

## **20. AMENDMENT C251 AND PERMIT 408/2016 - FORMER CSIRO SITE BELMONT - CONSIDERATION OF PANEL REPORT AND ADOPTION**

**Source:** Planning & Development - Strategic Implementation  
**Acting Director:** Geoff Lawler  
**Index Reference:** Amendment C251

### **Purpose**

To consider the Independent Panel Report and adopt Planning Scheme Amendment C251.

### **Background**

Amendment C251 applies to Commonwealth land at 1 Henry Street, Belmont. The Amendment proposes to zone the land General Residential Zone Schedule 1 concurrent with a staged multi-lot residential subdivision. The Amendment is supported by a Section 173 Agreement to levy developer contributions for social infrastructure improvements in the Belmont/ Highton area.

Exhibition of the Amendment from 3 March to 10 April 2017 resulted in the receipt of 11 submissions. A Panel Hearing was held on 19 June 2017 and the Panel has supported the Amendment and Permit.

### **Key Issues**

- The former CSIRO site was conditionally sold to a developer in 2015 who lodged a Section 96A Planning Scheme Amendment request and Permit Application.
- Following exhibition of the Amendment and draft Permit, Council received submissions that objected to the proposed road and bicycle network, tree retention conditions and some aspects of the development design.
- Under delegation on 1 May 2017, Council resolved to refer all the submissions to an Independent Panel. A hearing was held on 19 June and Council received the Panel Report on 24 July 2017.
- The Panel considers the Amendment/Permit has strong strategic planning support.
- The Panel recommends that the Amendment be adopted and the Permit issued; both subject to changes recommended by the Panel. The changes are agreed with minor corrections as outlined in this report.

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

**That Council resolves to:**

- 1) Adopt Amendment C251 in the form as outlined in Attachment 2 of this report;**
- 2) Submit the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval;**
- 3) Recommend to the Minister for Planning that Planning Permit 408/2016 be granted pursuant to Section 96G of the *Planning and Environment Act 1987* (the Planning Permit is in Attachment 3 of this report); and**
- 4) Sign and seal the Section 173 Agreement accompanying this Amendment to formalise social infrastructure contribution arrangements (Attachment 4 is a copy of the Agreement).**

**Carried.**

## **Attachment 1**

### ***Discussion***

On 29 March 2016 a request from Tract Consultants for a combined Section 96A Planning Scheme Amendment and Permit was received by Council for the land at 1 Henry Street, Belmont. The request was made on behalf of the developer, Belmont Projects Pty Ltd

The application seeks to zone the land to the General Residential Zone Schedule 1. The 6.2 hectare site is owned by the Commonwealth Government (with a sale contract) and is not zoned in the Greater Geelong Planning Scheme.

The site had previously been used as the CSIRO Materials and Fibre Engineering Laboratory. The CSIRO has now relocated to a new \$102M research facility at Deakin University's Waurn Ponds campus.

The Amendment also proposes to apply the Environmental Audit Overlay (EAO) and the Development Plan Overlay to the land. The Amendment is supported by a Section 173 Agreement for developer contributions towards community infrastructure improvements in the local area and the provision of public open space.

Concurrent with the Amendment request a planning permit (408/2016) is sought to allow subdivision that includes a Stage 1 construction of 26 townhouses and the creation of 61 residential lots. The preliminary site layout (**Attachment 5**) shows vehicle access to Stage 1 directly from Henry Street and a new internal Council road.

On 7 February 2017 Council resolved under delegation to exhibit Amendment C251. Public exhibition commenced on 3 March and closed on 10 April 2017. Eleven submissions were received, including five from local residents. Given the site's high exposure and drawn-out history, this very low number of submissions indicates overwhelming community support for the redevelopment and the certainty it provides.

No submission opposed the strategic basis of the Amendment and proposed residential zone.

Council (under delegation) then considered a report on the submissions and resolved on 1 May 2017 to request the Minister for Planning appoint an Independent Panel to consider the submissions.

### **Panel Hearing and Panel Report Recommendations**

A single person Panel conducted the Hearing on 19 June 2017. Submissions at the Hearing were made by Council officers; a lawyer for the proponent calling expert evidence in planning, traffic and landscape; and two local residents.

The main issues presented to the Panel were:

- Concern about the requirement to retain six native trees and the consequent impact in terms of lost development potential and design;
- The appropriateness of providing access to dwellings from adjoining open space and whether this contributes to the 10% open space contribution required by Development Plan Overlay Schedule 35;
- Potential impacts on traffic and cycling;
- Concerns about certainty around future stages of development; and
- The appropriateness of identifying potential retail/medical centre uses in the Development Plan Overlay Schedule 35.

The Panel considered all written submissions made in response to the exhibition of the Amendment/Permit; as well as further submissions, evidence and other material presented to it during the Hearing, and its observations from a site visit.

In its 24 July 2017 report, the Panel noted that (p. 4):

*"...there were no submissions which challenged the strategic justification for the proposed redevelopment of the site for residential purposes, the proposed application of the GRZ1, DPO35 and EAO, changes to Clause 61.03; or to the grant of a permit for the subdivision/development of this land. Rather, the submissions focused on the details surrounding the future development of the site as outlined in DPO35 and the conditions contained in the draft planning permit."*

The key Panel findings were:

- Stage 1 of the proposed development is not likely to have a significant impact on the road network and not require the widening of Henry Street or the provision of dedicated cycling paths. Future stages of the development will be subject to a planning permit application and will involve the consideration of any additional traffic impacts.
- The retention of trees 55, 57, 59, 72 and 196 is supported, as is Council's permit condition which requires the modification to the subdivision layout to ensure they are retained within public reserves. The Panel found this a reasonable balance between protecting neighbourhood character and urban consolidation.
- Any encumbered open space that provides access to abutting residential properties should not form part of the Open Space Contribution.
- The DPO35 and the Development Plan (which is still to be approved by Council) will provide certainty for all key stakeholders about the form and nature of the future development of the site.
- Whilst the DPO35 identifies the potential for retail/medical centre uses in the north-east corner of the site, this is not a mandatory requirement and the potential impacts of such a development will be considered as part of a future planning permit.

The Panel recommended that Amendment C251 be adopted and the Permit issued; both subject to changes recommended by the Panel.

A copy of the Panel Report's Executive Summary is in Attachment 6.

#### Council officer response

The Panel Report findings and recommendations are all supported except for one change discussed below.

The Development Plan Overlay Schedule 35 to be adopted (refer to Attachment 2) has included the changes recommended by the Panel. This includes minor formatting and content changes consistent with the Ministerial Direction under section 7(5) of the *Planning and Environment Act 1987*.

The only change to the Schedule 35 not supported relates to Clause 3.0 *Open Space and Landscape Masterplan* Dot Point 1. The Panel recommended 'pedestrian link reserves' should not be credited as public open space if encumbered by a carriageway easement, road reserve or the like. It is better to simply state that encumbered land includes pedestrian link reserves.

It is noted – as identified by the Panel – that adoption of the EAO is appropriate. However if a Certificate of Environmental Audit is issued prior to the approval of the Amendment by the Minister for Planning, it would be appropriate for the Minister's office to remove it from this Amendment.

### **Planning Permit 408-2016**

The Panel highlighted that there were no objections to the issue of the planning permit. The Panel discussed agency comments and accepted VicRoads revised position that works to the intersection of Corio Waurm Ponds Road and Henry Street were no longer required as a result of the development.

The Panel recommended changes to the permit and that the permit be adopted as shown in the Panel Report Appendix D.

#### Council officer response

The recommended changes to the planning permit are agreed except for Condition 30.

Condition 30 relates to the provision of a 10% public open space contribution. The Panel removed that part of the condition allowing land required for tree retention to be calculated as public open space. The Panel Report does not explain this change.

Council, in considering submissions and in its representations at the Panel Hearing, sought to include any land required for the Henry Street trees reserves as part of the public open space contribution. This position is consistent with the draft Development Plan and Section 173 Agreement.

Council officers maintain that the land area required for retention of the Henry Street trees shall form part of the public open space contribution.

### ***Financial Implications***

The Section 173 Agreement will legally bind Council to deliver social infrastructure improvements in the Belmont/ Highton area from the developer levy it is paid. The levy will be \$2,000 per dwelling totalling approximately \$400,000; payable at Statement of Compliance in respect of each residential lot to be created upon registration of that plan of subdivision.

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

Council officers have written to the Amendment submitters to advise them of the release of the Panel Report. Submitters will be notified of the final decision of Council and the Minister for Planning.

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

Application of the General Residential Zone and permit are consistent with a range of State and Local policies as outlined in the Amendment C251 Explanatory Report.

### ***Alignment to City Plan***

The Amendment supports the 'Growing our Economy' strategic direction of City Plan by providing jobs during the construction period and a range of quality new housing stock in the municipality close to existing services.

### ***Conflict of Interest***

No officers involved in this report have direct or indirect interest in accordance with Section 80C of the Local Government Act.

***Risk Assessment***

There are no notable risks associated with implementing the recommendations contained in this report.

Risks associated with potentially contaminated land will be addressed by the CSIRO and its contractors, including the completion of an environmental audit.

***Environmental Implications***

The former CSIRO site includes an area of contamination that will require remediation. The Commonwealth Government has engaged CH2M to project manage the remediation. The requirements of the Environmental Audit Overlay will further ensure that potentially contaminated land is suitable for future residential use.

The design of the new residential subdivision integrates existing canopy trees that add value and positively contribute to neighbourhood character.

The quality of stormwater draining from the site will be improved as a result of the redevelopment. Measures will be installed to prevent run-off to adjoining properties during the construction period.

**Attachment 2 - Amendment C251 to be Adopted**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C251**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 3 attached maps.

