

19/03/2015
C323

SCHEDULE 5 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ5**.

ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN

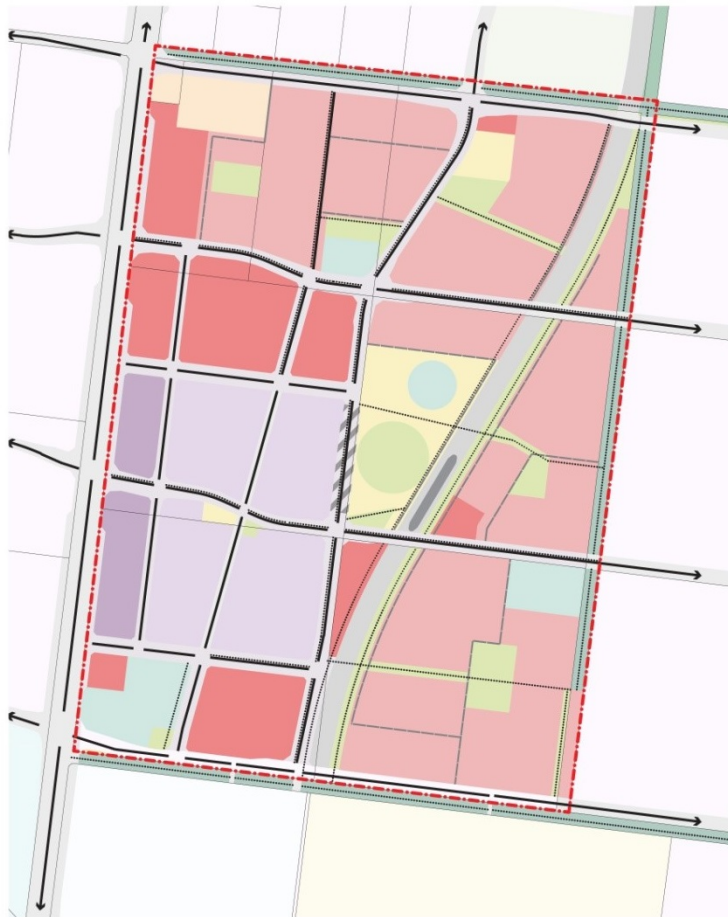
1.0

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The Plan

Plan 1 to Schedule 5 to Clause 37.07

Armstrong Creek Town Centre Urban Structure Plan



1:8000

Legend

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> ACTCPSP BOUNDARY PRIMARY ROAD NETWORK ACCESS STREET (indicative only) RETAIL (Allowing upper level use) RESTRICTED RETAIL (Allowing upper level use) MIXED USE (Retail, commercial on ground floor) MIXED USE (Primary residential) | <ul style="list-style-type: none"> EMERGENCY SERVICES COMMUNITY FACILITIES OPEN SPACE ENCUMBERED OPEN SPACE (Storm water quality and management) ENCUMBERED OPEN SPACE (Biodiversity values) | <ul style="list-style-type: none"> TRANSIT CORRIDOR PRIORITY PEDESTRIAN NETWORK ULTIMATE INTEGRATED TRANSIT HUB INTERIM BUS INTERCHANGE |
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2.0

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Use and development

2.1

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The Land

The use and development provisions specified in this schedule only apply to land as shown in Plan 2 of this schedule.

Plan 2 to Schedule 5 to Clause 37.07



2.2

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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 2 of this schedule, as set out in Table 1.

Table 1: Applied zone provisions

Land shown on Plan 2 of this schedule	Applied zone provisions
Precincts 1 and 2	Clause 34.01 - Commercial 1 Zone
Precincts 3, 4 and 5	Clause 32.04 - Mixed Use Zone

The precise boundary of the Commercial 1 Zone and Mixed Use Zone will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority.

2.3

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Specific provisions – Use of land

Any condition opposite the use in Table 1 must be met. If the condition is not met, the applied zone provisions apply except where the use is otherwise prohibited in Table 2 or as specified by another specific provision in this schedule.

Table 2: Use

Section 1 – Permit not required

Use	Condition
Department store	Must be located in Precinct 1
Food and drink premises (other than Bar or Hotel)	Must be located in Precinct 1 or 2.
Restricted retail premises	The leasable floor area of an individual tenancy must be less than 2,000 square metres). Must be located in Precincts 2, 3 or 4. In Precinct 4 must be in conjunction with trade supplies.
Shop	Must be located in Precinct 1.
Trade supplies	Must be located in Precincts 2 or 4. In Precinct 2, must exclude a Timber yard and the leasable floor area of an individual tenancy must be less than 2,000 square metres. In Precinct 4, the leasable floor area of an individual tenancy must be less than 13,000 square metres.

