

22.04 DISCRETIONARY USES IN RESIDENTIAL AREAS POLICY

02/06/2016
C255

This policy applies to all Section 2 uses in a Residential Zone, except for residentially zoned land within Schedule 16 to the Design and Development Overlay (Neighbourhood Centres) or Schedule 17 to the Design and Development Overlay (Commercial Corridors).

22.04-1 Policy basis

09/04/2015
C108

The Municipal Strategic Statement identifies the need for this policy under a number of strategies including “Ensure the proper integration of institutions and other non-residential uses into residential areas.”

The City of Boroondara is predominantly a residential suburb with residential areas of high amenity. The planning scheme recognises that within residential zones there are a range of uses other than dwellings for which a permit can be sought from the responsible authority (known as discretionary uses). The MSS acknowledges that these uses do have a place in residential areas but unless managed appropriately, they can affect the amenity and character of residential areas.

This Policy provides guidance to ensure that discretionary activities are accommodated in residential areas without impacting adversely on the character or amenity of the area.

22.04-2 Objectives

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To ensure the sensitive integration of discretionary uses into their surrounding areas.

22.04-3 Policy

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It is policy that:

General

- The discretionary use provides services that respond to local need.
- The discretionary use minimises its impact on existing residential areas.
- The creation of clusters of non-residential activity be avoided.
- New buildings and alterations to existing buildings complement the appearance of nearby dwellings.
- Sites previously used or constructed for non-residential purposes be favoured.
- The demolition of existing dwellings be minimised.

Corporate

Defined as high visual impact, corporate signage and appearance, reliant on high passing traffic volumes, high turnover of customers, long operating hours including weekends. Generally includes the following:

- *Convenience Restaurant*
- *Convenience Shop (up to 80 sqm.)*
- *Large Plant Nursery*
- *Service Station*
- Intrusion into residential areas be minimised.

- Loss of dwellings be minimised.
- Accessibility to the use be maximised.
- Safety of access to the use be ensured.
- Traffic movements do not disrupt traffic flow in a Road Zone.
- Access points discourage use of residential streets
- Disruption to nearby residents by traffic movement and congestion be minimised.
- An independent traffic assessment be required where traffic generation or movement could be an issue
- Buildings be sited to minimise the effect of the activity generated by the site upon adjoining residential properties.
- Nearby residential properties not be disturbed by the operation of the activity during the night.
- Nearby residential properties not be subjected to unreasonable levels of noise.
- Nearby residential properties not be subjected to unpleasant odours.
- Rubbish collection does not unduly disturb residential amenity.
- The premises be tidy and litter free at all times.
- Sites be landscaped to minimise the effect of the development upon adjoining and nearby residential properties.
- The visual appearance of the site be enhanced through landscaping.
- Landscaping areas be provided along the frontage and sideage/s, and along boundaries abutting residential properties.
- No light spillage on to residential properties is to occur.

Institutional

Defined as large public or private institutions, large sites and buildings, attracting or housing large numbers of people daily and generally serving a regional or metropolitan catchment. Generally includes the following:

- *Education Centre*
- *Hospital, Residential Building (eg Nursing Home, Special Accommodation House, Aged Care Facility)*
- A master plan be prepared in full consultation with Council and the community.
- Accessibility to the use be maximised.
- Safety of access to the use be ensured.
- Disruption to nearby residents by traffic movement and congestion be minimised.
- Building mass and form be appropriate to nearby buildings.
- Buildings are sited to minimise the effect of the activity generated by the site upon adjoining residential properties.
- Nearby residential properties not be subjected to unreasonable levels of noise.
- Rubbish collection does not unduly disturb residential amenity.
- Sites be landscaped to minimise the effect of the development upon adjoining and nearby residential properties.

- The visual appearance of the site be enhanced through landscaping.
- Landscaping areas be provided along the frontage and sideage/s, and along boundaries abutting residential properties
- No light spillage on to residential properties is to occur.