**Zoning Maps**

1. Amend Planning Scheme Map Nos. 52 and 53 in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme, Amendment C251".

**Overlay Maps**

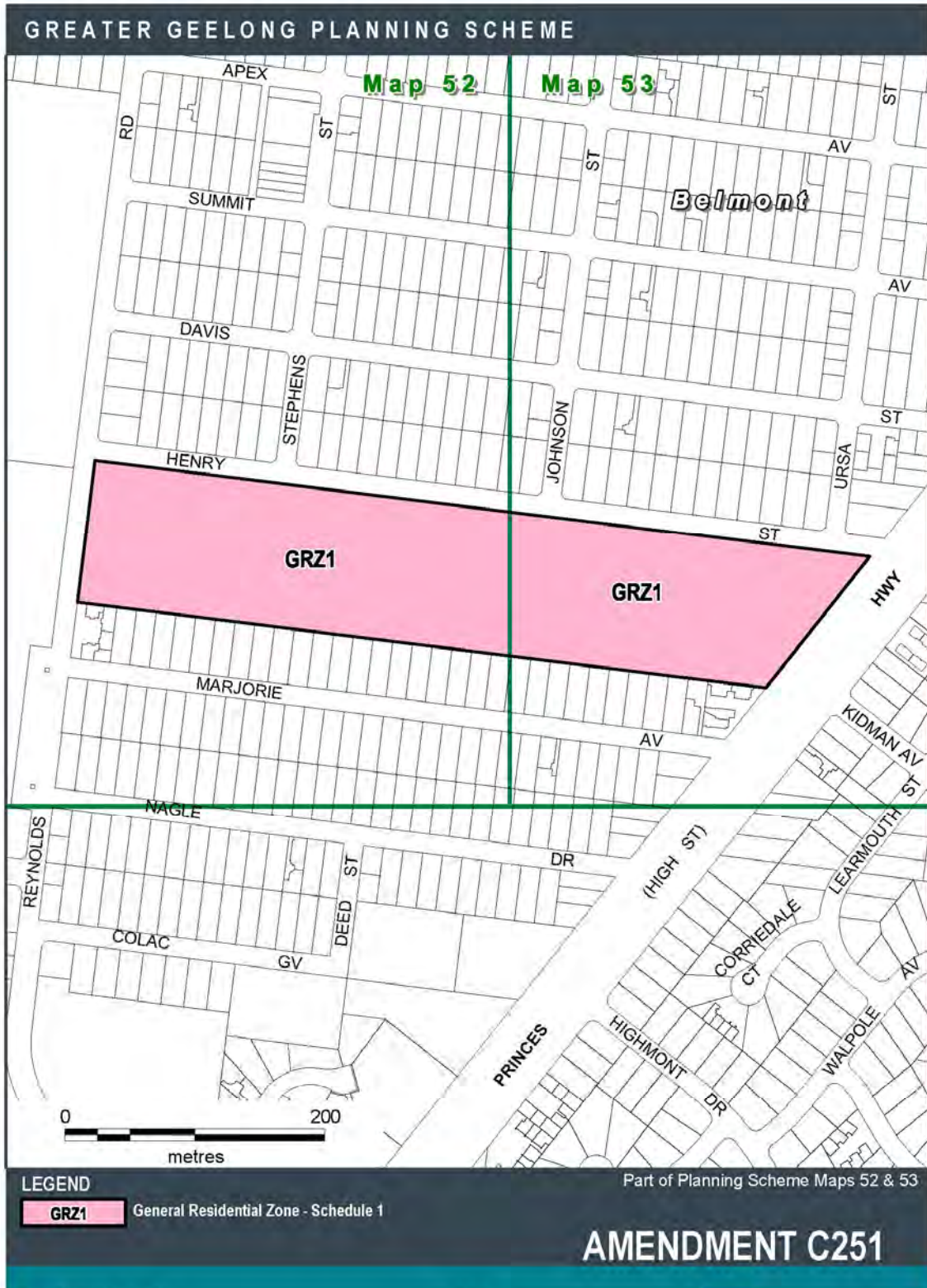
2. Amend Planning Scheme Map No 52DPO and insert a new Planning Scheme Map No 53DPO in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme, Amendment C251".
3. Insert new Planning Scheme Map Nos. 52EAO and 53EAO in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme, Amendment C251".

**Planning Scheme Ordinance**

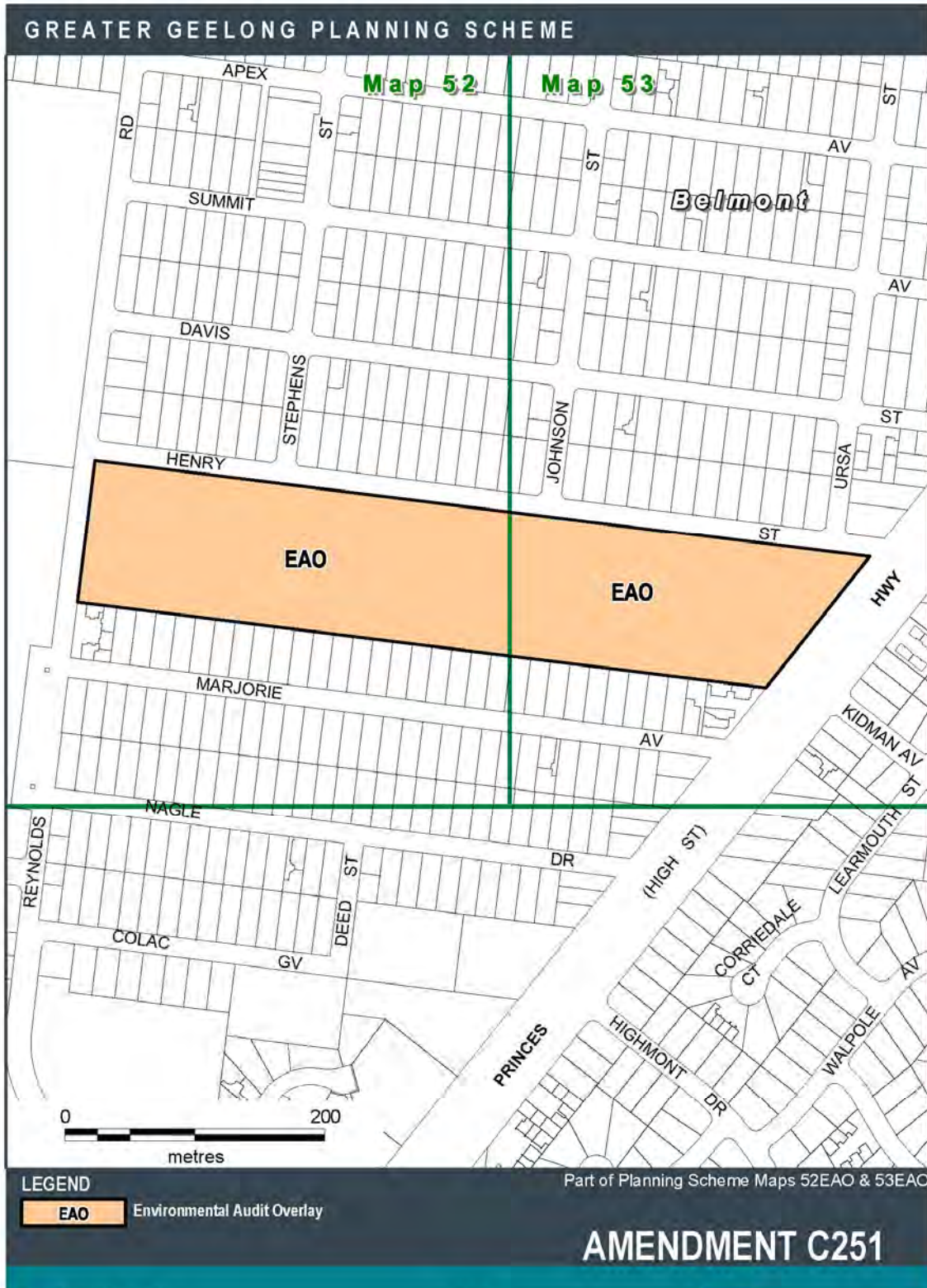
The Planning Scheme Ordinance is amended as follows:

4. In Overlays – Clause 43.04, insert a new Schedule 35 in the form of the attached document.
5. In General Provisions – Clause 61.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document







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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 Waurn 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.

**2.0**

**Conditions and Requirements for Permits**

DD/MM/YYYY  
Proposed C251

~~The following conditions and/or requirements apply to permits:~~

- 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-Waurn Ponds Road must contain a condition preventing direct vehicle access/ egress from Henry Street. Access/ egress will be from Corio-Waurn Ponds Road subject to the written approval of VicRoads.
- Any permit for retail and/or medical centre uses fronting Corio-Waurn Ponds Road must require interface treatments to adjacent residences to the satisfaction of the Responsible Authority.

~~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 provided to the satisfaction of 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 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;~~

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- ~~• Siting and orientation of buildings having regard to passive energy efficiency techniques; and~~
- ~~• Interface treatments to existing residential land.~~

**3.0**

DD/MM/YYYY  
Proposed CZ51

**Requirements for Development Plan**

A Development Plan must be generally in accordance with the *Henry Street Belmont Concept Plan 2017* forming part of this Schedule.

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

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

~~A The~~ Development Plan must ~~show or~~ include the following requirements:

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, public open space and housing types generally in accordance with the Henry Street Belmont Concept Plan 2017.
- 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 up to 1-2 storeys in height) through the middle section of the site.
- Consideration of 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, visitor parking, waste services, drainage, footpaths, landscaping and infrastructure services.
- Where practical, the integration of existing high and moderate value canopy trees within open space 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.*

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- *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.
- ~~The upgrading of the Henry Street/Corio Waurn Ponds Road intersection and Corio Waurn Ponds Road between Henry Street and Davis Street, as required by VicRoads.~~
- No direct residential lot vehicle or new road access to Corio Waurn Ponds Road.
- Reconstruction 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 south side of Henry Street.
- No new road access to Reynolds Road and direct residential vehicle access ~~restricted~~ minimised.
- 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, and any pedestrian link reserves ~~that are encumbered by a carriageway easement, road reserve or the like and any land providing formal pedestrian access and address to Stage 2 dwellings abutting the park.~~
- A 0.5 hectare (approximate) park located as shown on the *Henry Street Belmont Concept Plan 2017* and interfaced by public roads on 2 sides (1 side being Henry Street). The park must present as ~~communal~~ public open space ~~and not appear to be for the private use of Stage 2 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. The park will include a perimeter shared path not encumbered by any carriageway easement or road reserve. 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 and moderate value trees in the park and road reserves.

GREATER GEELONG PLANNING SCHEME

- New street tree species selection.
- ~~Typical street cross sections for Council and private roads.~~
- 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:

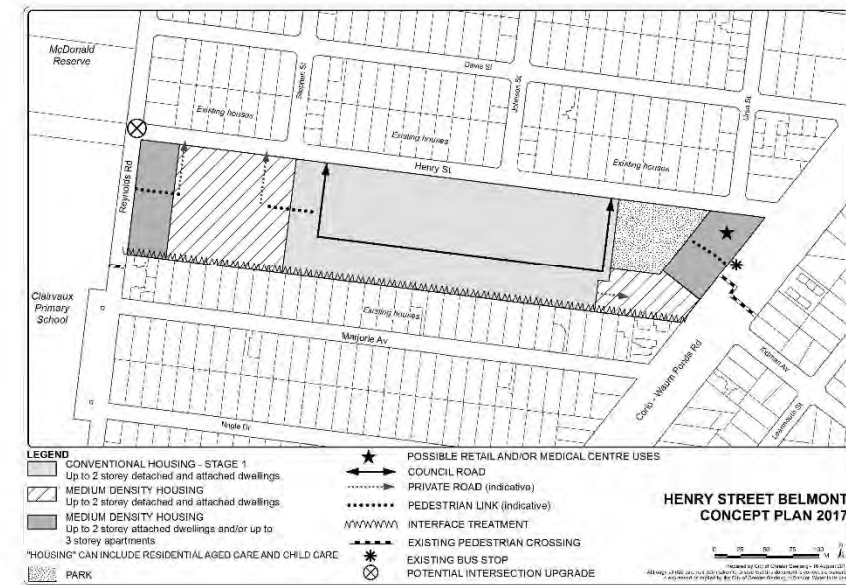
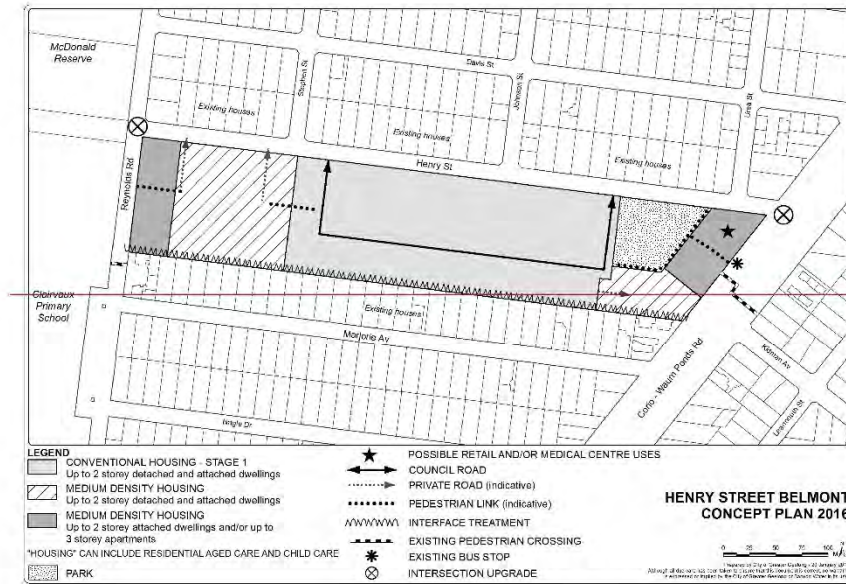
- Indicative building heights and setbacks along interface areas with an appropriate transition in building height from lower built form along sensitive ~~precinct~~ interfaces to higher built form elsewhere.
- Indicative treatments for key interface areas (e.g. between open space areas and proposed 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.

