

24. Cont'd...

**Special Use
Zone No. 12 - tourist
facilities**
Inserted by AM. No. 3
Part 1A
Amended by
AM. No. 115 Part 2A

(6A) Save with the permission of the responsible authority 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) shall be constructed upon any land within a Special Use Zone No. 12. In determining whether or not such permission should be given the responsible authority shall take into consideration the following:

- (a) the primary purpose for which land is zoned which is to provide opportunity for the bringing together of tourist facilities;
 - (b) the orderly and proper planning of the zone;
 - (c) the preservation of the amenity of the neighbourhood;
 - (d) the layout and design of the proposed buildings or works;
 - (e) the provision for ingress and egress from any site and the provision for the accommodation of stationary vehicles;
 - (f) the provision for and nature of landscaping on any site;
- and may impose such conditions (if any) on any permit issued as it deems fit.

**Main roads - setbacks
for buildings and
works**
Amended by
AM. No. 2, AM. No. 17,
AM. No. 27 Part 2,
AM. No. 35 Part 2,
AM. No. 72 Part 2A,
AM. No. 77 Part 3,
AM. No. 115 Part 2A

(7) (a) Notwithstanding anything contained in this Part save with the permission of the responsible authority no building or works (other than for the provision of means of access if permitted by or under this Part or for lawns, gardens and improvements ancillary thereto and 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 and no provision for car parking spaces or access lanes to such car parking spaces shall be made upon any part of any land to which this sub-clause applies which lies within 9 metres of any land reserved for the purpose of a main road or of such roads or streets as are set out in paragraph (c) hereof;

- (b) this sub-clause shall apply to any land situate in any part of any of the following zones, namely, Rural, Stream and Floodway, Corridor "A", General Industrial, Restricted General Industrial, Special Industrial, Light Industrial, Restricted Light Industrial, Garden Industrial, Reserved General Industrial, Reserved Special Industrial, Reserved Light Industrial, Extractive Industrial, Offensive Industrial, Dangerous Industrial, Special Use No. 12, General Farming "A", Intensive Agriculture "A", Special Extractive "A", Landscape Interest "A", Conservation "A", as lies within the following municipal districts other than such part or parts (if any) excluded therefrom, that is to say - Altona, Berwick, Box Hill, Broadmeadows, Bulla, Cranbourne, Croydon, Dandenong (excluding that portion abutting on the Princes Highway south of Foster Street), Diamond Valley, Doncaster and Templestowe, Eltham, Footscray (excluding that portion abutting on the Princes Highway between Robbs Road and Sunshine Road, Ballarat Road, Hyde Street, Maribyrnong Street), Frankston, Heidelberg, Keilor, Knox, Melton, Moorabbin (excluding that portion abutting on North Road and on Nepean Highway north of South Road), Mordialloc, Nunawading, Oakleigh (excluding that portion abutting on North Road, Atkinson Street and Dandenong Road between Warrigal Road and Atkinson Street), Pakenham, Ringwood, Springvale, Sunshine (excluding that portion abutting on Ashley Street, Dempster Street, Sunshine Road and Ballarat Road east of Duke Street), Waverley, Werribee and Whittlesea; and
- (c) this sub-clause shall also apply to any land having a frontage to that part of the southern alignment of Somerville Road, City of Footscray, as lies between the Princes Highway and Tottenham Parade.

Amended by
AM. No. 2, AM. No. 17,
AM. No. 49 Part 2,
AM. No. 68 Part 2A,
AM. No. 21 Part 8A,
AM. No. 68 Part 2B,
AM. No. 3 Part 1A

(8) Notwithstanding anything contained in this Planning Scheme save with the permission of the responsible authority, no buildings or works shall be constructed or carried out upon any land (other than land situate in any area vested in or under the control of the Port of Melbourne Authority) -

- (a) within a distance of 60 metres from any bank of the following rivers, that is to say -
 1. The Yarra River
 2. The Maribyrnong River downstream from the junction with the Jackson's Creek;
- (b) within a distance of 30 metres from any bank of any of the following creeks, rivers and watercourses, that is to say -
 1. The Maribyrnong River upstream from the junction with the Jackson's Creek
 2. The Kororoit Creek
 3. The Skeleton Creek
 4. The Laverton Creek
 5. The Taylor's Creek (also known as Green Gully Creek and being the tributary which enters the west bank of the Maribyrnong River at Keilor)

• Inserted by AM. No. 2

**Rivers, creeks and
watercourses -
setbacks for buildings
and works**
Substituted by
AM. No. 2
Amended by
AM. No. 17,
AM. No. 115 Part 2A

24. (8) (b) Cont'd...

6. The Jackson's Creek
 7. The Arundel Creek
 8. The Moonee Ponds Creek
 9. The Merri Creek
 10. The Darebin Creek
 11. The Plenty River
 12. The Diamond Creek
 13. The Mullum Mullum Creek
 14. The Gardiner's Creek; and
- (c) within a distance of 15 metres from any bank of any of the following creeks and watercourses, that is to say -
1. The Stony Creek
 2. The Cherry's Drain
 3. The Steele Creek, also known as the Rose Creek
 4. The Melville Creek
 5. The Edgar's Creek
 6. The tributary of the Merri Creek, known as the Central Creek, which enters the east bank of the Merri Creek near Glasgow Avenue, Preston
 7. The tributary of the Diamond Creek, known as the Eltham West Drain, which enters the west bank of the Diamond Creek near Peel Street, Eltham
 8. The Research Creek, being a tributary of the Diamond Creek.
 9. The Ruffey's Creek
 10. The Koonung Creek
 11. The Back Creek
 12. The Scotchman's Creek
 13. The Dandenong Creek
 14. The Mile Creek including its two main tributaries which join south of Centre Road, Springvale
 15. The Doherty's Drain
 16. The Kaye's Drain
 17. The Billingham Road Drain
 18. The tributary of the Edgar's Creek which enters the west bank of the Edgar's Creek near Cooper Street, Whittlesea
 19. The Merlynston Creek
 20. The Salt Creek
 21. The two tributaries of the Moonee Ponds Creek, known as the Yuroke Creek and the Otway Crescent Drain, which join near the intersection of Broadmeadows Road and Lyons Street, Broadmeadows.

Amended by
AM. No. 17

For the purpose hereof -

Amended by
AM. No. 70 Part 4A

- (a) "**bank**" means the relatively steep land which normally confines the water flowing in the river, creek or watercourse;
- (b) "**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.

24.

Cont'd...

Altona - external walls in Service Business, Light Industrial and General Industrial Zones
Substituted by
AM. No. 17
Amended by
AM. No. 62 Part 2

- (9) Notwithstanding anything contained in this Planning Scheme in such part of the Service Business, Light Industrial and General Industrial Zones, which lie within the City of Altona, the following provisions apply -
- (a) The external walls of that portion of any building within 15 metres of any street alignment shall be constructed of brick, masonry, concrete or other fire resistant material.
 - (b) The external walls of that portion of any building beyond 15 metres of any street alignment shall be constructed of brick, masonry, concrete or other fire resistant material up to window height or to a height of 1.8 metres above ground level, whichever is the lesser.

Altona - Millers Road building setback
Inserted by AM. No. 68
Part 2B
Amended by
AM. No. 83 Part 2

- (9A) Notwithstanding anything contained in the Planning Scheme no buildings shall be constructed closer than 12.2 metres to the eastern and western alignments of Millers Road between Civic Parade and the northern boundary of the City of Altona without the permission of the responsible authority.

