

## Division 3B - Height Control Areas

**25F.** Each Height Control Area designated on those maps comprised in the Planning Scheme Map to the serial number of which has been added the suffix "HC" by means of green diagonal hatching enclosed within a red line with black "HC" together with a numeral superimposed is hereby declared to be a Height Control Area and each such area may more particularly be described in this Ordinance by reference to the letters "HC" together with such numeral.

Designation on maps  
Inserted by  
AM. No. 151

**25G.** (1) No portion of any building other than a fence or an unenclosed verandah extending not more than 4.5 metres from the front of the building or more than 3 metres from a side face thereof shall be constructed within the distance from the boundary of any site specified in Column 3 of the Table to this Clause, provided that -

Maximum height,  
setback and plot ratio  
controls  
Inserted by  
AM. No. 151  
Amended by  
AM. No. 180

- (a) 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 distance from the boundary of any site specified in Column 3 of the Table to this Clause where the said boundary abuts St. Kilda Road, Queens Road, Royal Parade and The Avenue the basement shall not be higher than 0.8 metre below permanent footpath level;
- (b) any basement constructed within the distance from any boundary abutting any road or street referred to in paragraph (a) hereof shall be covered by garden soil to a depth of 0.8 metre and the surface thereof shall comply with the provisions of Clause 19A(1)(a), Clause 19A(2)(a) or Clause 19A(3)(a) as appropriate;
- (c) no stair or ramp to any basement shall be constructed within the distance from any boundary referred to in paragraph (b) hereof.

(2) Subject to Clause 25I but otherwise notwithstanding anything contained in this Ordinance -

- (a) no buildings or works shall be constructed on land within a Height Control Area specified in Column 1 of the Table to this Clause so as to exceed the maximum height or heights specified in Column 2 of Such Table opposite such Area, and
- (b) no buildings or works (other than means of access, lawns, gardens or improvements ancillary thereto, a fence, an advertisement if permitted by or pursuant to this Ordinance, 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 otherwise than in conformity with the provisions of sub-clause (1) hereof on land within a Height Control Area specified in Column 1 of the Table to this Clause within any distance from a boundary specified in Column 3 and no such building shall exceed any plot ratio specified in Column 4 opposite such Area in the said Table.

(3) For the purpose of paragraph (a) of sub-clause (2) hereof the height of a building or works means the height of the highest part thereof above the level of the surface of the permanent footpath at the boundary of the site in front of the centre of the front face or of the total of all front faces of such building or works and where no such footpath exists the level of the natural surface at such point shall be substituted therefor.

(4) Notwithstanding anything contained in this Ordinance on land within Height Control Area HC 10 -

- (a) no buildings or works shall be constructed so as to protrude above an inclined plane having as its elevated axis a line projected from a point which is -
  - (i) on the southern alignment of Albert Street,
  - (ii) at the level of the surface of the permanent footpath or where no such footpath exists the level of the natural surface at such point shall be substituted therefor,
  - (iii) on a line drawn at right angles to such alignment from the centre of the frontage of the site,

at an angle of elevation of 22 degrees above horizontal such line being normal to such alignment,

provided that the responsible authority may consent to the construction of buildings or works above the said plane where the responsible authority is satisfied that such buildings and works would not protrude above an inclined plane having as its elevated axis the line of greatest elevation normal to the southern alignment of Albert Street projected from any point on the said alignment at the permanent footpath level to the highest southern parapet of any building having a frontage to Victoria Parade and located in the opinion of the responsible authority substantially on the north of the site of the proposed buildings or works;

- (b) no portion of any building other than a fence, an unenclosed verandah or with the consent of the responsible authority a glazed entrance foyer shall be constructed closer to the frontage or sideage to Albert Street than a distance of 8 metres; and
- (c) no buildings shall be constructed to exceed a plot ratio of 4.

TABLE TO CLAUSE 25G

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Height Control Area	Maximum Height	Distance from Boundary of site	Plot Ratio
HC 1	18 metres	—	—
HC 2	10 metres	—	—
HC 3	10 metres	—	—
HC 4	18 metres	—	—
HC 5	10 metres	—	—
HC 11	15 metres	—	—
HC 12	30 metres	—	—
HC 13	9 metres	—	—
HC 14	9 metres	—	—
HC 15	10 metres	—	—
HC 16	9 metres	—	—
HC 18	10 metres within a distance of 20 metres from Drummond Street and 16 metres thereafter	For any site that distance from Drummond Street being the minimum distance any existing building on adjoining land is from the said street	—
HC 22	9 metres	—	—
HC 23	7 metres	—	—
HC 24	9 metres	—	—
HC 26	9 metres within a distance of 10 metres from Royal Parade and 10 metres thereafter	—	—
HC 27	9 metres within a distance of 10 metres from Gatehouse Street and 10 metres thereafter	—	—
HC 28	9 metres	—	—
HC 29	9 metres within a distance of 10 metres from Park Drive and 10 metres thereafter	—	—
HC 31	9 metres	—	—
HC 32	24 metres	—	—
HC 33	9 metres	—	—
HC 34	9 metres	—	—
HC 35	9 metres	—	—
HC 36	9 metres	—	—
HC 37	12 metres	—	—
HC 38	15 metres	—	—
HC 39	9 metres	—	—
HC 42	60 metres	13.7 metres	—
HC 43	12 metres	—	—
HC 44	24 metres	—	2.5
HC 45	9 metres	—	—
HC 46	9 metres	—	—
HC 47	24 metres	—	—
HC 49	9 metres	—	—
HC 51	60 metres	(a) <b>Frontage</b> 13.7 metres from St. Kilda Road or 4.5 metres where the site does not abut such road.  (b) <b>Sideage or any other boundary</b> 4.5 metres	4 for a building used solely for the purpose of (i) an office or (ii) for the purpose of an office and an apartment house, attached cluster house, detached house, flat, residential building or row house; and  5 for a building used solely for the purpose of an apartment house, attached cluster house, detached house, flat, residential building or row house.

