

## **22.07 DISCRETIONARY USES IN RESIDENTIAL AREAS**

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C99

This policy applies to discretionary uses within any residential zone.

### **22.07-1 Policy basis**

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The MSS recognises that there are a number of important uses that should be located within residential areas of the municipality, including child care centres, medical centres, schools, churches, nursing homes, retirement villages and other similar uses. While these uses are permitted under the zoning provisions, they fall outside the class of primary uses for which the land is zoned and there are concerns within the community that poorly sited and designed discretionary uses will erode the highly valued urban character and quality of residential areas.

The intent of this policy is to ensure that applicants and residents have some clear guidelines and certainty in the development of these discretionary uses in residential areas, in particular (but not restricted to) child care centres, medical centres, nursing homes or retirement villages.

### **22.07-2 Objectives**

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- Furthers objectives in Clause 21.04 Vision and Overarching Goals
- To ensure that development respects the established neighbourhood character and responds to the preferred neighbourhood character.
- To ensure that discretionary uses in residential areas do not adversely affect residential amenity.
- To ensure that adequate access is available to the site.
- To ensure that adequate provision is made for on-site parking.
- To ensure that traffic generated by the discretionary use is appropriate to the street and the locality and will not adversely affect existing traffic patterns and safety.
- To ensure that local community needs are served by the proposal.

### **22.07-3 Policy**

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It is policy that:

#### *Preferred location*

- The discretionary use abuts a Road Zone or collector road. Other locations may only be favourably considered where it can be demonstrated that residential amenity will not be unreasonably compromised.
- Site consolidation is encouraged to ensure adequate on-site parking, landscaping and setbacks are provided.
- The discretionary use is on a corner site.
- The discretionary use is located on the periphery of commercial areas or adjacent to other discretionary uses to provide a transition between commercial and residential areas.
- The discretionary use is located near similar community and support facilities.
- The discretionary use is located within walking distance of public transport and promotes safe and convenient pedestrian access.

#### *Siting, built form and design*

- Setbacks from front, side and rear boundaries for buildings or additions must be in accordance with the setback provisions contained in Clauses 54 and 55 of the Bayside Planning Scheme.

- Any increase in building height is transitional and represents a height increase of no more than one storey above the prevailing building height.
- The materials and finishes reflect that prevailing in the area.
- The discretionary use respects the prevailing built form, scale and materials of surrounding buildings, established neighbourhood character and responds to the preferred neighbourhood character.

*Streetscape*

- Front setbacks are consistent with the prevailing setbacks in the area and meet requirements at Clause 54, Standard A3.
- Vehicle car parking and access areas do not form a dominant element in the streetscape.
- Car parking is provided at the rear of the premises.
- Where car parking is provided within the front setback, a minimum landscape buffer of 3 metres from the front boundary is provided. A reduction may be considered where it can be demonstrated that such a reduction will not reduce the effectiveness of the landscaping or unreasonably impact on the streetscape.

*Traffic and car parking*

- The number of vehicle access points is restricted to one unless two access points are required for the safe, convenient and efficient movement of vehicles.
- Off street parking is designed to allow for entry and exit to the site in a forward direction.
- One disabled car space is provided on site, with a minimum width of at least 3.2 metres.
- The discretionary use satisfies the traffic and car parking requirements in the table below:

**Specific requirements for discretionary uses in residential areas:**

<b>Use</b>	<b>Requirement(s)</b>
Medical centre	Provision of 5 car parking spaces per practitioner
Child care centre	Provision of 0.7 car parking spaces per full time staff member (on site at any one time). Provision of 0.1 car parking spaces per child enrolled. Car parking may be provided within the front setback if a minimum landscape buffer of 3 metres is provided. This landscape buffer should be suitably planted. A dedicated pick up and drop off area must be provided. No more than two access points should be provided to the site.
Nursing home or Retirement village	Provision of 0.3 car parking spaces per bed

A reduction in car parking may be considered if the responsible authority is satisfied that there is adequate on-street car parking, or public transport conveniently available, or the nature of the use has particular characteristics that warrant special consideration.

**Fencing**

- Front fencing is a maximum of 1.2 metres in height.
- Provision of acoustic fencing where appropriate is provided.

- Front fencing for Child care centres is a maximum of 1.2 metres in height. Where play areas are provided within the front setback, fencing should not exceed the minimum height required by any relevant legislation.

### **Landscaping**

- Where car parking abuts a residential property boundary, a minimum landscape buffer of 2.0 metres from the side and rear boundaries is provided.
- Existing trees and garden areas on the site are retained.

### **Advertising signage**

- Signage is limited to what is required for identification purposes.
- Lighting is kept to a minimum and only used when required during business hours.

### **General amenity**

- Nearby residential properties not be subjected to unreasonable levels of noise.
- The hours of operation do not have an adverse impact on the existing residential area. This will vary depending on the nature and location of the use. However, as a guideline, the following maximum hours should apply:

### **Child care centre**

- Monday – Friday – 7am to 7.30pm

### **Medical centre**

- Monday – Wednesday 8am – 7pm
- Thursday – Friday 8am – 9pm
- Saturday 8am – 1pm
- Sunday and public holidays – closed

These hours may be extended or reduced based on an assessment of the locational characteristics, proximity to sensitive residential areas and an assessment of the potential for offsite impacts.

*Information required to be submitted with an application.*

- All applications for planning permits for a discretionary use in any residential zone be accompanied by:
- Copy of Certificate of Title.
- Three copies of plans drawn and dimensioned to a scale of 1:100 which clearly indicate:
  - the boundaries and dimensions of the site;
  - floor plans of all buildings (both new and those to be retained) including details of the proposed use of each room;
  - driveways, access ways and car spaces correctly dimensioned on the plan;
  - proposed surface treatment of parking areas;
  - elevations of each face of all proposed buildings;

- details of landscaping, including trees to be retained, in accordance with Council's 'Landscape Plans for Town Planning Application';
  - details of fencing, including height and materials;
  - details of any proposed signage and illumination of such;
  - details of any new crossovers, or modifications to existing crossovers;
  - locations of buildings on adjoining properties;
  - the proposed provision for the storage and collection of all refuse and waste materials;
  - The location of all proposed external lighting sources.
- A written explanation outlining:
    - proposed days and hours of operation;
    - proposed number of staff on the premises at any one time;
    - details of the nature of the proposed business to be conducted (e.g. number of children proposed at the childcare centre, the length of patient visits at a medical centre, the type of practitioners proposed for a medical centre, or the proposed number of beds in a nursing home);
    - any relevant background information that would be helpful when assessing the application;
    - examples of similar businesses in other locations;
    - A valid reason explaining why an existing dwelling cannot be retained for a non residential use proposal;
  - The written explanation is also required to demonstrate how the following neighbourhood design elements have been addressed:
    - mass and proportion;
    - roof form and pitch;
    - facade articulation and detailing;
    - window and door proportions;
    - verandahs, eaves and parapets;
    - building materials, patterns, textures and colours;
    - decorative elements;
    - buildings setbacks;
    - kerb crossovers, fence style and alignment.
  - An independent traffic report where traffic generation or vehicle movement may be an issue.