

Planning and Environment Act 1987

Panel Report

Greater Geelong Planning Scheme Amendment C368

Planning Permit Application 11/2017

143-179 Flinders Avenue, Lara

13 June 2018

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendment C36

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13 June 2018



Lucinda Peterson, Chair



Sarah McDonald, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Background to the proposal.....	3
1.3 The planning permit application.....	7
1.4 Procedural issues.....	9
1.5 Summary of issues raised in submissions.....	10
2 Planning context.....	12
2.1 Policy framework.....	12
2.2 Planning Scheme provisions.....	13
2.3 Ministerial Directions and Practice Notes.....	13
2.4 Discussion.....	14
2.5 Conclusion.....	14
3 The rezoning.....	15
3.1 The issue.....	15
3.2 Evidence and submissions.....	15
3.3 Discussion.....	16
3.4 Conclusions.....	17
4 The planning permit application.....	18
4.1 Lot size and diversity.....	18
4.2 Vehicle and pedestrian access and connectivity.....	20
4.3 Bushfire risk management.....	23
4.4 Public open space.....	25
4.5 Flinders Avenue construction and pedestrian and cycle paths.....	28
4.6 Flooding and drainage.....	30
4.7 Barwon Water sewer pump.....	32
4.8 Prohibition of cats.....	34
4.9 Planning permit conditions.....	35
Appendix A Submitters to the Amendment	
Appendix B Document list	
Appendix C Planning Permit conditions- Panel preferred version	

List of Figures

	Page
Figure 1 The subject land	2
Figure 2 The subject land showing the land proposed to be rezoned	2
Figure 3 Proximity to Lara and zoning context.....	3
Figure 4 Structure Plan Map as it appears in Lara Structure Plan (2011)	5
Figure 5 Existing Structure Plan Map in Clause 21.13-4.....	6
Figure 6 Proposed Structure Plan Map in Clause 21.13-4	7
Figure 7 Development Plan showing location of existing subdivisions and proposed	8
Figure 8 Overall Development Plan on the subject site.....	8
Figure 9 Exhibited Plan of Subdivision	9
Figure 10 Amended plan submitted to the Panel dated 24/04/2018.....	10

List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
GRZ	General Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
RLZ	Rural Living Zone
SPPF	State Planning Policy Framework
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment and Permit Application	Greater Geelong Planning Scheme Amendment C368 and Planning Permit Application 11/2017
Common name	143-179 Flinders Avenue, Lara
Brief description	Rezoning from Rural Living Zone to General Residential Zone and Multi Lot Subdivision
Subject land	143-179 Flinders Avenue, Lara
The Proponent	TGM Group Pty Ltd for L Bisinella Development Pty Ltd
Planning Authority	Greater Geelong City Council
Authorisation	Number AO3668 on 23 October 2017
Exhibition	9 November to 11 December 2017
Submissions	Number of Submissions: 50 Opposed or support with changes: 15 Pro forma submissions: 31

Panel process

The Panel	Lucinda Peterson (Chair) and Sarah McDonald
Directions Hearing	Greater Geelong City Council offices, 19 March 2018
Panel Hearing	Greater Geelong City Council Town Hall, 30 April 2018
Site inspections	Unaccompanied, 19 March 2018
Appearances	<p>Greater Geelong City Council represented by Mr Barry Gough, Strategic Planner and assisted by Mr Steve Roussac</p> <p>L. Bisinella Pty Ltd represented by Mr Chris Canavan of Counsel and Tiffany Akerman, instructed by Mr John Carey of Minter Ellison, calling evidence in:</p> <ul style="list-style-type: none"> • Planning by Mr Shayne Linke of Contour • Traffic by Mr Jason Walsh of Traffix • Drainage and flooding by Dr Mark Jempson of Venant Solutions <p>Mr Frank Chalifour, Secretary Township of Lara Care Group Pty Ltd Mr Steven Bullock</p>
Citation	Greater Geelong PSA C368 [2018] PPV
Date of this Report	13 June 2018

Executive summary

(i) Summary

Greater Geelong Planning Scheme Amendment C368 (the Amendment) and Planning Permit Application 11/2017 is a combined rezoning and subdivision of land at 143-179 Flinders Avenue, Lara.

The Amendment seeks to rezone the southern part of the site from the Rural Living Zone to the General Residential Zone – Schedule 1. The planning permit application seeks to create a multi-lot conventional residential subdivision on the southern part of the land. The northern part of the land is to be retained as Rural Living Zone to provide a 200 metre buffer to the Serendip Sanctuary to the north.

The land was identified as a potential candidate for residential zoning following the exhibition of Amendment C293 that rezoned adjacent land to the west from the Rural Living Zone to the General Residential Zone. However, the subject site was not considered for rezoning as part of Amendment C293 as it was not included in the exhibited amendment and was not supported by a landowner submission. However, the Structure Plan Map in Clause 21.13 'Lara' of the Greater Geelong Planning Scheme (Planning Scheme) was amended through Amendment C293 to change the designation of the subject land from 'Conventional residential' to 'Retain existing rural living zone'.

The current owner of the subject site has sought the proposed rezoning and planning permit.

In response to public exhibition of the proposed amendment 50 submissions were received.

The key issues for the Council are the provision of residential land and a preference for a cash-in-lieu contribution for public open space.

The key issues for the Proponent are the status of the proposed Barwon Water reserve as part of the public open space contribution and the details of infrastructure provision.

The key issues raised in other submissions, include, in summary:

- density and lot sizes of the proposed development
- impact on rural amenity
- pedestrian connection between the existing and proposed court bowls
- safety concerns regarding the vehicle access to lots fronting Flinders Avenue
- potential increase in volume of vehicles using the nearby Lewton Road
- lack of provision of physical public open space
- proximity of the development to the Serendip Sanctuary reserve
- potential increase in cats in the area
- support for the provision of more residential land.

Prior to the Hearing an amended Plan of Subdivision (dated 24/04/18) was submitted by the Proponent applying a 19 metre building setback to the lots along the northern boundary of the proposed General Residential Zone in response to a Bushfire Assessment undertaken in accordance with the Clause 13.05 'Bushfire' policy under the Planning Scheme.

The Panel concludes:

- The Amendment is supported by and implements the relevant sections of the State and Local Planning Policy Frameworks and is consistent with the relevant Ministerial Directions and Practice Notes.
- The proposed General Residential Zoning of part of the land is a logical inclusion of conventional residential land.
- The Rural Living Zone 200 metre buffer along the northern part of the site, south of Serendip Sanctuary, is appropriate.
- The Structure Plan Map in the Lara Structure Plan (2011) should be updated to show the 200 metre buffer.
- The proposed lot sizes are acceptable.
- The proposed lots should not be limited to development for single dwellings only.
- The vehicle access arrangements are acceptable.
- Pedestrian access to both Spoonbill Court and Firetail Way is appropriate.
- The Planning Scheme amendment and planning permit will be consistent with the bushfire policy at Clause 13.05 of the Planning Scheme subject to the requirements and recommendations of the bushfire risk assessment being given effect through the planning permit for the subdivision of the land.
- The requirement for a financial contribution for the public open space contribution for the subdivision is appropriate.
- The Barwon Water reserve should not form part of the public open space contribution.
- Flinders Avenue is to be constructed along the frontage of the subject site and the adjoining property to the south (131A Flinders Avenue) to comprise a traffic lane in each direction, kerb and channel, a parking lane, cycle lane, and a sealed pedestrian path on the north-western side of Flinders Avenue, and a table drain on the south-east side.
- The flood modelling is adequate.
- The relevant EPA noise publication provides the appropriate mechanism to regulate any potential noise impacts of the sewer pump and no additional requirements are required under the planning permit for the proposed subdivision.
- The prohibition on keeping cats and the mechanisms to apply this are appropriate.
- The conditions of the draft planning permit as exhibited should be amended in accordance with the conclusions and recommendations of this report.

(ii) Recommendations

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

- 1. Greater Geelong Planning Scheme Amendment C368 be adopted as exhibited**
- 2. Planning Permit Application 11/2017 be issued as exhibited subject to the following:**
 - a) The road layout of the proposed subdivision to be in accordance with the Plan of Subdivision prepared by TGM Group dated 24/04/2018.**
 - b) Amend Condition 25 requiring a landscaping plan to include that the plan show:**

- the boundaries between the subject site and Spoonbill Court and Firetail Way to be unfenced
 - a footpath connection between the new northern court and Spoonbill Court.
- c) Include a condition that the requirement for dwellings to be set back a minimum distance of 19 metres from the northern boundary of the proposed conventional residential subdivision is applied as a restriction in the Plan of Subdivision.
- d) Include a condition that the bushfire mitigation measures recommended in section 6.2 of the bushfire risk assessment (South Coast Bushfire Consultants, 26 April 2018) be applied to the affected lots through an agreement under section 173 of the *Planning and Environment Act 1987*.
- e) Amend conditions 5 and 7 to require the construction of Flinders Avenue along the frontage of the subject site and the adjoining property to the south (131A Flinders Avenue).
- f) Amend condition 7 requiring engineering road construction plans to specify that the cross section of Flinders Avenue include:
- a traffic lane in each direction
 - kerb and channelling, a parking lane, cycle lane and sealed pedestrian path on the north-western side of Flinders Avenue only
 - a table drain on the south-east side of Flinders Avenue.
- g) Amend condition 10 to require the drainage management plan to be amended to include the changes to the design of the underground pipe network in accordance with the Flood Impact Assessment Planning Panel Permit Application 11/2017 143-179 Flinders Avenue Lara', Report Reference: R.M00177.001.00 Docx, Date 24 April 2018, Venant Solutions.
- h) Amend Condition 2 that requires an agreement under Section 173 of the *Planning and Environment Act 1987* between the Council and the owner of the land, to provide that:
- No cats are to be kept on the new lots created
 - Prospective purchasers are to be informed about the prohibition by the vendor prior to purchase of a lot or lots within the subdivision
 - The Council is to enforce the prohibition until such time that it is superseded by a similar local law.
- i) Otherwise amend the conditions of the exhibited draft planning permit in accordance with the Panel version set out in Appendix C.

