

## 37.07

25/05/2017  
VC133

## URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ** with a number (if shown).

### Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

### Application of provisions

#### Part A – No precinct structure plan applies

The provisions of Clauses 37.07-1 to 37.07-8 apply if no precinct structure plan applies to the land.

#### Part B – Precinct structure plan applies

The provisions of Clauses 37.07-9 to 37.07-16 apply if a precinct structure plan applies to the land.

#### Precinct structure plan provisions

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

## 37.07-1

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### Part A – Provisions For Land Where No Precinct Structure Plan Applies

#### Table of uses

##### Section 1 – Permit not required

Use	Condition
Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Bed and breakfast	No more than 10 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

<b>Use</b>	<b>Condition</b>
	away from their normal place of residence.
<b>Dependent person's unit</b>	<p>Must be the only Dependent person's unit on the lot.</p> <p>Must meet the requirements of Clause 37.07-2.</p>
<b>Dwelling (other than Bed and breakfast)</b>	<p>Must be the only dwelling on the lot.</p> <p>The lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 37.07-2.</p>
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Minor utility installation</b>	
<b>Primary produce sales</b>	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
<b>Railway</b>	
<b>Rural industry (other than Abattoir and Sawmill)</b>	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 52.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 52.10.</li> </ul>
<b>Rural store</b>	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling, and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
<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>Abattoir</b>	
<b>Animal boarding</b>	
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 5 animals.
<b>Camping and caravan park</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.

<b>Use</b>	<b>Condition</b>
Cemetery	
Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 37.07-2.
Display home	
Dwelling (other than Bed and breakfast) – if the Section 1 conditions are not met	Must be no more than 2 dwellings on the lot. Must meet the requirements of Clause 37.07-2.
Education centre	
Emergency services facility	
Freeway service centre	Must meet the requirements of Clause 52.30.
Industry (other than Rural Industry)	
Trade supplies	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Veterinary centre	
Warehouse (other than Rural store)	
Winery	
Any other use not in Section 1 or 3	

### Section 3 - Prohibited

<b>Use</b>
Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person's unit, Dwelling, Group accommodation, Host farm, Nursing home and Residential hotel)
Amusement parlour
Brothel
Child care centre
Cinema based entertainment facility
Intensive animal husbandry
Nightclub
Office (other than Medical centre and Real estate agency)
Renewable energy facility
Retail premises (other than Landscape gardening supplies, Manufacturing sales, Market, Primary produce sales, Restaurant and Trade supplies)
Saleyard
Timber production

### 37.07-2

10/06/2008  
VC48

### 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.

### **37.07-3**

16/04/2014  
VC111

#### **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 to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

### **37.07-4**

16/04/2014  
VC111

#### **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 37.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is no more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is no more than 200 square metres. The building must not be used to keep, board, breed or train animals.
- Earthworks which change the rate of flow or the discharge point of water across a property boundary.
- Earthworks which increase the discharge of saline water.
- 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.

### **37.07-5 Referral of applications**

16/04/2014  
VC111

An application of the kind listed below must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03.

- An application to use or develop land for any of the following:
  - Display home.
  - Education centre.
  - Hospital.
  - Industry.
  - Medical centre.
  - Nursing home.
  - Place of worship.
  - Real estate agency.
  - Warehouse.
- An application to subdivide land to create a lot smaller than 40 hectares in area.

### **37.07-6 Environmental audit**

10/06/2008  
VC48

Before a nursing home, pre-school centre or primary school commences on potentially contaminated land, or before the construction or carrying out of buildings and works in association with a nursing home, pre-school centre or primary school commences on potentially contaminated land, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In this clause, “potentially contaminated land” means land used or known to have been used for industry, mining, or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land).

### **37.07-7 Decision guidelines**

16/04/2014  
VC111

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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect on the future urban development and use of the land, and adjacent or nearby land, having regard to:
  - Any relevant Growth Corridor Framework Plan.
  - Any precinct structure plan being prepared for the area.

- Any comments or directions of the referral authority.
- Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.
- 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.
- The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, future urban use of the land, 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, public transport, walking and cycling networks, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require new or upgraded infrastructure, including traffic management measures.

### 37.07-8

21/09/2009  
VC60

#### Advertising signs

Advertising sign requirements are at Clause 52.05. The zone is in Category 3.

Despite the provisions of Clause 52.05-9, a permit may be granted, for a period of not more than 5 years, to display an advertising sign that promotes the sale of land or dwellings.

### 37.07-9

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#### Part B – Provisions For Land Where A Precinct Structure Plan Applies

##### Use of land

Any requirement in the Table of uses and any requirement specified in the schedule to this zone 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
<b>Any use in Section 1 of a zone applied by the schedule to this zone</b>	Must comply with any condition opposite the use in Section 1 of the applied zone.  Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.
<b>Any use specified in the schedule to this zone as a use for which a permit</b>	Must comply with any condition or requirement specified in the schedule to this zone or in the

Use	Condition
is not required	precinct structure plan.

### Section 2 – Permit required

Use	Condition
Any use in Section 2 of a zone applied by the schedule to this zone	Must comply with any condition opposite the use in Section 2 of the applied zone.  Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.
Any use specified in the schedule to this zone as a use for which a permit is required	Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.
Any other use not in Section 1 or 3	

### Section 3 – Prohibited

Use
Any use in Section 3 of a zone applied by the schedule to this zone Any use specified in the schedule to this zone

#### 37.07-10

23/09/2011  
VC77

#### Subdivision of land

A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met.

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

#### 37.07-11

23/09/2011  
VC77

#### Buildings and works

If the schedule to this zone specifies:

- That the provisions of a zone apply to the development of land, the provisions of the zone apply to land in the circumstances specified in the schedule.
- Provisions relating to the development of land, those provisions apply to land in the circumstances specified in the schedule.

If the schedule to this zone specifies that a permit is required to construct a building or construct or carry out works, a permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

#### 37.07-12

10/06/2008  
VC48

#### Application requirements

An application to use or subdivide land, construct a building or construct or carry out works, must be accompanied by any information specified in the schedule to this zone.

### **37.07-13 Exemption from notice and review**

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An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land 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, unless the schedule to this zone specifies otherwise.

### **37.07-14 Decision guidelines**

10/06/2008  
VC48

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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any relevant Growth Area Framework Plan.
- The precinct structure plan applying to the land, including the vision and objectives of the precinct structure plan.
- Any guidelines in the schedule to this zone.

### **37.07-15 Inconsistencies between specific and applied zone provisions**

10/06/2008  
VC48

If there is an inconsistency between the specific provisions specified in the schedule to this zone and the provisions of a zone applied by the schedule to this zone, the specific provisions prevail to the extent of any inconsistency.

### **37.07-16 Advertising signs**

10/06/2008  
VC48

Advertising sign requirements are at Clause 52.05. This zone is in the category specified in the schedule to this zone or, if no category is specified, 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.*