

07/08/2014  
C310

**SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ3**.

**ARMSTRONG CREEK WEST PRECINCT STRUCTURE PLAN SEPTEMBER 2012**

**1.0**

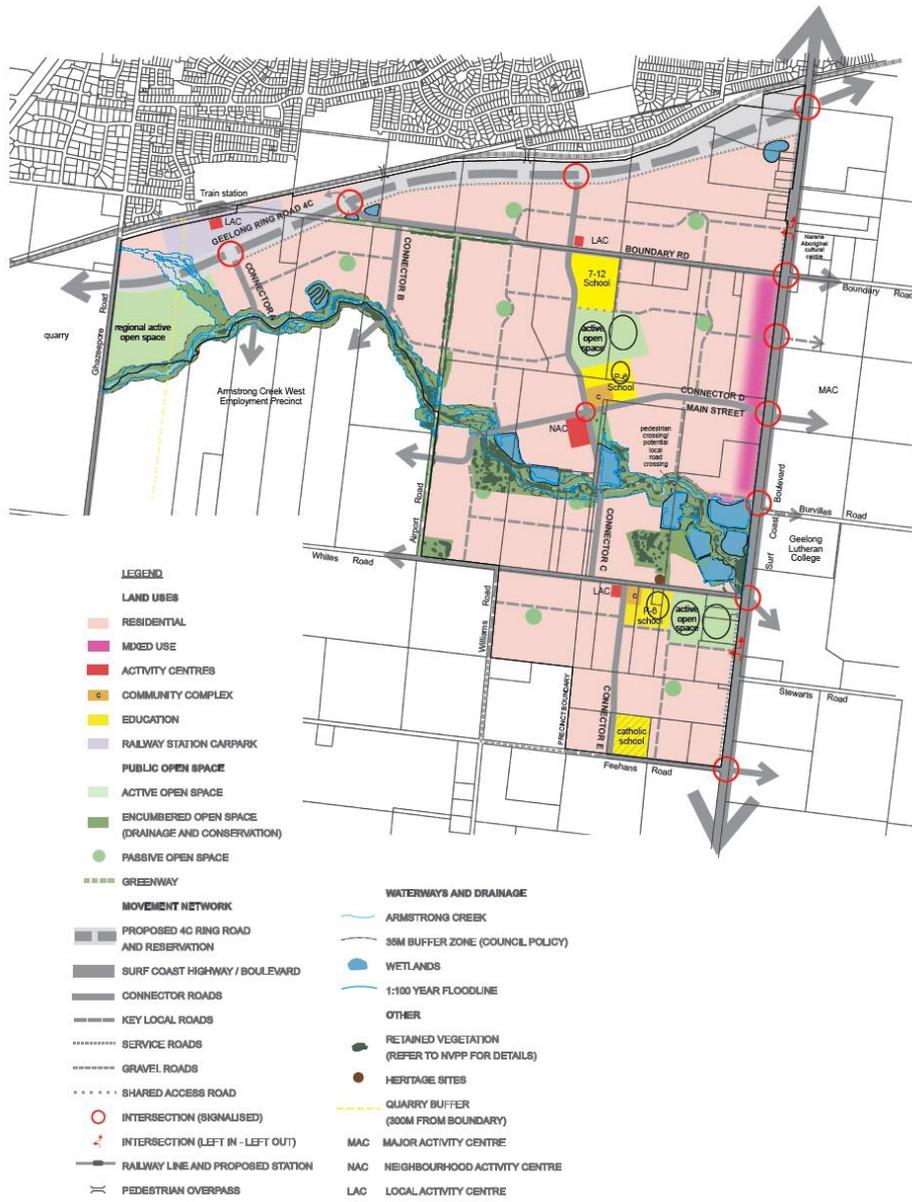
07/12/2020  
C396ggee

**The Plan**

Plan 1 shows the future urban structure outlined in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012).

**Plan 1 to Schedule 3 to Clause 37.07**

**Armstrong Creek West Precinct Structure Plan**



**2.0**

07/08/2014  
C310

**Use and development**

**2.1**

07/12/2020  
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**The Land**

The provisions specified in this schedule only apply to land in the Armstrong Creek West Precinct (Plan 1) that is zoned UGZ.

