

Planning and Environment Act 1987

Panel Report

**Greater Geelong Planning Scheme Amendment C331 and
Planning Permit Application 392/2015**

Wandana Heights

Front page

21 March 2017

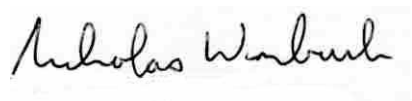
Planning and Environment Act 1987

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

Greater Geelong Planning Scheme Amendment C331 and Planning Permit Application 392/2015

Wandana Heights

21 March 2017

A handwritten signature in black ink that reads "Nicholas Wimbush". The signature is written in a cursive style and is positioned above a faint, light-colored rectangular stamp or watermark.

Nick Wimbush, Chair

Contents

	Page
1 Introduction.....	1
1.1 The subject site.....	1
1.2 The Amendment and Planning Permit Application.....	2
1.3 Submissions and Panel process.....	5
1.4 Key issues	5
2 Key issues	7
2.1 Planning context.....	7
2.2 Traffic.....	10
2.3 Stormwater drainage	12
3 Planning instruments	16
3.1 DPO Schedule	16
3.2 Planning permit assessment	18
 Appendix A Submitters	
Appendix B Document list	
Appendix C Panel recommended Development Plan Overlay Schedule <u>34</u>	
Appendix D Panel recommended permit	

List of Tables

	Page
Table 1 Amendment land.....	1
Table 2 Parties to the Panel Hearing.....	5

List of Figures

	Page
Figure 1 The subject land	1
Figure 2 Existing zoning in the area.....	2
Figure 3 Proposed zoning.....	3
Figure 4 Proposed subdivision	4

List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
DPO34	Development Plan Overlay Schedule 34
FZ	Farming Zone
GRZ1	General Residential Zone Schedule 1
LDRZ	Low Density Residential Zone
PUZ1	Public Use Zone 1

Executive Summary

(i) Summary

Amendment C331 to the Greater Geelong Planning Scheme (the Amendment) proposes to rezone land in Wandana Heights within the Geelong Ring Road (Ring Road) from Farming Zone (FZ) to the General Residential Zone Schedule 1 (GRZ1). The Amendment also proposes to apply the Development Plan Overlay Schedule 34 (DPO34) to the land.

Associated with the Amendment, a planning permit application (the Application) was lodged to subdivide the land into 186 lots of varying sizes at residential densities.

When exhibited, the Amendment and Application attracted 11 submissions, of which eight were objections. The objections largely came from existing residents in the area who have developed an attractive peri-urban community on land within the Low Density Residential Zone (LDRZ). Their concerns in submissions included:

- Traffic
- Loss of character and amenity
- The smaller lots proposed in the development
- Stormwater drainage.

The Greater Geelong City Council (Council) is largely supportive of the Amendment and Application with some relatively minor disagreements outstanding with the Applicants related to the DPO schedule.

The Panel has considered the evidence and submissions and concludes that the Amendment and Application are strongly supported in policy and that the Amendment should proceed and a planning permit should issue in due course.

(ii) Recommendations

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

- 1. Adopt Amendment C331 to the Greater Geelong Planning Scheme subject to changes recommended in this report.**
- 2. Adopt the Development Plan Overlay Schedule 34 as shown in Appendix C of this report.**
- 3. Following gazettal of Amendment C331, and subject to resolution of the Development Plan, issue planning permit 392/2015 with the conditions as shown in Appendix D.**

1 Introduction

1.1 The subject site

The subject land is located in Wandana Heights, approximately 7 kilometres south west of the Geelong CBD, generally bounded by the Ring Road, Barrabool Road and Cityview Drive as shown in Figure 1.



Figure 1 The subject land

The subject land is approximately 23 hectares and is traversed by high voltage electricity transmission lines parallel to the Ring Road. It contains a Barwon Water supply tank on the highest point within land in the Public Use Zone Schedule 1 (PUZ1). The Amendment proposes to keep the PUZ1 but reduce it in size; while still allowing for an additional tank to be provided in future.

The six lots on the subject land as shown in Figure 1 are described in Table 1. The subject land and surrounding land zoning is shown in Figure 2.

Table 1 Amendment land

Address	Area	Owner	Reasons for inclusion in Amendment
37 Cityview Drive	583m ²	Vertical Telecoms Pty Ltd	Owned by telecommunications company and used for telecommunications infrastructure. Included in the Amendment at Council's request to correct zoning anomalies.
39 Cityview Drive	642m ²	Telstra Property Operations Facility Management	Owned by telecommunications company and used for telecommunications infrastructure. Included in the Amendment at Council's request to correct zoning anomalies.

41-63 Cityview Drive	5.98ha	Samsar Pty Ltd	The property has been used for farming but is not viable for ongoing rural use.
65 Cityview Drive	3.08ha	Barwon Water	Used by Barwon Water for a water storage tank. Portions of the site have been identified by Barwon Water as surplus to operational requirements.
67 Cityview Drive	3.99ha	Samsar Pty Ltd	The property has been used for farming but is not viable for ongoing rural use.
335 Barrabool Road	10.37ha	John William Baden Lamb	The property has been used for farming but is not viable for ongoing rural use.



Figure 2 Existing zoning in the area¹

1.2 The Amendment and Planning Permit Application

(i) Amendment description

The Amendment has been prepared at the request of Villawood Properties and the other owners shown in Table 1 (the Applicants). The Greater Geelong City Council is the Planning Authority for the Amendment.

¹ Extract from planning scheme map 47.

The Amendment seeks to rezone most of the site from the FZ and PUZ1 to the GRZ1, in order to facilitate residential subdivision and development. In addition, the Amendment corrects zoning anomalies. The proposed zoning is shown in Figure 3.



Figure 3 Proposed zoning

The Amendment also applies DPO34 to the entire site including all the Barwon Water land; but excluding 37 and 39 Cityview Drive.

(ii) Planning Permit Application

The Application was lodged concurrently under section 96A of the *Planning and Environment Act 1987* for the subdivision of 335 Barrabool Road and 41-63, 65 and 67 Cityview Drive into 186 residential lots and open space. A balance lot will be retained by Barwon Water for its operations.

A revised plan of subdivision that proposes to create 195 residential lots with a range of sizes averaging 765m² was tabled at the Directions Hearing on 15 December 2016. The revised plan also proposes removal of the third local access road connection to Cityview Drive along

the Barwon water easement, leaving two local connections north of this point. The revised plan is shown in Figure 4.



Figure 4 Proposed subdivision²

² Revision vP4 dated 5 January 2017.

1.3 Submissions and Panel process

The Amendment and Application were placed on public exhibition between 1 September and 3 October 2016, with eleven submissions received including eight objections. A list of submitters is included in Appendix A.

Council summarised the key issues raised in submissions as:

- The difference between existing and proposed lot sizes
- Traffic
- Stormwater drainage
- A request to include 69-77 Cityview Drive in the Amendment
- Public Open Space and development contribution requirements
- A revised plan of subdivision lodged with the applicant's submission.

At its meeting of 29 November 2016, Council resolved to refer the submissions to a Panel. Mr Nick Wimbush was appointed as the Panel to consider the Amendment and Application under delegation from the Minister for Planning on 1 December 2016.