GREATER GEELONG PLANNING SCHEME

**4.0**

**Henry Street Belmont Concept Plan 2016**

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 Proposed C264



GREATER GEELONG PLANNING SCHEME

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### Attachment 3 - Permit for Ministerial Approval

~~Planning and Environment Regulations 2015 - Form 9, Section 96J~~

<b>PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987</b>	<b>Permit No.: 408/2016</b>  <b>Planning scheme: Greater Geelong Planning Scheme</b>  <b>Responsible authority: Greater Geelong City Council</b>
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**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 [TP11-16, 21, 30-34 Revision A dated 22 August 2016](#); [TP00, 02, 04, 05, 06 & 10 Revision B dated 22 August 2016](#); [TP01, 03, 18-20, 40 & 50 dated 4 March 2016](#) and [TP35 Revision A dated 4 March 2016](#) and [TP50-56](#) ~~the plans dated 8 September 2016~~, but modified to show:
- ~~a)~~ 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.
  - ~~b)~~ b) Relocation of visitor car spaces V12 and V13 northward to provide more space for a potential future link between Future Stage 3 to the east and the proposed road named 'Internal Central Street'.
  - c) 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.
  - d) Replacement of 5.0 metre wide crossovers with functional minimal width crossovers, where possible, based on swept path analysis.
  - ~~e)~~ e) The provision of at least 6 cubic metres of externally accessible, secure storage space for each dwelling.

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

Permit No.: 408/2016

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~~Planning and Environment Regulation 2015 – Form 9, Section 96J~~

~~2.~~ 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.

**Development Plan Approval**

~~3.~~ 3. Unless otherwise approved by the Responsible Authority, 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.

**Infrastructure Contributions**

~~4.~~ 4. 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**

~~5.~~ 5. Before a sensitive use commences or before the construction or carrying out of buildings and 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;

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.~~ 6. The development as shown on the endorsed plans must not be altered without the written consent of 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
_____	_____	_____

~~Planning and Environment Regulation 2015 – Form 9, Section 963~~

~~6.~~ 7. Once the construction of a dwelling has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

**Landscaping**

~~7.~~ 8. 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:

- 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.

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

**Prior to Occupation**

~~10.~~ 10. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the dwellings, the developer must:

- ~~a)~~ 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)~~ 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)~~ 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;

Date Issued:

Date Permit comes into operation:  
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- ~~d)~~ 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)~~ e) Clean and finish all external walls on or facing property boundaries;
- ~~f)~~ f) Complete landscaping in accordance with the endorsed plans;
- ~~g)~~ 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.

**Maintenance of Screening Devices**

- ~~4)~~ 11 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)~~ 12 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)~~ 13 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.

**Creation of Easements**

- ~~12)~~ 14 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**

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_____	_____	_____

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- ~~17.~~ 15. 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.~~ 16. 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).

**Functional Layout Plans**

- ~~15.~~ 17. 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)~~ a) All proposed road reserve and pavement widths;
  - ~~b)~~ b) Proposed kerb and channel profile and proposed footpath surfacing;
  - ~~c)~~ c) Location of all services and confirmation that all services can be constructed within the naturestrip areas of the proposed road reserves;
  - ~~d)~~ 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)~~ 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;

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- ~~f)~~ 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)~~ 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.~~ 18. 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;
- ~~a)~~ b)
- ~~b)~~ 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)
- ~~c)~~ 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)~~ d) Any proposed Local Area Traffic Management treatments within the subdivision site and in Henry Street;
- ~~e)~~ e) ~~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;~~  
 On-street parking;
- ~~f)~~ f) ~~+~~  
 The design of footpath abutting the Henry Street sideage;
- ~~g)~~ g) ~~+~~  
 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;
- ~~h)~~ h) ~~-~~

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- 4) 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~~ 19. 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~~ 20. 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.

