

# Commercial Development

## 1. Objectives

The objectives of these controls are to:

- Ensure that commercial development is carried out in such a way as to protect and enhance the environmental quality of the Shire;
- Encourage development that reinforces the “country town” character of the shire’s towns and villages;
- Guide owners, developers and the wider community to the standards required by Council in the planning and design of commercial developments;
- Assist applicants in the compilation and submission of development applications;
- Promote and encourage commercial development within the central business precincts of the Lockhart Shire’s villages;
- Maximise the utilisation of services for commercial development; and
- Ensure the most efficient use of commercial land while safeguarding environmental factors through careful site planning.

## 2. Definition of commercial development

The *Lockhart Local Environmental Plan 2012* zones the Shire’s towns and villages as RU5 Village, which permits the operation and development of commercial premises. Commercial premises include business, office and retail premises.

## 3. Development controls

### 3.1 Aesthetics, streetscape, building design and materials

Council has adopted the following general principles for the design and development of all commercial development.

These principles are to:

- Encourage good building design;
- Address street context and streetscape in building design; and
- Ensure consistency in the use of building materials and existing streetscapes.



The front façade of any commercial development building is to be constructed of an approved material that ties in with the heritage characteristics of the surrounding buildings. Materials may include face brick, decorative masonry block, glass, etc. Other types of materials will be considered on merit taking into consideration aesthetics and the streetscape in the immediate area.

Where corner developments or intermittent industrial blocks are involved, the front façade treatment shall extend 5 metres down each side.

### 3.2 Commercial regulated premises

Any commercial activities carried out in premises identified in the *Public Health Act 2010* and *Schedule 2 of the Local Government (General) Regulation 2005* (e.g. hairdressing salons, barber shops, beauticians, etc.), are to be carried out in accordance with those Acts and regulations. Regulated premises are inspected routinely, and Council charges an inspection fee, which is calculated in accordance with Council's Fees and Charges Policy.

### 3.3 Restriction on use in central business districts

These controls apply to development proposed on land identified as being located within the following Central Business Districts:

- Urana Street, The Rock (Figure 3.3.1); and
- Green Street, Lockhart (Figure 3.3.2).



Figure 3.3.1 The Rock central business district (CBD).



**Figure 3.3.2** Lockhart central business district (CBD)

As defined by the Lockhart LEP 2012 the Central Business Districts of Lockhart and The Rock are zoned RU5 – Village, and the Zone objectives include provision for a range of land uses, services and facilities that are associated with a rural village.

Council will always welcome proposals for adaptive and innovative developments which satisfy the flexible land-use provisions of the Lockhart LEP 2012, however emphasis will remain on preserving the Central Business Districts in Lockhart and The Rock as commercial precincts.

Council will not support proposals for change of use of land or buildings in the CBDs to residential premises, including apartments or dwellings; or uses which in the opinion of the Council are unlikely to generate positive economic impacts and are not consistent with the retail, office or commercial objectives for land use in the precinct.

### **3.4 Nuisance**

Any business will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.

### **3.5 Storage of material/goods/rubbish**

Materials, goods, rubbish, etc., are to be stored within the curtilage of the building at all times; or within suitable screened enclosures within the land. Waste material is to be stored in appropriate receptacles, and removed on a regular basis so as to not provide a harbour for vermin.

### **3.6 Use of a commercial building or premises**

The use of a commercial building or premises requires approval from Council prior to occupation unless the use has been identified within a development application. Any changes in use may require separate approval from

Council, if the use is different to the business currently occupying the building or premises.

### **3.7 Disabled access to commercial premises**

The following standards apply where businesses owners seek to install disabled access ramps, to be located on Council's footpath, to their business:

- The ramp must be built and maintained by the business owner in strict compliance with all relevant standards and codes;
- All costs associated with the installation of the ramp must be borne by the applicant;
- Council's interests must be noted on the business's Public Liability Certificate of Currency for any liability incurred arising from the access ramp on the Council's footpath. The Public Liability certificate of currency must note Lockhart Shire Council's interest in respect of liability incurred by the business as a result of its negligent acts errors or omissions committed, or alleged to have been committed, arising from the disabled ramps (including the installation and maintenance of the ramp) on Council's footpaths and land;
- Attention must be paid to the heritage pavers in the Green Street, Lockhart;
- A permit in perpetuity will be issued by Council to the business owner upon the completion of the ramp provided the ramp is built and continues to be maintained to the standard set in Council's approval and in accordance with all relevant standards and codes;
- Council will consider alternative to locating the ramp on the footpath; and
- Council reserves the right to remove any access ramp that is inappropriate or a safety hazard in consultation with the property owner.

## **4. Relevant Section C – Development Controls**

The following other parts of Section C – Development Controls relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development;
- Engineering Standards;
- Flood Prone Land;
- Food Premises Fit Out and Construction;
- Heritage and Conservation;
- Notification of Development Applications; and
- Signage.