A Directions Hearing was held in Geelong on 15 December 2016. Prior to the Directions Hearing, the Panel undertook an inspection of the subject site and its surrounds.

The Panel then met in the offices of Greater Geelong City Council on 6 February 2017 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Table 2.

Table 2 Parties to the Panel Hearing

Submitter	Represented by
City of Greater Geelong	Stuart Thiele and Lisa Tanev. Vesna Smigowski attended briefly to speak to issues of public liability.
Villawood Properties, Fagg Family, Lamb Family	Rory O'Connor of Norton Rose Fulbright who called expert evidence from the following: <ul style="list-style-type: none"> - Stephen Hunt of Ratio in traffic - Peter Doyle of SJB Planning in planning Rory Costelloe from Villawood and Celia Konstas from Mesh Planning were also in attendance.
David Petherick	
Evelyn Hill	
David and Lee Willder	

1.4 Key issues

(i) Issues addressed

The following key issues in submissions are addressed in the following chapters:

- Planning context
- Traffic

- Stormwater drainage
- DPO Schedule
- Planning permit assessment.

(ii) Issues not addressed in detail

Public open space contributions

Prior to the Hearing there was some disagreement between Council and the Applicants as to whether works in kind improvements to Drewan Park could make up a proportion of the open space contribution for the subdivision. The Panel understands this issue is now agreed in principle and subject to further discussion on the detailed works. These will be provided for in a revised section 173 agreement, the permit condition for which is agreed and provided in Appendix D of this report.

Rezoning of 69-77 Cityview Drive

The Moorfoots, the owners of the above property requested that their property also be included in the Amendment given that theirs is the only existing property with a dwelling sharing a boundary with lots in the new development.

Council noted that the Moorfoots can already subdivide under the existing LDRZ but it may be problematic to achieve the minimum 2,000m² required given the layout of the dwelling on the lot.

Council considered that to include the lot in the current Amendment would be a transformation and would require further strategic assessment and notice, as well as consideration of the restrictive covenant currently on the lot.

The Panel accepts Council's submissions and notes that any subdivision or Amendment should be undertaken as part of a separate process.

Other matters

A number of other matters were raised by submitter including:

- The accuracy of heritage reports
- Noise and dust during development
- Boundary fencing
- Internet speed
- Property values.

Council comprehensively addressed these issues in its Part A and Part B submissions respectively and the Panel generally accepts the response put forward. The Panel considers these are matters either not relevant to the Amendment or matters that can be addressed by permit conditions through development. The Panel does not address them further.

2 Key issues

2.1 Planning context

(i) The issue

The issue is whether the Amendment and Application are supported in State and local planning policy and are appropriate given the low density residential context to the south and east.

(ii) Submissions and evidence

Council provided extensive analysis of the State and local planning policy frameworks said to be in support of the Amendment and Application in their Part A submission³. Key supporting State policies are said to be:

Clause 11.07 (Geelong (G21) regional growth) – this clause includes clause 11.07-1 (Planning for growth) which includes the following strategy: *“Support the role of Geelong as the regional city and Victoria’s second city”*.

Clause 11.07-2 (Knowledge and innovation) – this clause includes the following strategy: *“Provide a range of housing types with a mix of infill and greenfield option”*.

Key supporting elements in the Municipal Strategic Statement are said to be:

Clause 21.06-2 (Urban growth) – this clause includes the following strategy: *“Maintain the Geelong Ring Road as the western boundary or urban Geelong”*.

Council submitted that the Amendment will apply an urban zone to land on the eastern side of the Ring Road, consistent with all other land east of the Ring Road in the area. The severance of the Amendment area from the rural area to the west by the Ring Road (which was completed in 2009) was a key factor the ongoing rural use of the land becoming unviable or unsuitable.

Clause 21.15-1 (Wandana: Key issues and influences). This clause states:

Wandana Heights is a significant urban fringe location at the gateway to the Barrabool Hills ... Council has for some time supported the staged development of Wandana within the limits of the Geelong Ring Road.

Council submitted that the Amendment and Application will result in essentially the infilling of a significant urban pocket within the planning boundary that is the Geelong Ring Road; providing a range of lot sizes within close proximity to the Geelong CBD and nearby commercial areas in Highton and Belmont.

The Applicants made similar submissions and called planning evidence from Mr Peter Doyle.

Mr Doyle also undertook a planning assessment and concluded that:⁴

³ Document 1.

⁴ Expert statement at page 29.

I find that the proposed amendment represents the rezoning of the last parcels of Farming Zone land to the east of the Geelong Ring Road, which will essentially 'complete' the urban development of the area as defined by the Ring Road itself. I find there is strong policy support for the amendment and subdivision application within the Greater Geelong Planning Scheme, and in particular, I find that the residential density and layout proposed is appropriate to the strategic and physical context of the site and surrounding area.

The main concern of objecting submitters⁵ in relation to the planning context related to the discrepancy in lots sizes between the existing LDRZ and the proposed GRZ and development and the resulting impact on the character and landscape of the area.

Bernie and Anna Salajan submitted:

The proposed subdivision is an extreme change to the current neighbourhood character, adversely affecting the standard of living and is significantly misaligned with the current town planning scheme.

Nigel and Amanda Salajan similarly submitted:

We originally purchased the property with a relaxed lifestyle and standard of living associated with the low density zoning. To propose an "Armstrong Creek" style subdivision directly adjacent to Cityview Drive that consists of land allotment sizes approximately 500m²-600m² dramatically compromises the standard of living.

The Pearts were also concerned with the potential impact on the Brownhill Heights Lookout, submitting that the proposed rezoning:

... will adversely affect the character and amenity of the Brownhill Heights Lookout ... Having housing adjoining the lookout reserve will have a negative impact on lookout users and could interfere with the views from the lookout.

In response the Applicants stated that a significant change exists between the land and the LDRZ land to the east, with the dwellings on the LDRZ land generally oriented to the east to take advantage of views in that direction, away from the proposed subdivision. They submitted the transition between existing and proposed development will be appropriately managed by:

- the use of relatively larger lots west of Cityview Drive and backing 69-77 Cityview Drive
- the Cityview Drive road reserve separation itself
- the fall of the land to the east
- the orientation of the existing dwellings to the east as mentioned above.

⁵ Including the Verdolini's, Pethericks, the Salajan families, the Moorfoots and the Pearts.

(iii) Discussion

The Panel has reviewed the strategic planning context for the Amendment and is satisfied that the development of the land for urban densities is clearly supported in State and local planning policy. In particular the Ring Road as a 'natural' boundary for development is obvious to see on the ground and the Amendment is clearly a rounding off of development in this area. The site has very good transport access and is only approximately 7 kilometres from the Geelong CBD.

The position of the objectors is clear and understandable; it seems to the Panel that the style of low density subdivision along Cityview Drive may well have been intended as the city's urban edge in the mid 1990's⁶. Owners at that time and up to now, or at least up to the construction of the Ring Road, may have had legitimate expectations that the properties further west would not be developed for residential.

However, whatever land use planning does, it rarely stands still. The urban development fabric and population growth in Geelong in 2017 is very different to 1995. This is not a sudden, random change by Council. Planning to contain this part of Geelong within the Ring Road has been a long held position of Council; the corollary of this position is that land within the Ring Road will likely be developed.

