

13E. Cont'd...

- (5) An Indicator shall consist of ten sectors each of which shall be obtained from one or more of the four figures comprised in the same Series of Permissible Height Indicators and when such sectors are comprised within the Indicator a sector may be but shall not be required to be contiguous with another sector.
- (6) An Indicator shall be applied to a block plan by placing Point P on the axis line and with such point constituting the axis so moving the Indicator through the site as shown on the block plan that each of the wing lines KP and PN of the Indicator in turn falls on or touches the respective part of the axis line (or extension thereof as the case may be) nearest thereto.

Application of Permissible Height Indicator
Inserted by AM. No. 30

13F. (1) If on the application of an Indicator to a block plan from any point on an axis line any part of a wall of a building as shown on such plan falls within a sector of the Indicator the permissible building height of that part of such wall in relation to the axis line on which the Indicator is applied shall be established by reference to the scale of heights applicable to such sector as increased (where requisite) pursuant to sub-clause (2) hereof.

- (2) In the application of a "D" Series Permissible Height Indicator, where a wall which at ground level constitutes an axis line contains at least one window of a habitable room there shall be added to the height obtained pursuant to sub-clause (1) hereof the difference between the floor level of the storey containing such a window which is nearest the axis line and the mean ground level established of such axis line.
- (3) Where the permissible building height of any part of any wall of a building shown on a block plan is determined in relation to more than one axis line then if there be any difference in the heights severally determined the lesser height shall be and be deemed to be the permissible building height for the purpose of this Division.

13G. In determining whether the height of any part of a wall (including any fascia or parapet thereof) as shown on a block plan comprised in a development plan does not exceed the permissible building height such first mentioned height shall be deemed to equal the measurement of the difference between the level of such part of the wall and the mean ground level of the axis line (both determined from the datum specified in the block plan) after (as the circumstances require) -

- (a) there is added to the measurement of such difference one half of the measurement of the difference between the level of the part of such a wall and the level of the ridge of a roof having a pitch in excess of 45 degrees which is supported by the wall at such part;
- (b) there is subtracted from the measurement of such difference one half of the measurement of the difference between the level of the ridge of a roof over a gable and the level of that point of the wall (not comprised within the gable) nearest to such ridge.

Determination of the height of a wall
Inserted by AM. No. 30

13H. Where any wall as shown on a block plan of any apartment house, flat or residential building does not contain any windows of a habitable room, such wall shall be so constructed that the minimum horizontal distance between that wall and any other wall (not being part of the same apartment, dwelling or lodging room) on the same land is obtained using the following formula -

$$D = 1.5 + \frac{H1 + H2}{4}$$

where D = minimum horizontal distance in metres at any level between the said walls; and

H1 and H2 = respective building heights in metres at the highest point of the walls; except

- (i) where two walls which are not to contain a window of a habitable room form part of the same building and are to face each other and are to abut a third wall which is to contain a window of a habitable room the minimum horizontal distance between the former walls shall not be less than half of their combined lengths at the floor level of the storey containing such a window; and
- (ii) where two walls containing no windows to a habitable room and forming part of the same building are facing each other and abut a third wall containing no such windows, no minimum horizontal distance shall be required.

Walls without habitable room windows - minimum horizontal distance
Inserted by AM. No. 30

13I. (1) Where application is made for a permit to use land for the purpose of an apartment house, flats or residential building and no building is or will be of more than 2 storeys (excluding a basement) the applicant may elect that the provisions of sub-clause (3) of this Clause shall apply in place of the provisions of Clauses 13D to 13H inclusive of this Ordinance and where such election is made the application for a permit shall be accompanied by a development plan in conformity with the requirements set forth in Clause 13C.

- (2) Subject to the substitution for the words "the mean ground level of the axis line" contained in Clause 13G of either (as the circumstances require) -

Two storey buildings - formula option
Inserted by AM. No. 30

13I. (2) Cont'd...

- (a) "the mean ground level of a boundary"; or
- (b) "the mean ground level of a line representing at ground level (whether or not so occurring) the extreme outer surface of a wall of a building";

such clause shall be applied in the establishment of the building height of a wall for the purpose of sub-clause (3) hereof.

(3) Where the applicant elects that the provisions of this sub-clause shall apply, but not otherwise –

- (a) the minimum horizontal distance from a boundary at which a wall of a building (other than a garage, carport or outbuilding the average height of which is not more than 3.0 metres and no part of which exceeds a height of 3.6 metres above the ground) may be constructed shall be obtained using the following formula –

$$D = 1.5 + \frac{H}{2}$$

where D = minimum horizontal distance in metres of a wall of a building from a boundary; and

H = building height in metres of the highest point of the wall.

- (b) No wall containing a window of a habitable room shall be constructed so that it is facing another wall (whether or not of the same building) on the same land unless the minimum horizontal distance between such walls is obtained using the following formula –

$$D = 3 + H$$

where D = minimum horizontal distance at any level between the walls in metres; and

H = the building height in metres of the highest point of the higher wall.

- (c) Where any wall is not to contain any windows of a habitable room, such wall shall be so constructed that the minimum horizontal distance between that wall and any other wall that does not or will not contain a window of a habitable room (not being part of the same apartment, dwelling or lodging room) on the same land is obtained using the following formula –

$$D = 1.5 + \frac{H1 + H2}{4}$$

where D = minimum horizontal distance in metres at any level between the walls; and

H1 and H2 = respective building heights in metres of the highest point of the walls.

Provided that notwithstanding anything contained in this Clause –

- (i) where two walls which are not to contain a window of a habitable room form part of the same building and are to face each other and are to abut a third wall which is to contain a window of a habitable room, the minimum horizontal distance between the former walls shall be not less than half their combined lengths at the floor level of the storey containing such window; and
 - (ii) where two walls which are not to contain a window of a habitable room form part of the same building are to face each other and are to abut a third wall that is to contain no windows of a habitable room no minimum horizontal distance shall be required.
- (d) In determining the minimum horizontal distance under either paragraphs (a), (b) or (c) hereof measurement shall be taken from the nearest part of any wall of a building to the boundary and the nearest part of a wall to the nearest part of another wall whether or not such nearest part of a building or wall (as the case may be) be in the form of a projection therefrom provided however that in respect of a building of 2 storeys or less any balcony shall be disregarded if-
- (i) in a wall the aggregate length of any balconies which serve a particular floor level does not or will not exceed half the length of such floor level of such wall;
 - (ii) the width of the balcony (measured from the wall to the part of the balcony furthest therefrom) does not or will not exceed 1.0 metre; and
 - (iii) the balcony does not or will not extend beyond 25 per centum of the minimum horizontal distance from the boundary if determined from the nearest part of the building to the nearest boundary or beyond 12.5 per centum of the minimum horizontal distance from another wall on the same land if determined from the part of each wall nearest to the nearest part of the other wall.

13J. (1) Notwithstanding anything hereinbefore contained but subject to sub-clause (3) hereof the development as shown on the development plan lodged with the responsible authority pursuant to Clause 13C hereof for the use of land for the purpose of an apartment house, flats or residential building shall comply with the following additional requirements –

Privacy provisions
Inserted by AM. No. 30
Amended by
AM. No. 120 Part 3A,
AM. No. 151

13J. (1) Cont'd...

- (a) No building (other than a garage, carport or outbuilding the average height of which is not more than 3.0 metres and no part of which exceeds a height of 3.6 metres above the ground) shall be constructed closer to any boundary (not being a frontage) than 1.5 metres where it is to be a single storey building or closer than 2.4 metres where the building is to be of 2 storeys or more (in each case excluding a basement).
 - (b) No balcony shall be so constructed that –
 - (i) it extends beyond 25 per centum of the minimum horizontal distance from the nearest boundary when determined from the nearest part of the building to the boundary or beyond 12.5 per centum of the minimum distance from another wall on the same land when determined from the part of each wall nearest to the nearest part of the other wall;
 - (ii) it is within 8.5 metres of any other balcony in the same or another building whether or not on the same land except where the view from one balcony to the other is permanently obstructed by a screen;
 - (iii) it is within 8.5 metres of a window of a habitable room of another apartment, dwelling or lodging room in the same or another building whether or not on the same land except where the view therefrom is permanently obstructed by a screen situate not less than 3.0 metres from the said window.
 - (c) No access whether internal or external shall be provided to that part of a roof area any part of which is within 1.8 metres of any boundary of the land.
 - (d) No car space, access lane, driveway, footpath, balcony, or access way whether at ground level or not provided for the use of the occupants of more than one apartment, dwelling or lodging room shall be so situated that it is within 3.0 metres (measured in a straight line) of a window of a habitable room and within sight of such window if the sill thereof is less than 1.7 metres above the level of the said car space, access lane, driveway, footpath, balcony or access way.
 - (e) No car space, access lane, or driveway when provided adjacent to an apartment, dwelling or lodging room and for the exclusive use of the occupant thereof shall be so situated as to be within 1.5 metres (measured in a straight line) of a window of a habitable room and within sight of such window if the sill thereof is less than 1.7 metres above the level of the said car space, access lane or driveway.
 - (f) No car space, access lane, driveway, footpath or balcony provided for the use of the occupants of more than one apartment, dwelling or lodging room shall be so situated that it is within 1.5 metres (measured in a straight line) of an external doorway to any apartment, dwelling or lodging room and located so as to be within sight of such doorway.
 - (g) No wall which contains a window of a habitable room shall be so situated that it is facing a window of another habitable room not being comprised in the same apartment, dwelling or lodging room (whether or not on the same land) unless –
 - (i) the shortest line joining any part of such window to any part of such other window has a length not less than –
 - (a) 8.5 metres where such line subtends an angle of more than 50 degrees (measured in either the horizontal or vertical plane) to the plane of either one of the windows;
 - (b) 4.5 metres where such line subtends an angle of 50 degrees or less (measured in either the horizontal or vertical plane) to the plane of either one of the windows; or
 - (ii) the sill of either window is not less than 1.7 metres above the floor level; or
 - (iii) the view between the windows is permanently obstructed by a screen provided that no such screen shall be situate less than 3.0 metres from any window to a habitable room or exceed 2.0 metres in height.
 - (h) No garage, carport or out-building shall be so constructed that any wall or any part thereof, which is to face the window of a habitable room in any building or any building in the course of construction whether or not on the same land is within 3.0 metres of that window.
- (2) Subject only to any permit granted pursuant to sub-clause (3) hereof no land shall be developed for the purpose of being used for the purpose of an apartment house, flats or residential building otherwise than in conformity with the development plan lodged with the responsible authority pursuant to Clause 13C hereof.
- (3) The responsible authority may permit land to be used for the purpose of an apartment house, flats or residential building, although the provisions of sub-clause (1) hereof are not complied with if it is satisfied that upon completion of the proposed building or works the amenity of the land in respect of which the permit is sought and of the adjacent land will be adequately protected having

