



**GREATER GEELONG PLANNING SCHEME
AMENDMENT C251 & PLANNING PERMIT 408/2016**

1 HENRY STREET, BELMONT (FORMER CSIRO SITE)

PART B Submission to the Independent Panel

Panel: Sue Porter (Chair)

Date: Monday 19 June 2017

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on behalf of the City of Greater Geelong

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1 Introduction

This submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel's support for Amendment C251 and concurrent Planning Permit No. 408-2016.

1.1 Part A Submission

Council's Part A Submission was circulated to the Panel and other parties on Friday 9 June 2017.

The Submission is taken as having been read by all parties.

1.2 Panel Hearing Version DPO35 and Permit 408-2016

Council relies on the changed Development Plan Overlay Schedule 35 and Permit 408-2016 included in Council's Part A Submission.

1.3 Summary of the Presentation

The structure of the presentation will be to address the issues raised in Panel Direction No. 11, being;

- a. A summary of the key issues raised in submission.
- b. Response to evidence tabled.
- c. Its final position on the Amendment.
- d. An update on the transitional arrangements in relation to VC110 and the implications for Stages 2 and 3.
- e. A response to the various issues raised by submitters in relation to traffic etc
- f. An explanation about how the DPO will provide certainty to adjoining residential property owners to the south in terms of development outcomes.
- g. Clarification of what Council envisions will be required to retain the trees identified in the draft permit conditions.
- h. A response to a submission that there is no need for the DPO concept plan given there will be an approved Development Plan.

- i. Whether the site is subject to potential flooding.
- j. Clarification of all plans proposed to be endorsed as part of the planning permit.

All directions except (b) and (c) are addressed in Section 2.2.

A response to the Tract submission (on behalf of the proponent; Belmont Projects Pty Ltd) is provided at Section 2.3.

The Amendment and Permit apply to the land at 1 Henry Street, Belmont as shown in **Figure 1**.

We will be submitting that the Amendment is well founded, has resulted from a thorough strategic planning process and should be supported by the Panel.

Amendment C251 and Permit 408-2016 will facilitate redevelopment of the now vacated CSIRO fibre research centre. At 6.2 hectares, the site represents a unique infill housing opportunity close to service infrastructure and community facilities.

Council recognises – quite rightly – the benefits of delivering a range of housing types into the area. We support the contemporary forms, high quality building designs and materials, and indicative heights. The development response is welcomed and helps address a gap in the housing market as identified in the G21 Regional Growth Plan:

“Compared to traditional housing options, infill and innovative higher density housing options require more active encouragement. The development industry is currently not active in higher density developments within Geelong” (p. 28)

Of course, supporting redevelopment and higher density outcomes does not mean that site context and neighbourhood character are ignored. After all, one of the purposes of the General Residential Zone is to encourage development that respects the neighbourhood character of the area.

Clearly, an infill development of this size will create its own character. We do not expect spacious private garden settings. The proposed development design will achieve acceptable outcomes by provision of a park and larger housing lots to the frontage of Henry Street, identifying Corio Waurm Ponds Road and Reynolds Road as sites for apartments up to 3 storeys in height and the planting of new street trees.

However, we do differ with the proponent on the removal of some canopy trees along the frontage of Henry Street. Given that progressive thinking and creative vision are at the heart of the proponent's methodology, we are disappointed that more effort was not made to integrate the trees identified by Council. We consider these trees can add value to the estate and create a sense of place, while also supporting efforts to respect neighbourhood character.

