

SCHEDULE 5 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5**.

CONSERVATION AREAS FOR MELBOURNE'S GROWTH CORRIDORS

To give effect to the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, June 2013) and any approved Precinct Structure Plan that applies to the land that is incorporated in this planning scheme.

To protect land important for the conservation of populations of Growling Grass Frog including land that may be required for:

- Habitat construction or enhancement and associated buffers.
- Works to provide appropriate hydrological regimes and water quality for the Growling Grass Frog.
- Habitat connectivity between populations of Growling Grass Frog.
- The improvement of water condition or ecological function for the Growling Grass Frog.
- Effective implementation of conservation management, weed control, restoration or access for management or maintenance.

To encourage and provide for works and the management of land to protect and enhance the biodiversity values of the land, including restoration, regeneration and revegetation with indigenous species, conserve populations of Growling Grass Frog and provide scientific opportunities.

To provide for use, development and management of land that:

- Is compatible with the long-term maintenance and conservation of the land.
- Is compatible with the conservation outcomes identified in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, June 2013).
- Will not have a detrimental impact on the biodiversity and other environmental values of the land.

To protect land important to provide habitat connectivity for native flora and fauna.

To provide for the long-term preservation and conservation of ecological communities, habitat, flora and fauna and genetic diversity.

To protect and enhance ecological communities, populations and habitat of matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

To protect and enhance Native vegetation and habitat for threatened flora and fauna listed under the *Flora and fauna Guarantee Act 1988*.

Precinct structure plan provisions

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

Use of land

Any requirement in the Table of uses and any requirement specified in this schedule must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

Table of uses

Section 1 - Permit not required

Use	Condition
Natural systems	

Section 2 - Permit required

Use	Condition
Apiculture	
Agriculture (other than Animal keeping, Intensive animal husbandry, and Timber production)	
Animal keeping (other than Animal boarding)	
Bed and breakfast	<p>Must be an existing dwelling.</p> <p>No more than 6 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p>
Carnival	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Circus	
Community market	
Dependent person's unit	Must be the only dependent person's unit on the lot.
Emergency services facility	
Freezing and cool storage	The goods stored must be agricultural produce, or products used in agriculture on or adjacent to the land.
Group accommodation	<p>Must be used in conjunction with Agriculture, Rural industry, or winery.</p> <p>Must be no more than 6 dwellings.</p> <p>The lot on which the use is conducted must be at least 40 hectares.</p> <p>Must be restricted to the footprint of existing buildings, gardens and environs and existing agricultural use of the land.</p>
Home occupation	
Host farm	<p>Must be an existing dwelling.</p> <p>Must be in conjunction with the existing use of the land.</p>

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Use	Condition
<p>Informal outdoor recreation</p> <p>Interpretation centre</p> <p>Minor utility installation</p> <p>Open sports ground</p> <p>Pleasure boat facility</p> <p>Primary produce sales</p> <p>Railway</p>	
Restaurant	<p>Must be used in conjunction with Agriculture, Rural industry, or Winery.</p> <p>The number of patrons present must not exceed 50 patrons.</p> <p>The lot on which the use is conducted must be at least 40 hectares.</p> <p>Must be restricted to the footprint of existing buildings, gardens and environs and existing agricultural use of the land.</p>
Road	Must comply with the requirement of clause 5 of this schedule
Rural industry	Must relate to produce produced on or adjacent to the land
Rural store	Must relate to produce produced on or adjacent to the land
<p>Telecommunication facility</p> <p>Utility installation (other than Minor utility installation)</p> <p>Tramway</p> <p>Winery</p>	

Section 3 - Prohibited

Use
Abattoir
Accommodation (other than Dependent person's unit, Group accommodation, Host farm, and Residential hotel)
Animal boarding
Apiculture
Art and craft centre
Brothel
Broiler farm
Cemetery
Child care centre
Cinema based entertainment facility
Crematorium

Use

Dwelling
Display home
Earth and energy resources industry
Education centre
Emergency services facilities
Freeway service centre
Funeral parlour
Hospital
Helicopter landing site
Industry (other than Rural industry)
Intensive animal husbandry
Leisure and recreation (other than Informal outdoor recreation and Open sports ground)
Office
Place of assembly (other than Carnival and Circus)
Renewable energy facility
Research centre
Residential hotel
Retail premises (other than Community market, Primary produce sales and restaurant)
Rice growing
Saleyard
Sawmill
Service station
Timber production
Transport terminal
Veterinary centre
Warehouse (other than Freezing and cool storage, and Rural store)

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Application requirements

All applications must be accompanied by the following information to the satisfaction of the responsible authority:

- A written statement demonstrating how the proposal will ensure that there is no net loss of habitat for ecological communities and listed species in accordance with the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, June 2013).
- A written statement showing how the proposal meets the requirements of:
 - Any precinct structure plan applying to the land; and
 - Any Conservation Management Plan approved for the land by the Secretary to the Department of Sustainability and Environment; and

- any agreement under section 69 of the Conservation Forests and Lands Act 1987 relevant to the land; and
- Melbourne Water where the proposal is within 100 metres of a waterway.
- An Environmental Management Plan.

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Use of land

Use of land for a dwelling

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.

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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 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. 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 requirement to enter into an agreement only applies to a lot which could be further subdivided in accordance with this scheme.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

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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 of Clause 35.06-1. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 50 square metres. Any area specified must be more than 50 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 50 square metres. Any area specified must be more than 50 square metres.

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- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 50 square metres. Any area specified must be more than 50 square metres. The building must not be used to keep, board, breed or train animals.
- A rainwater tank.
- Earthworks.
- Roadworks or bicycle trails. The construction of a road or bicycle trail must not commence until a Construction Environmental Management Plan for the relevant works has been approved to the satisfaction of the Department of Sustainability and Environment.
- 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, Category 1.
 - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
 - 20 metres from any other road.
 - 5 metres from any other boundary.
 - 100 metres from a dwelling not in the same ownership.
 - 100 metres from a waterway, wetlands or designated flood plain.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

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Referral of applications

An application to develop land must be referred under Section 55 of the Act to the Secretary for the Department of Environment and Primary Industries.

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Exemption from notice and review

An application under this overlay is exempt from the notice 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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Decision guidelines

General issues

- The capability of the land to accommodate the proposed use or development.
- How the use or development conserves the values identified for the land in a precinct structure plan applying to the land.
- Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

Environmental issues

- An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.

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- The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- Whether the proposal will result in a net loss of habitat for matters of national environmental significance described in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013).
- Whether the proposal is appropriate having regard to biodiversity values of the land recorded in the time stamped data set NV2011_TS_GA (Department of Environment and Primary Industries) and the *Biodiversity Conservation Strategy for Melbourne's Growth Corridor* (Department of Environment and Primary Industries, 2014).

Design and siting issues

- 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.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.

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Advertising signs

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