

27/10/2016  
C161**SCHEDULE 9 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ9**.

**Yaringa Boat Harbour****Purpose**

To provide for an integrated mix of recreational boating, tourist accommodation and related activities north of Lumeah Road, with direct boating access to Western Port.

To prioritise boating and boating-related activities in a safe, functional and visually attractive harbour precinct.

To provide for major boat storage facilities and marine-related industry south of Lumeah Road.

To ensure that the use and development of the land is compatible with the environmentally sensitive coastal area.

To ensure that land is not used or developed for any purpose that would compromise the long-term protection and use of land for expansion of port related uses in adjoining land designated for that purpose, including curfew-free port activities.

To ensure that the use of land and the siting and design of any development respect the existing environmental features, amenity and landscape character of the area.

To protect the environmental values of the waters, coastal and intertidal areas of Western Port and adjoining land.

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C161**Table of uses****Section 1 - Permit not required**

<b>USE</b>	<b>CONDITION</b>
<b>Animal keeping (other than animal boarding)</b>	Must be 2 animals or less.
<b>Bed and breakfast</b>	Must be in an existing dwelling and no more than 6 persons may be accommodated away from their normal place of residence; and,  at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Crop raising (other than Timber production)</b>	
<b>Extensive animal husbandry</b>	
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Place of worship</b>	Must be outdoors or in an existing building.

<b>Primary produce sales</b>	Must not be within 100 metres of a dwelling in separate ownership; and, the area used for the display and sale of primary produce must not exceed 50 square metres.
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**Tramway**


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<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.
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**Section 2 - Permit required**

<b>USE</b>	<b>CONDITION</b>
<b>Accommodation (other than Dwelling and Dependent person's unit)</b>	<p>Must be in association with the use of the Yaringa Boat Harbour.</p> <p>Must only be used to accommodate persons away from their normal place of residence.</p> <p>Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.</p> <p>Must be on land located north of Lumeah Road.</p>
<b>Agriculture (other than Animal keeping, Apiculture, Crop raising, Extensive animal husbandry).</b>	
<b>Art and craft centre</b>	Must be in conjunction with an approved accommodation use and have a leasable floor area of 240 square metres or less.
<b>Boat and caravan storage</b>	
<b>Child care centre</b>	
<b>Community market</b>	
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Display home</b>	Must be for the marketing of accommodation approved on the land.
<b>Dwelling (including Bed and breakfast if the Section 1 condition is not met)</b>	<p>All of the following conditions must be met:</p> <ul style="list-style-type: none"> <li>▪ Must be located north of Lumeah Road.</li> <li>▪ The total number of dwellings within the Special Use Zone Schedule 9 must be no more than 1, not including any dwelling existing before 1 January 2014.</li> <li>▪ Must be for accommodating a site manager for the Yaringa Boat Harbour.</li> </ul>
<b>Education centre (other than Primary School and Secondary School)</b>	
<b>Food and drink premises</b>	

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<b>Industry (except Rural industry)</b>	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.
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Manufacturing sales</b>	
<b>Motor vehicle, boat, or caravan sales</b>	Must be only for boats and their accessories.
<b>Office</b>	Must have a leasable floor area of 240 square metres or less and be in association with an approved pleasure boat facility or an approved accommodation use within the zone.
<b>Plant nursery</b>	
<b>Postal agency</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)</b>	Must be in conjunction with an approved pleasure boat facility or an approved accommodation use within the zone.
<b>Pleasure boat facility</b>	
<b>Rural store</b>	
<b>Service Station</b>	Must be for the fuelling of boats only.
<b>Shop</b>	All of the following conditions must be met: <ul style="list-style-type: none"> <li>▪ Must have a leasable floor area of 240 square metres or less and be limited to sales of boating accessories and convenience food items.</li> <li>▪ Must be in conjunction with an approved accommodation use or a marine service industry.</li> <li>▪ The total leasable floor area for shops within the Special Use Zone Schedule 9 must be 500 square metres or less.</li> </ul>
<b>Timber production</b>	Must meet the requirements of Clause 52.18.
<b>Transport terminal</b>	Must be dependent on or gain significant economic advantage from proximity to a pleasure boat facility or accommodation for persons living away from their normal place of residence.
<b>Utility installation (other than Minor utility installation)</b>	
<b>Vehicle store</b>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited****USE**

**Accommodation (other than Dwelling and Dependent person's unit) - if the Section 2 conditions are not met**

**Amusement parlour**

**Brothel**

**Camping and caravan park**

**Cinema based entertainment facility**

**Dwelling – if the Section 2 requirements are not met**

**Hospital**

**Motor racing track**

**Nightclub**

**Primary school**

**Residential Aged Care facility**

**Retirement village**

**Retail premises (other than Community market, Food and drink premises, Manufacturing sales, Motor vehicle, boat or caravan sales, plant nursery, postal agency, primary produce sales and shop)**

**Secondary school**

**Winery**

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**Use of land****Application requirements**

An application to use land for Accommodation (other than Dwelling and Dependent person's unit) must be accompanied by an Accommodation Management Plan prepared to the satisfaction of the responsible authority which provides for the following:

- all separately keyed accommodation units are to be centrally managed and made available to provide short term holiday rental accommodation for persons other than the owners or long term lessees of the accommodation unit or their family member or associates, for at least 183 nights of each calendar year; and,
- boat storage and associated boat launching and retrieval from Western Port, at the rate of at least one boat storage area for each separately keyed unit of accommodation.

