

COMMERCIAL ZONE DEVELOPMENT REQUIREMENTS

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1. OBJECTIVE

1. To provide standards and guidance for development within the commercial zone.
2. To ensure that development is appropriate to the locality with particular regard to the proximity of residential or sensitive land uses, the existing road network, and the likely emission of noise, vibration, odour or other pollutants.
3. To discourage single or grouped dwellings, multiple dwellings unless forming part of a mixed use development, and other development incompatible with retail, office or entertainment uses that either, detracts from the amenity of the area, or would be better suited in a mixed business, industry or transient workforce accommodation zone.
4. To permit the outdoor display of goods unless deemed to detract from the streetscape.
5. To prohibit the external storage of materials unless screened from public view or not deemed to detract from the streetscape.
6. To encourage landscaping that complements the streetscape and does not compromise the safety of pedestrians or motorists.
7. To encourage visibility and personal security in streets and around buildings.
8. To limit the impact of signage and, where possible, its integration into existing or proposed development.
9. To ensure adequate off-street car parking is provided having regard to the highest potential use of the site and to ensure that vehicles entering a site can manoeuvre and exit in forward gear.

2. POLICY PROVISIONS

2.1 Scope of the Policy

This policy applies in commercial zones within the whole of the City of Karratha (City) and forms part of the City's Town Planning Scheme (TPS).

To the extent where this policy is inconsistent with an approved Development Area Plan (DAP), the DAP shall prevail.

To the extent where this policy is inconsistent with the Residential Design Codes of Western Australia 2008 (R Codes), this policy shall prevail.

2.2 Preparation of Planning Applications – The role of Development Services

Prior to engaging a consultant, or preparing an application on behalf of a client, it is recommended that you first confirm with Development Services what City approvals are required and obtain all relevant information. Whilst Development Services are not in a position to prepare applications including those for planning approval, building licence applications, applications for the registration of a lodging house or applications to construct or install an apparatus for the treatment of sewerage, it is often beneficial to seek feedback when preliminary plans have been prepared to ensure all relevant information is submitted and that fundamental or mandatory requirements have been met. Applications for which further information is required will take longer to process. Development Services can be contacted on 9186 8569.

2.3 What Development Requires Planning Approval?

Any development works to be undertaken on commercial zoned land requires a planning application unless exempted by this policy, Commonwealth, or State legislation such as the *Public Works Act 1902* or a *State Agreement Act*.

The definition of development also includes the use of land, thus the occupying of land (regardless of the extent of building works occurring) may also require a planning application.

2.4 Application Procedure

When applying for planning approval, the application should include:

- A completed Application for Planning Approval form.
- Payment of an applicable planning fee (refer to Development Services Fees and Charges Information Sheet BS-0005).
- Four [4] copies (to scale) of a site plan showing the following:
 - The legal description, lot dimensions, north point, and street details.
 - The location and use of any existing buildings on-site and existing access/egress point(s), existing parking area and existing landscaping area(s).
 - Location and use of proposed building(s) and setbacks to boundaries and existing buildings.
 - Buildings, structures and/or vegetation to be removed (if any).
 - Existing site levels and/or contours at regular intervals.
 - Finished floor and design levels.
 - Stormwater drainage details including design levels and erosion control at outlets.
 - Vehicular access/egress to site.
 - Car parking and manoeuvring areas (new or modifications to be designed in accordance with Australian Standard AS2890 and the minimum bay dimensions prescribed by this policy).
 - Landscaping area(s) (including species list, locations and means of reticulation).
 - Fencing details (type, location, colour and height).
- Four [4] copies (to scale) of plans/drawings showing the following:
 - Floor plan of proposed building(s).
 - Elevations of proposed building(s).
 - External colours, finishes and materials.

