

32.04 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.

32.04-1 Table of uses

Section 1 – Permit not required

USE	CONDITION
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 road in a Road Zone.

Section 1 - Permit not required (continued)

USE	CONDITION
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 Apiculture)	
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

32.04-2 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 licence under the Dangerous Goods Act 1985 is required.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne 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.

32.04-3 Subdivision

Permit requirement

A permit is required to subdivide land.

Exemption from notice and appeal

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 to subdivide land into residential lots of between 300 square metres and 4,000 square metres (inclusive), in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The Victorian Code for Residential Development - Subdivision and Single Dwellings, April 1992.

32.04-4 Construction and extension of single dwellings on lots of at least 300 square metres

On a lot of at least 300 square metres, one dwelling may be constructed or extended provided the development meets the performance measures for the following elements of the Victorian Code for Residential Development - Subdivision and Single Dwellings, April 1992:

- E2 - Building siting and design.
- E3 - Private open space.
- E4 - Vehicle parking (performance measures 1 and 2 only).
- E11 - Utilities provision (performance measure 1 only).

If the development does not meet one or more of these performance measures, it must comply with the Building Regulations 1994 or any variation granted under those regulations.

32.04-5 Construction and extension of medium-density housing and residential buildings

Permit requirement

A permit is required to:

- Construct or extend one dwelling on a lot of less than 300 square metres.
- Construct a dwelling if there is at least one dwelling 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 residential building.

This does not apply to the construction of one dependent person's unit on a lot.

Application requirements

An application must be accompanied by a site analysis and a design response as described in Clause 52.04 and The Good Design Guide for Medium-Density Housing Revision No 2, April 1998.

Satisfactory site analysis before notice and decision

The responsible authority:

- Must inform the applicant in writing:

- before notice of an application is given; or
 - if notice of an application is not required to be given, before deciding the application,
- that the site analysis meets the requirements of Clause 52.04 and is satisfactory or does not meet the requirements of Clause 52.04 and is not satisfactory.

If the responsible authority decides that the site analysis is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

- Must not require notice of an application to be given or decide an application until it is satisfied that the site analysis meets the requirements of Clause 52.04 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) 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 Good Design Guide for Medium-Density Housing Revision No 2, April 1998, and any Local Variation incorporated in this scheme. This does not apply to a development of five or more storeys, excluding a basement.

32.04-6 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.

32.04-7 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.