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SCHEDULE 7 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ7**

BILLANOOK COLLEGE

Purpose

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

To provide for the continual use and development of the land for the purposes of an education centre.

To provide for the use and development of the land generally in accordance with the 'Billanook College Master Plan October 2011'.

To protect and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.

To ensure that the use and development promotes sustainable land management practices and infrastructure provision.

To protect, conserve and enhance the cultural heritage significance and character of the rural and scenic non-urban landscapes.

To recognise and protect the amenity of existing rural living areas.

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Table of uses

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Bed and Breakfast	No more than 6 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 away from their normal place of residence.
Carnival Circus	Must meet the requirements of a 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Child care centre	Must be used in conjunction with Billanook College, Cardigan Road, Mooroolbark Must be generally in accordance with the plan entitled 'Billanook College Master Plan October 2011'. The number of children present at the child care centre at anytime must not exceed 120.
Education centre	Must be generally in accordance with the 'Billanook College Master Plan October 2011' .

Use	Condition
	The total number of students enrolled at the education centre at any time must not exceed 1,170.
Home occupation	
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.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	

Section 2 - Permit required

Use	Condition
Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry and Timber production)	
Animal boarding	
Camping and Caravan Park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Community market	
Corrective institution	
Dependent person's unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Part 2 of this schedule.
Dwelling (other than bed and breakfast)	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. Must meet the requirements of Part 2 of this schedule.
Function centre	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. The number of patrons present at any one time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a

Use	Condition
	<p>schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<p>Group accommodation</p>	<p>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</p> <p>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<p>Host farm</p> <p>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</p>	
<p>Major sport and recreation facility</p>	<p>Must be for outdoor leisure, recreation or sport.</p>
<p>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</p> <p>Place of worship</p> <p>Plant nursery</p> <p>Primary produce sales</p>	
<p>Research centre</p>	<p>Must be used in conjunction with Agriculture, Natural systems, Rural industry, or Winery.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<p>Residential building (other than Residential hotel)</p>	<p>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</p> <p>Must be used to provide accommodation for persons away from their normal place of residence.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>

Use	Condition
Restaurant	<p>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</p> <p>The number of patrons present at any one time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
Restricted place of assembly	Must not be used for more than 30 days in a calendar year.
Rural industry (other than Abattoir and Sawmill)	
Rural 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.
Timber production	Must meet the requirements of Clause 52.18.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Vehicle store	Must be in a building not a dwelling and used to store motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Abattoir
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 – if the Section 1 conditions are not met
Cinema based entertainment facility
Display home
Education centre – if the Section 1 conditions are not met
Funeral parlour
Hospital
Industry (other than Rural industry)
Intensive animal husbandry
Motor racing track

Use
Office
Place of assembly (other than Carnival, Circus, Exhibition centre, Function centre, Hall, Place of worship, and Restricted place of assembly)
Retail premises (other than Community market, Plant nursery, Primary produce sales and Restaurant)
Saleyard
Sawmill
Service station
Transport terminal
Warehouse (other than Freezing and cool storage, Rural store, and Vehicle store)

2.0 Use of land for a dwelling

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A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road and 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 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.
- 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.

3.0 Subdivision

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A permit is required to subdivide land.

Each lot must be at least 1 hectare in size with an average lot yield not exceeding 1 lot to each 2 hectares of site area and a maximum lot size of 3 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.

4.0 Long term lease or licence for Accommodation

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A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is

specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 8 hectares.

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Buildings and works

Permit requirement

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

- Buildings or works associated with the use of the land for any Section 1 use that is generally in accordance with the Billanook College Master Plan October 2011.
- Buildings or works associated with a use in Section 2 of this schedule. This does not apply to an alteration or extension to an existing dwelling with a floor area of no more than 50 square metres.
- Earthworks that exceed 1 metre in height or depth if the works change the rate of flow or the discharge point of water across a property boundary or increase the discharge of saline groundwater.
- A building within any of the following setbacks:
 - 10 metres from any road.
 - 5 metres from the property boundary.
 - 30 metres from a dwelling not in the same ownership.
 - 100 metres from a waterway, wetlands or designated flood plain.

Any buildings and works associated with an Education centre, Child care centre, Place of assembly, Indoor recreation facility or Winery must be generally in accordance with the Billanook College Master Plan October 2011.

Exemption from notice and review

An application to construct a building or carry out works 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 if it is generally in accordance with 'Billanook College Master Plan October 2011'.

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Application requirements

An application to construct a building or construct or carry out works must be accompanied by information as specified in the Billanook College Master Plan October 2011.

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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 at Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Billanook College Master Plan October 2011.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification and natural resource management.

- Whether the site is suitable for the use or development and whether the proposal will have an adverse impact on surrounding land uses.
- The need to protect the amenity of existing residents.

Rural issues

- The environmental capability of the site to sustain the development.
- The need to prepare and integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- Whether the use or development will have an adverse impact on surrounding land uses.

Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emissions of effluent, noise, dust and odours.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- How the use or development relates to sustainable land management and the need to prepare a sustainable land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to minimise any adverse impacts of the siting, design, height, bulk, and colours and materials to be used on major roads, landscape features and vistas.
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities which minimise the visual impact on the landscape.
- The impact 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 existing and proposed roads and their impact on the landscape and whether the use or development will require traffic management programs.

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Advertising signs

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

Note: 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.