Sandringham - special provisions in Light Industrial and General Industrial Zones
Substituted by
AM. No. 68 Part 2B

- (10) Notwithstanding anything contained in the Planning Scheme in such part of the Light Industrial and General Industrial Zones which lies within the City of Sandringham the following provisions shall apply -

- (a) No building or works (other than appropriate access driveways, 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 closer than 3 metres to any boundary of the site.
- (b) No part of any building in the said zones shall project above planes projecting inwards to the site at an angle of thirty degrees from the horizontal and based -
 - (i) in the case of a boundary of the site which forms a street alignment on the boundary of the site;
 - (ii) in the case of a boundary of the site which does not form a street alignment on an assumed line parallel to and 6 metres outside the boundary;
 - (iii) provided always that these restrictions as to the height of any building do not apply to the construction of a chimney stack or other part of a building where the greatest horizontal dimensions of such stack or part is not greater than 3.6 metres and further provided that for the purpose of computing the height of any building, the surface of the site may be assumed to be horizontal and at a level equal to the average level of the mid points of each boundary.
- (c) No building or structure (other than a fence) shall be constructed if the site is of area less than 1860 square metres or has less than 30 metres frontage to any one street or a depth to the rear boundary of less than 45.7 metres, save that the responsible authority may grant permission for any site to be used for any purpose permitted in the Light or General Industrial Zones notwithstanding that it does not conform with any or all of the aforesaid minimum requirements in respect of area, frontage or depth, provided it existed as a separate allotment on a plan of subdivision approved by the Council of the City of Sandringham, and lodged with the Office of Titles prior to the 26th day of April, 1949.
- (d) In this sub-clause "site" means the allotment or allotments of land used or intended to be used for any purpose and occupied by one person, company or organization.

Moorabbin - provisions for Business and Industrial Zones
Inserted by AM. No. 14
Amended by
AM. No. 17,
AM. No. 68 Part 2B

- (11) Notwithstanding anything contained in the Planning Scheme the following provisions shall apply to land within the City of Moorabbin:

- (a) Where the site be situate in a Light Industrial Zone or a General Industrial Zone such site shall be not less than 585 square metres in area and shall have a minimum frontage of 15 metres.
- (b) Save with the permission of the responsible authority no buildings shall be constructed in the following zones, namely, District Business, Restricted Business, Local Business, Light Industrial, General Industrial, Special Industrial, Reserved Light Industrial, Reserved General Industrial, Commercial and Industrial, Service Industrial and Extractive Industrial, unless the external walls are constructed of bricks, stone, concrete or masonry.

Nunawading - setbacks and subdivisions
Inserted by AM. No. 24
Amended by
AM. No. 68 Part 2B

- (12) Notwithstanding anything contained in the Planning Scheme the following provisions shall apply to land within the City of Nunawading:

- (a) No building shall be constructed closer than 6 metres to the eastern alignment of Goodwin Street for a distance of 58.5 metres north from Whitehorse Road.
- (b) No building shall be constructed closer than 10.5 metres to the eastern alignment of Goodwin Street from a point 58.5 metres north of Whitehorse Road to Springfield Road.
- (c) Save with the permission of the responsible authority no land contained within -
 - (i) Certificate of Title Volume 6818 Folio 500 and being land off the north side of Whitehorse Road commencing 157.7 metres east of Goodwin Street;

24.(12) (c) Cont'd...

- (ii) Balance of Certificate of Title Volume 6768 Folio 1353515 and being land generally between the extremities of Luckie Street and Almer Avenue;
- (iii) Certificate of Title Volume 8926 Folio 083 and being part of Burnt Street now closed; shall be subdivided.

(13) (a) The purpose of the Development Area No. 1 is to cause land within the said area to be resubdivided and developed in a manner consonant with current development requirements. To achieve this aim the responsible authority proposes to acquire all the land within the Development Area No. 1 and to cause it to be resubdivided, the roads constructed and the services installed and then developed and sold for residential, commercial and industrial purposes in the manner shown on the "Plan of Intended Zoning and Development".

Development Area No. 1
Inserted by AM. No. 16

(b) The responsible authority will purchase, or with the approval of the Minister compulsorily take, the whole of the land within the Development Area No. 1 and cause it to be resubdivided and to carry out developmental works either itself or through agents and to close any road or street and may, pursuant to and in conformity with the provisions of the Town and Country Planning Act 1961 (as amended) sell any part of the land which has become vested in it.

(c) Within the Development Area No. 1 and as shown on the "Plan of Intended Zoning and Development" the roads or parts thereof shown black cross hachured are hereby closed or stopped up and all rights of way and other easements to which the same are subject are hereby extinguished and the land forming a closed road shall not be used for any purpose other than in accordance with the provisions of the Planning Scheme providing that in relation to any road or roads which at the approval date forms or form the only means of access to any land, the responsible authority shall, until either alternative access is available or access is no longer required, permit the use of such road or roads for the purpose of such access and that the responsible authority shall make such arrangements and agreements as are necessary for the removal of any service installations and fixtures which may have been lawfully laid over, on or under such road or roads.

(d) Notwithstanding anything to the contrary in this Ordinance 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 the Development Area No. 1. In determining whether or not such permission shall be given or what conditions, if any, should be specified, the responsible authority shall have regard to the orderly and proper planning of the area including:

Amended by
AM. No. 35 Part 2,
AM. No. 77 Part 3

- (i) Location and layout of buildings and works;
- (ii) Provision for ingress to and egress from any site;
- (iii) Provision of accommodation for stationary vehicles;
- (iv) * * * * *
- (v) The preservation, planting and maintenance of trees and landscaped areas.

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

(14) (a) The intention of this sub-clause is that -

- (i) the landscape qualities and amenity of the Royal Botanic Gardens should be preserved;
- (ii) vegetation within the said Gardens and the suitability of such Gardens for the growth of any vegetation shall not be adversely affected;

Royal Botanic Gardens vicinity -
control of building height
Substituted by
AM. No. 41

(b) Notwithstanding anything contained in the Planning Scheme, no buildings or works shall be constructed to a height exceeding 12 metres above the permanent footpath level in front of the centre of the face of the buildings or works on any land situated within the area bounded by Alexandra Avenue, Punt Road, Toorak Road, Arnold Street, Bromby Street, St. Kilda Road, Domain Road and Anderson Street;

(c) Notwithstanding anything contained in this Planning Scheme, save with the permission of the responsible authority no buildings or works shall be constructed to a height exceeding 12 metres above the permanent footpath level in front of the centre of the face of the buildings or works on any land situated within the areas bounded by -

- (i) Swan Street, the western side of the reservation for the Sandringham Railway, the South Eastern Freeway and Batman Avenue;
- (ii) Alexandra Avenue, the western side of the reservation for Sandringham Railway, Toorak Road and Punt Road;
- (iii) Arnold Street, Bromby Street and St. Kilda Road;

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 -

24. (14) (c) Cont'd...

- (i) the extent to which any buildings or works would or at any time may be visible from within any part of the Royal Botanic Gardens;
- (ii) the likely effect of any such buildings or works on air turbulence within any part of the said Gardens;
- (iii) the likelihood of any such buildings or works overshadowing any part of the said Gardens;

and shall take into consideration the views of the Director of the Royal Botanic Gardens and other appropriate bodies.

