

**SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ7**.

**EMERALD BANK TOURISM PRECINCT**

**Purpose**

- To Provide for the development of Emerald Bank as a major tourism and recreation destination in the region.
- To provide for the staged development of the Emerald Bank Precinct in an orderly manner.
- To recognise and provide opportunity for the use and development of land for tourism related facilities and attractions in the Goulburn Valley region.
- To enable retail, commercial and accommodation opportunities which are ancillary to the regional tourism and recreational themes of the site.
- To provide opportunity for recreational attractions to be established that are ancillary to the tourism development.
- To provide for the relocation of the SPC Ardmona Sales outlet from Mooroopna.

**1.0**

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Caretaker's house</b>	
<b>Carnival</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Circus</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Home Occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Open sports ground</b>	
<b>Place of Assembly (other than Amusement Parlour, Place of Worship, Cinema, Drive-in, Restricted Place of Assembly, Nightclub and Cabaret)</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Pleasure boat facility</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan

**GREATER SHEPPARTON PLANNING SCHEME**

<b>Use</b>	<b>Condition</b>
<b>Primary Produce Sales</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<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>Accommodation (other than Caretaker's house and Corrective institution)</b>	
<b>Amusement Parlour</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Animal Husbandry</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Any use in Section 1 if the condition is not met</b>	
<b>Art &amp; Craft Centre</b>	
<b>Car Park</b>	
<b>Caravan and Camping Park</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Exhibition centre</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Education Centre</b>	Must not be a primary or secondary school  Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Food and Drink premises</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Horse Stables</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Industry</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Landscape gardening supplies</b>	
<b>Leisure and recreation (other than Informal outdoor recreation and Open sports ground)</b>	
<b>Market</b>	
<b>Mining – if the Section 1 condition is not met</b>	

## GREATER SHEPPARTON PLANNING SCHEME

Use	Condition
<b>Motor racing track</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Office (other than Bank, Electoral Office, Medical Centre, Real Estate Agency, Travel Agency)</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan The leasable floor area must not exceed 500m <sup>2</sup> .
<b>Outdoor Recreation Facility</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Place of Worship</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Plant Nursery</b>	
<b>Restaurant</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Search for Stone – if the Section 1 condition is not met</b>	
<b>Shop (other than Adult Sex Bookshop, Beauty Salon, Department Store, Hairdresser, Restricted Retail, Supermarket)</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan. Must meet the requirement of Clause 2 in this Schedule
<b>Take-Away Food premises</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan and meet the following: <ul style="list-style-type: none"> <li>▪ Only one such use is provided on the site.</li> <li>▪ The use must be contained within a single storey building.</li> <li>▪ Floor area must not exceed 500m<sup>2</sup>.</li> </ul>
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19
<b>Trade supplies (other than timber yard)</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Utility installation (other than Minor Utility installation)</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan
<b>Any other use not in Section 1 or 3</b>	Must be generally in accordance with the purposes of Schedule 7 to the Zone and the Emerald Bank Development Plan

### Section 3 - Prohibited

Use
<b>Adult sex bookshop</b>
<b>Abattoir</b>
<b>Animal Boarding</b>
<b>Bank</b>

**Use**

- Beauty salon
- Boat and Caravan Storage
- Brothel
- Cabaret
- Cemetery
- Child Care Centre
- Cinema
- Corrective institution
- Crematorium
- Department Store
- Display Home
- Drive-in Theatre
- Electoral Office
- Extractive Industry
- Freezing and Cool Storage
- Fuel depot
- Gambling Premises
- Hairdresser
- Nightclub
- Mail Centre
- Major Sports & Recreation Facility
- Medical Centre
- Real Estate Agency
- Restricted Place of Assembly
- Restricted Retail Premises
- Saleyard
- Sawmill
- Supermarket
- Timber Yard
- Transport terminal
- Travel Agency
- Veterinary Centre
- Warehouse

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**Use of land**

**Amenity of the neighbourhood**

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

## GREATER SHEPPARTON PLANNING SCHEME

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### Application requirements

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

- A site plan showing how the proposed use will complement the Emerald Bank Tourist Precinct.
- The purpose of the use and the types of activities that will be carried out and demonstrate how the use is consistent with the purpose of Schedule 7 of the zone.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill.

### Requirements for Shop

For the land use “shop” in respect of the land being Proposed Lot 1 on proposed Plan of Subdivision Reference Number 131081SV02 Revision 4 (Coomes Consulting 6/3/2007). And being part of the land comprised in Certificate of Title Volume 10044 Folio 014 all of the following requirements must be met:

- The maximum floor area must not exceed 4650 m<sup>2</sup>
- The maximum floor area for the display of goods must not exceed 2900 m<sup>2</sup>
- No one occupancy shall have a goods display area of greater than 2,400 m<sup>2</sup>.
- At least 50% of the floor area in each occupancy must be for the display of produce from the Goulburn Valley region.
- No fresh meat, fish, dairy or packaged frozen goods may be sold in the area identified on the plans as “SPC/Ardmona Factory Sales”
- The total number of stock items that may be displayed for sale at any one time shall not exceed 2,000.

For the land use “shop” in respect of Proposed Lot 2 on proposed Plan of Subdivision Reference Number 131081SV02 Revision 4 (Coomes Consulting 6/3/2007) and being part of the land comprised in Certificate of Title Volume 10044 Folio 014 the following requirement shall be met:

- The maximum floor area for the display of goods must not exceed 1000 m<sup>2</sup>.

### Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### Decision guidelines

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Consistency with the approved Emerald Bank Development Plan.
- The impact of the proposed use on the Emerald Bank Tourist Precinct.

- The effect of traffic to be generated on roads.
- The provision of car parking.
- The amenity of the adjoining area.
- The impact of the hours of operation of any proposed use on neighbouring areas, particularly for night time use.

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#### Subdivision

##### Permit requirement

A permit is required to subdivide land.

##### Application requirements

Any application must state the intended outcome of the proposed subdivision and its strategic impact on the overall operation of the Emerald Bank Tourism Precinct.

##### Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

##### Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the application is in accordance with the Emerald Bank Development Plan.
- Interface with other zones.

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#### Buildings and works

##### Permit requirement

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

##### Exemptions for minor use and development

A Permit is not required for the following:

- Construction of pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
- Provision of playground equipment or sporting equipment.
- Fencing that is 1 metre or less in height above ground level.

##### Application Requirements

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

- A site plan showing how the proposed buildings and works will complement the Emerald Bank Tourist Precinct.
- A plan drawn to scale which shows:

- The boundaries and dimensions of the site.
  - 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.
  - All existing and proposed driveway, car parking and loading areas.
  - Existing and Proposed landscape areas.
  - All external storage areas.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
  - Construction details of all drainage, driveways, vehicle parking and loading areas.
  - A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing draining, watering and maintaining the landscape area.

#### **Exemption from notice and review**

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

#### **Decision guidelines**

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- Consistency with the approved Emerald Bank Development Plan.
- The impact of the building and works on the Emerald Bank Tourist Precinct.
- The provision of car parking.
- The interface with adjoining zones, especially the relationship with residential areas.
- The impact of the buildings and works on the character and appearance of Emerald Bank Tourist Precinct.
- The availability of and connection to services.
- The impact of buildings and works on the Goulburn Valley Highway.

#### **Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

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### **Advertising Signs**

This zone is in Category 3.

*Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies, which may affect the use and development of land.*

*Check whether an overlay also applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*