

19/01/2006
VC37**SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ2**.

KANANOOK CREEK COMPREHENSIVE DEVELOPMENT PLAN, MAY 1999

The Kananook Creek Comprehensive Development Plan, May 1999 comprises the Kananook Foreshore Development Structure Plan, June 1998 and the Kananook Creek Study Precincts Plan, May 1999.

Land

The land bounded by the Port Phillip coastline, Wells Street, Nepean Highway and a line representing the westerly extension of Nolan Street, Frankston.

Purpose

The purpose of the zone is to:

- Improve the contribution of the Kananook Creek foreshore area to the safety, amenity, economy and lifestyle of Frankston.
- Provide a high level of service to boat users.
- Promote Frankston as a boating destination for Port Phillip.
- Protect the rights of all users of the Frankston foreshore.
- Provide appropriate development that will create business and employment opportunities to complement the Frankston Central Activity District, and contribute to the development and growth of regional tourism.
- Satisfy appropriate environment protection performance standards.
- Minimise the impact of development on the Port Phillip coastal environment.
- Be physically and visually integrated with both the Central Activity District and the foreshore.
- Provide for safe and efficient on-site vehicle movement and parking.
- Provide safe and efficient vehicle ingress and egress to the site from the Nepean Highway.
- Provide opportunities for marine and coastal tourism and education development on Port Phillip in accordance with the objectives of the Victorian Coastal Strategy and its identification of Frankston as an Activity Node.
- Ensure that any increase in the area provided for parking only occur through the consideration of specific development proposals either in the retail precinct or existing buildings on the foreshore reserve.
- Protect and enhance significant features of the coast including the marine environment.

The zone is made up of a number of precincts that are shown on the Kananook Creek Study Precincts Plan, May 1999 and the purpose of each precinct is to:

Retail edge (bounded by Kananook Creek, Nepean Highway, Wells Street and Daveys Hotel)

- Provide a pedestrian promenade along the Creek edge and give priority to pedestrians over vehicles. This would entail the introduction of a revised traffic system along Kananook Boulevard and priority tree planting along the Creek edge and Wells, Playne and Davey Streets.
- Emphasise links from the Town Centre to the foreshore by maintaining vistas, coordinating tree planting and investigating traffic measures to increase safety and lessen the barrier effect of the Nepean Highway as it passes through the Town Centre.
- Provide for pedestrian walkways along both sides of the Creek.
- Retain existing boat hire facilities (in improved Creek-side buildings) and introduce canoe hire services.
- Keep commercial development on the eastern side of the Creek only.
- Continue to improve water quality and Creek-side vegetation.
- Improve on the unsightly appearance of the backs of buildings fronting Nepean Highway, car parking areas and roads, inappropriate structures and the degraded Creek edge.

Long Island (bounded by Wells Street, Kananook Creek and Port Phillip)

- Maintain an open, natural and informal environment. This favours the development of informal pathways, picnic facilities and open space.
- Consolidate existing Clubs into a redevelopment of the Frankston Yacht Club and the Lifesaving Club and the removal of a number of existing Club buildings.
- Remove the road along the western edge of the Creek and introduce a new two-way road and a rationalised car parking area through the centre of Long Island.
- Redevelop the Lifesaving Club as a focal point for a swimming area precinct, including eating facilities, dressing sheds and toilets and meeting rooms.
- Upgrade the existing bridges across the Creek and improve pedestrian paths to the beach.
- Provide an emergency access only boat ramp.
- Provide for pedestrian walkways along both sides of the Creek.
- Continue to improve water quality and Creek-side vegetation.

Pier foreshore

- Provide a pedestrian forecourt surrounded by a low level of new commercial development incorporating a kiosk, restaurant, dressing sheds, toilets etc.
- Improve car parking facilities and introduce shade trees.
- Construct some low level boat mooring platforms on the pier to enable the pier forecourt to become a boating destination in Port Phillip.
- Plant the area informally with indigenous species.
- Provide for an area for active outdoor activities.

- Maintain and improve existing boat launching facilities.
- Provide for pedestrian walkways along both sides of the Creek.
- Retain existing boat hire facilities (in improved Creek-side buildings) and introduce canoe hire services.
- Continue to improve water quality and Creek-side vegetation.

