

25/07/2019
C121sgip**SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ2**.

WARATAH PARK TOURIST FACILITY**Purpose**

To provide for the use of the land for the purpose of a tourist facility, incorporating a function centre, restaurant, accommodation and ancillary uses.

To ensure that the use and development of the tourist facility is sympathetic to the landscape and the environment of the locality.

To provide for the subdivision of the land to facilitate the development and coordinated management of accommodation associated with the tourist facility.

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C121sgip**Table of uses****Section 1 - Permit not required**

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Crop raising (other than Timber Production)	
Dependent person's unit	Must be the only dependent person's unit on the land. Must meet the requirements of Clause 2.0 of this schedule.
Extensive animal husbandry	
Home occupation	
Mineral exploration	Must meet the conditions of Clause 52.08-2
Mining	Must meet the conditions of Clause 52.08-2
Minor utility installation	
Natural systems	
Search for stone	Must not be costeaning or bulk sampling
Road	

Section 2 - Permit required

Use	Condition
Accommodation (other than a Dwelling, Caretaker's house or Dependant Person's Unit)	Must only be used for short term accommodation in conjunction with the Waratah Park Tourist Facility.
Caretaker's house	Must be the only caretaker's house on the land. Must only be used in conjunction with the Waratah Park Tourist Facility.

Use	Condition
	Must meet the minimum requirements of Clause 2.0 of this schedule.
Dwelling	<p>Must be the only dwelling on the land.</p> <p>Must only be used as a permanent residence by the owners and/or managers of the Waratah Park Tourist Facility.</p> <p>Must meet the minimum requirements of Clause 2.0 of this schedule.</p>
Function centre	
Restaurant	
Search for stone – If the Section 1 condition is not met	
Section 3 - Prohibited	
Use	
Any other use not in Section 1 or 2	

2.0

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Use of land

Permit requirement to use the land for a tourist accommodation cabin or caretaker’s house

An agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner that:

- Prohibits the use of the tourist accommodation cabins for permanent accommodation.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- The caretaker’s house must only be used by a person/persons responsible for the management and security of the Wilsons Promontory Gateway Tourist Facility.

Application requirements

Unless the circumstances do not require, an application to use land for a tourist accommodation cabin must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The maximum number of persons proposed to be accommodated within each unit/cabin at any one time.
- The number of car parking spaces proposed to be provided per unit/cabin.
- A traffic and engineering report on access.
- Details of how access to each unit/cabin is to be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- A brief report explaining how the accommodation units/cabins will be managed and maintained.

Unless the circumstances do not require, an application to use land for a function centre or restaurant must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The proposed hours of operation.
- The maximum number of persons proposed to be accommodated on the site at any one time.
- The number of car parking spaces proposed to be provided.
- How land not required for immediate use is to be maintained.

Exemption from notice and appeal

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.

Decision guidelines

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

- Proposed hours of operation for the proposed function centre/restaurant.
- The availability of and connection to services.
- Method of on-site waste water treatment and disposal.
- The provision of car parking.
- The maintenance and management of the land.

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Subdivision

Permit requirement

One lot may be created that contains the existing Waratah Park Tourist Facility manager's dwelling, function centre, restaurant, accommodation units and associated outdoor areas.

Other lots may be created that contain an existing tourist accommodation cabin or caretaker's house. Areas ancillary to each cabin (such as driveway access, car parking, waste water disposal areas and ancillary facilities) may be incorporated within common property on the plan of subdivision.

For each lot created that contains a tourist accommodation unit/cabin or a caretaker's house, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use and development of the land for any purpose other than a tourist accommodation cabin or caretaker's house in conjunction with the Waratah Park Tourist Facility.
- Prohibits the use and development of each lot for the purposes of permanent accommodation. In the case of the caretaker's house, the house must only be used by a person/persons responsible for the management and security of the tourist accommodation cabins.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

Vacant lots may be created, provided that a planning permit has first been issued for the use and development of the land for tourist accommodation cabins and caretaker's house in accordance with the provisions of sub-section 2.0 and 4.0 of this Schedule.

For each vacant lot created, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use or development of the land for any purpose other than a tourist accommodation cabin or caretaker's house in conjunction with the Waratah Park Tourist Facility.
- Requires the development of the land to be completed in accordance with an approved planning permit that has been issued under the provisions of this zone.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

Application requirements

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

- A plan drawn to scale which shows for each lot:
 - The location and dimensions of existing development or proposed building envelopes, car parking areas and driveway access.
 - The location and dimensions of wastewater treatment and disposal areas.
 - Any areas of common property.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If a staged subdivision, show how the balance of the land may be subdivided.

Exemption from notice and appeal

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.

Decision Guidelines

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

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The availability and provision of utility services, including electricity, drainage, water and communications.
- Measures to ensure that the proposed accommodation units/cabins are only used for short term accommodation in conjunction with the Waratah Park Tourist Facility and appropriate mechanisms are in place for the management and maintenance of each cabin and common property area.

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Buildings and works

Permit requirement

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

Application requirements

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

- A site layout plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works, including setbacks from boundaries of the site.
 - Location and dimensions of all access, internal driveways, car parking and loading areas.
 - Proposed landscaping areas.
 - All wastewater treatment and disposal areas.
 - The location of a water supply for both domestic and fire fighting purposes.
 - Any vegetation proposed to be removed, destroyed or lopped.
- Floor plans and elevations drawn to scale to show the height, exterior finishes and colour of all buildings and works.
- Surface treatment and construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape plan that includes:
 - A planting schedule incorporating only locally indigenous species which includes the description and number of species proposed to be planted, proposed extent of vegetation community “net gain” and shelterbelt requirements.
 - A ten metre wide, double fenced, tree plantation adjacent to the eastern boundary of the site.
 - Surfaces to be constructed, a site works specification and method of preparing, draining, watering and maintaining the vegetation.

Decision guidelines

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

- The movement of vehicles providing for supplies, waste removal and emergency services.
- The location and dimensions of site access and car parking spaces.
- Outdoor lighting.
- Stormwater discharge.
- The external finishes of the buildings to ensure they blend with the surrounding environment.
- Measures to cope with fire.
- Landscape treatment.
- Any natural or cultural values on or near the land.

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Signs

None specified.