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REPRINT

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ORDINANCE REPRINT 9 - 7

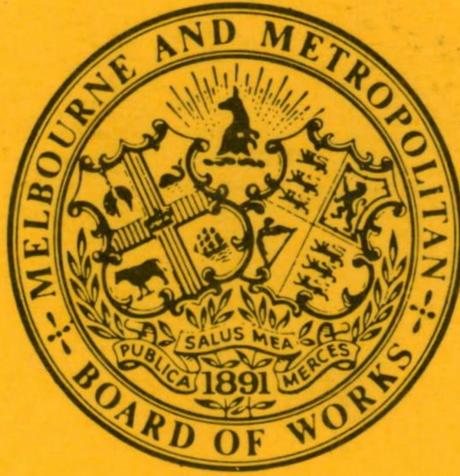
APRIL 1982

ZONE: LEVEL 1

RETURN SEQ: 057173000

V-AG-068-03-02

D. BLAIR



9814

MELBOURNE METROPOLITAN PLANNING SCHEME

PLANNING SCHEME ORDINANCE

SCHEME IN FORCE	22.5.68
ORIGINAL I.D.O. ..	1.3.55
I.D.O. OUTER AREAS	1.12.71

REPRINT No.

9

DELEGATION (most)	1.2.69
1 st VARIATION AM65	15.12.76
2 nd VARIATION AM21/PA	23.8.78

AMENDMENTS TO REPRINT No 9

AMENDMENT No	GAZETTAL DATE	AMENDMENT No	GAZETTAL DATE
210	12. 5. 82	170 Pt. 2A	8. 12. 82
143 Pt 2A	26. 5. 82	238	8. 12. 82
213	9. 6. 82	240	8. 12. 82
212	23. 6. 82	182 Pt 2	22. 12. 82
206	30. 6. 82	REPRINT No 10	
140 Pt 2B	21. 7. 82	247	✓ 23. 2. 83
3 Pt 1F	4. 8. 82	181 Pt 2A	✓ 9. 3. 83
171 Pt 1A	4. 8. 82	184 Pt 2	✓ 16. 3. 83
176	4. 8. 82	250	✓ 23. 3. 83
155 Pt 3A	11. 8. 82	187 Pt 1	✓ 30 3. 83
205	18. 8. 82	172 Pt 2A	✓ 13. 4. 83
217	18. 8. 82	190 Pt 1	✓ 13. 4. 83
71	25. 8. 82	185 Pt 2A	✓ 4. 5. 83
160 Pt 3A	25. 8. 82	171 Pt 2	✓ 11. 5. 83
157 Pt 2A	1. 9. 82	NOT INCLUDED IN REPRINT No 9	
160 Pt 2A	1. 9. 82	190 Pt 2	25. 5. 83
140 Pt 2C	8. 9. 82		
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143 Pt 2B	22. 9. 82		
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223	17. 11. 82		
130	24. 11. 82		
222	24. 11. 82		
120 Pt 3B	1. 12. 82		

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REPRINT

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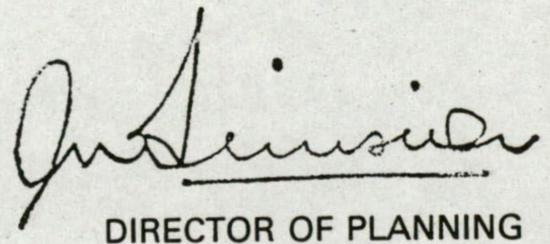
7.4.1982

MELBOURNE METROPOLITAN PLANNING SCHEME ORDINANCE
REPRINT No. 9

Reprint No. 9 is the first step towards new format and presentation of the Planning Scheme Ordinance and contains amendments gazetted prior to 7 April 1982.

The Board has now commenced to prepare Reprint No. 10. This will incorporate all recently gazetted amendments and will be published as soon as possible to provide a consolidated document.

This will be followed during 1983 by a program of regular updates using the new word processing system now being installed at the Board.


DIRECTOR OF PLANNING



MELBOURNE METROPOLITAN PLANNING SCHEME

PLANNING SCHEME ORDINANCE

NOTE

The Planning Scheme which on the 7th of April, 1982, has been varied by the instruments as referred to hereinafter is constituted by the Planning Scheme Map and the Ordinance and was approved by the Governor in Council on the 30th of April, 1968, and the requisite notice thereof was published in the Government Gazette on the 22nd of May, 1968.

Copies of the documents comprising the Planning Scheme are available for inspection free of charge at the office of the Board of Works and at the office of the Department of Planning and as to so much of the Planning Scheme as relates to land in the municipal district of any municipality at the office of such municipality.

