

**SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

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

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

The Golden Beach Concept Plan (marked 'Golden Beach Residential Lakes and Golf Course Development, Torquay - Concept Plan Revision F: 13.01.00') is the comprehensive development plan for the land.

**Land**

This schedule applies to The Sands Estate, Torquay.

**Purpose**

To provide for the integrated use and development of the land for a residential lakes and golf course development and associated facilities.

To ensure that the development of land is undertaken in a manner that does not prejudice the amenity and environmental values of the surrounding area.

To provide for a range of dwelling types and promote contemporary design that responds to the natural coastal character of the area.

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

| Use  | Condition                                  |
|--|--|
| <b>Car Park</b>                                | Must be associated with the golf course.   |
| <b>Dwelling (other than Bed and breakfast)</b> | Must be the only dwelling on the lot.      |
| <b>Golf course</b>                             |  |
| <b>Informal outdoor recreation</b>             |  |
| <b>Railway</b>                                 |  |
| <b>Tramway</b>                                 |  |
| <b>Any use listed in Clause 62.01</b>          | Must meet the requirements of Clause 62.01 |

**Section 2 - Permit required**

| Use  | Condition   |
|--|---|
| <b>Bed and breakfast</b>                                     | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.   |
| <b>Convenience shop</b>                                      | The leasable floor area must not exceed 80 square metres.   |
| <b>Dwelling - if the Section 1 condition is not met</b>      | Must be no more than 700 dwellings on land within this schedule.<br>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.<br>Must be in accordance with the residential lot number and mix indicated in The Sands Torquay Comprehensive Development Plan. |
| <b>Food and drink premises</b><br><b>Group accommodation</b> | Must be contained within the area designated Potential Future Commercial Area on The Sands Torquay Comprehensive Development Plan.  |

| Use  | Condition   |
|--|---|
| <b>Laundromat</b><br><b>Office</b><br><b>Place of assembly (other than Carnival, Cinema-based entertainment facility and Circus)</b><br><b>Residential hotel</b> |   |
| <b>Residential Village</b>   | Must be contained within an area designated Medium Density on The Sands Torquay Comprehensive Development Plan.   |
| <b>Shop (other than Convenience shop)</b>  | Must be contained within the area designated Potential Future Commercial Area on The Sands Torquay Comprehensive Development Plan.<br>Must only be provided for tourist/resort retailing. |
| <b>Any other use not in Section 1 or 3</b>   |   |

### Section 3 - Prohibited

| Use   |
|---|
| <b>Accommodation (other than Bed and breakfast, Dwelling, Group accommodation, Residential hotel and Residential village)</b><br><b>Brothel</b><br><b>Cemetery</b><br><b>Cinema-based entertainment facility</b><br><b>Crematorium</b><br><b>Earth and energy resources industry where the requirements of clause 52.08 are not met</b><br><b>Education centre</b><br><b>Emergency services facility</b><br><b>Energy generation facility</b><br><b>Funeral parlour</b><br><b>Helicopter landing site where the requirements of clause 52.15-1 are not met</b><br><b>Hospital</b><br><b>Industry</b><br><b>Leisure and recreation (other than Golf course, Informal outdoor recreation, Minor sports and recreation facility)</b><br><b>Research centre</b><br><b>Retail premises (other than Food and drink premises, Shop)</b><br><b>Saleyard</b><br><b>Service station</b><br><b>Transport terminal</b><br><b>Veterinary centre</b><br><b>Warehouse</b><br><b>Winery</b> |

## 2.0

20/04/2020  
C130surf

### Use of land

#### Environmental Management Plan.

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.

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

The Comprehensive Development Plan may be amended to the satisfaction of the Responsible Authority.

### **3.0**

20/04/2020  
C130surf

#### **Subdivision**

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application as appropriate, to the satisfaction of the responsible authority:

- A plan showing that the subdivision will:
  - be generally in accordance with The Sands Torquay Comprehensive Development Plan
  - not result in the creation of more than 700 residential lots
  - preserve 100 of the 700 residential lots referred to above as part of a building constructed in the area designated Potential Future Commercial Area on The Sands Torquay Comprehensive Development Plan.