13J. (3) Cont'd...

regard to the relevant objectives set out in Clause 13A (2) with particular reference to the effect of noise and the effect on privacy.

13K.

(1) On any land used for the purpose of an apartment house, flats or residential building there shall be provided thereon amenity area which shall be calculated in accordance with the provisions of sub-clause (2) hereof and shall comply with the requirements of the Table to this Clause.

(2) The amenity area to be provided on any land shall be obtained using the following formula -

$$A = (L + B) - D$$

where

A = Amenity area

L = Area of the site

B = Area (if any) comprising -

- (i) roof top recreation areas accessible to the occupants and which comply with the minimum area and dimensions specified for amenity area provided above ground level in the Table to this Clause;
- (ii) so much of the ground surface as lies beneath any projecting portion of a building provided that -
 - (a) the minimum clearance between ground level and the lowest part of the projection is 2.4 metres;
 - (b) the land comprises part of an area having a minimum dimension of 2.4 metres; and
 - (c) the area of such ground surface has been included in the calculation of the area of land upon or over which buildings are or will be constructed;
- (iii) any private balcony that complies with the minimum area and dimension specified for amenity area provided above ground level in the Table to this Clause.

D = Area comprising so much of the land -

- (i) upon or over which any building is or will be constructed;
- (ii) as is provided for car spaces, access lanes and driveways and for footpaths (exceeding 1.0 metre in width);
- (iii) as is provided for outdoor storage and for garbage receptacles;
- (iv) the surface of which is or will be paved (other than land specified in paragraph (ii) hereof);
- (v) as consists of any other area at ground level having a minimum dimension of less than that specified in the Table to this Clause.

(3) Where a roof is or will be directly constructed over any part of the land which is set aside for the accommodation of stationary vehicles or any access thereto so much of the surface of such roof as is-

- (a) provided for the use and enjoyment of the occupiers of the building or buildings on the land;
- (b) not accessible to motor vehicles; and
- (c) has a minimum area of 100 square metres,

shall for the purposes of the Table to this Clause be deemed to be provided at ground level.

TABLE TO CLAUSE 13K

Minimum total provision of amenity area	(a) Area obtained when calculated at the rate of 10.0 square metres for each apartment house, flat, or residential building plus 10.0 square metres for each habitable room within all buildings on the land, or (b) one-third of the area of the site, whichever is the greater.
Minimum provision of amenity area at ground level	Area not less than: (i) 50 per centum of the area specified in paragraph (a) of this Table for the minimum total provision of amenity area, or (ii) one-third of the area of the site, whichever is the greater.
Minimum dimension of each component of amenity area at ground level	An area that will contain a square the sides of which have a minimum length of 2.5 metres, except that no more than 10 per centum of the amenity area at ground level may have a minimum dimension of 1.0 metre where such forms part of an area of not less than 5.0 square metres.
Minimum area and dimensions of each component of amenity area provided above ground level	6.0 square metres provided that such area shall contain a square with sides having a minimum length of 2.0 metres.

- 13L.** (1) Notwithstanding anything hereinbefore contained the responsible authority may, subject to the provisions contained in this Clause, permit land to be used for the purpose of an apartment house, flats or residential building although any of the provisions contained in Clauses 13D to 13H (inclusive) or Clause 13K are not complied with.
- (2) The responsible authority shall not grant a permit pursuant to sub-clause (1) hereof unless it has determined that upon the completion of the construction and carrying out of the proposed building and works the amenity of the land in respect of which the permit is sought and of the land adjacent thereto will not be significantly less than that which would have resulted had the applicable provisions of this Ordinance been observed, and prior to reaching such a determination the responsible authority shall have regard to -
- (a) the objectives set out in Clause 13A (2); and
 - (b) where the responsible authority is the council of a municipality under a delegation by the Melbourne and Metropolitan Board of Works made pursuant to Section 58 of the Act the views of the said Board.
- (3) Should the responsible authority determine to grant a permit pursuant to sub-clause (1) hereof it may, when modifying or dispensing with the observance of any of the requirements imposed by any of Clauses 13D to 13H (inclusive) or Clause 13K of this Ordinance impose any conditions in addition to or more stringent than the requirements of this Ordinance.

Provision for variation
of minimum
standards
Inserted by AM. No. 30

Division 2 - Non-conforming Use of Land

14. (1) Subject to the provisions hereinafter appearing in this Division and in Division 3 of this Part, where immediately before the approval date any land was lawfully used for any purpose specified or included in Column 5 of any Section of the Table to Clause 7 of the Ordinance, such land may continue to be used or be used (as the case may be) for that purpose provided always -

Continuation of
Column 5 use
established before
approval date

- (a) that the amenity of the locality is not prejudicially affected or further prejudicially affected by any change or alteration in the method or conduct of any activity or activities carried on or by the substitution therefor of any other activity or activities;
- (b) that where such purpose was the carrying on of any activity or activities comprised in the term "general industry" such activity or activities shall not be changed to any other activity or activities without permission of the responsible authority and that such other activity or activities shall not be carried on otherwise than in accordance with any condition or conditions to which such permission is subject;
- (c) that whether or not such purpose was the carrying on of a general industry no building or works (other than a fence) shall be constructed without the permission in writing of the responsible authority and that any such construction shall not be carried out otherwise than in accordance with any condition or conditions to which such permission is subject; and
- (d) that any conditions or restrictions to which the use of the land for such purpose was subject immediately before the approval date continue to be observed.

Substituted by
AM. No. 17

The permission for the change of any such activity or activities as aforesaid or to the construction of any such building or works may be refused if in the opinion of the responsible authority the use of the land thereafter is likely to prejudice the proper development of the zone having regard to the primary purposes thereof or is likely to cause injury to or prejudicially affect the amenity of the neighbourhood or to increase any injury to or prejudicial affection of the neighbourhood, including, without limiting the generality of the foregoing, injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products. Any such permission may be granted subject to such condition or conditions as the responsible authority having regard to the preservation of the amenity of the neighbourhood and to the primary purpose for which the land is zoned may then impose.

Amended by
AM. No. 17

(2) Subject to the permission of the responsible authority land which adjoins and immediately before the 22nd day of May, 1968 was in the same ownership as any land which at such date was lawfully used for any purpose specified or included in Column 5 of any Section of the Table to Clause 7 of the Ordinance may be used for any purpose for which such last mentioned land may pursuant to this Clause be used.

Amended by
AM. No. 10,
AM. No. 17

(3) Where pursuant to paragraphs (1) and (2) hereof land is used for a purpose specified in Column 5 of any Section of the Table to Clause 7 of the Ordinance, the responsible authority if satisfied that the use of such land for any other purpose specified in Column 5 of the said Table is less detrimental to the amenity of the neighbourhood than the existing use of the land, may, subject to such conditions as it may then impose, grant permission for the use of such land for such other purpose and subject to the observance and performance of any condition imposed by the responsible authority the use of the land for the purpose for which any such permission of the responsible authority has been given shall be deemed to be the continuation of the use to which such land was put immediately before the approval date.

Amended by
AM. No. 10

(4) The use of any land for any purpose permitted by or under paragraphs (1), (2) and (3) hereof shall not extend to any buildings or works situate or standing on such land other than buildings or works which have been lawfully erected, constructed or carried out.

15. Should any land to which Clause 14 of this Ordinance applies be subdivided and sold in separate parcels, only such parcels of land upon which immediately before the 22nd day of May, 1968 there existed substantial buildings or works or upon which with the permission of the responsible authority any enlargement or extension of a building or works had been carried out may in pursuance of the said Clause continue to be used for a purpose not conforming with the provisions of the Planning Scheme.