THIS PLANNING SCHEME HAS BEEN VARIED BY THE INSTRUMENTS REFERRED TO HEREUNDER

DESCRIPTION OF INSTRUMENT	DATE PUBLISHED IN GOVERNMENT GAZETTE
Melbourne Metropolitan Planning Scheme Amendment No. 1 (Map & Ordinance)	9-1-70
Melbourne Metropolitan Planning Scheme Amendment No. 2 (Map & Ordinance)	11-2-70
Melbourne Metropolitan Planning Scheme Amendment No. 3 Part 1A (Map & Ordinance)	20-12-78
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Melbourne Metropolitan Planning Scheme Amendment No. 3 Part 1C (Map)	24-9-80
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Melbourne Metropolitan Planning Scheme Amendment No. 4A (Ordinance)	24-12-68
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Melbourne Metropolitan Planning Scheme Amendment No. 6 (Ordinance)	18-12-68
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Melbourne Metropolitan Planning Scheme Amendment No. 36 Part 1B (Map & Ordinance)	13-8-75
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Melbourne Metropolitan Planning Scheme Amendment No. 49 Part 1 (Map)	23-4-76
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Melbourne Metropolitan Planning Scheme Amendment No. 68 Part 1 (Map)	15-6-77
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Melbourne Metropolitan Planning Scheme Amendment No. 70 Part 3 (Map)	9-11-77
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Melbourne Metropolitan Planning Scheme Amendment No. 72 Part 1 (Map)	5-4-78
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Melbourne Metropolitan Planning Scheme Amendment No. 104 Part 5 (Map)	6-5-81
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Melbourne Metropolitan Planning Scheme Amendment No. 106 (Map)	14-6-78
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Melbourne Metropolitan Planning Scheme Amendment No. 110 Part 1A (Map)	6-2-80
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Melbourne Metropolitan Planning Scheme Amendment No. 114 Part 1A (Map)	26-11-80
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Melbourne Metropolitan Planning Scheme Amendment No. 141 Part 1A (Map)	1-7-81
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Melbourne Metropolitan Planning Scheme Amendment No. 141 Part 2C (Map)	7-4-82
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Melbourne Metropolitan Planning Scheme Amendment No. 143 Part 1 (Map)	23-9-81
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Melbourne Metropolitan Planning Scheme Amendment No. 147 (Map)	6-8-80
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Melbourne Metropolitan Planning Scheme Amendment No. 209 (Ordinance)	7-4-82

DESCRIPTION OF INSTRUMENT	DATE PUBLISHED IN GOVERNMENT GAZETTE
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Melbourne Metropolitan Planning Scheme Revocation No. 2 (Map)	18-7-73
Melbourne Metropolitan Planning Scheme Revocation No. 3 (Map)	12-2-75
Melbourne Metropolitan Planning Scheme Revocation No. 4 (Map)	9-4-75
Melbourne Metropolitan Planning Scheme Revocation No. 5 (Map)	2-7-75
Melbourne Metropolitan Planning Scheme Revocation No. 6 (Map)	22-10-75
Melbourne Metropolitan Planning Scheme Revocation No. 7 (Map)	3-3-76
Melbourne Metropolitan Planning Scheme Revocation No. 8 (Map)	7-4-76
Melbourne Metropolitan Planning Scheme Revocation No. 9 (Map)	2-3-77
Melbourne Metropolitan Planning Scheme Revocation No. 10 (Map)	8-6-77
Melbourne Metropolitan Planning Scheme Revocation No. 11 (Map)	27-7-77
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Melbourne Metropolitan Planning Scheme Revocation No. 14 (Map)	27-6-79
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Melbourne Metropolitan Planning Scheme Revocation No. 17 (Map)	27-5-81
Melbourne Metropolitan Planning Scheme Revocation No. 18 (Map)	17-12-80
Melbourne Metropolitan Planning Scheme Revocation No. 19 (Map)	25-2-81
Melbourne Metropolitan Planning Scheme Revocation No. 20 (Map)	26-8-81
Melbourne Metropolitan Planning Scheme Revocation No. 21 (Map)	30-9-81
Melbourne Metropolitan Planning Scheme Revocation No. 22 (Map)	30-9-81
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MELBOURNE AND METROPOLITAN PLANNING SCHEME

PLANNING SCHEME ORDINANCE

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MELBOURNE METROPOLITAN PLANNING SCHEME

PLANNING SCHEME ORDINANCE

Part 1 INTRODUCTORY AND GENERAL

- 1.** (1) This Ordinance together with the Planning Scheme Map in which is comprised the maps marked "Melbourne Metropolitan Planning Scheme" bearing the serial numbers 1 to 96 (inclusive) or the several numbers 2013, 2031 to 2034 (inclusive), 2050 to 2054 (inclusive), 2070, 2071, 2090, 2091, 2109 to 2111 (inclusive), 2116, 2129 to 2136 (inclusive), 2150 to 2156 (inclusive) together with those maps so marked and bearing any of the said serial numbers to which has been added the suffix "HC" constitutes the Planning Scheme prepared by the Melbourne and Metropolitan Board of Works for such parts of the metropolitan area lying within the planning boundary as defined in the Planning Scheme Map as are therein coloured and delineated.
- (2) This Ordinance may be cited as the "Melbourne Metropolitan Planning Scheme Ordinance". The Planning Scheme Map may be cited as the "Melbourne Metropolitan Planning Scheme Map". The Planning Scheme may be cited as the "Melbourne Metropolitan Planning Scheme".
- (3) This Ordinance is divided into Parts and Divisions as follows:-
- Part I. Introductory and General.
 - Part II. Zones.
 - Division 1. Use of land in Zones.
 - Division 1A. Residential Standards.
 - Division 2. Non-conforming use of land.
 - Division 3. Provisions as to certain Zones and Uses.
 - Division 3A. Control of Outdoor Advertising.
 - Division 3B. Height Control Areas.
 - Division 4. Accommodation for vehicles, loading and unloading vehicles, access to streets and roads.
 - Part III. Reserved Land.
 - Division 1. Reservation of land and use thereof.
 - Division 2. Reserved land not vested in a Public Authority or the Council of a Municipality.

