3.4 Commercial Use Code

3.4.1 Applicability

a) The following acceptable solutions are applicable to self assessable development as identified in the Level of Assessment Tables; or

b) the following code is applicable for assessable development as identified in the Level of Assessment Tables

for Commercial Uses as defined in Part 1 of the Planning Scheme.

3.4.2 Overall Outcomes for the Commercial Use Code

The overall outcomes are the purpose of the Commercial Use Code. The overall outcomes are as follows –

a) Commercial uses are appropriately located and reinforce the role of established or designated centres as retail/commercial/community use precincts and places of employment, recreation and service.

b) Commercial uses are located within established centres or land appropriately zoned for commercial activities, and contribute to the centre's desired urban design and built form.

c) Commercial uses are designed to integrate into their surroundings.

3.4.3 Compliance with the Commercial Use Code

Code Assessable development that is consistent with the performance criteria within this code is considered to comply with the Commercial Use Code.

3.4.4 Development Principles

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION/S
Location	
PC1 Local Shops are suitably located and support the immediate residential community.	**AS1.1** Local Shops are not located within 1 kilometre of any other local shop or land within the Neighbourhood Business, Business or Township Zones. **AS1.2** Local Shops have direct vehicular access and pedestrian access from a local road.
Gross Floor Area, building height and building form	
PC2 The scale and bulk of buildings is consistent with the buildings of the locality and the character of the area.	**AS2.1** a) The gross floor area of buildings is in accordance with the requirements prescribed in the applicable Locality Code; **OR** b) where no gross floor area is specified the maximum gross floor area is 40% of the site area. **AS2.2** a) Building height of buildings is in accordance with the requirements prescribed in the applicable Locality Code; **OR** b) where a building height is not prescribed the maximum building height is two (2) storeys and 8.5 metres above natural ground level or ten (10) metres above natural ground level on land with a slope greater than 15%.
Building Setbacks	
PC3 The building setbacks complement the setbacks of surrounding development and do not detrimentally impact on the amenity of adjoining land uses and the area.	**AS3.1** a) Buildings are setback in accordance with the setback requirements for the relevant zone as specified in the applicable Locality Code; **OR** b) where no setback is prescribed,

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION/S
	commercial uses are setback a minimum 2.0 metres to the street frontage; **OR** c) where a Local Shop, buildings are setback within 20% of adjoining building setbacks from the street frontage; **OR** d) where a Local Shop is proposed in the Emerging Community Zone, buildings are setback a minimum of 6.0 metres to all street frontages; **OR** e) Where a commercial use (except for a Licensed Premises) adjoins land in a 'Residential Zone', buildings are setback a minimum distance of 2.0 metres from any such side or rear boundary or half the height of the building, whichever is greater; **OR** f) where a Licensed Premises adjoins a site included within a 'Residential Zone', buildings are setback a minimum of 10 metres from any such side or rear boundary.
Building Design	
PC4 Building design complements the scale and function of the Centre and the streetscape.	**AS4.1** Buildings address the street with the main entrances fronting the street or outdoor spaces (eg. outdoor dining area). **AS4.2** Service structures, lift motor rooms and mechanical plant are concealed within the roof structure. **AS4.3** Building design incorporates a combination (of at least one) of the following design measures: a) variation in the building envelope with curves, recesses, projections and splays; b) variations in the vertical plane of buildings by stepping the building back at different levels and incorporating windows, sun protection devices and other elements on the facade; c) landscaping at the podium levels; d) incorporating balconies and pergolas; e) the length of a uniform wall, without variation or articulation, is no more than 20 metres. **AS4.4** Any reflective glass material has: a) a level of light reflectivity of not greater than 20%; and b) a level of heat transmission of not less than 20%.
Pedestrian environment	
PC5 Commercial uses are designed to provide a safe and sheltered pedestrian environment with non-discriminatory access.	**AS5.1** Except for Local Shops, commercial development incorporates awnings that – a) are provided for the full length of the main road frontage (exclusive of the driveway areas) and provide sheltered access to the entrance of the building; b) provide continuity with adjoining awnings; c) have a minimum width of 3.2 metres and a maximum width of 4.0 metres; d) are a minimum 3.0 metres above the top of the kerb; e) are setback 1.0 metre from the kerb to allow space for street trees to be planted within the footpath and to provide space

