

Planning and Environment Act 1987

Panel Report

Greater Geelong Planning Scheme Amendment C338

Planning Permit 1418/2015

7 August 2017

Planning and Environment Act 1987

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

Greater Geelong Planning Scheme Amendment C338

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7 August 2017

A handwritten signature in blue ink, appearing to read 'Brett Davis', with a small circular mark at the end of the signature.

Brett Davis, Chair

Contents

	Page
1 Background.....	1
1.1 The Amendment.....	1
1.2 Issues dealt with in this report.....	2
2 Planning context.....	4
2.1 Policy framework.....	4
2.2 Planning scheme provisions.....	4
2.3 Ministerial Directions and Practice Notes.....	5
2.4 Conclusion.....	5
3 Issues raised in submissions.....	6
3.1 Subdivision layout and traffic.....	6
3.2 Student housing.....	9
3.3 Loss of mature trees and vegetation.....	10
3.4 Construction, noise and amenity.....	11
3.5 Choice of zone.....	11
3.6 Permit conditions.....	12
3.7 Other issues.....	14
3.8 Recommendations.....	15
Appendix A Submitters to the Amendment	
Appendix B Document list	
Appendix C Post-Exhibition Planning Permit	

List of Figures

	Page
Figure 1 The subject site.....	2
Figure 2 Proposed Subdivision Concept Plan.....	6
Figure 3 Current zones surrounding the subject site.....	12

List of Abbreviations

DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
LPPF	Local Planning Policy Framework
PUZ	Public Use Zone
SPPF	State Planning Policy Framework

Overview

Amendment Summary

The Amendment	Greater Geelong Planning Scheme Amendment C338
Common name	Planning Permit 1418/2015
Brief description	Amendment to the Greater Geelong Planning Scheme in combination with an application for Planning Permit made pursuant to Section 96A of the <i>Planning and Environment Act 1987</i> to facilitate the subdivision of the land into 33 lots.
Subject site	176-194 Thornhill Road, Highton
The Proponent	Barwon Water
Planning Authority	Greater Geelong City Council
Authorisation	12 January 2017
Exhibition	2 March to 3 April 2017.
Submissions	Number of Submissions: 17 Opposed: 7 A full list of submitters is included in Appendix A

Panel Process

The Panel	Brett Davis
Directions Hearing	None held
Panel Hearing	27 June 2017, Greater Geelong City Council offices
Site Inspections	Unaccompanied, 16 June 2017
Appearances	<ul style="list-style-type: none"> - Peter Smith, Coordinator Strategic Implementation and Leanne Stockley, Statutory Planner on behalf of City of Greater Geelong - Claire Bickerstaff SMEC Urban on behalf of Barwon Water - Tony Belcher, Barwon Water - Mr and Mrs Butler, submitter
Date of this Report	7 August 2017

Executive summary

(i) Summary

Greater Geelong Planning Scheme Amendment C338 (the Amendment) seeks to rezone a surplus Barwon Water storage basin site at 176-194 Thornhill Road, Highton from Public Use Zone 1 to General Residential Zone 1 (GRZ1) with a Design and Development Overlay 14 (DDO14).

The Amendment is combined with planning permit application No 1418/2015 for a 33 lot subdivision, native vegetation removal and associated works. The northern basin is to be retained and this section of the site is not proposed for rezoning.

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 with student housing and loss of gum trees.

Key issues raised in submissions included:

- traffic and layout of proposed subdivision
- privacy
- loss of gum trees
- other potential uses such as student housing.

Council submitted that the rezoning of the site is strategically justified, being located within the urban boundary of the Geelong Ring Road. It submitted that the site 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 Waurin Ponds activity centres.

It supported the permit application to subdivide the land into conventional lots and super lots that will have potential for development into medium density housing. The Council submitted a revised set of permit conditions that generally addressed the key issues raised by authorities and local residents.

There was discussion at the Hearing on the subdivision layout and its impact upon one of the submitters with regard to cars entering and existing the site. Despite Council's engineering department and Barwon Water's engineers agreeing on the exhibited concept, the Panel gave Barwon Water and Council opportunity to review its options and seek a revised outcome.