**2.2**

07/12/2020  
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**Applied zone provisions**

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
Residential	Clause 32.08 - General Residential Zone (Schedule 1)
Mixed use	Clause 32.04 - Mixed Use Zone
Activity Centre - Neighbourhood Activity (NAC)	Clause 34.01 - Commercial 1 Zone
Activity Centre - Local Activity (LAC)	Clause 34.01 - Commercial 1 Zone
Community complex	Clause 32.04 - Mixed Use Zone
Education	Clause 32.01 - Commercial 1 Zone
Active open space	Clause 36.02 - Public Park and Recreation Zone
Passive open space	Clause 36.02 - Public Park and Recreation Zone
Encumbered open space (drainage and conservation)	Clause 36.02 - Public Park and Recreation Zone
Armstrong Creek watercourse and floodway	Clause 36.02 - Public Park and Recreation Zone
Wetlands	Clause 36.02 - Public Park and Recreation Zone

The precise boundary of the Commercial 1 Zone for local activity centres will be determined by the designation of land in a relevant plan of subdivision as a local centre to the satisfaction of the Responsible Authority.

The precise boundary of the Commercial 1 Zone for neighbourhood activity centres will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority and as informed by the Urban Design Framework approved by the Responsible Authority.

The precise boundary of the Mixed Use Zone will be determined by the designation of land in a relevant plan of subdivision as a mixed use area to the satisfaction of the Responsible Authority and as informed by the Urban Design Framework approved by the Responsible Authority.

The precise boundary of the Public Park and Recreation Zone will be determined by the Landscape Masterplan, approved as a condition of permit for subdivision.

**2.3**

07/12/2020  
C396ggee

**Specific provisions – Use of land**

The following provisions apply to the use of land.

**Table 2: Use**

Use	Condition
<b>Display home on land shown as residential or mixed use in Plan 1 of this schedule</b>	Despite any requirement under Clause 52.06, car parking must be provided to the satisfaction of the Responsible Authority.
<b>Restaurant/Food and drink premises (Cafe)</b>	The land identified within the Mixed Use area as 'potential restaurant/café and/or 'temporary real estate office' on Plan 10 in the <i>Armstrong Creek West Precinct Structure Plan</i> (September
<b>Real estate agency office (temporary)</b>	

Use	Condition
	2012) may, subject to a permit, be used and developed for the purposes of restaurant, café and/or temporary real estate agency office.

**2.4 Specific provisions – Subdivision**

None specified.

**2.5 Specific provisions - Buildings and works**

07/12/2020  
C396ggee

A permit is not required for the construction or carrying out of buildings and works associated with a display home on a lot over 300 square metres.

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code.

**2.6 Specific provisions - Resolution of doubt**

07/12/2020  
C396ggee

If any doubt arises as to whether a provision specified in this schedule applies to land, a permit may be granted for any use or development if the Responsible Authority is satisfied that the use or development is generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan*(September 2012).

**2.7 Specific provisions – Provision of reticulated recycled water**

07/12/2020  
C396ggee

All newly created lots and buildings must be connected to a reticulated recycled water supply system for toilet flushing and garden watering. Where a reticulated recycled water supply system is not available to the building, a building must be connected to a rain water tank with a minimum capacity of 2500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the Responsible Authority.

**3.0 Application requirements**

07/12/2020  
C396ggee

An application for use, buildings and works, or subdivision must take into consideration the Phase 1 Report on Contamination and Geotechnical Opportunities and Constraints undertaken by Golder Associates (9 November 2010) for the *Armstrong Creek West Precinct*.

An application for use, buildings and works, or subdivision in areas identified in the Golder Associates report as specific areas requiring further assessment must be accompanied by an Environmental Assessment in areas proposed for a sensitive use (public open space, residential use, child care centre, pre-school centre or primary school), to the satisfaction of the Responsible Authority. If the Responsible Authority is satisfied that this requirement is not relevant to the assessment of the application, it may waive or reduce the requirement.

