



COMMERCIAL



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4.3.6 Commercial Planning Area Code

Purpose

The purpose of this Code is to facilitate the achievement of the following outcomes for the Commercial Planning Area:

- provide for the establishment of new and the continuation of existing commercial and shopping facilities to serve the needs of the local and where appropriate, the wider community;
- to encourage the consolidation of commercial areas by providing for shopping facilities together, where appropriate, with a range of business, professional, medical services and community facilities;
- to accommodate a range of commercial uses that serve the needs of the local and, where appropriate, the wider community;
- facilitate the option for residential development to be integrated with commercial development in appropriate locations; and
- ensure that commercial and shopping areas are attractive through high quality design and the provision and maintenance of Landscaping and street trees.

Applicability

This Code applies to self-assessable and assessable development in the Commercial Planning Area for:

- Material Change of Use:

Except for:

- Business Facilities – using an existing Building in the Mossman and Environs Locality, the Port Douglas and Environs Locality and the Coastal Suburbs, Villages and Townships Locality
 - Restaurant – using an existing Building in the Mossman and Environs Locality and the Port Douglas and Environs Locality
 - Shopping Facility – using an existing Building in the Mossman and Environs Locality
- Reconfiguring a Lot;
 - Operational Work Associated with Reconfiguring a Lot;
 - Operational Work – Filling or Excavation not associated with a Material Change of Use;
 - Operational Work – Engineering Works not associated with a Material Change of Use; and
 - Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use.



For self-assessable development assessed against this Code, the applicable Acceptable Solutions are A5.1 and A5.2.

Self assessable development which does not comply with the Acceptable Solutions listed above, will require Code Assessment.



Elements of the Code

Consistent and Inconsistent Uses – General

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P1	The establishment of uses is consistent with the outcomes sought for the Commercial Planning Area.	A1.1	Uses identified as inconsistent uses in the Assessment Table are not established in the Commercial Planning Area.

Building Setbacks

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P2	The siting of Buildings/structures is in keeping with the existing and desired amenity and character of the area and protects the amenity of adjoining land uses.	A2.1	Buildings/structures are built up to the front boundary for the full Frontage of the Site. UNLESS Buildings/structures are required to be Setback as stated in the relevant Locality Code.
		A2.2	Buildings/structures are constructed to the side and rear boundaries. OR Where the Site adjoins land in a residential planning area or where the Site adjoins land developed partially or wholly, for a residential or tourist accommodation purpose: <ul style="list-style-type: none"> • the Building/structure is Setback from the common boundary 1.5 metres or an average of half the Height of the wall of the Building, whichever is the greater; and • a 1.8 metre high solid screen fence is established along the length of the common boundary.



Awnings

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P3	The design of Buildings provides for the integration of the development with the existing streetscape and provides for the protection of the public from the inclement weather.	A3.1	An awning, a minimum of 3 metres in width, is provided to the full Frontage/s of the Site where the Building is built to the front property alignment/s.
		A3.2	Buildings include design features that support the character of the commercial area including parapets. HOWEVER Any parapet wall does not exceed 900mm when measured from the intersection of the underside of the ceiling and the wall of the Building.

Landscaping

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P4	Landscaping provides a suitable buffer between incompatible uses ³¹ .	A4.1	Where a Building is not built up to the Main Street Frontage the setback area is landscaped with Deep Planting.
		A4.2	Where a Building is not built to the side or rear boundary the setback from the side and rear boundary is landscaped with Deep Planting.
		A4.3	Where the Building is setback and the Site adjoins land in a residential planning area or where the Site adjoins land developed partially or wholly, for residential or tourist accommodation uses a 1.5 metre wide Setback of Dense Planting is provided to the common boundary with that land in accordance with all the relevant requirements of the Landscaping Code.

³¹ Vegetation clearing is required to be undertaken in accordance with Local Law – Vegetation Management.



Site Access and Car Parking

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P5	Site Access and Car Parking are appropriately located and provided to service the development and to provide off street parking which is safe and conveniently located for users.	A5.1	Site Access/es is/are conveniently located to encourage usage and enable customers to enter and exit the commercial development safely.
		A5.2	Off street car parking is provided at the rear or the side of the Building or underneath a Building in accordance with all the relevant provisions of the Vehicle Parking and Access Code.
		A5.3	Vehicle unloading areas, goods storage areas, waste storage areas and outdoor equipment areas are designed and located to be screened from the street and to be accessible by service delivery vehicles without conflicting with the traffic flow of the car parking areas and on Site pedestrian areas.

Local Centres

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P6	A Local Centre services only the convenience needs of the surrounding local community.	A6.1	All Local Centres have a maximum Net Lettable Area which is specified in the relevant Locality Code. The Net Lettable Area of any one individual use does not exceed 50% of the Net Lettable Area for the Local Centre and with all non retail uses not exceeding 50% of the total Net Lettable Area.
		A6.2	The maximum Net Lettable Area specified, for an existing Local Centre, comprised of a number of lots, is allocated on a pro-rata basis between all the lots.
		A6.3	Non retail service uses are limited to food outlets such as a cafe or Restaurant, personal services such as hairdresser, beautician, small offices such as a dentist, doctor, bakery or laundromat.



	<p>A6.4 On Site car parking is provided in accordance with that specified in Schedule 1 – Car Parking Requirements of the Vehicle Parking and Access Code for the proposed use within a Local Centre. Where no differential rate is specified the standard rate applies.</p> <p>A6.5 Additional short term car parking is designated on the Road reserve adjacent to the Local Centre, (other than a State-Controlled Road unless it is a service road).</p> <p>A6.6 Any residential use proposed within a Local Centre, such as a Caretaker’s Residence or Multi-Unit Housing, is located above Ground Level and complies with the specified plot ratio designation.</p> <p>A6.7 A new Local Centre is co-located with parkland and other community services and facilities.</p>
<p>P7 A Local Centre is designed to be compatible with the scale and character of surrounding residential development and functions safely and efficiently.</p>	<p>A7.1 A Local Centre is designed in accordance with the general provisions of the Commercial Planning Area Code outlined above in A1.1 to A6.3.</p> <p style="text-align: center;">AND</p> <p>A Local Centre is designed to integrate with the streetscape providing paving and planting to all street Frontages.</p>
<p>P8 In a Local Centre the Site Coverage of Buildings ensures that there is sufficient area for the provision of services.</p>	<p>A8.1 The Site Coverage of all Buildings does not exceed 80% of the Site area.</p>