

## 22.02 DISCRETIONARY USES AND DEVELOPMENT IN RESIDENTIAL AREAS POLICY

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This policy applies to all Section 2 uses, and buildings and works associated with a Section 2 use in any residential zone, except for land within:

- Design and Development Overlay Schedule 12 (West Hawthorn Area)
- Design and Development Overlay Schedule 14 (Kew Junction Activity Centre)
- Design and Development Overlay Schedule 15 (Glenferrie Activity Centre)
- Design and Development Overlay Schedule 16 (Neighbourhood Centres)
- Design and Development Overlay Schedule 17 (Commercial Corridors)
- Design and Development Overlay Schedule 23 (Maling Road Built Form Design Guidelines)

### 22.02-1 Policy basis

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The Municipal Strategic Statement (Clause 21.05-3) recognises that within residential zones there is a range of non-residential uses for which a permit can be sought (known as 'discretionary uses'). The MSS acknowledges that these uses can have a place in residential areas but if not managed appropriately, they can negatively affect the amenity and character of residential areas.

This policy provides guidance to ensure that discretionary uses and associated development are accommodated in residential areas without adversely impacting the amenity or character of the area.

### 22.02-2 Objectives

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To minimise adverse amenity impacts from non-residential uses on surrounding residential properties.

To ensure that development associated with discretionary uses respect the established neighbourhood character and contribute to achieving the area's preferred character as outlined in the *Neighbourhood Character Precinct Statements 2013*.

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It is policy to:

#### Location

- Avoid the creation of clusters of non-residential activity in residential areas, other than as described in this policy.
- Consider clustering of medical and associated uses along main roads (Road Zone) if adjoining other medical facilities.
- Encourage new non-residential uses to locate on sites previously used or developed for non-residential purposes as opposed to sites most recently used for residential purposes.
- Encourage non-residential uses to locate on main roads (Road Zone).
- Encourage non-residential uses to locate on the periphery of existing commercial or shopping centres.
- Discourage non-residential uses that generate high levels of noise from locating in attached or semi-detached buildings.

### **Layout and design**

- Encourage non-residential uses to re-use existing dwellings where possible to maintain the preferred neighbourhood character.
- Ensure new buildings and alterations to existing buildings respect and contribute positively to the preferred character statement listed in the relevant Neighbourhood Character Precinct Statement and integrate with the streetscape and surrounding area in terms of height, setbacks and design detail.
- Discourage non-residential development with an overall height above 9 metres in the Neighbourhood Residential Zone 3, above 9 metres in the General Residential Zone 1, above 10.5 metres in the General Residential Zone 2 and 3 and above 13.5 metres in the Residential Growth Zone.
- Ensure that the scale of built form around the perimeter of 'super-sized lots' located in the General Residential Zone 4 is consistent with the prevailing streetscape scale and the scale of adjacent development.
- Ensure waste storage areas are screened from view from the public realm.
- Ensure waste storage areas are located away from adjoining private open space and habitable room windows of dwellings.
- Ensure waste storage areas are located away from adjoining public open space.
- Ensure car parking areas are sited to minimise their impact on the amenity of adjoining residential properties.

### **Landscaping**

- Ensure sites are landscaped to integrate with the landscape character of the streetscape and to minimise the effect of the development on adjoining and nearby residential properties.
- Ensure landscaping is provided along boundaries abutting residential properties.

### **Traffic and car parking**

- Limit the number of vehicle crossovers to one, unless more than one access point is required for the safe, convenient and efficient movements of vehicles.
- Minimise traffic movements and congestion in residential streets.
- Encourage car parking to be located to the side or rear of buildings instead of within front setbacks.
- Ensure car parking and access ways are designed to allow entry and exit from the site in a forwards direction where access ways are more than 10 metres long.
- Ensure that deliveries and unloading occurs between 7am and 8pm on weekdays, and 8am and 5pm on Saturdays and Sundays.

### **Residential amenity**

- Minimise adverse impacts on residential amenity, including noise, emissions, odours, dust and light spillage.
- Ensure private waste collection occurs between 7am and 8pm Monday to Friday only.
- Discourage external amplified music that would cause a nuisance to surrounding residential properties.
- Ensure new buildings or extensions to existing buildings comply with the following siting and amenity standards of ResCode as specified at Clause 54 or in the schedule to the relevant residential zone:
  - Standard A3 (Street setback)
  - Standard A10 (Side and rear setbacks)

- Standard A12 (Daylight to existing windows)
- Standard A13 (North facing windows)
- Standard A14 (Overshadowing open space)
- Encourage the provision of noise attenuation barriers along side or rear boundaries where abutting residential properties.