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION/S
	for established trees to continue to grow; f) include under awning lighting at least one light for every 2.0 metres in length; g) consist of non-transparent, waterproof material; h) are cantilevered or otherwise entirely supported from the main building to ensure that posts do not restrict pedestrian flows. Where assessable development (AS5.2 applies) – **AS5.2** The pedestrian setback and footpath – a) is accessible for pedestrians for its entire length and width; b) is clear of columns and other obstructions (except for Council services, infrastructure and street furniture); c) provides street furniture in appropriate places, including seats, bollards, grates , grills screens, bicycle racks, banners, bins, telephone booths, drinking fountains and art work, and is coordinated to create a common streetscape theme; d) has a pavement that connects to the adjoining pavements; e) connects to adjoining pavements without steps, lips or steep (greater than 15%) gradients. Note: For Guidance on Awnings and/or Attachments to Commercial Buildings refer to Planning Scheme Policy 13 – Awnings and/or Attachments to buildings over a Road Reserve.
Amenity	
PC6 Development is designed to attenuate noise from external sources and to minimise the emission of noise on adjoining residential areas.	Where assessable development (AS6.1 applies) – **AS6.1** Where a commercial use is located adjoining a residential area, the development does not impact on the residential amenity of the area (noise levels must be maintained below background noise level plus 5db measured at the property boundary) .
PC7 Air conditioning units and/or refrigeration units are located so they are not visually obtrusive and do not cause undesirable visual or noise impacts to adjoining premises.	Where assessable development (AS7.1 to AS7.2 applies) – **AS7.1** Air conditioning units and other plant equipment are installed on the roof or at the rear of the building. **AS7.2** Air conditioning units and other plant equipment are located within an enclosed sound proof structure.
Parking	
PC8 Parking structures are designed to be unobtrusive when viewed from the street.	**AS8.1** Except in the Business Zone and Local Shops, parking is located underneath or at the rear of the building. Where assessable development (AS8.2 to AS8.3 applies) – **AS8.2** The facade of above ground parking structures is designed to conceal the car parking and associated manoeuvring areas (that is, the building is designed to avoid sloping ramps, strong horizontal banding and car parking spaces being the dominant facade element when viewed from the street frontage). **AS8.3** Common access driveways are utilised as practically as possible.
Design for Safety	
PC9 The design of buildings and public spaces provide a safe	Where assessable development (AS9.1 applies) – **AS9.1** Building design and layout incorporates the

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION/S
environment for users of the space.	following features – a) opportunities for casual surveillance and sightlines (eg. windows overlooking parking and communal areas); b) adequate definition of uses and ownership (eg. landscaping to define private and communal space); c) adequate lighting (eg. lighting of potential entrapment locations); d) appropriate way finding mechanisms (eg. signage); e) minimisation of predictable routes of entrapment (eg. concealed areas, particularly near building entries).
Landscaping	
PC10 Commercial buildings and carparking areas are landscaped to create an attractive streetscape.	**AS10.1** Commercial uses in the Business Zone and Local Shops provide a landscape buffer of at least 2.0 metres in width to all street frontages. **AS10.2** Commercial uses provide a landscape buffer of at least 2.0 metres to all boundaries adjoining land in a 'Residential Zone'. **AS10.3** Where adjoining land in a 'Residential Zone', development provides a 1.8 metre high screen fence to all boundaries adjoining this land. **AS10.4** A minimum of one (1) shade tree is provided for every six (6) carparking spaces. **OR** Shade structures (in the form of sails or similar or undercover parking) are provided over car parking spaces. **AS10.5** Landscaping buffers with a minimum width of 1.0 metre are provided adjacent to outdoor car parking areas.
PC11 Development is to achieve a high level of amenity in landscape design outcomes.	**AS11.1** Carparking areas to the frontage of site shall be landscaped with a perimeter bed of 2.0 metres which includes both shrubs and bordering trees to all entrance driveways. **AS11.2** Under awning areas shall be paved with visually interesting materials and patterns and include furniture embellishments (bins, seating, drinking fountains etc). **AS11.3** External footpath areas shall be paved in high pedestrian areas and include street trees appropriately established in grated enclosures.
Impact of Commercial Development (not applicable to development within the Pialba Business Zone or self assessable development in the Business Zone).	
PC12 The growth of commercial development is effectively managed to ensure that significant economic and social impacts are ameliorated.	No acceptable solution specified.