

**SCHEDULE 3 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ3**.

**CAL COMMUNITY FARM**

**Purpose**

To provide for the continued use and development of land for a community farm, educational centre and associated uses.

To ensure that use and development of the land is in accordance with an approved Concept Plan.

To ensure that the development of a community farm and education centre takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.

**1.0**

**Table of uses**

**Section 1 - Permit not required**

| <b>Use</b>  | <b>Condition</b>   |
|---|--|
| <b>Animal keeping (other than Animal boarding)</b>  |  |
| <b>Agriculture (other than animal keeping, animal training, intensive animal husbandry and horse stables)</b> |  |
| <b>Accommodation (other than a corrective institution)</b>  | Must be generally in accordance with an approved Concept Plan for the site.  |
| <b>Apiculture</b>   | Must meet the requirements of the Apiary Code of Practice, May 1997.   |
| <b>Art &amp; Craft Centre</b>   | Must be generally in accordance with an approved Concept Plan for the site.  |
| <b>Carnival</b>   | Must meet the requirements of a "Good Neighbour" Code of Practice for a Circus or a Carnival, October 1997.  |
| <b>Car park</b>   | Must be generally in accordance with an approved Concept Plan for the site.<br><br>Must not require new road access.<br><br>The total car park capacity for the site is not to exceed 50 spaces. |
| <b>Circus</b>   | Must meet the requirements of a "Good Neighbour" Code of Practice for a Circus or a Carnival, October 1997.  |
| <b>Education Centre</b>   | Must be generally in accordance with an approved Concept Plan for the site.  |
| <b>Geothermal Energy Extraction</b>   | Must meet the requirements of Clause 52.08-4.  |
| <b>Informal outdoor recreation</b>  | Must be generally in accordance with an approved Concept Plan for the site.  |
| <b>Leisure and Recreation</b>   | Must be generally in accordance with an approved Concept Plan for the site.  |

## BENALLA PLANNING SCHEME

| Use  | Condition   |
|--|---|
| <b>Market</b>  | Must be generally in accordance with an approved Concept Plan for the site. |
| <b>Mineral Exploration</b>   |   |
| <b>Mining</b>  | Must meet the requirements of Clause 52.08-2.                               |
| <b>Minor Sports and Recreation facility</b>  |   |
| <b>Minor Utility installation</b>  |   |
| <b>Natural systems</b>   |   |
| <b>Open sports Ground</b>  | Must be generally in accordance with an approved Concept Plan for the site. |
| <b>Place of Assembly (Other than Amusement Parlour, Carnival, Cinema, Drive-in Theatre, Nightclub)</b> | Must be generally in accordance with an approved Concept Plan for the site. |
| <b>Railway</b>   |   |
| <b>Road</b>  |   |
| <b>Retail Premises</b>   | Must be generally in accordance with an approved Concept Plan for the site. |
| <b>Search for Stone</b>  | Must not be costeaning or bulk sampling.                                    |
| <b>Shop</b>  | Must be generally in accordance with an approved Concept Plan for the site. |
| <b>Telecommunications facility</b>   | Buildings and works must meet the requirements of Clause 52.19.             |

### Section 2 - Permit required

| Use  | Condition  |
|--|--|
| <b>Car park (where the Section 1 condition is not met)</b>   | <p>Must be in conjunction with another use in Section 1 or 2.</p> <p>Where the total car park capacity for the site is proposed to exceed 50 spaces the matter is to be referred to VicRoads for a Transport Impact Assessment Report (TIAR) and any other requirements.</p> |
| <b>Child Care Centre</b>   |  |
| <b>Emergency services facility</b>   |  |
| <b>Industry</b>  |  |
| <b>Medical Centre</b>  |  |
| <b>Mineral, stone or soil extraction (other than Mineral exploration, Geothermal energy extraction, Mining and Search for stone)</b> |  |
| <b>Office</b>  |  |

| Use  | Condition |
|--|-----------|
| Place of Worship   |           |
| Utility Installation (other than Minor utility installation and Telecommunications facility) |           |
| Wind energy facility   |           |
| Winery   |           |
| <hr/>  |           |
| Any use listed in Section 1 if the condition/s is not met.                                   |           |
| <hr/>  |           |

**Section 3 - Prohibited**

| Use                                   |
|---------------------------------------|
| Any other use not in Sections 1 and 2 |

**2.0**

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**Concept plan**

The use and development provided for under the terms of this schedule must be in accordance with a concept plan approved by the responsible authority known as “CAL Community Farm Concept Plan, 133241GO4”.