With the higher level support for rezoning and development established, the remaining question is that of integration. Does the proposed new development integrate with that already in existence. The Panel is satisfied that the design and development measures that are proposed are an acceptable response to this issue. In particular, the Panel notes:

- Properties east of Cityview Drive are downhill with an easterly orientation; few if any would have 'uninterrupted' views from living areas upslope to the new subdivision.
- The new lots fronting Cityview Drive are relatively large (average size 870m² compared to overall average of 765m²)⁷.
- Only approximately 40 of the 195 proposed lots are on the top or eastern side of the crest with the great majority being further north and west.
- The Cityview Drive Road reserve itself adds further separation to properties east of Cityview Drive.

The Panel notes the average lots size of 765m², significantly larger than many new developments, is accompanied by a good range of different lot sizes from 263m² to 1342m².

The other sensitive interface to existing development on Cityview Drive is at the rear of 69-77 Cityview Drive. Here the lots sizes for the five lots with an adjoining boundary range from 998m² to 1127m², with all access generally provided from the west apart from proposed lot 169.

The Panel considers that given the planning support for urban densities on the Amendment site, the interface issues to the existing low density area have been well managed. This is

⁶ One objector mentioned they purchased their block in 1995.

⁷ Relative to contemporary urban development, not the existing lots on Cityview Drive which are generally 3 - 4,000m².

not meant to suggest that the objectors living in the low density residential area will be happy with the proposal, but rather that the Applicants have taken a reasonable approach to minimising the impacts of having numerous near neighbours.

Planning involves change. The character and landscape that existing residents are used to will change as a result of development. However 'no change' is not the test in planning. The test is considering all the relevant factors whether a net community benefit can be achieved. In this case the Panel considers the net community benefit in providing for urban development within the Ring Road and in close proximity to services outweighs the limited local disbenefits that may accrue.

(iv) Conclusions and recommendation

The Panel concludes there is strong strategic support for the Amendment and subdivision, and that interface issues to existing low density development can be adequately managed.

Based on the reasons in this report the Panel recommends:

- 1. Adopt Amendment C331 to the Greater Geelong Planning Scheme subject to changes recommended in this report.**

2.2 Traffic

(i) The issue

The issue is whether development of the land will result in unacceptable traffic impacts on the local and regional road network.

(ii) Evidence and submissions

Several submissions commented on traffic issues associated with the Application largely related to the increase in traffic on Cityview Drive and the intersection of Cityview Drive and Barrabool Road. As Michelle and David Peart⁸ submitted in relation to Cityview Drive:

The street is narrow with several sharp bends that have seen many near misses as cars veer onto the wrong side of the road while navigating the bends. This issue will be exacerbated with an increase in traffic.

Mr Hill also noted that there are seven curves on the road and the most dangerous area is near the Brownhill Heights Lookout where cars frequently cut the corner.⁹ He submitted the situation can be exacerbated when there is parking on the curb in the vicinity. Mr Hill also submitted that some maps show Cityview Drive as a through road which has caused problems with heavy vehicles in recent times.

A number of submitters also raised the intersection of Barrabool Road and Cityview Drive as an issue, suggesting that the intersection '*... is very difficult to navigate at peak times*'¹⁰ and other submitters suggesting the right turn across traffic is dangerous¹¹.

⁸ Submission 6.

⁹ Document 7.

¹⁰ Bernie and Anna Salajan, submission 8.

¹¹ Submission 6.

Mr Hill submitted that:¹²

Barrabool Road need to be widened in both directions two lanes and two bicycle lanes as Barrabool Road has gone from a country road to a main arterial Road servicing Highton, Belmont, Newtown, Montpellier ...

Council submitted that Cityview Drive can accommodate the additional traffic, and that most traffic generated by the development will use Cityview Drive between Barrabool Road and the northernmost new intersection, north of Drewan Park. Council did not consider that widening Cityview Drive is necessary or that roundabouts are needed at the proposed new intersections onto Cityview Drive.

Council noted that works will be undertaken through development which will address some submitter concerns including kerb and channel, a splitter island at the new intersection north of Drewan Park and that on-street parking on Cityview Drive will be prohibited. Council further noted that a Local Area Traffic Management Plan will be required.

In relation to the intersection of Cityview Drive and Barrabool Road, Council submitted that separate left and right turn lanes are now required to access Barrabool Road given increasing traffic volumes on Barrabool Road since the original Cardno survey. To ensure smooth traffic operation between Barrabool Road and the new access road north of Drewan Park. Council also submitted that crossovers to new residences on this stretch of road should be prohibited.

The Applicants called evidence in traffic from Mr Stephen Hunt of Ratio. Mr Hunt assessed traffic generation from the development and proposed access routes and concluded, in summary, that:¹³

- The new roads north and south of Drewan Park provide good access to the road network.
- The Barrabool Road / Cityview Drive intersection can accommodate the additional traffic with minor increases in delays but Mr Hunt supports the dedicated left and right turn lanes onto Barrabool Road.
- A pedestrian linkage(s) should be completed from Cityview Drive to Grantham Drive.
- Most new traffic post development can be successfully accommodated in Cityview Drive north of the access road north of Drewan Park.
- Additional traffic on Cityview Drive south of Drewan Park will be minimal and be able to be accommodated in the road typology.

In submissions the Applicants stated that they did not consider a restriction on crossovers on Cityview Drive was necessary¹⁴ and if implemented would generate subdivision design issues as a new access further west would be needed for those lots. The Applicants also objected to the pedestrian linkage to Grantham Drive being provided at their cost.

¹² Submission 3 and Document 7.

¹³ Expert statement page 45.

¹⁴ In the segment between Barrabool Drive and the first access road.

(iii) Discussion

The Panel has reviewed the technical evidence provided by the Applicants and the submissions of Council and is satisfied that on traffic generation rates and the proposed access regime, that development of the site will not give rise to unacceptable traffic impacts.

Council and the Applicants (and Mr Hunt) agreed that the left and right turn lanes onto Barrabool Road are appropriate and this should help to alleviate increased queuing times at this intersection as a result of the increased traffic. There was also agreement that based on the traffic generation rates that signalisation of the intersection is not required.

The Panel notes the concerns of submitters about increased traffic on Cityview Drive and at the Barrabool Road intersection. That there will be more traffic is not in doubt. However the Panel is satisfied that this will not give rise to an unreasonable impact given the capacity of the local road network, the improvements proposed and the greatest impact being concentrated at the Barrabool Road end of Cityview Drive.

In the Hearing, and with the Panel's encouragement, agreement between the Council and the Applicants was reached such that the Applicants will construct the pedestrian link across to Grantham Drive, and Council will allow crossovers to new lots on Cityview Drive just south of Barrabool Road.

In relation to the duplication of Barrabool Road, no evidence was presented that this is required at the present time. The Panel notes Council's position that this is a State Government VicRoads managed road, and any future upgrade would be subject to warrants and funding through that organisation.

(iv) Conclusions

The Panel concludes that traffic generated by the development can be managed on the local road network. A number of agreed requirements are included in the permit conditions as shown in Appendix D.

2.3 Stormwater drainage

(i) The issue

The issue is whether the construction of drainage basins in the south east of the site will pose an unacceptable risk to properties in that area and related insurance concerns.

