

25/07/2019
C106well**SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ4**.

FIREBRACE ROAD TRANSITION ZONE**Purpose**

To implement the Municipal Planning Strategy and Planning Policy Framework.

To implement the long term transition of this area from Industrial 1 Zone to predominantly residential, while not compromising all industrial operations operating from 63 – 97 Firebrace Road (see map 1) in the short to medium term.

To provide for light industries and other appropriate uses, which do not affect the safety and amenity of adjacent, sensitive land uses.

To allow dwellings and caretakers houses to establish within this zone on land outside the threshold distance of all industrial operations operating from 63 – 97 Firebrace Road (see map 1).

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C106well**Table of uses****Section 1 - Permit not required**

| Use | Condition |
|-----------------------------------------------------|--------------------------------------------|
| Animal keeping (other than animal boarding) | Must be no more than 2 animals |
| Boat and caravan storage | |
| Convenience shop | |
| Home based business | |
| Informal outdoor recreation | |
| Minor utility installation | |
| Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01 |

Section 2 - Permit required

| Use | Condition |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accommodation (other than Bed and breakfast and Dependent person's unit) | Must be outside the threshold distance (pursuant to Clause 53.10 from all industrial operations operating from 63 – 97 Firebrace Road (see map 1) |
| Animal Keeping (other than Animal Boarding)- if the Section 1 condition is not met | Must be no more than 5 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 Must be outside the threshold distance (pursuant to Clause 53.10 from all industrial operations operating from 63 – 97 Firebrace Road (see map 1) |
| Dependent person's unit | Must be the only dependent person's unit on the lot Must be outside the threshold distance (pursuant to Clause 53.10 from all industrial operations operating from 63 – 97 Firebrace Road (see map 1) |
| Education centre | Must not be a primary or secondary school |

| Use | Condition |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| Industry (other than Materials recycling and Transfer station) Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track) | |
| Office | The leasable floor area must not exceed 200 square metres |
| Place of Assembly (other than Amusement Parlour, Carnival, Circus and Nightclub) Utility installation (other than Minor utility installation and Telecommunications facility) | |
| Warehouse (other than fuel depot and milk depot) | The leasable floor area must not exceed 200 square metres |
| Any other use not in Section 1 or 3 | |

Section 3 - Prohibited

| Use |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Animal boarding Animal training Amusement parlour Brothel Nightclub Cinema based entertainment facility Fuel depot Hospital Intensive animal husbandry Materials recycling and Transfer Station Major sports and recreation facility Milk depot Motor racing track Shop (other than Convenience shop) Service station Use in Section 2 when a condition is not met |

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Use of land

Amenity of the neighbourhood

A non-residential use must not adversely affect the amenity of the surrounding sensitive land uses, 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

A residential use must not adversely affect the operations of the surrounding non-residential land uses and must consider:

- The siting and orientation of the activity relative to any non-residential activity.
- The design and materials of the building to assist in mitigating the effect of emissions from non-residential activities.

The following application requirements apply to an application for a permit 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:

An application to use land for any use listed in Section 2 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 (Major Hazard Facilities) Regulations 2000* 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 2000* 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.

3.0

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Subdivision

The minimum lot size is 2000 square metres.

Each lot must be connected to reticulated supply of water, electricity, reticulated sewerage and a drainage system.

Each lot must have access to a road constructed to the requirements of the responsible authority.

Application requirements

The following application requirements apply to an application for a permit 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:

An application for subdivision must demonstrate that the lot size and configuration has had regard to the land use requirements and the purpose of the zone.

An application must include a drainage plan to the satisfaction of the Responsible Authority and relevant Catchment Management Authority.

4.0

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Buildings and works

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

The following application requirements apply to an application for a permit 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:

- A Site Analysis, which must show the boundaries and dimensions of the site, relevant ground levels, the location and cross section of adjoining roads, the location of any existing vegetation, drainage lines, water features, retarding basins and flood ways, sites of biological, heritage or archaeological significance, sites that are potentially contaminated and any other relevant features;
- A plan, drawn to scale, showing:
 - Is responsive to the features identified in the Site Analysis.
 - Has regard to the purpose of the zone and adjoining uses.
 - Contains details of required buffer treatment where mitigation measures are necessary to protect the amenity and surrounding properties and the safety of the public.
 - The location, height and purpose of existing and proposed buildings and works
 - Driveway, access, parking areas and any loading areas, including a Parking and Access management plan.
 - Elevations of all buildings indicating materials, finishes and colours;
 - Details of existing and proposed landscaping, along with a Vegetation Management Plan to explain how the existing and proposed landscaping will be maintained;
 - External storage
 - The drainage discharge plan
- A Sustainability Management Plan which outlines sustainable building and design techniques proposed. The plan must provide for but is not limited to energy use and efficiency, waste management, water conservation and reuse.
- Other details as required by the responsible authority.

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Signs

None specified.

6.0

Decision guidelines

Before deciding on an application to use or subdivide land or to construct a building or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must be satisfied that the plan has regard to the following information:

- Structure plans, policy, strategy or guidelines adopted by the Responsible Authority that relate to the subject land.
- SEPA principles of healthy urban design – refer to the background document *Healthy by Design: A planners' guide to environments for active living* (National Heart Foundation of Australia, 2004).
- The applicable State Protection Policy or relevant guidelines of the Environment Protection Authority.
- The purpose of the zone.
- The longer term vision for Firebrace Road (as set out in 21.04 - Settlement) and whether the development supports the transition of this area, while protecting both all industrial operations operating from 63 – 97 Firebrace Road (see map 1) and the amenity of sensitive activities in the short to medium term.

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- The nature of the proposed use and its proximity to existing industrial activities and the effect these industries may have on the proposed use.
- 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 provision of building setbacks and landscaping.
- The ability of the activity to be appropriately serviced.
- 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 interface and connectivity with adjoining existing and future areas.
- The storage of rubbish and materials for recycling.

Map 1 to Schedule 4 to Clause 37.01

