

Planning and Environment Act 1987

Panel Report

Greater Geelong Planning Scheme Amendment C356

Planning Permit Application PP–1027-2016

Front page

18 August 2017

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendment C356

Planning Permit Application PP-1027-2016

Residential zoning and four two storey dwellings

18 August 2017

A handwritten signature in black ink, appearing to read "Gaye McKenzie". The signature is written in a cursive, flowing style.

Gaye McKenzie, Chair

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List of Abbreviations

GRZ1	General Residential Zone – Schedule 1
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
SBO	Special Building Overlay
SPPF	State Planning Policy Framework
UFZ	Urban Floodway Zone

Overview

Amendment Summary

The Amendment Planning Permit Application	Greater Geelong Planning Scheme Amendment C356 and Planning Permit Application PP-1027– 2016.
Common name	Residential zoning, removal of restrictive covenant and four two storey dwellings.
Brief description	Rezoning of 60 Forest Road North and 42 – 44 Ponds Drive, Lara from Urban Floodway to General Residential – Schedule 1 and application of the Special Building Overlay over part of the land. Removal of a restrictive covenant from the site and construction of four two storey dwellings and subdivision of 42 – 44 Ponds Drive into five lots.
Subject site	60 Forest Road North and 42 - 44 Ponds Drive, Lara.
The Proponent	Mr Angelo Martucci
Planning Authority	City of Greater Geelong
Authorisation	15 December 2016
Exhibition	9 February – 13 March 2017
Submissions	Number of Submissions: three; Opposed: one <ul style="list-style-type: none">• Mr Stephen Habib

Panel Process

The Panel	Gaye McKenzie
Directions Hearing	Not required
Panel Hearing	Council Offices, 27 July 2017
Site Inspections	Unaccompanied on 25 June 2017
Appearances	City of Greater Geelong represented by Mr Ian McCartney, Senior Strategic Planner and Mr Steve Roussac, Statutory Planner. - Mr Simon Loader, Tract Consultants for Mr Martucci
Date of this Report	18 August 2017

Executive Summary

(i) Summary

Greater Geelong Planning Scheme Amendment C356 (the Amendment) seeks to amend the zoning of that part of 60 Forest Road North and 42 – 44 Ponds Drive, Lara, currently in the Urban Floodway Zone (UFZ), to General Residential Zone - Schedule 1 (GRZ1). The Amendment also applies the Special Building Overlay (SBO) over that part of the land that is subject to overland flows.

The Planning Permit Application accompanying the Amendment seeks to:

- remove the restriction applying to 60 Forest Road North (Lot 1) and Lot 2, 42 – 44 Ponds Drive, that requires any development to be in accordance with an approved neighbourhood design plan and that only one dwelling can be erected on Lot 2, 42 – 44 Ponds Drive.
- build four two storey dwellings on Lot 2 and re-subdivide the existing two lots (Lots 2 and 3) into five lots.

The submitter questioned why the land was not rezoned at the time he showed interest in purchasing it. Key issues raised in relation to the planning permit application were ones of safety arising from additional traffic associated with the proposed dwellings and whether existing vehicle access to the site was acceptable. A further matter referred to was the existing difficulties associated with waste collection from his and the subject land which he believed would be exasperated when additional bins would have to be collected from four additional dwellings at 42 – 44 Ponds Drive, Lara.

The submitter was also concerned that the value of his property would be affected by the development.

The submitter is not a beneficiary of the restriction that applies to 60 Forest Road North and 42 – 44 Ponds Drive and this was not referred to in his submission. There were no objections to the removal of the restrictive covenant from these sites.

The Panel has considered the written submission and those made to it by Council and the proponent at the Hearing. The Panel believes that the Amendment is in accordance with State and Local Planning Policy. The Lara Structure Plan identifies 60 Forest Road North and 42 – 44 Ponds Drive as suitable for 'Conventional residential' and the Panel believes the proposal the subject of the application is an appropriate design solution for Lot 2, 42 – 44 Ponds Drive.

The Panel does not believe that the vehicle movements associated with four additional dwellings at 42 – 44 Ponds Drive will create a safety hazard for existing residents in this street and agrees with Council that drivers are more likely to be travelling at lower speeds as they access and leave the site.

In response to refuse collection, the Panel believes the Council has addressed what it recognised as legitimate concerns of the submitter.

The Panel concludes the Amendment is strategically sound and should be approved. Based on the inclusion of the land in the GRZ1 the Panel supports the application to remove the

restrictive covenant to build four two storey dwellings in accordance with the conditions on the modified permit at Appendix C of this Report.

