



**GREATER GEELONG PLANNING SCHEME
AMENDMENT C338 & PLANNING PERMIT 1418/2015**

COMBINED REZONING AND SUBDIVISION PERMIT

**SURPLUS BARWON WATER LAND
176-194 THORNHILL ROAD, HIGHTON**

Submission to the Independent Panel

Panel: Brett Davis (Chair)

Date: 27 June 2017

Presented by: Peter Smith, Coordinator Strategic Implementation

Leanne Stockley, Town Planner

on behalf of City of Greater Geelong

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INTRODUCTION

1. This submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel's support for Amendment C338 and Planning Permit 1418/2015.

The amendment

2. The land subject to the amendment ("the subject land") is 176 – 194 Thornhill Road, Highton. The site is owned by Barwon Water and has partly been identified as surplus.
3. The proposal is to remove the water storage basin from the southern half of the land and rezone it from Public Use Zone 1 to General Residential Zone 1 with a Design and Development Overlay (DDO14). The northern basin is to be retained and this section of the site is not proposed for rezoning.

The permit

4. The planning permit application seeks approval for: a staged multi-lot subdivision of the land and removal of native vegetation, and buildings and works for the construction of a public access path.

The main issues

5. The main issues that have come out of objecting submissions from local residents include: the density of the subdivision and super lots; potential for student housing; removal of gum trees; traffic and car parking; shared pathway; noise and dust from the basin removal and street naming.
6. The main issues raised in submissions from authorities include: pedestrian crossing of Thornhill Road; contaminated land assessments; pump station noise; decommissioning of the water basin and sensitive land uses near the gas pipeline.

Summary of Council's submission

7. The structure of this submission is to initially take the Panel through the site context, background and describe in more detail what is proposed. We will then move to the consideration of the proposal (including against the strategic assessment guidelines) and describe the formal exhibition process. The final part of our the submission is a response to the issues raised in submissions to the amendment and permit including an update on work that has been undertaken to address issues in the lead up to the Panel hearing.
8. We submit that the rezoning of the site is strategically justified being located within the urban boundary of the Geelong Ring Road and warrants a zone that will allow

residential development that can capitalise on the site's location in an established residential area and close to schools, university, hospital and the Highton and Waurn Ponds activity centres.

9. We support the permit application to subdivide the land into conventional lots and super lots that will have potential for development into medium density housing. We believe the revised set of permit conditions that will be tabled address the key issues raised by authorities and local residents.

SITE AND CONTEXT

Geelong and Highton context

10. The subject land is located in Highton on the south-west edge of Geelong, approximately 8.1km street distance from the Geelong CBD, abutting the Geelong Ring Road to the west and south (see Figure 1). The land is elevated at approx. 80 metres above sea level with views towards the south west around to the north east.
11. The land is in close proximity to major education and medical institutions including two campuses of Christian College secondary school, the Marcus Oldham Agricultural College, the Epworth Hospital and Deakin University. It is approximately 2.5km by road to the Highton Shopping Centre (a neighbourhood activity centre) and 2.7km to the Waurn Ponds Shopping Centre (a sub regional activity centre).

Figure 1 - Subject land in context of Geelong and Highton (with contours)



Local Site context

12. The subject land contains a disused concrete water storage basin as shown in Figure 2 below and Figure 3 on next page. The western half of the site is an open grassed area with planted trees along access tracks to the second basin which is north of the subject land. The eastern part of the site contains the batter slopes of the eastern edge of the basin and underground water pipes and infrastructure.
13. The land use to the east and south is residential, to the north is the second water basin and to the west is the pipe track, Geelong Ring Road and farmland. The land has a frontage to the east west portion of Thornhill Road with a row of trees planted just inside the site boundary fence.
14. High voltage electricity transmission lines and a high pressure gas pipeline are close to the western edge of site in the Ring Road reserve and pipe track.

Figure 2 - Photo of disused basin

(Source: Ground Science Pty Ltd, GeoTech Report 2015)



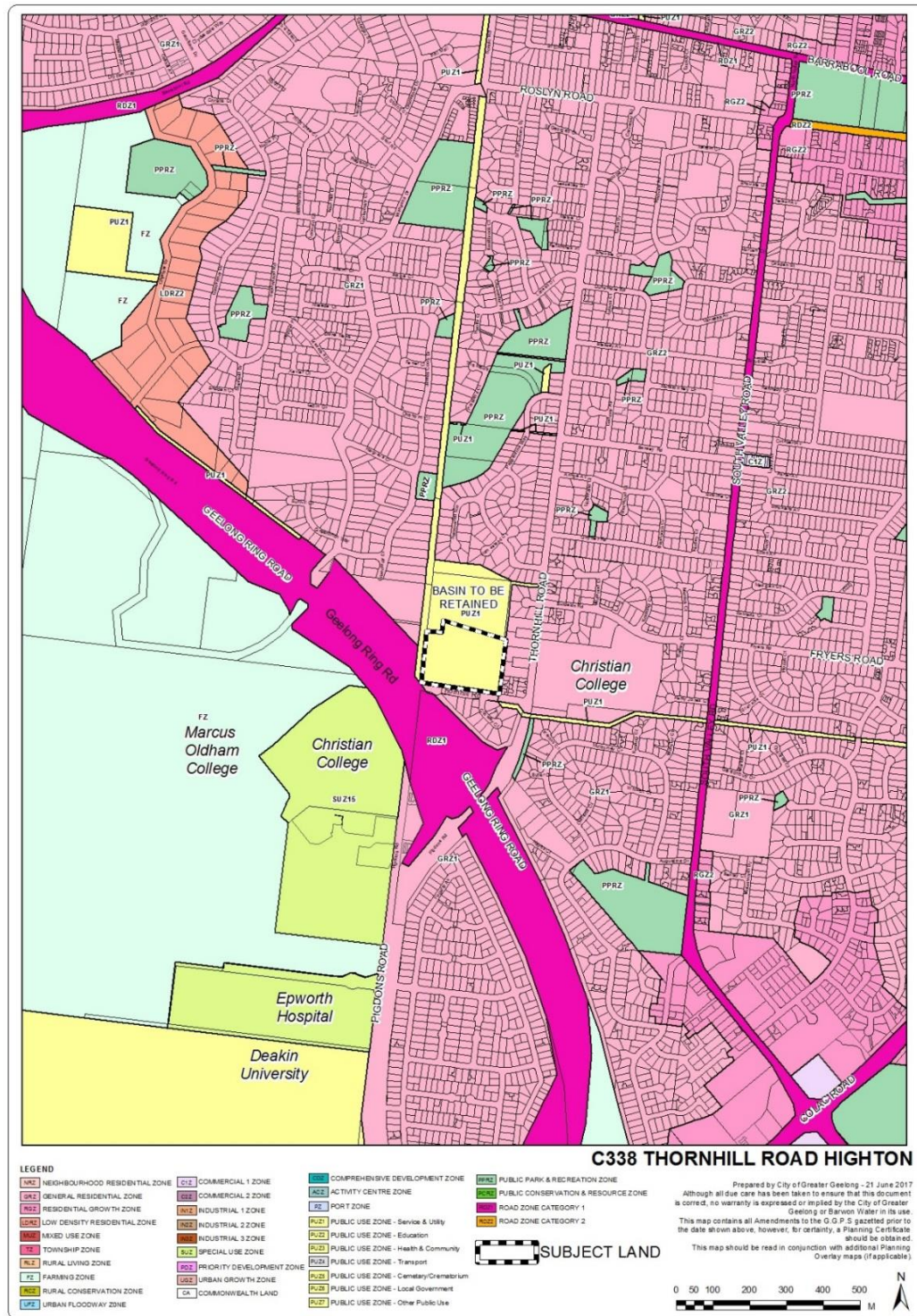
Figure 3 - Aerial Photo of Subject Land



Existing zoning

15. The zoning of the area is shown in Figure 4. The subject land is zoned Public Use Zone and the immediately surrounding land is zoned General Residential Zone and Road Zone.