When applying for planning approval, the application may also be required to include:

- A streetscape perspective view and a shadow diagram.
- An acoustic engineer's report.
- A construction environmental management plan.
- An operational environmental management plan.
- A management statement detailing the operation, maintenance and servicing of tourist developments.
- A traffic management plan.
- Turning templates for the likely maximum size of vehicles accessing the site. Parking bays for people with disabilities, motorcycles or bicycles.
- A rubbish compound/bin storage area.
- A wash down area.
- A covering letter/report detailing the proposal.
 - In the case of residential development that relies on a Performance Criteria within the R Codes, a written submission demonstrating how the Performance Criteria has been satisfied, or why the corresponding Acceptable Development provision cannot be met or is irrelevant.

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- The likely number of staff.
- The extent and nature of any liquor licensed areas (e.g. small bar, packaged liquor).
- The likely size/type of service vehicle(s) accessing the site.
- How land not required for immediate use is to be maintained (e.g. cracker dust, natural vegetation, landscaped).
- Whether a Works Approval or licence under the *Environmental Protection Act 1986* is required.
- Whether a licence under the *Dangerous Goods Safety Act 2004* is required.
- What waste is likely to be generated and the means of storage and disposal (i.e. bulk bin compound, domestic bins).
- The likely effects, if any, on the neighbourhood including noise levels; air borne emissions, emissions to land or water, traffic including the hours of delivery and despatch, light spill or glare.

2.5 Assessment Criteria

- When considering applications for planning approval in the commercial zone, the City shall have regard to:
 - Any relevant provisions contained in the TPS.
 - The level and nature of adjoining developments to assess the compatibility of the use. Any relevant local planning policy.
 - Relevant legislation, state planning policies, development control policies and planning bulletins published by the Western Australian Planning Commission, and other publications or guidelines produced by state agencies.
- When considering applications for mixed use development containing any combination of hotel or motel rooms the City shall have further regard to:
 - Department of Planning & Infrastructure, Tourism Planning Taskforce Report, 2006.
 - Department of Planning & Infrastructure Report, Tourist Accommodation Strata Title Guidelines May 2006.
 - Tourism WA Report, Minimum Standards for Management Agreements - Strata Titled Tourist Accommodation, July/August 2007.

2.6 Scheme Prescribed Development Standards

Council may prepare, or require to be prepared, a Development Plan prior to considering a planning application. The provisions of subclauses 6.4.1 to 6.4.7 shall apply in relation to the preparation, advertising, adoption and implementation of any such development plan.

Density of any residential development shall not exceed R40.

3. PERFORMANCE- BASED AND/OR LEGISLATED DEVELOPMENT STANDARDS

3.1 Residential Occupation

- Purely residential land use including aged or dependent persons dwellings, single houses, grouped dwellings, multiple dwellings and residential buildings are discouraged.
- Mixed use development with commercial functions at ground level is preferred. Transient workforce accommodation is discouraged.
- Caretaker's dwellings should be located towards the rear or above the approved use.

- If the commercial component of a mixed use development on the property ceases, any caretaker's dwelling must be removed from the site within six [6] months from the date the commercial use ceases or converted for an alternative purpose such as an office.
- Caravans are not acceptable for permanent residential occupation.
- When considering applications for accommodation, Development Services will undertake an assessment as to the suitability of the residential proposal in relation to the subject site's use and the adjoining use(s) or potential uses of adjoining land.
- Dependent on the above assessment, there may be the need for an acoustic consultant to provide recommendations on the suitability of the residential proposal (including the location and construction materials) with respect to acceptable noise levels as determined by the *Environmental Protection (Noise) Regulations 1997*. Costs associated with this exercise will need to be borne by the applicant.

3.2 Site Cover

Maximum site cover of 60%.

Maximum plot ratio for dwellings or holiday accommodation in a mixed use development as per the R Codes (0.6, in addition to any ground level non-residential floor area).

3.3 Plot Ratio

Maximum plot ratio 1.0.

3.4 Building Height:

- An absolute maximum of three [3] levels of habitable floor space.
- A total overall height of 10m for buildings with a concealed roof and 12m for buildings with a pitched roof.
- The provision of a shadow diagram (sun vertical angle 46°) if the development may impact on land zoned other than commercial.
- Should car parking not be provided forward of the building line, the front setback shall be at least half the building height.

