

Proposed C450ggee

SCHEDULE 8 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ8.

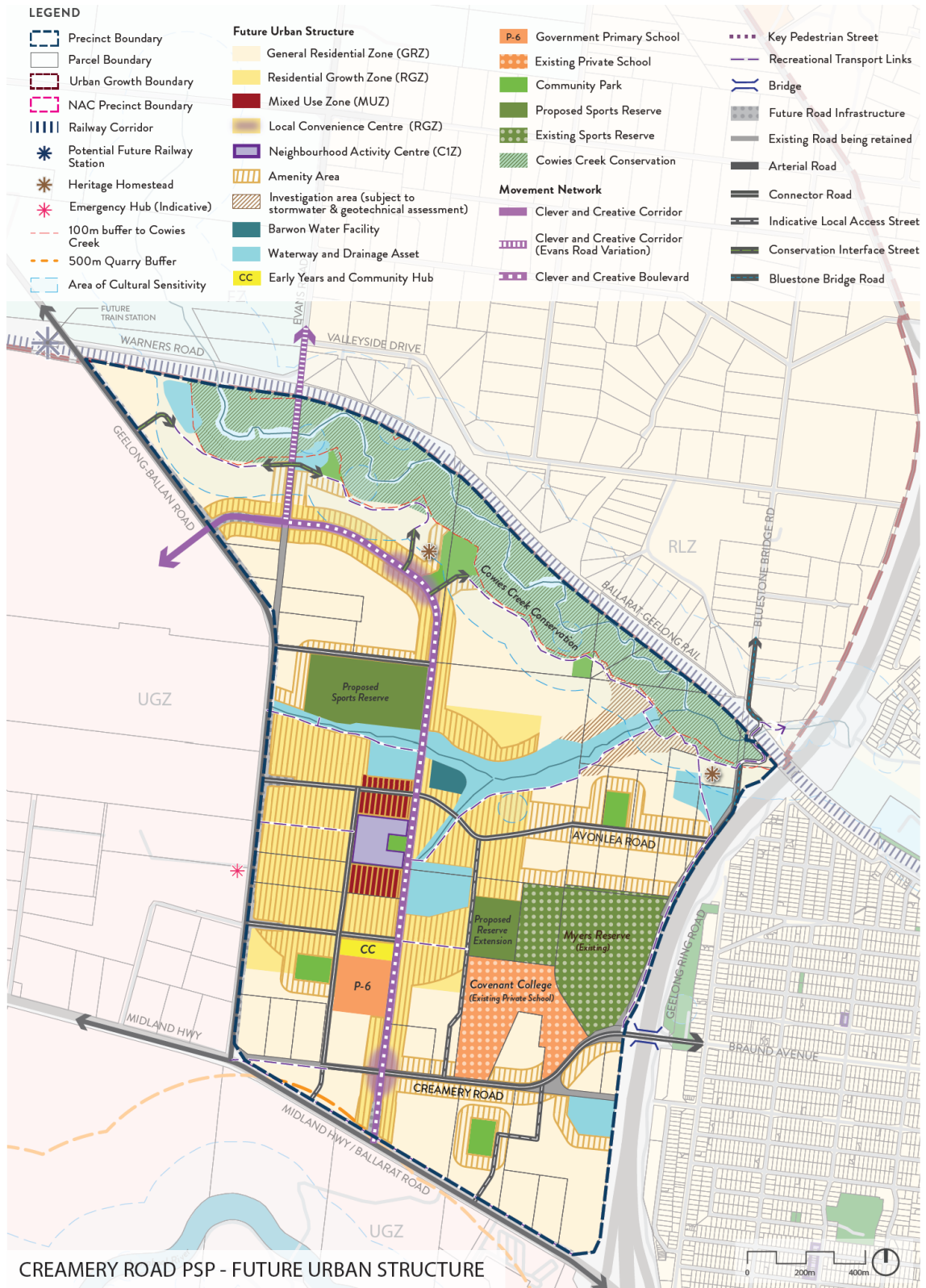
CREAMERY ROAD PRECINCT STRUCTURE PLAN

1.0

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The Plan

Plan 1 shows the future urban structure proposed in the incorporated Creamery Road Precinct Structure Plan (PSP).