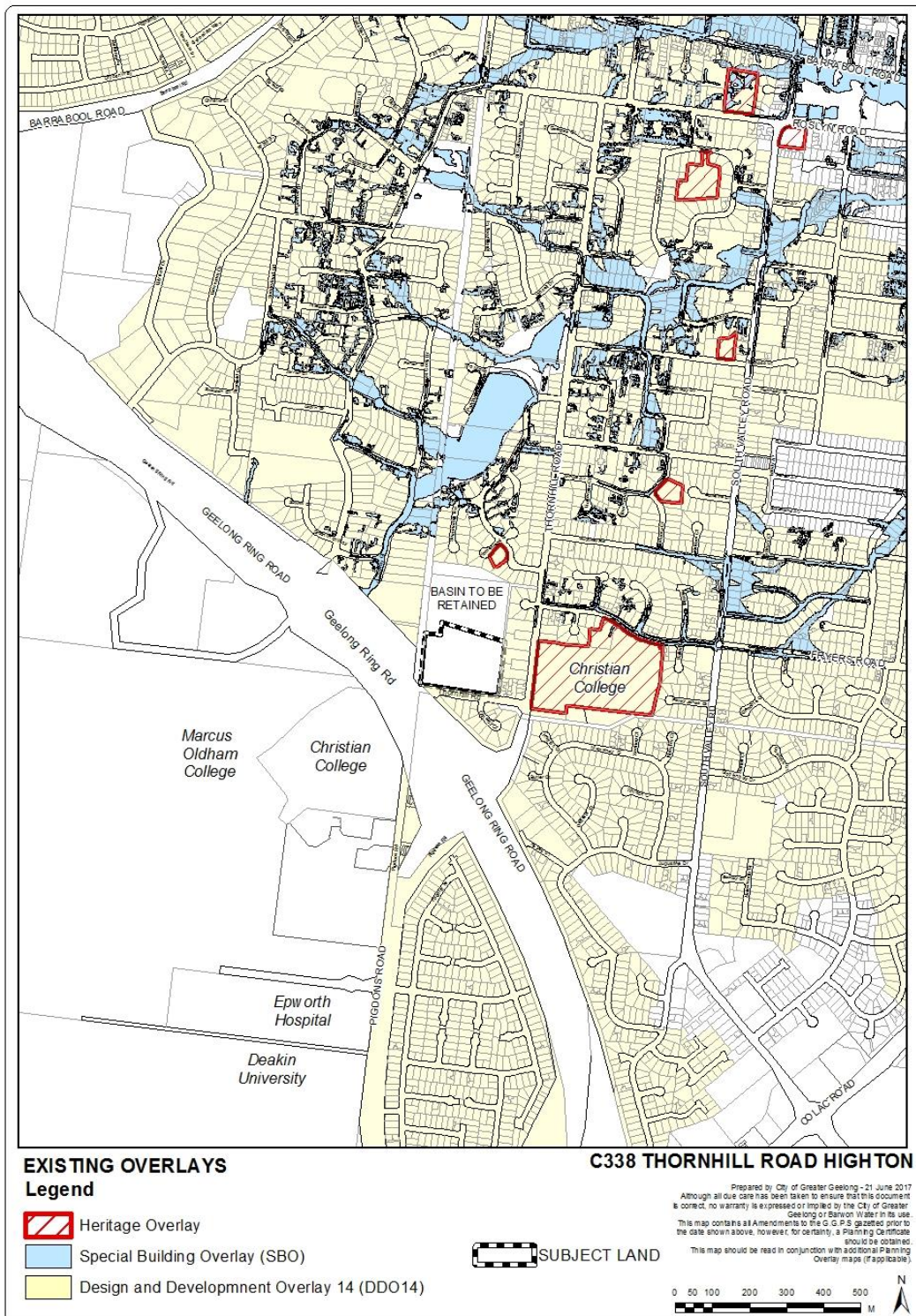
Figure 4 - Existing Zoning



Existing Overlays

16. The subject land is not affected by any overlays. Figure 5 below shows the existing overlays affecting the surrounding areas including the SBO, DDO14 and HO.

Figure 5 – Existing Overlays Map



BACKGROUND

Chronology of events

17. As requested in the Panel Directions, the following is a brief chronology of the key events relating to the rezoning and permit application for the site:

5 Aug 2015 – meeting on stormwater drainage - CoGG, Barwon Water and SMEC

19 Aug 2015 –pre-application meeting - CoGG, Barwon Water and SMEC

27 Oct 2015 - SMEC on behalf of Barwon Water submit a combined planning scheme amendment and planning permit application

27 Nov 2015 – CoGG seeks comments and draft planning permit conditions from internal and external agencies and departments

Dec 2015 – Mar 2016 – Comments received from CoGG officers / external agencies

8 April 2016 – CoGG request more details on stormwater drainage system

10 Aug 2016 – Meeting between CoGG, Barwon Water and SMEC to resolve drainage and open space issues

12 Oct 2016 – SMEC submits amended subdivision application plans and pipe track plan

Jan 2017 – SMEC submits final revised application, plans and technical reports submitted

10 Jan 2017 – Council's delegate resolves to support preparation and exhibition of the amendment and permit and request Ministerial authorisation

12 Jan 2017 – Minister's delegate authorises amendment preparation and exhibition

2 Mar to 3 Apr 2017 – Public Exhibition

5 May 2017 - Council's delegate considers a report on submissions and resolves to refer submissions to a Panel

5 May 2017 - CoGG writes to Planning Panels Victoria and requests that a Panel be appointed

26 May 2017 – Panel issues timetable and directions

27 June 2017 - Panel hearing

Application and supporting documents

18. In October 2015, SMEC consultants on behalf of Barwon Water submitted a combined planning scheme amendment and planning permit application for land at 176-194 Thornhill Road, Highton.
19. The application was accompanied by a Planning Report with the following additional information and technical reports:
- Appendix A Certificate Of Title
 - Appendix B Site Analysis Plan
 - Appendix C Subdivision Concept Plan
 - Appendix D Landscape Master Plan
 - Appendix E Preliminary Transport Assessment
 - Appendix F Ecology & Cultural Heritage Assessment
 - Appendix G Tree Removal Plan
 - Appendix H Geotechnical Investigation Report
 - Appendix I Land Contamination Report 1
 - Appendix J Stormwater Management Plan
 - Appendix K Clause 56 Assessment

The proposed amendment

20. The amendment seeks maps changes only to rezone the southern half of the land from PUZ1 to General Residential Zone 1 and apply the Design and Development Overlay (Schedule 14).

The proposed planning permit

21. The Planning Permit Assessment Report prepared by Ms Stockley, the CoGG Town Planner dealing with the permit application describes the proposal as follows:
22. “The application seeks approval to subdivide the land for residential development and remove native vegetation. In association with the subdivision, the applicant has undertaken to complete the construction of a pedestrian access path from the development site north to Roslyn Road, through the applicant’s land that contains underground water infrastructure, otherwise known as the Pipe Track.
23. The subdivision will create 30 residential allotments, varying in size from 413sqm to 685sqm. Lot frontages vary from 12.5m through to 18m.

24. In addition, the subdivision concept plan provides for two “super lots” which front Thornhill Road and have a combined area of 5100sqm. It is expected that the super lots will be the subject of further application to develop the land for multiple dwellings.
25. The subdivision stormwater discharge will be serviced by a detention basin in the south east corner of the site, with land to the east boundary of the site to be retained as a reserve, encumbered by Barwon Water infrastructure.
26. To the north-west corner of the subdivision area, a pumphouse building will be retained in the “balance” lot, which will also cater for the retention of the northern basin, for the continued used of Barwon Water, until such time as the infrastructure becomes surplus. At that time, it is expected that the northern basin will also be developed for residential land”.
27. A copy of the exhibited subdivision concept plan is in Figure 6.

Figure 6 – Subdivision Concept Plan



YIELD BREAKDOWN

Lot Width (38.0 depth)	3
16m	12
14m	2
12.5m	5
Lot Width (32 depth)	6
16m	1
14m	1
Lot Width (28 depth)	1
14m	1
Lot Width (21 depth)	1
18m	1
Total Lots	30
Avg lot size	539
LOTS PER NDA/HA	10
Superlot	2

LEGEND

- Property Boundary
- Stage Boundary
- Retarding Basin
- Barwon Water Asset - Pump Station
- Open Space (encumbered)
- Existing brick building to be retained
- Existing Gas Pipeline
- Existing Transmission Easement
- Contours (1m intervals)

LAND BUDGET

DESCRIPTION	AREA (Ha)	% Precinct	& NDA
Total Precinct Area	3.42		
Encumbered Land			
Retarding Basin	0.18	5.18%	
Open space (encumbered)	3.11	91.02%	
Net Developable Area	0.98	28.66%	31.49%
Roads	1.62	47.34%	52.01%
Conventional Density Residential	0.51	15.02%	16.50%
Superlots			

ref: 30048006
 date: 11 October 2016
 rev.: L
 draw: NP
 checked: CD

Scale: 1:2,000 @ A3
 0 20 40 60m

please note:
 This plan is based on preliminary information only
 and may be subject to change as a result of formal
 Council/Community advice and confirmation by survey



Subdivision Concept Plan
 122A Thornhill Road, Highton

CONSIDERATION OF THE PROPOSAL

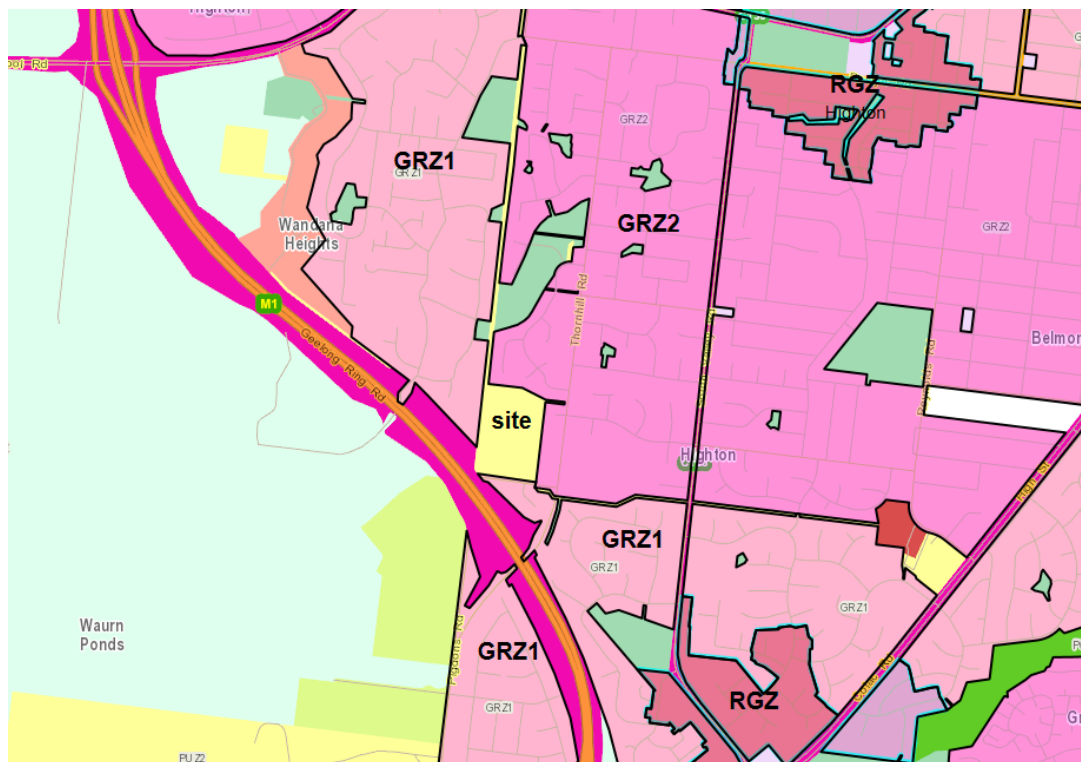
Strategic Assessment

28. Minister’s Direction No. 11 requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. What should be considered as part of the Direction is explained in the DELWP Practice Note 46 (May 2017): “*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments.*” The exhibited Explanatory Report includes a Strategic Assessment and this is the basis for the response to the Strategic Assessment Guidelines provided in **Appendix 1**.