Sub-clauses (15) and (16) deleted by AM. No. 68 Part 2B

- (15) * * * * *
- (16) * * * * *

Mordialloc - special provisions in Industrial Zones
Substituted by AM. No. 115 Part 2A

- (17) Notwithstanding anything contained in the Planning Scheme in such part of any Industrial Zone which lies within the City of Mordialloc, the following provisions shall apply -
 - (a) 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) shall be constructed on land comprising an allotment having a frontage of less than 15 metres; and
 - (b) each building capable of separate occupation shall be contained in a site having an area of not less than 585 square metres available exclusively to such occupancy.

Malvern - building setbacks in Weir Street
Inserted by AM. No. 34 Part 1

- (18) Notwithstanding anything contained in the Planning Scheme no building (other than a fence) may be constructed on land in the Light Industrial Zone within 6 metres of the street alignment of Weir Street in the City of Malvern.

West Gate Bridge Port Melbourne and Williamstown - 'setbacks for buildings and works
Inserted by AM. No. 34 Part 2

- (19) Save with the permission of the responsible authority, no buildings or works shall be constructed upon any land within a distance of 46 metres from the reservation for Existing Main Road -
 - (a) in the City of Port Melbourne, immediately north of Howe Parade, and such land is located within the Transportation Zone; and
 - (b) in the City of Williamstown, south of Stony Creek, between Hyde Street and Hall Street, such land is located within a General Industrial 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 possible risk of any damage from fire both to buildings and works on such land and to structures and works constructed on the said reservation and shall take into consideration the views of the West Gate Bridge Authority.

Light Industrial Zone - Bridge Road and Stawell Street, Richmond
Inserted by AM. No. 163

- (20) The land within that part of the Light Industrial Zone situate at the south east corner of Bridge Road and Stawell Street, City of Richmond, having frontages of approximately 299.9 metres to the east side of Stawell Street and 57.7 metres to the south side of Bridge Road, shall not be subject to the provisions of Clause 14(1)(c) of this Ordinance and may be developed for the purposes of light industry, warehouse, and/or store, (including any activity or activities normally carried on by any such use) provided that:
 - (a) the floor area of offices constructed after the approval date hereof shall not exceed 500 square metres;
 - (b) a landscaped buffer strip of width not less than 4.5 metres shall be provided adjacent to the northern boundary, except where vehicular access is to be provided from Bridge Road;
 - (c) a landscaped buffer strip of width not less than 4.5 metres shall be provided adjacent to that part of the eastern boundary of the land within 165 metres south of Bridge Road;
 - (d) a landscaped buffer strip of width not less than 4.5 metres interspersed with not more than 15 car spaces shall be provided adjacent to that part of the western boundary of the land within 160 metres south of Bridge Road, and where practicable a landscaped buffer strip shall be provided adjacent to the remainder of the western boundary of the land;
 - (e) screen fencing shall be provided adjacent to the northern boundary and western boundary (within 160 metres south of Bridge Road) of the land;
 - (f) provision shall be made for not less than 96 car spaces (in addition to those car spaces referred to in (d) above) complying with the provisions of Clause 28 of the Ordinance;
 - (g) the loading and unloading of vehicles and delivery of goods shall at all times be effected within the curtilage;
 - (h) one vehicular crossover only shall be provided between the land and Bridge Road; and
 - (i) one vehicular crossover only shall be provided between Stawell Street and that part of the land within 184.4 metres south of Bridge Road.

24. Cont'd...

(21) (a) The use of land for any of the purposes specified or included in Column 4 of Section 34A of the Table to Clause 7 shall be subject to the following conditions:

Special Use
Zone No. 13 -
St. Kilda Road,
St. Kilda
Inserted by AM. No. 45

- (i) no building shall be constructed which exceeds the appropriate plot ratio (including any existing buildings to be retained) set out in Table 1 to this sub-clause when regard is had to the site area thereof and to the percentage of residential floor space comprised within such building or buildings;
- (ii) notwithstanding the provisions of sub-paragraph (i) hereof, the responsible authority may permit the maximum plot ratio applicable in the appropriate circumstances to be increased by not more than 0.20. In considering any application for any such increase in the plot ratio the responsible authority shall amongst other considerations have regard to the extent to which any detriment resulting from the increased plot ratio is offset by the siting standards contained in this sub-clause;
- (iii) save with the permission of the responsible authority, the percentage of residential floor space which the maximum plot ratio of any building is calculated pursuant to Table 1 to this sub-clause, shall not be reduced;
- (iv) no portion of any building shall be constructed closer to the boundary of any road or street referred to in Column 1 of Table 2 to this sub-clause than the distance set forth opposite thereto in Column 2;
- (v) the surface of the area of any land within the distance specified from the boundary of any road or street referred to in Table 2, to this sub-clause 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;
- (vi) no vehicle shall be parked upon the land in such manner as to be visible from any road or street specified in Table 2 to this sub-clause;
- (vii) fences on or within any land within the distance specified from the boundary of any road or street referred to in Table 2 to this sub-clause shall not exceed 0.3 metre in height;
- (viii) no portion of any building shall be built closer than 4.5 metres to a boundary of any site, except that in the area bounded by Charnwood Road, St. Kilda Road, Farmer Street, the extension of the centre line thereof and the eastern boundary of Special Use Zone No. 13 no such setback shall be required;
- (ix) (a) a basement may be constructed within the boundaries of the site provided that the top of the structure of any such basement closer to the street than the minimum distance permitted for any building on that site shall not be higher than the level of the street or road;
- (b) where the basement is located closer to any street than the minimum distance permitted for any building, such basement shall be covered to a depth of 0.75 metre with garden soil;
- (c) no stair or ramp to any basement shall be located within 4.5 metres of the west side of St. Kilda Road.

(b) Notwithstanding anything contained in the Planning Scheme save with the permission of the responsible authority no land situate in the Special Use Zone No. 13 shall be commenced to be used for the purpose of offices until accommodation is provided for stationary vehicles in the ratio of 1 car space for each 33 square metres of the floor area of all buildings used for such purpose and such accommodation shall be provided in accordance with the provisions of Clause 28(2) of this Ordinance.

Amended by
AM. No. 120 Part 3A

TABLE 1 TO SUB-CLAUSE (21) OF CLAUSE 24

Maximum Plot Ratios							
Site Area (Square Metres)	Residential Floor Space Percentage						
	0% to 10%	Less than 20%	Less than 30%	Less than 40%	Less than 50%	50% to 80%	More than 80%
0- 500	1.00	1.00	1.00	1.00	1.00	1.25	1.00
501- 700	1.25	1.30	1.35	1.40	1.45	1.50	1.25
701-1000	1.60	1.70	1.80	1.90	2.00	2.25	2.00
1001-1500	2.30	2.35	2.40	2.45	2.50	2.75	2.50
1501-2000	2.55	2.60	2.65	2.70	2.75	3.00	2.75
2001-3000	2.80	2.85	2.90	2.95	3.00	3.25	3.00
3001 and over	3.05	3.10	3.15	3.20	3.25	3.50	3.25

TABLE 2 TO SUB-CLAUSE (21) OF CLAUSE 24

COLUMN 1	COLUMN 2
St. Kilda Road (west side).	9 metres
Carlisle Street (portion on north side, east of St. Kilda Road).	9 metres
Princes, Wellington, Barkly, Inkerman, Carlisle (portion on north side, west of St. Kilda Road) Streets, Alma Road and Charnwood Road.	4.5 metres

St. Kilda Road, South Yarra, City of Melbourne - noise controls in Restricted Business Zone
 Inserted by AM. No. 70 Part 4C

- (22) Notwithstanding anything contained in this Planning Scheme, in that part of the Restricted Business Zone which lies within the area bounded by St. Kilda Road, Toorak Road, Arnold Street and Bromby Street within the City of Melbourne, the following provisions shall apply:
- (a) No music or voice amplified within any part of the building on the site shall be audible outside the said building.
 - (b) No live entertainment, band or amplified music or amplified voice shall be allowed in any area within the site outside the building, including the car park and forecourt area.
 - (c) The proprietors of any restaurant within the site shall use their best endeavours to ensure that patrons enter and leave the restaurant so as not to cause unreasonable noise.

