

25/09/2014  
C118**SCHEDULE 2 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ2**.**MAJOR TOURIST FACILITY****Purpose**

To provide for the use of land for a major tourist facility subject to appropriate controls on any future changes to the use and management of the land.

**1.0**19/01/2006  
VC37**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Dwelling)</b>	Must be for tourists.
<b>Agriculture (other than Apiculture and Intensive animal husbandry)</b>	
<b>Car park</b>	
<b>Dwelling</b>	
<b>Food and drink premises (other than Convenience restaurant)</b>	
<b>Function centre</b>	
<b>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b>	
<b>Outdoor recreation facility</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Winery</b>	

### Section 3 - Prohibited

Use
Convenience restaurant
Intensive animal husbandry
Leisure and recreation (other than Informal outdoor recreation and Outdoor recreation facility)
Place of assembly (other than Function centre)
Retail premises (other than Food and drink premises)
Any other use not in Section 1 or 2

#### 2.0

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#### Requirements for specific sites

Despite any other provision of this planning scheme, the following provisions apply to the sites listed below.

#### 2.1

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#### Heritage Golf Course, Hughes Road, Chirside Park

Crown Allotments 7C and 7D, Parish of Evelyn, 1-3 Hughes Road, Chirside Park may be developed and used for a major tourist facility comprising two 18 hole golf courses, business convention facilities and residential accommodation, in accordance with the requirements of Amendment L145 to the former Lillydale Planning Scheme.

#### 2.2

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#### 'The Country Place', Olinda Creek Road, Kalorama

PC35488Y, Olinda Creek Road, Kalorama may, subject to the grant of a permit, be developed and used for the following purposes, provided any development or use is generally in accordance with the Overall Development Plan prepared by Fulcrum Town Planners, dated October 1996:

- Conference centre.
- Corporate training centre.
- Tourist accommodation.
- Tourist facility.

The responsible authority may grant a permit for a development or use not in accordance with the above plan, provided it is consistent with the primary use of the land and does not adversely impact on surrounding land.

An application for a development or use in accordance with the plan referred to in this clause 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.

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#### No content

#### 2.4

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#### Maroondah Highway - Dalry Road, Healesville

No use may be commenced, nor buildings or works constructed or carried out, on Crown Allotments 144, 145 and 146, Parish of Gracedale, corner of Maroondah Highway and Dalry Road, Healesville until a development plan showing the overall use and development of the land has been prepared to the satisfaction of the responsible authority.

At the request or with the consent of the owner of the land, the development plan may be amended to the satisfaction of the responsible authority.

The development plan must be generally in accordance with Amendment L3 to the former Healesville Planning Scheme and must include any requirements of:

- The responsible authority.
- Public authorities and utility service providers, including the Roads Corporation, Melbourne Water, Yarra Valley Water and the Environment Protection Authority.

The use of any land or building or the construction or carrying out of any building or works for any purpose other than the following is prohibited:

- Motel.
- Restaurant (whether licensed or not).
- Convention facilities, including meeting rooms.
- Recreation facilities, including tennis courts (indoor or outdoor), indoor facilities including a gymnasium, squash courts and the like.
- Construction and use of facilities involving the dam.
- Manager's or caretaker's residence.
- Facilities associated with the development generally as shown on the development plan, including car parking areas, roads and accessways and landscaping.

The use of the dam must be limited to passive recreational pursuits which may include fishing and boating, but no use of power boats is authorised except for maintenance purposes or in an emergency situation.

The development and use of the land must be generally in accordance with the development plan.

Nothing in these provisions restricts, inhibits or in any way affects the contained operation of land outside the development plan area for the purpose of intensive agriculture, except that any further development is not permitted without the written consent of the responsible authority.

## 2.5

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### **Maroondah Highway – Mt Riddell Road, Healesville**

Part Crown Allotment 163 and Crown Allotments 20, 20A, 31, 32 and 33, Section 1, Parish of Gracedale, Healesville may be developed and used for a major tourist facility in accordance with the following requirements:

- No use may be commenced, nor buildings or works constructed or carried out, on the land until a development plan showing the overall use and development of the land has been prepared to the satisfaction of the responsible authority.

