

22 LOCAL PLANNING POLICIES

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C123

22.01 Non-Residential Uses in the Residential Zones

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This policy applies to all applications to use land for non-residential uses in the Residential Growth Zone, General Residential Zone and the Neighbourhood Residential Zone.

22.01-1 Policy Basis

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This policy:

- builds on the MSS objectives and strategies in Clause 21.04-1 relating to land use in residential areas.

22.01-2 Objectives

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- To minimise the impact of non-residential uses on existing residential amenity.
- To ensure that non-residential uses in residential zones are compatible with the residential nature of the area and serve the needs of the local community.

22.01-3 Policy

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It is policy to:

- Discourage non-residential uses in residential zones unless there is a net benefit to the local community.
- Ensure the intensity of new non-residential uses are appropriate to a residential context.
- Minimise the effect of non-residential uses on residential amenity by controlling numbers of operators, practitioners, staff levels, hours of operation, traffic and parking movements, light, noise and emissions, as appropriate.
- Encourage non-residential uses to locate:
 - in buildings that were purpose built for predominantly non-residential uses;
 - on corner sites that have direct access to a road in a Road Zone;
 - on sites that are located adjacent to the boundary of a non-residential zone; and
 - within easy walking distance of public transport.
- Require non-residential uses to have a management plan for their operation.
- Ensure non-residential uses do not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.
- Ensure the times of loading or unloading of deliveries do not adversely affect the amenity or traffic function of the area.
- Ensure non-residential uses do not subject neighbouring residential properties to unreasonable levels of noise, vibration or interference associated with:
 - the operation of the use
 - the hours of operation
 - music and entertainment
 - air conditioning and other plant equipment
 - deliveries
 - rubbish and waste collection

- dust
- light spill
- offensive air emissions
- electrical interference.
- Ensure provision is made on site for appropriate waste storage and collection facilities. Waste facilities should be screened from neighbouring properties, streets and laneways.

22.01-4 Application Requirements

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It is policy to require all applications for non-residential uses in residential zones to be accompanied by:

- A site layout plan showing the existing and proposed location of all buildings, vehicle access, car parking, loading and unloading and waste storage and collection areas on the site, and relationship to public areas outside the boundaries of the site such as footpaths and open space.
- The internal layout of the premises, including the location of doors and windows, and the total floor area to be occupied by the proposed use.
- The external layout of the premises, including the location of doors and windows, and the total floor area to be occupied by the proposed use.
- The external layout of the premises, including location and details of plant equipment, external lighting, signage, and landscaping.
- A neighbourhood context plan showing the proximity of the premises from residential properties with details of all doors, habitable room windows and open space areas of all adjacent residential properties.
- A descriptive statement of the existing and proposed use including, where relevant:
 - Hours of operation for all parts of the premises.
 - Scale of the use, including number of operators, practitioners, staff, seats, patrons, as applicable.
 - Demonstration that the proposal will address a local demand and result in a new benefit to local residents and the community.
 - The type of any liquor licence to be sought.
 - The number of car parking spaces to be provided, proposed site access arrangements and a statement justifying any reduction or waiving of car parking requirements.
 - Details of any air and noise emissions and vibration from the premises generated by the proposed use and appropriate attenuation measures.
 - General rubbish, specialised wastes, bottle and other recyclable material storage and removal arrangements including hours of pick up.
 - The management of and arrangements for deliveries to and from the premises, and loading and unloading at the premises, including the times that this will occur.

22.01-5 Decision Guidelines

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Before deciding on an application, the Responsible Authority must consider:

- The need for the proposed use to meet demand in the local area.
- The strategy of consolidating commercial and retail activities within the established commercial and retail zones.
- The impact of the proposed use and development on the safety and efficiency of main roads.