

22/11/2012  
C30**SCHEDULE 6 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ6**.

**MOUNT ELEPHANT****Purpose**

To recognise the significance of the Mount Elephant site as a place of geological and natural interest.

To encourage the use of the site for limited types of tourism facilities in appropriate locations that avoid adverse impacts on landscape, environmental and geological values and agricultural productivity.

To provide for nature based tourism development including an interpretation centre.

To protect productive agricultural land outside areas used for tourism uses.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To protect and enhance the natural resources and the biodiversity of the area.

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C30**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry, Rice growing and Timber production)</b>	
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 5 animals.
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Minor utility installation</b>	
<b>Railway</b>	
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Bed and breakfast</b>	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.

<b>Use</b>	<b>Condition</b>
<b>Community market</b>	
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 2.
<b>Dwelling (other than Bed and breakfast)</b>	Must be the only dwelling on the lot. The lot must be at least 40 hectares. Must meet the requirements of Clause 2.
<b>Emergency services facility</b>	
<b>Food and drink premises (other than Hotel and Tavern)</b>	
<b>Group accommodation</b>	
<b>Host farm</b>	
<b>Interpretation centre</b>	
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Place of assembly (other than Carnival and Circus)</b>	
<b>Primary produce sales</b>	
<b>Renewable energy facility (other than Wind energy facility)</b>	Must meet the requirements of Clause 52.42.
<b>Restaurant</b>	Must be used in conjunction with Agriculture, Interpretation centre, Outdoor recreation facility, Rural industry or Winery.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Wind energy facility</b>	Must meet the requirements of Clause 52.32
<b>Winery</b>	

### Section 3 - Prohibited

<b>Use</b>
<b>Accommodation (other than Dependent person's unit, Dwelling, Group accommodation and Host farm)</b>
<b>Motor racing track</b>
<b>Retail premises (other than Community market, Food and Drink Premises, Primary produce sales and Restaurant)</b>
<b>Any other use not in Section 1 or 2</b>

## 2.0

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### Use of land for a dwelling

A permit is not required to use land for a dwelling on a lot greater than 40 hectares.

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system 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 as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

### 3.0

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#### Subdivision

A permit is required to subdivide land.

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision creates a lot to be used for tourism related purposes in accordance with this Schedule and the number of dwellings the land could be used for is not increased.
- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to create a smaller lot for an existing dwelling. The agreement must be registered on title.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

### 4.0

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#### Buildings and works

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 outbuilding 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. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- A building which is within any of the following setbacks:

- 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road
- 5 metres from a boundary.
- 100 metres from a dwelling not in the same ownership.
- 100 metres from a waterway, wetlands or designated flood plain.

## **5.0 Application requirements for dwellings**

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An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

## **6.0 Decision guidelines**

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

### **Tourism issues**

- Whether the proposal supports quality tourism development that is compatible with the landscape qualities of the area.
- The cumulative impact of the proposal having regard to other existing or proposed tourism facilities in the area.

### **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.
- 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.

### **Agricultural issues**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- 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 agricultural 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 will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- 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.

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

## **7.0**

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### **Advertising signs**

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