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SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**.

SPRING CREEK PRECINCT STRUCTURE PLAN

1.0 The Plan

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Plan 1 shows the future urban structure proposed in the *Spring Creek Precinct Structure Plan*.

Plan 1 to Schedule 1 to Clause 37.07

Updated plan to be inserted

2.0 Use and development

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The Land

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The provisions specified in this schedule apply to the land shown within the 'PSP boundary' on Plan 1 to this schedule and shown as UGZ1 on the planning scheme maps.

2.2 Applied zone provisions

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The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

Table 1: Applied zone provisions

| Land shown on Plan 1 of this schedule | Applied zone provisions |
|--|---|
| Neighbourhood centre Local convenience centre (north) | Clause 34.01 – Commercial 1 Zone |
| All other land | Clause 32.08 – General Residential 1 Zone |

2.3 Specific provisions – Use of land

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Section 1 - Permit not required

| Use | Condition |
|--------------------------------|--|
| Retail premises | Where the applied zone is Commercial 1 Zone, the combined leasable floor area of all retail premises must not exceed: <ul style="list-style-type: none"> 3,000 square metres for land shown as a Neighbourhood Centre in the <i>Spring Creek Precinct Structure Plan</i> prior to 2030 5,000 square metres for land shown as a Neighbourhood Centre in the <i>Spring Creek Precinct Structure Plan</i> 400 square metres for land shown as a Local Convenience Centre in the <i>Spring Creek Precinct Structure Plan</i>. |
| Any use listed in Clause 62.01 | Must meet requirements of Clause 62.01. |

Section 2 - Permit required

| Use | Condition |
|---|-----------|
| Any use in Section 1 where the condition is not met | |
| Any other use not in Section 1 or 3 | |

Section 3 – Prohibited

| Use |
|---|
| In all applied zones: Car wash Service station |
| In the applied General Residential Zone: Convenience restaurant Take away food premises |
| Any other use where specified in the applied zone |

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Specific provisions – Subdivision

A permit to subdivide land within the applied General Residential Zone must meet the following requirements:

- Lot sizes must be consistent with the Residential Design Controls as set out at Table 2 of the *Spring Creek Precinct Structure Plan*, to the satisfaction of the responsible authority. Where a Residential Design Control relating to subdivision conflicts with an objective or standard of Clause 56 of this scheme, the Residential Design Controls prevail.

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Specific provisions – Buildings and works**Neighbourhood Centre**

The following buildings and works requirements apply to an application to construct a building or construct or carry out works on land identified as the Neighbourhood Centre in the *Spring Creek Precinct Structure Plan*:

- A permit must not be granted to construct a building or construct or carry out works within the land identified as the Neighbourhood Centre in the *Spring Creek Precinct Structure Plan* until a concept plan for the Neighbourhood Centre has been prepared to the satisfaction of the responsible authority.

Unless the responsible authority agrees, the concept plan must include all of the land in the Neighbourhood Centre and must be generally in accordance with the objectives and planning and design guidelines within the *Spring Creek Precinct Structure Plan*.

A permit may be granted to construct a building or construct or carry out works prior to the approval of a concept plan if, in the opinion of the responsible authority, the grant of the permit will not prejudice the future use and development of the land in an integrated manner, and not prejudice the delivery of the Neighbourhood Centre generally in accordance with section 3.2 of the *Spring Creek Precinct Structure Plan* to the satisfaction of the responsible authority.

The concept plan may be amended to the satisfaction of the responsible authority.

Buildings and works in the applied General Residential Zone

A permit is required to construct a building which is more than 7.5 metres above natural ground level or to extend a building where the extension is more than 7.5 metres above

natural ground level (excluding any television antenna, chimney, flue or solar panels attached to the building).

Construction of a dwelling – Residential Design Controls

The following buildings and works requirements apply to the construction of a building or the construction or carrying out of works associated with a dwelling:

- The construction of a dwelling on a residential lot must meet the Residential Design Controls as set out at Table 2 of the *Spring Creek Precinct Structure Plan* to the satisfaction of the responsible authority.