An application for the subdivision of land 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.

### **4.0**

20/04/2020  
C130surf

#### **Buildings and works**

No permit is required to construct a building or construct or carry out works for the following:

- The construction or extension of one dwelling on a lot designated as a residential lot on The Sands Torquay Comprehensive Development Plan where all of the following criteria are met (as relevant):
  - The maximum building height does not exceed 7.5 metres.
  - The site area covered by buildings does not exceed 60 per cent.
  - At least 40 per cent of the site area is covered by pervious surfaces.
  - The plot ratio of buildings does not exceed 0.5.
  - The building is set back a minimum of:
    - 4.5 metres from the frontage
    - 3.0 metres from a side street
    - 3.0 metres from the rear boundary for a lot with a depth of 40 metres or less where the building is not more than 3.6 metres in height
    - 5.0 metres from the rear boundary for a lot with a depth greater than 40 metres where the building is not more than 3.6 metres in height
    - 5.0 metres from the rear boundary to any part of the building greater than 3.6 metres in height
    - 1.2 metres from side boundaries to a height of 3.6 metres and in accordance with Standard A10 of Clause 54.04-1 to any part greater than 3.6 metres in height.
  - A storey above ground floor storey has a setback from the front street 1.0 metre lesser or greater than the setback of the ground floor storey.
  - The gross floor area of a storey above the ground floor does not exceed 75 per cent of the floor area of the ground floor storey or where an existing dwelling is being extended and this requirement is not met by the existing building, the ratio is not being increased.

- A new or extended garage:
  - is set back at least 1.0 metre further from the frontage than the front wall of the dwelling
  - does not exceed the width of the dwelling as viewed from the street.
- The building does not include a roller door that would be visible from the street.
- A new outbuilding shares a wall with the dwelling.
- External building materials include no more than 50 per cent masonry, excluding natural stone, rammed earth or mud brick.

### Requirements

The following requirements apply to construct a building or construct or carry out works:

- The dwelling must be connected to a reticulated sewerage system, a reticulated potable water supply and a reticulated drainage system. The collection and discharge of drainage waters must be to the satisfaction of the responsible authority.
- On a lot in Residential - Zone 1 or Medium Density - Zone 1 on The Sands Torquay Comprehensive Development Plan, the building height must not exceed 7.5 metres
- On a lot in Residential - Zone 2 or Medium Density - Zone 2 on The Sands Torquay Comprehensive Development Plan, the building height must not exceed 10.5 metres
- At least 40 per cent of the site area must be covered by pervious surfaces.
- The plot ratio of buildings must not exceed 0.5.
- The building must be set back a minimum of:
  - 4.5 metres from the frontage
  - 3.0 metres from a side street
  - 3.0 metres from the rear boundary for a lot with a depth of 40 metres or less where the building is not more than 3.6 metres in height
  - 5.0 metres from the rear boundary for a lot with a depth greater than 40 metres where the building is not more than 3.6 metres in height
  - 5.0 metres from the rear boundary to any part of the building greater than 3.6 metres in height
  - 0 metres or 0.2 metres from one side boundary and 1.2 metres from the other side boundary to a height of 3.6 metres and in accordance with Standard A10 of Clause 54.04-1 to any part greater than 3.6 metres in height
- A new garage must be setback at least 1.0 metres further from the frontage than the front wall of the dwelling.

The above requirements may be varied with a permit.

### Transitional arrangements

The above requirements do not apply to a dwelling that was:

- approved under Clause 37.02-4 by the responsible authority before gazettal of Amendment C130surf; or
- approved by a permit issued under this scheme before gazettal of Amendment C130surf; or
- approved by a building permit issued under the *Building Act 1993* before gazettal of Amendment of C130surf.

