

34.0304/10/2018
VC149**COMMERCIAL 3 ZONE**

Shown on the planning scheme map as **C3Z** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of industrial, commercial, office and other employment generating uses which support the mixed-use employment function of the area.

To promote collaborative and high-quality working environments which support the area through good urban design and high-amenity, accessible and well-connected places.

To provide opportunities for limited retail uses which are complementary to the role and scale of the area.

To provide the option for limited residential uses that do not undermine the primary employment and economic development focus of the zone.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

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VC149**Operation**

The schedule to this zone may specify:

- Objectives to be achieved for the area.
- A maximum allowable percentage (not exceeding 50%) of the combined gross floor area of all buildings on a lot for dwelling and residential building uses.

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VC237**Table of uses****Section 1 - Permit not required**

Use	Condition
Art and craft centre	
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.
Education centre (other than Primary school and Secondary School)	
Food and drink premises	The leasable floor area must not exceed 150 square metres.
Home based business	
Industry (other than Materials recycling and Transfer station)	Must not be a purpose listed in the table to Clause 53.10 except for boiler makers, bakery, smallgoods production and joinery. The land must be at least the following distances from land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, primary school, secondary school or a corrective institution or land not in this zone used for any other education centre, or land in a Public Acquisition Overlay to be

BAYSIDE PLANNING SCHEME

Use	Condition
	<p>acquired for a hospital, primary school, secondary school, or for any other education centre or a corrective institution on land not in this zone:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 53.10. ▪ 30 metres, for a purpose not listed in the table to Clause 53.10. ▪ If a purpose listed in the table to Clause 53.10, the land must be at least the threshold distance from land used for a dwelling or residential building.
Informal outdoor recreation	
Manufacturing sales	
Market	
Office	
Place of assembly (other than Place of worship)	The leasable floor area must not exceed 200 square metres.
Postal agency	
Railway	
Research centre	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Adult sex product shop	<p>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</p> <p>The leasable floor area must not exceed 200 square metres.</p>
Dwelling	<p>The combined gross floor area of all dwellings and residential buildings as a percentage of the combined gross floor area of all buildings on the lot must not exceed the maximum allowable gross floor area percentage specified in the schedule to this zone. If no maximum allowable gross floor area percentage is specified, it must not exceed 35%.</p> <p>Any frontage at ground floor level must not exceed 4 metres.</p>

Use	Condition
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Place of worship	The leasable floor area must not exceed 250 square metres.
Residential building	The combined gross floor area of all dwellings and residential buildings as a percentage of the combined gross floor area of all buildings on the lot must not exceed the maximum allowable gross floor area percentage specified in the schedule to this zone. If no maximum allowable gross floor area percentage is specified, it must not exceed 35%. Any frontage at ground floor level must not exceed 4 metres.
Shop (other than Adult sex product shop)	The leasable floor area must not exceed 200 square metres.
Transfer station (other than Automated collection point)	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse	The leasable floor area must not exceed 500 square metres.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Dwelling and Residential building)
Major sports and recreation facility
Motor racing track
Retail premises (other than Adult sex product shop, Food and drink premises, Manufacturing sales, Market, Postal agency and Shop)

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Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

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Subdivision

A permit is required to subdivide land.

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Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- Structural changes to a building provided the size of the building is not increased.

An apartment development must meet the requirements of Clause 58.

The height of a storey at the ground floor level of a new building must be at least 4 metres measured from finished floor level to the ceiling.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

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Application requirements

Use

An application to use land must be accompanied by the following information, as appropriate:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
 - The siting and use of buildings.
 - Areas not required for immediate use.
 - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Pedestrian connectivity and accessibility to the land and surrounding land.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse use:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
 - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
 - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Subdivision

An application to subdivide land must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The pattern of subdivision of the surrounding area.
 - Easements.
 - Location of drainage and other utilities.
 - Street frontage features such as poles, street trees and kerb crossovers.
 - Access points.
 - Pedestrian connectivity and accessibility to the land and surrounding land.
 - Any natural features.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and use of buildings and works on adjoining land.
 - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
 - Any contaminated soils and filled areas, where known.
 - The layout of existing and proposed buildings and works.
 - The internal layout and use of the proposed development.
 - All access and pedestrian areas.
 - All driveway, car parking and loading areas.
 - Existing vegetation and proposed landscape areas.
 - All external storage and waste treatment areas.
 - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
 - The building form and scale.
 - Setbacks to property boundaries.
 - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- Details of measures to mitigate noise, odour, vibration and other amenity impacts.
- Shadow diagrams based on the equinox shown for existing conditions and the proposed development.
- A schedule of finishes for the proposed development detailing materials and colours of external surfaces including walls, roofs and fences.

- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- Pedestrian connectivity and accessibility to the land and surrounding land.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

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Exemption from notice and review

An application to subdivide land or construct a building or construct or carry out works 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 review 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, land used for a hospital, primary school, or secondary school, land not in this zone used for any other education centre, or land in a Public Acquisition Overlay to be acquired for a hospital, primary school, secondary school, or for any other education centre on land not in this zone.

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Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- The interface with adjoining zones.
- The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
 - existing uses are not compromised by a new use or development, or
 - a new use or development is designed to address amenity impacts from, and to, existing uses.

Access

- Movement systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- Providing for pedestrian connectivity and accessibility through the site and adjoining land including to, and from, public areas.

Uses other than dwelling and residential building

- The effect that existing uses may have on the proposed use.
- The mixture of uses on the land and the primacy of non-residential uses.
- The complementary but limited role of shop, other associated retail uses, food and drink premises, place of assembly and place of worship uses in the area.
- 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.
- Whether the use is compatible with adjoining and nearby land uses.

Dwelling and residential building uses

- Whether the use is complementary and appropriate to the area and does not undermine the primary employment and economic development focus of the area.
- Whether the dwelling or residential building is designed to effectively mitigate noise, odour, vibration and other associated amenity impacts from non-residential uses.
- Whether the use is compatible with adjoining and nearby land uses.

Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Building and works

- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The design of the public realm.
- The relationship between the proposed building and the public realm.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The interface with adjoining zones, especially the relationship with residential zones.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The provision for solar access to the building and on the public realm.
- The objectives, standards and decision guidelines of Clause 54 or Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

Transitional provisions

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

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Signs

Sign requirements are at Clause 52.05. This zone is in Category 1.