2.0 Use and development

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2.1 The Land

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The provisions of this schedule only apply to the land within the Creamery Road Precinct shown on Plan 1 of this schedule and shown as UGZ8 on the planning scheme maps. This schedule must be read in conjunction with the Creamery Road PSP.

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
Mixed Use Zone	Clause 32.04 - Mixed Use Zone (MUZ)
Land shown on plan 1 of this schedule	Applied zone provisions
Residential Growth Zone	Clause 32.07 - Residential Growth Zone (RGZ1)
Local Convenience Centre	
Land shown on plan 1 of this schedule	Applied zone provisions
Neighbourhood Activity Centre	Clause 34.01 – Commercial 1 Zone (C1Z)
Land shown on plan 1 of this schedule	Applied zone provisions
Barwon Water Facility	Clause 36.01 - Public Use Zone (PUZ1)
Land shown on plan 1 of this schedule	Applied zone provisions
Proposed Government Primary School	Clause 36.01 – Public Use Zone (PUZ2)
Land shown on Plan 1 of this schedule	Applied zone provisions
Community Park	Clause 36.02 Public Park and Recreation Zone (PPRZ)
Proposed Sports Reserve	
Existing Sports Reserve	
Waterway and Drainage Asset (including online drainage)	
Land shown on plan 1 of this schedule	Applied zone provisions
Cowies Creek Conservation	Clause 36.03 - Public Conservation and Resource Zone (PCRZ)
Land shown on plan 1 of this schedule	Applied zone provisions
Clever and Creative Corridor	Clause 36.04 – Transport Zone (TRZ3)
Clever and Creative Boulevard	
Land shown on plan 1 of this schedule	Applied zone provisions
All other land	Clause 32.08 – General Residential Zone – Schedule 1 (GRZ1)

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Specific provisions – Use of land

Section 1 - Permit not required

Use	Condition
Shop (other than Adult sex product shop) where the applied zone is Commercial 1 Zone	The combined leasable floor area of all shops must not exceed 5,625 square metres.
Shop (other than Adult sex product shop) where the applied zone is Mixed Use Zone	The combined leasable floor area of all shops must not exceed 2,625 square metres.
Office	The combined leasable floor area of all offices must not exceed 1,875 square metres.
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3 of the applied zone	

Section 3 – Prohibited

Use	Condition
Accommodation Education Centre Informal outdoor recreation	Prohibited within the Quarry Buffer in the incorporated Creamery Road Precinct Structure Plan whilst the Batesford Quarry Facility continues to operate at 380-530 Ballarat Road, Batesford. Note: The Quarry Buffer may be reduced or deleted if the facility ceases operation or changes its operations and an amenity assessment report is prepared to the satisfaction of the responsible authority and Environment Protection Authority. If the facility ceases or changes its operations and the Quarry Buffer is reduced or deleted then the permit requirements of the applied zone apply to land which is no longer required to act as a buffer.
Any use listed in Section 3 in the Table of uses of the applicable applied zone.	

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Specific provisions - Subdivision

NAC Precinct Urban Design Framework

A permit must not be granted to subdivide land within the NAC Precinct area shown on Plan 11 NAC Precinct Concept Plan of the Creamery Road PSP until an Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the responsible authority.

Unless the Responsible Authority agrees otherwise, the UDF must:

- address all land in the NAC Precinct
- be generally in accordance with the Creamery Road PSP
- address and respond to Section 3.1.4 (Activity Centres & Employment) and Appendix 5 (Activity Centres) of the Creamery Road PSP.