Function centres

Defined as large attractors of people at one time, usually regional catchment, usually large purpose built buildings, includes or predominantly evening and weekend hours of operation. Generally includes the following:

- *Place of Assembly*
- *Place of Worship*
- *Recreation Centre/Sports Club (may include gaming)*
- *Restaurant*
- *Motel/Conference Centre - more than 10 people accommodated, with ancillary facilities*
- Intrusion into residential areas be minimised.
- Disruption to nearby residences by traffic movement and congestion be minimised.
- Buildings are sited to minimise the effect of the activity generated by the site upon adjoining residential properties.
- Nearby residential properties not be disturbed by the operation of the activity at night.
- Nearby residential properties not be subjected to unreasonable levels of noise.
- Rubbish collection does not unduly disturb residential amenity.
- Sites be landscaped to minimise the effect of the development upon adjoining and nearby residential properties.
- The visual appearance of the site be enhanced through landscaping.
- Landscaping areas be provided along the frontage and sideage/s, and for new buildings along boundaries abutting residential properties
- Safety of access for patrons be ensured.

High intensity community

Defined as larger community facility, high turnover of clients, potentially regional catchment, usually purpose built or significantly altered building. Generally includes the following:

- *Child Care Centre/Kindergarten - more than 45 places*
- *Display Home*
- *Medical Centre - 3 or more practitioners at any one time*
- Intrusion into residential areas be minimised.
- Disruption to nearby residences by traffic movement and congestion be minimised.
- Disruption to traffic movement in adjacent roads be minimised.
- Buildings be sited to minimise the effect of the activity generated by the site upon adjoining residential properties.

- Nearby residential properties not be disturbed by the operation of the activity at night.
- New buildings be designed to maximise noise containment.
- Nearby residential properties not be subjected to unreasonable levels of noise.
- Rubbish collection does not unduly disturb residential amenity.
- Sites be landscaped to minimise the effect of the development upon adjoining and nearby residential properties.
- The visual appearance of the site be enhanced through landscaping.
- Landscaping areas be provided along the frontage and sideage/s, and for new buildings along boundaries abutting residential properties
- Safety of access for patrons be ensured.
- The length of time that the building may be used for display purposes is limited.
- Car parking facilities not dominate the street frontage.
- The use does not present a potential safety risk for nearby residents.

Local community

Defined as small local service providers or small to moderate attractors of people at one time, usually minimal visual impact, often in a converted dwelling. Generally includes the following:

- *Child Care Centre/Kindergarten - up to 45 places*
- *Medical Centre - up to 2 practitioners at any one time*
- *Bed and Breakfast - 10 tourists or less*
- The impact on nearby residential properties be minimised.
- Disruption to nearby residences by traffic movement and congestion be minimised.
- Disruption to traffic movement in adjacent roads be minimised.
- Buildings are sited to minimise the effect of the activity generated by the site upon adjoining residential properties.
- Buildings be altered or designed to maximise noise containment.
- Nearby residential properties not be subjected to unreasonable levels of noise.
- Nearby residential properties not be disturbed by the operation of the activity at night.
- Rubbish collection does not unduly disturb residential amenity.
- Sites be landscaped to minimise the effect of the development upon adjoining and nearby residential properties.
- The visual appearance of the site be enhanced through landscaping.
- Landscaping areas be provided along the frontage and sideage/s, and for new buildings along boundaries abutting residential properties.
- Safety of access for patrons be ensured.
- The use does not present a potential safety risk for nearby residents.
- Car parking facilities not dominate the street frontage.

Domestic

Defined as minimal impact, residential appearance. Includes home occupation

- Nearby residential properties are not disturbed by the operation of the activity at night.
- The dwelling retains a residential appearance.
- Alterations not preclude a return to solely residential use in the future
- Sites be landscaped to minimise the effect of the development upon adjoining and nearby residential properties.
- The visual appearance of the site be enhanced through landscaping.
- Landscaping areas be provided along the frontage and sideage/s, and for new buildings along boundaries abutting residential properties

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Performance standards

The following performance standards describe one way the proposal may satisfy the relevant policy objectives and statements outlined above. An alternative method may be used if it can be demonstrated to the satisfaction of the responsible authority that the alternative will meet the policy objectives and statements. Similarly, the responsible authority may also diverge from the performance standard if it believes that compliance with the standard will not meet the policy objectives or statements.