Industrial Zones - building setback, landscaping and height control
 Substituted by AM. No. 115 Part 2B

24A. (1) Save with the permission of the responsible authority no building or works (other than provision for accommodation of stationary vehicles including parking areas, and loading and unloading bays and appropriate access driveways, 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 within the municipality specified in Column 1 of Table 1 to this Clause be constructed in any industrial zone closer to the frontage or sideage to any street, road or road reservation than the distances set forth in Column 2 or 3 respectively and save with the further permission of the responsible authority a garden buffer strip, shall be provided adjoining the frontage and having the width of garden buffer strip specified in Column 4 of the said Table.

Substituted by AM. No. 115 Part 2B

(2) Save with the permission of the responsible authority no building or works (other than provision for accommodation of stationary vehicles including parking areas, and loading and unloading bays and appropriate access driveways, 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 within the municipality and zone or zones specified in Column 1 and Column 2 respectively of Table 2 to this Clause be constructed closer to the frontage or sideage to any street, road or road reservation specified in Column 3 than the distances set forth opposite thereto in Columns 4 and 5 respectively and save with the further permission of the responsible authority a garden buffer strip shall be provided adjoining the frontage and having the width of garden buffer strip specified in Column 6 of the said Table.

Inserted by AM. No. 115 Part 2A

- (2A) Where buildings and works are set back pursuant to sub-clauses (1) and (2) hereof no goods or materials shall be stored within such setback without the permission of the responsible authority.
- (3) Where buildings and works are set back to the sideage in accordance with the Tables to this Clause save with the permission of the responsible authority a garden buffer strip having a width of not less than 1.8 metres shall be provided along such sideage except that within the City of Waverley, save with such permission, the whole of such setback shall be landscaped with lawns, gardens, shrubs and trees.

Amended by AM. No. 115 Part 2A, AM. No. 138 Part 2A

(4) Save with the permission of the responsible authority no building or works (other than appropriate access driveways, 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 in any industrial zones nearer to the boundary of any Residential or Reserved Living Zone or to land reserved or used for the purpose of a hospital or a school than the distance 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 such wall and save with such permission the land so set aside shall be used wholly for a garden buffer strip.

Amended by AM. No. 115 Part 2A

(5) (a) The land set aside for a garden buffer strip, the width of such being as specified in the Tables to this Clause or in sub-clause (3) or (4) hereof, shall be landscaped with lawns, gardens, shrubs and trees and continuously maintained to the satisfaction of the responsible authority, and shall not be used for any other purpose except for appropriate access driveways or footpaths.

24A. (5) Cont'd...

- (b) When the garden buffer strip adjoins a car park, a screen wall or a masonry kerb (of a minimum height of 150 millimetres) shall be erected along the boundary of the garden buffer strip and such car park.

- (6) In determining whether or not permission shall be granted to reduce or waive the provisions of sub-clauses (1), (2), (2A), (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:-
 - (a) the orderly and proper planning of the zone;
 - (b) the amenity of the neighbourhood; and
 - (c) the existing development (if any) of the land and of adjoining land.

- (7) (a) Save with the permission of the responsible authority no building or works shall be constructed in any industrial zone (other than in the municipal district of the City of Sandringham) so as to exceed a height of 7.0 metres above ground level and in determining whether or not such permission shall be granted and if permission is granted what condition or conditions should be imposed, the responsible authority shall have regard to:-
 - (i) the orderly and proper planning of the zone;
 - (ii) the amenity of the neighbourhood; and
 - (iii) the need for the proposed buildings or works to be set back a distance from the frontage, sideage or any other boundary greater than the distances required pursuant to this Clause.

- (b) Notwithstanding the provisions of paragraph (a) hereof no building or works shall be constructed in a Height Control Area other than in conformity with the provisions of Division 3B.

Amended by
AM. No. 115 Part 2A

Amended by
AM. No. 151

TABLE 1 TO CLAUSE 24A

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Municipality	Distance from Frontage	Distance from Sideage	Width of Garden Buffer Strip Adjoining Frontage
Brunswick Caulfield Coburg Collingwood Essendon Fitzroy Footscray Hawthorn Malvern Melbourne Northcote Prahran Richmond St. Kilda South Melbourne	4.5 metres	1.8 metres	1.8 metres
Kew Box Hill Brighton Broadmeadows Dandenong Frankston Heidelberg Keilor Moorabbin Nunawading Oakleigh Preston Ringwood Whittlesea	7.6 metres	1.8 metres	1.8 metres
Camberwell Doncaster & Templestowe	9 metres	3 metres	6 metres
Mordialloc	9 metres	6 metres	6 metres
Chelsea Springvale Sunshine	9 metres	4.5 metres	9 metres
Eltham	15.2 metres	4.5 metres	3 metres
Bulla Melton	20 metres	4.5 metres	20 metres

TABLE 2 TO CLAUSE 24A

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Municipality	Zone or Zones	Street, Road or Road Reservation	Distance from Frontage	Distance from Sideage	Width of Garden Buffer Strip Adjoining Frontage
Altona	General Industrial Light Industrial Reserved Light Industrial Reserved General Industrial	Main Roads	18.8 metres	3 metres except where two Main Roads intersect in which case the distance shall be 9.0 metres.	9 metres
		Secondary Roads	12.2 metres	3 metres except where two Secondary Roads intersect in which case the distance shall be 6.0 metres.	6 metres
		All other streets or roads	9 metres	3 metres	3 metres
Berwick	All industrial zones	All streets or roads having a width of 15.2 metres or less	9 metres	4.5 metres	9 metres
		All streets or roads having a width in excess of 15.2 metres	20 metres	4.5 metres	20 metres
Cranbourne	General Industrial Reserved General Industrial Reserved Light Industrial	Abbots Road (east of Eumemmerring Creek) Dandenong/ Hastings Road Frankston/ Dandenong Road (south of Dingley By-Pass) Dingley By-Pass South Gippsland Freeway South Gippsland Highway (except where land fronts an alternative access road) Greens Road (except land included in Crown Portion 92)	20 metres	4.5 metres	20 metres
		All other streets or roads	6 metres	3 metres	6 metres
Diamond Valley	Reserved Light Industrial	Grimshaw Street	9 metres	3 metres	9 metres
	All other industrial zones	All streets or roads	6 metres	3 metres	6 metres