Amended by  
AM. No. 180

TABLE TO CLAUSE 25G (Cont'd.)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Height Control Area	Maximum Height	Distance from Boundary of site	Plot Ratio
HC 52	24 metres	(a) <b>Frontage</b> 15 metres from Queens Road or 4.5 metres where the site does not abut Queens Road. (b) <b>Sideage or any other boundary</b> 4.5 metres	—
HC 53	45 metres	(a) <b>Frontage</b> 6 metres from Queens Road or 4.5 metres where the site does not abut Queens Road. (b) <b>Sideage or any other boundary</b> 4.5 metres	5
HC 54	9 metres within a distance of 30 metres from Royal Parade or The Avenue or 15 metres elsewhere on the land	(a) <b>Frontage</b> 13.7 metres from Royal Parade or 7.6 metres from The Avenue or 4.5 metres where the site does not abut such roads. (b) <b>Sideage or any other boundary</b> 4.5 metres	1.5 for any purpose other than apartment house, attached cluster house, detached house, flat, residential building or row house.

Amended by  
AM. No. 180

Maximum height with and without discretion and plot ratio controls  
 Inserted by AM. No. 151  
 Amended by AM. No. 180

- 25H.** (1) Subject to Clause 25I but otherwise notwithstanding anything contained in this Ordinance no buildings or works shall be constructed on land within a Height Control Area specified in Column 1 of the Table to this Clause so as to –
- (a) (i) exceed the maximum height specified in Column 2 opposite such Area without the consent of the responsible authority, or
  - (ii) exceed the maximum height specified in Column 3 opposite such Area, where such consent is given, or
  - (b) exceed the plot ratio specified in Column 4 opposite such Area.
- (2) For the purpose of paragraph (a) of sub-clause (1) hereof the height of a building or works means the height of the highest part thereof above the level of the surface of the permanent footpath at the boundary of the site in front of the centre of the front face or of the total of all front faces of such building or works and where no such footpath exists the level of the natural surface at such point shall be substituted therefor.

TABLE TO CLAUSE 25H

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Height Control Area	Maximum Height without consent of responsible authority	Maximum Height with consent of responsible authority	Plot Ratio
HC 6	24 metres	45 metres	1.5 for the purpose of a bank, office or shop whether separately or together.
HC 7	12 metres	24 metres	1.5 for the purpose of a bank, office or shop whether separately or together.
HC 8	24 metres	39 metres	—
HC 17	10 metres	16 metres	—
HC 41	45 metres	70 metres	—
HC 55	45 metres	60 metres	4 for a building used solely for the purpose of (i) an office or (ii) for the purpose of an office and an apartment house, attached cluster house, detached house, flat, residential building or row house; and 5 for a building used solely for the purpose of an apartment house, attached cluster house, detached house, flat, residential building or row house

Amended by AM. No. 180

**25I.** (1) Where but for the coming into operation of this Division, buildings and works lawfully existing on the approval date would have been in conformity with the provisions of this Planning Scheme then -

- (a) such buildings or works may continue to be used and may be repaired, recycled or partly or wholly reconstructed as though the buildings or works were not affected by this Division; and
- (b) In the event of redevelopment of the site of such buildings or works new buildings or works may be constructed other than in accordance with the provisions of this Division with the consent of the responsible authority which in its determination shall have regard to the amenity of the area provided that the responsible authority may not consent to the construction of a building of greater height than that which formerly occupied the site unless the plot ratio of such buildings will not exceed that of the building which formerly occupied the site and unless the responsible authority is satisfied that the height of the building is necessary to achieve a building form more beneficial to the amenity of the area than the building which formerly existed on the site.

Dispensations  
Inserted by  
AM. No. 151  
Amended by  
AM. No. 204

(2) For the purpose of this Clause the following buildings or works shall be deemed to have lawfully existed and to have been in conformity with the provisions of this Planning Scheme immediately before the approval date hereof and notwithstanding the operation of this Division may be constructed as of right -

Amended by  
AM. No. 180,  
AM. No. 204

- (a) any building or works permitted as of right as at the 10th day of August, 1981 under the Town and Country Planning Board, City of South Melbourne - Historic Boulevards Interim Development Order pursuant to sub-clauses 2 (iii), (iv), (v), (vi), (vii), (viii) and (ix);
- (b) any building or works proposed to be erected and situate at 187-193 Drummond Street, City of Melbourne, being more particularly the whole of the land described in Certificate of Title Volume 4116 Folio 083 generally in accordance with the plans prepared by Messrs Mario Bernardi and Associates lodged in support of Application for Permit Number CM2879 under this Planning Scheme;
- (c) any building or works proposed to be erected and situate at 54-60 Jolimont Street, City of Melbourne, being more particularly the land described in Certificates of Title Volume 2930 Folio 851 and Volume 5574 Folio 690 generally in accordance with plans prepared by Daryl Jackson Pty Ltd lodged in support of Application for Permit Number CM3006 under this Planning Scheme;
- (d) any building or works proposed to be erected and situate at 431 St Kilda Road, City of Melbourne, being more particularly the land described in Certificate of Title Volume 8728 Folio 360 generally in accordance with the plans prepared by Messrs Synman Justin & Bailek lodged in support of Application for Permit Number CM3812 under this Planning Scheme;
- (e) any building or works proposed to be erected and situate at 98-108 Wellington Parade, City of Melbourne, being more particularly the whole of the land described in Certificates of Title Volume 8049 Folio 428 and Volume 8448 Folio 488 and such of the land described in Certificate of Title Volume 4155 Folio 866 as does not lie within 31.675 metres of the southern alignment of George Street, City of Melbourne, generally in accordance with the plans prepared by Yuncken Freeman Architects Pty Ltd lodged in support of Application for Permit Number CM3380 under this Planning Scheme.

**25J.** Notwithstanding the provisions of Clause 25G where a building lawfully existed before the approval date hereof within the distance from a boundary of any site specified in Column 3 of the Table to the said Clause the responsible authority may grant permission for reconstruction or extension of such building within the distance so specified from any boundary, provided that -

- (a) no such extension is constructed closer to any boundary than the nearest part of the existing building to such boundary; and
- (b) the height of any such extension does not exceed the maximum height of the existing building.