A permit may be granted to subdivide land within the NAC Precinct prior to approval of an UDF if, in the opinion of the responsible authority, the granting of the permit will assist in achieving the design intent and design principles for the Activity Centre set out in Appendix 5 of the Creamery Road PSP.

The UDF may be amended to the satisfaction of the responsible authority.

Subdivision applications must be generally in accordance with the approved UDF.

Super Lots in Amenity Areas

For subdivision applications containing super lots within the Amenity Areas, a concept design plan and/or indicative subdivision layout must be submitted demonstrating the required dwelling yields set out within Section 3.1.2 (Housing Diversity, Density and Choice) of the Creamery Road PSP can be achieved.

Cowies Creek Conservation Area

Any proposed subdivision within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP must be generally in accordance with Plan 18 Cowies Creek Landscape Masterplan of the Creamery Road PSP and address the *WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan* (Biosis, 2024) to the satisfaction of the responsible authority.

The *WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan* (Biosis, 2024) may be amended to the satisfaction of relevant authorities.

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Specific provisions - Buildings and works

NAC Precinct Urban Design Framework

A permit must not be granted to construct a building or construct or carry out works within the NAC Precinct area shown on Plan 11 NAC Precinct Concept Plan of the Creamery Road PSP until an Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the responsible authority.

Unless the responsible authority agrees otherwise, the UDF must:

- address all land in the NAC Precinct
- be generally in accordance with the Creamery Road PSP
- address and respond to Section 3.1.4 (Activity Centres & Employment) and Appendix 5 (Activity Centres) of the Creamery Road PSP.

A permit may be granted to construct a building or construct or carry out works within the NAC Precinct prior to approval of an UDF if, in the opinion of the responsible authority, the granting of the permit will assist in achieving the design intent and design principles for the Activity Centre set out in Appendix 5 of the Creamery Road PSP.

The UDF may be amended to the satisfaction of the responsible authority.

Buildings and works applications must be generally in accordance with the approved UDF.

Dwellings on a lot 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 (Victorian Planning Authority, November 2024, or as amended) via a restriction on title, and it complies with the Small Lot Housing Code incorporated into this Scheme.

Cowies Creek Conservation Area

Any proposed development (including earthworks, paths, in-stream pools, ephemeral soaks, street furniture or other infrastructure works) within or directly adjacent to the Cowies Creek Conservation Area as shown in Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP must be generally in accordance with Plan 18 Cowies Creek Landscape Masterplan of the Creamery Road PSP and address the *WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan* (Biosis, 2024) to the satisfaction of the responsible authority.

The *WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan* (Biosis, 2024) may be amended to the satisfaction of relevant authorities.

Recycled Water

Provision of reticulated recycled water to 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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Application requirements

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.

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

Subdivision – General Subdivision

For any application to subdivide land, a subdivision design response must include to the satisfaction of the responsible authority:

- A written report that sets out how the application implements the objectives, requirements and guidelines within the Creamery Road PSP.
- A Subdivision Staging Plan which also includes the location of above-ground utilities (such as electricity substations, kiosks and sewer pumps).
- The location of proposed planned community infrastructure, public open space areas and their recreation function where appropriate.
- Integration with the existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape character.
- A Complete Streets Plan that shows:
 - Access arrangements of properties to all existing and future arterial roads;
 - Potential bus route and bus stop locations in consultation with the Department of Transport and Planning;
 - Walking catchment to activity centres, which nominate transport stops, open space areas, schools and community facilities;
 - Cross sections in accordance with Appendix 3 of the Creamery Road PSP.
- A land use budget table utilising the same format and methodology as the Creamery Road PSP, identifying the amount of land allocated to the proposed uses, net developable area, number of lots, average lot size, expected population, overall density achieved, employment yield and whether a variation is sought.

