9.3.23 Small-scale non-residential uses code

9.3.23.1 Application

1. This code applies to assessing a material change of use of land not in the Commercial character building overlay or the Active frontages in residential zones overlay if:
2. assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for a material change of use (section 5.5) or a neighbourhood plan (section 5.9); or
3. impact assessable development for small-scale non-residential uses or a use of a similar nature.
4. When using this code, reference should be made to section 1.5 and section 5.3.3.

Note—The following purpose, overall outcomes, performance outcomes and acceptable outcomes comprise the assessment benchmarks of this code.

Note—This code is applicable for individually located small-scale non-residential uses activity group uses in the Low density residential zone, Low–medium density residential zone, Medium density residential zone, High density residential zone, Character residential zone, Emerging community zone or Rural residential zone.

Note—Where the small-scale non-residential use is located:

* within a building identified on the Commercial character building overlay map, refer to the Commercial character building (activities) overlay code;
* on a site identified on the Active frontages in residential zones overlay map, refer to the Active frontages in residential zones overlay code.

Note—Where development for a small-scale non-residential use forms part of a residential development and is in the High density residential zone, Medium density residential zone, or Low–medium density residential zone it is also assessed against the Multiple dwelling code.

Note—Where this code includes performance outcomes or acceptable outcomes that relate to:

* crime prevention through environmental design, guidance is provided in the Crime prevention through environmental design planning scheme policy;
* noise impact assessment, guidance is provided in the Noise impact assessment planning scheme policy;
* refuse and recycling, guidance is provided in the Refuse planning scheme policy;
* on-site parking and servicing provisions, guidance is provided in the Transport, access, parking and servicing planning scheme policy.

9.3.23.2 Purpose

1. The purpose of the Small-scale non-residential use code is to assess the suitability of development to which this code applies.
2. The purpose of the code will be achieved through the following overall outcomes:
3. Development is individually located to minimise impacts on the amenity, health and wellbeing of adjoining and nearby residential uses and other sensitive uses.
4. Development is designed, sited and constructed to minimise any adverse impacts on nearby residents associated with glare, noise, air quality, odour, light, servicing, hours of operation, traffic and parking.
5. Development is low key in nature and complements the prevailing scale, built form, setting and streetscape character of a surrounding zone in the residential zones category, Emerging community zone or Rural residential zone.
6. Development serves a demonstrable need of the local community.
7. Development fulfils a role distinct from uses in centres, is not located in close proximity to existing centres, and is not established in a location that results in a cluster of non-residential activity within the applicable zone in the residential zones category, Emerging community zone or Rural residential zone.
8. Development supports the level of amenity, privacy, safety and security reasonably expected by nearby residents.