(ii) Recommendations

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

- 1. Amendment C356 to the Greater Geelong Planning Scheme be adopted as exhibited.**
- 2. Planning Permit Application PP-1027-2016 be issued subject to the conditions included in Appendix C of this Report.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment proposes to rezone part of 42 – 44 Ponds Drive and 60 Forest Road North, Lara, from UFZ to GRZ1 and apply the SBO over part of the land.

(ii) Purpose of the Amendment

The purpose of the Amendment is to allow the land to be used for residential purposes.

(iii) The subject site and locality

The subject land comprises two separate properties being:

- 42 – 44 Ponds Drive Lara which has a total area of approximately 2070 square metres and which is occupied by a detached house within the residentially zoned portion of the site.
- 60 Forest Road North, Lara which has a total area of 7201 square metres, also occupied by a detached house within the residentially zoned portion of that site.

Land to the south and east of these properties comprises a well-established residential area. The Hovells Creek Reserve, containing an existing levee bank, forms the northern boundary of both properties.

On the west side of Forest Road North is an ex-limestone processing plant and shallow quarry which is being rehabilitated and is now the subject of Amendment C320 to rezone it from Low Density Residential (LDRZ) to GRZ1.

1.2 The Planning Permit Application

The Planning Permit Application accompanying the Amendment seeks to:

- remove the restriction applying to 60 Forest Road North (Lot 1) and Lot 2, 42 – 44 Ponds Drive, that requires any development to be in accordance with an approved neighbourhood design plan and that only one dwelling can be erected on Lot 2, 42 – 44 Ponds Drive.
- build four two storey dwellings on Lot 2 and re-subdivide the existing two lots (Lots 2 and 3) into five lots.



Figure 1 The subject site and locality

1.3 Background to the proposal

Council undertook consultation the proponent and the Corangamite Catchment Water Authority during the preparation of the Amendment. The Council believes the Amendment is in accordance with State and Local planning policy and the proposal to build four dwellings at 42 – 44 Ponds Drive is appropriate given its location 1.5 kilometres from the Lara Town Centre and its proximity to a local shopping centre, schools and recreation facilities.

1.4 Summary of issues raised in submission

The key issues raised by the submitter are summarised as follows:

- Advice of restrictions over the land
- Limited vehicle access onto the land
- Increased traffic and parking associated with the proposed development
- Limited access for garbage collection
- Loss of property value.

The submitter is not a beneficiary of the restrictive covenant affecting the land and its removal was not mentioned in his submission.

The Panel has considered the written submissions made in response to the exhibition of the Amendment, as well as the submissions and other material presented to it by Council and the proponent during the Hearing.

This report deals with the issues raised by the submitter under the following headings:

- Planning context
- The Amendment
- The Planning Permit Application.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- Clause 11.02 - Urban Growth
- Clause 11.07 – Regional Victoria as it relates to consideration of the G21 Regional Growth Plan
- Clause 11.09 – Geelong (G21) which supports the growth of Lara as a District Town
- Clause 16.01-1 - Integrated Housing
- Clause 19.03-2 – Water Supply, Sewerage and drainage.

The Panel is satisfied with the Council analysis of the Amendment against the SPPF, which identifies Lara as a town that will accommodate further growth in the municipality.

(ii) Local Planning Policy Framework (LPPF)

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.06-2 – (Urban Growth), which identifies Lara as one of the primary growth areas in the municipality.
- Clause 21.06-3 – (Urban Consolidation) and 21.06-4 (Neighbourhood Character) which seek to manage the consolidation of urban areas.
- Clause 21.13 – (Lara), which notes that “Lara is a township designated for urban growth” and its objectives include maintaining a compact urban form and ensuring an adequate supply of appropriately zoned and located residential and commercial land. Its strategies include the rezoning of land identified in its Structure Plan map. The subject land is identified on this map as being suitable for ‘conventional residential’.

The Panel is satisfied with the Council's analysis that the proposed GRZ1 is supported by the LPPF.

2.2 Planning scheme provisions

(i) Zones

The rezoning of the northern part of the land to GRZ1 will align it with the zoning of the balance of the land.

(ii) Overlays

There are no existing Overlays affecting the land. The Amendment will apply the SBO to that part of the land identified as being affected by overland flows.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

The Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

2.4 Discussion and conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the SPPF and LPPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and should proceed subject to addressing the more specific issues raised in the objecting submission and discussed in the following chapters.

