

13.07-1L Interfaces and amenity

Proposed C269yara

Policy application

This policy applies to applications for:

- Non-residential use and development.
- Accommodation (excluding an extension to an existing dwelling) within:
 - A residential zone within 30 metres of an existing commercial or industrial zone.
 - 50 metres of a live music venue or hotel.
 - 50 metres of a major road identified on the Main Roads and Train Lines Map to this clause.
 - 80 metres of a passenger rail line identified on the Main Roads and Train Lines Map to this clause.
 - 135 metres of a freight train line identified on the Main Roads and Train Lines Map to this clause.
 - A non-residential zone.

Objectives

To protect the normal operation of business and industrial activities from new residential use and development.

To provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones, while not impeding the growth and operation of surrounding non-residential development and land use in those zones.

To promote land use outcomes that advance the primary purpose of a zone by ensuring amenity considerations facilitate intended land uses permissible in the zone.

Strategies

Non-residential use and development

Noise

Locate noise generating uses, including plant and equipment, away from noise-sensitive habitable rooms (in particular, bedrooms) and private open space and where appropriate incorporate acoustic attenuation measures.

Ensure that noise emissions in residential zones (except the mixed use zone) are compatible with a residential environment.

Fumes and air emissions

Locate fume and air emission generating uses (including plant and equipment) away from residential uses or, where appropriate, provide a reasonable buffer.

Ensure that use and development with potential air quality impacts, including odours and emissions, does not adversely affect the amenity of the surrounding area.

Support use and development that resolves legacy issues of odour and emissions and their impacts on residential amenity.

Storage and waste

Conceal commercial or industrial storage, waste or other processing activities from residential properties and locate them away from primary street frontages.

Minimise odour and noise disruption to nearby residential properties from commercial or industrial waste (solid, gas and liquid) management practices and storage.

Light spill

Minimise light spill (from both fixed and vehicular lights) beyond the perimeter of the site and onto habitable room windows of nearby residential properties through appropriate design, location and management practices.

Overlooking and unsightly views

Minimise unsightly views of business or industrial activity from adjoining residential properties.

Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, and possibly screens.

Hours of operation

Limit the hours of operation for a use proposed in a residential zone (except the Mixed Use Zone) to 8am to 8pm unless it can be demonstrated that the use will not cause unreasonable detriment to the amenity of adjoining residential uses.

Residential development

Noise

Require new residential use and development to include design measures to minimise the impact of the normal operation of existing commercial and industrial operations on the amenity of the dwelling, such as:

- Locating noise-sensitive rooms (in particular, bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping, acoustic glazing to balconies and windows and building setbacks.
- Providing for air ventilation that avoids compromising acoustic amenity when windows are closed.

Fumes/air emissions/light spill and vibration

Incorporate measures to protect future residents from unreasonable fumes or air emissions, light spillage, vibration and other likely disturbances from nearby business or industrial operations, including through appropriate orientation of windows, habitable rooms, balconies and ventilation systems.

Overlooking

Minimise the potential for overlooking from existing business or industrial premises into habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation, screens and landscaping.

Policy guidelines

Consider as relevant:

- *Guidelines – managing noise impacts in urban development (October 2019) Yarra City Council*

Non-residential use and development

Consider as relevant:

- The nature of the proposed use, including the following:
 - How the land is to be used and the type of activities which will be carried out.
 - Hours of operation.
 - Patron and/or staff numbers.
 - Potential off-site impacts, including how such impacts will be managed and mitigated.
- The current use of the land and adjoining properties.
- The location and layout of the existing building(s) on the site, including the location of all external windows, doors and car parking areas.
- Any residential use within 30 metres, including details of, habitable room windows, balconies, secluded private open space and car parking areas.
- The location and type of activities to be carried out on the land.
- How potential noise, fumes and air emissions, storage, waste and deliveries, light spillage and other operational matters that may cause negative impacts on nearby residential properties in a residential zone are to be addressed.
- An Acoustic Assessment Report in circumstances where there is potential for noise disturbance to residents.
- A Waste Management Plan that includes details of proposed waste management practices, unless Council is satisfied that the storage and management will not cause detriment to surrounding properties.
- Whether noise from plant and equipment is designed in a way that ensures it will meet the requirements of SEPP N-1.
- Whether music noise meets the requirements of SEPP N-2 where Clause 53.06 does not apply.
- Whether patron noise does not exceed either SEPP N-1 noise limits or the following noise targets (measured at a noise sensitive area):
 - Background plus 10 dB for the day and evening.
 - Background plus 5 dB for the night.
 - L_{Amax} levels not more than 65 dBA outside any operable window.

