbourhood character.</p> <p>2.2 Maintain unimpeded sightlines along footpaths and accessways to building entrances and exits, avoiding areas of concealment.</p> <p>2.3 Car parking areas are to be designed to ensure visibility through lighting measures; surveillance from windows and/or balconies; clearly signed; and maintained.</p> <p>2.4 Provide effective lighting for Crime Prevention Through Environmental Design (CPTED) measures while preventing light spill.</p> <p>2.5 Discouraged design elements include:</p>

	<ul style="list-style-type: none"> • Blank walls to streets and public open spaces; • Unsurveilled footpaths and accessways; • Public access to the sides of a building; • Roll down shutters and solid high fencing.
3. Built form	<p>3.1 Buildings shall be designed in accordance with the building height, street and side setback, plot ratio (where applicable), open space/site cover (where applicable) and overshadowing requirements of the R-Codes with regard to the assigned density code.</p> <p>3.2 Where adjoining non-residential uses, setbacks shall match those of the adjacent and/or adjoining lots.</p>
4. Amenities	<p>4.1 Residential Care Facilities are to provide amenities necessary to accommodate the needs of a Residential Care facility in accordance with this land use definition.</p>
5. Operation	<p>5.1 Non-residential uses in the Residential zone may operate only between 7:00am and 7:00pm, Monday to Saturday, and must not operate on Sundays or public holidays.</p> <p>5.2 Extended hours may be supported where it is demonstrated that any noise or amenity impacts on adjoining residential properties will remain within acceptable limits.</p>
6. Car Parking	<p>6.1 Parking bays for cars and other vehicles shall be provided wholly on-site and in accordance with the City's Car Parking and Access Policy.</p> <p>6.2 Car parking to be located to the rear of the lot and screened from view of neighbouring residential dwellings.</p> <p>6.3 Service and delivery vehicle loading areas shall be located away from dwellings and out of view of the street.</p>
7. Landscaping	<p>7.2 To be provided in accordance with the City's Trees and Landscaping Local Planning Policy.</p>
8. Natural ground levels	<p>8.2 No greater than 0.5m fill or to match levels of adjoining sites.</p>

<p>9. Fencing</p>	<p>9.1 Where fencing is proposed, it is to comply with the relevant R-Code density provision; and</p> <p>9.2 Where the site abuts a Public Open Space reserve open style fencing is to be used to promote passive surveillance from the site to the reserve.</p>
<p>10. Signage</p>	<p>10.1 Signage to accord with the City's Advertising Signs Local Planning Policy in respect to the relevant zone.</p>
<p>11. Lighting</p>	<p>11.1 Lighting of the building and any car parking area shall be designed and constructed to ensure that it complies with the relevant Australian Standard and does not detract from the amenity of neighbours.</p>

5.2 LARGER INTEGRATED AND SPECIALISED LAND-USE DEVELOPMENTS

Larger integrated and specialised land-use developments include but are not limited to; Educational Establishments, Residential Care Facilities and Places of Worship.

For these types of developments, the Built Form requirements under section 5 and 5.1 above are replaced with the following built form design elements:

<p>1. Building Height</p>	<p>1.1 Within 10 metres of any residential lot or street boundary in areas coded R50 or below, development is limited to a maximum of two storeys (6.0 m wall height) above natural ground level.</p> <p>1.2 Elsewhere on site, development may be up to four storeys (12.0 m wall height) above natural ground level.</p> <p>1.3 For sites coded R50 and above, the relevant R-Code height provisions may apply noting the requirements below.</p>
<p>2. Street Setback</p>	<p>2.1 Minimum 6m. Where adjacent sites have a lesser front setback, the setback requirement may match that of the adjacent site.</p>

3. Side and rear setbacks	<p>3.1 Where adjacent to residential properties, all side and rear setbacks shall be in accordance with the R-Codes, except where greater than 2 storeys and within 10m of residential lots or street boundaries.</p> <p>3.2 Where adjoining non-residential uses, setbacks shall match those of the adjacent and/or adjoining lots.</p> <p>3.3 Where adjacent and/or adjoining Public Open Space, the applicant shall demonstrate adequate surveillance of pedestrian access to Public Open Space.</p>
----------------------------------	---

6. VARIATIONS

Variations to this policy will be assessed against the objectives of the policy and consideration given to clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Proposals requiring a design principle or Element Objective assessment may be advertised in accordance with Clause 64 of the Deemed Provisions where the development has the potential to impact upon adjoining residential properties.

The City shall have regard to and may apply conditions relating to matters including hours and days of operation, number of clients/customers to the site, car parking, deliveries, advertising signs, provision of landscaping and boundary fencing, and other matters pertaining to the design and operation of the development.

7. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the R-Codes, Local Planning Scheme No. 4 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following additional definitions apply to this policy.

Non-Residential development	Means any development to which the R-Codes do not apply.
Activity Corridor	<p>Means key high-frequency public transport routes that can provide improved connections between Activity Centres and access to high quality public transport from adjacent suburbs.</p> <p>These “Activity Corridors” are not high-speed through traffic routes, nor are they intended to accommodate ribbon development of commercial activities beyond Activity Centre precincts.</p>
Larger integrated and specialised land-use developments	Means institutional style developments such as Educational Establishment, Residential Care Facility and Places of Worship etc.