TABLE 2 TO CLAUSE 24A (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Municipality	Zone or Zones	Street, Road or Road Reservation	Distance from Frontage	Distance from Sideage	Width of Garden Buffer Strip Adjoining Frontage
Port Melbourne	All industrial zones	Graham Street Lorimer Street Salmon Street Todd Road Williamstown Road	6 metres	3 metres	3 metres
Sandringham	Light Industrial General Industrial	All other streets or roads	4.5 metres	1.8 metres	1.5 metres
		Reserve Road (west side between the north building line of Tulip Street and the southern alignment of Bay Road)	12.6 metres	12.6 metres	3 metres
		Bay Road (between western alignment of Reserve Road and 94.24 metres east of the eastern alignment of Miller Street)	12.6 metres	12.6 metres	3 metres
Waverley	Light Industrial General Industrial Reserved Light Industrial Reserved General Industrial	All other streets or roads	7.6 metres	7.6 metres	3 metres
		Elliot Street Sixth Avenue (east side) Evans Street Florence Street Colin Court Leslie Court Aristoc Road Myrtle Street Palmer Court Expo Court Lionel Road Commercial Road Industrial Avenue Howleys Road Geddes Street Pickering Road McDonalds Lane Miles Street Kalimna Avenue Roberts Avenue Highfield Avenue Glenvale Crescent (north/south alignment) Rosemary Court Village Court	7.6 metres	7.6 metres	7.6 metres

Amended by AM. No. 91 Part 2

Amended by AM. No. 120 Part 3A

TABLE 2 TO CLAUSE 24A (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6		
Municipality	Zone or Zones	Street, Road or Road Reservation	Distance from Frontage	Distance from Sideage	Width of Garden Buffer Strip Adjoining Frontage		
Werribee	General Industrial Light Industrial	Montepellier Road Wilson Road Hardner Road Ricketts Road Gilby Road Normanby Road Gardiner Road Dunlop Road Lexia Place Garden Road Glenvale Crescent (east/west alignment) Redwood Crescent Faigh Street or any new street created within the said zones.	10.6 metres	10.6 metres	10.6 metres		
		Highbury Road Huntingdale Road Forster Road Blackburn Road Waverley Road	13.7 metres	13.7 metres	13.7 metres		
		Springvale Road - Service Road Wellington Road - Service Road Princes Highway - East Service Road Springvale Road Ferntree Gully Road Wellington Road Warrigal Road (east side)	20 metres	20 metres	20 metres		
		Fitzgerald Road Boundary Road Dohertys Road Little Boundary Road	20 metres	4.5 metres	10 metres		
		All other streets or roads	10 metres	3 metres	10 metres		
		Fitzgerald Road Leakes Road	20 metres	3 metres	10 metres		
		All other streets or roads	10 metres	3 metres	10 metres		
		All streets or roads	6 metres	3 metres	3 metres		
		Williamstown	Light Industrial General Industrial Special Industrial Reserved Light Industrial Reserved General Industrial Extractive Industrial	All streets or roads	4.5 metres	1.8 metres	4.5 metres
				All streets or roads	20 metres	4.5 metres	20 metres

Amended by AM. No. 20 Part 3A

25. (1) Land except land in a Special Extractive "A" Zone may only be used or subject to the provisions of Division 2 of this Part continue to be used for the purpose of extractive industry subject to compliance with the following conditions -

Extractive industry
Substituted by
AM. No. 35, Part 2
Amended by
AM. No. 21 Part 8A,
AM. No. 120 Part 3A

- (a) extraction shall be carried out only on such portion of the land as may be permitted by the responsible authority;
- (b) when so required by the responsible authority any land which has been excavated shall be filled, sloped, resoiled or planted with protective vegetation to the approval of the authority, provided that current or proposed extractive operations are not detrimentally affected thereby and for the purpose of future resoiling, any excavated top soil unsuitable for the processes being carried on shall be carefully stacked on the land and preserved and shall not be removed therefrom;
- (c) shrubs and trees shall be planted and maintained in such a manner as to screen the activities on the site to the satisfaction of the responsible authority; and
- (d) facilities shall be provided to the satisfaction of the responsible authority for the accommodation of vehicles of employees or vehicles used in connection with the works.

In determining whether or not permission pursuant to paragraph (a) hereof should be given the responsible authority shall have regard to the nature and characteristics of the material proposed to be extracted and of the adjacent land and may impose such conditions as are considered necessary to prevent any injury, damage, or obstruction to any street, road, sewer, watercourse (whether natural or artificial), drain, adjoining land or works or buildings thereon, provided however that no alteration of the natural condition or topography of the land (other than alterations for driveways, drains or landscaping for tree planting or beautification purposes) shall be made closer than 20 metres to the boundary of any land not included in an Extractive Industrial Zone.

(2) Land may only be used or subject to the provisions of Division 2 of this Part continue to be used for the purpose of a petrol filling station subject to compliance with the following conditions or such modifications as the responsible authority may permit -

Petrol Filling Station -
conditions

- (aa) the site shall have a frontage of not less than 36 metres and a depth of not less than 30 metres (except a corner site may have a frontage of not less than 30 metres) and have an area of not less than 1080 square metres;
- (a) the vehicular crossovers between the site and any existing or new street shall not exceed two in number and at the street alignment each shall be -
 - (i) not more than 7.7 metres in width whether or not any land over which there are public or private rights of way is included;
 - (ii) not closer than 4.5 metres to any other such crossover;
 - (iii) not closer than 7.7 metres to the alignment of any other street or in the case of a splayed corner not closer than 7.7 metres to the nearest end of such splay; and
 - (iv) not closer than 1.8 metres to any vehicular crossing on other property or land in other occupation;
- (b) concrete kerbs shall be provided on the street alignment except at the crossovers, sufficiently high to prevent the passage of vehicles;
- (c) no wall of any building shall be erected closer than 9 metres to any street alignment and no canopy shall be erected closer than 2.5 metres to any street alignment, and no petrol pump, pump islands, water and air supply points or filling point shall be located closer than 3.6 metres to any street alignment;
- (d) vehicles filling storage tanks shall stand wholly within the curtilage while so doing and the layout of the buildings and works shall be so located that a vehicle measuring 13.8 metres by 2.5 metres can enter and leave the site moving in a forward direction;
- (e) no vehicle shall be serviced unless it is wholly within the curtilage;
- (f) where the site has a common boundary or common boundaries with land within a residential zone -
 - (i) provision shall be made along the common boundary or boundaries and within the site for a planting strip 3 metres wide and such strip shall be planted and maintained to the satisfaction of the responsible authority; and
 - (ii) all external light fittings excluding internally illuminated signs within the vicinity of such boundary or boundaries shall be provided with suitable baffles so that no direct light is emitted outside the site;
- (g) the buildings and works constructed and activities carried out on the site shall not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such buildings and works or any materials on the site or by reason of emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste products, oil or otherwise;

Inserted by AM. No. 2
Amended by
AM. No. 57 Part 2

Amended by
AM. No. 17

Amended by AM. No. 2

Inserted by AM. No. 2
Amended by
AM. No. 56 Part 2B

Inserted by AM. No. 17

25. (2) Cont'd...

Substituted by
AM. No. 120 Part 3A

(h) where wastes from any vehicle wash areas are not discharged to a sewer forming part of a sewerage system operated by a public authority, such wastes shall be received by a settlement and oil separation system complying with any Regulations made or licences granted pursuant to the Environment Protection Act 1970 and installed to the satisfaction of the responsible authority; and

Inserted by AM. No. 56
Part 2B

(i) where the use of land for such purpose commences after the approval date hereof and where the land is located in a Residential "A", Residential "B", Residential "C" or Residential "D" Zone -

(i) the site shall have a common boundary with land located in a Business or Industrial Zone as defined herein or shall be abutted on two boundaries by either a main road or secondary road reservation (or combination thereof);

(ii) the area of the site shall not exceed 3000 square metres or in the case of a site which is abutted on two boundaries by a main road or secondary road reservation (or combination thereof) 3600 square metres;

(iii) the hours of operation shall be stated as a condition of any permit issued pursuant to this Ordinance; and

(iv) bunting, streamers and festooning shall not be displayed.