Which residential zone is the most appropriate?

29. The residential area of Highton to the east of the subject land is zoned General Residential Zone - Schedule 2 (GRZ2) while to south and west the General Residential Zone – Schedule 1 (GRZ1) applies. The activity centres of Highton and Waurn Ponds are surrounded by Residential Growth Zone – Schedule 2 (RGZ2) within 400 metres walking distance of the activity centres. See Figure 7 below.

Figure 7 - Map of Residential Zones /Schedules in the area



30. Clause 21.06-3 Urban consolidation was updated in 2014 by amendment C300 which implemented the State Government's new residential zones across Greater Geelong. It and a number of other planning scheme clauses provide guidance on which residential zones should be applied to meet Geelong's housing objectives. Clause 21.06-3 reads as follows:

Objectives

- To provide for the consolidation of existing urban areas in a managed way.
- To encourage an appropriate range of development densities.
- To improve accessibility to urban services.

Strategies

- Manage urban consolidation and housing change across the municipality, by:
- Accommodating medium and high density housing in Key Development Areas (as defined by the maps included in this clause).
- Maximising opportunities for housing within Increased Housing Diversity Areas (as defined in Clause 22.63 Increased Housing Diversity Areas) by accommodating;
 - high density housing in the activity centres consistent with their primary commercial and retail role; and
 - medium density housing in residential areas with more intensive development being located closest to the core of activity centres.
- Supporting appropriate medium density housing in the General Residential Zone (Schedule 1) areas.
- Providing for incremental change in the General Residential Zone (Schedule 2) areas.
- Limiting change in the Neighbourhood Residential Zone areas.
- Encourage medium density housing in the Mixed Use Zone.
- Require retirement accommodation to be located within urban areas, preferably within close proximity to existing or proposed activity centres and public transport facilities.

31. The GRZ2 schedule is titled "Incremental Change Areas" and seeks to limit the intensity of residential development through a 9 metre height limit and two variations to Clause 54 &55 (ResCode) being one canopy tree per dwelling and 60 sq metres of private open space.

32. The GRZ1 schedule is titled "General Residential Area" and has no variations.

33. The subject land is on the border between GRZ1 and GRZ2. Given it is a relatively large site and is generally free of any particular neighbourhood or garden character it is considered appropriate to rezone it to the less restrictive GRZ1. This is Council's usual approach when rezoning larger infill sites or greenfield sites in the municipality. Another recent example is the former CSIRO site which is surrounded by GRZ2 but is proposed to be rezoned to GRZ1 (Amendment C251).

34. The land doesn't meet the criteria to be nominated as either a Key Development Area or Increased Housing Diversity Area and be rezoned Residential Growth Zone.

Why is Design and Development Overlay (DDO14) proposed?

35. DDO14 triggers a planning permit for dwellings over 7.5 metres in height and has an objective: *“To ensure that the siting, height and visual bulk of dwellings achieves a reasonable sharing of views between properties to significant landscape features such as the coast (ocean and foreshore), Corio Bay, Barwon River, Central Geelong, Barrabool Hills and the You Yangs.”* Given the elevated nature of the subject land and the surrounding residential areas being subject to DDO14 it is considered appropriate to apply the overlay.

Compliance with VC133

36. The Panel directed that Council address how the amendment complies with VC133 on the form and content of planning schemes. The Explanatory Report for VC133 has been reviewed and as C338 is only a map amendment there do not appear to be any implications arising from VC133.

EXHIBITION AND SUBMISSIONS

Council resolution to prepare and exhibit an Amendment

37. On 10 January 2016 Council's delegate (Peter Bettess -Director Planning and Development) considered a report on the proposal and made the following decision:

That Council, under delegation, resolves to:

- 1) *Support the preparation and exhibition of Amendment C338 to the Greater Geelong Planning Scheme to:
 - a) *Rezone the southern part of 176-194 Thornhill Road, Highton (the subject land) from Public Use Zone Schedule 1 to General Residential Zone Schedule 1*
 - b) *Apply Design and Development Overlay Schedule 14 to the subject land**
- 2) *Consider and exhibit a draft Planning Permit 1418/2015 for a 32 lot subdivision of the subject land and removal of native vegetation concurrently with the Amendment in accordance with the Section 96A of the Planning and Environment Act.*
- 3) *Request the Minister for Planning to authorise the preparation and exhibition of Amendment C338 and Planning Permit Application 1418/2015.*

Ministerial Authorisation

38. The Minister's delegate authorised the amendment preparation and exhibition on 12 January 2017 – see **Appendix 2**.

Exhibition

39. The amendment and permit were exhibited from 2 March 2017 to 3 April 2017.

40. Letters and an information sheet were mailed to 168 owners and occupiers of properties next to the rezoning site and the pipe track which is proposed for a shared pathway. Letters were also sent to relevant government and service authorities and prescribe Ministers.

41. Notices were published in the Independent Newspaper on 24 February 2017, the Geelong Advertiser on 25 February 2017 and the Government Gazette on 2 March 2017.

Submissions received

42. As a result of public exhibition of the proposal a total of 17 submissions were received. Of these 2 submissions were in support, 7 submissions objected and 8 submissions provided comment or no objection. One submission included a petition signed by 10 people concerned at student housing and loss of gum trees.

43. The map in Figure 8 shows the location of submitters in the vicinity of the subject land.

Figure 8 - Map showing location of submitters



Council Delegate Resolution regarding the submissions

44. On 5 May 2017 Council's delegate considered a report on the submissions and made the following decision:

That Council having considered all submissions to Amendment C338 resolves to:

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 5 of the Planning and Environment Act 1987 to consider submissions relating to the amendment;*
- 2) Refer all submissions to a Panel; and*
- 3) Submit to the Panel its response to the submissions as outlined in this report.*

RESPONSE TO ISSUES RAISED IN SUBMISSIONS

Updates and revised Planning Permit

45. A revised planning permit has been prepared and generally agreed upon by SMEC / Barwon Water. The revised permit is in **Appendix 3** and will be referred to during the course of this next part of our submission.
46. The following response to the issues raised is taken from the Council delegate report of 5 May 2017. Updates and a description of further action taken in the lead up to the panel hearing are shown in [blue text](#).

Layout and density of proposed subdivision and super lots

What is the issue?

47. Two submitters raised concerns at the small size of lots in the subdivision and higher density housing not being in keeping with the neighbourhood character. Concerns have also been raised about future development of the super lots with a submitter concerned that investors could rent out units causing cars to be parked in Thornhill Rd and if 2-3 storey units were built they would overlook her garden. A question is asked if the super lots could be placed at back of subdivision?

Council officer response

48. The area surrounding the proposed subdivision site does include some larger lots particularly on the main north-south section of Thornhill Road. However, there is also a unit development south east of the site and smaller lots to the south in the Conway Court area. As such it is considered the subdivision is not at odds with neighbourhood character and will provide a greater diversity of lot sizes which is encouraged by various state and local planning policies.
49. The two super lots on Thornhill Road are considered to be well located. Further planning permits will generally be required if the super lots are to be developed for multiple dwellings (e.g. apartment or townhouses) or other non-residential uses permitted in the residential zone (except limited "as of right uses"). The DDO14 will also trigger a planning permit for any building over 7.5 metres in height.
50. This means that the nearby residents will most likely have an opportunity to consider future plans for development of these sites as part of future planning permit applications.

Potential for student housing

What is the issue?

51. A number of submitters are concerned that either the super lots could be developed for student housing or students could rent out houses in the new subdivision. Concerns relate to potential social issues, traffic and parking problems.

Council officer response

52. The planning permit application being considered as part of this proposal is to subdivide land and does not seek permission for student accommodation. If a purpose built facility was proposed in the future for student accommodation it would most likely be categorised as group accommodation or a residential building and would require a planning permit. Issues around traffic and parking could be further considered in response to a specific proposal.
53. Students are entitled to buy or rent out houses built in the proposed subdivision and the planning system does not discriminate against this. It would only be if the houses contained excessive numbers of rooms or were turned into boarding houses that there may be a need for further approval. Car parking and traffic issues that may arise would be managed by Council as with any other residential area.

Removal of mature gum trees from the site

What is the issue?

