

## 57.01

28/03/2018  
VC145

## CORE PLANNING PROVISIONS

### Application

These provisions apply to land outside an Urban Growth Boundary as shown on a planning scheme map in this scheme unless any of the following apply:

- The land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone, Industrial 1 Zone, Industrial 2 Zone, Industrial 3 Zone, Commercial 1 Zone, Commercial 2 Zone, Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone, Road Zone or Urban Floodway Zone.
- The land is identified in the schedule to this clause.

### 57.01-1

05/09/2013  
VC103

### Use of land

A use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met.

**Table to Clause 57.01-1**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Camping and caravan park, Dependent person's unit, Dwelling, Group accommodation, Host farm, and Residential building)</b>	
<b>Brothel</b>	
<b>Child care centre</b>	
<b>Cinema based entertainment facility</b>	
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Display home</b>	
<b>Dwelling</b>	Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.
<b>Education centre (other than Primary school and Secondary school)</b>	
<b>Freeway service centre</b>	
<b>Freezing and cool storage</b>	The goods stored must be agricultural produce, or products used in agriculture.
<b>Function centre</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150.
<b>Funeral parlour</b>	

<b>Use</b>	<b>Condition</b>
<b>Group accommodation</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  Must be no more than 40 dwellings.
<b>Hospital</b>	
<b>Indoor recreation facility</b>	Must be for equestrian based leisure, recreation or sport.
<b>Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre, and Rural industry)</b>	
<b>Major sports and recreation facility</b>	Must be for outdoor leisure, recreation or sport.
<b>Manufacturing sales</b>	Must be an incidental part of Rural industry.
<b>Materials recycling</b>	Must be used in conjunction with Refuse disposal or Transfer station.
<b>Motor racing track</b>	
<b>Nightclub</b>	
<b>Office</b>	
<b>Place of assembly (other than Carnival, Circus, Exhibition centre, Function centre, Hall, Nightclub, Place of worship and Restricted place of assembly)</b>	Must not be used for more than 10 days in a calendar year.
<b>Research and development centre</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.
<b>Research centre</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.
<b>Residential building (other than Residential hotel)</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  Must be used to provide accommodation for persons away from their normal place of residence.
<b>Residential hotel</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  Must be no more than 80 bedrooms.
<b>Restaurant</b>	Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.  No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150.
<b>Restricted place of assembly</b>	Must not be used for more than 30 days in a calendar year.

Use	Condition
Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)	
Service station	
Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)	
Wind energy facility	Must not be on land in a Rural Conservation Zone.

#### 57.01-2

05/09/2013  
VC103

#### Subdivision

The subdivision of land to create a lot that is smaller in area than the minimum area specified for the land in the zone is prohibited unless:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

#### 57.01-3

19/01/2006  
VC37

#### Existing uses

If an existing use right is established by these provisions, Clauses 63.05 and 63.08 apply to the use as if the use were in Section 3 of a zone.

#### 57.01-4

25/05/2017  
VC133

#### Transitional arrangements for permit applications

The requirements of the planning scheme as in force immediately before 19 May 2004, continue to apply to a permit application made before that date to the extent that, but for this clause, Clauses 35.04, 35.05, 35.06 or 57.01 would apply to such an application. This does not apply to a permit application to subdivide land.

#### 57.01-5

25/05/2017  
VC133

#### Deeming provisions for land outside an urban growth boundary

Any reference in this planning scheme to a Rural Zone or a schedule to a Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge Zone or a schedule to a Green Wedge Zone.

Any reference in this planning scheme to a Rural Living Zone or a schedule to a Rural Living Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge A Zone or a schedule to a Green Wedge A Zone.

Any reference in this planning scheme to an Environmental Rural Zone or a schedule to an Environmental Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Rural Conservation Zone or a schedule to a Rural Conservation Zone.