Elements of Planning Scheme
Amended by AM. No. 3
Part 1A, AM. No. 77
Part 3, AM. No. 30,
AM. No. 3 Part 1B,
AM. No. 151

- 2.** (1) In this Ordinance unless inconsistent with the context or subject-matter -
- (a) "**The Act**" means the Town and Country Planning Act 1961 as amended by any subsequent Act.
- "**Adult Sex Book and Sex Aid Establishment**" means any premises used or purporting to be used solely or substantially to offer or expose for sale all or any of the following items -
- (a) publications that are classified as restricted publications pursuant to the Police Offences Act 1958;
 - (b) material, compounds, preparation, or devices which are used or intended to be used in or in connexion with sexual behaviour;
 - (c) films, video films or other visual media containing explicit exhibition of sexual activity intended to stimulate erotic feeling; or
 - (d) articles which are primarily concerned with sexual behaviour. For the purpose of this interpretation articles include books, papers, newspapers, pamphlets, magazines, periodicals, letter press writings, prints, pictures, photographs, lithographs and drawings (however reproduced) statues, figures, carvings, sculptures and other representations, gramophone records, wires, tapes and other things by which words, sounds or images are recorded and from which they are capable of being reproduced.
- "**Adult Sex Book and Sex Aid Establishment Sign**" means any sign which contains an advertisement which relates to the use of premises as an adult sex book and sex aid establishment at or upon which such sign is constructed or exhibited.

Interpretation

Inserted by
AM. No. 178

Inserted by
AM. No. 178

2. (1) (a) Cont'd...

Substituted by
AM. No. 77 Part 3

"Advertisement" includes any word, letter, image, device or representation or combination of any two or more thereof (by whatsoever means depicted, delineated, conveyed or effected) in the nature of and employed wholly or in part for the purpose of advertising, announcement or display.

Inserted by AM. No. 77
Part 3

"Advertisement Area" means the total area of a sign provided that in case of a sign which does not rotate or move in any way such area shall be only one side thereof.

Amended by
AM. No. 57 Part 2

"Agriculture" includes horticulture and forestry and the use of land for any purpose of husbandry other than animal husbandry, apiary, pig raising, poultry farming and resident bee keeping, and "agricultural" has a corresponding meaning.

Inserted by AM. No. 30

"Amenity Area" means such area as is provided in accordance with Clause 13K for the amenity of the occupants of an apartment house, flats or residential building.

"Amenity Building" means a building or part of a building used by employees or persons engaged in an industry or business for their personal comfort, convenience, or enjoyment of leisure as distinct from the work of the industry or business.

Inserted by AM. No. 88
Part 2A

"Amusement Parlour" means any building which by the provision of more than one coin operated amusement machine, pool table or other like facility is used or intended to be used for recreation or amusement purposes.

Substituted by
AM. No. 34 Part 1

"Animal Boarding Establishment" means an establishment for the accommodation of dogs or cats which are not owned by the proprietor of the establishment.

Substituted by
AM. No. 2
Amended by
AM. No. 17,
AM. No. 88 Part 2A,
AM. No. 104 Part 2A
Inserted by AM. No. 77
Part 3

"Animal Husbandry" includes dairy farming and the keeping and breeding of livestock, but does not include dog breeding, greyhound keeping, greyhound training, racing stables, animal boarding establishment, the conduct of an animal hospital and the keeping of pigs, poultry and one horse only.

"Animated Sign" means any sign which moves or is capable thereof or contains moving parts or changes or alters its message or an illuminated sign which moves, changes or alters its message, flashes on and off, scintillates or has a moving, flashing or scintillating border.

"Apartment House" means a building (not being a residential building as hereinafter defined) used for human habitation not providing self-contained living accommodation for individual families or facilities for persons other than residents or their guests, but does not include such accommodation where it forms part of an educational establishment, a hospital, an hotel, an institutional home, a mental institution, a reformatory institution, a tourist establishment, or a motel.

Inserted by AM. No. 57
Part 2

"Apiary" means any land on which bee hives are installed and includes resident bee keeping.

Substituted by
AM. No. 10

"Approval Date" means the date upon which notice of the approval by the Governor in Council of this Planning Scheme or of any amended Planning Scheme was published in the Government Gazette or the date upon which notice of an amendment by order of the Governor in Council of this Planning Scheme was published in the Government Gazette.

Inserted by AM. No. 30

"Attached Cluster House" means a dwelling constructed on a separate lot shown on a plan of cluster subdivision or cluster redevelopment as defined in the Cluster Titles Act 1974 and attached to one or more other such buildings.

Inserted by AM. No. 57
Part 2

"Attendance Centre" means an attendance centre within the meaning of the Social Welfare Act 1970.

Inserted by
AM. No. 151

"Attic" means a storey which is wholly contained within the roof of a building which roof is pitched from the level of the ceiling of the storey next below the attic.

Inserted by
AM. No. 151

"Attic Storey" means a single storey which is substantially contained within the pitched roof of a building.

Inserted by AM. No. 30

"Bank" means any building used solely for the purpose of carrying on banking business by a body corporate authorized to carry on such business.

Inserted by AM. No. 68
Part 2B

"Basement" means a storey which is constructed below ground level or so constructed that no part projects more than 1.2 metres above ground level.

Substituted by
AM. No. 17

"Boat Sales" means premises in or upon which boats are brought, kept or exposed for the purpose of sale or hire whether or not any invitation to treat for the purchase or hire of any boat is made and whether or not any sale or any negotiations with a view to sale or hire take place upon the premises.

"Building" includes temporary building and any part of a building and also any out-building fence wall and lighting heating power water supply drainage and sewerage installation and other appurtenances of a building.

2.

(1) (a) Cont'd...

"Bunting Sign" means an advertisement which comprises bunting, streamers, flags, windvanes or the like.

Inserted by
AM. No. 120 Part 3A

"Business" includes every occupation carried on for gain other than an industry or profession.

"Business Sign" means any sign which contains an advertisement which provides or supplies information relating to any business conducted on the land or the building at or upon which such sign is constructed or exhibited including information as to the nature of the use of such land or building, any goods manufactured or offered for sale thereat, any services provided thereat and the name and address of the proprietor, manufacturer or the like.

