



Combined Amendment C251 to
the Greater Geelong Planning
Scheme and Section 96A Planning
Permit Application 408/2016

Statement of Planning Evidence

On behalf of Belmont Projects Pty Ltd

By Peter Doyle of SJB Planning

09 June 2017

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1.0 INTRODUCTORY REMARKS

1.1 Name, Qualifications and Experience

My name is Peter Doyle and I am a Director of SJB Planning, which conducts business from premises located at Level 1, 80 Dorcas Street, Southbank.

I have a Bachelor of Applied Science (Planning) from the Royal Melbourne Institute of Technology (RMIT) University and am a Corporate Member of the Victorian Planning and Environmental Law Association. I have practised as a qualified Town Planner in local government and consulting since 1994.

I have appeared before the Planning Division of the Victorian Civil and Administrative Tribunal (the Tribunal) on many occasions and have appeared before Independent Panels appointed by the Minister for Planning. My area of expertise is urban and regional planning.

I have no private or business relationship with the permit applicant and have been engaged to prepare this report for an agreed fee.

1.2 Instructions and Background

A combined Planning Scheme Amendment (Amendment C251) to the Greater Geelong Planning Scheme and S.96A Planning Permit Application has been made at the request of Belmont Projects Pty Ltd in relation to the land known as 1 Henry Street, Belmont ("the land").

Broadly, the Amendment seeks to zone the land General Residential Zone – Schedule 1 from its existing status as Commonwealth Land and apply both an Environmental Audit Overlay and a Development Plan Overlay – Schedule 35 to the entire site. The S.96A Application proposes a staged multi-lot subdivision of the land (with Stage 1 comprising 87 Lots) and the construction of a single dwelling on each lot under 300 square metres in area.

The Amendment underwent public exhibition from 9 March to 10 April 2017. Submissions were received from several statutory bodies and members of the public which raised concerns relating to traffic, dwelling setbacks, drainage and vegetation (amongst others).

On 26 April 2017, I was instructed by Norton Rose Fulbright, on behalf of Belmont Projects Pty Ltd, to review the combined Amendment and S.96A Application, and subject to my support, prepare and present expert evidence to the Panel.

Prior to being asked to review the proposal I have had no involvement directly or indirectly with the amendment or permit application itself or Belmont Projects Pty Ltd.

I defer to the detailed assessment of Charmaine Dunstan of Traffix Group in relation to matters of traffic and car parking and Mr John Patrick of John Patrick Landscape Architects Pty Ltd in relation to matters of arboriculture and landscaping.

1.3 Facts, Matters and Assumptions

In preparing this statement I have:

- Reviewed the town planning and masterplan drawings prepared by Genton Architecture dated 18 May 2017 and landscape plan drawings prepared by Tract Consultants dated 24 March 2016.
- Reviewed the Development Plan (Volume 1) prepared by Tract Consultants and Genton Architecture dated March 2016.
- Visited the site and surrounding area and considered its physical attributes and constraints.
- Reviewed relevant planning controls and policies as set out in the Greater Geelong Planning Scheme (the Planning Scheme) as well as associated reference and incorporated documents, including Plan Melbourne.
- Reviewed the suite of draft Amendment documentation.
- Reviewed the Council Delegate Authority Report dated 3 February 2017.
- Reviewed the draft permit conditions and draft Section 173 Agreement prepared by Hardwood Andrews and dated 17 February 2017.

My report proceeds on the basis of my expertise in urban planning matters. Except where stated, the views expressed in my report are my own opinions and are not provisional opinions. I have been assisted by Mr Hew Gerrard of my office in preparing this report.

1.4 Summary of Opinions

I consider that the combined Amendment and subdivision / development application constitutes an appropriate planning outcome, subject to my recommendations regarding the minor rewording of Schedule 35 to the DPO, certain conditions contained in Planning Permit 408/2016 and minor elements of the Section 173 Agreement. My opinions about the proposal are set out in Section 5.0 of this report and these form the basis of the conclusions summarised at Section 6.0.

I find that the proposed Amendment represents an appropriate zoning of land currently not governed by the Greater Geelong Planning Scheme in an urbanised infill location. I find there is strong policy support for the Amendment and subdivision / development application within the Greater Geelong Planning Scheme, and in particular, I find that the residential density and layout proposed is appropriate to the strategic and physical context of the site and surrounding area.

2.0 THE SITE AND CONTEXT

2.1 The Land

The subject land is approximately 6.23 hectares in size within Belmont and comprises surplus Commonwealth Government land previously occupied by the Commonwealth Scientific and Industrial Research Organisation (CSIRO).

The subject land is bounded by Henry Street to the north, Corio-Waurn Ponds Road to the east, residential properties fronting Marjorie Avenue to the south and Reynolds Road to the west. It is located approximately 4 kilometres south-west of the Geelong Central Activities District.

The entirety of the land is currently designated as Commonwealth Land and therefore not currently governed by the Greater Geelong Planning Scheme.

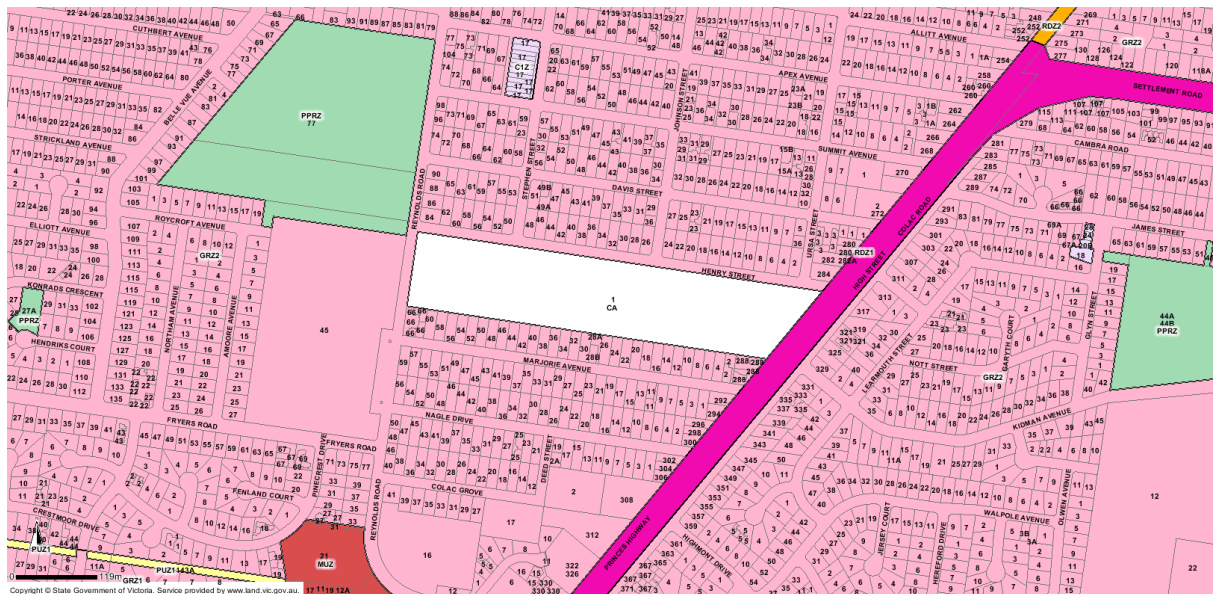


Figure 1: Cadastral Map (Source: Land Channel)

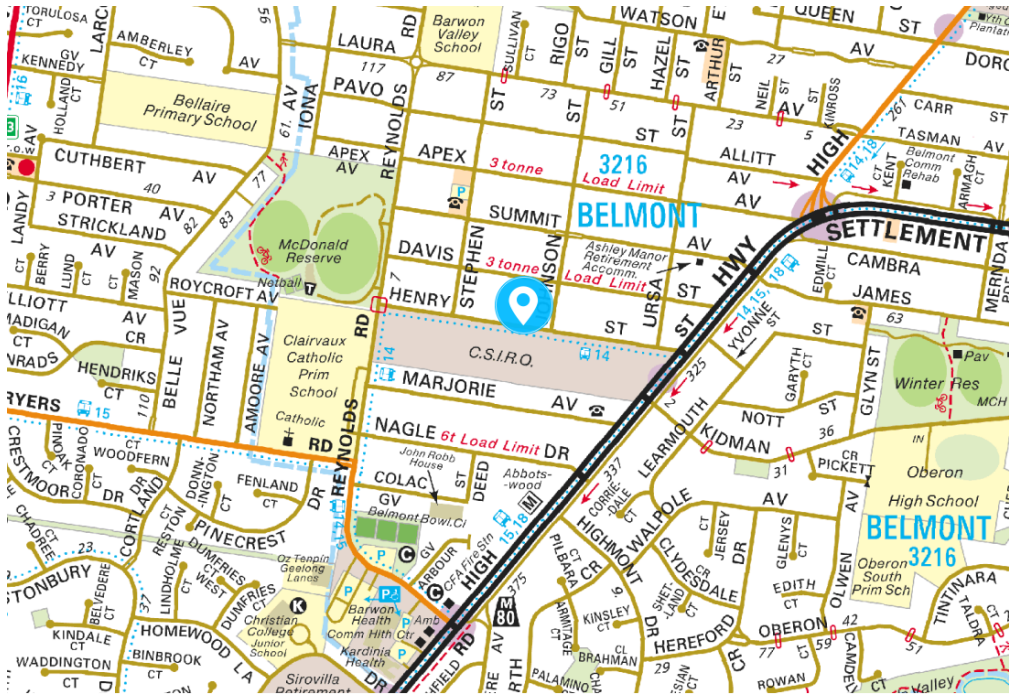


Figure 2: Location Map (Source: Melways Online)

The subject land has recently been largely cleared of buildings and structures.

The land contains a number of trees (I understand this number to be over 300) which are primarily located along the Henry Street frontage and in a series of rows within the western portion of the land.

Topographically the land (and surrounds) has a fall from west to east in the order of 12 metres.

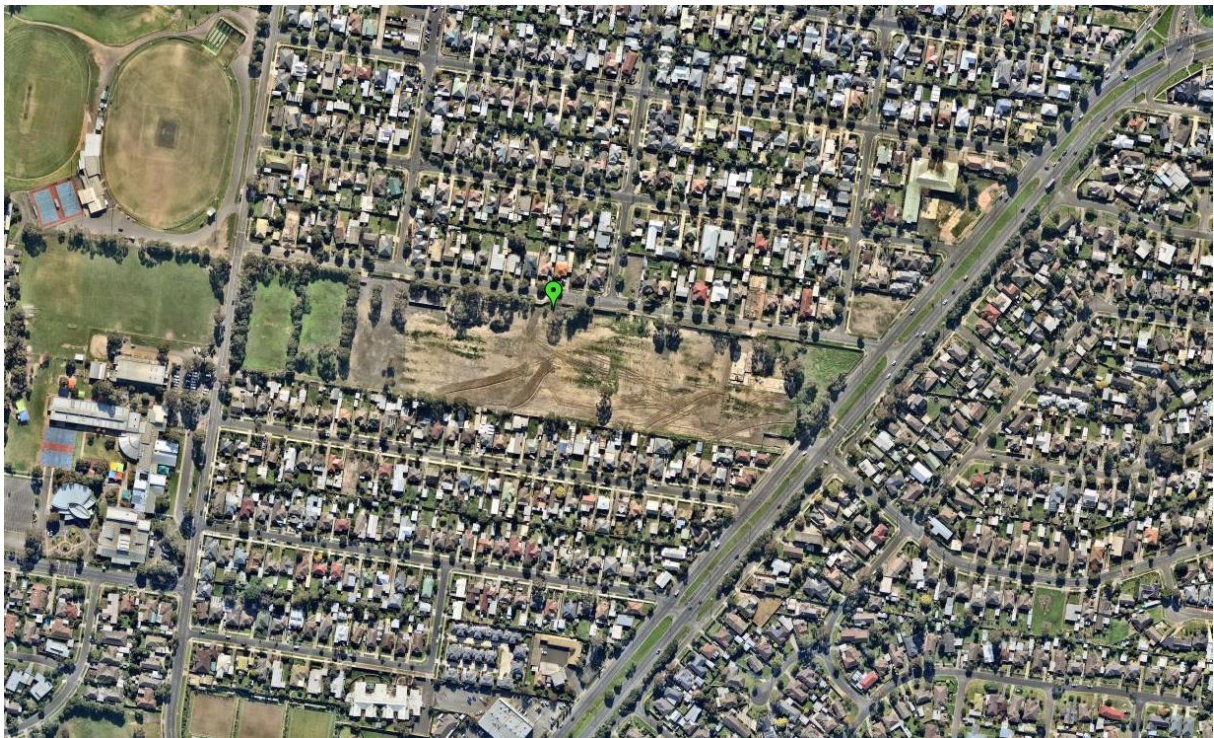


Figure 3: Aerial Map of site and surrounding area (Source: NearMaps)



Figure 4: Views of the subject land from along Henry Street.

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Figure 5: View of the subject land from Corio-Waurn Ponds Road

2.2 Surrounding Area

The surrounding area is predominantly zoned General Residential Zone – Schedule 2 with pockets of Public Park and Recreation, Commercial 1, Mixed Use and Public Use zoned land evident. Corio-Waurn Ponds Road is a Road Zone, Category 1. A Special Building Overlay exists over part of Reynolds Road and further to the northwest.

Properties on the northern side of Henry Street and Marjorie Avenue are typical of the prevailing built form norm, consisting of predominantly single storey dwellings constructed circa 1950s/1980s on lots of generally around 650 square metres interspersed with more recent examples of in-fill medium density development.



Figure 6: Examples of single dwellings and medium density housing found in proximity to the subject site

On the western side of Reynolds Road is Clairvaux Catholic (Primary) School, the related St. Bernards Church and McDonald Reserve which includes both active and passive open space facilities.

Bus Route No. 1 (North Shore Station – Deakin University) runs along the Corio-Waurn Ponds Road with a bus stop located directly along the Corio-Waurn Ponds Road frontage of the land.

3.0 THE PROPOSAL

3.1 Planning Scheme Amendment C251

The Amendment seeks to zone the land General Residential Zone – Schedule 1 (GRZ1) from its current Commonwealth Land status. Concurrently, it is proposed to apply an Environmental Audit Overlay (EAO) and a Design and Development Overlay – Schedule 35 (DPO35).

The purposes of the GRZ are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-3, a permit is required to subdivide land and pursuant to Clause 32.08-5 a permit is required to construct a dwelling on a lot less than 300 square metres.

The purposes of the Environmental Audit Overlay are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

The purposes of the Development Plan Overlay are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

I will provide an assessment of the exact wording of Schedule 35 to the DPO in a later section of my evidence.

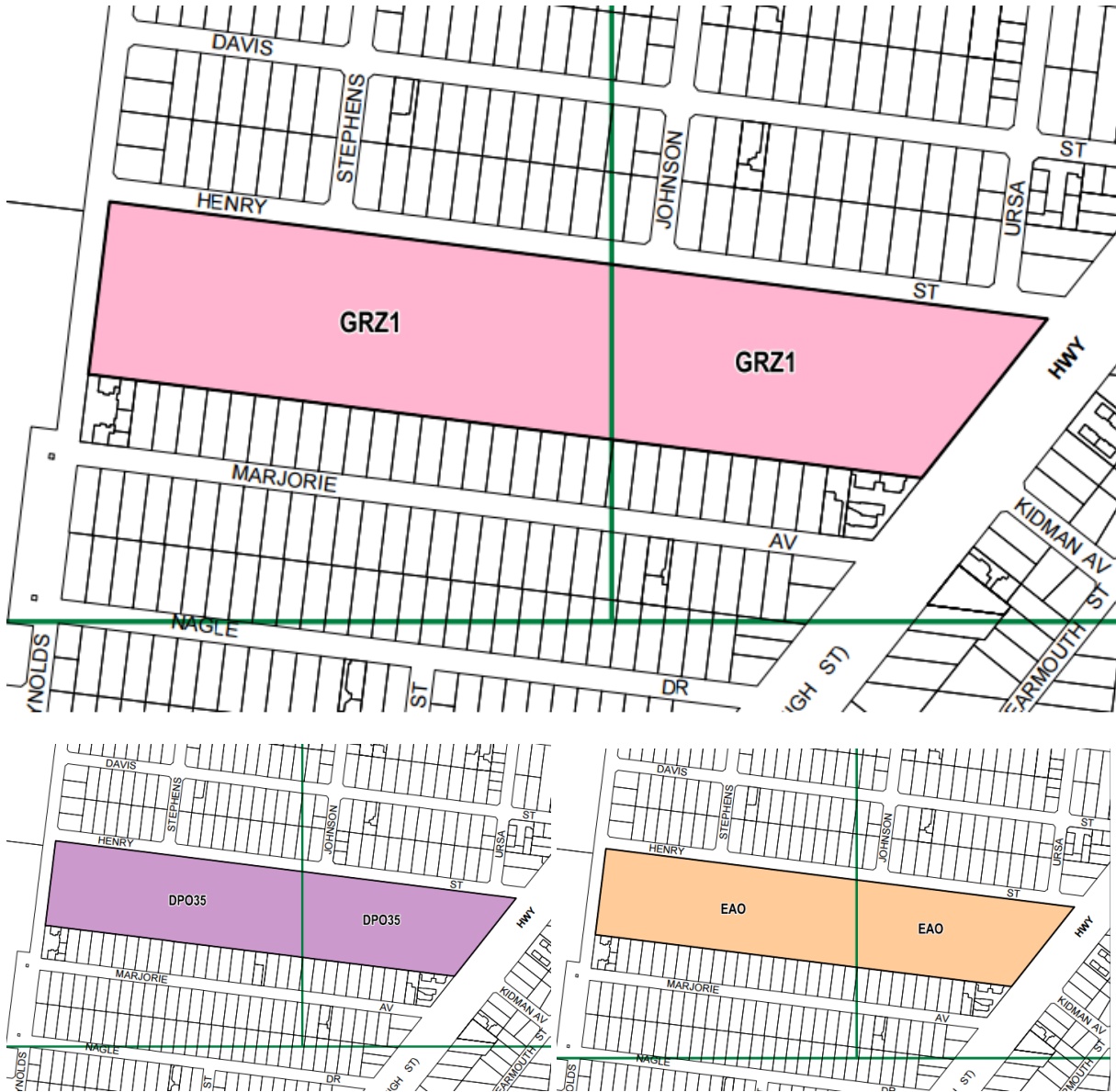


Figure 7: Amendment C251 proposed zone and overlay maps

3.2 Development Plan

I understand that a draft Development Plan was included as part of the initial Section 96 application lodged with Council and informally exhibited as part of the broader Amendment / permit exhibition process. Whilst the content of the draft Development Plan appears generally in accordance with the *Henry Street Belmont Concept Plan 2016*, I understand that approval of this Development Plan is not sought as part of this combined Planning Scheme Amendment and Planning Permit request.