Section 2 – Permit required

Use	Condition
Bar	Must be located in Precincts 1, 2, 3 or 4.
Betting agency	Must be located in Precincts 1, 2 or 3. In Precincts 2 and 3, must be in conjunction with a Hotel and Tavern.
Food and drink premises (other than a Bar or Hotel)	Must be located in Precincts 3, 4 or 5.
Hotel	Must be located in Precincts 1, 2, 3 or 4
Restricted retail premises (if the Section 1 Condition is not met)	Must be located in Precincts 2, 3 or 4. In Precinct 4 must be in conjunction with trade supplies.
Service station	Must be located in Precincts 2 or 3.

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Use	Condition
	<p>In Precinct 2, must be located on a corner of the Surf Coast Highway with the Connector Road B, Parking Street B or Burvilles Road.</p> <p>In Precinct 3, must be located on a corner of the Surf Coast Highway with the Connector Road B, Parking Street B or Burvilles Road (in accordance with Plan 5 – Armstrong Creek Town Centre Concept Plan in the Armstrong Creek Town Centre Precinct Structure Plan</p>
Shop	<p>Must be located in Precincts 3, 4 or 5.</p> <p>In Precinct 4, the leasable floor area per individual tenancy must not exceed 2,000 square metres and the combined leasable floorspace must not exceed 4,000 square metres.</p> <p>In Precinct 5, must meet all of the following:</p> <ul style="list-style-type: none"> ▪ The leasable floor area of an individual tenancy must not be greater than 600 square metres; ▪ Must be located within a Local Mixed Use Centre shown in the Armstrong Creek Town Centre Precinct Structure Plan; and ▪ The combined leasable floor area must not exceed the following areas (square metres) for the relevant centre as described in the Armstrong Creek Town Centre Precinct Structure Plan: <ul style="list-style-type: none"> - 2000 – Boundary Road/North South Connector Local Mixed Use Centre - 2000 – Main Street/Transit Hub Local Mixed Use Centre
Timber yard	Must be located in Precinct 4.
Transport terminal	<p>Must be located in Precincts 2 or 4.</p> <p>In Precinct 2, must exclude a Timber yard.</p>
Warehouse	Must be located in Precinct 3.

Section 3 – Prohibited

Use
Adult sex product shop
Agriculture
Cemetery
Crematorium
Department store (if the section 1 condition is not met)
Gaming premises
Industry
Saleyard
Any use in Section 2 where the condition is not met.

2.4 Specific provisions – Subdivision

None specified.

2.5

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Specific provisions - Buildings and works

Within Precinct 5, a permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where the lot is identified as a lot to which the Small Lot Housing Code applies via a restriction on title, and the development complies with the Small Lot Housing Code incorporated into this planning scheme.

2.6

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Specific provisions - 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 Armstrong Creek Town Centre Precinct Structure Plan.

2.7

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Specific provisions – Southern wetland

Alternative stormwater management strategies for the southern wetland are not discouraged, however, any alternative infrastructure must be transferred to, or vested in, Council at no cost to Council and provide no net impact to the Armstrong Creek Town Centre Development Contributions Plan. Alternative subdivision, use or development of the existing southern wetland site must be accompanied by an urban design framework to the satisfaction of the Responsible Authority.

2.8

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Specific provisions – 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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Application requirements

An application for a permit must be accompanied by the following information. If the Responsible Authority is satisfied that an application requirement is not relevant to the assessment of an application, the Responsible Authority may reduce or waive any of the requirements.

3.1

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C267

All applications – written report

Any application for the use, development or subdivision of land must be accompanied by a written report to the satisfaction of the Responsible Authority outlining how the proposal is generally in accordance with the Armstrong Creek Town Centre Precinct Structure Plan.

All applications for use, development or subdivision of land must also outline how the proposal responds to Part 2 of Appendix 5 of the Armstrong Creek Town Centre Precinct Structure Plan.

All applications for the use, development or subdivision of land must be accompanied by:

- A written report detailing how the proposal responds to Clause 2.0 and Table 2: Use of this Schedule;
- a plan showing the proposed use(s); and
- a table outlining the leasable floor area allocation numbers for each of the proposed uses.

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.

3.2

23/10/2014
C267

All applications – Public Realm

Where relevant an application for the use, development or subdivision of land within the areas of Public Realm listed below:

- *Main Street, between Surf Coast Boulevard and the Transit Corridor (inclusive of the Town Square)*
- *High Street, between Parking Street A and Parking Street B*
- *Collector A, between Parking Street A and Parking Street B*

Must be accompanied by a written report to the satisfaction of the Responsible Authority detailing how the proposal responds to the following elements:

- Built form
- Sustainable design
- Signage
- Public transport
- Public art
- Street furniture
- Public lighting
- Paving
- Street trees and landscaping
- Utility installations
- Pedestrian crossings and priority zones
- Public/private way finding
- Compliance with the DDA
- Cycling facilities

An application for use, development or subdivision of land must also outline how the proposal responds to Part 2 of Appendix 5 of the Armstrong Creek Town Centre Precinct Structure 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.

