

12/02/2015
C102**SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ2**.

**THE SANDS TORQUAY RESIDENTIAL LAKES AND GOLF COURSE
COMPREHENSIVE DEVELOPMENT PLAN****Purpose**

To provide for the development of land adjacent to Whites Beach, Torquay for a residential lakes and golf course development and associated facilities generally as set out in the Golden Beach Concept Plan (marked 'Golden Beach Residential Lakes and Golf Course Development, Torquay – Concept Plan. Revision F: 13.04.00') forming an Incorporated Document to this planning scheme but with refinements as provided by this Schedule.

To ensure that the development of the land within the zone is undertaken and staged in an orderly manner and does not prejudice the amenity and environmental values of the surrounding area.

To provide an appropriate balance of residential development including single detached dwellings and other residential dwelling types, contributing a diversity of dwelling types to the Torquay Jan Juc residential supply.

To require the preparation of detailed development plans showing the use and development of the land within the zone generally in accordance with the approved The Sands Torquay Comprehensive Development Plan.

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C92**Table of uses****Section 1 - Permit not required**

Use	Condition
Car Park	Must be associated with the golf course
Dwelling (other than Bed and breakfast)	<p>Must not exceed one for each lot.</p> <p>Must not exceed 7.5 metres in height above natural ground level within building zone 1 of The Sands Torquay Comprehensive Development Plan and must not exceed 10.5 metres in height above natural ground level within building zone 2 of The Sands Torquay Comprehensive Development Plan.</p> <p>Must be in accordance with the residential lot number and mix as indicated in The Sands Torquay Comprehensive Development Plan.</p>
Golf Course (including club-house and maintenance facilities)	
Informal outdoor recreation	
Major Transmission Line	
Minor Utility Installation	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Art and craft centre	
Bed & Breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Car Park if Section 1 condition is not met	
Child care centre	
Convenience Shop	The leasable floor area must not exceed 80 square metres. The site must not have direct access to a rural freeway.
Display Home	
Dwelling - if the Section 1 condition is not met	Not more than 700 dwellings may be permitted. 100 of the 700 dwellings referred to must form part of a building constructed in the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Function Centre	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Food and drink premises	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Group Accommodation	Must be contained within the area designated Condominium or Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Hall	
Home Occupation	
Laundromat	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Minor sports and recreation facility (other than Informal outdoor recreation and Golf course)	
Office	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Place of assembly	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.

Use	Condition
Place of worship	
Pleasure boat facility	
Residential hotel	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.
Residential village	Must be contained within an area designated Condominium on The Sands Torquay Comprehensive Development Plan.
Shop (other than convenience shop)	Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan. Must only be provided for tourist/resort retailing
Telecommunications facility	Must accord with the requirements of Clause 52.19

Section 3 - Prohibited

Use
Any use not in Sections 1 or 2.

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Use of land

Agreement

Prior to commencement of any use or development of the land, the owner shall enter into an agreement with the Responsible Authority which shall provide for the following:

- The payment of fees in lieu of the planning permit fees in order to recompense the Responsible Authority for time spent considering various plans which the planning scheme provisions require to be assessed and approved.
- The construction and timing of The Esplanade east of Horseshoe Bend Road to the point where it provides access to the land and to provide for the contributions towards the costs of upgrading other roads in the locality.
- Contribution towards the cost of preparing construction plans to implement the Landscape Master Plan for the foreshore area known as Whites Beach.
- Contribution towards the cost of constructing a public access track and boardwalk to Whites Beach through designated and constructed access points and fencing directing such pedestrian access, and constructing the most westerly and easterly car parks shown on the Master Plan with a gravel surface and reasonable landscaping and planting.
- The staging of the provision of the infrastructure that will be required to service the proposed development on the land, such infrastructure to be provided at the owner's cost.
- The preparation and implementation of an Environmental Management Plan.
- The transfer to Trustees of the wetlands (being the land subject to a conservation covenant in favour of the Trust for Nature) who shall be representatives of the Council, the Owner and the Trust for Nature upon terms which require the wetlands to be preserved and maintained for public purposes consistent with their environmental significance.