The Panel has provided a marked-up version of the permit conditions in accordance with the above recommendations, in Appendix C.

1 Introduction

1.1 The Amendment

(i) Amendment and planning permit application description

The proposal is a combined rezoning and subdivision of land at 143-179 Flinders Avenue, Lara pursuant to Section 96A of the *Planning and Environment Act 1987*.

The Amendment seeks to rezone part of the land from the Rural Living Zone to the General Residential Zone – Schedule 1.

Specifically, the Amendment:

- Amends Planning Scheme Map No. 19ZN to rezone the land from the Rural Living Zone to the General Residential Zone – Schedule 1.
- Alters Clause 21.13 Lara Structure Plan Map to show the land as ‘Conventional Residential’.

The exhibited planning permit application proposes:

- The creation of a multi-lot conventional residential subdivision (advertised with a Plan of Subdivision comprising 23 lots varying in size from 510 square metres to 1007 square metres).
- The creation of a balance Rural Living Zone lot.
- Creation of a reserve for Barwon Water for a sewer pump station.

(ii) Purpose of the Amendment

The Amendment is required to facilitate the rezoning of a 2.1 hectare area of land within the Lara settlement boundary for residential development.

(iii) The subject land

The Amendment applies to land at 143-179 Flinders Avenue, Lara, described as Lot A on Plan of Subdivision 734359J. The total area of the land is 5.9 hectares, with the northern part of the land comprising 3.8 hectares to remain in the Rural Living Zone and the southern part comprising 2.1 hectares proposed to be rezoned to General Residential Zone – Schedule 1.

The site is located at the northern edge of the urban area of Lara, approximately 20 kilometres north of the Geelong CBD.

The site is vacant and generally level; a single mature tree is located on the site. It is zoned Rural Living Zone and it appears the site is currently used as cropped farm land.

Land immediately to the west and south is zoned General Residential Zone and developed and used as conventional residential purposes. The land to the west, on either side of Caddy’s Road, forms Stages 1-7 of the Lara Central Estate. Serendip Sanctuary is located to the north of the site, on the northern side of Windemere Road. The land to the east, on the opposite side of Flinders Avenue, is zoned Rural Living Zone and appears to be used as farm land.

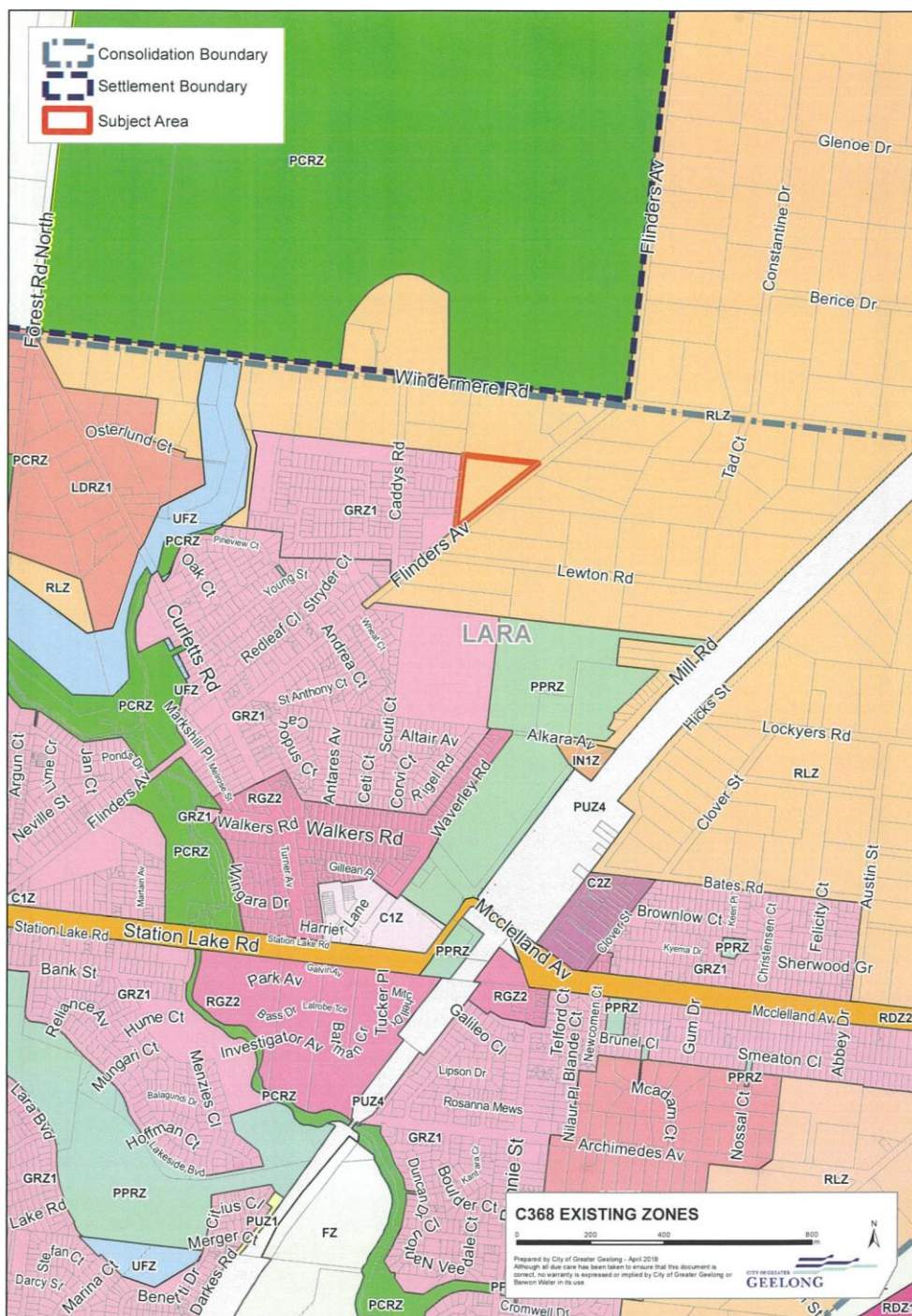
Figure 1 The subject land



Figure 2 The subject land showing the land proposed to be rezoned



Figure 3 Proximity to Lara and zoning context



1.2 Background to the proposal

(i) The Lara Structure Plan (2011)

The Lara Structure Plan (2011) was adopted by the Council in April 2011 and approved by Amendment C198 to the Planning Scheme as a reference document in Clause 21.13. The Structure Plan provides direction for the future planning of the township for the next 10 years.

The vision for Lara in the Structure Plan is:

Lara in 2021 will offer residents a diverse lifestyle choice from urban living to rural residential living. The town will retain its rural setting with the You Yangs providing a scenic back drop. The town will continue to be attractive to families and there will be a range of services, infrastructure and facilities including an integrated open space network, community hubs and a vibrant, attractive town centre to cater to community needs.

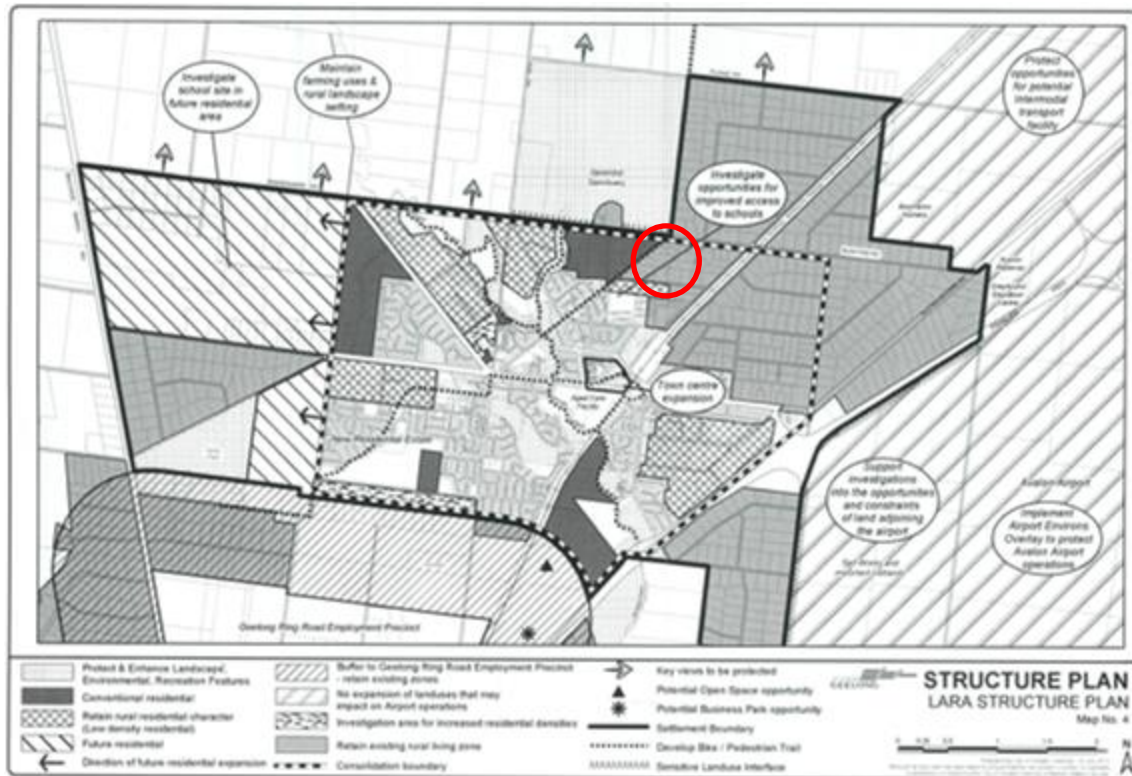
The role of the township includes:

Lara does not appear to fulfil a rural service township role, but rather acts as an urban satellite of Geelong. Lara offers a range of lifestyle and housing choice including urban and rural residential. An attraction of Lara is its rural setting and the spacious residential allotments, established street trees, gardens and wide residential streets. In Geelong new developments generally target densities of 15 dwellings per hectare. Given Lara has some drainage and flooding constraints a density between 10-15 may be more realistic. It is important new developments retain the rural feel of the township through design treatments such as unsealed verges, table drains and wire fences and open space.