3 The Amendment

3.1 The issue

The issue is whether the land is suitable for residential use to support the application of the GRZ1 and SBO.

3.2 Submissions

The submitter's opposition to the rezoning of 42 – 44 Ponds Drive relates to the fact that it will allow a multi dwelling development. The submitter stated that he had been advised by Council at the time he purchased his property that easements on the site would preclude it from being developed as now being proposed. He stated if the decision to amend the zoning had been taken some 12 years ago he would have been provided with the opportunity to purchase the land, eliminating the need to “be wasting our time discussing this”.

Mr McCartney was not aware of what advice the submitter may have received at the time of his enquiries. He did however refer to the support now provided under the Lara Structure Plan for the rezoning and the fact that the existing easements on the land, in favour of the Council and Barwon Water, are not affected by the Amendment.

3.3 Discussion and conclusions

The Panel is not able to speculate as to what information the submitter may have received at the time of his enquiries. As stated in his submission, these enquiries were made some 12 years ago, and the Panel notes that there have been substantial changes to planning policy since that time.

The Lara Structure Plan (April 2011), a Reference Document in the Greater Geelong Planning Scheme, identifies 42 – 44 Ponds Drive and 60 Forest Road North as suitable for 'conventional residential' with rezoning from UFZ to Residential on completion of the required flood protection works along Hovells Creek.

The existence of the levee bank along the southern bank of Hovells Creek now provides the flood protection referred to under the Lara Structure Plan and therefore it supports the rezoning of the land from UFZ to GRZ1. The Panel notes Barwon Water offered no objection to the Amendment, as its requirements are included as conditions on the accompanying permit.

The easement across 42 – 44 Ponds Drive, referred to by the submitter as an impediment to development, is not affected by this Amendment.

The Panel concludes that the Amendment is supported by policy contained within the Greater Geelong Planning Scheme and should be approved.

3.4 Recommendation

The Panel makes the following recommendation:

- 1. Amendment C356 to the Greater Geelong Planning Scheme be adopted as exhibited.**

4 The Planning Permit Application

4.1 The issues

The issues raised concern the effect additional traffic, parking and waste collection arrangements associated with the proposed development would have on existing residents of Ponds Drive. The effect it would have on the submitters' property value was also raised.

The wording of what the permit will allow, and Condition 2, were additional matters raised by the Panel at the Hearing.

4.2 Submissions

4.2.1 Traffic and parking

The submitter believed that the vehicle movements associated with four additional dwellings at 42 – 44 Ponds Drive would create a safety hazard for existing residents. He believed that up to eight additional resident vehicles and those of their visitors would cause major problems and he requested a traffic report be prepared to address this matter.

Mr McCartney advised that Council's Traffic Engineers believed the existing road network would accommodate the additional vehicle movements associated with the development without creating safety hazards for existing residents. It was considered that because the land is located at the end of the street, rather than at mid-point, vehicles would be driven at lower speeds on approaching and leaving the land. It was stated that the width of the driveway was adequate to allow all vehicles to move in a forward direction when entering and leaving the site. The Council determined a traffic study was not required in this case.

Mr Loader stated that the required resident and visitor parking is provided on site and additional informal parking is available in front of the garage of the existing dwelling and the garages of proposed dwellings 3 and 4.

4.2.2 Garbage collection

The submitter referred to the difficulty drivers of garbage vehicles have manoeuvring within the hammerhead of this street, which led him and the occupier of the existing house at 42 – 44 Ponds Drive agreeing to place their bins on the nature strip of 38 Ponds Drive for collection. He stated this arrangement would be unsatisfactory if up to eight additional bins had to be placed at this location.

The Council advised it recognised the current difficulties concerning rubbish collection from the two properties in the hammerhead section of this street. While the present arrangement of placing them in front of a neighbouring property appears to be manageable, it agreed this would not be the case if eight additional eight bins were to be placed there for collection. Furthermore, Mr McCartney advised that the owner of the neighbouring property where bins are now placed does not want additional bins placed in front of his property for collection.

Following consultation with Council's Waste Management Department, it was suggested that modification of the Ponds Drive road pavement would enable garbage vehicles to be able to manoeuvre to collect from bins placed outside the two dwellings in the

hammerhead. In the case of those bins of the four additional dwellings, it was proposed that they would be collected from a bin pad constructed on Council land, on the south side of Ponds Drive, adjacent to the rear boundary of 23 Lime Crescent. No response was received from the owner and occupier of this dwelling to advice sent by Council of this arrangement.