**Car sales, boat sales
and industrial sales -
conditions**

Inserted by AM. No. 2
Amended by
AM. No. 17,
AM. No. 35 Part 2,
AM. No. 68 Part 2B

(3) Land may only be used or subject to the provision of Division 2 of this Part continue to be used for the purpose of car sales, boat sales and industrial sales (being premises used for the sale, lease or hire of motor vehicles) in accordance with the following conditions subject to such modifications (if any) as the responsible authority may permit.

(a) No building other than a fence or an office having an area not exceeding 19 square metres and provided with appropriate toilet facilities shall be erected without the further permission of the responsible authority.

(b) The vehicular crossings between the site and any existing or new street shall not exceed two in number and at the street alignment shall not exceed 9.2 metres in width.

(c) Within a distance of 6 metres from any street alignment except where a kerb is installed, the area shall be concreted or otherwise permanently sealed and such concreting or sealing shall be carried out to the satisfaction of the responsible authority.

(d) Along any street alignment, a kerbing of a minimum height of 225 millimetres and width 150 millimetres or fence shall be erected in a position that will prevent vehicular access to the street other than where driveways are provided and will also prevent vehicles being positioned so that any portion thereof shall project beyond the limit of the site.

(e) There shall be provided within the site for the washing of vehicles, a concrete paved washing bay which shall be so constructed that all wastes not discharged to a sewer forming part of a sewerage system operated by a public authority, shall be received by a settlement and oil separation system complying with any Regulations made or licences granted pursuant to the Environment Protection Act 1970 and installed to the satisfaction of the responsible authority.

(f) No water shall be discharged from the site other than by means of an underground pipe drain discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the responsible authority.

(g) No vehicle shall be washed other than in the washing bay.

(h) No vehicle or boat offered for sale by or under the control of the proprietor shall be parked in any adjacent street.

(i) An area of not less than 1 space for each 10 spaces or part thereof within the site shall be set aside for the parking of customers' and employees' vehicles and for vehicle valuation purposes.

(j) The area set aside and to be maintained for customer parking and valuation purposes pursuant to paragraph (i) hereof shall be clearly identified by a sign having letters of a minimum height of 50 millimetres and bearing the words "customer parking".

(k) No repairs to vehicles or boats shall be carried out on the site.

(l) Where the site has a common boundary or common boundaries with land within a residential zone -

(i) provision shall be made along the common boundary or boundaries and within the site for a planting strip 3 metres wide and such strip shall be planted and maintained to the satisfaction of the responsible authority;

(ii) the whole of the site other than that portion occupied by buildings shall be sealed to obviate any nuisance created by dust, grit or otherwise; and

(iii) all light-fittings shall be provided with suitable baffles so that no direct light is emitted outside the site.

Substituted by
AM. No. 120 Part 3A

Amended by
AM. No. 68 Part 2B

Inserted by AM. No. 35
Part 2

Amended by
AM. No. 68 Part 2B

25. (3) Cont'd...

- (m) Where the motor vehicles involved are motor cars the number of such vehicles brought, kept or exposed for sale or hire on the site shall not exceed 1 car to each 30 square metres of gross site area. Inserted by AM. No. 35 Part 2
- (n) Where the subject land comprises more than one allotment the whole of the land shall be consolidated into the one title. Inserted by AM. No. 35 Part 2
- (4) Land may only be used or subject to the provisions of Division 2 of this Part continue to be used for the purpose of a mechanical car wash subject to compliance with the following conditions or such modifications as the responsible authority may permit – **Mechanical car wash – conditions**
Inserted by AM. No. 34 Part 2
- (a) the vehicular crossovers between the site and any existing or new street shall not exceed two in number and at the street alignment each shall be –
- (i) not more than 7.7 metres in width whether or not any land over which there are public or private rights of way is included;
- (ii) not closer than 4.5 metres to any other such crossover;
- (iii) not closer than 7.7 metres to the alignment of any other street or in the case of a splayed corner not closer than 7.7 metres to the nearest end of such splay; and
- (iv) not closer than 1.8 metres to any vehicular crossing on other property or land in other occupation;
- (b) queuing lanes shall be provided within the site sufficient to accommodate not less than 10 vehicles prior to entry to any mechanical car wash and sufficient to accommodate not less than 2 vehicles between the exit from such mechanical car wash and the nearest vehicular crossover from the site;
- (c) queuing lanes shall be clearly delineated on the ground and shall be clearly marked for use only by vehicles queuing to be washed;
- (d) if petrol sales facilities are available to vehicles in the queuing lanes the length of the queuing lanes shall be sufficient to accommodate not less than 10 vehicles within the site prior to reaching the point at which those facilities are available;
- (e) concrete kerbs shall be provided on the street alignment, except at the crossovers, sufficiently high to prevent the passage of vehicles;
- (f) where the site has a common boundary or common boundaries with land within a residential zone provision shall be made along the common boundary or boundaries and within the site for a planting strip 3 metres wide and such strip shall be planted and maintained to the satisfaction of the responsible authority;
- (g) where wastes from any vehicle wash areas are not discharged to a sewer forming part of a sewerage system operated by a public authority, such wastes shall be received by a settlement and oil separation system complying with any Regulations made or licences granted pursuant to the Environment Protection Act 1970 and installed to the satisfaction of the responsible authority; Substituted by AM. No. 20 Part 3A
- (h) no building or works shall be of a temporary or portable nature; and
- (i) the buildings and works constructed and activities carried out on the site shall not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such buildings and works or any materials on the site or by reason of emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste products, oil or otherwise.
- (4A) (a) Land in a Special Extractive "A" Zone shall not be subdivided into allotments until a plan of subdivision has been submitted to and approved by the responsible authority. In considering whether or not permission to subdivide should be given the responsible authority shall have regard to the primary purpose for which the land is zoned namely the extraction of proven stone deposits. **Special Extractive "A" Zone**
Inserted by AM. No. 21 Part 8A
Amended by AM. No. 104 Part 2A
- (b) In determining whether or not permission to use land in a Special Extractive "A" Zone for any of the purposes specified or included in Column 4 of Section 38A should be granted, the responsible authority shall take into consideration the views of the Department of Minerals and Energy with respect to the existence and significance of any deposit of stone within the meaning of the Extractive Industries Act 1966 on and within the vicinity of such land.
- (5) Land may only be used or subject to the provisions of Division 2 of this Part continue to be used for the purpose of a massage parlour provided the site is located more than 40 metres from any part of any of the following zones namely a Residential "A" Zone, Residential "B" Zone, Residential "C" Zone, Residential "D" Zone or a Reserved Living Zone. **Massage parlour – condition**
Inserted by AM. No. 83 Part 2
- (6) Land may only be used or subject to the provisions of Division 2 of this Part continue to be used for the purpose of an adult sex book and sex aid establishment provided the site is located more than 200 metres from any part of any of the following zones namely a Residential "A" Zone, Residential "B" Zone, Residential "C" Zone, Residential "D" Zone or a Reserved Living Zone or from any land reserved for the purpose of a primary school, secondary school or technical school. **Adult sex book and sex aid establishment – condition**
Inserted by AM. No. 178