The site is located in the 'Caddys Road' area, bound by Windermere Road (to the north), Flinders Avenue (to the east), Serendip Creek (to the west) and developed residential land to the south. The Structure Plan identifies all of this area as suitable for 'conventional residential' and within the 'settlement boundary' as well as a more confined area called the 'consolidated boundary'. The Structure Plan recommends a buffer area be established to the south of Serendip Sanctuary, in the area south of Windermere Road and suggests various options to achieve this, including a density of 1 hectare lot sizes off Windermere Road or a vegetation strip along Windermere Road to a depth of 50 metres.

Figure 4 illustrates the Structure Plan Map as it originally appeared in the Lara Structure Plan (2011).

Figure 4 Structure Plan Map as it appears in Lara Structure Plan (2011)

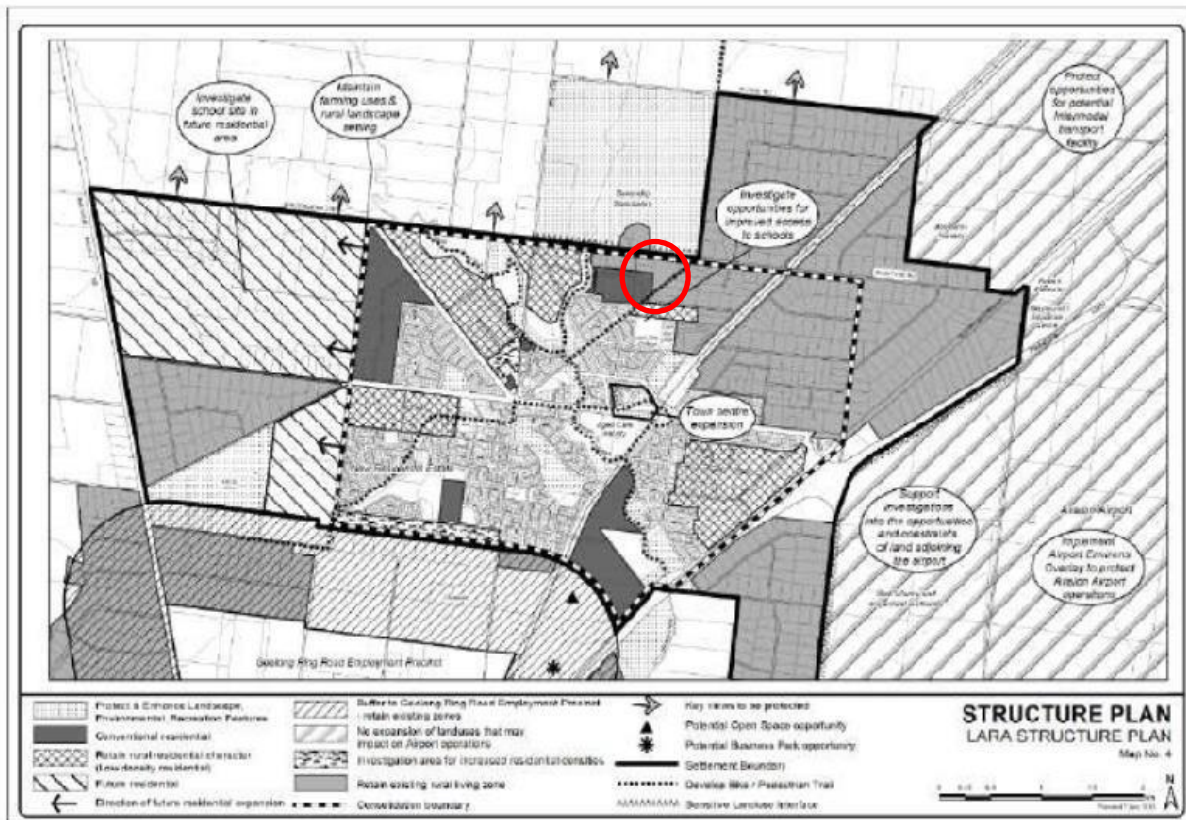


(ii) Amendment C293

The purpose of Amendment C293 was to a) alter the Structure Plan Map at Clause 21.13-4 of the Municipal Strategic Statement to introduce a buffer of rural residential land to the Serendip Sanctuary, and b) rezone land in Caddys Road (including the land immediately to the west of the subject site) from Rural Living Zone to General Residential Zone.

As a result of the Amendment, a 200 metre ‘buffer’ was established south of Windermere Road, in the form of Rural Living Zone as illustrated in an amended Structure Plan Map in Clause 21.13-4, as recommended by the Panel to C293. The Amendment also changed the status of the southern part of the subject site on the Structure Plan Map at Clause 21.13-4 from ‘Conventional residential’ to ‘Maintain existing Rural Living zone’. Figure 5 illustrates the existing Structure Plan Map in Clause 21.13-4.

Figure 5 Existing Structure Plan Map in Clause 21.13-4



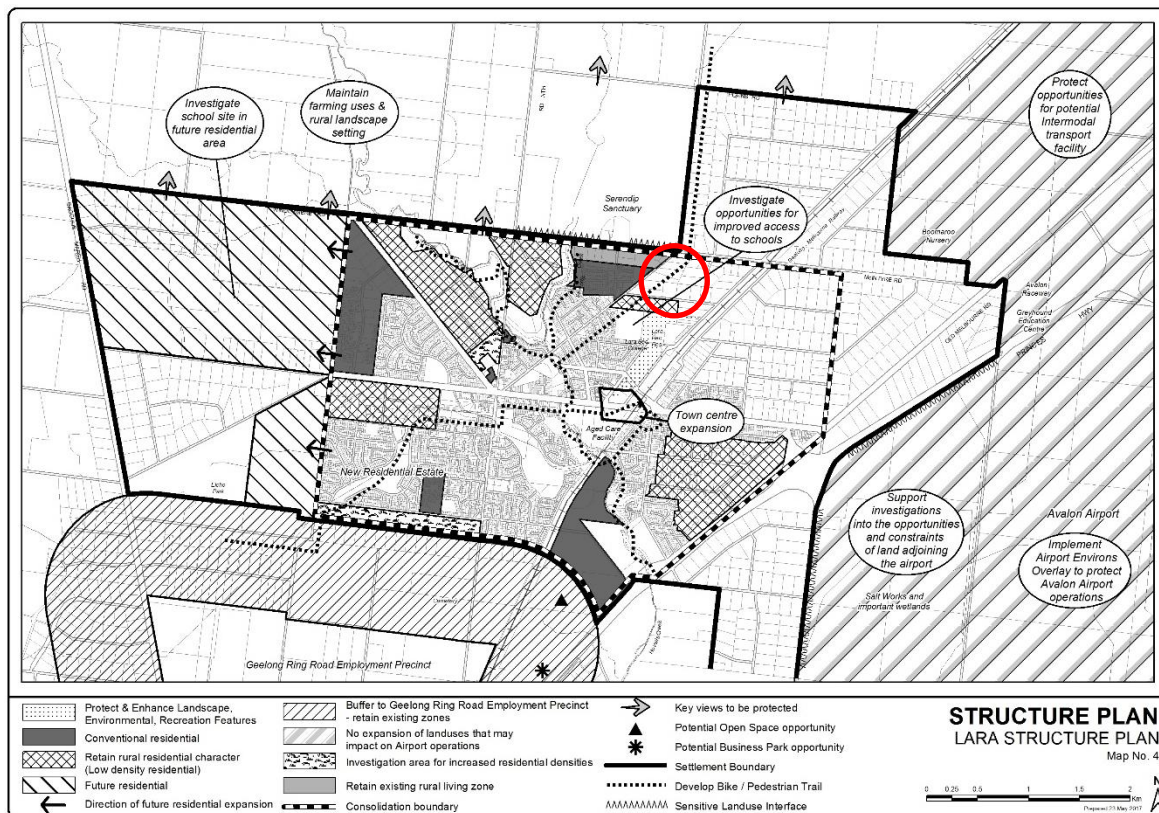
(iii) Amendment C368

In the explanatory report for this Amendment, Council explained that following the exhibition of Amendment C293, the subject land (along with other land in the vicinity of Caddys Road) was identified as a potential candidate for rezoning from the Rural Living Zone to the General Residential Zone. However, as the exhibited Amendment C293 did not include the subject land, was not supported by a landowner submission, and the land was included in the settlement and consolidation boundaries in the Lara Structure Plan (2011), it was not considered for rezoning at that time.

Council explained that subsequently the land has been sold, and all the adjoining General Residential Zone to the west has been subdivided and that subdivision has been designed to integrate with the subject site for future conventional residential development.

As part of this Amendment, the Structure Plan Map in Clause 21.13-4 is proposed to be amended to reflect the southern portion of the subject site as ‘Conventional Residential’ while the northern part is to remain as ‘maintain Rural Living Zone’ to maintain the 200 metre buffer between conventional residential development and the Serendip Sanctuary. Figure 6 illustrates the proposed Lara Structure Plan map in Clause 21.13-4.

Figure 6 Proposed Structure Plan Map in Clause 21.13-4



1.3 The planning permit application

The application proposes the:

- creation of a multi-lot conventional residential subdivision
- creation of the balance of the site as a Rural Living Zone lot
- creation of two roads
- creation of a reserve for Barwon Water for a sewer pump station.

The exhibited proposal included lots ranging from 510 to 1,007 square metres, with those fronting the internal roads oriented north-south and those fronting Flinders Avenue east-west. The subdivision proposes to incorporate road and pedestrian connections to the residential land to the west and Flinders Avenue to the east.

The subdivision proposes to create a Barwon Water reserve to establish an underground sewer pumping station to service the subdivision.

The application was accompanied by a Development Plan showing the neighbouring subdivision layout (Figure 7), an Overall Development Plan showing the subject site (Figure 8) and a Plan of Subdivision (Figure 9).

