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**SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ4**.

**ARMSTRONG CREEK HORSESHOE BEND PRECINCT STRUCTURE PLAN, SEPTEMBER 2014**

**1.0**

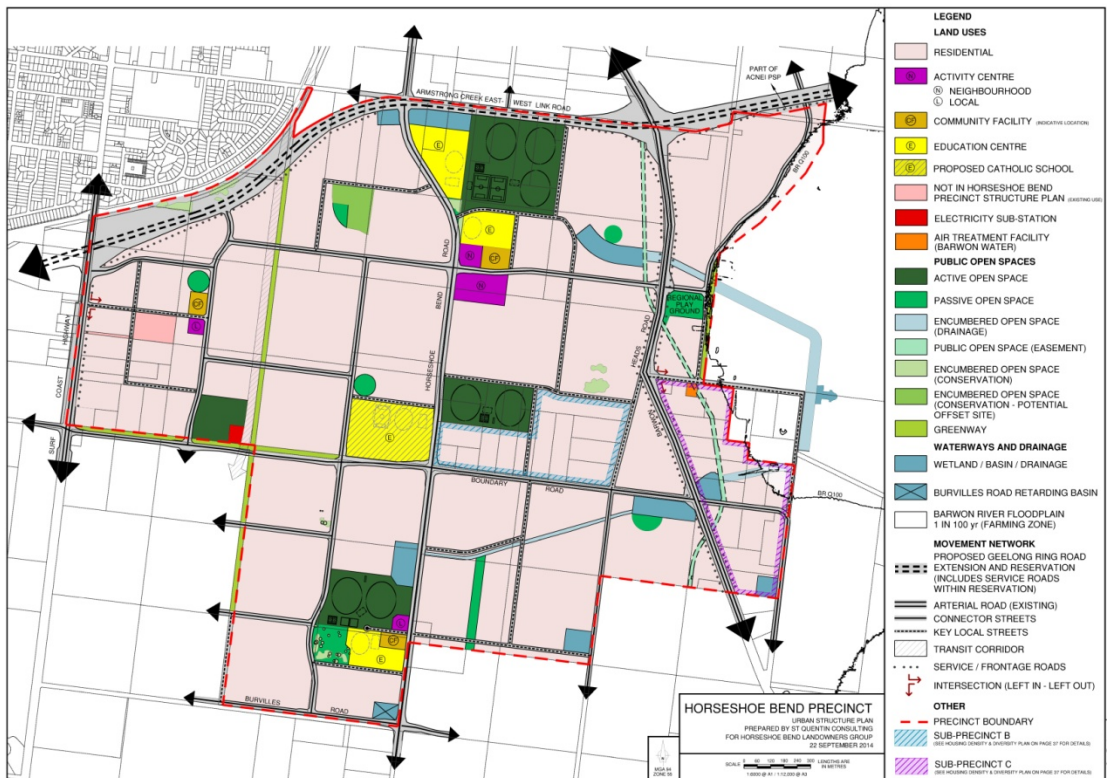
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**The Plan**

Plan 1 shows the future urban structure proposed in the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan* (September 2014)

**Plan 1 to Schedule 4 to Clause 37.07**

**Horseshoe Bend Precinct Structure Plan**



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**Use and development**

**2.1**

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**The Land**

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

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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          |
|--|----------------------------------|
| Activity Centre - Local Activity (LAC) | Clause 34.01 - Commercial 1 Zone |

|  |  |
|--|--|
| Activity Centre - Neighbourhood Activity (NAC)               | Clause 34.01 - Commercial 1 Zone                   |
| Community Facility   | Clause 32.04 - Mixed Use Zone                      |
| Education Centre or Proposed Non-Government School           | Clause 32.01 - General Residential Zone Schedule 1 |
| All types of open space, waterways and drainage and Greenway | Clause 36.02 - Public Park and Recreation Zone     |
| Residential  | Clause 32.01 - General Residential Zone Schedule 1 |

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**Specific provisions – Use of land**

The following provisions apply to the use of land.

**Table 2: Use**

| Use  | Condition  |
|--|--|
| Display home on land shown as residential in Plan 1 of this schedule | Despite any requirement under Clause 52.06, car parking must be provided to the satisfaction of the Responsible Authority. |

**2.4**

**Specific provisions – Subdivision**

None specified.

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**Buildings and works**

**3.1**

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**Display homes**

A permit is not required to construct a building or to construct or carry out work for a display home on a lot over 300 square metres.

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**Lots less than 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 incorporated Small Lot Housing Code.

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**Application requirements**

**4.1**

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**Environmental Assessment**

An application to use or subdivide land, construct a building or construct or carry out works must take into consideration the Site History Review and Limited Soil Sampling Report undertaken by Sinclair Knight Mertz (SKM – March 2012) for the Horseshoe Bend Precinct Structure Plan area.