Subdivision of land
used for a non-
conforming use
Amended by
AM. No. 10,
AM. No. 17

16. Should any land to which the provisions of Clause 14 of this Ordinance apply other than by reason of the actual reconstruction of any buildings or works thereon cease to be used for the purpose for which such land was used on the date such provisions first applied and be not used for that purpose for a period of fifteen consecutive months such land shall be used only in conformity with the provisions of the Planning Scheme.

Use of land after
cessation of prior
non-conforming use
Amended by
AM. No. 10,
AM. No. 35 Part 2

17. Should any building or works situate on any land to which the provisions of Clause 14 of the Ordinance applies be so damaged or destroyed that fifty per centum of the floor area of the building or of the area occupied by the works can no longer unless the buildings or works be reconstructed be used for the purpose for which it was used immediately before the approval date hereof, such land can be used only

Use of reconstructed
buildings
Amended by
AM. No. 10,
AM. No. 17

17.

Cont'd...

in conformity with the provisions of the Planning Scheme unless the responsible authority shall, subject to such conditions as it may impose, grant permission for the use of such land for a purpose not in conformity with such provisions.

Clause 18 deleted by
AM. No. 57 Part 2

18.

* * * * *

Division 3 - Provisions as to Certain Zones and Uses

Subdivision in non-urban and reserved zones
Substituted by AM. No. 17
Amended by AM. No. 68 Part 2A, AM. No. 97, AM. No. 70 Part 4A, AM. No. 109, AM. No. 104 Part 2A, AM. No. 115 Part 2A

- 19.** (1) Land within a Rural Zone a Stream and Floodway Zone a Reserved Living Zone a Reserved Light Industrial Zone a Reserved General Industrial Zone a Reserved Special Industrial Zone a Garden Industrial Zone an Extractive Industrial Zone or a Township "A" Zone shall not be subdivided into allotments unless the responsible authority shall have granted permission for the subdivision of such land in accordance with a plan of subdivision submitted to and approved by the responsible authority.
- (2) In determining whether or not permission to subdivide such land shall be granted and if permission is to be granted what condition or conditions should be imposed the responsible authority with respect to -
- (a) Land in a Reserved Living Zone a Reserved Light Industrial Zone a Reserved General Industrial Zone a Reserved Special Industrial Zone a Garden Industrial Zone an Extractive Industrial Zone or a Township "A" Zone shall have regard to -
- (i) the existing use and possible future development of such land and of contiguous or adjacent lands;
 - (ii) the orderly and proper planning of the zone;
 - (iii) the amenity of the neighbourhood;
 - (iv) the effect of development of the land upon the use or development of other land (whether contiguous or adjacent or not) which has a common means of natural or artificial drainage;
 - (v) the area and dimensions of each allotment comprised in the subdivision; and
 - (vi) the provision of the following services, that is to say, water sewerage drainage electricity and gas.
- (b) Land within a Rural Zone or a Stream and Floodway Zone shall have regard to the matters referred to in paragraph (a) of this sub-clause other than sub-paragraph (vi).
- (3) For the purposes of sub-paragraph (vi) of paragraph (a) of sub-clause (2) hereof but without in any way restricting the power of the responsible authority to impose such conditions as it may think fit when granting any permit for the subdivision of land pursuant to sub-clause (1) hereof a service shall be deemed to be provided if the responsible authority is satisfied that such service will be available for extension to each allotment comprised in the subdivision at the date a permit for the subdivision is granted or within the period specified in a condition in the permit which provides for the lapse of the permit unless the use of development authorised thereby is commenced within such period.
- (4) On any plan of subdivision being submitted to the responsible authority pursuant to sub-clause (1) hereof any land which in the opinion of such authority should for the proper development of the zone be set aside for any specified public purpose shall be indicated as a separate allotment on the plan of subdivision.
- (5) No building or works shall be constructed on any land situated in a Stream and Floodway Zone (whether or not permission to subdivide such land shall have been granted) without the permission of the responsible authority and such permission if granted may be subject to such condition or conditions as the responsible authority deems requisite in order to prevent or reduce the concentration or diversion of floodwaters or stormwaters.

For the purpose of this sub-clause "works" shall not include works being undertaken or about to be undertaken by a public authority -

- (i) to lay or place underground or under the surface of the ground sewerage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines provided that on completion such mains, pipelines, and lines will not alter the topography of the land;
- (ii) to regulate, control, improve, restrict, prevent or otherwise deal with the flow of water in rivers, creeks, streams, watercourses, stormwater drains and the like;
- (iii) to regulate, control, restrict, prevent or otherwise deal with floods and flooding;
- (iv) to construct, align, realign or redirect any river, creek, stream, watercourse, stormwater drain and the like;
- (v) to bridge rivers, creeks, streams, watercourses, valleys and the like, but not the elevated approaches to such bridge.

19A. (1) The following provisions shall apply in the Special Residential Zone No. 2 -

- (a) The surface of the area of any land within the setback distance specified in Division 3B from the boundary of Royal Parade or The Avenue shall, with the exception of any pedestrian or vehicular accessways not exceeding a total width of 4.5 metres or such greater width as the

Special Residential Zone No. 2
Inserted by AM. No. 151

19A. (1) (a) Cont'd...

responsible authority may permit, be developed and maintained with lawns, gardens, shrubs, trees and related features.

- (b) No provision shall be made for the parking of vehicles in such a manner that they may be visible from Royal Parade or The Avenue.
- (c) No fence shall be so constructed on or within any land within the setback distance specified in Division 3B from the boundary of Royal Parade or The Avenue so as to exceed 300 millimetres in height.

Special Residential Zone No. 3
Inserted by AM. No. 151

(2) The following provisions shall apply in the Special Residential Zone No. 3 -

- (a) The surface of the area of any land within the setback distance specified in Division 3B from the boundary of Queens Road shall, with the exception of any pedestrian or vehicular accessways not exceeding a total width of 4.5 metres or such greater width as the responsible authority may permit, be developed and maintained with lawns, gardens, shrubs, trees and related features.
- (b) No provision shall be made for the parking of vehicles in such a manner that they may be visible from Queens Road.
- (c) No fences shall be so constructed on or within any land within the setback distance specified in Division 3B from the boundary of Queens Road so as to exceed 300 millimetres in height.
- (d) Notwithstanding the provisions of paragraph (c) hereof, the responsible authority may grant permission to construct a fence exceeding 300 millimetres in height on land having a frontage to Queens Road within the City of South Melbourne where any building not exceeding three storeys (including a basement) is used for the purpose of an apartment house, detached house, flats, residential building or row house provided such fence is not constructed within 7.5 metres of Queens Road.

Residential and Office Zone
Inserted by AM. No. 151

(3) The following provisions shall apply in the Residential and Office Zone -

- (a) The surface of the area of any land within the setback distance specified in Division 3B from the boundary of St Kilda Road or Queens Road shall, with the exception of any pedestrian or vehicular accessways not exceeding a total width of 4.5 metres or such greater width as the responsible authority may permit, be developed and maintained with lawns, gardens, shrubs, trees and related features.
- (b) No provision shall be made for the parking of vehicles in such a manner that they may be visible from St Kilda Road or Queens Road.
- (c) No fence shall be so constructed on or within any land within the setback distance specified in Division 3B so as to exceed 300 millimetres in height.
- (d) No portion of the site or of any building thereon shall be used for display of products goods or things (whether finished or unfinished or complete or incomplete) so that such products goods or things are visible from St Kilda Road or Queens Road.

Clause 19B deleted by AM. No. 151

19B.

* * * * *

Cluster subdivision
Inserted by AM. No. 58

19C.

(1) Land shall not be subdivided into allotments comprised in a cluster subdivision or a cluster redevelopment as defined in the Cluster Titles Act 1974 unless the responsible authority shall have granted permission for the subdivision of such land in accordance with a plan of cluster subdivision or cluster redevelopment submitted to and approved by the responsible authority.

(2) In determining whether or not permission to subdivide shall be granted and if permission is to be granted what condition or conditions should be imposed the responsible authority shall have regard to -

- (a) the density of the proposed development;
- (b) the street or road layout with regard to the function and use of such streets or roads;
- (c) the provision and location of common property including pedestrian access thereto;
- (d) the provision and location of public open space;
- (e) the area and dimensions of each allotment comprised in the subdivision;
- (f) the provision of off-street parking;
- (g) the amenity of the neighbourhood;
- (h) the provisions of a scheme of development required to be submitted pursuant to Section 21(1) of the Cluster Titles Act 1974; and
- (i) in respect of land in a Reserved Living Zone, a Reserved Light Industrial Zone, a Reserved General Industrial Zone or Reserved Special Industrial Zone the appropriate provisions of Clause 19.

19D.

Land situated in a Local Authority Development Zone other than in the Shire of Bulla and having an area in excess of 1 hectare shall not be subdivided into allotments unless the responsible authority shall have granted permission therefor and then in accordance with a plan of subdivision submitted to and approved by the responsible authority and in determining whether or not any such permission should be granted and whether any and what conditions should be specified in any permit proposed to be granted the responsible authority shall take into consideration the question whether an adequate sewerage and drainage system to service such allotments should be provided.

