

Special Meeting of Council

11 June 2013

Agenda Item No: 3.2

NEW COMMERCIAL/INDUSTRIAL ZONE TRANSLATION

Contact Officer: Jonathan Guttmann, Manager City Strategy

Purpose of Report

The purpose of this report is to provide recommendations to Council on the translation of the new Commercial and Industrial zones that have been released by the State Government.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

OFFICER RECOMMENDATION

That Council:

1. Make a request to the Minister for Planning to authorise the preparation of a Planning Scheme Amendment under Section 9(2) of the Planning and Environment Act 1987 and to prepare an amendment with exemption from notice under Section 20(4) of the Planning and Environment Act 1987 to undertake the zoning and particular provision changes outlined in Appendix 1 to this report.
2. Commence a community engagement campaign with the small business community and those existing residential areas affected by the introduction of the Commercial 2 Zone.

1. Executive Summary

The State Government will be introducing new Commercial and modified Industrial Zones into the Victorian Planning Provisions on 1 July, 2013. In certain circumstances, the transition of the existing zones to the Commercial 2 Zone is inappropriate as it will provide for land use outcomes that are inconsistent with recently developed Local Planning Policy. In many instances, uses which are presently prohibited in the Business 3 and Business 4 zones (that will make up the Commercial 2 Zone) such as shops and supermarkets become a Section 1 Use – No Permit Required subject to the facilities size in the Commercial 2 Zone. With a Planning Permit previously prohibited locations can be used to create multiple Supermarket(s), Shop(s) or Department Store(s).

In particular locations in Kingston, the application of the Industrial 1 Zone would largely reflect the 'status quo' to ensure that equally important land for industrial, manufacturing and commercial activities are not undermined. The zoning translation, if not carefully managed at residential abutments, also has the potential to create adverse amenity impacts with the ability of incompatible land uses to establish without a planning permit.

Given the significant amount of work Council has undertaken to facilitate substantial retail investment in planned locations, it is critical to the effective planning of the City and the sustainability (particularly of small businesses) that opportunities to further expand retail uses occur in soon to be zoned Commercial 1 or previously planned locations. A significant

synergy also exists between where the retail businesses are located and how State and Local Government make significant investment decisions in relation to the establishment of community facilities and infrastructure work. **The viability of these community investments is contingent upon colocation in designated activity centres that are the central 'meeting places' for multiple purposes for the community.**

The locations where immediate focus is required through a Planning Scheme Amendment that are **generally detached from Activity Centres** include the following locations described in detail in Appendix 1 and 2 to this report:

- Areas on the Nepean Highway through Moorabbin and Highett currently zoned Business 4.
- The Parkview Industrial Estate on Warrigal Road, Heatherton currently zoned Business 3.
- Sites on the Nepean Highway in Mentone currently zoned Business 3 and 4.
- Areas between Wells Road and the Mornington Peninsula Freeway in Chelsea Heights currently zoned Business 3.
- Areas on Nepean Highway in Parkdale presently zoned Business 4.

Given the initiatives are proposed to be introduced on 1 July, 2013 it is important and appropriate that Council request that the Amendment occur without formal notification. The Amendment has far fewer potential impacts than the introduction of the Commercial 2 Zone which is proposed to occur without a process of consultation. This differs from the manner in which the new Residential Zones are being implemented.

2. Background

The Victorian State Government has announced that new Commercial and amended Industrial zones which will be introduced into planning schemes on 1 July 2013. The new zones will include the:

- Commercial 1 Zone which will replace the existing Business 1, Business 2 and Business 5 Zone.
- Commercial 2 Zone which will replace the existing Business 3 and Business 4 Zone.

This report focusses on the introduction of the Commercial 2 Zone and its suitability when considering the Local Planning Policy Framework in Kingston.

Existing Business 3 Zone

The purpose of the Business 3 Zone is to *encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.*

This zone prohibits the use of land for a Shop (other than Adult Sex Bookshop, Convenience shop and Restricted Retail Premises). **Therefore uses such as Shop, Supermarket and Department Store are presently prohibited in the zone.**

This zone has been widely applied away from designated Activity Centres in locations such as the Parkview Industrial Estate or Wells Road Chelsea Heights where important employment generating uses consistent with those contained in the purpose of the zone have established. In this zone the use of land for Office is a Section 1 – Permit Not Required Use.

This zone although including the use of land for Industry or Warehouse (refer Appendix 2 to see uses which fall within this definition) as a Section 1 Use has the following condition

**City of Kingston
Special Meeting of Council**

Agenda

11 June 2013

which must be complied with otherwise the use becomes a Section 2 – Permit Required Use:

The Use:

Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.

The land must be at least the following distances from land (not a road) which is a Residential Zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:

- *The threshold distance, for a purpose listed in the table to Clause 52.10.*
- *30 metres, for a purpose not listed in table to Clause 52.10*

The above condition essentially ensures that a Permit is triggered if an Industrial or Warehouse Use is proposed within 30 metres of a Residential Zone under the existing zone.

Existing Business 4 Zone

The purpose of the Business 4 Zone is to *encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services.*

This zone also prohibits the use of land for a Shop (other than Adult Sex Bookshop, Convenience shop and Restricted Retail Premises). Therefore uses such as Shop, Supermarket and Department Store are presently prohibited in the zone.

This zone has been widely applied away from designated Activity Centres in locations where Homemaker centres are established or planned (e.g. Nepean Highway, Moorabbin or the former Nylex Site in Mentone). In this zone the use of land for a Restricted Retail Premises is a Section 1 – Permit Not Required.

This zone although including the use of land for Industry or Warehouse (refer Appendix 2 to see uses which fall within this definition) as a Section 1 Use has the following condition which must be complied with otherwise the use becomes a Section 2 – Permit Required Use:

The Use:

Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.

The land must be at least the following distances from land (not a road) which is a Residential Zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:

- *The threshold distance, for a purpose listed in the table to Clause 52.10.*
- *30 metres, for a purpose not listed in table to Clause 52.10.*

The above condition essentially ensures that a Permit is triggered if an Industrial or Warehouse Use is proposed within 30 metres of a Residential Zone under the existing zone.

**City of Kingston
Special Meeting of Council**

Agenda

11 June 2013

Relevant Existing Local Planning Policies

Council has a number of relevant Local Planning Policies that are impacted by the translation of the Business 3 and Business 4 Zone into the Commercial 2 Zone. These are very broadly summarised as follows:

1. At Clause 21.05 – Residential Land Use Local Planning Policy purposefully seeks to encourage new population growth in and around designated Activity Centres.
2. At Clause 21.06 – Retail and Commercial Land Use Local Planning Policy has objectives which include protecting and strengthening the hierarchy of activity centres within Kingston by focussing retail investment into Activity Centres.
3. At Clause 21.07 – Industrial Land Use Local Planning Policy has objectives which include ensuring that industrial development does not adversely impact on the amenity and safety of adjoining uses.
4. At Clause 21.12 – Transport Movement and Access Local Planning Policy has objectives which include integrating transport systems with Activity Centres and Community Facilities and to protect residential areas through appropriate management of transport networks.

Proposed Commercial 2 Zone

As identified, the proposed Commercial 2 Zone will replace the existing Business 3 and Business 4 Zone on July 1, 2013. Copies of the new Commercial 1 and 2 Zones and modified Industrial 1 Zone are provided as Appendix 4.

The Commercial 2 Zone has the following key features which substantially differ from the Business 3 and 4 Zone and present direct concerns in relation to Local Planning Policy:

1. A Supermarket under 1800m² or Shop under 500m² associated with or adjoining a Supermarket can be constructed without a Planning Permit. The definition of Shop also includes Bottle Shop. This would mean that beyond issues of policy matters such as loading times, hours of operation or other management issues associated with facilities that may impact on amenity of adjacent residential areas would not be able to be considered.
2. A single or multiple Supermarket(s), Shop(s) or Department Store(s) can be constructed with a Planning Permit irrespective of the size.
3. Land can be used for an 'Industry' or 'Warehouse' as a Section 1 Use provided it is not for a purpose shown with a Note 1 or Note 2 in table to Clause 52.10 (refer Appendix 2) of the Kingston Planning Scheme. This would mean that land can be used for a range of very incompatible activities that dominate Kingston's Industrial areas immediately against a residential interface without triggering a Planning Permit for use. The use of land for Materials Recycling and/or Transfer Station which falls under the definition of Industry is a Section 2 – Permit Required Use.