Mr Loader advised the Panel that the proponent agrees to the new bin collection arrangements which form part of the modified permit provisions.

4.2.3 Loss of property value and existing easement

The submitter is concerned that the proposed development will affect the quiet nature of the area and make his property less attractive, therefore affecting its value. In response, the Council stated that this is generally not a planning matter considered by Panels.

In relation to the four metres wide easement that crosses the land, Council advised the proposed dwellings are not sited on any part of the easement.

4.2.4 Permit drafting

At the Hearing, the Panel referred Council to what it believed was the need to clarify 'what the Permit allows'. As drafted, it is not clear that the development and subdivision only relates to 42 – 44 Ponds Drive.

In response to a question of clarification by the Panel in relation to the levee along the south bank of Hovells Creek, Mr Loader advised that it is around 300 metres in length, and extends between Forest Road North and Flinders Road, at a height of 600mm, except for sections that have eroded over time. Plans provided to the Panel by Mr Loader show the areas where levee upgrade is required. This is to be undertaken by the proponent who will be reimbursed for upgrading those sections not on its boundary with 42 – 44 Ponds Drive. Mr Loader also advised the proposed date for this remediation work to commence was 28 July 2017.

4.3 Discussion

4.3.1 Traffic and parking

The Panel accepts submissions made to it that Ponds Drive will be able to accommodate vehicle movements likely to be associated with four additional dwellings without disadvantaging existing residents of the street. It agrees that access provided onto the site will allow for two-way vehicle movement and drivers are likely to be travelling at lower speeds when approaching and leaving the site. Based on the number of vehicle movements likely to be associated with four additional dwellings and in the absence of evidence to the contrary, the Panel believes there is no reason to suggest that residents' safety will be compromised by vehicles associated with the development. The Panel notes that Council can introduce traffic calming measures should they be considered necessary in the future.

The Panel believes that adequate provision is made on site for residents and their visitors. It also notes that kerbside parking is available in Ponds Drive.

The Panel believes this provision, both on and off the site will be adequate for visitors to the site.

4.3.2 Garbage collection

The Panel supports the Council proposal to make changes to the Ponds Drive road alignment to enable garbage vehicles to manoeuvre and collect bins from the two existing dwellings in the street's hammerhead. It also supports the plan to construct a bin pad adjacent to the rear boundary of 23 Lime Crescent for placement of the bins of the new dwellings for collection.

At the Hearing Council tabled a modified planning permit (document 7) that included conditions related to the extension of the road pavement at the west end of Ponds Drive and the construction of a bin pad to cater for garbage collection for existing and new dwellings. These conditions were agreed to by Mr Loader, on behalf of the proponent/permit applicant.

The Panel believes that the inclusion of these additional conditions will address the concerns of the submitter, as they relate to garbage collection from his and the dwellings (existing and new) on the adjoining property.

4.3.3 Loss of property value and easement

No evidence was provided to the Panel to suggest that the development of four dwellings at 42 – 44 Ponds Drive would have an adverse effect on the values of adjoining and nearby properties, including the submitter's property.

While the land is identified for 'conventional' residential in the Lara Structure Plan, the Panel agrees with Council that the site area supports the construction of more than one dwelling, which will be permissible following the removal of the restriction on title. The Panel agrees with Council that the proposal is an appropriate design response for the land and is one that will not have an adverse effect on its immediate neighbours or the locality.

4.3.4 Permit drafting

Mr McCartney and Mr Loader agreed the permit would benefit from clarification that the development and subdivision only applies to 42 – 44 Ponds Drive while the removal of the restriction applies to both it and 60 Forest Road North.

Based on Mr Loader's explanation concerning the remediation works that will have to be carried out along the entire length of the levee bank, the Panel believed modification to Conditions 2 and 19, to refer to the plans that show where this will occur, would be appropriate. There was no objection from the Council and proponent to this modification of the CCMA conditions.

4.3.5 Conclusions

Based on the submissions made to it by Council and the proponent, having considered the written submission and based on its inspection of the site, and the area it is within, the Panel believes traffic associated with four additional dwellings will be able to be accommodated in Ponds Drive without having an adverse effect on the overall safety of existing residents. The Panel also believes the Council has come up with a workable solution in dealing with the issue of waste collection from both existing and new residents.

Based on discussion at the Hearing, in relation to the levee bank Condition provided by Barwon Water, the Panel believes, as modified, it will provide greater clarity concerning the work that is to be carried out.