- A response to the Creamery Road Native Vegetation Precinct Plan (NVPP).
- A Canopy Cover Plan that demonstrates that a proposal meets the localised minimum canopy coverage stipulated in Table 12 Canopy Coverage Requirement by Land Use of the Creamery Road PSP. Upon request, tree location and species data should be made available in a GIS or vector format.
- An application for subdivision of land for more than 10 lots must be accompanied by a Bushfire Management Plan. The Bushfire Management Plan must address the identified bushfire risk during, and where necessary after, construction, and be approved by the responsible authority. The plan must specify:
 - The location of bushfire hazard areas;
 - Retained and proposed canopy trees;
 - Details of bushfire protection measures required for individual lots, including separation distances in accordance with AS3959-2018 (or as amended) to achieve a BAL-12.5 construction standard;
 - The staging of development and the likely bushfire risks at each stage;
 - Details of vegetation management during subdivision and of super lots after subdivision to be undertaken to reduce the risk of fire;
 - Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to completion of this PSP; and
 - How the proposal complies with the relevant PSP requirements.
- An Integrated Water Management Plan (IWMP) that:
 - Responds to the requirements and guidelines of Chapter 3.5 Integrated Water Management, and to the relevant requirements and guidelines of Chapter 2.8 Delivery, in the Creamery Road PSP;
 - Assesses the existing surface and subsurface drainage conditions on the site;
 - Addresses the provision, staging and timing of stormwater drainage infrastructure.

Affordable Housing

An application for buildings and works for residential or mixed-use purposes or to subdivide land into three or more residential lots, must include to the satisfaction of the responsible authority a written statement outlining how the proposal can contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms. It should respond to the relevant guidelines in Section 3.1.2 (Housing Diversity, Density and Choice) of the Creamery Road PSP.

Sustainable Development

An application to subdivide land into ten or more lots, or for buildings and works, must include the below, where relevant, to the satisfaction of the responsible authority:

- Residential ESD Design Guidelines in accordance with Section 3.1.2 (Housing Diversity, Density & Choice) of the Creamery Road PSP.
- A Zero Carbon Operational Energy Plan in accordance with Section 3.3.1 (Sustainable Energy & Zero Carbon) of the Creamery Road PSP.
- A Circular Economy Plan which demonstrates how the proposal responds to Section 3.7 (Circular Economy) of the Creamery Road PSP.
- A response to any other relevant sustainable development provision of the Creamery Road PSP.

Public Infrastructure Plan

An application to use or subdivide land, construct a building, or construct or carry out works must be accompanied by a Public Infrastructure Plan which addresses the following, to the satisfaction of the responsible authority:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing and delivery of stormwater drainage works, road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the incorporated Creamery Road Development Contributions Plan (DCP) applying to the land is sought to be provided as “works in kind” subject to the consent of the collecting agency;
- The landscaping of any land;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Existing conditions plan

Applications for the development of a shop and/or office with a leasable floor area of 250 square metres or more within the NAC Precinct or Local Convenience Centres must submit a floor plan or written report detailing the existing and proposed leasable floor space of existing shops and/or office floor space within the entire precinct. The plan/report must outline whether the proposal exceeds the amount listed in Table 6 Neighbourhood Activity Centre of the Creamery Road PSP.

Preliminary Risk Screen Assessment

Unless otherwise approved in writing by the responsible authority, an application to use or subdivide land, construct a building, or construct or carry out works for or associated with a new sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, children’s playground, and secondary school) must be accompanied by either:

- a) a Preliminary Risk Screen Assessment Statement in accordance with the *Environment Protection Act 2017*, stating that an environmental audit is not required for the proposal; or
- b) An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposed use or development if the recommendations made in the statement are complied with.

Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person (with the costs borne by the applicant) to the satisfaction of the responsible authority.

Note:

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the *Environment Protection Act 2017* or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

Preliminary Site Investigation

An application to use or subdivide land, construct a building, or construct or carry out works for a non-sensitive use must be accompanied by a Preliminary Site Investigation prepared by a suitably qualified person. The assessment must be issued stating whether or not a Preliminary Risk Screen Assessment or environmental audit is required for the application.