Figure 7 Development Plan showing location of existing subdivisions and proposed

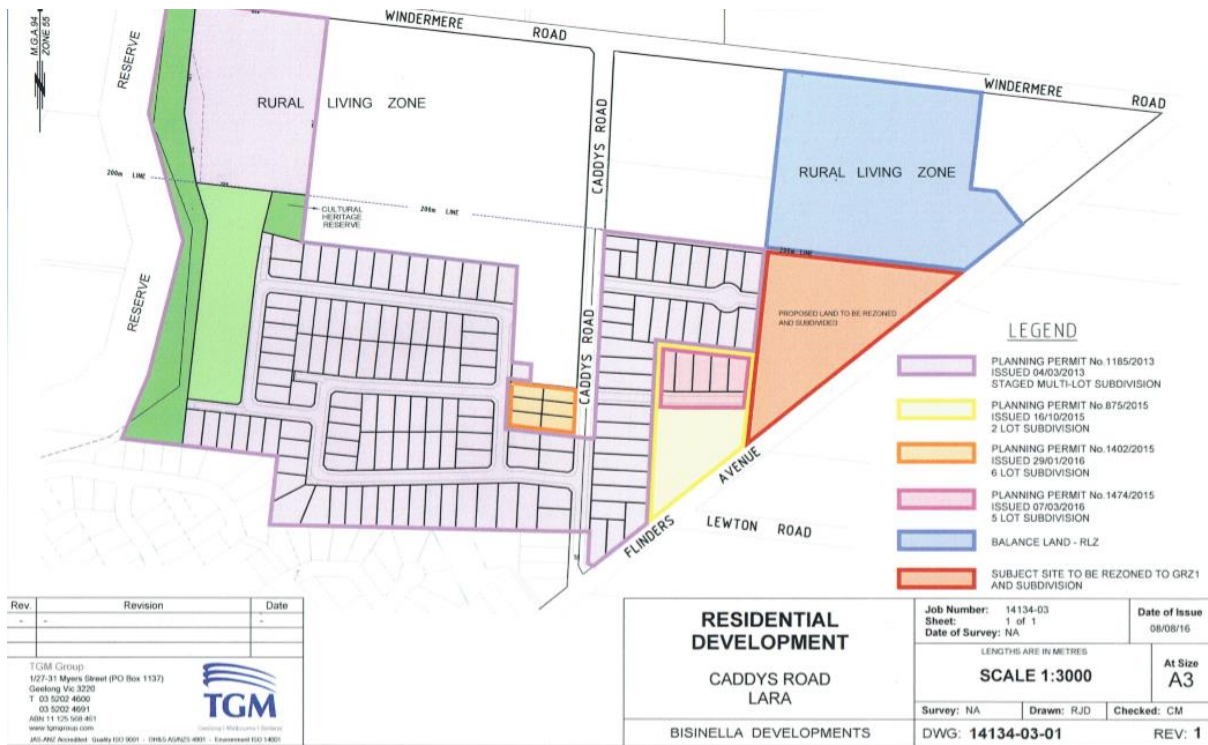
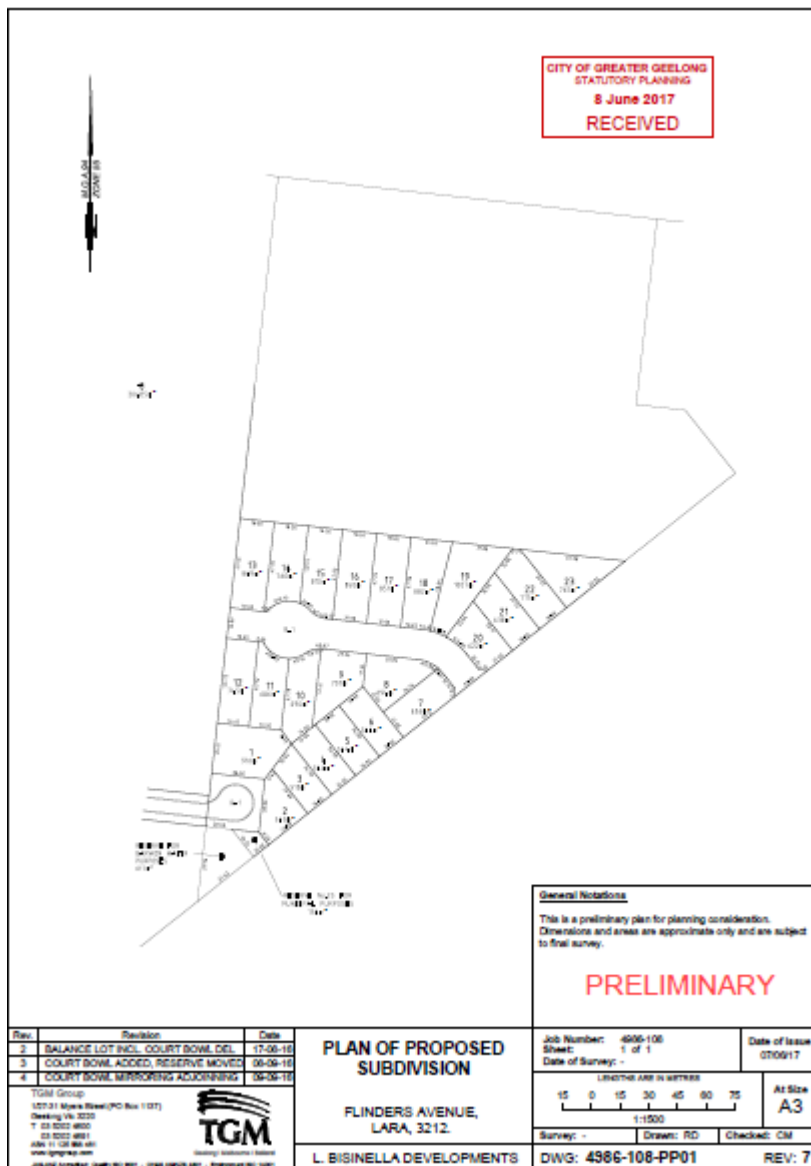


Figure 8 Overall Development Plan on the subject site



Figure 9 Exhibited Plan of Subdivision



The application was accompanied by the following assessments:

- Planning Report – TGM Group Pty Ltd
- Vegetation Assessment – Mark Trengove Ecological Services
- Cultural Heritage Management Plan No. 13780 – Terra Culture Heritage Consultants
- Flood Impact Assessment – BMT WBM
- Infrastructure and Servicing Assessment – TGM Group Pty Ltd.

1.4 Procedural issues

Prior to the hearing an amended Plan of Subdivision (TGM plan dated 24/04/18) (Document 9), shown in Figure 10, was submitted to the Panel on behalf of the Proponent, along with a Bushfire Assessment by Ms Kylie Steel of South Coast Bushfire Consultants. Although the site is not affected by a Bushfire Management Overlay, amendments to the Bushfire policy at Clause 13.05-1, introduced into the Planning Scheme on 12 December 2017 through

amendment VC140, requires authorities, when planning for settlements, to ensure that they are “Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009.”

The amended subdivision plan applied a 19 metre setback from the northern boundary of lots 13-19 and 22-23 in the proposed General Residential Zone.

The amended plan was circulated to all parties prior to the Hearing and was accepted by the Panel as a plan to consider at the Hearing.

Figure 10 Amended plan submitted to the Panel dated 24/04/2018



1.5 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

(i) Planning Authority

The key issues for the Council were:

- Provision of residential land
- Preference for cash-in-lieu contribution for public open space.

(ii) The Proponent

The key issues for the Proponent were:

- Status of the proposed Barwon Water reserve as part of the public open space contribution
- Details around infrastructure provision.

(iii) Individual submitters or groups of submitters

The key issues for other submitters were:

- density and lot sizes of the proposed development
- impact on rural amenity
- pedestrian connection between the existing and proposed court bowls
- safety concerns regarding the vehicle access to lots fronting Flinders Avenue
- potential increase in volume of vehicles using the nearby Lewton Road
- lack of provision of physical public open space
- proximity of the development to the Serendip Sanctuary reserve
- potential increase in cats in the area
- support for the provision of more residential land.

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

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. 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
- The rezoning
- The planning permit application.

2 Planning context

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

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 proposal is supported by the following clauses in the State Planning Policy Framework:

Clause 11 Settlement - The proposal supports this policy as it will facilitate residential growth in an orderly manner located close to educational and community services in a broader established residential context.

Clause 11.07 Geelong (G21) Regional Growth - The proposal supports this policy as Lara is identified as an area to support planned growth and reinforce the role of distinct towns and to optimise the use of existing infrastructure and services.

Clause 15 Built Environment and Heritage - The proposal supports this policy as the subdivision design will enable the creation of a safe, functional and high quality environment with a sense of place and cultural identity in keeping with the surrounding residential character.

Clause 16 Housing - The proposal is considered to accord with this policy as it will facilitate a serviced diverse housing development in an existing developed residential context in close walking distance to town services.

Clause 19.03-3 Stormwater - The proposal supports this policy via the management of stormwater from the site through Lara Central Estate via incorporation of water sensitive urban design techniques to reduce run-off and peak flows and integrate stormwater treatment.

(ii) Local Planning Policy Framework

Council submitted that the Amendment and permit application support the following local planning objectives:

Clause 21.06-2 Urban Growth - This policy aims to limit urban sprawl by directing urban growth to designated urban growth areas and improve housing affordability through the maintenance of appropriate urban land supplies, the promotion of competition in the housing market and the development of a diverse range of well-located housing stock.

Clause 21.06-3 Urban Consolidation - The proposal supports this policy as it will result in the consolidation of existing urban areas in a managed way, encourage an appropriate range of dwelling types within close proximity to urban services.

Clause 21.06-4 Neighbourhood Character - The proposal supports this policy as it will result in the development of conventional residential lots in keeping with the surrounding character.

Clause 21.13 Lara - The proposal supports this policy as the residential development of this land will maintain a compact urban form, maintain the surrounding rural characteristics and provide appropriately zoned land to supply the varying residential demands of Lara.

(iii) Other planning strategies or policies used in formulating the Amendment

The Lara Structure Plan (2011), discussed in Section 1.2 of this report, sets out a 10 year strategy for land use and development in the township of Lara.