At the request or with the consent of the owner of the land, the development plan may be amended to the satisfaction of the responsible authority.

- The development plan must be generally in accordance with the "Concept Plan – Healesville Mandarin" drawn by G Burgess and K Taylor dated February 1989 and must include:
  - A detailed landscape design and management plan.
  - Details of the road access system and intersection design.
  - Details of building elevations and external materials.
  - Details of any proposed staging of the construction of the development.
  - Details of the location and description of any proposed advertising signs.

- Any requirements of public authorities and utility service providers, including the Department of Natural Resources and Environment, Melbourne Water, Yarra Valley Water and the Environment Protection Authority.

The responsible authority may have regard to the views of any other public authorities which it considers appropriate.

- The use of any land or building or the construction or carrying out of any building or works for any purpose other than the following is prohibited:
  - Hotel/motel and self-contained villas.
  - Restaurant (whether licensed or not).
  - Convention facilities, including meeting rooms.
  - Chinese landscaped gardens and associated facilities, including shops and car parking.
  - Golf course and club building.
  - Facilities associated with the development generally as shown on the development plan, including car parking areas, roads, accessways, dams and landscaping.
  - Chapel.

The development and use of the land must be generally in accordance with the development plan.

Subdivision of the land is prohibited, except that the responsible authority may grant a permit for the subdivision of the land to provide for either:

- The acquisition of land by Council or a public authority for the purpose of a road, public utility service or any public service.
- The alteration of an existing lot boundary (provided there is no decrease in the area of the subject land) or the consolidation of titles in whole or in part.

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### **'Warburton Chalet', Scotchmans Creek Road, Warburton**

Part Crown Allotments 13 and 115E, Parish of Warburton, Scotchmans Creek Road, Warburton may, subject to the grant of a permit, be used and developed for a major tourist facility comprising:

- Licensed tourist accommodation with a capacity not exceeding 180 bedroom units and conference and related facilities capable of handling a combined total of approximately 500 persons at any one time, including restaurants with dance floor, bar/lounges, games and TV rooms, gymnasium, library, music room, gallery, museum, creche, associated car parking, recreation and landscaped garden areas, including tennis courts, swimming pools, stables and maintenance, staff and reception facilities.
- Not more than 20 cabins each of a maximum size of 80 square metres.
- Licensed café, tea rooms and day visitor facilities, including kitchen facilities, retail/gallery area and craft workshop, associated external decks, landscaped garden areas, barbeque and picnic facilities.
- Associated landscaping, roads, drains, access and utility services and car park areas.

Any permit granted must comply with the requirements of Amendment L4 to the former Upper Yarra Planning Scheme.

## 2.7 Little Yarra Road, Gilderoy

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Part Crown Allotment 61, Parish of Beenak, Little Yarra Road, Gilderoy may, subject to the grant of a permit, be developed and used for a major tourist facility comprising not more than:

- 20 cabins, of which not more than ten are to be 2 bedroom, with the remainder being single bedroom.
- One 100 site camping ground and caravan park, of which not more than 50 sites are to be for caravans.
- A 30 unit motel complex.
- A reception/service centre and restaurant providing a maximum of 100 seats.

Any permit granted must comply with the requirements of Section 1A of Schedule 2 - Restricted Uses in Chapter 5 (Upper Yarra District) of the former Yarra Ranges Planning Scheme 1996.

## 2.8 'Warburton Mountain Resort', Martyr Road, Warburton

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Lot 1 PS129590, Martyr Road, Warburton may be used and subdivided without a permit for a major tourist facility comprising:

- An accommodation complex of up to 100 rooms and conference and related facilities capable of handling up to 300 persons, including a restaurant, shop, bars, visitor facilities, tennis courts, swimming pool, other recreation facilities, fitness facilities, BBQ and picnic areas and landscaped open space areas.
- Up to 40 lodges and a related restaurant, shop, arts and craft outlet and ancillary recreational facilities.
- Up to 5 forest lodges.
- Associated landscaping, roads, drains, access and utility services and car park areas.

