

**SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ3**.

**FRANKSTON 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).

**1.0****Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Boat sales</b>	Must be brokering the sale of boats only. Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Car park</b>	
<b>Convenience restaurant</b> <b>Convenience shop</b>	Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Informal outdoor recreation</b>	
<b>Market</b>	Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Office</b> <b>Recreational boat facility</b>	Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Residential hotel</b>	Must not include gambling premises or include the sale of liquor (off the premises)  Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Restaurant</b> <b>Restricted recreational facility</b>	Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Ships' chandlery</b>	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 <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Store</b> <b>Take away food premises</b>	Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Wharf</b>	Must meet the requirements of the <i>Frankston Safe Boat Harbour Incorporated Document</i>

## FRANKSTON PLANNING SCHEME

Use	Condition
<b>Any other use not in Section 2 or 3</b>	<p>Must be any of the following:</p> <p>Conducted by or on behalf of a public land manager under the relevant provisions of the <i>Local Government Act 1989</i>, the <i>Reference Areas Act 1978</i>, the <i>National Parks Act 1975</i>, the <i>Fisheries Act 1995</i>, the <i>Wildlife Act 1975</i> or the <i>Forest Act 1958</i>.</p> <p>Conducted by or on behalf of Melbourne Water Corporation under the <i>Water Industry Act 1994</i>, the <i>Water Act 1989</i>, the <i>Marine Act 1988</i>, the <i>Port of Melbourne Authority Act 1958</i> or the <i>Crown Land (Reserves) Act 1978</i>.</p>

### Section 2 - Permit required

Use	Condition
<b>Leisure and recreation (other than Major sports and recreation facility, Motor racing track, Informal outdoor recreation or Restricted recreation facility)</b>	Must be in conjunction with a public land use or with a Recreational boat facility.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any use in Section 1 if the Section 1 condition is not met</b>	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 <i>Frankston Safe Boat Harbour Incorporated Document</i>
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Accommodation (other than residential hotel)</b>
<b>Brothel</b>
<b>Cinema</b>
<b>Corrective institution</b>
<b>Display home</b>
<b>Drive in theatre</b>
<b>Food and drink premises (other than convenience restaurant, restaurant, take away food premises)</b>
<b>Funeral parlour</b>
<b>Industry – other than boat repairs ancillary to Recreational boat facility</b>
<b>Saleyard</b>
<b>Major sports and recreation facility</b>
<b>Motor racing track</b>
<b>Transport terminal (other than Heliport or Wharf)</b>
<b>Veterinary centre</b>

**Use****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**04/06/2009  
C50**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**04/06/2009  
C50**Plan decision guidelines**

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**04/06/2009  
C50**Permit application requirements**

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

04/06/2009  
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### Exemptions for public and minor use and development

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, barbeques, 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

26/04/2013  
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### Expiry and commencement

The plans required to be prepared in Clause 2.0 must be prepared by 1 November 2017. The plans expire on 1 November 2022.

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 2022.

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 2022.

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**

23/05/2019  
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**Signs**

Sign requirements are at Clause 52.05. This schedule is in Category 3.