Coast guard and sand dunes

- Maintain an open, natural and informal environment.
- Protect the environmental qualities of the area and ensure that any development, such as improved pathway connections to Olivers Hill, has minimal to low impact.
- Improve recreational and picnic facilities.
- Enhance the popularity of the area for swimming.
- Relocate the Coast Guard to a redeveloped Frankston Yacht Club (if a satisfactory agreement can be reached) and remove or redevelop the existing Coast Guard building.

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Table of uses

Section 1 - Permit not required

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Car park	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Food and drink premises	The number of cafes/restaurants/kiosks in Precincts 2, 3 and 4 on the Kananook Creek Study Precincts Plan, May 1999 must not exceed three. Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Function centre	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Informal outdoor recreation	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	

USE	CONDITION
Pleasure boat facility	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.

Section 1 - Permit not required (continued)

USE	CONDITION
Restricted place of assembly	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Road	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Search for stone	Must not be costeaning or bulk sampling.
Shop	Must be in Precinct 1 on the Kananook Creek Study Precincts Plan, May 1999. Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.

Section 2 – Permit required

USE	CONDITION
Accommodation (other than Corrective institution)	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Agriculture (other than Apiculture and Intensive animal husbandry)	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Food and drink premises – if the Section 1 condition is not met	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	
Place of assembly (other than Function centre and Restricted place of assembly)	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Retail premises (other than Food and drink premises and Shop)	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Service industry	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.

Section 2 – Permit required (continued)

USE	CONDITION
Shop – if the Section 1 condition is not met	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Store	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Utility installation (other than Minor utility installation and Telecommunications facility)	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.
Any other use not in Section 1 or 3	Must be consistent with the Kananook Foreshore Development Structure Plan, June 1998.

Section 3 - Prohibited

USE
Brothel
Car park – if the Section 1 condition is not met
Corrective institution
Extractive industry
Function centre – if the Section 1 condition is not met
Funeral parlour
Industry (other than Service industry)
Informal outdoor recreation – if the Section 1 condition is not met
Intensive animal husbandry
Major sports and recreation facility
Motor racing track
Pleasure boat facility – if the Section 1 condition is not met
Restricted place of assembly – if the Section 1 condition is not met
Road – if the Section 1 condition is not met
Warehouse (other than Store)

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VC37**Buildings and works****2.1**19/01/2006
VC37**Permit requirement**

No permit is required to construct a building or construct or carry out works on land in Precincts 2, 3 and 4 on the Kananook Creek Study Precincts Plan, May 1999. However, the following requirements apply.

Development Plan

Prior to the commencement of any building or works, a Development Plan must be prepared to the satisfaction of the responsible authority. The Development Plan must be consistent with the Kananook Foreshore Development Structure Plan, June 1998. The Development Plan may be prepared in stages and must be submitted to the responsible authority for approval and endorsement. All buildings and works must be consistent with the approved Development Plan.

The Development Plan or each stage of the Development Plan must include (but not be limited to) details on the following matters:

- The proposed buildings and works, including all materials and finishes, the staging of development and the projected timing of each stage.
- The location of all landscaped areas and recreation areas, including a list of species to be used.
- Proposed traffic improvements on or adjacent to the site, including all access arrangements.
- Parking areas for motor vehicles and trailers and the loading and unloading of boats.
- Utility services associated with the development.
- Foreshore works, including the details of all pedestrian paths and milling areas.
- The staging and projected timing for each stage of the development. This must include a program for the construction of each stage of the development, and other measures designed to minimise the effects of construction activity on the amenity of nearby residents and uses.
- Erosion prevention measures.
- All floor space allocations for components of the use.
- The hours of operation of facilities.

Prior to approval of the Development Plan, the responsible authority must:

- Exhibit the proposed Plan for a minimum of 4 weeks.
- Refer the proposed Plan to the authorities specified below.
- Consider all comments received on the proposed Plan.

Amendments to the approved Development Plan

Amendments to the approved Development Plan must be consistent with the Kananook Foreshore Development Structure Plan, June 1998 and must be to the satisfaction of the responsible authority.