(ii) Evidence and submissions

Two objecting submissions, Mr Hill¹⁵ and David and Lee Willder¹⁶ raised concerns in relation to the safety of proposed stormwater retarding basins. Mr Hill commented on the impact on residents downhill from water seepage from the basins proposed in the south of the subject land.

¹⁵ Submission 3 and Document 7.

¹⁶ Submission 11 and Document 9.

The Willders, owner of an existing residential dwelling adjacent to the proposed retarding basins, were concerned about the risk of flooding on their property in the event of basin failure or stormwater discharge.

The Willders submitted that insurance for flooding from basin failure would not be available. In their submission they stated:

We believe that developers and council do not have the ability to impose on existing developed properties the overflow problems of new developments.

In the Hearing, Mr Willders articulated their concerns in relation to insurance. He indicated that they have met with Council officers and Villawood many times to try and resolve their concerns but that they remained of the view that:

- Any flooding from the basin or stormwater that affected their property would not be covered by their insurance.
- Council has refused to take on any liability for the issue whilst suggesting that there is negligible risk of flooding from the basin or drains but not no risk.
- Council had advised that if there was any damage caused by the failure of a Council asset then the Willders could make a claim under common law.

The Willders submitted they did not consider it acceptable to be placed in this position where they could not obtain insurance against the risk, and Council was not prepared to indemnify them from that risk.

Council in submissions stated that its engineers consider there is a “very low risk” of retarding basin failure. In addition, the risk of seepage through the constructed basin wall was considered as low. Council considered that a number of factors mitigate that risk, including:

- *The basin will be designed and constructed to the latest standards and the design will be peer reviewed.*
- *The basin will generally be dry – typically containing water for a few hours in events that, on average, happen less frequently than once in 2 years.*
- *The basin has 300mm freeboard, which in this sized basin, means that events larger and much less frequent can be accommodated prior to the capacity being exceeded ...*
- *The small amount of water held, even when full, will even in the result of a rapid embankment failure, most likely become shallow sheet flow by the time it reached the submitters’ house with minimal consequent damage.*
- *... the risk of a piping failure is very low.*
- *...¹⁷*

Council noted that it manages in excess of 100 stormwater basins and ‘...is well experienced in their proper management and maintenance’.

Council recommended that the exhibited draft planning permit be revised to include a condition requiring independent peer review of the design of the ground basin wall in the

¹⁷ Council Part A submission pp 27-28.

south-east major retarding basin. The Applicants initially objected to this review but eventually accepted it during discussions around a number of contested issues.

Council stated that the question of insurance cover against a possible failure of a stormwater drainage system is a matter for the submitters to take up with their insurer.

Ms Vesna Smigowski from Council attended the Hearing to provide general advice including that Council carries public liability insurance, and if there is an issue related to Council assets then a claim in negligence could be made but success in such a claim would depend on many factors.

The Applicants submitted that they note Council is satisfied with the drainage scheme for the development. They commissioned an expert evidence statement from Mr Warwick Bishop of Water Technology.¹⁸ Mr Bishop concluded that:¹⁹

- *The surface water management strategy and drainage scheme have been developed consistent with industry best practice and Australian Rainfall and Runoff (2016) ...*
- *The open drain that services the south-east catchment is designed to discharge into an existing watercourse which runs adjacent to the Geelong Ring Road and ultimately discharges into Kardinia Creek ... Private properties will not be impacted by flow from the open drain or downstream watercourse due to the drain capacity and local topography.*
- *The south-east major retarding basin does not pose a significant risk to the downstream property at 99-101 Cityview Drive given the design is based on detailed modelling that follows accepted design principles and should be constructed to appropriate design standards.*

(iii) Discussion

The Panel notes the issues of insurance that the Willders have raised but cannot offer them any satisfaction or comfort in the area of insurance or indemnity from future flooding from the basin or stormwater drainage.

However the Panel is satisfied on the evidence and submissions before it that the risk of such flooding is low; said to be 'very low' or 'negligible'. Such stormwater infrastructure is very common and both the design and construction should be able to be achieved such that the risk is managed to a very low and acceptable level. It is clear that Council, who will be responsible for the asset in future and could be subject to any negligence claims, have a strong, positive vested interest in ensuring the drainage infrastructure is designed and built properly and works properly.

This 'vested interest' is apparent in the 'belts and braces' approach inherent in seeking an independent peer review of the basin wall design for the major south east retarding basin.

¹⁸ Mr Bishop's evidence was not contested and he was not required to attend the Hearing.

¹⁹ Expert statement at page 18.

(iv) Conclusions

The Panel concludes that the drainage scheme for the development is appropriate and any flooding risk to neighbouring properties can be addressed through appropriate design and construction.

3 Planning instruments

3.1 DPO Schedule

(i) Background

The Amendment seeks to apply the DPO34 to the Amendment area. This normally requires that a Development Plan be prepared and approved prior to the issuing of permits for development unless there are specific exemptions in the schedule.

In this case the situation is slightly unusual in that a highly resolved subdivision plan was exhibited with the Amendment and permit application but a Development Plan has not been prepared.

(ii) Evidence and submissions

No submitter questioned in principle the use or form of the DPO and Schedule to provide an overall framework for development across the multiple ownerships of the site.

Mesh for the Applicants questioned Council on what form the Development Plan might take and provided a number of options. Their preferred option (iii) was:²⁰

... an updated version of the proposed plan of subdivision, with lot and other specific development detail removed, forms the Development Plan, allowing future changes to the subdivision layout plan to be considered.

Council responded positively:²¹

Option (iii) of those posed by Mesh is applicable, subject to meeting the requirements in the Schedule to the Development Plan Overlay. At the time of writing, Council and Mesh are liaising with respect to the form and content of the Development Plan, with a view to having a Development Plan ready for approval around the same time as Planning Permit 392/2015 is issued.

In their Part B submission, Council raised a number of drafting issues with the DPO Schedule. During the Hearing process the greater majority of these points were agreed between Council and the Applicants. The one outstanding drafting issue relates to the granting of permits prior to a Development Plan being prepared.

The positions of the two parties are summarised below.

Council

- Supports a Clause 1.0 condition in the DPO Schedule allowing granting of a permit for subdivision before approval of the Development Plan for this particular application (392/2015).

²⁰ Quoted in Council Part A submission, page 41.

²¹ Council Part A submission page 42.

Applicants

- Support a Clause 1.0 condition in the DPO Schedule allowing granting of any permit for subdivision prior to approval of the Development Plan that is generally in accordance with, and does not compromise, Clause 3.0²² of the schedule.

Council's view in summary, was that they expect that a Development Plan will be prepared and approved prior to the planning permit being issued. They submitted however, that if this does not occur there is administrative efficiency in allowing the specific planning permit application exhibited with the Amendment to be considered. They submitted that this discretion should be limited only to this application and not apply more broadly. Any other subdivision application under dot point 2 in Clause 1.0 should be required to be undertaken within the framework of the approved Development Plan.

The Applicants relied on the evidence of Mr Peter Doyle whose view was that the allowance for permits to be granted prior to the approval of the Development Plan should be more flexible.²³

I consider this wording [Council's wording] of the second dot point (that effectively 'ties-in' a specific permit application and associated endorsed plan) to be too specific to the intent of the DPO - particularly for a residential subdivision of this scale. In my view, the DPO is and should be a "flexible" tool that is used to implement a plan and guide the future use and development of the land. The reference to a planning permit (and by inference the associated endorsed plan) is inherently at odds with this "flexibility".