Where a residential design control relating to the development of a dwelling conflicts with an objective or standard of Clause 54 or Clause 55 of this scheme, other than in relation to dwellings proposed for any medium and high density housing areas depicted on Plan 1 to this schedule or by reference to a Concept Plan approved pursuant to this schedule, the Residential Design Controls prevail.

3.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Subdivision – Residential development

In addition to any requirement in Clause 56.01-2, a subdivision design response for a residential subdivision must include:

- A written statement that explains how the subdivision meets the objectives, requirements, guidelines and residential design controls in the *Spring Creek Precinct Structure Plan*;
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to *Map 2 - Trees to be Retained and Removed* in the *Spring Creek Native Vegetation Precinct Plan* and any tree protection requirements and guidelines within the *Spring Creek Precinct Structure Plan* and/or *Spring Creek Native Vegetation Precinct Plan*;
- A statement that demonstrates how a reasonable attempt has been made to avoid or minimise impacts on vegetation identified for ‘practical retention’ in the *Spring Creek Native Vegetation Precinct Plan* and how vegetation that is to be retained will be protected;
- A land budget table in the same format and methodology as those within the *Spring Creek Precinct Structure Plan*, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields;
- Integration with the existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape character;
- The staging of the development;
- Indicative concept design for land identified as future medium density and/or integrated housing which details the following to the satisfaction of the responsible authority:
 - Indicative dwelling yield and housing types
 - Indicative lot layout and building envelopes
 - Safe and effective vehicle ingress and egress
 - Proposed means and location for waste collection
 - Servicing arrangements
 - Landscaping treatments
 - How the site will be able to facilitate active interfaces to adjacent streets and open spaces

Conservation Management Plan

An application for subdivision on a land parcel which includes a conservation reserve must be accompanied by a Conservation Management Plan to the satisfaction of the responsible authority. The plan must be to the satisfaction of the responsible authority and address four key biodiversity themes:

- Biodiversity representation
- Ecological restoration
- Fire management; and
- Threat management

Public Infrastructure Plan

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the Catchment Management Authority and the responsible authority;
- An Integrated Water Management Statement which addresses how the objectives and planning and design guidelines of the Integrated Water Management Plan of the *Spring Creek Precinct Structure Plan* are achieved and what land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
- What, if any, infrastructure set out in an applicable Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of the responsible authority;
- The provision of public open space and land for any community facilities;
- Any other matter relevant to the provision of public infrastructure required by the responsible authority; and
- A Landscape Master Plan which addresses the following:
 - themes for the planting of street trees within all road reserves
 - concepts for the landscaping of public open space reserves.

The Landscape Master Plans must address and respond to the provisions set out in the *Spring Creek Precinct Structure Plan* and include objectives and principles for the subsequent preparation of detailed landscape plans in relation to each part of the land.

Traffic Impact Assessment

An application that proposes to create or change access to an arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads and the responsible authority, as required.

Use or develop land for a sensitive purpose – Environmental Site Assessment for land at 225 Grossmans Road, 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road

An application for the subdivision, use or development of land for a sensitive use (residential use, child care centre, kindergarten or primary school) within areas identified as being of potential environmental interest (e.g. potentially contaminated land or land at risk

from land slip), must be accompanied by an environmental site assessment by a suitably qualified environmental professional to the satisfaction of the responsible authority. The assessment should include the following information:

- Detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005*, DSE.
- Detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

All to the satisfaction of the responsible authority.

Sloping Land

An application for subdivision or buildings and works on land with a slope greater than 10% must be accompanied by a report and plan that addresses the following:

- The type, location and approximate depth of any proposed earthworks;
- The location and approximate height of proposed retaining walls or other methods of retaining soil batters;
- The impact of the proposed development and works on land stability and erosion, and identification of appropriate methods of erosion control and slope stability for the proposed development;
- The location and approximate grade of any proposed roads and paths;
- Indicative lot access arrangements consistent with Surf Coast Shire standards for crossover design.

An application for development on any natural or fill slopes that are steeper than 1V:6H (i.e. 10 degrees) and are more than 3 metres high must also be accompanied by detailed topographical surveying, geotechnical assessment and details of any remediation works to the satisfaction of the responsible authority.

