

8.9 Residential 3 Zone - Rules

Rule 8.9.1 Permitted Activities

The following activities are permitted activities provided that they comply with the relevant conditions in Rule 8.9.2 of the Residential 3 Zone:

- (i) Residential Activity at a density of not less than 45 m² of site area per habitable room on an existing site of any size. *[Amended by Consent Order: 1/6/04]*
- (ii) Commercial Residential Activity at a density of not less than 250 m² of site area per unit on sites fronting the western side of Great King Street, and on sites fronting the eastern side of Great King Street between Dundas and Duke Streets, but not beyond 50 m from the Great King Street frontage.
- (iii) Recreational Activity provided that associated structures do not exceed 25 m² in floor area.
- (iv) Accessory buildings for permitted activities excluding structures for recreational activities in excess of 25 m². *[Amended by Variation 6: 18/10/00]*
- (v) Signs permitted in this zone are specified in the Signs Section.

Rule 8.9.2 Conditions Attaching to Permitted Activities

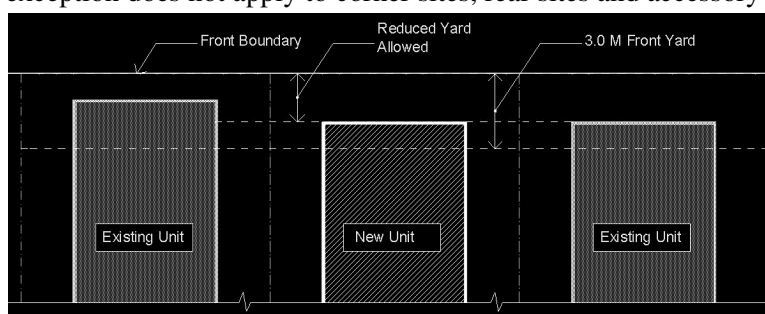
- (i) **Minimum Yards** *[Amended by Variation 12: 7/5/03]*

- (a) **Front Sites**

- (i) Front Yard 3.0 m except that:

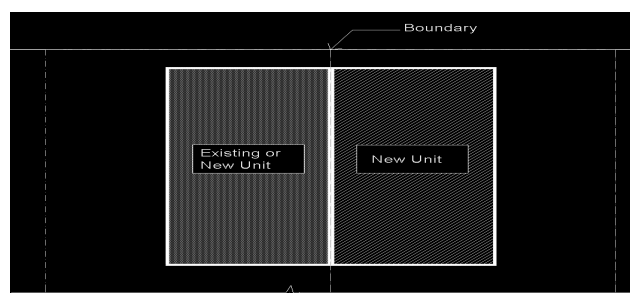
Where a residential unit is located between two sites with front yards of less than 3 m, then the minimum yard of 3m may be reduced to the depth of the larger of the two front yards as shown in the diagram below.

This exception does not apply to corner sites, rear sites and accessory buildings.



- (ii) All Other Yards 1.0 m except that:

Where residential units on adjoining sites are built to the boundary, no yards are required for the length of that part of the boundary, as shown in the diagram below:



(b) **Rear Sites**

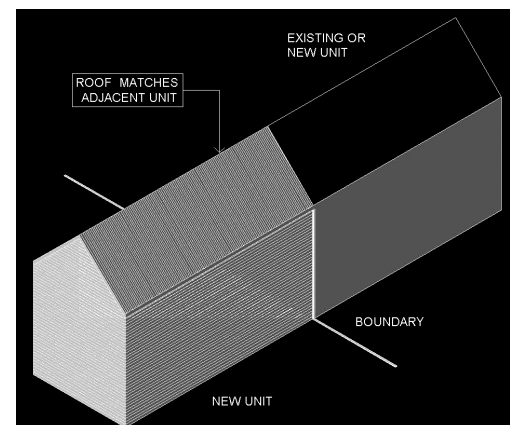
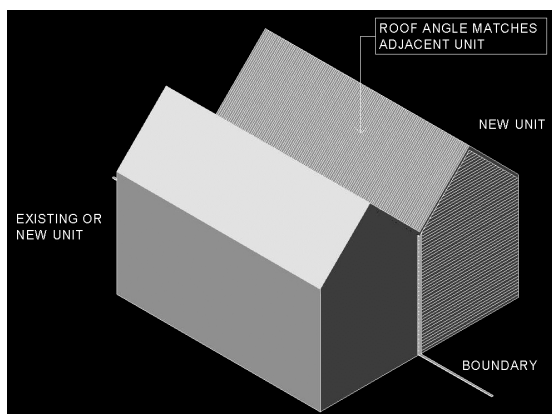
- (i) All Yards 1.0 m except that:
Where residential units on adjoining sites are built to the boundary no yards are required for the length of that part of the boundary.