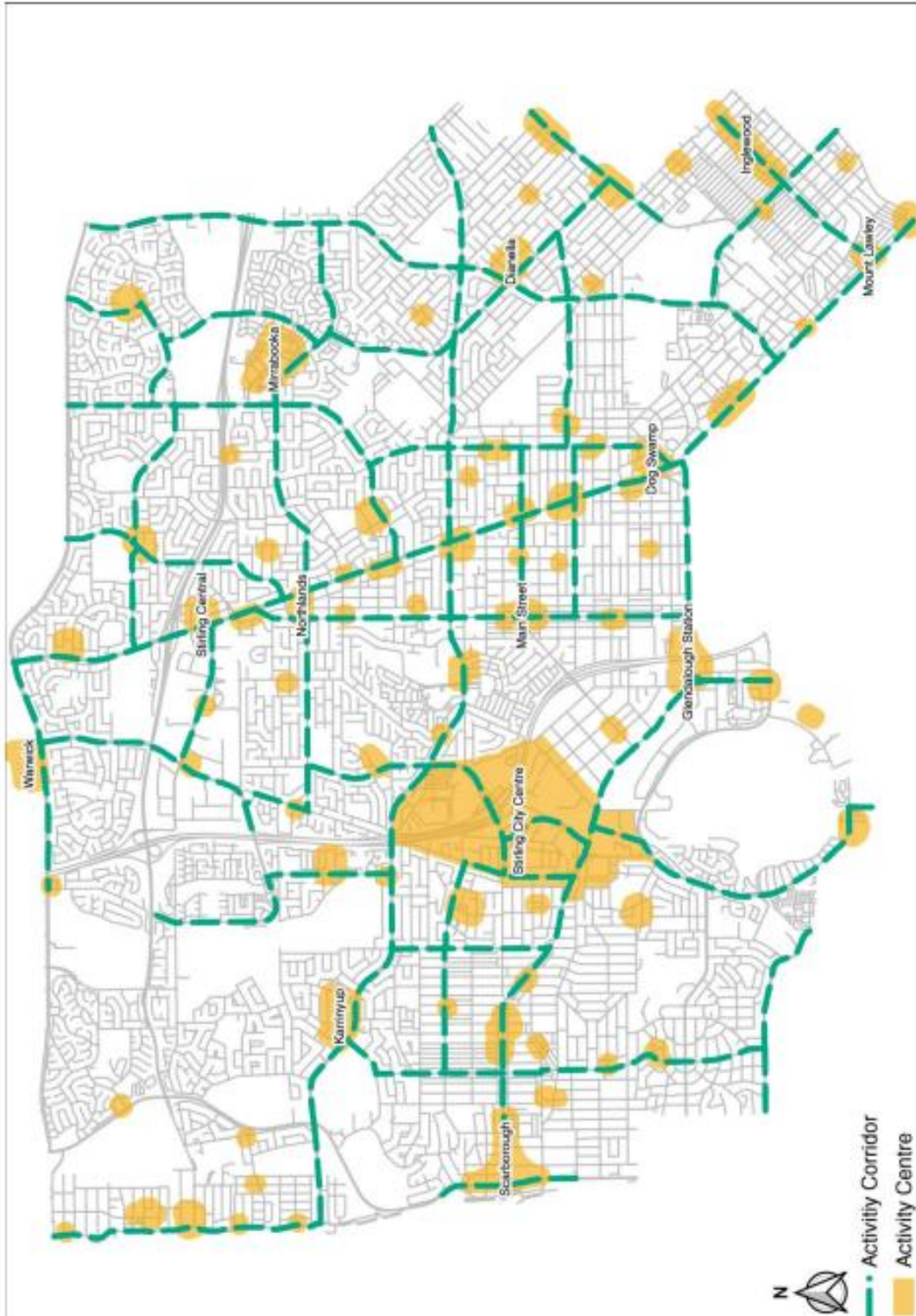
8. OTHER RELEVANT DOCUMENTS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Stirling Local Planning Scheme No.4
- City of Stirling Local Planning Policies
- Residential Design Codes Volume 1 and 2
- State Planning Policy 7.0 Design of Built Environment
- Safer Places by Design – Crime Prevention Through Environmental Design (CPTED) Guidelines

Document Control:

<p>Local Planning Policy:</p> <p>Adoption date:</p> <p>Policy Owner:</p> <p>Date last modified:</p>	<p>Non-Residential Development in Residential and Private Community Purpose zone</p> <p>City Future</p>
---	---

APPENDIX 1- STIRLING ACTIVITY CENTRE AND CORRIDOR MAP



APPENDIX 2 – APPLICATION REQUIREMENTS

A development application should be accompanied by the following:

- a) A description of the proposal that responds to the requirements of this Policy, including a management plan detailing the nature of the business, number of staff, number of clients/customers, hours of operation and what measures will be taken to minimise amenity impacts on adjoining residential uses.
- b) Where proposals do not meet the deemed to comply / Acceptable Outcomes of the R-Codes, information is to be provided to address impacts on amenity, overshadowing, design, siting, bulk, materials and scale.
- c) Where new development exceeds two storeys (or 6.0 m in height), the application must address any potential impacts, including amenity, overshadowing, wind effects, and the building's design, siting, bulk, scale and material.
- d) A traffic impact statement or traffic impact assessment should be provided where the proposed development is of a scale that warrants their submission, in accordance with the WAPC's *Transport Impact Assessment Guidelines* (Refer to Clause 2 of this Policy).
- e) Details of how amenity impacts will be managed to an acceptable level, which may include specialist reports (e.g. an Acoustic Report to address noise).
- f) Relevant documentation such as the Certificate of Title, Application forms, Development Plans as detailed in the Development Applications – Submission Checklist and Matrix link provided here: [Development-Application-Submission-Checklist-and-Matrix_Aug-2021.pdf](#)