



<b>Policy Type:</b>	Administrative
<b>Date Last Adopted:</b>	12 May 2009
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<b>Policy No:</b>	<b>SRS214(C2)</b>
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<b>Legal (Parent):</b>
1. Metropolitan Region Town Planning Scheme Act 1959-1982.

<b>Legal (Subsidiary):</b>
1. Town Planning Scheme No 40 – Subclause 2.7.12.

ADOPTED POLICY	
<b>Title:</b>	<b>TOWN PLANNING SCHEMES – NON RESIDENTIAL DEVELOPMENT ADJACENT TO RESIDENTIAL PROPERTY</b>
<b>Objective:</b>	<b>To minimise the potential negative impact on amenity of residential property adjacent to non residential development. Provisions seek to provide a suitable interface between land uses.</b>

- 1.0 Where non residential development is proposed on land adjoining property developed or able to be developed for residential purposes, due regard should be given to the following:
- 1.1 Design and Landscaping – Use and development of the site shall be so controlled as to minimise any adverse effect upon the amenities of the adjacent residential property by reasons of the emission of light, noise, fumes, smoke or other waste products. In addition, the design of buildings, arrangement of uses, landscaping and screen planting of the site shall be such as to minimise any detraction from the privacy of adjacent residential property. Particular attention shall be given to the screening and location of machinery, service access, service areas, open storage, car parking, advertising, artificial lighting colour schemes and window location and levels.
  - 1.2 Fencing – Fencing to a minimum height of 1.8m shall be constructed along the common boundary with residential property. The height of such fencing may be increased unless the owner of the adjacent residential property objects thereto. The design and construction of the fence shall include either masonry or double layered timber. In circumstances where vehicles are likely to access an area on the non residential development adjacent to a dividing fence, a kerb or other appropriate vehicle barrier shall be required to prevent damage to the fence by vehicles. Where a sufficient fence is already in place on the boundary between residential property and land the subject of an application for planning consent for non residential development, the views of the owner of the residential property shall be given full consideration when determining fencing conditions to be applied in the grant of planning consent.
  - 1.3 Setbacks – Where the non residential development have frontage to the same street as the immediately adjacent residential property, the setback from that street boundary shall be no less than the minimum setback applicable to development on the adjacent residential property.
    - (a) Where the non residential development site abuts or is immediately adjacent to a side boundary of any residential property, the setback shall be no less than the height of the wall of the building, irrespective of the materials or construction; provided that, where the owner of the residential property concerned grants written consent, a parapet wall without openings can be constructed up to the boundary, subject to a maximum height of 3.5m.
    - (b) Where the non residential development abuts or is immediately adjacent to the rear boundary of any residential property, the setback shall be no less than the height of the wall of the building, unless a parapet wall without openings is constructed, in which case a building may be constructed up to the boundary, subject to the allowable maximum height of the building being 3.5m.
    - (c) Council may relax these setback requirements if it is satisfied that there will be no adverse effect on adjoining residential properties.



- 2.0 For the purposes of this Policy, the term 'non residential development' excludes non residential use of any existing residential building or non residential use which is incidental to the residential use of the same site.