

2.23 DEVELOPMENT IN THE NEIGHBOURHOOD MIXED-USE ZONE

(ADOPTED 28 JUNE 2005)

1. INTRODUCTION

Under the Town Planning Scheme, the following areas are zoned 'Neighbourhood Mixed-Use':

- all four of the corners of the intersection between Nicholson Road and Derby Road;
- the north-eastern corner of the intersection between Onslow Road and Excelsior Street;
- the southern side of Onslow Road – between Violet grove and Herbert Road;
- the south-eastern corner of the intersection between Onslow Road and Herbert Road;
- the eastern side of Hampden Road, between Hardy Street and Park Road;
- the eastern side Broadway, between Stirling Highway and Cooper Street;
- the eastern side of Broadway, to the north of Princess Road; and
- the southern half of the super-block bounded by Broadway, Caporn Street and Fairway.

The exact locations of the Neighbourhood Mixed-Use zone are described more specifically on the Scheme maps.

The Town Planning Scheme allows that the following uses may be considered in this zone:

Permitted use

Amusement facility	Home office
Domestic communications antennae	Single dwelling
Exhibition centre	Local shop (not fish shop)
Home business	Medical centre
Home occupation	Shop

AA uses

(Not permitted unless Council grants approval after assessing whether the use is consistent with the objectives of and policies for this zone)

Aged/dependent dwelling	Office
Ancillary accommodation	Open air display
Civic use	Recreation (private)
Community purpose	Research and development
Consulting rooms	Restaurant
Dry cleaning premises	Retirement village
Dwelling: grouped	Serviced apartments
Dwelling: multiple	Showroom
Dwelling: single bedroom	Telecommunications infrastructure
Health studio	Veterinary clinic/hospital
Industry (service)	Warehouse
Laundromat	

SA uses

(Not permitted unless Council grants approval after giving special notice in accordance with Clause 26 of the scheme and after assessing whether the use is consistent with the objectives of and policies for this zone)

Bed & breakfast
Child daycare / Family care centre
Commercial communications antennae
Convenience store
Educational establishment
Fish shop
Hotel/motel/tavern
Industry
Light industry

Massage rooms
Nursing home
Parking station
Place of public worship
Reception centre
Service station
Special (licensed) facility
Take-away food outlet

The Town Planning Scheme does not permit the following uses in this zone:

Amusement centre
Cinemas/theatre
Club premises
Funeral parlour

Hospital
Industry: hazardous/noxious
Lodging house
Night club

2. OBJECTIVES

- 2.1** To encourage well designed and functional mixed-use areas which meet the needs of the local communities;
- 2.2** To promote residential as a vital and integral component of these mixed use zones;
- 2.3** To protect and enhance the neighbourhood area and the existing streetscape through appropriate design measures ensuring such aspects as privacy and solar access are not adversely affected by development;
- 2.4** The consolidation and improvement of appropriately located, efficiently operated, commercial-based centres;
- 2.5** The safe movement of vehicular and pedestrian traffic within and around these nodal points without the adverse intrusion of vehicles, particularly parking associated with these centres, throughout the adjoining residential neighbourhoods;
- 2.6** The development of continuous 'shop-fronts' along street frontages in accordance with Main Street design principles, and avoidance of disruption caused by blank or uninteresting building facades.

3. PURPOSE OF THE POLICY

- 3.1** To provide clear guidance to developers as to what is desirable and required in order to be considered to be acceptable development in this zone.
- 3.2** To provide clear guidance to planners in how to assess applications for either single use or mixed-use developments in this zone.
- 3.3** To provide clear guidance to elected members in how to determine proposals in this zone – leading to consistency in decision-making.