**Permit Requirements**

Any planning permit granted to allow the use of land, which is considered by the Responsible Authority to require the construction of road upgrades in Lumeah Road and Whitneys Road between its intersection with Lumeah Road and its intersection with Tyabb-Tooradin Road /Bungower Road, must include a condition that has the effect of requiring the permit holder to meet all costs associated with such upgrades in accordance with plans to the satisfaction of the Responsible Authority.

**Decision Guidelines**

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

- The effect that the use may have on the future use and development of the land and adjoining areas for tourism and marine recreation related purposes.
- The effect that the use may have on the amenity and future use of adjoining properties.
- The effect that the use may have on the waters and intertidal areas of Western Port and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The compatibility of the proposed use with service industries and tourism activities operating on adjacent or nearby land.
- The availability and connection to services including the need to coordinate the provision of utility services in an orderly manner that has regard to servicing requirements of other properties in the area.
- The adequacy of provision for parking and site access and the need for a traffic impact assessment.
- Whether the proposed use is appropriate to the site by virtue of the proximity to the current port or a potential expanded port including transport connections to the port.
- Whether the proposed use might impede the long term development and operation of the port.
- Whether the proposed use has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the siting and design of the proposed use includes appropriate measures to ensure that the amenity of the proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port including transport (road and rail) connections.
- Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a port development strategy approved under the Port Services Act 1995.
- Whether the proposal will result in an increase in the number of people affected by noise or road or rail traffic arising from curfew-free port operations.
- Whether the proposal will result in an increase in the number of people affected by exposure to risk to health or life arising from port operations.

### 3.0

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### Subdivision

#### Permit requirement

A permit to subdivide land must be for one of the following purposes:

- To enable the subdivision of land in association with a marina with an inland harbour basin and associated accommodation on land north of Lumeah Road but only if all of the following requirements are met:
  - The inland harbour and tidal lock system for the marina have been completed to the satisfaction of the responsible authority.
  - Any dwellings on the land constructed after 1 January 2014 are contained within a single lot.
  - Facilities servicing the temporary accommodation units including reception, food, drink and the like communal activities required for non-dwelling accommodation on the land are contained within a single lot.
  - Each lot to be created has an entitlement to common land including the whole or part of the inland harbour basin; and,

- The owners of each lot created have a liability through an Owners Corporation for the repair, maintenance and management of the marina's harbour basin, channel, lock system and bascule bridge.
- To facilitate the subdivision of land on the south side of Lumeah Road for industrial purposes (including warehousing associated with industry).
- To create one lot for a dwelling existing on 1 January 2014 where there has been no previous subdivision under this provision and such lot has no entitlement to common land including any part of an inland harbour basin.

### **Application requirements**

An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the Owners' Corporation, including any streets, car parks, open space, inland harbour area or other communal facility.
- Lots participating in the Owners' Corporation.
- The proposed management arrangements including repair and maintenance standards for common property and facilities.
- Owners' Corporation rules for the management of the common land and facilities.

### **Decision Guidelines**

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

- The availability of services.
- The location, provision and maintenance of public and private open space areas and other public facilities.
- The stages, if any, by which the development is proposed to proceed.
- Whether the subdivision promotes the purpose of the zone.
- Whether the form and structure of subdivision facilitates the orderly and economic development of the land.
- Whether the subdivision is consistent with any relevant Accommodation Management Plan.

## **4.0**

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### **Buildings and works**

A permit is required to construct a building or construct or carry out works.

### **Application requirements**

An application to develop land must be accompanied by the following plans, as appropriate, all prepared to the satisfaction of the responsible authority:

- A Site context analysis and design response plan
- Site layout plan

In the case of an application for a pleasure boat facility which includes an inland harbour, the application must be accompanied by the following reports, prepared by suitably qualified professionals to the satisfaction of the responsible authority:

- Hydrology assessment.
- Coastal acid sulfate soil assessment in accordance with the Victorian Coastal Acid Sulfate Soils Strategy 2008 and the Victorian Best Practice Guidelines for the Identification and Assessment of Coastal Acid Sulfate Soils 2009.
- Coastal hazard vulnerability assessment.
- Flora and fauna assessment.
- Drainage and stormwater management strategy.
- Emergency access plan.
- Environmental management plan.
- Dredging management plan.

### **Decision Guidelines**

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

- The need for an environmental management plan.
- Whether an environmentally sustainable development approach including the use of any relevant assessment tool and related targets has been proposed and, if so, the mechanisms for its implementation.
- The staging of any development and the need to ensure that the objectives of the zone are achieved with orderly development and minimal off-site effects and inter-use conflict.
- Any natural and cultural values on or near the land.
- The effect of any proposed removal of native vegetation on the biodiversity values of the land and its role in providing habitat and habitat corridors for flora and fauna.
- The effect of the proposed development on the future development of the land and adjoining area for tourism and marine recreation related uses.
- The location, extent and access to loading, storage and service areas for utility installations, fire suppression and waste management services.
- The adequacy of existing roads and infrastructure to support the proposed development and measures to fund any necessary upgrades.
- The built form and visual impact of the proposed development, including signage.
- Whether the development has the potential to impede on the curfew free activities, including a potential expansion at nearby port environs.
- Whether the siting and design of the proposed development includes appropriate measures to ensure that the amenity of the proposed development will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port including transport (road and rail) connections.

The effect of the potential impacts of climate change on the land and in particular, the combined impacts of sea level rise, storm surge, local coastal processes, topography and geology.

## **5.0**

### **Advertising signs**

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