SMEC Urban submitted that the current plan strikes the most appropriate balance between the requirements of the adjoining residents, impact on the existing road network, and the need to deliver an efficient and appropriately designed internal layout of the site.

Barwon Water offered as part of the response that they were willing to discuss the construction of a fence on the Butler's front boundary to negate the issue of headlight glare into their dwelling. The Panel sees this as an appropriate outcome.

A number of submissions objected to the removal of mature gum trees from the site. Council and SMEC Urban's position was that it would be hard to retain the trees. The Panel

concurr and concludes that given the large amount of earthworks and construction activity and the location of the trees close to the boundary it would be difficult to retain many of the trees. The Panel notes that a significant amount of street trees and landscaping is proposed in the concept plan and that under the current PUZ, Barwon Water could remove the trees now.

A number of submissions objected to the subdivision on the basis of student housing being a potential outcome of the development. The Panel agrees with the position of Council that issues relating to future use such as student housing, traffic and other issues would be dealt with by a separate planning permit process.

The Panel concludes:

- The proposal provides an opportunity to more fully utilise the subject land and provide for a small scale urban consolidation project in Highton.
- The Amendment is strategically justified and the application should be supported.
- The accompanying planning permit should be supported subject to post-exhibition changes contained in Appendix C.

(ii) Recommendation

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

- 1. Adopt Amendment C338 to the Greater Geelong Planning Scheme as exhibited.**
- 2. Issue Planning Permit 1418/2015, subject to the amended conditions provided in Appendix C.**

1 Background

1.1 The Amendment

(i) Amendment description

Greater Geelong Planning Scheme Amendment C338 (the Amendment) seeks to rezone a surplus Barwon Water storage basin site at 176-194 Thornhill Road, Highton from Public Use Zone 1 to General Residential Zone 1 (GRZ1) and apply a the existing Design and Development Overlay 14 (DDO14).

The Amendment is combined with planning permit application No 1418/2015 for a 33 lot subdivision, native vegetation removal and associated works. The northern basin is to be retained and this section of the site is not proposed for rezoning.

(ii) The subject land

The subject land is 176 – 194 Thornhill Road, Highton. The site is owned by Barwon Water and has partly been identified as surplus to its requirements.

The Amendment applies to the subject land shown in Figure 1. The subject land is located in Highton on the south-west edge of Geelong, approximately 8.1 kilometres street distance from the Geelong CBD, abutting the Geelong Ring Road to the west and south. The land is elevated at approximately 80 metres above sea level with views towards the south west around to the north east.

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 2.5 kilometres by road to the Highton Shopping Centre (a neighbourhood activity centre) and 2.7 kilometres to the Waurin Ponds Shopping Centre (a sub-regional activity centre).



Figure 1 The subject site

1.2 Issues dealt with in this report

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

All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning Context
- Issues raised in submissions
 - Subdivision layout and traffic
 - Student housing
 - Loss of mature trees and vegetation
 - Construction, noise and amenity
 - Choice of zone
 - Permit conditions
 - Other issues.

2 Planning context

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

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

2.1 Policy framework

(i) State Planning Policy Framework

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

- 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.

(ii) Local Planning Policy Framework

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

- Clause 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.

2.2 Planning scheme provisions

(i) Zones

The Amendment proposes to rezone the land from the Public Use Zone (PUZ) to the General Residential Zone (GRZ). The primary purpose of the GRZ is:

to respect and preserve urban character while enabling moderate housing growth and housing diversity.

(ii) Overlays

The Amendment proposes to apply DDO14 to the subject land. 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.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 1 – Potentially contaminated 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)*. Council submitted that 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.

Ministerial Direction No 11 - Strategic Assessment of Amendments

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

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

The Panel notes that a new version (24 May 2017) of the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act has been released post-hearing. Council reviewed the Amendment in accordance with the revised direction and advised there were no changes required.

