

14/02/2008
C109**SCHEDULE 1 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as SUZ1

HORTICULTURAL PRESERVATION**Purpose**

To preserve land of high agricultural quality for horticulture and other farming activities.

To discourage non-agricultural and non-soil based uses establishing on soil of high agricultural value.

To protect the area from the encroachment of urban and rural residential type development.

To minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.

To encourage sustainable farming activities based on whole farm and catchment planning principles on an individual and community basis.

1.0
14/02/2008
C109**Table of uses****Section 1 - Permit not required**

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
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.
Carnival	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Circus	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Crop raising (other than Timber production)	
Extensive animal husbandry	
Home occupation	
Informal outdoor recreation	
Mineral exploration	

Section 1 - Permit not required (continued)

USE	CONDITION
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.

Section 2 - Permit required

USE	CONDITION
Agriculture (other than Animal husbandry and Crop raising)	
Animal husbandry (other than Animal boarding, Apiculture, Extensive animal husbandry, and Intensive animal husbandry)	The gross floor area of all buildings associated with the use must not exceed 500 square metres.
Caretaker's house	Must be the only caretaker's house on the lot. Must meet the requirements of Clause 2 of this schedule.
Dependent person's unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 2 of this schedule.
Dwelling (other than Bed and breakfast and Caretaker's house)	Must be the only dwelling on the lot. The lot must be at least 10 hectares. This does not apply to lots which were created under the provisions of a planning scheme. 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 Must meet the requirements of Clause 2 of this schedule.

Section 2 - Permit required (continued)

USE	CONDITION
Group accommodation	
Host farm	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Place of assembly (other than Carnival and Circus)	
Plant nursery	
Primary produce sales	The gross floor area of all buildings associated with the use must not exceed 500 square metres.
Research centre	
Restaurant	
Rural industry (other than Abattoir and Sawmill)	The gross floor area of all buildings associated with the use must not exceed 500 square metres.
Store (other than Boat and caravan storage)	
Timber production	Must meet the requirements of Clause 52.18.
Utility installation (other than Minor utility installation and Telecommunications facility)	

Section 3 - Prohibited

USE

Abattoir

Accommodation (other than Dependent person's unit, Dwelling, Group accommodation, and Host farm)

Animal boarding

Boat and caravan storage

Brothel

Cemetery

Child care centre

Cinema based entertainment facility

Crematorium

Display home

Freeway service centre

Funeral parlour

Hospital

Industry (other than Rural industry)

Intensive animal husbandry

Leisure and recreation (other than Informal outdoor recreation)

Office

Pleasure boat facility

Retail premises (other than Plant nursery, Primary produce sales, and Restaurant)

Saleyard

Sawmill

Service station

Veterinary centre

Warehouse (other than Store)

2.0

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Use of land

A lot may be used for one dwelling (excluding a caretaker's house and dependent person's unit) provided the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority.
- The dwelling must be connected to reticulated sewerage or if not available, the waste water must 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 must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

If the use is a caretaker's house or dependent person's unit, an agreement must be entered into under Section 173 of the Act requiring the house or unit to be removed or demolished if the use ceases.

3.0

19/01/2006
VC37

Subdivision

Each lot must be at least 25 hectares.

A permit may be granted to create smaller lots if the subdivision is the re-subdivision of existing lots provided:

- No additional lots are created.
- The potential to create new lots is not increased.
- The potential for the number of dwellings is not increased.
- The proposed lots do not compromise the purpose of the zone.

4.0

19/01/2006
VC37

Buildings and works

A permit is not required to construct a building or construct or carry out works except for any of the following:

- A building or works associated with a use in Section 2 of Clause 1 of this schedule.
- A building which is within any of the following setbacks:
 - 100 metres from a Road Zone Category 1.
 - 20 metres from any other boundary.
 - 100 metres from a waterway.
- A building with a gross floor area which exceeds 200 square metres.
- A building which exceeds 7 metres in height.
- Excavation or land fill works which are in excess of 1 metre in depth or height.

5.0

19/01/2006
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Application requirements

An application to use or subdivide land, construct a building or construct or carry out works must be accompanied by a report which explains how the proposal:

- Complies with the purposes of the zone.
- Responds to the decision guidelines for the zone.

6.0

19/01/2006
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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, the responsible authority must consider, as appropriate:

- The Land Capability Study for the Cardinia Shire (February 1997).
- Whether the land is liable to flooding and any advice received from Melbourne Water.

- Whether the use, building, works or subdivision will be detrimental to the horticultural significance of the area.
- Whether the dwelling is reasonably required for the operation of the rural activity being conducted on the land.
- Whether the use utilises the high quality soils for horticultural or agricultural pursuits.
- The impact of the use, building, works or subdivision on the character and appearance of the area.
- Whether the site is suitable for the use, building, works or subdivision and the compatibility of the proposal with adjoining and nearby farming and other land uses.