

GREATER GEELONG PLANNING SCHEME

AMENDMENT C368

RESOLUTION TO REFER SUBMISSIONS TO A PANEL

UNDER DELEGATION FROM COUNCIL IT IS HEREBY RESOLVED:

That Council having considered all submissions to Amendment C368 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 the Panel; and
- 3) Submit to the Panel its response to the submissions as outlined in this report.

SIGNED:.....*Peter Smith*.....

DATE:.....*12/1/2018*.....

**PETER SMITH
COORDINATOR STRATEGIC IMPLEMENTATION**

GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C368 Consideration of Submissions

To: Peter Smith – Coordinator Strategic Implementation
From: Barry Gough – Strategic Planner
Subject: Consideration of Submissions
File number: C368
Date of Report: 12th January 2018

Purpose

The purpose of this report is to consider submissions received as a result of exhibition of Amendment C368 which is a combined Planning Scheme Amendment and draft Planning Permit for land at 143 – 179 Flinders Avenue, Lara and to refer them to an Independent Panel appointed by the Minister of Planning.

Summary

- Amendment C368 is a combined Planning Scheme Amendment and Planning Permit resulting from an application made by TGM Consulting on behalf of Bisinella Developments Pty Ltd to rezone part of land at, Lara from Rural Living Zone (RLZ) to General Residential Zone Schedule 1 (GRZ1).
- The accompanying permit application is seeking residential subdivision of the land in a manner that integrates with the existing residential subdivision and development to the west.
- The site is currently undeveloped agricultural land.
- Amendment C368 was exhibited in the normal manner between 9 November and 11 December 2017.
- Forty nine (**49**) submissions were received, which included three (**3**) from referral authorities which supported or did not object to the amendment and planning permit and / or specified planning permit conditions, four (**4**) from nearby landowners and a local environmental group which supported the amendment as exhibited but which expressed concerns with regard to aspects of the draft planning permit and one (**1**) from a nearby landowner which made no comment in relation to the Amendment, but which expressed concern with regard to perceived impacts arising from increased traffic related to the development. Thirty two (**32**) submissions in support of the amendment were received from individuals who indicated that they hoped to purchase land within the proposed subdivision, all but two of these submissions were in the form of a pro-forma submission distributed by Bisinella Developments, Pty Ltd.
- Nine (**9**) submissions were received which opposed or sought changes to the Amendment and draft permit as exhibited.
- This report addresses the issues raised in the submissions and recommends they be referred to an Independent Panel appointed by the Minister for Planning.

- The proposal is consistent with the overall thrust of State and Council planning policy.
- As not all submissions are able to be resolved they must be referred to an Independent Panel appointed by the Minister for Planning.

Recommendation

That Council having considered all submissions to Amendment C368 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 the Panel; and**
- 3) Submit to the Panel its response to the submissions as outlined in this report.**

Background

Amendment C356 is a combined Planning Scheme Amendment and Planning Permit resulting from an application made by TGM Consulting on behalf of Bisinella Developments Pty Ltd, the owner of 143 – 179 Flinders Avenue, Lara.

The Amendment proposes to rezone part of the land at 143 – 179 Flinders Avenue, Lara from RLZ to GRZ1.

The accompanying permit is for approval for a residential subdivision with pedestrian connections to the recent residential subdivision immediately to the west.

Appendix 1 identifies the location and extent of the proposed re-zoning and subdivision, outlined in red.

Appendix 2 shows the proposed subdivision layout.

Appendix 3 is a table listing the submissions received and identifying, in green and red respectively, those which support or oppose the amendment, with amber identifying the two submissions which give conditional support to the amendment.

The requirements of Council's Engineering Services Dept and the Corangamite Catchment Management Authority have been included as conditions on the permit.

Discussion

Amendment C368 was exhibited between 9 November 2017 and 11 December 2017. Notice appeared in the Geelong Independent on 3 November 2017 and in the Government Gazette of 9 November 2017, with all adjoining and nearby property owners and occupiers individually notified.

As a result of exhibition of the Amendment a total of 49 submissions were received from the following organisations and individuals, the numbering is consistent with the list of submitters, attached to this report: -

Referral Authorities

- 1) **Barwon Water** offering no objection to the Amendment, or to the Planning Permit, subject to its specified conditions being met prior to the issuing of a statement of compliance for the permitted subdivision;
- 2) **The Corangamite Catchment Management Authority**; offering no objection to the Amendment or to the Planning Permit;
- 3) **The Environment Protection Authority** offering no objection to the Amendment or to the Planning Permit;

Individuals

4) **J & S Bullock.**

Noting that the developer has circulate pro-forma submissions in support of the Amendment and draft permit and querying the weight to be given to such submissions, given that the developer had previously raised the same query in relation to proforma submissions objecting to an earlier Amendment for the re-zoning and subdivision of adjoining land.