(iii) Discussion

The Panel has considered the DPO Schedule and is generally comfortable with the wording agreed between Council and the Applicants.

In relation to the wording in Clause 1.0 as discussed above, the Panel prefers the approach adopted by the Council. In the Panels' view the DPO is an extremely useful tool for providing an overall development framework and the criteria for its use as outlined in the Planning Practice Note are met in this instance.²⁴

The DPO, except in limited circumstances, generally requires the preparation of a Development Plan prior to permits being granted. In this instance it could be argued that Council is being 'generous' with their administrative efficiency argument in allowing consideration of the exhibited permit application if a Development Plan has not been prepared and approved.

Whilst flexibility in general in planning is a positive, the Panel thinks in this case a broader allowance for a permit that is 'generally in accordance with' and does not compromise the elements to be included in the Development Plan is taking the flexibility argument too far. It could result in significant disagreements about whether a different permit application is

²² Clause 3.0 contains the requirements for a Development Plan.

²³ Expert statement, page 22.

²⁴ See *Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays*.

‘generally in accordance with’ or ‘does not compromise’ the DPO requirements. The Panel considers it a more reasonable approach to either:

- Approve the exhibited permit 392/2015 without an approved Development Plan; or
- Require consideration of a different application within the framework of an approved Development Plan.

(iv) Conclusions and recommendation

The Panel concludes that the DPO as drafted is generally acceptable and prefers the approach of Council in relation to Clause 1.0.

(v) Recommendations

The Panel recommends:

- 2. Adopt the Development Plan Overlay Schedule 34 as shown in Appendix C of this report.**

3.2 Planning Permit assessment

(i) Background

As the Application is under Section 96A of the *Planning and Environment Act 1987*, the Application is made as if the accompanying planning scheme amendment has been approved and the changes are in the planning scheme.

In this case the Application 392/2015 was thus made as if the site has already been zoned to GRZ1. The permit trigger for the application is thus the subdivision trigger at Clause 32.08-2.

Native vegetation removal is also proposed and offset requirements are included in the permit conditions.

(ii) Evidence and submissions

Council provided an assessment of the planning permit application against the planning scheme in their Part A submission.²⁵ The assessment concluded:²⁶

The proposed subdivision is considered to be an appropriate response to the purposes of the General Residential Zone. The subdivision proposes a range of lot sizes to encourage housing diversity in a location with access to existing services and infrastructure and allows for appropriate lot sizes and layout to provide an appropriate interface and transition from the low density residential lots to the immediate east.

Council also submitted that an assessment against Clause 56 indicated that the subdivision appropriately responds to that Clause.

²⁵ At page 15. This assessment was against the exhibited rather than the revised subdivision plan but the Council affirmed its support for the revised plan in their Part B submission at the Hearing.

²⁶ Council Part A submission, page 18.

Mr Doyle provided expert evidence for the Applicants and also concluded²⁷ that the subdivision application, when assessed against the Clause 65 decision guidelines is appropriate and consistent with planning policy in relation to lot sizes and housing diversity, broader planning policy in Geelong, access to services and transport and a range of other matters.

Mr Doyle also provided a detailed analysis against Clause 56 in an Appendix to his statement which was not contested by any party and is generally accepted by the Panel.

(iii) Conditions from agencies

Council noted in its Part A submissions that there were no substantive objections from agencies subject to conditions and conditions have been included from the following:

- Corangamite Catchment Management Authority (Stormwater)
- VicRoads (Traffic)
- Barwon Water (Water and sewer)
- DELWP (Native vegetation)
- Ausnet (Power supply)
- Powercor (Power supply)

(iv) Discussion and conclusions

The Panel considers that the proposed subdivision is an appropriate response to the purposes of the GRZ1. The subdivision proposes a diverse range of lot sizes with access to existing services and infrastructure, to contribute to increased housing supply in this precinct of Geelong. The Panel considers that the proposal responds well to its context and relevant interfaces.

The Panel notes that whilst there were some areas of disagreement between Council and the Applicants at the Hearing in terms of conditions, these have now been resolved. The Panel is satisfied that a planning permit should issue as attached at Appendix C based on the revised subdivision plan shown in Figure 4 of this report (Version vP4 dated 5 January 2017 tabled at the Directions Hearing).²⁸

(v) Recommendation

The Panel recommends:

- 3. Following gazettal of Amendment C331, and subject to resolution of the Development Plan, issue planning permit 392/2015 with the conditions as shown in Appendix D.**

²⁷ Expert statement at Section 5.4.

²⁸ The Panel's electronic version is dated 5 January 2016 but this is clearly an error.

Appendix A Submitters

No.	Submitter	Position
1	Barwon Water	No objection to the Amendment. Requested conditions on permit.
2	EPA Victoria	No objection to the Amendment. Requested conditions on permit.
3	Evelyn Hill	Objection
4	Mesh Planning	For proponent/applicant
5	Dale and Lindy Moorfoot	Objection
6	Michelle Peart	Objection
7	David and Mary Petherick	Objection
8	Bernie and Anna Salajan	Objection
9	Nigel and Amanda Salajan	Objection
10	Joanne and Chard Verdolini	Objection
11	David and Lee Willder	Objection/issues to be addressed.

Appendix B Document list

No.	Date	Description	Presented by
1	30/1/17	Council Part A submission	Stuart Thiele, Greater Geelong City Council
2	6/2/17	Council Part B submission	Stuart Thiele, Greater Geelong City Council
3	6/2/17	Concept layout plan sheet 1	Stephen Hunt in evidence for Villawood
4	6/2/17	Concept layout plan sheet 2	Stephen Hunt in evidence for Villawood
5	6/2/17	Submissions on behalf of Villawood properties, Fagg family and Lamb family	Rory O'Connor, Norton Rose Fulbright
6	6/2/17	Schedule 34 to the DPO	Rory O'Connor, Norton Rose Fulbright
7	6/2/17	Submission	Evelyn Hill
8	6/2/17	Draft planning permit with Villawood Comments	Rory O'Connor, Norton Rose Fulbright
9	6/2/17	Submission	David and Lee Willder
10	17/2/17	Amended DPO34 with tracked changes (post Hearing)	Rory O'Connor, Norton Rose Fulbright
11	17/2/17	Amended draft planning permit conditions with tracked changes (post Hearing)	Rory O'Connor, Norton Rose Fulbright

Appendix C Panel recommended Development Plan Overlay Schedule 34

DD/MM/YYYY
C331

SCHEDULE 34 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO34**

BARRABOOL ROAD AND CITYVIEW DRIVE, WANDANA HEIGHTS

This Schedule applies to land generally west of Cityview Drive, south of Barrabool Road and east of the Geelong Ring Road, Wandana Heights, being 335 Barrabool Road and 41-63, 65 and 67 Cityview Drive.

The objective of this Schedule is to ensure subdivision and development of the area occurs in an integrated manner, appropriately addresses the interfaces of the site with adjoining land and provides appropriate infrastructure.

1.0 Requirement before a permit is granted

DD/MM/YYYY
C331

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

- an extension, addition or modification to an existing building or development;
- the staged subdivision, associated earthworks, native vegetation removal and road access generally in accordance with a planning permit issued for planning application number 392/2015 including any amendments to that permit.