Reconstruction or  
extension of lawfully  
existing  
non-conforming  
building  
Inserted by  
AM. No. 209



**Division 4 – Accommodation for Vehicles, Loading and Unloading Vehicles,  
Access to Streets and Roads**

- 26.** (1) Subject to sub-clause (2) hereof upon any land within a Local Business Zone or a Commercial and Industrial Zone space shall be provided contiguous to any existing or new street or road (not being less than 9 metres in width) for the purpose of providing accommodation for stationary vehicles and in order to provide such space any building or works erected, constructed or carried out on any such land shall be set back 6 metres from the boundary thereof abutting on any such street or road.
- (2) The responsible authority may, subject to such conditions as it may then impose, permit land within any of the Zones specified in the preceding sub-clause to be used for a purpose permitted by or under the Planning Scheme or buildings or works to be erected constructed or carried out upon any such land notwithstanding that any buildings or works erected constructed or carried out or to be erected constructed or carried out are not or are not intended to be (as the case may be) set back from the boundary thereof abutting on any existing or new street or road for the distance specified in such sub-clause.
- (3) Where, either before the coming into operation of this Planning Scheme or in conformity with a permit granted by the responsible authority pursuant to the Interim Development Order made by the responsible authority, any building or works (other than a fence) have been erected, constructed or carried out upon any such part of any land within any of the zones specified in sub-clause (1) hereof as lies within a distance of 6 metres from a boundary thereof abutting on any existing or new street or road (not being less than 9 metres in width) then save with the permission of the responsible authority no buildings or works shall be constructed or carried out upon such part of any such land as aforesaid as lies within a distance of 6 metres from the rear boundary thereof.
- (4) Where the lots contained in any plan of subdivision within any of the zones specified in sub-clause (1) hereof are set back a distance of not less than 6 metres from the street or road alignment of adjacent land and such setback is set aside for a road the provisions of this Clause in respect to the lots contained in such subdivision do not apply.

Local Business Zone  
or a Commercial and  
Industrial Zone -  
setbacks  
Amended by  
AM. No. 104 Part 2A

Amended by  
AM. No. 17

- 27.** (1) No building or works may be constructed upon any land within any zone other than the Central Business Zone or a zone specified in Clause 26 hereof and used or intended to be used for the manufacture, servicing, storage or the sale of any goods, articles, materials or substances unless provision is made in accordance with the Table to this Clause wholly within the site for the accommodation of vehicles while in the course of being loaded or unloaded.
- (2) No portion of any driveway leading to an area set aside for the accommodation of vehicles while in the course of being loaded or unloaded shall be less than 3.6 metres in width and where such driveway changes direction or intersects another driveway, the minimum internal radius of the driveway between the two portions of the driveway or the intersection of the driveways shall be not less than 6 metres.
- (3) Notwithstanding the provisions of sub-clauses (1) and (2) hereof the responsible authority may grant permission for buildings or works to be constructed without provision for such accommodation or with lesser dimensions than those specified in sub-clause (2) or in the Table to this Clause where –
- (a) the land is insufficient in area; or
- (b) adequate provision is made for the accommodation of such vehicles to the satisfaction of the responsible authority.
- (4) Where such provision is made so that access to the loading and unloading bay is obtained directly from a street or road land between such bay and the street or road is to be provided for access thereto so that the minimum dimension of the land comprising access to the said bay including such street or road is 6 metres.

Loading and  
unloading bays  
Amended by  
AM. No. 2, AM. No. 17,  
AM. No. 34 Part 2,  
AM. No. 35 Part 2,  
AM. No. 57 Part 2,  
AM. No. 83 Part 2

**TABLE TO CLAUSE 27**

COLUMN 1	COLUMN 2
Floor Area of Building	Dimensions of Loading and Unloading Bay to be provided
2600 square metres or less in single occupation	Minimum area of 27.4 square metres having minimum dimensions of 3.6 metres by 7.6 metres and having a minimum height clearance of 4 metres.
For every 1800 square metres or part thereof in excess of 2600 square metres.	An additional area of 18 square metres.

Parking provisions  
Substituted by  
AM. No. 2  
Amended by  
AM. No. 17,  
AM. No. 77 Part 3