54. Submitters are concerned at the loss of mature trees from the site as a result of the development.

Council officer response

55. The planning permit seeks removal of trees from the site. Given the large amount of earthworks and construction activity and the location of trees close to the boundary it would be difficult to retain many of the existing trees. However, Council officers will ask the applicant to further consider if this is possible.
56. We sought comment on retention of the trees from SMEC (for Barwon Water) who advised *“we would prefer to continue with the current proposal – i.e. removal of all trees along Thornhill Road. As outlined in the supporting reports, they are planted and no planning permit is required for their removal. In terms of aesthetic value, as part of the Thornhill Road upgrade we will be planting a significant amount of street trees, as well as street trees internal to the site and any future landscaping of the MD super lots. This will provide amenity benefits for the adjoining neighbours in terms of streetscape aesthetics”*.

57. Council officers agree that proposed landscaping and street tree planting will help offset the loss of mature trees and eventually soften the impact of the re-development of the site.

Traffic and car parking

What is the issue?

58. Submitters have raised concerns about traffic congestion (particularly at school pick up times), additional traffic problems caused by 32 lots plus 2 medium density sites, traffic at junction of Thornhill/Pigdon roads and the impact on Conway Court residents due to volumes of traffic that will be generated in Thornhill Road.

59. There are also some parking concerns with a submitter commenting that Thornhill Road (east west portion) is already congested particularly during peak school times, Christian College students parking along the section of road and potential student accommodation or medium density housing on the super lots adding to on street parking problems.

Council officer response

60. A preliminary transport assessment prepared by SMEC Urban (Oct 2015) was submitted with the rezoning and permit application. The assessment found:

“the development generated traffic will not impact on the operation of the existing unsignalised intersection of Thornhill Road / Augustine Rd (i.e. east-west section of Thornhill Rd) as the additional traffic is negligible compared to the capacity of the intersection” (SMEC 2015 p.20.)

61. Council’s traffic engineer reviewed the report and found that the 32 lot subdivision will generate 200 – 350 vehicle trips per day, which can be absorbed into the local road network.

62. With regards to parking, Council’s traffic engineer recommends some indented parking bays be provided on the north side of Thornhill Rd, as the existing bicycle lane is not wide enough to be converted to a parking lane. This can be incorporated into Condition 12 of the planning permit which requires upgrading of Thornhill Road across the full frontage of the site including footpath, kerb and channel, road pavement construction, lighting etc.

63. [Condition 12 of the planning permit has been revised to include a requirement for indented parking.](#)

64. This additional on-street parking may help alleviate the parking issues of concern to the submitters.

Shared pathway connections

What is the issue?

65. A submitter suggests a shared user path should go via a new overpass over the Geelong Ring Road linking the educational and health establishments (Epworth, Deakin, Christian College Senior Campus).

Council officer response

66. There is already a pathway along the northern edge of Thornhill Road/Pigdons Road including where the road crosses the Geelong Ring Road, hence another overpass is not required.

Noise and dust from removal of water storage basin and construction

What is the issue?

67. Residents are concerned about the impact on them and their properties from the removal of the basin and construction of the subdivision. Concerns include dust and wind blown soil, noise and vibrations.

Council officer response

68. The planning permit includes a Construction Environment Management Plan to be prepared and approved prior to any works commencing. This condition can be tightened to include specific reference to the demolition and removal of the water basin.

69. [“Associated Works” has been included in the permit preamble to cover earth works required to remove the basin and prepare land for subdivision. Condition 5 has been amended to include reference to the works to remove the water basin, in response to submissions.](#)

Request to re-name section of Thornhill Road

What is the issue?

70. Submitters raise concern at confusion caused by the east west section of road being called Thornhill Road alongside the main north south road.

Council officer response

71. Council officers believe the road should be re-named and will investigate how this can be done in conjunction with the subdivision.

72. The SMEC Traffic Assessment calls the east-west section of road Augustines Road and includes the following note:

“NOTE: There is a discrepancy in the road naming of the east-west road that abuts the southern boundary of the subject land. This road is called “Augustines Road” by Google Maps and Open Street Map, which are the main map references used by the SMEC Traffic and Transport Team. It is understood that Land Victoria and Planning Maps Online call this same stretch of road “Thornhill Road”. It is further noted that individual properties are addressed to Thornhill Road within this stretch of road. Notwithstanding these observations, please note that this Traffic Assessment report refers to this road as “Augustine’s Road” throughout this report because of the map references used by Google and Open Street Map.”

73. Augustines Road may not be the best name for this section of road as it could be confused with Augustine Drive in another part of Highton.

74. A new Condition 7(f) has been included to require an “Indicative street naming layout plan” as part of the construction plans that are to be submitted prior to the commencement of works on the subdivision.

Pedestrian refuge crossing on Thornhill Road

What is the issue?

75. The submission from the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) recommends a pedestrian refuge crossing on Thornhill Rd on north side of Augustine Dve to connect from proposed shared path to existing path and Christian College to the development.

Council officer response

76. Council officers believe a formalised crossing of Thornhill Road may have merit. A possible site could be the existing splitter island just south of the intersection. Council officers will discuss this further with the applicant and DEDJTR prior to a Panel hearing and may include an additional permit condition.

77. This matter was discussed between CoGG, DEDJTR and SMEC and a new condition 7 (g) has been included to require a new pedestrian crossing point and refuge south of the intersection.

EPA comments and conditions

What is the issue?

78. The EPA makes a number of comments and suggestions on issues including contaminated land assessments, pump station noise and decommissioning of the water storage basin. These issues are as documented in Appendix 4.

Council officer response

79. In relation to the level of assessment required on soil contamination, Council officers believe sufficient investigation has been undertaken to satisfy Ministerial Direction No.1 and the Practice Note. The Preliminary Site Investigation (by Environmental Site Assessments, reference ESA/179/2015) has been provided in support of the application and concludes the site should be suitable for a residential (sensitive) reuse.

80. The suggested additional permit conditions from the EPA will be further reviewed in the lead up to a Panel hearing.

81. In relation to pump station noise a new Condition 63 has been included 63. *“Noise from the pump station must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011).”*

82. The other EPA recommended conditions have been included as conditions 81-84.

Future sensitive uses in vicinity of high pressure gas pipeline

What is the issue?

83. A submission by Downer for AusNet Services refers to a gas transmission pipeline (Pipeline Licence 99) that traverses along the western boundary of the site.

84. The submission offers no objection to the proposed rezoning as per C338 and consequent subdivision as per PP 1418-2015, provided a number of conditions are met to AusNet Services' satisfaction.

Council officer response

85. The recommended conditions are already part of the exhibited planning permit. However, upon closer review it is considered that one of the conditions may be difficult to achieve as it controls future land use rather than relating to subdivision.

86. The condition reads as follows:

“The development or the usage of the land, which may result in T2 (High Density) or S (Sensitive) Location Class as per AS 2885.1 (such as Aged Care, hospitals, child care, school, commercial centres or areas of congregation) shall not be permitted within the measurement length of Pipeline Licence 99, unless a Safety Management Study as per the requirements of AS 2885.1-2012 and in conjunction with AusNet Services is carried out by the applicant to identify and mitigate the threats to the pipeline”

87. Council officers intend to achieve this condition through a Section 173 Agreement over the site and will re-draft the permit conditions accordingly.
88. Maps of the gas transmission pipeline are provided in **Appendix 4**.
89. Condition 80 has been included to require a Section 173 Agreement to cover the issues raised by Downer for Ausnet Services in relation to the pipeline.

CONCLUSION

90. We submit the amendment and subdivision permit will have an overall net community benefit by rezoning a surplus and disused government site for residential infill development. It is considered to be a strategically located site in proximity to a range of services and employment opportunities. We believe we have demonstrated that the impacts on adjoining residents can be appropriately managed by the proposed permit conditions and on this basis we respectfully seek the Panel's support for the proposal.

APPENDICES

Appendix 1 - Response to Strategic Assessment Guidelines

Why is the Amendment required?

Barwon Water has completed an extensive review of its property assets and has identified the subject land as surplus and wishes to sell it for private use and development. The land is currently within the Public Use Zone 1 (PUZ1), Service and Utility, and the appropriate underlying zones and overlays need to be applied to before sale.

How does the Amendment implement the objectives of planning in Victoria?

Section 4 of the Act sets out the objectives of planning in Victoria. Those that are directly related to this Amendment are:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives set out in the points above.*
- *To balance the present and future interests of all Victorians.”*

How does the Amendment address any environmental, social and economic effects?

An assessment of the site's ecological and Aboriginal cultural heritage identified minimal areas of significance. High levels of land modification have occurred through the construction of the basins on site, likely destroying any Aboriginal archaeological deposits which may have been present.

Areas of remnant native vegetation across the entire subject site are limited to small fragmented patches of the Grassy Woodland Ecological Vegetation Class (0.391ha in total). An impact assessment of the development on the identified EVC has been undertaken and identifies biodiversity offsets which will need to be contributed.

Noise from the nearby Geelong Ring Road has been assessed by acoustic experts and reviewed by Vic Roads. It has been determined that noise levels are just under those which would require the installation of noise walls.

Does the Amendment address relevant bushfire risk?

The western portion of the site (being a strip of land approximately 35 metres wide) is identified as a Bushfire Prone Area in the State wide mapping. This means any building permits for dwellings would need to ensure appropriate BAL ratings. However, the land is

not subject to a Bushfire Management Overlay and the Geelong Ring Road should act as a fire break for any grassland fires that may occur on the farmland further west. The CFA provided initial comments to the effect that the site constitutes a low bushfire hazard but has requested conditions be placed on the permit requiring fire hydrants.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with applicable Minister's Directions. The amendment is consistent with the Minister's Direction on the Form and Content of Planning Schemes under section 7(5) of the Act, which directs that planning schemes may only include land in a Public Use Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council. As the land will be released/on sold by Barwon Water, it is appropriate to remove the PUZ from the land.

