

04/06/2009  
C50**SCHEDULE 3 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as SUZ3.

**FRANKTON SAFE BOAT HARBOUR****Purpose**

To provide for the use and development of land (including areas of sea and sea bed) as a Safe Boat Harbour, at Olivers Hill, Frankston South, in accordance with *Frankston Safe Boat Harbour Incorporated Document, June 2008*.

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C50**TABLE OF USES****Section 1 - Permit not required**

<b>USE</b>	<b>CONDITION</b>
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Boat sales	Must be brokering the sale of boats only. Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Carnival	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Car park	
Circus	Must meet the requirements of 'A Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Convenience restaurant Convenience shop	Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Informal outdoor recreation	
Market	Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Office Pleasure boat facility	Must meet the requirements of the Frankston Safe Boat Harbour Incorporated

	Document
Residential hotel	Must not include gambling premises or include the sale of liquor (off the premises)  Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Restaurant Restricted recreational facility	Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Road	
Search for stone	Must not be costeaning or bulk sampling.
Ships' chandlery	Must be for the sale of goods and services reasonably necessary for the fitting out and operation of pleasure boats.  Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Store Take away food premises	Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Wharf	Must meet the requirements of the Frankston Safe Boat Harbour Incorporated Document
Any other use not in Section 2 or 3	Must be any of the following:  Conducted by or on behalf of a public land manager under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.  Conducted by or on behalf of Melbourne Water Corporation under the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.

## Section 2 - Permit required

USE	CONDITION
Leisure and recreation (other than Major sports and recreation facility, Motor racing track, Informal outdoor recreation or Restricted recreation facility)	Must be in conjunction with a public land use or with a Pleasure boat facility.

USE	CONDITION
Utility installation (other than Telecommunications facility)	
Any use in Section 1 if the Section 1 condition is not met	Must meet the mandatory public facility requirements of Section 1 and the process and plan preparation requirements of Sections 2, 3 and Appendices A1 and A2.5, of the Frankston Safe Boat Harbour Incorporated Document
Any other use not in Section 1 or 3	

### Section 3 - Prohibited

USE
Accommodation (other than residential hotel)
Brothel
Cinema
Corrective institution
Display home
Drive in theatre
Food and drink premises (other than convenience restaurant, restaurant, take away food premises)
Funeral parlour
Industry – other than boat repairs ancillary to Pleasure boat facility
Saleyard
Major sports and recreation facility
Motor racing track
Transport terminal (other than Heliport or Wharf)
Veterinary centre
Warehouse (other than Store)
Retail premises (other than boat sales, food and drink premises, market and shop)
Shop (other than convenience shop, ships' chandlery)

## 2.0

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### Use, Buildings and Works and Subdivision

A permit is not required to construct a building or construct or carry out works for a use in Section 1 of the table of uses

A permit is required to construct a building or construct or carry out works for a use in Section 2 of the table of uses

A permit is required to subdivide land

A use must not commence, a permit must not be granted and buildings or works must not be constructed or carried out until the following plans have been prepared to the

satisfaction of the responsible authority as provided for in the *Frankston Safe Boat Harbour Incorporated Document*:

- The Frankston Safe Boat Harbour Concept Plan
- The Frankston Safe Harbour Master Plan
- The Frankston Safe Harbour Detailed Development Plan(s)

Use, buildings and works and subdivision must be carried out in accordance with the relevant provisions of the approved plans.

### 3.0 Plan decision guidelines

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Before deciding on the approval of a plan listed in Clause 2 or the amendment of an approved plan prepared pursuant to this schedule or the *Frankston Safe Boat Harbour Incorporated Document*, the responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies
- The provisions and requirements of the *Frankston Safe Boat Harbour Incorporated Document*, in particular to Sections 1 & 2 and Appendix A1 and the relevant plan requirements.
- Any relevant strategy or coastal action plan for the Port Phillip Bay or Frankston marine and foreshore areas under the *Coastal Management Act 1995*.
- Views of the Technical Reference Group provided for in the *Frankston Safe Boat Harbour Incorporated Document*.
- Any submissions from the Department of Planning and Community Development, Parks Victoria, the Environment Protection Authority, VicRoads, the Department of Sustainability and Environment, the Department of Infrastructure, the Department of Primary Industry and the Central Coastal Board
- Any permit in force or approved plan for use or development on the land to which this schedule applies.
- Any other relevant consideration.