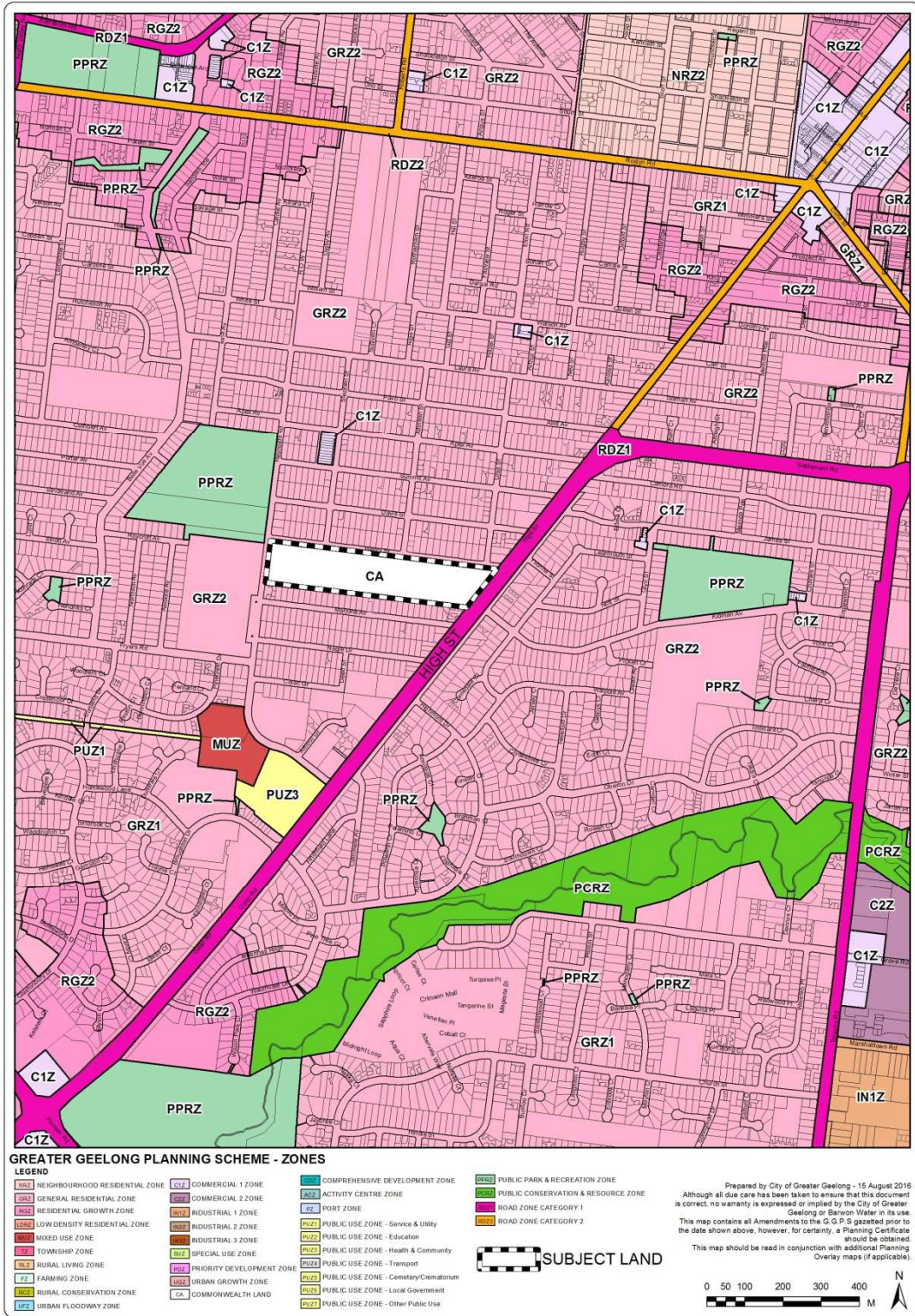
The proposed planning controls are underpinned by a strategic framework and planning process that has been well ventilated in the community. We say the amendment makes proper use of the Victorian Planning Provisions and provided an opportunity to engage the local community and other stakeholders about the desired outcomes for the site.

We believe there is overwhelming local community support for the proposed redevelopment. This is evidenced by the very low number of objecting submissions. It seems nearby residents just 'want developers to get on with it'. Not least because they have endured years of disruption and uncertainty: from closure of the CSIRO operations; to derelict buildings, vagrancy and fires; and to demolition and various rumored planning proposals.

Consideration of the submissions and evidence has assisted in sharpening and clarifying the intended purpose of the Development Plan Overlay Schedule 35 and Permit 408-2016. Further scrutiny of the DPO Schedule and Permit drafting is welcomed by the Panel.

Finally, we have prepared an updated draft Development Plan for discussion and review by the Panel.

Figure 1 - Map showing 1 Henry Street Belmont (Subject Land)



2 Summary of issues and response to submissions and directions

The following summary and response to submissions is largely based on the Delegated Authority Report of 28 April 2017. A map showing the location of submitters is provided at this Hearing.

2.1 Summary of key issues raised in submission

As a consequence of exhibition 11 submissions were received, including five from local residents.

Tract on behalf of the proponent seeks minor changes to the DPO Schedule, Permit and Section 173 Agreement. Tract oppose the retention of six trees fronting Henry Street, works to the Henry Street/ Corio Waurm Ponds Road intersection and the encumbered land classification of the park perimeter path. Tract also note the approval of Amendment VC110.

VicRoads no longer requires any works to the Henry Street/ Corio Waurm Ponds Road intersection. Bicycle Users Geelong put forward solutions to better support riding, walking and road safety and two local residents raise concerns about traffic and car parking during peak periods.

A submission from a landowner on the opposite side of Corio Waurm Ponds Road suggests a new signalised intersection to connect with Kidman Avenue.

The landowner on the opposite side of Henry Street raises concerns about privacy and outlook of existing properties as well as street appeal, particularly the removal of established trees.

A Marjorie Avenue resident requests to see the development details for Stage 2 when available and agrees with an early Up Property map indicating a small "buffer garden" of about 1 m width running along the boundary fence and then just to the north of that garden a road running east-west. Another Marjorie Avenue landowner says that provision must be made to ensure heavy rain events do not impact on his property.

Finally, a resident on Corio Waurm Ponds Road objects to any possible retail and/or medical centre uses. The submitter says there are facilities in close by Belmont and such uses would create a traffic and parking hazard. This submitter supports all the other plans.

2.2 Response to submissions and directions

An update on the transitional arrangements in relation to VC110 and the implications for Stages 2 and 3.

Council's Part A Submission addressed Amendment VC110 at Section 2.6. For this site we shall recognise the 1 Henry Street Development Plan as an 'equivalent strategic plan'.

The Panel has asked Council for an update on the VC110 transitional arrangements and the implications for Stages 2 and 3.

We note the entire development (including Stages 2 & 3) is exempt from Clause 32.08-3 Subdivision permit requirement (25% garden area for vacant lots less than 400 square metres).

The Statutory Planning Unit is taking a conservative approach to Clause 32.08-4 until advised otherwise by DELWP. Where an application is lodged for a combined development and subdivision, Statutory Planning is requiring 35% garden area for the parent lot (where above 650sqm). This may create significant implications for the development potential of Stages 2 and 3 as development on these lots would need to achieve 35% garden area.

A response to the various issues raised by submitters in relation to traffic etc

Traffic and bicycle network

Council's Part A Submission provides a response to these issues. We further respond that the amended Permit 408-2016 plans condition to replace the 5 metre wide crossovers with single-width crossovers will result in extra car parking spaces on the south side of Henry Street.

Henry Street resident

The development represents an opportunity to deliver a new high quality built environment to that existing. Requiring dwelling setbacks of 6.5m is not supported and a lesser setback will still positively contribute to street appeal and character, and allow for landscaping. Street trees will also be planted.

There will be no impact to the privacy and outlook currently enjoyed by residents on the north side of Henry Street.

Marjorie Avenue residents

Stage 2 will require a planning permit(s) and it must be generally in accordance with an approved Development Plan. As a consequence of the Development Plan Overlay (Clause 43.04-2), any future permit application for Stage 2 will be exempt from notice. The submitters interest is noted and Council's Statutory Planning Unit will endeavour to inform the landowner about Stage 2 developments.

Stage 2 will most likely consist of medium density housing. The exhibited Development Plan shows a private road network similar to the earlier Up Property map, including an east-west road marginally offset from the southern boundary.

The April 2017 heavy rain event resulting in flooding to a Marjorie Street property was referred to the CSIRO site manager for action. The DPO Schedule includes requirements to ensure that future development and associated eathworks do not cause stormwater flooding to adjoining properties greater than pre-development.

Potential retail and medical centre uses

Any retail and/or medical centre use would be confined to the ground level of the future Stage 3 apartment building and accessed from Corio Waurm Ponds Road only. This arrangement would be subject to further traffic and parking assessments and require the approval of VicRoads.

While retail and medical services are available in the Belmont Activity Centre on High Street, additional on-site services will have little impact on the Greater Geelong Retail Hierarchy.

An explanation about how the DPO will provide certainty to adjoining residential property owners to the south in terms of development outcomes.

The DPO Schedule establishes the location for different housing forms on the southern boundary: conventional 1 to 2 storeys to the middle of the site; up to 2 storeys detached and attached to the eastern and western ends; and up to 3 storey apartments along the Reynolds Road edge.

The DPO Schedule further requires the recessing of third storey elements.

What this means is that the Development Plan shall include an *Urban Design Masterplan* that is consistent with the Concept Plan located at Clause 4.0 of the DPO Schedule. Effectively, beyond Stage 1, built form along the majority of

the southern boundary is to be 2 storeys in height. Where 3 storeys are proposed, these elements are to be recessive.