Potentially contaminated land has been considered in accordance with Ministerial Direction No.1 and the *General Practice Note on Potentially Contaminated Land (June 2005)*. A Land Contamination Investigation of the site by Environmental Site Assessments identified that the land is suitable for residential development and other sensitive land uses.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment implements Clause 11.07 Geelong (G21) Regional Growth Plan by enabling the land to be used and developed consistent with established planning for the surrounding area. The amendment supports:

- Clause 11.02 Urban Growth, by ensuring a sufficient supply of land is available for residential uses.
- Clause 11.04-2 Housing Choice and Affordability, by providing a diversity of housing in defined locations that cater for different households and areas close to jobs and services.
- Clause 14.02-3 Water Conservation, by ensuring that water resources are managed in a sustainable way.
- Clause 16.01 Housing, by providing additional residential land for infill development.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports:

- Clauses 21.06-2 Urban Growth, by limiting urban sprawl and maintaining land supply.
- Clause 21.06-3 Urban Consolidation, by providing for the consolidation of existing urban areas, encouraging a range of densities and accessibility to urban services.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions, applying relevant zones and overlays consistent with the surrounding land. The retention of remaining Barwon Water land within the Public Use Zone 1 is also consistent with Planning Practice Note No.2 – Public Land Zones.

The amendment has regard to the newly introduced Fast Track Government Land (FTGL) Service, which seeks to facilitate the orderly management of government or publically owned land. No other government authorities have expressed interest in acquiring this land, therefore it is appropriate to rezone and sell the surplus land.

Appendix 2 – Authorisation for C338 from the Minister’s delegate



Department of Environment Land, Water and Planning

Level 4, State Government Office
Geelong, Victoria 3220
PO Box 103
Geelong, Victoria 3220
www.delwp.vic.gov.au

File: FOL/17/1889

Mr Kelvin Spiller
Chief Executive Officer
Greater Geelong City Council

Email address: psmith@geelongcity.vic.gov.au

Dear Mr Spiller

PROPOSED GREATER GEELONG PLANNING SCHEME AMENDMENT C338

I refer to your council’s application for authorisation to prepare an amendment to the Greater Geelong Planning Scheme. The amendment proposes to rezone the surplus Barwon Water land at 176 - 194 Thornhill Road, Highton from Public Use Zone to the General Residential Zone and apply the Design and Development Overlay Schedule 14.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment. An accompanying combined planning permit application is for a 32 lot subdivision of the land, associated works and the removal of native vegetation.

The amendment, together with the granting of a permit recommendation and the proposed permit, must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister at least 10 business days before council first gives notice of the amendment.

Please submit the amendment electronically to planning.amendments@delwp.vic.gov.au

If you have any further queries in relation to this matter, please contact, Mark Gregory, Planning Coordinator at the department's regional office in Geelong, on (03) 5226 4606.

Yours sincerely



Kim McGough
Manager – Barwon South West
Regional Planning Services

12/ 01/ 2017

Appendix 3 – Revised Planning Permit (Post Exhibition Version 21-6-17)

PLANNING PERMIT

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

Permit No.: PP-1418-2015

Planning scheme: Greater Geelong Planning
Scheme

Responsible authority: Greater Geelong City
Council

ADDRESS OF THE LAND: 176-194 THORNHILL ROAD, HIGHTON

THE PERMIT ALLOWS: STAGED MULTI-LOT SUBDIVISION AND ASSOCIATED WORKS,
REMOVAL OF NATIVE VEGETATION, AND BUILDINGS AND WORKS FOR THE
CONSTRUCTION OF A PUBLIC ACCESS PATH

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Commented [LS1]: Included "Associated Works" in preamble to cover earth works required to remove basin and prepare land for subdivision

Amended Plans Required

1. Before the plan of subdivision can be certified, 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 plan entitled "Subdivision Concept Plan, 122A Thornhill Road, Highton, dated 11 October 2016, rev: L" but modified to show:
 - a) A staging plan. The Staging plan must provide for staging of residential lots generally in accordance with the plan;
 - b) Dimensions for the drainage reserve that caters for the retarding basin and water quality treatment device in accordance with the revised Site Stormwater Management Plan;
 - c) Corner splays on the 10m wide lane, adequate to cater for intersections with a Council garbage truck used as a primary design vehicle;
 - d) The inclusion of all detention and stormwater treatment facilities within stage 1;
 - e) Corner splays for road purposes at the intersection of streets;
 - f) 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.

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.
3. All reserves nominated on the plan of subdivision are to be vested to Council and the creation must be at no expense to Council

Date Issued:

Date Permit comes into
operation:
(or if no date is specified, the
permit comes into operation on
the same day as the amendment,
to which the permit applies,
comes into operation)

Signature for the Responsible
Authority

Prior to Commencement of Works

4. Prior to commencement of works, the developer must submit an amended Site Stormwater Management Plan (SSMP) to the satisfaction of the Responsible Authority for approval. The revised SSMP shall generally be in accordance with the submitted plan, but amended to show:
 - a) How discharges from the site during a major event will not have any negative impacts on downstream properties;
 - b) Adequate functional engineering plans for the free draining biofilter and retarding basin demonstrating how they can be constructed and maintained;
 to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

5. Prior to works commencing for the demolition and removal of the water basin, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. When approved this Construction Environmental Management Plan will form part of this permit. This plan must incorporate, but is not limited to, the following information:
 - a) The plan must address control of site emissions during the works for the removal of the water basin, and the works for ~~construction~~ the construction of the subdivision and the defects liability period to the satisfaction of the Responsible Authority.
 - b) The plans must include measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period.

The CMP must be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004 and CCF Environmental Guidelines for Civil Construction, 2010.
6. All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority.

Commented [LS2]: Addition of reference to the works to remove the water basin, in response to submissions

Engineering Plans - Road Design and Drainage

Construction Plans

7. Prior to the commencement of works on the subdivision, engineer designed roadworks and drainage construction plans, in accordance with the Infrastructure Design Manual and including Functional Layout Plan must be submitted to and approved by the Responsible Authority. The engineering construction plans must show:
 - a) With each stage the extent of any proposed interim or temporary measures associated with road or other infrastructure;
 - b) Construction to a standard that achieves a functional design with no adverse external impacts and achieve an acceptable standard of aesthetics including landscaping and is maintained in perpetuity to the satisfaction of the Responsible Authority;
 - c) The stormwater drainage system designed so that stormwater runoff exiting the land meets the current best practice performance objectives for storm water quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - i) 80% retention of the typical annual load of suspended solids;
 - ii) 45% retention of the typical annual load of total phosphorous;
 - iii) 45% retention of the typical annual load of total nitrogen; and
 - iv) 70% retention of the typical annual load of gross pollutants
 - d) Footpath, kerb and channel and associated road works, such as linemarking, signage and

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_____	_____	_____

- any other traffic management devices
- e) Modification of the existing splitter island at the intersection of Thornhill Road and Pigdons Road to accommodate a pedestrian refuge. The existing splitter island in Pigdons Road must be removed, and reconstructed as a pedestrian refuge with a staggered footpath inside of it. New pram crossings must be constructed on each side of Pigdons Road and located opposite the pedestrian entry points in the pedestrian refuge.
- f) Indicative street naming layout plan
- ~~d) Footpath, kerb and channel and associated road works;~~
all to the satisfaction of the Responsible Authority.

Commented [LS3]: Addition in accordance with submission from DEDJTR; PTV; VicRoads

Commented [LS4]: Additional detail requested by Traffic Unit

Drainage Design

8. Unless otherwise approved in writing by the Responsible Authority, the design of stormwater drainage and any Water Sensitive Urban Design (WSUD) systems should generally comply with the objectives and design guidelines outlined in:
- a) any endorsed Site Stormwater Management Plan (or similar) developed for this site, to the satisfaction of the Responsible Authority; and
 - b) current stormwater design standards where applicable to the satisfaction of the Responsible Authority, including but not limited to:
 - i) WSUD Engineering Procedures: Stormwater (Melbourne Water, 2005)
 - ii) Infrastructure Design Manual (Current Version)
 - iii) Melbourne Water: Constructed Wetlands Design Manual Volumes
 - iv) CRC: Adoption Guidelines for Stormwater Biofiltration Systems (Version 2, 2015)
 - v) Water By Design: Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (Version 1.1, 2010)

Note: Design of any WSUD elements must be supported by a MUSIC model or similar in accordance with the relevant modelling guidelines, to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design (WSUD) Landscape Plan

9. Unless otherwise agreed in writing by the Responsible Authority, prior to commencement of works, a detailed landscape plan for all Water Sensitive Urban Design elements must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and must include:
- a) Construction details of all water sensitive urban design elements including materials and plantings required for effective stormwater pollutant removal in accordance with the drainage design criteria specified in the conditions of this permit;
 - b) Planting and establishment schedule for all water sensitive urban design planting, including species and densities in accordance with the drainage design criteria specified in this permit;
 - c) Q10 and Q100 levels, and associated flow rates;
 - d) Details of existing and finished surface levels.;
 - e) Construction and establishment methodology and associated staging of the WSUD works specific to the site, in accordance with relevant industry standards to the satisfaction of the Responsible Authority. (reference is made to Water By Design – Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands, April 2010)

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Maintenance of WSUD Elements

10. Unless otherwise approved in writing by the Responsible Authority, the Water sensitive Urban Design works, including civil and landscaping works must be maintained by the permit holder to the satisfaction of the Responsible Authority, until the later of the following time periods:
- a) when 80% of the development on the lots is completed; or
 - b) when a Statement of Compliance is issued for the last stage of the subdivision; or
 - c) a minimum of 2 years from the issue of a Practical completion for the construction, including the civil and landscaping works.