**Stormwater Quantity**

- ~~19~~ 21. The site stormwater discharge for each catchment is to be limited as follows:

- 4) a) **Eastern Catchment**
  - 5 Year ARI: Permissible Site Discharge = 0.63 m3/sec
  - 100 Year ARI: Permissible Site Discharge = 1.23 m3/sec

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- ~~b)~~ 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.~~ 22 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**

- ~~24.~~ 23 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)~~ 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)~~ b) Complete all works shown on the endorsed Functional Layout Plan that are within the relevant stage;
- ~~c)~~ c) Construct a separate drainage connection point for each lot in accordance with the approved drainage plans;
- ~~d)~~ d) Relocate any existing services crossing the new lots;
- e) Remove any existing buildings that traverse the lot boundaries;
- ~~f)~~ 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)~~ 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)~~ 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)~~ i) satisfy the Stormwater Quality condition of this permit.

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~~j)~~ j) provide street lighting within and abutting the subdivision at the full cost of the permit holder;

~~k)~~ k) Provide and erect relevant street signs;

~~l)~~ 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.

**Street Tree Master Plan**

~~22.~~ 24. 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**

~~a)~~ 25. 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)~~ a)

~~b)~~ b) 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 by Condition 24.

~~c)~~ c) Details of all other infrastructure within the road reserve (power, street lights, stormwater pits, telecommunications pits, third pipeline etc);

~~d)~~ d) 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;

~~e)~~ e) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;

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~~f) — 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;

g) ~~f)~~ The maintenance schedule for all proposed planting;  
all to the satisfaction of the Responsible Authority.

#### **Completion of Streetscape Works**

~~26~~ 26 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.

Note 1: The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works and the 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**

~~23-~~ 27 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.

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

**Tree Protection Zone / Remedial Actions Required**

~~24.~~ 28. 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 of that particular stage of the development for a period of no less than two (2) years from practical completion of works.

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

**Section 173 Agreement - Drainage**

~~25.~~ 29. 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)~~ a) All storm water runoff is to be collected on site and discharged to the legal point of discharge for each allotment/catchment;

~~b)~~ b) In the event of any operational difficulties with the allotment drainage, it is the responsibility of the land owner to rectify these difficulties.

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#### Public Open Space Contribution

~~26.~~ 30. 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

~~27.~~ 31. 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.

~~28.~~ 32. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the 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

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~~29.~~ 33. 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.

~~30.~~ 34. 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**

~~31.~~ 35. 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**

~~32.~~ 36. Prior to certification the subdivider must provide a list of proposed street names for approval.

**BARWON WATER CONDITIONS**

General

~~33.~~ 37. 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.

~~34.~~ 38. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

Water

~~35.~~ 39. The provision and installation of individual water services to all lots in the subdivision. Note that tappings and services are not to be located under existing or proposed driveways.

~~36.~~ 40. 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.

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~~37.~~ 41. 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.

~~38.~~ 42. 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.

~~39.~~ 43. 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 tapings are to be cut and sealed at the respective mains. Details of the locations of these services can be made available upon request.

Sewer

~~40.~~ 44. 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).

~~41.~~ 45. 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).

~~42.~~ 46. 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.

~~43.~~ 47. 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

~~44.~~ 48. 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.

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**POWERCOR CONDITIONS**

- ~~45.~~ 49. 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).
- ~~46.~~ 50. 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.
- ~~47.~~ 51. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- ~~48.~~ 52. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- ~~49.~~ 53. 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.
- ~~50.~~ 54. 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.
- ~~54.~~ 55. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- 56. 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.

**PUBLIC TRANSPORT VICTORIA CONDITIONS**

57. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street/Princes Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

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~~52-58. The existing bus stops and associated infrastructure on High Street/Princess Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.~~

**VICROADS CONDITIONS**

~~53. 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 Waurm Ponds Road intersection to prohibit vehicles turning right.~~
- ~~b) Create a central median opening on the Corio Waurm 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.~~

~~54. 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**

~~55-59.~~ 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 ~~three~~<sup>(32)</sup> years of the date of this permit.~~
- ~~b) The development of the building(s) hereby approved is not completed within ~~five~~<sup>(54)</sup> 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**

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~~56.~~ 60. 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.
- 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 ~~de-~~

**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.

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Signature for the Responsible Authority

### IMPORTANT INFORMATION ABOUT THIS PERMIT

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#### 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.

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#### 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.

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#### 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.

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#### 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.

**Attachment 4 - Section 173 Agreement**



**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  
P.O.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 was 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.

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- 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 described 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](mailto: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.

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- 1.13. **Dwelling** has the same meaning as 'dwelling' in the Planning Scheme.
- 1.14. **Henry Street Tree Reserves** means the land area required for the retention of trees fronting Henry Street generally in accordance with the Development Plan and Permit, and to form part of the Open Space Contribution.
- 1.15. **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.
- 1.16. **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.
- 1.17. **Open Space Contribution** means the provision of Public Open Space and Henry Street Tree Reserves equal to 10% of the area of the Land or an in-lieu cash payment or combination of both.
- 1.18. **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.
- 1.19. **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.
- 1.20. **party or parties** means the Owner and the Council under this Agreement as appropriate.
- 1.21. **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.
- 1.22. **Plan of Subdivision** means a plan of subdivision in a form acceptable to the Council or the Tribunal on review, that subdivides the Land.
- 1.23. **Planning Scheme** means the Greater Geelong Planning Scheme and any successor instrument or other planning scheme which applies to the Land.
- 1.24. **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).
- 1.25. **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.
- 1.26. **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.
- 1.27. **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:

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- 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 pursuant to the

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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 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 and Henry Street Tree Reserves, 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 1 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.

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- 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.