3.5 Front Setbacks:

This will normally be determined by the design of the car parking area as it is always strongly recommended that car parking should be located within the front boundary setback. Other issues to take into account are the setbacks of buildings on adjoining developments, the external finishes and material of the front façade, the quality of the external finishes and materials of the front façade.

3.6 Side and Rear Setbacks:

- As prescribed by the Building Code of Australia (generally relates to the type of construction and class of building). Issues of access to the side and rear will also need to be taken into account.
- Buildings are to be set back at least three [3] metres from a secondary street frontage.

3.7 Aesthetic Considerations:

- Where possible, development proposals are encouraged to:
- Use external finishes and materials that are muted and non-reflective.
- Draw upon existing or preferred design elements that contribute to the character of the area.

3.8 Landscaping:

- The street setback area is to be landscaped.
- Between the front boundary and car parking area a minimum 1 metre landscaping width applies (this will assist with improving the visual amenity of the development and provide some shade to the car parking area).
- A reduction in on site landscaping may be considered dependent upon the quality of the landscaping, its size upon maturity or any reduction in landscaping being offset in the abutting road verge.
- Refer to local planning policy DP6 Landscaping Requirements for Industrial and Commercial Areas.

3.9 Construction Environmental Management Plan (CEMP):

A CEMP is a plan that demonstrates what provisions and mitigation measures will be in place during construction to control noise emissions, erosion and siltation from stormwater flows, air borne dust and smoke and, if required, advise neighbours when these works are to occur and who to contact should dust become a nuisance. Developers, engineers and contractors are responsible for the development and implementation of CEMP's, and for ensuring that identified contingency measures are implemented as appropriate. CEMP's are particularly important in the City of Karratha due to our arid climate and frequent strong winds that are typically westerly and northerly in summer and easterly in winter.

A CEMP is required to be submitted on sites greater than 5000m² on which any work involving the clearing of vegetation and/or topsoil, re-contouring (bulk earthworks), trenching and/or road construction is to be done to develop the land for any use are to occur, or where the proposed development is likely to impact on residential or other sensitive land uses.

A CEMP may also be required to be submitted for sites less than 5000m² undertaking the above works in close proximity of sensitive land uses or located on tourist routes.

The CEMP must have regard to the Department of Environmental Protection publication a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia November 1996. This publication requires a Classification Assessment Chart to be completed. The chart and chart notes recognise that the major factors influencing the dust risk potential of a specific site are the time of the year when the works are to be conducted, the nature of the site, and the extent of the proposed works and the proximity of the site to any other land use. Erosion control may be required at stormwater outlets to prevent scouring.

The CEMP should stipulate the hours of construction, likely times that construction vehicles will need to access and egress the site, and outline what management measures are in place to control noise emissions. Noise management provisions and mitigation measures must have regard to the Environmental Protection (Noise) Regulations 1997.

3.10 Operational Environmental Management Plan (ONMP):

An OEMP may be required for facilities and premises that are likely to generate significant noise or are located in close proximity to sensitive noise premises including alfresco dining areas.

An OEMP must outline what design response and management measures are in place to control noise emissions having regard to the *Environmental Protection (Noise) Regulations 1997*.

An OEMP may be required to be prepared by a suitable qualify acoustic engineer.

3.11 Car Parking and Traffic Management:

- Car parking requirements: as per the TPS, Clause 6.12 and Appendix 4. It is noted that the specified number of car parking bays may be reduced or increased dependent on the individual circumstances of the development. Generally, it is recommended that car parking should be located within the front boundary setback area as this will ensure that it relates to the development.