(ii) Planning Practice Notes

PPN78 – Applying the Residential Zones

The Amendment is consistent with PPN78. The practice note specifies that applying the residential zones should be underpinned by clearly expressed planning policies in the planning scheme. The SPPF and Local Planning Policy Framework in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required.

2.4 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.

3 Issues raised in submissions

The issues raised by submitters include:

- Subdivision design
- Choice of zone
- Potential for student housing
- Removal of mature gum trees
- Planning permit
- Other issues.

3.1 Subdivision layout and traffic

(i) Submissions

The proposed subdivision of the land will create 33 lots – which comprises 30 conventional residential lots, two superlots, and a balance lot to the north containing the remaining Barwon Water assets. The proposed subdivision layout is shown in Figure 2.

Council submitted that they were currently dealing with a number of infill sites across Geelong and this site had good views, accessibility and was elevated.

SMEC Urban, acting on behalf of Barwon Water, submitted that the subdivision proposes the majority of lots at a conventional density, ranging from 413 to 685 square metres, while the two superlots fronting Thornhill Road will provide opportunity for future medium density residential development (subject to a future planning permit application).



Figure 2 Proposed Subdivision Concept Plan

SMEC Urban explained that Council have previously requested that lots fronting Thornhill Road in the south to be accessed via rear laneways, minimising vehicle crossovers within the subdivision frontage. A rear laneway is provided to the eastern superlot, while the western superlot will provide integrated vehicular access as part of the overall design of a future medium density development.

Margaret and Jim Butler (submitter 1) objected to the subdivision layout. They submitted at the Hearing that they would be the most affected by the proposed development. Their major concern was the central access road proposed effectively was opposite their driveway, and headlight spill from cars exiting the development would be directly shining into their bedroom as there was no front fence. Mrs Butler submitted other possible locations for the access road to negate this effect on their amenity. They outlined concerns on the nature of the super lot proposed in the subdivision and possible heights of 2-3 stories.

The SMEC Urban submission was largely silent on the issues raised by submitter 1. Council and SMEC submitted that the plan was supported by its traffic engineers and SMEC's Traffic Impact Assessment. At the conclusion of the Hearing, the Panel directed that Barwon Water reconsider its options for the site with regard to access. On 7 July, it submitted that the current design remained Barwon Water's preferred layout.

Their written response to the Panel's request explained:

As per the Panel's request, we have considered alternative designs that would re-locate the T intersection, in order to minimize impacts to the Butlers (whose concerns we understand relate to headlight light spill and potential for accidents where cars impact their property).

The alternative designs are not preferred, for a range of reasons relating to poor urban design outcomes within the subject site, access, and reducing efficiencies in the road network, which are further explained below.

SMEC Urban provided a detailed assessment of various options that they had considered, and concluded:

From the various concepts that were explored, the preferred street layout has been formulated in acknowledgement of all of the key constraints, being:

- Stormwater asset located at lowest point of site (i.e. south eastern corner and as a logical extension of the linear reserve along the eastern boundary);*
- North south street layout based on equal spacing of lot depths of east west oriented lots;*
- Avoiding conflict with Conway Court;*
- Two street connections are proposed to:*
 - o evenly spread traffic access and circulation*
 - o avoid outcome of an over-sized cul-de-sac*
 - o provide continual service vehicle access*
 - o provide efficient emergency vehicle access.*

SMEC Urban submitted that the current plan strikes the most appropriate balance between the requirements of the adjoining residents, impact on the existing road network, and the need to deliver an efficient and appropriately designed internal layout of the site.

Barwon Water offered as part of the response that they were willing to discuss the construction of a fence on the Butler's front boundary to negate the issue of headlight glare into their dwelling.

Several submitters raised concerns about traffic congestion (particularly at school pick up times), additional traffic problems caused by the concept plan, 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.

Submitter 13 (G and S Jones) raised concerns with parking in that Thornhill Road (east-west portion) was already congested particularly during peak school times. They explained that the Christian College parents and students parking along this section of road, coupled with potential student accommodation or medium density housing on the super lots would add to on-street parking problems.