Corporate

- Frontage abutting a Road Zone.
- Located on a corner site.
- Primary access points from the Road Zone.
- All vehicles able to enter and exit the site in forward movement.
- Preferably replaces another non-residential use.
- Entry and exit points located to avoid car headlight glare spillage onto residential properties.
- Hours of operation where abutting a residential property: 6 am - 11 pm Sunday - Thursday, 6 am - midnight Friday and Saturday.
- Possible 24 hours of operation where abutting non-residential properties.
- Noise attenuation barriers are constructed along any boundaries abutting residential properties.
- Garbage collection occurs between 7am and 8pm Monday to Friday.
- Regular rubbish patrols, sufficient receptacles provided outside the store.
- Rubbish containers screened from view.
- Site the entrance away from residential properties.
- Buildings, refuse and car parking areas located at least 3m from residential property boundaries.
- All external lighting baffled.
- Screening provided to prevent headlight glare spilling onto residential properties.

Institutional

- Development in accordance with approved Master Plan.
- Preferably located close to public transport.
- Preferably located with direct access to a Road Zone or collector road, depending upon the traffic generation of the facility.
- Main access point to be from a Road Zone or collector road where high traffic generation likely.
- Set down and pick up areas provided on site.
- Entry and exit points located to avoid car headlight glare spillage onto residential properties.
- New buildings, refuse and car parking areas located at least 3m from residential property boundaries.
- Car parking areas are landscaped.
- All external lighting baffled.
- Where relevant, screening provided to prevent headlight glare spilling onto residential properties.
- Where relevant, noise attenuation barriers constructed along boundaries abutting residential properties.
- Rubbish collection to occur between 7am and 8pm Monday to Friday.
- Rubbish containers screened from view.

Function centres

- Preferably adjacent to a commercial centre when activities will primarily be out of business hours, and with access to a Road Zone or collector road.
- Possible spread of hours 8 am - 11 pm Sunday - Thursday, 8am - midnight Friday and Saturday.
- Main access point preferably from a Road Zone or collector road, or predominantly non-residential road.
- Entry and exit points located to avoid car headlight glare spillage onto residential properties.
- New buildings, refuse and car parking areas located at least 3m from residential property boundaries.
- Where relevant, noise attenuation barriers are to be constructed along boundaries abutting residential properties.
- Rubbish collection to occur between 7am and 8pm Monday to Friday.
- Set down and pick up areas to be provided on site.

High intensity community

- Preferably located abutting a Road Zone or collector road, or near a commercial centre.
- Possible spread of hours 7.00 am - 10 pm Monday - Friday, 8 am - 1.30 pm Saturday.
- Possibly 2 hours on Sunday between 9am and 6pm.

- Main access point preferably from a Road Zone or collector road, or predominantly non-residential road.
- Any new buildings, refuse and car parking areas located at least 3m from residential property boundaries.
- Where appropriate, noise attenuation barriers are constructed along any boundaries abutting residential properties.
- Rubbish collection to occur between 7am and 6pm Monday to Friday.
- Child care centre: Set down and pick up areas to be provided on site.
- Display home: Maximum 2 years prior to conversion for use as a dwelling.
- Display home: Car parking provided at the rear of the site.
- Medical centre: Provide a monitored security system, and warning signs on the premises.
- Medical centre: Remove or secure all medicines and cash each night.

Local community

- Preferably located abutting a Road Zone or collector road or a corner site.
- Possible spread of hours 7.30 am - 7 pm Monday - Friday, 8 am - 1.30 pm Saturday.
- Possible 2 hours on Sunday between 9am and 6pm, if located abutting a Road Zone or collector road.
- Main access point preferably from a predominantly non-residential road, Road Zone or collector road.
- New buildings, refuse and car parking areas located at least 3m from residential property boundaries.
- Where appropriate, noise attenuation barriers are constructed along boundaries abutting residential properties.
- Rubbish collection to occur between 7am and 6pm Monday to Friday.
- Child care centre: Set down and pick up areas to be provided on site.
- Medical centre: Provide a monitored security system, and warning signs on the premises.
- Medical centre: Remove or secure all medicines and cash each night.
- Bed and breakfast: Parking located at the rear of the premises.

Domestic

- Possible spread of hours 8am - 6pm Monday - Friday.
- 1 car space to be provided for each employee, 1 for the dwelling and customer parking to be assessed on an individual basis.