5) **M. Bullock.**

Opposed to the Amendment, stating the following concerns:

- i) No shortage in the 15 year lot supply of GRZ land in Lara.
- ii) The re-zoning will reduce the supply of RLZ land in Lara
- iii) The location is ecologically sensitive, given its close proximity to Serendip Sanctuary.
- iv) Serendip Sanctuary is a tourism asset of greater regional economic significance than the proposed 23 lot subdivision.

6) **S. Bullock.**

Supports the amendment as Exhibited.

Expresses concerns with respect to flooding and fire risk in relation to the proposed planning permit.

7) **J Dearnley.**

Opposed to the proposed re-zoning as he believes he was advised at the time he purchased his property that the adjoining land would not be developed in the future.

Opposed to pedestrian access from the new court bowl adjoining Spoonbill Court.

8) **S. Gatt.** & 9) **K. Hollier.**

Expressed opposition in similar terms to those of submission 7).

10) **D. & M. Hubble.**

Opposed to the minimum lot size allowable in the GRZ.

Opposed to any subdivision with lots smaller than 1000 sq. m.

11) Irvine, E.

Does not voice opposition to the Amendment.

Expresses concern with regard to the volume and speed of traffic using Lewton Road.

12) L. Kim. Opposed to the minimum lot size allowable in the GRZ.

States that lots in the proposed subdivision should be between 1,000 and 4,000 sq. m. in area.

13) L. Liu.

Provided conditional support for the amendment, subject to improvements being made to bike paths and pedestrian connectivity, including via provision of a pedestrian and cycle connection through the court bowl of Spoonbill Court.

14) E. McCulloch.

Opposed to the pedestrian connection to Spoonbill Court

15) T. O’Rielly. & 16) M. Richmond.

Expressed opposition in similar terms to that of submission 14)

17) Township of Lara Care Group Inc.

Generally supports the Amendment.

Expresses concerns with respect to provision of open space, flooding and fire risk in relation to the proposed planning permit.

18) – 49) Prospective purchasers

Express general support for the development of the land for residential purposes.

Responses to issues raised in submissions.

Proforma Submissions.

All submissions are considered on the basis of the merit of the arguments raised, not the number of similar submissions received.

Alleged undertakings that the land would not be re-zoned / developed.

It is understood that a number of submitters believe that they had previously been given undertakings that the land in question would not be developed or subdivided.

The current structure plan map at clause 21.13 of the Planning Scheme does not identify the site for re-zoning. However, Council officers advocated for the inclusion of land in the residential zone of as part of Ministerial Amendment C293, which re-zoned land on either side of Cadys Road. The land is suitable of residential development , being outside of the 200m buffer to Serendip Sanctuary.

Flooding and fire risk:

Matters relating to flood and fire risk have been addressed in the planning report which accompanied the combined re-zoning and planning permit application, and have been addressed by way of planning permit conditions.

Vehicle safety and dust issues.

The subdivision design, including vehicle access to lots fronting Flinders Avenue, will be required to be finalised and undertaken in accordance with the relevant permit conditions, to the satisfaction of Council's traffic unit.

With respect to traffic concerns on Lawton Road, the re-zoning and subdivision of the subject land is not likely to result in any significant change to the existing situation, and as such it would be unreasonable to impose the cost of works in Lewton Road on this development.

It is noted that the location of Lewton Road is such as to expect the land on its south side to be developed in the future, at which time it would be appropriate for these concerns to be addressed.

Lot sizes:

The lot sizes identified in the proposed plan of subdivision are consistent with those provided for in the GRZ1. The larger lot sizes argued for in submissions 10 and 12 are inconsistent with the proposed zone, and are inconsistent with achieving local and state planning policy in relation to the provision of providing for maximising residential development potential within established township boundaries, consistent with zone and overlay provisions.

Open Space:

Council officers are satisfied that the requirements in relation to provision for open space are most appropriately addressed in this instance through a financial contribution rather than the provision of land.

In view of the pedestrian access that will be afforded to existing open space to the west as a result of pedestrian access through the court bowl linkage, pedestrian access to existing open space networks at this location is adequately provided for.