Council and SMEC both submitted that the Preliminary Transport Assessment prepared by SMEC Urban (October 2015) found that the traffic generated by future residential development will not impact on the operation of the existing un-signalised intersection of Thornhill Road / Augustine Road. They submitted that the additional traffic is considered negligible compared to the capacity of the intersection, with these findings further supported by Council's Traffic Engineers.

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

With regard to parking, Council's traffic engineer recommended some indented parking bays be provided on the north side of Thornhill Road, as the existing bicycle lane is not wide enough to be converted to a parking lane. Council revised 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 and lighting. Council submitted that this additional on-street parking may help alleviate the parking issues of concern to the submitters.

Submitter 16 (Waterhouse) requested that the proposed superlots be considered as regular lots in response to traffic generation concerns. SMEC Urban submitted that nearby residents would have the opportunity to consider future plans for development of these sites as part of future planning permit applications.

(ii) Discussion and conclusions

With regard to the access road and the Butler's submission, the Panel agrees that the layout is satisfactory. From a first principles perspective, it appears unfortunate where this road has been placed directly opposite the Butler's driveway, as there appears to be opportunity to locate it slightly west of where it is proposed. However, the Panel places substantial weight on the work undertaken by SMEC Urban and its Traffic Impact Assessment, noting Council's engineers support as well. The offer made by Barwon Water to construct a front

fence on the Butler's front boundary to negate the issue of headlight glare into their dwelling is a positive outcome that does not require a planning permit condition and is supported.

The Panel finds that there is no particular neighbourhood character this development would be at odds with. The superlots at Thornhill Road are suitably located.

The Panel agrees with the Traffic Impact Assessment prepared by SMEC Urban that the generated traffic of the proposed subdivision can be absorbed into the local road network and will not adversely impact current traffic conditions. With regard to parking, the Panel supports the provision of indented parking as outlined in the amended condition 12 of the post-exhibition planning permit, contained at Appendix C of this report.

3.2 Student housing

(i) Submissions

A number of submitters objected on the basis 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 submitted:

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.

SMEC Urban submitted that Issues around traffic and parking would be further considered in response to a future application for student accommodation, while car parking and traffic issues that may arise would be managed by Council as with any other residential area.

Related to the super lots were concerns on heights and overlooking. SMEC Urban submitted that the two super lots on Thornhill Road are considered to be well located. Further planning permits will be required for the development of the super lots for multiple dwellings or other non-residential uses permitted in the residential zone (except limited "as of right uses"). SMEC Urban submitted:

In particular, the DDO14 will trigger a planning permit for any building over 7.5 metres in height, ensuring that any development which could overlook the land will require advertising.

(ii) Discussion and conclusions

A number of submissions objected to the subdivision on the basis of student housing being a potential outcome of the development. The Panel agrees with the position of Council that issues relating to future use such as student housing, traffic and other issues would be dealt with by a separate planning permit process.

The Panel notes that students are entitled to buy or rent 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.

With regard to concerns of overlooking, the Panel finds that nearby residents will most likely have an opportunity to consider future plans for development of these sites as part of future planning permit applications.

3.3 Loss of mature trees and vegetation

(i) Submissions

Submitters raised concerns at the loss of the mature gum trees from the site as a result of the subdivision. Council submitted that, 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. Council asked Barwon Water to further consider retention during the application process and advised:

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."

SMEC Urban submitted it was difficult to retain many of the existing trees and the proposed landscaping and street tree planting will help offset the loss of mature trees and eventually softening the impact of the re-development of the site and contributing to habitat, landscape and character values within the local neighbourhood area. Council were supportive of this approach.

Council submitted, in its response to the Strategic Assessment Guidelines, that areas of remnant native vegetation across the subject site are limited to small fragmented patches of the Grassy Woodland Ecological Vegetation Class (0.391 hectares in total). An impact assessment has been undertaken by Ecology and Heritage Partners and identifies the biodiversity offsets which will need to be contributed.

(ii) Discussion and conclusions

The Panel agrees that, given the large amount of earthworks and construction activity and the location of the trees close to the boundary, it would be difficult to retain many of the trees. The Panel notes that a significant amount of street tree planting and landscaping is proposed in the concept plan and that under the current PUZ, Barwon Water could remove the trees now.