4. POLICY

4.1 DEVELOPMENT CONTROLS

<i>Plot ratio</i>	<ol style="list-style-type: none"> 1. Maximum of 0.75 for development, which does not accommodate both residential and non-residential uses. 2. May be increased to a maximum of 1.0 if a mixture of residential and non-residential uses is proposed, provided that at least 75% of the bonus 0.25 is used for residential purposes.
<i>Density</i>	<ol style="list-style-type: none"> 1. The maximum number of residential units permissible in any mixed-use or purely residential development in this zone shall be calculated by dividing the maximum permissible <u>residential</u> floor area (determined by the plot ratio) by 180m² for dwellings with more than one bedroom. 2. A 50% density bonus may be applied to single bedroom dwellings. 3. For purely non-residential developments, no density provision shall apply.
<i>Setbacks</i>	<ol style="list-style-type: none"> 1. Setbacks from the street alignment to be determined by Council, having regard for the streetscape and the existing building setbacks on adjacent land and in the immediate locality. 2. Development will, however, generally be required to be built up to the street alignment (ie. to the footpath). Exceptions may be allowed in certain circumstances, for example to provide a forecourt area for outdoor eating. In such cases a suitable low wall or other device may be required in order to provide a demarcation between the public footpath and private court. In other cases continuity of awning or verandah around the forecourt may be required, depending on the activities involved in the development.
<i>Height</i>	<ol style="list-style-type: none"> 1. No building shall exceed 6.5 metres overall height and 3.6 metres wall height. 2. Council may permit buildings up to 9 metres overall height and 6 metres wall height where the Council is satisfied that there is no undue adverse impact on the adjoining residential sites, streetscape or the amenity of the locality in general.
<i>Open space</i>	<ol style="list-style-type: none"> 1. There is no requirement for the provision of general open space or communal open space on properties within this zone, unless the site is developed for residential purposes only and then a minimum communal

	<p>open space of 20% of the site shall be provided.</p> <p>2. Each dwelling unit shall be provided with its own private balcony, which:</p> <ul style="list-style-type: none"> • is accessible exclusively by the occupant of that dwelling unit; • is accessible directly from an appropriate habitable living area within the dwelling unit; and • has a minimum dimension of 2 metres and a minimum area of 10 square metres.
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<i>Car parking</i>	<ol style="list-style-type: none"> 1. The number of car parking bays required for the development shall be provided in accordance with Table 2 (Part 6) of the Town Planning Scheme. 2. If a mixed-use development is proposed, the number of car parking spaces required for the overall development shall be calculated separately for each part of the building used for a different purpose. 3. For mixed-use developments, the Council may allow the provision of fewer bays than necessary under Table 2, provided that: <ul style="list-style-type: none"> • the applicant is able to demonstrate to the Council that the peak hours of operation of the different uses on the land are different or do not substantially overlap; • the bays are clearly marked limiting the purpose for which the parking may be used at different times of the day; and • the concession on the number of bays to be provided does not exceed 25% of the total number of bays required for the development under Table 2 of the Scheme. 4. Parking areas are to be screened from views from the street by suitable vegetation or other permanent screening mechanism. 5. Only one crossover will be permitted to each lot, except in circumstances where: <ul style="list-style-type: none"> • the nature of the development on the site requires or warrants an additional crossover; and • it can be demonstrated that the provision of more than one crossover will have no adverse effects on vehicular or pedestrian traffic and will result in no conflict between the two. 6. Rights-of-way may be used for property access and servicing, but not through traffic. 7. Where possible, the provision of full underground parking is encouraged.
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4.2 OTHER DESIGN REQUIREMENTS

<i>Scale and character</i>	<ol style="list-style-type: none">1. All new development or redevelopment of existing buildings to be of a type and character appropriate to Hay Street (east) and Rokeby Road (south).2. All new development or redevelopment of existing buildings is to respect and be sympathetic to (whilst not necessarily matching or mimicking) the scale and character of existing surrounding developments.3. Where there is an identified, heritage significance in an area, the heritage character of the area is to be retained by the reinforcement of original development patterns and the recycling of existing building stock.
<i>Separation of Uses</i>	<ol style="list-style-type: none">1. The address and entrance to the residential component shall be kept separate and secure from that for the non-residential uses.2. The rubbish bin areas, letterboxes, laundry facilities, clothes drying areas and other similar facilities and services for the residential component shall be kept separate from the areas designated for similar uses for occupants of the non-residential component.3. There shall be no overlooking of the internal living spaces or private outdoor areas of the residential units from any point in the non-residential component of the development.4. The residential component shall be designed to prevent any unreasonable loss of privacy, to the satisfaction of the City, between any of the dwelling units in the development.5. Visual and acoustic privacy within the development and of adjoining residential development is to be considered in the design and addressed through the use of landscaped buffer strips, walls, screens, fencing and the shading of elevated lighting.
<i>Security</i>	<ol style="list-style-type: none">1. The entrance to the residential component shall be kept separate and secure from that for the non-residential uses.2. Parking areas used by residents of the dwelling units should not be accessible by the general public outside of normal business hours.3. All parking areas, accessways and entrances to be well-lit.4. All spaces should be legible (view lines kept open) and permeable (no dead ends).5. The development should lend itself to informal surveillance of public areas.