Neighbourhood Centre and Local Convenience Centres

An application to exceed the combined leasable floor area identified at section 2.3 for the Neighbourhood Centre and Local Convenience Centre must be accompanied by an economic impact assessment prepared by a qualified person to the satisfaction of the responsible authority. The assessment must address the following matters:

- The local catchment demand for the proposed retail floorspace; and
- The economic effect on existing or proposed activity centres in Torquay-Jan Juc, in particular the Torquay Town Centre.

Kangaroo Management Response

An application for subdivision must be accompanied by:

- A staging plan to help avoid landlocked kangaroos. All staging plans must be prepared in accordance with the key management principles outlined in the *Spring Creek Precinct Structure Plan*; and
- A 'design/management response' statement outlining how the application is consistent with the key management principles outlined in the *Spring Creek Precinct Structure Plan*.

Both the staging plan and the ‘design/management’ response are to be to the satisfaction of the responsible authority.

4.0 Conditions and requirements for permits

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Any permit must contain conditions which give effect to any requirements or conditions of the relevant part of the *Spring Creek Precinct Structure Plan* and *Spring Creek Native Vegetation Precinct Plan*.

Condition – Development Contributions

A permit for subdivision must contain the following condition:

Where a development contributions plan for the Spring Creek Precinct has not been incorporated in this scheme, a Statement of Compliance in respect of subdivision of land must not be issued unless the owner enters into an agreement under Section 173 of the *Planning and Environment Act 1987* providing for development contributions. The agreement must have regard to the matters set out in the *Spring Creek Precinct Structure Plan*.

The agreement must provide for the owner to make a development contribution that the responsible authority is satisfied is necessary to ensure the orderly and proper development of the Spring Creek Precinct. The agreement may also provide for the timing of land acquisition and other buildings and works to be undertaken or funded by any person other than the owner of the land subject to the agreement of the responsible authority or any public authority.

Condition – Land required for open space, conservation reserves and community facilities

A permit for subdivision must contain the following condition, as appropriate:

Land required for open space, conservation reserve or community facilities as set out in the *Spring Creek Precinct Structure Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by an applicable Development Contributions Plan or agreement under section 173 of the *Planning and Environment Act 1987* pursuant to Schedule 3 to the Development Contributions Plan Overlay.

Condition – Land required for road widening

A permit for subdivision must contain the following condition, as appropriate:

Land required for road widening, including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road or connector road, must be transferred to or vested in Council or VicRoads at no cost to the acquiring agency unless the land is funded by an applicable Development Contributions Plan or agreement under section 173 of the *Planning and Environment Act 1987* pursuant to Schedule 3 to the Development Contributions Plan Overlay.

Condition – Bushfire management

Any permit for subdivision must contain the following conditions:

Before the commencement of works for any stage of subdivision, a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the Country Fire Authority and the responsible authority. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage.
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed.

- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire.
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.
- The reticulated fire hydrant service plan, with calculated pressure and flows available during peak demand.

Roads must be constructed to the followings standards, unless otherwise approved by the Country Fire Authority:

- Constructed roads must be a minimum of 7.3 metres trafficable width where cars are parked on both sides, or:
 - A minimum of 5.4 metres in trafficable width where cars may park on one side only.
 - A minimum of 3.5 metres width with no parking and 0.5 metres clearance to structures on either side, and if this width applies, there must be passing bays at least 20 metre long, 6 metres wide and located not more than 200 metres apart.
- Roads must be constructed so that they are capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade of a road must be no more than 1 in 7 (14.4% or 8.1°).
- The steepest grade on a road must be no more than 1 in 5 (20% or 11.3°) with this grade continuing for no more than 50 metres at any one point.
- Dips in a road must have no more than a 1 in 8 grade (12.5% or 7.1°) entry and exit angle.
- Constructed dead end roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over curbs if they are provided).