Local Authority
Development Zone -
subdivision control
Inserted by AM. No. 3
Part 1A,
Amended by AM. No. 3
Part 1B

19E.

- (1) The Urban Conservation - Residential Zone No. 1 is **HEREBY SPECIFIED** as an area of special significance.
- (2) The purpose of the Urban Conservation - Residential Zone No. 1 is to conserve and enhance the existing architectural or historic character of the area of the zone which is principally Victorian and Edwardian.
- (3) Save with the permission of, and subject to such conditions as may be specified by the responsible authority -
 - (a) no building or works existing within the area specified in sub-clause (1) hereof shall in any way be pulled down, removed or altered and no external surface of any such building or works shall in any way be decorated; and
 - (b) no buildings or works (other than a sign if permitted by or pursuant to this Ordinance, sewerage, drainage, water supply and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts, and telephone lines) shall be constructed on any land in the aforesaid area.
- (4) Land within an area specified in sub-clause (1) hereof shall not be subdivided into two or more allotments or parts unless the responsible authority has granted permission therefor.
- (5) In determining whether or not permission shall be granted, pursuant to sub-clause (3) or (4) hereof and if permission is to be granted, what condition or conditions should be imposed the responsible authority shall have regard to the purpose of the zone, and the amenity of the neighbourhood and without in any way limiting the generality of the foregoing, shall in particular have regard to -
 - (i) the existing character and appearance of any building or works which it is proposed to pull down, remove, alter or decorate;
 - (ii) whether the bulk, location and external appearance of any proposed building or works will harmonize in character and appearance with adjacent buildings and with the character of the zone;
 - (iii) whether the proposed subdivision may result in development not in harmony with the character and appearance of adjacent buildings or with the character of the zone;
 - (iv) whether the land is to be so landscaped or so planted with trees, shrubs and gardens as to harmonise with the character and appearance of the zone;
 - (v) the likelihood of any additional traffic generation and the location of any proposed off-street parking area;

Urban Conservation -
Residential
Zone No. 1
Inserted by
AM. No. 120 Part 3A

and shall take into consideration the views of the Historic Buildings Preservation Council.

20.

- (1) The purpose of the Office Zone is to provide opportunity for office development compatible with the local environment and having regard to the amenity of the occupants of buildings on adjoining land and of the buildings proposed.
- (2) The following provisions shall apply within an Office Zone -
 - (a) Save with the permission of and subject to such conditions as may be specified by the responsible authority no building or works (other than sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) may be constructed upon any land. In determining whether or not such permission should be given or what conditions, if any, should be specified the responsible authority shall have regard to the orderly and proper planning of the zone including -
 - (i) the plot ratio and height of the proposed buildings;
 - (ii) the desirability of a building setback from the frontage and any other boundary abutting a street;
 - (iii) the need for additional provision of accommodation for stationary vehicles to that set out in the Table to Clause 28 for the purpose of office or bank; and
 - (iv) the segregation of vehicular from pedestrian traffic.
 - (b) The whole of the area of land between any street alignment and the line representing any building setback required pursuant to paragraph (a) hereof, shall be landscaped with lawns,

Office Zone - control
of development
Inserted by AM. No. 35
Part 3

Amended by
AM. No. 72 Part 2A

20. (2) (b) Cont'd...

gardens, shrubs and trees and maintained and shall not be used for any other purpose except for appropriate access driveways.

- (c) No portion of the site or of any building thereon shall be used for the display of products goods or things whether finished or unfinished or complete or incomplete, so that such products goods or things are visible from any street.
- (d) Should the responsible authority grant permission to use any land within an Office Zone for any of the purposes specified in Column 4 of Section 11A of the Table to Clause 7, such permission shall be subject to the conditions set forth in paragraphs (a), (b) and (c) hereof or to such other conditions (being not less stringent than those set forth in the said paragraphs) as the responsible authority may impose.

Offensive Industrial
Zone - control of
subdivision
Inserted by AM. No. 35
Part 2

20A. (1) Land within an Offensive Industrial Zone shall not be subdivided into allotments unless the responsible authority shall have granted permission for the subdivision of such land in accordance with a plan of subdivision submitted to and approved by the responsible authority.

- (2) No building or works (other than sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,00 volts and telephone lines) shall be constructed on any land situated in an Offensive Industrial Zone (whether or not permission to subdivide such land shall have been granted) without the permission of the responsible authority.
- (3) In determining whether or not permission to subdivide such land or to construct buildings and works thereon shall be granted and if permission is to be granted what condition or conditions should be imposed the responsible authority shall have regard to -
 - (a) the existing use and possible future development of such land and of contiguous or adjacent lands;
 - (b) the orderly and proper planning of the zone;
 - (c) the amenity of the neighbourhood;
 - (d) the effect of development of the land upon the use or development of other land (whether contiguous or adjacent or not) which has a common means of natural or artificial drainage;
 - (e) the provision of the following services, that is to say, water, sewerage, drainage, electricity and gas.
- (4) For the purposes of paragraph (e) of sub-clause (3) hereof but without in any way restricting the power of the responsible authority to impose such conditions as it may think fit when granting any permit for the subdivision of land pursuant to sub-clause (1) hereof a service shall be deemed to be provided if the responsible authority is satisfied that such service will be available for extension to each allotment comprised in the subdivision at the date a permit for the subdivision is granted or within the period specified in a condition in the permit which provides for the lapse of the permit unless the use or development authorized thereby is commenced within such period.

Special Conservation
Zone - control of
development
Inserted by AM. No. 21
Part 4,
Amended by
AM. No. 62 Part 2,
AM. No. 83 Part 2,
AM. No. 88 Part 2A,
AM. No. 115 Part 2A

20B. (1) The purpose of the Special Conservation Zone is to restrict development to that existing at the time of application of the zone to any land in order to preserve the opportunity for the future use of such land to be determined by the responsible authority.

- (2) Land within a Special Conservation Zone shall not be subdivided except that subject to the consent of the responsible authority -
 - (i) land may be excised from a tenement where such allotment created is to be vested in a public authority or Council, or:
 - (ii) land may be subdivided so as to relocate existing allotment boundaries provided that no additional allotments are thereby created.
- (3) No buildings or works (other than a fence, a sign if permitted by or pursuant to this Ordinance, and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) may be constructed upon any land in the Special Conservation Zone save with the permission of the responsible authority and subject to such conditions as may be specified.

In determining whether or not such permission should be given or what conditions, if any, should be specified, the responsible authority shall have regard to -

- (a) the existing use of the land and the reason for the development in relation to that use.
- (b) the possible effect of the development on the future use of the land.
- (c) the effect of the development, on the Existing or Proposed Public Open Space Reservations in the vicinity.

20B.

Cont'd...

- (4) Save with the permission of the responsible authority or in accordance with a notice given pursuant to the Forest Act 1958, and the Country Fire Authority Act 1958 or the Local Government Act 1958, no native vegetation shall be destroyed, felled, lopped, ring-barked or uprooted or damaged by the application of defoliant or herbicides within a Special Conservation Zone.

In determining whether such permission should be granted the responsible authority shall have regard to -

- (i) the advisability or otherwise of retaining a buffer strip of native vegetation within specified distances of water courses, roads and property boundaries;
 - (ii) the preservation of and the impact on the natural environment and the need for preventing erosion; and
 - (iii) the future use of the land and may impose such conditions as it deems fit, including conditions requiring planting, replanting or other treatment of any part of the land.
- (5) No permission shall be required pursuant to sub-clause (4) hereof if the native vegetation was cleared prior to the 3rd day of December, 1975, or with the consent of the responsible authority since the date and the land has since been used for the purpose of agriculture or animal husbandry or for the transmission of water, sewage, electricity, gas or the like.

20C.

- (1) Save with the permission of the responsible authority as hereinafter provided land within any of the following zones, that is to say, a Corridor "A" Zone, General Farming "A" Zone, Intensive Agriculture "A" Zone, Landscape Interest "A" Zone, or a Conservation "A" Zone, shall not be subdivided into allotments.

- (2) (a) The responsible authority may permit the subdivision of land situate in a zone specified in Column 1 of the Table to this Clause into allotments each of which has an area not less than the area specified in Column 2 of the said Table.
- (b) The responsible authority may permit the subdivision of land situate in a zone specified in Column 1 of the Table to this Clause into allotments each of which has an area not less than 75 per cent of the area specified in Column 2 of the said Table for the relevant zone provided -
 - (i) that the average area of all allotments shown on the plan of subdivision is not less than the area so specified, and
 - (ii) that no allotment shown on the plan of subdivision exceeds 1.75 times the area so specified.
- (c) The responsible authority may permit land situate in the zones specified in Column 1 of the said Table and which on the 1st day of December, 1971, comprised a separate tenement having an area of not less than 8 hectares on which only one detached house was erected to be subdivided into two allotments if concurrently with permission so to subdivide the land the responsible authority grants permission pursuant to Clause 11A (1)(a)(v) if such permission is required for erection of a detached house on the allotment which does not contain a detached house.
- (d) The responsible authority may permit the subdivision of land in a Corridor "A", General Farming "A", Intensive Agriculture "A", or Landscape Interest "A" Zone into allotments having a lesser area than that specified in the Table to this Clause for the purpose of providing a site for a major utility installation or a minor utility installation.
- (e) The responsible authority may permit the subdivision of land in a Conservation "A" Zone into allotments having a lesser area than that specified in the said Table for the purpose of providing a site for a minor utility installation or passive recreation.
- (f) Where land is situated in more than one of the zones specified in Column 1 of the Table to this Clause, the responsible authority may permit such land to be subdivided into allotments provided -
 - (i) the area of any allotment thereby created is not less than the minimum area specified for any one of the zones in which the allotment is so situated; and
 - (ii) the number of allotments thereby created does not exceed the number of allotments that could have been created from the area of the land in the zone having the lowest minimum area as set out in Column 2 of the said Table had such land been divided by the prescribed minimum area for such zone.