While the Structure Plan is a reference document in Clause 21.13 the Structure Plan Map in the structure plan and that in Clause 21.13-4 are inconsistent, as described in Section 1.2.

2.2 Planning Scheme provisions

(i) Zones

The purposes of Clause 32.08 'General Residential Zone' are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

(ii) Overlays

No overlays apply to the land.

2.3 Ministerial Directions and Practice Notes

Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Regarding Ministerial Direction No. 1 (Potentially Contaminated Land), this Direction requires a planning authority preparing an amendment which would have the effect of allowing potentially contaminated land to be used for a sensitive use, agriculture or public open space,

to satisfy itself that the environmental conditions of that land are or will be suitable for that use.

In response to the exhibition of the Amendment and planning permit application, EPA Victoria advised that they do not have records of the previous uses of the site and potential for soil contamination. Council would have to determine whether past agricultural uses (such as fuel usage or chemical use) are likely to have resulted in any contamination.

Planning Practice Notes

Council submitted that the Amendment is consistent with:

- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015
- Planning Practice Note 59 (PPN59) The Role of Mandatory Provisions in Planning Schemes, June 2015.

2.4 Discussion

The Panel has considered the SPPF and LPPF and Council's strategic analysis of the proposed rezoning. The Panel considers that the proposal in general is supported by the policy framework to develop land within the settlement boundary while at the same time maintaining the environmental buffer from Serendip Sanctuary.

The Panel notes that the Lara Structure Plan, adopted April 2011, is inconsistent with the existing Structure Plan Map in Clause 21.13-4.

2.5 Conclusion

The Panel concludes that the Amendment is supported by and implements the relevant sections of the State and Local Planning Policy Frameworks and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 The rezoning

3.1 The issue

Whether the proposal to rezone the subject land to the General Residential Zone – Schedule 1 is suitable and appropriate.

3.2 Evidence and submissions

A number of submitters said that they had previously been given undertakings that the land would not be developed or subdivided.

The Township of Lara Care Group Inc. (Submitter 17) opposed the extent of the rezoning on the basis of increased cat numbers, traffic, open space, and the existing land ‘over supply’ of residential zoned land. They submitted that there is no justification to rezone this land as the existing residential land is well in excess of the minimum 15 year land supply requirement in the Planning Scheme. They expressed preference for the Low Density Residential Zone (LDRZ) with a single dwelling per acre, with 8 to 10 dwellings in total.

Mr Bullock (Submitter 6) submitted, along with several other submissions, that there is not a lack of zoned land within the Lara area to justify rezoning more land to General Residential Zone.

Council submitted that the rezoning of the site is strategically justified as it is located within both the ‘settlement boundary’ and the ‘consolidation boundary’ of Lara, and the General Residential Zone will facilitate residential development that can capitalise on the site’s location adjoining an established residential area close to schools, public transport, including the Lara Rail Station which provides passenger train connections to Geelong and Melbourne, and retail and community facilities in central Lara. Council submitted that the development of the land into conventional residential lots will be consistent with recent developments on adjoining General Residential Zone land. Council also submitted that the site is a logical extension of the General Residential Zone and a logical addition to facilitate residential development consistent with conventional residential development in north Lara.

Council considered the proposal will both maintain the non-urban buffer to the Serendip Sanctuary, while at the same time allowing the application of the General Residential Zone to the land to the east of the residential subdivision implemented by Ministerial Amendment C293, to facilitate the completion of this urban street network and residential development.

Council submitted that while the current Structure Plan Map at Clause 21.13-4 of the Planning Scheme does not identify the site for re-zoning, Council officers advocated for the inclusion of the site in the General Residential Zone of as part of Amendment C293. They submitted that the site is suitable for residential development as it is within the settlement boundary but outside the 200 metre buffer to Serendip Sanctuary.

Mr Canavan, for the Proponent, submitted that there is a long history of consideration of conventional residential land in this area and for this site. He submitted that the Lara Structure Plan (2011) recommended that the Caddys Road area, including the subject site be designated as ‘conventional residential’. He also submitted that through Amendment C293 a

200 metre buffer was recommended, which is now reflected in the Structure Plan Map in Clause 21.13-4. However, the designation of the site as 'retain existing rural zone' was also applied, despite there being no recommendation by a Panel.

Mr Canavan submitted that, given the site's location, it was identified as early as 2007 as being suitable for conventional residential, there is strong strategic justification for the rezoning to General Residential Zone. While accepting the 200 metre buffer on the northern part of the site in the form of the Rural Living Zone lot, he submitted the rezoning of the balance of the land to General Residential Zone is a logical extension to the existing Lara Central Estate subdivision to the west. Mr Canavan submitted that given the complexities of some of the other sites in Lara that are yet to be developed, the site is likely to be developed and is a logical infill opportunity. Mr Canavan submitted the proposed rezoning and subdivision that will deliver approximately 23 lots, will have no appreciable impact on the development of other land within Lara earmarked for residential development.

Mr Linke, providing planning evidence for the Proponent, considered the site suitable for conventional residential. He advised that Lara is one of five areas in Greater Geelong identified to accommodate residential growth. It is within the 'consolidation boundary' and 'settlement boundary' for the Lara township.

Mr Linke considered "*it is a mistake*" to categorise the land as Rural Residential as reflected in the Structure Plan Map in Clause 21.13-4. He said there is no good reason that the land should be categorised as such, and that the changes to the Structure Plan Map in Clause 21.13-4 resulting from Amendment C293 were really about implementing a 200 metre buffer. He said there is an anomaly between the Structure Plan Maps in the Lara Structure Plan (2011) and Clause 21.13-4, and that it was not something the Panel considering Amendment C293 recommended be changed.

3.3 Discussion

It is clear that this site has a long history of being considered for a residential use of some description. It is located within the 'consolidation boundary' and 'settlement boundary' in the Lara Structure Plan Map in both the Lara Structure Plan (2011) and Clause 21.13-4. That said, the Panel notes that there is much land within the 'consolidation boundary' and 'settlement boundary' designated as 'retain Rural Living Zone'.

The Panel notes the 200 metre Rural Living Zone buffer on the northern part of the site and that, through this proposal, the buffer would remain through the retention of the Rural Living Zone.

This leaves the remaining southern part of the site, which is effectively a wedge between a local road to the east (Flinders Avenue) and conventional residential development to the west.

Regarding land supply, the Panel notes that there is ample existing land supply in Lara to cater for demand for residential lots. Clause 11.02-1 'Supply of urban land' requires Councils to "*ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development*" and that Councils are to "*Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur*".

Clause 21.13-2 requires the rezoning of ‘future residential’ areas when a review of lot supply indicates rezoning is necessary to continue to achieve at least 15 years lot supply, taking into consideration any infill opportunities that will not be realised in the short term. That said, the requirement for a 15 year supply is a minimum requirement. The key matter is to ensure that there is an adequate amount of land zoned to ensure a supply for housing, factoring in timing for planning, design, construction of infrastructure and housing in a sequence that supports existing infrastructure and communities.

The Panel considers that the land proposed to be rezoned to General Residential Zone is a logical extension of the existing conventional residential area as it is wedged between existing residential land to the west and a sealed road to the east and will utilise and build upon existing infrastructure. The addition of (approximately) 23 lots will not compromise the development of other land that has been zoned or designated for development.

The Panel is concerned that the Structure Plan Map in the Lara Structure Plan (2011), a reference document in the Planning Scheme, is not consistent with the Structure Plan Map in Clause 21.13-4. The Rural Living Zone land that acts as a buffer to Serendip Sanctuary is not shown on the Structure Plan map (Map 4) in the Lara Structure Plan (2011). The Panel considers that, prior to submitting the Amendment for approval, Council should take this opportunity to amend the Structure Plan document so that the two maps are consistent with each other. An annotation should be included within the Lara Structure Plan (2011) document to explain the context of the changes.

3.4 Conclusions

The Panel concludes:

- Given the location of the land, its proximity to other Lara Central Estate to the west and proximity to services and infrastructure, the rezoning of the southern portion of the subject land to General Residential Zone is a logical inclusion of conventional residential land.
- The proposed retention of Rural Living Zone as a 200 metre buffer on the northern part of the site is appropriate.
- The Lara Structure Plan (2011) should be updated to include a revised Map 4, showing the 200 metre buffer south of Serendip Sanctuary.

4 The planning permit application

4.1 Lot size and diversity

(i) The issue

Whether the conventional residential lot sizes proposed in the Plan of Subdivision are appropriate and provide for housing diversity.

(ii) Evidence and submissions

Mr Linke's evidence for the Proponent included, in summary:

- the proposal responds appropriately to the relevant objectives of Clause 56 'Residential subdivision'
- the proposed lots are between 522 square metres and 1076 square metres¹
- other residential estates in Lara, including stages 1 – 7 of the Lara Central Estate, have a large proportion of lots between 400 square metres and 800 square metres
- the proposed subdivision also includes lots within this range, however approximately 30% of the proposed lots have an area of over 800 square metres
- the Lara West Precinct Structure Plan (25 September 2013) requires an overall density of at least 15 dwellings per net developable hectare
- while the lots will be for single dwellings only, not multi dwellings, the lots will provide for a range of different sized houses
- 23 lots as proposed "*are neither here nor there*" in relation to lot diversity across Lara.

Mr Linke advised that he understood that it is proposed to apply a restriction on the lots limiting them to being developed for single dwellings.

Council submitted that the lot sizes are within the range of nearby residential lots and generally consistent with those in the subdivision adjoining to the west. Council acknowledged that the proposed subdivision has a greater variation in lot sizes. Council also submitted that the variation in lots sizes allows for a variety of single and multi-dwelling developments.

In relation to the possibility of a single dwelling restriction being imposed on the lots the Council submitted that having single dwellings in a location abutting a Rural Living Zone or a Low Density Residential Zone is part of the continuity of reducing density further away from the urban centre.

Several submissions (including submitters 10 and 12) commented that the lots should be between 1000 and 4000 square metres. Submitter 10 stated that:

Lot sizes in the range of 1000m² – 4000m² would be more appropriate for this proposed amendment as it faces Rural Living Zone lots of 5 acres and will abut the RLZ buffer of 200m to Serendip Sanctuary to the north.