Under the current Business 3 and Business 4 Zone all the matters would not be able to occur as the uses would either be prohibited in response to Pt. 1 and 2. A permit would be triggered for Industry or Warehouse when within 30 metres from a Residential Zone currently.

**City of Kingston
Special Meeting of Council**

Agenda

11 June 2013

Council made a presentation to the Ministerial Advisory Committee on the Commercial 2 Zone and although it largely recommended a practical response to Pt's 1 and 2 above by having a Commercial 3 Zone this recommendation was not adopted.

Modified Industrial 1 Zone

The modified **Industrial 1 Zone** allows the use of land for Office to be Section 2 (permit required) irrespective of the size of the Office area. Council's submission to the exhibited zone supported this change.

Implementation of the Commercial Zones and modified Industrial Zones

Unlike the new Residential Zones a period for transition and implementation is not provided and the zones will be implemented on 1st July, 2013. Officers have therefore prioritised reviewing the implications of particularly the Commercial 2 Zone and believe that immediately acting on the recommendations of this report is critical when compared with the time available to implement the new Residential zones. Reasons include:

1. The introduction of the Commercial 2 Zone is not a direct 'outcome neutral' translation from the existing Business 3 and Business 4 Zone and comes into immediate effect on 1st July, 2013. Therefore unlike the Residential Zones the consequence of these changes is potentially immediate.
2. The Commercial 2 Zone has the potential to provide for land uses Shop, Supermarket and Department Store which in the locations they would be allowed (sometimes without even needing a Planning Permit) is completely inconsistent with Council's Local Planning Policy.
3. Businesses of all sizes have made investment decisions in the City of Kingston based on the Local Planning Policy Framework and the application of zones. These decisions for numerous business owners have the potential to be immediately and directly undermined through the application of the Commercial 2 Zone in locations where certain activities were previously prohibited.
4. The Commercial 2 Zone which often has direct or proximate interfaces with established residential areas allows uses such as Industry or Warehouse generally without the need to obtain a Planning Permit.

3. Discussion

3.1. Current Council Plan Alignment

Planned Outcome 4 - A Prosperous, Innovative Business City Strategy 4.1 - A Prosperous and Sustainable Local Economy

The Planning Scheme Amendment changes recommended in this report are designed to reflect a consistency with the Local Planning Policy Framework.

Draft Council Plan Alignment

The Council has recently developed a draft Council Plan. This report is directly relevant as follows:

Planned Outcome 2 – A Sustainable Natural and Built Environment Strategy 2.1 – Intergenerational land use planning and delivery

The Planning Scheme performs an important role through land zoning in both assisting Local Planning Policy and in minimising incompatible land uses. The Planning Scheme Amendment sought through this report is in direct response to enhancing both of these functions.

Planned Outcome 4 – A Prosperous and Dynamic City

Strategy 4.1 – Vibrant active urban centres

Strategy 4.4 – Thriving profitable and sustainable local economy

The Amendment proposed is critical to achieving these strategies of the draft Council Plan given the diversified economy which exists in the City of Kingston. The Amendment is important to the sustained success of the different sectors of the local economy in relation to providing employment land and clustering for manufacturing, industry, office and retail uses in designated locations.

Planning Outcome 5 – An Effective Voice

Strategy 5.1 – Being the voice on community issues beyond Council authority

It is the Minister for Planning who has the power to modify Planning Schemes however the Council plays a key role in making sound recommendations to the Minister on amendments which are important to the city. The zoning transition proposed needs careful management and Council plays an important role in advocating on the viability of small business or unintended interface issues presented to existing residents associated with this issue.

3.2. Consultation/Internal Review

The Council's existing zoning and policy approaches have been achieved through a significant number of locally focussed Planning Scheme Amendment initiatives. **These include the completion of a number of structure plans, the development of the Retail and Commercial Development Strategy and the facilitation of a range of retail projects.**

If an immediate response is not received from the Minister for Planning to the proposed Planning Scheme Amendment this **report recommends that Council commence an engagement campaign with businesses and potentially effected residents in Kingston to reinforce the importance of this Planning Scheme Amendment in maintaining economic viability and residential amenity.**

3.3. Operation and Strategic Issues

3.3.1. Response to the exhibition of Draft Zones

Council's submission to the exhibited draft Commercial Zones recognised that greater opportunities and investment in Commercial 1 areas (larger Activity Centres and Local Neighbourhood Shopping Centres) would be provided for by removing the need to obtain Planning Permits for particular activities. This would further assist to accommodate traditional retailing activities. Unlike many other municipalities Kingston has very confined catchments, given Port Phillip Bay and the South East Green Wedge reinforcing the greater vulnerability of businesses to expand trade catchments. **The submission reinforced that establishing Shops, Supermarkets and Department Stores away from Activity Centres would erode the viability of small business in activity centres and impact on the equally important investment in the office, manufacturing and industrial sectors something critical to the economy of Kingston and the broader south east.**

3.3.2. Commercial and Retail Development Facilitation

A practical illustration of the work undertaken by successive Council's includes:

- Completed Structure Planning Work - Carrum, Cheltenham, Clayton South, Highett, Mentone, Moorabbin and Mordialloc.
- A Retail and Commercial Development Strategy which identified clear locations for commercial (office) and restricted retail (bulky goods) investment.
- A number of Planning Scheme Amendments and Planning Permits to facilitate all forms of retail and commercial investment as illustrated in Appendix 4.

The extent of the above initiatives has been a priority initiative for consecutive Kingston Councils since amalgamation and is very likely unprecedented in relation to diversity of investment when compared with any other inner or middle ring metropolitan Councils.

In addition to the above, Council continues to work with local industrial businesses and retailers through its Economic Development Department to strengthen and grow the local economy based on the land use planning regime that exists.

3.3.3. Use of the new Industrial 1 Zone vs Commercial 2 Zone – Residential Amenity

Beyond considering the need to protect the economic roles performed by the existing Business 3 and Business 4 Zones, it has also been necessary to consider that if the Commercial 2 Zone were to be applied, what levels of amenity protection would be provided for immediately adjacent or nearby residential areas when compared with the status quo.

As illustrated through Appendix 5 in many instances the Commercial 2 Zone would be applied immediately adjacent to existing residential areas (away from Activity Centres) in suburbs such as Highett (surround Office Works Site on Nepean Highway), Heatherton (residential interface with Parkview Estate), Mentone (former Nylex Site), Parkdale (next to Parkdale Plaza), Chelsea Heights (south west corner Edithvale Road and Wells Road).

As identified in the Background Section of this report when comparing the new **Commercial 2 Zone** with the modified **Industrial 1 Zone** it is apparent that the protections for these adjacent communities for land uses which include Industry or Warehouse (see Appendix 4) are actually stronger in an **Industrial 1 Zone** than the **Commercial 2 Zone**.

The only requirement that triggers a Planning Permit for Industry (other than Materials Recycling and Warehouse) or Warehouse (other than Mail Centre) in the Commercial 2 Zone is as follows:

- *Must not be a purpose show with a Note 1 or Note 2 in the table to Clause 52.10.*

In most instances this is not relevant as limited Industrial Land Uses that traditionally occur in Kingston have a Note 1 or 2 in the table to Clause 52.10 occur in Kingston.

When viewing the modified **Industrial 1 Zone** (which will also be introduced on 1 July, 2013) a significant additional number of conditions exists that must be met to use land for 'Industry' or 'Warehouse'. If these conditions are not met they trigger a requirement for a Planning Permit. These conditions include:

- *The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands zone, land use for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre:*
 - *The threshold distance, for a purpose listed in the table to Clause 52.10.*
 - *30 metres, for a purpose not listed in the table to Clause 52.10.*
- *[The use] Must not adversely affect the amenity of the neighbourhood, including through the:*
 - *Transport of materials, goods or commodities to or from the land.*
 - *Appearance of any stored goods or materials.*
 - *Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

These above additional conditions illustrate that the provisions of the Industrial 1 Zone are actually the only effective trigger for requiring Planning Permits when Industrial or Warehouse uses are to establish in immediate proximity of residential areas. For this reason, the report recommends that the proposed Planning Scheme Amendment reintroduce the Industrial 1 Zone across the identified areas previously zoned Business 3 and Business 4.