**28.**

- (1) (a) Subject to paragraphs (b) and (c) hereof, upon any land situate in any zone other than the Central Business Zone, a District Business Zone, a Restricted Business Zone or a Service Business Zone, and used or intended to be used for any purpose specified in Column 1 of Table 1 to this Clause, provision shall be made for the accommodation of stationary vehicles, not being vehicles brought or kept on the land for sale, hire, repair or service, not less than in the ratio set forth in Column 2 of such Table, but so that the number of car spaces to be provided shall be not less than the nearest whole number to the number arrived at when the ratio is applied, and the use of any such land for any purpose specified in the said Column shall not be commenced until the requisite accommodation for stationary vehicles has been provided.
- (b) Provided any existing accommodation for stationary vehicles is not diminished and the purpose for which the land is used or intended to be used does not differ from that for which it was lawfully used immediately prior to the 22nd day of May, 1968, regard shall be had when applying the ratio set forth in Column 2 of Table 1 to this Clause only to such parts of buildings (as the circumstances require) constructed after the said date.
- (c) Where land is insufficient in area to enable provision for the accommodation of stationary vehicles to be made in accordance with the Tables to this Clause the responsible authority may grant permission for such provision being lesser in extent provided any existing accommodation for stationary vehicles is not diminished.
- (d) Notwithstanding anything hereinbefore contained the responsible authority may grant permission for the reduction of the area provided or required to be provided upon any land for the accommodation of stationary vehicles if to its satisfaction and subject to such conditions as it may impose provision is made upon other land in the vicinity for the accommodation of such vehicles and the area so provided is not less extensive than that by which the area provided or required to be provided is to be reduced. For the purpose of this paragraph "reduction" includes "abandonment" and "reduced" has a corresponding meaning.
- (e) The occupier of land whereon provision is or is to be made for the accommodation of stationary vehicles in conformity with this Clause shall, before any building or works is constructed on such land, lodge with the responsible authority a plan upon which shall be delineated all car spaces, access lanes and driveways constituting such accommodation and shall at all times in conformity with such plan clearly indicate on the ground the boundaries of all such car spaces, access lanes and driveways and clearly indicate the direction in which vehicles should proceed along the access lanes and driveways.
- (f) All land whereon provision is or is to be made for the accommodation of stationary vehicles in conformity with this Clause shall be properly formed to such levels that it can be utilized in accordance with the said plan and shall be drained and sealed with an all-weather seal-coat, which shall be capable of being line marked and such drainage and sealing shall be carried out to the satisfaction of the responsible authority.
- (2) (a) Except as provided in paragraph (j) hereof where under or pursuant to this Ordinance provision is required to be made for the accommodation of stationary vehicles, each car space shall be capable of containing a rectangle having dimensions 5.4 metres by 2.4 metres and except as provided in paragraph (d) hereof shall have a length not less than 5.4 metres and, where the land is used or intended to be used for any purpose specified in Column 1 of Table 1 to this Clause shall have a width not less than that specified in Column 3 of the said Table.
- (b) Except as provided in paragraph (j) hereof save where access to a car space is obtained directly from a street or road an access lane or lanes shall be provided in accordance with paragraph (c) hereof.
- (c) Where the entrance to a car space is obtained from an end and where the car space is at an angle to the access lane specified in Column 1 of Table 2 to this Clause, the width of the access lane immediately adjoining the end of such car space shall not be less than that specified in Column 2 of the said Table and the length of the access lane of such specified width contiguous to any car space shall not be less than 6 metres, save that where one car space only is required to be provided pursuant to Table 1 to this Clause such length of the access lane may be reduced with the permission of the responsible authority.
- (d) Except as provided in paragraph (j) hereof where the entrance to a car space is obtained from the side the length of the car space shall be not less than 6 metres and width of the access lane shall not be less than 3.5 metres.
- (e) Where access to a car space is obtained directly from a street or road, land between the car spaces and the road is to be provided for access thereto so that the width of access lane including such street or road is not less than that specified in paragraph (c).
- (f) Except as provided in paragraph (j) hereof, no portion of any driveway leading to an area set aside for car parking shall be less than 3 metres in width and where such driveway changes direction or intersects another driveway, the minimum internal radius of the driveway

Amended by  
AM. No. 17,  
AM. No. 151

Amended by  
AM. No. 17

Amended by  
AM. No. 17

Amended by  
AM. No. 17

Amended by  
AM. No. 17,  
AM. No. 62 Part 2,  
AM. No. 77 Part 3

Amended by  
AM. No. 17,  
AM. No. 77 Part 3

Substituted by  
AM. No. 17

Amended by  
AM. No. 17,  
AM. No. 62 Part 2

Amended by  
AM. No. 77 Part 3

Substituted by  
AM. No. 17

**28.** (2) (f) Cont'd...

between the two portions of the driveway or the intersection of the driveways shall be not less than 4 metres where either driveway is less than 4.2 metres wide and such radius shall be measured normal to the driveway or driveways.

- (g) Where provision is or is to be made for the accommodation of stationary vehicles within a building the car spaces and access lanes thereto shall be separated by means of a substantial wall or partition from the remainder of the floor space of the building.
- (h) Save with the permission of the responsible authority the conditions set forth in this paragraph shall apply where accommodation for stationary vehicles is provided upon land used for the purpose of an apartment house, flats or residential building –
  - (i) Vehicular access to the land shall only be provided from a street or lane of not less than 5.0 metres in width sufficiently constructed for the passage of vehicles, however additional vehicle access may be provided from a street or lane not less than 3.0 metres in width sufficiently constructed for the passage of vehicles.
  - (ii) Except for vehicle crossovers which provide exclusive access to individual dwellings on the land, the total width of vehicle crossovers shall not exceed –
    - (a) where the total length of all boundaries which abut on a street does not exceed 60.0 metres – 10.5 metres;
    - (b) where the total length of all boundaries exceeds 60.0 metres – 15.0 metres; and
    - (c) where the total length of all boundaries does not exceed 60.0 metres but two or more of the boundaries abut on a main or secondary road – 15.0 metres.
  - (iii) The width of vehicle crossovers shall not exceed –
    - (a) where such street is a main or secondary road – 7.0 metres;
    - (b) for any other street – 5.0 metres.
  - (iv) Where the total number of car spaces provided on the site pursuant to this Clause exceed six or where the length of any driveway exceeds 30.0 metres, provision shall be made on the land for separate pedestrian and vehicular traffic.
  - (v) Where the boundary of any car space, access lane or driveway adjoins a footpath on the land or an amenity area provided pursuant to Clause 13K of this Ordinance there shall be constructed on such boundary a kerb or similar barrier of a minimum height of 150 millimetres and a minimum width of 100 millimetres.

For the purpose of this paragraph no car space shall be deemed to be reduced in dimensions by reason of the erection of a gas meter attached to the wall of an adjoining building provided that no part of such meter is fixed at a height of less than 1.9 metres above the finished level of such car space.

- (hh) Where land is used for the purpose of an apartment house, flats or residential building accommodation for stationary vehicles may, subject to the permission of the responsible authority, be provided between any building alignment and the frontage provided that –
  - (i) a suitable screen not less than 1.5 metres in height shall be constructed between such accommodation and the frontage except where access is necessary to driveways and footpaths;
  - (ii) amenity area shall be provided equal to not less than one-fifth part of the area bounded by the frontage the side boundaries and the building alignment;
  - (iii) where any land is bounded by two or more streets, no such accommodation shall be provided and no screen with respect to such accommodation shall be constructed within 9.0 metres of the junction of the two boundaries of the land which abut upon a street.

For purposes of this paragraph the building alignment shall be determined by means of the shortest line which can be drawn between the side boundaries so that it passes immediately in front of the building constructed closest to the frontage.