2.0 Conditions and requirements for permits

DD/MM/YYYY
C331

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

A permit must contain a condition specifying that a statement of compliance for the subdivision of the subject land must not be issued until the owner has entered into an agreement(s) with the Council pursuant to Section 173 of the *Planning and Environment Act 1987* in relation to:

- Payment of Infrastructure Contributions; and
- A public open space contribution comprising works-in-kind to Drewan Park, to be agreed to the satisfaction of the responsible authority, at 50% of the value of total public open space contributions, with the remainder of public open space contributions to be paid as a cash contribution.

3.0 Requirements for Development Plan

DD/MM/YYYY
C331

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

The objectives of the Development Plan are to:

- ensure integrated subdivision across the area;
- to minimise or avoid adverse off-site impacts;
- to ensure appropriate infrastructure provision; and
- to ensure appropriate interfaces between the development on the subject land and adjacent land.

The Development Plan must include the following:

- An indicative subdivision layout including areas set aside for residential development and other land uses, reserves for open space and drainage, indicative key road alignments, key easements and an indication of the range of lot sizes that:
 - provides for integrated subdivision layout across the site;
 - includes high voltage transmission line easements as encumbered public open space, with high levels of surveillance and road frontage where practicable;
 - shows road access points to Cityview Drive and roads along the northern and western boundaries of Drewan Park;
 - shows plantation reserves along the boundaries of Barrabool Road and the Geelong Ring Road;
 - shows the general location of land to be retained by Barwon Water;
 - provides appropriate interfaces between development on the subject land and Drewan Park, Cityview Drive, Barrabool Road, the Geelong Ring Road and the remaining Barwon Water tank site, including ensuring surveillance of public open space and a lot size transition between the subject land and the Low Density Residential Zone to the east of Cityview Drive; and
 - takes advantage of key view lines, vistas and topography of the site.
- A Stormwater Management Plan that demonstrates drainage infrastructure would limit discharge of stormwater to pre-development levels and ensure no exacerbation of flooding potential downstream in the Kardinia Creek catchment.
- A Road Network and Traffic Management Plan that:
 - includes an internal road and pedestrian/cyclist movement network that provides a high level of access and connectivity both within and to and from the site;
 - identifies required upgrades to the external road network and external pedestrian/cyclist movement network, including pedestrian access to bus stops on the nearest public transport route; and
 - a road safety audit prepared by an appropriately qualified person and report addressing any safety issues identified by the audit.
- An Open Space and Landscape Masterplan that includes:
 - the landscaping theme for the residential subdivision of the site;
 - street tree planting; and
 - landscape treatments for public open space.
- Acoustic Measures:
 - Noise measurements and modelling to determine whether any proposed residential property is predicted to have a noise level exceeding 63dBA (L10_{18hr}) based on predicted traffic volumes 10 years from anticipated completion of subdivision and, if such noise level is predicted to be exceeded, a plan for acoustic measures to be implemented as part of subdivision.

Appendix D Panel recommended permit

PLANNING PERMIT

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

Permit No.: 392/2015

Planning scheme: Greater Geelong

Responsible authority: City of Greater Geelong

ADDRESS OF THE LAND: 335 BARRABOOL ROAD AND 41-63, 65 & 67 CITYVIEW DRIVE, WANDANA HEIGHTS

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

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Prior to the certification of the Plan of Subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Subdivision Layout Plan (Revision vP4) dated 05.01.17, but modified to show:
 - a) Plantation reserves at a minimum 10 m width. Maintenance access track and entry/egress/turnaround points must also be shown within each plantation reserve;
 - b) Any encumbered passive open space (within transmission and powerline easements and/or drainage reserves) to be shown as a municipal reserve;
 - c) Provision of a footpath connecting to the local footpath network in the vicinity of the boundary of any lots abutting Drewan Park;
 - d) Details of all boundary fencing to the Drewan Park reserve. Fencing must be maximum 1.8m high and permeable;
 - e) Pedestrian access to bus stops on the nearest public transport route;
 - f) Any changes to the lot or road layout as a result of the acoustic measures to be implemented under Condition 40 of this permit; and
 - g) Vehicular access to Lots 24, 25 and 26 from Cityview Drive designed to show:
 - i) Location of the vehicle crossover for each lot to the satisfaction of the Responsible Authority
 - ii) Design details of the left turn lane and associated road design to the satisfaction of the Responsible Authority
 - iii) Location of no stopping restrictions along the frontage of the lots

- iv) Provision of indented parking to the satisfaction of the Responsible Authority

Endorsed Plans

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Drainage

3. The stormwater drainage system on the site must be designed so that 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.

Servicing Authorities

4. The owner of the land must enter into agreements with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

Prior to Certification

5. 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.
6. The plan of Subdivision submitted for Lots 24, 25, and 26 must include a restriction that specifies garages must have a minimum setback of 7 metres and that vehicle access to each lot must be in accordance with the plans endorsed under Condition 1(g) of this permit.

Engineering Plans

7. Prior to the Certification of any stage of the subdivision, the developer is required to submit detailed road and drainage construction plans to the Responsible Authority for approval. The Consulting Engineer must show that the design complies with the requirements of the Infrastructure Design Manual and any other relevant standards.

The plans must include, but not limited to:

- a) Roadwork construction plans and specifications which include details of the following:
 - i. fully sealed pavement with kerb and channel for new internal roads;

- ii. kerb and channel along the western side of Cityview Drive, from Barrabool Road to Drewan Park and from the second new intersection southward to and including the frontage of 67 Cityview Drive;
 - iii. any external roadworks and treatments, including pedestrian access (with associated informal pedestrian crossing of Barrabool Road) to the nearest bus stops, inbound and outbound, on Grantham Drive;
 - iv. concrete footpaths;
 - v. line-marking and signage installation - including street name signs;
 - vi. street lighting; and
 - vii. traffic management controls.
- b) Drainage construction plans and specifications, in accordance with the Surface Water Management Plan – November 2015 and the Water Quality Strategy 16 Dec 2015, which include details of the following:
- i. pits and pipes sizes,
 - ii. finished and existing surface levels,
 - iii. creation of appropriate easements,
 - iv. detention basin(s) including any required drainage reserves,
 - v. water quality treatment infrastructure, and
 - vi. connection to the legal point(s) of discharge.
- c) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
- d) Detailed Road and Drainage Design Plans for any stage that result in flood levels on existing properties being adversely affected by the proposed works will not be approved for construction.
8. Prior to the Certification of any stage of the subdivision, the design of the above ground basin wall in the south-east major retarding basin must be independently peer reviewed and assessed against current industry standards by an Engineer qualified in the design of dams. The report and all recommendations on the design must be forwarded to Council's Engineering Unit.

Traffic Engineering

9. Prior to the Certification of any stage of the subdivision, a Local Area Traffic Management (LATM) plan must be developed with Council's Traffic Engineering Unit. Treatments to be considered include, but are not limited to, splitter islands, pedestrian refuges, raised pavements, modified T intersections, line marking, signage and parking controls. A Street Naming Layout Plan must also be included with the plan.
10. Prior to the Certification of any stage of the subdivision, the developer is required to submit a functional layout plan of the Barrabool Road/Cityview Drive intersection to the Responsible Authority for approval. This functional layout plan is to include provision of separate left and right turning lanes from Cityview Drive to Barrabool Road to cater for the expected traffic generated by the development, a splitter island, footpath, signage and services.