Whilst I have therefore not considered this Development Plan in detail, given it will be the subject of a detailed review and approvals process should the proposed Planning Scheme Amendment be approved, I do consider it responds appropriately to the requirements set out within the Development Plan Overlay – Schedule 35. It will require updating to reflect the revised plans and the final form of Schedule 35, but I consider it adequately addresses the matters within Section 3.0 being the relevant requirements. In my view

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therefore, the approval of the Development Plan will therefore be able to flow in a smooth and logical progression from the approval of the Development Plan Overlay – Schedule 35.

3.3 S.96A Planning Permit Application

It is proposed to subdivide the land into 89 lots consisting of two ‘superlots’ representing proposed Stages 2 and 3 of development and 87 residential lots which form proposed Stage 1. As part of the Stage 1 development, a public road network is proposed along with the development of 26 townhouses on those lots proposed which are less than 300 square metres in size. A summary of the proposed subdivision is provided below:

- Stage 1 consists of the central portion of the land and will be developed in three stages. A total of 87 residential lots are proposed between 179.2 square metres and 363.82 square metres in area.
- Of the 87 residential lots proposed within Stage 1, 26 lots will have an area of less than 300 square metres and thus it is proposed to develop a dwelling on each of these lots. Each of these dwellings will be double storey in height and contain an open plan living/kitchen/dining area at ground floor and three bedrooms at first floor. Private open space is provided to the rear of each dwelling as well in the form of a first floor balcony. Car parking for each dwelling is provided within either a double garage or a single garage plus open tandem car space arrangement.
- The internal road network for Stage 1 is proposed to be publicly owned and managed, with all lots to be accessed off this internal road network as opposed to Henry Street.
- Stage 2 is located to the west of Stage 1 and Stage 3 to the east. The development of these stages will be discussed in relation to the wording of Design and Development Overlay – Schedule 35.

4.0 PLANNING CONTROLS AND POLICIES

The land is not currently governed or controlled by the Greater Geelong Planning Scheme due to it being Commonwealth Land. Nevertheless it is pertinent to consider those planning policies and specific provisions contained with the Greater Geelong Planning Scheme that are relevant to the consideration of the zoning and development of the land.

4.1 Particular and General Provisions

4.1.1 Clause 52.01 –Public Open Space Contribution and Subdivision

Clause 52.01 requires that a person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).

The schedule to Clause 52.01 specifies the following for ‘subdivision of land zoned for residential purposes’:

1 additional lot – none

2 to 9 additional lots – 1 per cent per additional lot, up to a maximum of 5 per cent

10 or more lots on land zoned for residential purposes prior to August 31st 2007 – 5 per cent

10 or more lots on land zoned for residential purposes after August 31st 2007 – 10 per cent

4.1.2 Clause 52.06 – Car Parking

Clause 52.06 seeks to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

Pursuant to Table 1 of Clause 52.06-5, a dwelling containing three or more bedrooms requires two car spaces, whilst the relevant design standards at Clause 52.06-9 should be met.

4.1.3 Clause 52.17 – Native Vegetation Removal

Clause 52.17 seeks to protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals.

4.1.4 Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.

Clause 52.29 seeks to ensure appropriate access and subdivision of land adjacent to identified roads.

Pursuant to this clause a permit is required to subdivide land adjacent to a road in a Road Zone, Category 1 (Corio-Waurn Ponds Road). Such an application must be referred to VicRoads pursuant to Section 55 of the Planning and Environment Act 1987.

4.1.5 Clause 52.36 – Integrated Public Transport Planning

Clause 52.36 seeks to support public transport usage and provide connections between new development and existing/proposed public transport infrastructure.

Pursuant to this clause a residential development comprising 60 or more dwellings or lots must be referred to Public Transport Victoria pursuant to Section 55 of the Planning and Environment Act 1987

4.1.6 Clause 54 – One Dwelling On A Lot

Clause 54 seeks to achieve residential developments that is responsive to neighbourhood character considerations and provides a reasonable standard of amenity for both existing and new residents.

I consider the objectives and standards of Clause 54 at Attachment 1 of my evidence.

4.1.7 Clause 56 – Residential Subdivision

Clause 56 seeks to create liveable and sustainable neighbourhoods and urban places with character and identity and to achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas
- Infill sites within established residential areas
- Regional cities and towns

I consider the objectives and standards of Clause 56 at Attachment 2 of my evidence. I have only considered Clause 56 in the context of the further subdivision of Stage 1 as opposed to the Stage 2 and 3 super lots which will be created, given these will be the subject of further subdivision applications which will require assessment under this clause.

4.1.8 Clause 65 – Decision Guidelines

Clause 65 of the Greater Geelong Planning Scheme sets out decision guidelines that a responsible authority must consider in the determination of an application. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

In particular, Clause 65.02 relates to ‘Approval of an application to subdivide land’.

4.2 State Planning Policy Framework

The State Planning Policy Framework (SPPF) is set out in Clauses 11-19 of the Greater Geelong Planning Scheme and I have considered this framework in reaching my conclusions in Section 5. I find it of particular relevance to this application to highlight the following:

- Clause 11.01-1 – Settlement networks
- Clause 11.02-2 – Structure planning
- Clause 11.07 – Regional Victoria
- Clause 11.09 – Geelong (G21)
- Clause 13.03-1 – Use of contaminated and potentially contaminated land
- Clause 15.01-3 – Neighbourhood and subdivision design
- Clause 16.01 – Residential development
- Clause 18.01-2 – Transport system

These policies seek to ensure that a sufficient supply of land is available for the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation, open space, commercial facilities and infrastructure. These policies also seek to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities and facilitate the orderly development of urban areas. These policies also seek to ensure that new communities are provided with suitable infrastructure to address the social, educational, cultural, health and community needs of residents. In particular, Clause 11.07 seeks to optimise

infrastructure and consolidate growth and to create unique and connected communities in which residents can live, work and participate locally.

4.3 Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Council's Municipal Strategic Statement (MSS) and local policies. I summarise the key areas of the LPPF relevant to the amendment below.

4.3.1 Municipal Strategic Statement

- Clause 21.02 – City of Greater Geelong Sustainable Growth Framework
- Clause 21.04 – Municipal Framework Plan
- Clause 21.06 – Settlement and Housing
- Clause 21.08 – Development and Community Infrastructure

The Greater Geelong MSS seeks to manage urban growth through the provision of clear settlement boundaries and the consolidation of development within in those boundaries. It also seeks to promote sustainable infrastructure, encourage a diversity of land uses and reduce greenhouse gas emissions.

Pursuant to the Municipal Framework Plan at Clause 21.04, the land forms part of an 'Existing Urban Area'.

With regards to settlement and housing, urban growth is to be directed to urban growth areas and to encourage a diversity of well located housing stock, in which it recognises that most new housing development will be in the form of detached dwellings on conventionally sized blocks. Neighbourhood character and the protection of areas with views to significant landscape features is a consideration of housing development.

Clause 21.08-3 seeks to provide development and community infrastructure in an efficient and timely manner that responds to the needs of the residents. Development is encouraged to proceed in a staged contiguous manner.

4.3.2 Local Policies

No local policies are relevant to the proposal.

4.3.3 Other Documents

Under Clause 21.06, the City of Greater Geelong Housing Diversity Strategy, 2007 is listed as a reference document. This document was amended in September 2008 and aims to in part guide the general location and mix of housing development.

Under this strategy, the subject land is nominated as being located within an incremental change area where *low scale medium density developments that are responsive to the existing or preferred character of the area* represent part of the level of preferred housing development subject to locational characteristics regarding services and infrastructure.

This strategy then proceeds to examine various changes that could be made to ResCode standards to ensure new medium density housing is appropriately designed. I consider those standard variations to have been adopted on the surrounding General Residential Zone – Schedule 2 land as distinct from that proposed on the subject land as discussed within the following sections of my evidence.

5.0 PLANNING CONSIDERATIONS

I find that the key questions in the consideration of this matter are as follows:

- Is the proposed zoning of the land General Residential Zone – Schedule 1 strategically appropriate?
- Is the proposed Development Plan Overlay – Schedule 35 acceptable?
- Does the proposed subdivision and development application respond to relevant planning policy?
- Are the proposed dwellings and subdivision layout acceptable in terms of design and context?
- Does the proposal result in any unreasonable offsite amenity impacts?
- Are the proposed planning permit conditions and Section 173 Agreement contents appropriate?

This assessment is made in consideration of Clause 65 (Decision Guidelines) of the Planning Scheme which requires that a proposal must produce an “acceptable” outcome.

5.1 Is the proposed zoning of the land General Residential Zone – Schedule 1 strategically appropriate?

Land surrounding the subject land is predominantly zoned General Residential Zone (Schedule 2) with pockets of land zoned Commercial 1 or Public Park and Recreation. Corio-Waurn Ponds Road abutting the eastern boundary of the site is zoned Road Zone, Category 1.

At face value, I consider the concept of zoning the land residential logical, considering this would be consistent with the overwhelming zoning of surrounding land. An Industrial or Commercial 2 zoning would not be appropriate given this context, whilst I also consider a Commercial 1 zoning would be inappropriate given this would disrupt the Retail Activity Centre Hierarchy located at Clause 21.07-8 of the Greater Geelong Planning Scheme and be contrary to orderly planning principles.

In more detailed consideration, I note Planning Practice Note 78 (Applying the Residential Zones) was removed as part of the introduction of Amendment VC110 on 27 March 2017, with a new practice note yet to be published. However, the Reformed Residential Zones fact sheets dated March 2017 state the following with respect to the three primary residential zones:

“The Neighbourhood Residential Zone is applied to land that has been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.

The General Residential Zone is applied to land in areas where growth and housing diversity is anticipated. It is expected that the type of housing provided will evolve over time to provide more diverse forms of housing, but not at the expense of existing open garden character.

The Residential Growth Zone is applied to land identified as suitable for increased residential development, such as urban renewal sites, and locations offering good access to services and transport. These areas include activity centres and town centres.”

I consider that of the above zoning statements, the zoning of the land General Residential is the most appropriate. The land has not been identified as having any specific characteristics that would warrant the application of the Neighbourhood Residential Zone (with no specific heritage, environmental or landscape character values that distinguish it from the surrounding residential area). The land is also not located in a

nominated 'Increased Housing Diversity Area' under Clause 22.63 of the Greater Geelong Planning Scheme that would warrant consideration of the application of the Residential Growth Zone.

On the other hand, I consider that the land is capable of accommodating increased housing growth and diversity (consistent with numerous other examples of increased housing diversity and density found in the immediate area) subject to broader neighbourhood character considerations. This aligns with the purposes of the General Residential Zone which include:

- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Thus the application of the General Residential Zone in my view is the appropriate zone to apply to the land. I also believe that the zoning of the land General Residential would be consistent with Clause 11 of the Greater Geelong Planning Scheme and, in particular, Clause 11.02 by freeing up land within an established area of Belmont, and Clause 11.09 by consolidating growth and leveraging off existing infrastructure.

I have considered the *Henry Street Belmont Concept Plan 2016* which is proposed to form part of Development Plan Overlay – Schedule 35 and whether the northeast corner of the land, which is designated as being a potential site for new retail and/or medical centre uses, would be better zoned Mixed Use. I have concluded that this would not be appropriate given one of the purposes of the General Residential Zone specifically allows a limited range of non-residential uses to serve local community needs, whereas the Mixed Use Zone - as its name suggests - encourages a wider variety of land uses, some of which I do not believe would be suitable in this location. Again, considering the context of the site, not only in terms of its interfaces, but also its broader surrounds from an access to services perspective, I consider that allowing only a limited range of non-residential uses is appropriate.

Having established that I am comfortable with the application of the General Residential Zone and that this is the most appropriate zone, I have also given further consideration to the use of Schedule 1 (as opposed to Schedule 2 which is applied to the surrounding General Residential land).

Schedule 1 and Schedule 2 of the General Residential Zone have three differences which I have summarised within the following table:

	Schedule 1 – General Residential Area	Schedule 2 – Incremental Change Areas
2.0 Requirements of Clause 54 and Clause 55	None	<ul style="list-style-type: none"> • Standard B13 (Landscaping) - One canopy tree per dwelling. • Standard A17/B28 (Private Open Space) – An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
3.0 Maximum building height requirement for a	None (11 metres through the parent provision)	<ul style="list-style-type: none"> • A building used as a dwelling or residential building must not exceed a height of 9 metres. unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5

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	Schedule 1 – General Residential Area	Schedule 2 – Incremental Change Areas
dwelling or residential building		degrees or more, in which case it must not exceed a height of 10 metres.
4.0 Application requirements	None	<ul style="list-style-type: none"> Subdivision – When any of the lots being created are less than 500 square metres, a subdivision application must be accompanied by a development application or approved planning permit plans for the site for the construction of the dwellings.

Table 1: Comparison between Schedule 1 and Schedule 2 of the General Residential Zone.

I address each of these differences between the two schedules as follows:

5.1.1 Requirements of Clause 54 and 55

The Schedule 2 ResCode changes require the provision of additional private open space per dwelling and potentially additional landscaping.

The subdivision layout proposed as part of Planning Application No. 408/2016 does not contemplate the construction of two or more dwellings on a lot. I acknowledge that the development of two or more dwellings on each of these lots is not prohibited, however, were this to occur I note that a further planning application would be required.

I consider that should such a situation arise, there would be a fundamental difference in approach in assessing a multi-dwelling development on a lot forming part of the subject land as opposed to on an existing lot within the broader area. I attribute this difference in approach to the subject land being developed in a manner that, whilst requiring it to be sympathetic to the surrounding character of the area, is reasonably not expected to directly mimic the existing conventional density characteristics. This view is principally based upon my observations that the subject land constitutes a strategic redevelopment site that, if developed in a considered and cohesive manner, does not have the same constraints that incrementally developed sites in the nearby GRZ2 generally exhibit. I consider it would be inappropriate to apply these ResCode variations, given the development of the subject land in a strategic manner, the different characteristics that will naturally occur because of the development, and perhaps most importantly, as the objective associated with these standards in questions would still need to be met on any future multi-dwelling applications.

5.1.2 Maximum building height requirement for a dwelling or residential building

I am of the view that the application of the height limit currently imposed within Schedule 2 would be inappropriate for the simple reason that, due to the introduction of Amendment VC110, Councils have been provided with three years to amend their residential zone schedules to allow for a minimum height limit of 11 metres/ 3 storeys to accord with the ‘default’ position (established by Amendment VC110).

Regardless of this fact, the Concept Plan provides clear guidance as to the general scale and overall height of future dwellings to be developed on the land with the majority of the site to comprise single and two storey dwellings (that will most likely be in the range of approximately 4 to 9 metres in height). There are only two discrete locations set aside for medium density housing where dwellings/apartments of “up to 3 storey” (or approximately 11 metres in height) can be delivered. These locations are in the least sensitive parts of the site with limited direct interfaces to existing adjoining dwellings (outside the site) and which are logically

located to make the most of main road frontages, proximity to public transport / services or access to existing or proposed areas of public open space.

5.1.3 Application requirements

I consider that the application requirements related to subdivisions within Schedule 2 to be somewhat of a curious anomaly. Sub-clause 1.0 of Schedule 2 stipulates that a permit is not required to construct or extend a dwelling on a lot of between 300 square metres and 500 square metres. Therefore, to require a subdivision permit for lots of between 300 and 500 square metres to be accompanied by a development application or approved planning permit plans appears, in many respects, contradictory.