- (i) 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 crossovers are provided and will also prevent vehicles being positioned so that any portion thereof shall project beyond the limit of the site.
- (j) The responsible authority may grant permission for the installation of a mechanical car parking system notwithstanding that the dimensions of the car spaces or the width and provision of access lanes and driveways to such spaces is less than that prescribed provided always that the number of spaces provided is not less than that required pursuant to this Clause.
- (k) Where four or more car spaces on the site are provided with a common driveway, sufficient space shall be provided so that no reverse manoeuvre onto or off a street is needed.

Substituted by  
AM. No. 30

Inserted by AM. No. 30

Amended by  
AM. No. 17

Inserted by AM. No. 17

Inserted by AM. No. 17

**28.** (2) Cont'd...

Inserted by AM. No. 49  
Part 2

(l) Where land is used or proposed to be used for the purpose of industry, warehouse or store and more than one occupation occurs or is proposed on the land except with the consent of the responsible authority the parking provision shall in respect of each occupation be provided contiguous thereto.

Inserted by AM. No. 30

(m) Where the accommodation for stationary vehicles on any land comprises more than ten car spaces and if the driveway thereto exceeds 45.0 metres in length a passing bay shall be provided at the point of ingress to or egress from (as the case may be) the land by so extending the width of the driveway for a distance of 7.5 metres from such point that such width is not less than 5.0 metres.

Inserted by AM. No. 30  
Amended by  
AM. No. 138 Part 2A

(n) Save with the permission of the responsible authority where four or more car spaces on the site are provided with a common driveway which has access from a main or secondary road, no access shall be provided to those spaces from that driveway within 6.0 metres of the frontage.

Inserted by  
AM. No. 151

(3) Notwithstanding the provisions of Table 1 to this Clause where a building or part thereof is used or intended to be used for the purpose of a bank or office, and where such building or part thereof is situate within the Residential and Office Zone -

(a) the accommodation of stationary vehicles shall be at a ratio of not less than one car space to each 46 square metres of floor area used for such purpose; or

(b) with the consent of the responsible authority at a lower ratio than provided for in paragraph (a) hereof but shall not be less than at a ratio of one car space to each 67 square metres of floor area used for such purpose;

but so that the number of car spaces to be provided shall be not less than the nearest whole number to the number arrived at when the ratio is applied, and the use of such building or part thereof for such purpose shall not be commenced until the requisite accommodation for stationary vehicles has been provided.

**TABLE 1 TO CLAUSE 28**

Substituted by  
AM. No. 2  
Amended by  
AM. No. 17,  
AM. No. 72 Part 2A,  
AM. No. 30

COLUMN 1	COLUMN 2	COLUMN 3
Apartment House	3 car spaces to each 4 apartments	2.5 metres
Residential Building	1 car space to each 2 lodging rooms	2.5 metres
Flat	1 car space to each 3 habitable rooms or 5 car spaces to each 4 flats whichever ratio when applied in any particular case produces the greatest number of car spaces	2.5 metres
Industry Warehouse Store	1 car space to each 130 square metres of floor area of all buildings except that the number of car spaces provided for each single occupation shall not be less than 2	2.4 metres
Fuel Depot Motor Repair Station Plant Nursery - Retail Industrial Sales	1 car space to each 130 square metres of floor area of all buildings or the number of car spaces with access lanes equivalent to an area of not less than 10% of the site shall be set aside for parking whichever is the greater	2.4 metres
Freezing and Cool Storage Works	1 car space to each 260 square metres of floor area of all buildings	2.4 metres
Office Bank	1 car space to each 90 square metres of floor area of all buildings	2.4 metres
Place of Assembly other than a Public Hall	1 car space to each 18 square metres of floor area of all buildings	2.5 metres
Place of Worship Public Hall	1 car space to each 10 seats or persons the building is designed to accommodate	2.5 metres
Hotel	1 car space to each 1.8 square metres of bar floor space available to the public and 1 car space to each 5.5 square metres of lounge or beer garden floor space available to the public	2.5 metres
Restaurant Cafe	1 car space to each 5.5 square metres of floor space available to the public	2.5 metres

TABLE 2 TO CLAUSE 28

COLUMN 1	COLUMN 2
90 Degrees	6 metres
60 Degrees	4.5 metres
45 Degrees	3.6 metres

Inserted in AM. No. 2

**29.** Save with the permission of the responsible authority no building except a detached house or a petrol filling station (if such be permitted under or pursuant to this Part) and no 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 erected, constructed or carried out upon any land situate in any zone other than the Central Business Zone or the zones specified in Clause 26 of this Ordinance and abutting on a main road reservation or a secondary road reservation, if such land is used or intended to be used for any purpose other than a purpose specified in the Table to Clause 28 hereof. In determining whether or not such permission as aforesaid should be given the responsible authority shall have regard to the extent to which provision is made or is intended to be made for the accommodation of stationary vehicles for the loading and unloading of vehicles within any building or works and the means of ingress to and egress from the land and to the traffic carried or likely to be carried by the road or roads on which the land abuts.

Main and secondary roads - use of abutting land  
Amended by AM. No. 17, AM. No. 35 Part 2, AM. No. 57 Part 2

**30.** (1) Where under or pursuant to this Division provision is required to be made for the accommodation of vehicles or for the loading and unloading thereof such provision shall at all times continue to be made.

(2) Notwithstanding anything to the contrary contained in the Planning Scheme, land upon which provision under or pursuant to this Division is made for the accommodation of stationary vehicles shall not without the permission of the responsible authority be used in any manner so as to reduce such accommodation.

Provisions for vehicle accommodation, loading and unloading to continue

**31.** (1) Save with the permission of the responsible authority land which abuts on a main road reservation shall not -

- (a) be so subdivided as to provide direct access between any allotment and the main road reservation;
- (b) have made or laid out thereon any street, road, lane or passage so that it will join with or intersect the said reservation;
- (c) have thereon opened, constructed, altered, formed or laid out any means of access between such land and the said reservation.