An application to use or subdivide land, construct a building or construct or carry out work in areas identified in the SKM report as specific areas requiring further assessment must be accompanied by an Environmental Assessment if the land is proposed for a sensitive use (public open space, residential use, child care centre, pre-school centre or primary school),. 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 the Responsible Authority. 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.

## 4.2

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### Subdivision

#### Site analysis

An application 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 Horseshoe Bend 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 Horseshoe Bend Precinct Structure Plan*.
- 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 by a suitably qualified professional of the existing surface and subsurface drainage conditions on the site 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 to confirm that the application will avoid, minimise and offset loss pursuant to the *Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines* (DEPI, 2013) for all vegetation identified as ‘practical retention trees’ in the *Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area August 2014 (Amended July 2021)*.

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.

#### Precinct Infrastructure Plan

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 Horseshoe Bend 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.

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### Drainage and Floodplain Management

Any application for use or subdivide land, construct a building or construct or carry out works must demonstrate how the proposal affects, or is affected by the requirements of the Horseshoe Bend Precinct Stormwater Management Strategy (HBSWMS).

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

- Stormwater Environmental Management Plans which identify the following:
  - Flood modelling both pre and post establishment and commissioning of the Sparrovale wetland.
  - Potential waterway stability/environmental/drainage/flooding problems and constraints arising from their development proposals (including upstream or downstream impacts on existing receiving environments, waterways, land uses and assets/works) and quantify and recommend what is required to ensure compliance with best practice water management objectives.
  - Explicit details on control over stormwater sediment loads and monitoring of same during estate construction works, and demonstrate how the works comply with best practice whilst addressing high construction-era sediment loads, potential acid sulphate soils and dispersive soils management issues.
  - Identification and appraisal of potential acid sulphate and dispersive soils. This assessment is to be peer reviewed by a suitably qualified environmental professional approved by Council.

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### Referral and notice

#### 5.1

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### Native vegetation

Notice of an application that relates to land containing native vegetation identified by the *Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area, August 2014 (Amended July 2021)* as an offset site, must be given to the Department of Environment, Land, Water and Planning.

A permit application proposing the removal of vegetation identified in the *Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area, August 2014 (Amended July 2021)* as ‘retained’ vegetation must be referred to the Department of Environment, Land, Water and Planning. An application must include GIS data of the vegetation to be removed in ESRI shapefile format with the appropriate spatial attributes to the satisfaction of the Department of Environment, Land, Water and Planning.

**5.2**

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**Flooding**

An application for land that is shown to be subject to flooding in a 1 in 100 year event as detailed on Plan 18 (Flood boundary for existing conditions Q100) in the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan* must be referred to the relevant Catchment Management Authority.

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**Conditions and requirements for permits**

**6.1**

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**Requirements for provision of reticulated recycled water**

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.

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**Requirements for 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 North East Neighbourhood Activity Centre in the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan*, until an urban design framework has been prepared for this centre 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 North East Neighbourhood Activity Centre and must be generally in accordance with the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan* and must address and respond to any relevant part of the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan* as appropriate.

This does not apply 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 activity centre set out in the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan*.

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

**6.3**

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**Requirements for native vegetation**

A permit may contain a condition, or conditions as appropriate, requiring the implementation of any relevant condition as listed in Section 5 of the *Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area, August 2014 (Amended July 2021)*.

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**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.

**6.5**

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**Conditions for subdivision or development where land is required for community facilities, public open space, road widening and drainage.**

**Public open space and community facilities**

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

Public open space must be provided in accordance with Plan 3 – Urban Structure Plan in the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan*, 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 *Horseshoe Bend Precinct Structure Plan*, must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

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

### **Drainage**

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 18 and Plan 18A of the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan*.

### **Flood mitigation**

Where the development proposes interim/temporary drainage management measures that do not form part of the *Horseshoe Bend Development Contributions Plan*, and where agreed by the Responsible Authority, the development proponents are required to investigate, design, construct and fund all costs of establishment of the temporary works as may be required by relevant authorities.

A Statement of Compliance for drainage and/or flood mitigation works will be conditional on cleanout and resetting of sediment management assets and payment of ongoing maintenance and reclamation costs to the satisfaction of the Responsible Authority.

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### **Resolution of doubt**

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 in accordance with the incorporated *Horseshoe Bend Precinct Structure Plan – September 2014*.

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

None specified.

## **9.0**

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### **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 consistent with the *Armstrong Creek Urban Growth Plan*, City of Greater Geelong, May 2008 (Amended May 2010 and September 2012).
- Whether the application is consistent with the incorporated *Armstrong Creek Horseshoe Bend Precinct Structure Plan*, September 2014 including any approved Urban Design Frameworks.

- Whether the application is consistent with the incorporated *Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area, August 2014 (Amended July 2021)*
- Whether the application is consistent with the incorporate *Armstrong Creek Horseshoe Bend Development Contributions Plan, September 2014.*

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**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.

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.

**11.0**

**Background document**

*Horseshoe Bend Precinct Site History Review and Limited Soil Sampling Report (March 2012)*