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**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

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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 Geoff Lawler, Acting Director Planning & Development pursuant to an instrument of delegation authorised by Council resolution, in the presence of:

.....  
G Lawler

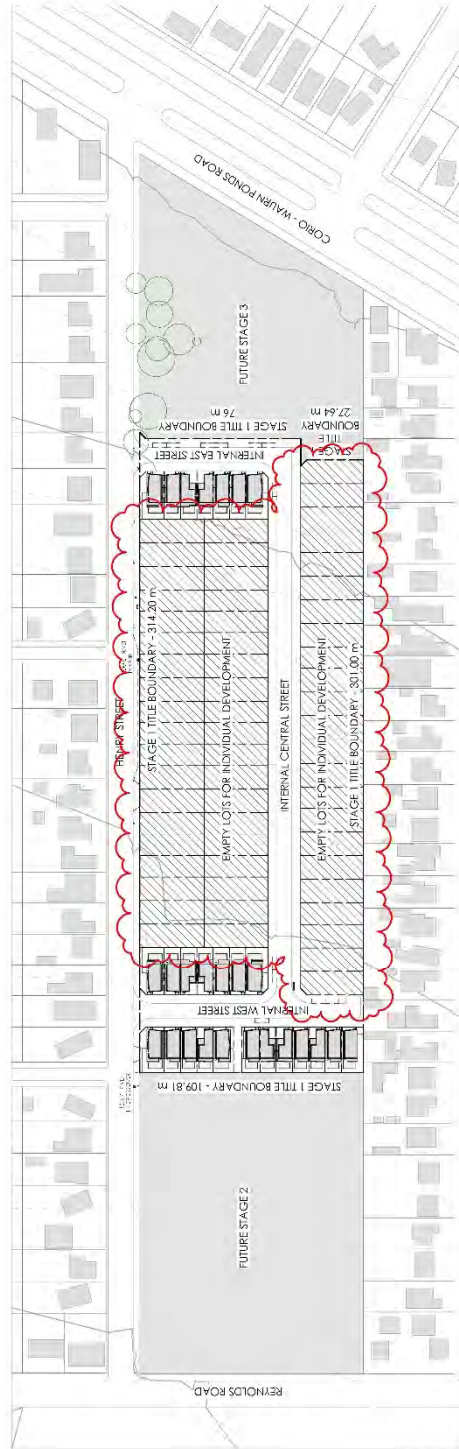
.....  
Witness

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

Director	N/A	Director/Secretary	
Full Name		Full Name	ADAM DAVISON
Address		Address	50 BRUNEL STREET MALVERN EAST

**Attachment 5 - Preliminary Site Layout**



GENTON ARCHITECTURE  
 100 WILSON STREET, GEELONG VIC 3220  
 PH: 03 524 1111 FAX: 03 524 1112  
 www.genton.com.au

PROPOSED SITE PLAN  
 SITE NO. 100/101  
 SUBDIVISION NO. TP04 B

DATE: 18/09/17  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

## Attachment 6 - Panel Report Executive Summary

Greater Geelong Planning Scheme Amendment C251 and Planning Permit Application 408/2016  
Panel Report | 24 July 2017

### Executive Summary

#### (i) Summary

##### Amendment/Application purpose

Greater Geelong Planning Scheme Amendment C251 (the Amendment) seeks to:

- Include the site (1 Henry Street, Belmont) within the General Residential Zone - Schedule 1 (GRZ1)
- Apply the Development Plan Overlay - Schedule 35 (DPO35)
- Apply the Environmental Audit Overlay (EAO); and
- Replace the Schedule to Clause 61.03 (maps) with an updated Schedule.

Permit Application 408/2016 (the Application) seeks approval for a multi-lot subdivision, development of 26 attached dwellings and to subdivide land adjacent to a road in a Road Zone Category 1 associated with Stage One of the proposed redevelopment of the site.

##### Background

The site was used by the CSIRO as a wool and textile research facility from 1951 until 2010, when it was closed and declared surplus. As Commonwealth Land, it is not included within a zone.

Since the closure, Council has been in consultation with the CSIRO, the Minister for Planning and the community about the future zoning of the land to facilitate the development of the site for a mix of conventional and medium density housing, whilst also recognising the need to address potential outstanding contamination issues. This work has ultimately resulted in this combined Amendment/Application.

##### Key Issues

There have been no submissions challenging the strategic justification for the proposed Amendment, the proposed zone or the application of the Development Plan and Environmental Protection Overlays. In fact, the Panel considers the Amendment has strong strategic support both at the State and local level. Similarly, there has been no objection to the issue of the planning permit. The areas of concern raised in submissions have generally been centred around matters of detail relating to the DPO35 and the Draft Planning Permit.

In particular, key issues for the Council have been about:

- the need to retain six native trees
- identifying potential road works associated with development of future stages; and
- ensuring any pathways within proposed parks will be unencumbered land and not be used for private access purposes.

The key issues for the Proponent were:

- concern about the requirement to retain six native trees and the consequent loss of development potential and impacts on design
- concern about setting unreasonable expectations about potential future road works
- the appropriateness of providing access to dwellings from adjoining open space and whether this contributes to the open space contribution.

Submissions were received from a number of agencies, none of which objected to the Amendment or Application, but rather sought the inclusion of conditions on the permit. These were not challenged by any parties and are supported by Council and the Panel.

Individual and group submitters raised concerns about:

- potential impacts on traffic and cycling
- the loss of native vegetation
- certainty around future stages of development
- potential for future flooding
- the appropriateness of identifying potential retail/medical centre uses on the DPO35, and
- the need for a consistent setback with development to the north.