(2) (a) Save with the permission of the responsible authority land which lies within the City of Doncaster and Templestowe and which abuts on any of the streets or roads set out in paragraph (b) hereof shall not -

- (i) be so subdivided as to provide direct access between any allotment and any such street or road;
- (ii) have made or laid out thereon any street, road, lane or passage so that it will join with or intersect any of the said streets or roads;
- (iii) have thereon opened, constructed, altered, formed or laid out any means of access between such land and any of the said streets or roads.

(b) The following streets or roads are those referred to in the previous paragraph -

1. Templestowe Road from Manningham Road to Thompsons Road
2. Reynolds Road
3. Stintons Road
4. Falconer Road
5. Kendall Road
6. Colman Road
7. Doncaster Road
8. Mitcham Road
9. High Street
10. Williamsons Road from Manningham Road to Warrandyte Road
11. Clarke Street
12. Fitzsimmons Lane
13. Springvale Road

Main road reservation - access to abutting land  
Substituted by AM. No. 17

Doncaster and Templestowe - access to certain streets and roads

Amended by AM. No. 34 Part 2

**31.** (2) (b) Cont'd...

14. Andersons Creek Road
15. Warrandyte Road between Fitzsimmons Lane and Newmans Road
16. Newmans Road between Porter Street and Warrandyte Road
17. Warrandyte Road between Newmans Road and Tindals Road.

Road closure  
Inserted by AM. No. 27  
Part 2

**31A.** The roads or parts of roads delineated on the Planning Scheme Map by black crosses between the boundaries of roads or parts of roads and superimposed upon any colour may subject to and in accordance with Section 528 of the Local Government Act 1958 (as amended) be closed.

**Part III**  
**RESERVED LAND**  
**Division 1 - Reservation of Land and Use Thereof**

- 32.** (1) Land which is coloured and delineated on the Planning Scheme Map in the manner set forth in Column 1 of the Table to this Clause is reserved for the purpose or purposes set forth opposite thereto in Column 2 of the said Table.
- (2) In the said Table -
- (a) where a purpose is described by reference to a Government Department it shall be deemed to mean and include the carrying out of any function or undertaking of such Department;
  - (b) where a purpose is described by reference to a public authority, it shall be deemed to mean and include the exercise of any statutory powers conferred on such authority;
  - (c) where a purpose is described by reference to the Commonwealth Government, it shall be deemed to mean and include the exercise of any of the powers of such Government; and
  - (d) where a purpose is described as Local Government it shall be deemed to mean and include the exercise by a municipal council of any powers conferred on such a council by statute.
- (3) In the Planning Scheme Map -
- (a) the line or lines forming the boundary between any land reserved for the purpose of a road (whether a proposed main road or a proposed secondary road) and the lands abutting on the land so reserved are hereby fixed and declared to be the alignments of such roads; and
  - (b) the boundary between any land reserved for the purpose of a proposed road widening and the land (not comprised in the existing road) abutting on the land so reserved is hereby fixed and declared to be the new alignment of the existing road.

Delineation of reserved land and meaning thereof

**TABLE TO CLAUSE 32**

COLUMN 1	COLUMN 2
Dark Green	Open Space - public existing.
Alternate dark green and white diagonal stripes	Open Space - public proposed.
Yellow with superimposed black words, letters or numerals hereunder set forth	The public purpose set forth opposite such words, letters or numerals - existing.
Alternate yellow and white diagonal stripes with superimposed black words, letters or numerals hereunder set forth	The public purpose set forth opposite such words, letters or numerals - proposed.
Airfield	Civil Airfield
Cemetery	Cemetery
Hospital +	Crematorium
S.	Hospital
S.S.	Primary School
T.S.	Secondary School
1.	Technical School
2.	Commonwealth Government
3.	Public Works Department
4.	Lands and Survey Department
6.	Agriculture Department
7.	Mines Department
10.	Commonwealth Explosives Department
11.	Health Commission of Victoria
12.	Education Department (other than schools)
13.	State Rivers and Water Supply Commission
14.	State Electricity Commission
15.	Gas and Fuel Corporation
16.	Country Roads Board
17.	Melbourne and Metropolitan Tramways Board
18.	Port of Melbourne Authority
19.	Melbourne and Metropolitan Board of Works
20.	Local Government
21.	Other Public Uses
Grey with black line	Social Welfare Department
On a map bearing	Railways - Existing
(a) any Serial Number from and including 1 to 96 -	Railways - Proposed
Grey with black dots along black line,	

Amended by  
AM. No. 1, AM. No. 20,  
AM. No. 17,  
AM. No. 27 Part 2,  
AM. No. 57 Part 2,  
AM. No. 3 Part 1A,  
AM. No. 3 Part 1B,  
AM. No. 115 Part 2A

TABLE TO CLAUSE 32 (Cont'd.)

COLUMN 1	COLUMN 2
<p>(b) any Serial Number containing a number from and including 1 to 96 and any of the several numbers 2013, 2031 to 2034 (inclusive), 2050 to 2054 (inclusive), 2070, 2071, 2090, 2091, 2109 to 2111 (inclusive), 2116, 2129 to 2136 (inclusive), 2150 to 2156 (inclusive), together with a suffix - Broken Blue Line</p> <p>Red Dark Orange Broken red line Broken dark orange line On a map bearing</p> <p>(a) any Serial Number from and including 1 to 96 - Black</p> <p>(b) any Serial Number containing a number from and including 1 to 96 and any of the several numbers 2013, 2031 to 2034 (inclusive), 2050 to 2054 (inclusive), 2070, 2071, 2090, 2091, 2109 to 2111 (inclusive), 2116, 2129 to 2136 (inclusive), 2150 to 2156 (inclusive) together with a suffix - Blue.</p> <p>Black crosses between parallel lines superimposed upon any colour and delineation set forth above</p> <p>White with red crosses between boundaries of roads or parts of roads</p>	<p>Road - existing main Road - existing secondary Road - proposed main Road - proposed secondary Road - proposed widening</p> <p>The purpose set forth opposite such colour and delineation</p> <p>Road Closure</p>