Modification of 'what the Permit allows' will distinguish between the properties affected by the removal of the restrictive covenant and the development and subdivision.

4.4 Recommendation

The Panel makes the following recommendation:

- 2. Planning Permit Application PP-1027-2016 be approved and the permit issue subject to the conditions included in Appendix C of this Report.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Mr Stephen Habib
2	Tract Consultants on behalf of Mr Angelo Martucci
3	Barwon Water

Appendix B Document list

No.	Date	Description	Tabled by
1	27/07/2017	Council Part A submission and Lara Structure Plan map	Mr McCartney
2	27/07/2017	Photograph of garbage bins in front of 38 Ponds Drive	Mr McCartney
3	27/07/2017	Aerial photograph with waste collection vehicle swept curves at 42 – 44 Ponds Drive	Mr Loader
4	27/07/2017	Copy of titles and subdivision plan of 60 Forest Road North and 42 – 44 Ponds Drive	Mr Loader
5	27/07/2017	Submission	Mr Loader
6	27/07/2017	Levee bank upgrade layout plan	Mr Loader
7	27/07/2017	Modified draft planning permit	Mr Roussac

Appendix C Revised Planning Permit PP-1027-2016

PLANNING PERMIT

Permit No.	PP-1027-2016
Planning Scheme	Greater Geelong Planning Scheme
Responsible Authority	Greater Geelong City Council

ADDRESS OF THE LAND 42-44 PONDS DRIVE, LARA
60 FOREST ROAD NORTH, LARA

THE PERMIT ALLOWS CONSTRUCTION OF FOUR (4) DWELLINGS AND FIVE (5) LOT SUBDIVISION AT 42 – 44 PONDS DRIVE, LARA AND REMOVAL OF RESTRICTION PS431989M FROM LOTS 1 & 2 ON PS431989 GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT

Endorsed Plans

1. The development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

CCMA Conditions

- ~~2. Prior to the commencement of the development the earth levee along Hovells Creek south bank and Ponds Drive must have a minimum freeboard of 600mm above the applicable 1% AEP flood level.~~

Levee Remediation

2. Prior to the commencement of the development, the earth levee remediation along Hovells Creek south bank must have a minimum freeboard of 600mm above the applicable 1% AEP flood level, and generally be in accordance with the plans prepared by PM Design Group, drawing numbers C01 to C08 (REV 0 DATE 23.02.15), inclusive.

Landscape Plans

3. Prior to the works commencing, 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 plan(s) 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;
 - c) Landscaping and planting within all open areas of the site;
 - d) The use of indigenous plants of the Geelong Region, Zone 14.

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

Engineering Plans Required

4. Prior to the commencement of the development engineer design plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the Waste Collection Vehicle Swept Paths prepared by Traffic Group and submitted with the application, and show:
 - a) An extension to the road surface at the west end of Ponds Drive to accommodate the change of direction of Council garbage removal vehicles; and
 - b) a 'bin pad' to be located in the road reserve on the south side of Ponds Drive at the north west corner of 23 Lime Crescent, Lara;to the satisfaction of the Responsible Authority.

Stormwater Quality / Management

45. The site stormwater system must be designed and installed such that:
 - a. The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;
 - b. Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

all to the satisfaction of the Responsible Authority.

Common Property

56. Prior to the occupation of the dwellings, the driveway within the development shall be constructed and drained to the satisfaction of the Responsible Authority.

Floor Levels

67. The applicable flood level for the site is RL 9.35 m AHD. The minimum floor level for habitable buildings is RL 9.65 m AHD, and the minimum floor level for garages is RL 9.50 m AHD.

Prior to Occupation of the Dwellings

78. Prior to the occupation of the dwellings, the developer must:

- a) Construct the site stormwater system including connections for each unit / lot into the underground drain located within the easement on site, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings;
- b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;
- c) Remove any redundant vehicular crossings with kerb and channel reinstated and the footpath/nature strip area reinstated to match existing construction in the street;
- d) Complete and maintain the landscaping works as shown on the endorsed plans;
- e) [Construct the alterations to the Ponds Drive road reserve in accordance with the plans approved pursuant to Condition 4 of this permit.](#)

all to the satisfaction of the Responsible Authority.

SUBDIVISION

Endorsed Plans

89. 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.

Creation of Easements

910. 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.

Telecommunications Condition

1011. 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.

Stormwater Quality / Management

~~11~~12. The site stormwater system must be designed and installed such that:

- a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;
- b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

all to the satisfaction of the Responsible Authority.