Traffic Impact Assessment Report

An application that proposes to create or change access to any road in a TR2Z or TR3Z 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 the responsible authority and the Department of Transport and Planning, as relevant.

Acoustic Report

An application to use or subdivide land, construct a building, or construct or carry out works for accommodation, child care centre, kindergarten or education centre (other than Tertiary institution and Employment training centre) must be accompanied by an Acoustic Assessment report, prepared by a qualified acoustic engineer or other suitably qualified person to the satisfaction of the responsible authority. The report must:

- Address the Creamery Road PSP Acoustic Assessment and provide suitable recommendations to ensure the following internal noise levels are met:
 - For bedrooms a maximum noise level of 55 (65 for freight) dB LA_{max} or equivalent noise level of 35 dB LA_{eq,8h} from 10pm to 6am;
 - For other habitable rooms a maximum noise level of 60 (70 for freight) dB LA_{max} or equivalent noise level of 40 dB LA_{eq,16h} from 6am to 10pm;
 - For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
- Assess noise levels:
 - Considering the cumulative noise from all sources impacting on the proposal including industry and road traffic, as well as potential other potential noise sources; and
 - Considering the existing and likely future noise levels associated with the expansion of surrounding roads, and;
 - In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
 - Include recommendations for any noise attenuation measures required to meet the applicable noise level objectives, consistent with Clause 13.05-1S and the Creamery Road PSP Acoustic Report, and which can be implemented through subdivision with measures such as land use separation, appropriate setback distances, use of barriers, and orientation and positioning of lots so that private open space is shielded from noise from the railway line and arterial roads.
- Include additional considerations, where relevant, to address:
 - potential noise character (tonality, impulsiveness or intermittency);
 - noise with high energy in the low frequency range;
 - vibration; and,
 - transient or variable noise.

Recommendations in the report must be implemented prior to statement of compliance or building occupancy to the satisfaction of the responsible authority.

Community Park Masterplan

If a community park is located over two or more properties with different ownership, the first permit applicant must prepare a master plan for the entire park and submit evidence of consultation with the relevant adjoining landowners to the satisfaction of the responsible authority.

Certificate of Acknowledgement of Consent

An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a Certificate of Acknowledgement of Consent to demonstrate compliance with the City's approval under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Geotechnical assessment for moderate landslide susceptibility areas

An application to subdivide land, construct a building, or construct or carry out works within the 'moderate landslide susceptibility zone' as shown on Plan 4 Precinct Features of the Creamery Road PSP, must be accompanied by a geotechnical assessment in accordance with Australian Geomechanics Guidelines for Landslide Risk Management (2007).

Geotechnical assessment for high landslide susceptibility areas

An application to subdivide land, construct a building, or construct or carry out works within the 'high landslide susceptibility zone' as shown on Plan 4 Precinct Features of the Creamery Road PSP must be accompanied by a full geotechnical assessment in accordance with the Australian Geomechanic Guidelines for Landslide Risk Management (2007, or as amended) including detailed subsurface investigation and risk evaluation for both individual and societal risks. The assessment must demonstrate that the proposal will achieve low to very low risks levels prior to development.

Prior to commencement of works, any geotechnical or landslide risks must be addressed and mitigated in accordance with the recommendations of the geotechnical assessment to the satisfaction of the responsible authority.

A letter from a suitably qualified geotechnical practitioner must be submitted following mitigation works. It must indicate risks of landslide susceptibility and confirm that hazards are acceptable in accordance with Australian Geomechanics Guidelines for Landslide Risk Management (2007) and will remain acceptable over the life of the development to the satisfaction of the responsible authority.

Kangaroo Management Plan

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- a copy of the approved Kangaroo Management Plan; and
- a 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

Once approved the plan will be endorsed by the responsible authority and form part of the permit.

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Conditions and requirements for permits

General Requirements

A permit must include a relevant condition or conditions as appropriate to give effect to any requirements or conditions set out in the Creamery Road PSP and the Creamery Road NVPP. The responsible authority may waive or vary the requirements of the following conditions.