Inserted by AM. No. 77
Part 3

"Business Zone" means any one of the following zones – Central Business Zone, District Business Zone, Local Business Zone, Restricted Business Zone, Service Business Zone, Transport Centre Zone.

Amended by
AM. No. 17,
AM. No. 140 Part 3

"Cabaret" means a building or part of a building for or in respect of which a licensee holds a cabaret licence under the Liquor Control Act 1968.

Inserted by AM. No. 88
Part 2A

"Cafe" means any premises (not being a restaurant or take-away food premises or part of an hotel as herein defined) in which –

Substituted by
AM. No. 115 Part 2B

- (a) refreshments or meals are served to the public for gain or reward;
- (b) no liquor licence or permit is held pursuant to the Liquor Control Act 1968 for the consumption of alcohol;
- (c) no provision is made for dancing or for live entertainment by more than one person; and without limiting the generality of the foregoing shall include a tea room and an expresso bar.

"Car Park" means land (not being part of any street or road) provided whether or not for fee or reward for the parking of motor vehicles as hereinafter defined other than a commercial vehicle park.

Substituted by
AM. No. 83 Part 2

"Car Sales" means premises in or upon which motor vehicles are brought kept or exposed for the purpose of sale or hire whether or not any invitation to treat for the purchase or hire of any motor vehicle or motor vehicles is made and whether or not any sale or any negotiations with a view to sale or hire take place upon the premises.

Substituted by
AM. No. 17
Amended by
AM. No. 35 Part 2

"Caretaker's House" means a building or portion of a building used as a dwelling by the proprietor or manager of an industry, a business or a community or religious establishment carried on upon the same site or by a person having the care of the building or plant of such industry, business or establishment.

Amended by
AM. No. 83 Part 2

"Civic Centre" means a centre located on land vested in a municipality and used for the administration of such municipality and for recreation and entertainment of the community and without limiting the generality of the foregoing, includes a place of assembly, cafe, restaurant, theatre, and community health, welfare, youth and child-care facilities.

Inserted by AM. No. 65

"Commercial Display Area" means land used for the display of goods in respect of which no sale, lease or hire negotiations are conducted thereon.

Inserted by AM. No. 35
Part 2

"Commercial Vehicle Park" means land used for the purpose of the parking of commercial, employee, customer or client vehicles in association with a particular business or industry conducted on adjoining or nearby land.

Inserted by AM. No. 35
Part 2

"Construct" includes reconstruct build rebuild erect re-erect place in position replace in position enlarge and carry out structural work and "construction" has a corresponding interpretation.

Inserted by AM. No. 17

"Consulting Rooms" means a building or part of a building (not being a hospital) used in the practice of his profession by a legally qualified medical practitioner, or by a person registered under the Physiotherapists Act 1978 or the Chiropractors and Osteopaths Act 1978 or other person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments or by a dentist and by any other person ordinarily associated with a dentist in the practice of dentistry.

Amended by
AM. No. 61,
AM. No. 104 Part 2A,
AM. No. 197

"Dangerous Industry" means any industry the conduct of which, by reason of the materials kept, used or produced, or of any process included in any method of manufacture may, save as to persons engaged or employed therein, be injurious or prejudicial to health or a danger to life or property from fire or explosion and when carried out ancillary to such industry may include light industry and general industry.

Amended by
AM. No. 34 Part 1

"Detached Cluster House" means a detached house constructed on a lot shown on a plan of cluster subdivision or cluster redevelopment as defined in the Cluster Titles Act 1974.

Inserted by AM. No. 30

"Detached House" means a building unattached to any other building and occupied or intended or designed for occupation as a single dwelling but does not include a detached cluster house or a pensioner relative unit.

Amended by
AM. No. 30

2. (1) (a) Cont'd...

Inserted by AM. No. 16

"Development Area" means an area designated on the Planning Scheme Map by means of a black dot screen and may be further identified by reference to a black superimposed number preceded by the letters 'D.A.' enclosed in a circle also in black.

Inserted by AM. No. 17

"Display Home" means any building which represents a dwelling whether or not such building is intended ultimately to be used for the purpose of a dwelling and which is employed for the purpose of inducing persons to enter into contracts for the purchase or construction of like buildings.

Inserted by AM. No. 2
Amended by
AM. No. 104 Part 2A

"Dog Breeding" means the keeping at any time of more than four dogs older than six months including at least one unspayed bitch.

"Dwelling" means any building or portion of a building including such outbuildings as are normal to the enjoyment of a dwelling which is used or intended, adapted or designed to be used for the purpose of a residence by a single family or an occupier having a right to the exclusive use thereof and which contains bathing or sanitary facilities within its bounds, but does not include a residential building or apartment house.

"Educational Establishment" means a school, college, university, technical institute, academy, or other educational centre, public library, lecture hall, art gallery, museum, but does not include a reformatory institution or institutional home.

"Essential Services" includes the provision of gas, water, electricity, hydraulic power, transport services, sewerage and drainage facilities.

Substituted by
AM. No. 17

"Extractive Industry" means the extraction from land of any stone within the meaning of the Extractive Industries Act 1966 for commercial purposes and where stone is treated or bricks tiles pottery or cement products are manufactured substantially from stone on or adjacent to the land from which the stone was extracted includes that treatment or manufacture.

Inserted by AM. No. 35
Part 2

"Film Studio" means any premises used for the purpose of the making and editing of cinematographic films including the preparation of film sets.

Substituted by
AM. No. 30
Amended by
AM. No. 120 Part 3A

"Flat" means -

- (i) a portion of a building used intended or designed for use as a dwelling; or
 - (ii) a unit as defined in the Strata Titles Act 1967 used or intended for use as a dwelling;
- but does not include a caretaker's house, a pensioner relative unit, a row house or an attached cluster house.

