

**22.09 NON-RESIDENTIAL USE AND DEVELOPMENT IN RESIDENTIAL AREAS**

06/05/2010  
C91

This policy applies to non-residential use and development within a Residential 1, Residential 2 or Mixed Use Zone.

**22.09-1 Policy basis**

19/01/2006  
VC37

The Municipal Strategic Statement identifies the erosion of the Garden City Character through inappropriate redevelopment of residential areas as a key concern.

Improving local employment opportunities, reducing travel time for Monash residents, encouraging home based businesses, retaining a range of public and private educational facilities, and retaining and encouraging the development of private health facilities as an adjunct to key medical resources, are key strategies of the City of Monash.

The zone provisions provide for educational, recreational, religious, community and a limited range of other non-residential uses, primarily to cater for the needs of the local community. Council supports such uses where it can be demonstrated that the use meets the zone purpose, and the built form is compatible with the residential scale and character of the surrounding area. The application of locational criteria is considered particularly important to ensure that there will be minimal impacts on residential amenity.

This policy addresses both the use and development components of non-residential activity within the Residential 1, Residential 2 and Mixed Use Zones, including non-conforming uses. It provides guidance for the exercise of discretion by the responsible authority in deciding whether or not any such use should be permitted to establish or expand in a particular location in a residential area, and addresses the design components relevant to non-residential uses.

**22.09-2 Objectives**

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*The built environment*

- To ensure that development is appropriate having regard to the residential environment of the surrounds and that the amenity of the neighbourhood is not adversely affected by a business conducted in a residential area.
- To ensure that all built form in residential areas is respectful of residential character.
- To ensure that adequate and well-located vehicle parking is provided for all new developments.

**22.09-3 Policy**

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It is policy that:

- Home based businesses be promoted having regard to local amenity considerations including the reasonable expectations of neighbourhoods in terms of traffic, car parking, privacy, noise and hours of operation.
- Overspill from larger activity centres of centre-based uses such as large convenience restaurants be discouraged.
- Non-residential uses be discouraged from establishing in heritage precincts and in lower order residential streets and cul-de-sacs.
- Key regional assets be assisted to remain leading edge institutions through the on-going development of supportive physical, social and commercial environments.

- New development be carefully designed and sited to complement the current character and satisfy the desired future character of residential areas.
- Car parking satisfies the needs of users without detriment to the local amenity.
- Traffic generated by a non-residential use is appropriate to the street and locality and not adversely affect the existing traffic pattern.
- Preparation of Master Plans be encouraged for key regional assets located on constrained sites.
- The human rights of any persons affected by the application or the proposed development must be considered.

**22.09-4**  
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**Performance and locational criteria for non-residential use and development**

The performance and locational criteria listed below apply to the following non-residential uses in residential areas. These uses include:

*Medical Centre and Veterinary Clinic*

*Convenience Shop*

*Car Wash*

*Restaurant and Take Away Food Premises*

*Plant Nursery*

*Place of Workshop Place of Assembly*

*Hospital, School and Tertiary institution*

*Child Car Centre*

*Hotel/Motel*

*And any like permissible use including non-conforming uses.*

**Locational criteria**

- Locate discretionary non-residential uses in residential areas adjacent to existing activity centres and on higher order and busier streets and roads, and particularly on corner sites.
- Avoid locating in heritage precincts and in lower order residential streets and cul-de-sacs.
- Locate centre-based uses such as large convenience restaurants within larger activity centres.
- Avoid a concentration of non-residential uses in any particular area where the cumulative impact on residential amenity is unacceptable.
- Provide appropriate buffers and interface between commercial, residential and industrial land uses.

**Urban design criteria**

- Apply creative design solutions that enhance the quality of all residential areas, particularly in relation to streetscape issues, scale of buildings, provision of open space and setbacks to ensure adequate landscaping.
- Take into account the existing and preferred character statements for the Neighbourhood Character Type as described in the *Monash Urban Character Study 1997* (or as amended).

- Maintain and enhance the established canopy treed environment throughout the municipality, continuing its significance in defining the garden city character of Monash.
- Maintain a consistency of street setbacks and building height with existing residential neighbourhood and residential scale.
- Retain existing residential buildings wherever feasible.
- If it can be demonstrated that the continued residential use of a heritage building is not viable, sensitively designed non-residential development in accordance with Clause 22.07 may be considered to enable retention of the building.
- Utilise unobtrusive identification signs respectful of neighbourhood character in accordance with *Clause 22.08 - Outdoor Advertising Policy* and *Clause 52.05-9 (Category 3)*.

#### **Car parking criteria**

- Provision of car parking to comply generally with Clause 52 and 'A Guide to Car Parking in Monash, City of Monash, (6 February 2001' or as amended).
- Avoid reliance upon on-street car parking.
- Minimise disruption and nuisance to adjacent residential properties and the residential neighbourhood.

#### **Landscaping criteria**

- Landscaping to be consistent with garden character of the neighbourhood.
- Buffering of car parking areas.
- Retention of canopy trees.

**22.09-5**  
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#### **Reference documents**

Guidelines for Non-residential Uses in Residential Zones, City of Monash, 2004 (or as amended).

A Guide to Car Parking in Monash, City of Monash, 6 February 2001 (or as amended).

A Guide to Residential Development in Monash, 24 August 2001 (or as amended).

A Guide to Landscaping in Monash, 2004 (or as amended).

Monash Urban Character Study 1997.