

Non-Residential Uses in Residential Zones

Responsible Division	Community and Development
Responsible Business Unit/s	Development Approvals
Responsible Officer	Manager Development Approvals
Affected Business Unit/s	Development Approvals

Purpose

This policy is intended to guide the development of those non-residential uses that may be considered in the City of Bayswater's residential zones.

Objectives

The objectives of this policy are to:

1. Ensure that development is consistent with, and will not detract from residential character and amenity.
2. Ensure that any potential undue amenity impacts are appropriately managed.

Introduction

The City of Bayswater's town planning scheme includes a number of non-residential uses that may be considered in residential zones.

The primary purpose of the City's residential zones is to accommodate residential uses; therefore, non-residential uses will only be considered favourably where it can be adequately demonstrated that they will not unduly impact upon the amenity of the surrounding residential area.

Scope

This policy is applicable to any non-residential use in a residential zone within the City of Bayswater.

Requirements

Location

1. Non-residential uses in residential zones shall be located adjacent to established commercial, industrial or mixed-use zones and facing the same street as those land uses, to act as a transition between them and surrounding residential areas.
2. Proposals to locate non-residential uses in residential zones on local access roads, in culs-de-sac and/or situated in isolation between residential uses will generally not be supported.
3. Non-residential uses shall be restricted to lots, buildings or parts of a building that have direct frontage to a street or public right-of-way, i.e. not accessed via a battle-axe or shared driveway.
4. Notwithstanding the above, specific locational requirements will not be applied to:
 - (a) The extension of an existing, approved non-residential use
 - (b) Car park (only when in association with a Display Home Centre or Home Store)

- (c) Display Home Centre
- (d) Home Store
- (e) Public Utility
- (f) Radio Equipment.

Operation

1. A non-residential use in a residential zone shall not unduly impact upon local amenity through traffic generation, car parking difficulties, or emissions including, but not limited to noise, odour or waste.
2. Non-residential uses in residential zones will generally be permitted to operate between the hours of 7:00 a.m. and 7:00 p.m. and not on Sundays or public holidays.
3. Proposals are to be accompanied by a management plan, detailing how the use will be operated and what measures will be taken to minimise undue amenity impacts on adjoining residential uses.
4. Any approved development is to be operated in accordance with the management plan and any subsequent variation will require the submission of a new application for development approval.

Development

1. The development is to be of a scale and form that is consistent with the surrounding residential area, taking into account the requirements of the town planning scheme and the Residential Design Codes of Western Australia (as amended).
2. Car parking is to be contained entirely within the site, ideally located to the rear of the building and arranged in such a way that all vehicles can leave the site in a forward gear.
3. Only one crossover will be permitted per lot.
4. The public road verge is not to be developed or relied upon for car parking.
5. Landscaping is to be used to enhance the streetscape, especially where car parking is proposed within the street setback area.
6. A single sign of up to 0.2m² in area will be permitted. Larger signs may be considered where it can be adequately demonstrated that there will be no detrimental impact on residential character or amenity.

Advertising development applications

Applications for non-residential uses may be advertised for public comment at the discretion of the City of Bayswater.

Related legislation

This policy is adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	TP-D01
Council Adoption	11 February 2020