**22.02-4 Performance criteria**

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A discretionary use should meet the performance criteria listed in Table 1 unless an alternative design and management response is provided which will result in a better outcome.

**Table 1: Performance criteria for discretionary uses**

Land use	Performance criteria
Car wash	<ul style="list-style-type: none"> <li>▪ Preferably located on a corner site.</li> <li>▪ All vehicles able to enter and exit the site in forward direction.</li> <li>▪ Hours of operation where adjoining a residential property: 7am - 9pm.</li> </ul>
Child care centre	<ul style="list-style-type: none"> <li>▪ Drop off and pick up areas to be provided on site.</li> <li>▪ Hours of operation: 6.30am to 7.30pm.</li> </ul>
Community market	<ul style="list-style-type: none"> <li>▪ Hours of operation: 7am to 5pm, 1 day a week.</li> </ul>
Convenience restaurant, food and drink premises (café), restaurant, take away food premises	<ul style="list-style-type: none"> <li>▪ Preferably located on a corner site.</li> <li>▪ Hours of operation where adjoining a residential property: 7am to 10pm Sunday to Thursday, 7am to 11pm Friday and Saturday.</li> </ul>
Convenience shop	<ul style="list-style-type: none"> <li>▪ Preferably located on a corner site.</li> <li>▪ Hours of operation where adjoining a residential property: 6am to 11pm Sunday to Thursday, 6am to 12am Friday and Saturday.</li> </ul>
Display homes	<ul style="list-style-type: none"> <li>▪ The length of time that the building may be used for display purposes is limited to 3 years.</li> <li>▪ Opening hours: 10am to 7pm Monday to Friday, 10am to 5pm Saturday and Sunday.</li> </ul>
Education centres	<ul style="list-style-type: none"> <li>▪ Ensure the Development Plan Overlay is applied to land prior to an application being made for the use and development of land as an education centre.</li> <li>▪ Ensure that expansion of existing facilities is limited to contiguous land.</li> <li>▪ Drop off and pick up areas provided on site.</li> </ul>
Function centre	<ul style="list-style-type: none"> <li>▪ Hours of operation where adjoining a residential property: Friday and Saturday 10am to 12am, Sunday to Thursday 10am to 10pm.</li> <li>▪ Drop off and pick up areas to be provided on site.</li> </ul>
Hospital	<ul style="list-style-type: none"> <li>▪ Provision of a master plan prepared in consultation with Council and the community.</li> <li>▪ Drop off and pick up areas provided on site.</li> </ul>
Medical centre	<ul style="list-style-type: none"> <li>▪ Hours of operation: 7.30am to 7pm Monday to Friday, 8am to 5pm Saturday and Sunday.</li> </ul>
Place of assembly	<ul style="list-style-type: none"> <li>▪ Hours of operation where adjoining a residential property: 8am to 10pm Sunday to Thursday, 8am to 11pm Friday and Saturday.</li> </ul>
Plant nursery	<ul style="list-style-type: none"> <li>▪ Preferably located on a corner site.</li> </ul>

Land use	Performance criteria
	<ul style="list-style-type: none"> <li>▪ All vehicles able to enter and exit the site in forward direction.</li> <li>▪ Hours for loading and unloading stock in outdoor areas (other than for customers): 9am to 6pm. No machinery should be used to move stock outside these times.</li> </ul>
Residential village	<ul style="list-style-type: none"> <li>▪ Ambulance and bus bays discreetly located.</li> </ul>
Service station	<ul style="list-style-type: none"> <li>▪ Preferably located on a corner site.</li> <li>▪ All vehicles able to enter and exit the site in forward direction.</li> <li>▪ Hours of operation where adjoining a residential property: 6am to 11pm Sunday to Thursday, 6am to 12am Friday and Saturday.</li> </ul>
Veterinary clinic	<ul style="list-style-type: none"> <li>▪ Boarding facilities should be located in a detached building on the site that incorporates adequate noise attenuation measures.</li> <li>▪ Hours of operation: 7.30am to 7pm Monday to Friday, 8am to 5pm Saturday and Sunday.</li> </ul>

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**Application requirements**

In addition to the application requirements in this scheme, the following information should be provided to the satisfaction of the responsible authority:

- A written explanation outlining:
  - Details of the nature and intensity of the business proposed
  - Details of existing uses on the land that will continue to operate
  - Proposed days and hours of operation
  - Proposed days and hours for loading, unloading and deliveries
  - Proposed number of staff on the premises at any one time
  - The rationale for exceeding the specified height limits
  - The location and hours of waste disposal and collection
  - Why the non-residential use is unable to locate in a nearby commercial zone or centre
  - Why there is a demonstrable need for the proposed use in the location proposed
  - Details or proposed noise attenuation measures

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.