Beyond noting this curiosity, I do not consider this application requirement should be transferred to the subject land as it would undermine the strategic planning considerations that feed into the redevelopment of such a site, particularly when the added 'comfort' of the strategic framework largely captured via a Development Plan (and its provisions relation to design, setbacks and the like) are taken into consideration. Again, the surrounding established urban fabric that will be subject to incremental change over time does not enjoy the same benefits or 'checks and balances' provided by the zone and overlay framework proposed for this site.

5.1.4 Transitional provisions

I note that the subject permit application, which I understand was lodged on 29 March 2016, enjoys the benefit of the transitional provisions outlined under Clause 32.08-14 of the General Residential Zone as introduced by Amendment VC110 as the application was lodged before the approval date of that Amendment. I understand the application was amended at the Practice Day Hearing, however this does not affect the benefit gained from the transitional provisions.

In this regard, the minimum garden area requirements of Clause 32.08-4 and the maximum building height requirement/number of storeys of Clause 32.08-9 do not apply to the construction of two or more dwellings proposed (on the one existing lot) as part of the subject application.

In relation to the Subdivision provisions included under Clause 32.08-3 of the proposed General Residential Zone: Schedule 1, the clause notes that:

- *"Where a vacant lot less than 400 square metres is created, that lot must contain at least 25 percent of the lot as garden area. This does not apply to land where an approved precinct structure plan or an equivalent strategic plan applies."* [author's emphasis]

Whilst the subject application proposes lots of less than 400 square metres, in my view the garden area requirement is not intended to apply here as, once the Development Plan under DPO35 is approved, this logically constitutes a "strategic plan" as envisaged by the provision. I make this conclusion because:

- Planning Practice Note 23 dealing with how and when the DPO should be applied notes that:
 - *"The IPO and DPO are flexible tools that can be used to implement a plan to guide the future use and development of the land such as an outline development plan, detailed development plan or master plan"* [author's emphasis];
 - Includes a specific section titled *"Strategic Framework"* that notes *"Both overlays should be underpinned by a strategic framework that sets out the desired development outcomes and the overall layout of the land including, if relevant, the design principles for the development, major land uses, transport and open space networks."* [author's emphasis];
 - Includes a direction that *"The development of the strategic framework provides an opportunity to engage property owners, the community and servicing authorities about the*

desired outcomes for the site and the future form of development before the overlay is applied and the plan is approved. Appropriate strategic planning and community consultation from the start also ensures that once the overlays are in place the council is able to make decisions on planning applications without the need to further consult.”
[author’s emphasis].

- In my view the subject Amendment, supporting documentation, draft Development Plan itself and the process to implement them establishes a clear strategic framework for the site that satisfies any reasonable test of what would constitute a “strategic plan”.
- The ‘parent’ provisions of the Development Plan Overlay itself at Clause 43.04-3 ‘Preparation of the development plan’ state that “*A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone” [author’s emphasis]. In this regard, the provisions make no mention of subdivision having to specifically accord with any other part of the Planning Scheme (or General Residential Zone itself) other than Clause 56 which does not include any garden area requirement.*

I note that, at the time of preparing my evidence, the Department of Environment, Land, Water and Planning (DELWP) was still to release any Practice Note or Guideline that covered the introduction or interpretation of all new elements contained in the revised residential zones approved under Amendment VC110. Whilst I am advised that verbal discussions between staff of my office and officers at DELWP have confirmed that a Development Plan will constitute a “strategic plan” under this clause, no confirmation was able to be provided in writing until the Practice Note was released.

5.2 Is the proposed Development Plan Overlay – Schedule 35 acceptable?

Before considering the detail contained with Schedule 35, I have considered whether to achieve an appropriate development of the land the application of the Development Plan Overlay is the correct tool as opposed to the Incorporated Plan Overlay.

In relation to the Development Plan Overlay versus the Incorporated Plan Overlay, in my view the key difference as highlighted by their respective purposes is that a Planning Scheme Amendment is required should an Incorporated Plan ever sought to be amended. A Development Plan may however be amended to the satisfaction of the responsible authority without requiring a further Planning Scheme Amendment.

Planning Practice Note 23 (PPN23): Applying the Incorporated Plan and Development Plan Overlays, states the following with respect to the application of the Incorporated Plan and Development Plan Overlays:

“The IPO requirement for a planning scheme amendment to incorporate or change the plan enables third parties to be involved in the process of making or changing the plan. For this reason, the IPO should normally be used for sites that are likely to affect third-party interests and sites comprising multiple lots in different ownership. Most redevelopment of existing urban land will fall into this category, particularly where the surrounding land use is residential.

Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.

In some situations on large self-contained sites, both overlays can be used. The IPO can be used to manage the strategic development framework, and the DPO can be used to specify the conditions and require a plan to specify the form for the detailed development of parts of the site or individual development stages.”

In my opinion, based on PPN23 and the fact an Incorporated Plan cannot be amended without a further Planning Scheme Amendment, the use of the Incorporated Plan Overlay is better suited to broad areas to set out key matters such as arterial roads, conservation areas and general activity centre locations or highly complicated / sensitive sites that require very restrictive parameters that simply would not be likely to ever evolve or change over time. In my view, the subject site does not fall within either of these two situations and on that basis an Incorporated Plan would be an inappropriate mechanism to use in this instance.

On the other hand, I consider a Development Plan to be more appropriately utilised to set out broad design and land use considerations where the key 'components' of the development site are obvious or largely uncontentious (but where refinement may have to occur over time, subject to the approval of the responsible authority). In the context of this site being of a smaller scale, the key 'components' of its future land use and development logically reflecting the underlying and surrounding context and all parties quite rightly wanting a level of managed certainty over the future development of the land, I consider the application of the Development Plan Overlay will be far better suited to achieve these aims.

Having concluded that the use of the Development Plan Overlay is the correct tool, I now consider the proposed Schedule 35.

The exhibited version of DPO35 '1 Henry Street, Belmont (Former CSIRO Site)' seeks to ensure that *development occurs generally in accordance with the Henry Street Belmont Concept Plan 2016, and to require a range of detailed planning issues to be resolved prior to commencement of development of the land.*

I make the following observations of the wording of the proposed schedule, as outlined below.

The exhibited Clause 1.0 states that a permit may be granted before a Development Plan has been approved, including (inter alia):

- *The staged subdivision, construction of two or more dwellings on a lot and earthworks generally in accordance with a planning permit issued for Planning Permit Application Number 408/2016.*

Whilst I generally consider wording of a DPO Schedule that effectively 'ties-in' a specific permit application and associated endorsed plan to be overly specific or 'rigid' in terms of what I believe the intent of the DPO and its Schedule should be, in this instance I am satisfied that this is a suitable mechanism given:

- the relatively small / contained size of the site and project;
- the significantly resolved level of detail around this project as 'captured' in the supporting documentation and plans; and
- the relatively limited likelihood or ability for there to be significant departures from what the 'core' components of the application is proposing.

The exhibited Clauses 2.0 and 3.0 refer to "Conditions and Requirements for Permits" and "Requirements for Development Plan". I have recommended what I consider to be relatively minor edits and refinements to the wording as found in Attachment 3 of my evidence.

The primary 'driver' for the majority of suggested changes has been to:

- avoid creating requirements that are already triggered elsewhere in the Planning Scheme (i.e. requiring car parking in accordance with Clause 52.06); and
- avoid specific requirements in a DPO Schedule that may predetermine or prejudice an outcome on what are very specific matters when the studies or investigations required by the Schedule itself may result in an alternative outcome – which may then necessitate a Planning Scheme Amendment to change the wording of the Schedule.

In relation to the Open Space provisions at Clause 3.0 of the DPO Schedule, I note that the Council has proposed that land providing formal pedestrian access into and around the park (but also potential access to dwellings in Stage 3 that may abut the park) should not form part of any public open space contribution. I do not agree with this approach and have recommended that these words be deleted from the relevant Clause as:

- The pathways within the future park will provide unfettered public access for users of the park;
- The pathways will provide for public resort, recreation and enjoyment;
- The pathways will provide direct pedestrian linkages to the existing and proposed public street network;
- The pathways can be easily maintained as part of the broader open space or public street network – just as is the case with most paths in and around parks and streetscapes commonly found in this urban area;
- I do not see any nexus between these paths providing (potential) access to future private properties and their exclusion from an open space calculation.

5.3 Does the proposed subdivision and development application respond to relevant planning policy?

I consider the proposed subdivision layout and development proposal is acceptable when assessed against the decision guidelines of Clause 65 of the Greater Geelong Planning Scheme, having regard to the following:

- The proposed rezoning of the land to GRZ1 underscores its suitability for a residential subdivision and medium density development.
- The proposed subdivision and development will facilitate the site for housing, which responds to population growth and housing demand, in accordance with the (draft) Development Plan for the area.
- As previously outlined, the subdivision and development will support the strategic objectives of the Greater Geelong Planning Scheme.
- Whilst native vegetation is to be removed, I am instructed that none of it is remnant vegetation (all of it is planted) that would otherwise trigger relevant biodiversity considerations under Clause 52.17 of the Greater Geelong Planning Scheme.
- Where practicable and appropriate, planted native trees are to be retained within the proposed public park providing suitable space and protection for them and avoiding planted trees being retained within private lots where they:
 - are afforded less protection;
 - may limit urban consolidation policy outcomes; or
 - may result in trees that are unsuitable/inappropriate to be retained within the private open space areas associated with a private dwelling.
- Whilst I understand that Council has made some recommendations around the retention of 6 planted native trees within ‘pocket parks’ along the Henry Street frontage, I understand that all but one of these (Tree 196) has been assessed as being of low or moderate retention value. My assessment of the likely impacts of retention (taking into account recommended Tree Protection

Zones) within Stage 1 from a Planning and layout perspective would be the loss of 3 'conventional' lots (minimum) but which would also result in:

- o discordant and relatively unusable public open space areas;
- o 'interruption' to the uniformity and rhythm of lots/dwellings otherwise proposed along the Henry Street streetscape; and
- o lots 'wrapped' around these pocket parks creating challenges from a house siting, design and interface perspective.

In this regard, I am of the view that the subdivision and development as proposed satisfies relevant neighbourhood character policy objectives of "Retain[ing] existing vegetation wherever possible, particularly vegetation that contributes to the Municipality's tree canopy" (Clause 21.06-4) whilst also contributing new landscaping and tree planting in accordance with a Landscape Master Plan and balancing tree retention considerations against the significant policy weight afforded to urban consolidation, medium density housing, affordable housing and housing diversity at both a State and local level.

- The proposed lot sizes in Stage 1 range from 179.2 square metres and 384.81 square metres, with Stages 2 and 3 anticipated to provide smaller lots / dwellings. This wide range of lot sizes will support a diversity of housing and household types.
- The subdivision plan and proposed dwellings are broadly consistent with the draft Development Plan and will not compromise the integrity of the future development (in Stages 2 and 3).
- Adequate provision is made for future vehicle access to each lot.
- I understand that the subdivision can easily be serviced by sewer, water, electricity and other essential infrastructure requirements.
- The subdivision / dwellings, and in turn its future residents, will benefit from its immediate abuttal to a proposed public park (approximately 0.5 hectares) and the existing significant active open space provided in McDonald Reserve, diagonally opposite the site on Reynolds Road.

I have undertaken a detailed assessment of the proposal against the objectives and standards of Clause 54 and 56 (ResCode) at Attachment 1 of my evidence.

5.4 Are the proposed dwellings and subdivision layout acceptable in terms of design and context?

The existing built form character of the area can be fairly described as typically suburban 1950's/60's with more recent evidence of infill medium density development. Along Henry Street and Marjorie Street, being the most important interfaces, the built form is predominantly single storey dwellings constructed out of brick or timber with pitched roofs. Given the age of the existing housing stock and the proximity to infrastructure it is reasonable to anticipate a turnover in the built form as new dwellings are constructed or as small scale medium density developments occur.

I consider that the proposed dwellings will contribute to this likely evolution in housing stock within the vicinity of the site and I consider that they will do so in a positive manner. The materials proposed pay homage to the existing commonly found materials in the area with select brickwork, axon cladding and timber battens featuring prominently. Whilst flat roofs are proposed as opposed to pitched roofs, I consider this to be appropriately contemporary.

Furthermore, I note that there are many features of the dwellings which are positive architectural elements, will help promote a high quality built form environment and in turn set a benchmark for preferred character expectations. Elements that I consider to be particularly positive are:

- The integration of garage doors into the overall architectural design of the dwellings as opposed to separate elements afforded little design consideration.
- The use of flat roofs to help create a contemporary design response and one which helps to distinguish the character being created from the broader existing built form character.
- The first floor areas are articulated in a considered and clever manner including elements of first floor recession but also projection to provide transitional areas at the front of the dwellings.
- As I noted the materials proposed to be utilised reflect the characteristics of the broader area, noting that feature design elements have been included to break up the built form and add additional architectural quality to the dwellings.
- In my view the dwellings exhibit an appropriate level of fenestration in considering the surrounding existing built form and more modern architectural practices.

I have undertaken a Clause 54 Assessment as per Attachment 1 and am comfortable that the proposed dwellings provide for an acceptable outcome particularly in the circumstances such as this, where there is only a partial abutment to an existing property, a new sense of identity and preferred character is being created and the dwellings are proposed as part of a broader development involving the creation of an entirely new street network.

Specifically from an off-site amenity impacts perspective, I note that Dwelling 12 will not unreasonably impact 44 Marjorie Avenue by virtue of the setbacks provided and lack of south facing habitable room windows which will ensure that the 44 Marjorie Avenue is not affected by issues such as visual bulk, overlooking or overshadowing.

From an internal amenity perspective, I note that each dwelling is provided with appropriate car parking in accordance with Clause 52.06, appropriate private open space areas in accordance with Standard A17 of Clause 54 and internal room sizes are generous and provided with good levels of natural daylight.

I have previously addressed the appropriateness of the subdivision layout within the previous section of my evidence and reiterate my comments in this regard. Having undertaken a Clause 56 Assessment as per Attachment 2, I am comfortable that the proposed subdivision layout as it is currently proposed is acceptable in terms of its design and context.

I consider the lot widths at between 10.5 to 11.6 metres to be appropriate in the context of surrounding properties. Whilst these surrounding properties have lot widths generally in the order of 15 to 16 metres, I consider that lot widths of 10.5 to 11.6 metres to be perfectly acceptable as they will allow an efficient use of the land, allow the appropriate development of dwellings in accordance with Clause 54 and will not disrupt the existing streetscape pattern or rhythm.

5.5 Does the proposal result in any unreasonable offsite amenity impacts?

The site context is relatively unique in that it is one of few (if any) largely unconstrained in-fill sites of its type in Belmont that enjoys the benefit of three existing street frontages and only one interface (to the south) that has existing residential development abutting it.

Having regard to this context, the proposed subdivision and development is responsive to nearby developments/subdivision in that:

- It makes efficient use of land previously unavailable for housing;
- It proposes the continuation of the rectilinear street network and lot configurations;

- It enables development to front public streets (and future body corporate accessways);
- It is responsive to the only interface (south) that has existing dwellings directly abutting, by backing lots on to the majority of this interface, ensuring limited medium density development interfaces with the land to the south and providing for guidelines to be developed and approved (in accordance with the Development Plan) to manage this interface and potential amenity impacts (in addition to the separate planning permit application processes that will also govern this);
- It limits the need for new roads or vehicle conflicts with existing street networks;
- It will have a positive impact on an underutilised site and the evolving urban character of the area where there are numerous other examples of (smaller) in-fill medium density housing.

5.6 Are the proposed planning permit conditions and Section 173 Agreement contents appropriate?

From my review of the draft Planning Permit and Section 173 Agreement, I make the following recommendations regarding suggested changes:

Planning Permit (refer Attachment 4)

- Deletion of Condition 1a) regarding additional trees to be retained as:
 - I am advised that they are not remnant native trees (with only tree 196 rated as 'Significant') and, on balance, I do not believe their retention in this context outweighs the policy imperatives toward delivering on urban consolidation medium density housing, affordable housing and housing diversity at both a State and local level (refer Section 5.3 above); and
 - The creation of 'pocket parks' to retain these mostly low to medium retention value planted trees is an inefficient use of land that will provide limited public resort or net community benefit.
- Amendment to the last paragraph in Condition 1 "*Prior to occupation of the dwellings, all buildings and works must be completed in accordance with the endorsed plans unless otherwise approved in writing by the Responsible Authority*" by 'relocating' it elsewhere in the Planning Permit and conversion to a stand-alone condition (as this is not an 'amending plan' requirement).
- Amendment to the last paragraph of Condition 7 "*The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority*" and conversion to a be a stand-alone condition.
- The second sentence in Condition 10 "*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.*" is unclear to me as I am of the understanding that there is an ability to have a town planning drawing relating to subdivision amended by Council and then have an amended Plan of Subdivision re-certified to reflect the changes in the town planning drawings.
- Amendments to Condition 16e) by deleting the words "*Major traffic management control items e.g. roundabout at major road intersections within and abutting the subdivision. The major traffic control items shall be determined to the satisfaction of the Responsible Authority at the time of approval of the engineering design plans*" as this seems to pre-suppose an outcome and may be better replaced with the words "*Works required to achieve VicRoads requirements as set out at Condition 55 of this permit*".