(c) **Access**

Outdoor access to any open area to the rear of a residential unit is to be provided with a minimum width of 1m.

(ii) **Height Plane Angle** *[Amended by Variation 12: 7/5/03]*

- (a) 63° (1 to 2 yard to height ratio) where the site is located to the west of George Street and south of Warrender Street, except for front sites on George Street where the height plane angle requirement in (b) will apply.
- (b) On all other sites 45° (1 to 1 yard to height ratio) originating from an elevation of 3 m on the boundary line.
- (c) The height plane requirements above will not apply to site boundaries fronting the street.
- (d) When residential units on adjoining sites are built to the boundary then the height plane envelope for the length of that part of the boundary can be at the same height and angle as the roofline of the adjoining residential unit as shown below.

(iii) **Maximum Height**

9 m.

(iv) **Maximum Site Coverage** *[Amended by Variation 12: 7/5/03]*

- (a) 40% of the site area where the site is located to the west of George Street and south of Warrender Street, except for front sites on George Street where the maximum site coverage in (b) will apply.
- (b) On all other sites 50% of site area.

(v) **Minimum Amenity Open Space** *[Amended by Consent Order: 1/6/04]*

- (a) Every residential unit shall provide at ground level an area of amenity open space that is readily accessible from a living area, physically separated from any car parking areas by a fence, wall or a 1.5 m wide landscaping strip and with a minimum area and dimensions calculated as follows:
- (i) For a residential unit with up to and including 4 habitable rooms: 30 m² and capable of containing a 3.0 m diameter circle.

- (ii) For a residential unit with greater than 4 habitable rooms and up to and including 7 habitable rooms: 40 m² and capable of containing a 4.5 m diameter circle.
- (iii) For a residential unit with greater than 7 habitable rooms and up to and including 9 habitable rooms: 50 m² and capable of containing a 4.5 m diameter circle.
- (iv) For a residential unit with greater than 9 habitable rooms: 60 m² and capable of containing a 4.5 m diameter circle.

For residential units not at ground level (ie multi-storeyed apartments and flats) Rule 8.6.2 shall apply.

[Amended by Variation 12: 7/5/03]

- (b) Commercial residential activities shall provide an area of amenity open space at a rate of 20% of the site area.
- (vi) **Separation Distances**
Development containing more than one residential unit that does not share a common wall shall be separated by a distance of no less than 2 m.
- (vii) **Outdoor Service Area** *[Inserted by Variation 12: 7/5/03]*
 - (a) Every residential unit shall provide an outdoor service area in addition to amenity open space requirements that is screened from the view of adjoining sites and any road, with a minimum area of 6 m² and capable of containing a 1.5 m diameter circle.
 - (b) For multi-unit developments the outdoor service area may be combined at a ratio of 4 m² per residential unit.
- (viii) **Minimum Car Parking** *[Amended by Variation 12: 7/5/03]*

On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided on the following basis:

- (a) **Residential Activity**
 - (i) 1 car park per residential unit up to and including 4 habitable rooms.
 - (ii) 2 car parks per residential unit greater than 4 habitable rooms and up to and including 7 habitable rooms.
 - (iii) 1 additional car park for every 2 additional habitable rooms in excess of 7 habitable rooms.
 - (iv) 2 additional car parks for a residential unit where staff provide for between 13 and 18 residents inclusive.
 - (v) The maximum proportion of the entire front yard on a front site that may be occupied by car parking and vehicle accesses is 50%. *[Amended by Variation 6: 18/10/00]*
- (b) **Commercial Residential Activity**
 - (i) Unit type construction, for example motels:
 - (a) 1 car park per unit for 1 to 10 units, thereafter 1 car park per 2 units.
 - (ii) Guest room type construction, for example hotels:
 - (a) 1 car park per 3 guest rooms to 60 guest rooms, thereafter 1 car park per 5 guest rooms.