DRAFT

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Permit No.: PP-1418-2015

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Drainage and Road Construction Completion

11. Prior to the issuing of a Statement of Compliance for the subdivision, an underground site stormwater drainage system including detention basin must be constructed in accordance with the approved plans and specifications. The stormwater drainage system is to be constructed within easements and/or road reserves to cater for all lots, roads, streets and courts created by the subdivision and the surrounding developed and undeveloped area all to the satisfaction of the Responsible Authority. The road works and drainage must include:

- a) Fully sealed pavement with kerb and channel;
 - b) Concrete footpaths; and
 - c) Underground stormwater drainage;
- to the satisfaction of the Responsible Authority

Adjoining Road Construction

12. ~~Prior to the issuing of a Statement of Compliance for the subdivision, the following works to the adjoining road network must be completed to the satisfaction of the Responsible Authority:~~

- a) ~~Upgrade to Thornhill Road for the full frontage of the development, including:~~
 - i) ~~indented parking;~~
 - ii) ~~kerb outstands for landscaping~~
 - iii) ~~footpath;~~
 - iv) ~~concrete kerb and channel;~~
 - v) ~~construction of the road, including pavement and asphalted and~~
 - vi) ~~street lighting.~~
- b) ~~Removal of the existing turn around area where Thornhill Road was formally truncated and assessment of the former pavement to the west (if this is to be retained);~~
- c) ~~Modification of the existing splitter island at the intersection of Thornhill Road and Pigdons Road to provide for a pedestrian refuge. New footpaths must be constructed to provide a link from the existing footpaths and the pram crossings. Any redundant vehicle crossings/pram crossings must be removed and reinstated to the typical kerb type ;~~

~~All works are to be in accordance with plans approved by the Responsible Authority.~~

~~**Adjoining Road Construction – Kerb and Channel/Footpath**~~

~~12. Prior to the issuing of a Statement of Compliance for the subdivision for the adjoining stage, Thornhill Road shall be upgraded across the full frontage of the development. This will include kerb outstands for landscaping, footpath, concrete kerb and channel, the construction of the road, including pavement and asphalted and street lighting. This shall include the removal of the existing turn around area where the road was formally truncated and assessment of the former pavement to the west if this is to be retained.~~

Street Names – Place Signs

13. Prior to the issuing of a Statement of Compliance for the subdivision the subdivider must provide and place all relevant street signs to the satisfaction of the Responsible Authority.

Street Lighting

14. Prior to the issuing of a Statement of Compliance for the subdivision street lighting must be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.

Council Reserves – Footpath / Loam / Landscape

15. The subdivider shall construct a reinforced concrete footpath, loam and sow down, landscape, etc., within and abutting the Council Reserve to the satisfaction of the Responsible Authority.

Commented [LS5]: Condition 12 restructured

Commented [LS6]: Addition of indented parking, in response to submission

Commented [LS7]: Additional detail from Traffic Unit

Commented [LS8]: Addition and modification to condition to allow for pedestrian refuge works in accordance with DEDJTR, PTV and VicRoads submission.

Commented [BC9]: To reflect discussions with Peter that indented parking may not be required along the entire length of Thornhill Road.

Commented [LS10]: Addition of indented parking, in response to submission

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Fencing of Council Reserves

16. Unless otherwise agreed in writing by the Responsible Authority, Prior to the issuing of a Statement of Compliance for the subdivision the subdivider shall erect a standard fence on all boundaries to Council Reserve to the satisfaction of the Responsible Authority and at no cost to Council.

Council Reserves – Vehicle Access Barriers

17. Suitable vehicle access barriers shall be provided across the entrance of the Council Reserve, one of these shall be de-mountable to allow access to Council maintenance vehicles. The location of these barriers shall be determined by the Responsible Authority.

Disturbed Surfaces

18. Prior to the issuing of a Statement of Compliance for the subdivision, all disturbed surfaces on the land authorised by this permit except those areas set aside for roadways and footpaths shall be dressed with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Responsible Authority to prevent any erosion or siltation either on or adjacent to the land.

Alternative Site Access

19. The developer shall provide alternative site access for construction equipment, delivery trucks, etc., other than in existing internal constructed streets where possible.

Council Assets

20. Prior to the issuing of a Statement of Compliance for the subdivision, any repair and reinstatement necessitated by damage to Council assets caused by or as a result of the subdivision construction is required to be carried out at the developer's expense to the satisfaction of the Responsible Authority.

Existing Fill

21. Prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision, any existing previously filled ground within/abutting the subdivision for which the conditions of the placement are neither adequately documented and tested, nor are to the satisfaction of the Responsible Authority, must be completely removed by the developer. Replacement material, compaction and testing of the fill is to be to the satisfaction of the Responsible Authority.

Restoration of Water Storage Basin for Development

22. Prior to the issuing of a Statement of Compliance for the subdivision the dam site located within the subdivision shall be emptied, stripped of saturated material and surveyed for level and location. This information shall be recorded on the engineering construction plans to the satisfaction of the Responsible Authority. Replacement material, compaction and testing of the backfill is to be to the satisfaction of the Responsible Authority.

Drainage Levy

23. Prior to the issuing of a Statement of Compliance for the subdivision a pro-rata main drainage levy at the approved ruling rate at the time of payment shall be made towards the cost of existing and future main drainage works.

Works Maintenance and Bond

24. The design and construction of the stormwater drainage connection into the existing council infrastructure and any new council infrastructure needs to 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

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supervision of these works. A maintenance bond of 5% of the cost of the works is to be paid to council and will be returned after successful completion of a three month maintenance period.

Streetscape and Landscaping Works

Streetscape Plans - Landscaping

25. Prior to the commencement of works, unless approved in writing by the Responsible Authority, a Landscape Master Plan for the entire estate must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and then form part of the permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided. The plan must show and include:

- a) The landscaping theme and graphical concepts to be developed for the subdivision;
- b) The type of species to be used for street tree planting in various stages of the subdivision;
- c) The areas which will be available for landscaping;
- d) Entrance treatments; and,
- e) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves.

26. Prior to the Statement of Compliance being issued for each stage of the subdivision, unless approved in writing by the Responsible Authority, 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 (3) hard copies and an electronic copy must be provided. The plan must address and be consistent with the endorsed landscape master plan and must show, but not be limited to, the following:

- a) —The proposed Q10 and Q100 events extent;
- b) Any tree(s) proposed for retention within a road reserve or public open space (excluding conservation areas) for any stage of the development. These trees must be independently assessed by a suitably qualified arborist. The arborist assessment must detail the 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) Vegetation that is approved to be retained, removed and/or lopped and any other tree(s) approved for retention, including details of tree protection zones;
- d) New plantings including their layout in any road reserves, municipal reserves and stormwater management elements;
- e) 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 (note: north/south streets are to utilise evergreen species and east/west streets are to utilise deciduous species);
- f) The proposed layout, materials and finishes of paths, areas of pavement, structures, fences abutting council reserves, maintenance vehicle access crossovers maintenance access gates and street furniture;
- g) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- h) Detailed planting and construction drawings of any drainage and Water Sensitive Urban Design (WSUD) infrastructure within public reserves;

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- i) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications;
- j) Additional supporting information, such as certified structural designs or building forms;
- k) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
- l) 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);
- m) Proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;
- n) The proposed tree species for all secondary frontages of corner allotments using trees no larger than 5 x 4 metres at maturity and capped to two (2) only;
- o) The indicative maintenance schedule for all proposed landscaping, including hard and soft landscaping elements;
- p) The implementation of any landscape principles and guidelines contained in the Precinct Structure Plan;
- q) Bicycle parking to support primary cycling routes throughout the subdivision;
- r) Landscaping treatment of any road reserve abutting public open space;
- s) Linear reserves which are surrounded by small lots designed to have low maintenance treatments, including landscaping with granite and drought tolerant shrubs;
- t) Modification to pathways within linear reserves and pocket parks to ensure that an encroachment of less than 10% is achieved where possible into Tree Protection Zones;
- u) Protection and treatment of habitat zones, as appropriate; and,
- v) A detailed management and maintenance plan for the habitat areas within the reserves if retained to inform the permitted works within these areas, including the ongoing future management of these areas and an associated revegetation program.

Notes

1. Streetscape plans must be submitted to the Responsible Authority for approval separately to adjoining land including Council reserves.
2. Proposed entry signage must not be located on public land.
3. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.
4. Street tree species selection within the master plan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching dated 25 Nov 2015. Tree location and species type shall be determined, in consultation with CitiPower/Powercor, based on the specific site and the ability of the tree to both enhance the local amenity and co-exist with utility services infrastructure – with all trees to be identified on a 'master services plan' provided by the party planting the trees.

The applicant must obtain and provide evidence to the Responsible Authority that Powercor has been consulted and has agreed with the proposed street tree species palette.

Pipe Track Reserve

27. Prior to the Statement of Compliance for the first stage of the subdivision, Barwon Water must enter into a legal agreement with Council's Recreation and Open Space Department that, provides full-time access to the pipe reserve for Council employees or contractors to undertake day-to-day maintenance (grass cutting etc.), and for full-time access to the general public, while

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assigning public liability and responsibility for track maintenance/replacement with Barwon Water.

