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3 COMMERCIAL ZONES

This Chapter applies to development that is proposed in a commercial zone, including the B2 Local Centre and B6 Enterprise Corridor zones. For development within the “Deferred Matter” industrial precinct please refer to Chapter 4 - Industrial Zones.

Under the provisions of the LEP 2013, light industries are permissible with the consent of Council within the B2 Local Centre and B6 Enterprise Corridor zones. It is important to note that Council will assess each application based on the individual merits of the development and the site.

Where consent is required for development on land within a business zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.

NOTE: Applicants should investigate whether additional licences will be required for a proposed development, for example hairdressers, body piercing and food shops.

3.1 INFRASTRUCTURE AND SERVICES

Objectives

- a. Ensure development is connected to essential services.
- b. Minimise the impacts of stormwater drainage on the Edward River.

General Controls

1. Development must be connected to town water supply, electricity, telephone and sewerage services where available.
2. Development must be connected to Council’s stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with Council’s Development Manual.

3.2 ACCESS AND PARKING

Objectives

- a. Ensure safe and convenient access for commercial development.
- b. Ensure that adequate parking is provided on site for visitors and staff.
- c. Ensure that car parking facilities do not detract from the amenity of the streetscape.
- d. Ensure that adequate provision is made for safe and convenient loading and unloading on site.
- e. Promote road safety by limiting new access points to arterial roads.

Controls

1. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
2. The required off-street car parking provision is to include a minimum of one (1) space for persons with a disability. An additional one (1) space is to be provided per 33 spaces or part thereof.

NOTE: Dimensions and design of parking for people with disabilities must satisfy the current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.

3. Car parking spaces must be clearly indicated on plans submitted with a development application for development within a commercial zone.
4. Car parking spaces must be sited in a safe and convenient location on site.
5. Legal vehicular access from a public road is required for all development.
6. Stacked car parking will only be permitted for staff parking.
7. Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include suitably compacted gravel or road base material.
8. The location of new access points must achieve adequate sight lines.
9. For development sites with frontage to classified road, access shall be provided from an alternative non-arterial road where possible.
10. All vehicles must be able to enter and leave the site in a forward direction.

11. For development sites located outside of the CBD, adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development.

NOTE: Council may request a plan showing the turning circles of vehicles likely to access the site.

12. For development sites located outside of the CBD, a dedicated area for loading and unloading must be provided on site where delivery vehicles will not conflict with customer vehicular movements. The size of the loading and unloading area must be suitable for the type and size of vehicles that will be utilising the area.
13. A development application must include details of the frequency and types of vehicles that are likely to access the site during the operation of the proposed development.
14. A Traffic Impact Study may be required for larger developments, such as and not limited to shopping centres and major developments on main roads, where adverse local traffic impacts may be generated by the development.

NOTE: The Traffic Impact Study is to include:

- o **An assessment of the likely vehicle type, volume and frequency of traffic to be generated by the development, and**
- o **The safety and efficiency of the proposed access arrangements.**

3.3 BUILDING SETBACKS

Objectives

- a. Allow a zero setback within the CBD and promote a consistent streetscape.

Controls

1. Secondary setbacks for corner allotments will be considered on the merits of the site. Consideration will be given to the setback of existing buildings in the vicinity, the width of the road reserve and drivers line of sight.
2. Building setbacks from side and rear boundaries must comply with the relevant provisions of the Building Code of Australia.

3.4 LANDSCAPING

Objectives

- a. Promote visually attractive commercial zones with landscaping to enhance the streetscape and to soften the appearance of hardstand areas.
- b. Encourage landscaping that can be effectively maintained for the life of the development.
- c. Provide shade in car parking areas in new larger commercial developments for the comfort of shoppers.
- d. Promote the use of plant species that are indigenous, low maintenance and drought resistant.

Controls

1. A landscaping plan must be submitted to Council with development applications for new commercial developments where the setback will be greater than zero line setback.

NOTE: Council may require a bond for the landscaping component of the development to ensure that the landscaping works are completed. Please refer to Council annual fees and charges for the bond amount required.

2. Larger commercial developments such as shopping centres, supermarkets or the like must include landscaping to provide shade to car parking areas and to soften the appearance of hardstand areas.
3. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised, with preference given to drought tolerant species.
4. Where a proposed car park will provide ten (10) or more spaces suitable landscaping must be provided within the car park.

NOTE: Suitable landscaping within a car park includes, but is not limited to, the planting of a shade tree for every ten (10) car parks.

3.5 BUILDING APPEARANCE & DESIGN

Objectives

- a. To maintain and enhance the quality of the streetscapes within commercial zones.
- b. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- c. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

Controls

1. The main building façade and entry must address the primary street frontage.
2. Building exteriors must use high quality non-reflective materials and finishes.
3. Proposed new buildings must not present large areas of blank walls to a public roadway. Visual interest can be incorporated through the use of varied materials and colours, windows or building articulation.
4. The design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design (CPTED) principles.