It is a good objective to generally retain existing vegetation. The Panel notes that sometimes it is better to focus on a coordinated landscape response and given the submissions of Council and SMEC Urban finds that the new landscaping will help offset the loss of mature trees and eventually soften the impact of the re-development of the site.

3.4 Construction, noise and amenity

(i) Submissions

A number of submissions raised the impact of the removal of the basin and construction of the subdivision. These concerns included dust and wind-blown soil, noise and vibrations.

Council submitted that 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. This included an amendment to the permit to include the term “*Associated Works*” 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.

Council submitted that noise from nearby Geelong Ring Road has been assessed by acoustic experts (Watson Moss Growcott) and reviewed by VicRoads. It was determined that noise levels are under those which would require the installation of noise walls.

(ii) Discussion and conclusions

Construction Management Plans are a standard planning permit condition that requires on going monitoring and review to protect amenity of residents. The Panel supports tightening the permit preamble to include the term “*Associated Works*” to cover earth works required to remove the basin and prepare land for subdivision. The Panel supports condition 5 changes to include reference to the works to remove the water basin, in response to submissions.

3.5 Choice of zone

(i) Submissions

Council submitted that the most appropriate zone for the subject land is GRZ1. Its rationale was:

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 Waurin Ponds are surrounded by Residential Growth Zone – Schedule 2 (RGZ2) within 400 metres walking distance of the activity centres.

The current zoning is shown in Figure 3 below.

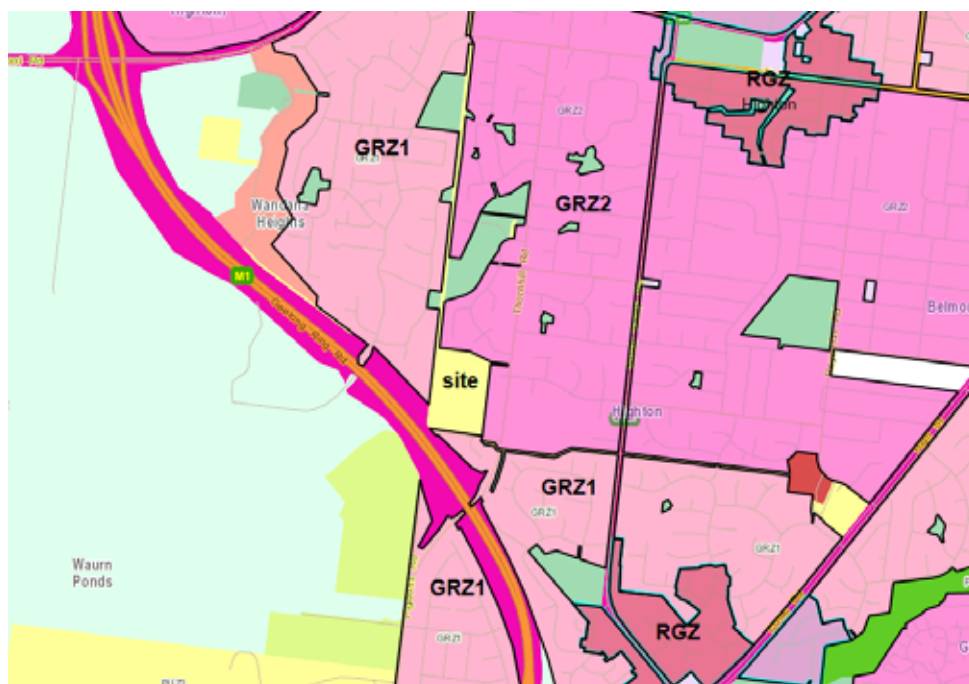


Figure 3 Current zones surrounding the subject site

(ii) Discussion and conclusions

The Panel supports the use of the GRZ1. The land immediately surrounding the subject land is zoned GRZ and the application of the zone is strategically justified. This is supported by a number of technical reports submitted with the Amendment and Permit application that concluded that the site is suitable for residential use and development.

