57 METROPOLITAN GREEN WEDGE LAND

Purpose

To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, conservation, landscape natural resource or recreation values.

To protect productive agricultural land from incompatible uses and development.

To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.

To encourage the location of urban activities in urban areas.

To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.

To provide deeming provisions for metropolitan green wedge land.

57.01 CORE PLANNING PROVISIONS

Application

These provisions apply to land outside an Urban Growth Boundary as shown on a planning scheme map in this scheme unless any of the following apply:

- The land is in a Residential 1 Zone, Residential 2 Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone, Industrial 1 Zone, Industrial 2 Zone, Industrial 3 Zone, Business 1 Zone, Business 2 Zone, Business 3 Zone, Business 4 Zone, Business 5 Zone, Public Use Zone, Public Park and Recreation Zone, Road Zone or Urban Floodway Zone.
- The land is identified in the schedule to this clause.

57.01-1 Use of land

A use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met.

Table to Clause 57.01-1

USE	CONDITION
Accommodation (other than Camping and caravan park, Corrective institution, Dependent person's unit, Dwelling, Group accommodation, Host farm, and Residential building) **Brothel** **Child care centre** **Cinema based entertainment facility** **Display home**	
Dwelling	Must be the only dwelling on the lot. 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.

Table to Clause 57.01-1 (continued)

USE	CONDITION
Education centre	
Freezing and cool storage	The goods stored must be agricultural produce, or products used in agriculture.
Function centre	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150.
Funeral parlour	
Group accommodation	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. Must be no more than 40 dwellings.
Hospital	
Indoor recreation facility	Must be for equestrian based leisure, recreation, or sport.
Industry (other than Materials recycling, Refuse disposal, Refuse transfer station, Research and development centre, and Rural industry)	
Major sports and recreation facility	Must be for outdoor leisure, recreation, or sport.
Manufacturing sales	Must be an incidental part of Rural industry.
Materials recycling	Must be used in conjunction with Refuse disposal or Refuse transfer station.
Office **Place of assembly (other than Carnival, Circus, Exhibition centre, Function centre, Hall, Place of worship, and Restricted place of assembly)**	
Research and development centre	Must be used in conjunction with Agriculture, Natural systems, Rural industry, or Winery.
Research centre	Must be used in conjunction with Agriculture, Natural systems, Rural industry, or Winery.
Residential building (other than Residential hotel)	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. Must be used to provide accommodation for persons away from their normal place of residence.

Table to Clause 57.01-1 (continued)

USE	CONDITION
Residential hotel	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. Must be no more than 80 bedrooms.
Restaurant	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150.
Restricted place of assembly	Must not be used for more than 30 days in a calendar year.
Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales, and Restaurant) **Service station** **Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot, and Vehicle store)**	
Wind energy facility	Must not be on land in a Rural Conservation Zone.

57.01-2 Subdivision

The subdivision of land to create a lot that is smaller in area than the minimum area specified for the land in the zone is prohibited unless:

- 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.

57.01-3 Existing uses

If an existing use right is established by these provisions, Clauses 63.05 and 63.08 apply to the use as if the use were in Section 3 of a zone.

57.02 TRANSITIONAL ARRANGEMENTS FOR PERMIT APPLICATIONS

The requirements of the planning scheme as in force immediately before 19 May 2004, continue to apply to a permit application made before that date to the extent that, but for this clause, Clauses 35.04, 35.05, 35.06 or 57.01 would apply to such an application. This does not apply to a permit application to subdivide land.

57.03 DEEMING PROVISIONS FOR LAND OUTSIDE AN URBAN GROWTH BOUNDARY

Any reference in this planning scheme to a Rural Zone or a schedule to a Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge Zone or a schedule to a Green Wedge Zone.

Any reference in this planning scheme to a Rural Living Zone or a schedule to a Rural Living Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge A Zone or a schedule to a Green Wedge A Zone.

Any reference in this planning scheme to an Environmental Rural Zone or a schedule to an Environmental Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Rural Conservation Zone or a schedule to a Rural Conservation Zone.