An Environmental Assessment must include assessment of the land by a suitably qualified environmental professional detailing the level and location of any contamination. This assessment is to be peer reviewed by a suitably qualified environmental professional approved by Council. If the Responsible Authority is satisfied that significant levels of contamination have been found:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environmental Protection Act 1970*, or
- An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of the *Environmental Protection Act 1970* that the environmental condition of the land are suitable for the sensitive use.

### **Activity Centres**

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within land identified as the Armstrong Creek West Precinct Neighbourhood Activity Centre and land identified as the Armstrong Creek West Precinct Train Station Local Activity Centre in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012), until an urban design framework has been prepared for these centres to the satisfaction of the Responsible Authority.

Unless the Responsible Authority agrees otherwise, the urban design framework must address all of the land in the Armstrong Creek West Precinct Neighbourhood Activity Centre and the Armstrong Creek West Precinct Train Station Local Activity Centre and must be generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan* and must address and respond to Section 4.5 and Appendix 6 of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) and any other relevant part of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) as appropriate.

A permit may be granted for the use or subdivision of land, to construct a building or construct and carry out works prior to approval of an urban design framework for the Armstrong Creek West Precinct Neighbourhood Activity Centre and the Armstrong Creek West Precinct Train Station Local Activity Centre if, in the opinion of the Responsible Authority, the granting of the permit will assist in achieving the objectives, the relevant planning and design guidelines and provisions of Appendix 6 for the Neighbourhood Activity Centre set out in the incorporated Armstrong Creek West Precinct Structure Plan.

The urban design framework may be amended to the satisfaction of the Responsible Authority.

### **Mixed Use Area West of Surf Coast Highway**

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the mixed use area west of Surf Coast Highway in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) until an urban design framework for the mixed use area has been prepared to the satisfaction of the Responsible Authority.

The urban design framework for the mixed use area west of the Surf Coast Highway must be generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) and must address and respond to Section 4.5 of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) and any other relevant part of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) as appropriate.

A permit may be granted for the use or subdivision of land or to construct a building or construct and carry out works prior to approval of an urban design framework 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 mixed use area west of Surf Coast Highway set out in the incorporated precinct structure plan.

The urban design framework may be amended to the satisfaction of the Responsible Authority.

### **Subdivision**

#### **Site analysis**

An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. The site analysis must address or provide the following to the satisfaction of the Responsible Authority:

- A summary of relevant background technical reports previously prepared for the *Armstrong Creek West Precinct*.
- A consolidated site analysis plan in digital and hard copy format that depicts all relevant site analysis information.

### Design response

The design response must address or provide the following to the satisfaction of the Responsible Authority:

- A written statement that explains how the subdivision meets the objectives and planning and design guidelines for the *Image and Character* and *Subdivision and Housing* elements of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012).
- A Density Strategy which applies to the entire land holdings of an applicant and demonstrates that the proposed subdivision achieves the density targets set out in the *Armstrong Creek West Precinct Structure Plan*. The Density Strategy should include a table which identifies the net developable residential area, the number of lots proposed, the average lot size as well as the overall density achieved. The Density Strategy should also consider and respond to any already approved Density Strategies as part of other subdivisions within the *Armstrong Creek West Precinct Structure Plan* (September 2012) area.
- 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.
- Where appropriate, the location of proposed planned community infrastructure, public open space areas and their recreation function.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of springs on the development and the impact of the development on drainage.
- An assessment against the ‘three step approach’ (avoid, minimise and offset) pursuant to the Native Vegetation Management Framework for all vegetation identified as ‘practical retention trees’ in Appendix B of the *Armstrong Creek West Native Vegetation Precinct Plan*.

If the Responsible Authority is satisfied that an application requirement is not relevant to the assessment of an application, the Responsible Authority may waive any of the above requirements.

An application must be accompanied by a Precinct Infrastructure Plan which addresses the following:

- the provision, staging and timing of stormwater drainage works.
- 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.
- the provision of public open space and land for any community facilities.
- what, if any, infrastructure set out in the *Armstrong Creek West Development Contributions Plan* is sought to be provided as “works in lieu” subject to the consent of the collecting agency.
- any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

## 4.0

07/08/2014  
C310

### Notice of an application

Notice of any application for a permit affecting land identified by the *Armstrong Creek West Native Vegetation Precinct Plan* as an offset site must be given to the Department of Environment and Primary Industries pursuant to Section 52(1)(d) of the *Planning and Environment Act 1987*.