3.3.4. Use of the Schedule to Clause 52.03

The recommended Planning Scheme Amendment outlined through Appendix 1 suggests the use of the Schedule to Clause 52.03 which allows site/area specific exclusions from provisions that would otherwise apply through a zone in the Planning Scheme.

Given in the Business 3 Zone Office was a Section 1 – No Permit Required Use it is considered appropriate that the translation in these areas maintains Office as a Section 1 use. This will maintain the status quo and ensure investment in office related employment activities is still allowed without a Planning Permit.

Given in the Business 4 Zone Restricted Retail Premises was a Section 1 – No Permit Required Use it is considered appropriate that the translation in these areas maintains Restricted Retail Premises as a Section 1 use. This will maintain the status quo and ensure investment in Restricted Retail Premises related employment activities is facilitated without a Planning Permit.

The above parts of the amendment are important in relation to ensuring that the key 'policy neutral' elements of the Amendment are protected for existing land holders.

3.3.5. Amendment under Section 20(4) of the Planning and Environment Act 1987

Section 20(4) of the Planning and Environment Act allows the Minister for Planning to exempt giving notice of an amendment to either himself or a Planning Authority. Given the Minister intended to use these powers to introduce the new Commercial 1, Commercial 2 and modified Industrial zones it is considered reasonable and very important that Council also request that the

**City of Kingston
Special Meeting of Council**

Agenda

11 June 2013

same powers are used to introduce the proposed Amendment outlined through this report.

The amendments discussed in this report are substantially less detrimental than those which would otherwise occur if the Business 3 and 4 Zone were translated to the Commercial 2 Zone in the locations reviewed in the City of Kingston. For this reason it is entirely appropriate and reasonable that the Minister be requested to use the same powers to ensure that the integrity of the Council's Local Planning Policy Framework and community amenity is maintained.

3.3.6. Proposed Planning Scheme Amendment

The detail in relation to the proposed Planning scheme Amendment is outlined in Appendix 1 and 5 to this report but involves the following land parcels:

Area 1 – No's 970, 972 – 988 and 1000 (even numbers) Nepean Highway, Moorabbin.

Area 2 – No's 1117 – 1123 and 1123 a (odd numbers) Nepean Highway, Highett.

Area 3 - Parkview Industrial Estate as shown in the Parkview Industrial Estate Policy Area (except for 3 Kingston Road, Heatherton).

Area 4 - 1375 Nepean Highway, Cheltenham

Area 5 – No's 1, 3, 23, 25 and 27 29 Nepean Highway, Mentone.

Area 6 – No's 2 to 64 (even numbers) Nepean Highway and 31 – 35 Swanston Street and 39 Swanston Street, Mentone.

Area 7 – No's 2 to 44 (even numbers) Balcombe Road, Mentone.

Area 8 – No's 41 – 47 (odd numbers) Melrose Street, 355- 361 (odd numbers) Nepean Highway and 2-10 (even numbers) Carrier Avenue, Parkdale.

Area 9 – Land between Springvale Road, Wells Road, Mornington Peninsula Freeway and southern boundary of 279 Wells Road, Chelsea Heights.

Area 10 – No 3 and 4 Egret Drive, 2-16 Piper Drive and 1-9 Piper Drive Chelsea Heights.

4. Conclusion

4.1. Social Implications

The work of successive Council's in developing Structure Plans, Local Planning Policies, facilitating retail investment in planned locations and assisting diversifying its employment land will be undermined if the Commercial 2 Zone is introduced to replace the large areas in Kingston zoned Business 3 and 4.

Uses that are permissible under the Commercial 2 Zone such as Supermarket(s), Shop(s) and Department Store(s) that were previously prohibited will impact on small businesses that have invested in planned locations and on community service and infrastructure investment provided in Activity Centres.

**City of Kingston
Special Meeting of Council**

Agenda

11 June 2013

The community will also be affected by reduced controls on land use activities such as Industry and Warehouse in many instances on immediate abutments with well-established residential areas. Using the Industrial 1 Zone as opposed to the Commercial 2 Zone in such circumstances will address this unintended consequence.

4.2. Resource Implications

The unintended consequence of the introduction of the Commercial 2 Zone, is that land uses which Council's Local Planning Policies clearly discourage in 'out of centre locations', become as of right or permissible. This will create substantially more Planning Permit Applications for uses which are presently prohibited consuming substantial Officer resources.

In addition, the Commercial 2 Zone will create a significant planning/local laws and environmental health enforcement burden as uses that are under the Industrial 1 Zone which presently require a planning permit would not. Once such uses establish, immediately adjacent to residential areas, the costs associated with investigating amenity concerns under Planning and Environmental legislation are significant.

Appendices

Appendix 1 - Table of Proposed Planning Scheme Amendment

Appendix 2 - Uses which fall within the definition of Industry or Warehouse as outlined in Clause 75

Appendix 3 - Map showing retail investment in the City of Kingston since its inception

Appendix 4 - Copies of new Industrial 1, Commercial 1 and Commercial 2 Zones

Appendix 5 - Map and Aerial Photography showing locations where Planning Scheme Amendment changes are proposed

Author/s: Jonathan Guttmann, Manager City Strategy

Reviewed and Approved By: Rachel Hornsby, General Manager Environmental Sustainability

3.2

NEW COMMERCIAL/INDUSTRIAL ZONE TRANSLATION

1	Table of Proposed Planning Scheme Amendment.....	69
2	Uses which fall within the definition of Industry or Warehouse as outlined in Clause 75	77
3	Map showing retail investment in the City of Kingston since its inception	85
4	Copies of new Industrial 1, Commercial 1 and Commercial 2 Zones.....	87

Subject Land	Existing Uses	Existing Zoning	Proposed Zoning	Use of Clause 52.03
<p>Area 1 970, 972 – 988 and 1000 (even numbers) Nepean Highway, Moorabbin</p> <p>Under the proposed translation to a Commercial 2 Zone this area could contain presently prohibited retail uses including supermarket(s), department store(s), and/or shop(s). Such an outcome would undermine the significant work undertaken in developing the Highett and Moorabbin Structure Plans and recent investments in these two centres by small and large business.</p> <p>It is recommended that the entire area be zoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> • Permit as a Section 1 Use for 'Restricted Retail Premises' thus maintaining a consistency with Local Planning Policy. <p>This would provide for a neutral translation and would maintain the use rights of existing activities.</p>	Car Dealership Homemaker Centre	Business 4	Industrial 1	Allow 'Restricted Retail Premises' as a Section 1 Use
<p>Area 2 1117 – 1123 and 1123a (odd numbers) Nepean Highway, Highett</p> <p>Land located along Nepean Highway between Wickham Road and McFarlane Court, Highett (excluding the fire station) is currently zoned Business 4. This land currently contains an Office works, warehousing, fast food chain and a large parcel of vacant land. Under the proposed translation to a Commercial 2 Zone this area could contain presently prohibited retail uses including supermarket(s), department store(s) and/or shop(s).</p> <p>The establishment of such retailing in this location will undermine the work undertaken on the Moorabbin and Highett Structure Plans which has been matched by recent investment by large and small business in the Moorabbin and Highett Activity Centres.</p> <p>Given the land is immediately adjacent to residential uses it is recommended that it be placed into an Industrial 1 Zone (with greater amenity protections</p>	Office supplies Self Storage Fast Food Restaurant	Business 4	Industrial 1	Allow 'Restricted Retail Premises' as a Section 1 Use

