

19 PARTICULAR USES AND DEVELOPMENT

19.01 Subdivision

19.01-1 Objective

To control the subdivision and consolidation of land and the removal and variation of easements and restrictions through planning schemes, within the framework of the Planning and Environment Act 1987 and the Subdivision Act 1988.

19.01-2 General implementation

Planning schemes should enable:

- Referral of applications for subdivision and plans of subdivision to relevant statutory authorities and relevant Government agencies responsible for water, sewerage, drainage, electricity, gas and telecommunications services, the management of water supply and drainage catchments, the management of fire risk areas, the allocation of water rights or access to a freeway, highway, main road, tourist road or forest road.
- The placing of open space requirements on development proposals.
- The removal or variation of easements and restrictions to enable use or development that complies with planning schemes after the interests of affected people are considered.
- The adjustment of boundaries to comply with other legislation.

19.02 Gaming

19.02-1 Objective

To provide consistent planning controls for the installation and use of gaming machines throughout Victoria coordinated with the provisions of the Liquor Control Act 1987 and the Gaming Machine Control Act 1991.

19.02-2 General implementation

The installation and use of a gaming machine should be allowed in a hotel or club if it does not result in a change of land use.

Gaming machines should not be located in a shopping complex if the complex is specified in the planning scheme.

Gaming machines should not be located in a strip shopping centre, except on:

- Land used as a hotel or club on 19 December 1997;
- Land in relation to which on 16 June 1998, a permit to use or develop a hotel or club is in force and a licence under the Liquor Control Act 1987 has been granted;
- Land formerly used as a hotel or club which has been recently destroyed by fire; or
- Land for which a permit to install or use a gaming machine in a restricted area is in force on 19 December 1997.

Gaming premises should provide a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

19.03 Design and built form

19.03-1 Objective

To achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances livability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.

19.03-2 General Implementation

Development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Responsible authorities should require that all permit applications for:

- Non-residential development include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
- Residential development other than residential development of four or more storeys or which is not covered by Clause 54, Clause 55 or Clause 56 include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
- Residential development of four or more storeys include an urban context report and design response explaining how the design responds to the existing urban context and preferred future development of the area.

For development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56, planning and responsible authorities must have regard to the following design principles:

Context

- Development must take into account the natural, cultural and strategic context of its location.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

The public realm

- The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

Landmarks, views and vistas

- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

Pedestrian spaces

- Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer.

Heritage

- New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

Consolidation of sites and empty sites

- New development should contribute to the “complexity” and diversity of the built environment.
- Site consolidation should not result in street frontages that are out of keeping with the “complexity” and “rhythm” of existing streetscapes.
- The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.

Light and shade

- Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.
- This balance should not be compromised by undesirable overshadowing or exposure to the sun.

Energy and resource efficiency

- All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.

Architectural quality

- New development should aspire to the high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

Landscape architecture

- Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.

19.03-3 Geographic strategies

Planning and responsible authorities should have regard to the following document (where relevant) in assessing the design and built form of projects:

- Living Suburbs, Melbourne Metropolitan Policy (Government of Victoria 1995).
- Transporting Melbourne (Department of Infrastructure 1996).
- Design Guidelines for Higher Density Housing (Department of Sustainability and Environment 2004).

19.04 Brothels

19.04-1 Objective

To provide consistent planning controls for the establishment and expansion of brothels throughout Victoria coordinated with the provisions of the Prostitution Control Act 1994.

19.04-2 General implementation

Responsible authorities should consider the matters set out in section 73 of the Prostitution Control Act 1994 before deciding an application to use or develop land for a brothel.

Responsible authorities should refuse a permit to use or develop land for a brothel in accordance with the restrictions contained in section 74 of the Prostitution Control Act 1994, unless section 76(2) of that Act applies.

If the effect of:

- An application to amend a permit in accordance with section 87 of the Act, or
- A request to amend a permit in accordance with section 73 of the Act, or
- A request to amend plans, drawings or other documents under a permit in accordance with section 62(3) of the Act,

is to expand or extend the use or development of a brothel, the application or request should be determined as if it were an application for permit for a use or development of land for the purposes of the operation of a brothel in accordance with Part 4 of the Prostitution Control Act 1994.