- Amendment to Condition 23a) to remove reference to the specifics around deciduous trees and evergreen trees and simplification of the condition to cross-reference Condition 7 dealing with the Landscape Plan to read “ *The layout of new planting in all road reserves consistent with the Landscape Plan required under Condition 7*”.
- Amendment to Condition 28a) to ensure that the Public Open Space Contribution is calculated on the basis of the entire site (and not just Stage 1) and to delete reference to land to be provided for retention of additional trees (refer above). In this regard, the condition should read “ *Provide a Public Open Space Contribution equal to 10% of the developable residential land across the entire 1 Henry Street site consisting of a 0.5 hectare (approximate) park to be provided in a subsequent stage of the overall development and the balance (being the equivalent site value of the balance land) to be paid to Council in cash.*”

Section 173 Agreement (refer Attachment 5)

- Amendment to Clause 1.23 to remove reference to pedestrian link reserves and other pedestrian areas as encumbered land in accordance with my comments previously made.
- Amendment to Clause 3.2 to provide for a public open space contribution for the whole of the site (not just relating to Stage 1) intended to be used for residential/commercial purposes (consistent with the Subdivision Act requirements), the park to be provided in Stage 3 and a monetary contribution for the remainder of the overall contribution (refer Attachment 5 for suggested wording changes).

6.0 CONCLUSION

I consider that the combined amendment and subdivision/development application constitutes an appropriate planning outcome, subject to my recommendations regarding the rewording of Schedule 35 to the DPO.

I find that the proposed amendment represents an appropriate rezoning of the former CSIRO Commonwealth land. I find there is strong policy support for the amendment and subdivision / development application within the Greater Geelong Planning Scheme, and in particular, I find that the residential density and layout proposed is appropriate to the strategic and physical context of the site and surrounding area.

Declaration

In coming to these conclusions, I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

A handwritten signature in black ink, appearing to read 'P. Doyle', with a long, sweeping horizontal stroke extending to the right.

Peter Doyle

B App Sc (Planning)

09 June 2017

ResCode Assessment
Clause 54 – Greater Geelong Planning Scheme
One Dwelling on a Lot

54.01 NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE	
54.01-1 Neighbourhood and Site Description	Is the application accompanied by a neighbourhood and site description in accordance with the requirements of 54.01-1?
Assessment	An appropriate level of detail regarding the neighbourhood and site description has been provided as part of the application package. The responsible authority is satisfied that the level of information is satisfactory as evident by the notice of the application having been given.
Compliance	✓
54.01-2 Design Response	Is the application accompanied by a design response in accordance with the requirements of Clause 54.01-2?
Assessment	A design response plan has been included with the application identifying the layout of the proposed dwellings in the context of the surrounding area. Supporting information has also been provided explaining how the proposed design response derives from and responds to the site and context description and relevant planning policy.
Compliance	✓
54.02 NEIGHBOURHOOD CHARACTER	
54.02-1 Neighbourhood Character Objective	To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that the design responds to the features of the site and the surrounding area.
Standard A1	<ul style="list-style-type: none"> ▪ The design response must be appropriate to the neighbourhood and the site. ▪ The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.
Assessment	The proposed layout and design of the dwellings is appropriate to the broader neighbourhood character. As set out within the body of this evidence statement, the site provides an opportunity to in part define a preferred neighbourhood character and a replication of the existing neighbourhood character would be inappropriate.
A1 Compliance	✓
54.02-2 Integration with the street objective	To integrate the layout of development with the street.
Standard A2	<ul style="list-style-type: none"> ▪ Dwellings should be oriented to front existing and proposed streets. ▪ High fencing in front of dwellings should be avoided if practicable. ▪ Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

Assessment	<p>Each of the dwellings proposed will front a proposed street and those dwellings which have a side frontage to Henry Street are treated in a manner to ensure that their side frontages also appropriately address Henry Street.</p> <p>No front fencing is proposed.</p>
A2 Compliance	✓
54.03 SITE LAYOUT AND BUILDING MASSING	
54.03-1 Street Setback Objective	To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.
Standard A3	<ul style="list-style-type: none"> ▪ Walls of buildings should be set back from streets: <ul style="list-style-type: none"> ○ At least the distance specified in a schedule to the zone, or ○ If no distance is specified in a schedule to the zone, the distance specified in Table A1. ▪ Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard. ▪ Table A1; <ul style="list-style-type: none"> ○ There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. <ul style="list-style-type: none"> ▪ 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets. ○ The site is on a corner. <ul style="list-style-type: none"> ▪ The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
Assessment	<p>Those dwellings proposed to have a side frontage to Henry Street are required to be setback from Henry Street by at least 2 metres. The dwellings comply with this requirement, being setback a minimum of 2.6 metres.</p> <p>To the internal roads, the dwellings are not setback 4 metres as required, instead predominantly being setback between 1 to 3.2 metres.</p> <p>I consider this to be acceptable, given these dwellings will all front new internal roads which are being constructed in conjunction with the dwellings and are designed to service the dwellings and other Lots created as part of the broader subdivision only. Thus, there are no existing dwellings or current average setback along these streets.</p> <p>Under these circumstances I consider that the proposed setbacks are appropriate given they make efficient use of the Lots and will help form a preferred character for this development more broadly.</p>
A3 Compliance	- Variation Required
54.03-2 Building Height Objective	To ensure that the height of buildings respects the existing or preferred neighbourhood character.
Standard A4	<ul style="list-style-type: none"> ▪ The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. ▪ If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10

	metres. <ul style="list-style-type: none"> ▪ Changes of building height between existing buildings and new buildings should be graduated.
Assessment	The proposed dwellings will each have a two-storey height of around 7 metres and thus are well in compliance with this standard.
A4 Compliance	✓
54.03-3 Site Coverage Objective	To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.
Standard A5	<ul style="list-style-type: none"> ▪ The site area covered by buildings should not exceed: <ul style="list-style-type: none"> ○ The maximum site coverage specified in a schedule to the zone, or ○ If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Assessment	<p>Some of the dwellings proposed will have a site coverage in excess of 60%, with 68.9% being the highest proposed level of site coverage.</p> <p>Whilst the standard is exceeded in some instances, I note that firstly those dwellings which have a site coverage in excess of 60% are all less than 200 square metres in area (except for Dwelling 6 which has a lot area of 201 square metres and a site coverage of 61.2%) and secondly that each dwelling meets the minimum requirements of Standard A17 with respect to private open space provision.</p> <p>Thus, in this context I consider a site coverage exceeding 60% to be reasonable and that a reduction in the dwelling sizes to achieve compliance would be neither warranted or beneficial.</p>
A5 Compliance	- Variation Required
54.03-4 Permeability Objectives	To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.
Standard A6	<ul style="list-style-type: none"> ▪ The site area covered by pervious surfaces should be at least: <ul style="list-style-type: none"> ○ The minimum area specified in a schedule to the zone; or ○ If no minimum area is specified in a schedule to the zone, 20 per cent of the site.
Assessment	<p>Similar to Standard A5, a number of the dwellings do not meet the 20% permeability test, generally being those which are on lots less than 200 square metres in size. The lowest level of permeability is 14.2% in relation to Dwellings 9 and 11.</p> <p>I am satisfied that the drainage system will not be affected by increased stormwater run-off, as this drainage system is to be developed as part of the broader land subdivision. The broader requirements of Clause 56.07, and particularly Clause 56.07-4 which relates to urban run-off, therefore apply and require addressing and I note this is achieved through conditions 20 to 24 on the draft planning permit.</p>
A6 Compliance	- Variation Required
54.03-5 Energy efficiency protection	To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and

objectives	make appropriate use of daylight and solar energy.
Standard A7	<ul style="list-style-type: none"> ▪ Buildings should be: <ul style="list-style-type: none"> ○ Oriented to make appropriate use of solar energy. ○ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Respond to and integrate with the surrounding urban environment ▪ Living areas and private open space should be located on the north side of the dwelling, if practicable. ▪ Dwellings should be designed so that solar access to north-facing windows is maximised.
Assessment	The dwellings are to be located on an east-west axis and therefore it is not practicable to provide northern solar access to living areas. I consider that all dwellings being located on such an axis to be appropriate in the context of the broader subdivision. I further note that this allows for each private open space to receive direct northern solar access as sought.
A7 Compliance	✓
54.03-4 Significant Trees Objectives	To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site.
Standard A8	<ul style="list-style-type: none"> ▪ Development should provide for the retention or planting of trees, where these are part of the neighbourhood character. ▪ Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
Assessment	<p>I have discussed the issue of tree retention within the body of my evidence from a planning perspective but otherwise defer to the evidence of Mr John Patrick of John Patrick & Associates.</p> <p>I consider that a suitable level of landscaping will be able to be provided for each of the dwellings proposed and draft Condition 7 requires the submission of a detailed landscape plan.</p>
A8 Compliance	✓
54.04 AMENITY IMPACTS	
54.04-1 Side and rear setbacks objectives	To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.
Standard A10	<ul style="list-style-type: none"> ▪ A new building not on or within 200mm of a boundary should be set back from side or rear boundaries: <ul style="list-style-type: none"> ○ At least the distance specified in a schedule to the zone, or. ○ If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. ▪ Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. ▪ Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the

	setbacks of this standard.
Assessment	<p>I do not consider this standard to be particularly relevant to the proposal given the lack of adjacent existing dwellings and the fact that the broader development will help enable the realisation of a different character.</p> <p>The only dwelling I consider this clause to be particularly relevant to, is Dwelling 12 located adjacent to the southern boundary and thus existing residential properties. Compliance with the standard is achieved with respect to this boundary interface.</p> <p>Internally to the site, I note that compliance with the side setbacks requirement would not be achieved for the dwellings at first floor level, but is achieved with respect to the rear setbacks. I do not consider the lack of compliance at first floor level to be of any material planning concern for the reasons outlined.</p>
A10 Compliance	✓
54.04-2 Walls on boundaries objective	To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.
Standard A11	<ul style="list-style-type: none"> ▪ A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary: <ul style="list-style-type: none"> ○ For a length more than the distance specified in a schedule to the zone; or ○ If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> • 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or • Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, <p>whichever is the greater.</p> <ul style="list-style-type: none"> ▪ A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary. ▪ A building on a boundary includes a building set back up to 200mm from a boundary. ▪ The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.
Assessment	<p>Similar to Standard A10 I consider this standard to be of little relevance except in relation to Dwelling 12 which I note has no walls proposed along its southern boundary.</p> <p>As there are no other neighbouring properties and as these dwellings will contribute towards a new preferred character as part of the broader development, I do not consider any non-compliance with this standard to be of material planning concern.</p>
A11 Compliance	✓
54.04-3 Daylight to existing windows objective	To allow adequate daylight into existing habitable room windows.
Standard A12	<ul style="list-style-type: none"> ▪ Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on

	<p>the abutting lot.</p> <ul style="list-style-type: none"> ▪ Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. ▪ Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.
Assessment	Dwelling 12 is sufficiently setback from the southern boundary to comply with the requirements of this standard.
A12 Compliance	✓
54.04-4 North-facing windows objective	To allow adequate solar access to existing north-facing habitable room windows.
Standard A13	<ul style="list-style-type: none"> ▪ If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Assessment	Dwelling 12 is sufficiently setback from the southern boundary to comply with the requirements of this standard.
A13 Compliance	✓
54.04-5 Overshadowing open space objective	To ensure buildings do not unreasonably overshadow existing secluded private open space.
Standard A14	<ul style="list-style-type: none"> ▪ Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. ▪ If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.
Assessment	Dwelling 12 is sufficiently setback from the southern boundary to comply with the requirements of this standard.
A14 Compliance	✓
54.04-5 Overlooking objective	To limit views into existing secluded private open space and habitable room windows.
Standard A15	<ul style="list-style-type: none"> ▪ A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or

	<p>perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <ul style="list-style-type: none"> ▪ A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> ○ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or ○ Have sill heights of at least 1.7 metres above floor level, or ○ Have obscure glazing in any part of the window below 1.7 metres above floor level, or ○ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. ▪ Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. ▪ Screens used to obscure a view should be: <ul style="list-style-type: none"> ○ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. ○ Permanent, fixed and durable. ○ Designed and coloured to blend in with the development. ▪ This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.
Assessment	Dwelling 12 has no habitable room windows facing south at first floor level, whilst a 1.8 metre high fence between Dwelling 12 and the neighbouring property to the south will prevent any overlooking from ground floor level habitable room windows and private open space areas.
A15 Compliance	✓
54.05 ON-SITE AMENITY AND FACILITIES	
54.05-1 Daylight to new windows objective	To allow adequate daylight into new habitable room windows.
Standard A16	<ul style="list-style-type: none"> ▪ A window in a habitable room should be located to face: <ul style="list-style-type: none"> ○ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or ○ A verandah provided it is open for at least one third of its perimeter, or ○ A carport provided it has two or more open sides and is open for at least one third of its perimeter
Assessment	All windows on all dwellings proposed are provided with sufficient solar access in accordance with the requirements of this standard.
A16 Compliance	✓
54.05-2 Private	To provide adequate private open space for the reasonable recreation and service needs

open space objective	of residents.
Standard A17	<ul style="list-style-type: none"> ▪ A dwelling should have private open space of an area and dimensions specified in a schedule to the zone. ▪ If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.
Assessment	Each dwelling is provided with a minimum secluded private open space area of at least 20% of its site area which equals or exceeds 40 square metres in area and has a minimum width of 5 metres.
A17 Compliance	✓
54.05-3 Solar access to open space objective	To allow solar access into the secluded private open space of a new dwelling.
Standard A18	<ul style="list-style-type: none"> ▪ The private open space should be located on the north side of the dwelling, if practicable. ▪ The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.
Assessment	The private open space for each dwelling has direct northern solar access which is unimpeded by any walls.
A18 Compliance	✓
54.06 DETAILED DESIGN	
54.06-1 Design detail objective	To encourage design detail that respects the existing or preferred neighbourhood character.
Standard A19	<ul style="list-style-type: none"> ▪ The design of buildings, including:: <ul style="list-style-type: none"> ○ Facade articulation and detailing, ○ Window and door proportions, ○ Roof form, and ○ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. ▪ Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.
Assessment	I address this aspect in greater detail within the body of my evidence but in summary consider that the design of the individual dwellings to be appropriate to the existing neighbourhood character context and appropriate to help shape a preferred neighbourhood character.
A19 Compliance	✓
54.06-2 Front	To encourage front fence design that respects the existing or preferred neighbourhood

fences objective	character.
Standard A20	<ul style="list-style-type: none"> ▪ The design of front fences should complement the design of the dwelling and any front fences on adjoining properties. ▪ A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ○ The maximum height specified in a schedule to the zone, or ○ If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2 <ul style="list-style-type: none"> • Other streets: 1.5 metres.
Assessment	No front fencing is proposed
A20 Compliance	✓

ResCode Assessment
Clause 56 – Greater Geelong Planning Scheme
Residential Subdivision

56.01 Subdivision Site and Context Description and Design Response	
56.01-1 Subdivision Site and Context Description	Is the application accompanied by a subdivision site and context description in accordance with the requirements of 56.01-1?
Assessment	Appropriate subdivision site and context description details have been provided. The responsible authority is satisfied that the level of information is satisfactory as evident by the notice of the application having been given.
Compliance	✓
56.01-2 Subdivision Design Response	Is the application accompanied by a subdivision design response in accordance with the requirements of Clause 56.01-2?
Assessment	A design response plan has been included with the application identifying the layout of the proposed subdivision in the context with surrounding area. Supporting information has also been provided explaining how the proposed design derives from and responds to the site and context description and relevant planning policy.
Compliance	✓
56.02 Policy Implementation	
55.02-1 Strategic Implementation Objective	To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in the scheme.
Standard C1	<ul style="list-style-type: none"> ▪ Application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.
Assessment	The proposed layout and design of the subdivision is consistent with relevant aspects of the Greater Geelong Planning Scheme as set out within the body of this evidence statement.
C1 Compliance	✓
56.03 Liveable and Sustainable Communities	
56.03-1 Compact and walkable neighbourhoods objectives	<p>To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport</p> <p>To allow easy movement through and between neighbourhoods for all people.</p>
Standard C2	<ul style="list-style-type: none"> ▪ A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme. ▪ An application for subdivision must include a plan of the layout for the subdivision