That is to say-

The maximum number of allotments into which the whole of the land may be divided shall be obtained by using the following formula-

$$N = \frac{A}{B}$$

Non-urban Zones -
subdivision and
construction of
buildings and works
Inserted by AM. No. 21
Part 8A

Inserted by
AM. No. 120 Part 3A

20C. (2) (f) (ii) Cont'd...

Where N is the maximum number of allotments into which the whole of the land may be divided

A is the area of the land in the zone with the lowest minimum area

B is the minimum subdivision area of the zone in which A is situate.

- (3) The responsible authority in determining whether or not permission should be granted for the subdivision of land pursuant to sub-clause (2) hereof shall have regard to -
- (a) the capability of the land to accommodate the proposed development without detriment to the natural physical features or resources of the area;
 - (b) the environmental capacity of the soils and water in the area;
 - (c) the design of roads (existing and proposed) and the impact thereof on landscape quality;
 - (d) the availability of water and the location of access roads necessary to assist in suppression of fires and may impose such appropriate conditions as it deems fit including, without affecting the generality of the foregoing, the reforestation, planting, replanting or sowing down of any part of the land.
- (4) No buildings or works (other than a fence, a sign if permitted by or pursuant to this Ordinance, and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed on any land situated in a Conservation "A" Zone (whether or not permission to subdivide such land shall have been granted) without the permission of the responsible authority. In determining whether or not such permission should be given or what conditions, if any, should be imposed, the responsible authority shall have regard to -
- (a) the impact on the landscape quality of the area;
 - (b) the necessity or otherwise for the removal of native vegetation.
- (5) Save with the permission of the responsible authority no buildings shall be constructed on any land in a Corridor "A", General Farming "A", Intensive Agriculture "A", Special Extractive "A" or Landscape Interest "A" Zone where the total floor area of any existing or proposed building constructed or to be constructed on the land exceeds 15 per centum of the area of such land. In determining whether or not permission should be given or what conditions, if any, should be imposed, the responsible authority shall have regard to -
- (a) the impact on the landscape quality and amenity of the area;
 - (b) the proposed landscaping of the site.

Amended by
AM. No. 115 Part 2A

Inserted by
AM. No. 120 Part 3A

TABLE TO CLAUSE 20C

COLUMN 1	COLUMN 2
Zone	Minimum Area
Corridor "A"	12 hectares
General Farming "A"	40 hectares
Intensive Agriculture "A"	8 hectares
Landscape Interest "A"	8 hectares
Conservation "A"	40 hectares

Non-urban Zones -
Consolidation of Land
Inserted by
AM. No. 120 Part 3A

- 20CA.** (1) Notwithstanding anything to the contrary in this Ordinance, other than the provisions of sub-clause (2) hereof, any land situated in a Corridor "A" Zone, General Farming "A" Zone, Intensive Agriculture "A" Zone, Landscape Interest "A" Zone or a Conservation "A" Zone may with the permission of the responsible authority be subdivided into two or more allotments so that each or any of those allotments may be consolidated with adjoining land to form new allotments and such allotments used for the purpose of a detached house.
- (2) Land shall not be subdivided pursuant to sub-clause (1) hereof if such subdivision would increase the number of detached houses for which the land proposed to be subdivided or any new allotments that would arise therefrom whether after consolidation with adjoining land or otherwise could have been used pursuant to the provisions of this Ordinance at the date of the application to subdivide.

Control for aircraft
visibility
Amended by
AM. No. 12

- 21.** (1) Land within a Special Industrial Zone or a Reserved Special Industrial Zone shall not be used for any purpose which, in the opinion of the responsible authority is likely to result in the discharge into the atmosphere of smoke, chemical fumes, industrial waste gases or any other vaporous substance or dust which may adversely affect visibility along the course of aircraft.

21. Cont'd...

- (2) Except where the land lies within the City of Mordialloc no building or works shall be so constructed or carried out on land within a Special Industrial Zone or a Reserved Special Industrial Zone as to exceed 6 metres in height (when measured from ground level) unless a permit therefor has been granted by the responsible authority.

21A. (1) Land within a Restricted Light Industrial Zone or a Restricted General Industrial Zone shall not be subdivided and no buildings or works (other than a fence, a sign if permitted by or pursuant to this Ordinance and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) may be constructed upon such land until the responsible authority has granted permission therefor. In determining whether or not such permission should be given or what conditions, if any, should be imposed, the responsible authority shall have regard to the orderly and proper planning of the zone including:-

- (a) the setback of buildings and works from the street or road or from the boundaries of any Residential or Reserved Living Zone, or from land reserved for the purpose of a hospital, school or public open space whether or not such setback is in addition to any setback prescribed elsewhere in the Ordinance;
- (b) the provision of landscaped gardens, including the planting of lawns, shrubs and trees in such setback areas;
- (c) access and egress of vehicles in relation to the existing street pattern;
- (d) the provision of accommodation for off-street loading unloading and parking of vehicles in addition to the provisions of Clause 27 and Clause 28.

- (2) In such part of the Restricted Light Industrial Zone situated south-west of Melrose Drive and bounded on the north and west by Melbourne Airport, City of Keilor, no buildings shall be constructed and no materials stored on land within that distance from Melrose Drive and any land within the Reserved Living Zone as is specified by the responsible authority prior to approval of any development in the said zone.

22. (1) Land within a District Business Zone or a Restricted Business Zone shall not be subdivided and no building or works (other than a fence, a sign if permitted by or pursuant to this Ordinance and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) may be constructed upon such land until the responsible authority has granted permission therefor. In determining whether or not such permission should be given or what conditions if any, should be imposed the responsible authority shall have regard to the orderly and proper planning of the zone as a District Business Centre or as a Local Business Centre (as the case requires) including -

- (a) the provision of accommodation for stationary vehicles upon public or private property;
- (b) the reservation of land for providing such accommodation or for any other public purpose;
- (c) the segregation of vehicular from pedestrian traffic;
- (d) where appropriate the accessibility of the site to vehicular traffic.

Provided that in respect of land in that part of a Restricted Business Zone situated as described in the Table to sub-clause (2) hereof the conditions applicable thereto as set forth in the said Table shall not be a matter for determination pursuant to this sub-clause.

- (2) Land within that part of a Restricted Business Zone situated as described in Column 1 of the Table to this sub-clause shall in addition to the requirements of sub-clause (1) hereof only be used for the purpose of a shop subject to the following conditions -

- (a) the gross leasable floor area of the shop shall not exceed the maximum area set forth opposite such description in Column 2 of the said Table, and
- (b) the other condition or conditions (if any) set forth in Column 3 of the Table shall be complied with.

Restricted Light Industrial Zone and Restricted General Industrial Zone - subdivision and construction of buildings and works
 Inserted by AM. No. 67
 Amended by
 AM. No. 72 Part 2A,
 AM. No. 115 Part 2A,
 AM. No. 143 Part 3

District Business Zone and Restricted Business Zone - subdivision and construction of buildings and works
 Substituted by
 AM. No. 17
 Amended by
 AM. No. 35 Part 2,
 AM. No. 72 Part 2A,
 AM. No. 88 Part 2A,
 AM. No. 90 Part 1C,
 AM. No. 115 Part 2A

Shop conditions in certain Restricted Business Zones
 Inserted by AM. No. 90
 Part 1C

TABLE TO SUB-CLAUSE (2) OF CLAUSE 22

COLUMN 1	COLUMN 2	COLUMN 3
Situation of Restricted Business Zone	Maximum Gross Leasable Floor Area	Other Conditions
Land between Dennis Street and Separation Street and generally east of Langwells Parade, McCutcheon Street and Robbs Parade, City of Northcote.	15,000 square metres	Provision shall be made for not less than 901 car spaces complying with the provisions of Clause 28 of this Ordinance.
South-east corner of Burwood Highway and Middleborough Road, City of Nunawading.	6,693 square metres	(a) The floor area of offices on the said land shall not exceed 870 square metres.