The use and subdivision of the land must be in accordance with the requirements of Amendment L33 to the former Upper Yarra Planning Scheme.

Any permit granted to construct a building or construct or carry out works must be in accordance with the requirements of Amendment L33 to the former Upper Yarra Planning Scheme, except the time specified for commencement and completion of development.

The development of the land for the purposes authorised by this clause must be commenced by 1 December 2003 and completed by 1 December 2008, unless an extended time for commencement or completion is approved by the responsible authority after receipt of a written request from the owner within three months of expiry of the commencement or completion date.

## 2.9 'Burnham Beeches', Sherbrooke Road, Sherbrooke

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CP161674, Sherbrooke Road, Sherbrooke may, subject to the grant of a permit, be developed and used for a major tourist facility comprising a residential hotel, other guest and staff accommodation, and function, restaurant, leisure and recreation facilities.

A permit may be granted only if the total guest accommodation does not exceed 110 suites and dwellings, the number of restaurant seats does not exceed 120, the bar/lounge area does not cater for more than 52 people and function facilities do not cater for more than 375 people.

An application must be accompanied by plans showing:

- The layout of all existing and proposed buildings and works.

- The nature and extent of any proposed demolition of any building or structure.
- Any alteration or addition to a heritage building or structure.
- Associated landscaping, incorporating a landscape plan with a planting schedule. Both the removal and replanting of vegetation must be shown.
- The location of all car parking and loading areas, with access to and from these areas, and the number of car parking spaces.
- Vehicle and pedestrian accessways within and to and from the site.
- The location and provision of services on the site, including sewerage treatment and refuse disposal.
- Any other details necessary to demonstrate how the site will be developed and used, having regard to its designation as a Site of Cultural Significance under the planning scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

An application is exempt from the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Before deciding on an application, the responsible authority must consider:

- The views of Heritage Victoria.
- Any comments received from the public notification of the application.
- Protection of the historical and cultural integrity and special values of the site.
- Any other appropriate matter.

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### **‘Mt Rael’, Healesville – Yarra Glen Road, Healesville**

A permit may be granted to develop and use Lot 2 PS332409, Healesville-Yarra Glen Road, Healesville for a major tourist facility, provided:

- The development and use are generally in accordance with Concept Plan Nos CP-3-5 dated June 1996 prepared by Mark Burns.
- Vehicular access to Kalamunda Terrace is used only for emergency purposes, such as in the event of fire, storm damage or vehicular accident.
- Any required drainage work, and the acceptance of surface and stormwater from the land, is in accordance with the requirements of Melbourne Water to the satisfaction of the responsible authority.

An application 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.

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### **‘Kenloch’, Mt Dandenong Tourist Road, Olinda**

CP162013 and Part Crown Allotments 4 and 5, Section D, Parish of Monbulk, Mt Dandenong Tourist Road, Olinda may, subject to the grant of a permit, be developed and used for a restaurant, function centre and visitor accommodation, provided the capacity of the visitor accommodation does not exceed 32 guest rooms.

An application to construct visitor accommodation with no more than 32 guest rooms 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.

**2.12 'Baron of Beef', Sherbrooke Road, Sherbrooke**

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A permit may be granted to develop and use Crown Allotment 43, Section G, Parish of Monbulk, Sherbrooke Road, Sherbrooke for a major tourist facility, provided it comprises only a restaurant not exceeding 240 seats, visitor accommodation not exceeding 14 rooms and a manager's residence.

**2.13 Balgownie Estate, 1309 Melba Highway, Yarra Glen**

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A permit may be granted to use and develop the land at 1309 Melba Highway, Yarra Glen (PTCA16A) for expansion of the existing major tourist facility to include a residential hotel up to 100 bedrooms, a restaurant up to 150 seats, and a function centre up to 180 patrons.

The subdivision of land to create a lot that is smaller in area than 30 hectares 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.