<p>than the Commercial 2 Zone) and that the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> Permit as a Section 1 Use for 'Restricted Retail Premises' thus maintaining a consistency with Local Planning Policy. <p>This would provide for a neutral translation from the existing and would maintain the rights of existing uses.</p> <p>Given the isolated nature of this area from commercial activity this location may be further reviewed as part of the implementation of the new Residential Zones.</p>				
<p>Area 3 Parkview Industrial Estate (except 3 Kingston Road)– Warrigal Road, Heatherton</p> <p>The Parkview Estate is located on Warrigal Road between Kingston Road and Karkarook Park. The component of the estate fronting Warrigal Road contains restricted retailing (bulky goods) and is currently zoned Business 4. The remaining land is currently zoned Business 3 and contains offices, manufacturing businesses and warehouses. The use of this land for shop(s), supermarket(s) and/or department store(s) is inconsistent with the Parkview Industrial Estate Local Planning Policy and the broader Local Planning Policy Framework.</p> <p>It is recommended that the entire area (expect for 3 Kingston Road, Heatherton) be rezoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> Permit the use of land for 'Office' across the entire area as a Section 1 Use. Permit as a Section 1 Use 'Restricted Retail Premises' on all the land identified as Restricted Retail Premises on the Retail and Commercial Land Use Framework Plan. 	Manufacturing Office Industry Restricted Retail Fast Food Trade Supplies	Part Business 4 (Warrigal Road frontage) Part Business 3 Part Mixed Use	Industrial 1	Allow 'Restricted Retail Premises' as Section 1 Use on all the land identified as Restricted Retail Premises on Land Use Framework Plan at Clause 21.06 Allow 'Office' across the entire area as a Section 1 Use

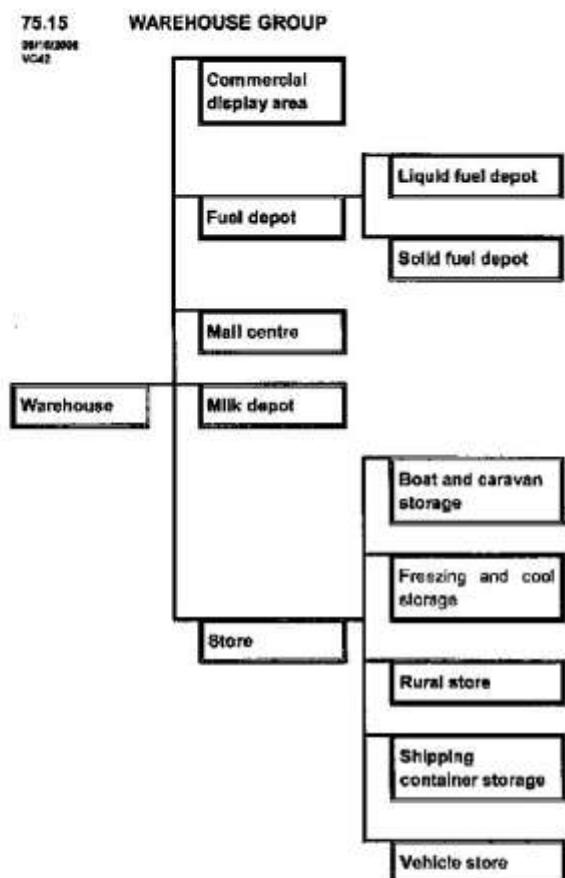
<p>This would provide for a neutral translation from the existing and would maintain the rights of existing uses. It would also ensure the amenity of the established residents immediately abutting this estate are better protected than if the Commercial 2 Zone were translated.</p>				
<p>Area 4 1375 Nepean Highway, Cheltenham</p> <p>This site currently contains the Royal Oak Hotel. The site is unusually located partly in a Residential 3 zone and partly in a Business 4 zone. Given the ability in the new Commercial 2 Zone to allow significant retail uses it is recommended that all the land be included in a Residential 3 Zone. Under this zone the hotel could expanded, subject to permit.</p>	Hotel	Part Residential 3 Part Business 4	Residential 3	
<p>Area 5 1, 3, 23,25 and 27-29 Nepean Highway, Mentone</p> <p>This area contains the currently Business 4 Zoned land between Oak Avenue, Nepean Highway and just north of Johnston Street, Mentone. In this location a number of significant land parcels exist in reasonable proximity to the Cheltenham and Mentone Major Activity Centres and Thrift Park Neighbourhood Activity Centre. This location is an identified preferred location for restricted retail (bulky goods) and it is important that the ability to use this land for this purpose is protected. It is not appropriate that this land undermine the nearby retail centres by providing for conventional retailing (shop(s), supermarket(s) and/or department store(s)).</p> <p>It is recommended that the entire area be rezoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> Permit as a Section 1 Use the use for 'Restricted Retail Premises' thus maintaining a consistency with Local Planning Policy. <p>This would provide for a neutral translation from the existing and would maintain the use rights of existing and planning permit approved uses. Given the precinct has significant residential interfaces, it would also ensure that nearby residents are better protected than by the Commercial 2 Zone if uses</p>	Motor Vehicle Sales Restricted Retail Trade Supplies	Business 4	Industrial 1	Allow 'Restricted Retail Premises' as a Section 1 Use

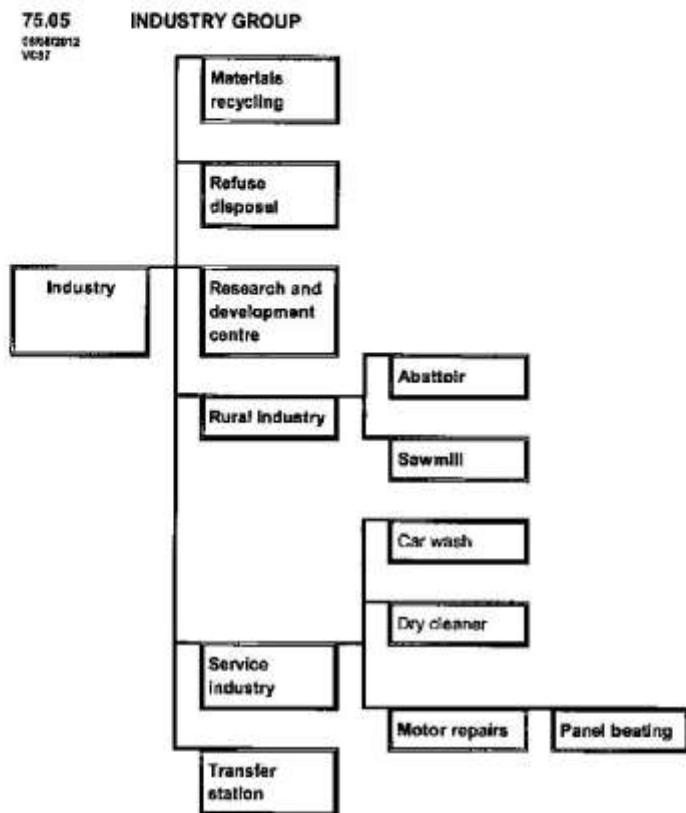
such as industry or warehouse were to occur.				
<p>Area 6 2 – 64 (even numbers) Nepean Highway and 31-35 and 39 Swanston Street, Mentone</p> <p>This area contains Business 3 Zoned land between Latrobe Street and Patty Street, Mentone. This land also has a similar relationship to the Area 5 to the Cheltenham and Mentone Major Activity Centres and Thrift Park Neighbourhood Activity Centres. Therefore, if transitioned into the Commercial 2 Zone, it has the potential to undermine these areas. The area contains uses which are largely restricted retail and/or commercial uses.</p> <p>It is recommended that the entire area be rezoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> • Permit as a Section 1 Use ‘Restricted Retail Premises’ thus maintaining a consistency with Local Planning Policy. • Permit as a Section 1 Use ‘Office’ thus maintaining a consistency with Local Planning Policy. <p>This would provide for a neutral translation from the existing and would maintain the use rights of existing and planning permit approved uses.</p> <p>Once again given the residential interfaces of this area, the Industrial 1 Zone provides a greater chance that sensitive uses such as industry or warehouse would require a planning permit.</p> <p>It is considered that this area could be once again reviewed as part of the introduction of the new Residential Zones to determine whether or not it is appropriate for all or part of this area to transition to also allow residential uses.</p>	<p>Motor Vehicle Sales Motor Vehicle Repairs Office Trade Supplies</p>	Business 3	Industrial 1	<p>Allow ‘Restricted Retail Premises’ as a Section 1 Use</p> <p>Allow ‘Office’ as a Section 1 Use</p>
<p>Area 7 10 to 44 (even numbers) Balcombe Road, Mentone</p> <p>This area is located in a Business 3 zone on the north west side of Balcombe Road and Nepean Highway stretching to the west down Balcombe Road. This</p>	<p>Industry Office Service Industry</p>	Business 3	Industrial 1	Allow ‘Office’ as a Section 1 Use