Inserted by
 AM. No. 87 Part 3

TABLE TO SUB-CLAUSE (2) OF CLAUSE 22 (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3
Situation of Restricted Business Zone	Maximum Gross Leasable Floor Area	Other Conditions
<p>Inserted by AM. No. 144</p> <p>North-west corner of Childs Road and Redleap Avenue, Mill Park, Shire of Whittlesea</p>	<p>5,600 square metres</p>	<p>(b) a landscaped buffer strip of width not less than 6 metres shall be provided along the southern boundary.</p> <p>(c) A landscaped buffer strip of width not less than 9 metres shall be provided along the eastern boundary.</p> <p>(d) Provision shall be made for not less than 372 car spaces complying with the provisions of Clause 28 of this Ordinance (on the basis of 5.27 spaces per 100 square metres of shops and 2.2 spaces per 100 square metres of offices).</p>
<p>Inserted by AM. No. 90 Part 4</p> <p>Land generally at the north-east corner of Maroondah Highway and New Street, City of Ringwood, and more particularly described as Lots 1 to 4 (inclusive) Lodged Plan Number 14010, Lots 1 and 5 Lodged Plan Number 9648 and Lots 51 and 52 and Lots 61 to 92 (inclusive) Lodged Plan Number 1404.</p>	<p>14,161 square metres</p>	<p>Provision shall be made for not less than 482 car spaces complying with the provisions of Clause 28 of this Ordinance.</p> <p>(a) The floor area of offices on the said land shall not exceed 898 square metres.</p> <p>(b) Provision shall be made for not less than 950 and not more than 972 car spaces complying with the provisions of Clause 28 of this Ordinance.</p> <p>(c) Provision shall be made for a north south road having a width of not less than 16 metres between Seymour Street and Charter Street opposite Murray Place.</p>
<p>Inserted by AM. No. 90 Part 4</p> <p>Land between Bond Street and Charter Street, west of Ringwood Street, City of Ringwood, more particularly described as Lots 4 and 5 Lodged Plan Number 15809, Lots 100 to 121 (inclusive) Lodged Plan Number 14278, Lots 1 and 2 Lodged Plan Number 78360, Lots 5 to 7 (inclusive) Lodged Plan Number 9629 and land described in Volume 8363 Folio Number 789, Volume 6391 Folio Number 129 and Volume 4402 Folio Number 345</p>	<p>4,650 square metres</p>	<p>(a) The floor area of offices on the said land shall not exceed 3,700 square metres.</p> <p>(b) Provision shall be made for not less than 475 and not more than 500 car spaces complying with the provisions of Clause 28 of this Ordinance.</p> <p>(c) Provision shall be made for a north south road having a width of not less than 16 metres between Charter Street and Bond Street in the vicinity of the western boundary of the subject land.</p> <p>(d) That part of the land having a maximum width of 5.11 metres to the south side of Bond Street shall be set aside for road widening and landscaping purposes.</p>

TABLE TO SUB-CLAUSE (2) OF CLAUSE 22 (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3	
Situation of Restricted Business Zone	Maximum Gross Leasable Floor Area	Other Conditions	
Land having a frontage of approximately 30 metres to the north side of Maroondah Highway commencing approximately 395 metres east of New Street, City of Ringwood, more particularly described as Lot 2 Lodged Plan Number 96364.	2,945 square metres	Provisions shall be made for not less than 37 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 90 Part 4
Land having a frontage of approximately 91 metres to the north side of Maroondah Highway commencing approximately 304 metres east of New Street, City of Ringwood, more particularly described as Lot 1 Lodged Plan Number 96364.	1,858 square metres	(a) Provision shall be made for not less than 90 car spaces complying with the provisions of Clause 28 of this Ordinance. (b) Provision shall be made for a north south road having a width of not less than 16 metres between Maroondah Highway and Seymour Street in the vicinity of Murray Place.	Inserted by AM. No. 90 Part 4
North-west corner Kingsway Drive and Huskisson Avenue, Shire of Whittlesea	2,063 square metres	Provision shall be made for not less than 167 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 114 Part 1C
North-west corner of McKimmies Road and Darebin Drive, Shire of Whittlesea	6,000 square metres	Provision shall be made for not less than 392 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
Land between McDonalds Road and McFarlane Court, west of Dryandra Avenue, Shire of Whittlesea	2,400 square metres	Provision shall be made for not less than 152 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
North-east corner of Mickleham Road and Gladstone Park Drive, City of Broadmeadows	13,600 square metres	Provision shall be made for not less than 1,161 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
North-east corner of Police Road and Hansworth Street, City of Waverley	25,300 square metres	Provision shall be made for not less than 2,293 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
Land bounded by Manningham Road, Derreck Avenue, Bourke Street and Grant Olson Avenue, City of Doncaster and Templestowe	8,500 square metres	Provision shall be made for not less than 637 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
South-east corner of Heatherton Road and Matthew Flinders Avenue, City of Berwick	14,600 square metres	Provision shall be made for not less than 1,425 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
South-west corner of Somerville Road and Hallam Road, Shire of Cranbourne	9,300 square metres	Provision shall be made for not less than 730 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
Land south side of Outlook Drive, City of Dandenong	2,800 square metres	Provision shall be made for not less than 139 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152
North-west corner of Cheltenham Road and Kingsclere Avenue, City of Springvale	35,000 square metres	Provision shall be made for not less than 2,651 car spaces complying with the provisions of Clause 28 of this Ordinance.	Inserted by AM. No. 152

TABLE TO SUB-CLAUSE (2) OF CLAUSE 22 (Cont'd.)

	COLUMN 1	COLUMN 2	COLUMN 3
	Situation of Restricted Business Zone	Maximum Gross Leasable Floor Area	Other Conditions
Inserted by AM. No. 152	North side of Neale Road, west of Station Road, City of Sunshine	19,100 square metres	Provision shall be made for not less than 1,235 car spaces complying with the provisions of Clause 28 of this Ordinance.
Inserted by AM. No. 152	South-east corner of Ferntree Gully Road and Springvale Road, City of Waverley	12,500 square metres	Provision shall be made for not less than 1,163 car spaces complying with the provisions of Clause 28 of this Ordinance.
Inserted by AM. No. 113 Part 2B	Land south side of Livingstone Street, west of Waterdale Road, City of Heidelberg, and more particularly described as Lot 2 Lodged Plan Number 45081, Lot 1 Lodged Plan Number 98268, Part of Lot 8, Part of Lot 9 and Lots 10, 13 and 14 Lodged Plan Number 4362	5,230 square metres	(a) No more than 11 shops each of single occupancy shall be constructed. (b) One of the said shops may have a maximum gross leasable floor area of 3,890 square metres and the remaining 10 shops together shall not exceed a maximum gross leasable floor area of 1,340 square metres. (c) Provision shall be made for not less than 372 car spaces complying with the provisions of Clause 28 of this Ordinance. (d) A landscaped buffer strip of not less than 3 metres in width shall be provided along the western boundary of the site. (e) No buildings or works other than for the provision of car parking shall be located within 42 metres of the western boundary of the site.
Inserted by AM. No. 140 Part 2A	Land east side of Sydney Road, between Weston Street and Barkly Street, City of Brunswick	15,800 square metres	Provision shall be made for not less than 685 car spaces complying with Clause 28 of this Ordinance.
Inserted by AM. No. 141 Part 2B	Land south-west corner of Bluff Road and Linacre Road, City of Sandringham, more particularly described as Lots 5 to 9 (inclusive) Lodged Plan Number 80928, Lot 7 Lodged Plan Number 52268 and land described in Certificate of Title Volume 9221 Folio 587	1,500 square metres	(a) Provision shall be made for car parking at a ratio of not less than 6.65 car spaces per 100 square metres of gross leasable floor area and such car spaces shall comply with the provisions of Clause 28 of this Ordinance. (b) A landscaped buffer strip of width not less than 1.8 metres shall be provided along the Bluff Road and Linacre Road boundaries except at the points of vehicle ingress and egress. (c) A landscaped buffer strip of width not less than 2.44 metres shall be provided along the western boundary of Lots 5, 7, 8 and 9, Lodged Plan Number 80928.
Inserted by AM. No. 199	Land bounded by Old Geelong Road and the Melbourne Geelong Railway, east of Morris Road, Hoppers Crossing, Shire of Werribee.	12,165 square metres	(a) An area of not less than 2,165 square metres and forming part of the gross leasable floor area specified in Column 2 of this Table shall only be used for the purpose of a store as defined in the Planning Scheme Ordinance.

TABLE TO SUB-CLAUSE (2) OF CLAUSE 22 (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3
Situation of Restricted Business Zone	Maximum Gross Leasable Floor Area	Other Conditions
		(b) Provision shall be made for car parking complying with the provisions of Clause 28 of this Ordinance and in the ratio of 8.6 car spaces to each 100 square metres of gross leasable floor area in excess of 2,165 square metres and to the number arrived at shall be added 17 car spaces.
Adjoining land on the north-east corner of Plenty Road and Dundas Street, City of Preston	4,770 square metres	Provision shall be made for not less than 305 car spaces complying with the provisions of Clause 28 of this Ordinance.
Land between Matthews Avenue and Louis Street on the east, the railway reservation on the west, and generally north of Moore Road, Airport West, City of Keilor	27,871 square metres	Provision shall be made for not less than 2,482 car spaces complying with the provisions of Clause 28 of this Ordinance.
Land south side of Heatherton Road, west of Spring Road, City of Springvale, and more particularly described as Part Lot 1 Lodged Plan Number 94014, Part Lot 1 Lodged Plan Number 27968 and Part Lot 2 Lodged Plan Number 61626	2,800 square metres	(a) The maximum gross leasable floor area of any shop in a single occupancy shall not exceed 2,300 square metres. (b) Provision shall be made for car parking at a ratio of 7.7 car spaces per 100 square metres of gross leasable floor area and such car spaces shall comply with the provisions of Clause 28 of this Ordinance.