3.6 Permit conditions

(i) Submissions

Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (submission 5) recommended a pedestrian refuge crossing on Thornhill Road on north side of Augustine Drive to connect from proposed shared path to existing path and Christian College to the development.

Council supported this suggestion. It explained that this matter was discussed between CoGG, DEDJTR and SMEC and a new condition 7 (g) was included to require a new pedestrian crossing point and refuge south of the intersection.

Submitters raised issues of confusion caused by the east-west section of road being named Thornhill Road alongside the main north-south road. Council submitted it would address this by seeking a new road name and added a new condition 7(f) to that effect.

Council submitted that conditions as required by relevant referral authorities have been included on the exhibited permit. They explained the permit was generally a standard permit for this type of residential subdivision, save for a few conditions.

The EPA (submitter 8) made a number of comments on conditions including contaminated land assessments, pump station noise and the decommissioning of the water storage basin.

In relation to the level of assessment required on soil contamination, Council submitted that sufficient investigation has been undertaken to satisfy Ministerial Direction No 1 and the Practice Note. It noted:

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.

Council submitted in relation to pump station noise a new Condition 63 has been included to state "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)." The other EPA recommended conditions have been included as conditions 81-84.

Council submitted that the site was close to a high voltage powerline and gas transmission pipeline that ran north-south adjacent to the site. A submission by Downer for AusNet Services (submission 17) referred to this gas transmission pipeline (Pipeline Licence 99) that traverses along the western boundary of the site. The submission offered no objection to the proposed rezoning and subdivision, provided a number of conditions were met to AusNet Services' satisfaction.

The recommended conditions are already part of the exhibited planning permit. Council submitted "*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.*" This relates to condition 74 which reads:

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

A Section 173 (S173) Agreement pursuant to the *Planning and Environment Act 1987* was proposed by Council (condition 80) that effectively duplicated this condition. At the conclusion of the Hearing, the Panel directed that Council confirm with AusNet to remove condition 74 in favour of condition 80 that states:

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”, 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.

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

On 2 August 2017 a response from AusNet was received and they agreed with the approach stating that it will “*rise consumer awareness and the nearby transmission-pressure gas pipeline will be given adequate protection.*”

(ii) Discussion and conclusions

With regard to the DEDJTR request for a pedestrian refuge crossing on Thornhill Rd on north side of Augustine Drive, the Panel does not see a nexus with this and the proposed development. Council agreed with the Panel when this was raised, however, given the support of all parties on its provision, the Panel does not oppose its inclusion.

There were a number of submissions on the naming of Thornhill Road and at confusion caused by the east west section of road being called Thornhill Road alongside the main north south road. Council submitted they will seek a renaming of this road and the Panel supports a new condition 7(f) to this effect.

The Panel supports the amendments to the permit in support of the EPA comments.

The Panel is satisfied that condition 74 is warranted. The s173 required by a new condition 80 will ensure that any future owner is aware of the vicinity of the pipeline and that use and development will be subject to the review of the pipeline owner/operator, even in the event that the subdivision is complete, and new landholders are not privy to the conditions of the subdivision permit.

The Panel finds that the nature of condition 74 can be hard to achieve when related to subdivision and is more appropriate to require a s173 as outlined in new condition 80. Condition 74 has been deleted from the post-exhibition planning permit contained at Appendix C.

3.7 Other issues

(i) Submissions

Barwon Water has proposed the construction of a 2.5 metre shared wide path within the abutting western pipeline reserve, from Roslyn Road in the north of the subject site. SMEC Urban submitted that this will benefit the wider community in providing a public asset to encourage pedestrian and cycle use in an off-road shared space environment. Several submissions objected to the provision of this path, citing congestion and road safety concerns. SMEC Urban submitted that the design of the path will not create unsafe or detrimental impacts to the local network.

Submitter 16 (Waterhouse) questioned whether it would be more appropriate to retain and repair the existing basins. SMEC Urban advised that:

Barwon Water has taken a considered and long-term view and considers the Basin No.2 to provide no public benefit at all in its current form....Basin No.1 was taken out of service because of leakage and is no longer capable of being used for storage without full reconstruction.