	<p>that:</p> <ul style="list-style-type: none"> o Meets the objectives (if relevant to the class of subdivision specified in the zone): <ul style="list-style-type: none"> ▪ Clause 56.03-2 Activity centres ▪ Clause 56.03-3 Planning for community facilities ▪ Clause 56.04-1 Lot diversity and distribution ▪ Clause 56.06-2 Walking and cycling network ▪ Clause 56.06-3 Public transport network ▪ Clause 56.06-4 Neighbourhood street network o Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed railway station and show the estimated number of dwellings within those distances. o Shows the layout of the subdivision in relation to the surrounding area o Is designed to be accessible for people with disabilities.
Assessment	<p>The proposed subdivision will create a community that benefits from its proximity to the surrounding established urban area.</p> <p>Each of the clauses listed are relevant to the proposal and are discussed as below.</p> <p>Approximately 3/4 of the entirety of the site will be located within 400 metres of the existing bus stop on Corio-Warun Ponds Road. Whilst the plans do not specify the exact number of lots within Stage 1 which will be within a 400 metre distance, I consider that all bar the 12 lots located to the west of the new internal road would be within a 400 metre distance.</p>
C2 Compliance	✓
56.03-2 Activity Centre objective	To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.
Standard C3	<ul style="list-style-type: none"> ▪ A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme ▪ Subdivision should be supported by activity centres that are: <ul style="list-style-type: none"> o Accessible by neighbourhood and regional walking and cycling networks o Served by public transport that is connected to the regional public transport network o Located at public transport interchange points for the convenience of passengers and easy connections between public transport services o Located on arterial roads or connector streets o Of appropriate size to accommodate a mix of uses that meet local community needs o Oriented to support active street frontages, support street-based community interaction and pedestrian safety.
Assessment	<p>As noted within the body of my evidence statement, the provision of an activity centre within the subdivision would not accord with the Retail Activity Centre Hierarchy located at Clause 21.07-8 of the Greater Geelong Planning Scheme.</p> <p>The site already benefits from proximity to commercial facilities, including the small shopping strip (which contains a supermarket) situated between Apex Avenue and</p>

	Summit Avenue on Stephen Street, approximately 215 metres north of the subject land.
C3 Compliance	✓
56.03-3 Planning for community facilities objective	To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sport's facilities
Standard C4	<ul style="list-style-type: none"> ▪ A subdivision should: <ul style="list-style-type: none"> ○ Implement relevant regional and local community facility strategy, plan or policy for the are set out in this scheme ○ Locate community facilities on sites that are in or near activity centres and public transport
Assessment	No community facilities are proposed as part of this subdivision, however Clairvaux Catholic School is located directly opposite the site on Reynolds Road with further community services located further to the south along Corio-Warun Ponds Road.
C4 Compliance	✓
56.03-4 Built environment objective	To create urban places with identity and character.
Standard C5	<ul style="list-style-type: none"> ▪ The built environment: <ul style="list-style-type: none"> ○ Implement any relevant urban design strategy, plan or policy for the area set out in this scheme ○ Provide living and working environments that are functional, safe and attractive ○ Provide an integrated layout, built form and urban landscape ○ Contribute to a sense of place and cultural identity ▪ An application should describe the identity and character to be achieved and the elements that contributed to that identity and character
Assessment	<p>The proposed lot layout will ensure a living environment that is functional, safe and attractive. The proposed layout will ensure active frontages over both existing and proposed roads and towards the public open space area proposed as part of Stage 3.</p> <p>A requirement to provide a series of Design Guidelines is included as part of the Development Plan Overlay Schedule 35 which will help ensure a high quality built environment.</p>
C5 Compliance	✓
56.03-5 Neighbourhood character objective	To design subdivisions that respond to neighbourhood character
Standard C6	<ul style="list-style-type: none"> ▪ Subdivision should: <ul style="list-style-type: none"> ○ Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme ○ Respond to and integrate with the surrounding urban environment ○ Protect significant vegetation and site features

Assessment	<p>Pursuant to Clause 32.08-3 a subdivision application for 60 or more lots within the General Residential Zone is not required to comply with this objective/standard.</p> <p>Nevertheless, the matter of neighbourhood character/transition to nearby residential land has been discussed in detail in the body of my evidence. Suffice to say, the proposal will provide a reasonable and appropriate response/interface to the existing dwellings fronting both Henry Street to the north and Marjorie Street to the south.</p>
C6 Compliance	✓
56.04 LOT DESIGN	
56.04-1 Lot diversity and distribution objectives	<p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres</p> <p>To achieve increased housing densities in designated growth areas</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types</p>
Standard C7	<ul style="list-style-type: none"> ▪ A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. ▪ Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme. ▪ A range and mix of lot sizes should be provided including lots suitable for the development of: <ul style="list-style-type: none"> ○ Single dwellings. ○ Two dwellings or more. ○ Higher density housing. ○ Residential buildings and Retirement villages. ▪ Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station. ▪ Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.
Assessment	<p>The lots will range in size from 179 to 364 square metres which will allow for varied housing densities.</p> <p>The proposed density and subdivision layout is respectful of the site's context and is considered appropriate.</p> <p>As part of Stages 2 and 3, more higher density built forms are envisaged to take advantage of their proximity to public open space (both existing and proposed), public transport and commercial and community services.</p>
C7 Compliance	✓
56.04-2 Lot area and building envelopes	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant

objective	vegetation and site features.
Standard C8	<ul style="list-style-type: none"> ▪ An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows: <ul style="list-style-type: none"> ○ That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or ○ That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. ▪ Lots of between 300 square metres and 500 square metres should: <ul style="list-style-type: none"> ○ Contain a building envelope that is consistent with a development of the lot approved under this scheme, or ○ If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. ▪ If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve. ▪ Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. ▪ A building envelope may specify or incorporate any relevant siting and design requirement. ▪ Any requirement should meet the relevant standards of Clause 54, unless: <ul style="list-style-type: none"> ○ The objectives of the relevant standards are met, and ○ The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. ▪ Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope: <ul style="list-style-type: none"> ○ The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and ○ The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. ▪ Lot dimensions and building envelopes should protect: <ul style="list-style-type: none"> ○ Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. ○ Existing or proposed easements on lots. ○ Significant vegetation and site features.
Assessment	<p>All proposed lots which are less than 300 square metres in area will have a dwelling constructed on them; the approval for which is sought as part of this planning permit application.</p> <p>Those remaining lots are all between 300 and 500 square metres. Whilst building envelopes are not identified on the subdivision plan, the lots have a minimum width of 10.5 metres and minimum depth of 30.77 metres thus ensuring easy compliance with the relevant standards of Clause 54.</p> <p>All such vacant Lots are designed in a north-south direction to ensure a high level of solar</p>

	<p>access to future dwellings.</p> <p>All lots are appropriately sized and dimensioned to accommodate sufficient solar access, private open space, vehicle access and parking and water management services.</p>
C8 Compliance	✓
56.04-3 Solar orientation of lots objective	To provide good solar orientation of lots and solar access for future dwellings
Standard C9	<ul style="list-style-type: none"> ▪ Unless the site is constrained by topography of other site conditions, at least 70 percent of lots should have appropriate solar orientation. ▪ Lots have appropriate solar orientation when: <ul style="list-style-type: none"> ○ The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south ○ Lots between 300 square meters are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north ○ Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.
Assessment	<p>The subdivision has been designed to allow future dwellings to maximise solar access.</p> <p>All vacant Lots are designed with the long axis in a north south direction ensuring maximum solar exposure.</p> <p>The width of the Lots (minimum 10.5 metres) is adequate to protect solar access to each neighbouring Lot, considering the likely dwelling size and the relationship of each Lot within the subdivision.</p>
C9 Compliance	✓
56.04-4 Street orientation objective	To provide a lot layout that contributes to community social interaction, personal safety and property security.
Standard C10	<ul style="list-style-type: none"> ▪ Subdivision should increase visibility and surveillance by: <ul style="list-style-type: none"> ○ Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads ○ Providing lots of 300 square meters or less in area and lots for 2 or more dwellings around activity centres and public open space. ○ Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. ○ Providing roads and streets along public open space boundaries
Assessment	<p>Each lot has appropriate visibility and surveillance as:</p> <ul style="list-style-type: none"> · Each lot fronts a road. · Lots with side frontages along public realm boundaries can be designed to have dual frontages (as evident in those dwellings proposed on lots which are less than 300 square metres in size) to ensure high levels of surveillance. · The layouts of the lots contribute to community social interaction, personal safety and property security.

C10 Compliance	✓
56.04-5 Common area objectives	<p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>
Standard C11	<ul style="list-style-type: none"> ▪ An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> ○ The common area to be owned by the body corporate, including any streets and open space ○ The reasons why the area should be commonly held ○ Lots participating in the body corporate ○ The proposed management arrangements including maintenance standards for streets and open spaces to commonly held
Assessment	The only common property area currently contemplated is the 4 metre wide pedestrian linkage designed to connect Stage 1 with future Stage 2. It is understood that Council has reservations in accepting ownership of this land due to it not being proposed to connect to a public area within Stage 2.
C11 Compliance	✓
56.05 URBAN LANDSCAPE	
56.05-1 Integrated urban landscape objective	<p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation</p>
Standard C12	<ul style="list-style-type: none"> ▪ An application for subdivision that creates streets or public open space should be accompanied by a landscape design. ▪ The landscape design should: <ul style="list-style-type: none"> ○ Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. ○ Create attractive landscapes that visually emphasise streets and public open spaces ○ Respond to the site and context description for the site and surrounding area ○ Maintain significant vegetation where possible within an urban context ○ Take account of the physical features of the land including landform, soil and climate ○ Protect and enhance any significant natural and cultural features ○ Protect and link areas of significant habitat where appropriate ○ Support integrated water management systems with appropriate landscape

	<p>design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space</p> <ul style="list-style-type: none"> ○ Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment ○ Ensure landscaping supports surveillance and provides shade in streets, parks and public open space ○ Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas ○ Provide for walking and cycling networks that link with community facilities ○ Provide appropriate pathways, signage, fencing, public lighting and street furniture. ○ Create low maintenance, durable landscapes that are capable of a long life <ul style="list-style-type: none"> ▪ The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.
<p>Assessment</p>	<p>The draft landscape master plan provides an overview of the landscape concept area for the subdivision and proposed public open space. The proposed landscaping will ensure an attractive landscape that visually emphasises street and public open spaces.</p>
<p>C12 Compliance</p>	<p>✓</p>
<p>56.05-2 Public open space provision objectives</p>	<p>To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.</p> <p>To provide a network of public open space that caters for a broad range of users.</p> <p>To encourage healthy and active communities.</p> <p>To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.</p> <p>To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.</p>
<p>Standard C13</p>	<ul style="list-style-type: none"> ▪ The provision of public open space should: <ul style="list-style-type: none"> ○ Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme. ○ Provide a network of well-distributed neighbourhood public open space that includes: <ul style="list-style-type: none"> ▪ Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences. ▪ Additional small local parks or public squares in activity centres and higher density residential areas. ▪ Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is: <ul style="list-style-type: none"> • Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space

	<ul style="list-style-type: none"> • Sufficient to incorporate two football/cricket ovals • Appropriate for the intended use in terms of quality and orientation • Located on flat land (which can be cost effectively graded) • Located with access to, or making provision for, a recycled or sustainable water supply • Adjoin schools and other community facilities where practical • Designed to achieve sharing of space between sports. <ul style="list-style-type: none"> ▪ Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings. <ul style="list-style-type: none"> ▪ Public open space should: <ul style="list-style-type: none"> ○ Be provided along foreshores, streams and permanent water bodies. ○ Be linked to existing or proposed future public open spaces where appropriate. ○ Be integrated with floodways and encumbered land that is accessible for public recreation. ○ Be suitable for the intended use ○ Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences. ○ Maximise passive surveillance. ○ Be integrated with urban water management systems, waterways and other water bodies. ○ Incorporate natural and cultural features where appropriate.
Assessment	No public open space is proposed as part of this Stage 1 subdivision application, however it is noted that a 0.5 hectare park is proposed as part of Stage 3. Appropriately, a Section 173 Agreement has been drafted and is reflected in the draft planning permit conditions which will ensure the supply of this public open space area.
C13 Compliance	✓
56.06 ACCESS AND MOBILITY MANAGEMENT	
56.06-1 Integrated mobility objectives	<p>To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</p> <p>To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.</p> <p>To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution</p>
Standard C14	<ul style="list-style-type: none"> ▪ An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of: <ul style="list-style-type: none"> ○ Clause 56.06-2 Walking and cycling network ○ Clause 56.06-3 Public Transport Network ○ Clause 56.06-4 Neighbourhood street network
Assessment	As previously noted, the subdivision will effectively integrate with the established urban

	area of Belmont and Geelong more broadly.
Compliance	✓
56.06-2 Walking and cycling network objectives	<p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>
Standard C15	<ul style="list-style-type: none"> ▪ The walking and cycling network should be designed to: <ul style="list-style-type: none"> ○ Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. ○ Link to any existing pedestrian and cycling networks. ○ Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. ○ Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. ○ Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. ○ Ensure safe street and road crossings including the provision of traffic controls where required. ○ Provide an appropriate level of priority for pedestrians and cyclists. ○ Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. ○ Be accessible to people with disabilities.
Assessment	<p>The subdivision will effectively integrate with the existing pedestrian and cycling paths surrounding the subject land and provide appropriate pedestrian and cycling paths internal to the subdivision.</p> <p>I further note that proposed planning permit conditions 15 and 16 require the construction of footpaths including along the southern side of Henry Street where no footpath currently exists.</p>
C15 Compliance	✓
56.06-3 Public transport network objectives	<p>To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.</p> <p>To encourage maximum use of public transport.</p>
Standard C16	<ul style="list-style-type: none"> ▪ The public transport network should be designed to: <ul style="list-style-type: none"> ○ Implement any relevant public transport strategy, plan or policy for the area set out in this scheme. ○ Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority. ○ Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan

	<p>Melbourne.</p> <ul style="list-style-type: none"> ○ Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide: <ul style="list-style-type: none"> • Safe and direct movement between activity centres without complicated turning manoeuvres. • Direct travel between neighbourhoods and neighbourhood activity centres. • A short and safe walk to a public transport stop from most dwellings.
Assessment	No public transport is proposed to be provided internal to the site given its limited size, however as noted a footpath connection along the southern side of Henry Street is proposed as part of the planning permit conditions, which will better connect the site to the existing bus stop on Corio-Waurn Ponds Road.
C16 Compliance	✓
56.06-4 Neighbourhood street network objective	To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.
Standard C17	<ul style="list-style-type: none"> ▪ The neighbourhood street network must: <ul style="list-style-type: none"> ○ Take account of the existing mobility network of arterial roads, neighbourhood streets cycle paths, shared paths, footpaths and public transport routes. ○ Provide clear physical distinctions between arterial roads and neighbourhood street types. ○ Comply with the Roads Corporation's arterial road access management policies. ○ Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. ○ Provide safe and efficient access to activity centres for commercial and freight vehicles. ○ Provide safe and efficient access to all lots for service and emergency vehicles. ○ Provide safe movement for all vehicles. ○ Incorporate any necessary traffic control measures and traffic management infrastructure. ▪ The neighbourhood street network should be designed to: <ul style="list-style-type: none"> ○ Implement any relevant transport strategy, plan or policy for the area set out in this scheme. ○ Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. ○ Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. ○ Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. ○ Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.

	<ul style="list-style-type: none"> ○ Provide an appropriate level of local traffic dispersal. ○ Indicate the appropriate street type. ○ Provide a speed environment that is appropriate to the street type. ○ Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). ○ Encourage appropriate and safe pedestrian, cyclist and driver behaviour. ○ Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. ○ Minimise the provision of culs-de-sac. ○ Provide for service and emergency vehicles to safely turn at the end of a dead-end street. ○ Facilitate solar orientation of lots. ○ Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. ○ Contribute to the area's character and identity. ○ Take account of any identified significant features.
Assessment	I defer to the expert traffic evidence of Ms Charmaine Dunstan of Traffix Group with respect to matters of traffic.
Compliance	✓
56.06-5 Walking and cycling network detail objectives	<p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>
Standard C18	<ul style="list-style-type: none"> ▪ Footpaths, shared paths, cycle paths and cycle lanes should be designed to: <ul style="list-style-type: none"> ○ Be part of a comprehensive design of the road or street reservation. ○ Be continuous and connect. ○ Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. ○ Accommodate projected user volumes and mix. ○ Meet the requirements of Table C1. ○ Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. ○ Provide appropriate signage. ○ Be constructed to allow access to lots without damage to the footpath or shared path surfaces. ○ Be constructed with a durable, non-skid surface. ○ Be of a quality and durability to ensure: <ul style="list-style-type: none"> ▪ Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. ▪ Discharge of urban run-off.