We note that the draft Development Plan was exhibited with the Amendment and no objections were received from properties to the south in relation to potential development outcomes. Section 6.4.5 of the draft Development Plan provides some guidance in relation to interface treatments.

The DPO schedule also requires the Development Plan to include *Residential Design Guidelines* that provide indicative treatments for key interface areas and a written description of how the development will minimise any adverse impacts on the properties to the south. Council expects such design guidelines to be regulated by the developer. An appropriate mechanism to capture this could be a restriction on title that requires proposed buildings to be reviewed and approved by the developer's "design review panel".

Given the Development Plan Overlay removes any third party right to notice or appeal of future planning permits, we believe it is reasonable that standards of Clause 55.04 ('Amenity impacts') are met in relation to future development within Stages 2 and 3 that is adjacent to the properties to the south. It is anticipated that Council officers will be conscious of the lack of notice and appeal rights when assessing permit applications associated with Stages 2 and 3.

We also note that Stage 1 provides a high level of certainty for adjoining property owners as vacant lots of 10.5 to 11.7 metres wide are proposed.

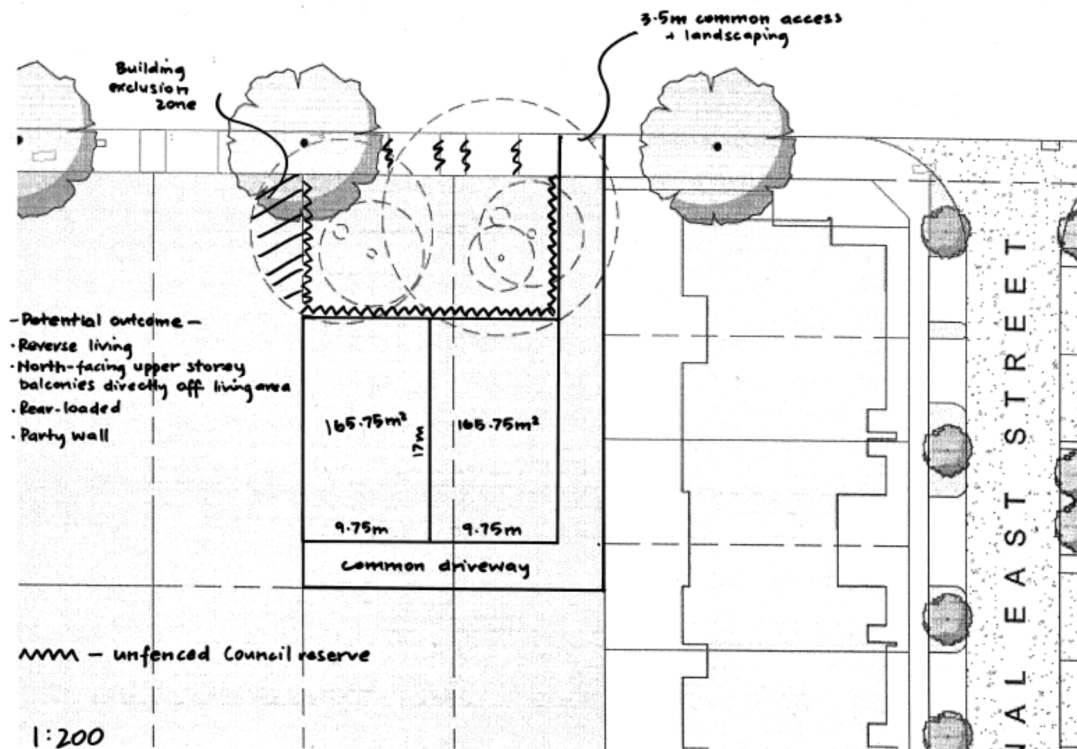
Clarification of what Council envisions will be required to retain the trees identified in the draft permit conditions.

As a starting point, we will require the trees to form part of the road reserve. The trees will be maintained by Council's Parks Department. Any design that allows for the trees to be retained on private property will lead to their inevitable removal.

We are of the view that there are design solutions that retain the trees identified in Permit 408-2016.

An example of one possible design is presented in **Figure 2**.

Figure 2 - Tree retention concept plan



A response to a submission that there is no need for the DPO concept plan given there will be an approved Development Plan.

With due respect, there was no submission about this issue.

The revised Tract application dated 25 November 2016 included the above reference to which Council did not support. We believe the concept plan will ensure a plan is readily available, accessible and easy to understand for the community. We note that the 1 Henry Street Development Plan is not an amendment document and will only be available for viewing in person at the Council Office.

On this basis, and given the fact that no submission was lodged opposing the concept plan, the plan should be retained.

Whether the site is subject to potential flooding.

The site is not subject to potential flooding.

Clarification of all plans proposed to be endorsed as part of the planning permit.

The following plans are proposed to be endorsed as part of Permit 408-2016:

TP05B, 18/05/2017
TP06B, 18/05/2017
TP10B, 18/05/2017
TP11A, 08/09/2016
TP12A, 08/09/2016
TP13A, 08/09/2016
TP14A, 08/09/2016
TP15A, 08/09/2016
TP16A, 08/09/2016
TP17, 04/03/2016
TP18, 04/03/2016
TP19, 04/03/2016
TP20, 04/03/2016
TP30A, 08/09/2016
TP31A, 08/09/2016
TP32A, 08/09/2016
TP33A, 08/09/2016
TP34A, 08/09/2016
TP35A, 08/09/2016
TP40, 04/03/2016

2.3 Response to proponent submission

Park perimeter path

We agree that the Stage 3 park perimeter path should be included as part of the unencumbered land calculation. However we do not agree, and will not support, the designation of that part of the path fronting and providing access to future dwellings to be burdened by a carriageway easement or the like.

This public open space shall be vested in Council upon registration of the plan of subdivision for Stage 3. It would be inappropriate for a municipal reserve to include a restriction on the owner (i.e. Council) from using that part of its own land in certain ways.

Henry Street frontage trees

In deciding to include Permit conditions to retain trees #55, 57, 59, 66, 72 and 196, we sought to answer the following questions:

1. Is it practical?
2. Is it reasonable?
3. Will it add value and respect neighbourhood character?

Before we answer these questions, for the benefit of the Panel, the following context is provided in relation to the consideration of the site's vegetation:

- Arboricultural assessments
- Council advice and comments
- Proponent position
- CSIRO approach
- Site inspection and findings

Is retaining the Henry Street trees practical?

We deliberately selected tree species that are healthy, durable, adaptable and attractive. The intention is that these trees will form part of the Henry Street road reserve allowing suitable access, maintenance and protection.

Trees on the perimeter of the site were most likely to be spared during the demolition phase (which has proven to be the case) and present as the best opportunity to be protected as the site is redeveloped. Their location will also assist in maximizing the site's housing development potential.

We have demonstrated that there is an alternative design that can successfully integrate the land required to retain the trees. We say this approach accords with the corresponding DPO35 *Urban Design Masterplan* requirement.

Is retaining the Henry Street trees reasonable?

The Greater Geelong Planning Scheme establishes a framework for what proponents and decision-makers should consider in the development of sites containing vegetation. We identified the relevant policies and strategies in our Part A Submission and found the retention of the trees strikes the right balance.

Excluding the trees located in the proposed park, we are seeking to retain only 6 of 391 trees surveyed in the 2015 TreeLogic arboricultural assessment. We are also talking about a vacant site of 6.2 hectares with no unmanageable constraints. It does not appear that the TreeLogic recommendations have been considered in the design and we say this is an opportunity lost.

We acknowledge that the extensive demolition works presented the developer with a dilemma: not knowing which trees would be removed or what condition they would survive in. However, Council officers have consistently advised that the design should consider the trees on site. Now that the demolition phase is complete this dilemma no longer holds.

We also say there are community expectations to retain 'green' features in urban areas. We are a little surprised that only one resident raised this issue in submission but are of the general view that efforts to retain canopy trees are held as a high priority.

Finally, the outcome we are seeking is generally in accordance with the DPO35 *Open Space and Landscape Masterplan* requirement: 'Identification of all existing trees to be retained and removed, with the aim of retaining healthy, high value trees in the park and road reserves'.

For all the above reasons, we say retaining the trees is reasonable.

Will the trees add value and respect neighbourhood character?

The ability to retain mature, canopy trees in a new infill housing development is a rare opportunity which we believe will add significant value to the estate. The suburb of Belmont is known for its vegetated character, parks and spacious private garden setting. We support the distinct character that the development will create and see these trees as going some way to respect the areas appeal.

Section 173 Agreement

The deletion of Clause 3.1.1.1 is not supported. Payment at Statement of Compliance is Council's standard practice where land is being rezoned for residential purposes and Agreements are used as the statutory tool to levy contributions. This is a consistent approach applied to all developers in Greater Geelong. This practice is also far easier to manage and administer.

The proposed changes to Clause 3.2.4 are also not supported even though the principle of apportioning costs has merit. The legal basis for Council to seek a contribution for public open space is at the time of subdivision. The Stage 2 & 3 superlots will be created as a result of Permit 408/2016. The Stage 2 & 3 lots will become separate transferable parcels of land and there is no guarantee they will be further subdivided (and therefore no Statement of Compliance).

3 Response to evidence tabled

The following is our response to the Planning Statement (Peter Doyle), Landscape Statement (John Patrick) and Traffic Statement (Charmaine Duncan).

3.1 Planning

We are in general agreement with the planning evidence by Peter Boyle. The statement provides vindication for the Amendment and Permit, saying there is strong policy support within the Greater Geelong Planning Scheme.

Mr Doyle is also comfortable with the residential density and layout proposed.

The only significant area of disagreement rests with Council's requirement to retain 6 trees along the Henry Street frontage. Contrary to the opinions of Mr Doyle, we say the 'possible' loss of three lots will have little impact on urban consolidation objectives, nor are the design challenges insurmountable.

We shall provide a verbal response to Mr Doyle's proposed changes to the DPO Schedule, Permit conditions and Section 173 Agreement at the Hearing.

3.2 Landscape

We note the findings of arborist Michael Rogers that the Yellow Gum (Tree #196) is significant and should be retained. Mr Rogers comments that it is rare to see this species so large.

The expert witness statement of John Patrick refers to the significance of the Yellow Gum however does not categorically recommend retention, saying: "Should the tree be retained I recommend that a Tree Management Plan be prepared to implement works around the tree. This could be a condition of permit should one be issued".

We have interpreted this statement as a strong suggestion that every effort should be made to retain this impressive tree. We concur with this view.

Regarding the patch of 5 Spotted Gum trees, Mr Rogers says trees #55, 57 & 72 are mature and worthy of retention while trees #59 & 66 are not worthy of retention. Mr Patrick has considered the advice of Mr Rogers and, on balance, and subject to a consistent theme of replacement planting along the Henry Street interface, supports their removal.

We find it curious that Mr Patrick seems to support retaining the Spotted Gums, yet at the same time, supports their removal only if there is a consistent theme of replacement planting.

We ask the question: why can't you do both?

The length of Henry Street fronting the site is 600 metres. The patch of Spotted Gum fronting Henry Street is approximately 30 metres (including canopy). Retaining these trees and simultaneously introducing a consistent street tree theme is not only achievable but appropriately responds to planning policy.

We believe retention of the trees needs to take priority in this instance as the impacts are minor.

We accept the evidence that trees #59 & 66 are not worthy of retention because of their suppressed state. They do however have high value in forming part of a 'patch' of Spotted Gum. We say this patch should be retained in its 'natural' state. Given the trees are clustered together, the land take is likely to remain the same anyway.

We note that the final selection of street tree planting will be detailed in the 1 Henry Street Development Plan, to be approved by Council.

3.3 Traffic

We continue to advocate that the Development Plan Overlay Schedule and ensuing 1 Henry Street Development Plan recognise the potential for future works at the Henry Street/ Corio Waurm Ponds Road intersection.

Our position is consistent with the approach for the Henry Street/ Reynolds Road intersection to which there is no objection.

Land uses and engineering standards change over time and it would be irresponsible planning to not acknowledge the potential for future intersection works.

We say there is no harm in including such a provision. Further planning permit applications within Stage 3 will likely be supported by traffic impact assessments that consider traffic impacts and potential intersection upgrades. Should such assessments similarly find that intersection works are not required, and such findings are supported by VicRoads, then there will be no permit condition required.

4 Council's final position on the Amendment

Council continues to seek the support of the Panel to:

1. Zone all the land at 1 Henry Street, Belmont, to the General Residential Zone Schedule 1;
2. Apply Schedule 35 to the Development Plan Overlay to the land being zoned;
3. Apply an Environmental Audit Overlay to the land being zoned;
4. Issue concurrent Planning Permit 408-2016;
5. Finalise the 1 Henry Street Development Plan generally in accordance with Schedule 35 to the Development Plan Overlay; and
6. Finalise the Section 173 Agreement for signing by both parties prior to Council adopting Amendment C251.

5 Conclusion

It is Council's view that the Amendment C251 is strategically justified and addresses the key planning issues.

Draft Planning Permit 408-2016 will deliver acceptable outcomes having considered relevant provisions of the Greater Geelong Planning Scheme.

We respectfully seek the support of the Panel.

This completes the Part B submissions of the Council