9.3.23.3 Performance outcomes and acceptable outcomes

Table 9.3.23.3—Performance outcomes and acceptable outcomes

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| Performance outcomes | Acceptable outcomes |
| PO1  Development:   1. is in a highly accessible location; 2. is not located on local or neighbourhood roads where it will adversely impact on local amenity and safety; 3. does not contribute to strip development along arterial roads; 4. must not introduce non-local traffic into a minor road. | AO1  Development is on a site that:   1. is located on either a district road or a suburban road; 2. does not have a boundary to an arterial road. |
| PO2  Development must not:   1. create a de facto centre through clustering of small-scale non-residential uses; 2. cause incremental extension to the edge of an existing centre through sequential development of multiple small-scale non-residential uses; 3. be located in a catchment that is already serviced by an existing centre. | AO2.1  Development is not located on a site that:   1. adjoins a zone in the centre zones category; 2. is in close proximity to an existing or approved small-scale non-residential activity group use; 3. adjoins a site in the Commercial character building overlay or the Active frontages in residential zones overlay. |
| AO2.2  Development does not isolate residential properties between non-residential uses. |
| PO3  Development is complementary and appropriate to the applicable zone in the residential zones category, Emerging community zone or the Rural residential zone. | AO3  Development does not involve the sale of items that are restricted to customers over 18 years of age, other than cigarettes, alcohol and lottery/scratch-it type tickets. |
| PO4  Development must be low key in scale, nature and employment, and of an appropriate size to serve the needs of the local residential community. | AO4  Development has a maximum gross floor area of 250m2. |
| PO5  Development ensures that building bulk and size, including any extensions and alterations to an existing building, complements the character and density of adjoining residential dwellings and the surrounding streetscape. | AO5  Development has a maximum building height of 2 storeys and 9.5m. |
| PO6  Development ensures that building form is varied and building bulk reduced by design elements such as verandahs, awnings, recesses and projections, and a range of materials, colours and textures. | AO6  No acceptable outcome is prescribed. |
| PO7  Development has a front setback that complements the building setbacks prevailing in the street. | AO7  No acceptable outcome is prescribed. |
| PO8  Development must not significantly reduce daylight to open space and habitable rooms in adjoining premises. | AO8.1  Development has a side boundary setback of a minimum:   1. 0m for a wall built to the side boundary; 2. 1.5m for a wall up to 4.5 m high; 3. 2m for a wall up to 7.5m high; 4. 2m plus 0.5 m for every 3 m (or part of 3m) over 7.5m for a wall over 7.5m high; 5. less than 1.5m where the wall is no more than 3.5m high and no more than 15m long. |
| AO8.2  Development has a minimum rear boundary setback of 6m. |
| PO9  Development provides boundary walls that are limited in dimensions and openings, to minimise impacts on adjoining premises. | AO9  For development with a wall built to a side boundary, the wall has:   1. a maximum height of 3m, unless it abuts a higher existing or simultaneously constructed wall; 2. a maximum length of 15m where it does not abut an existing boundary wall.   Note—Where a wall built to the boundary has a height less than 2m measured on the adjacent property, it can extend the full length of the boundary, excluding any front or rear boundary setback. |
| PO10  Development ensures the location, height, extent and materials of fencing and retaining walls must be designed to:   1. minimise visual impact; 2. assist surveillance of street frontages, accessways and pedestrian entry to the premises. | AO10.1  Development provides front fences with visual interest that allow for surveillance of the street and are:   1. articulated with gates, indentations and have transparent detailing; 2. not constructed of solid materials. |
| AO10.2  Development ensures that the combined height of any retaining wall and fence does not exceed 2m. |
| AO10.3  Development provides retaining walls that are set back from any boundary and stepped or terraced to allow landscaping to soften the appearance. |
| PO11  Development ensures that light nuisance is minimised. | AO11  Development ensures that the design, installation, operation and maintenance of outdoor lighting complies with the requirements of AS 4282-1997 Control of the obtrusive effects of outdoor lighting. |
| PO12  Development provides landscaping that:   1. retains existing vegetation, including street trees; 2. is consistent with the established landscape character of the applicable zone in the residential zones category; 3. provides an attractive and legible interface between the use, the streetscape, and adjoining residential uses; 4. screens between the use and adjoining residences to maintain privacy, enhance the appearance of the development, and disguise undesirable features such as outdoor storage areas or service bays. | AO12.1  Development ensures that site design enables the retention of established trees where removal is not required to locate new buildings, car parks or driveways. |
| AO12.2  Development ensures landscape design emphasises a clear pedestrian entry point for staff, customers and visitors, and allows overlooking of the street and pedestrian entry areas. |
| AO12.3  Development provides landscaped buffers a minimum of 2m wide along site boundaries adjoining residential uses. |
| PO13  Development provides vehicular access ways that are designed and located to:   1. minimise on-site and off-site safety conflicts between pedestrians and vehicles; 2. ensure efficient vehicular or pedestrian ingress to or egress from the premises; 3. reduce the visual impact on the streetscape. | AO13.1  Development provides only one vehicle access way to the site. |