<p>land also has a close relationship to the Mentone Major Activity Centre and Thrift Park Neighbourhood Activity Centre and therefore, if transitioned into the Commercial 2 Zone, has the potential to undermine these areas. The area contains largely commercial and industrial activities.</p> <p>It is recommended that the entire area be rezoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> • Permit as a Section 1 Use 'Office' thus maintaining a consistency with Local Planning Policy. <p>This would provide for a neutral translation from the existing and would maintain the use rights of existing and planning permit approved uses.</p> <p>Once again given the residential interfaces of this area to the immediate north, the Industrial 1 Zone provides for a sensitive uses such as industry or warehouse to require a planning permit.</p> <p>It is considered that this area should be once again reviewed as part of the introduction of the new Residential Zones to determine whether or not it is appropriate for all or part of this area to transition to also allow residential uses.</p>	
<p>Area 8 41 – 47 (odd numbers) Melrose Street, 355- 361 (odd numbers) Nepean Highway and 2-10 (even numbers) Carrier Avenue, Parkdale</p> <p>This precinct is immediately south of the Parkdale Hospital site and immediately north of the Parkdale Plaza and is currently zoned Business 4. The land is not located in a designated Activity Centre and has significant immediate residential interfaces with residents in Melrose Street.</p> <p>Given the relationship with the Melrose Street residential area, it is recommended that this area be placed into an Industrial 1 Zone given the greater protection provided to residents than through the Commercial 2 Zone.</p> <p>It is recommended that this area also be included in the Schedule to Clause</p>	<p>Café Motor Vehicle Sales Industry Office</p> <p>Business 4</p> <p>Industrial 1</p> <p>Allow 'Restricted Retail Premises' as a Section 1 Use</p>

<p>52.03 to:</p> <ul style="list-style-type: none"> Permit as a Section 1 Use for 'Restricted Retail Premises' on all the land identified as Restricted Retail Premises on the Retail and Commercial Land Use Framework Plan. <p>Further consideration could be given to perhaps including all or part of this area in a Residential Zone as implementation of the new Residential zones recognising the need for community consultation.</p>				
<p>Area 9 Land between Springvale Road, Wells Road, Mornington Peninsula Freeway and southern boundary of 279 Wells Road, Chelsea Heights</p> <p>The eastern side of Wells Road from Springvale Road to Chelsea Heights provides for manufacturing and office related employment. The transition of this area from the existing Business 3 Zone into a Commercial 2 Zone would allow for supermarket(s) (as of right under 1800m2) and shop(s) associated with supermarkets (as of right under 500m2). With a Planning Permit supermarket(s), shop(s) and department store(s) of any size could be pursued in a location where they are presently prohibited. This undermines a significant number of planning initiatives Council has undertaken south of Mordialloc Creek to provide for additional retail investment.</p> <p>It is recommended that the entire area be rezoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none"> Permit as a Section 1 Use 'Office' thus maintaining a consistency with the existing conditions. <p>Existing use rights would be maintained in this precinct. A greater ability to that provided through the Commercial 2 zone would also be provided to manage any amenity related implications for residents on the other side of Wells Road under an Industrial 1 Zone.</p>	Office Manufacturing Industry Trade Supplies Caravan Park Retail Premises	Business 3	Industrial 1	Allow 'Office' as a Section 1 Use
<p>Area 10 3 and 4 Egret Drive, 2-16 Piper Drive and 1-9 Piper Drive, Chelsea Heights</p> <p>This site is currently used for a range of uses including a medical centre,</p>	Convenience Restaurant Medical Centre	Business 3	Industrial 1	Allow 'Office' as a Section 1 Use

<p>childcare centre, and fast food and is zoned Business 3. The land has direct interfaces predominantly with residential uses.</p> <p>It is recommended that the entire area be rezoned Industrial 1 and the Schedule to Clause 52.03 be used as follows:</p> <ul style="list-style-type: none">• Permit as a Section 1 Use 'Office' thus maintaining a consistency with the existing conditions. <p>Given the isolated nature of this area from commercial activity, this location may be further reviewed as part of the implementation of the new Residential Zones.</p>				
--	--	--	--	--





52.10
08/03/2012
V097**USES WITH ADVERSE AMENITY POTENTIAL****Purpose**

To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

Definition

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

NOTE 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

NOTE 2 of the table: An assessment of risk to the safety of people located off the land may be required.

Table to Clause 52.10

Type of Production, Use Or Storage (Purpose)	Threshold Distance (Metres)	Notes
Basic Metal Products		
Production of non-ferrous metals as:		
▪ aluminium by electrolysis	2,000	
▪ other non-ferrous metals in amounts:		
▪ up to 100 tonnes a year	100	
▪ between 100 & 2,000 tonnes a year	300	
▪ exceeding 2,000 tonnes a year	500	
Works producing iron or steel products in amounts:		
▪ up to 1,000,000 tonnes a year	100	
▪ exceeding 1,000,000 tonnes a year	1,000	
Chemical, Petroleum & Coal Products		
Ammunition, explosives and fireworks production:	1,000	Note 2
Biocides production and storage:	1,000	
Briquette production:	300	
Chemical Fertiliser production:	1,000	Note 2
Chemical products other than those listed within this group:	300	Note 2
Cosmetics and toilet preparations production:	100	
Formaldehyde production:	300	Note 2
Industrial gases production:	1,000	Note 2
Inks production:	300	
Inorganic industrial chemicals production other than those listed within this group:	1,000	Note 2

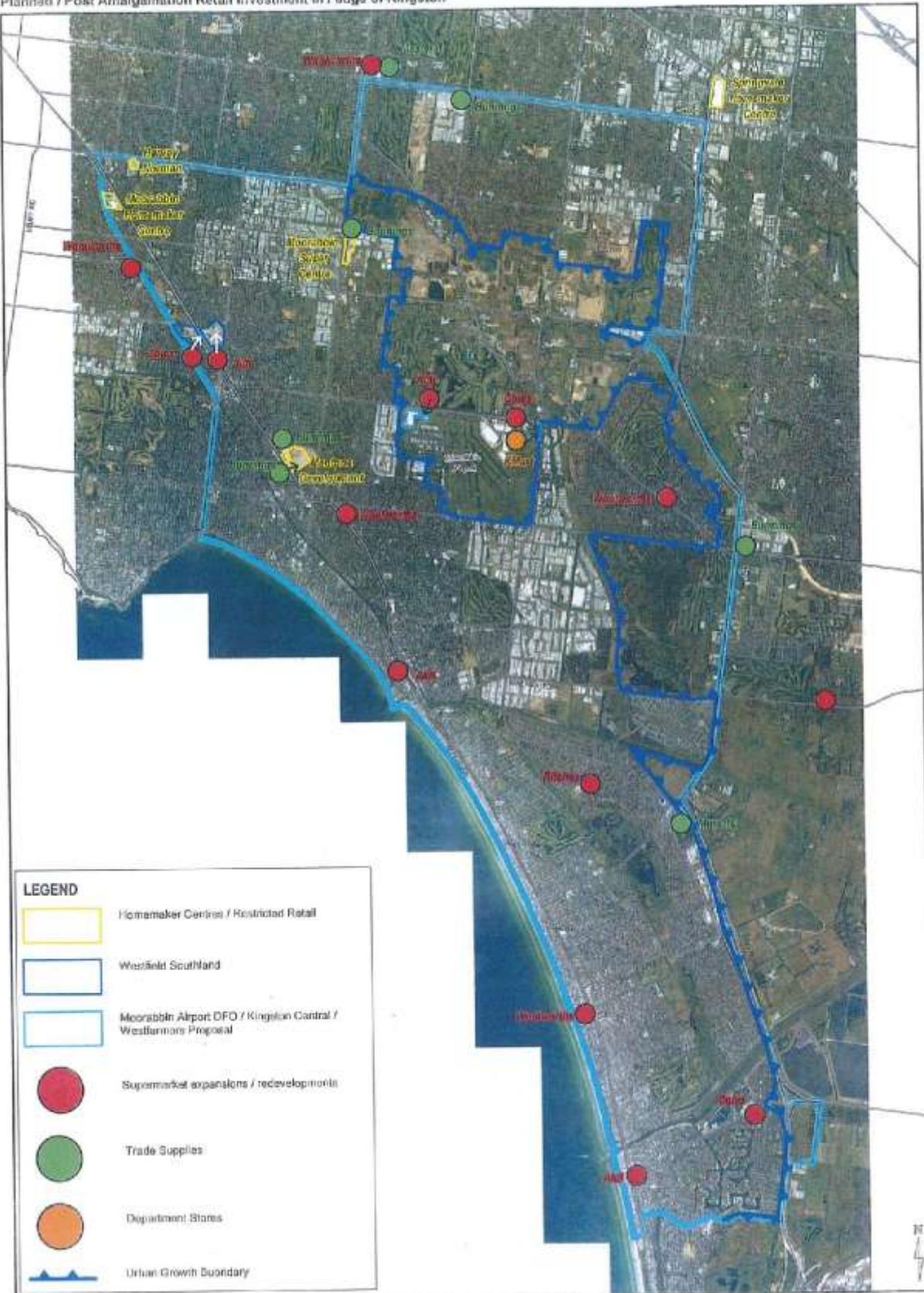
Type of Production, Use Or Storage (Purpose)	Threshold Distance (Metres)	Notes
Organic industrial chemicals production other than those listed within this group:	1,000	Note 2
Other petroleum or coal production:	500	Note 2
Paints and inks:		
▪ manufacture	1,000	Note 2
▪ blending and mixing only	300	
Petroleum refinery:	2,000	Note 2
Pharmaceutical and veterinary production:	1,000	
Polyester resins production	1,000	Note 2
Soap and other detergents production:	300	
Synthetic resins & rubber production other than those listed within this group:	1,000	Note 2
Fabricated Metal Products		
Abrasive blast cleaning:		Note 1
Boiler makers	100	
Structural or sheet metal production:	500	
Works producing iron or steel products in amounts:		
▪ up to 1,000,000 tonnes per year	100	
▪ exceeding 1,000,000 tonnes per year	1,000	
Food, Beverages & Tobacco		
Abattoir:	500	
Bakery (other than one ancillary to a shop):	100	
Flour mill:	300	
Food or beverage production other than those listed within this group:		Note 1
Freezing and cool storage	150	
Maltworks:	300	
Manufacture of milk products:	300	
Milk depot	100	
Poultry processing works	100	
Production of vegetable oils and fats using solvents:	300	
Seafood processor:	500	
Smallgoods production	100	
Tobacco and cigarette production:	600	
Miscellaneous Manufacturing		
Fibreglass production:	200	
Leather and artificial leather goods production:	300	
Leather tanning and dressing:	300	
Printing and coaling works with heated curing ovens:	500	
Rendering and casings works:	1,000	