Use of reserved land

- 33.** (1) Subject as hereinafter provided reserved land may be used -
- (a) subject to the provisions of Clause 8, for the purpose for which it was lawfully used immediately before the approval date hereof;
  - (b) for such other purpose which the responsible authority may absolutely or conditionally permit; or
  - (c) for any purpose for which the land is reserved pursuant to Clause 32 hereof; and for no other purpose.
- (2) A public authority or the council of a municipality may use reserved land not vested in it only for the purpose of constructing or carrying out buildings or works which it may lawfully construct or carry out thereon if in the opinion of the responsible authority the construction of such buildings or works and any subsequent use thereof will not interfere with the use of the land for the purpose for which it is reserved pursuant to Clause 32 hereof.
- (3) Reserved land in the occupation of a public authority or the council of a municipality may be used for any purpose for which such land can lawfully be used by such authority or by such council which is not inconsistent with the use of the land for the purpose for which it is reserved pursuant to Clause 32 hereof.
- (3A) Any road or part of any road reserved for the purpose of road closure shall upon being purchased or compulsorily taken by the responsible authority be closed.
- (4) The provisions of Clause 28 hereof shall extend and apply to reserved land as if such land was not reserved under this Part but was situate in a zone other than the Central Business Zone, a District Business Zone, a Restricted Business Zone or a Service Business Zone.
- (5) The provisions of Clause 29 hereof shall extend and apply to reserved land abutting on a main road reservation or a secondary road reservation as if such land was not reserved under this Part but was land situate in any zone to which the provisions of such Clause applies.
- (6) The provisions of Division 3A of Part II hereof shall extend and apply to reserved land as if reserved land was specified in Column 1 of Category 5 of the Table to Clause 25A.
- (7) \* \* \* \* \*

Inserted by AM. No. 27 Part 2

Amended by AM. No. 17

Substituted by AM. No. 77 Part 3

**33.** Cont'd...

- (8) The provisions of Clause 24(4) hereof shall extend and apply to reserved land which adjoins St. Kilda Road and is comprised in any area of land described in such provisions as if such land was not reserved under this Part but was situated in a zone. Inserted by AM. No. 17
- (9) The provisions of Clause 24(8) hereof shall extend and apply to reserved land abutting on any river, creek or watercourse referred to therein as if the land was not reserved under this Part but was situated in a zone. Inserted by AM. No. 17
- (10) Where reserved land is used for the purpose of extractive industry the provisions of Clause 25(1) hereof shall extend and apply to such land as if the land was not reserved under this Part. Inserted by AM. No. 17

**33A.** Reserved land shall not be subdivided without the consent of the responsible authority and in determining whether or not such permission shall be given or what conditions, if any, should be imposed the responsible authority shall have regard to the effect of the proposed subdivision on the use of the land for the purpose for which the land is reserved pursuant to Clause 32 hereof.

**Reserved land -  
control of subdivision**  
Inserted by  
AM. No. 120 Part 3A



**Division 2 - Reserved Land not Vested in a Public Authority or the Council of a Municipality**

**34.** The provisions of this Division shall not apply to land which is or becomes vested in a public authority or the Council of a municipality but shall in addition to the provisions of Division 1 hereof apply to land not so vested.

**Application of provisions of Division 2 of Part III**  
Substituted by  
AM. No. 17

**35.** (1) No building or works (other than a fence) on reserved land shall be demolished and no trees shall be removed therefrom without the permission of the responsible authority, nor shall any such building, works or trees be in any way damaged.

**Damage to reserved land**  
Amended by  
AM. No. 17

(2) Subject to Clause 33(1) reserved land shall in no way be spoiled or wasted so as to destroy, affect or impair its usefulness for the purpose or purposes for which it is reserved.

**36.** (1) Save with the permission of the responsible authority, no building or works other than a boundary fence shall be constructed on reserved land.

**Construction of buildings and works on reserved land**  
Substituted by  
AM. No. 17

(2) In granting permission under this Clause, the responsible authority may impose conditions as to the extent to which and the materials in which any alteration, extension or enlargement of an existing building or works is to be carried out and as to the siting, dimensions, design and materials to be used in the erection or construction of any new building or works, and as to the demolition, removal or alteration of any building or works in respect of which such permission is given.



**PLEASE NOTE**

**APPROVED  
AMENDMENTS**

**FILED  
NUMERICALLY**

MELBOURNE METROPOLITAN PLANNING SCHEME

AMENDMENT NO. 3 PART 1F

PART A - GENERAL

1. Title:

This Planning Scheme may be cited as the Melbourne Metropolitan Planning Scheme Amendment No. 3 Part 1F.

2. Arrangement of Scheme:

This Planning Scheme is divided into the following -

Part A - General

Part B - Variation of the Principal Scheme

Planning Scheme Map - Map bearing a Serial Number to which the suffix AM 3 Part 1F is added.

3. Definitions:

In this Planning Scheme, unless inconsistent with the context or the subject matter -

"Approval Date" means the date on which notice of approval of this Planning Scheme by the Governor in Council is published in the Government Gazette.

"Principal Scheme" means the Melbourne Metropolitan Planning Scheme approved by the Governor in Council on the 30th day of April, 1968, as amended or varied by any subsequent planning scheme or an amendment made by the Governor in Council notice of approval of which or notice of which (as the case may be) has been published in the Government Gazette.

4. Application of Scheme:

After the approval date, the Principal Scheme shall be amended and varied in the manner and to the extent shown in Part B hereof and such Principal Scheme and the amendments and variations herein shall be read and construed as one.

PART B - VARIATION OF THE PRINCIPAL SCHEME

5. Planning Scheme Map:

The Planning Scheme Map No. 2136 of the Principal Scheme shall be amended and varied in the manner shown and to the extent delineated on the map hereto which bears the same serial number as that of the Principal Scheme but to which number there has been added the suffix "AM 3 Part 1F".

