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SCHEDULE 1 TO THE URBAN GROWTH ZONE

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

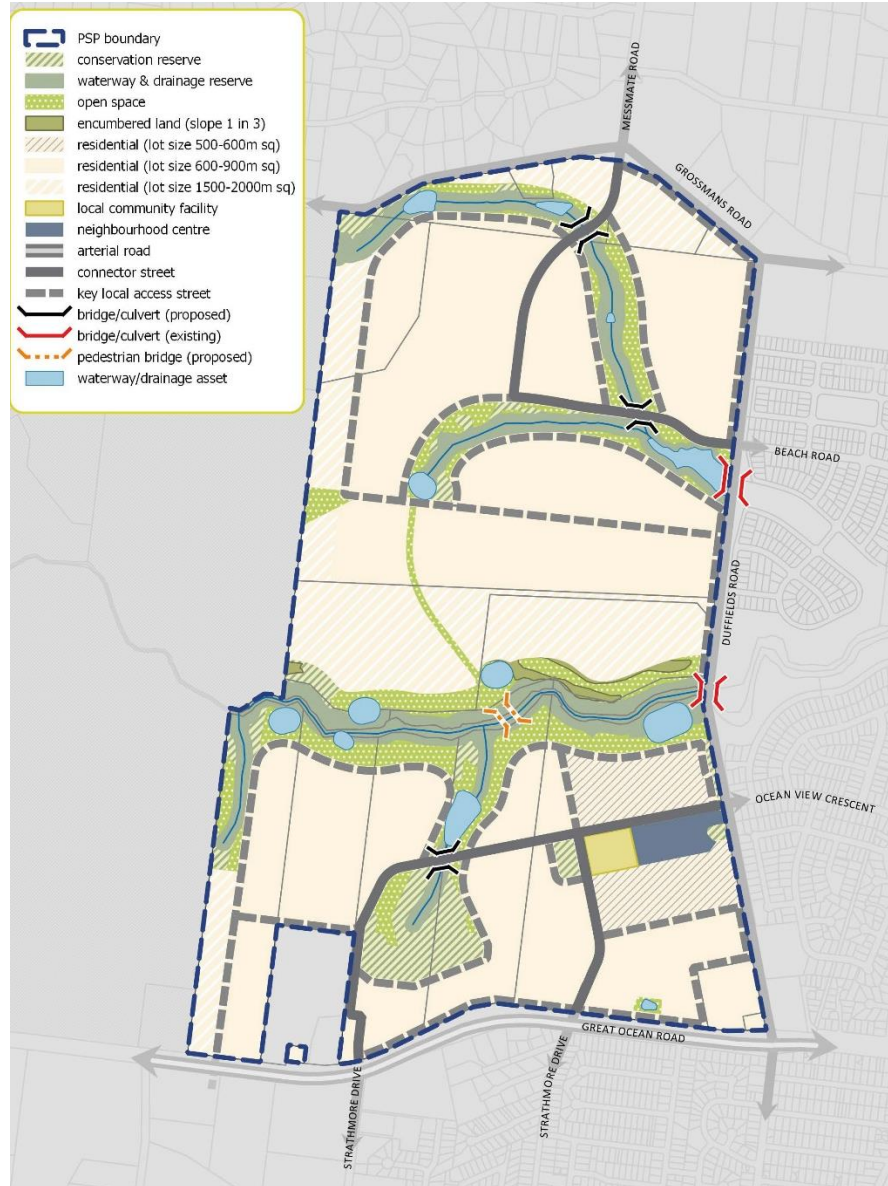
SPRING CREEK PRECINCT STRUCTURE PLAN

1.0 The Plan

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

Map 1 to Schedule 1 to Clause 37.07



2.0 Use and development

2.1 The Land

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The provisions specified in this schedule apply to land in the Spring Creek Precinct as shown on Map 1 and shown as UGZ1 on the planning scheme map.

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, the construction of a building and the construction or carrying out of works, by reference to Map 1 of this schedule.

Table 1: Applied zone provisions

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
Neighbourhood centre	Clause 34.01 – Commercial 1 Zone
Conservation reserve	Clause 36.03 – Public Conservation and Resource Zone
Open space Waterway & drainage reserve	Clause 36.02 – Public Park and Recreation Zone
All other land	Clause 32.08 – General Residential Zone-Schedule 1

2.3 Reference to a planning scheme zone is a reference to an applied zone

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A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The General Residential Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'

2.4 Specific provisions – Use and development of future public land

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A permit is not required to use or develop land shown in the *Spring Creek Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Spring Creek Precinct Structure Plan* and with the prior written consent of Surf Coast Shire Council.

2.5 Specific provisions – Use of land

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The use of land must be generally in accordance with the incorporated *Spring Creek Precinct Structure Plan*.

The following provisions apply to the use of land.

Table 2: Use

Use	Condition
In the applied General Residential Zone: Convenience restaurant Take away food premises Service station Car wash	Prohibited
Shop where the applied zone is Commercial 1 Zone	A permit is required to use the land for a shop if the combined leasable floor area of all shops exceeds 5,000 square metres.