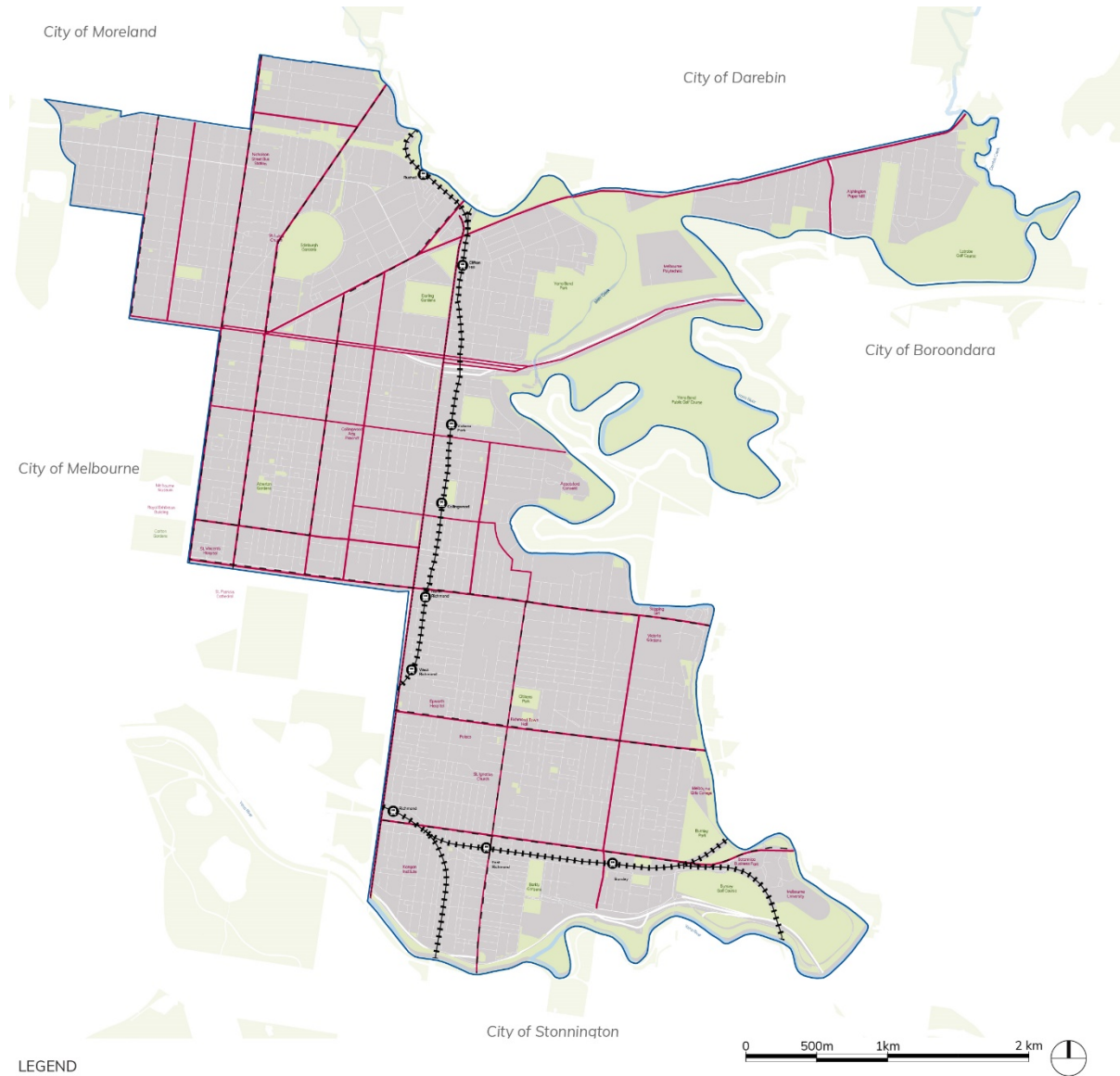
Residential development

Consider as relevant:

- The location of any noise source within the distances specified in the policy application.
- The days and hours of operation of any applicable noise generating use.
- Acoustic attenuation and other design features proposed to mitigate potential noise, fumes, air emissions, light spill, overlooking, waste management and other operational matters from nearby commercial or industrial uses.
- An Acoustic Report explaining whether residents will have a reasonable level of acoustic amenity in accordance with the distances specified in the policy application. If the Responsible Authority is satisfied there is minimal potential for noise disturbance to future residents, a formal acoustic assessment report may not be required.
- Whether the development is adequately protected from road traffic and rail noise by meeting the following noise levels:
 - Not greater than 35dBA for bedrooms, assessed Leq, 8h from 10pm to 6am.

- Not greater than 40dBA for habitable rooms, Leq, 16h from 6am to 10pm.
- The loudest hour of traffic noise should not exceed:
 - 45dBA Leq 1h in habitable rooms from 7am to 10pm
 - 40dBA Leq, 1h in bedrooms from 10pm to 7am.
- Train and tram Lmax levels should not exceed 60dBA Lmax in living rooms or 55dBA Lmax in bedrooms.
- Whether development impacted by existing plant and equipment complies with SEPPN-1 measured external to the façade.
- For plant and equipment noise sources, the following noise criteria should be met:
 - Internally-(with windows closed):
 - The outdoor limits less 15dB.
 - Not more than 30dBA Leq in bedrooms and 35dBA Leq in living rooms.
 - Not more than 45dBA Lmax in bedrooms and 50dBA Lmax in living rooms.
 - Noise levels to be adjusted for character in accordance with SEPP N-1.
- Whether the development is protected from noise from patrons in non-residential uses within 50 metres of the development by achieving the following noise levels:
 - 35 Leq,15minutes in habitable rooms.
 - 30 Leq,15 minutes in bedrooms during the night.
 - 45 Lmax within bedrooms at night.
 - 65 Leq, 15 minutes to balconies.

Main Roads and Train Lines Map



LEGEND

-  Yarra LGA boundary
-  Open space
-  Waterway
-  Train line
-  Train station
-  Tram routes
-  Key bus routes
-  Main Roads