Inserted by
AM. No. 142 Part 3

Inserted by
AM. No. 113
Part 1B

Inserted by
AM. No. 158 Part 2

Restricted Business
Zone Ringwood - car
parking and access
lanes
Inserted by AM. No. 2
Amended by
AM. No. 17,
AM. No. 38 Part 2,
AM. No. 72 Part 2A,
AM. No. 116 Part 2A

22A. (1) Notwithstanding anything contained in Clause 22 hereof within the part of the Restricted Business Zone in the City of Ringwood which is both south of a line parallel to and distant 64 metres north of the Maroonlah Highway and east of a line parallel to and distant 71.6 metres west of Warrandyte Road no land or buildings shall be used for any purpose nor shall any buildings or works (other than a fence, a sign if permitted by or pursuant to this Ordinance and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) be constructed unless there is provided and maintained on the site, or upon other land in the vicinity approved by the responsible authority open space for car parking and access lanes for five cars for each 90 square metres of the floor area of all buildings erected or proposed to be erected on the land, and such space shall be laid out in conformity with Clause 20(2) hereof.

Amended by
AM. No. 17,
AM. No. 38 Part 2,
AM. No. 72 Part 2A,
AM. No. 116 Part 2A

(2) Notwithstanding anything contained in Clause 22 hereof within that part of the Restricted Business Zone in the City of Ringwood situate between Ringwood Street and Warrandyte Road other than the area referred to in sub-clause (1) hereof no land or buildings shall be used for any purpose nor shall any buildings or works (other than a fence, a sign if permitted by or pursuant to this Ordinance and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) be constructed unless there is provided and maintained on the site, or upon other land in the vicinity approved by the responsible authority open space for car parking and access lanes for six cars for each 90 square metres of the floor area of all buildings erected or proposed to be erected on the land, and such open space shall be laid out in conformity with Clause 20(2) hereof.

Restricted Business
Zones - shop
conditions
Inserted by AM. No. 80
Part 10

22AA.

Notwithstanding the provisions of Clause 22 land within a Restricted Business Zone situated as described in Column 1 of the Table to this Clause may be used for the purpose of a shop subject only to the following conditions -

- (a) plans for the development of the land (which plans shall include the layout of the buildings and works, associated landscaping, provision for car parking, loading and unloading areas, access and egress ways to and from and within the land) shall be prepared and submitted to the responsible authority to the satisfaction thereof and such development shall only be carried out in accordance with such plans;
- (b) the gross leasable floor area of the shop shall not exceed the maximum area set forth opposite such description in Column 2 of the said Table; and
- (c) the other condition or conditions (if any) set forth in Column 3 of the Table shall be complied with.

TABLE TO CLAUSE 22AA

COLUMN 1	COLUMN 2	COLUMN 3
Situation of Restricted Business Zone	Maximum Gross Leasable Floor Area	Other Conditions
Land bounded generally by Hampshire and Hertford Roads and George, Service and Dawson Streets, City of Sunshine, and more particularly described as the whole of land in Certificates of Title: Volume 8356 Folio 674, Volume 8356 Folio 675, Volume 8356 Folio 676, Volume 5617 Folio 358, Volume 7875 Folio 199, Volume 7988 Folio 089, the whole of land remaining untransferred out of Volume 8354 Folio 677 and part of Volume 8095 Folio 650 being that part of Service Street between Hampshire Road and the western alignment of Dawson Street	16,800 square metres	Provision shall be made for not less than 1,140 car spaces complying with the provisions of Clause 28 of this Ordinance.

22B. Save with the permission of and subject to such conditions as may be specified by the responsible authority no building or works (other than a fence and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) may be constructed upon any land within a Service Business Zone. In determining whether or not such permission should be given or what conditions if any, should be specified the responsible authority shall have regard to the orderly and proper planning of the zone including -

- (a) the provision of accommodation for stationary vehicles;
- (b) the segregation of vehicular from pedestrian traffic;
- (c) the desirability of a setback for buildings and works from the site boundaries, and the landscaping of the area of such setback with lawns, gardens, shrubs and trees; and
- (d) where appropriate the accessibility of the site to vehicular traffic.

Service Business Zone - control of buildings and works
 Inserted by AM. No. 12
 Amended by AM. No. 35 Part 2

Inserted by AM. No. 68 Part 2B

Inserted by AM. No. 88 Part 2A

22C. (1) Land within a Special Use Zone No. 1 shall not be subdivided and no building or works (other than a fence, sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed upon such land without the permission of the responsible authority.

In determining whether or not such permission should be given or what conditions if any, should be specified the responsible authority shall have regard to the orderly and proper planning of the zone including -

- (a) the provision of accommodation for stationary vehicles;
- (b) the provision of land for landscaping and beautification purposes; and
- (c) the effect of the proposed buildings and works on the amenity of the neighbourhood.

(2) The provisions of sub-clause (1) hereof shall not apply to all that piece of land being Crown Allotment 16A Parish of Queenstown, County of Evelyn being the land more particularly described in Volume 3706 Folio 028 which land is situate in Eagles Nest Road, Shire of Whittlesea, and such land may be developed for the purpose of an educational establishment for a student population not exceeding 100 pupils all of whom shall be resident on the site provided that the plans for such development (which plans shall include the layout of the site, location of buildings, provision for landscaping, vehicular access, egress and parking, water collection and storage and waste water disposal) are to the satisfaction of the responsible authority and such development shall only be carried out in accordance with such plans.

Special Use Zone No. 1 - control of buildings and works
 Inserted by AM. No. 35 Part 2
 Amended by AM. No. 70 Part 4A, AM. No. 162

22D. The use of land for any of the purposes specified in Column 3 of Section 10A of the Table to Clause 7 shall where the land is situated as described in Column 1 of the Table to this Clause only be used for the purposes set forth opposite such description subject to the conditions applicable to such purposes.

Transport Centre Zone - Column 3 purposes and conditions
 Inserted by AM. No. 140 Part 3

TABLE TO CLAUSE 22D

COLUMN 1	COLUMN 2	COLUMN 3
Situation of Transport Centre Zone	Land Use Purposes	Conditions
<p>Box Hill Railway Station, north-west corner of Carrington Road and Station Street, City of Box Hill</p>	<p>Restaurant } Shop }</p>	<p>(a) The gross leasable floor area shall not be less than 15,000 square metres but shall not exceed 20,000 square metres provided however the maximum gross leasable floor area may be increased in the ratio of one square metre for each 0.25 square metre of the area set aside in addition to that required to condition (b) hereof provided always that such maximum gross leasable floor area does not exceed 22,000 square metres.</p> <p>(b) a total area shall be set aside at ground floor level of at least 1,200 square metres for unobstructed pedestrian concourse, access ways, paths and the like for the purpose of the Transport Interchange.</p> <p>(c) Provision shall be made for the accommodation of stationary vehicles in the ratio of 4.0 spaces per 100 square metres of gross leasable floor area, and such spaces shall comply with the provisions of Clause 28.</p>
	<p>Consulting Rooms } Office }</p>	<p>(a) The gross leasable floor area shall not be less than 1,000 square metres but shall not exceed 2,500 square metres.</p> <p>(b) Provision shall be made for the accommodation of stationary vehicles in the ratio of 3.0 spaces per 90 square metres of floor area and such spaces shall comply with the provisions of Clause 28.</p>
	<p>Place of Assembly</p>	<p>(a) The number of seats, if any, shall not exceed 1,000.</p> <p>(b) Provision shall be made for the accommodation of stationary vehicles in the ratio of 1 space per 10 seats or in the ratio of 1 space to each 18 square metres of floor area, whichever be the greater and such spaces shall comply with the provisions of Clause 28.</p>
	<p>Flats</p>	<p>(a) The number of flats shall not exceed 100.</p> <p>(b) Provision shall be made for the accommodation of stationary vehicles in the ratio of 1 space per flat and such spaces shall comply with the provisions of Clause 28.</p>

TABLE TO CLAUSE 22D (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3
Situation of Transport Centre Zone	Land Use Purposes	Conditions
	Transport Interchange	<p>(a) Provision shall be made for not less than 600 vehicle spaces during normal weekday working hours and 50 vehicle spaces on Saturdays such provision being made available only for train travellers and the said spaces shall comply with the provisions of Clause 28.</p> <p>(b) Taxi stands shall be provided capable of accommodating not less than 10 taxis at any one time.</p> <p>(c) Facilities shall be provided for the setting down and picking up of car-borne passengers sufficient to accommodate not less than 10 stationary vehicles at any one time.</p> <p>(d) A kiosk offering convenience goods including newspapers and toiletries shall be provided for passengers.</p>

23.

* * * * *

Clause 23 deleted by AM. No. 77 Part 3

24.