Submission 13 identifies ways in which the open space financial contribution could be utilised to improve pedestrian and cyclist facilities in the immediate vicinity of the subject land.

Pedestrian connectivity:

The issue of pedestrian and cycle connectivity from the proposed new court to Spoonbill Court has received strongly worded responses, both in favour and against. Council officers support support the connection remaining in the plans.

At a strategic planning level there are strong reasons to support this connection, in that it is the key design element which will enable the new subdivision to be integrated with the recent subdivision to the west.

There is no evidence to suggest that the future residents of the new court will be socially different to the residents of the recently developed subdivision, and certainly not in a manner which should cause concern to existing residents for their safety and well being, or that of their families.

The court bowls are not private land, but public land which will be transferred to and managed and maintained by Council. This reinforces the broader community expectation that this land will be managed in the broader community interest, including being accessible to and trafficable by the community at large, consistent with its location.

In particular, it is noted that Council's parks unit is opposed pedestrian access between the two court bowls being obstructed by the provision of a fence.

Environmental Implications

The Amendment and accompanying permit will result in no adverse environmental implications.

Financial Implications

The Amendment and permit will result in no future significant financial implications for Council.

Policy/Legal/Statutory Implications

The Amendment is consistent with the broad theme of State and Council planning policies which support urban consolidation/infill housing in locations which have good access to existing community services and facilities.

The amendment modifies the Lara Structure Plan Map at Clause 21.13 to clearly show the land as being suitable for conventional residential development.

Alignment to City Plan

The Amendment supports the overall thrust of Growing our Economy and Sustainable Built and Natural Environment Strategic Directions in that it facilitates the development of land identified as being suitable for future residential development.

Officer Direct or Indirect Interest

No Council officers have a direct or indirect interest, in accordance with Section 80(c) of the Local Government Act, to which this Amendment relates.

Risk Assessment

No risks have been identified in processing Amendment C368 and accompanying permit as being recommended by this report.

Social Considerations

The proposal will have a positive social outcome insofar as it promotes the economical utilisation of existing services and facilities.

Human Rights Charter

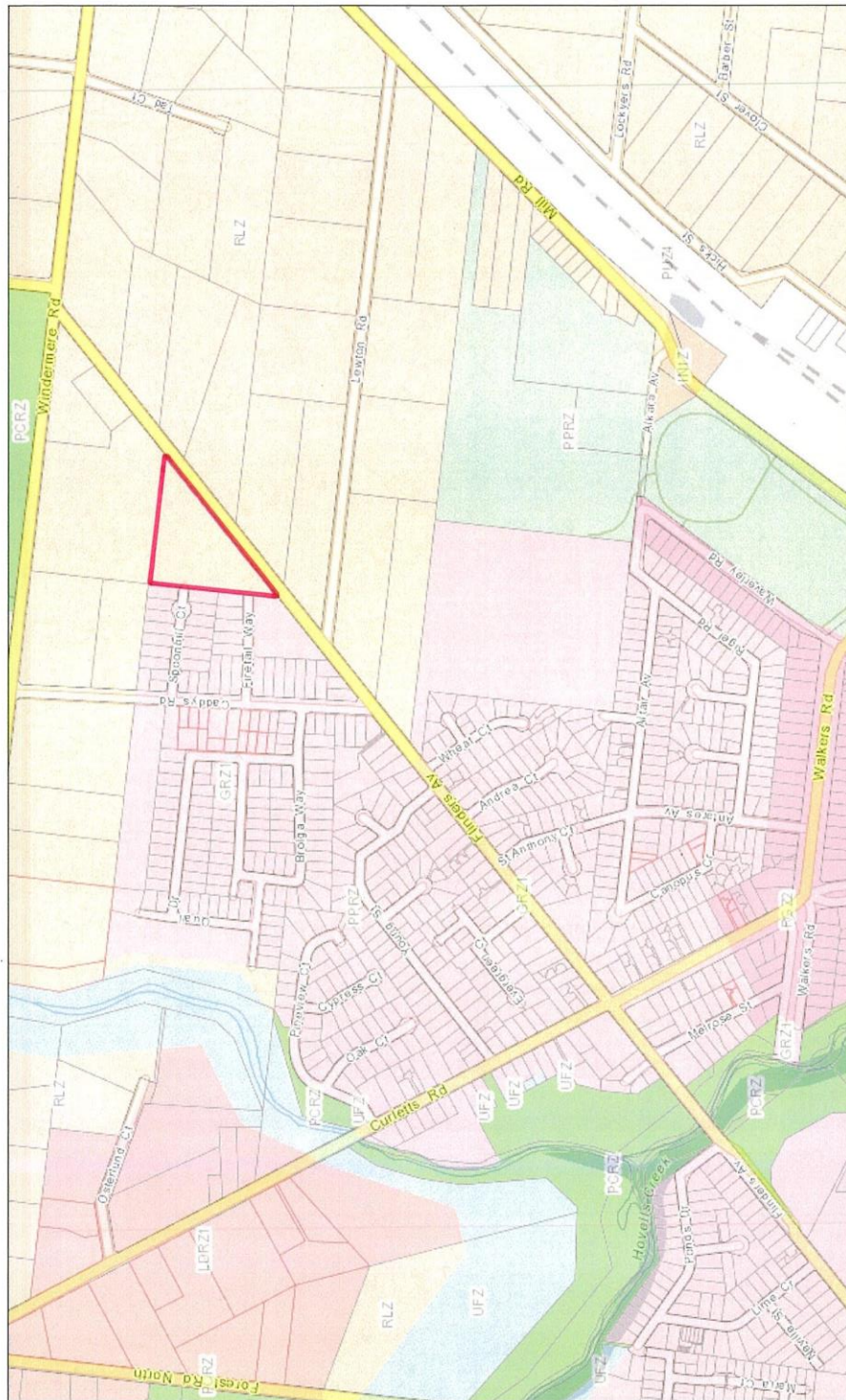
The Amendment will not impact on any basic human rights, freedoms and responsibilities as set out in the Charter.