28. Prior to Statement of Compliance for the first stage of the subdivision, unless approved in writing by the Responsible Authority, a detailed landscape plan for the Barwon Water Pipe Track, 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 (3) hard copies and an electronic copy must be provided. The plan must address, but not be limited to, the following:

- a) Any existing tree(s) proposed for retention within Barwon Water Pipe Track. These trees must be independently assessed by a suitably qualified arborist. The arborist assessment must detail the 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;
 - b) A 2.5 metre wide shared path between Thornhill Road and Roslyn Road;
 - c) New plantings including their layout;
 - d) Furniture;
 - e) Connections to Council's footpath network;
 - f) The proposed layout, materials and finishes of paths, areas of pavement, structures, maintenance vehicle access crossovers, maintenance access gates and street furniture;
 - g) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
 - h) Permeable fence design details for lots abutting the pipe track. Fencing detail must be to Council specifications;
 - i) Details of all infrastructure within the pipe track reserve including but not limited to power (High Voltage & Low Voltage), water mains, gas mains, fire plugs, street lights, stormwater pits etc;
 - j) The indicative maintenance schedule for all proposed landscaping, including hard and soft landscaping elements;
 - k) Landscaping treatment of the road reserve abutting the pipe track;
 - l) Modification to pathways within the pipe track to ensure that an encroachment of less than 10% is achieved where possible into Tree Protection Zones;
29. The owner of the subject land must undertake provision of works for a public access path and associated landscaping from Thornhill Road to Roslyn Road in the land known as the Barwon Water Pipe Track, in accordance with the plans submitted to and approved by the Responsible Authority. The works are to be provided prior to the issue of statement of compliance of the first stage of the subdivision and are in-lieu of cash contribution or land provision in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
30. 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.

Completion of Landscaping Works and Works Within the Pipe Track Reserve

31. Unless otherwise approved in writing by the Responsible Authority, all landscaping works shown on the approved landscape plan(s), including trees approved for retention for a particular stage, must be completed to the satisfaction of the Responsible Authority prior to the issue of a

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Statement of Compliance for that stage.

32. 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. Prior to the issue of practical completion of landscaping works, unless otherwise agreed and approved in writing by the Responsible Authority, the following 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.
 - e) A maintenance bond or bank guarantee to the value of 100 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

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34. If the Responsible Authority agrees to issue Statement of Compliance prior to the landscaping works being completed, the outstanding landscaping works must be 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. 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.
35. The landscaping, including wetlands and any trees approved for retention, shown on any endorsed landscape plan for a particular stage must be maintained in accordance with Council's Landscape Standards Manual dated June 2013, or any replacement landscape standard guidelines or manual which may be adopted by the Council, 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.
36. At completion of works, a final inspection is required and 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.
37. Unless otherwise approved in writing by the Responsible Authority, public access to the Pipe Track shared path shall commence at practical completion of the works.

NOTE: No Handovers will be accepted during the summer months from 1 December to 28 February inclusive.

Vegetation Removal/Protection

38. No native vegetation shall be removed other than that marked on the endorsed Vegetation Retention/Removal Plan, to the satisfaction of the Responsible Authority.
39. In order to offset the removal of 0.224 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 the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. The general offset must:
 - a) contribute gain of 0.011 general biodiversity equivalence units
 - b) be located within the Corangamite Catchment Management Authority boundary or City of Greater Geelong municipal district
 - c) have a strategic biodiversity score of at least 0.128.
40. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:
 - a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - b) a credit register extract from the Native Vegetation Credit Register.

Any credit register extract from the Native Vegetation Credit Register must be submitted to the Environment and Waste Services Unit as a formal record of the offset evidence.

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41. Removal, including pruning, of native vegetation must be undertaken using a suitably qualified arborist and be carried out in accordance with *AS4373 – 2007; 'Pruning of Amenity Trees to the satisfaction of the Responsible Authority'*. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.
42. Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. An inspection is required to be undertaken by the Responsible Authority.
43. Prior to any native vegetation removal, the vegetation to be retained on site shall be protected by Tree Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. An inspection is required to be undertaken by the Responsible Authority.
The Tree Protection Fencing must have signs attached around the fencing which clearly states - TREE PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Please contact the City's Environment Unit to arrange an inspection.
44. Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone:
 - a) vehicular or public pedestrian access.
 - b) trenching or soil excavation.
 - c) storage or dumping of tools, equipment, soil, stone or waste is to occur.
 - d) construction of entry and exit pits for underground services.
 - e) temporary or permanent installation of signs and utilities.
45. All work within the drip line of any tree to be retained above or below ground must be supervised by a suitably qualified level 5 arborist to ensure that the works are done in a manner which protects and minimises damage to those trees to the satisfaction of the Responsible Authority.
46. Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.
47. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation.
49. All vehicles, earth moving equipment and other machinery must be cleaned of soil and plant materials before entering and leaving the site to prevent the spread of weed and pathogens.

Waste Services

50. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, relevant street signs must be erected to the satisfaction of the Responsible Authority, including any signs required to prevent parking on the street on days of recycling and waste kerbside collections to allow the collection contractor to service the courts and streets. Signage is to be applied in the following circumstances:

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- a) For through streets with a road reserve equal to or greater than 16 metres:
 - i) For a road less 5.5 metres from face of kerb to face of kerb, No Parking signs must be installed on both sides of road and parking restrictions to apply on the day of residential kerbside collections;
 - ii) For a road width greater than 5.5 metres and less than 7.0 metres from face of kerb to face of kerb, No Parking must be installed on one side of the road and parking restrictions to apply on the day of residential kerbside collections;
 - iii) For a road greater than 7.0 metres wide measured from face of kerb to face of kerb parking on both sides allowed on the day on day of residential kerbside collection.
- b) For a road reserve less than 16 metres wide, the road width must be 5.5 metres front of kerb to front of kerb and no parking at any time on the day of residential kerbside collections.

VICROADS CONDITION

- 51. Prior to the issuing of Statement of Compliance, the applicant must enter into a Section 173 agreement with VicRoads and Council stating that VicRoads will not be held accountable for future noise related compensation costs, and that the responsibility for associated noise attenuation works are to be at the land owners expense, and at no cost to VicRoads.
- 52. 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.

PROVISION OF SERVICES

Telecommunications

- 53. 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.
- 54. 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.

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BARWON WATER CONDITIONS

General

- 55. 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. 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.
- 56. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

Water

- 57. 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.
- 58. The provision and installation of individual water services to all lots in the subdivision. Note, that tapings and services are not to be located under existing or proposed driveways.
- 59. Reticulated water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

Sewer

- 60. 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).
- 61. The provision of sewerage services to all lots in the subdivision.
- 62. Reticulated sewer mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

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 L012756.

Pumphouse Noise Insulation

~~63. Prior to the issue of statement of compliance, noise insulation to the pumphouse must be undertaken to ensure noise emissions received at the nearest proposed residential lot is within allowable limits, in accordance with State Environment Protection Policy - Control of Noise from Commerce, Industry and Trade No. N-1 (SEPP N-1) (Victorian Government, 1989). Unless~~

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~~otherwise approved in writing, evidence of completion and compliance shall be supplied to the Responsible Authority.~~

63. Noise from the pump station must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011).

- Commented [LS11]: Addition of condition at recommendation of EPA Vic
- Commented [BC12]: Deleted as EPA did not require this as a condition. I have re-worded condition 63.
- Commented [LS13]: Agree with change

POWERCOR CONDITIONS

- 634. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- 654. 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.
- 665. 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- 676. 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.
- 687. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- 698. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

CFA CONDITIONS

Hydrants

- 7069. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- 791. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 724. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site

AUSNET SERVICES CONDITIONS

- 732. The alignment of the pipeline, pipeline easement and properties shall be identified and marked on the planning/building permit(s).
- 743. The development or the usage of the land, which may result in T2 (High Density) or S (Sensitive) Location Class as per AS 2885.1 (such as Aged Care, hospitals, child care, school, commercial centres or areas of congregation) shall not be permitted within the measurement length of Pipeline Licence 99.

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- 754. Unrestricted and all time access shall be available to AusNet Services and its contractors to undertake maintenance or emergency works on Pipeline Licence 99 and its associated assets.
- 765. No structure shall be built within 3m from the edge of the pipeline or within the existing pipeline easement.
- 776. No deep excavations such as construction of basement or swimming pool are permitted within 5m from the edge of the pipeline.
- 787. The associated development and construction activities in the vicinity of the gas transmission pipelines shall adhere to the requirements of Victorian Pipeline Act 2005, AusNet Services 'Conditions of Works' TS 2607.2 and Australian Standard AS/NZS 2885 series of standards.
- 798. Pipeline warning signs shall be installed and maintained at line of sight and in compliance with the requirements of Australian Standard AS 2885.1

AUSNET SERVICES CONDITIONS TO BE APPLIED BY A SECTION 173 AGREEMENT

80. Prior to the issue of statement of compliance, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must make future landowners aware that a pipeline is in the vicinity of the site, and that applications for development and use of the land for T2 (high density) – defined as "Land that is developed for high density community use. High density includes areas of public infrastructure serving the high density use; roads, railways, major sporting and cultural facilities and land use areas of major commercial developments; cities; town centres, shopping malls, hotels and motels ~~not dwellings per hectare~~, or a S (Sensitive) Location Class, as identified in AS2885.1-2012 must be notified via Section 52 of the Planning & Environment Act to the Gas Pipeline Owner/Operator, ~~contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the application of Ausnet Services conditions, being conditions 73 to 79 (inclusive) on this permit, to the relevant lots, as directed by Ausnet Services.~~

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

EPA VICTORIA CONDITIONS

- 81. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.
- 82. Fill material used during construction should be managed in accordance with EPA Publications 1438, 1439 and 1440 Industrial Waste Fact Sheets No. 2 Fill Material Management, No. 3 Segregation, and No. 4 Engineered/Structural Fill 2012 or as amended.
- 83. Any fill material brought onto the subject land must meet the specifications contained in EPA publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended.