- (1) Save with the permission of the responsible authority no building or works (other than sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed upon any land within Special Use Zone No. 6. In determining whether or not such permission should be given and what conditions (if any) should be imposed should such permission be given the responsible authority shall take into consideration the views of the body or the persons for the time being responsible for the building or the conduct of the Victorian Arts Centre.
- (2) The following provisions shall apply in the Special Use Zone No. 7 -
 - (a) Land shall not be subdivided into allotments unless a plan of subdivision has first been submitted to and approved by the responsible authority and any such approval may be subject to such requirements as to area and dimensions of the allotments comprised in the plan of subdivision as the responsible authority may deem fit.
 - (b) Save with the permission of the responsible authority no building or works (other than a fence and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed upon any land and in determining whether or not such permission should be given the responsible authority shall have regard to the development of the zone for stock saleyards and associated purposes.
- (2A) Land within a Special Use Zone No. 7A shall not be subdivided other than for the excision of any land (whether by transfer or otherwise) due to the purchase or acquisition of such land by a public authority or municipal council in the exercise of powers conferred to statute.

Arts Centre locality
Amended by AM. No. 2,
AM. No. 35 Part 2

Stock Saleyards and Abattoirs (Derrimut)
Substituted by AM. No. 17

Amended by AM. No. 35 Part 2

Special Use Zone No. 7A - Stock Saleyards
Inserted by AM. No. 165

24. Cont'd...

**Special Use
Zone No. 8 - Shrine
locality**

(3) The following provisions shall apply to Special Use Zone No. 8 -

- (a) the design of the exterior of all buildings and the layout of all sites shall be approved by the responsible authority after consultation with the Trustees for the time being of the Shrine of Remembrance and shall be in keeping with the immediate environment of the Shrine of Remembrance;
- (b) no buildings and works shall be constructed to a height exceeding 36.05 metres above the Australian Height Datum except that the responsible authority, after consultation with the Trustees for the time being of the Shrine of Remembrance, may grant permission for a roof parapet meeting the requirements of the Uniform Building Regulations or a lift motor room and the related escape stairs to exceed the said height of 36.05 metres provided such lift motor room is not located within 20 metres of St. Kilda Road;
- (c) no building or works (other than a fence and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed closer than 3 metres to the boundary of the site which forms the frontage to St. Kilda Road;
- (d) shops and cafes where permitted shall be located within the building in such position as may be approved by the responsible authority and so as not to be visible from St. Kilda Road; and
- (e) no portion of the site or of any building thereon shall be used for the display of products goods or things (whether finished or unfinished or complete or incomplete) so that such products goods or things are visible from St. Kilda Road.

Amended by
AM. No. 49 Part 2,
AM. No. 136

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

Inserted by AM. No. 2

**Special Use
Zone No. 8A - Shrine
locality**
Inserted by AM. No. 12

(3A) The following provisions shall apply to Special Use Zone No. 8A -

- (a) the design of the exterior of all buildings and the layout of all sites shall be approved by the responsible authority after consultation with the Trustees for the time being of the Shrine of Remembrance and shall be in keeping with the immediate environment of the Shrine of Remembrance;
- (b) no buildings or works shall be constructed to a height above a plane having reduced levels above the Australian Height Datum exceeding 25.38 metres and 23.86 metres respectively on the St. Kilda Road and Wells Street frontage;
- (c) no building or works (other than a fence and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed closer than 3 metres to any boundary of the site which forms a frontage to St. Kilda Road and/or Wells Street;
- (d) no part of the surface land within the distance specified in paragraph (c) hereof from the frontage shall be used for any purpose other than the enjoyment of a garden with appropriate access driveways;
- (e) shops and cafes where permitted shall be located within the building in such position as may be approved by the responsible authority and so as not to be visible from St. Kilda Road.

Amended by
AM. No. 49 Part 2

Amended by
AM. No. 35 Part 2

**Special Use
Zone No. 9A - Civic
and Business Centre**
Inserted by AM. No. 65

(3B) Land within a Special Use Zone No. 9A shall not be subdivided and no building or works (other than a fence and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) may be constructed upon such land until the responsible authority has granted permission therefor. In determining whether or not such permission should be given or what conditions, if any, should be imposed the responsible authority shall have regard to the orderly and proper planning of the zone for civic and business purposes including -

- (a) the existing use and possible future development of such land and of contiguous or adjacent lands;
- (b) the amenity of the neighbourhood;
- (c) the setting aside of land for the purpose of a civic centre;
- (d) the area and dimensions of each allotment comprised in the subdivision;
- (e) plot ratio and height of buildings;
- (f) the separation of vehicular and pedestrian traffic;
- (g) the provision of accommodation for stationary vehicles;
- (h) the landscaping of the site; and
- (i) the provision of the following services, that is to say; water, sewerage, drainage, electricity and gas.

Shrine vista control
Amended by
AM. No. 35 Part 2,
AM. No. 49 Part 2,
AM. No. 83 Part 2,
AM. No. 151

(4) (a) The intention of this sub-clause is to ensure that the Shrine of Remembrance and its outline, as viewed from a position on or about the centre of Swanston Street opposite the building known as and containing the State Library of Victoria is not in any way obscured, rendered indistinct, encroached upon, made unclear or blurred by the construction, alteration or carrying out of any building or works on any land referred to in this sub-clause.

24. (4) Cont'd...

(b) Notwithstanding anything contained in this Planning Scheme save with the permission of the responsible authority -

- (i) no building or works shall be constructed to a height exceeding 22.34 metres above the Australian Height Datum, on any land within 45.5 metres of the western alignment of such part of St. Kilda Road as lies between Nolan Street and Coventry Street;
- (ii) no building or works shall be constructed to a height exceeding 33.00 metres above the Australian Height Datum, on any land situate within 76 metres of the western alignment of such part of St. Kilda road as lies between Albert Road and Fitzroy Street; and
- (iii) no building or works shall be constructed to a height exceeding 33.00 metres above the Australian Height Datum, on any land situated within the area hereinafter described, that is to say - commencing at the intersection of the eastern alignment of Punt Road with the northern alignment of Wellington Street, thence north-westerly by a straight line to the intersection of the eastern alignment of St. Kilda Road with the western alignment of Punt Road, thence north-westerly by the eastern alignment of St. Kilda Road to the southern alignment of Domain Road, thence easterly by the southern alignment of Domain Road to a point 198 metres westerly of the western alignment of Domain Street thence south-easterly by a straight line to a point on the northern alignment of Wellington Street, 573 metres easterly from the commencing point, thence westerly by the last mentioned alignments to the commencing point.

In determining whether or not permission should be given or what conditions, if any, should be imposed, the responsible authority shall take into consideration the views of the Trustees for the time being of the Shrine of Remembrance.

(c) Nothing in this sub-clause shall be taken to authorise the grant of a permit to construct buildings or works in a Height Control Area otherwise than in conformity with the provisions of Division 3B hereof.

(5) In such part of Special Use Zone No. 10 which lies within the City of South Melbourne -

- (a) on any land having an abuttal or abutments on a street or streets not less than 10 metres in width (other than that part of Wells Street as lies north of Bank Street) no portion of any building (other than a fence) shall be constructed within 3 metres of the frontage or shall be constructed without the permission of the responsible authority within 1.8 metres of the sideage to any such street;
- (b) no part of the surface of land within the distance specified in paragraph (a) hereof from the frontage or any other boundary shall be used for any purpose other than the enjoyment of a garden with appropriate access driveways;
- (c) no portion of the site or of any building thereon shall be used for the display of products goods or things (whether finished or unfinished or complete or incomplete) so that such products goods or things are visible from St. Kilda Road; and
- (d) notwithstanding the provisions of paragraph (a) hereof -
 - (i) a basement may be constructed within the boundaries of the site provided that any such basement shall not project above ground level and within the distances from boundaries described in paragraph (a) hereof shall not be higher than 0.8 metre below permanent footpath level of any abutting street; and
 - (ii) any basement within the said distances from boundaries shall be covered by garden soil to a depth of 0.8 metre with the exception of any appropriate access driveways.

**Special Use
Zone No. 10 - South
Melbourne**
Amended by
AM. No. 17,
AM. No. 134,
AM. No. 151

Inserted by AM. No. 2

(5A) In such part of Special Use Zone No. 10 which lies within the City of Prahran -

- (a) on any land having an abuttal or abutments on a street or streets not less than 10 metres in width, no portion of any building (other than a fence) shall be constructed within 3 metres of the frontage or within 1.8 metres of any other boundary which abuts on such a street;
- (b) no part of the surface of land within the distance specified in paragraph (a) hereof from the frontage of any other boundary shall be used for any purpose other than the enjoyment of a garden with appropriate access driveways.

**Special Use
Zone No. 10 -
Prahran**
Inserted by AM. No. 27
Part 2

(6) Save with the permission of the responsible authority no buildings or works (other than a fence and sewerage, drainage, water and gas mains, oil pipelines, electricity transmission lines operating at a voltage of less than 220,000 volts and telephone lines) shall be constructed upon any land within Special Use Zone No. 11. In determining whether or not such consent should be given and what conditions (if any) should be imposed should such consent be given the responsible authority shall have regard to the development of the zone for purposes which are associated with or related to the activities carried on at Monash University and the responsible authority shall take into consideration the views of the Monash University Council.

**Monash University
locality**
Amended by
AM. No. 17,
AM. No. 35 Part 2