- The transfer to Council of the two parcels of Moonah woodlands, generally as identified on the Golden Beach Concept Plan, which will be deemed to satisfy any public open space contribution requirement for the subdivision and development of the land.
- The rehabilitation of the former tip site to the requirements of the Environment Protection Authority to the satisfaction of the responsible authority.
- The diversion into the lake stormwater drainage system of excess stormwater from The Esplanade catchment.
- The establishment of The Sands Torquay Architectural Review Committee to comprise representatives of the Developer, the Responsible Authority and an architect experienced in the design of dwellings sympathetic to the coastal environment at Torquay, to prepare and administer The Sands Torquay Building and Environment Management Code.

Environmental Management Plan

Prior to the commencement of any use or development of the land an environmental management plan must be approved by the Responsible Authority. The Environmental Management Plan must include, but not be limited to, the following:

- Recommendations concerning the content and layout of the Golden Beach Concept Plan to ensure achievement of the objectives of the Environmental Management Plan.
- A turf management plan which describes design considerations and management practices that will minimise risk and impact to the natural and aesthetic environment of and surrounding the land.
- A recommendation as to the siting of the 4th golf course green to avoid encroachment upon or damage to the adjacent Moonah woodland area.
- A recommendation as to the siting and construction of a walkway between the 4th golf course green and the 5th tee, taking into account the environmental sensitivity of the area.
- Detailed design recommendations concerning the layout of the 15th golf course hole, including appropriate buffer distances from the adjoining wetland area, landscape construction and drainage.

All use of land shall be in accordance with the requirements of the Environmental Management Plan approved by the Responsible Authority. The Environmental Management Plan may be amended with the approval of the Responsible Authority

The Sands Torquay Comprehensive Development Plan

Prior to the commencement of any use or development of the land a Comprehensive Development Plan must be approved by the Responsible Authority. The Comprehensive Development Plan must be generally in accordance with the Golden Beach Concept Plan but modified to the satisfaction of the Responsible Authority to take into account:

- The recommendations of the approved Environmental Management Plan.
- The recommendations of the Advisory Committee report dated March 2000 in relation to Amendment R60 to the Surf Coast Planning Scheme, particularly those recommendations relating to the proportion and mixture of dwelling types and layout, and the relationship of development to adjacent existing development in Fatimah Court.

Once approved The Sands Torquay Comprehensive Development Plan shall take precedence over the Golden Beach Concept Plan incorporated in this scheme.

The approved Comprehensive Development Plan for The Sands Torquay may be modified with the further approval and to the satisfaction of the Responsible Authority.

The Sands Torquay Building Code

Prior to the construction of any buildings and works on the land a building code must be approved by the Responsible Authority. The building code shall establish appropriate architectural standards for all buildings and works on the land and shall incorporate:

- Appropriate design standards relating to buildings abutting the saltmarsh, dealing with such matters as the impact of building bulk, reflective materials, lighting etc.
- All relevant recommendations of the approved Environmental Management Plan.

The building code may be varied from time to time with the approval of the Responsible Authority as may be required to maintain and enhance the quality of development of the land.

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Subdivision

A subdivision must be generally in accordance with The Sands Torquay Comprehensive Development Plan and not more than 700 residential lots shall be created.

100 of the 700 residential lots referred to above must form part of a building constructed in the area designated Possible Future Commercial Area on The Sands Comprehensive Development Plan.

A subdivision application must be referred to a referral authority listed in Clause 66.

Exemption from notice and appeal

An application for subdivision is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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Buildings and works

Construction and extension of dwellings

A permit is not required for the construction or extension of a dwelling on a designated residential lot within the zone provided the dwelling is connected to a reticulated sewerage system, a reticulated potable water supply and a reticulated drainage system. The collection and discharge of drainage waters shall be to the satisfaction of the responsible authority.