Note: The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.

***Natural surveillance* allows people to see what others are doing as a means to deter the potential for crime.**

***Access control* utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.**

***Territorial reinforcement* involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.**

***Space management* involves maintaining attractive public spaces so that they are more likely to be well used.**

3.6 OUTDOOR AREAS

Objectives

- a. Maintain and enhance the quality of commercial streetscapes.
- b. Ensure that adjoining properties are not affected by dust generation.

Controls

1. Unsightly materials on a site within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall.
2. Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements.

3.7 WASTE AND TRADE WASTE

Objectives

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. Protect Council's sewerage works and associated assets.
- d. Maximise opportunities for reusing treated effluent.

Controls

1. A waste storage area must be provided on-site for all developments.
2. The waste storage area must be in a location that is convenient for users and waste collection contractors.
3. The size of the waste storage area must be appropriate for the nature and scale of development.
4. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
5. A trade waste agreement must be made with Council where liquid waste will be disposed to Council's sewerage system. Please contact Council's Technical Services Department for more information.

3.8 IMPACTS ON SURROUNDING LAND

Objectives

- a. To ensure that light industrial development in the commercial zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of surrounding residential areas.
- c. To ensure that the hours of operation for commercial or light industrial activities do not generate land use conflicts with neighbouring properties.
- d. To minimise the impact of stormwater flow onto neighbouring properties.

Controls

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

Note: Land zoned for commercial development must not be unduly restricted by this control. Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.

2. The hours of operation for a proposed development must not significantly impact the amenity of neighbouring residential areas.
3. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

3.9 USE OF FOOTPATHS AND PUBLIC OPEN SPACE

When development of land zoned for commercial use takes place, Council will consider proposals to upgrade the footpath materials and other public spaces.

Objectives

- a. Allow the enhancement and upgrade of footpaths and public spaces.
- b. Promote vitality of the CBD by allowing the use of footpaths for commercial activities where safe.

Controls

1. The use of the public footpath for seating and/or display items will be considered, on the merits of each case, in accordance with Council's *Control of Activities in Public Places* policy. A separate approval under Section 68 of the Local Government Act must be obtained from Council for this activity. Each application is to be renewed every five (5) years. An annual inspection fee will be payable together with provision to Council of a copy of the owners indemnity insurance. Each Section 68 Application will be considered on its own merits considering the following matters:
 - The width of the public footpath.
 - Pedestrian safety relating to obstructing the footpath.

3.10 RESIDENTIAL DEVELOPMENT IN A COMMERCIAL ZONE

The following controls apply to 'residential accommodation' developments that are permissible with consent under the provisions of the LEP 2013 within a commercial zone. The types of residential accommodation development permissible within a commercial zone include shop-top housing and dwelling houses within the B2 Local Centre zone.

Objectives

- a. Promote a diverse range of housing options.
- b. Enhance the vitality of the CBD by allowing compatible residential development.
- c. Promote mixed use development within close proximity to services and facilities.

Controls

1. Residential development within a commercial zone must comply with car parking and access provisions of chapter 2.
2. Residential development within a commercial zone must comply with the private open space, safety and security, and privacy controls in Chapter 2.
3. New buildings must be compatible with the scale and character of adjoining developments or the intended built character for the area.
4. If the residential development forms part of a mixed development, separate entrances must be provided for the residential and non-residential components of the development.

3.11 SUBDIVISION

Objectives

- a. Ensure that each allotment has adequate space to provide for services, access, parking, and vehicle manoeuvrability.
- b. Encourage a road layout that allows safe and efficient flow of traffic and integrates with the existing road hierarchy.
- c. To ensure efficient and cost-effective provision of services and infrastructure.
- d. Reduce stormwater flow rates and improve the quality of runoff from urban areas.
- e. To minimise the impacts of stormwater drainage on the Edward River.

Controls

1. The width of a proposed new road reserve and the construction standard of a new road must be in accordance with Council requirements. Council will give consideration to:
 - o Established and preferred future road hierarchy.
 - o Vehicular, pedestrian and cyclist safety.
 - o The expected traffic volume of the new roadway(s).
 - o The nature of the subdivision and surrounding neighbourhood.
2. A Drainage Management Plan must be provided by the developer for the subdivision of a greenfield site in a commercial zone. The Plan is to detail any methods incorporated into the subdivision design to reduce the stormwater rate of flow, improve the quality of stormwater that will enter a waterbody and the re-use of stormwater.
3. Evidence that the proposed development will not exceed the capacities of the service networks must be provided to Council.

NOTE: Relevant providers of electricity and telephone services should be contacted for their servicing requirements.

4. A development application for the subdivision of land in a commercial zone may only be considered where all allotments are capable of being adequately serviced with electricity supply, water supply, sewerage disposal and telephone.