Inserted by AM. No. 77
Part 3

"Floodlit Sign" means any sign where all or any part of the advertisement area is illuminated by external lights or lighting provided for such purpose.

Substituted by
AM. No. 17

"Floor Area" means the sum of the area of all floors of a building or where more than one building is situate on any land of all buildings including the floor of any basement, mezzanine or attic and the horizontal section of all walls at floor level, including half the width of party walls but excluding any part thereof solely occupied by the plant required for the operation of air conditioning and heating power supply and lifts including lift wells or set aside as a loading dock or provided for the parking of vehicles.

"Freezing and Cool Storage Works" means any building or works (not comprised in premises used primarily for the manufacture or sale of goods, or for residential purposes by the occupier thereof) in which the temperature of goods is reduced and maintained below the normal temperature thereof.

"Frontage" means the boundary line between a site and the street upon which such site abuts and where the site abuts on more than one street, then the boundary line between the site and the street to which any building that may be erected thereon fronts.

"Fuel Depot" means a depot for the sale by retail of solid fuel.

Inserted by AM. No. 35
Part 2
Amended by
AM. No. 72 Part 2A,
AM. No. 104 Part 2A

"Furniture and Carpet Sales" means any building in one occupancy with a total floor area of not less than 2,000 square metres in which furniture, carpets or furnishings are displayed for sale by retail but for the purpose of this definition furniture shall not include any household appliance powered or driven by any solid or liquid fuel including electricity and gas.

Inserted by AM. No. 34
Part 1

"Gas Meter" means any device the function of which is to measure the volume of gas consumed.

Amended by
AM. No. 88 Part 2A

"General Hospital" means any hospital or sanatorium other than a hospital for infectious diseases.

"General Industry" means any industry other than a Service Industry, a Light Industry, an Offensive Industry, a Dangerous Industry and an Extractive Industry.

"Generating Works" means a building or works used for the purpose of making or generating gas, electricity, or other form of energy for public consumption.

2.

(1) (a) Cont'd...

"Greyhound Keeping" means any land or buildings on or in which are kept five or more greyhounds which participate in or are intended to participate in greyhound races as defined in the Racing Act 1958 as amended but does not include greyhound training as defined herein.

Inserted by
AM. No. 104 Part 2A

"Greyhound Training" means any property on which facilities are provided for the training of greyhounds which participate in or which are intended to participate in greyhound races as defined in the Racing Act 1958 as amended and includes trialling tracks, swimming facilities and other like training facilities.

Inserted by
AM. No. 104 Part 2A

"Gross Leasable Floor Area" means that part of the floor area as defined herein, leased or capable of being leased for or in conjunction with the purpose of a shop.

Inserted by AM. No. 90
Part 1C

"Habitable Room" means any room in an apartment house, a dwelling or a residential building other than a kitchen of less than 11.0 square metres in area, a store or storage area of less than 7.5 square metres in area, or a bathroom, laundry, lavatory, or pantry.

Substituted by
AM. No. 30

"Health Centre" means a maternal and child welfare centre, an X-ray centre, a district clinic, an establishment conducted by a person registered under the Physiotherapists Act 1978 or the Chiropractors and Osteopaths Act 1978 and a medical clinic in which the work performed is of the same nature as that normally performed at a physician's consulting room and in addition may include work normally performed by a dentist.

Amended by
AM. No. 61,
AM. No. 104 Part 2A,
AM. No. 197

"Height Control Area" means any area declared in Clause 25F hereof to be a Height Control Area.

Inserted by
AM. No. 151

"High Wall Sign" means any sign which is so exhibited upon a wall of a building that any part of the sign or any supporting structure thereof exceeds a height of 10 metres above the ground.

Inserted by AM. No. 77
Part 3

"Home Occupation" means a sole occupation lawfully carried on within a dwelling by a person resident therein in the conduct of which or the conduct of which (as the case requires) -

Amended by
AM. No. 2, AM. No. 35
Part 2,
AM. No. 70 Part 4A,
AM. No. 83 Part 2,
AM. No. 88 Part 2A

- (a) no assistance is afforded other than by a person resident in a dwelling,
- (b) no source of power other than an electric motor of not more than 400 watts is used,
- (c) the floor area used for all purposes of and incidental to the conduct of such occupation does not at any time exceed 30 square metres,
- (d) no load is imposed on any public utility organization greater than that which is normally required by other uses permitted in the zone in which the dwelling is situate,
- (e) * * * * *
- (f) only one commercial vehicle (as registered pursuant to the Motor Car Act 1958) is at any time present and no such vehicle shall have a load capacity exceeding two tonnes and no provision shall be made for the fuelling or repair of the said vehicle within the curtilage,
- (g) does not cause injury to or prejudicially affect the amenity of the neighbourhood including and without limiting the generality of the foregoing, injury or prejudicial affection due to appearance or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products or otherwise,
- (h) no motor vehicle or machinery materials or equipment for use in industry or the building trade is repaired or kept within the curtilage of the dwelling for reward or is offered or exposed for sale or reward, and
- (i) no goods other than goods manufactured or serviced on the premises are sold or exposed for sale within the curtilage of the dwelling,

Sub-paragraph (e)
deleted by AM. No. 77
Part 3

but such occupation does not include the conduct of a massage parlour as herein defined.

"Home Occupation Sign" means a sign which is constructed or exhibited at or upon a dwelling and contains an advertisement which refers to a home occupation carried on within such dwelling by a resident thereof.

Substituted by
AM. No. 138 Part 2A

"Hotel" means a building or part of a building for or in respect of which a licensee holds an hotel keeper's licence or a residential licence under the Liquor Control Act 1968.