Construction Management Plan

11. Prior to the commencement of works for any stage of the subdivision, a Construction Management Plan shall be submitted and approved by the Responsible Authority and shall address items including (but not be limited to) the following:

- a) The protection of all existing vegetation and waterways;
- b) Show access locations for construction vehicles;
- c) All appropriate control of site emissions during construction and the defects liability period;
- d) A staging plan for all construction phases including indicative dates for commencement and completion;
- e) Intended access for construction vehicles;
- f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
- g) Details of actions to be implemented to in the event of damage to abutting assets;
- h) Details of where construction personnel will park;
- i) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
- j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- k) Details of site cleanliness and clean up regimes;
- l) Location of material storage;
- m) Dust suppression management;
- n) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions';
- o) The plan must address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority;
- p) 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; and
- q) The CMP must be prepared in accordance with the EPA – Guideline for Environment Management, Doing it Right on Subdivisions, Publication 960, September 2004 and CCF Environmental Guidelines for Civil Constructions, 2.

All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority.

Fill

12. Prior to the commencement of works for any stage of the subdivision, a Soil Management Protocol to be prepared by a qualified expert must be submitted to the Responsible Authority

for approval in accordance with the recommendations of the Preliminary Environmental Site Assessment, 24 February 2015, Golder Associates.

13. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
14. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.
15. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.
16. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Prior to Statement of Compliance

17. The owner of the subject land must provide Public Open Space contributions equivalent to 10 per cent of the site value of all of the land in the subdivision pursuant to the Schedule to Clause 52.01 of the Greater Geelong Planning Scheme by:
 - a) Providing works-in-kind in Drewan Park, to be agreed to the satisfaction of the responsible authority, at 50% of the value of total Public Open Space contributions; and
 - b) Cash-in-lieu comprising the remainder of the Public Open Space contributions not provided as works in kind.

The contribution will be payable prior to the issue of a Statement of Compliance for each stage of the subdivision.

18. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, road and drainage works, including basin(s), must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.
19. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.
20. A maintenance bond of 5% of the cost of civil works is to be paid to council and will be returned after successful completion of a 12 month maintenance period. A maintenance bond of 5% and a 24 month maintenance period applies to wetland vegetation.
21. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, relevant street sign/s must be erected to the satisfaction of the Responsible Authority.
22. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, street lighting must be provided within the site and along external frontages in accordance with the relevant Australian Standard(s), unless otherwise agreed in writing by the Responsible

Authority and unless it can be demonstrated that existing street lighting is sufficient for public safety to the satisfaction of the Responsible Authority.

23. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
 - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Section 173 Agreement

24. Prior to the issue a statement of compliance for any stage of the subdivision the owner must enter into an agreement with the Council under Section 173 of the Planning and Environment Act 1987 providing for the following:
- The owner must pay a total infrastructure contribution of \$2,670 per lot, indexed at CPI at the date of payment, prior to the issue of a Statement of Compliance for each stage of the subdivision;
 - Prior to the issue of a statement of compliance for each stage of the subdivision, the owner must pay the cash component of the public open space contribution; and
 - Unless otherwise agreed with the Council, prior to a statement of compliance for Stage 6 of the subdivision, the owner must complete the works to the upgrade of Drewan Park, generally in accordance with an approved landscape plan and schedule of works to Council's satisfaction.

Works within Drewan Park

25. Prior to the Certification of any stage of the subdivision, a plan identifying the Cypress tree plantations located on the southern and western boundaries of Drewan Park must be submitted to and approved by the Responsible Authority. The plan shall identify these trees for removal.
26. The trees identified for removal under Condition 21 are to be removed prior to Statement of Compliance of the relevant stage, with the consent of the Responsible Authority and at the cost of the developer.
27. Unless otherwise approved by the Responsible Authority, prior to Statement of Compliance of the relevant stage, trees within Drewan Park that will be removed must be offset via a cash contribution payable to Council at the rate of 3 new trees for each existing tree removed to the satisfaction of the Responsible Authority.

Offset planting will be undertaken by Council within Drewan Park. Contributions payable to Council for offset tree planting shall be determined by Council's Tree Management Unit at a rate which covers the following costs:

- purchase of new replacement trees in minimum 40cm containers
- planting the replacement trees
- aftercare and maintenance of the replacement trees for a period of no less than two years.

28. Prior to any works commencing in the reserve, the following must be provided to the satisfaction of the Responsible Authority:
- Public liability and professional indemnity insurance
 - Evidence of suitable communication to neighbouring land owners and residents
 - A site safety plan including:
 - Works Methodology
 - Pedestrian management
 - Exclusion zone fencing.
29. Prior to statement of Compliance for the relevant stage, the applicant shall be responsible for ensuring that all works within Drewan Park are remediated to the satisfaction of the Responsible Authority. Any works proposed within Drewan Park shall be undertaken at the applicant's expense at no cost to Council.

Landscape Master Plan

30. Unless otherwise approved in writing by the Responsible Authority, prior to the Certification of the first stage of the subdivision, a landscape master plan (incorporating a street tree master plan) prepared by a person suitably qualified or experienced in landscape design, must be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The landscape master plan must show and include:
- a) All land that is to be vested as a Council reserve including but not limited to, Public Open Space Reserves, Road reserves, Lineal Reserves, Plantation Reserves, Drainage Reserves and other reserves for municipal purposes;
 - b) Any easements within council reserves;
 - c) A survey (including location, size and botanical name) of all existing trees proposed to be retained on the land;
 - d) The proposed Q100 event extent;
 - e) The landscaping theme and graphical concepts to be developed for the subdivision;
 - f) The proposed species to be used for and general layout of street tree planting in various stages of the subdivision including the proposed planting theme for all secondary frontages of corner allotments;
 - g) Shared pathway locations and linkages through the permit area and in the vicinity of lots abutting Drewan Park;
 - h) The style and location of permeable fencing for all lots abutting reserves (except road reserves);
 - i) A solid fence to the existing boundary of 99-101 Cityview Drive adjacent to the south-east major retarding basin;
 - j) Maintenance access/egress points and vehicle exclusion treatments to all reserves;
 - k) Any proposed Public Art which must comply with the requirements of Council's Art and Culture Department; and

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

Note: A copy of the street tree master plan must be provided to Powercor Australia and the Electrical Consultant applicable to the site prior to it being endorsed. Evidence shall be provided to this effect to Council.