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Commented [LS14]: Insert definition of T2 (high density) for clarity – no dwellings/hectare can be nominated by Ausnet as context and proposals differ

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Commented [LS16]: Seek to ensure application of Ausnet conditions via 173 Agreement in order to alert prospective land owners of any future use or works that may contravene conditions, regardless of if planning permission may be required.

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84. All industrial waste generated during construction must be managed in accordance with EPA's Industrial Waste Resource Guidelines 2009.

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SUBDIVISION EXPIRY

7985. This permit will expire if one of the following circumstances applies:

- a) The first stage of the plan of subdivision has not been certified within two years of the date of this permit.
- b) All stages of the plan of subdivision have not been certified within four years of the date of this permit.
- c) A statement of compliance is not issued within five years of the date of certification of a particular stage of subdivision.

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

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C338 to the Greater Geelong Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

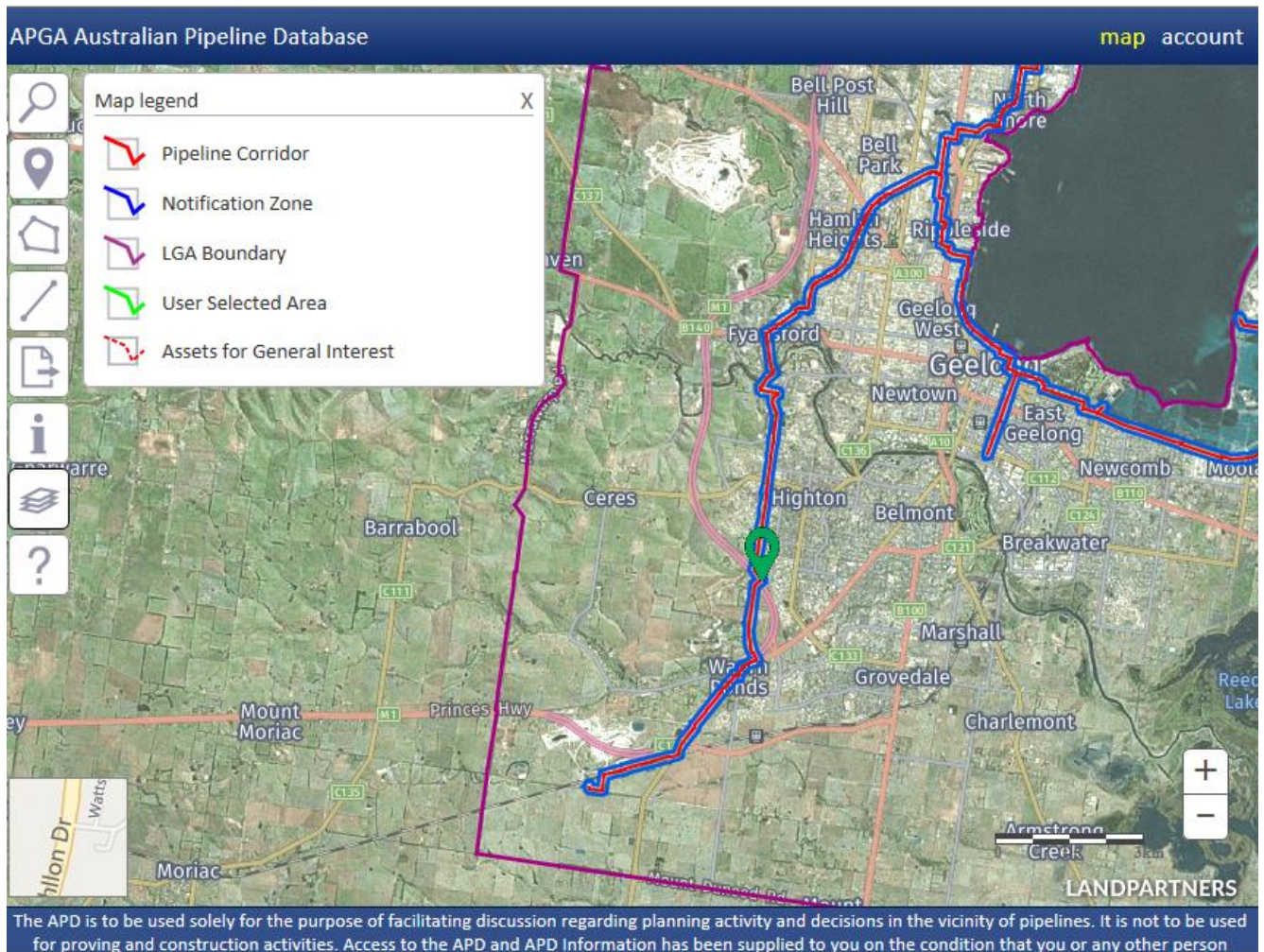
WHEN DOES A PERMIT EXPIRE?

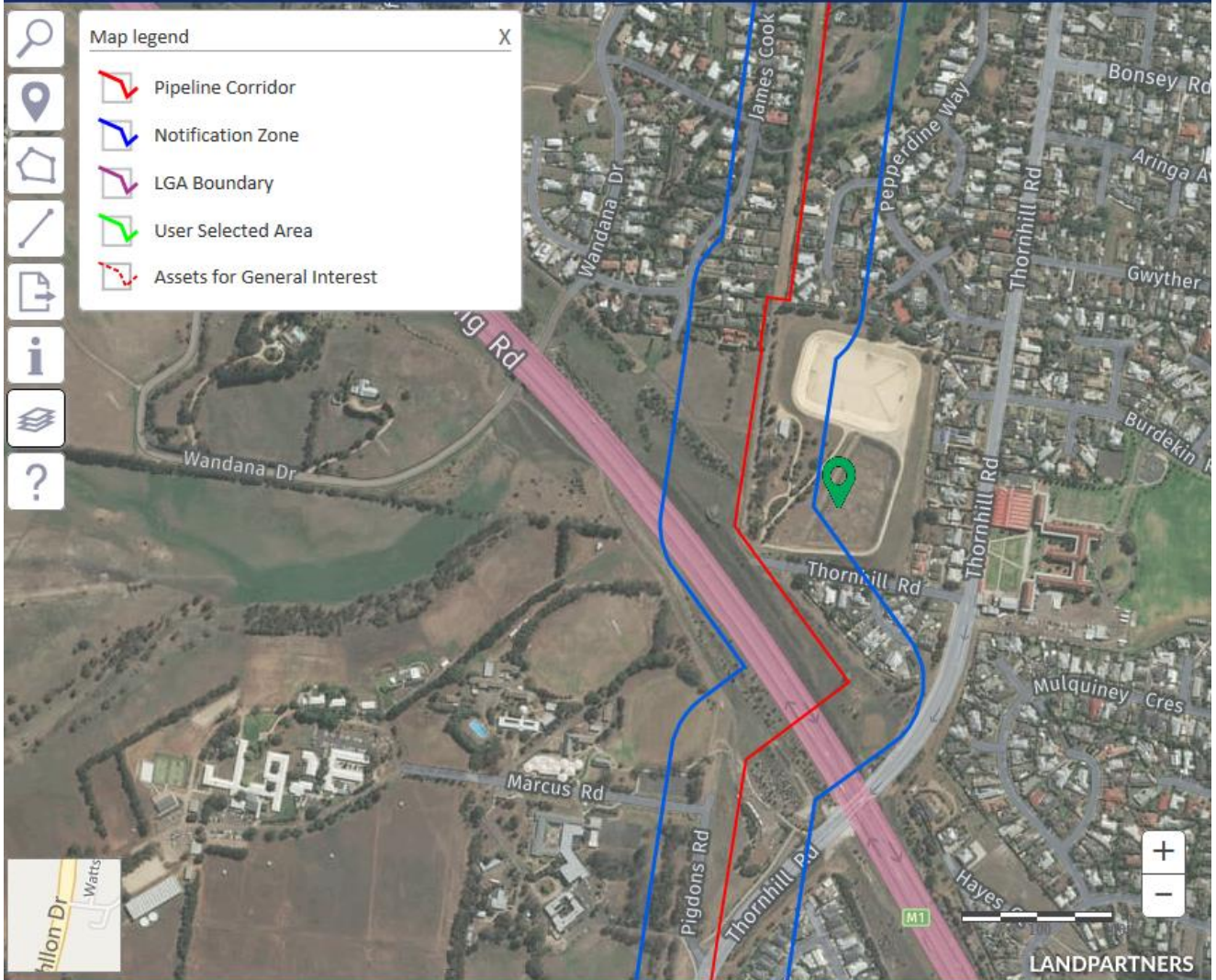
1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

Appendix 4 – Gas Pipeline Maps





The APD is to be used solely for the purpose of facilitating discussion regarding planning activity and decisions in the vicinity of pipelines. It is not to be used for approving and construction activities. Access to the APD and APD Information has been supplied to you on the condition that you or any other person receiving