Substituted by
AM. No. 34 Part 1
Amended by
AM. No. 88 Part 2A
Inserted by AM. No. 17

"Industrial Sales" means any premises upon which motor vehicles (other than motor cars motor bicycles and caravans) machinery equipment or materials are brought kept or exposed for sale lease or hire for use in primary or secondary industry.

"Industrial Zone" means any of the following zones - Light Industrial Zone, Restricted Light Industrial Zone, General Industrial Zone, Special Industrial Zone, Reserved Light Industrial Zone, Restricted General Industrial Zone, Reserved General Industrial Zone, Reserved Special Industrial Zone, Extractive Industrial Zone, Offensive Industrial Zone and Dangerous Industrial Zone.

Inserted by AM. No. 68
Part 2B
Amended by
AM. No. 104 Part 2A

2. (1) (a) Cont'd...

"Industry" includes -

- (a) each of the following operations -
 - (i) the carrying out of any process of manufacture whether or not a finished article results therefrom;
 - (ii) the dismantling and separating into parts of any article, machinery or vehicle;
 - (iii) the breaking up of any articles, goods, machinery or vehicles;
 - (iv) the treatment of waste materials of all descriptions;
 - (v) the winning of sand, gravel, clay, turf, soil, rock, stone or similar substances;
 - (vi) repairing, laundering and servicing of articles including vehicles, machinery and building, but not including on site work on buildings; and
 - (vii) any operation connected with the installation of equipment and services and the extermination of pests other than on site work on buildings, works or land;
- (b) when carried on on land upon which any of the above operations are carried on -
 - (i) the storage of goods used in connection with or resulting from any of the above operations;
 - (ii) the provision of amenities for persons engaged in such operations;
 - (iii) the sale of goods resulting from such operations; and
 - (iv) any work of administration or accounting in connection with the undertaking;

and without limiting the generality of the foregoing, includes any industry or any class of industry particularly described or defined in this Ordinance, but does not include a home occupation.

"Institutional Home" means an institution for the care and maintenance of children, the aged, and the infirm, a benevolent institution or a nursing or convalescent home, but does not include a hospital.

"Internally Illuminated Sign" means any sign which is illuminated by lighting from within such sign.

"Junk Yard" means any land or building used for the collection, storage, or sale of scrap metals, second hand timber, second hand building materials, second hand containers, waste paper, rags, bottles or other materials, or for the collection, dismantling, storage or salvaging of motor vehicles or machinery or any parts thereof.

"Light Industry" means any industry whether or not particularly described or defined in this Ordinance -

- (a) in which the building or works thereby occupied or employed, the processes carried on, the material used or stored, machinery employed, and the transportation of materials goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such building, works or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastepaper, waste products, grit, oil, or of the presence of vermin or otherwise, and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like service.

"Liquid Fuel Depot" means a depot for the bulk storage of petrol, oil, petroleum or other flammable products for wholesale distribution (but does not include a depot storing such products which will flash or emit a flammable vapor at a temperature above 32 degrees Celsius when tested by the approved apparatus as laid down in the Inflammable Liquids Act 1966 provided that the quantity thereof stored at any one time does not exceed 46 kilolitres of which not more than 23 kilolitres are stored other than in underground tanks).

"Major Sports Ground" means enclosed land used for any sport in which animals are not used and which is ordinarily open to spectators only on payment of a charge.

"Major Transmission Line" means an electrical transmission line operating at a voltage of 220,000 volts or more.

"Major Utility Installation" means a utility installation being a generating works, an electrical sub-station operating at a higher voltage than 66,000 volts, a gas holder, a maintenance depot, a sewage or refuse treatment or disposal works (including sanitary land fill), a pumping station, or a tramway or bus workshop, provided however that a maintenance depot which provides only office accommodation, storage for tools and materials used for maintenance purposes and the garaging of not more than one motor vehicle and, where necessary to provide an essential service to the neighbourhood a sewage treatment or disposal works and a pumping station shall be classed as a minor utility installation.

Amended by
AM. No. 88 Part 2A

Inserted by AM. No. 77
Part 3

Inserted by AM. No. 2
Amended by
AM. No. 34 Part 1,
AM. No. 49 Part 2

Substituted by
AM. No. 17
Amended by
AM. No. 138 Part 2A

Inserted by AM. No. 2

Amended by
AM. No. 49 Part 2

2.

(1) (a) Cont'd...