3.3

09/10/2025
C481ggee

Subdivision applications

An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01-2.

Site Analysis

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 Town Centre.
- 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 design guidelines of the incorporated Armstrong Creek Town Centre Precinct Structure Plan.

- A Density Strategy which applies to the entire landholdings of an applicant and, where applicable, demonstrates that the proposed subdivision achieves the density targets set out in the Armstrong Creek Town Centre Precinct Structure Plan. The Density Strategy should include a table which identifies the net developable residential area, number of lots and dwellings proposed, the average lot size as well as the overall density achieved.
- 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 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 the vegetation identified for practical retention within the Native Vegetation Precinct Plan: Armstrong Creek Town Centre Precinct.
- 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 for subdivision must be accompanied by a Precinct Infrastructure Plan to the satisfaction of the Responsible Authority which addresses the following matters as relevant:

- What, if any, infrastructure set out in the Armstrong Creek Town Centre Development Contributions Plan is sought to be provided as ‘works in lieu’ subject to the consent of the collecting agency.
- What, if any, infrastructure set out in Table 8 of the Armstrong Creek Town Centre Precinct Structure Plan is to be provided by the developer.
- 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 provision of sustainable energy infrastructure.
- The landscaping of any land.
- The provision of public open space and land for any community facilities.
- The provision of wi-fi infrastructure.
- Nominated areas for provision of public art (where applicable).
- Any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

Sustainability Management Plan

- Multi-unit residential development comprising 10 or more dwellings and any non-residential development comprising more than 500 square metres of gross floor area and any service station must be accompanied by a Sustainability Management Plan (SMP) providing strategies to minimise resource use and waste having regard to Part 1 of Appendix 5 of the Armstrong Creek Town Centre Precinct Structure Plan.
- The SMP must be prepared to the satisfaction of the Responsible Authority by a suitably qualified expert. The SMP should:
 - Identify relevant sustainability targets or performance standards
 - Document the means by which the appropriate range of performance will be achieved.
 - Demonstrate how proposed design elements integrated and respond to precinct level sustainability strategies, opportunities and development context.
 - Identify the different areas of responsibility and provide a schedule for implementation, ongoing management, maintenance and monitoring; and
 - Demonstrate that the design elements, technologies and operation practices that comprise the SMP can be maintained over time.

General

An application for subdivision must be accompanied by the following information to the satisfaction of the Responsible Authority:

- Details of the proposed use and development of each part of the land.
- A table setting out:
 - The amount of land allocated for the proposed uses; and
 - The mix of lot sizes
- An indication of expected staging of subdivision and timing.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority detailing the proposed road and street network, including pedestrian and cycling routes, intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- An overall landscape concept for the development that is consistent with best practice Water Sensitive Urban Design techniques.

3.4

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Development applications

CAD drawings

Applications for new development, or extensions of existing development, greater than 50 square metres in Precincts 1, 2, 3 or 4 must provide 3D CAD (MGA Zone 55) drawings of the proposed development to the satisfaction of the Responsible Authority.

Applications for development in Precinct 5, other than for residential purposes, must provide 3D CAD (MGA Zone 55) drawings of the proposed development to the satisfaction of the Responsible Authority.

The provided 3D CAD model must satisfy the requirements of Council's acceptable 3D model formats document.

Sustainability Management Plan

Multi-unit residential development, comprising 10 or more dwellings, and any non-residential development comprising more than 500 square metres of gross floor area and any service station must be accompanied by a Sustainability Management Plan (SMP) providing strategies to minimise resource use and waste having regard to Part 1 of Appendix 5 of the Armstrong Creek Town Centre Precinct Structure Plan.