Type of Production, Use Or Storage (Purpose)	Threshold Distance (Metres)	Notes
Rubber production, using either organic solvents or carbon black:	300	Note 2
Non-metallic Mineral Products		
Bitumen batching plant:	500	
Cement production in amounts:		
▪ up to 5,000 tonnes a year	300	
▪ between 5,000 & 150,000 tonnes a year	500	
▪ exceeding 150,000 tonnes a year	1,000	
Clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes a year:	200	
Concrete article or stone article production:	100	
Concrete batching plant:	300	
Glass and glass production including glass wool:	500	
Plaster or plaster articles production:	100	
Rock wool manufacture:	500	
Other Premises		
Panel beating:	100	
Rural industry handling, processing or packing agricultural produce:	300	
Paper & Paper Products:		
Paper or paper pulp production:		
▪ involving combustion of sulphur or sulphur containing materials	5,000	Note 2
▪ from semi-processed materials	100	
▪ from prepared cellulose & rags	200	
▪ by other methods than above		Note 1
Recreation, Personal & Other Services		
Dry cleaning for commercial and institutional customers, or in bulk quantities:	100	Note 2
Laundry for commercial and institutional customers, or in bulk quantities:	100	
Recycling and Resource Recovery		
Advanced resource recovery technology facility		Note 1
Combustion, treatment or bio-reaction of waste to produce energy		Note 1
Commercial and Industrial materials recycling		Note 1
Composting and other organic materials recycling		Note 1
Construction and demolition materials recycling		Note 1
Other resource recovery or recycling operations		Note 1

Type of Production, Use Or Storage (Purpose)	Threshold Distance (Metres)	Notes
Refuse and used material storage, sorting and recovery in a transfer station:		
▪ Accepting organic wastes		Note 1
▪ Other	100	
Sanitary and garbage disposal in landfill		Note 1
Soil conditioning or blending		Note 1
Used metals treatment or processing		Note 1
Used paper and cardboard treatment or processing		Use distances in Paper & Paper Products
Used plastics treatment or processing		Note 1
Textiles		
Carpet backing with latex:	300	
Dyeing or finishing of cotton, linen and woollen yarns and textiles:	300	
Production of artificial fibres & textiles:		
▪ cellulose nitrate or viscose fibre, cellophane or artificial rubber:	1,000	Note 2
▪ other synthetic fibres and textiles	500	Note 2
Rope, cordage and twine production:	100	
Treatment or production of textiles:		
▪ using carbon disulphide	500	Note 2
▪ using other substances		Note 1
Wool scouring:	200	
Transport and Storage		
Depot for refuse collection vehicles	100	
Grain elevators:	300	
Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes:	1,000	Note 2
Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:	300	
▪ with fixed roofs	100	Note 2
▪ with floating roofs		
Storage of wet-salted or unprocessed hides:	300	
Temporary storage of industrial wastes:	300	Note 2
Treatment of aqueous waste:	200	Note 2
Waste incinerator for:		
▪ Woodwaste	300	
▪ Plastic or rubber waste	500	Note 2
▪ Chemical, biomedical or organic waste		Notes 1, 2

Type of Production, Use Or Storage (Purpose)	Threshold Distance (Metres)	Notes
Wood, Wood Products & Furniture		
Charcoal production:		
▪ by the retort process	500	
▪ other than by the retort process	1,000	
Joinery:	100	
Sawmill:	500	
Wood preservation plant:	100	
Wood-fibre or wood-chip products:	1,500	

Planned / Post Amalgamation Retail Investment in / edge of Kingston



NEW ZONE

34.01 COMMERCIAL 1 ZONE

includes
Proposed VC

Shown on the planning scheme map as **B1Z, B2Z, B5Z or C1Z**.

Purpose

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

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

34.01-1 Table of uses

includes
Proposed VC

Section 1 - Permit not required

Use	Condition
Accommodation (other than Corrective institution)	Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).
Child care centre	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).
Cinema	
Cinema based entertainment facility	
Education centre	
Exhibition centre	
Home occupation	
Informal outdoor recreation	
Minor utility installation	
Office	The combined leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.
Railway	
Retail premises (other than Shop)	
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.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

NEW ZONE**Section 2 - Permit required**

Use	Condition
Adult sex bookshop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Apiculture and Intensive animal husbandry)	
Industry	Must not be a purpose listed in the table to Clause 52.10.
Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Place of assembly (other than Carnival, Cinema, Circus, Exhibition centre and Place of worship)	
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
Corrective institution
Intensive animal husbandry
Major sports and recreation facility
Motor racing track

34.01-2 Use of land~~Proposed VC~~

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

34.01-3 Subdivision~~Proposed VC~~

A permit is required to subdivide land.

34.01-4 Buildings and works~~Proposed VC~~

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:

NEW ZONE

- The alteration does not include the installation of an external roller shutter.
- At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

34.01-5 Neighbourhood and site description and design response

Proposed VC

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Satisfactory neighbourhood and site description 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 neighbourhood and site description meets the requirements of Clause 54.01 and is satisfactory or does not meet the requirements of Clause 54.01 and is not satisfactory.

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

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

34.01-6 Application requirements

Proposed VC

Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
 - The type and quantity of goods to be stored, processed or produced.

NEW ZONE

- 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 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking and loading areas.
 - Proposed landscape areas.
 - All external storage and waste treatment areas.
 - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

34.01-7

Proposed VC

An application to subdivide land or construct a building or construct or carry out works 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

34.01-8

Decision guidelines

Proposed VC

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

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.

Use

- The effect that existing uses may have on the proposed use.

NEW ZONE

- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

34.01-9

Advertising signs

Proposed VC

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.

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.

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

NEW ZONE

34.02 COMMERCIAL 2 ZONE

Proposed VC

Shown on the planning scheme map as **B3Z**, **B4Z** or **C2Z**.

