

**22.14**29/01/2015  
C225**DISCRETIONARY USES IN THE NEIGHBOURHOOD AND GENERAL RESIDENTIAL ZONES**

This policy applies to all applications to use land for Section 2 (discretionary) uses in the Neighbourhood and General Residential Zones.

**Policy Basis**

The established residential areas in the City of Melbourne are a significant capital city asset. They provide high quality and attractive residential environments at the doorstep of the Central City. The MSS recognises the importance of these areas for the liveability and economic performance of the city. The MSS sets out objectives and strategies for land uses applicable to this Clause.

The Residential zones provide for residential development at a range of densities as well as a range of educational, recreational, religious and a limited range of other uses to serve local needs.

The proximity of the residential areas of the City of Melbourne to the Central City makes these areas attractive for uses that are not focussed on local needs and may not be compatible with residential amenity. To protect these areas, it is important to restrict the encroachment of incompatible non-residential uses.

It is also important to acknowledge that there are existing non-residential uses in residential areas which make important contributions to local neighbourhoods. In these instances, the responsibility for management of impacts should fall upon the 'agent of change'.

**Objectives**

- To retain existing residential uses.
- To facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local community.
- To discourage new non-residential uses that have a negative impact on residential amenity or would be more appropriately located within Mixed Use or Commercial Zones.

**Policy**

It is policy to:

- Discourage new non-residential uses in the Residential Zones unless there is a net benefit to local residents and the local community.
- Ensure the intensity of non-residential uses are appropriate to a residential context.
- Minimise the effects of non-residential uses on residential amenity (by controlling numbers of operators, practitioners, staff levels, hours of operation, traffic and parking movements, light, noise and air emissions).
- Encourage non-residential uses to locate:
  - In buildings that were purpose-built for predominantly non-residential purposes.
  - On corner sites that have direct access to a road in a Road Zone.
  - On sites that are located adjacent to the boundary of a non-residential zone.
- Ensure that responsibility for management of operational impacts such as traffic, parking, odour, light spill, signage and noise falls upon the agent of change to minimise impacts on the neighbourhood.

It is policy that proposals are assessed against the following criteria:

- Non-residential uses should have a clear and workable management plan for their operation.
- Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.
- The times of loading or unloading of deliveries should not adversely affect the amenity or traffic function of the area.
- Noise associated with deliveries should not cause disturbance to nearby residents.
- Non-residential uses should not subject neighbouring residential properties to unreasonable levels of noise or vibration (associated with the operation of the use, the hours of operation, music and entertainment, air conditioning and other plant equipment).
- Provision should be made on site for appropriate waste storage and collection facilities, including provision for specialised wastes. Waste facilities should be screened from neighbouring properties, streets and laneways.
- Rubbish and waste collection, particularly the collection of bottles and other recyclable materials, should not disturb residential amenity.
- Signage and its illumination must not detrimentally impact the residential amenity of the area.
- Non-residential uses should prevent light spillage onto residential properties.
- Residential properties should not be subjected to dust, or offensive air emissions.
- Residents should not be disturbed by the operation of the activity during the night.
- Non-residential uses should not cause electrical interference to neighbouring properties.

### **Application Requirements**

An application should be accompanied by the following information, as appropriate:

- A site layout plan showing the existing and proposed location of all buildings, vehicle access, car parking, loading and unloading and waste storage and collection areas on the site, and relationship to public areas outside the boundaries of the site such as footpaths and open space.
- The internal layout of the premises, including the location of doors and windows, and the total floor area to be occupied by the proposed use.
- The external layout of the premises, including location and details of plant equipment, external lighting, signage, waste storage and landscaping.
- A neighbourhood context plan showing the proximity of the premises from residential properties with details of all doors, habitable room windows and open space areas of all adjacent residential properties.
- A descriptive statement of the existing and proposed use including, where relevant:
  - Hours of operation for all parts of the premises.
  - Scale of the use, including numbers of operators, practitioners, staff, seats, patrons.
  - Demonstration that the proposal will address a local demand and result in a net benefit to local residents and the local community.
  - The type of any liquor licence to be sought.
  - The number of car parking spaces to be provided, proposed site access arrangements and a statement justifying any reduction or the waiving of car parking requirements.

- Details of any air and noise emissions and vibration from the premises generated by the proposed use and appropriate attenuation measures.
- General rubbish, specialised wastes, bottle and other recyclable material storage and removal arrangements including hours of pick up.
- The management of and arrangements for deliveries to and from and loading and unloading at the premises, including the times that this will occur.