The development of a dwelling must be in accordance with The Sands Torquay Building Code to the satisfaction of the Responsible Authority.

Construction of golf course, clubhouse and lakes

A permit is not required for the construction or carrying out of buildings and works in relation to the golf course, golf clubhouse and associated buildings or works including the course maintenance facility, or lakes provided the development is in accordance with a development plan or plans approved by the responsible authority. The development plans must be generally in accordance with The Sands Torquay Comprehensive Development Plan and must show:

- The layout and landscaping of the golf course and lakes.
- The location of the proposed golf clubhouse and associated buildings and works.
- The location of all vehicular and pedestrian access and egress within and to and from the golf course, golf clubhouse and course maintenance facility.

- The location and layout of all areas set aside for the accommodation of stationery vehicles, including bus parking areas associated with the golf course.
- The staging of the development and works.
- The location, floor layout, elevations and proposed building materials and treatment of all external finishes of the proposed buildings.

Before approving development plans for buildings, the responsible authority must consider the comments of The Sands Torquay Architectural Review Committee.

Application requirements

An application for development must include plans prepared to the satisfaction of the responsible authority. The plans must be generally in accordance with The Sands Torquay Comprehensive Development Plan and must show, as relevant:

- The location, dimensions and floor areas of all buildings and works.
- The height and elevations of all buildings using Australian Height Datum levels.
- The proposed building materials and treatment of all external finishes.
- The purpose or purposes for which it is intended that each building is to be used.
- The location of all vehicular and pedestrian access and egress within and to and from such development.
- The location and layout of all areas set aside for the accommodation of stationary vehicles including bus parking areas.
- The proposed landscaping associated with the development of the land.
- The location and layout of all areas set aside for the installation and use of gaming machines (as defined in the Gaming Machine Control Act 1991).
- The visual impact of the proposed development when viewed from Whites Beach.
- The provision, management and maintenance of open space, including:
 - identification of areas of open space that will be transferred as public open space contribution and other areas available to the public;
 - identification of areas of open space that will be available only to residents and employees;
 - specification of times when public areas will be available to the public and how it is intended to ensure that they will be available at those times;
 - proposals for the permanent management and upkeep of public areas;
 - landscape management plan for all public and non-public areas incorporating provisions for irrigation works and indicating proposed plant species; and
 - the integration with public open space land to the south and east of the zone.
- The provision of a reticulated water supply and the treatment and disposal of all wastewater and drainage water, including:
 - all works proposed to be undertaken to control and direct drainage water; and
 - measures by which collected drainage will be discharged into adjoining lands.

Before deciding on an application to use or subdivide land, construct building or construct or carry out works, or whether a development plan is satisfactory, the responsible authority must have regard to the following:

- The objectives and decision guidelines of the zone and The Sands Torquay Comprehensive Development Plan.

- The requirements of the approved Environmental Management Plan.
- The orderly and proper planning of the zone.
- The comments, as appropriate, of The Sands Torquay Architectural Review Committee.
- Whether provision has been made for:
 - a satisfactory solution to the relationship between a proposed development and surrounding areas;
 - satisfactory design access to public open space and the foreshore for residents and visitors to the site;
 - a coherent design solution for the proposed development;
 - acceptable open space design including furniture, lighting and landscaping;
 - a satisfactory solution to the drainage of the site and the discharge of drainage water from the site;
 - bus and taxi parking;
 - adequate and efficient points of access to and egress from the site;
 - the layout of the areas set aside for the accommodation of stationary vehicles;
 - integrated pedestrian links with adjoining foreshore and residential areas;
 - acceptable management arrangements for the maintenance, upkeep and cleanliness of public open space areas;
- In the case of provision of open space and the Environmental Management Plan, the views of the Department of Environment and Primary Industries; and
- In the case of servicing arrangements, the views of Barwon Water, Department of Environment and Primary Industries and, where appropriate, the Environment Protection Authority.