	<ul style="list-style-type: none"> ▪ Preservation of all-weather access. ▪ Maintenance of a reasonable, comfortable riding quality. ▪ A minimum 20 year life span. ○ Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.
Assessment	<p>Footpaths fronting each of the lots internal to the site will be designed to be continuous and safe and constructed to meet relevant standards.</p> <p>As I have previously noted, the draft planning permit conditions also require the construction of a footpath along the southern side of Henry Street.</p>
C18 Compliance	✓
56.06-6 Public transport network detail objectives	<p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</p> <p>To provide public transport stops that are accessible to people with disabilities.</p>
Standard C19	<ul style="list-style-type: none"> ▪ Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority. ▪ Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers. ▪ The design of public transport stops should not impede the movement of pedestrians. ▪ Bus and tram stops should have: <ul style="list-style-type: none"> ○ Surveillance from streets and adjacent lots. ○ Safe street crossing conditions for pedestrians and cyclists. ○ Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority. ○ Continuous hard pavement from the footpath to the kerb. ○ Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. ○ Appropriate signage. ▪ Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.
Assessment	<p>I understand that the disused bus stop along Henry Street is to be removed as it is no longer required and that the existing utilised bus stop along Corio-Waurn Ponds Road is to be retained as is.</p> <p>No other public transport infrastructure is proposed as part of this subdivision, nor is any warranted in my view given the size and location of the proposed subdivision.</p>
C19 Compliance	✓
56.06-7 Neighbourhood street network	<p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>

detail objective	
Standard C20	<ul style="list-style-type: none"> ▪ The design of streets and roads should: <ul style="list-style-type: none"> ○ Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. ○ Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. ○ Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. ○ Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. ○ Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. ○ Provide a safe environment for all street users applying speed control measures where appropriate. ○ Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. ○ Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. ○ Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> ▪ Enable the carriage of vehicles. ▪ Avoid damage by construction vehicles and equipment. ○ Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> ▪ Safe passage of pedestrians, cyclists and vehicles. ▪ Discharge of urban run-off. ▪ Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. ○ Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. ○ Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. ○ Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> ▪ Perform the required integrated water management functions. ▪ Delineate the edge of the carriageway for all street users. ▪ Provide efficient and comfortable access to abutting lots at appropriate locations. ▪ Contribute to streetscape design. ○ Provide for the safe and efficient collection of waste and recycling materials from lots. ○ Be accessible to people with disabilities. ○ Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.

	<p>Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.</p> <ul style="list-style-type: none"> ▪ A street detail plan should be prepared that shows, as appropriate: <ul style="list-style-type: none"> ○ The street hierarchy and typical cross-sections for all street types. ○ Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. ○ Water sensitive urban design features. ○ Location and species of proposed street trees and other vegetation. ○ Location of existing vegetation to be retained and proposed treatment to ensure its health. ○ Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes
Assessment	<p>I defer to the expert evidence of Ms Charmaine Dunstan of Traffix Group with respect to street and road design.</p> <p>Suffice to say, the proposed subdivision will incorporate appropriately designed street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system.</p>
C20 Compliance	✓
56.06-8 Lot access objective	To provide for safe vehicle access between roads and lots
Standard C21	<ul style="list-style-type: none"> ▪ Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. ▪ Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. ▪ The design and construction of a crossover should meet the requirements of the relevant road authority
Assessment	<p>Safe vehicular access will be provided to all lots via either Henry Street or the internal road network.</p> <p>Whilst not relevant to Stage 1, I note the proposed Development Plan Overlay Schedule 35 seeks to limit vehicle access onto Corio-Waurm Ponds Road in accordance with VicRoads requirements.</p>
C21 Compliance	✓
56.07 INTEGRATED WATER MANAGEMENT	
56.07-1 Drinking water supply objectives	<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water</p>
Standard C22	<ul style="list-style-type: none"> ▪ The supply of drinking water must be: <ul style="list-style-type: none"> ○ Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. ○ Provided to the boundary of all lots in the subdivision to the satisfaction of the

	relevant water authority
Assessment	The provision and installation of individual water services to all lots will occur in accordance with Barwon Water requirements and Victorian Planning Regulations.
C22 Compliance	✓
56.07-2 Reused and recycled water objective	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water
Standard C23	<ul style="list-style-type: none"> ▪ Reused and recycled water supply systems must be: <ul style="list-style-type: none"> ○ Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services. ○ Provided to the boundary of all lots in the subdivision where required by the relevant water authority.
Assessment	Given the established nature of the surrounds, it would be impractical to provide a dedicated reuse and recycled water supply system and I note that Barwon Water have required no such measures.
C23 Compliance	✓
56.07-3 Waste water management objective	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.
Standard C24	<ul style="list-style-type: none"> ▪ Waste water systems must be: <ul style="list-style-type: none"> ○ Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. ○ Consistent with any relevant approved domestic waste water management plan. ▪ Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.
Assessment	The provision and installation of sewage services to all lots will occur in accordance with Barwon Water requirements and Victorian Planning Regulations
C24 Compliance	✓
56.07-4 Urban run-off management objectives	<p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>
Standard C25	<ul style="list-style-type: none"> ▪ The urban stormwater management system must be: <ul style="list-style-type: none"> ○ Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. ○ Designed and managed in accordance with the requirements and to the

	<p>satisfaction of the water authority where reuse of urban run-off is proposed.</p> <ul style="list-style-type: none"> ○ Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. ○ Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <ul style="list-style-type: none"> ▪ The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. ▪ For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard: <ul style="list-style-type: none"> ○ Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. ○ Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. ▪ For storm events greater than 20% AEP and up to and including 1% AEP standard: <ul style="list-style-type: none"> ○ Provision must be made for the safe and effective passage of stormwater flows. ○ All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. ○ Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second). ▪ The design of the local drainage network should: <ul style="list-style-type: none"> ○ Ensure run-off is retarded to a standard required by the responsible drainage authority. ○ Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. ○ Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. ○ Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. ▪ Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority
Assessment	Conditions 17 to 20 of the proposed planning permit adequately address all matters of local drainage and stormwater runoff.
C25 Compliance	✓
56.08 SITE MANAGEMENT	
56.08-1 Site management objectives	<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or</p>

	<p>nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>
Standard C26	<ul style="list-style-type: none"> ▪ A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> ○ Erosion and sediment. ○ Dust. ○ Run-off. ○ Litter, concrete and other construction wastes. ○ Chemical contamination. ○ Vegetation and natural features planned for retention. ▪ Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.
Assessment	Condition 14 of the draft planning permit requires the submission and approval of an Environmental (Construction) Management Plan which will adequately address the above matters to the satisfaction of the responsible authority.
C26 Compliance	✓
56.09 UTILITIES	
56.09-1 Shared trenching objectives	<p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>
Standard C27	<ul style="list-style-type: none"> ▪ Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.
Assessment	Utilities to the site will ultimately be provided in accordance with the requirements of utility companies, noting that no utility authority has raised any objection to the proposed subdivision.
C27 Compliance	✓
56.09-2 Electricity, telecommunication s and gas objectives	<p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>
Standard C28	<ul style="list-style-type: none"> ▪ The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. ▪ Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. ▪ The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

	<ul style="list-style-type: none"> ▪ Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.
Assessment	<p>Powercor Australia is the responsible authority for the supply of electricity and the subdivision will be connected to the electrical grid in accordance with their requirements.</p> <p>Telecommunications services will be provided in accordance with government legislation and designed in accordance with the requirements of the telecommunications servicing agency. The relevant mandatory conditions have been included on the draft planning permit.</p>
C28 Compliance	✓
56.09-3 Fire hydrants objective	To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.
Standard C29	<ul style="list-style-type: none"> ▪ Fire hydrants should be provided: <ul style="list-style-type: none"> ○ A maximum distance of 120 metres from the rear of the each lot. ○ No more than 200 metres apart. ▪ Hydrants and fire plugs must be compatible with the relevant fire service equipment. ▪ Where the provision of fire hydrants and fire plugs does not comply with the requirement of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority
Assessment	The subdivision has been designed to allow the provision of fire hydrants in accordance with the above requirement. This will be undertaken as part of the detailed design process, where the precise location of these services will be determined as noted by Condition 21 of the draft planning permit.
C29 Compliance	✓
56.09-4 Public lighting objective	<p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>
Standard C30	<ul style="list-style-type: none"> ▪ Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles. ▪ Public lighting should be designed in accordance with the relevant Australian Standards. ▪ Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.
Assessment	Where appropriate, public lighting will be provided to ensure the safety of pedestrians, cyclists and vehicles. This will be developed at the design detailed stage in accordance with the requirements of Council and relevant Australian Standards as per Condition 16 of the draft planning permit.
C30 Compliance	✓

DD/MM/YYYY
Proposed C251

SCHEDULE 35 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO35**.

1 HENRY STREET, BELMONT (FORMER CSIRO SITE)

This schedule applies to the land at 1 Henry Street, Belmont, bounded by Henry Street to the north, Corio Waurm Ponds Road to the east, Reynolds Road to the west and established residential properties to the south.

The aim of this Schedule is to ensure that development occurs generally in accordance with the *Henry Street Belmont Concept Plan 2016*, and to require a range of detailed planning issues to be resolved prior to commencement of development of the land.

1.0 Requirements before a permit is granted

DD/MM/YYYY
Proposed C251

A permit may be granted for the following before a Development Plan has been approved:

- Any earthworks or building removal associated with the remediation, releveling and drainage of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970*.
- Minor buildings or works provided the buildings or works do not prejudice the preparation and approval of a Development Plan.
- The staged subdivision, construction of two or more dwellings on a lot and earthworks generally in accordance with a planning permit issued for Planning Permit Application Number 408/2016.

2.1 Conditions and Requirements for Permits

DD/MM/YYYY
Proposed C251

A permit must contain conditions or requirements that give effect to the provisions and requirements of the approved Development Plan.

Any permit for retail and/or medical centre uses fronting Corio-Waurm Ponds Road must contain a condition preventing direct vehicle access/ egress from Henry Street. Access/ egress will be from Corio-Waurm Ponds Road subject to the written approval of VicRoads.

A permit must also contain the following conditions, where appropriate:

Design Guidelines

Prior to the commencement of any stage of the development, Design Guidelines must be ~~submitted provided~~ to the satisfaction of ~~and be approved by~~ the responsible authority. The Design Guidelines must be generally consistent with the Residential Design Guidelines forming part of the approved Development Plan for the land. Once approved, the Design Guidelines will form part of ~~the~~any permit.

The Design Guidelines are to specifically address:

- Building heights and setbacks;
- Fencing height and form;
- Car parking provision and location of garages, carports, car spaces and garage doors;
- Building materials and architectural styles throughout the site;
- Siting and orientation of buildings having regard to passive energy efficiency techniques; and
- Interface treatments to existing residential land ~~and public open space~~.

Any permit for retail and/or medical centre uses fronting Corio-Waurn Ponds Road must require interface treatments to adjacent ~~residences~~ properties to the satisfaction of the Responsible Authority.

3.0 Requirements for Development Plan

DD/MM/YYYY
Proposed C251

A Development Plan must be generally in accordance with the *Henry Street Belmont Concept Plan 2016* forming part of this Schedule.

Only one Development Plan shall be approved for the entire area covered by this Schedule.

The Development Plan must state the stage of construction for ~~any~~ all public infrastructure works identified in the Development Plan.

The Development Plan must show or include the following:

A **Planning Assessment** that includes:

- A site analysis that identifies the key attributes of the land, its context, the surrounding area and its relationship with adjoining land;
- A context analysis that identifies existing or proposed uses on adjoining land, and other neighbourhood features such as public transport, activity centres, community infrastructure, walking and cycling connections.

An **Urban Design Masterplan** that includes:

- The location of all proposed land uses including, roads and, public open space, and housing types generally in accordance with the Henry Street Belmont Concept Plan 2016.
- The staging of the subdivision and the general subdivision layout including location and distribution of lots.
- A variety of housing types generally located as follows:
 - Medium density residential (generally up to 2-3 storeys in height) fronting Corio Waurn Ponds Road and a new on-site park, and Reynolds Road.
 - Medium density residential (generally up to 2 storeys in height) consisting of detached and attached dwellings adjacent to higher density areas.
 - Conventional residential (generally in the range of 1-2 storeys in height) through the middle section of the site.
- Consideration of ~~T~~the recessing of third storey elements to reduce the dominance of buildings from adjoining properties and the streetscape.
- Identification of the north east corner as a possible site for retail and/or medical centre uses ~~contained to the ground floor of an accommodation building~~, with vehicle access/egress from Corio Waurn Ponds Road only.
- Identification of any private internal roads and demonstrating resolution of engineering design for vehicle access, visitior parking, waste services, drainage, footpaths, landscaping and infrastructure services.
- Where practical, the integration of existing high value canopy trees within open space reserves and road reserves informed by an arboricultural assessment prepared by a suitably qualified expert.

An **Integrated Water Management Plan** that includes:

- Reference to:
 - *WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005.*
 - *Clause 56.07 of the Greater Geelong Planning Scheme.*
 - *City of Greater Geelong Stormwater Management Plan, 2002.*

GREATER GEELONG PLANNING SCHEME

- *The Infrastructure Design Manual and associated Design Notes.*
- A Water Sensitive Urban Design that demonstrates the methods of collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner.
- Systems to ensure the peak discharge rate and pollutant load of stormwater leaving the land ~~covered by this Schedule~~ post development is no greater than pre-development levels and provides for discharge to the existing drainage network, or as otherwise nominated by Council.
- The location of any on-site detention facility (or facilities) to capture and treat stormwater from the development.

A Road Network and Traffic Management Plan that includes:

- Existing conditions of the ~~site and~~ surrounding road and public transport networks.
- Anticipated vehicle generation and distribution from the development.
- Consideration of the need for upgrading of the Henry Street/Corio Waurn Ponds Road intersection and Corio Waurn Ponds Road between Henry Street and Davies Street, ~~as required by VicRoads.~~
- Consideration of the need to provide ~~No direct residential lot~~ vehicle or new road access to Corio Waurn Ponds Road.
- Where necessary, the Rreconstruction of the Henry Street road reserve frontage to the site inclusive of a minimum 1.5 metre wide footpath and street trees provided on the southern side of Henry Street.
- Consideration of the need for and appropriateness of new road access to Reynolds Road ~~and direct residential vehicle access restricted.~~
- A minimum 2.0 metre wide footpath and street trees are to be provided on Reynolds Road to the frontage of the site.
- Identification of any intersection treatment works required at Henry Street/Reynolds Road as a result of the development.
- ~~A pedestrian crossing facility on Reynolds Road to connect to the school and reserve which may require removal or upgrading of the existing crossing.~~
- ~~The provision of car parking in accordance with Clause 52.06.~~

An Open Space and Landscape Masterplan that includes:

- An Open Space Contribution equal to 10% of the developable residential land or in-lieu cash payment or combination of both. Encumbered land shall not be credited as public open space including on-site drainage detention facilities, ~~pedestrian link reserves, and any land providing formal pedestrian access and address to Stage 3 dwellings abutting the park.~~
- A 0.5 hectare (approximate) park located as shown on the *Henry Street Belmont Concept Plan 2016* and interfaced by public roads on 2 sides (1 side being Henry Street). The park must present as public communal open space ~~and not appear to be for the private use of Stage 3 residents.~~
- Conceptual plans for the park 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 June 2016 and the use of local indigenous plant species where appropriate. Utility kiosks/cabinets must not be located in the park.
- Identification of all existing canopy trees to be retained and removed, with the aim of retaining healthy, high value trees in the park and road reserves.

- New street tree species selection.

~~▪ Typical street cross sections for Council and private roads.~~

GREATER GEELONG PLANNING SCHEME

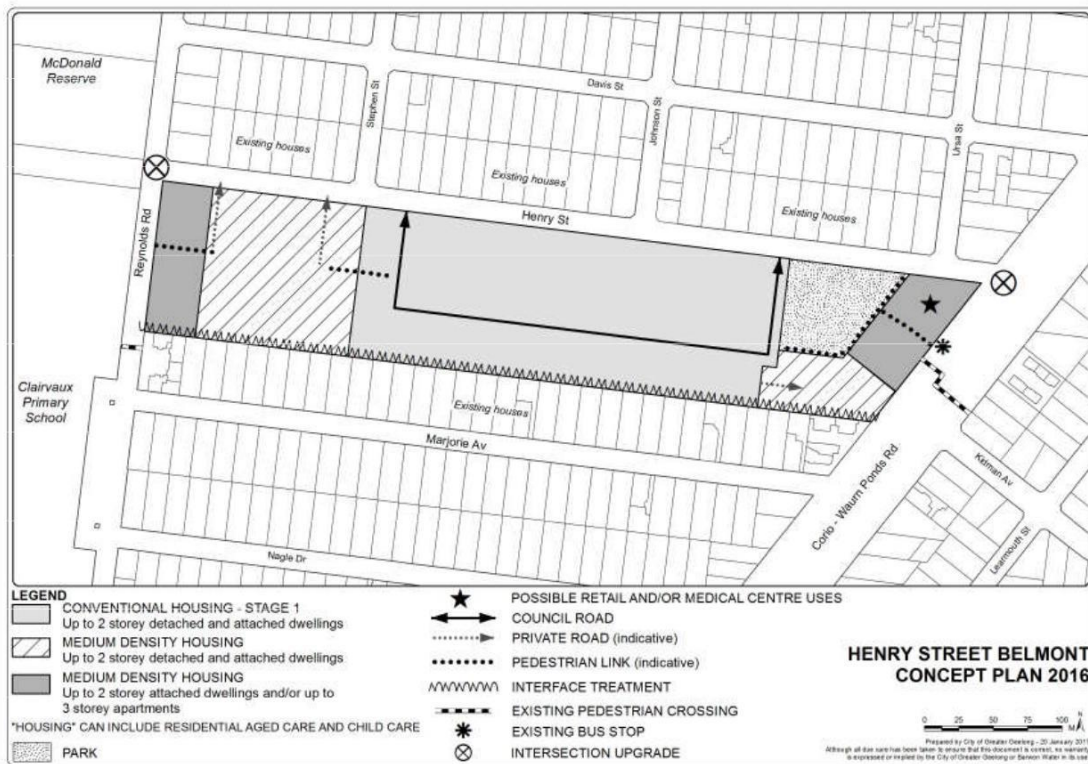
- Provision of safe, accessible and convenient pedestrian links in accordance with CPTED principles through the whole site and connecting with the surrounding road network.