¹ Based on the subdivision layout in the Overall Development Plan.

Submitter 12 commented that lots of 1000 square metres and 4000 square metres would:

...provide a variety of lot sizes to accommodate the varying needs of the Lara community as stated in clause 21.06-3 of the Lara Structure Plan.

Mr Bullock submitted that the properties facing Flinders Avenue are too small, and that this will result in children playing on the street or not playing at all because of the small lot sizes and the lack of open space areas close by.

Other submitters supported the proposed subdivision, commenting on the *“generously sized lots which is perfect for families looking to raise their children ...”* (Submitter 21).

The amended Plan of Subdivision (Document 9) provides lots that range in size from 483 square metres to 1366 square metres. The Panel’s analysis is that the amended Plan of Subdivision has resulted in eight of 12 lots previously sized between 600 square metres and 800 square metres being either reduced to less than 600 square metres or increased to more than 800 square metres.

The state and local planning policies at Clauses 11.02-3 ‘Planning for growth areas’, 15.01-3 ‘Neighbourhood and subdivision design’, 16.01-4 ‘Housing diversity’, 21.02 ‘City of Greater Geelong sustainable growth framework’, and 21.06 ‘Settlement and housing’ of the Planning Scheme, seek to ensure a diversity of housing.

The key issues and influences for settlement and housing at Clause 21.06-1 include that *‘the majority of new housing development in the municipality will continue to be in the form of detached dwellings on conventionally sized blocks’*, as well as *‘the demand for smaller dwelling types is expected to escalate’* due to smaller households and emerging preferences for lower maintenance dwellings. It also states that *‘in order to meet these demands, there is a need to provide for a range of housing typologies’*.

One of the strategies that supports the objectives for urban growth at Clause 21.06-2 is to *‘ensure new residential neighbourhoods provide a mix of housing suited to the needs of a diverse range of household types’*.

The objective and standard C7 of Clause 56.04-1 ‘Lot diversity and distribution objectives’ of the residential subdivision provisions in the Planning Scheme seek to, amongst other things, provide a range of lot sizes to suit a variety of dwelling and household types.

(iii) Discussion

The Panel is satisfied that the proposed lots are conventionally sized residential lots that are generally consistent with state and local planning policies, the purposes and provisions of the General Residential Zone, and the Clause 56 residential subdivision provisions.

The lots that are less than 600 square metres are mostly lots of around 540 square metres in area. To the extent that these lots provide relatively smaller land areas the Panel is satisfied that they respond to the emerging demand for smaller dwelling types and lower maintenance dwellings identified in Clause 21.06-1 of the Planning Scheme.

While the proposed lots, and particularly those that are more than 600 square metres in area, may be of sufficient size to allow the construction of more than one dwelling,² if they are limited to being developed for single dwellings their potential for providing different housing types and sizes will be removed. This would be inconsistent with both the state and local planning policies and the purpose of the General Residential Zone that seek to provide for a diversity of housing types.

While not in close proximity to the Lara town centre, the subject land is not remote from this centre or public transport, the primary school, or public open spaces. It is suitable for providing opportunities for some diverse housing options in accordance with the relevant planning policies and provisions of the Planning Scheme and in response to market demand. The Panel considers that the provisions of the Planning Scheme should be the mechanism to manage the future use and development of these lots, rather than private restrictions or agreements.

(iv) Conclusions

The Panel concludes:

- The proposed lot sizes are acceptable in the context of the proposed zoning of the subject land as General Residential Zone – Schedule 1.
- The proposed lot sizes provide a diversity of sizes within the scope of ‘conventional residential’ land.
- The proposed lots should not be limited to development for single dwellings.

4.2 Vehicle and pedestrian access and connectivity

(i) The issue

Whether the proposed vehicle and pedestrian access and connectivity of the proposed subdivision to Flinders Avenue and the residential subdivision to the west are appropriate.

(ii) Evidence and submissions

Vehicle access and traffic impacts

The proposed subdivision design includes a new court with access from Flinders Avenue. This court aligns with the eastern end of Spoonbill Court. While no vehicle access between the two courts is proposed, pedestrian access is.

The proposed subdivision also proposes a court bowl end to the existing Firetail Way, with three of the proposed lots adjoining this court. While the Overall Development Plan showed Firetail Way to be extended through to intersect with Flinders Avenue, the exhibited plan and the proposed revised plan (Document 9) do not.

Mr Walsh’s evidence for the Proponent is, in summary, that:

² Subject to the relevant requirements of the planning scheme, including the provisions of the General Residential Zone at clause 32.08 and the residential development provisions under clause 55 ‘Two or more dwellings on a lot and Residential Buildings’.

- the proposed subdivision is expected to generate 240 vehicle trips per day³
- the post development traffic volume for Flinders Avenue will be in the order of 800 movements per day, which is well below the target volume range that is up to 2000 vehicles per day
- the anticipated level of traffic can be accommodated on Flinders Avenue
- the access to two of the proposed lots from Firetail Way will make no material difference to the operation of this street.

The Council submitted that its traffic engineers advised that the subdivision should not provide a vehicle access connection between Firetail Way and Flinders Avenue.

One submission (Submitter 11) raised concern that the proposed subdivision will increase traffic on Lewton Road (on the eastern side of Flinders Avenue). Mr Walsh's evidence is that while a few cars may use Lewton Road, most will not primarily due to this road being unsealed.

Pedestrian access to Spoonbill Court

Both the exhibited Plan of Subdivision and the proposed revised plan (Document 9) provide for pedestrian access between the new subdivision and Firetail Way and Spoonbill Court to the west.

While Firetail Way currently has an informal connection through to Flinders Avenue over the unfenced subject site, the eastern end of Spoonbill Court is fenced along its boundary with the site.

Numerous submissions (including Submitters 7, 8, 9, 14, and 15) oppose the provision of pedestrian access between the proposed subdivision and Spoonbill Court. The submissions raise concerns relating to privacy, safety, and security. For example:

We ... DO NOT wish to lose our privacy and safety (Submitter 7).

... the proposed open walk through court will take away this safe play space for our children, and will create an opportunity for unwanted dirt bikes and cyclists speeding through a pedestrian zone, where many young children are playing (Submitter 9).

The Proponent submitted that the marketing material for lots in Spoonbill Court showed the boundary of the subdivision as being unfenced, and that the current fencing is a temporary measure.

Mr Linke's evidence is that the pedestrian connection to Spoonbill Court will be beneficial in ensuring convenient pedestrian connectivity. He stated that it will not impact on the safety of residents in Spoonbill Court and that, if managed correctly, residents' concerns regarding motorbikes using the pedestrian link can be appropriately dealt with.

Mr Walsh's evidence is that pedestrian access should be provided to both Spoonbill Court and Firetail Way. Mr Walsh stated that over time he expects that the existing bus service along Flinders Avenue, which currently terminates further to south of the subject land, will be extended to the north, and that if this happens pedestrian access to Flinders Avenue from the

³ Based on the subdivision comprising 24 residential lots.

existing courts through the proposed subdivision is important and logical to provide connections to the bus service from residential areas to west.

Both the state and local planning policies in the Planning Scheme support providing walkable neighbourhoods, and linkages and opportunities for walking and cycling. These include Clauses 15.01-3 'Neighbourhood and subdivision design', 15.01-6 'Healthy neighbourhoods', 18.02-1 'Sustainable personal transport', 21.02 'City of Greater Geelong sustainable growth framework', 21.08-5 'Accessibility', and Clause 21.13 'Lara'.

At Clause 56.06 'Access and mobility management' of the residential subdivision provisions:

- Clause 56.06-1 'Integrated mobility objectives' seeks to provide for walking (including persons with impaired mobility), cycling, public transport, and other motor vehicles in an integrated manner
- Clause 56.06-2 'Walking and cycling network objectives' seeks to contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors, as well as providing safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

(iii) Discussion

Vehicle access and traffic impacts

The Panel accepts Mr Walsh's evidence that the anticipated level of traffic can be accommodated on Flinders Avenue and Firetail Way.

While it may have been possible to provide vehicle access connections between Flinders Avenue and both Firetail Way and Spoonbill Court, on the basis that Mr Walsh raised no concerns with the proposed street layout and access arrangements the Panel is satisfied that these are acceptable.

The Panel also accepts Mr Walsh's evidence that, due to its unsealed nature, most cars will not use Lewton Road. Even if the proposed subdivision results in cars using Lewton Road, the Panel is satisfied that this is unlikely to result in unacceptable impacts on the amenity of the dwellings facing this street. Lewton Road extends through an area zoned Rural Living Zone, comprising large lots and only a few dwellings. The dwellings that front Lewton Road are generally set well back from the road.

Pedestrian access to Spoonbill Court

The evidence of Mr Walsh that pedestrian access should be provided to both Spoonbill Court and Firetail Way is consistent with the state and local planning policies, and the provisions of Clause 56.06 of the Planning Scheme.

The provision of pedestrian access to Spoonbill Court and Firetail Way will link these streets and the residential subdivision to the west with Flinders Avenue. This is consistent with the state and local planning policies that support providing and improving walking and cycling.

While creating a pedestrian connection through Spoonbill Court to the proposed subdivision and Flinders Avenue will change the current circumstances for the residents of Spoonbill Court, the Panel is not satisfied that this is sufficient reason not to provide this connection, given the overwhelming state and local planning policy support for such connections between

residential areas. The pedestrian connection will not only benefit the residents of the proposed subdivision, it will have broader benefits for the wider community, including residents of Spoonbill Court. The pedestrian access will provide more direct access for the residents of the proposed subdivision and Rural Living Zone land to the east through to the Serendip Creek reserve to the west, while also providing more direct pedestrian access from the residential area to the west through to Flinders Avenue.

The claims of submitters that the removal of the fence at the boundary of Spoonbill Court and the subject site and creation of the pedestrian and cycling connection will create safety issues are speculative. There is no basis to conclude that the connection of Spoonbill Court to a new housing estate will create an inherently unsafe area. The Panel agrees with Mr Linke's evidence that any illegal use of the pedestrian and cycling connection by motorbikes is a matter to be managed if it eventuates.