6. Planning Scheme Ordinance:

The Planning Scheme Ordinance of the Principal Scheme shall be amended and varied as follows -

- (1) In the Table to Clause 6 in Column 1 immediately below the expression "Yellow green with black "A" superimposed." insert the expression "Yellow green with black "B" superimposed." and set forth opposite thereto in Column 2 the expression "Landscape Interest "B".".
- (2) In sub-clause (2) of Clause 7 immediately after the expression "39A" insert the expression ",39B".
- (3) The Table to Clause 7 shall be amended as follows -
  - (a) Section 7 - Residential "D" Zone  
Column 3 The conditions opposite the purposes "Detached Cluster House" and "Detached House" shall be amended as follows -
    - (a) At the end of condition (a) delete the word "and".
    - (b) Existing condition (b) shall be re-lettered "(c)".
    - (c) After condition (a) insert the following new condition (b) -

"(b) notwithstanding condition (a) where the site lies within the municipal district of the Shire of Cranbourne, the site shall not be less in area than 1 hectare or be constituted by an allotment on a plan of subdivision approved by the responsible authority pursuant to sub-clause (2) of Clause 12 hereof which is not less than 1 hectare in area; and "
  - (b) After Section 39A - Landscape Interest "A" Zone insert the following new Section 39B - Landscape Interest "B" Zone -

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4	COLUMN 5
		PURPOSE	CONDITIONS		
Section 39B LANDSCAPE INTEREST "B" ZONE*	Afforestation Agriculture Animal Husbandry Apiary Passive Recreation Pensioner Relative Unit Road			Animal Hospital Caretaker's House Detached House Dog Breeding Educational Estab- lishment Flat (if the flat forms portion of or is added to a detached house and not more than two dwellings are thereby created) General Hospital Golf Course Greyhound Keeping Greyhound Training Health Centre Home Occupation Institutional Home Major Transmission Line Major Utility Instal- lation Minor Sports Ground Minor Utility Instal- lation Place of Assembly Place of Worship Poultry Farming Primary Produce Store Racing Stables Radio Station Research Centre Rural Industry Rural Recreation Television Station	Any purpose not specified in any Column of this Section of this Table.

\*See Clause 20CB

(4) After Clause 20CA insert the following new Clause 20CB -

"20CB (1) The objectives of the Landscape Interest "B" Zone are -

- (a) to conserve as far as practicable the existing pattern of vegetation in the Langwarrin area so as to maintain landscape quality and remaining natural ecosystems;
- (b) to conserve the quality of the soil resources so as to enable the continuation of suitable land use over a long term;
- (c) to conserve the water quality and watercourse capacity to enable appropriate beneficial land use activities to be undertaken;
- (d) to encourage development to be in harmony with the rural landscape;
- (e) to encourage land use and management practice compatible with landscape conservation;
- (f) to conserve areas of historic and scientific interest; and
- (g) to maintain acceptable air quality and noise levels.

(2) Save with the permission of the responsible authority land within a Landscape Interest "B" Zone shall not be subdivided into allotments and where such permission is granted the land shall be so subdivided that each allotment shall have an area not less than 4 hectares. In determining whether or not such permission should be granted or what conditions (if any) are to be imposed if such permission be granted the responsible authority shall have regard to -

- (a) the objectives of the zone;
- (b) the orderly and proper planning of the zone;
- (c) the proximity of the land to any reservation;
- (d) the capability of the land to accommodate the proposed development without detriment to the natural physical features or resources of the area;
- (e) whether the proposed development will result in the overtaxing of existing essential services or require the provision of any such services which to be an economic proposition would necessitate more intensive land use;
- (f) the environmental capacity of soils and water in the area to absorb wastes;
- (g) the design of roads (existing and proposed) and the impact thereof on landscape quality;

- (h) the impact of the proposed development on floral and faunal habitats and landscape quality;
  - (i) the impact of the proposed development on the maintenance and management of the land; and
  - (j) the availability of water, the location and design of access roads and other measures necessary to assist in the prevention and suppression of fire."
- (5) In paragraph (b) of Clause 24(7) immediately after the expression "Landscape Interest "A"," insert the expression "Landscape Interest "B",".
- (6) The Table to Clause 25A shall be amended as follows -
- |            |   |   |
|------------|---|---|
| Category 4 | - | Medium Advertising Control  |
| Column 1   |   | Immediately below the expression "Landscape Interest "A" Zone" insert the expression "Landscape Interest "B" Zone". |

This Amendment was approved by the Governor in Council on 28 July 1982 and notice of such approval was published in the Government Gazette dated 4 August 1982.

MELBOURNE METROPOLITAN PLANNING SCHEME

AMENDMENT NO. 71

PART A - GENERAL

1. Title:

This Planning Scheme may be cited as the Melbourne Metropolitan Planning Scheme Amendment No. 71.

2. Arrangement of Scheme:

This Planning Scheme is divided into the following -

Part A - General

Part B - Variation of the Principal Scheme

Planning Scheme Map - Map bearing a Serial Number to which the suffix AM 71 is added.

3. Definitions:

In this Planning Scheme, unless inconsistent with the context or the subject matter -

"Approval Date" means the date on which notice of approval of this Planning Scheme by the Governor in Council is published in the Government Gazette.

"Principal Scheme" means the Melbourne Metropolitan Planning Scheme approved by the Governor in Council on the 30th day of April, 1968, as amended or varied by any subsequent planning scheme or an amendment made by the Governor in Council notice of approval of which or notice of which (as the case may be) has been published in the Government Gazette.

4. Application of Scheme:

After the approval date, the Principal Scheme shall be amended and varied in the manner and to the extent shown in Part B hereof and such Principal Scheme and the amendments and variations herein shall be read and construed as one.

PART B - VARIATION OF THE PRINCIPAL SCHEME

5. Planning Scheme Map:

The Planning Scheme Map No. 2155 of the Principal Scheme shall be amended and varied in the manner shown and to the extent delineated on the map hereto which bears the same serial number as that of the Principal Scheme but to which number there has been added the suffix "AM 71".