- "Market"** means any land or building constituted or established as a market in pursuance of any statute but does not include a trash and treasure market. Amended by
AM. No. 34 Part 2
- "Massage Parlour"** means any building or part of any building used for the purpose of body massage by a person other than a person registered under the Physiotherapists Act 1978 whether or not it is used solely for that purpose. Inserted by AM. No. 61
Amended by
AM. No. 104 Part 2A
- "Mechanical Car Wash"** means a building used for the performance of automatic or mechanical washing of motor vehicles. Inserted by AM. No. 34
Part 2
- "Milk Depot"** means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- "Minor Sports Ground"** means land used for any sport (other than the riding, driving or racing of motor vehicles or training in the riding, driving or racing thereof) in which animals are not used and to which spectators, if admitted, are normally admitted without charge, but does not include land used for a tennis court or for similar use within the curtilage of a dwelling and not used commercially. Amended by
AM. No. 34 Part 1
- "Minor Utility Installation"** means any utility installation not being a major utility installation as hereinbefore defined.
- "Motel"** means a building or a group of buildings within the same curtilage primarily used or intended to be used for the temporary accommodation of persons travelling by motor car, provision for the parking of which is made within the curtilage.
- "Motor Repair Station"** means any premises used for carrying out repairs to motor vehicles but does not include a panel beating works. Substituted by
AM. No. 115 Part 2A
- "Motor Vehicle"** includes a motor car, a motor cycle, and a trailer, as the same are defined in the Motor Car Acts, a caravan and a trailer used or intended to be used for private purposes.
- "Motor Vehicle Racing Track"** means a track, course or circuit at which or upon which motor vehicles are raced in organized competition. Inserted by
AM. No. 115 Part 2A
- "Native Vegetation"** includes any trees shrubs bushes undergrowth plants grasses and other growth naturally growing in the region or which are or is of a kind or species which grows naturally in the region or is indigenous thereto but does not include any plant declared to be a noxious weed pursuant to the Vermin and Noxious Weeds Act 1958. Inserted by AM. No. 21
Part 8A
- "Offensive Industry"** means any business or industry which by reason of the process involved or the method of manufacture or the nature of the materials or goods used, produced or stored is likely to cause or causes effluvia fumes or vapours or gases or discharges dust or foul liquid or blood or other impurities or matters liable to become foul so as to be injurious, revolting or disgusting to persons upon neighbouring land in other occupations or injurious to operations conducted upon nearby land. Amended by
AM. No. 138 Part 2A
- "Office"** means any building (other than a building used for the purpose of home occupation or consulting rooms or a veterinary surgery or massage parlour) in which or on the site of which no materials or goods intended for manufacture or sale are stored and which is used for the conduct of public administration, the practice of a profession, the carrying on of a business or where not conducted on the site thereof the administration of or the accounting in connection with an industry and includes a restricted office. Amended by
AM. No. 61,
AM. No. 120 Part 3A
- "Outdoor Recreation Park"** means land on which facilities or equipment of a more or less permanent nature are provided for persons to participate in primarily outdoor entertainment or recreation whether or not a fee is charged and includes a mini-motor cycle track, a golf practice range, an artificial lake water sports centre, an equestrian centre, a private zoo, a pleasure ground and a motor vehicle skill circuit (provided that such circuit is not contained within a site of more than two hectares in area) but does not include a motor vehicle racing track, a place of assembly, an amenity building, a major sports ground, a minor sports ground or an open air cinema or open air theatre. Inserted by
AM. No. 115 Part 2A
- "Panel Beating Works"** means any premises used for the repair of damaged motor vehicle bodies and associated mechanical work and includes spray painting. Substituted by
AM. No. 115 Part 2A
- "Panel Sign"** means any sign the advertisement area of which exceeds 10 square metres. Inserted by AM. No. 77
Part 3
- "Passive Recreation"** means the use of land for a public park, public gardens, foreshore reserve, or children's playground, but not for a sports ground.
- "Pensioner Relative Unit"** means a moveable dwelling erected for the accommodation of a pensioner relative pursuant to the provisions of the Housing Act 1958. Inserted by AM. No. 30
- "Permission"** means the permission of the responsible authority as evidenced by a permit.
- "Permit"** means a permit in writing granted by the responsible authority.
- "Petrol Filling Station"** means land used for the sale of fuel for motor vehicles brought thereon whether or not lubricants, accessories, and parts are supplied or servicing running repairs and cleaning is carried out, but does not include a mechanical car wash or land upon Substituted by
AM. No. 34 Part 2

2. (1) (a) Cont'd...

which any motor vehicle is brought kept or exposed for sale or upon which any major repairs or panel beating is carried out or any fuel or oil is stored for wholesale distribution.

Amended by
AM. No. 2, AM. No. 61,
AM. No. 70 Part 4A,
AM. No. 83 Part 2,
AM. No. 88 Part 2A

"Place of Assembly" means a building (not being part of a dwelling) in which people gather for the purpose of recreation or entertainment or in which provision is made for recreation or entertainment, or which is used as a meeting hall, and without limiting the generality of the foregoing includes a non-residential club, and a community building but does not include a massage parlour, an amenity building, a place of worship, cafe, reception rooms, restaurant, an open air cinema, or any premises used for the installation of any coin operated amusement machine.

"Place of Worship" includes buildings used primarily for the religious and social activities of a church, but not such buildings as are used for primary, secondary or higher education or as residential training institutions.

"Planning Scheme" means the planning scheme for the metropolitan area constituted by this Ordinance and the Planning Scheme Map.

Amended by
AM. No. 57 Part 2,
AM. No. 3 Part 1A,
AM. No. 3 Part 1B

"Planning Scheme Map" means the maps marked "Melbourne Metropolitan Planning Scheme" and bearing the serial numbers 1 to 96 (inclusive) and the maps so marked and bearing the several numbers 2013, 2031 to 2034 (inclusive) 2050 to 2054 (inclusive), 2070, 2071, 2090, 2091, 2109 to 2111 (inclusive), 2116, 2129 to 2136 (inclusive), 2150 to 2156 (inclusive), whether or not a suffix is added thereto.

Inserted by AM. No. 18

"Plot Ratio" means the ratio of the sum of the areas of the horizontal cross section at each floor level of a building including any basement, mezzanine or attic to the area of the land within which the building is or is to be erected in which ratio the latter area shall always be represented by the numeral one, and in this Ordinance the ratio shall be expressed by reference to the greater numeral thereof. For the purpose of this definition the area of the horizontal cross section at any floor level of a building shall include:-

- (a) the horizontal section of all walls at floor level including the portion of any party wall comprised in the building,
- (b) the horizontal section of lift shafts, ducts and stairwells at each floor,
- (c) the area used for mechanical equipment,
- (d) the area used for car parking and associated access lanes in excess of 150 per centum of the requirements of Clause 28 of the Ordinance,
- (e) the area used for loading docks in excess of 150 per centum of the requirements of Clause 27 of the Ordinance,

but does not include the area of lift or stair bulkheads and uncovered steps.