### Construction of golf course, clubhouse and lakes

No permit is required to construct a building or to construct or carry out works for a golf course, golf clubhouse or associated buildings and works, including the course maintenance facility and lakes, where the development is in accordance with construction plans approved by the responsible authority.

The construction plans must be generally in accordance with The Sands Torquay Comprehensive Development Plan and must show as appropriate:

- 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.

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application as appropriate, to the satisfaction of the responsible authority:

- A neighbourhood and site description
- Fully dimensioned plans including a site plan, floor plans shown relative to boundaries, roof plan showing roof top plan and elevations that include external materials and colours
- Summary of development data including floor area, site coverage, plot ratio and area of permeable surfaces
- Landscape plans showing hard and soft landscaping including all paved areas, decks and driveways, areas of planting and general landscaping.

In addition to the above, applications for buildings and works other than for a dwelling must provide, as appropriate:

- Elevation plans for all buildings with heights shown using Australian Height Datum levels.
- External materials, treatments and surface finishes.
- The existing and proposed use of each building.
- Vehicular and pedestrian networks, including bus and other parking, and the location of vehicular and pedestrian access and egress from the development.
- The location and layout of all areas set aside for the installation and use of gaming machines (as defined in the Gambling Regulation Act 2003).
- Photo montages showing the visual impact of the proposed development when viewed from Whites Beach.
- Information explaining the provision, management and maintenance of open space, including:
  - identification of open space that will be transferred as public open space contribution and other areas available to the public;
  - identification of open space that will be available only to residents and employees;
  - times when public areas will be available to the public and the mechanism through which this will be ensured;

- proposals for the permanent management and upkeep of public areas;
  - landscape management plan for all public and non-public areas including irrigation and plant species; and
  - integration with public open space land to the south and east of the zone.
- The provision of a reticulated water supply, reticulated sewerage system and drainage system, including:
    - all works to be undertaken to control and direct drainage water
    - measures by which collected drainage water will be discharged into adjoining lands.

### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

### **Dwellings**

- The objectives and decision guidelines of Clause 54 or Clause 55.

#### *Design*

- Whether the building form conveys a lightweight, contemporary, coastal image and avoids a suburban appearance or historic replication.
- The need to encourage simple, low profile roof forms without decoration and multiple hips and valleys.
- The need to encourage building design where the area of each upper level is visibly less than the ground floor area to contribute to an articulated form.
- The extent to which articulation provides interest to visible facades and avoids large uninterrupted expanses of wall and the appearance of mass.
- The integration of passive design elements like eaves, verandas and pergolas.
- Whether garages and other parking facilities are visually recessive.
- Whether the area available for landscaping is sufficient to sustain vegetation that will soften the appearance of buildings when viewed from beyond the site.
- The need to encourage active frontages, including through the arrangement of entries, windows and balconies.
- The need to encourage building design on corner sites that address both streets.

#### *Materials and colours*

- Whether external colours and finishes reflect the preferred coastal character by being neutral, non-reflective and unobtrusive.
- The need to encourage timber cladding and other lightweight materials in preference to conventional bricks and blockwork.
- Whether the combination of external materials, colours and textures enhances articulation.

#### *Building siting*

- Whether setbacks provide spacing between buildings that achieves visual permeability between built form when viewed from the public realm.
- The need to strongly discourage boundary walls on more than one side boundary.

#### *Other*

- Whether the proposal is consistent with The Sands Torquay Comprehensive Development Plan.
- The requirements of the approved Environmental Management Plan.
- The relationship between the development and surrounding areas including:
  - Access to public open space, residential areas and the foreshore for residents and visitors to the site
  - The open space design, including furniture, lighting and landscaping
  - The drainage of the site and the discharge of drainage water from the site
  - Vehicle movement networks and parking within the site, including points of access and egress and bus and taxi parking
  - Management arrangements for the maintenance, upkeep and cleanliness of public open space areas.

## **5.0**

20/04/2020  
C130surf

### **Signs**

Sign requirements are at Clause 52.05. All land located within the area covered by this schedule is in Category 4 - Sensitive areas.