**5.0**07/08/2014  
C310**Referral of an application**

An application for the removal of vegetation identified as ‘retained vegetation’ in the *Armstrong Creek West Native Vegetation Precinct Plan* must be referred to the Department of Environment and Primary Industries pursuant to Section 55 of the *Planning and Environment Act*.

Any application relating to land that is shown to be subject to flooding in a 1 in 100 year event as detailed on Plan 19 (Flood boundary for existing conditions Q100) in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) must be referred to the relevant Catchment Management Authority.

**6.0**07/08/2014  
C310**Conditions and requirements for permits****General Requirements**

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Armstrong Creek West Precinct Structure Plan* (September 2012) and the *Armstrong Creek West Native Vegetation Precinct Plan* are implemented as part of the planning permit or the plans endorsed under the planning permit.

**Requirements for Neighbourhood Activity Centre and Mixed Use Area along Surf Coast Highway**

The subdivision, development or use of the Neighbourhood Activity Centre or Mixed Use Area along Surf Coast Highway must be generally in accordance with the relevant Urban Design Framework approved by the Responsible Authority.

**Requirements for implementation of Environmental Assessments**

If a statement by an environmental auditor is provided rather than a certificate of environmental audit, and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, those conditions must be inserted as conditions of permit and must be implemented to the satisfaction of the Responsible Authority.

**Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres**

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the Responsible Authority, which identifies the lots that will include a restriction which reads “The construction or extension of a dwelling on lots identified on this plan must be assessed for compliance against the Small Lot Housing Code”. This restriction must also be shown on the plan of subdivision submitted for certification to the satisfaction of the Responsible Authority.

**6.1**07/03/2013  
C240**Conditions for subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage****Public open space and community facilities**

Land identified as public open space or community facilities in the incorporated *Armstrong Creek West Precinct Structure Plan* and specified on Plan 3 - Urban Structure Plan and in Table 1 -Land Use Budget in the incorporated *Armstrong Creek West Development Contributions Plan* must be transferred to or vested in Council at no cost to Council unless funded by the Development Contributions Plan.

Public open space must be provided in accordance with Plan 6 Public Open Space in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012), prior to the issue of a Statement of Compliance for the relevant stage (or as otherwise agreed with the Responsible Authority). These contributions are subject to an equalisation for unencumbered open space.

Any public open space provided at the applicants request and approved by the Responsible Authority, in addition to that reflected in Plan 3 - Urban Structure Plan and Appendix 1 - Detailed Land Use Budget by Property in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012), must be transferred to or vested in Council at no cost to Council and is not subject to compensation or equalisation.

### **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 transferred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by the *Armstrong Creek West Development Contributions Plan*.

### **Drainage**

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 19 of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012).

## **7.0**

07/12/2020  
C396ggee

### **Exemption from notice and review**

None specified.

## **8.0**

07/12/2020  
C396ggee

### **Decision guidelines**

The following decision guidelines apply to an application for a permit to subdivide, use and/or develop land 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 application is generally in accordance with the *Armstrong Creek Urban Growth Plan Framework*, City of Greater Geelong, November 2008 , Updated September 2012.
- Whether the application is generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan*, September 2012 including any approved Urban Design Frameworks.
- Whether the application is generally in accordance with the incorporated *Armstrong Creek West Native Vegetation Precinct Plan*, November 2012.
- Whether the application is generally in accordance with the incorporated *Armstrong Creek West Development Contributions Plan*, February 2013.

## **9.0**

07/12/2020  
C396ggee

### **Signs**

The sign category is the category which is applicable for the relevant applied zone.

Despite the provisions of Clause 52.05, a permit may be granted to display a sign that promotes the sale of land or dwellings, whether or not the sign is located on the land for sale.

### **Education promotion signs**

Despite the provisions of Clause 52.05, a permit may be granted, for a period of no more than 5 years, to display a sign that promotes an education centre on land identified as education on Plan 1 to this Schedule.

**10.0 Background document**

*Armstrong Creek West Precinct Phase 1 Assessment Report on Contamination and Geotechnical Opportunities and Constraints, 9 November 2010*