| AO13.2  Development ensures that the location of the access way maintains the integrity, quality and primacy of footpaths. |
| AO13.3  Where development is a multiple dwelling, vehicle entrances are minimised in height and width, and shared use of vehicle accesses is utilised wherever possible. |
| PO14  Development provides adequate on-site car parking, servicing and delivery bays that ensure that employee, customer and visitor parking associated with the use does not:   1. dominate the frontage of the premises; 2. cause on-street traffic congestion and parking delays; 3. create traffic circulation hazards on the adjoining street; 4. cause adverse impact on residential amenity.   Note—On-site parking and servicing areas are provided for staff, customers and visitors in accordance with the Transport, access, parking and servicing planning scheme policy. | AO14  Development provides car parking that is:   1. designed to provide sufficient car parking spaces on site to minimise on-street parking demand; 2. provided below or at the rear of the building; 3. not located within the front setback; 4. screened from adjoining residential uses by a 2m high acoustic fence. |
| PO15  Development protects the amenity of the neighbourhood, the public realm and adjacent sensitive uses. | AO15.1  Development provides for any air conditioning, refrigeration and other mechanical plant, vents, exhausts and refuse and recycling storage areas to be:   1. located so that they are not visually obtrusive when viewed from the street; 2. screened to minimise visual impacts on an adjoining sensitive use.   Note—Refer to the Refuse planning scheme policy for further guidance. |
| AO15.2  Development provides areas for the delivery of goods and storage and collection of rubbish bins that are:   1. fully enclosed within a building; or 2. where associated with a detached building and externally located, are greater than 5m from an adjoining sensitive use; or 3. where associated with a multiple dwelling, located in accordance with the Multiple dwelling code. |
| PO16  Development ensures that the hours of operation including for deliveries, the use of indoor activity areas and private open space, are controlled so that the use does not impact on the amenity of residences within the building within which the use is located, and nearby sensitive uses. | AO16  Development ensures that the hours of operation including for deliveries, the use of indoor activity areas and private open space, are limited to between 6am and 8pm. |
| PO17  Development is of a nature and scale which does not result in noise emissions that exceed the following criteria:  LAeq,adj,T emitted from the small-scale non-residential use is not greater than the rating background level plus 3 at a sensitive use.  Where T is:   * Day (7am to 6pm): 11hr; * Evening (6pm to 10pm): 4hr; * Night (10pm to 7am): 9hr.   Where LAeq,adj,T is the A-weighted equivalent continuous sound pressure level during measurement time T, adjusted for tonal and impulsive noise characteristics, determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.  Note—Rating background level is to be determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.  Note—A noise management report prepared in accordance with the Noise impact assessment planning scheme policy can assist in demonstrating achievement of this performance outcome. | AO17  Development:   1. is conducted wholly within an enclosed building and does not involve outdoor activities; 2. ensures mechanical plant or equipment is acoustically screened from adjoining sensitive uses.   Note—Mechanical plant includes generators, motors, compressors and pumps such as air conditioning, refrigerator or coldroom motors. |
| PO18  Development ensures that direct overlooking from the small-scale non-residential use to adjoining residential dwellings is minimised by building layout, location and design of windows and balconies or screening devices. | AO18  Development ensures that where windows, balconies, verandahs, terraces and/or decks have a direct view into windows of habitable rooms in an adjoining residential dwelling, that view is screened by:   1. fixed opaque glazing; 2. fixed external screens; 3. fencing but only if overlooking from windows at ground level. |
| PO19  Development must create a safe environment by incorporating the key elements of crime prevention through environmental design. | AO19  Development incorporates the key elements of crime prevention through environmental design in its layout, building or structure design and landscaping by:   1. facilitating casual surveillance opportunities and including good sightlines to publicly accessible areas such as car parks, pathways, public toilets and communal areas; 2. defining different uses and private and public ownership through design and restricting access from non-residential uses into private residential dwellings; 3. promoting safety and minimising opportunities for graffiti and vandalism through exterior building design and orientation of buildings and use of active frontages; 4. ensuring publicly accessible areas such as car parks, pathways, public toilets and communal areas are well lit; 5. including way-finding cues; 6. minimising predictable routes and entrapment locations near public spaces such as car parks, public toilets, ATMs and communal areas.   Note—For guidance in achieving the key elements of crime prevention through environmental design, refer to the Crime prevention through environmental design planning scheme policy. |
| If for veterinary service | |
| PO20  Development prevents adverse noise impacts on adjoining residential premises and other sensitive uses, by limiting the use of a premises for veterinary service to:   1. day-clinic functions only; 2. a stand-alone, detached building. | AO20.1  Development does not involve overnight accommodation of animals. |
| AO20.2  Development is not located within a multiple dwelling. |