

22.01

09/10/2014
C177

NON RESIDENTIAL USES IN RESIDENTIAL AREAS

This policy applies to all applications for non residential uses in the Neighbourhood Residential Zone, General Residential Zone or Residential Growth Zone of the municipality.

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Policy Basis

While the primary purpose of a residential zone is to provide land for housing, the planning scheme acknowledges that there is a range of alternative uses that may be compatible with residential uses. The establishment of such uses in the Neighbourhood Residential Zone, General Residential Zone or Residential Growth Zone may contribute to the amenity of a locality and satisfy a local need provided the use is operated properly and regulated.

The City of Ballarat has many residential areas that are highly desirable areas to live given proximity to shopping, community and recreational facilities. Many of these areas are also historically significant with a high standard of dwellings and intact streetscapes. In these and other areas of the municipality the overriding consideration is to preserve residential amenity.

It is Councils expectation that most non-residential uses should locate in either the Ballarat CBD or other neighbourhood centres as they will complement surrounding uses, are able to share parking and other facilities and can trade later into the evening. Uses such as medical centres have traditionally located within areas surrounding the Ballarat Base and St. John of God hospitals. Council has now completed an economic analysis of the importance of the health sector and sought to encourage these uses within the core of this precinct and, through this policy, broadly discourage other non-residential uses from locating in residential areas.

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Objectives

The objectives of this policy are:

- To protect the existing residential character and amenity of the municipality by promoting and encouraging development in an orderly and proper manner.
- To ensure that development of discretionary uses cater for the needs of the local community without any detrimental impact on residential amenity.

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Policy

It is policy that:

Locational criteria

- Non-residential uses preferably be located on:
 - Corner sites that adjoin, or have access to, a road in a Road Zone.
 - Sites which abut non-residential (preferably commercial) land uses.
 - Sites which are located on the periphery of commercial or industrial zones.
- Non-residential uses will not be encouraged to locate on land with direct access to the local road network.
- As urban consolidation is a key State Government planning policy, the loss of any residential property for non-residential uses should be justified on the following basis:
 - Community need or demand for the use.
 - Inability to locate in a commercial zone.
 - The site has a low residential amenity and is no longer suitable for residential use (eg some main road locations).

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- The concentration of non- residential uses within a residential area will not be encouraged, particularly if this results in the isolation of residential properties, and the compounding of 'off site' effects will be detrimental to the surrounds.
- The retention of existing dwellings and their facades will be encouraged to preserve the residential character.
- Where purpose built premises are justified the buildings should:
 - Portray a residential appearance.
 - Be designed to a residential scale.
 - Contribute to the residential streetscape and character.

Access and car parking

- Car parks should be located to the rear of the building or set back suitably from the front boundary to provide adequate landscaping that is in keeping with surrounding residential character.
- Direct access to the reception area should be provided from the car parking area.
- Access to the site shall be via the existing driveway or if a new driveway is proposed it should not adversely impact on the amenity of habitable room windows of adjacent buildings used for residential purposes.
- Disabled access must be provided to the building.

Site coverage

- Where there is a new building proposed and to ensure the residential character and amenity is maintained, the site coverage of the building should not exceed 60 percent.

Loading and Unloading of vehicles

- The loading and unloading of vehicles should not occur between the hours of 8.00pm and 8.00am.

Hours of operation

- The hours of operation of the use should be within the following:
 - Monday to Friday 8.00am to 8.00pm.
 - Saturday 8.00am to 2.00pm.

Signage

- Signage shall be consistent with the residential character of the neighbourhood and not exceed a total of 0.2m² and not be internally illuminated.

Purpose built premises

Building design should portray a residential appearance consistent with the overall scale and character of the residential area, particularly with regard to:

- Building and roof form as exhibited by the neighbourhood or described in the Ballarat Neighbourhood Character Study.
- Fencing.
- Building height and setback.
- Verandah and window placement and style.
- Building materials.

Amenity

- Noise generated by the use and associated traffic should not be excessive or cause nuisance or disturbance to adjoining dwellings and be in accordance with the *Environment Protection Act (1970)* and the *Health Act (1958)*.
- All air-conditioning and heating units should be enclosed. Sound attenuation may be required to restrict noise emissions to adjoining properties.
- All external lighting is to be suitably baffled to ensure that any illumination is contained within the site and does not cause detriment to persons in adjoining or nearby properties or spillage to any road.

Trade waste

- Provision should be made for waste collection facilities. All areas set aside for waste collection facilities should be setback and suitably screened from the street and adjacent properties.

Landscaping

- Existing mature street trees are to be retained.
- Additional planting will be required to restrict the intrusiveness of discretionary uses.
- Adequate landscaping should be provided along all front, side and rear boundaries (driveway not included) to protect the amenity of adjoining properties.

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Application requirements

In support of application for non-residential uses the applicant must provide:

- Plans detailing:
 - The layout of the site.
 - Internal arrangement of the building.
 - Landscaping areas.
 - Car parking and access arrangements.
 - Established vegetation to be removed and that to be retained.
 - Details and location of signage.
 - Where a purpose built premises is proposed, elevation plans and a site context plan showing the proximity of adjacent dwellings/buildings including location of windows on any adjacent residential buildings.
- A supporting report addressing:
 - The nature of the use.
 - Hours of operation.
 - Number of employees.
 - The local need that is being serviced by the proposal.

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Decision guidelines

In considering applications for non residential uses the responsible authority will consider, as appropriate:

- The extent to which the application meets the objectives and direction of this policy.
- The residential amenity of neighbouring and nearby properties.

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- Any traffic impacts, including the impact of the proposed use and development on the safety and efficiency of main roads.
- The adequacy and efficiency of car parking.
- The proposed hours of operation.