SCHEDULE 10 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ10.

CRAIGLEE AND BEN EADIE PROPERTIES

Purpose

To provide for the continued use and development of the land for a vineyard and a winery and to allow for complementary and compatible activities to be undertaken in conjunction with these uses.

To provide for the use and development of land for tourism purposes and to provide for the use and development of the land in accordance with the Craiglee and Ben Eadie Concept Plan, June 2018.

To ensure land uses are compatible with the adjoining residential areas and the Jacksons Creek environs.

To protect and enhance the landscape value of the Jacksons Creek environs and to protect and conserve areas of environmental and heritage significance.

To provide for use, development and management of land that is compatible with the conservation outcomes identified in the Biodiversity Conservation Strategy (Department of Environment and Primary Industries, 2013) for Conservation Area 21.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Art gallery</td>
<td>Must be located within the ‘Potential Development Area’ in the Craiglee and Ben Eadie Concept Plan, June 2018</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. Must be located within the ‘Potential Development Area’ in the Craiglee and Ben Eadie Concept Plan, June 2018.</td>
</tr>
<tr>
<td>Dwelling (other than bed and breakfast)</td>
<td>Must not increase the existing number of dwellings on the property</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conference centre</td>
<td>Must be located within the ‘Potential Development Area’ in the Craiglee and Ben Eadie Concept Plan, June 2018.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

#### Section 3 - Prohibited

Section 2 uses that do not meet the prescribed conditions

- Abattoir
- Accommodation (other than Bed and breakfast, Dwelling, Group accommodation and Residential hotel)
- Display home
- Hospital
- Industry (other than Rural industry)
- Motor racing track
- Office
- Nightclub
- Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)
- Service station
- Transport terminal
- Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)

### Use of land

None specified.

### Subdivision

A permit is required to subdivide land.

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.
Buildings and works

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

This does not apply to:

An alteration or extension to an existing building used for agriculture or winery, or modifications to existing dwellings provided the floor area of the alteration or extension does not exceed 100 square metres.

An application to construct or carry out works must demonstrate consistency with the purpose of this zone and the Craiglee and Ben Eadie Concept Plan, June 2018, and provide the following information, as appropriate:

- Site plans showing:
  - The boundaries and dimensions of the site.
  - The layout of existing and proposed buildings and works.
  - The proposed use(s) and development of each part of the site.
  - The existing and proposed accessways, car parking and loading areas.
  - The setbacks of the proposed buildings and works from the site boundaries, Sunbury Road, and any adjoining development.
  - Locations, dimensions, materials, colour and lettering for existing and proposed signage.

- Elevations of proposed built form, including details of setbacks, building heights, scale and massing, architectural treatments and interface treatments to residential development and Jacksons Creek. Materials and finishes of proposed buildings and works should be sympathetic to the heritage character of buildings on the site, and to the landscape character and environmental values of Jacksons Creek environs.

- Details of any days and hours of operation of any proposed land uses.

- A Landscape Concept Plan detailing any existing and proposed landscaping.

- A Traffic Impact Assessment that addresses car parking, loading and anticipated traffic volumes and impacts on the surrounding road network. The site design must provide for the safe and efficient movement of vehicles, cycles and pedestrians within the site. Car parking must be associated with other land uses within the site and be located away from site boundaries so that it does not dominate the residential or Jacksons Creek interface.

- A Stormwater Management Plan that addresses the stormwater runoff impacts, including potential impacts on Jacksons Creek.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority

The consistency of the permit application with the Craiglee and Ben Eadie Concept Plan, June 2018.

Whether the use or development protects and enhances the environmental, agricultural and landscape qualities of the site.

The layout of any proposed buildings and their relationship to the existing buildings.

The impacts of siting, design, colours and materials to be used for buildings and/or signage on landscape features, major roads and vistas.

The extent to which the development maintains important views into the site, whilst capturing views out of the site.

The impact of the use or development on the amenity of the area.
How the use or development conserves the values of Jacksons Creek.

Any applicable statement of significance, heritage study and any applicable conservation policy.

Whether the location, bulk, form or appearance of the proposed building and works respects the heritage character and significance of heritage place(s) on the site.

Whether the development is of a scale and nature that does not detract from the visual and landscape character of the site, and is sensitive to the adjoining residential properties and Jacksons Creek environs.

Whether the use or development affects, in the long term, the values of Conservation Area 21 identified the Biodiversity Conservation Strategy (Department of Environment and Primary Industries, 2013) for matters of national environmental significance listed under the Environmental Protection and Biodiversity Conservation Act 1999.

### Conditions

Any permit for development associated with a Section 2 use or a subdivision must contain the following conditions of permit:

Before the commencement of works, the owner of the land must:

- Enter into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the Conservation Forests and Lands Act 1987, which must:
  - provide for the conservation and management of that part of the land shown as Conservation Area 21 in the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, June 2013); and
  - may include any matter that such an agreement may contain under the Conservation Forests and Lands Act 1987.

- Make application to the Registrar of Titles to register the agreement on the title to the land.

- Pay the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement under section 69 of the Conservation Forests and Lands Act 1987 in this clause does not apply to land of any lot or part of a lot within the conservation area shown as Conservation Area 21 in the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, June 2013) that:

- is the subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:
  - the Secretary to the Department of Environment, Land, Water and Planning;
  - the Minister for Environment and Climate Change; or
  - another statutory authority.

is to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

### Signs

Sign requirements are at Clause 52.05. The site is in Category 3.
COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

Use

Any use in Section 3 of the schedule to this zone

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that 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 review rights of section 82(1) of the Act.

Decision guidelines

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

- Any guidelines in the schedule to this zone.
Subdivision

Permit requirement

A permit is required to subdivide land.
Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>• The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>• The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>where:</td>
<td></td>
</tr>
<tr>
<td>• The buildings or car parking spaces have been constructed in accordance with the</td>
<td></td>
</tr>
<tr>
<td>provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>• An occupancy permit or a certificate of final inspection has been issued under</td>
<td></td>
</tr>
<tr>
<td>the Building Regulations in relation to the buildings within 5 years prior to the</td>
<td></td>
</tr>
<tr>
<td>application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>• The construction of a building or the construction or carrying out of works on the</td>
<td></td>
</tr>
<tr>
<td>land:</td>
<td></td>
</tr>
<tr>
<td>– Has been approved under this scheme or by a permit issued under this scheme and</td>
<td></td>
</tr>
<tr>
<td>the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>– Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>• The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to subdivide land for residential development, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

• Must meet all of the objectives included in the clauses specified in the following table.
• Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
</tbody>
</table>
An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that 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 review rights of section 82(1) of the Act.

**Decision guidelines**

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

- The objectives and standards of Clause 56.
- Any guidelines in the schedule to this zone.

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.
An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**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 review rights of section 82(1) of the Act if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also 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.

**Decision guidelines**

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

- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.