#### **Findings**

After considering all submissions and the evidence presented to it, the Panel has made the following key findings:

- Stage 1 of the proposed development is not likely to have a significant impact on the road network and not require the widening of Henry Street or the provision of dedicated cycling paths. Future stages of the development will be subject to a planning permit application and will involve the consideration of any additional traffic impacts. The DPO35 provides adequate direction to ensure these issues are appropriately addressed as part of any future application. The Panel supports the deletion of the VicRoads conditions in the permit and the removal of reference to potential intersectional works at the Henry Street/Corio – Waurin Ponds Road intersection in the DPO35.
- The retention of trees 55, 57, 59, 72 and 196 is supported, as is Council's permit condition which requires the modification to the subdivision layout to ensure they are retained within public reserves. The Panel found this a reasonable balance between protecting neighbourhood character and urban consolidation.
- Any encumbered open space that provides access to abutting residential properties should not form part of the Open Space Contribution.
- The DPO35 and the Development Plan (which is still to be approved by Council) will provide certainty for all key stakeholders about the form and nature of the future development of the site.
- The site is not subject to flooding and information requirements contained within the DPO35 and conditions on the permit will ensure drainage issues are appropriately addressed before construction commences.
- Whilst the DPO35 identifies the potential for retail/medical centre uses in the north-east corner of the site, this is not a mandatory requirement and the potential impacts of such as development will be considered as part of a future planning permit.
- Retention of the EAO is appropriate at this time, however, if a Certificate of Environmental Audit is issued prior to the approval of this Amendment, it would be appropriate to consider removing it from this Amendment.

The Panel notes that the revised *Ministerial Direction for the Form and Content of Planning Schemes* was released just prior to this report's submission. The implications of this will need careful consideration as the Amendment progresses.

The Panel considers that this is an Amendment/Application which has strong strategic support and recommends the adoption of the Amendment and approval of the Application, subject to a number of recommended changes to both.

**(ii) Recommendations**

**Amendment C251**

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Greater Geelong Planning Scheme Amendment C251 be adopted as exhibited subject to the following:

1. Review the provisions and schedules of the Amendment during finalisation to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes (May 2017).
2. Retain the application of the Environmental Audit Overlay unless a Certificate of Environmental Audit has been issued prior to the approval of this Amendment.
3. Adopt the Panel Recommended version of Development Plan Overlay – Schedule 35 as shown in Appendix C, which includes
  - a) the deletion of *"The 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"* from Clause 3.0 – *'Requirements for a Development Plan – Road Network and Traffic Management Plan'*.
  - b) the deletion of *"Intersection upgrade"* and the associated icon from the *'Henry Street Belmont Concept Plan'*.
  - c) amending Clause 3.0 – *'Requirements for a Development Plan – Road Network and Traffic Management Plan'* dot Point 6 to read *"No new road access to Reynolds Road and direct residential access minimised."*
  - d) amending Clause 3.0 – *Urban Design Masterplan* to read *"Where practical, the integration of existing high and moderate value canopy trees within open space reserves informed by an arboricultural assessment prepared by a suitably qualified expert."*
  - e) amending Clause 3.0 – *Open Space and Landscape Plan* to read *"Identification of all existing canopy trees to be retained and removed, with the aim of retaining healthy, high and moderate value trees in the park and road reserves."*
  - f) amending Clause 3.0 – *'Open Space and Landscape Masterplan'* Dot Point 1 to read *"An Open Space Contribution equal to 10% of the developable residential land or in-lieu cash contribution payment or combination of both. Encumbered land shall not be credited as public open space including on-site*

*drainage retention or any pedestrian link reserves that are encumbered by a carriageway easement, road reserve or the like."*

- g) amending Clause 3.0 – 'Open Space and Landscape Masterplan' Dot Point 2 to read *"A 0.5 hectare (approximate) park located as shown on the Henry Street Belmont Concept Plan 2017 and interfaced by public roads on 2 sides (1 side being Henry Street). The park must present as public open space."*
- h) amending Clause 3.0 – 'Open Space and Landscape Masterplan' Dot Point 3 to read *"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. The park will include a perimeter shared path not encumbered by any carriageway easement or road reserve. Utility kiosks/cabinets must not be located in the park."*
- i) deleting the 'Pedestrian Link (Indicative)' from the park as shown on the 'Henry Street Concept Plan'.
- j) amending Clause 3.0 – Requirements for Development Plan – Urban Design Masterplan, dot point 5 to read *"Identification of the north east corner as a possible site for retail and/or medical centre uses with vehicle access/egress from Corio - Wauran Ponds Road only."*
- k) inserting the following reference in Clause 3.0 – Requirements for Development Plan *"The Development Plan may be amended to the satisfaction of the Responsible Authority."*

#### Permit Application 408/2016

Based on the reasons set out in this Report, the Panel recommends that Planning Permit Application 408/2016 be issued subject to the following changes as shown in Appendix D of this report:

4. Delete exhibited Condition 55 which reads:

*"Prior to the issue of a Statement of Compliance, the following 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 - Wauran Ponds Road intersection to prohibit vehicles turning right.*
- b) *"Create a central median opening on the Corio - Wauran 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."*

5. Delete exhibited Condition 56 which reads:

*"Prior to works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval*

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*processes, including the determination of fees and the level of VicRoads' service obligations."*

6. Insert a new Condition 1d)– *Amended Plan* requirement which shows:  
*"Replacement of 5.0 metre wide crossovers with functional minimal width crossovers, where possible, based on swept path analysis."*
7. Amend Condition 1a to delete reference to Tree 66.
8. Include new Public Transport Victoria conditions in the permit to read:
  - a) The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street/Princes Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
  - b) The existing bus stop and associated infrastructure on High Street/Princes Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.