Prior to approval of any amendment to the approved Development Plan, the responsible authority must:

- Exhibit the amended Plan for a minimum of 4 weeks.
- Refer the amended Plan to the authorities specified below.
- Consider all comments received on the amended Plan.

Amendments to the approved Development Plan must not:

- Adversely affect the interest of any authority specified below or be unacceptable to the relevant authority.

- Change the effect of any requirement placed upon development or use by an authority specified below, unless this is acceptable to the relevant authority.
- Cause an increase in material detriment to any person.

Environmental Management Plan

Prior to the commencement of any building or works, an Environmental Management Plan (EMP) must be prepared to the satisfaction of the responsible authority. The EMP may be prepared in stages and must be submitted to the responsible authority for approval and endorsement.

The EMP must address all relevant monitoring, auditing, reporting and mitigating measures that were identified in the Environment Effects Statement (EES) as being relevant to the development and use of the land.

The EMP must include measures that address the relevant 'Construction and Operation Phase' requirements of the development to the satisfaction of the responsible authority, including (but not limited to):

- Recreation and tourism.
- Coastal processes.
- Terrestrial and aquatic ecology.
- Landscape and visual impact.
- Air quality.
- Noise.
- Water quality.
- Drainage.
- Waste management.
- Archaeology and heritage.
- Construction impacts.

Prior to approval of the EMP, the responsible authority must:

- Exhibit the proposed EMP for a minimum of 4 weeks and concurrently with the proposed Development Plan.
- Refer the proposed EMP to the authorities specified below.
- Consider all comments received on the proposed EMP.

The monitoring, auditing and reporting arrangements of the EMP must accord with those principles established in the EES to the satisfaction of the responsible authority.

Legal agreements

Prior to the commencement of any building or works, agreements under Section 173 of the Act must be entered into between the land owner, the responsible authority, relevant government agencies and other parties as required. The agreements must include sections addressing, but not limited to, the following matters:

- Staging of development.
- Timelines for completion of development.
- Occupation/statement of compliance.

- Maintenance of development.
- Crown lease.
- Financial assurances.
- Management of current occupants and licenses.
- Public works.
- Hours of operation.
- The provision of car parking.

Affected land occupiers within the relevant section of the Kananook Foreshore Development Structure Plan, June 1998 must be informed of, and given a minimum of 4 weeks in which to comment on, the agreements.

Crown lease or licence

Prior to the commencement of any building or works, a Crown lease or licence must be obtained from the relevant authority.

Authorities

For the purpose of assessing any amendment to the Kananook Foreshore Development Structure Plan, June 1998 or considering a proposed Development Plan, proposed amendment to an approved Development Plan or proposed Environmental Management Plan, the relevant document must be referred to the following authorities:

- Department of Natural Resources and Environment.
- Parks Victoria.
- Melbourne Water.
- Environment Protection Authority.
- VicRoads.

Referral procedure

The authority must advise the responsible authority of its decision in writing within 28 days after receiving notification of the matter referred to it.

If after 28 days no response is received, the responsible authority may make a determination on the matter.

Height control

All buildings must not exceed two storeys in height. The following structures are exempt from this requirement:

- Architectural features.
- Communication, safety and navigational facilities essential to the safety and operation of boating facilities and life saving, coast guard and similar facilities (excluding mobile phone towers).
- The Frankston Life Saving Club building, which may be three storeys and 10.5 metres high, excluding any lookout tower.

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Decision guidelines

The responsible authority must consider the following matters before approving a Development Plan, an amendment to an approved Development Plan or an application for a building or works affected by the Kananook Foreshore Development Structure Plan, June 1998:

- The zone and relevant precinct purposes.
- The impact of traffic generated by the proposed use and development and whether additional traffic management or traffic control works are likely to be required in the area.
- The layout of the car parking areas and access to them.
- The impacts of the development on local and regional recreation and tourism activities.
- The social and economic impacts of the development.
- Whether the proposal will result in short and long term public benefit.
- The effect on the amenity of the neighbourhood.
- The impacts on coastal processes.