<p><i>Storage facilities</i></p>	<p>Each dwelling unit forming part of any development in this zone shall be provided with an enclosed storage area of 4 square metres. Each of these storerooms shall:</p> <ul style="list-style-type: none"> • be for the exclusive use of the occupants of the unit to which it is allocated; and • be accessible from the outside.
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<p><i>Loading and unloading and service facilities</i></p>	<ol style="list-style-type: none"> 1. Areas for the loading and unloading of vehicles carrying goods or commodities shall be provided on the site, of a size and in a location appropriate to the nature of the non-residential uses on the site. 2. Service yards and access for service vehicles are to be provided, which are separate from shop entrances and pedestrian areas, and screened from view by walls, fencing or planting or any combination thereof. 3. All air-conditioners and other similar service facilities are to be appropriately located (to the satisfaction of the Council) and are to be screened from the street and from neighbouring properties.
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<p><i>Landscaping</i></p>	<ol style="list-style-type: none"> 1. Open space areas and parking areas on the site shall be landscaped and maintained where required by the City and in accordance with the approved plan relating thereto. 2. On-site trees are to be retained, unless it is demonstrated to the satisfaction of the City that it is undesirable or inappropriate to do so. 3. Any proposed reticulation is to extend to any existing or proposed street trees.
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<p><i>Clothes drying areas</i></p>	<ol style="list-style-type: none"> 1. Each dwelling unit to be provided with or have reasonable access to an appropriate area for the drying of clothes. Alternatively, a mechanical clothes drier shall be provided within each dwelling unit. 2. The clothes drying areas shall be located and designed to the satisfaction of the Manager Health and Environmental Services and shall be screened adequately and appropriately (to the satisfaction of the City) from: <ul style="list-style-type: none"> • other dwelling units within the development; • non-residential areas within the development, which are
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	<ul style="list-style-type: none"> • accessible to members of the general public; • adjoining developments; and • the surrounding area in general. <p>3. The location of mechanical clothes drying facilities within each dwelling unit is to be to the satisfaction of the Manager Health and Environmental Services.</p>
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<i>Additional facilities</i>	<ol style="list-style-type: none"> 1. Over and above the basic requirements of the Building Code of Australia, designers of all new developments and significant redevelopment of existing buildings are encouraged to include the provision of facilities for the disabled. 2. In the design of any new development or any redevelopment of existing buildings, applicants are encouraged to include pedestrian and bicycle accessibility to the development together with shared or separate end-of-trip facilities (showers, lockers and secure bicycle parking being provided in the non-residential component of the development. 3. Designers are encouraged to include safe and convenient pedestrian facilities in any development proposal, particularly with respect to weather protection, shade, seating and landscaping. 4. Designers are also encouraged to include features such as arcades, colonnades, verandahs, awnings and open, sheltered courtyards.
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<i>Bollards</i>	In order to protect the integrity of the traditional Subiaco streetscape, the construction of bollards or other similar security mechanisms, will not be permitted in areas outside of the development or inside the development where they are easily visible from adjoining streets and other public spaces.
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5. DEFINITIONS

Plot ratio: The ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located except for residential development where the term shall have the same meaning given to it in the Residential Planning Codes.

Floor area:

For any private residential component of the building: the meaning outlined in the definition of plot ratio in the Residential Planning Codes.

For any non-private residential component of the building: the gross total area of:

- Each of the floors of a lodging house; or
- Those parts of each of the floors used for residential purposes of a hotel, motel, a private hotel, a serviced apartment, an educational establishment, an institutional building or a hospital which accommodates members of staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floor space in basements, private car parks and any portion of an open balcony which

portion is of not more than 2.4 metres in depth provided that the longest side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and

For any non-residential component of the building: the gross total area of each of the floors of the building including the area of car parking spaces in public fee-paying car parks but shall not include the area of private car parks, the areas of lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls.

Height, building: The same meaning given to it in the Residential Design Codes and the term 'overall height' shall have the same meaning.

Height, wall: The same meaning given to it in the Residential Design Codes.

Single bedroom dwelling: A dwelling which contains a living room and no more than one other habitable room which is possible to use as a bedroom.