13/12/2012
C258

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ1.**

THIRTEENTH BEACH RESORT

Land

1662-1770 Barwon Heads Road, Barwon Heads.

Purpose

To provide for the development and use of an integrated golf and recreational tourist resort with conference and accommodation facilities.

To ensure that use and development is in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.

To ensure that the development of the land within the zone is undertaken and staged in an orderly manner.

To ensure that the development of land does not prejudice the amenity of the surrounding area.

To ensure that the land is developed in an orderly manner.

To ensure the development and use of land east of Lings Road reinforces the non-urban break between the Barwon Heads township and the Thirteenth Beach Resort.

1.0 Table of uses

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Section 1 - Permit not required

Use	Condition
Agriculture (other than animal keeping, greyhound training and intensive animal husbandry)	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.
Car park	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan. Must be in association with a use in the zone.
Dwelling	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan. Must not exceed two storeys Any attic to have a maximum height of 10 metres above ground level May only be developed in conjunction with a golf course.

USE	CONDITION
Exhibition centre	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.
Food and drink premises (other than convenience restaurant)	
Function centre	
Golf course	
Golf driving range	
Hall	
Home occupation	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan. Must meet the conditions of Clause 52.11.
Hotel	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.
Minor sports and recreation facility (other than paintball games, pleasure park and zoo)	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.
Minor utility installation	
Office	Must be in accordance with the Thirteenth Beach Resort Comprehensive Development Plan. Must be associated with the management of the land and uses conducted within the Zone.
Residential building	Must not exceed two storeys. Attics to have a maximum height of 10 metres above ground level. May only be developed in conjunction with a golf course.
Restaurant	Must be in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.
Restricted place of assembly	
Shop (other than adult sex bookshop and restricted retail premises)	Must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan. Leasable floor area for all shops must not exceed 1000 square metres. May only be provided for resort retailing.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Utility installation (other than minor utility installation)	

Section 3 - Prohibited

Use
Adult sex book shop
Convenience restaurant
Paintball games
Pleasure park
Restricted retail premises
Zoo
Any use not in Sections 1 or 2.

2.0 Use of land

21/06/2007 C54

Use of land must be generally in accordance with the Thirteenth Beach Resort Comprehensive Development Plan.

The use of land must not adversely affect the amenity of the neighbourhood, through:

- any events or functions held on the site;
- traffic and car parking generated by the use;
- the transport of materials or goods to or from the land;
- the appearance of any building, works or materials;
- noise generated by the use.

3.0 Buildings and works

21/06/2007 C54

Permit Requirement

A permit is required to construct a building or construct or carry out works. This does not apply to buildings or works associated with a single dwelling.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by a plan(s) drawn to scale which shows the following information:

- the boundaries and dimensions of the site;
- adjoining roads;
- relevant ground levels;
- the layout of existing and proposed buildings and works (including dimensions and floor areas);
- driveways and vehicle parking and loading areas;
- landscape areas and their proposed treatment;
- external storage and waste treatment areas;
- the purpose or purposes for which buildings are intended to be used.
- elevation drawings to scale which show the finishes, materials and colour of all buildings and works;

- construction details of all drainage works, driveways and vehicle parking and loading areas;
- the location and staging of road works to be undertaken either by dates or stages;
- the stages by which development of the land is proposed to proceed;
- the date by which it is proposed that the development of each stage will commence and the date by which the development of each stage will be completed;
- an assessment of the visual impact of the proposed development when viewed from Barwon Heads Road and Thirteenth Beach Road;
- the proposed internal road layout pattern and traffic management measures;
- the location and nature of all riding trails within the Resort;
- the provision of all necessary infrastructure;
- provision for controlled and limited integration with the coastal foreshore reserve to shown on the Thirteenth Beach Comprehensive Development Plan;
- the means by which pedestrian access to Murtnaghurt Lagoon to the east of the Resort will be controlled;
- the means by which emergency vehicular access through the foreshore to the surf lifesaving club and Thirteenth Beach to the south of the Resort will be provided and controlled;
- access to surrounding roads;
  - the separation of pedestrian and vehicular traffic movements;
  - an Open Space Management Plan for the control and maintenance of all open space;
  - a Servicing Management Plan for the provision of a reticulated water supply and the treatment and disposal of all wastewater and drainage water.