- (b) 1 coach car park per 50 guest rooms.
 - (c) Staff requirement of 1 car park per 20 guest rooms.
- (c) **Recreational Activity**
 - (i) 1 car park per 750 m² of site area.
- (ix) **Loading and Access**
 - (a) For the following activities there are no loading requirements. Access requirements shall comply with the performance standards in Section 20 (Transportation), and any additional standards as specified in Rule (ix)(c) below:
 - (i) Residential Activity.
 - (ii) Recreational Activity.
 - (iii) Commercial Residential Activity:
 - (a) Unit type construction, for example motels, with gross floor area not greater than 50 m².
 - (b) Guest room type construction, for example hotels, with gross floor area not greater than 250 m².
 - (b) For the following activities, loading and access shall comply with the performance standards in Section 20 (Transportation):
 - (i) Commercial Residential Activity:
 - (a) Unit type construction, for example motels, with gross floor area greater than 50 m².
 - (b) Guest room type construction, for example hotels, with gross floor area greater than 250 m².

Loading shall be provided for on the following basis:

Minimum Size: 8 m long x 3.5 m wide x 3.8 m high

Manoeuvre Area: To accommodate an 8 metre rigid truck as shown in Appendix 20D.
 - (c) Additional access standards for Residential Activity:

The maximum combined width of vehicle entrances and exits to a front site shall be 6 m.

[Inserted by Variation 12: 7/5/03]
- (x) **Signs**

Refer to the Signs Section.
- (xi) **Noise, Glare, Lighting and Electrical Interference**

Refer to performance standards of the Environmental Issues Section.
- (xii) **Minimum Site**
 - (a) **Minimum Area**
 - (i) Front Site 250 m²
 - (ii) Rear Site 250 m² excluding the access leg *[Amended by Plan Change 10, 18/1/11]*
 - (b) **Minimum Frontage**
 - (i) Front Site 3.5 m
 - (ii) Rear Site where access serves up to 3 residential units 3.5 m

- (iii) Rear Site where access serves 4 or more residential units 6.0 m

(xiii) **Commercial Residential Activities**

The activity shall not contain:

- (a) Any facility that requires a liquor licence.
- (b) Any restaurant.

(xiv) **Home Occupation**

The area within any building used for home occupation(s) is limited to 50 m².

Rule 8.9.3 Controlled Activities

The following activities are controlled provided that they comply with the conditions in Rule 8.9.2 of the Residential 3 Zone:

(i) Commercial Residential Activity on:

- Sites (front and corner sites but excluding rear or through sites) fronting the western side of George Street between Pitt Street and Union Street; or
- Sites (front, corner, rear and through sites) fronting the eastern side of George Street between Albany Street and St David Street,

which are not used for Residential Activity or the most recent use was not Residential Activity. The activity is controlled in respect of the number of units or guest rooms.

Assessment Matters

In assessing any application the Council will have regard to:

- (i) The ability of the water, waste and stormwater infrastructure to service the site.

[Inserted by Consent Order 26/8/03]

Rule 8.9.4 Discretionary Activities (Restricted)

The following activities are discretionary activities (restricted):

- (i) Any permitted activity which does not comply with one of the requirements in Rule 8.9.2. The Council's discretion is restricted to the condition with which the activity fails to comply.

[Amended by Variation 12: 7/5/03]

- (ii) Any controlled activity in Rule 8.9.3(i) which does not comply with the conditions in Rule 8.9.2. The Council's discretion is restricted to:

- the number of units or guest rooms, based on the ability of the water, waste and stormwater infrastructure to service the site, and;
- the condition or conditions with which the activity fails to comply.

[Inserted by Consent Order 26/8/03]

Rule 8.9.5 Discretionary Activities (Unrestricted)

The following activities are discretionary activities (unrestricted):

- (i) Community Support Activity.
- (ii) Commercial Residential Activity on sites fronting George Street between Pitt and Duke Streets, unless otherwise provided for in Rules 8.9.1, 8.9.3 and 8.9.4. *[Amended by Consent Order 26/8/03]*
- (iii) Commercial offices in existing residential buildings on sites fronting George Street between Albany and Union Streets but not beyond 50 m from the George Street frontage.
- (iv) Structures for recreational activities with a floor area greater than 25 m².
- (v) Accessory buildings for discretionary activities.
- (vi) Residential activities that comply with Rule 8.9.1(i) but do not comply with two or more requirements of Rule 8.9.2. *[Inserted by Variation 12: 7/5/03]*

Rule 8.9.6 Non-Complying Activities

- (i) Forestry Activity.
- (ii) Quarrying.
- (iii) Any activity not specifically identified as permitted, controlled or discretionary by the rules in this zone or in the rules of Sections 17 to 22 of this Plan is non-complying. This rule does not apply to activities identified as permitted, controlled or discretionary in the rules of Sections 13 to 16 of the Plan, regardless of where in the zone those activities are undertaken.