Division 3A - Control of Outdoor Advertising

25A. (1) Subject to the provisions of this Division any sign or any supporting structure thereof on any land within a zone designated, or on any land otherwise described or designated, as forming part of a Category set out in Column 1 of the Table to this Clause -

Control of signs
within Categories
Inserted by AM. No. 77
Part 3

- (a) may, if specified in Column 2 of such Category, be constructed or exhibited;
 - (b) may, if specified in Column 3 of such Category, be constructed or exhibited provided the condition or conditions set forth opposite such sign are complied with;
 - (c) may, if specified or included in Column 4 of such Category, only be constructed or exhibited subject to the permission of the responsible authority;
 - (d) shall, if specified or included in Column 5 of such Category, not be constructed or exhibited.
- (2) In determining whether or not permission shall be granted for any sign specified or included in Column 4 of a Category to the said Table or what conditions, if any, shall be imposed, the responsible authority shall have regard to -
- (a) the preservation of the amenity of the neighbourhood including the possible creation of visual disorder or clutter;
 - (b) the effect of the proposed sign on the built environment or the landscape whether rural or natural, and particularly to any objects of scenic, historic, architectural, scientific or cultural interest;
 - (c) the effect of a sign located on land within a zone or land otherwise described or designated in a Category of lesser advertising control on the amenity of land in a neighbouring zone or land otherwise described or designated in a Category of greater advertising control;
 - (d) the possible effect of the proposed sign on the safety of persons using any road, railway, waterway, or other public way;
 - (e) the effect of the proposed sign on the appearance and efficiency of any road, railway, waterway or other public way.
- (3) In the application of the provisions of this Clause where a sign may fall within more than one Column in relation to a particular Category the Column which imposes the greatest restriction or control shall apply.

TABLE TO CLAUSE 25A

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		SIGN	CONDITIONS		
<p>CATEGORY 1 - Minimum Advertising Control</p> <p>Central Business Zone District Business Zone Transport Centre Zone</p>	<p>Business Sign Home Occupation Sign Pole Sign Promotion Sign</p>	<p>Internally Illuminated Sign</p>	<p>Provided that –</p> <p>(a) the advertisement area does not exceed 5.0 square metres in total per premises</p> <p>(b) such sign is located more than 30 metres from any Residential or Reserved Living Zone.</p>	<p>Adult Sex Book and Sex Aid Establishment Sign Animated Sign Bunting Sign Floodlit Sign High Wall Sign Panel Sign Sky Sign Any sign not specified or included in any other Column of this Category within this Table. Any sign specified in Column 3 of this Category of this Table if the condition or conditions set forth opposite such sign are not complied with.</p>	

Inserted by AM. No. 77 Part 3 Amended by AM. No. 104 Part 2A, AM. No. 120 Part 3A, AM. No. 120 Part 4, AM. No. 178, AM. No. 140 Part 3

TABLE TO CLAUSE 25A (Continued)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		SIGN	CONDITIONS		
<p>CATEGORY 2 - Local Business Advertising Control</p> <p>Local Business Zone Restricted Business Zone Commercial and Industrial Zone</p>	<p>Business Sign Home Occupation Sign</p>	<p>Internally Illuminated Sign</p> <p>Promotion Sign Pole Sign</p>	<p>Provided that -</p> <p>(a) the advertisement area does not exceed 1.5 square metres in total per premises</p> <p>(b) such sign is located more than 30 metres from any Residential or Reserved Living Zone.</p> <p>Provided that the advertisement area does not exceed 6 square metres in total per premises.</p>	<p>Any sign not specified or included in any other Column of this Category within this Table.</p> <p>Any sign specified in Column 3 of this Table if the condition or conditions set forth opposite such sign are not complied with.</p>	

Inserted by AM. No. 77 Part 3 Amended by AM. No. 120 Part 4

TABLE TO CLAUSE 25A (Continued)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		SIGN	CONDITIONS		
<p>CATEGORY 3 - Limited Advertising Control</p> <p>Office Zone Light Industrial Zone Restricted Light Industrial Zone General Industrial Zone Special Industrial Zone Restricted General Industrial Zone Reserved Light Industrial Zone Reserved General Industrial Zone Reserved Special Industrial Zone Service Business Zone Extractive Industrial Zone Offensive Industrial Zone Dangerous Industrial Zone Transportation Zone Special Use Zone Nos. 2, 5, 7 and 10.</p>		<p>Business Sign Pole Sign Home Occupation Sign</p> <p>Internally Illuminated Sign</p>	<p>Provided that the advertisement area does not exceed 6 square metres in total per premises</p> <p>Provided that - (a) the advertisement area does not exceed 1.5 square metres in total per premises. (b) such sign is located more than 30 metres from any Residential or Reserved Living Zone.</p>	<p>Adult Sex Book and Sex Aid Establishment Sign Animated Sign Bunting Sign Floodlit Sign High Wall Sign Sky Sign Panel Sign Any sign not specified or included in any other Column of this Category within this Table. Any sign specified in Column 3 of this Category of this Table if the condition or conditions set forth opposite such sign are not complied with.</p>	

Inserted by AM. No. 77 Part 3 Amended by AM. No. 120 Part 3A, AM. No. 178

TABLE TO CLAUSE 25A (Continued)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		SIGN	CONDITIONS		
<p>CATEGORY 4 - Medium Advertising Control</p> <p>Rural Zone Stream & Floodway Zone Corridor "A" Zone Township "A" Zone Residential "A" Zone Residential "B" Zone Residential "C" Zone Special Residential Zone No. 1 Residential "D" Zone Reserved Living Zone Garden Industrial Zone Special Use Zone Nos. 1, 3, 6, 7A, 8, 8A, 9, 9A and 11. General Farming "A" Zone Intensive Agriculture "A" Zone Special Extractive "A" Zone Landscape Interest "A" Zone Any zone listed in the Table to Clause 7 of the Ordinance which is not specified in this Table other than the Residential and Office Zone, Special Residential Zone No. 2, Special Residential Zone No. 3 or Local Authority Development Zone.</p>		Home Occupation Sign	Provided that the advertisement area does not exceed 0.20 square metres and not more than one such sign is constructed or exhibited.	<p>Bunting Sign Business Sign Floodlit Sign Internally Illuminated Sign Pole Sign Promotion Sign (not exceeding an advertisement area of 2.0 square metres) Reflective Sign</p>	<p>Adult Sex Book and Sex Aid Establishment Sign Animated Sign High Wall Sign Panel Sign Promotion Sign (exceeding an advertisement area of 2.0 square metres) Sky Sign Any sign not specified or included in any other Column of this Category within this Table. Any sign specified in Column 3 of this Category of this Table if the condition or conditions set forth opposite such sign are not complied with.</p>

Inserted by AM. No. 77 Part 3 Amended by AM. No. 122, AM. No. 115 Part 2A, AM. No. 120 Part 3A, AM. No. 165, AM. No. 151, AM. No. 178