Consultation and Communication

All affected persons have been notified at the time of exhibition of this Amendment to enable them to make a submission and appear before an Independent Panel appointed by the Minister of Planning if they so wish.

Appendix 1.

Location Plan



Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong, Barwon Water or the State of Victoria in its use.



Scale 1 : 7500

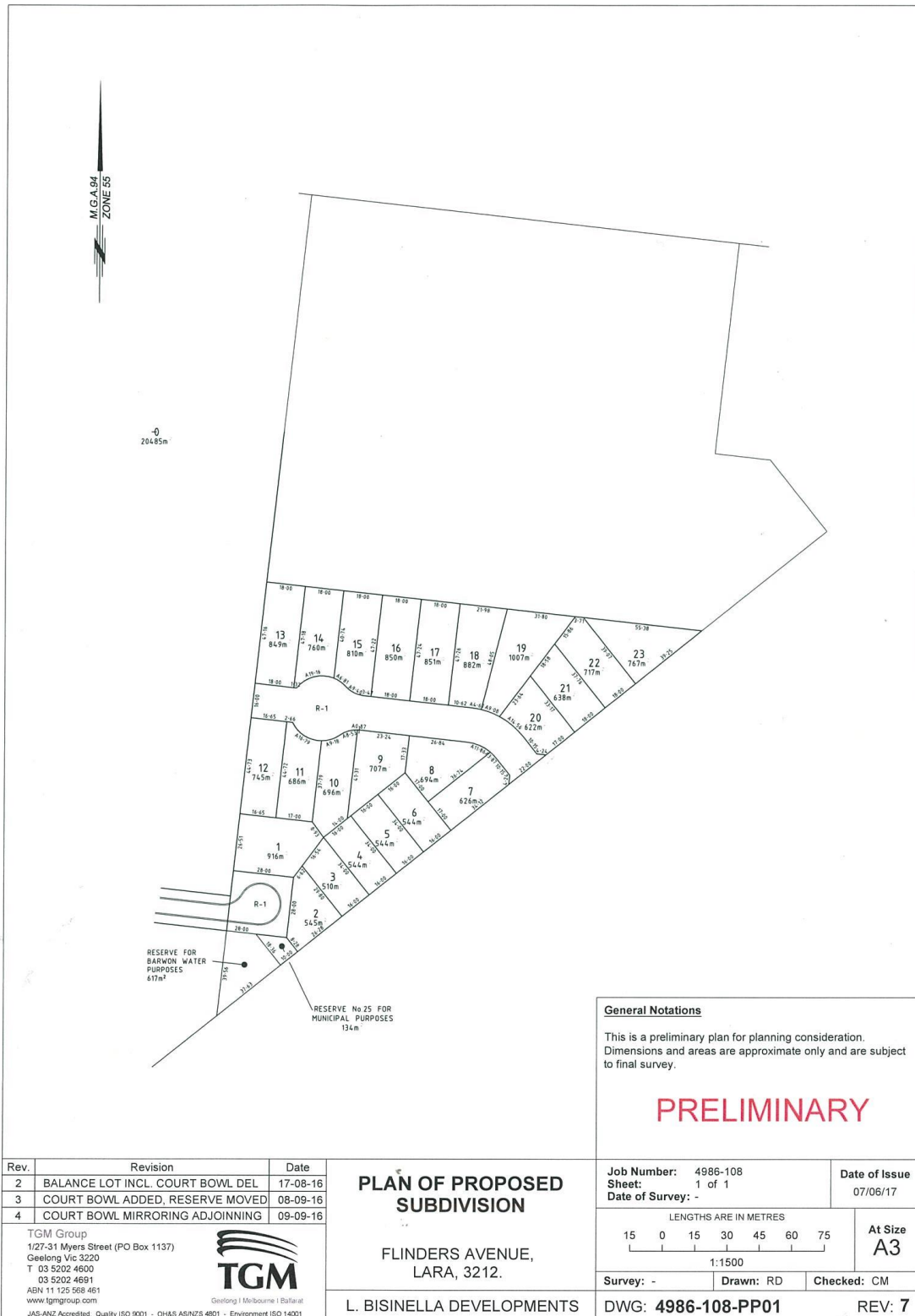
MGA Zone 55

Prepared by the City of Greater Geelong - PLACES

24/05/2017 11:52 am

Appendix 2.

Proposed Plan of Subdivision



Appendix 3

Summary of Submissions.

Sub'n #	NAME	Address	e-mail	Amendment Comments	Permit Comments / Concerns
1	Barwon Water			No Objection	Conditions
2	CCMA			No Objection	No Objection
3	EPA		Kerrie.atkins@epa.vic.gov.au	Comments	Comments
4	BULLOCK, Jan & Steve		janbullock@jc.com.au	Queries weight to be given to pro-forma submissions.	Queries weight to be given to pro-forma submissions.
5	BULLOCK, Megan			Opposed	Issues: • Flooding • Fire Risk
6	BULLOCK, Steve		stevebullock@jc.com.au	Supports as exhibited	Issues: • Open space • Traffic • Lot sizes
7	DEARNLEY, Jamie,	10 Spoonbill Court		Advised when purchasing that this land would not be developed.	Issues: • Pedestrian access between court bowls