Purpose

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

To develop commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

34.02-1 Table of uses

Proposed VC

Section 1 - Permit not required

Use	Condition
Cinema	The site must adjoin, or have access to, a road in a Road Zone .
Cinema based entertainment facility	The site must adjoin, or have access to, a road in a Road Zone .
Food and drink premises	The leasable floor area must not exceed 100 square metres.
Industry (other than Materials recycling and Transfer station)	Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.
Informal outdoor recreation	
Mall centre	
Minor utility installation	
Office	
Postal agency	
Railway	
Restricted retail premises	
Shop (other than Adult sex bookshop, Restricted retail premises and Supermarket)	Must adjoin, or be on the same land as, a supermarket when the use commences. The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres. The site must adjoin, or have access to, a road in a Road Zone .
Supermarket	The leasable floor area must not exceed 1800 square metres. The site must adjoin, or have access to, a road in a Road Zone . Must be on land within an urban growth boundary in metropolitan Melbourne.
Trade supplies	
Tramway	
Warehouse (other than Mail centre)	Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.
Any use listed in Clause 52.01	Must meet the requirements of Clause 52.01.

NEW ZONE**Section 2 - Permit required**

Use	Condition
Adult sex bookshop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Apiculture and Intensive animal husbandry)	
Caretaker's house	
Education centre	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Materials recycling	
Motel	
Place of assembly (other than Carnival, Cinema and Circus)	
Residential hotel	
Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Shop and Trade supplies)	
Supermarket – if the section 1 conditions are not met	<p>The leasable floor area must not exceed 1800 square metres if located on land outside an urban growth boundary in metropolitan Melbourne.</p> <p>– The site must adjoin, or have access to, a road in a Road Zone.</p>
Transfer station	The land must be at least 30 metres from land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Utility Installation (other than Minor utility Installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house, Motel and Residential hotel)
Hospital
Intensive animal husbandry
Major sports and recreation facility
Motor racing track

34.02-2 Use of land

Proposed VC

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.

NEW ZONE

- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

34.02-3 Subdivision

subdivision
Proposed VC A permit is required to subdivide land.

34.02-4 Buildings and works

construction
Proposed VC A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

34.02-5 Application requirements

Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- If an industry or warehouse:
 - The type and quantity of 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.
 - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Building and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.

NEW ZONE

- Adjoining roads.
- The location, height and purpose of buildings and works on adjoining land.
- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- All driveway, car parking and loading areas.
- Proposed landscape areas.
- All external storage and waste treatment areas.
- Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, training, watering and maintaining the landscape area.

34.02-6 Exemption from notice and review

subject to
Proposed VC

An application to subdivide land or construct a building or construct or carry out works 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

34.02-7 Decision guidelines

subject to
Proposed VC

General

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 interface with adjoining zones, especially the relationship with residential areas.

Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

Subdivision

- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.

NEW ZONE

- Landscape treatment.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or nearby the land.
- Outdoor storage, lighting, and storm water discharge.
- The design of buildings to provide for solar access.

34.02-8 Advertising signs

Proposed VO:

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.

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.

AMENDED ZONE

33.01 INDUSTRIAL 1 ZONE

Proposed VC

Shown on the planning scheme map as **IN1Z**.

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 manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

33.01-1 Table of uses

Proposed VC

Section 1 - Permit not required

Use	Condition
Crop raising	
Extensive animal husbandry	
Home occupation	
Industry (other than Materials recycling and Transfer station)	<p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> • The threshold distance, for a purpose listed in the table to Clause 52.10. • 30 metres, for a purpose not listed in the table to Clause 52.10. <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> • Transport of materials, goods or commodities to or from the land. • Appearance of any stored goods or materials. • Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
Informal outdoor recreation	
Mall centre	
Minor utility installation	
Railway	
Service station	<p>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</p>
Shipping container storage	<p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a</p>

AMENDED ZONE

Use	Condition
	<p>residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 52.10. ▪ 100 metres, for a purpose not listed in the table to Clause 52.10. <p>The site must adjoin, or have access to, a road in a Road Zone.</p> <p>Shipping containers must be setback at least 9 metres from a road in a Road Zone.</p> <p>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.</p> <p>Must not adversely affect the amenity of the neighbourhood, including through:</p> <ul style="list-style-type: none"> ▪ Transport of materials, goods or commodities to or from the land. ▪ Appearance of any stored goods or materials. ▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
Tramway	
Warehouse (other than Mail centre and Shipping container storage)	<p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 52.10. ▪ 30 metres, for a purpose not listed in the table to Clause 52.10. <p>Must not adversely affect the amenity of the neighbourhood, including through:</p> <ul style="list-style-type: none"> ▪ Transport of materials, goods or commodities to or from the land. ▪ Appearance of any stored goods or materials. ▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Section 2 - Permit required	
Use	Condition
Adult sex bookshop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot)

AMENDED ZONE

Use	Condition
	from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Apiculture, Crop raising, Extensive animal husbandry and Intensive animal husbandry)	
Caretaker's house	
Convenience shop	
Education centre	Must not be a primary or secondary school.
Leisure and recreation (other than Informal outdoor recreation)	
Materials recycling	The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Office	The leasable floor area must not exceed the amount specified in the schedule to this zone.
Place of assembly (other than Carnival and Circus)	
Restricted retail premises	
Retail premises (other than Shop)	
Transfer Station	The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Utility installation (other than Minor utility installation and Telecommunications facility).	Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Any other use not in Section 1 or 3	
Section 3 - Prohibited	
Use	
Accommodation (other than Caretaker's house)	
Cinema based entertainment facility	
Hospital	
Intensive animal husbandry	
Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises)	

AMENDED ZONE

33.01-2 Use of land

15/05/2008
V048

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- 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 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.

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 effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

33.01-3 Subdivision

Proposed VC

Permit requirement

A permit is required to subdivide land.

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (c), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

AMENDED ZONE

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.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

33.01-4

Buildings and works

Proposed VC

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising, extensive animal husbandry or informal outdoor recreation.
- A rainwater tank with a capacity of more than 4500 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - Driveways and vehicle parking and loading areas.
 - Proposed landscape areas.
 - External storage and waste treatment areas.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

AMENDED ZONE

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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

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.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

33.01-5

Advertising signs

19.01.2006
VC37

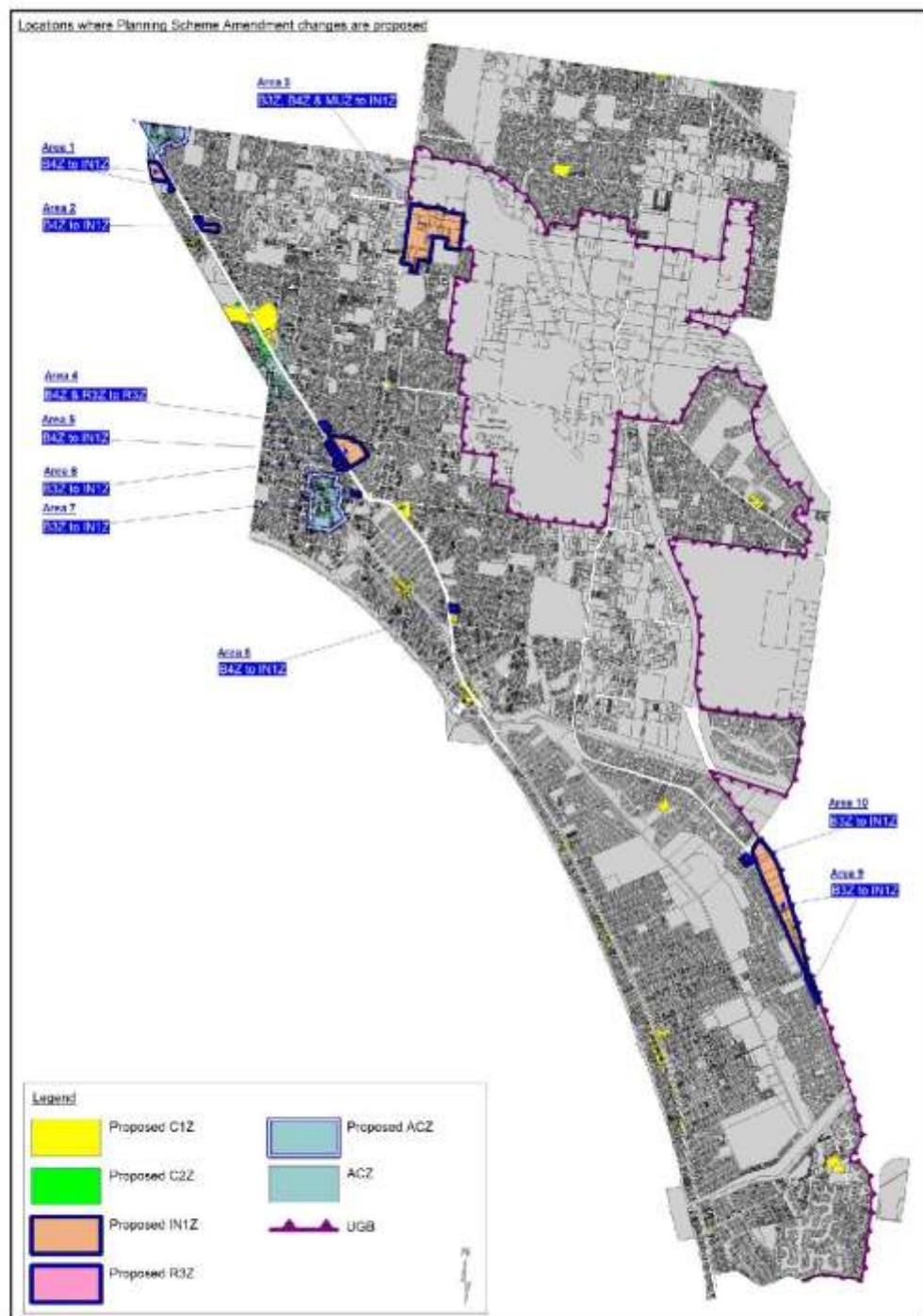
Advertising sign requirements are at Clause 52.05. This zone is in Category 2.