(ii) Discussion and conclusions

The shared path is a positive outcome for the broader community, providing connectivity through the future development. Barwon Water has clearly demonstrated that the site is operationally surplus to their requirements and an amendment is warranted.

The Panel considers that the Amendment is generally consistent with State and Local Planning Policies and will enable the land to be subdivided for residential development in a manner which is consistent with the surrounding residential area.

The Panel supports the planning permit application, subject to modifications, as discussed at the Hearing and provided post-exhibition, contained in Appendix C.

The Panel concludes:

- The planning permit and rezoning request is consistent with state and local planning policy and should be supported.

3.8 Recommendations

The Panel makes the following recommendations:

- **Adopt Amendment C338 to the Greater Geelong Planning Scheme as exhibited.**
- **Issue Planning Permit 1418/2015, subject to the amended conditions provided in Appendix C.**

Appendix A Submitters to the Amendment

No.	Submitter
1	M and J Butler
2	Corangamite Catchment Authority
3	CFA
4	Robert Clayton
5	DEDJTR
6	DELWP
7	Nadia Dementiev
8	EPA
9	Craig Evans
10	Allison Ferguson
11	Laurie Formosa
12	Mark Hyland
13	Glynn and Sock Wan Jones
14	Glendon Seabrook
15	SMEC Urban
16	Jeanette Waterhouse
17	Downer (AusNet)

Appendix B Document list

No.	Date	Description	Tabled by
1	27/6/2017	Submission on behalf of City of Greater Geelong	Peter Smith, City of Greater Geelong
2	27/6/2017	Amended Planning Permit	Peter Smith, City of Greater Geelong
3	27/6/2017	Written submission and photos	Margaret and Jim Butler
4	27/6/2017	Submission on behalf of Barwon Water	Claire Bickerstaff, SMEC Urban
5	29/6/2017	Barwon Water response to further directions	Claire Bickerstaff
6	28/7/2017	Geelong City Council response to further directions	Peter Smith, City of Greater Geelong
7	2/8/2017	Email response from AusNet	Leanne Stockley, City of Greater Geelong

Appendix C Post-Exhibition Planning Permit

DRAFT – [August 2017 \(Post Panel Changes\)](#)

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:

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;
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Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

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- 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.

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

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(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)	

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 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.

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 stormwater 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;

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

- 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 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;~~
 - fg) Indicative street naming layout plan
- all to the satisfaction of the Responsible Authority.

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)

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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)'

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.

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

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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;

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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.

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.

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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 are 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 are to be to the satisfaction of the Responsible Authority.

Drainage Levy

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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 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

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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;
- 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

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

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- 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

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(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)	

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 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

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(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)	

- 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 Statement of Compliance for that stage.

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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;
 - d) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format; and
 - 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.
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

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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.

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(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)

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.

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

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:
- 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

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(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)	

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 tapplings 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.

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

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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 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).

POWERCOR CONDITIONS

- 64. 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.
- 65. 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.

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
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66. 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.
67. 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.
68. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
69. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

CFA CONDITIONS

Hydrants

70. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
71. 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.
72. 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

73. The alignment of the pipeline, pipeline easement and properties shall be identified and marked on the planning/building permit(s).
- ~~74. 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.~~
- 7574** 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.
- 7675** No structure shall be built within 3m from the edge of the pipeline or within the existing pipeline easement.

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- ~~77~~76 No deep excavations such as construction of basement or swimming pool are permitted within 5m from the edge of the pipeline.
- ~~78~~77 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.
- ~~79~~78 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~~79. 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”~~xx 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~~80. Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.

~~82~~81. Fill material used during construction should be managed in accordance with EPA Publications 1438, 1439 and 1440 Industrial Waste Fact Sheets No. 2 Fill

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
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Material Management, No. 3 Segregation, and No. 4 Engineered/Structural Fill 2012 or as amended.

8382. 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.

8483. All industrial waste generated during construction must be managed in accordance with EPA's Industrial Waste Resource Guidelines 2009.

SUBDIVISION EXPIRY

8584 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.