TABLE TO CLAUSE 25A (Continued)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		SIGN	CONDITIONS		
<p>CATEGORY 5 - Special Advertising Control</p> <p>Development Area Reserved Land*</p>		Home Occupation Sign	<p>Provided that the advertisement area does not exceed 0.20 square metres and not more than one such sign is constructed or exhibited.</p>	<p>Any sign not specified or included in any other Column of this Category within this Table.</p> <p>Any sign specified in Column 3 of this Category of this Table if the condition or conditions set forth opposite such sign are not complied with.</p>	Adult Sex Book and Sex Aid Establishment Sign.
* See Clause 33(6)					

Inserted by AM. No. 77 Part 3 Amended by AM. No. 178

TABLE TO CLAUSE 25A (Continued)

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		SIGN	CONDITIONS		
<p>CATEGORY 6 - Maximum Advertising Control</p> <p>Specified Land Conservation "A" Zone Special Conservation Zone Urban Conservation - Residential Zone No. 1</p>		Home Occupation Sign	<p>Provided that the advertisement area does not exceed 0.10 square metres and not more than one such sign is constructed or exhibited.</p>	<p>Business Sign Floodlit Sign</p>	<p>Adult Sex Book and Sex Aid Establishment Sign Animated Sign Bunting Sign High Wall Sign Internally Illuminated Sign Panel Sign Pole Sign Promotion Sign Reflective Sign Sky Sign Any sign not specified or included in any other Column of this Category within this Table. Any sign specified in Column 3 of this Category of this Table if the condition or conditions set forth opposite such sign are not complied with.</p>

Inserted by AM. No. 77 Part 3 Amended by AM. No. 120 Part 3A, AM. No. 178

Sign control exemptions
Inserted by AM. No. 77
Part 3
Amended by
AM. No. 151,
AM. No. 138 Part 2A

25B. Notwithstanding the provisions of Clause 25A any sign as described in paragraphs (a) to (f) inclusive may be constructed or exhibited on any land without the permission of the responsible authority -

- (a) a sign relating to the functions or property of a government department, a public authority or a council of a municipality but does not include any Promotion Sign constructed or exhibited by or on behalf of any such body;
- (b) a sign relating to the control of traffic on any public road, railway or tramway, on water or in the air where such sign has been constructed or exhibited by or at the direction of a government department, public authority or council of a municipality;
- (c) a sign required to be exhibited by or pursuant to any Statute or any regulations or the like made pursuant to powers contained in a Statute, provided that such sign is exhibited strictly in accordance with the requirements of such Statute or regulations or the like;
- (d) a sign constructed or exhibited upon property of the Victorian Railways Board which is directed to persons at or upon a railway station;
- (da) a sign constructed or exhibited within the Royal Agricultural Society Showgrounds, or on any land used for the purpose of a racecourse or greyhound races as both terms are defined under the Racing Act 1958, a motor vehicle racing track or a major sports ground, provided such sign is not visible from any nearby or adjoining land;
- (db) a sign providing information relating to a place of worship and having an advertisement area not exceeding 1 square metre in total per premises provided that no such sign shall be an Animated Sign or an Internally Illuminated Sign;
- (e) a sign inside a building that cannot ordinarily be seen by a person who is outside the building; or
- (f) subject to the provisos set out in paragraph (g) a sign -
 - (i) having an advertisement area not exceeding 2 square metres relating to the construction or carrying out of buildings or works on the land on which such sign is constructed or exhibited provided that the sign is only exhibited during the period of the construction or carrying out of such buildings or works;
 - (ii) having an advertisement area not exceeding 8 square metres announcing any local event of an educational, cultural, political, religious, social or recreational character not promoted or carried on for commercial purposes;
 - (iii) having an advertisement area not exceeding 2 square metres relating to the sale of any goods or livestock upon any land or in any building upon which the sign is exhibited provided that the land or building is not normally used for such purpose; or
 - (iv) having an advertisement area not exceeding 10 square metres relating to the prospective sale, letting or impending auction of the land or building at or upon which it is exhibited;
- (g) notwithstanding anything contained in paragraph (f) hereof any sign falling within such paragraph shall be subject to the following -
 - (i) no such sign shall except as provided in sub-paragraph (i) of paragraph (f) be constructed or exhibited for any period exceeding three months or in the case of a sign described in sub-paragraph (iv) of paragraph (f) longer than seven days following the date of sale without the permission of the responsible authority;
 - (ii) no more than one such sign shall be constructed or exhibited at or upon the land or building;
 - (iii) no such sign shall be an Animated Sign or an Internally Illuminated Sign;
 - (iv) no such sign shall be constructed or exhibited on land in the Residential and Office Zone, the Special Residential Zone No. 2 or the Special Residential Zone No. 3.

Inserted by
AM. No. 138 Part 2A

Inserted by
AM. No. 138 Part 2A

Control of signs in Residential and Office Zone, Special Residential Zone No. 2 and Special Residential Zone No. 3
Inserted by AM. No. 77
Part 3
Amended by
AM. No. 151

25C. No sign shall be constructed or exhibited on land within the Residential and Office Zone, the Special Residential Zone No. 2 or the Special Residential Zone No. 3 other than -

- (a) a sign having an advertisement area of not more than 0.6 square metre or such greater area as the responsible authority may permit and bearing the name and address of the building and the purpose for which the building is used or the name and address of the managing agent thereof;
- (b) a sign having an advertisement area not exceeding 2 square metres relating to the carrying out of buildings or works on the land on which such sign is constructed or exhibited provided that such sign shall only be exhibited during the construction of such building or works and shall not be an Internally Illuminated Sign; or
- (c) a sign having an advertisement area not exceeding 8 square metres relating to the prospective sale or the impending auction of the property on which it is constructed or exhibited provided that such sign shall only be exhibited for a period not exceeding 1 month and shall not be an Internally Illuminated Sign;

provided always that no such sign shall be an Animated Sign.

25D. Save with the permission of and subject to such conditions as may be specified by the responsible authority, no Animated Sign, Floodlit Sign, Internally Illuminated Sign, Panel Sign, Reflective Sign or Sky Sign shall be constructed or exhibited on any part of land (not being land within the Central Business Zone) so that any part of any such sign is:

- (a) closer than 60 metres from land reserved for the purpose of a main road;
- (b) capable of being seen from any part of the road or structure known as the West Gate Bridge, its approach viaducts, toll plaza and the expressways which lie within the franchise of the West Gate Bridge Authority and such land is within 1.6 kilometres of the said Bridge, viaducts and expressways.

In determining whether or not permission should be granted or what conditions if any shall be imposed, the responsible authority, in considering any application shall have regard to -

- (a) the possible effect of the proposed sign on the safety of persons using the main road having particular regard to the colour, brightness and the location of such sign;
- (b) the effect of the proposed sign on the appearance and efficiency of the main road;
- (c) In the case of metropolitan bridges, state highways and freeways and other roads declared pursuant to the Country Roads Act 1958, the views of the Country Roads Board;
- (d) in cases other than that to which paragraph (c) hereof applies 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.

25E. Notwithstanding anything contained in any other Clause of this Division nothing therein shall prevent any sign which was lawfully in the course of construction on the approval date or any advertisement which was lawfully being exhibited on the said date from being constructed or from continuing to be exhibited.

Provided that this Clause shall not operate so as to permit any sign to be reconstructed or in the case of an Animated Sign or an Internally Illuminated Sign any advertisement to be replaced or renewed after the approval date without meeting the provisions of this Division.

Control of signs on
main roads and West
Gate Bridge
Inserted by AM. No. 77
Part 3

Continuity of signs
Inserted by AM. No. 77
Part 3
Amended by
AM. No. 138 Part 2A

