

32.0419/01/2006
VC37**MIXED USE ZONE**Shown on the planning scheme map as **MUZ**.**Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To encourage residential development that respects the neighbourhood character.

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VC37**Table of uses****Section 1 – Permit not required**

| USE | CONDITION |
|--|--|
| Animal keeping (other than Animal boarding) | Must be no more than 2 animals. |
| Apiculture | Must meet the requirements of the Apiary Code of Practice, May 1997. |
| Bed and breakfast | No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Carnival | Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997. |
| Circus | Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997. |
| Dependent person's unit | Must be the only dependent person's unit on the lot. |
| Dwelling (other than Bed and breakfast) Home occupation Informal outdoor recreation Mineral exploration | |
| Mining | Must meet the requirements of Clause 52.08-2. |
| Minor utility installation Natural systems | |
| Place of worship | Must be no social or recreation activities. The gross floor area of all buildings must not exceed 180 square metres. The site must not exceed 1200 square metres. The site must adjoin, or have access to, a |

| USE | CONDITION |
|------------------------------------|---|
| | road in a Road Zone. |
| Railway Road | |
| Search for stone | Must not be costeaning or bulk sampling. |
| Telecommunications facility | Buildings and works must meet the requirements of Clause 52.19. |
| Tramway | |

Section 2 - Permit required

| USE | CONDITION |
|---|--|
| Accommodation (other than Dependent person's unit and Dwelling) Agriculture (other than Animal keeping and Apiculture) Animal boarding | |
| Animal keeping (other than Animal boarding) – if the Section 1 condition is not met | Must be no more than 5 animals. |
| Industry | Must not be a purpose listed in the table to Clause 52.10. |
| Leisure and recreation (other than Informal outdoor recreation) Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone) | |
| Office | The combined leasable floor area for all offices must not exceed any amount specified in the schedule to this zone. |
| Place of assembly (other than Carnival, Circus, and Place of worship) Retail premises (other than Shop and Trade supplies) | |
| Shop (other than Adult sex bookshop) | The combined leasable floor area for all shops must not exceed any amount specified in the schedule to this zone. |
| Trade supplies | The combined leasable floor area for all trade supplies must not exceed any amount specified in the schedule to this zone. |
| Utility installation (other than Minor utility installation and Telecommunications facility). | |
| Warehouse | Must not be a purpose listed in the table to Clause 52.10. |
| Any other use not in Section 1 or 3 | |

Section 3 - Prohibited

USE

Adult sex bookshop

Brothel

Extractive industry

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Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

Application requirements

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, airborne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Decision guidelines

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.

- The interim use of those parts of the land not required for the proposed use.

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Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

| Class of subdivision | Objectives and standards to be met |
|----------------------|--|
| 60 or more lots | All except Clause 56.03-5. |
| 16 – 59 lots | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| 3 – 15 lots | All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |
| 2 lots | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. |

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives and standards of Clause 56.

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Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in the schedule to this zone.

The construction or extension of a dwelling includes a front fence within 3 metres of a street if the fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to construct or extend:

- Works normal to a dwelling.
- An open-sided pergola or verandah with a finished floor level not more than 800 mm above natural ground level and a maximum building height not more than 3 metres above natural ground level.
- An outbuilding with a gross floor area not more than 10 square metres and a maximum building height not more than 3 metres above natural ground level.
- A deck with a finished floor level not more than 800 mm above natural ground level.
- A domestic swimming pool or spa and associated mechanical equipment and safety fencing.

This does not apply to the construction or extension of a garage or carport.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives, standards and decision guidelines of Clause 54.

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Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling on common property.
- Construct or extend a residential building.

The construction or extension of a dwelling or a residential building includes a front fence within 3 metres of a street if the fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- The objectives, standards and decision guidelines of Clause 55.

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Requirements of Clause 54 and Clause 55

The schedule to this zone may specify the requirements of:

- Standards A3, A4, A5, A10, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B7, B8, B17, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in the schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

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Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-1.

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Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.