

*Planning and Environment Act 1987*

**Panel Report**

**Greater Geelong Planning Scheme Amendment C317,  
Planning Permit 970/2014 and Amendment C325  
St Leonards Growth Areas 1 and 2**

**9 February 2016**

*Planning and Environment Act 1987*


Panel Report pursuant to Sections 25 and 96E of the Act

Greater Geelong Amendment C31, Planning Permit 970/2014 and Amendment C325

9 February 2016

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David Merrett, Chair

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Greg Sharpley, Member

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## List of Abbreviations

CCMA	Corangamite Catchment Management Authority
CFA	Country Fire Authority
DDO	Design and Development Overlay
DPO	Development Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DTPLI	Department of Transport, Planning and Local Infrastructure (former)
EPA	Environment Protection Authority
EVC	Ecological Vegetation Class
GRZ	General Residential Zone
GWMP	Green Wedge Management Plan
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PTV	Public Transport Victoria
RGZ	Residential Growth Zone
SEIFA	Socio-Economic Indexes For Areas
SIFP	St Leonards Infrastructure Funding Plan
SLPH	St Leonards Property Holdings
SLSP	St Leonards Structure Plan
SoC	Statement of Compliance
SPPF	State Planning Policy Framework
TIAR	Traffic Impact Assessment Report
UGB	Urban Growth Boundary
VPP	Victoria Planning Provisions
WSUD	Water Sensitive Urban Design

## Executive Summary

### (i) Summary

Amendment C317, Planning Permit 970/2014 and Amendment C325 to the Greater Geelong Planning Scheme apply to two growth areas in St Leonards. They seek to rezone both areas to the General Residential Zone and guide the future residential development of the land by; in Growth Area 1 by the issue of a planning permit for the subdivision; and for Growth Area 2 by applying Schedule 39 to the Design and Development Overlay.

A Section 173 Agreement for Amendment C317 (including some subdivision design requirements) and Amendment C325 (in this respect based on a Shared Infrastructure Funding Plan) are proposed to ensure the proponents contribute to local infrastructure.

Amendment C312 introduced the recommendations of the St Leonards Structure Plan in 2015 which now identifies both growth areas as 'Rezone to General Residential'. Issues of land supply were considered in detail under Amendment C312 where the Panel generally supported the rezoning of the land for residential development. The Panel accepts that analysis.

Some of the key issues raised in submissions were:

- Land supply and demand
- Stormwater and flooding impacts internally and externally (Amendment C317)
- Stormwater impacts externally on Swan Bay (Amendment C325)
- Vehicle and pedestrian connectivity (both amendments)
- Subdivision design and open space allocation (Amendment C317)
- Proposed changes to the planning permit (Amendment C317), Section 173 Agreement (Amendment C317) and Schedule 39 to the Design and Development Overlay (DDO39).

The Panel has considered all these issues and concludes:

- The rezoning of both growth areas has strong strategic support;
- Matters related to land supply/demand in Amendment C312 considered the additional supply added by the growth areas and that Panel concluded, provided issues of land release could be managed, that a land supply of 25-33 years was appropriate. Without evidence to suggest otherwise the Panel supports this
- The residential development of Growth Area 1 can be managed and, in some cases, reduce localised flood impacts. Harvesting of stormwater may assist the ongoing maintenance of the golf course to the north
- Stormwater impacts from Growth Area 2 can be managed with controlled release to Council and environmental assets including Swan Bay. The submission to conduct a more thorough hydrological investigation of subterranean freshwater flows in to Swan Bay should not be the sole responsibility of proponents and should be led by government
- Vehicle and pedestrian connectivity at both growth areas are important considerations and, where appropriate, integration with adjoining land
- The footpath connection between the Growth Area 2 and Murradoc Road is more appropriate through Charles McCarthy Reserve than along McBeth Street.

The Panel has proposed changes to Planning Permit 970/2014 and the Section 173 Agreement for Amendment C317 and the DDO39 for Amendment C325 to reflect its consideration of the above issues.

### **Recommendations**

Based on the reasons set out in this Report, the Panel recommends:

**Greater Geelong Planning Scheme Amendments C317 and C325 be adopted as exhibited subject to the following:**

#### **Amendment C317**

- 1. Clause 3.5 of the proposed Section 173 Agreement be amended in the form contained in Appendix C.**

#### **Amendment C325**

- 2. Schedule 39 to the Design and Development Overlay be amended in the form contained in Appendix E to:**
  - a) Delete reference to the McBeth Street footpath from Clause 3.0 and replacing it with the need for a pedestrian footpath in the Charles McCarthy Reserve generally aligned with the existing vehicle access track.**
  - b) Amend the St Leonards Growth Area 2 Outline Development Plan:**
    - to restrict the oval shape that relates to ‘intersection upgrade’ to the Leviens Road/Murradoc Road intersection with the notation ‘upgrade Leviens Road/Murradoc Road intersection’.**
    - to delete the McBeth Street footpath and replace it with an alignment consistent with the vehicle access track in the Charles McCarthy Reserve.**
- 3. The exhibited Planning Permit 970/2014 be amended in the form contained in Appendix D.**
- 4. The exhibited subdivision plan be amended to:**
  - a) Provide vehicle access into the golf course land at a mid-point in Stage 19.**
  - b) Delete residential lots in the south west corner of the site and replace with an overland flow path as shown on Overall Development Plan, Plan 8 (Drawing: 5636-100-ODP-Plan 8 Revision 2 date 15/12/2015).**

# 1 Introduction

## 1.1 Panel process

Greater Geelong Planning Scheme Amendments C317 and C325 were prepared by the Greater Geelong City Council as Planning Authority. As exhibited:

- Amendment C317 proposes to rezone 321-399 Ibbotson Street, St Leonards from the Farming Zone to the General Residential Zone – Schedule 1 (GRZ1). Draft Planning Permit 970/2014 was exhibited concurrently under Section 96A of the *Planning and Environment Act 1987* for a multi-lot residential subdivision and removal of native vegetation for the land. Amendment C317 was prepared at the request of Costa Property Nine Pty Ltd
- Amendment C325 proposes to rezone 2-20 Leviens Road, 22-40 Leviens Road, 152-200 Bluff Road, 481-505, 511-529, 531-539, 541-569 Ibbotson Street, St Leonards from the Farming Zone to the GRZ1 and apply Schedule 39 to the Design and Development Overlay control (DDO39) to the land being rezoned and to 42 Pearl Bay Passage, St Leonards. Amendment C325 was prepared at the request of St Quentin Consulting on behalf of St Leonards Property Holdings Pty Ltd, R and B Robinson and ABC Project Management Pty Ltd.

Both Amendments were authorised by the Department of Environment, Land, Water and Planning (DELWP) on 20 August 2015.

Both Amendments were placed on public exhibition between 25 September 2015 and 19 October 2015, with the following response:

- Amendment C317 – 19 submissions, of which 12 opposed the Amendment
- Amendment C325 – 27 submissions, of which 18 opposed the Amendment.

On 3 and 5 November 2015 Council, under delegation, resolved to refer all submissions to a Panel for Amendment C317 and Amendment C325 respectively. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 18 November 2015 and comprised David Merrett (Chair) and Greg Sharpley.

A Directions Hearing was held in relation to the Amendment on 24 November 2015. Prior to the Directions Hearing, the Panel undertook an inspection of the subject sites and their surrounds.

The Panel then met in the offices of Greater Geelong City Council on 16, 17 and 18 December 2015 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Greater Geelong City Council	Mr Peter Schembri, Senior Strategic Planner, Mr Matthew Wilson, Planning Engineer and Mr Rory O’Laughlan, Statutory Planning Co-ordinator
Costa Property Nine Pty Ltd Amendment C317	Mr Stuart Morris SC instructed by Mr John Carey of the firm Minter Ellison solicitors, who called the following

	witnesses:
	- Dr Mark Jempson, Hydraulic Engineer, Venant Solutions
	- Mr Stephen Hunt, Traffic Engineer, Cardno
St Leonards Property Holdings Pty Ltd Amendment C325	Ms Emily Porter, barrister, instructed by Ms Judith Perlstein of the firm Norton Rose Fulbright, who called the following witnesses:
	- Mr Stuart McGurn, Planner, Urbis
	- Mr Tim McKinley, Traffic Engineer, Cardno
Department of Environment, Land, Water and Planning (DELWP) Amendment C325	Mr Geoff Brooks
B and R Robinson Amendment C325	Mr John Robinson
Gee Dee Nominees Amendment C325	Mr George Petsinis
Charles and Leslie Brown Amendment C325	
Mr Stephen Tuohy Amendment C325	
Mr Robert Baker Amendment C325	
ABC Project Management Amendment C325	Ms Sarah Auld

## 1.2 The proposal

### 1.2.1 St Leonards

St Leonards is a coastal town on the Bellarine Peninsula located 12 kilometres east of Geelong. Indented Head is located further north and Queenscliff and Point Lonsdale are located to the south. The Bellarine Peninsula is popular with holiday makers and in recent years has experienced a growing permanent resident population. St Leonards is situated in a sensitive coastal location close to the Salt Lagoon Wildlife Reserve to the north and the Edwards Point Wildlife Reserve to the south. Council advised the town is subject to flood events and drainage infrastructure is limited and ageing.

In 2013 the population of St Leonards was 2,090. In the summer period the holiday population swells to over 10,000. St Leonards relies on Drysdale and Geelong for most employment, retail and social needs.

Council advised it is not a designated growth location though there are number of residential estates that have been and still are developing such as the Sea Change Estate, the Bluff Heights Estate and the eastern portion of the St Leonards Golf Course. Together with the growth areas Council estimates there is over 30 years supply of residential land. This growth will change the socio-economic mix of the town, however today St Leonards is identified as

an area of disadvantage according to the Socio-Economic Indexes for Areas (SEIFA) measures for Relative Socio-economic Disadvantage.

### 1.2.2 Growth Areas

Figure 1 shows the location of the two Growth Areas in St Leonards.

Growth Area 1 (Amendment C317) is 38.72 hectares in size and is rectangular in shape 417 metres in width and 815 metres in length. The St Leonards Golf Club is located to the north, Ibbotson Street (unsealed) to the west and further is farming land and south (across Old St Leonards Road - unsealed) and east is established residential areas. The land comprises farming and grazing land and predominantly drains from the north to south, although a ridge close to the northern boundary drains the northern portion towards the golf course. A creek with riparian vegetation bisects the land in the southern quarter of the site. This creek carries water from the western farmland catchment, across the land and out to Port Phillip Bay via constructed wetlands and a lake in St Leonards. This growth area is in single ownership (Costa Property Nine Pty Ltd). Approximately 464 lots are proposed to be developed on the site.

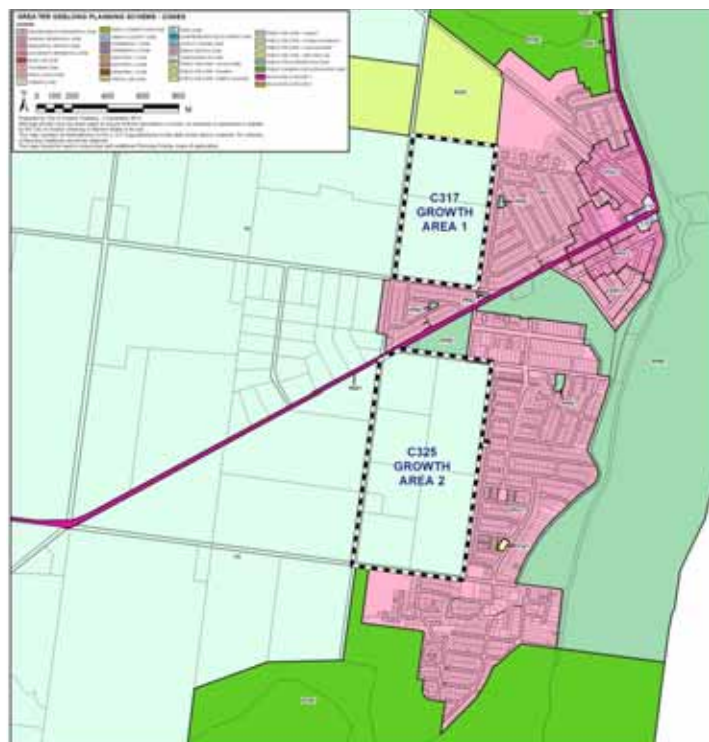


Figure 1 Location of Amendment sites



Figure 2 Growth Area 1



Figure 3 Growth Area 2

Growth Area 2 is 70 hectares in size and is generally rectangular in shape and consists of seven owners. The land is bounded by Levians Road (sealed) to the north, established / developing residential area to the east (Sea Change estate), Bluff Road (sealed) to the south and Ibbotson Street (unsealed) to the west. Approximately 967 residential lots are expected to be created. During its assessment of the amendment request Council required the proponents to purchase a lot (No. 42) in Pearl Bay Passage to provide east/west connectivity across the site into the established residential area to the east.

Both growth areas are within the St Leonards settlement boundary.

### 1.2.3 Planning Permit 970/2014

Draft Planning Permit 970/2014 was exhibited concurrently and seeks to approve a 483 lot residential subdivision of Growth Area 1. After exhibition the exhibited subdivision plan was amended to delete some of the lots south of the creek in the south west corner to allow for an overland flow area at the south west corner of the site. This had the effect of reducing overall lot yield to 464. Figure 4 contains the amended plan. The draft permit contains 62 conditions. The permit conditions address roads and drainage infrastructure construction and maintenance, vegetation management, landscaping, servicing, creek rehabilitation, DELWP, VicRoads and servicing authority requirements, public open space and a Section 173 agreement.



Figure 4 Amended subdivision plan

The Section 173 Agreement commits the permit applicant to make infrastructure contributions in accordance with the *Growth Area 1, St Leonards Infrastructure Contributions and Subdivision Design Requirements*. It locks in key outcomes of that have been negotiated between Council and the proponent such as contribution to the St Leonards Early Learning Community Centre and subdivision design requirements.

The following technical reports were provided by the proponent:

- TGM Planning Application, including Clause 56 Assessment (Rezoning Request, Rev 2, August 2014)

- TGM plans for subdivision, staging, services, lot diversity, building envelopes and fencing (25/07/14)
- TGM feature survey (Revision 1 28/05/14)
- A recent copy of Certificates of Title
- Mexted Rimmer Creek Landscape Concept Plan and Linear Open Space Native Landscape Plan (31.07.2014)
- Roadside Vegetation Offset Calculations Report, Mark Trengove (June 2014)
- Traffic and Transport Assessment, Cardno (11 August 2014)
- Cultural Heritage Survey, Terra Culture (11 December 2013)
- TGM Infrastructure Servicing Report (31 July 2014)
- Site Assessment Report, Environmental Site Assessments (29-May-14)
- Preliminary TGM Stormwater Management Plan (31 July 2014)
- TGM addendum 1 - Hydraulic Model Update and Flood Impact Assessment Report. Draft, December 2015 (at the hearing).

#### **1.2.4 Amendment C325 supporting documents**

Some updates to documents occurred following discussion with Council officers. Amendment C325, as exhibited, consisted of the following supporting technical reports:

- St Quentin covering letter dated 26 March 2015
- Amended St Quentin Planning Report (still November 2014)
- Amended St Quentin draft Development Plan Overlay schedule
- Murradoc Road Functional Design, Cardno (20 February 2015)
- St Quentin Growth Area 2 Context Plan (24 September 2014)
- Vegetation Assessments, Mark Trengove (August & September 2014)
- Traffic and Transport Assessment, Cardno (19 November 2014)
- Aboriginal Heritage Advice, Clarkeology (July & August 2014)
- Spiire/St Quentin/Millar Merrigan Infrastructure Servicing Reports (2014)
- Stormwater Management Plan, Afflux Consulting (September 2014).

Council was concerned with the potential of more than one Development Plan being lodged across Growth Area 2 as there were many landowners. On the basis that the future layout was relatively certain and shared infrastructure had been identified, Council proposed the use of the Design and Development Overlay (DDO) to achieve the same outcomes as the Development Plan Overlay (DPO). Council considered that the design objectives, subdivision design requirements and application requirements of the schedule would sufficiently guide an orderly, integrated and attractive residential development.

The Section 173 Agreement commits the permit applicant to make infrastructure contributions in accordance with the St Leonards Growth Area 2 Draft Shared Infrastructure Funding Plan (SIFP). The SIFP was prepared by Urban Enterprise and guides the delivery of shared infrastructure by:

- Identifying the land parcels which are to be developed and quantifying the area and likely development yield of each parcel infrastructure contributions arising from the Shared Infrastructure Funding Plan (SIFP);
- Identifying shared infrastructure required to support development;
- Identifying the specifications, costs and justification for each item;

- Apportioning costs to each land parcel in the study area, and calculating levies payable to ensure delivery of shared infrastructure;
- Identifying any additional infrastructure items that are to be provided by specific landowners;
- Describing the mechanisms by which the SIFP will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation); and
- Provide clear principles regarding obligation of developers to deliver and/or facilitate works.

The main difference between the two Section 173 Agreements is there are no subdivision design requirements for Growth Area 2 as these are addressed in DDO39.

### **1.3 Background to the proposal**

There have been a series of steps in the planning process to manage the growth of St Leonards that started in 2006 with the adoption of the St Leonards Structure Plan 2006 (SLSP 2006). The SLSP 2006 labelled both growth areas as *protect for potential long term residential growth* with both areas located outside the settlement boundary.

In January 2010 Amendment C129 introduced the 2006 St Leonards Structure Plan Map to Clause 21.04-4 of the Municipal Strategic Statement and included both growth areas within the settlement boundary.

In February 2014 Council adopted a revision of the St Leonards Structure Plan (SLSP 2014). Implementation of the SLSP 2014 included: *Support the rezoning of land identified for long term urban growth to a residential zone subject to consideration of a planning scheme amendment.*

A combined rezoning and subdivision permit application for Growth Area 1 was lodged with Council on 12 August 2014.

On 21 April 2015 Council circulated a Position Paper on developer contributions towards an Early Learning Community Centre in St Leonards. This facility is proposed at 1343 St Leonards Road (not within the growth areas).

On 25 June 2015 Amendment C312 introduced the recommendations of the SLSP 2014. One measure was to update St Leonards Structure Plan Map at Clause 21.04-4 of the Greater Geelong Planning Scheme by designating the subject land: *Rezone General Residential.*

## 2 Identification of Issues

### 2.1 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

#### (i) Greater Geelong City Council

Council advised that the following factors were germane to both Amendments:

- Strong strategic planning basis in the State and Local Policy Framework
- Section 173 Agreements to give effect to the provision of developer contributions for the establishment of an Early Learning Community Centre in St Leonards.
- Cross-catchment stormwater flows are to be addressed in the resolution of drainage strategies
- Shared responsibility for the upgrading of the critical intersection area of Murradoc Road/Ibbotson Street and Murradoc Road/Leviens Road
- Subdivision design responses that seek to provide a vegetated green edge and open space corridor to the town (along Ibbotson Street), and protect roadside vegetation, on-site remnant vegetation and significant waterways and water bodies
- Responses to improve connectivity between the new estates and existing residential areas, as well as to encourage walking and cycling in the township.

The key issues for the Council, therefore, were to:

- Provide a sufficient land supply for the long term growth of St Leonards
- Manage and address flooding and stormwater impacts
- Ensure developers provide contributions to an Early Learning Community Centre
- Upgrading Murradoc Road/Ibbotson Street/Old St Leonards Road intersections
- Integrating development with the established areas of St Leonards
- Staging of land release.

#### (ii) Proponents

The key common issue was that land supply issues were considered in detail under Amendment C312 where the Panel found both growth areas could be considered simultaneously and would not lead to an excess of land supply over a 30 year horizon.

The key issues for the Amendment C317 proponent were:

- Stormwater and drainage strategic issues had been resolved and matters of detail could be resolved by permit conditions
- To propose changes to some permit conditions
- To propose some changes to the Section 173 agreement subdivision principles
- Road connectivity to the golf course land was not required
- The off road shared footpath should be a crushed rock surface and not constructed concrete seal.

The key issues for the Amendment C325 proponents were to:

- Request some changes to exhibited DDO39

- One of the proponents (Gee Dee Nominees) submitted the St Leonards Structure Plan Map should be amended to indicate land west of the settlement boundary as long term growth potential.

These issues are addressed further in Chapters 4 and 8 of this report.

### **(iii) Relevant Agencies**

The key issues for the Department of Environment, Land, Water and Planning (DELWP) were:

- For Amendment C325, at the hearing, submitted there needed to be a greater understanding of subterranean freshwater flows into Swan Bay
- For Amendment C317, proposed some updated vegetation removal permit conditions.

These issues are discussed further in Chapters 7 and 6 of this report, respectively.

The key issues for the Corangamite Catchment Management Authority (CCMA) were:

- As exhibited could not support residential development south of the creek for Growth Area 1
- Sought further information for on flooding and stormwater impacts for development south of the creek and proposed some changes to permit conditions.

These issues are discussed further in Chapter 5 of this report.

The key issues for the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) in a combined submission for Public Transport Victoria (PTV) and VicRoads were:  
Amendment C317

- To update the Traffic Impact Assessment Report (TIAR) prepared by Cardno to show the final intersection upgrade at Murradoc Road/Ibbotson Street and Murradoc Road/Old St Leonards Road
- The off road shared path should be 3.0 metres wide and sealed
- Amend planning permit conditions 54 and 55
- Delete Section 3.5.1 of the Section 173 Agreement.

#### Amendment C325

- A primary east west connection street needs to be provided to align either with Sandbar Street or Anchor/Clyde Streets.

These issues are addressed further in Chapters 5 and 7 of this report.

The Country Fire Authority (CFA) generally supported the development of both growth areas and noted the provision of open space areas that could act as buffers to higher fire risk from the west.

### **(iv) Individual Submitters**

The key issues by submitters were:

#### Common

- There is sufficient land available for the long term growth of St Leonards
- There is a lack of infrastructure to support the population increase.

#### Amendment C317 (Growth Area 1)

- There are too many flooding and stormwater constraints
- The design of the subdivision for Growth Area 1 is poor.

### Amendment C325 (Growth Area 2)

- Oppose the proposed road link at No 42 Pearl Bay Passage
- Oppose the proposed footpath along McBeth Street
- Flooding and stormwater impacts to Swan Bay.

These issues are discussed in further in Chapters 4, 5 and 7 of this report.

## **2.2 Issues dealt with in this report**

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

This report deals with the issues under the following headings:

- Planning context
- Land supply
- Growth Area 1
  - Flooding and stormwater management
  - Traffic
  - Subdivision design
  - Vehicle connectivity to the golf course land
  - Pedestrian connectivity
  - Section 173 Agreement
- Planning Permit 970/2014
- Growth Area 2
  - Stormwater management
  - Internal street connections
  - McBeth Street footpath
- The drafting of Schedule 39 to the Design and Development Overlay.

### 3 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

#### 3.1 Policy framework

##### (i) State Planning Policy Framework

Council submitted that the Amendments are supported by the following clauses in the SPPF:

- Clause 11.03 (Open space)
- Clause 11.05 (Regional development)
- Clause 11.05-5 (Coastal settlement)
- Clause 11.07 (Geelong G21 regional growth)
- Clause 11.14 (Planning for identified distinctive areas)
- Clause 12.02-2 (Appropriate development of coastal areas)
- Clause 13.02-1 (Floodplain management)
- Clause 13.05 (Bushfire)
- Clause 15.01-1 (Urban design)
- Clause 15.01-3 (Neighbourhood and subdivision design)
- Clause 15.01-5 (Cultural identity and character)
- Clause 19 (Infrastructure).

The Panel has also identified the following additional clauses in support of the Amendments:

- Clause 11.02-1 (Supply of urban land)
- Clause 14.02-1 (Catchment planning and management)
- Clause 16.01 (Residential development).

##### (ii) Local Planning Policy Framework

Council submitted that the Amendments support the following local planning objectives:

- Clause 21.06 (Settlement and housing) is supported because residential growth is proposed within a designated settlement boundary, at least 15 dwellings per hectare will be achieved and there will be a mix of housing
- Clause 21.14 (The Bellarine Peninsula) is supported because the individual character and identity of St Leonards will be preserved, linear development along the coast is not proposed and development is proposed where the structure plan map anticipates it. Figure 5 contains a St Leonards Structure Plan Map. Some of the relevant strategies are:
  - Encourage development which respects the coastal landscape setting of St Leonards by ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation
  - Support the development of Growth Areas 1 and 2 identified on the Structure Plan map

- Facilitate development of a community facility including an Early Years Learning Centre, preferably at 1345 Murradoc Road.

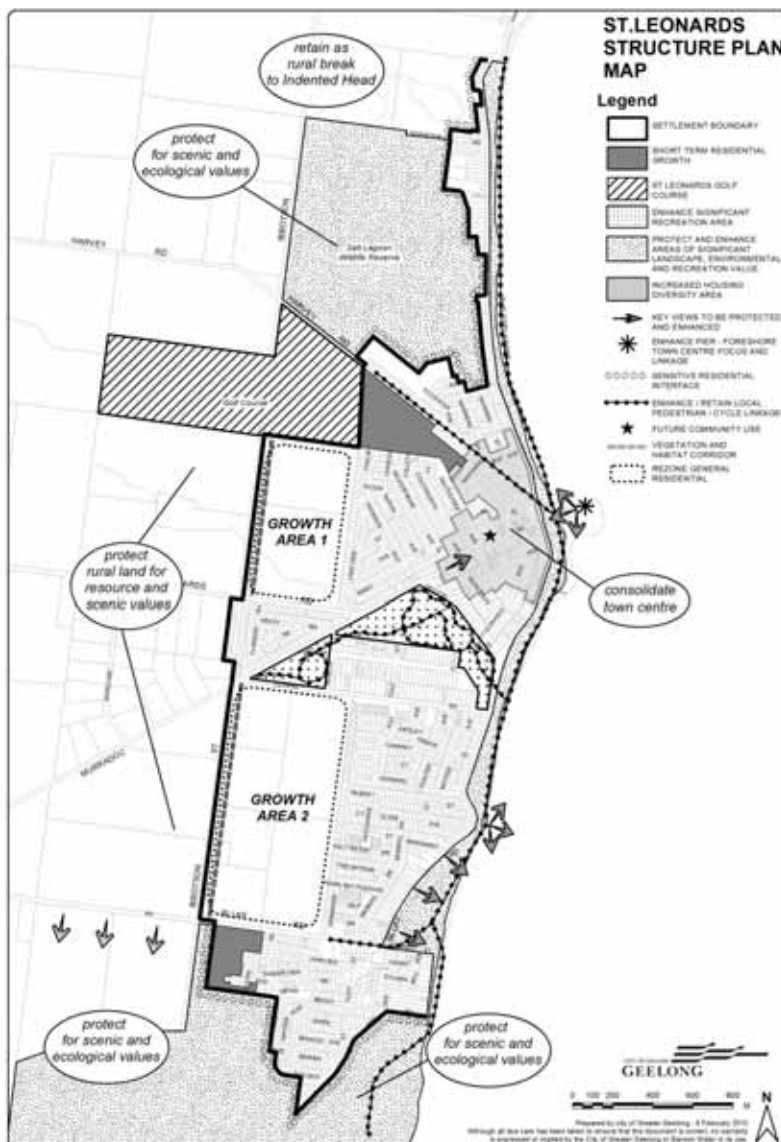


Figure 5 St Leonards Structure Plan Map

Implementation of these strategies (clause 21.14-3) will occur by:

- Applying the General Residential Zone Schedule 1 to Growth Areas 1 and 2
- Applying the Development Plan Overlay to Growth Area 2
- Applying the Development Contributions Plan Overlay (or an equivalent agreement with landowners) in conjunction with the rezoning of Growth Areas 1 and 2.

### (iii) Other planning strategies or policies used in formulating the Amendments

#### G21 Regional Growth Plan

The G21 Regional Growth Plan 2013 manages growth and land use pressures across the Geelong region to 2050. The Plan reinforces the role of structure plans as key policy instruments to provide more detailed growth planning for towns, including St Leonards.

Figure 6 contains an excerpt of the Plan's Map 6 that shows the two growth areas in St Leonards.



Figure 6 Excerpt of G21 RGP – Identified Planned Growth

### Bellarine Peninsula Localised Planning Statement

Amendment VC128 was approved on 8 October 2015 and amended Clause 11.14-1 to include the adopted Bellarine Peninsula Localised Planning Statement. At Section 5 a strategy is to *ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps*. As the St Leonards Structure Plan Map identifies the land for residential development the Panel considers the Amendments are consistent with the statement.

### St Leonards Urban Design Framework 2006

For Amendment C317 and the draft planning permit Council advised the St Leonards Urban Design Framework played an important role in the subdivision, particularly the design of the interface with Ibbotson Street and the creek corridor. Ibbotson Street would become a 30 metre wide indigenous wildlife corridor that connects the Salt Lagoon in the north with Swan Bay in the south. Fire risk would be reduced by spacing canopy trees and reducing ground fuel in response to concerns expressed by the Municipal Fire Prevention Officer Council.

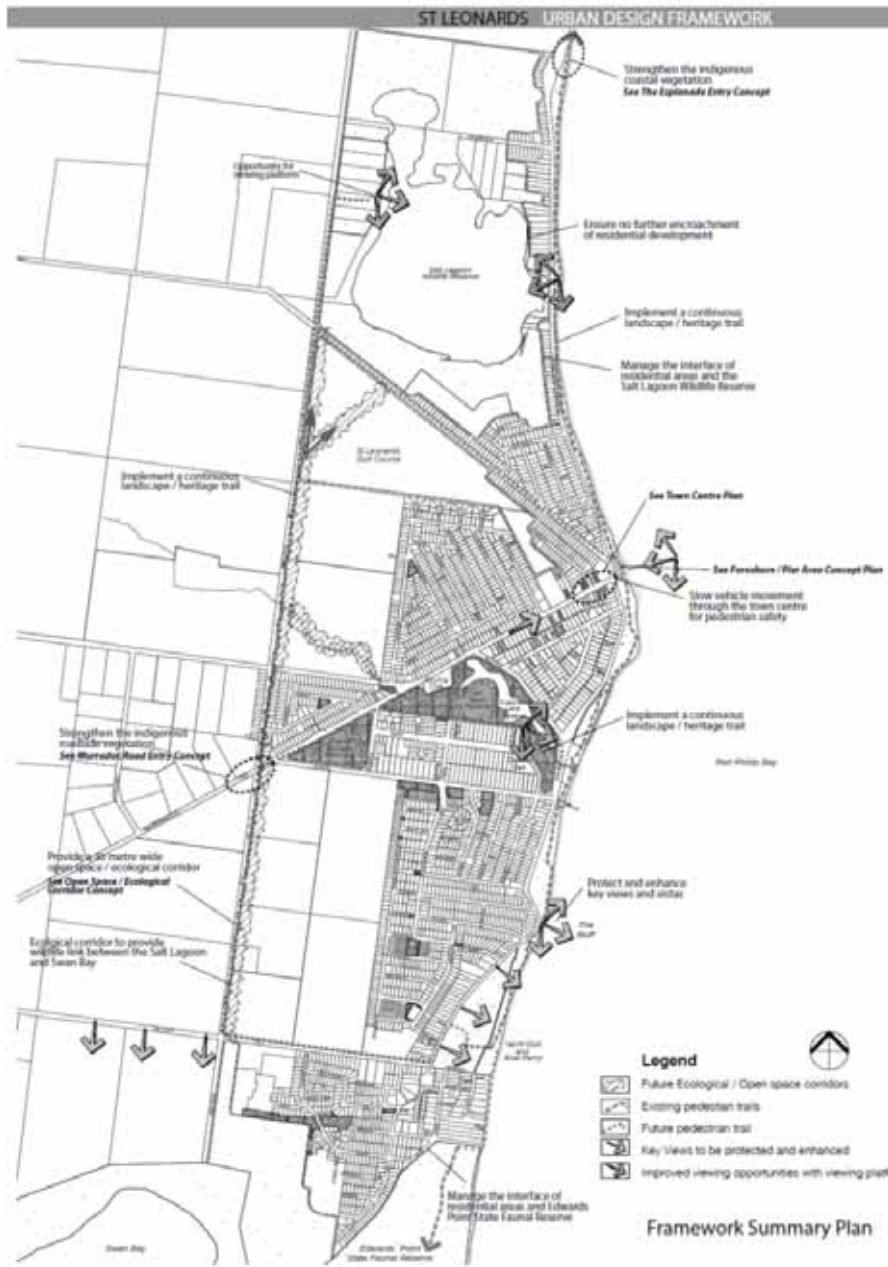


Figure 7 St Leonards Urban Design Framework Summary Plan

### St Leonards Golf Club Development Plan

The St Leonards Golf Club is located next to the northern boundary of the Amendment C317 site. Council is seeking to integrate the urban development of part of the golf club site with that proposed under Amendment C317.

## 3.2 Planning scheme provisions

### (i) Zones

The land is currently zoned Farming Zone. Both Amendments propose to rezone the land to the General Residential Zone.

## **(ii) Overlays**

Amendment C317 does not propose an overlay control to guide the future residential development of the land as a draft planning permit has been concurrently exhibited with this Amendment. The Section 173 Agreement requires the proponent to develop the land consistent with subdivision design requirements.

Amendment C325 seeks to apply the DDO to guide the future residential development of the land.

## **3.3 Ministerial Directions and Practice Notes**

### **(i) Ministerial Directions**

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

#### **Direction No 9 - Metropolitan Strategy**

St Leonards is not identified as a peri-urban town with growth potential. Council submitted the growth envisaged by these Amendments is within the settlement boundary and supported by localised planning and therefore is not impacted by this designation.

#### **Direction No 11 - Strategic Assessment of Amendments**

The Amendments are consistent with Ministerial Direction 11 (Strategic Assessment of Amendments)

#### **Direction No 17 – Localised Planning Statements**

The Amendments are consistent with Ministerial Direction No 17 (Localised Planning Statements).

#### **The Form and Content of Planning Schemes (s7(5))**

The Amendments are consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

## **3.4 Discussion**

The Panel notes there has been a succession of planning steps that have identified both growth areas as suitable for residential development. As the land is within the settlement boundary and labelled as 'rezone to General Residential' both Amendments represent the next logical step in the planning process.

The Panel concludes that the Amendments are supported by, and implement, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendments are well founded and are strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters

## 4 Land supply

### 4.1 The issue

Submitters for both Amendments considered the rezoning of over 100 hectares of land for residential development was not required and other development sites within St Leonards would satisfy demand. The issue is whether this would result in an oversupply of residential land.

### 4.2 Evidence and submissions

Submitters considered there were many vacant lots within St Leonards and no more was required.

Mr Petsinis, from Gee Dee Nominees, is one of the landowners in the Amendment C325 land and also owns land further west of Growth Area 2 at No. 522-570 Ibbotson Street. He considered that land supply was in the order of 13-16 years, not 25-30 years and that future growth west of Ibbotson Street should be recognised, not by rezoning, but it is assumed by some delineation on the St Leonards Structure Plan Map in the MSS.

Council agreed there were many vacant lots which is often the case as individual landowners considered when and how to develop their land. Council referred to the Amendment C312 Panel Hearing where land supply from both growth areas was considered in detail, even though rezoning was not proposed as part of the Amendment. The C312 Panel considered the policy of at least a 15 year land supply indicates there is no cap and concluded:

Rezoning a generous supply of land zoned for residential development is not problematic but requires staging mechanisms to ensure out-of-sequence development or market distortions are avoided. If these mechanisms are in place and diligently implemented, the rezoning of Growth Areas 1 and 2 does not raise strategic concerns.

### 4.3 Discussion

The Panel acknowledges this issue was extensively addressed under Amendment C312 where the Panel (and two expert witnesses) concluded 25-33 years of residential land supply was not an oversupply and that detailed planning and staged land release would ensure appropriate outcomes.

Mr Petsinis was the only submitter to provide some response to the conclusions of the Amendment C312 Panel. He provided a similar submission to Amendment C312. The Panel does not wish to revisit this issue in detail as it was considered extensively in 2015. The Panel agrees with Council that the issue of the settlement boundary was settled and there was ample land within it to provide for long term residential growth, without the need to identify additional land outside of the settlement boundary for long term growth.

Mr Petsinis submitted this was required to avoid mistakes which led to a lack of integration with established urban areas. The Panel does not consider this as adequate justification and notes that Ibbotson Street has been identified as a corridor linking environmental assets in the north to those in the south since the 2006 Urban Design Framework. The intent of this is to also provide a hard edge to the urban area as Ibbotson Street adjacent to Growth Area 2 is proposed to be closed at some point in the future.

## **4.4 Conclusions**

The Panel concludes:

- The land supply generated by the growth areas was considered extensively in 2014-15 by Amendment C312
- There has not been a significant change in the St Leonards residential land market since early 2015 to justify the identification of additional land either by zoning or nomination on a structure plan
- Detailed planning, land release and staging would ensure there is not an oversupply of residential land
- The land supply generated by the growth areas will not result in oversupply that policy and market conditions cannot respond to.

## 5 Growth Area 1 – Amendment C317

### 5.1 The issues

This chapter addresses the following issues for Growth Area 1:

- Flooding and stormwater management
- Traffic
- Subdivision design
- Vehicle connectivity to the golf course land
- Section 173 Agreement.

### 5.2 Flooding and stormwater management

#### (i) Evidence and submissions

Stormwater and flood impact assessments were initially provided by TGM for the proponent. Council engaged Dr Jempson, from Venant Solutions, to conduct a peer review of this work and then Dr Jempson, with the consent of Council, was then engaged by the proponent to finalise the hydraulic modelling for the site. This was dated December 2015 and presented to the Panel by way of expert evidence from Dr Jempson.

Figure 8 indicates the extent of flooding across Growth Area 1.



Figure 8 Growth Area 1 existing flood impacts

Downstream of the subdivision stormwater currently drains via a series of large diameter pipes to St Leonards Lake Reserve, which includes St Leonards Lake with a weir at the

downstream end to maintain the water level in the lake. Downstream of the weir is a short section of creek which discharges into Port Phillip Bay. The Panel was advised by Dr Jempson, Council and some submitters that during major rain events stormwater from the creek and the lake impacts on the local road network and some adjacent properties.

Individual submitters concerns relate to the impact of the proposed development on current flooding issues which arise both on the existing residential land to the south of the site and to flooding impacts on land downstream of the proposed development. Submitters concerns related to the potential for increased flooding frequency and/or depth and the resulting impacts on safety, property damage and vehicle access.

Council advised the Panel that several of the individual submissions were based on hydraulic modelling work which was undertaken by TGM in August 2015 and did not include consideration of more recent modelling undertaken by Dr Jempson in association with TGM in December 2015. This later work was more detailed and considered the whole of the creek catchment west of Growth Area 1 through to the discharge weir from the St Leonards Lake.

Dr Jempson submitted that, based on detailed modelling of the whole of the Creek catchment he was able to assure the Panel that the development of the subdivision, in accordance with the modelling<sup>1</sup>, would not only ensure that there would be no increase in flooding on adjacent properties rather there would be in many cases, a decrease in the depth of flooding. The modelling, however, had identified that in a few instances for various design storm events there was a marginal increase in water depth. Dr Jempson was confident that during the detailed design phase further refinement of the modelling would allow a detailed design to be developed which will ensure that there is no increase in flooding depth or area under any circumstances. This was also noted in the TGM Flood Impact Assessment Addendum 1 report (page 22).

The Corangamite CMA (CCMA) initially submitted it was unable to support residential development south of the creek. Dr Jempson stated that his modelling included inter catchment flow modelling from Growth Area 2 and stated that the level of modelling undertaken had addressed the concerns of the CCMA and was confident that there are now no issues of concern to the CCMA. Following its review of Dr Jempson's evidence, the CCMA advised by letter dated 14 December 2015 that it now supported the Amendment and required the following permit condition:

Prior to Council adopting amendment C317, all matters identified as requiring further investigation in the Expert Statement (as prepared by Venant Solutions on 8 December 2015) must be completed to the satisfaction of the Corangamite CMA and incorporated in the final TGM draft report.

Mr Robert Barker raised concerns in relation to the proposed diversion of stormwater from the northernmost portion of Growth Area 1 when stages 18, 19 and 20 are developed. He advised that the private golf course to the north of the site currently uses the stormwater from this area as part of the water supply for the golf course. Mr Morris advised that as part of the detailed design for those stages the potential for stormwater to be diverted to the north, rather than the south, could be investigated.

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<sup>1</sup> Dr Jempson evidence statement page 5.1

Council advised to the north east of the site the golf course land was currently being redeveloped as residential subdivision, in association with the redevelopment of the golf course. As the area to the north currently drains to Salt Lagoon any re-allocation of stormwater would need to be carefully considered and modelled to ensure any impacts on St Leonards Lake and Salt Lagoon are minimised.

Water Sensitive Urban Design (WSUD) was raised by submitters including Submitter 17 who sought to have the habitat corridor developed along the eastern boundary rather than the western boundary and to incorporate WSUD to treat the stormwater prior to discharge into the creek. In response, Dr Jempson advised that the proposed stormwater basins, situated along the creek have been modelled to include WSUD requirements in relation to the reduction of pollutants which are in accordance with Council and Environment Protection Authority (EPA) requirements<sup>2</sup>.

Council acknowledged the significant amount of work undertaken by the proponent to resolve stormwater drainage issues and was of the view that the amended layout<sup>3</sup> is sufficiently advanced for the Panel to support the Amendment and permit, subject to Council reviewing the final drainage strategy prior to the adoption of Amendment C317.

## **(ii) Discussion**

The Panel was provided with an updated flood impact assessment report prepared by TGM<sup>4</sup> which addressed the issues raised in the Venant Solutions report dated 8 December 2015 and is satisfied that the proposed stormwater collection, treatment and disposal systems can be designed to ensure that the subdivision does not result in any increases in stormwater flows or areas of inundation.

The Panel notes that flooding is a key issue in relation to the development of the site, particularly in relation to the area south of the creek and the maintenance of appropriate water quality and flow rates. While substantial modelling has been undertaken, based on the concept layout, it is imperative that the modelling be accurately reflected at the detailed design stage. The modelling undertaken at the direction of Dr Jempson indicated that under some flooding conditions minor increases could be experienced at some locations (e.g. 1257 Murradoc Road St Leonards). Dr Jempson stated that as part of the detailed design modelling he was confident that all increases in inundation could be eliminated (see Chapter 6 for discussion of permit conditions).

The Panel notes that the proposed stormwater infrastructure would result in a reduction in stormwater flows to the golf course land to the north of the subdivision. However, the Panel is cognisant of the potential for increased flows, if all stormwater from the residential development were to be diverted to the north, and the resulting potential environmental impacts on Salt Lagoon. While the proposed design meets the requirement for the subdivision, there remains the potential impact upon the water harvesting for the golf

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<sup>2</sup> 80% reduction in Suspended Solids, 45% reduction in Total Phosphorus, 45% reduction in Total Nitrogen and 70% reduction in Gross Pollutants

<sup>3</sup> Primarily the deletion of lots in the south west corner to provide for an overland flow path.

<sup>4</sup> TGM Group Pty Ltd, Addendum 1– Hydraulic Model Update and Flood Impact Assessment Report, Draft December 2015.

course and land to the north. The Panel therefore concludes there is a need, as part of the detailed design hydraulic modelling for the relevant stage of the subdivision, that the proponent in collaboration with the owner of the golf course, undertake an analysis of the northern section of the subdivision to enable stormwater discharge to the golf course with similar flows to existing (refer to Chapter 6 for discussion of permit conditions).

### **(iii) Conclusions**

The Panel concludes:

- The development of the land will have an impact on flooding in the local area
- This impact can be mitigated by an appropriate design that addresses infrastructure internal and external to the site
- Consequential changes to the planning permit will ensure these issues are addressed
- On this basis there is no substantive flood or stormwater issue which would preclude the rezoning of Growth Area 1.

## **5.3 Traffic**

### **(i) Evidence and submissions**

Council submitted that there are many vehicle access points into the subdivision, though most will use Ibbotson Street and Old St Leonards Road from Murradoc Road. Three other access points are provided off Lake View Crescent. Council considered that the traffic impacts of the development could be managed appropriately with the upgrade of the Ibbotson Street/Murradoc Road/Old St Leonards Road intersection.

VicRoads has provided Conditions 55-57 on the planning permit. Condition 55 requires a protected left turn lane on Murradoc Road into Old St Leonards Road which is to be completed prior to the issue of the Statement of Compliance (SoC) for Stage 1. Condition 56 requires a protected left turn lane on Murradoc Road into Ibbotson Street and the southern shoulder of Murradoc Road widened to allow through traffic to pass right turning vehicles prior to the issue of SoC for Stage 1<sup>5</sup>. These works are outlined in Figures 9 and 10.

Mr Hunt, who provided traffic evidence on behalf of the proponent, considered:

The proposed subdivision layout including internal road cross sections, access points and proposed improvements to Ibbotson Road and Old St Leonards Road appropriate and will cater for the expected traffic that will be generated by the development

The external local road network can reasonably accommodate traffic generated by the subject development considering expected traffic generated during both typical and peak holiday periods

The Murradoc Road intersections works coordinated with the Amendment C325 land and agreed with VicRoads and CoGG are appropriate to mitigate traffic impacts at these intersections associated with traffic generated by both sites; and

The trigger for the delivery of works at these intersections associated with the Amendment C317 land can reasonably be coordinated and delivered at the time of the

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<sup>5</sup> The original VicRoads submission required these upgrade works prior to the issue of the SoC for Stage 1.

relevant development stage that would result in additional traffic through these intersections.

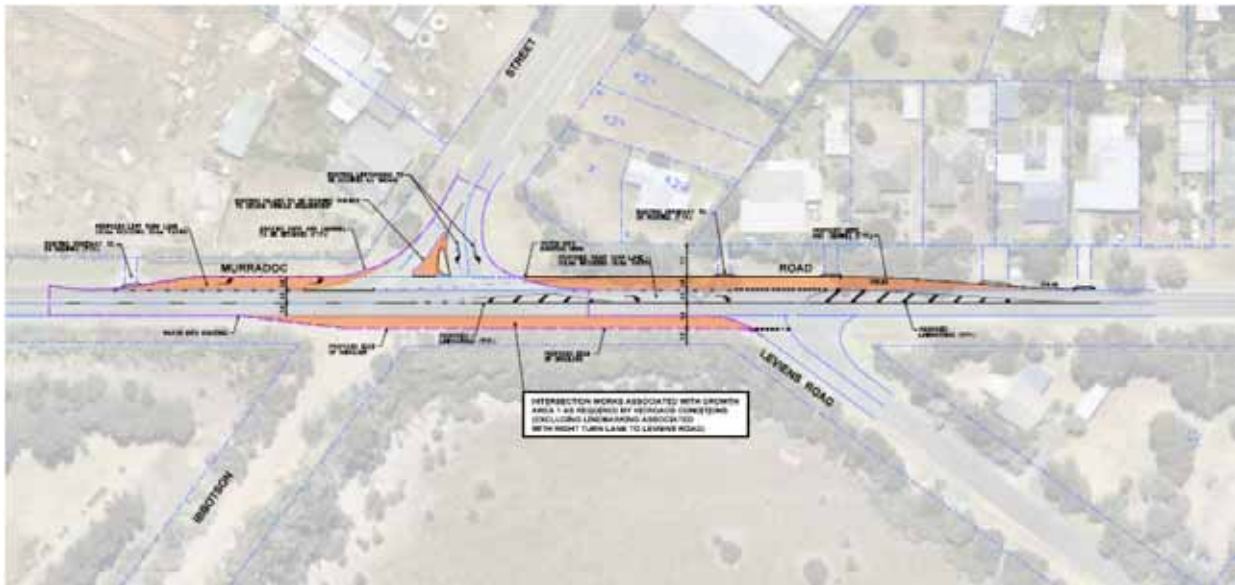


Figure 9 Murradoc Road/Ibbotson Street intersection works

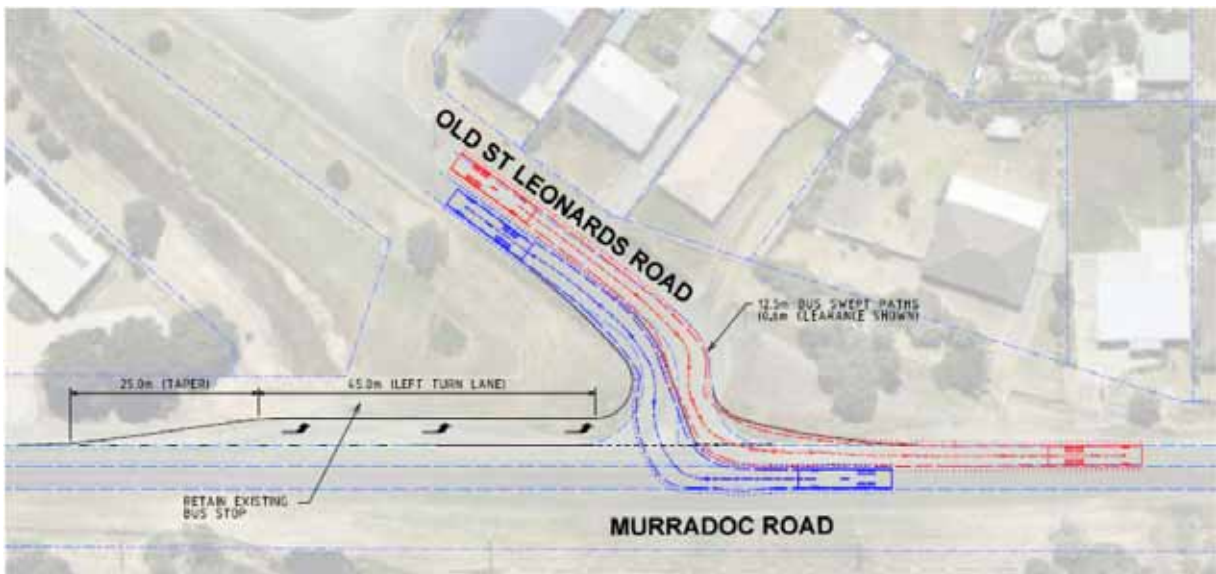


Figure 10 Murradoc Road/Old St Leonards Road intersection works

Mr Hunt considered that the traffic surveys, even when adjusted for peak holiday periods, indicated the volumes anticipated remained below the environmental capacity for a Level 2 Access Street (i.e. Ibbotson Street) of 2,000-3,000 vehicles per day and Access Street Level 1 of 1,000-2,000 vehicles per day for the internal street network.

Issues raised by other submitters include:

- Concern of increased traffic on existing streets (specifically Rigby Street and Ibbotson Street)
- The impact of additional traffic on Murradoc Road.

## **(ii) Discussion**

The creation of a residential development comprising 464 lots will increase traffic movements on the adjoining road network. The key issue for the Panel is whether this increase can be managed or mitigated.

Mr Hunt has provided evidence that shows for the majority of the year traffic increases will be well within the environmental capacity of the surrounding street network and, when peak holiday periods are considered, are higher but still within capacity. The Panel accepts this analysis.

The Panel notes that Council has anticipated residential development of this land by requiring three points of access off Lake View Crescent in the development of the residential area to the east. This has enabled a reasonably simple and straight forward integration with the adjoining residential area.

The key intersections of Murradoc Road/Ibbotson Street and Murradoc Road/Old St Leonards Road will be upgraded to ensure the safe circulation of traffic at the full expense of the proponent. The proponent did not challenge these requirements. The updated VicRoads response now logically requires the upgrades to be triggered at a stage when increased traffic would be generated.

## **(iii) Conclusions**

The Panel concludes that:

- The residential development of the land will generate increased traffic in adjoining streets
- This increased traffic is within the capacity of the surrounding street network
- Key intersection upgrades will ensure traffic circulation is safe and efficient.

## **5.4 Subdivision design**

### **(i) Evidence and submissions**

Six submitters considered the subdivision design was poor, principally based on density and a lack of parkland/open space.

Council did not support these submissions and submitted:

The design is considered to deliver substantial benefits for the future new residents and wider community. The designated waterway (creek) will be rehabilitated and transferred to Council as a reserve, together with land around the creek. There will be walking and cycling trails and transitional landscaped open space inward of Ibbotson Street.

### **(ii) Discussion**

25% (9.68 hectares) of the land will be set aside for open space; 10.4% of which will be unencumbered. Much of this open space will be focussed around the creek rehabilitation and along Ibbotson Street. The Panel considers this as a significant commitment to open space, much of which will be usually available for passive recreation even though over half is considered encumbered along the creek alignment.

The location of the open space may not be central to the site however Council preferred co-locating the park with the creek, shared trail and drainage basins to create a substantial and attractive area of open space.

Lot size varies generally between 400sqm and 600sqm. Larger lots face Ibbotson Street and Council requires the development to yield at least 15 lots per hectare which has been met. While the lots may seem to be small from a coastal town perspective there is a trend and a policy prerogative to more efficiently use urban land. The Panel does not consider the lot density is too high and notes the significant amount of open space that will be provided.

### **(iii) Conclusion**

The Panel concludes that the lot density and the provision and location of open space is appropriate.

## **5.5 Vehicle connectivity to the golf course land**

### **(i) Evidence and submissions**

Condition 1a of the planning permit requires the provision of a vehicle access point linking into the golf club land to the north at the mid-point of the northern boundary<sup>6</sup>. Council submitted on page 54<sup>7</sup>:

Council's support for the reserve connection should not be interpreted as some sought of implicit long term support for the urbanisation of the golf course land, for it is not. Rather the reserve is in the interests of orderly and proper planning, acknowledging that land uses change over time. There should also not be an assumption that the only alternative use of the golf course land is for housing.

Ultimately the connection will safeguard possible future vehicle access from the new estate to the land to the north (and visa-versa); and the developer will lose the financial gain to be made from the sale of one lot.

Council's Environment Unit sought the alternative location for this access due to concerns over the Plains Grassy Woodland habitat near the north-eastern corner of the land.

The proponent considered this was unnecessary as it would require a link to land that lies outside of the settlement boundary and has not been identified for urban development for the next 30+ years. Council's response was this it had to balance this fact with the need to avoid mistakes of the past where new estates lack integration with surrounding urban development<sup>8</sup>. Mr Hunt considered the mid-point location would not provide as good a vehicle connection as the one to the east and it could foreshadow something that is not intended.

Mr Morris considered to reserve the connection now would be a wasteful use of land and likely to be in the wrong location (if required). Mr Morris noted the Amendment C312 Panel rejected the request to include the golf course land within the settlement boundary. Mr

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<sup>6</sup> The exhibited draft permit required this connection at the north eastern corner of the subdivision.

<sup>7</sup> Council Part B Submission, page 54.

<sup>8</sup> Council referred to Growth Area 2, Ash Road in Leopold and Manzeene Village in Lara as examples where it was difficult to provide this integration.

Morris, in discussing the Section 173 Agreement, provided an alternative that would see Clause 3.5.3 of the Agreement be amended to 'provide lot/lots which might be utilised to provide for a road reserve connection in Stage 19 or relevant stage along the northern boundary'.

Council responded by submitting it is best to keep it simple and identify the land now, but if circumstances changed, there is nothing in the Agreement that says the lot cannot be sold or built on.

**(ii) Discussion**

The northern end of the land is proposed to be developed last – in 20-25 years' time. The Panel considers there is ample time to review the need for a vehicle connection to the north, however this is only possible if it is provided for in the planning permit endorsed plans (unless by agreement which is unlikely). As a matter of first principles the Panel agrees with Council that attempts should be made at this early stage, not to pre-empt development that could occur, but provide a contingency if it did. Providing for a vehicle link is good planning however this should be reviewed by Council over time as the future development of St Leonards progresses. In, say, 15 years there may be a need for a review of the settlement boundary to the north and the Panel considers it appropriate to provide for this road link now and reconsider it as time progresses. The plan endorsed under the planning permit should show this at a mid-point location in Stage 19.

In regard to the access to the lots in the north east of the site, the Panel considers it important to retain as it will also provide an important pedestrian link to the golf course land.

**(iii) Conclusion**

The Panel concludes the vehicle connection point to the golf course is required and it should be located at a mid-point position in Stage 19.

## **5.6 Pedestrian connectivity**

**(i) Evidence and submissions**

Condition 1c requires the plans to show a shared concrete footpath to the north of the creek.

The proponent did not object to the provision of the shared path, but rather the construction standard of it and requested the path be a crushed rock surface instead of concrete. Mr Morris considered this was not a subdivision in a location where expectations would be higher, the price of lots will not be high, development timeframes will be long and it is an urban subdivision in a rural environment where more informal standards may be appropriate.

The DEDJTR submission requested the provision of 3 metre wide concrete footpaths in accordance with VicRoads Cycle Notes Number 21: June 2010. Council advised that it was policy to require 2.5 metre wide footpaths as there is lower usage by cyclists and pedestrians

than in the urban areas of Melbourne. They provided the Panel with photographs of similar shared footpaths elsewhere within Greater Geelong.

Council considered the footpath should be constructed of reinforced concrete to provide for pedestrians and cyclists and to keep maintenance costs low. Council provided examples (Documents 12 and 13) of other subdivisions outside of Geelong in Jetty Road and Central Walk Drysdale where 2.5 metre wide concrete shared footpath has been provided.

## **(ii) Discussion**

The Panel considers that connectivity with and within the open space is important as it is not centrally located on the land. The shared path north of the creek is required to provide a pedestrian and cycling link between Old St Leonards Road/Ibbotson Street and the 20 metre wide open space reserve. Internal streets will have footpaths on both sides of the street to provide connections to the local pedestrian network. The Panel considers issues of increased costs should not outweigh the importance of a shared path constructed to a standard that will require little maintenance and where it would seem to be inconsistent with Council standard practice elsewhere. The Panel is aware of other coastal locations where unsealed pedestrian/cycling paths are progressively being upgraded to a concrete seal. Where the opportunity presents itself for a superior construction upfront, in lieu of retrofitting, and where there is a consistent approach by Council, the Panel strongly supports a concrete construction standard.

The Panel accepts Council's position in relation to the reduced width compared to DEDJTR requirements based on the lower usage in the region.

## **(iii) Conclusion**

The Panel concludes that the shared path in the open space creek corridor should be constructed of reinforced concrete and 2.5 metres wide.

## **5.7 Section 173 Agreement**

### **(i) Evidence and submissions**

Mr Morris proposed changes to the Clause 3.5 of the Section 173 Agreement and Council provided a response to each proposed change. Mr Morris considered it was within the Panel's power to make comment on the Agreement under Section 168 of the *Planning and Environment Act 1987*. The amended Section 173 Agreement (Document 4) that was provided by Council on Day 1 was the base for this discussion.

The Panel asked Mr Morris to consider text that would allay concerns from the Panel that there would not be an Overall Development Plan in place (or required) if Costa Property Nine Pty Ltd were to fail or become bankrupt or the permit expire. Without a DDO or DPO in place that would provide this, irrespective of who the developer is, the Panel considered it was poor planning to rely solely on the good reputation and soundness of the developer.

Appendix C contains the Section 173 Agreement supported by the Panel.

**(ii) Discussion**

Table 2 provides a synopsis of the proposed changes and discussion by the Panel. The Panel considers the inclusion of the new preamble statement overcomes its concerns over the lack of a master planning control in the planning scheme that would be called upon if the current venture fails. As the Section 173 Agreement will be registered on the property title and stays with the land, the Panel considers no matter who the developer is there is now a requirement in place that will ensure the land is developed in the way it was intended.

Table 2 Assessment of Section 173 submissions

Clause	Proponent	Council	Panel
New preamble to Clause 3.5	Unless the Responsible Authority otherwise consents, the development must be generally in accordance with the Overall Development Plan, Plan 8 (Drawing: 5636-100-ODP-Plan 8 Revision 2 date 15/12/2015)	Did not consider this necessary but did not object to its inclusion	The Panel supports this new text as it allays concerns there may not be any statutory control in place to master plan the site should the current venture fail.
3.5.3	Does not support a mid-point vehicle access location in addition to the pedestrian access	Supports new road access at a mid-point on the northern boundary	Refer to Section 5.5 for discussion of this issue
3.5.4	Replace 'consent' with 'satisfaction'	Accept	The Panel considers a logical correction to text
3.5.6	Objects to concrete construction of shared footpath	Supports concrete construction	Refer to Section 5.4 for discussion of this issue
3.5.8	Reworded to 'land for a flood or stormwater purpose shall be designated encumbered'	Accept	The Panel supports this new text

**(iii) Conclusion**

The Panel concludes the proposed Section 173 Agreement (Document 4) should be amended to reflect the above changes supported by the Panel.

## **5.8 Recommendation**

The Panel recommends:

**Clause 3.5 of the proposed Section 173 Agreement be amended in the form contained in Appendix C.**

## 6 Planning Permit 970/2014

### 6.1 The issue

On the last hearing day there was an extensive discussion of the 62 permit conditions. Agreement was reached between Council and the proponent on many conditions however there remains some disagreement on others.

In this chapter the Panel considers any proposed changes to the proposed permit application plan; some of which have been discussed elsewhere in this report.

### 6.2 Submissions and discussion

An amended planning permit (Document 3) was submitted by Council on Day 1. This proposed changes to Conditions 1, 9, 10, 14, 17, 19, 21, 24, 37, 38, 39, 40, 56 and 57 and insertion of a new condition 11.

Prior to discussing permit conditions there was a discussion on what the permit allows. Mr Morris requested this be amended to insert 'staged' multi-lot subdivision. Council and the Panel support this request.

Each permit condition was discussed. The Panel noted where agreement had been reached and where issues were still apparent. Table 3 documents this discussion which is based upon the post exhibition version of the permit submitted on Day 1.

Appendix D contains the version of the permit supported by the Panel. The outcome of this discussion of permit conditions and consideration by the Panel has resulted in 63 permit conditions.

Table 3 Assessment of planning permit submissions

Permit condition	Proponent	Council	Panel
1a	Delete	Retain	Retain (refer to Section 5.5)
1b	Accept	Retain	Retain
1c	Delete need for concrete finish	Retain	Retain (refer to Section 5.6)
1d	Accept	Retain	Retain
2	Accept	Retain	Retain
3	Delete	Delete	Delete
4	Accept	Retain	Retain
5	Accept	Retain	Retain
6	Accept	Retain	Retain
7	Accept	Retain	Retain

8	Accept	Retain	The Panel has recommended the addition of Condition 8g (refer to Section 5.2) and the conversion of the note to a new Condition 8h.
9 preamble	Insert 'relevant'	Accept	Accept
9d	Accept	Retain	Retain
9e	Accept	Retain	Retain
9f	Delete 'both sides' and replace with 'north side' only	Accept	Accept
10 preamble	Insert 'for each stage' after CMP	Accept	Accept
10a	Accept	Retain	Retain
10p	Replace 'reserve No. 3' with 'reserves'	Accept	Accept
11	Replace 'must be mown/slashed at all times' with 'reasonably maintained'	Accept	Accept
12	Accept	Retain	Retain
13	Accept	Retain	Retain
14	Accept	Retain	Retain
15	Accept	Retain	Retain
16	Delete 12 month maintenance period and replace with 3 months	Retain	Council referred to the Infrastructure Design Manual which contains this as a standard requirement. On this basis the Panel supports the need for the 12 month maintenance period
17	Confirm path is to be on the north side Old St Leonards Road and start at the south-east corner of the land	Accept	Accept
18	Accept	Retain	Retain
19	Accept	Retain	Retain
20	Accept	Retain	Retain
21	Accept	Retain	Retain
22	Accept	Retain	Retain
23d	Delete reference to concrete finish	Retain	Retain (refer to Section 5.6)
24q	Delete	Retain	Retain

24u	Replace 'to a minimum width of 30 metres' with 'an average width of 30 metres'	Accept	Accept
25	Accept	Retain	Retain
26	Accept	Retain	Retain
27	Accept	Accept	Delete reference to notes and label as conditions a, b and c
28	Accept	Retain	Retain
29	Accept	Retain	Retain
30	Accept	Retain	Retain
31	Correct spelling of 'one'	Accept	Accept
32	Accept	Retain	Retain
33	Amend preamble to 'Unless otherwise approved by the responsible authority a Construction Environmental Management Plan (CEMP) for the relevant stage ...'	Accept	Accept
34	Accept	Retain	Retain
35	Replace 'to a minimum width of 30 metres' with 'an average width of 30 metres'	Accept	Accept
36	Accept	Retain	Retain
37	Accept	Retain	Retain
38	Accept	Retain	Retain
39	Accept	Retain	Retain
40	Accept	Replace 'condition 2a' with 'condition 38a'	Accept
41	Delete 'street'	Accept	Accept
42	Accept	Retain	Retain
43	Consider condition is unnecessary but will not contest it. Proposed amended text.	Accept	Accept

44	Replace with new text: 'Prior to the Statement of Compliance being issued for any relevant stage, the subdivider must calculate the Infrastructure Contribution payable under Section 173 Agreement, titled Growth Area 1, St Leonards Infrastructure Contributions and Subdivision Design Requirements (date to be inserted)'	Accept	Accept
45	Accept	Retain	Retain
46	Accept	Retain	Retain
47	Accept	Retain	Retain
48	Accept	Retain	Retain
49	Accept	Retain	Retain
50	Accept	Retain	Retain
51	Accept	Retain	Retain
52	Accept	Retain	Retain
53	Accept	Retain	Retain
54	Accept	Retain	Retain
55	Accept	Retain	Retain
56	Need to ensure conditions reflect the 15 December 2015 letter from VicRoads	Accept	Accept. The Panel has created a new condition to reflect the separate road upgrade requirements
57	Need to ensure conditions reflect the 15 December 2015 letter from VicRoads	Accept	Accept
58	Accept	Retain	Retain
59	Accept	Retain	Retain
60	Accept	Retain	Retain
61	Accept	Retain	Retain
62	Accept	Retain	Retain
63b	Replace 8 years with 30 years	Accept 20 years	The Panel supports the need for a longer period to complete the subdivision and considers a period of 25 years is appropriate.

### **6.3 Conclusions**

The Panel concludes:

- Planning Permit 970/2014, as exhibited, should be amended to reflect the Panel recommendations contained in Table 3
- The exhibited subdivision plan be amended to show vehicle access at a mid-point in Stage 19 into the golf course land and the loss of some residential lots in the south west corner of the site and replacement by an overland flow path.

### **6.4 Recommendations**

The Panel recommends:

**The exhibited Planning Permit 970/2014 be amended in the form contained in Appendix D.**

**The exhibited subdivision plan be amended to:**

- a) Provide vehicle access into the golf course land at a mid-point in Stage 19.**
- b) Delete residential lots in the south west corner of the site and replace with an overland flow path as shown on Overall Development Plan, Plan 8 (Drawing: 5636-100-ODP-Plan 8 Revision 2 date 15/12/2015).**

## **7 Growth Area 2 – Amendment C325**

### **7.1 The issues**

The primary issue with Growth Area 2 was the management of stormwater. Internal street connections and the McBeth Street footpath are considered in this chapter.

Issues germane with Growth Area 1 have been considered by the Panel in Chapters 3 and 4.

### **7.2 Stormwater management**

#### **(i) Evidence and submissions**

Growth Area 2 sits generally at the top of the catchment with the majority of the site draining towards the north. Figure 11 shows the catchment flow across Growth Area 2. Two catchments drain to the south with the smaller portion draining to a Bluff Road catch drain to the south west and the south-eastern catchment draining under Bluff Road towards an existing subdivision to the south.

Unlike Growth Area 1, there are no flood related issues, and are principally issues of stormwater management.

Submissions in relation to the area were received from the CCMA and DELWP.

Following the review of the updated stormwater management plan prepared by Afflux Consulting (November 2015)<sup>9</sup>, the CCMA provided an updated submission (3 December 2015) that supported the Amendment provided there was requirement in DDO39 for a Flood Report with appropriate controls to address flooding, stormwater management and water quality prior to a planning permit being issued.

DELWP made no comment in relation to the discharge of stormwater from the northern portion of the site. Mr Brooks on behalf of DELWP submitted the main concern related to stormwater discharge to the south, particularly to Swan Bay. In particular, increases in overall stormwater volumes that may reach the Swan Bay component of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site which lies further to the South of the subdivision south of Growth Area 2.

The Afflux Consulting September 2015 report addressed the issue of stormwater management and discharge from the area on behalf of the current seven owners of properties comprising Growth Area 2. The Stormwater Management Plan and associated modelling identified that through the provision of retarding basins and associated wetlands in each of the four quadrants of the site that off-site flow rates could be mitigated to less than or equal to those currently occurring from the four catchments.

The Afflux Consulting November 2015 stormwater management plan addressed the issue of the total volume of water to be discharged as stormwater from the south of the site and proposed a series of infiltration trenches and unlined retention basins as a means of ensuring that the total volume of stormwater discharged from the site is equal to or less

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<sup>9</sup> Growth Area 2, St Leonards Stormwater Management Plan November 2015 and September 2014 Afflux Consulting.

than currently. This additional investigation and design work was undertaken to meet the requirement of DELWP.



Figure 11 Growth Area 2 catchment flows

At the hearing, Mr Brooks advised that DELWP remains concerned in relation to development at the south end of the site due to the potential for the infiltration basins to increase groundwater which may eventually reach Swan Bay and may impact on the sensitive Ramsar site. He stated that an emerging issue that required a whole of government/department approach was the potential impacts of any increases in the total volume of freshwater arriving at Swan Bay; either as stormwater or as groundwater.

The DELWP letter dated 29 October 2015 stated:

DELWP suggests that the Schedule require any such stormwater direction and infrastructure developments be informed by a combined ecological and hydrological

assessment of the capacity of the receiving environment, of the nature of proposed new stormwater inputs, and of the means of managing stormwater flows such that ecologically impacts are avoided first, and if not possible to be avoided, minimised.<sup>10</sup>

During questioning Mr Brooks stated that it would be unfair to expect the developers to resolve this issue and acknowledged that the cost to undertake a study of this magnitude could be in excess of what should be expected from the developers.

Ms Auld, on behalf of ABC Project Management, provided a detailed chronology of interactions with DELWP in relation to this issue and stated that, had they been aware of any hydrogeological concerns from DELWP they would have called a hydrogeological expert witness to assist the Panel. She stated that Afflux Consulting had demonstrated that no additional stormwater would reach Swan Bay, and similarly had demonstrated the potential for any run-off from residential development to be either re-used, infiltrated into the ground water or disposed of through transpiration and evaporation from the wetlands. She contended that given the small catchment area and the ability to demonstrate no additional stormwater would reach Swan Bay, any potential impact through the groundwater system would be negligible. As such she concluded<sup>11</sup>:

As such a requirement for an extremely expensive, time-consuming and unnecessary study is well outside the scope of this development and completely without justification.

Mr Robinson owns land in the south-east corner and raised similar concerns (Document 29) in relation to the DELWP requirement for detailed studies of groundwater and consequential impacts on Swan Bay. He noted that rainwater currently reaches the water table and will continue to reach the water table, subsequent to development.

## **(ii) Discussion**

The level of investigation and modelling undertaken as part of the Afflux Consulting Stormwater Management Plan provides the Panel with reasonable assurance that subject to detailed design and staging considerations, off-site stormwater impacts from Growth Area 2 can be maintained at current rates, with improved water quality.

The groundwater issue raised by DELWP in relation to the southern portion of the site remains an issue of concern to the Panel, which accept that it should not solely be the responsibility of developers to address this situation. The Panel notes that the DELWP concerns in relation to the total volume of stormwater entering Swan Bay is new and is an issue which requires a government approach, particularly as Swan Bay is part of a Ramsar site. The Panel considers the DELWP request as opportunistic and encourages it to address this issue in a broader forum than this Panel provides. Such a study is rightly a government undertaking.

The Panel also notes that the proposed area to be drained towards Swan Bay is considerably smaller than the existing recent subdivision south of Bluff Road which also drains into Swan Bay. While The Panel accepts that development standards will change with time it does not accept that the impost of a Swan Bay wide surface and ground water drainage and ecological

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<sup>10</sup> DELWP letter to Mr Peter Smith dated 29 October 2015.

<sup>11</sup> Spiire Panel submission on behalf of ABC Project Management (Document 32).

impact study is an issue which should be reasonably addressed by the developers of very minor portion of the total catchment of Swan Bay.

The Panel is of the opinion that the Afflux Consulting Stormwater Management Plan has demonstrated that not only will the volume of stormwater leaving the site be maintained at existing levels with improved water quality, but that the volume of water that may enter Swan Bay as groundwater can be minimised by the incorporation of wetlands and infiltration basins. The Panel is comforted that the drainage authority (Council) supports the Afflux Consulting assessment.

In order to minimise any impacts from development of the southern end of the site on Swan Bay, the Panel considers that in addition to meeting stormwater discharge requirements in relation to flow and water quality the detailed design for stormwater management in the southern end of Growth Area 2 must incorporate re-use, infiltration, transpiration and evaporation facilities designed to minimise the total volume of groundwater and surface water discharged from the site, to the reasonable satisfaction of Council. The exhibited DDO39 has a requirement that freshwater inputs into the saline environment of Swan Bay are addressed.

### **(iii) Conclusion**

The Panel concludes that subject to appropriate stormwater modelling management and design, as required by DDO39, there is no stormwater management reason not to approve the Amendment.

## **7.3 Internal street connections**

### **(i) Evidence and submissions**

Eleven submissions objected to the proposed road link at No. 42 Pearl Bay Passage on the basis it would increase traffic in the Sea Change estate, have adverse amenity impacts, creates an unsafe and hazardous intersection and the street network in Sea Change estate is not designed to accommodate an increase in traffic.

DEDJTR considered there was need for a:

- more direct alignment of the north/south connector road with existing roads in the adjoining residential area to the north and south
- primary east/west street ideally in a continuous alignment with either Sandbar or Anchor/Clyde Streets.

Council considered:

- The need for this connection was first identified in the Enquiry by Design workshop and the cost of the property purchase and road construction are listed items in the Shared Infrastructure Funding Plan. It will provide a better integration with the Sea Change estate, creating a road link where there is no current opportunity for 1.2 km along the eastern boundary.
- the north/south road is located centrally on the site and alignment with other external streets will create new intersections that would require infrastructure upgrades; none of which are included in the Shared Infrastructure Funding Plan

- the east/west primary road is not required as major routes to the town centre and foreshore will be on Leviens and Bluff Roads, the link with Pearl Bay Passage will allow local access to adjoining estates and the alternatives would require further private land purchase to allow for the connections.

Ms Auld considered the link into the Sea Change estate was desirable however would be satisfied if it were only a pedestrian/cycling link and not a vehicle link.

## **(ii) Discussion**

The Panel supports the need for greater integration with the Sea Change estate and agrees that the vehicle access at No 42 Pearl Bay Passage is well located at a mid-point along the eastern boundary, can be designed to minimise amenity impacts and provide for adjoining owner access. As this access is being retrofitted into an existing adjacent subdivision ideal points of connection are not readily available (due to existing dwellings) and consider this outcome as acceptable in a planning sense. The Panel agrees with Council that main access points to the town centre and foreshore will be via Bluff Road and Leviens Road and there is no need to align a vehicle connection point with other streets in the Sea Change estate as this will only provide for local traffic connections.

The alignment of the north/south internal road, while conceptual at this stage, is well located centrally to the site and the Panel agrees with Council that north and south connections should avoid the creation of new intersections with existing streets. The Shared Infrastructure Funding Plan does not account for any new intersection works.

## **(iii) Conclusions**

The Panel concludes:

- No 42 Pearl Bay Passage provides an appropriate vehicle connection point into the Sea Change estate.
- The internal north/south road is well located and will funnel traffic to Bluff Road and Leviens Road as the main routes into the town centre/foreshore and Geelong.
- There is no need to align the east/west connection with other streets in the Sea Change estate as this will generally provide for local traffic only.

## **7.4 McBeth Street footpath**

### **(i) Evidence and Submissions**

A submitter from Ward Street (on the corner of McBeth Street – Submitter 3) objected to the need for a concrete footpath along the east side of McBeth Street as it conflicted with the amenity of the street, the village lifestyle where informality should be retained and the Charles McCarthy Reserve to the west. The submitter suggested constructing the footpath in the Reserve or along Leviens Road and connect with Cole Street intersection where there is an existing path.

Mr McKinley submitted<sup>12</sup>:

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<sup>12</sup> McKinley evidence statement, Section 9.3

With the proposed connector road joining Levens Street approximately 150m to the west of McBeth Street, the desire line to Murradoc Road is likely to be directly north through Charles McCarthy Oval. The need for a pedestrian path at this location was not specified within the St Leonards Structure Plan as part of a holistic network. I do not believe there is significant justification for a pedestrian path to be provided along McBeth Street as part of the Amendment.

Council maintained the footpath was strategically justified as it would encourage residents to walk with no unreasonable impact on amenity and link the growth area to Murradoc Road. Council considered the alternatives put forward were inferior as:

- Charles McCarthy Reserve contains important native vegetation and biodiversity values that should not be disturbed
- Whilst conceding it has merit on the north side of Levens Road there is a requirement for a shared path on the south side to link the growth area; on balance the path on the north side is not warranted.

Council advised it was investigating road seal upgrade options for McBeth Street and Ward Street, noted it is an item in the Shared Infrastructure Funding Plan and it was not challenged in any of the submissions.

#### **(ii) Discussion**

The Panel was provided with an aerial photo of the Charles McCarthy Reserve which shows a vehicle access track off Levens Road into the reserve that runs to the east of the oval. The Panel considers a pedestrian access via the reserve to Murradoc Road would be more appropriate as this aligns well with the north/south road connection to Levens Road and would encourage greater use in the reserve location instead of a road reserve with no formal infrastructure. Provided the footpath is aligned with this vehicle access the Panel does not consider there would be any adverse impact on biodiversity values of the reserve. The Panel also supports Council in continuing to investigate road upgrades in McBeth Street and Ward Street.

#### **(iii) Conclusions**

The Panel concludes:

- The McBeth Street footpath should be deleted from the Growth Area 2 Outline Development Plan and replaced with an alignment consistent with the vehicle access track through the Charles McCarthy Reserve.
- This should not adversely impact the biodiversity values of the reserve if it is aligned with the existing vehicle access track
- Any consequential changes to the Shared Infrastructure Funding Plan should be made to reflect this.

Recommended changes to DDO39 are consolidated in Chapter 8.

## **8 The drafting of Schedule 39 to the Design and Development Overlay**

### **8.1 The issue**

DDO39 has been drafted as a master planning control for Growth Area 2 to guide the future development of the land. It contains the St Leonards Growth Area Outline Development Plan 2015 that shows the main north/south internal road, location of remnant vegetation, notations to intersection at the north-west corner of the land, stormwater retardation basin locations, open space locations, vehicle access points and a note for Ibbotson Street to be discontinued and established as a Greenway. The text contains general, access and open space design objectives, a planning permit exemption for buildings and works and a range of subdivision design requirements under the headings:

- General
- Urban design
- Ibbotson Street
- Stormwater management
- Traffic and pedestrian movement
- Public open space.

Application requirements seek information on stormwater management, traffic and pedestrian movements, public open space, weed management and eradication plan and an environmental assessment of the land.

Council proposed some changes in response to submissions to the exhibited version of the DDO39 (Document 21) and further changes were put forward during the course of the hearing in response to evidence.

The issue is whether the proposed changes are appropriate.

Figure 12 contains the Growth Area 2 Outline Development Plan from DDO39.



Figure 12 Growth Area 2 Outline Development Plan

## 8.2 Evidence and submissions and discussion

St Leonards Property Holdings (SLPH), St Quentin Consulting on behalf of B and R Robinson, the DELWP, the CCMA and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR – PTV and VicRoads) all requested some changes to the exhibited version of the DDO39.

Table 4 reviews these requests and outlines the position of the Panel.

Table 4 Assessment of DDO39 submissions

Issue	Submitter	Proponents *	Council	Panel
Use of 'should' and 'must'	DELWP and Mr McGurn	NA	Accept	Accept
Need for a more direct alignment of the north/south connector road with existing roads in the adjoining residential area to the north and south	DEDJTR	Not supported	Not supported - the north/south road is located centrally on the site and alignment with other external streets will create new intersections that would require infrastructure upgrades; none of which are included in the Shared Infrastructure Funding Plan	Not supported. Refer to Section 7.3
Need for a primary east/west street ideally in a continuous alignment with either Sandbar or Anchor/Clyde Streets	DEDJTR	Not supported	Not supported - east/west primary road is not required as major routes to the town centre and foreshore will be on Leviens and Bluff Roads, the link with Pearl Bay Passage will allow local access to adjoining estates and the alternatives would require further private land purchase to allow for the connections	Not supported. Refer to Section 7.3
Cross sections in the Mr McKinley's evidence (Appendix A) need to be amended to allow for cycling, dedicated cycle treatment on Bluff Road and primary north/south and east/west roads is required. The 2.5 metre wide shared path should be widened to 3	DEDJTR		Supports the update to Appendix A Not supported - the 2.5m wide shared path should not be widened to 3m. This is consistent with the Greater Geelong growth area planning standards and VicRoads Cycle Notes – Widths of Off-Road Shared Use Paths June 2010	DDO39 requires a traffic and pedestrian movements report that is consistent with the November 2014 Cardno report which Mr McKinley authored. The Panel therefore supports the update of Appendix A The Panel agrees with Council that a 2.5 m wide footpath

metres				is appropriate
Need for a bell mouth seal at the intersection of Ibbotson Street and Murradoc Road to reduce gravel drag	VicRoads	Not supported	Supported	Even though Ibbotson Street is proposed to be closed the northern will remain open for some time and possibly permanently to maintain access for properties west of Ibbotson Street. On this basis the Panel agrees with VicRoads and Council that a bell mouth seal is required at the full cost of the proponents
Proponent should only be responsible for Leviens Road drainage, parking and footpath on the southern side only, not both	Mr McKinley on behalf of SLPH	Supported	Council submitted this misinterprets the purpose and function of the linear open space. A shared path will be located within the linear open space to replace the need for a footpath in the road reserve, subject to arboriculture assessments. Similarly, the road pavement width should be determined following these assessments noting that on-street parking is unlikely to be necessary given there will be no direct lot access	The Panel agrees with Council

Proponent should only be responsible for Bluff Road drainage, parking and footpath on the north side only, not both	Mr McKinley on behalf of SLPH	Supported	Council submitted this misinterprets the purpose and function of the linear open space. A shared path will be located within the linear open space to replace the need for a footpath in the road reserve, subject to arboriculture assessments. Similarly, the road pavement width should be determined following these assessments noting that on-street parking is unlikely to be necessary given there will be no direct lot access	The Panel agrees with Council
A footpath along McBeth Street is not required or justified	Mr McKinley on behalf of SLPH	Supported		Not supported. Refer to Section 7.4 for discussion
Restriction of the oval shape around the north-west intersections to just the Murradoc Road/Leviens Road intersection	Mr McKinley on behalf of SLPH	Supported	Not supported	As the responsibilities for the upgrade of this 3-way intersection are known the Panel agrees with SLPH the oval shape should be reduced to apply to the Leviens Road/Murradoc Road intersection and have an additional notation on the ODP that states such

\*The proponents refer to either or all of the individual landowners

Council submitted that the Stormwater Management Plan be finalised before the adoption of the Amendment by Council. This was not to be a requirement of the DDO39 however Council conveyed this to the Panel during the hearing. Council advised<sup>13</sup> this was based on:

- A holistic drainage strategy (SSMP) should form a reference document for the entire growth area given the implication of a DDO that all parcels can develop independently

<sup>13</sup> Council closing submission

- Previous advice (pre & post application) asks for a flood report in accordance with best practice, i.e. a full, proper and final flood impact assessment from which detail design can be derived. The Afflux report represents a first-pass (conceptual) assessment with incomplete hydraulic modelling
- Catchment boundaries obviously do not accord with parcel boundaries
- Five adjoining parcels drain partially or fully through the SLPH property
- Raises coordination issues / repetition of work if placed as a permit application requirement
- The basins are Shared Infrastructure Funding Plan items therefore the land budget must be finalised prior to 'locking in' the Final SIFP. Further flood assessments may influence encumbered/unencumbered land areas or lot layout
- Engineering Services supports using the TGM hydraulic model, updated to fully represent outlet structures and downstream infrastructure (northern and southern catchments)
- TGM completed modelling (for Growth Area 1) similar to what is being requested in a 2-3 week period.

The Panel considers this is an unusual approach as the approval of a subdivision under the DDO39 provisions still rest with Council at its discretion. If it considers issues have not been addressed then the subdivision will not be approved. This report recommends the approval of the Amendment as an appropriate strategic and statutory threshold has been met. However the Panel considers this is essentially an issue between the Council and proponent as there is no explicit direction on this issue proposed in DDO39.

Appendix E contains the version of DDO39 supported by the Panel. Changes have not been made to the Outline Development Plan however Council should refer to Recommendation 4b for guidance.

### **8.3 Conclusion**

The Panel concludes that the exhibited version of DDO39 should be amended as shown in Appendix E.

### **8.4 Recommendations**

The Panel recommends:

**Schedule 39 to the Design and Development Overlay be amended in the form contained in Appendix E to:**

- a) **Delete reference to the McBeth Street footpath from Clause 3.0 and replace it with the need for a pedestrian footpath in the Charles McCarthy Reserve generally aligned with the existing vehicle access track.**
- b) **Amend the St Leonards Growth Area 2 Outline Development Plan;**
  - **to restrict the oval shape that relates to 'intersection upgrade' to the Levens Road/Murradoc Road intersection with the notation 'upgrade Levens Road/Murradoc Road intersection'.**
  - **to delete the McBeth Street footpath and replace it with an alignment consistent with the vehicle access track in the Charles McCarthy Reserve**

## Appendix A Submitters to the Amendment

### Amendment C317 and Permit Application 970/2014

No	Submitter
1	Robert Barker
2	Barwon Water
3	Fiona Brennan
4	Les Brennan
5	Michael & Susan Carlon
6	Walter & Christina Chapman
7	Corangamite Catchment Management Authority
8	Country Fire Authority
9	DEDJTR
10	DELWP
11	Phyllis Edmonstone
12	Jennifer Green
13	Pamela Guild
14	J & F Hancy
15	Frederick Jenkins
16	VicRoads
17	Julie and Phil Priest
18	TGM Group
19	VicRoads

### Amendment C325

No	Submitter
1	ABC Project Management
2	Barwon Water
3	Charles & Lesley Brown
4	Brenda & Keith Cayzer
5	Corangamite Catchment Management Authority
6	Country Fire Authority
7	Rod & Barb Cronkshaw
8	DELWP

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9	DEDJTR
10	ABC Project Management
11	Gee Dee Nominees Ltd
12	Eileen Jenkins
13	B Lacy
14	Lynne Lee-Tet
15	Sandra Mahoney
16	Ivan Maronian
17	Judith O'Dwyer
18	Anthony Puli
19	Gavin Puli
20	John Richards
21	Janice Rogozik
22	Graeme Sproul
23	St Leonards Property Holdings Pty Ltd
24	St Quentin
25	Bela & Maria Szabo
26	Stephen Tuohy
27	Jeanette & Raymund Wursthorn

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## Appendix B Document list

Document No.	Date	Description	Tabled by
1	16/12/2015	C317 Letter from DELWP to GGCC	Council
2	16/12/2015	C317 GGCC Main Submission	Council
3	16/12/2015	C317 GGCC C317 Planning permit Draft V2	Council
4	16/12/2015	C317 Section 173 Agreement Draft No 2	Council
5	16/12/2015	St Leonards Urban Design Framework Vols 1 & 2	Council
6	16/12/2015	G21 Regional Growth Plan Map 6	Council
7	16/12/2015	Bellarine Peninsula Localised Planning Statement	Council
8	16/12/2015	C317 Planning Permit Assessment Report	Council
9	16/12/2015	C317 Revised plans Rev 2 [7 plans] TGM	Council
10	16/12/2015	Amendments C280 & C285 Extracts re connectivity of subdivisions	Council
11	16/12/2015	C317 Res Code provisions 56.04-4 extract	Council
12	16/12/2015	Central Walk Drysdale photos [2]	Council
13	16/12/2015	Jetty Road, Drysdale Photos [2]	Council
14	16/12/2015	VicRoads Cycle note No 21	Council
15	16/12/2015	DEDJTR - VicRoads conditions letter	Council
16	16/12/2015	C325 GGCC Main submission	Council
17	16/12/2015	C325 Land ownership, segments, features, photo. Plans [ 4]	Council
18	16/12/2015	St Quentin Letter to GGCC re Amended Submission C325, including Development plan	Council
19	16/12/2015	St Leonards Reserve and McCarthy Reserve Master plan drawing	Council
20	16/12/2015	Murradoc Road Footpath K & C, road widening. Plan	Council

Document No.	Date	Description	Tabled by
21	16/12/2015	Draft Schedule 39 to DDO version 2	Council
22	16/12/2015	Submission by Mr Robert Barker	Robert Barker
23	16/12/2015	St Leonards C325 with Public Land map	Geoff Brooks DELWP
24	16/12/2015	Strategic Management plan for Port Phillip Bay Ramsar Site. map	Geoff Brooks DELWP
25	17/12/2015	C317 Panel Submission - Costa Property Nine	Stuart Morris
26	17/12/2015	Near maps [3] of C317 site area 2009 2015	Stuart Morris
27	17/12/2015	Arial photo Old St Leonards Road / Murradoc Road intersection	Stuart Morris
28	17/12/2015	Survey levels plan of 1257 Murradoc Road	Stuart Morris
29	17/12/2015	Submission on behalf of B & R Robinson	John Robinson
30	18/12/2015	App B Local Road Cross section Mc Kinley submission	Tim Mc Kinley
31	18/12/2015	Submission on behalf of St Leonards Property Holdings	Emily Porter
32	18/12/2015	Submission for ABC Project Management - Spiire	Sarah Auld
33	18/12/2015	Air photo Plan of Manzeene Village - Lara	Sarah Auld
34	18/12/2015	Submission re C325 – 15 May 2015	Geoff Brooks DELWP
35	18/12/2015	Brochure St Leonards Future Western Growth Area – Roberts Day and Submission by George Petsinis – 18/12/2015	George Petsinis
36	18/12/2015	Spread sheet – St Leonards Residential Report 1991 - 2020	George Petsinis
37	18/12/2015	Township of St Leonards , Residential Land supply Submission – 16/ 8/2011 – Adept Developments	George Petsinis
38	18/12/2015	Spreadsheet – Median Vacant Lot Prices – 2001 - 2012	George Petsinis
39	18/12/2015	Submission and photos for C & L Brown	C & L Brown

## Appendix C Amendment C317 Clause 3.5 of Section 173 Agreement supported by the Panel



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### 3.3 Indexation of Infrastructure Contribution

The Parties agree that the amount of the Infrastructure Contribution will be adjusted each year on 1 July by applying by the Adjustment Index.

### 3.4 St Leonards Early Learning Community Centre Cash Contribution

The Owner agrees that the payment of the Infrastructure Contribution will be as follows:

- 3.4.1 An amount being 20% of the Total of the Infrastructure Contribution must be paid to Council prior to the Statement of Compliance which provides for the subdivision of a total of 20% of the NDA of the Subject Land;
- 3.4.2 An amount being 30% of the Total of the Infrastructure Contribution must be paid to Council prior to the Statement of Compliance which provides for the subdivision of a total of 35% of the NDA of the Subject Land; and
- 3.4.3 The balance of the Total of the Infrastructure Contribution must be paid to Council prior to Statement of Compliance for the subdivision of a total of 50% of the NDA of the Subject Land.

### 3.5 Subdivision Design Requirements

Unless the Responsible Authority otherwise consents, the development must be generally in accordance with the Overall Development Plan, Plan 8 (Drawing: 5636-100-ODP-Plan 8 Revision 2 date 15/12/2015).

The Owner must comply with or carry out or cause to be carried out as the case may be the following requirements all to the satisfaction of Council:

- 3.5.1 The upgrading of the Ibbotson Street/Murradoc Road intersection and the Old St Leonards Road/ Murradoc Road intersection in accordance with VicRoads conditions;
- 3.5.2 The upgrading of Ibbotson Street, Old St Leonards Road, Rigby Street, Emu Street and Doongara Avenue within the vicinity of the Subject Land, and the construction of new footpaths for the subdivision;
- 3.5.3 A pedestrian access connection to the golf course on the north-eastern corner of the Subject Land, and a road reserve connection to the golf course from the northern-most east-west road (centrally located) of the Subject Land,;
- 3.5.4 The protection and enhancement of the natural creek line and its embankments, and associated remnant and riparian vegetation. Any works to the creek must be to the satisfaction of the Corangamite Catchment Management Authority;
- 3.5.5 A landscaped 20 metre wide linear open space corridor parallel to Ibbotson Street and extending north from the natural creek line to the northern-most boundary of the Subject Land;
- 3.5.6 A 2.5 metre wide reinforced concrete shared path together with associated park infrastructure is to be constructed within the linear open space corridor, that also continues along the northern edge of the natural creek line linking to Old St Leonards Road, in accordance with Council standards;
- 3.5.7 An informal reserve for public open space is to be provided on unencumbered land directly north, and integrated with, the natural creek line;



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- 3.5.8 Land for a flood or stormwater purpose shall be designated encumbered. ;
- 3.5.9 Prior to development the Owner must provide verification through a report prepared by an appropriately qualified expert that there will be no unreasonable adverse impact to surrounding properties south of the creek and the delivery of off-site drainage infrastructure upgrades and/or improvements necessary to drain the Subject Land. If such report shows that any part of the Subject Land south of the creek cannot be used for development under the Planning Permit then the NDA is to be reduced in appropriate amendments to Schedule 2 of this Agreement.
- 3.5.10 A stormwater retarding basin or basins generally adjacent to the natural creek line and integrated with the informal reserve referred to in 3.5.7 to be constructed prior to the commencement of any Stage of development for which the basin is required

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#### 4. Acknowledgements of Council

Council acknowledges that Council will apply any amount received under this Agreement for the purpose of the Infrastructure Project.

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#### 5. Further obligations of the Parties

##### 5.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

##### 5.2 Further actions

The Owner:

- 5.2.1 must do all things necessary to give effect to this Agreement;
- 5.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including:
- (a) sign any further agreement, acknowledgment or document; and
  - (b) obtain all necessary consents to enable the recording to be made.

##### 5.3 Council's costs to be paid

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the execution and registration of this Agreement which are and until paid will remain a debt due to Council by the Owner.

##### 5.4 Interest for overdue moneys

- 5.4.1 Any amount due under this Agreement but unpaid by the due date incurs interest at the rate prescribed under section 227A of the *Local Government Act 1989* and any payment made shall be first directed to payment of interest and then the principal amount owing.

## **Appendix D Planning Permit 970/2014 supported by the Panel**

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# PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF  
THE PLANNING AND ENVIRONMENT ACT  
1987

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Permit No: 970/2014

Planning Scheme: Greater Geelong Planning Scheme

Responsible Authority: City of Greater Geelong

ADDRESS OF THE LAND: 321-399  
IBBOTSON STREET, ST LEONARDS

THE PERMIT ALLOWS: STAGED MULTI-  
LOT RESIDENTIAL SUBDIVISION AND  
THE REMOVAL OF NATIVE  
VEGETATION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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## Amended Plans

1. Prior to the commencement of the development associated with the subdivision, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application 15 December 2015 (REV 2) but modified to show:

- a) The provision of an Access Street reserve centrally located between the northern most east-west road and the golf course;
- b) Construction of the Rigby Street, Emu Street and Doongara Avenue stubs to connect to Lake View Crescent;
- c) The shared concrete path located north of the creek; and
- d) A staging plan for the construction of Old St Leonards Road.

## Endorsed Plans

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988, which is generally in accordance with the endorsed plans. The endorsed plan must include a staging plan, where applicable.

## Engineering Conditions

3. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.

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4. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.

5. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.

6. At the completion of the bulk earthworks, and at completion of the works for each stage, all disturbed areas shall be hydro mulched with an approved seed and fertilizer mixture to the satisfaction of the Responsible Authority to suppress dust, and minimise erosion, unless approved otherwise by the Responsible Authority.

7. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

### **Stormwater and Drainage**

8. Prior to the commencement of site works for any relevant stage of the subdivision, the developer is required to submit detailed road and drainage construction plans to the Responsible Authority for approval. The plans shall include details of pits and pipes sizes, finished and existing surface levels, creation of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge in accordance with the Drainage Masterplan.

The Consulting Engineer must show that the design for the drainage system complies with the requirements of the Infrastructure Design Manual and any other relevant standards. Site run-off shall be limited to equivalent pre-developed levels for rainfall events up to and including the critical 100 year ARI event. An appropriate on site detention system shall be designed to limit site run-off to the pre-developed levels to the satisfaction of the Responsible Authority.

The plans must include, but not limited to:

a) The stormwater drainage system on the site must be designed such that stormwater run-off exiting the land meets the current best practice performance objectives for stormwater quality as follows:

- i) 80% retention of the typical annual load of suspended solids;
- ii) 45% retention of the typical annual load of total phosphorous;
- iii) 45% retention of the typical annual load of total nitrogen; and
- iv) 70% retention of the typical annual load of gross pollutants.

b) Major culvert augmentation/upgrades must be provided to the satisfaction of the Responsible Authority in accordance with recommendations of the Drainage Masterplan.

c) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.

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- d) Roadwork construction details including the following:
  - i) fully sealed pavement with kerb and channel for new internal roads;
  - ii) any external roadworks and treatments identified in the LATM plan;
  - iii) concrete footpaths;
  - iv) line-marking and signage installation;
- e) Reconstruction of Ibbotson Street with kerb and channel east side between Old St Leonards Road and the first intersection north of the waterway;
- f) Reconstruction of Old St Leonards Road with kerb and channel on the north side; and
- g) As part of the detailed design hydraulic modelling the developer, in collaboration with the owner of the golf course, undertake an analysis of the northern section of the subdivision at the relevant stage to enable stormwater discharge to the golf course with similar flows to existing.
- h) Detailed Road and Drainage Design Plans for any stage must not result in flood levels on existing properties being adversely affected.

### **Construction Management Plan**

9. A Construction Management Plan for each stage shall be submitted and approved by the Responsible Authority and shall address items including (but not be limited to) the following:

- a) The protection of all existing vegetation (not proposed for removal) and waterways;
- b) Show access locations for construction vehicles;
- c) All appropriate control of site emissions during construction and the defects liability period;
- d) A staging plan for all construction phases including indicative dates for commencement and completion;
- e) Intended access for construction vehicles;
- f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
- g) Details of actions to be implemented to in the event of damage to abutting assets;
- h) Details of where construction personnel will park;
- i) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
- j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- k) Details of site cleanliness and clean up regimes;
- l) Location of material storage;
- m) Dust suppression management;
- n) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure;
- o) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'; and
- p) No storage of materials or machinery within reserves.

10. Reserves must be reasonably maintained at all times until transferred to Council.

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### Construction of Roadworks/ Drainage

11. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, road and drainage works, including basin(s), must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.

12. All development and works must be carried out in accordance with the Construction Management Plan endorsed under this permit, all to the satisfaction of the Responsible Authority.

13. Ibbotson St, south of Old St Leonards Road to Murradoc Road, shall be inspected at practical completion of each stage and any identified defects directly attributed to the subdivision to be repaired by the subdivider, prior to the completion of the relevant stage defect period.

14. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.

15. A maintenance bond of 5% of the cost of civil works is to be paid to council and will be returned after successful completion of a 12 month maintenance period. A 24 month maintenance period applies to wetland vegetation.

16. Prior to the issue of Statement of Compliance for Stage 10, the applicant is required to provide a 1.5 metre wide footpath (including outstand kerbs at intersections) on the north side of Old St Leonards Road from the south east corner of the land to connect to Murradoc Road.

### General Conditions

17. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
- b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

18. For each stage of the subdivision, all existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

19. Utility service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless otherwise agreed by the responsible authority.

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## Traffic Engineering

20. A Local Area Traffic Management (LATM) plan must be developed with Council's Traffic Engineering unit prior to submitting of Road Construction plans for Stage 1. The LATM plan must apply to the entire subdivision, and any identified treatments that are external to the site being:

- a) The provision of a splitter island in Old St Leonards Road at its intersection with Murradoc Road;
- b) The Rigby Street stub and associated intersection with Lake View Crescent;
- c) The Emu Street stub and associated intersection with Lake View Crescent;
- d) The Doongara Avenue stub and associated intersection with Lake View Crescent; and
- e) The intersection of Old St Leonards Road with Lake View Crescent.

21. The street and road layout must allow for a design vehicle 10.2 metres long with a turning circle diameter of 21.5 metres and must after allow for vehicles to be legally parked in all areas unless designated as "No Parking or No Standing". Design Vehicle swept paths using traffic templates for a Dennis eagle 6 x 4 truck with a compactor, 10.2 metres long to be provided for all streets indicating the trucks ability to safely manoeuvre in the subdivision and indicating the sections of the road and street layout designated as "No Parking or No Standing" on day of kerbside collections.

## Landscaping (Recreation and Open Space)

### Landscape Master Plan

22. Prior to the commencement of works associated with the subdivision, a landscape master plan (incorporating a street tree master plan) for the permit area, prepared by a person suitably qualified or experienced in landscape design, must be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The landscape master plan must be generally in accordance with the Creek Open Space Reserve Landscape Concept Plan and the Liner Open Space Native Landscape Plan, but modified to show and include:

- a) A species list of all proposed terrestrial vegetation;
- b) A species list of all proposed aquatic vegetation which must be indigenous and designed to enhance the biodiversity values of the creek and any constructed water bodies;
- c) 1:10 year and 1:100 year flood extents
- d) Off road walking and cycling paths constructed as 2.5m concreted shared paths in accordance with CoGG standards
- e) The style and location of fencing, which is to be visually permeable, to all private property boundaries that directly abut reserves (except road reserves)
- f) Nominated points of entry into open space areas for maintenance purposes.

### Landscaping Plan

23. Prior to Statement of Compliance being issued for each relevant stage of the subdivision, a detailed landscape plan (where relevant), prepared by a person suitably qualified or experienced in landscape design, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

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The landscape plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The plan must address and be consistent with the endorsed landscape master plan and must show, where relevant:

- a) A survey (including location, size and botanical name) of all existing vegetation on the land;
- b) The proposed Q10 and Q100 events extent;
- c) Any tree(s) proposed for retention within a road reserve or public open space (excluding conservation areas) for any stage of the development must be independently assessed by a suitably qualified arborist which details suitability for retention and ongoing management recommendations for the tree(s). The detailed landscape response for the area in which the tree(s) are located must be informed by the arboricultural assessment;
- d) Vegetation that is approved to be retained, removed and/or lopped, including details of tree protection zones;
- e) The layout of new planting in all road reserves and municipal reserves including:
  - i) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts).
  - ii) Details of all other infrastructure within the road reserve (e.g. street lights, stormwater pits, fire plugs etc).
  - iii) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species.
  - iv) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres.
  - v) All proposed groundcover & shrub planting with a minimum container size of 150mm.
  - vi) The maintenance schedule for all proposed planting.
- f) The layout and zonation detail of new aquatic planting in waterways and any constructed water bodies in municipal reserves;
- g) A detailed planting schedule of all proposed terrestrial trees, shrubs, and groundcovers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
- h) A detailed planting schedule of all proposed aquatic planting including botanical names, common names, supply sizes, sizes at maturity, zonation detail, planting densities and quantities of each plant with a note that plants must be sourced from local provenance material;
- i) The proposed layout, materials and finishes of paths, areas of pavement, structures, play spaces, fences, maintenance access gates and street furniture;
- j) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- k) Additional supporting information, such as certified structural designs or building forms;
- l) Playground design compliance with AS4685:2004 Playground Equipment Safety and AS/NZS4422:1996 Playground Surfacing;
- m) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles
- n) The maintenance schedule for all proposed landscaping, including hard and soft landscaping elements;
- o) Bicycle parking to support primary cycling routes throughout the subdivision,
- p) The style and location of permeable fencing for all lots abutting reserves (except road reserves),
- q) Retention of existing native vegetation (where possible) within a landscape corridor along Ibbotson Street at a minimum of 20 metres wide.
- r) Species within the Ibbotson Street landscape corridor must complement existing native vegetation within the road reserve and the nearby native vegetation within the St Leonards Golf Course. The

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- species list will need to be reviewed by a specialist to assess their suitability from a fire risk perspective having regard to the concerns raised by Council's Fire Prevention Officer.
- s) Retention of River Red-gums within the creek corridor, subject to assessment by a Level 5 arborist.
  - t) Specify details regarding the connection/interface of the Ibbotson Street pathway to land north of the development (i.e. St Leonards Golf Course).
  - u) An ecological corridor along the entire length of the creek to an average width of 30 metres.
  - v) No modifications to the creek – the natural form of the creek must be retained, except with the consent of the Responsible Authority and the Corangamite CMA.
  - w) Aquatic species to be used within the stormwater treatment wetlands & sediment basins (if applicable) including densities and treatments; maintenance vehicle access points; sediment drying areas.
  - x) Fence design details for lots abutting open space reserves and Ibbotson Street ecological corridor. Fencing detail must be to Council specifications.
  - y) Fence design details for lots abutting St Leonards Golf Course. Fencing detail must be to Council specifications.
  - z) The Stage 1 basin land to include loop path, grassing, tree and garden bed planting and some park furniture.

### **Completion of Landscape Works**

24. The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage, or any other time when agreed in writing by the Responsible Authority and suitably bonded.

25. Prior to the issue of practical completion of landscaping works, or any other time as agreed in writing by the Responsible Authority, the following must be provided to the Responsible Authority:

- a) Building permits and structural engineering compliance where necessary;
- b) Landscaping maintenance plan including playground inspection regime and asset listing;
- c) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format; and
- d) An independent playground auditor's report with evidence of rectification of any identified defects.

The report must relate to all playground equipment, fitness equipment, natural play elements, soft fall areas and edging to ensure that all aspects of the playground construction meet Playground Standards AS/NZS4422 1996 and AS4685 parts 1-6 2004 and is in good working order and safe condition.

26. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority at the time of application for practical completion of landscaping works.

- a) The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete landscape works; the maintenance bond or bank guarantee must be 100 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.
- b) A practical completion inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete landscape works bond will be returned on award of practical completion.
- c) Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

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### **Maintenance of Landscaping**

27. The landscaping shown on any endorsed landscape plan for a particular stage must be maintained in accordance with Council's Landscape Standards Manual dated June 2013, or any replacement landscape standard guidelines or manual which may be adopted by the Council to the satisfaction of the responsible authority for a period of two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced and any landscaped areas and hard landscape elements are to be repaired as appropriate to ensure that the landscaping is retained in the condition it was in at the date of practical completion.

28. Playgrounds and fitness equipment must be inspected and maintained in accordance with Council's Landscape Standards Manual dated June 2013, or any replacement landscape standard guidelines or manual which may be adopted by the Council, and maintained in a manner to ensure public safety for the duration of the landscape maintenance period.

29. The developer and their contractors who will develop and maintain playgrounds and associated landscaping are required to obtain and maintain appropriate public liability insurance (with Council's interest noted on the certificate of insurance) over the playground and landscaping for the duration of the maintenance period.

### **Notes**

- i) The planting out of interim wetlands (or similar) will be allowed under this Permit, however the maintenance period for those areas will not commence until such time as the ultimate wetland (or similar) is constructed and planted out.
- ii) Unless otherwise agreed in writing, Council will not be responsible for the equipment, the site or public liability until a handover inspection has taken place and written acceptance of handover has been issued.
- iii) A handover inspection is required to satisfy the above conditions and must be organised by the permit holder with two weeks' notice given for onsite inspections. The Landscape maintenance bond will be returned upon acceptance of handover.
- iv) No handovers will be accepted during the summer period, i.e. between 30 November and 1 March each year.

### **Removal of Native Vegetation**

30. If required, any pruning or lopping must be undertaken by a suitably qualified and experienced arborist (level 5) in accordance to *AS4373 – 2007 Pruning of Amenity Trees*. Any pruning or lopping must be to the minimum extent necessary and not exceed one third of the canopy and must not include lopping of the trunk.

31. If required, a Level 5 arborist must be on-site during all works within the Tree Protection Zones of the River Red Gums to ensure all efforts are taken to avoid impact on the root zones of the River Red Gums, to monitor root damage and carry out any amelioration to disturbed roots.

### **Construction Environmental Management Plan**

32. Unless otherwise approved by the Responsible Authority, a Construction Environmental Management Plan (CEMP) for the relevant stage must be submitted to and approved by

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Council's Environment Unit. When approved, the plan will be endorsed and then form part of the permit. The plan must:

- a) Clearly identify on plans, at useable scale, all native vegetation that is to be both retained and removed, for use by contractors working on site.
- b) Protect the River Red Gums in accordance with AS 4970-2009.
- c) Prevent the creek from sedimentation and erosion.

33. The approved Construction Environmental Management Plan (CEMP) must be implemented to the satisfaction of Council. Any non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.

### **Waterway Rehabilitation Plan**

34. Prior to commencement of works, a Waterway Rehabilitation Plan for the creek corridor must be submitted to and approved by the Responsible Authority. The plan must detail the specific rehabilitation and revegetation of the creek corridor to an average width of 30 metres. When approved, the plan will be endorsed and then form part of the permit. The plan must include:

- a) Details regarding the proposed works within the creek and its embankments-the natural form of the creek must be retained and a riparian corridor is to be established. Cross-sections outlining the proposed treatment shall be provided.
- b) Details regarding the long-term protection and enhancement of the existing River Red Gums.
- c) Details of all revegetation works including the use of plants listed within the City's *Indigenous plants from of the Geelong Region Zone 1 Eastern Bellarine Plains* - including densities and treatments.
- d) The location of any stabilisation works (if required) such as rockwork and/or jute matting.
- e) Details of all proposed weed control works.
- f) Details of the proposed maintenance program prior to transfer to the City.

35. Prior to the transfer to Council of the creek corridor all the works identified within the approved Waterway Rehabilitation Plan undertaken by the developer, unless otherwise agreed in writing by the Responsible Authority. A detailed inspection shall be undertaken by officers from the City's Environment Unit upon completion of all the required on-ground works.

### **DELWP Conditions**

36. To offset the removal of 0.094 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013) as specified below:

- a) A general offset of 0.029 general biodiversity equivalence units with the following attributes:
- b) be located within the Corangamite Catchment Management Authority boundary or Greater Geelong municipal district
- c) have a strategic biodiversity score of at least 0.346.

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37. Prior to the issue of the Statement of Compliance for any stage that requires removal of native vegetation, evidence that the required offset for the project or stage has been secured must be provided to the satisfaction of the responsible authority. The offset evidence can be:

- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
- b) an allocated credit extract from the Native Vegetation Credit Register.

38. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

39. In the event that a security agreement is entered into as per condition 38(a), the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

### **Street Names – Place Signs**

40. Prior to Statement of Compliance being issued for any relevant stage the subdivider must provide and place relevant signs to the satisfaction of the Responsible Authority.

### **Street Lighting**

41. Prior to the issuing of a Statement of Compliance for each relevant stage of subdivision street lighting is to be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.

### **Public Open Space Contribution**

42. The owner of the subject land must provide for unencumbered Public Open Space in accordance with the Schedule to Clause 52.01 of the Greater Geelong Planning Scheme. The contribution will be made in accordance with the staging plan prior to the issue of a Statement of Compliance for each stage of the subdivision. A land budget must be submitted for each stage of the subdivision to determine compliance with this condition. For the purpose of this condition, encumbered land includes that part of the land that is subject to flooding in a 1% AEP rainfall event.

### **Section 173 Agreement**

43. The owner must make Infrastructure Contributions to Council as required by the Section 173 Agreement, entitled *Growth Area 1, St Leonards Infrastructure Contributions and Subdivision Design Requirements* dated (insert). Prior to the payment of an Infrastructure Contribution, a land budget must be submitted that demonstrates the contribution payable.

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## **Barwon Water Conditions**

### General

44. The owner shall create easements for Pipelines or Ancillary Purposes in favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision.

45. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

### Water

46. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.

47. An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tapplings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tapplings and services are not to be located under existing or proposed driveways.

48. Reticulated water mains or a water extension are required to service the proposed development.

49. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

### Sewer

50. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.

51. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.

52. Reticulated sewer mains or a sewer main extension are required to service the proposed development.

53. For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land to the west in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with Section 36 of the Subdivision Act 1988.

54. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all

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costs associated with creating these easements including payment of any compensation to other land owners for these easements.

**Note:** The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communications between the developer/agent and Barwon Water quote Barwon Water reference number **L008123**.

### **VicRoads Conditions**

55. Prior to the issue of a statement of compliance for Stage 1 of this subdivision, the following works at the intersection of on Murradoc Road and Old St Leonards Road must be completed at no cost to and to the satisfaction of VicRoads:

a) The northern shoulder of Murradoc Road widened and sealed to allow left turning vehicles to decelerate clear of through traffic.

56. Prior to the issue of a statement of compliance for Stage 10 of this subdivision, the following works at the intersection of on Murradoc Road and Ibbotson Street must be completed at no cost to and to the satisfaction of VicRoads:

a) A left turn lane on Murradoc Road on the western approach to the intersection.

b) The southern shoulder of Murradoc Road widened and sealed to allow through traffic to pass right turning vehicles.

57. Prior to commencing any works within the Murradoc Road reserve, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads service obligations.

### **Tenix Conditions**

58. The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.

### **Powercor Conditions**

59. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

60. The applicant shall:

a) provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.

b) where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

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- c) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
- d) Any construction work must comply with the Officer of the Chief Electrical Inspector “No Go Zone” rules.
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for ‘Powerline Purposes’ pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia Ltd’s approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

### **CFA Conditions**

#### 61. Hydrants

- a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- c) Hydrants must be identified as specified in ‘Identification of Street Hydrants for Fire fighting purposes’ available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

#### 62. Roads

- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- c) Roads must have a minimum trafficable width of:
  - i) 5.5m if parking is prohibited on one or both sides of the road,
  - ii) 7.3m where parking is allowable on both sides of the road.
- d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

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**Date Issued:**

**Date Permit comes into operation: Signature for the Responsible Authority**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

- e) Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'No Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

**Expiry (Staged)**

63. This permit as it relates to subdivision will expire if one of the following circumstances applies:

- a) The first stage of the plan of subdivision has not been certified within two years of the date of this permit.
- b) All stages of the plan of subdivision have not been certified within twenty-five (25) years of the date of this permit.
- c) A statement of compliance is not issued within five years (5) of the date of certification of a particular stage of subdivision.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

*(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)*

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Date of amendment	Brief description of amendment
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1

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<b>Date Issued:</b>	<b>Date Permit comes into operation:</b>	<b>Signature for the Responsible Authority</b>
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

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### WHEN DOES THE PERMIT BEGIN?

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The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### WHEN DOES A PERMIT EXPIRE?

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1. A permit for the development of land expires if -
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - \* the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development: or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - \* the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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### WHAT ABOUT APPEALS?

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- \* Any person affected may apply for a review of -
    - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
    - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
    - the failure of the responsible authority to extend the time within one month after the request for extension is made.
  - \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
  - \* An application for review must state the grounds upon which it is based.
  - \* An application for review must also be served on the Responsible Authority.
  - \* Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
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## **Appendix E DDO39 supported by the Panel**

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## **SCHEDULE 39 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO39**

### **ST LEONARDS GROWTH AREA 2**

#### **1.0 Design objectives**

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##### ***General***

To facilitate the orderly and integrated residential development of the area.

To promote a mix of lot sizes including higher density lots adjacent to open space.

##### ***Access***

To improve vehicle and pedestrian access to and from Murradoc Road and to established residential areas.

To provide a central connector road between Leviens Road and Bluff Road.

##### ***Open Space***

To ensure local parks are conveniently connected to linear open space and/or the connector road network.

To provide an off-road linear open space network and pathway around the growth area.

To encourage a subdivision design that avoids or minimises the loss of remnant vegetation both on-site and in abutting roadside reserves.

To establish Ibbotson Street as a high amenity, high conservation value open space trail.

To manage the interface between linear and buffer open space, remnant vegetation and residential development.

To ensure best practice stormwater management objectives (quantity, quality, volume) are met to prevent adverse impact on downstream areas.

#### **2.0 Buildings and works**

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##### **Permit requirements**

A permit is not required to construct a building or construct or carry out works not associated with the subdivision of the land, provided such buildings and works are generally in accordance with the Growth Area 2 Outline Development Plan.

#### **3.0 Subdivision**

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##### **Design requirements**

##### ***General***

- Subdivision must not result in the further fragmentation of land where it would prevent orderly development in accordance with the objectives and requirements of this schedule.
- Subdivision sequencing must generally support the efficient delivery of service infrastructure.
- Subdivision should be generally in accordance with the St Leonards Growth Area 2 Outline Development Plan 2015 that forms part of this schedule.
- Subdivision must implement the requirements of the St Leonards Growth Area 2 Shared Infrastructure Funding Plan.

### ***Urban Design***

- Subdivision should provide a range of lot sizes and densities to encourage a variety of housing types.
- Open space and drainage reserves must be interfaced by roads and/or dwelling frontages on at least three sides.
- Subdivision should provide for the retention, where appropriate, of high arboricultural value scattered remnant River Red Gum, Drooping Sheoak and vegetation patches in future road reserves or open space reserves.

### ***Ibbotson Street***

- Subdivision should provide for the discontinuation of Ibbotson Street, between Murradoc Road and Bluff Road, and the establishment of this land as a greenway for the retention and protection of vegetation and accommodation of pedestrian and cyclist traffic.
- Subdivision must not provide direct vehicle or road access to the greenway.
- Existing vehicle access to Ibbotson Street from abutting properties shall remain until redirected into the new internal road network or Murradoc Road.
- Subdivision should provide for the inclusion of existing vegetation immediately adjacent to Ibbotson Street (i.e. on the boundary) into the greenway, as appropriate.
- Subdivision should ensure residential lots have frontage to the greenway.
- Subdivision should provide an open space buffer of 10 metres (generally) between Ibbotson Street and residential development. The design of the buffer should give consideration to bushfire risk, fencing treatments, vegetation (existing and proposed) and pedestrian/bicycle access, as appropriate.

### ***Stormwater Management***

- Subdivision must set aside land for drainage purposes to meet peak discharge limits and water sensitive urban design elements in accordance with performance objectives of Urban Stormwater: Best Practice Environmental Management Guidelines (CSIRO, 1999), Infrastructure Design Manual, and CoGG Design Notes.
- The design of retarding basins must have sufficient land area set aside for heavy vehicle access and sediment drying; as well as measures to mitigate mosquito breeding in accordance with best practice guidelines.
- Easement creation, widening and/or realignment as necessary to ensure adequate provision for pipe-laying and maintenance, and identify overland flow paths, both within the development area, and to external affected land.
- A stormwater management system must be designed to ensure that:
  - peak discharge rates and pollutant loads of all stormwater leaving the site post development are regulated to integrate with downstream infrastructure, at no greater than pre-development rates.
  - no adverse impacts to any surrounding land, upstream or downstream.
  - the volume of water discharging towards Swan Bay either as surface water or groundwater shall be maintained at or below existing to the maximum extent reasonably practicable
  - ecological impacts of increased overall volume of freshwater inputs into the saline environment of Swan Bay (Ramsar wetlands site) have been specifically addressed.

### ***Traffic and Pedestrian Movements***

- Subdivision should provide a movement network that:
  - promotes a high degree of internal permeability for a variety of transport modes, including the provision of a centrally located north-south connector road.

- enables integration with St Leonards, by utilising the surrounding road network, including a vehicle link to Pearl Bay Passage and a pedestrian link to Diver Dan Lane.
- provides for possible future central road access to the west.
- provides an integrated and continuous network of safe and convenient footpaths, shared paths and bicycle lanes including connections to the greenway.
- improves connectivity to St Leonards, particularly Murradoc Road via a new footpath through the Charles McCarth Reserve.

#### ***Public Open Space***

- Subdivision should provide an open space contribution (in cash or land or a combination of both) to a minimum of 10% of the developable residential land generally as specified in the St Leonards Growth Area 2 Shared Infrastructure Funding Plan. Encumbered land must not be credited as Public Open Space including land required for the future drainage basins and any unmade future road reserves.
- Subdivision should provide unencumbered open space (to form part of the open space contribution) of the following general widths:
  - 10 metres for Buffer Open Space;
  - 12 metres for Linear Open Space (Leviens Road);
  - 10 metres for Linear Open Space and 5 metres for Linear Open Space abutting stormwater retarding basins (Bluff Road).
- Footpaths (and possibly services) should not be provided in the Leviens and Bluff Road Reserves and instead constructed on parallel abutting linear open space within the growth area, subject to arboriculture assessments. This footpath (i.e. shared 2.5 metre wide path) should 'loop' around the site.
- Subdivision should provide for two minimum 1 hectare parks located generally as shown in the St Leonards Growth Area 2 Outline Development Plan 2015.

#### **Application requirements**

An application must be accompanied by the following information:

##### ***Stormwater Management***

- A Stormwater Management Plan responding to flooding, stormwater and drainage conditions generally in accordance with the principles outlined in the Afflux Consulting Report dated November 2015\*.

##### ***Traffic and Pedestrian Movements***

- A Road Network and Traffic Management Plan generally in accordance with the recommendations of the Cardno Report dated November 2014.
- Advice from Barwon Water relating to any works to Leviens Road.

##### ***Public Open Space***

- Conceptual plans for all areas of public open space, including the Ibbotson Street greenway, showing general layout and indicative landscape treatments (such as seating, play spaces and paving materials) with any infrastructure being in accordance with the standards set out in Council's Sustainable Communities Infrastructure Development Guidelines May 2010 and the use of local indigenous plant species where appropriate.
- An arboricultural assessment of the health, retention value and recommended protective measures for all:
  - native trees within the growth area; and
  - Australian vegetation within Bluff Road, Leviens Road and the Ibbotson Street greenway, and immediately adjacent to these road reserves (i.e. on the boundary within the linear and buffer open space).

- Vegetation management plans for Leviens Road and Bluff Road showing how impacts on existing vegetation from new intersecting roads, road pavement widening and service installation can be avoided or minimised.

**A *Weed Management and Eradication Plan*.**

An *Environmental Assessment* that includes:

- Assessment of the land by a suitably qualified environmental professional detailing the level and location of any soil contamination. If the responsible authority is satisfied that significant levels of contamination have been found:
  - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
  - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the sensitive use.

**Exemption from notice and review**

An application to subdivide 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**

**Decision guidelines**

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Before deciding on an application the Responsible Authority must consider:

- The design objectives and requirements of this schedule.
- Whether the subdivision design is generally in accordance with the St Leonards Growth Area 2 Outline Development Plan 2015.
- Whether the subdivision is consistent with, and implements the requirements of, the St Leonards Growth Area 2 Shared Infrastructure Funding Plan.