### 4.0 Permit application requirements

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An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for the permit being made.
- To the application for the permit being made and to the proposed use or development.

#### Use

An application to use the land must be accompanied by the following information as appropriate:

- The purpose of the use and the type of activities that will be carried out.
- The likely effects, if any, on adjoining land including noise levels, traffic volumes, hours of operation, light spill, solar access, glare and privacy
- A description of how the use meets the requirements of the *Frankston Safe Boat Harbour Incorporated Document*.

## **Buildings and Works**

An application for a permit to construct a building or construct or carry out works must be accompanied by the following information:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Existing conditions
  - Adjoining roads
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels,
  - The layout of existing and proposed buildings and works including existing vegetation, landscape features and any environmentally sensitive areas.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
  - Location of services.
- Elevation drawings to scale showing the exterior finish, treatment, colour and materials of all buildings and works.
- Details of the site setbacks, heights of buildings and any other information to indicate the relationship of the proposed development to adjacent areas and buildings.
- Roof plans to show all roof slopes and projections.
- Details of pedestrian access integration with the local pedestrian network.
- Details of geotechnical and drainage conditions of the site.

## **Exemption from notice and appeal**

An application to use the land or construct a building or construct or carry out works which meet the specified condition, 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 appeal rights of Section 82(1) of the Act.

## **Decision Guidelines**

Before deciding on an application to use or develop land or the endorsement of any plan pursuant to a permit, the responsible authority must consider:

- The plan decision guidelines at Clause 3 of this Schedule
- The effect of the development on visual and landscape character.
- Built form and character, and the relationship of the proposed development to existing development on or near the site.
- Means of accommodating storage requirements and the effect of any outdoor storage.
- Means of providing safety and security enclosures and the effect of any fencing or enclosure.
- Lighting.

- Providing and connecting services and utilities.
- Wastewater and stormwater disposal and discharge

## **5.0 Exemptions for public and minor use and development**

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The requirements of Clause 2.0 and 4.0 of this schedule do not apply to:

- Construction of pathways, trails, seating, picnic tables, drinking taps, shelters, barbecues, rubbish bins, security lighting, irrigation, drainage or underground infrastructure where this is not associated with the provision of a Pleasure boat facility.
- Provision of playground equipment or sporting equipment, provided these facilities do not occupy more than 50 square metres of public land.
- Provision of navigational beacons and aids where these are not associated with the provision of a Pleasure boat facility.
- Planting or landscaping where these are not associated with the provision of a Pleasure boat facility.
- Fencing that is 1 metre or less in height above ground level.
- Use and associated development conducted by or on behalf of public land manager under the relevant provisions of the *Local Government Act 1989*, the *Reference Areas Act 1978*, the *National Parks Act 1975*, the *Fisheries Act 1995*, the *Wildlife Act 1975* or the *Forest Act 1958* that is not associated with the provision of a Pleasure boat facility.
- Use and associated development conducted by or on behalf of Melbourne Water Corporation under the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Act 1988*, the *Port of Melbourne Authority Act 1958* or the *Crown Land (Reserves) Act 1978* that is not associated with the provision of a Pleasure boat facility.

## **6.0 Expiry and commencement**

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The plans required to be prepared in Clause 2.0 must be prepared by 1 November 2012. The plans expire on 1 November 2017.

Where a permit is required for a use or development that is not exempted from the requirements of Clause 2.0, the permit must issue by 1 November 2017.

Where a permit is not required for a use or development that is not exempted from the requirements of Clause 2.0, the use or development must commence by 1 November 2017.

The Minister for Planning may defer the operation of this clause if a request is made in writing before the relevant date or within 3 months afterwards.

## **7.0 Advertising signs**

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Advertising sign requirements are at Clause 52.05. This schedule is in category 3.