Prior to Statement of Compliance

13. Prior to the commencement of the development, engineer designed plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the Waste Collection Vehicle Swept Paths prepared by Traffix Group submitted with the application, and show:

- a) An extension to the road surface at the west end of Ponds Drive to accommodate the change of direction of Council garbage removal vehicles; and
- b) a 'bin pad' to be located within the road reserve to the south of Ponds Drive at the north west corner of 23 Lime Crescent Lara

to the satisfaction of the responsible Authority.

~~12~~14. Prior to the issue of a statement of compliance, the developer must:

- a) Construct the site stormwater system including connections for each unit / lot into the underground drain located within the easement on site, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings;
- b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;

- c) Remove any redundant vehicular crossings with kerb and channel reinstated and the footpath/nature strip area reinstated to match existing construction in the street; [and](#)
- d) [Construct the alterations to the Ponds Drive road reserve in accordance with the plans approved pursuant to Condition 13 of this permit.](#)

all to the satisfaction of the Responsible Authority.

Public Open Space Contribution

[1315](#). The owner of the subject land must pay to the Council a sum equivalent to four (4) per cent of the site value of all of the land in the subdivision as a Public Open Space contribution pursuant to Section 18 of the Subdivision Act 1988. The contribution will be payable prior to the issue of a Statement of Compliance.

Common Property

[1416](#). Prior [to the issue of a](#) statement of compliance, the common property within the subdivision shall be constructed and drained to the satisfaction of the Responsible Authority.

[1517](#). Unless otherwise approved in writing by the Responsible Authority, prior to the issue of the Statement of Compliance:

- a) The development approved by Planning Permit 1027-2016 must be substantially completed (e.g. lockup stage as a minimum) in accordance with the endorsed plans forming part of that Planning Permit (or any amendment to that permit) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority;

or

- b) The owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 which provides for all development to be in accordance with the endorsed plans forming part of the Planning Permit 1027-2016 (or any amendment to that permit) or any subsequent Planning Permit.

The owner must pay the costs of preparation, review, execution and registration of the agreement and the agreement must be registered on the newly created title/s. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to Council.

[1618](#). 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 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.

CCMA Conditions

~~17. Prior to Statement of Compliance the earth levee along Hovells Creek south bank and Ponds Drive must have a minimum freeboard of 600mm above the applicable 1% AEP flood level.~~

Levee Remediation

19. Prior to the issue of a Statement of Compliance, the earth levee remediation along Hovells Creek south bank must have a minimum freeboard of 600mm above the applicable 1% AEP flood level, and generally be in accordance with the plans prepared by PM Design Group, drawing nos C01 to C08 (REV 0 DATE 23.02.15), inclusive.

Barwon Water Conditions

General

~~1820.~~ The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.

~~1921.~~ 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.

~~2022.~~ The creation of an Owners Corporation to encumber all lots within the subdivision.

Water

~~2123.~~ The provision and installation of individual water services including meters to all lots in the subdivision. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted.

~~2224.~~ 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.

~~2325.~~ An additional tapping is to be supplied to service the proposed development. Note that tapplings and services are not to be located under existing or proposed driveways.

Sewer

~~2426.~~ 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).

2527. 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).

2628. The provision of a separate sewer connection branch to all lots within the subdivision. Note that the sewer branch is to be constructed by a certified/licensed plumber. A list of certified/licensed plumbers can be provided upon request.

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number **L013556**.

Downer/Tenix Conditions

2729. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor Conditions

2830. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Limited in accordance with Section 8 of that Act.

2931. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required).

3032. The applicant shall where buildings or other installations exist on the land to be subdivided 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.

3133. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

3234. The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

3335. 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 lots 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.

3436. The applicant shall where buildings or other installations exist on the land to be subdivided connected to supply prior to 1992 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System. The requirements for switchboard and cable labelling contained in the Electricity Safety (Installations) Regulations are to apply.

3537. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.

3638. 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.

3739. The applicant shall obtain Powercor Australia Ltd.'s approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

3840. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

EXPIRY

Development Expiry

3941. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:

- a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
- b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.

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

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

Subdivision Expiry

4042. 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.

Restriction Expiry

4143. This permit as it relates to the removal of restriction will expire if the documentation required is not lodged with the Land Victoria (Titles Office) within twelve (12) months of the date of issue of this permit.

Note:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.
4. Prior to the commencement of works, an Application for Permission to Build Over a Drainage Easement must be lodged with Council.