Condition - Subdivision permits that allow the creation of a lot of less than 300 square metres - Small lot housing code

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

- Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title providing for the application of the Small Lot Housing Code (Victorian Planning Authority, November 2024 or as amended); and
- The Plan of Subdivision submitted for certification must identify whether Type A, Type B or Type C of the Small Lot Housing Code (Victorian Planning Authority, November 2024 or as amended) applies to each lot to the satisfaction of the responsible authority.

Condition – Kangaroo Management Plan

A permit for subdivision of land must include the following conditions:

Prior to the certification of the Plan of Subdivision, a Kangaroo Management Plan must be prepared to the satisfaction of the responsible authority and must include:

- strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Condition – Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening

A permit for subdivision or buildings and works where land is required for community facilities, public open space or road widening must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder; and
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Condition – ESD Residential Design Guidelines

A permit for subdivision of more than 10 lots must include the following condition:

Prior to the certification of each plan of subdivision, Residential ESD Design Guidelines must be submitted and approved to the satisfaction of the responsible authority. The approved Residential ESD Design Guidelines must be applied as a restriction on the plan of subdivision to each relevant stage.

A permit for buildings and works must include the following condition:

The approved Residential ESD Design Guidelines are to be incorporated into the development and implemented to the satisfaction of the Responsible Authority.

Condition – Sustainability Performance for Community Facilities, Education and Activity Centres

A permit for development of any new community facility, education centre, retail or mixed-use building that is equal to or greater than 2,000 square metres gross floor area must include the following condition:

Prior to the commencement of works, a written statement must be provided by a qualified practitioner committing to a minimum 4-star Green Star Buildings standard, or an equivalent rating achieved through a similar tool, to maximise building sustainability performance and contribute to Victoria's net-zero emissions target.

Condition – Construction Environmental Management Plan (Cowies Creek Conservation Area)

A permit to subdivide land, construct a building, or construct or carry out works:

- on or within 50 metres of land shown as Cowies Creek Conservation Area in the Creamery Road PSP, or;
- on or within any sub catchment draining into the Cowies Creek Conservation Masterplan Area shown on Plan 17 Biodiversity & Threatened Species of the Creamery Road PSP

must include the following condition:

Unless otherwise approved in writing by the Responsibility Authority, prior to the commencement of works, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority, demonstrating how the conservation area will be protected during works.

The CEMP should be generally consistent with the *WGGA Cowies Creek Conservation Area Growling Grass Frog Conservation Management Plan* (Biosis, 2024) and DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment (November 2020), or any future revision or superseding document.

Once approved the CEMP will form part of the permit and must be implemented to the satisfaction of the responsible authority.

Condition – Functional Layout Plans

A permit for subdivision must include the following condition:

Prior to the commencement of works, a detailed Functional Layout Plan prepared in accordance with Section 3.3.1 (Sustainable Energy & Zero Carbon) for the relevant stage of the subdivision must be submitted to and approved by the responsible authority.

Condition - Protection of Conservation Areas and Native Vegetation During Construction

Unless otherwise approved in writing by the responsible authority, a permit for subdivision or buildings and works on land including or abutting a conservation area as shown in the Creamery Road PSP, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the responsible authority to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

Element	Distance
Conservation area	2 metres
Patch of native vegetation	

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the responsible authority, and the responsible authority confirms it is satisfied by the evidence.

Condition – Commonwealth Biodiversity Developer Implementation Plan

A permit to subdivide land, construct a building, or construct or carry out works on land within the biodiversity levy area as shown in the Northern and Western Geelong Growth Areas Strategic Assessment Funding Program, must include the following condition:

Prior to the certification of a plan of subdivision or the commencement of buildings or works (whichever comes first), a Commonwealth Biodiversity Developer Implementation Plan detailing all applicable requirements under the Northern and Western Geelong Growth Areas EPBC Plan and supporting documents must be submitted to, and approved, by the responsible authority.