Residential Design Guidelines which provide the following:

- Indicative building heights and setbacks along interface areas with an appropriate transition in building height from lower built form along sensitive ~~precinct~~-interfaces to higher built form elsewhere;
- Indicative treatments for key interface areas (e.g. between open space areas and proposed development, and between existing residential and proposed residential development);
- ~~▪ Relevant recommendations and findings from supporting technical reports.~~
- A written description of how the development will enhance the existing urban realm and minimise any adverse amenity impacts to adjacent or nearby sites.

4.0 Henry Street Belmont Concept Plan 2016

DD/MM/YYYY
Proposed C251



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

Permit No.: 408/2016

**Planning scheme: Greater Geelong Planning
Scheme**

**Responsible authority: Greater Geelong
City Council**

ADDRESS OF THE LAND: 1 HENRY STREET, BELMONT

**THE PERMIT ALLOWS: STAGED MULTI-LOT SUBDIVISION (INCLUDING SUBDIVISION
OF LAND ADJACENT TO A ROAD IN A ROAD ZONE CATEGORY 1) AND
CONSTRUCTION OF A SINGLE DWELLING ON EACH LOT UNDER 300 SQUARE
METRES**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of works, 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 dated 8 September 2016, but m

Commented [PD1]: Not all plans are this date

a) ~~Modifications to proposed allotment boundaries so that Trees 55, 57, 59, 66, 72 and 196 (as identified in the Arboricultural Assessment prepared by Tree Logic (dated 5/10/2015)) are incorporated into the development and retained in public reserves.~~

Commented [PD2]: I am not of the view that the retention of these trees is warranted from a Planning perspective and certainly not within separate public reserve(s)

b)a) Relocation of visitor car spaces V12 and V13 northward to provide for a potential future link between Future Stage 3 to the east a road named 'Internal Central Street'.

e)b) The use of alternative screening devices to reduce the extent of obscure glazing to address overlooking from 'Bed 2' and 'Bed 3' of each dwelling.

Prior to occupation of the dwellings, all buildings and works must be completed in accordance with the endorsed plans unless otherwise approved in writing by the Responsible Authority.

Commented [PD3]: This should be a stand-alone condition and not within Condition 1

Development Plan Approval

2. The subdivision and development as shown on the endorsed plans must not commence until a Development Plan required by Schedule 35 of the Development Plan Overlay of the Greater Geelong Planning Scheme has been approved by the Responsible Authority.

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

Infrastructure Contributions

- 3. The owner must make Infrastructure Contributions to Council as required by the Section 173 Agreement between the Greater Geelong City Council and Belmont Projects Pty Ltd, dated xx/xx/xx.

Environmental Audit

- 4. ~~Before a sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences~~ ~~Prior to the commencement of site works~~, either:
 - a) A certificate of environmental audit for the land must be issued in accordance with Part IXD of the Environment Protection Act 1970, or
 - b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for residential use of the development hereby approved;

Commented [PD4]: Slight change to wording to better reflect the Practice Note

to the satisfaction of the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the development hereby approved must comply with all the directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to Statement of Compliance for any stage and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

DEVELOPMENT

Endorsed Plans

- 5. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 6. Once the construction of a dwelling has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

- 7. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and show:

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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- a) Details of surface finishes of pathways and driveways;
- b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
- c) Landscaping and planting within all open areas of the site.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority

Commented [PD5]: Suggest that this be its own separate condition

Prior to Occupation

8. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the dwellings, the developer must:
- a) Construct the site stormwater system for each dwelling in accordance with the approved stormwater strategy, and connect into the drainage connection point as shown on the endorsed engineering plans required under the subdivision conditions of this permit, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with the Infrastructure Design Manual/ City of Greater Geelong Standard Drawings;
 - b) Construct any roads required to provide access to the dwellings, including turning areas. The road must be constructed in accordance with the endorsed engineering plans required under the subdivision conditions of this permit. The roads must be constructed to a full construction standard;
 - c) Construct vehicle crossings to all lots in accordance with the endorsed plans and to the requirements and standards of the City of Greater Geelong;
 - d) Remove any redundant kerb and channel, section of road pavement, vehicle crossing, and reinstate kerb and channel, the footpath/nature strip area and road pavement to match existing construction in the street;
 - e) Clean and finish all external walls on or facing property boundaries;
 - f) Complete landscaping in accordance with the endorsed plans;
 - g) Complete all buildings and works in accordance with the endorsed plans.

all to the satisfaction of the Responsible Authority.

Notes:

1. *All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.*
2. *A Vehicle Crossing Permit must be obtained prior to commencement of works.*

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Maintenance of Screening Devices

- 9. Screening devices shown on the endorsed plans that limit overlooking to adjoining properties must be maintained to the satisfaction of the Responsible Authority.

SUBDIVISION

Endorsed Plans

- 10. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan 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 that is generally in accordance with the endorsed plans.
- 11. The staging of the subdivision must be generally in accordance with the staging plan endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.

Commented [PD6]: Not clear what this means? Why can't an amended subdivision plan under the permit then be re-certified under the Subdivision Act?

Creation of Easements

- 12. 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.

Corner Splay

- 13. The plan of subdivision submitted for certification must include a splay for road purposes at all internal and external intersections in accordance with the Infrastructure Design Manual to the satisfaction of the Responsible Authority.

Environmental (Construction) Management Plan

- 14. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing on any stage, an Environmental (Construction) Management Plan (EMP) must be submitted to and approved by the Responsible Authority. The EMP must address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority. The plans must include measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period. The EMP must be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004.

When approved the EMP will form part of this permit. All development and works must be carried out in accordance with the endorsed EMP, to the satisfaction of the Responsible Authority.

(Note: where a conflict arises with the construction management plan and any legislation, the relevant legislation will take precedence).

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Functional Layout Plans

15. Unless otherwise approved in writing by the Responsible Authority, prior to certification of the first stage of the subdivision, a detailed functional layout plan for the entire subdivision area (Stage 1) is to be submitted to and approved by the Responsible Authority. The plan is to include, but is not limited to:
- a) All proposed road reserve and pavement widths;
 - b) Proposed kerb and channel profile and proposed footpath surfacing;
 - c) Location of all services and confirmation that all services can be constructed within the naturestrip areas of the proposed road reserves;
 - d) Approved turning manoeuvre areas at court/ cul-de-sac ends suitable for the safe and efficient turning of service vehicles, including Council's waste collection vehicles, and emergency vehicles;
 - e) All proposed on street parking areas, including indented parking-with the objective being to maximise the number of on street parking area within the subdivision;
 - f) Removal of existing Henry Street indented bus stops including the removal of kerb and channel together with road pavement, and the reinstatement of kerb and channel and naturestrip;
 - g) Reconstruction of the ~~failed sections of~~ road pavement and kerb and channel in Henry Street abutting the site from High Street to Ursa Street;
- all to the satisfaction of the Responsible Authority.

Road Construction Plans

16. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works on any stage of the subdivision, engineer designed plans for the full construction of all new roads must be submitted to and approved by the Responsible Authority. These plans must show, but are not limited to:
- a) Full construction of all new roads, including: road reserve landscaping, kerb and channel, road pavements and sealing, footpaths, linemarking, utilities, street lighting, signage and street trees;
 - b) Approved turning manoeuvre areas at court/cul-de-sac ends suitable for the safe and efficient turning of service vehicles, including emergency vehicles and Council's waste collection vehicles;
 - c) Suitable road reserve cross sections to convey major drainage flows within the subdivision site. Unless approved otherwise by the Responsible Authority, the road pavement widths for all streets in the subdivision must be 7.6 metres back to back of B2 kerb and channel;
 - d) Any proposed Local Area Traffic Management treatments within the subdivision site and in Henry Street;
 - ~~e) Major traffic management control items e.g. roundabout at major road intersections within and abutting the subdivision. The major traffic control items~~

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~~shall be determined to the satisfaction of the Responsible Authority at the time of approval of the engineering design plans;~~ Works required to achieve VicRoads requirements as set out at Condition 55 of this permit;

- f) On-street parking;
- g) The design of footpath abutting the Henry Street sideage;
- h) The removal of the existing Henry Street indented bus stop. The works will include the removal of kerb and channel together with road pavement, and the reinstatement of kerb and channel and naturestrip;
- i) Reconstruction of the failed sections of road pavement and kerb and channel in Henry Street abutting the site from High Street to Ursa Street;

all to the satisfaction of the Responsible Authority.

Site Stormwater Management Plan

17. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, a Site Stormwater Management Plan (SSMP) prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

Drainage Plans

18. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, engineer designed drainage plans in conjunction with the endorsed Site Stormwater Management Plan (SSMP) must be submitted to and approved by the Responsible Authority.

These plans must show, but are not limited to:

- a) Pits and pipe sizes;
- b) Finished surface and existing surface levels;
- c) Creation of appropriate easements;
- d) Connection to the existing council drainage network;
- e) The conveyance of any external major flows through the site;
- f) Stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorous;
 - 45% retention of the typical annual load of total nitrogen; and
 - 70% retention of the typical annual load of gross pollutants.

all to the satisfaction of the Responsible Authority.

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Stormwater Quantity

19. The site stormwater discharge for each catchment is to be limited as follows:

- a) Eastern Catchment
5 Year ARI: Permissible Site Discharge = 0.63 m3/sec
100 Year ARI: Permissible Site Discharge = 1.23 m3/sec
- b) Western Catchment
5 Year ARI: Permissible Site Discharge = 0.01 m3/sec
100 Year ARI: Permissible Site Discharge = 0.05 m3/sec

Stormwater Quality

20. Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

Completion of Engineering Works

21. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for the relevant stage, the permit holder must:

- a) Construct works in accordance with the endorsed engineering plans relating to drainage, roads, footpaths etc. Roads created as part of the subdivision as shown on the endorsed plans must be constructed to a full construction standard;
- b) Complete all works shown on the endorsed Functional Layout Plan that are within the relevant stage;
- c) Construct a separate drainage connection point for each lot in accordance with the approved drainage plans;
- d) Relocate any existing services crossing the new lots;
- e) Remove any existing buildings that traverse the lot boundaries;
- f) Construct any required major traffic management control items e.g. roundabout at major road intersections within and abutting the subdivision, and any required LATM treatment;
- g) construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong. Vehicle crossings must have a 1.0 metre offset from light poles and utility pits;
- h) remove any redundant kerb and channel, section of road pavement and/or vehicular crossing, and reinstate with kerb and channel, footpath, nature strip and/or road pavement to match existing construction in the street;
- i) satisfy the Stormwater Quality condition of this permit.
- j) provide street lighting within and abutting the subdivision at the full cost of the permit holder;
- k) Provide and erect relevant street signs;
- l) Provide fire hydrants and/or fire plugs in accordance with Standard C29 of Clause 56.09-3 of the Greater Geelong Planning Scheme;

all to the satisfaction of the Responsible Authority.

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Street Tree Master Plan

22. Unless otherwise approved by the Responsible Authority, prior to the issue of Statement of Compliance for the first stage, a street tree master plan prepared by a suitably qualified landscape architect in consultation with Council's Tree Management Unit must be submitted to and approved by the Responsible Authority. Once approved all subsequent stages of the development must accord with the master plan unless otherwise agreed in writing by the Responsible Authority.

Streetscape Plans

23. Unless otherwise approved by the Responsible Authority, prior to the issue of Statement of Compliance for the relevant stage, a detailed streetscape plan prepared by a suitably qualified landscape architect 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. The streetscape plan must be drawn to scale with dimensions and three hard copies provided. The plan must be developed in conjunction with the latest civil plans and in accordance with the approved street tree master plan and show:

- a) The layout of new planting in all road reserves ~~using deciduous trees running east/west and evergreens running north/south~~ consistent with the Landscape Plan required under Condition 7;
- b) Details of all other infrastructure within the road reserve (power, street lights, stormwater pits, telecommunications pits, third pipeline etc);
- c) 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;
- d) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;
- e) Trees to be located on secondary lot frontages shall be capped at two (2) only and must not exceed an expected size of 5 metres x 4 metres at maturity;
- f) The maintenance schedule for all proposed planting;

all to the satisfaction of the Responsible Authority.

Completion of Streetscape Works

24. The streetscape works shown on the endorsed streetscape plan must be carried out to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance for the relevant stage, or any other time as agreed in writing by the Responsible Authority and suitably bonded.

Substitutions shall not be made without the prior knowledge or consent of the Responsible Authority.

A maintenance bond must also be submitted to the Responsible Authority at the time of application for practical completion of streetscape works.

Note1: The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works and the

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maintenance bond or bank guarantee must be 100 per cent of the estimated cost of maintenance of streetscape works for a two (2) year period.

Note 2: A practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned on award of practical completion.

Note 3: Incomplete works covered by approved bonds must be enacted within 12 months of Statement of Compliance being issued.

Maintenance of Streetscapes

25. The streetscapes shown on any endorsed streetscape plan for a particular stage must be appropriately bonded and maintained to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion being awarded. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required.

Note 1: A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The streetscape maintenance bond will be returned upon acceptance of handover.

Note 2: No handovers will be accepted during the summer period, between 30 November and 1 March.

Tree Protection Zone / Remedial Actions Required

26. Prior to the commencement of works for all or that particular stage of the development, all trees approved for retention must be protected via tree protection zones installed in accordance with the arboricultural assessment and the requirements of AS4970 – 2009 *Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. Once approved, all tree protection measures shall not be moved or removed for the duration of the works without the knowledge or consent of the consulting arborist and/or the Responsible Authority.

Note: An inspection is required to satisfy this condition, please contact Council's Parks Unit on 5272 4827 to discuss this requirement and provide adequate notice of any request.

All recommended remedial actions being undertaken such as deadwooding, formative pruning, removals etc must be carried out in accordance with AS4373-2007 *Pruning of Amenity Trees* using suitably trained / qualified arboricultural staff to the satisfaction of the Responsible Authority and maintained as part of the streetscape works for all or that particular stage of the development for a period of no less than two (2) years.

Within this zone there must be no vehicular or pedestrian access, trenching, excavation, or storage of waste to the satisfaction of the Responsible Authority.

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Section 173 Agreement - Drainage

27. Unless otherwise approved by the Responsible Authority and prior to the issue of Statement of Compliance for the relevant stage, the land owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 for the installation, use, and on-going maintenance of allotment drainage in accordance with the approved stormwater strategy to achieve the permissible site discharge. All costs associated with setting up and reviewing the agreement must be borne by the land owner. The agreement is to be registered on each individual title, and run with the land, and is to provide to the satisfaction of the Responsible Authority that:

- a) All storm water runoff is to be collected on site and discharged to the legal point of discharge for each allotment/catchment;
- b) In the event of any operational difficulties with the allotment drainage, it is the responsibility of the land owner to rectify these difficulties.

Public Open Space Contribution

28. Unless otherwise approved by the Responsible Authority, the owner of the subject land must:

- a) Provide a Public Open Space Contribution equal to 10% of the developable residential land across the entire 1 Henry Street site consisting of a 0.5 hectare (approximate) park to be provided in a subsequent stage of the subdivision and land required for tree retention as per Condition 1(a), and the balance (being the equivalent site value of the balance land) to be paid to Council in cash.
- b) Deliver the Public Open Space Contribution in accordance with the Approved Development Plan and Section 173 Agreement registered on the Title of 1 Henry Street, Belmont.
- c) Submit a land budget to determine compliance with this condition.

Telecommunications

29. The owner of the land must enter into an agreement 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 will not be provided by optical fibre.

30. 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:

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- 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 time; and
- b) A suitably qualified person that fibre ready telecommunication 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.

Site Works

- 31. No topsoil must be removed from the land without the consent of the Responsible Authority and any topsoil disturbed as a result of works permitted by this permit shall be stockpiled on the site for later redressing of the land.
- 32. Any existing filling on the site must be removed from the site to the satisfaction of the Responsible Authority. Any new filling to be placed on the site must be engineered filling, and must be approved by the Responsible Authority prior to placement on site. Compaction and testing of any new filling is to be to the satisfaction of the Responsible Authority.

Disturbed Surfaces

- 33. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for the relevant stage, all disturbed surfaces except those areas set aside for roadways and footpaths shall be dressed with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Responsible Authority to prevent any erosion or siltation either on or adjacent to the land.

Street Names

- 34. Prior to certification the subdivider must provide a list of proposed street names for approval.

BARWON WATER CONDITIONS

General

- 35. The owner shall create easements for Pipelines or Ancillary Purposes in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.
- 36. 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.

