

**13.07-1L**

19/06/2020  
C193moon

**Discretionary uses in residential zones**

**Policy application**

This policy applies to an application to use or develop land in a residential zone for a Section 2 use.

**Location objective**

To locate uses where they will have minimal impact on the amenity of the local area.

**Location strategies**

Encourage discretionary uses in residential areas to locate on:

- Corner sites that adjoin, or have access to a road in a Road Zone, so access to the sites do not interrupt local residential streets.
- Sites that abut land used for non-residential (commercial or industrial) purposes.

Discourage the location of new hotels in residential zones, unless they are in association with existing shopping centres.

**Location policy guidelines**

Consider as relevant:

- Locating hotels that include any form of drive-through use on a road in a Road Zone.
- Discouraging 24-hour convenience stores or petrol stations in residential areas.
- Discouraging hotels from directly abutting residential properties.

**Siting, design and management objective**

To site, design and manage proposed uses and buildings and works so they are compatible with the surrounding area.

**Siting, design and management strategies**

Encourage the use of existing dwellings, or sensitively designed buildings, that are consistent with the overall scale and character of the residential area.

Ensure all areas set aside for waste collection facilities are set back and suitably screened from the street and adjacent/nearby residential properties.

Design and manage uses in a manner that results in minimal loss of amenity, privacy and convenience to people living in nearby dwellings.

Discourage car parking areas located at the street frontage.

**Siting, design and management policy guidelines**

Consider as relevant:

- The provision of sound attenuation measures (e.g. acoustic fencing, double-glazing) to minimise noise emissions.
- The impacts hours of operation, noise or odour emissions, light spill, traffic and car parking have on the amenity of existing residential uses.

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**Licensed premises**

**Policy application**

This policy applies to an application to use land for the sale or consumption of alcohol.

**Objective**

To minimise negative impacts associated with licensed premises.

**Strategies**

Discourage the establishment or expansion of licensed premises in predominantly residential areas.

Encourage all licensed premises to incorporate safe design principles within their venue to increase public safety.

Design venues to minimise conflict with adjoining land uses by:

- Locating 'active areas' (e.g. loud parts of the room, queuing areas, music performance areas, dance floor and speakers) away from sensitive uses.
- Using construction techniques or any other measure to mitigate their impact.

Minimise the impact of noise from licensed premises on the amenity of the area.

Discourage venues from exceeding the safe and amenable operating capacity of premises to limit unreasonable impact on the amenity of the surrounding area.

Locate venues operating after 11pm in Major Activity Centres.

Discourage outdoor areas, including smoking areas, rooftops and open courtyards in Residential Zones.

**Policy guidelines**

Consider as relevant:

- Limiting the hours of operation and use of outdoor areas to:
  - 11pm in the Mixed Use Zone
  - 11pm if the licensed premises is adjacent to a residential Zone
  - 1am in commercial zones.
- Limiting the hours for waste collection to after 7am and before 6pm.
- The planning history of the existing licensed premises, including complaints and adequacy of existing conditions.
- The advice from a registered building surveyor detailing the patron capacity of licensed premises.
- Any issues or complaints relating to the operation of an existing licensed premises or other licensed premises in the area.
- For venues operating after 1am:
  - Procedures to be undertaken by staff in the event of complaints.
  - The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
  - The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
  - The management of external queues.

## MOONEE VALLEY PLANNING SCHEME

- How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times.
- The provision of music including the frequency and hours of entertainment provided by live bands and DJs.
- Any other measures to be undertaken to minimise unreasonable amenity impacts from the licensed premises.