

32.07
31/07/2018
VC148

RESIDENTIAL GROWTH ZONE

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

Purpose

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

To provide housing at increased densities in buildings up to and including four storey buildings.

To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.

To ensure residential development achieves design objectives specified in a schedule to this zone.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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Design objectives

A schedule to this zone must contain the design objectives to be achieved for the area.

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21/09/2018
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Table of uses

Section 1 - Permit not required

| Use | Condition |
|--|---|
| Animal keeping (other than Animal boarding) | Must be no more than 2 animals. |
| Bed and breakfast | No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Dependent person's unit | Must be the only dependent person's unit on the lot. |
| Dwelling (other than Bed and breakfast) | |
| Home based business | |
| Informal outdoor recreation | |
| Medical centre | The gross floor area of all buildings must not exceed 250 square metres. |
| Place of worship | The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone. |
| Railway | |
| Residential aged care facility | |
| Tramway | |

| Use | Condition |
|---------------------------------------|---|
| Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01. |

Section 2 – Permit required

| Use | Condition |
|--|--|
| Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility) | |
| Agriculture (other than Animal keeping, Animal production, Animal training, Apiculture and Horse stables) | |
| Animal keeping (other than Animal boarding) – if the Section 1 condition is not met | Must be no more than 5 animals. |
| Car park | Must be used in conjunction with another use in Section 1 or 2. |
| Car wash | The site must adjoin, or have access to, a road in a Road Zone. |
| Convenience restaurant | The site must adjoin, or have access to, a road in a Road Zone. |
| Convenience shop | |
| Food and drink premises (other than Convenience restaurant and Take away food premises) | |
| Grazing animal production | |
| Leisure and recreation (other than Informal outdoor recreation and Motor racing track) | |
| Market | |
| Office (other than Medical centre) | <p>The land must be located within 100 metres of a commercial zone.</p> <p>The land must have the same street frontage as the land in the commercial zone.</p> <p>The leasable floor area must not exceed 250 square metres.</p> |
| Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship) | |
| Plant nursery | |
| Service station | <p>The site must either:</p> <ul style="list-style-type: none"> ▪ Adjoin a commercial zone or industrial zone. ▪ Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p> |

| Use | Condition |
|---|--|
| | <ul style="list-style-type: none"> ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone. |
| Shop (other than Adult sex product shop, Bottle shop and Convenience shop) | <p>The land must be located within 100 metres of a commercial zone or Mixed Use Zone.</p> <p>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.</p> |
| Store | <p>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</p> |
| Take away food premises | <p>The site must adjoin, or have access to, a road in a Road Zone.</p> |
| Utility installation (other than Minor utility installation and Telecommunications facility) | |
| Any other use not in Section 1 or 3 | |

Section 3 – Prohibited

| Use |
|---|
| Adult sex product shop |
| Amusement parlour |
| Animal boarding |
| Animal production (other than Grazing animal production) |
| Animal training |
| Bottle shop |
| Brothel |
| Cinema based entertainment facility |
| Horse stables |
| Industry (other than Car wash) |
| Motor racing track |
| Nightclub |
| Retail premises (other than Food and drink premises, Market, Plant nursery and Shop) |
| Saleyard |
| Stone extraction |
| Transport terminal |
| Warehouse (other than Store) |

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

| Class of subdivision | Objectives and standards to be met |
|----------------------|--|
| 60 or more lots | All except Clause 56.03-5. |
| 16 – 59 lots | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| 3 – 15 lots | All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |
| 2 lots | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. |

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|--|--|
| Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> ▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. ▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if: <ul style="list-style-type: none"> ▪ The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> – Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. – Has started lawfully. ▪ The subdivision does not create a vacant lot. | Clause 59.02 |

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Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|---|--|
| <p>Construct an outbuilding or extend a dwelling if the development:</p> <ul style="list-style-type: none">▪ Does not exceed a building height of 5 metres.▪ Is not visible from the street (other than a lane) or a public park.▪ Meets the requirements in the following standards of Clause 54:<ul style="list-style-type: none">▪ A10 Side and rear setbacks.▪ A11 Walls on boundaries.▪ A12 Daylight to existing windows.▪ A13 North-facing windows.▪ A14 Overshadowing open space.▪ A15 Overlooking. <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p> | <p>Clause 59.14</p> |

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Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.

- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person's unit on a lot.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building. | Clause 59.03 |

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues 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.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

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Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

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Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-2.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|---|--|
| <p>Construct a building or construct or carry out works with an estimated cost of up to \$100,000 where:</p> <ul style="list-style-type: none">▪ The building or works is not associated with a dwelling.▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<ul style="list-style-type: none">▪ A10 Side and rear setbacks.▪ A11 Walls on boundaries.▪ A12 Daylight to existing windows.▪ A13 North-facing windows.▪ A14 Overshadowing open space.▪ A15 Overlooking. <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p> | Clause 59.04 |

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Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres.

This building height requirement replaces the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

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Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

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Application requirements

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

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

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Exemption from notice and review

Subdivision

An application to subdivide 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 review rights of section 82(1) of the Act.

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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 purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Subdivision

- 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.

Dwellings and residential buildings

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

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Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.