

06/12/2012
C149**SCHEDULE 13 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ13**.**THOROUGHBRED HORSE TRAINING FACILITIES****Purpose**

To encourage the use and development of thoroughbred horse training facilities in association with the Dowling Forest Racecourse.

To provide for subdivision of land for use and development as thoroughbred horse training facilities.

To facilitate on-site accommodation for horse trainers and their employees in conjunction with the thoroughbred horse training facilities.

To ensure that thoroughbred horse training facilities are established in a manner which is consistent with surrounding land uses.

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C149**Table of uses****Section 1 - Permit not required**

Use	Condition
Agriculture (other than Animal husbandry, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal keeping (other than Animal boarding)	Must be no more than 5 animals.
Animal training	Must be conducted by a person registered under the Australian Rules of Racing.
Bed and breakfast	No more than 6 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 Persons Unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 3.0.
Horse Stables	Must be conducted by a person registered under the Australian Rules of Racing.
Home occupation	
Informal outdoor recreation	
Minor utility installation	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Animal boarding	
Animal husbandry (other than Animal training and Horse stables)	
Broiler farm	Must meet the requirements of Clause 52.31.
Caretaker's house	Must meet the requirements of Clause 3.0
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery	
Community market	
Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 3.0.
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot. The lot must be at least 2 hectares except on those lots which existed as a separate title on 1 January 2011. Must be 'in conjunction with' Horse stables or Animal training facilities conducted on the lot. Must meet the requirements of Clause 3.0.
Emergency services facility	
Freezing and cool storage	
Group accommodation	Must be 'in conjunction with' Horse stables or Animal training facilities conducted on the lot. Must meet the requirements of Clause 3.0.
Host farm	Must be 'in conjunction with' Horse stables or Animal training facilities conducted on the lot. Must meet the requirements of Clause 3.0.
Intensive animal husbandry (other than Broiler farm and Cattle feedlot)	
Interpretation centre	
Leisure and recreation (other than informal outdoor recreation and Motor racing track)	
Manufacturing sales	
Mineral, stone or soil extraction (other than Mineral exploration, Mining and Search for stone)	
Place of assembly (other than Carnival and Circus)	Must not be used for more than 10 days in a calendar year.

Use	Condition
Primary produce sales	
Renewable energy facility (other than Wind energy facility)	
Residential hotel	Must be 'in conjunction with' Horse stables or Animal training facilities conducted on the lot. Must meet the requirements of Clause 3.0.
Rural industry	
Rural store	
Saleyard	
Store	
Timber production	
Utility installation (Other than Minor utility installation and Telecommunications facility)	
Veterinary centre	
Wind energy facility	
Winery	

Section 3 - Prohibited

Use
Accommodation (other than Caretakers house, Dependent person's unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Industry (other than Rural industry and Store)
Motor racing track
Retail premises (other than Community market and Primary produce sales)
Rice growing
Transfer station
Warehouse (other than Store)
Any other use not in Section 1 or 2

2.0

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Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- Each lot to be created is at least 2ha in area.
- Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for or requires that:
 - The land must be used for the purposes of horse training and horse stables.

A permit may only be granted to create smaller lots if the subdivision is by a public authority or utility service provider to create a lot for a utility installation.

3.0

Use of land for a dwelling

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An application to use a lot for a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel must be accompanied by an 'Integrated Land Management Plan' (ILMP) describing the horse training facilities on the site (or proposed on the site) and which explains how the proposal responds to the following provisions.

A permit may only be granted to use the land for the purposes of a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if all of the following apply:

- The dwelling is in conjunction with horse stables and the business of horse training as described in the ILMP.
- The occupier of the land is a licensed horse trainer or is an employee of a licensed horse trainer. (For the avoidance of doubt, a dwelling may only be occupied by a licensed horse trainer or employee of a licensed horse trainer within the meaning of the Australian Rules of Racing, together with their domestic partner and any dependents).
- The horse stables or animal training facilities are established on the lot.
- There is only one dwelling on a lot (other than a caretakers house, dependent persons unit, group accommodation, host farm or residential hotel).
- The dwelling can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling can be connected to a reticulated electricity supply or have an alternative energy source.
- The permit is issued subject to a condition requiring the landowner to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that provides for, or requires that:
 - The land may only be used for the purposes of a dwelling if:
 - it is in conjunction with horse training and horse stables in accordance with an approved ILMP;
 - the dwelling is occupied by a licensed horse trainer within the meaning of the Australian Rules of Racing or an employee of a licensed horse trainer, including their domestic partners and dependants.

4.0

Buildings and works

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A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 50 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 50 square metres.
 - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than 100 square metres.
 - A rainwater tank.

- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay of 50 metres.
 - The setback from any other road of 20 metres.
 - The setback from any boundary of 5 metres.
 - The setback from a dwelling not in the same ownership of 5 metres.
 - 100 metres from a waterway, wetlands or designated flood plain.

5.0

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Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, and in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- How the use or development relates to the purposes of the zone.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The layout of the subdivision;
- The suitability of the location of the training facilities on the site;
- Access arrangements;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

Agricultural issues

- Whether the use or development will support and enhance horse training facilities.
- Whether the use or development will permanently remove land from horse training facilities.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any 'Integrated Land Management Plan' prepared for the site.

Dwelling issues

- Whether the dwelling is reasonably required for the operation of the activity conducted on the land.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The views of the relevant catchment management authority.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts including the visual impact on the landscape.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Traffic issues

- Whether the use and development will require any traffic management measures.

6.0

Advertising signs

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Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions