

21/11/2013  
C153**SCHEDULE 5 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ5**.

**LEAKES ROAD TOURIST PRECINCT****Purpose**

To recognise or provide for the use and development of land for tourist oriented uses and associated rural activities.

To encourage development that is in harmony with the rural landscape.

To ensure that subdivision provides for tourist and tourist related uses and promotes effective land management practices and infrastructure provision.

**1.0**21/11/2013  
C153**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Agriculture</b>	
<b>Animal Husbandry</b>	
<b>Café</b>	
<b>Caretaker's House</b>	
<b>Equestrian Supplies</b>	Must be ancillary to a tourist theme established on the land
<b>Home Occupation</b>	
<b>Hotel</b>	
<b>Horse Stables</b>	
<b>Mineral Exploration</b>	
<b>Mining</b>	
<b>Minor Utility Installation</b>	
<b>Motel</b>	
<b>Occupational Store</b>	
<b>Outdoor Recreation Park</b>	
<b>Passive Recreation</b>	
<b>Place of Assembly</b>	
<b>Place of Worship</b>	
<b>Railway</b>	
<b>Reception Rooms</b>	
<b>Restaurant</b>	
<b>Retail Plant Nursery</b>	
<b>Road</b>	
<b>Rural Recreation</b>	

Use	Condition
<b>Wholesale Plant Nursery</b>	
<b>Section 2 - Permit required</b>	
Use	Condition
<b>Shop</b>	Provided the use is associated with and ancillary to a Section 1 or 2 use.
<b>Take-away Food Premises</b>	Provided the use is associated with and ancillary to a Section 1 or 2 use.
<b>Any use other than those in Section 1</b>	If it can be demonstrated to the satisfaction of the Responsible Authority that there is a direct association with the tourist theme established on the land.
<b>Section 3 - Prohibited</b>	
Use	
<b>Any use not in Section 1 or 2</b>	

**2.0**21/11/2013  
C153**Use of land**

Prior to the use or development of any land, a development plan must be prepared to the satisfaction of the Responsible Authority in accordance with the requirements of Schedule 4 to the Development Plan Overlay.

**3.0**21/11/2013  
C153**Subdivision**

A permit is required to subdivide land.

No subdivision may be approved until an Overall Development Plan has been prepared to the satisfaction of the Responsible Authority.

Any subdivision must accord with the site requirements for a use or development permitted under this zone.

An application must be referred to a referral authority listed in Clause 66.01, and the department administering the Extractive Industries Development Act 1995 for any subdivision within 500 metres of land zoned for extractive industry or land in a separate tenement used for extractive industry.

A permit may be granted to create a lot if it is required for a public use by the Crown, a public authority or municipality.

Before deciding on an application to subdivide land, the Responsible Authority must consider:

- Whether the subdivision promotes the purpose of the zone
- Whether the proposed subdivision conforms with the Overall development Plan and the Local Area Development Plan
- Whether the proposed subdivision would prejudice the future use and development of the zone in accordance with the zone purposes.
- The impact of the subdivision on Melton Highway
- Whether each lot created contains a building envelope which is capable of development (including reference to any recommended buffer distance from an adjacent use or

development published by the EPA) to the satisfaction of the Responsible Authority. The building envelope must be shown on any approved plan of subdivision.

#### **4.0**

21/11/2013  
C153

#### **Buildings and works**

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

The building must be sited in conformity with any buffer distance from an adjacent use for existing extractive industry recommended by the Environment Protection Authority.

No buildings or works may be constructed until a plan of the overall development of the land has been prepared to the satisfaction of the Responsible Authority.

A permit application for buildings and works generally with an overall development plan approved by the Responsible Authority 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. This exemption does not apply to an application for buildings and works which contain a sensitive use which would be located within 500 metres of land zoned for extractive industry or land in a separate tenement used for extractive industry.

#### **5.0**

21/11/2013  
C153

#### **Agreements**

The applicant may be required to enter into an agreement in accordance with Section 173 of the Act which specifies:

- subdivision requirements
- ongoing management requirements of an approved outline development plan
- development contributions
- any other matter

#### **6.0**

21/11/2013  
C153

#### **Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, the Responsible Authority must consider, as appropriate:

##### **General issues**

- The Local Area Development Plan and relevant local planning policies
- Any Catchment and Land Protection Strategy and policies applying to the land
- Whether the land is adequately serviced with physical infrastructure
- The capability of the land to accommodate the proposed use or development, addressing the site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining and nearby farming and other uses
- Any recommended buffer distance from an adjoining use or development published by the EPA

##### **Tourism Issues**

- The requirements of any existing or proposed rural industry
- The impact on the existing and proposed rural infrastructure

- An assessment of industry requirements, growth expectations, staging of the development and investment requirements

**Environmental Issues**

- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours
- The impact of the use or development on the flora, fauna and landscape features of the locality
- The protection and enhancement of the natural environment and the character of the area, including the retention of vegetation and fauna habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridge lines, property boundaries, discharge and recharge areas.
- The impact on the character and appearance of the area or feature of architectural, historic or scientific significance or of natural scenic beauty or importance
- The means of disposal of effluent and other wastes and its compliance with Clause 40 of the State Environment Protection Policy – Waters of Victoria and the Septic Tank Code of Practice 1996 published by the EPA
- The means, location, implementation and management of erosion control of the creek/drainage line on the eastern edge of the property
- Treatment of site runoff and stormwater drainage

**Design and Siting Issues**

- The design, colours and materials to be used and the siting, including the provision of development and effluent envelopes for any building or works
- The impact of the use or development on the existing and surrounding rural uses
- The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be taken to minimise any adverse impacts
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities