



# MINUTES

## ORDINARY MEETING OF COUNCIL

**Tuesday, 22 November 2016**

Held at the  
Council Conference and Reception Centre  
City Hall, Little Malop Street, Geelong  
commencing at 5.30p.m.

**ADMINISTRATORS:**

Dr Kathy Alexander (Chair)  
Laurinda Gardner  
Peter Dorling

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**MINUTES OF THE ORDINARY MEETING  
OF THE GREATER GEELONG CITY COUNCIL  
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL, LITTLE MALOP STREET, GEELONG  
TUESDAY, 22 NOVEMBER 2016  
COMMENCING AT 5.30P.M.**

**PRESENT:** Dr K Alexander (Chair), L Gardner, P Dorling

**Also present:** K Spiller (Chief Executive Officer), W Tieppo (General Manager Strategy & Performance), P Bettess (General Manager Planning and Development), R Thomas (Acting General Manager City Services), L Quinn (General Manager Community Life), A Keen (Executive Manager People and Organisational Development), T McDonald (Manager Customer Support and Council Business)

**OPENING:** The Chair declared the meeting open at 5.30pm

**ACKNOWLEDGEMENTS:**

Council acknowledged Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:**

**P Dorling moved, L Gardner seconded –**

**That Leave of Absence be granted to Laurinda Gardner and Peter Dorling from 26 December 2016 to 9 January 2017, inclusive. Dr Kathy Alexander (Chair) withdrew her leave arrangements.**

**Carried.**

**CONFIRMATION OF MINUTES:**

**P Dorling moved, L Gardner seconded -**

**That the Minutes of the Ordinary Meeting held on 25 October be confirmed.**

**Carried.**

**DECLARATIONS OF CONFLICTS OF INTEREST:** Nil.

## **QUESTION TIME:**

*Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise, the Interim Administrator or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.*

*Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.*

**Andy Richards** submitted questions in relation to Asbestos Removal to which a written response will be provided within 14 days.

**Colin Wallace** asked the following:

Dr Alexander, in your letter to me dated 22 August 2016, you said you would not meet with me and did not mention my wife at all, even though when I asked here at public question time on 16 August if you would meet with my wife and me you said you would.

To explain this turnaround, you said in the letter you did some research. Your research did not extend to consulting me or my wife.

You had never met with us and had no communication of any sort to you from us except my questions here on 28 June and 16 August.

Since, according to your letter, the outcome of your research is that you will not meet with us despite saying you would, I am asking would you, Dr Alexander, provide a list of the resources you used in your research, such that each item of information is readily identifiable?

*Kathy Alexander indicated that she would not provide the requested information.*

**Mary Wallace** asked questions regarding personnel related matters, and as previously advised, "Council does not discuss personnel related matters in an open forum".

**Priscilla Pescott** asked questions regarding signage at Balyang Sanctuary:

Last time I was there, a young woman with several small children had come with a large bag full of french stick bread to feed the birds. She said she was unaware that feeding the birds was prohibited.

When I returned from my walk, there were several of the bread sticks floating in the water, and on the concourse.

The notice of prohibition is only on the bird identification signs, and not very prominent. So I would ask that more prominent signs with this message be erected fronting the car park and beside the lakes.

*Rodney Thomas responded that Council will have a look at the signage with a view to improving it.*

**Sue Clark** asked question in relation to 43 Upper Skene Street, Newtown:

Given that buildings and fences currently exist that are not in line with the overlay guidelines and that one side of the street has been excluded, what is the Heritage Overlay trying to achieve by including Upper Skene Street in the precinct?

*Kathy Alexander suggested Peter Bettess have some of the planning staff meet and discuss the issues further.*

**Michael Loughnan** asked questions regarding the Annual Global Costings of Armstrong Creek:

- so as to retrieve money from developers in keeping with real costs;
- to add weight to growing costs of delivery desirable qualities for subdivisions and efficient service delivery.

*Peter Bettess advised he would ask his Executive Assistant to make contact in regard to formalising a meeting.*

**Jennifer Bantow** asked questions in relation to the Newtown West Heritage Review and Johnstone Park Concept Plan:

*Newtown West Heritage Review:*

Is it planned to have any other areas reviewed in the near future?

Is there any annual budgetary allocation for this purpose until all the Outer Areas Heritage Study is completed?

*Peter Bettess responded he can't say what the next areas to be reviewed are, but would be putting to the heritage strategy which will identify those areas that haven't been studied, which should be.*

*Johnstone Park Concept Plan:*

Does Council consider the closure of Mercer Street and the demolition of the buildings within the Woolstores Heritage Overlay should be endorsed?

*Brett Luxford added the Johnstone Park Concept Plan is being put out for a period of 14 days for public consultation and added he is aware of the elements mentioned and is working with Heritage Victoria for the best outcome.*

## **PETITIONS:**

**Chris Auret** tabled a petition requesting Council resolve the lack of action to demolish or rectify the fire damaged derelict building at 336 Ryrie Street.

**2. AMENDMENT C328 (PART 2) & PLANNING PERMIT 762/2015 – 38-42 MAINSAIL DRIVE, ST LEONARDS – CONSIDERATION OF PANEL REPORT AND ADOPTION**

**Source:** Planning and Development – Strategic Implementation  
**General Manager:** Peter Bettess  
**Index Reference:** Application C328 & PP762/2015

**Purpose**

To consider the Panel Report on Amendment C328 (Part 2) and Planning Permit 762/2015, proposing rezoning and subdivision of Barwon Water land at 38-42 Mainsail Drive, St Leonards, and to make a recommendation to the Minister for Planning.

**Background**

Amendment C328 was exhibited between 10 March and 11 April 2016 and subsequently split into two parts at the proponent's request. Five submissions objected to the proposals for 38-42 Mainsail Drive, the subject of Part 2 of the Amendment. Submissions were referred to a Panel under delegated authority on 29 June 2016. A Panel Hearing was held on 11 August 2016. The Panel Report was received on 9 September 2016.

**Key Issues**

- Submissions raised concerns including tree removal, visual impact, desirability of securing the land as public open space, lack of restrictive covenants, security of the Barwon Water tank and the bus stop relocation.
- The submissions were considered by a Panel, with Council officers supporting minor changes to the Planning Permit conditions to respond to some issues raised in submissions (reflecting Council's Parks unit's agreement to retain as many trees as possible on the proposed Council Reserve; and ensuring a safe location for the relocated bus stop). Other concerns (visual impact, the desirability of securing land as public open space, lack of restrictive covenants and security of the water tank) were considered; the Panel supported Council officers' position that these did not warrant changes to the Amendment or Planning Permit, as outlined in Attachment 1.
- The Panel recommended the Amendment be adopted as exhibited and the Planning Permit be approved subject to the minor changes to conditions proposed by Council to address some of the submitters' concerns as outlined in Attachment 1.

**L Gardner moved, P Dorling seconded -**

**That Council:**

- 1) Adopt Amendment C328 (Part 2) in the form outlined in Appendix 7 of this report;**
- 2) Recommend to the Minister for Planning that Planning Permit 762/2015 be granted pursuant to Section 96G of the *Planning and Environment Act 1987* (the Planning Permit is in Appendix 8 of this report); and**
- 3) Submit the adopted Amendment with the prescribed information to the Minister for Planning requesting approval.**

**Carried.**

## ***Discussion***

### Proposal

The proposed rezoning and subdivision is part of a wider property realisation program Barwon Water is carrying out for its surplus land.

Lot 1 (38-42) Mainsail Drive is owned by Barwon Water. An adjacent 217 m<sup>2</sup> Barwon Water Reserve, Reserve No. 2 (PS 526864F) also has the address 38-42 Mainsail Drive (location plan at Appendix 1, current zoning at Appendix 2). Lot 1 has been owned and used for water storage by Barwon Water since 1963. It was surrounded by farmland until residential subdivision of surrounding land, approved in June 2003.

The Amendment's proposals are shown at Appendices 3 and 4. The Amendment proposes to:

1. Rezone a portion of 38-42 Mainsail Drive from Public Use Zone 1 (Service & Utility) to General Residential Zone Schedule 2 and apply Design and Development Overlay Schedule 14 (DDO 14) to that land. [This is to facilitate subdivision and development for residential use]
2. Rezone a portion of 38-42 Mainsail Drive from Public Use Zone 1 to Public Park and Recreation Zone. [This formalises a 2004 agreement for a portion of the Barwon Water land to be managed as open space; this land is to be ceded to Council in the concurrent Planning Permit.]
3. Rezone a portion of Reserve No. 2 (PS52686F), 38-42 Mainsail Drive, from General Residential Zone Schedule 2 to Public Use Zone 1 and delete DDO 14 from that land. [This reflects the Reserve's tenure and ongoing use by Barwon Water.]
4. Rezone Reserve No. 1 (PS52686F), 124 Pearl Bay Passage from General Residential Zone Schedule 2 to Public Park and Recreation Zone and delete DDO 14 from that land. [This reflects the Reserve's tenure and ongoing use as public open space.]

The concurrently exhibited Planning Permit proposes subdivision of Lot 1 and a portion of Reserve No. 2 (PS52686F) to create two residential lots of 724 m<sup>2</sup> and 524 m<sup>2</sup>, a 1231 m<sup>2</sup> reserve to be retained by Barwon Water and a 138 m<sup>2</sup> reserve to be vested in Council as public open space. The proposed plan of subdivision is at Appendix 5 and the exhibited Planning Permit at Appendix 6.

### Consideration of submissions by Panel

Five objecting submissions raised concerns including tree removal, visual impact, desirability of securing the land as public open space, lack of restrictive covenants, security of the Barwon Water tank and the bus stop relocation. Submissions were referred to an independent Planning Panel.

The Panel, in its report, made the following conclusions:

- That the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.
- The visual impact from future development is able to be adequately controlled via the application and assessment of existing and proposed planning scheme provisions.
- The proposed Amendment and permit application will result in a net gain in the provision of public open space for the enjoyment of residents.
- The draft planning permit has been appropriately revised to include a new condition that will result in the relocation of the bus stop to an appropriate and safe location.

- The proximity of the water tank to the proposed development does not pose an unacceptable nor credible risk.
- The application of restrictive covenants to the land is not necessary. The Panel considered that planning controls that would apply to the site afford adequate protection to neighbourhood character.
- The planning permit conditions contained in the revised version of the permit circulated by Council at the Hearing appropriately respond to issues regarding the future subdivision and development of the site.
- The revised planning permit is acceptable.

The revisions to the exhibited planning permit were:

- Deletion of a condition (and associated note) that required offset planting for trees to be removed from the proposed Council Reserve as Council's Parks unit has agreed to endeavour to retain these trees as a result of concerns expressed by submitters.
- Adding a condition requiring pruning of the abovementioned trees to address tree hazard and ensure they are in appropriate condition before ownership of the land is transferred to Council.
- Adding a note confirming the required efforts to retain the trees, including the required technique for sewer installation (this has been agreed to by Barwon Water).
- Adding a condition requiring adequate separation between the relocated PTV bus stop in Mainsail Drive and the intersection with Pearl Bay Passage.

#### Officer comment

The conclusions and recommendation of the Panel are supported. The Amendment should be adopted as exhibited and Planning Permit 762/2015 granted subject to the above revisions.

#### ***Financial Implications***

No adverse financial implications have been identified with respect to this proposal. The additional area of public open space is already maintained by Council.

#### ***Stakeholder Consultation and Communication***

The Amendment was exhibited in accordance with the provisions of the Planning and Environment Act 1987 to provide for full public comment.

A meeting was held between submitters, the proponent and Council officers on 17 May 2016 to explore concerns raised in submissions. No objections were withdrawn or amended as a result of this meeting.

The Independent Panel report has been publicly released with a copy made available to submitters.

***Policy/Legal/Statutory Implications***

The amendment is consistent with State Planning Policy in Clause 11.02-1 (Settlement – Supply of urban land), Clause 11.14-1 (Localised planning statements) and Clause 16.01-1 (Residential development – integrated housing). The amendment is consistent with the Local Planning Policy Framework in Clause 21.06-3 (Urban consolidation), Clause 21.14-2 (The Bellarine Peninsula - Objectives) and 21.14-4 (St Leonards Structure Plan map).

***Alignment to City Plan***

The Amendment is consistent with City Plan's Growing our Economy priority as it provides for additional development, albeit minimal, to capitalise on existing services and infrastructure.

***Conflict of Interest***

No Council Officers involved in the preparation of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80C of the Local Government Act.

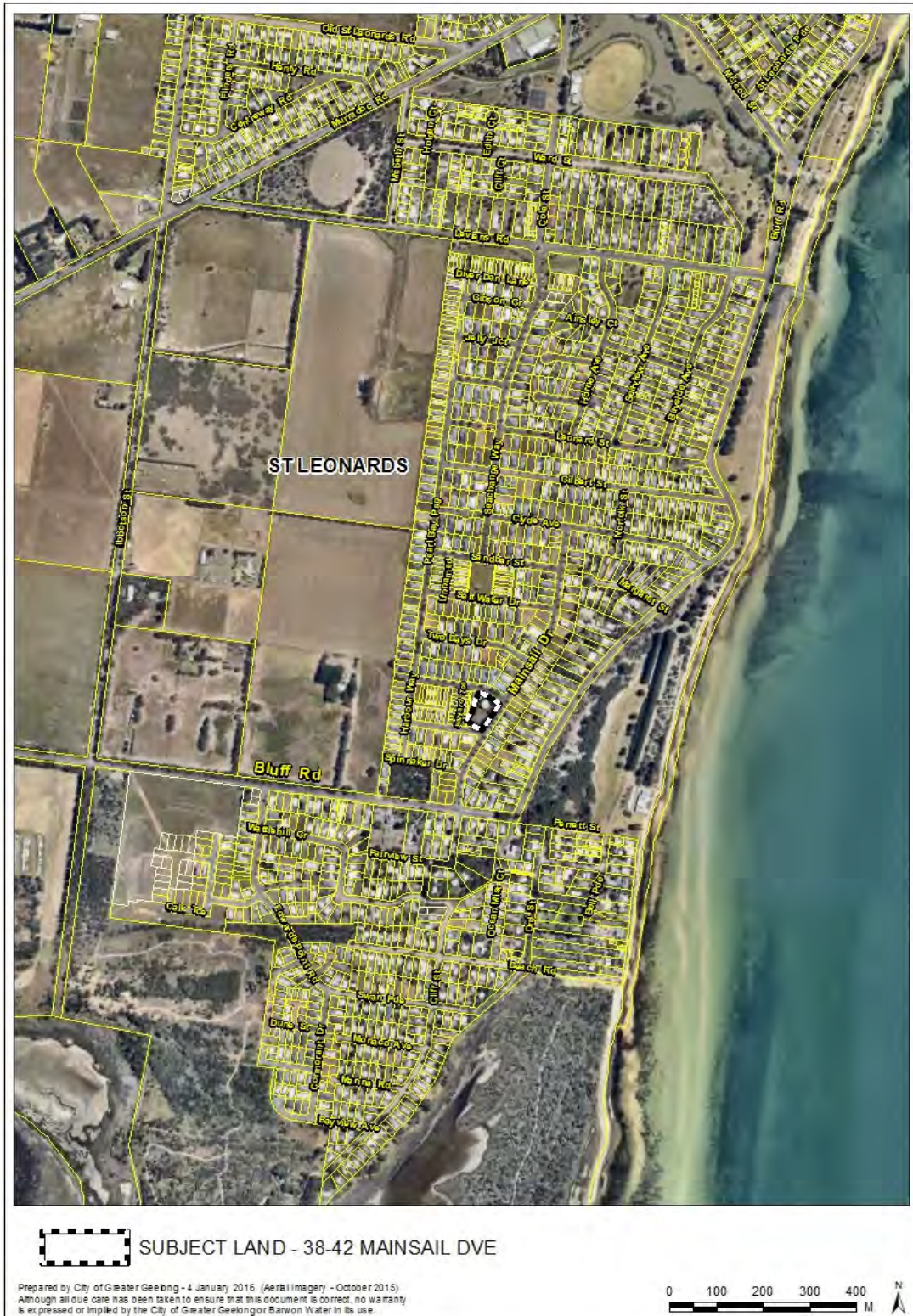
***Risk Assessment***

There are minimal risks associated with implementing the recommendation contained in this report. Council's Parks Unit has inspected the trees on the proposed Council Reserve and is prepared to accept four of these, subject to appropriate pruning and remedial works and an ongoing inspection and management program.

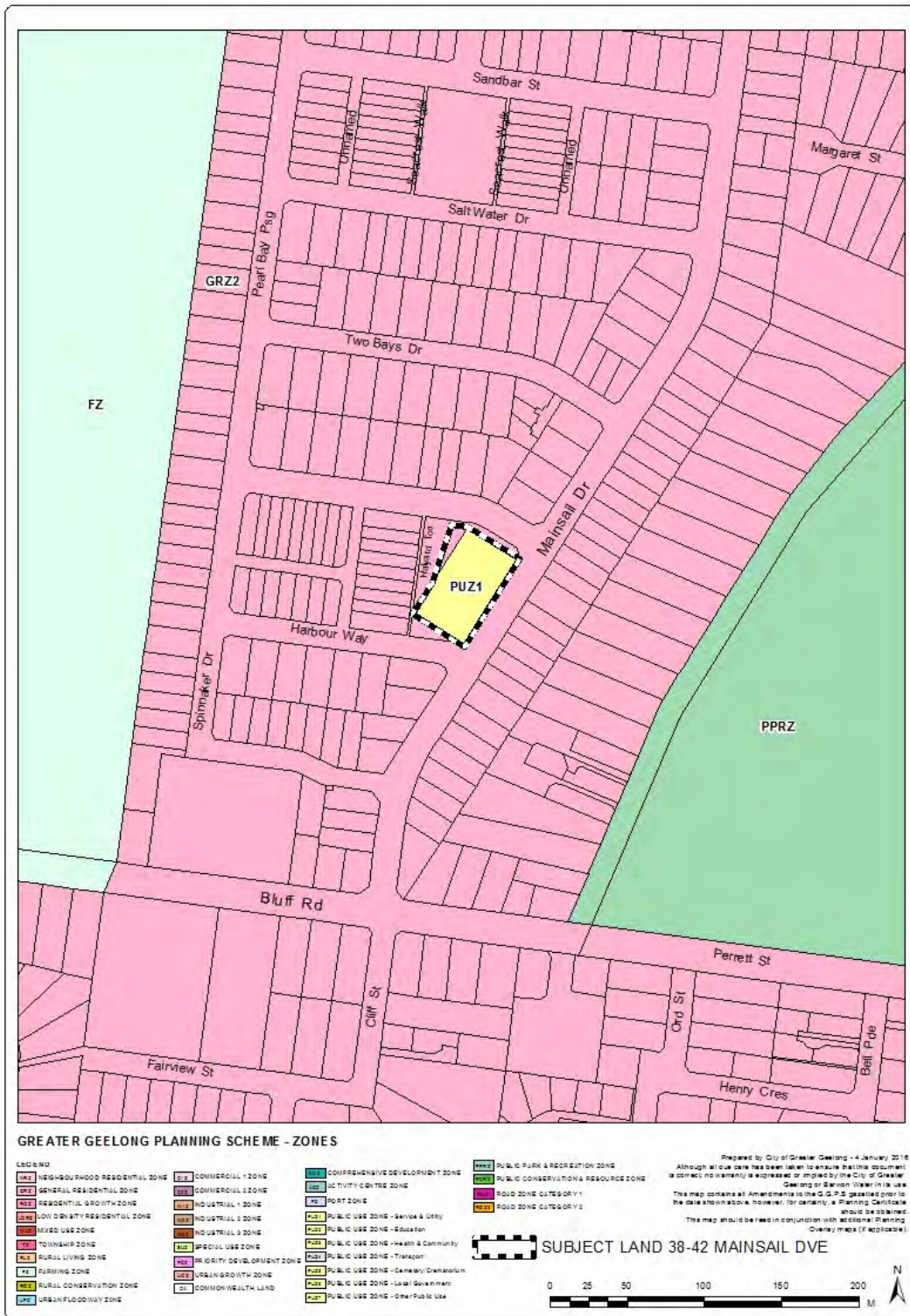
***Environmental Implications***

No adverse environmental consequences have been identified with respect to this proposal.

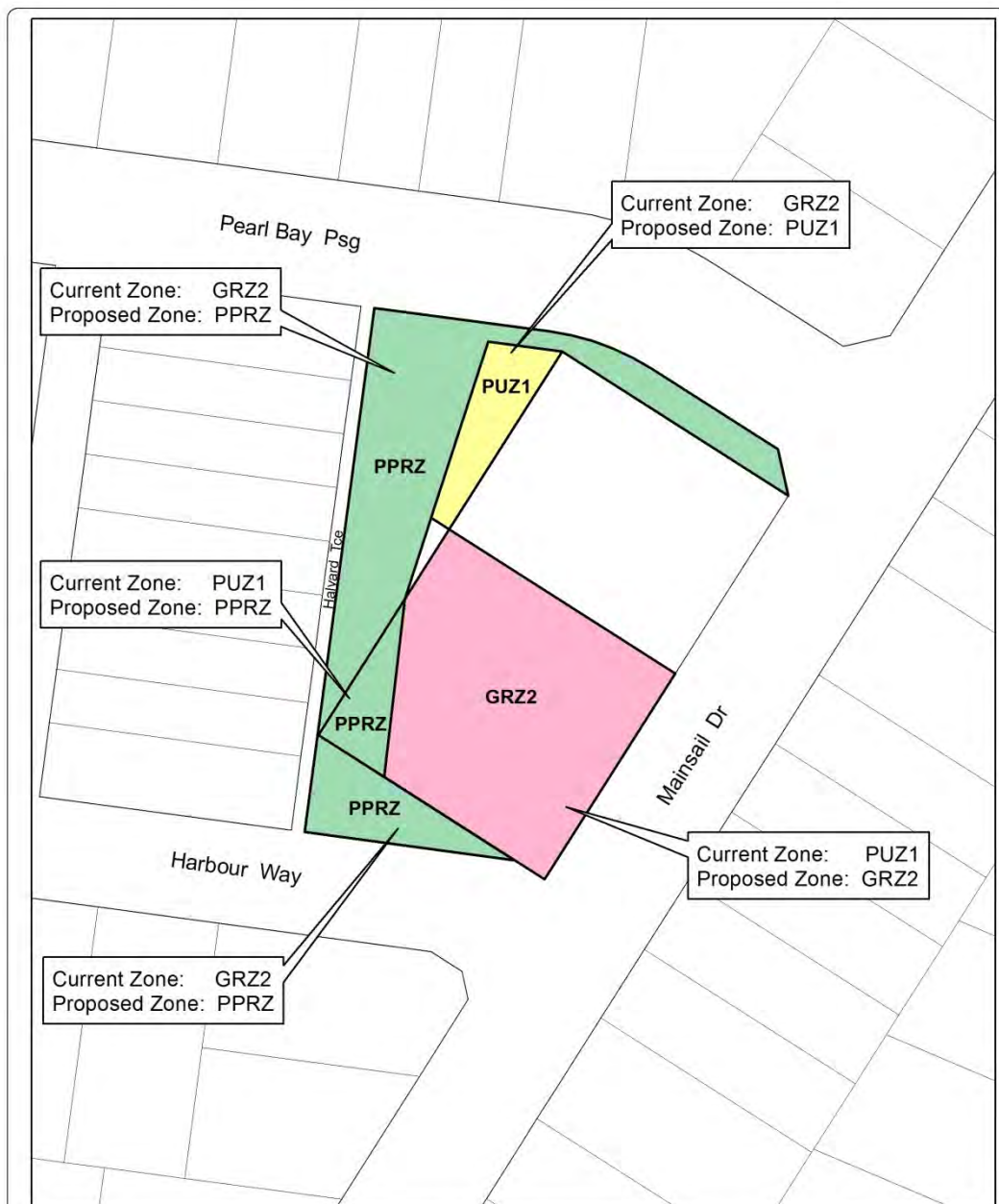
### Appendix 1 Location Plan – 38-42 Mainsail Drive, St Leonards



**Appendix 2: Current zoning – 38-42 Mainsail Drive, St Leonards**



**Appendix 3: Proposed zoning – 38-42 Mainsail Drive**



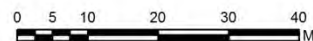
**LEGEND**

- GRZ2 GENERAL RESIDENTIAL ZONE - SCHEDULE 2
- PUZ1 PUBLIC USE ZONE - SERVICE & UTILITY
- PPRZ PUBLIC PARK & RECREATION ZONE

Part of Planning Scheme Map 62

**AMENDMENT C328**

Prepared by City of Greater Geelong - 4 January 2016  
 Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong or Barwon Water in its use.



**Appendix 4: Proposed overlay changes – 38-42 Mainsail Drive**



**Appendix 5 Plan of subdivision – 38-42 Mainsail Drive (PP 762/2015)**



Appendix 6: Exhibited Planning Permit 762/2015 – 38-42 Mainsail Drive

**DRAFT – 06 JANUARY 2016**

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**PLANNING PERMIT  
GRANTED UNDER SECTION 96I  
OF THE PLANNING AND  
ENVIRONMENT ACT 1987**

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**Permit No.: 762/2015**

**Planning scheme: Greater Geelong**

**Responsible authority: City of Greater Geelong**

**ADDRESS OF THE LAND: 38-42 MAINSAIL DRIVE, ST. LEONARDS**

**SUBDIVISION OF LAND TO CREATE TWO (2) LOTS AND PARTIAL REMOVAL OF RESERVE NO. 2 ON PS526864F PURSUANT TO SECTION 24A OF THE SUBDIVISION ACT 1988**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Amended Plans Required**

1. Prior to the certification of the Plan of Subdivision, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements;
  - b) All reserves to be vested to City of Greater Geelong with the notation that the creation and vesting of this reserve is at no cost to Council.

**Endorsed Plans**

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall 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 that is generally in accordance with the endorsed plans.

**Drainage**

3. The site stormwater system must be designed and installed such that;
  - a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;
  - b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a

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**Date issued:**

**Date permit comes into operation:**

(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)

**Signature for the responsible authority:**

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3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

to the Satisfaction of the Responsible Authority

### **Servicing Authorities**

4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. The owner of the land must enter into agreements with
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan 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 (NBN) will not be provided by optical fibre.

### **Prior to Certification**

8. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.
9. The plan of subdivision submitted for certification shall include an appropriate corner splay (nominally 3m x 3m) at the intersection of Mainsail Drive and Harbour Way, to be vested in Council as 'Road', to the satisfaction of the Responsible Authority.
10. The plan of subdivision submitted for certification must include all reserves to be vested to Council to the satisfaction of the Responsible Authority, and the creation must be at no expense to Council.

### **Public Transport Victoria**

11. Before the commencement of the access works along Mainsail Drive, the bus stop including all associated infrastructure, must be relocated or replaced at a cost borne by the permit holder to the satisfaction of Public Transport Victoria and deemed compliant

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with the Disability Discrimination Act - Disability Standards for Accessible Public Transport 2002.

**Prior to Statement of Compliance**

12. Prior to statement of compliance, the developer must:
- a) Construct the site stormwater system including connections for each lot into the underground drain in Mainsail Drive, or other nominated point(s) as approved by the Responsible Authority. Stormwater connection(s) must be in accordance with City of Greater Geelong Standard Drawings.
  - b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
  - c) Remove any redundant vehicular crossings and reinstate kerb and channel and the footpath/nature strip area to match existing construction in the street;
  - d) Remove any existing buildings/services that traverse the lot boundaries;
- all to the satisfaction of the Responsible Authority.
13. Before the issue of 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.
14. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a Statement of Compliance the subdivider must erect a fence consisting of 1.8m high timber paling in a semi permeable form on the property boundary directly abutting Reserve No. 1 PS526864F and the Proposed Council Reserve shown on the plan of subdivision, to the satisfaction of the Responsible Authority and at no cost to Council.

**Tree removal and replacement**

15. Prior to the Statement Of Compliance, the trees that will be removed due to faults being identified and incursion of tree protection zones, must be offset using ten (10) new trees to be replanted either at the site or a suitable location, to the satisfaction of the Responsible Authority. The new trees are to be maintained for an establishment period of two years at the applicant's expense. Council must be reimbursed the full costs associated with:
- a) purchase of new replacement trees in minimum 40cm containers
  - b) planting the replacement trees

<b>Date issued:</b>	<b>Date permit comes into operation:</b> <small>(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)</small>	<b>Signature for the responsible authority:</b>
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- c) aftercare and maintenance of the replacement trees for a period of no less than two years

## BARWON WATER CONDITIONS

### General

- 16. 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. The width of these easements shall be 2 meters.
- 17. 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

- 18. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all services relative to the allotment boundaries, is to be submitted.
- 19. The payment of New Customer Contributions for each additional lot created and/ or each additional metered connection for water supply within the subdivision.
- 20. An additional tapping(s) is to be supplied to service the proposed development. Note that tapplings and services are not to be located under existing or proposed driveways.

### Sewer

- 21. 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. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan.
- 22. The payment of New Customer Contributions for sewer for each additional lot created and/ or each additional metered connection within the subdivision.
- 23. A sewer main extension is required to service the proposed development.
- 24. The provision of a separate sewer connection branch to all lots within the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber and the SMS constructed by an approved Barwon Water plumbing services contractor. A list of both approved plumbers/ contractors can be provided upon request.

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**Signature for the responsible authority:**

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 communication between the developer/agent and Barwon Water quote Barwon Water reference number **L012522**.

**Subdivision Expiry**

25. This permit as it relates to subdivision will expire if one of the following circumstances applies:
- a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
  - b) A statement of compliance is not issued within five (5) years of the date of certification.

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.

**Note:**

- 1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
- 2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
- 3. A Vehicle Crossing Permit must be obtained prior to commencement of works.
- 4. Any applicable Council permit(s) must be taken out prior to the commencement of works within the road reserve
- 5. As the trees are not Council assets, works associated with tree removals may be carried out by the applicant, the applicant is advised to contact Council's Parks Unit (5272 4827) if they elect to have Council remove the trees at the expense of the applicant. A written quote will be prepared and provided to the applicant and acceptance of the quote must be provided in writing to Council prior to any works to the trees commencing.

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<b>Date issued:</b>	<b>Date permit comes into operation:</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)	<b>Signature for the responsible authority:</b>
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## 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 under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C328 to the Greater Geelong Planning Scheme.

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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—

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**Date issued:**

**Date permit comes into operation:**

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**Signature for the responsible authority:**

- 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 REVIEWS?**

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- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

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**Date issued:**

**Date permit comes into operation:**

(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)

**Signature for the responsible authority:**

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**Appendix 7: Amendment for adoption**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C328**

**INSTRUCTION SHEET**

The planning authority for this amendment is Greater Geelong Planning Scheme  
The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 7 attached maps.

***Zoning Maps***

1. Amend Planning Scheme Map Nos. 5, 25 and 62 in the manner shown on the 3 attached maps marked "Greater Geelong Planning Scheme, Amendment C328".

***Overlay Maps***

2. Amend Planning Scheme Map Nos. 5slo, 25ho and 62ddo in the manner shown on the 4 attached maps marked "Greater Geelong Planning Scheme, Amendment C328".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.

**End of document**



Planning Mapping Services |  
 Planning Information Services  
 Planning



Environment, Land, Water and Planning  
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**Appendix 8: Revised Planning Permit 762/2015 – 38-42 Mainsail Drive**

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**PLANNING PERMIT  
GRANTED UNDER SECTION 96I  
OF THE PLANNING AND  
ENVIRONMENT ACT 1987**

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**Permit No.: 762/2015**

**Planning scheme: Greater Geelong**

**Responsible authority: City of Greater Geelong**

**ADDRESS OF THE LAND: 38-42 MAINSAIL DRIVE, ST. LEONARDS**

**SUBDIVISION OF LAND TO CREATE TWO (2) LOTS AND PARTIAL REMOVAL OF RESERVE NO. 2 ON PS526864F PURSUANT TO SECTION 24A OF THE SUBDIVISION ACT 1988, AND REMOVAL OF NATIVE VEGETATION**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Amended Plans Required**

1. Prior to the certification of the Plan of Subdivision, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements;
  - b) All reserves to be vested to City of Greater Geelong with the notation that the creation and vesting of this reserve is at no cost to Council.

**Endorsed Plans**

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall 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 that is generally in accordance with the endorsed plans.

**Drainage**

3. The site stormwater system must be designed and installed such that;
  - a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;

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**Date permit comes into operation:**

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**Signature for the responsible authority:**

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- b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

to the Satisfaction of the Responsible Authority

### **Servicing Authorities**

- 4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
- 5. 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.
- 6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 7. The owner of the land must enter into agreements with
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan 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 (NBN) will not be provided by optical fibre.

### **Prior to Certification**

- 8. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.
- 9. The plan of subdivision submitted for certification shall include an appropriate corner splay (nominally 3m x 3m) at the intersection of Mainsail Drive and Harbour Way, to be vested in Council as 'Road', to the satisfaction of the Responsible Authority.
- 10. The plan of subdivision submitted for certification must include all reserves to be vested to Council to the satisfaction of the Responsible Authority, and the creation must be at no expense to Council.

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**Public Transport Victoria**

- 11. Before the commencement of the access works along Mainsail Drive, the bus stop including all associated infrastructure, must be relocated or replaced at a cost borne by the permit holder to the satisfaction of Public Transport Victoria and deemed compliant with the Disability Discrimination Act - Disability Standards for Accessible Public Transport 2002.

**Council Required Bus Stop Location**

- 12. Unless with prior written consent from the Responsible Authority, prior to the commencement of works to Mainsail Drive, or statement of compliance for the subdivision (whichever action proceeds first), the applicant/permit holder must relocate the existing bus stop flag to a location that is a minimum distance of 15m from the road reserve intersection point of Mainsail Drive and Pearl Bay Passage, in accordance with the requirements of Public Transport Victoria, and to the satisfaction of the Responsible Authority.

**Prior to Statement of Compliance**

- 13. Prior to statement of compliance, the developer must:
  - a) Construct the site stormwater system including connections for each lot into the underground drain in Mainsail Drive, or other nominated point(s) as approved by the Responsible Authority. Stormwater connection(s) must be in accordance with City of Greater Geelong Standard Drawings.
  - b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
  - c) Remove any redundant vehicular crossings and reinstate kerb and channel and the footpath/nature strip area to match existing construction in the street;
  - d) Remove any existing buildings/services that traverse the lot boundaries;

all to the satisfaction of the Responsible Authority.

- 14. Before the issue of 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.
- 15. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a Statement of Compliance the subdivider must erect a fence consisting of 1.8m

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high timber paling in a semi permeable form on the property boundary directly abutting Reserve No. 1 PS526864F and the Proposed Council Reserve shown on the plan of subdivision, to the satisfaction of the Responsible Authority and at no cost to Council.

**Tree(s) in Reserve for Retention**

- 16. The tree(s) identified by the Responsible Authority for retention within the proposed Council Reserve shown on the plan of subdivision shall be pruned in accordance with the requirements of the responsible Authority using suitably qualified arborist(s) prior to the land being transferred to Council.

**BARWON WATER CONDITIONS**

**General**

- 17. 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. The width of these easements shall be 2 meters.
- 18. 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**

- 19. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all services relative to the allotment boundaries, is to be submitted.
- 20. The payment of New Customer Contributions for each additional lot created and/ or each additional metered connection for water supply within the subdivision.
- 21. An additional tapping(s) is to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.

**Sewer**

- 22. 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. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan.
- 23. The payment of New Customer Contributions for sewer for each additional lot created and/ or each additional metered connection within the subdivision.

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24. A sewer main extension is required to service the proposed development.
25. The provision of a separate sewer connection branch to all lots within the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber and the SMS constructed by an approved Barwon Water plumbing services contractor. A list of both approved plumbers/ contractors can be provided upon request.

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 communication between the developer/agent and Barwon Water quote Barwon Water reference number **L012522**.

### Subdivision Expiry

26. This permit as it relates to subdivision will expire if one of the following circumstances applies:
  - a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
  - b) A statement of compliance is not issued within five (5) years of the date of certification.

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.

### Note:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.
4. Any applicable Council permit(s) must be taken out prior to the commencement of works within the road reserve.
5. Installation of services within the proposed easement should be undertaken using a 'boring' technique and under the supervision of a suitably qualified arborist. All reasonable efforts must be made to retain tree(s) in the easement and surrounding area of the works to be undertaken.

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**Signature for the responsible authority:**

*[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit, and the name of the responsible authority that approved the amendment —]*

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

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**Signature for the responsible authority:**

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C328 (Part 1) to the Greater Geelong Planning Scheme.

### WHEN DOES THE PERMIT BEGIN?

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.

### WHEN DOES A PERMIT EXPIRE?

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

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**Signature for the responsible authority:**