Inserted by AM. No. 77
Part 3

"Pole Sign" means any sign which -

- (a) is erected on a pole or pylon not being or forming part of a building or any other structure; and
- (b) does not exceed a height of 7 metres above the ground; and
- (c) does not have an advertisement area exceeding 6 square metres; and
- (d) has a clearance under the sign of not less than 2.70 metres.

Amended by
AM. No. 64 Part 1

"Poultry Farming" means the keeping of more than 30 mature domestic fowls or more than 30 immature fowls or the keeping of more than 10 geese, turkeys or ducks.

Inserted by AM. No. 21
Part 8A

"Primary Produce Store" means a store as herein defined in which are stored primary products which were produced elsewhere.

Inserted by AM. No. 21
Part 8A

"Private Rubbish Tip" means land not being land occupied by a public authority or the Council of a municipality which is used for the disposal of refuse and rubbish collected elsewhere.

Inserted by AM. No. 77
Part 3

"Promotion Sign" means any sign which contains an advertisement relating to -

- (a) any goods, services or products of a class not provided or produced or sold; or
- (b) any occurrences, events or competitions which are not carried on;

on the land or in the building at or upon which such sign is or may be constructed or exhibited.

Inserted by AM. No. 2

"Racing Stables" means any land or buildings on or in which are kept one or more horses which participate in or which are intended to participate in race meetings as defined in the Racing Act 1958 as amended.

Inserted by AM. No. 83
Part 2

"Reception Rooms" means any building not being part of an hotel the use of which is restricted exclusively by prior arrangement to groups of not less than 20 persons and in which meals are served to the public for gain or reward and in which there may be provided entertainment (including dancing) for such groups.

(1) (a) Cont'd...

- "Reflective Sign"** means any sign the surface finish of which consists of material specifically made to reflect light from outside sources, but does not include a floodlit sign.
- "Reformative Institution"** means an institution for the reform, holding and training of persons committed thereto by the Courts and includes a prison, a remand centre, a week-end prison and a youth training centre (within the meaning of the Social Welfare Act 1970) but does not include a youth hostel, a youth welfare service centre, an attendance centre or a work release hostel (within the meaning of the Social Welfare Act 1970).
- "Research Centre"** means any premises used solely for the purpose of conducting scientific research.
- "Reserved Land"** means any land reserved under Part III of this Ordinance.
- "Resident Bee Keeping"** means the keeping of bees by a person registered pursuant to the Bees Act 1971, provided not more than 2 bee hives are installed and such bee hives are installed within the curtilage of the land on which the said person resides.
- "Residential Building"** means a Boarding House or a Common Lodging House (as such terms are defined in the Health Act 1958) or a residential club, but does not include a restaurant, dining room or cafe available to persons other than residents or their guests or a motel.
- "Responsible Authority"** means the Melbourne and Metropolitan Board of Works to the extent that it has not delegated to the municipal council in whose municipal district the area is situated any powers authorities and responsibilities in relation to the administration enforcement and carrying out of such scheme and the municipal council to the extent that the Melbourne and Metropolitan Board of Works has delegated such powers authorities and responsibilities.
- "Restaurant"** means any premises (not being a take-away food premises or part of an hotel) in which meals are served to the public for gain or reward and in which there takes place or provision is made for live entertainment by more than one person or for dancing.
- "Restricted Office"** means an office within an existing building where such building is to be retained in accordance with the objective of the Urban Conservation - Residential Zone No. 1.
- "Row House"** means any dwelling which -
- (a) has at least one wall in common with or contiguous to a wall of any other dwelling; and
 - (b) has a frontage to a public thoroughfare separate to that of any other dwelling.
- "Rural Industry"** means light industry as defined herein in which the operations consist solely of the processing or packing of primary produce being a product of the immediate area and includes the killing, processing and packing of poultry.
- "Rural Recreation"** means recreational activities which are designed or intended to provide or cultivate an interest in rural pursuits or in the land in its natural state but excludes any activity which could currently or at some future time adversely affect the amenity or the character not only of the immediate neighbourhood of the land upon which such activity is intended to be carried on but of the zone in which such land is situate.
- "Separate Tenement"** means an area of land comprising either:
- (a) a single allotment or parcel of land which is not contiguous with any other land held in the same ownership; or
 - (b) two or more allotments or parcels where each such allotment or parcel -
 - (i) is contiguous with the other or with all or one or more of the others; and
 - (ii) is held in the same ownership.
- "Service Industry"** means an industry -
- (a) in which goods intended for sale on the premises are manufactured or in which the processes are directed towards the servicing of goods not being vehicles;
 - (b) in which the buildings or works thereby occupied or employed, the processes carried on, the materials and machinery used and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of appearance or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise; and
 - (c) which is conducted upon land having an area of not more than 400 square metres.
- "Service Premises"** means a shop for the sale of food for human consumption or the premises of a newsagent, tobacconist, hairdresser, chiropodist, manicurist, cosmetician or a library or a pharmacy provided such shop or premises does not exceed 240 square metres in floor area but does not include premises used for the purpose of a cafe, restaurant or take-away food premises.

Inserted by AM. No. 77
Part 3

Inserted by AM. No. 2

Inserted by AM. No. 17

Inserted by AM. No. 57
Part 2Substituted by
AM. No. 17Substituted by
AM. No. 77 Part 3Inserted by
AM. No. 120 Part 3ASubstituted by
AM. No. 30Inserted by AM. No. 21
Part 8AInserted by AM. No. 21
Part 8AInserted by
AM. No. 128Amended by
AM. No. 88 Part 2A
Amended by
AM. No. 2, AM. No. 17,
AM. No. 34 Part 2