Condition – Public transport

A permit for subdivision must contain the following condition, as appropriate:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of a Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the *Public Transport Guidelines for Land Use and Development* and be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

Condition – Construction management

A permit for subdivision must contain the following condition:

Before any works start, a Construction Environmental Management Plan (CEMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. In addition to the responsible authority's standard requirements, the CEMP must also include:

- Where trees are identified for removal, the plan must address:
 - Prior to the removal, lopping or destruction of a tree, the examination of the tree by a suitably qualified individual for the presence of vertebrate fauna, including those using external nests (eg. common ringtail possum, bird nests) and tree hollows.
 - Where native fauna species are identified as being present, the salvage and relocation of the fauna in accordance with all relevant legislation and approvals.
- Details of tree protection zones for all trees to be retained on the site.

- Relevant kangaroo management principles and preventative actions (including exclusion fencing and removal of attractants) in accordance with the staging plan and design/management response required by this schedule.

Condition – Use or development of land for a sensitive purpose – Environmental Site Assessment for land at 225 Grossmans Road, 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road

A permit for subdivision must contain the following condition, as appropriate:

Before the certification of a plan subdivision under the *Subdivision Act 1988*, the recommendations of the Phase 2 Environmental Site Assessment submitted with an application must be carried out to the satisfaction of the responsible authority.

Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the General Practice Note on *Potentially Contaminated Land June 2005 (DSE)*. The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

Condition – Memorandum of Common Provisions

A permit for subdivision must contain the following condition, as appropriate:

Before the issue of a statement of compliance for the subdivision or stage of subdivision under the *Subdivision Act 1988*, a Memorandum of Common Provisions must be submitted to and approved by the responsible authority.

The Memorandum of Common Provisions must implement the Residential Design Controls as set out in Table 2 of the *Spring Creek Precinct Structure Plan*.

An application must be made to the Registrar of Titles to have the Memorandum of Common Provisions registered on the title of each lot pursuant to section 181 of the *Subdivision Act 1988* which provides that on each lot to be created, buildings must be constructed only in accordance with the Memorandum of Common Provisions.

Condition – Functional Layout Plans

A permit for subdivision must contain the following condition:

Before the certification of a plan of subdivision under the *Subdivision Act 1988*, functional layout plans of the road network for the subdivision or the stage of subdivision must be submitted to and approved by the responsible authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The functional layout plans must be generally in accordance with the application plans but show the following, as appropriate:

- Road pavements and verges
- Underground services
- Intersection devices
- Driveways and crossovers
- Shared, pedestrian and bicycle paths
- Street lights
- Street trees
- Any trees proposed to be removed or retained
- Bus stops
- On-street parking spaces

A typical cross section of each street must also be submitted showing above and below ground placement of services, street lights and trees.

The plans and cross sections must demonstrate how services, driveways and street lights will be placed so as to achieve the required road reserve width (consistent with the road cross sections in the *Spring Creek Precinct Structure Plan*) and accommodate the minimum level of street tree planting requirements. The plan and cross sections must nominate which services will be placed under footpaths or road pavement, as relevant.

The plans and cross sections are to be to the satisfaction of the responsible authority and all relevant service authorities.

5.0 Exemption from notice and review

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None specified.

6.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the use, subdivision or development is consistent with the *Spring Creek Precinct Structure Plan*.
- Whether the use, subdivision or development is consistent with the *Spring Creek Native Vegetation Precinct Plan*.
- Whether the use, subdivision or development is consistent with any applicable Development Contributions Plan.
- Whether an application for land within the Neighbourhood Centre is consistent with any approved Concept Plan.

Before deciding on an application to use land for retail premises on land identified within the Neighbourhood Centre, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future activity centres within Torquay-Jan Juc, in particular the Torquay Town Centre.

Before deciding on an application to construct or extend a building greater than 7.5 metres in height, the responsible authority must consider:

- Whether a building height over 7.5 metres is reasonable due to the physical constraints of the site.
- Whether the building has been designed to step down the slope on steep sites to reduce building height and reduce the appearance of visual bulk.
- Whether the extent of building that exceeds a height of 7.5 metres above natural ground level is appropriate.
- Whether the height of a building will cause the building to be visually prominent within the landscape or when viewed from adjoining properties.
- Whether the landscaping of the site will soften the appearance of the building in the landscape and from adjoining properties.
- How the building height contributes to the visual appearance of building scale and bulk.

7.0 Advertising signs

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Advertising sign requirements are at Clause 52.05. All land is in Category 3.