8	GATT, Simon	20 Spoonbill Court, LARA 3121	Simongatt@hotmail.com	Ditto	Opposed to pedestrian access through the court bowl of Spoonbill Court.
9	HOLLIER, Kris	13 Spoonbill Court, LARA 3121	Kris_francis@hotmail.com		Ditto
10	HUBBLE, David & Michelle		ozieopats@gmail.com	Minimum Lot Size (In effect argue for LDRZ)	Issue: • Minimum lot size should be 1000 sq m.
11	IRVINE, Elizabeth	150 Flinders Avenue		No comments made	Issue: • Volume and speed of traffic using Lawton Road.
12	KIM, Lee	190 Flinders Avenue		Minimum Lot Size (In effect argue for LDRZ)	Issue: • Minimum lot size should be 1,000 – 4,000 sq. m. • Safety concerns regarding vehicles entering and exiting the lots proposed to directly access Flinders Avenue.
13	LIU, Lizhe	32 Lawn Crescent, BRAYBROOK 3019	lizheliu@hotmail.com	Conditional support	Conditional support includes pedestrian connectivity to the existing GRZ1 development to the west, via Spoonbill Court.
14	MCCULLOCH, Emma	12 Spoonbill Court, Lara.3121	Emma_100@msn.com		Opposed to pedestrian connection to Spoonbill Court.
15	O'REILLY, Trudy	17 Spoonbill Court, LARA 3121	Trudy_o@hotmail.com		Ditto.
16	RICHMOND, Maddison	18 Spoonbill Court, LARA 3121	Mmoresco@live.com		Ditto.
17	Township of Lara Care Group Inc.	PO Box 281 LARA 3212	admin@laracaregroup.com.au	Generally supports the Amendment as exhibited.	Issues: • Provision of open space. • Flood risk • Fire Risk.

