

02/03/2006  
C1(Part 1)**SCHEDULE 1 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ1****MOUNTAIN BAY****Purpose**

Make provision for a range of tourist and residential accommodation, recreation and water-based facilities and commercial activities.

Ensure that the scale, intensity, bulk and character of any development complements the natural systems and landscape value of the areas in the zone.

Provide for the integrated development of land in accordance with an overall concept plan, with each stage to be capable of independent planning and implementation.

Ensure that adequate services are provided consistent with the level of development.

Allow for the staged planning and development of the land consistent with economic conditions.

Ensure that adequate arrangements are made to control and manage any impacts of the development on the water quality of Lake Eildon.

**1.0**02/03/2006  
C1(Part 1)**Table of uses****Section 1 - Permit not required**

<b>USE</b>	<b>CONDITION</b>
<b>Any use specified in an approved Development Plan, or any use for a purpose set out in an approved Development Plan</b>	
<b>Any use specified in an approved Section 173 agreement, or any use for a purpose set out in a approved Section 173 Agreement</b>	
<b>Agriculture (other than Greyhound training and Piggery)</b>	
<b>Bed and breakfast</b>	<p>No more than 6 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p>

<b>USE</b>	<b>CONDITION</b>
<b>Carnival</b> <b>Circus</b>	Must meet the requirements of a 'Good Neighbour' Code of Practice for a Circus or Carnival, October, 1997.
<b>Dwelling</b>	Where the use for a dwelling (or the purpose for dwelling) is specified in an approved Development Plan or an approved Section 173 Agreement.  Alternatively, the lot size must be at least 40 hectares and the dwelling must be the only dwelling on the lot.
<b>Extractive industry</b>	Must not be for the extraction of stone for commercial use external to the special use zone
<b>Home occupation</b> <b>Host farm</b> <b>Informal outdoor recreation</b> <b>Mineral exploration</b> <b>Minor utility installation</b>	
<b>Mining</b>	Must meet the conditions of Clause 52.08-2
<b>Outbuilding</b>	Must be associated with Agriculture
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling

**Section 2 - Permit required**

<b>USE</b>	<b>CONDITION</b>
<b>Place of assembly (other than Carnival and Circus)</b>	
<b>Mining</b>	Only if Section 1 condition is not met
<b>Search for stone</b>	
<b>Restricted retail premises</b>	Must not be for automotive parts and accessories, furniture, household appliances
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited****USE****Abattoir****Adult sex bookshop****Car Sales****Commercial display area****Freezing and cool storage****Funeral parlour****Greyhound training****Industry (other than included in Section 1 or 2)****Liquid fuel depot****Manufacturing sales****Materials recycling****Motor racing track****Panel beating****Piggery****Restricted retail premises (other than included in Section 1 or 2)****Sawmill****2.0**02/03/2006  
C1(Part 1)**Concept plan**

The use and development provided for under the terms of this special use zone must generally be in accordance with a concept plan approved by the responsible authority, or in accordance with any modification to a Concept Plan approved by the responsible authority.

The responsible authority may endorse a more detailed concept plan for all or part of the zone as being consistent with an approved Concept Plan.

The concept plan annotated “Mansfield Planning Scheme - Amendment L15 - Mountain Bay Concept Plan”, approved by the responsible authority on 20 August, 1993, is the initial approved Concept Plan. The more detailed concept plan annotated “Mountain Bay Concept Plan - October, 1992”, approved by the responsible authority on 20 August, 1993, is consistent with the initial approved Concept Plan.

*Note: The incorporated document “Mountain Bay – Exemptions, Procedures, Approved Plans and Agreements” includes a copy of the initial approved Concept Plan.*

Generally, a Concept Plan may include components such as:

**Village:** A central village comprising residential lots, with a minimum lot size of 350 square metres, and commercial, retail, service and utility facilities, hotel/motel accommodation, associated car parking, recreation and landscaped garden areas.

**Resort:** A resort development including a resort hotel comprising accommodation, conference and related facilities, restaurant and recreation facilities and associated car parking, service and landscaped garden areas, together with residential developments.

**Golf Course:** A golf course and associated club rooms, commercial facilities and residential development.

**Rural Living:** Residential development on lots in rural areas.

**Rural:** Bushland areas, landscaping, farmland, roads, walking tracks, recreation facilities, access and utility services.

### 3.0

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#### Development plan

Development of any area of land within the zone may be undertaken according to a development plan for that area, or including that area, which has been prepared and approved to the satisfaction of the responsible authority, without a permit. Such development may be in development areas, or stages within a development area.

The development plan annotated “Mountain Bay - Development Plan - Rural Living Areas North of Allen Bay”, approved by the responsible authority on 11 February 2000, is an approved Development Plan.

A development plan must be generally in accordance with the relevant components of an approved Concept Plan and must show or include:

- The part of the land in the zone covered by the development plan and any lots created by the initial development of any stage.
- The location of all proposed access roads and reserves, with an indication of any road or reserve which will vest in the responsible authority, or any public authority, upon registration of a plan of subdivision.
- The general location of landscaped areas, areas to be planted or fenced out, and water features.
- The extent of utility services to be associated with the development. Services may include water reticulation, effluent disposal, stormwater drainage, garbage collection and disposal, electricity supply, telecommunications, and the like.
- The general location and type of recreation facilities such as walking and riding tracks, boat ramps, barbecues, and the like.
- The areas to be set aside for car parking, access and the loading and unloading of vehicles.
- The staging of subdivision and works.

A development plan must be referred, in addition to any other referral authority specified under the Act or this scheme, to the Department of Sustainability and Environment, to the Goulburn-Murray Rural Water Authority and, where required by the responsible authority, to Goulburn Valley Water and to the Country Fire Authority.

In considering whether or not to approve a development plan, the responsible authority must have regard to:

- The purpose of the zone.
- Whether the lots comply, in terms of water supply and effluent absorption, with the requirements of this Schedule.
- The views, if any, of the authorities specified in the paragraph above.

The responsible authority must not approve a development plan until it is satisfied that any agreement in regard to property development and use has been entered into, or arrangements are in place to ensure that any such agreement will be finalised at an appropriate time to the satisfaction of the responsible authority.

A development plan may be amended to the satisfaction of the responsible authority, having regard to the points set out in the third paragraph of this clause.

Notwithstanding the above, land within the zone may be developed without a permit for the purposes stated in Section 1 of the Table of uses, or in accordance with a permit for the purposes stated in Section 2 of the Table of uses.

#### 4.0

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#### Subdivision

A permit is not required to subdivide land if the proposed subdivision is in accordance with a plan of subdivision or a development plan approved by the responsible authority, otherwise a permit is required.

An application for a permit to subdivide land must include a plan of subdivision which shows:

- Building envelopes for all residential lots.
- All roads or other reserves which will vest in the responsible authority, or any public authority, upon registration of the plan under the Subdivision Act 1988.

An application to subdivide land under 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 appeal rights of Section 82(1) of the Act.

Procedures for processing subdivisions are specified in the incorporated document “Mountain Bay – Exemptions, Procedures, Approved Plans and Agreements”

*Note: The Schedule to Clause 52.03, Specific Sites and Exclusions, provides for exemption from any permit requirement to subdivide land, through reference to the incorporated document “Mountain Bay – Exemptions, Procedures, Approved Plans and Agreements”.*

#### 5.0

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#### Roads and tracks

**Access Road:** Access to land within the zone must be generally from Mountain Bay Drive.

**Public Roads:** Public roads that are to be vested in the responsible authority must be designed and constructed to the standards of the responsible authority.

**Private Roads:** Private roads may, with the approval of the responsible authority, be single lane or unsealed, to blend with the topography and the environment.

**Walking and Riding Tracks:** Where indicated on a development plan, road reserves must be of sufficient width to accommodate walking and riding tracks adjacent to the road.

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#### Recreation facilities

Recreation facilities must be provided with the development of each development area in accordance with a development plan approved by the responsible authority.

#### 7.0

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#### Agreements in regard to property development and use

The owner of the land may (or must, if the responsible authority requires it) enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act, 1987.

A memorandum of any agreement must be entered on the title to the land, or the relevant part of the land, under Section 181 of the Planning and Environment Act, 1987.

In regard to any lot created, an agreement may provide for matters such as:

- Number of dwellings and other buildings permitted.
- Building envelopes and driveway access.
- Controls over the location, design, shape, height, materials and colour of buildings and fences.
- Controls in regard to building commencement, completion and construction.
- Requirements for the maintenance of buildings, fences and access roads.
- Provision, timing and maintenance arrangements in relation to recreation facilities, including the provision of a boat ramp.
- The form, extent and nature of earthworks.
- Requirements for effluent, garbage and other waste disposal, and general tidiness.
- Controls in regard to domestic animals, vehicle and machinery use, noise, rubbish and pollution.
- Preservation, maintenance and replacement of flora and fauna, indigenous or otherwise.
- Monitoring, control and management arrangements in relation to the impact of any development on the water quality of Lake Eildon.
- Enforcement of controls and requirements contained in the agreements.
- Any other matter which assists in the effective development and management of the property.