(iv) Conclusions

The Panel concludes:

- The vehicle access arrangements for the proposed subdivision in the amended Plan of Subdivision (TGM plan dated 24/04/18) are acceptable.
- Pedestrian access to both Spoonbill Court and Firetail Way is appropriate and important to support walkable, integrated neighbourhoods.

(v) Recommendations

The Panel recommends:

The road layout of the proposed subdivision to be in accordance with the Plan of Subdivision prepared by TGM Group dated 24/04/2018.

Amend Condition 25 of the exhibited draft planning permit requiring a landscaping plan to include that the plan show:

- a) the boundaries between the subject site and Spoonbill Court and Firetail Way to be unfenced**
- b) a footpath connection between the new northern court and Spoonbill Court.**

The Panel has provided a marked-up version of the permit conditions in Appendix C which incorporate the above recommendations.

4.3 Bushfire risk management

(i) The issue

After the exhibition of the Amendment and planning permit application the state planning policy at Clause 13.05 'Bushfire' was amended. To comply with this policy, changes to the proposed Plan of Subdivision have been proposed. These changes impact the proposed lots along the northern boundary of the residential subdivision.

(ii) Evidence and submissions

The Proponent submitted that while the subject land is not covered by a Bushfire Management Overlay, the bushfire policy at Clause 13.05 applies because the land is in a

bushfire prone area. They submitted that, based on the bushfire risk assessment,⁴ the requirements under the Clause 13.05 bushfire policy can be met by dwellings being set back a minimum of 19 metres from the northern boundary of the subdivision.⁵ They proposed that this requirement be included as a restriction in the Plan of Subdivision.

The proposed changes to the Plan of Subdivision (Document 9) show the 19 metre setback from the northern boundary impacts proposed lots 13-19 and 22-23.

Mr Chalifour (Submitter 17) raised concern that the changes to the Plan of Subdivision to address the bushfire policy were not identified until just prior to the hearing, and that the Council and Proponent should have picked up on this earlier. He also submitted that the bushfire risk assessment does not take account of the fuel load in Serendip Sanctuary.

Mr Bullock raised concern about the bushfire risk for the proposed subdivision, citing previous fires in Anakie (some 20 kilometres to the north-west) during which he says Lara was inundated with embers and commenting that he would “*hate to think if a fire was in Serendip Sanctuary or the You Yangs*”.

(iii) Discussion

The objective of the bushfire policy at Clause 13.05 of the Planning Scheme is ‘*to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*’. Clause 10.01 ‘Integrated decision making’ states that “*in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations*”.

Having regard to Clause 13.05 and the bushfire risk assessment, the Panel is satisfied that both the proposed rezoning as well as the proposed planning permit for the subdivision are subject to this policy because the land is in a designated bushfire prone area.

The Panel is also satisfied that the bushfire risk assessment adequately addresses the relevant strategies set out in Clause 13.05-1 relating to protection of human life, bushfire hazard identification and assessment, settlement planning, and use and development control in bushfire prone areas.

Although the bushfire risk assessment was not tabled as evidence and its author was not called to give evidence, the Panel is satisfied that the assessment provides sufficient and reliable information to conclude that the proposed rezoning and Plan of Subdivision is consistent with this bushfire policy, subject to compliance with the recommendations in the assessment.

In regard to the concerns of Mr Chalifour and Mr Bullock, the Panel notes that section 7.2.1 of the bushfire risk assessment assesses the landscape within a 50 kilometre radius of the subject land and includes the You Yangs Regional Park (approximately 5 kilometres to the north) as well as the Brisbane Ranges (approximately 20 kilometres to the north west) in which

⁴ Bushfire risk assessment response to clause 13.05 – 143-179 Flinders Avenue, Lara; Kylie Steel, South Coast Bushfire Consultants (26 April 2018)

⁵ In summary, the bushfire risk assessment finds that the site is within an area at a low risk to bushfire and that the subdivision will achieve the specified BAL 12.5 radiant heat exposure at a 19 metre setback from the northern boundary of the residential subdivision. It also recommends further mitigation measures to improve the protection of life and safety.

Anakie is located. The assessment specifically contemplates the potential for bushfire embers from the You Yangs being launched into the subject land.

The Panel is satisfied that the Plan of Subdivision can address the requirement for a 19 metre setback from the northern boundary in accordance with the bushfire risk assessment. The Panel considers it appropriate that the 19 metre setback be included as a restriction in the Plan of Subdivision to ensure that prospective purchasers and future owners of these lots are aware of the limitations on development of these lots.

The Panel considers it appropriate that the further bushfire mitigation measures recommended in section 6.2 of the bushfire risk assessment be given effect through conditions of the planning permit for the subdivision of the land. Given the nature of the conditions relating to the construction standards and the maintenance of a defensible space it is appropriate that these be included in an agreement under section 173 of the *Planning and Environment Act 1987*.

(iv) Conclusions

The Panel concludes:

- The proposed Amendment and planning permit will be consistent with the bushfire policy at Clause 13.05 of the Planning Scheme subject to the requirements and recommendations of the bushfire risk assessment, including the 19 metre setback from the northern boundary of the conventional residential lots, being given effect through the planning permit for the subdivision of the land.

(v) Recommendations

The Panel recommends:

Include a condition in the planning permit that the requirement for dwellings to be set back a minimum distance of 19 metres from the northern boundary of the proposed conventional residential subdivision is applied as a restriction in the Plan of Subdivision.

Include a condition in the planning permit that the bushfire mitigation measures recommended in section 6.2 of the bushfire risk assessment (South Coast Bushfire Consultants, 26 April 2018) be applied to the affected lots through an agreement under section 173 of the *Planning and Environment Act 1987*.

The Panel has provided a marked-up version of the permit conditions in Appendix C which incorporate the above recommendations.

4.4 Public open space

(i) The issue

The draft planning permit for the proposed subdivision includes a condition requiring a financial contribution rather than a contribution of land within the subdivision for public open space. Some submissions seek for public open space to be provided as part of the subdivision.

(ii) Evidence and submissions

The provisions of Clause 52.01 'Public open space contribution and subdivision' of the Planning Scheme provide that the public open space contribution can be a percentage of the land, or a percentage of the site value of the land, or a combination of both. The schedule to Clause 52.01 sets the amount of contribution for public open space as 10%.

The Council submitted that the open space requirement is most appropriately addressed through a financial contribution rather than the provision of land.

The Proponent submitted that:

An assessment of open space for this proposal ought not be carried out in a vacuum. The proposal should not be looked at in isolation, but rather in the context of the broader areas and the existing public open space reasonably accessible by future residents.

The evidence of Mr Linke supports the financial contribution for public open space.

The Council, the Proponent, and Mr Linke all submitted that the subject land has good linkages to existing open space within the vicinity, including:

- Serendip Creek Reserve, to the west
- Serendip Sanctuary, to the north
- Lara Recreation Reserve, to the south west.

In relation to the Serendip Creek Reserve the Proponent submitted that public open space totalling approximately 2.95 hectares of the Lara Central Estate located along this creek equates to 16% of the estate.

While Mr Linke's evidence is that the Lara Recreation Reserve is only 300 metres away, he confirmed that this is via the primary school that is located between Flinders Avenue and the reserve, and not the distance via the road network.

Mr Bullock submitted that the access to the Lara Recreation Reserve via the primary school is private and should not be for general thoroughfare, and that the Serendip Sanctuary is not always available to be used as open space as it is only open at certain times.

Both Mr Bullock and the Township of Lara Care Group Inc. opposed the 10% financial contribution and submitted that the requirement for public open space should be provided by reducing the number of lots in the subdivision. They submitted that *"exclusion of this 10% open space will put the youth from these 23 families onto Flinders Avenue to play ..."*.

In relation to financial contributions for public open space both Mr Bullock and the Township of Lara Care Group Inc. stated that *"these funds are spent elsewhere in Geelong with no social, aesthetic or safety benefit to the new estate or to Lara"*.

The Proponent submitted that providing a 'pocket park' within the subdivision would be an inefficient use of land; however, they also submitted that the Barwon Water reserve to be provided in the southern end of the subdivision ought to form part of the public open space contribution.

(iii) Discussion

There is no dispute that a public open space contribution of the amount of 10% is required for the proposed subdivision. The issue is whether the contribution should be a financial contribution or in the form of land within the subdivision.

There is also no dispute that there are existing open space areas and recreational facilities within proximity to the subject land, despite there being differences in opinion as to how close they are via the street network.

The role of the Serendip Creek reserve and Lara Recreation Reserve as key open space and recreational facilities is reinforced in the Lara Structure Plan (2011). The Structure Plan⁶ identifies the creek as an open space linkage,⁷ and the Lara Recreation Reserve for active open space in the Caddys Road / northern growth area within which the site is located.

The Panel is satisfied that these open space areas and facilities will serve the future residents of the proposed subdivision. Even though the Lara Recreation Reserve is further from the site than what might be considered an 'easy' walking distance,⁸ given this facility is the primary active recreation facility serving the Lara township the Panel considers the distance to be acceptable.

While the Council did not make submissions on what the proposed financial contribution is proposed to be used for, the Lara Structure Plan (2011) identifies a range of future requirements for public open space and recreation facilities. The Structure Plan identifies land acquisitions and new facilities to expand and improve the facilities of the Lara Recreation Reserve,⁹ as well as a landscape improvement program to enhance the quality of existing sites, including the Lara Recreation Reserve and the Hovells Creek Waterways.¹⁰

The Structure Plan¹¹ seeks to ensure that informal parks are of sufficient size, providing examples of 0.5ha for local parks and 2ha for sub-regional parks. However, it does not stipulate that informal parks are required or should be planned into new subdivisions in this area.