- All areas to be used for car parking, access ways, loading bays and for turning or manoeuvring of vehicles shall be designed in generally accordance with Australian Standard AS2890 and be sealed to the specification and satisfaction of the City.
- Car parking bays for standard vehicles must be 2700 mm wide and 5500 mm long.
- Universally accessible (disabled) parking bays are to be provided in accordance with Table D3.5 contained in the Building Code of Australia where more than five [5] parking bays are required.
- Prior to the publication of Australian Standard AS2890.6 universally accessible car parking bays are to be dimensioned in accordance with Australian Standard AS2890.1 with a minimum width of 3200 mm and minimum length of 5500 mm. Upon publication AS2890.6 shall prevail.
- Motorcycle bays with a minimum width of 1200 mm and length of 2500 mm are required where motorcycles or parts are sold or repaired, or for developments requiring the provision of fifty [50] or more car parking spaces. The provision of motorcycle bays are encouraged for all other developments providing public parking areas.
- Public parking areas are to be lit in accordance with Australian Standard AS1158 Lighting for Roads and Public Spaces.
- A traffic management report may be required where development is likely to have a significant impact on the local street network either through the volume or type of vehicle trips generated, where substantive or underground parking areas are proposed, or where heavy vehicles are required to manoeuvre within a site. Traffic management reports are typically required to:
- Demonstrate that the likely impact of traffic including service vehicles accessing and exiting the site will not adversely impact on the locality.
- Identify any engineering design modifications required to local roads.
- Assess on-site manoeuvrability for service and oversize vehicles (turning templates with overhangs).
- Assess parking and access way design against Australian Standard AS2890. Assess the location and design of parking for people with disabilities.

3.12 Crossovers

As per the City's specification. It should be noted that different types of vehicles may require different design specifications, therefore when submitting the application it is important to state the use of the site and the type of vehicles that are expected to access the development.

3.11 Provision for Cyclists and Pedestrians

Developments to include safe and convenient parking facilities for bicycles designed in accordance with Australian Standard AS2890.3. The level of provision of bicycle parking facilities shall be determined by the likely clientele of any development.

3.12 Washdown Area

Should any portion of the development be used for vehicle or equipment servicing, then an approved bunded wash down area with a petrol and oil trap is to be provided in compliance with the requirements of the Water Corporation, the City of Karratha's Health Department and the Department of Water's Water Quality Protection Note 68: Mechanical Equipment Washdown March 2006.

Setbacks for petrol and oil traps are same as for effluent disposal systems.

Should the wash down area exceed 20m² a roof may be required in accordance with Water Corporation policy. Please contact the Water Corporation prior to preparing and submitting your plans.

3.13 Signage:

Requirements contained within the City of Karratha By Law Relating to Signs, Hoardings and Bill Posting. Queries in relation to signage should be directed to Building Services on 9186 8569.

4. ENVIRONMENTAL HEALTH REQUIREMENTS

There are many requirements with reference to Health and Environmental legislation that is administered by the City's Environmental Health Services Department. The environmental health legislation that pertains to the development is specific to the types of use that are being proposed. Many of the requirements are detailed in the *Health Act* and its regulations, the *City of Karratha Health Local Laws* and the *Environmental Protection (Noise) Regulations 1997*. Of these matters, the disposal of effluent and solid waste are recognised as the most significant environmental health issues and applicants must demonstrate these

4.1 Disposal of Effluent in Un-Sewered Areas

The treatment and disposal of effluent is a significant constraint on development in un-sewered areas, and this may dictate the residential density and type of development the land can support. In view of this, it is critical that wastewater disposal be addressed with initial development applications.

An Application to Construct or Install an Apparatus for the Treatment of Sewage must be lodged to the City's Environmental Health Services Department for the treatment and disposal of effluent waste in un-sewered areas that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

An application must also be lodged to the Department of Health to seek approval for systems producing greater than 540 litres per day.

Applicants must demonstrate the following to support an Application to Construct or Install an Apparatus for the Treatment of Sewage.

Total estimated maximum volumes of wastewater generated. Details of the type of wastewater disposal system.

Details of irrigation areas if these are to be used or where the wastewater will be ultimately disposed.

Details of other fixtures adjacent to irrigation or disposal areas such as structures, subsoil drainage and sumps.