The responsible authority may amend the approved Concept Plan following a process of public exhibition, notification to abutting landowners and occupiers and referral in accordance with section 52 of the *Planning and Environment Act 1987* of the proposed changes, and consideration of any subsequent submissions.

**3.0**

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**Development Plan**

No building or works may be constructed or carried out unless a development plan for the land or part of the land has been approved by the responsible authority. This does not apply to minor works associated only with the existing uses and development on the site.

A Development Plan must be generally in accordance with the approved CAL Community Farm Concept Plan.

A Development Plan must provide details on the following:

- Site plans at an appropriate scale showing the proposed location, type, floor plans, elevations and heights and proposed use of all buildings and works.
- Details of any staging of the development.
- Estimated number of students, employees or community members associated with the building and works on the development.
- Car parking for each stage of the development.
- Landscaping for each stage of the development.
- A land contamination assessment for any part of the site proposed to be developed for accommodation or other sensitive use.
- Access to the site (pedestrian and vehicular, including emergency service, staff and visitor vehicles).
- Stormwater drainage management plan.

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**Use of land**

**Amenity of the neighbourhood**

- A use must not adversely affect the amenity of the neighbourhood, including through the:
  - transport of materials, good 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**

An application to use land must be accompanied by the following information:

- The purpose of the use and the types of activities which will be carried out.
- The proposed hours of operation.
- The potential off-site effects including noise levels, traffic, hours of operation and light spill.
- The effect of the proposed use on existing land use and service infrastructure.
- Access to the site (pedestrian and vehicular, including emergency service, staff and visitor vehicles).
- Proposed number of students, employees and community member using the facility.
- Site plans at an appropriate scale showing the location of all buildings to be used.
- A land contamination assessment for any part of the site proposed to be developed for accommodation or other sensitive use.

**Decision Guidelines**

Before deciding on an application to use land, the responsible authority must, (notwithstanding any approved Concept Plan or Development Plan) consider:

- The effect the proposed use may have on existing or future neighbouring uses of the surrounding area.
- The effect the existing or future neighbouring uses may have on the proposed use.
- The effect of any additional traffic on the operation, convenience and efficiency of existing roads.
- Whether any proposed use will adversely affect the ongoing operation and expansion of adjoining and nearby uses.
- Whether any proposed use will be adversely affected by activities on adjacent and nearby lands due to dust, noise, odour, use of chemicals and farm machinery.

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**Subdivision**

An application to subdivide land other than the realignment of lot boundaries must be in accordance with the approved Concept Plan.

**Application requirements**

Any application must state the intended outcome of the proposed subdivision and its impact on the overall operation of the community farm and education establishment.

### **Exemption from notice and appeal**

An application to subdivide land in accordance with a subdivision designated on an approved Concept Plan for the subject land is exempt from the notice and review requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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### **Buildings and works**

A permit is required for buildings and works except for any of the following:

- A garage, a storage shed (less than 150m<sup>2</sup> floor area), a covered walkway, a verandah, a carport, a pergola, a shade sail, and a rainwater tank, subject to the following requirements:
  - the buildings and works proposed are generally in accordance with a Development Plan which has been prepared and approved to the satisfaction of the Responsible Authority in accordance with paragraph 3.0 to this schedule; and
  - the buildings and works proposed will not allow an increase in the number of students, employees or community members on the site; and
  - the buildings and works proposed do not alter vehicular access to and from the site or alter the movement of traffic within the site; and
  - the buildings and works are in accordance with an approved stormwater drainage plan.

### **Application Requirements**

Any application for buildings and works must be accompanied by a plan, drawn to scale, which shows:

- The boundaries and dimensions of the site including setbacks from site boundaries.
- Elevation drawings indicating the material and colour of all proposed buildings.
- The layout and use of existing and proposed buildings and works, including accessways, carparking and loading areas.
- The location, size and form of any signage to be erected.
- Details of existing and proposed landscaping
- The potential off-site effects including noise levels, traffic and light spill on existing land use and service infrastructure.

### **Exemption from notice and appeal**

An application to construct a building or construct or carry out works that is generally in accordance with an approved Development Plan for the subject land is exempt from the notice and review requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### **Decision Guidelines**

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:

- The approved Concept Plan and Development Plan.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- Whether use or development protects and enhances the environmental and landscape qualities of the site and its surrounds.
- The effect any proposed subdivision will have on the potential of the land to accommodate existing and future uses in accordance with the purpose of the zone and the approved Concept Plan.
- The movement of pedestrians and cyclists, supplies vehicles, waste removal, emergency service and public transport.
- The provision of car parking.
- The availability of and connection to services.

## **7.0**

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### **Advertising signs**

This zone is in Category 3.

*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.*