Landscape Plan

- 31. Unless otherwise approved in writing by the Responsible Authority, prior to the Statement of Compliance being issued for each relevant stage of the subdivision, a detailed landscape plan for the stage, prepared by a person suitably qualified or experienced in landscape design, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The plan must address and be consistent with any endorsed landscape master plan and must show:
 - a) The proposed Q10 and Q100 events extent;
 - b) Any tree(s) proposed for retention within a Council reserve for any stage of the development must be independently assessed by a suitably qualified arborist which details suitability for retention and ongoing management recommendations for the tree(s). The detailed landscape response for the area in which the tree(s) are located must be informed by the arboricultural assessment;
 - c) New plantings including their layout in any road reserves, municipal reserves and stormwater management elements;
 - d) A detailed planting schedule of all proposed trees, shrubs, groundcovers and aquatic planting (with zonation detail), including botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant;
 - e) The proposed layout, materials and finishes of paths, areas of pavement, structures, fences, maintenance vehicle access crossovers maintenance access gates and street furniture;
 - f) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
 - g) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves;
 - h) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications;
 - i) Additional supporting information, such as certified structural designs or building forms;
 - j) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
 - k) Details of all infrastructure within the road reserve including but not limited to power (High Voltage & Low Voltage), water mains, gas mains, fire plugs, street lights, stormwater pits etc);
 - l) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;

- m) The proposed tree species for all secondary frontages of corner allotments using street trees no larger than 5 x 4 metres at maturity and capped to two (2) only;
- n) The maintenance schedule for all proposed landscaping, including hard and soft landscaping elements; and
- o) Landscaping treatment of any road reserve abutting public open space.

Completion of Landscape Works

32. Unless otherwise approved in writing by the Responsible Authority, the landscaping works shown on the approved landscape plan for a particular stage must be completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for that stage.

A practical completion inspection is required and must be arranged by the permit holder with two weeks notice provided for onsite inspections. The incomplete landscape works bond will be returned on award of practical completion.

33. Where landscaping works forming part of the endorsed plans are not completed to the satisfaction of the Responsible Authority prior to the applicant seeking a Statement of Compliance for all, or a particular stage of a subdivision, the Responsible Authority may issue a Statement of Compliance where the works are appropriately bonded to the satisfaction of the Responsible Authority. The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete landscape works including maintenance for a minimum 24 months Unless otherwise agreed in writing by the Responsible Authority the bonded works must be completed within one year of the date of the lodgement of the bond.
34. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of practical completion of landscaping works, or any other time as agreed by the responsible authority, the following/g must be provided to the responsible authority:
- a) Building permits and structural engineering compliance where necessary;
 - b) Landscaping maintenance plan;
 - c) Schedule of Quantities showing the financial value of all landscaping assets; and
 - d) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.
35. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority on application for practical completion of landscaping works. The maintenance bond or bank guarantee must be 125 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

Maintenance of Landscaping

36. The landscaping shown on any endorsed landscape plan (including trees approved for retention) for a particular stage must be maintained, to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the Responsible Authority.

37. At the conclusion of the maintenance period, a handover inspection must be organised by the permit holder with two weeks notice given for onsite inspections. The landscape maintenance bond will be returned on award of Handover.
38. No Handovers will be accepted during the summer months from 1 December to 28 February inclusive.

CCMA

39. That the drainage system be constructed in accordance with the Surface Water Management Strategy Final Report (Water Technology November 2015) and Wandana Heights Water Quality Strategy Report (Biofit Dec 2015).

VicRoads

40. Before the certification of any stage of the Plan of Subdivision abutting the Geelong Ring Road or Barrabool Road, the applicant must undertake noise measurements and modelling to determine whether any proposed residential property is predicted to have a noise level exceeding 63dBA (L10_{18hr}) based on predicted traffic volumes 10 years hence.

If such investigations indicate that such noise levels would be exceeded, a plan for acoustic measures to be implemented as part of the development of the subdivision must be submitted to and approved by the Responsible Authority.
41. Before approving the plan the Responsible Authority must refer the proposed plan to VicRoads and have regard to any submission VicRoads might make in relation to the plan.
42. Before the issue of a statement of compliance, the following road works must be completed at no cost to, and to the satisfaction of the Roads Corporation (VicRoads):
 - a) The approved plan for acoustic measures must be implemented to the satisfaction of VicRoads and the Responsible Authority.
 - b) Splitter Island installed at Cityview Drive intersection with Barrabool Road.
43. Prior to the works on the Geelong Ring Road reserve commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads' service obligations.
44. Direct access from the subdivisional lots to the Geelong Ring Road and Barrabool Road is not permitted. All subdivisional lot access shall be to the internal subdivisional roads.
45. No drainage or sullage must be discharged on to the Geelong Ring Road or Barrabool Road road reserves without the written permission of VicRoads.

Barwon Water

General

46. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves 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. This includes a new reserve from the development to Barrabool Road closer to the western end of 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.

47. 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.
48. Barwon Water has strategic 375mm (x2) and 225mm water mains leading in and out of the existing Water Supply Tank site. These mains are to be contained within the road reserve or the developer is to create a reserve in favour of Barwon Water over these mains in accordance with Barwon Waters Land Development Manual. Any reserve created is to be at no cost to Barwon Water.

Water

49. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations.
50. The payment of New Customer Contributions for each additional lot created and/ or each additional metered connection for water supply within the subdivision.
51. An additional tapping(s) is to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.
52. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.
53. Reticulated water mains are required to service the proposed development.

Sewer

54. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.
55. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.
56. Reticulated sewer mains are required to service the proposed development.
57. Additional sewerage assets are required to service this development. The creation of assets is additional to the internal works required for which the developer will be responsible to provide. The assets required are a Sewerage Pump Station (SPS) and Rising Main (RM) located approximately 100 m west of the Barwon Water tank site.

DELWP Conditions

58. In order to offset the removal of 1.372 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI, 2013) and Native vegetation gain scoring manual (DEPI, 2013).

The offset must contribute a gain of 0.026 general biodiversity equivalence units with the following attributes:

- a) be located within the Corangamite CMA boundary or Greater Geelong municipal district;
and
- b) have a strategic biodiversity score of at least 0.08.

59. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:
- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan; and/or
 - b) an allocated credit extract from the Native Vegetation Credit Register.

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

60. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

Ausnet Services

61. Written agreement to the final plan of subdivision for each stage of development must be obtained from Ausnet Transmission Group prior to Certification.
62. The plan of subdivision must show the Ausnet Transmission Group easement fully dimensioned on all affected lots.
63. Access to the transmission tower on site must be maintained at all times for Ausnet Transmission Group vehicles, staff and contractors. Likewise, provision should be made, in consultation with Powercor, for ongoing access to the 66kV poles within the easement. Powercor should also be consulted regarding the required distance of lot boundaries from the 66kV poles in the easement.
64. Details of road construction and the installation of services within the easement must be submitted to Ausnet Transmission Group and approved in writing prior to the commencement of works on site.
65. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from Ausnet Transmission Group.
66. Vehicles and equipment exceeding 3 metres operating height are not permitted on the easement during construction without prior written approval from Ausnet Transmission Group.
67. All future works within the easement must be submitted to Ausnet Transmission Group and approved in writing prior to commencement of work on site.

Powercor

68. There are to be no basins, embankments or structures constructed under the existing 66kV Powercor subtransmission line, which may reduce the clearance from ground to our existing overhead wires.
69. Any basin, embankment or structure constructed within Powercor's existing easement, need to ensure that enough space is allocated for vehicles (including trucks) to access all 66kV Powercor Subtransmission poles.

70. All constructed basins, embankments and structures are to be a minimum 10m clear of all 66kV Powercor Subtransmission poles.

Subdivision Expiry

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

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

Note:

1. Council is not liable for the management and maintenance of any Barwon Water land made available for public use on this site. The Barwon Water reserve, access and all liability is the responsibility of Barwon Water.