

Local Planning Policy 3.9: Non-Residential Development in Residential Areas

INTRODUCTION

The Council recognises that in certain circumstances non-residential uses can co-exist with residential development and be accommodated in residential areas without adversely affecting residential amenity. A range of such uses is provided for under the Town Planning Scheme, and some of these are subject to separate policies. The purpose of this policy is to provide general guidance and development standards applicable to non-residential development in residential areas if not stipulated in another policy.

AIM

To ensure that non-residential development in residential areas is compatible with adjoining residences, and does not detract from the amenity of adjacent residential areas.

POLICY

1. Non-residential development in a Residential zone may only be permitted where the nature of the non-residential use will not cause undue conflict through the generation of traffic, demand for parking or the emission of noise or any other form of pollution or activity which may be undesirable or incompatible with residential uses.
2. Non-residential development in a Residential zone is required to comply with the setback and plot ratio development standards for grouped dwellings of the relevant residential density code under the Scheme. For the purposes of this policy, a major opening is a window, door or other opening which can affect the privacy of nearby residences or future residences. For the purpose of this policy, a plot ratio of 0.4:1 shall apply in the Residential R12.5, R20, R30 and R40 coded areas.
3. A minimum of 25% of the site area, including front setback areas which are not required for car parking and access, shall be landscaped to the satisfaction of the Council. Such landscaping shall include a minimum 1.0 metre wide strip between any on-site car parking areas and the street alignment(s).
4. Where car parking or vehicular accessways are already provided in the vicinity of adjacent residential properties or cannot be (re)located elsewhere, suitable barriers shall be provided to protect boundary fencing, which may be required to be upgraded to protect the amenity and/or privacy of such properties.
5. In its determination of any application for non-residential development in a Residential zone, in addition to any other powers provided for under the Town Planning Scheme, the Council may impose conditions designed to minimise the impact on residential amenity, including limiting the scale of the development and restricting the times during which the non-residential activity may be undertaken.
6. In preparing an application for planning approval for non-residential development in a Residential zone, particular regard should be had for other relevant local planning policies.

Adopted: 13 October 2009

Amended: 26 March 2019 (DV19.29)