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C126hbay

SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5.**

MARINE ENGINEERING AREA

Purpose

To recognise the importance of the Port of Melbourne and its environs as a focus for major marine industrial development.

To support the special importance of shipbuilding operations and its contribution to State economic development and employment.

To provide for development which protects the amenity, safety and character of nearby areas.

1.0 Table of uses

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Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Caretaker's house **Car park**	
Education centre **Group accommodation**	
Industry (other than Automated collection point, Motor repairs and Rural industry)	Must be located on land north of Nelson Place and Nelson Place Extension
Marine engineering	Must be Marine engineering in accordance with the definition included at Clause 2.0
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Office (other than Bank)	
Search for stone	Must not be costeaning or bulk sampling
Warehouse (other than Fuel depot or Milk depot)	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Group accommodation or Caretaker's house)
Animal husbandry
Bank
Cemetery
Crematorium
Extractive industry
Fuel depot
Hospital
Landscape gardening supplies
Market
Milk depot
Motor repairs
Motor racing track
Manufacturing sales
Motor vehicle, boat, or caravan sales
Nightclub
Outdoor recreation facility
Place of worship
Primary produce sales
Restaurant
Rural industry
Shop
Trade supplies
Veterinary centre

Definition of terms

For the purpose of this schedule, marine engineering includes ship building, ship repair and maintenance; oil and gas construction; fabrication, electrical and other trades; systems engineering; systems operation; integrated logistics; engineering design; training and education and associated accommodation; research and new technologies; supply and warehousing and ancillary activities.

2.0 Use of land

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Application requirements

The following application requirements apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

Decision guidelines

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

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

3.0 Subdivision

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Permit requirement

A permit is required to subdivide land.

The responsible authority may consider the views and comments of the relevant municipal council.

Exemptions

An application for the subdivision of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or ~~Business 5~~Commercial 1 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

Decision guidelines

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~The Municipal Planning Strategy, the Planning Policy Framework and local planning policies.~~
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

4.0 Buildings and works

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4.1 Physical Framework Plan

A permit is not required for buildings and works which are constructed generally in accordance with a Physical Framework Plan prepared to the satisfaction of the responsible authority.

The Plan may be prepared and approved in stages to the satisfaction of the responsible authority.

Prior to the approval of the Physical Framework Plan, or any stage, the responsible authority may consent to the construction of buildings and works, and signs.

The Physical Framework Plan may be amended to the satisfaction of the responsible authority.

Preparation of the Physical Framework Plan

The Physical Framework Plan must show:

- the location of all existing buildings, driveways, carparking and loading areas
- the boundaries and dimensions of the subject land
- any adjoining roads
- relevant ground levels
- the location, height, dimensions, floor area and elevations, materials and colours of any proposed buildings and works
- details of construction and location of any proposed driveways, carparking and loading areas
- any proposed landscaping areas
- any proposed external waste storage treatment areas
- any proposed signs
- any necessary traffic management, traffic control and road works proposed

4.2 Development Plan

The responsible authority may consent to the construction of buildings and works which are not generally in accordance with the Physical Framework Plan for uses contained in Section 1 of the Table of Uses to this schedule. No such buildings and works may be constructed until a Development Plan of the proposed buildings and works has been prepared to the satisfaction of the responsible authority.

Preparation of a development plan

The Development Plan must include the details required for the Physical Framework Plan and must be accompanied by the following:

- information regarding any noise likely to be generated
- information regarding any additional traffic likely to be generated
- information regarding the extent to which and the reasons why the proposal is not generally in accordance with the Physical Framework Plan.

4.3 Decision Guidelines

In considering the Physical Framework Plan or the Development Plan or an application to construct a building or construct and carry out works the responsible authority must consider:

- whether the proposals will adversely effect the amenity of persons living in surrounding residential zones
- whether the buildings and works will be in keeping with the character and appearance of the area
- the effect of any additional traffic to be generated
- whether the proposal is in accordance with the purpose of the zone
- any likely effect of noise emissions
- provision of carparking and loading areas
- any design guidelines adopted by the responsible authority.

When considering the Development Plan or an application to construct a building or construct or carry out works the responsible authority must also consider:

- the extent of departure from the Physical Framework Plan
- the effect of the departure from the Physical Framework Plan
- the degree of impact of the proposal on the surrounding area
- the views of the relevant municipal council.

The responsible authority may also consider the comments of the Environment Protection Authority, Business Victoria, Heritage Victoria, Department of Natural Resources and Environment, Parks Victoria, the Melbourne Port Corporation and the City of Hobsons Bay.

4.4 Exempt Buildings and Works

The requirements of Clause 4.1, 4.2, 4.3 of this schedule do not apply to:

- the alteration of plumbing, electrical, sewerage, drainage, water, gas, power telecommunications, lighting and security services
- roadworks and drainage
- repairs and routine maintenance
- internal buildings works
- temporary structures and supports required during construction of other buildings and works
- the rearrangement of carparking if the number of vehicle spaces is not diminished
- the rearrangement, renewal, repair and maintenance of plant provided that the area of plant external to the existing buildings is not increased
- a temporary shed or structure, not exceeding 100 square metres in floor area, which is outside driveway, carparking, loading or landscaping areas
- any works carried out by a public authority or municipal council in association with the development of new plant or buildings

- any buildings or works required to be modified in conformity with license conditions under the Dangerous Goods Act or an Environment Protection Authority License, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970
- a Minor utility installation
- any works required to be carried out for fire protection
- site preparation works and decontamination and rehabilitation works
- dredging works undertaken by or under the authority of the relevant port authority to maintain navigable depths in existing channels, waterways and harbours to ensure continued access to facilities
- works lawfully undertaken by or on behalf of port authorities for the maintenance or repair or removal of any navigation aids or open framed marine structures
- any other buildings or works of a minor nature with the prior consent of the responsible authority.

5.0 Signs

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This zone is in Category 2.