2.6 Specific provisions - Neighbourhood Centre

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A permit must not be granted to use or subdivide land, construct a building or construct or carry out works within the land identified as the Neighbourhood Centre in the incorporated *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 incorporated *Spring Creek Precinct Structure Plan*.

A permit may be granted to subdivide land, 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 assist in achieving the objectives and the planning and design guidelines for the neighbourhood centre set out in the incorporated *Spring Creek Precinct Structure Plan*.

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

2.7 Specific provisions – Residential design controls

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The *residential design controls* in the incorporated *Spring Creek Precinct Structure Plan* must be met by a residential subdivision or a development of a dwelling on a residential lot, as relevant, 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.

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, the *residential design controls* prevail.

2.8 Specific provisions – Building heights

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

Before deciding on an application 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 has been minimised.
- 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.

2.9 Exemption from notice and review not to apply to certain applications

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An application made pursuant to Section 2.8 of this schedule is not 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.

3.0 Application requirements

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If in the opinion of the responsible authority an application requirement listed at 3.1 or 3.2 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - Residential development

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An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. In addition, the site analysis and design response must show or include the following to the satisfaction of the responsible authority:

- A written statement that explains how the subdivision meets the objectives, requirements, guidelines and residential design controls in the incorporated *Spring Creek Precinct Structure Plan*.
- 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.

An application for subdivision on land with a slope greater than 10% must also 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 subdivision on a land parcel which includes a conservation reserve must also 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

3.2 Precinct Infrastructure Plan

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An application for subdivision must be accompanied by a Precinct 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 incorporated *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;
- 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 incorporated *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.

3.3 Traffic Impact Assessment

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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.

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

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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.

3.5 Sloping land

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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 be accompanied by detailed topographical surveying, geotechnical assessment and details of any remediation works to the satisfaction of the responsible authority.

3.6 Kangaroo Management Plan

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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:
 - Plan the order of each stage of subdivision to avoid landlocking Eastern Grey Kangaroos.
 - Abut hazardous or built up areas and progress toward undeveloped areas.
 - Coordinate stages with adjacent subdivision applications, where relevant.
 - Consider exit routes for Eastern Grey Kangaroos (such as nearby roads, fences, gates and quarries, gaps between development and open space, and creek lines).
 - Include an explanation on how the subdivision will be staged to minimise the risk of Eastern Grey Kangaroos being landlocked, including estimated dates for each stage, as part of the ‘design/management response’ statement.
- 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.

3.7 Subdivision – Functional Layout Plans

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An application for subdivision must be accompanied by functional layout plans of the road network showing the location of all:

- Road pavements and verges
- Underground services
- Intersection devices
- Driveways and crossovers
- Shared, pedestrian and bicycle paths
- Street lights
- Street trees
- 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.

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 incorporated *Spring Creek Precinct Structure Plan* and *Spring Creek Native Vegetation Precinct Plan*.

4.1 Condition - Development Contributions

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 incorporated *Spring Creek Precinct Structure Plan*.

The agreement must include requirements to provide those development contributions that the responsible authority is satisfied are necessary to be provided on or to the land or on other land as a result of the development of the land subject of the application or to ensure the orderly and proper development of the Spring Creek Precinct.

4.2 Condition - Subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage

Open space, conservation reserves and community facilities

Land identified as open space, conservation reserve or community facilities as set out in the incorporated *Spring Creek Precinct Structure Plan* must be transferred to or vested in Council at no cost to Council unless funded by an applicable Development Contributions Plan.

Road widening

Apart from land affected by a Public Acquisition Overlay, land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be transferred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by an applicable Development Contributions Plan.

Drainage

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 9 of the incorporated *Spring Creek Precinct Structure Plan*.

4.3 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).

4.4 Public transport

Any permit for subdivision must contain the following condition:

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.

4.5 Construction management

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Before the works start, a Construction Environment 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 include whether the development involves the removal of any trees. Where trees are identified for removal, the plan must also address:

- Prior to the removal, lopping or destruction of a tree/s, the examination of the tree/s 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.

4.6 Condition - Use or develop land for a sensitive purpose for land at 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road

Before a plan subdivision is certified under the Subdivision Act 1988, the recommendations of the Phase 2 Environmental Site Assessment submitted with an application for land at 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road, 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 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.

4.7 Restrictions

Prior to the Certification of the Plan of Subdivision, a Memorandum of Common Provisions must be placed on the Plan of Subdivision for all residential lots to the satisfaction of the responsible authority. The restriction must include reference to relevant residential design guidelines within the *Spring Creek Precinct Structure Plan*.

Applications must be made to the Registrar of Titles to have the Memorandum of Common Provisions registered on title to the land under 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.

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Advertising signs

The advertising category is category 3 .

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750 millimetres from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

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Decision guidelines

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

- Whether the use or development is consistent with the incorporated *Spring Creek Precinct Structure Plan, 2016*.
- Whether the use or development is consistent with the incorporated *Spring Creek Native Vegetation Precinct Plan, 2016*.
- Whether the use 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.