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Water

37. The provision and installation of individual water services to all lots in the subdivision. Note that tapplings and services are not to be located under existing or proposed driveways.
38. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.
39. Reticulated water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
40. The existing 450mm water main in Reynolds Road is not available for direct connection and a rider main will be required to be constructed to service lots fronting Reynolds Road.
41. Meter numbers 0730555, 0943387, 1030011, 1030012 and 0439233 are to be returned to Barwon Water prior to the issue of Certificate of Compliance. The associative tapplings are to be cut and sealed at the respective mains. Details of the locations of these services can be made available upon request.

Sewer

42. The provision of sewerage services to all lots in the subdivision. 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. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).
43. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
44. Reticulated sewer mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
45. The proposed development can be serviced by the existing Geelong Sewer System. The development can be serviced by the existing gravity sewer system which includes:
 - DN150 and DN137 gravity sewers located on the southern property boundary
 - DN150 gravity sewers opposite the east property boundary within High Street.

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_____	_____	_____

46. The existing site contains several connections to the existing sewer mains. These sewer connection points must be decommissioned in accordance with Barwon Water's 'Property Connection Decommissioning Process' prior to the issue of Certificate of Compliance. The location of these points can be made available upon request.

POWERCOR CONDITIONS

47. The applicant shall provide an electricity supply to all properties within the development in accordance with Powercor's requirements and standards, including the extension, augmentation or rearrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work may be required).
48. The applicant shall, where buildings or other installations exist on the land 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.
49. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
50. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
51. The applicant shall set aside on the property for the use of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways where an electric substation (e.g. indoor) is required to service the development. 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.
52. The applicant shall 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 development 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 "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
53. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
54. The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

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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VICROADS CONDITIONS

55. Prior to the issue of Statement of Compliance, the following works must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:
- a) Undertake modifications to the Henry Street/Corio Waurn Ponds Road intersection to prohibit vehicles turning right.
 - b) Create a central median opening on the Corio Waurn Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.
56. Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and work approvals processes, including the determination of fees and the level of VicRoads' service obligations.

EXPIRY

Development

57. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:
- a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
 - b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- a) Within six (6) months after the permit expires where the use or development has not yet started; or
- b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Subdivision

58. 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 (2) years of the date of this permit.
 - b) All stages of the plan of subdivision have not been certified within four (4) years of the date of this permit.

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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- c) A statement of compliance is not issued within five (5) years of the date of certification of the relevant stage of subdivision.

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

Notes

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.

Barwon Water

4. 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 L013091.

Downer

5. Should gas be required to be either connected or disconnected to the existing or future properties please contact your local gas retailer.

Powercor

6. It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail.

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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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. C251 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
 - 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.

WHAT ABOUT REVIEWS?

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.



**SECTION 173 AGREEMENT
PLANNING AND ENVIRONMENT ACT 1987**

GREATER GEELONG CITY COUNCIL

Council

- and -

BELMONT PROJECTS PTY LTD

ACN 603 132 074
Registered Land Owner

in relation to land at:

1 HENRY STREET BELMONT

3JMH:21605049

Harwood Andrews
ABN 98 076 868 034
70 Gheringhap Street, Geelong 3220, Victoria, Australia
DX 22019 Geelong
PO Box 101 Geelong Vic 3220

Telephone: 03 5225 5225 Facsimile: 03 5225 5222

THIS AGREEMENT is made the _____ day of _____

PARTIES:

1. **Greater Geelong City Council** of 30 Gheringhap Street, Geelong 3220
(Council)
2. **Belmont Projects Pty Ltd** ACN 603 132 074 of Level 1, 85 Union Street Armadale, 3143
(Owner)

RECITALS:

- R.1. The Owner is or is entitled to be the registered proprietor of the land known as 1 Henry Street Belmont, being the land described in Certificate of Title volume 07067 folio 272 (**Land**).
- R.2. The Council is responsible for the administration and enforcement of the Planning Scheme pursuant to the provisions of the Act. Council is also the Planning Authority for Amendment C251 to the Planning Scheme.
- R.3. The Land is the former Belmont CSIRO site and is proposed to be developed for urban purposes.
- R.4. Planning Scheme Amendment C251 is a combined amendment and planning permit application under section 96A of the Act that proposes to:
 - a. zone the Land to General Residential Zone Schedule 1 under the Planning Scheme;
 - b. apply a Development Plan Overlay and Environmental Audit Overlay to the Land; and
 - c. grant a Planning Permit for a staged multi-lot subdivision.
- R.5. A draft Development Plan ~~is proposed to be~~ has been exhibited as part of the Amendment.
- R.6. To facilitate the future redevelopment of the Land in an appropriate manner, and to advance the objectives of planning in Victoria, the Council and the Owner have agreed to enter into this Agreement.
- R.7. The Council and the Owner have agreed that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be treated, this Agreement is made pursuant to Section 173 of the Act.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

In this Agreement unless inconsistent with the context or subject matter:

- 1.1. **Accommodation** means any form of group or multi-unit accommodation on a lot other than a single dwelling lot, including but not limited to a hostel, lodge, boarding house, residential building, nursing home, aged care facility, residential hotel or motel, or a bed and breakfast.
- 1.2. **Act** means the *Planning and Environment Act 1987 (Vic)*.
- 1.3. **Adjustment Index** means the Consumer Price Index as published by the Australian Bureau of Statistics, publication series 6401.

- 1.4. **Agreement** means this Agreement and any agreement executed by the parties varying or expressed to be supplemental to this Agreement.
- 1.5. **Amendment** means the proposed amendment to the Planning Scheme generally de-scribed in Recital 4 of this Agreement and which at the time of this agreement has the reserved title of 'Amendment C251 to the Greater Geelong Planning Scheme'.
- 1.6. **Community Infrastructure Contribution** means the sum of \$2,000 as at 30 June 2015 for each Residential Lot created by subdivision of the Land, following the approval of the Amendment, or for each Dwelling created in the case where there is no subdivision.
- 1.7. **Council** means Greater Geelong City Council in its capacity as:
- 1.7.1. the authority responsible for administering and enforcing the Planning Scheme; and
- 1.7.2. a municipal council within the meaning of the *Local Government Act 1989* (Vic),
- and includes its agents, officers, employees, servants, workers and contractors and any subsequent person or body which is the responsible authority or municipal council.
- 1.8. **Current Address for Service**
- 1.8.1. for the Council means the address shown under the heading "Parties" in Agreement, or any other principal office address listed on the website of the Council; and
- 1.8.2. for the Owner means the address shown under the heading "Parties" this Agreement or any other address provided by the Owner to the Council for any purpose or purposes relating to the Land.
- 1.9. **Current Email Address for Service**
- 1.9.1. for the Council means statplanning@geelongcity.vic.gov.au, or any other email address listed on the website of the Council; and
- 1.9.2. for the Owner means any email address provided by the Owner to the Council for the express purpose of electronic communication regarding this Agreement.
- 1.10. **Current Number for Service**
- 1.10.1. for the Council means 03 5272 4277, or any other facsimile number listed on the website for the Council; and
- for the Owner means any facsimile number provided by the Owner to the Council for the express purpose of facsimile communication regarding this Agreement.
- 1.11. **Development Plan** means the Development Plan to be approved by the Council (whether or not by stages) under and for the purposes of the DPO Schedule under the Planning Scheme as introduced through the Amendment.
- 1.12. **DPO Schedule** means the Development Plan Overlay Schedule to be introduced into the Planning Scheme upon approval of the Amendment to that overlay.

- 1.13. **Dwelling** has the same meaning as 'dwelling' in the Planning Scheme.
- 1.14. **Land** means the land described in Recital R.1 and any reference to the Land includes any lot created by the subdivision of the Land or any part of it.
- 1.15. **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.
- 1.16. **Open Space Contribution** means the provision of Public Open Space equal to 10% of the area of the Land or an in-lieu cash payment or combination of both.
- 1.17. **Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any part of it, and includes a Mortgagee in possession.
- 1.18. **Owner's Obligations** means the covenants, promises, agreements, indemnities, undertakings and warranties given by the Owner under this Agreement including the specific obligations imposed under clause 3.
- 1.19. **party** or **parties** means the Owner and the Council under this Agreement as appropriate.
- 1.20. **Permit** means planning permit 408/2016 for the staged multi-lot subdivision (including subdivision of land adjacent to a road in a road zone category 1) and construction of a single dwelling on each lot under 300 square metres as amended from time to time.
- 1.21. **Plan of Subdivision** means a plan of subdivision in a form acceptable to the Council or the Tribunal on review, that subdivides the Land.
- 1.22. **Planning Scheme** means the Greater Geelong Planning Scheme and any successor instrument or other planning scheme which applies to the Land.
- 1.23. **Public Open Space** means a 0.5 hectare park (approximately) fronting Henry Street generally in accordance with the Development Plan and for the purposes of the Open Space Contribution does not include any encumbered land (such as land required for on-site drainage detention facilities ~~or pedestrian link reserves or land providing formal pedestrian access and address to Stage 3 dwellings abutting the park~~).
- 1.24. **Residential Lot** means a lot created by a Plan of Subdivision on the Land proposed to be within the General Residential Zone to be implemented as part of the Amendment, or any other lot which the Council, acting reasonably, considers is to be developed for the purpose of accommodating a single Dwelling or another form of Accommodation.
- 1.25. **Statement of Compliance** means a statement of compliance to issue by Council for a Plan of Subdivision which creates Residential Lots on the Land rezoned to General Residential Zone by the Amendment.
- 1.26. **Tribunal** means the Victorian Civil and Administrative Tribunal established under the *Victorian Civil and Administrative Tribunal Act 1998*.

2. INTERPRETATION

In the interpretation of this Agreement unless inconsistent with the context or subject matter:

- 2.1. The singular includes the plural and the plural includes the singular.

- 2.2. A reference to a gender includes a reference to all other genders.
- 2.3. Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa.
- 2.4. A reference to a person includes a reference to a firm, corporation, association or other entity and their successors in law.
- 2.5. A reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute.
- 2.6. The Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.
- 2.7. References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be.
- 2.8. Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time.
- 2.9. Where a word or phrase is given a definite meaning in this Agreement, a part of speech or other grammatical form for that word or phrase has a corresponding meaning.
- 2.10. Where a word or phrase is not defined in this Agreement, it has the meaning as defined in the Act, or, if it is not defined in the Act, it has its ordinary meaning.

3. SPECIFIC OBLIGATIONS OF THE OWNER

- 3.1. Community Infrastructure Contribution
 - 3.1.1. The Owner agrees that it must pay to Council the Community Infrastructure Contribution:
 - 3.1.1.1. Prior to the issue of a Statement of Compliance, in respect of each Residential Lot to be created upon registration of that plan of subdivision; or
 - 3.1.1.2. Prior to the issue of an occupancy permit or other necessary approval under the *Building Act 1993* in respect of the construction of a Dwelling or other Accommodation where there is no subdivision;
 - 3.1.2. The parties agree that there will be no future requirement for the payment of a community infrastructure charge on the Land other than in accordance with clause 3.1.1 of this Agreement;
 - 3.1.3. The Owner agrees with Council that the monetary contribution specified in clause 3.1.1 will be adjusted on a compound basis upwards on 1 July each year from the date 30 June 2015 by the amount of the Adjustment Index.
- 3.2. Public Open Space
 - 3.2.1. The Public Open Space must be vested in Council upon registration of the Plan of Subdivision for any subdivision of Stage 3- as shown in the Development Plan, pursuant to the Stage 3 Permit or in any event, no later than two years after the date of the Permit or otherwise agreed in writing.

- 3.2.2. Prior to the vesting of the Public Open Space in Council, the Owner shall construct at its cost the landscaping of the Public Open Space in accordance with the ~~Development Plan~~Stage 3 Permit to the satisfaction of the Council and in accordance with relevant Council strategies for open space.
- 3.2.3. If the public open space contribution required by the Planning Scheme and the Permit for the staged multi-lot subdivision of the Land is not satisfied by the provision of the Public Open Space, the Owner must address any shortfall to the satisfaction of Council.
- 3.2.4. Any monetary payment required pursuant to clause 3.2.3 of this Agreement must be paid prior to the Statement of Compliance being issued in relation to Stage ~~4~~3 of the proposed staged multi-lot subdivision of the Land or as otherwise agreed in writing.

4. FURTHER COVENANTS OF THE OWNER

The Owner warrants and covenants with the Council that:

- 4.1. It is the registered proprietor (or entitled to be so) of the Land.
- 4.2. Save as shown in the certificate of title to the Land, there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land or any part of it and not disclosed by the usual searches.
- 4.3. Neither the Land nor any part of it is subject to any right obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in section 42 of the *Transfer of Land Act 1958* (Vic).
- 4.4. It will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first providing to its successors a copy of this Agreement.
- 4.5. It will within 28 days of written demand pay to the Council the Council's reasonable costs (including legal or other professional costs) and expenses of and incidental to the:
 - 4.5.1. negotiation, preparation, execution and recording of this Agreement;
 - 4.5.2. assessment, negotiation, preparation, execution and recording of any proposed amendment to this Agreement; and
 - 4.5.3. determination of whether any of the Owner's obligations have been undertaken to the satisfaction of the Council or to give consent to anything under this Agreement.

To the extent that such costs and expenses constitute legal professional costs, the Council may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the parties will be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by the Council and the Owner. Such costs payable by the Owner will include the costs and disbursements associated with the recording, cancellation or alteration of this Agreement in the Register.

- 4.6. It will do all that is necessary to enable the Council to make application to the Registrar of Titles to record this Agreement in the Register in accordance with the Act, including the signing of any further agreement, acknowledgment or other document.

- 4.7. Until such time as this Agreement is recorded in the Register, the Owner must ensure that successors in title will give effect to this Agreement, and do all acts and sign all documents which will require those successors to give effect to this Agreement, including executing a deed agreeing to be bound by the terms of this Agreement.

5. COVENANTS OF THE COUNCIL

The Council acknowledges and agrees that:

- 5.1. Council will not demand or require any payment by the Owner in respect of public open space and community infrastructure contributions other than under this Agreement;
- 5.2. it will use best endeavours to ensure that the Amendment is prepared and processed in an expeditious manner;
- 5.3. it will forthwith after the execution of this Agreement register this Agreement on the title of the Land pursuant to the provisions of Section 181 of the Act; and
- 5.4. the Community Infrastructure Contribution collected will be applied by Council at its sole discretion but within Community Services Planning Area 8 (Belmont and Highton) unless otherwise agreed in writing between the Council and the Owner.

6. FURTHER ASSURANCE

The parties to this Agreement will do all things necessary (including signing any further agreement, acknowledgement or document) to give full effect to the terms of this Agreement and to enable this Agreement to be recorded in the Register in accordance with the Act.

7. AMENDMENT

This Agreement may be amended:

- 7.1. when all of the Parties agree in writing to amend the Agreement wholly or in part as to any part of the Land; or
- 7.2. otherwise in accordance with Part 9 Division 2 of the Act.

8. NO WAIVER

No waiver by any party of any default in the strict and literal performance of or compliance with any provision, condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

9. NO FETTERING OF POWERS OF COUNCIL

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

10. INTEREST ON OVERDUE MONEYS

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* (Vic) and any payment made shall be first directed to payment of interest and then the principal amount owing.

11. NOTICES

All notices and other communications under this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the Current Addresses for Service, Current Email Address for Service or Current Number for Service of the parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:

- 11.1. not later than two business days after being deposited in the mail with postage prepaid;
- 11.2. when delivered by hand;
- 11.3. if sent by email, at the time of receipt in accordance with the *Electronic Transactions (Victoria) Act 2000* (Vic); or
- 11.4. if sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

12. COSTS ON DEFAULT

If the Owner defaults in the performance of any obligations under this Agreement it will pay to the Council its reasonable costs of action taken to achieve compliance with this Agreement.

13. INVALIDITY OF ANY CLAUSE

Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions will be and continue to be valid and enforceable in accordance with those terms.

14. AGREEMENT BINDING ON SUCCESSORS OF OWNERS

This Agreement will extend to and bind the Owner's successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them will also be binding on their successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this Agreement.

15. JOINT OBLIGATIONS

In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

16. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous agreements or understandings between the parties in connection with its subject matter.

17. COMMENCEMENT AND ENDING OF AGREEMENT

17.1. This Agreement will commence on the date that it bears but the specific obligations of the Owner in Clause 3 will not apply, take effect, or commence operation whatsoever until the Amendment is approved by the Minister for Planning and gazetted such that the Amendment is incorporated into the Planning Scheme.

17.2. This Agreement will end:

17.2.1. In respect of a Residential Lot, or in the case where there is no subdivision, in respect of the land on which a Dwelling is to be constructed, upon payment of the Development and Community Infrastructure Contribution; or

17.2.2. in accordance with the provisions of the Act.

EXECUTED AS A DEED

SIGNED SEALED AND DELIVERED on behalf of the **GREATER GEELONG CITY COUNCIL** by Peter Bettess, General Manager Planning & Development pursuant to an instrument of delegation authorised by Council resolution, in the presence of:

P Bettess

Witness

EXECUTED by **Belmont Projects Pty Ltd** ACN 603 132 074 in accordance with Section 127 of the Corporations Act 2001:

.....
Director

.....
Director/Secretary

.....
Full Name

.....
Full Name

.....
Address

.....
Address