The plan must demonstrate that the development pursuant to the permit is consistent with the Northern and Western Geelong Growth Areas EPBC Plan and supporting documents, including applicable timeframes and any staging arrangements.

The Developer Implementation Plan must include:

- The area the implementation plan applies to;
- The net developable area;
- The extent of impacts to Matters of National Environmental Significance (MNES) as identified in the plan;
- The share of offset requirements for the PSP area;
- Offsets secured, land or works proposed to be undertaken in lieu of payment of the levy liability;
- Where external offsets are proposed:
 - Demonstrate how the offset site and management actions will compensate for loss of habitat because of development;
 - A description of the offset area including location, size, condition, environmental values present and surrounding land uses;
 - Baseline data or supporting evidence documenting the presence of the MNES to be offset;
 - The contribution of the offset site to delivering the offset targets and early delivery of offsets;
 - Mitigation measures for indirect impacts outlined in the plan;

The Developer Implementation Plan must be to the satisfaction of the responsible authority and the Approval Holder for the Northern and Western Geelong Growth Areas EPBC Plan. Once approved, the plan must be implemented to the satisfaction of the responsible authority.

Unless otherwise agreed in writing by the responsible authority, any biodiversity Levy liability must be paid to the City no more than 21 days prior to the issue of a Statement of Compliance for any certified plan for each stage of subdivision. If alternative timing for payment is agreed, the Commonwealth Biodiversity Developer Implementation Plan must be updated to reflect this change, and, secured by way of a deed or agreement, Section 173 Agreement or other relevant mechanism.

Condition – Land management plan for conservation area

A permit to subdivide land containing a conservation area as shown in the Creamery Road PSP must include the following condition:

Prior to the commencement of works, a land management plan for the conservation area land must be prepared by a suitably qualified consultant and submitted to and approved by the responsible authority. The land management plan must outline how the biodiversity values for the Cowies Creek Conservation Area will be maintained, managed and improved, including:

- a) How environmental weeds will be managed up until the securing of the conservation area;
- b) How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species;
- c) How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area;

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the responsible authority.

Condition – Security of conservation land

A permit to subdivide land containing a conservation area as shown in the Creamery Road PSP must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for certification, in the case of any staged subdivision), create the conservation area as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject

to the prior satisfaction of the Responsible Authority. The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

a) Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Greater Geelong City Council or the Corangamite Catchment Management Authority (CCMA). The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or

b) Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the Responsible Authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

Condition – Environmental Audit

Any permit for the use and development of land for a sensitive use (residential use, child care centre, pre-school centre, primary school, children’s playground/local park, caretaker’s house or residential hotel) at 10 Evans Road, Bell Post Hill (1\LP203190) and 85-105 Bluestone Bridge Road, Bell Post Hill (1\PS403299), or where a Preliminary Risk Screen Assessment requires an environmental audit, must contain the following condition:

Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the permit holder must provide:

- An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the use and development allowed by this permit; or
- An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or

other suitable person acceptable to the responsible authority. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

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 application is generally in accordance with the incorporated Creamery Road Precinct Structure Plan including any approved Urban Design Frameworks.
- Whether the application is generally in accordance with the incorporated Creamery Road Native Vegetation Precinct Plan.
- Whether the application is generally in accordance with the incorporated Creamery Road Development Contributions Plan.
- Whether the application contributes towards the provision of affordable housing in accordance with the incorporated Creamery Road Precinct Structure Plan.
- The Ministerial Notice under 3AA(2) of the *Planning and Environment Act 1987*, as amended from time to time.
- Whether the application contributes towards environmentally sustainable development that supports zero carbon outcomes in accordance with the Creamery Road PSP.

7.0 Signs

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Proposed C450ggee

Sign requirements are at Clause 52.05. All land located within the area on Plan 1 marked Neighbourhood Activity Centre is in Category 1. All other land is in Category 3.