The reuse of wastewater is encouraged. Where there is a component of reuse of wastewater a management statement to demonstrate compliance with the National Water Quality Management Strategy-Australian Guidelines for Water Recycling- Managing Health and Environmental Risks 2006.

4.2 Solid Waste

The management of solid waste for commercial premises usually entails the installation of specific areas to store and to wash refuse disposal receptacles. The following development standards apply:

Each site requires a rubbish compound/bin storage area, with the actual requirement (size, construction material and location) being defined by the use.

Rubbish compound/bin storage area is to be screened from public view and provided with a tap and adequate mains supply.

If not fenced or otherwise enclosed, tie down points or alternative means of securing bins during cyclones must be provided.

Rubbish compound/bin storage area is to be constructed with bunded concrete flooring graded to an industrial floor waste gully connected to an approved wastewater disposal system for commercial waste.

Drains are to incorporate a 200 mm bucket trap or an alternate solid particulate capture system. Location of rubbish pickup compound should take into account the ability for a front loading single unit truck (12.5m long with a 12.5m turning radius) to access the compound – particularly when using bulk bin service.

Should the rubbish compound/bin storage area exceed 20m² a roof may be required in accordance with Water Corporation policy. Please contact the Water Corporation prior to preparing and submitting your plans.

4.3 Temporary Toilets

In accordance with Part 2 Division 1 of the City of Karratha *Health Local Laws 1996* one onsite temporary toilet is required for every twenty construction workers. These temporary toilets that must be removed upon the completion of the construction works are exempt from requiring planning approval.

4.4 Accommodation

Lodging Houses including hotels and motels must be in accordance with Part 9 of the City of Karratha Health Local Laws 1996 (as amended).

Moveable dwellings (caravans and park homes) and camping must be in accordance with the *Caravan Parks and Camping Grounds Act 1985* and the *Caravan Parks and Camping Grounds Regulations 1997*.

Public assembly areas must be in accordance with the *Health (Public Buildings) Regulations 1992*.

4.4 Commercial Food Premises

The regulatory requirements of the *Health Act 1911*, the *Food Act 2008*, *Health (Food Hygiene) Regulations 1993* and the Food Standards Code are to be complied with for the type of food handling activity proposed. The design of the development must comply with these requirements.

4.5 Public Swimming Pools

The *Health (Aquatic Facilities) Regulations 2007* sets out requirements for public swimming pools. Approvals are administered by the Department of Health.

5. CONSEQUENCES

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. It is imperative that Councillors and Officers retain appropriate documentation to substantiate their expenditure. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

6. REFERENCES TO RELATED DOCUMENTS

- Application for Planning Consent Form
- Application to Construct or Install an Apparatus for the Treatment of Sewage
- Development Services Fees and Charges Information Sheet BS-0005
- Shire of Roebourne Town Planning Scheme No. 8
- Residential Design Codes of Western Australia 2008
- City of Karratha By Law, Laws Relating to Signs, Hoardings and Bill Posting
- City of Karratha Health Local Laws
- Local Planning Policy DP2 Development Performance Guarantee
- Local Planning Policy DP6 Landscaping Requirements for Industrial and Commercial Areas
- *Caravan Parks and Camping Grounds Act 1985*
- *Dangerous Goods Safety Act 2004*
- *Environmental Protection Act 1986*
- *Food Act 2008*

- *Health Act 1911*
- *Caravan Parks and Camping Grounds and Regulations 1997*
- *Environmental Protection (Noise) Regulations 1997*
- *Health (Aquatic Facilities) Regulations 2007*
- *Health (Food Hygiene) Regulations 1993*
- *Health (Public Buildings) Regulations 1992*
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- Australian Standard AS1158 Lighting for Roads and Public Spaces
- Australian Standard AS2890 Parking Facilities 2004
- Food Safety Standards Australia
- National Water Quality Management Strategy- Australian Guidelines for Water Recycling- Managing
- Health and Environmental Risks 2006
- Water Quality Protection Note 68: Mechanical Equipment Washdown Department of Water 2006

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This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.