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.



Area 1: 970, 972 – 988 and 1000 (even numbers) Nepean Highway, Moorabbin

Aerial:



Current Zoning Controls:

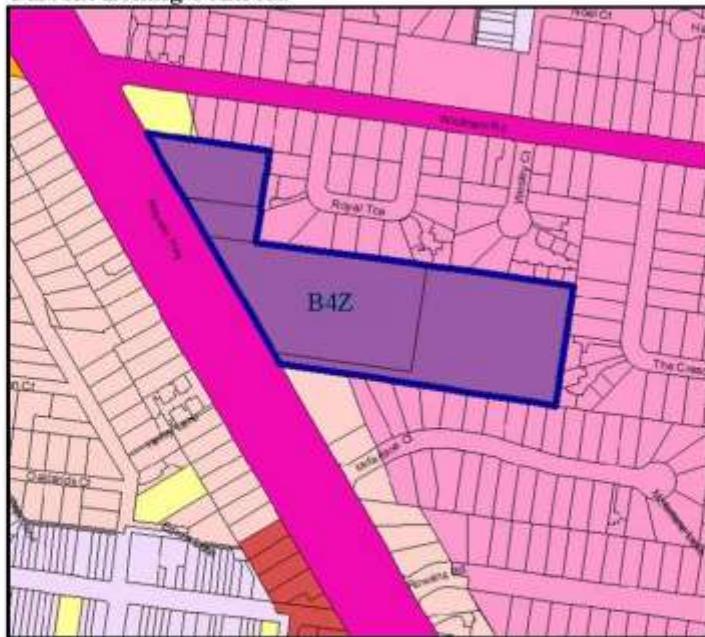


Area 2: 1117 – 1123 and 1123a (odd numbers) Nepean Highway, Higehitt

Aerial:



Current Zoning Controls:



Area 3: Parkview Industrial Estate (except 3 Kingston Road)– Warrigal Road, Heatherton

Aerial:



Current Zoning Controls:



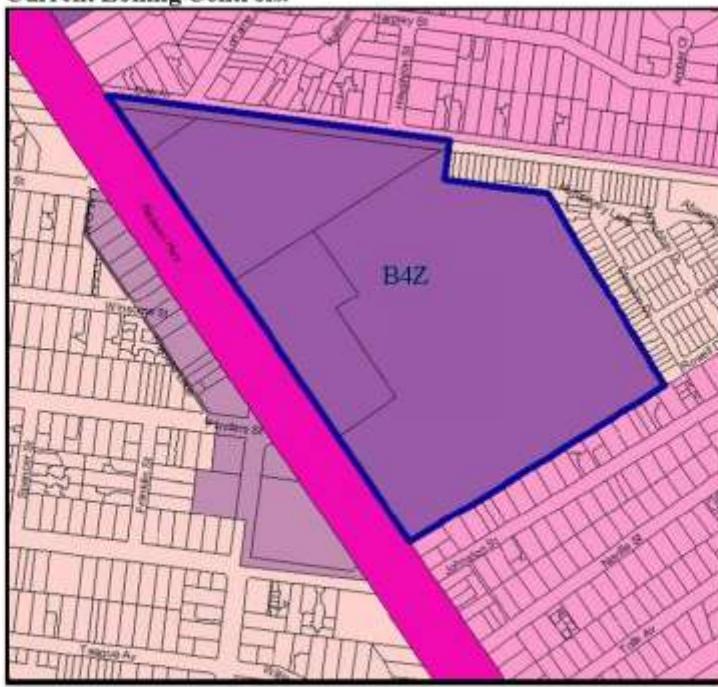
Area 4: 1375 Nepean Highway, Cheltenham**Aerial:****Current Zoning Controls:**

Area 5: 1, 3, 23, 25 and 27-29 Nepean Highway, Mentone

Aerial:



Current Zoning Controls:



Area 6: 2 – 64 (even numbers) Nepean Highway and 31-35 and 39 Swanston Street, Mentone

Aerial:



Current Zoning Controls:



Area 7: 10 to 44 (even numbers) Balcombe Road, Mentone

Aerial:

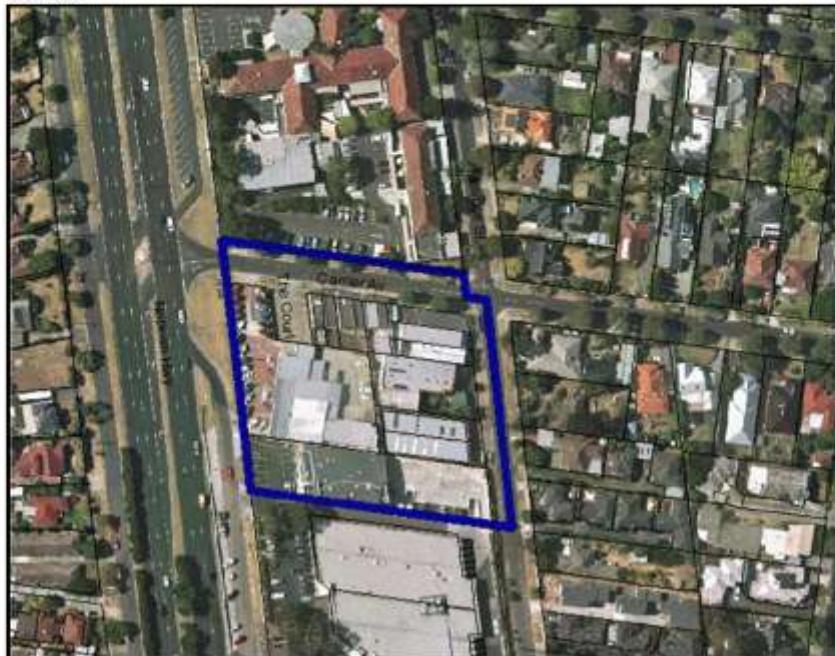


Current Zoning Controls:



Area 8: 41 – 47 (odd numbers) Melrose Street, 355- 361 (odd numbers) Nepean Highway and 2-10 (even numbers) Carrier Avenue, Parkdale

Aerial:



Current Zoning Controls:



Area 9: Land between Springvale Road, Wells Road, Mornington Peninsula Freeway and southern boundary of 279 Wells Road, Chelsea Heights

Aerial:



Current Zoning Controls:

Area 10: 3 and 4 Egret Drive, 2-16 Piper Drive and 1-9 Piper Drive, Chelsea Heights

Aerial:



Current Zoning Controls:

