

19/01/2006
VC37**SCHEDULE 1 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ1****PORT RELATED USES****Purpose**

To provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep water channels in Westernport.

To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).

To protect the environmental values of the waters, coastline and intertidal areas of Westernport and adjoining land.

To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.

To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse affect on the amenity or safety of residents occurs in proximity to residential areas.

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VC37**Table of uses****Section 1 - Permit not required**

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Crop raising (other than Timber production)	
Extensive animal husbandry	
Home occupation	
Horse stables	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Railway	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	

Section 2 - Permit required

USE	CONDITION
Agriculture (other than Apiculture, Animal keeping, Crop raising, Extensive animal husbandry, and Horse stables).	
Animal keeping	The premises must be located at least 1 kilometre from the nearest residential zone if more than four animals are kept.
Boat and caravan storage	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Caretaker's house	
Community market	
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Caretaker's house)	Must meet the requirements under the heading Dwellings of Clause 2 to this schedule. Must not be located in the Restricted Occupancy Area.
Education centre (other than Primary School and Secondary School).	
Industry (except Rural industry)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry.
Leisure and recreation (other than Indoor recreation facility and Informal outdoor recreation)	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Plant nursery	
Primary produce sales	
Rural store	
Store (other than Boat and caravan storage, Rural store and Vehicle store)	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

Section 2 - Permit required (continued)

USE	CONDITION
Timber production	Must meet the requirements of Clause 52.18.
Transport terminal	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use.
Utility installation (other than Minor utility installation)	
Vehicle store	
Warehouse (other than Store)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use or a marine service industry.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Accommodation (other than Dependent person's unit and Dwelling).
Art and craft centre
Brothel
Childcare centre
Cinema based entertainment facility
Display home
Hospital
Indoor recreation facility
Office
Place of assembly
Primary school
Retail premises (other than Community market, Plant nursery and Primary produce sales)
Secondary school
Service station

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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, goods 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.

Access for industry must not be made through a residential area. This does not apply to emergency access.

Application requirements

An application to use land for a port related use must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to port facilities or associated uses.
- An assessment of the environmental significance the site and proposals relating to the maintenance of significant conservation values.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored processed or produced.
- How the land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on adjoining land, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and dispatch.
 - Light spill or glare.

Decision guidelines

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The effect that the use may have in terms the proper future use and development of the land and adjoining areas for port and port related purposes.
- The effect that the use may have on the waters and intertidal areas of Westernport and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The need for and adequacy of risk assessment and environmental response plans.

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to Clause 52.10 and any comments or directions of referral authorities.
- The effect that nearby industries and other forms of activity may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industrial or warehouse use being located near port facilities or associated uses.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise the adverse impact of major developments on urban communities.
- The intended interim use of those parts of the land not required for the proposed use.
- Any State or local policy guidelines relating to the protection, use or development of port facilities and associated areas, including the Hastings Port Industrial Area Land Use Structure Plan (Department of Development 1996).

Dwellings

No more than one dwelling on a lot

No more than one dwelling may be permitted on a lot, except as provided under the heading Additional dwelling.

Minimum site area for a dwelling

A site for a dwelling must have a minimum area of at least 1 hectare, except that a permit may be granted for lesser area if the responsible authority is satisfied that:

- Approval will not prejudice the future development of the area for port and port related uses.
- The site can absorb all domestic sewage, sullage and effluent.
- The dwelling would be compatible with adjoining uses and would not be situated in a dangerous location or where a nuisance to the occupants of the dwelling would or is likely to arise.

Where a site is subject to Clause 45.05 Restructure Overlay the site must comply with the restructure plan.

Restricted occupation area – Long Island Point

The purpose of this provision is to prevent human habitation on the land surrounding the Long Island Fractionation Plant and Crude Oil Storage Tanks. The land south of Bayview Road and east of Jeremiahs Road, Tyabb (Long Island Point) must not be used for a dwelling other than a Caretaker's house.

Before deciding on an application for any other use the responsible authority must refer the application to the Minister administering the Dangerous Goods Act 1989.

Availability of services

A lot may only be used for a dwelling if 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 a reticulated sewerage system or if not available, all wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environmental 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 to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

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

Additional dwelling

A permit may be granted for an additional dwelling if:

- It is proposed to replace an existing dwelling to be demolished; or
- The dwelling is required to accommodate a person working on the land or a member of the family owning the land.

Before deciding on an application the responsible authority must be satisfied that the additional accommodation is justified due to the intensity and nature of the farming activity on the land.

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Subdivision

A permit is required to subdivide land.

Lots may only be created if the land is:

- To be used for an approved port related use, or
- Used as an existing lawful poultry farm, with the minimum lot area for each new lot to be no less than 8 hectares, or
- To be re-subdivided in accordance with any Restructure Plan under Clause 45.05, or
- At least 40 hectares in area and has been continuously owned by the same family since the 23rd September 1981. A permit may be granted to subdivide the land into 2 lots each of which is at least 20 hectares. If a permit is granted further subdivision is prohibited under this provision.

Guidelines for permit

Before deciding on an application to subdivide land the responsible authority must consider as appropriate:

- The ability of the land as subdivided to accommodate future port related uses.
- The ability of the land to be combined with other lots for use as a port related use.
- The suitability of the subdivision having regard to:
 - Any natural and cultural values on or near the land.
 - The purpose of the zone.

- The use intended.
 - The extent of any existing or proposed reclamation works.
 - The topography of the land.
 - The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
 - Any easement or rights of way which may be required to convey public or private goods or services to or across the land.
 - Any other matters which the responsible authority considers relevant to the management of the land resources adjacent to the deep channel in the northern arm of Western Port for selected port and industrial development.

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Buildings and works

Setbacks for buildings and works

Setbacks for buildings and works related to specific uses

Buildings and works associated with the uses described in the Buffer Area Table below must be constructed or carried out in accordance with the Table and land within 50 metres of a Residential Zone or Low Density Residential Zone or abutting road must be planted with trees and shrubs to the satisfaction of the responsible authority.

Buffer Area Table

COLUMN 1	COLUMN 2	COLUMN 3
Building & works related to a specific form of port related use	Minimum distance from Residential Zone	Minimum distance from Green Wedge Zone, Farming Zone or Low Density Residential Zone
Building & works related to the processing of chemical and petro-chemical products.	400 metres	200 metres
The bulk storage of flammable products.	400 metres	200 metres
The bulk storage of non-flammable products.	200 metres	100 metres
Buildings & works related to the processing of other products.	200 metres	100 metres
Other buildings & works	100 metres	60 metres
Car parks & internal access roads.	60 metres	30 metres

These requirements do not apply to any of the following buildings or works:

- Existing approved port related developments.

- Landscaping.
- Pipelines.
- Minor farm structures, fences or works related to farming.
- Sewerage, drainage, water and gas mains.
- Power lines.
- Telephone lines.
- Buildings or works constructed or carried out by the Council or a public authority.

Setbacks - Non Restricted Uses.

A permit is required to construct or carry out any of the following:

- Any building or works associated with a port related use which is within any of the following setbacks:
 - 100 metres from a Road Zone or land in Public Acquisition Overlay to be acquired for a road.
 - 40 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
 - 15 metres from any other boundary.
 - 60 metres from any house on adjoining land.
- A building or works not associated with a port related use which is within any of the following setbacks:
 - 100 metres from a Road Zone or land in Public Acquisition Overlay to be acquired for a road.
 - 20 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
 - 3 metres for every metre of building height from any other boundary.

A permit may be granted to reduce setbacks in any of the following circumstances:

- The responsible authority is satisfied no loss of amenity would be caused to the landscape or to ecologically significant areas.
- The building to be constructed is any of the following:
 - A house extension.
 - A farm building extension.
 - A farm out-building.
- The responsible authority is satisfied that compliance would be unreasonable or impractical and the building would not prejudice the amenity of the area.

The minimum setback from land within a Road Zone, including any associated Public Acquisition Overlay to be acquired for a road, must be no less than 30 metres, other than for extensions to houses and farm buildings.

The setback requirements do not apply to any of the following buildings or works:

- Landscaping including vehicular and pedestrian access.
- Gatehouses or weighbridges.
- Pipelines or conveyors.

- Minor farm structures and also pumps, bores, windmills, troughs, stock loading yards and the like.

Industrial Development - Application Requirements

The following information must be submitted with any application for the development of land for the purpose of industry:

- A plan drawn to scale which shows the locations and proposed use of all existing and proposed buildings, the provision of on-site parking, loading and unloading areas, internal vehicle movement, material stockpiles, landscaping, site entrance and exit points, proposed advertising signs and such other information as may be relevant to assessment of the development.
- Details of any proposed removal of native vegetation.
- Plans and information indicating the profile and maximum heights of proposed buildings and equipment installations.
- Details concerning the provision of services including water supply, sewerage, gas and electricity and the provision of the disposal of waste materials, effluent and other pollutants.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- Where the development involves reclamation, specific information concerning the type and amount of material used to carry out the reclamation works and the most appropriate uses to which reclaimed land can be put.
- Details relating to the establishment of buffer areas particularly in those areas adjacent to residential areas and the landscaping of buffer areas so created.
- An assessment and proposals relating to the visual integration of proposed buildings and works with the character, landscape and seascape of the area including the colour and finishes to be used in the external faces and coverings of buildings.
- Where a proposed development is located within Design and Development Overlay 8 (Pipeline Policy Area), consent to the development by the Minister for Energy and Minerals must be obtained by the applicant and submitted with the application.

Control over the removal of native vegetation

Except with a permit, native vegetation must not be removed, destroyed or lopped. This control includes natural swamp vegetation or vegetation forming part of the natural plant association along the shoreline of Western Port Bay.

Further exemptions are as listed at Clause 52.17.

Before deciding on an application the responsible authority must consider:

- The value of the native vegetation to be removed in terms of its physical condition, rarity or variety.
- Any alternative means of locating buildings or works to conserve the native vegetation of the area.
- The stability of the soil or surface subsoil after the removal of the native vegetation.
- The effect on the fauna of the area after the removal of the native vegetation.
- The maintenance of the ecological balance of the area.

Decision guidelines

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- Any natural and cultural values on or near the land.
- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.
- The effect of the development on adjoining areas outside of the Special Use Zone.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment and the extent of indigenous planting.

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Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3, except that a permit may be granted for signs not complying with the requirements of Clause 52.05 in conjunction with the approval of a port related use.

Before deciding on an application the responsible authority must consider as appropriate:

- The total area, height and number of signs proposed.
- The possible effect of the sign on the amenity and efficiency of a road, particularly a road in Road Zone 1 or 2, and the safety of all road users.