Open space management plan

The Open Space Management Plan must:

- show areas of open space that will be available to the public;
- show areas of open space that will not be available to the public;
- show by plan/s and elevation/s any open space that will be part of any buildings;
- specify times when public areas will be available to the public and how it is intended to ensure these areas will be available at those times;
- set out the methods by which public areas will be permanently managed and maintained;
- include a landscape management plan for all public and non-public areas incorporating provision for irrigation works and indicating proposed plant species;
- if land is to be developed in stages, show the area that will be available as open space at the completion of each stage;
- show provision for controlled and limited integration with the coastal Development Plan;
- show the means by which pedestrian access to Murtnaghurt Lagoon to the east of the Zone will be controlled; and

- show the means by which emergency vehicular access through the foreshore to the surf lifesaving club and Thirteenth Beach to the south of the Zone will be provided and controlled.

Servicing management plan

The Servicing Management Plan must:

- include all works proposed and measures by which wastewater will be collected, treated and re-used on site or discharged to a reticulated system;
- incorporate any requirements of the Environment Protection Authority and Barwon Water.

Stage B - Environmental and Landscape Management Plan

Prior to commencement of development on land shown as Stage B on the Thirteenth Beach Comprehensive Development Plan, an Environmental and Landscape Masterplan must be submitted to and be approved by the responsible authority. Such Plan must;

- provide a list of indigenous native species to be used for revegetation throughout the development plan area;
- provide details of the proposed treatment of the water body and means by which it will be protected and enhanced as a habitat for waterbirds;
- provide the methodology for identifying any existing mature trees to be removed as part of the development along the Barwon Heads Road frontage and the proposed replacement of similar sized trees (at maturity) so as to maintain a well screened canopy from Barwon Heads Road;
- provide for the use of water sensitive urban design; and
- provide details of the means of addressing interface issues with properties to the west including the management of any pest plants and animals.

Exemptions

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) the appeal rights of Section 82(1) of the Act.

Decision guidelines

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

- whether the proposed buildings and works meet the objectives of this zone and are consistent with orderly and proper planning;
- whether the proposed buildings and works are in accordance with the Thirteenth Beach Resort Comprehensive Development Plan;
- whether the proposed design of buildings and works is appropriate in the context of surrounding development and local environment;
- whether the proposal provides for a pedestrian link to adjoining public open space and the foreshore for resort patrons, residents and guests;
- whether an acceptable open space design is provided including furniture, lighting and landscaping;

- whether a satisfactory solution is provided for the disposal and treatment of waste water;
- whether appropriate bus and taxi parking is provided;
- whether adequate and efficient access/egress points are provided to the site; and
- whether acceptable arrangements have been provided for the maintenance, upkeep and cleanliness of public open space areas.

4.0 Section 173 Agreements

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Prior to the issue of any permit for the subdivision or development of any land shown as Stage B on the Thirteenth Beach Comprehensive Development Plan, a Section 173 Agreement must be entered into between the owner and the Council which provides for:-

- The bulk earthworks and the initial phase of planting around the golf academy and the main construction of the golf holes and driving range to be completed prior to the release of any golf villa lots in that stage.
- Eight bedrooms, to allow accommodation for at least 16 people, forming the first stage of the Boutique Golf Lodge Accommodation to be completed by the time 50% of the golf villa lots are released for sale.
- The Golfing Academy to be operational by the time 75% of the approved golf villas lots are released for sale.
- A further six bedrooms, to allow accommodation for at least a further 12 people, within the Boutique Golf Lodge Accommodation, to be completed by the time the next 25% of the golf villa lots are released for sale.
- The final stage of the Boutique Golf Lodge Accommodation to allow accommodation for a total of up to 32 people to be completed within 12 months of the final golf villa lot being released for sale.
- For the land identified for golf villas:
  - The maximum number of golf villas lots must not to exceed 130;
  - The minimum lot size for any golf villa lot to be 700sqm, and
  - No golf villa lot to be developed for a hotel/motel or conference facility.