18	ASHBY, Eugenie	8 Ingrid Place LARA 3212	Jenashby73@gmail.com	Prospective purchaser. Supports Residential Development of the land.
19	BATH, Sarah	51 Moreillon Bvd, BANNOCKBURN 3331		Prospective purchaser. Supports Residential Development of the land.
20	CAPPODICASSA, Elena	36 Stephenson Street, LARA 3212	ECapodicassa@geelongcity.vic.gov.au	Prospective purchaser. Supports Residential Development of the land.
21	COBB, Jared & Beverley	10 Ceti Court, LARA 3212		Prospective purchaser. Supports Residential Development of the land.
22	DESIMONE, Pasquale	40 – 50 Viewbay Court, LOVELEY BANKS 3213		Prospective purchaser. Supports Residential Development of the land.
23	FAULKNER, Makalia	1/59 Rennie Street LARA 3212		Prospective purchaser. Supports Residential Development of the land.
24	GILLET, Mitch	4 Melrose Street, LARA 3212		Prospective purchaser. Supports Residential Development of the land.
25	GUPTA, Bill	567 High Street PRESTON 3072	bill@gupta.net.au	Prospective purchaser. Supports Residential Development of the land.
26	HARDING, Troy	5 Lariston Lane, DRYSDALE		Prospective purchaser. Supports Residential Development of the land.
27	HERALD, Jayden	13 Florence Street, LARA 3212	Jayden.herald@outlook.com	Prospective purchaser. Supports Residential Development of the land.
28	HRKAC, James	36 Princess Road, CORIO	Hrkac_2@hotmail.com	Prospective purchaser. Supports Residential Development of the land.
29	KENNEDDY, Matthew	22 Villiers Drive POINT COOK 3030		Prospective purchaser. Supports Residential Development of the land.
30	KUNDR, Mohit	2/60 Kedleston Rd HERNE HILL, 3218	Mohit_kendra_90@yahoo.com	Prospective purchaser. Supports Residential Development of the land.
31	LA MOTTA, Andrea	19 Stretton Place WYNDHAM VALE 3024		Prospective purchaser. Supports Residential Development of the land.
32	NOONAN, Makaela	45 Cape Barron Drive LARA 3212	makaela@careyfn.com.au	Prospective purchaser. Supports Residential Development of the land.
33	MANN, Brodie & GREEN, Daniel	4/50 Patullos Road LARA 3212		Prospective purchaser. Supports Residential Development of the land.
34	MANUEL, Unni	228 Derrimut Road HOPPERS CROSSING		Prospective purchaser. Supports Residential Development of the land.
35	McMANNUS, Jake	67 Aberdeen Street NEWTOWN		Prospective purchaser. Supports Residential Development of the land.
36	MITCHELL, Clinton	1/3 Swindon Court LARA 3212		Prospective purchaser. Supports Residential Development of the land.

37	MUMMERY, Ben	13 Broiga Way, LARA 3212	becknummery@icloud.com		Prospective purchaser. Supports Residential Development of the land.
38	NANDAGOPAL, Krishna	42 Kambara Dr MULGRAVE 3170			Prospective purchaser. Supports Residential Development of the land.
39	NIKSIK, Vikki	15 Scarlett Grove, LARA 3212			Prospective purchaser. Supports Residential Development of the land.
40	O'DOWD, Mitch	9 Macaulay Way, DRYSDALE			Prospective purchaser. Supports Residential Development of the land.
41	O'TOOLE, Paul	15 Moran Place, NORLANE WEST 3214	p.otool@live.com		Prospective purchaser. Supports Residential Development of the land.
42	PEEL, Melissa & EDWARDS, Travis	2/125 Holts Lane BACCHUS MARSH 3340			Prospective purchaser. Supports Residential Development of the land.
43	PYLE, Rebecca	P O Box 306 BANNOCKBURN 3331			Prospective purchaser. Supports Residential Development of the land.
44	RALPH, Lynda	14 Forest Roar North LARA 3212	Charlie033@bigpond.com		Prospective purchaser. Supports Residential Development of the land.
45	SEBALUCK, Narvada	2/53 Schneider Crescent, CLARINDA 3169		KUNDRA, Mohit – C368	Prospective purchaser. Supports Residential Development of the land.
46	SHARMA, Anil	1A Development Court, ALTONA MEADOWS 3028	Anil.sharma@jemena.com.au		Prospective purchaser. Supports Residential Development of the land.
47	SINCLAIR, Stuart	22 Lennon Blvd POINT COOK			Prospective purchaser. Supports Residential Development of the land.
48	TANG, Diana	38 Boswell Place TRUGANINA	DannytangP.@gmail.com		Prospective purchaser. Supports Residential Development of the land.
49	WILKIN, Kevin	20 Beric Dve LARA 3121	kwilkin@bigpond.net.au		Prospective purchaser. Supports Residential Development of the land.