The SMP must be prepared to the satisfaction of the Responsible Authority by a suitably qualified expert. The SMP should:

- identify relevant sustainability targets or performance standards;
- document the means by which the appropriate target or performance will be achieved;
- demonstrate how proposed design elements integrate and respond to precinct level sustainability strategies, opportunities and development context;
- identify the different areas of responsibility and provide a schedule for implementation, ongoing management, maintenance and monitoring; and,
- demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

Precinct Infrastructure Plan

An application for development must be accompanied by a Precinct Infrastructure Plan to the satisfaction of the Responsible Authority which addresses the following matters as relevant:

- What, if any, infrastructure set out in the Armstrong Creek Town Centre Development Contributions Plan is sought to be provided as ‘works in lieu’ subject to the consent of the collecting agency.
- What, if any, infrastructure set out in Table 8 of the Armstrong Creek Town Centre Precinct Structure Plan is to be provided by the developer.
- 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 provision of sustainable energy infrastructure.
- The landscaping of any land.
- The provision of public open space and land for any community facilities.
- Nominated areas for provision of public art (where applicable).
- Any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

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4.1

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Conditions and requirements for permits

Native Vegetation

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Armstrong Creek Town Centre Precinct Structure Plan and the Native Vegetation Precinct Plan: Armstrong Creek Town Centre Precinct are implemented as part of the planning permit or the plans endorsed under the planning permit.

4.209/10/2025
C481ggee**Subdivision**

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Armstrong Creek Town Centre Precinct Structure Plan and the Armstrong Creek Town Centre Development Contributions Plan are implemented as part of the planning permit or the plans endorsed under the planning permit.

4.323/10/2014
C267**Development permits****CAD drawings**

Any permit for development in precincts 1, 2, 3 or 4, must contain a condition that requires CAD (MGA Zone 55) versions of any approved or endorsed plans to be submitted to the Responsible Authority prior to the commencement of works.

Any permit for development in precinct 5, other than for residential purposes, must contain a condition that requires CAD (MGA Zone 55) versions of any approved or endorsed plans to be submitted to the Responsible Authority prior to the commencement of works.

The provided 3D CAD model must satisfy the requirements of Council's acceptable 3D model formats document.

Sustainability Management Plan

Any permit for development of the land must include a condition that implements any approved Sustainability Management Plan.

4.409/10/2025
C481ggee**Subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage****Lots 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 condition:

- Before to the certification of the plan of subdivision for the relevant stage under the *Subdivision Act 1988*, a plan that identifies the lots that will include a restriction on title providing for the application of the Small Lot Housing Code, must be approved and endorsed by the Responsible Authority. This restriction must also be shown on the plan of subdivision submitted for certification under the *Subdivision Act 1988* to the satisfaction of the Responsible Authority.

Public open space and community facilities

Land identified as public open space or community facilities in the incorporated Armstrong Creek Town Centre Precinct Structure Plan and specified in Table 1 – Summary Land Use Budget in the incorporated Armstrong Creek Town Centre Precinct Structure Plan must be transferred to or vested in Council at no cost to Council unless funded by the Armstrong Creek Town Centre Development Contributions Plan.

Public open space must be provided in accordance with Plan 3 in the incorporated Armstrong Creek Town Centre 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 request of a permit applicant and approved by the Responsible Authority, in addition to that reflected in the incorporated Armstrong Creek Town Centre Precinct Structure Plan, must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

Road widening

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 Town Centre Development Contributions Plan.

Drainage

Drainage must be maintained at predevelopment rates and points of discharge except where urban outfall is available in accordance with the staged delivery of ultimate drainage infrastructure in accordance with the incorporated Armstrong Creek Town Centre Precinct Structure Plan.

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Referral

Notice of an application that relates to land containing native vegetation identified in the Native Vegetation Precinct Plan: Armstrong Creek Town Centre Precinct as an offset site, must be given to the Secretary to the Department of Energy, Environment and Climate Action.

A permit application proposing the removal of vegetation identified in the Native Vegetation Precinct Plan: Armstrong Creek Town Centre Precinct as 'retained' vegetation must be referred to the Secretary to the Department of Energy, Environment and Climate Action. 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 Secretary to the Department of Energy, Environment and Climate Action.

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Exemption from notice and review

None specified.

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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 Town Centre Precinct Structure Plan, the Native Vegetation Precinct Plan: Armstrong Creek Town Centre Precinct and the Armstrong Creek Town Centre Development Contributions Plan.
- Any approved Precinct Structure Plan applying to land adjoining the Armstrong Creek Town Centre Precinct Structure Plan area.

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Signs

Any permit application for signs must meet the requirements of the Design Guidelines set out in the Armstrong Creek Town Centre Precinct Structure Plan.

The following sign categories apply by reference to Plan 2 of this schedule.

Table 3: Signs

Land shown on Plan 2 of this schedule	Sign category
Precinct 1	Category 1
Precinct 2	Category 2
Precinct 3	Category 2
Precinct 4	Category 2

Land shown on Plan 2 of this schedule	Sign category
Precinct 5	Category 3

Land and home sales signs

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 all of the following requirements are met:

- The display area for each sign does not exceed 20 square metres;
- No sign exceeds 7.5 metres in height from natural ground level;
- 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 an animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed for 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.