The Agreement annotated “Mountain Bay - Section 173 Agreement - Stage 1” and made the first day of July, 1994 applies in the first instance to Stage 1, and contains clauses and conditions sufficient for the other Stages covered by the approved Development Plan referenced in the Development Plan clause.

## 8.0

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### Plans and permits for buildings and works

No permit is required to construct a building or carry out works associated with a use specified in Section 1 of the Table of uses.

A permit is required to construct a building or carry out works associated with a use specified in Section 2 of the Table of uses.

An application to construct a building or carry out works under 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 appeal rights of Section 82(1) of the Act.

**Design Guidelines:** Design guidelines must ensure that private buildings, commercial buildings, other structures, recreation facilities, private roads, fences and the like are designed and constructed to:

- Complement the general scale, topography and rural lakeside character of the landscape.
- Achieve a general theme of development in areas where buildings are to relate in character to each other.
- Promote high quality development using materials of colour, texture, durability and weathering characteristics which reflect and enhance the rural lakeside environment.
- Ensure that buildings and other works are constructed to minimise visual impact and fire risks, and to maximise efficiency of utility services and erosion control, having regard to the environmental and management requirements of this Schedule.

**9.0**18/05/2006  
C6**Environmental and management requirements****Household water supply**

Reticulated water supply must be provided to service any Village and Resort components of a Development Plan.

Where reticulated water supply is not provided, the responsible authority must be satisfied that adequate water supply is available for household use.

**Effluent absorption**

Reticulated sewerage must be provided to service any Village and Resort components of a Development Plan.

Where reticulated sewerage is not provided, the responsible authority, in consultation with the Department of Sustainability and Environment and the Goulburn-Murray Rural Water Authority, must be satisfied that the lots to be created are of a sufficient size, and of suitable soil type, to enable all effluent and waste water to be contained on site in accordance with *State Environment Protection Policy (Waters of Victoria)*. All soil tests carried out in this connection must be in accordance with the *Septic Tanks Code of Practice*.

**Erosion, sediment and nutrient controls**

Building sites and access roads must be restricted to slopes of generally 1:5 or less, unless construction and management techniques satisfactory to the Department of Sustainability and Environment and the Goulburn-Murray Rural Water Authority are approved by the responsible authority.

Drainage lines nominated by the Department of Sustainability and Environment and the Goulburn-Murray Rural Water Authority must be subject to a management plan approved by the Department of Sustainability and Environment and the Goulburn-Murray Rural Water Authority. Such plan may include works of fencing, retention dams, tree planting and other matters.

Subdivisional roads and associated drainage, access roads and earthworks associated with building construction must be designed and constructed to the responsible authority's specification for such works. All design and construction must be directed to minimise soil erosion and sediment movement.

Any development must comply with any regulations and/or standards adopted by the Goulburn - Murray Rural Water Authority with regard to the monitoring, controlling and management of water quality in Lake Eildon.

**Fire protection**

Proper consideration must be given to the Country Fire Authority's *Planning Guidelines in Bush Fire Prone Areas*.

Where reticulated water supply is not provided to a dwelling, there must readily be available sufficient static water storage to satisfy the requirements of the Country Fire Authority.

**10.0**18/05/2006  
C6**Advertising signs**

No permits are required for advertising signs for:

- Descriptive and Directional Signs - Providing information, that do not exceed 2 square metres in area each.
- Advisory and Safety Signs - Providing information, that do not exceed 2 square metres in area each.
- Farmland areas - Delineating farm areas or relating to farming activities, that do not exceed 2 square metres in area each.
- Development Stages - Advertising the sale of a stage of an approved development plan that is within the stage or along the roadside reserve beside Mountain Bay Drive and other Shire and private roads servicing the zone, and that do not exceed 10 square metres in area each.
- Land Sales - Advertising the sale of a lot that is within the lot, and that do not exceed 5 square metres in area each.
- Resort, Golf Course and Recreation areas – Related to the promotion or use of the area.

The requirements for any other advertising signs are at Clause 52.05. The advertising categories generally applicable within the area covered by this Schedule are:

- Farmland areas - Category 3.
- Residential and rural living areas - Category 3.
- Recreation areas - Category 1.
- Commercial, retail and hotel/motel areas and resort and golf course components - Category 1.

**11.0**18/05/2006  
C6**Sufficient provisions and controls**

This Schedule contains sufficient and appropriate provisions and controls for all permitted uses and development of land covered by this Schedule.

*Note: The Schedule to Clause 52.03, Specific Sites and Exclusions, provides for exemption from the provisions and controls of relevant local planning policies and the requirements of any relevant overlay, through reference to the incorporated document "Mountain Bay – Exemptions, Procedures, Approved Plans and Agreements".*