

**33.03**31/07/2018  
VC148**INDUSTRIAL 3 ZONE**

Shown on the planning scheme map as **IN3Z**.

**Purpose**

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

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

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VC148**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Convenience shop</b>	
<b>Crop raising</b>	
<b>Extensive animal husbandry</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Mail centre</b>	
<b>Railway</b>	
<b>Service industry</b>	<p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul>
<b>Service station</b>	<p>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</p>
<b>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)</b>	<p>Must adjoin, or be on the same lot as, a supermarket when the use commences.</p> <p>The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres.</p> <p>The site must adjoin, or be within 30 metres of, a road in a Road Zone.</p>
<b>Supermarket</b>	<p>The leasable floor area must not exceed 1800 square metres.</p>

Use	Condition
	<p>The site must adjoin, or be within 30 metres of, a road in a Road Zone.</p> <p>Must be on land within an urban growth boundary and in metropolitan Melbourne.</p>
<b>Take away food premises</b>	
<b>Tramway</b>	
<p><b>Warehouse (other than Fuel depot, Mail centre or Shipping container storage)</b></p>	<p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>▪ Transport of materials, goods or commodities to or from the land.</li> <li>▪ Appearance of any stored goods or materials.</li> <li>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil</li> </ul>
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
<p><b>Adult sex product shop</b></p>	<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><b>Agriculture (other than Apiculture, Crop raising, Extensive animal husbandry, and Intensive animal husbandry)</b></p> <p><b>Caretaker's house</b></p>	
<b>Education centre</b>	Must not be a primary or secondary school.
<p><b>Industry (other than Service industry)</b></p> <p><b>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</b></p>	

Use	Condition
Office	The leasable floor area must not exceed the amount specified in the schedule to this zone.
<b>Place of Assembly (other than Carnival and Circus)</b>	
<b>Restricted retail premises</b>	
<b>Retail premises (other than Shop and Take away food premises)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Accommodation (other than Caretaker's house)</b>
<b>Cinema based entertainment facility</b>
<b>Hospital</b>
<b>Intensive animal husbandry</b>
<b>Major sports and recreation facility</b>
<b>Motor racing track</b>
<b>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met</b>
<b>Supermarket – if the section 1 conditions are not met</b>

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### Use of land

#### Amenity of the neighbourhood

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

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

#### Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- 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 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 2012 is exceeded.
- 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**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- The effect on nearby industries.

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**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

**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"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> </ul>	Clause 59.02

- 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.

Subdivide land into 2 lots if:

Clause 59.02

- The construction of a building or the construction or carrying out of works on the land:
  - 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.

### Exemption from notice and review

An application 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 from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### Decision guidelines

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

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

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### Buildings and works

#### Permit requirement

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

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising, extensive animal husbandry or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.

- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

### **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.

<b>Class of application</b>	<b>Information requirements and decision guidelines</b>
Construct a building or construct or carry out works with an estimated cost of up to \$1,000,000 where the land is not: <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> <li>▪ Used for a Brothel or Adult sex product shop.</li> </ul>	Clause 59.04

### **Application requirements**

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

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

### **Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.

- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

#### **Maintenance**

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

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#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.