The Panel is not persuaded that it is necessary to provide an area of open space as part of the proposed subdivision for the following reasons:

- the number of lots in the subdivision is relatively small in the context of the broader Lara Central Estate
- the preferred size for informal parks sought by the structure plan being disproportionate relative to the area of the proposed subdivision¹²
- the structure plan does not seek the provision of informal parks in this area
- the lack of evidence that a small informal park included in the proposed subdivision is the most appropriate way to meet the recreational needs of the future residents.

⁶ At section 5.2 Open Space, Leisure and Recreation Facilities.

⁷ Between the Serendip Sanctuary and southward to the Hovells Creek open space spine.

⁸ From the Panel's estimation the Lara Recreation Reserve is approximately between 1.3 kilometres (pedestrian access) and 1.8 kilometres (vehicle access) from the subject land via the existing road and pedestrian network.

⁹ At page 92.

¹⁰ At page 91.

¹¹ At section 5.2.1 Public Open Space Assessment.

¹² A 0.5ha park would equate to approximately 25% of the area of the proposed 2.1ha residential subdivision.

The Panel is not persuaded that the proposed Barwon Water reserve should be considered as part of the public open space area required for the subdivision. Barwon Water has not been consulted or agreed to the use of their reserve to provide public open space for the subdivision.

Even if Barwon Water were willing to allow the use of their reserve as public open space, based on the example of a Barwon Water sewer pump reserve (Document 24) the Panel is not convinced that the reserve will provide a suitable area for open space. The photograph of the example shows various above-ground infrastructure installations and surfaces of concrete and gravel. There is nothing about that reserve that reflects an area of open space for either passive or active recreational open space.

(iv) Conclusions

The Panel concludes:

- The requirement for a financial contribution for the public open space contribution for the subdivision is appropriate.
- The Barwon Water reserve should not form part of the public open space contribution.

4.5 Flinders Avenue construction and pedestrian and cycle paths

(i) The issue

The condition of the exhibited draft planning permit that requires roadworks and drainage plans showing the design for the road pavement in Flinders Avenue is unclear as to what the road design is required to include.

(ii) Evidence and submissions

Flinders Avenue is a sealed road, with gravel edges and table drains on both the north-western and south-eastern sides. A gravel path runs along the north-western side of the road between the table drain and the boundary of the subject land.

Mr Walsh's evidence is that there should be more clarity in the permit conditions as to what is required in relation to the construction of Flinders Avenue. He stated that it should only be necessary for kerb and channel to be constructed on the north-western side of Flinders Avenue for the frontage of the subject site.

Mr Walsh also stated that the existing path along the north-western side of Flinders Avenue is a shared pedestrian and cycle path, and that he did not recommend that a separate cycle path be constructed as part of the construction of this section of Flinders Avenue. He said that the north-western side of Flinders Avenue should be a parking lane.

The Proponent opposed any requirement for the kerb and channel on the south-eastern side of Flinders Avenue to be constructed.

Submitter 13 supports the amendment on the condition that the section of Flinders Avenue affected by the development "*receives a makeover and improvement in streetscape*". They submitted that the improvements should include the road pavement with kerb, bicycle lane, footpath, nature strip, drainage and flood management, landscaping, and street lighting.

Mr Bullock submitted that opportunities for safe cycling and pedestrian access along Flinders Avenue need to be provided and that the shared pedestrian and cycle path should be maintained. He submitted that if car parking is provided on the north-western side of Flinders Avenue the existing cycle path will not be able to be maintained. He also raised concern that the shared path will not be constructed along the frontage of the property to the south to create a continuous connection through to the Caddys Road intersection.

After the Hearing the Council provided specifications for the infrastructure requirements for the proposed subdivision (Document 26) in response to a request of the Panel. The specifications included the construction of Flinders Avenue across the frontage of the subject land and 131A Flinders Avenue to the south, with a traffic lane in each direction, a parking lane, bike lane, pedestrian path, and kerb and channel, on the north-west side, and a table drain on the south-east side. The Proponent subsequently submitted a revised draft planning permit (Document 27) demonstrating how these requirements may be included as a condition of the planning permit.

(iii) Discussion

There is no dispute that the section of Flinders Avenue adjoining the subject site needs to be upgraded as part of this subdivision. The issue is the detail of what is required.

The current drafting of the planning permit condition seeking the construction detail of Flinders Avenue is insufficiently detailed. It is not clear what is required in relation to road lane (pavement) widths, car parking lanes, and cycle and pedestrian paths. The planning permit condition should clearly articulate what is required to be provided within the cross section of the road.

The Panel considers it reasonable that the road cross section should be consistent with the adjacent residential subdivision area on the north-east corner of Flinders Avenue and Caddys Road to the south. The Panel notes that the north-western side of Flinders Avenue adjoining that residential subdivision is constructed with kerb and channel, as well as a parking lane, along the length of the new residential properties, while the eastern side of the road adjacent to the Rural Living Zone land is not.

The Panel accepts the evidence of Mr Walsh that a parking lane should be provided on the western side of the road. This will provide car parking for residents and visitors of the residential properties proposed to have frontage to Flinders Avenue.

Given the likely intensification of the use of the existing shared path resulting from the proposed residential subdivision it is considered appropriate that the path be sealed, and a separate cycle path be constructed consistent with the construction of Flinders Avenue in the adjacent residential subdivision to the south.

The Panel also considers it appropriate that the construction of Flinders Avenue should be extended past the subject site across the frontage of the property at 131A Flinders Avenue to the south. While this will require the Proponent to pay for the construction of the road and path across the frontage of the adjoining land, the Panel considers this is justified in the circumstances. This road and path will provide the proposed subdivision its primary access, including pedestrian and cycling access, to the Lara town centre, primary school, and Lara Recreation Reserve to the south-east, and the Lara railway station. The Panel considers that

constructing this additional section of road and path is necessitated by the proposed subdivision as it is this subdivision that will directly generate increased usage of the road and path. The adjoining property to the south is developed with a single dwelling and as such its impact on the usage of the road and path is comparatively minimal. The construction of this additional section of road and path will create a continuous, consistent road link along Flinders Avenue up to the northern edge of the proposed subdivision.

(iv) Conclusions

The Panel concludes:

- The planning permit conditions should clearly articulate the detail of what is required to be provided within the 'cross section' of Flinders Avenue.
- Construction of kerb and channelling on the south-eastern side of Flinders Avenue is not required.
- A parking lane, cycle path and sealed pedestrian path should be provided on the north-western side of Flinders Avenue.
- Flinders Avenue should be constructed along its north-western side for the length of the frontage of the subject site and the land adjoining to the south (131A Flinders Avenue).

(v) Recommendations

The Panel recommends:

Amend conditions 5 and 7 of the exhibited draft planning permit to require the construction of Flinders Avenue along the frontage of the subject site and the adjoining property to the south (131A Flinders Avenue).

Amend condition 7 of the exhibited draft planning permit requiring engineering road construction plans to specify that the cross section of Flinders Avenue include:

- a) a traffic lane in each direction**
- b) kerb and channelling, a parking lane, cycle lane and sealed pedestrian path on the north-western side of Flinders Avenue only**
- c) a table drain on the south-east side of Flinders Avenue.**

The Panel has provided a marked-up version of the permit conditions in Appendix C which incorporate the above recommendations.

4.6 Flooding and drainage

(i) The issue

The stormwater drainage for the proposed residential subdivision is to connect to the stormwater drainage network that services stages 1–7 of the Lara Central Estate.

The subject land and the Lara Central Estate more broadly is subject to flooding from overland flow from catchments to the north. One submission contends that this justifies not permitting the subdivision.

(ii) Evidence and submissions

The Corangamite CMA (Submitter 2) assessed the proposed subdivision in accordance with its functions under the *Water Act 1989* as the Floodplain Management Authority for the Corangamite Waterway Management District. They submitted that they have no objection to the Planning Scheme amendment or the planning permit for the subdivision.

In his evidence for the Proponent Dr Jempson stated that when considered cumulatively with the previous seven stages of the Lara Central Estate¹³ the proposed subdivision, in summary:

- reduces the extent and level of flooding to the residential areas to the south
- will not cause adverse flooding external to the development
- substantially satisfies the relevant requirements regarding vehicle egress.

Dr Jempson's evidence also included that condition 10 of the exhibited planning permit should be amended to reference his Flood Impact Assessment (Document 6) to ensure that the drainage management plan is amended to include changes to the design of the underground pipe network in this stage (stage 8) of the Lara Central Estate.

Barwon Water (Submitter 1) did not object to the granting of a planning permit subject to specified conditions being met prior to the issue of a Certificate of Compliance for the subdivision.

The Township of Lara Care Group Inc. submitted that the land is low lying and subject to flooding and should not be developed. They submitted that the provisions of the flooding policy at Clause 21.05-7 of the Planning Scheme affords ample justification to deny the planning permit.

(iii) Discussion

The state planning policy for floodplain management at Clause 13.02-1 of the Planning Scheme seeks (amongst other things) to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways, and the flood storage function of floodplains and waterways.

The local planning policy for flooding at Clause 21.05-7 seeks to protect floodplains, and to minimise the potential for damage and risks to public safety and property from flooding.

Dr Jempson's evidence was based on flood modelling in the context of the broader Lara Central Estate. The Panel for Amendment C293 for stages 1–7 of the Lara Central Estate found that the flood modelling was adequate.

Based on the submission of the Corangamite CMA and Barwon Water, and the evidence of Dr Jempson, the Panel is satisfied that the proposed subdivision is consistent with the state and local planning policy objectives at Clauses 13.02-1 and 21.05-7 of the Planning Scheme, that the flooding in the area will be reduced and the subdivision will not result in existing dwellings being flooded.

The conditions required by Barwon Water were included in the exhibited draft planning permit.

¹³ Dr Jempson's evidence addresses the subject site in the context of the overall Lara Central Estate (stages 1-8).

(iv) Conclusions

The Panel concludes:

- The flood modelling for the proposed subdivision in the context of stages 1–7 of the Lara Central Estate is adequate.
- The proposed subdivision is consistent with the state planning policy at Clause 13.02-1 'Floodplain management' and the local planning policy at Clause 21.05-7 'Flooding' of the Planning Scheme.
- The drainage management plan should be amended to include the changes to the design of the underground pipe network in the proposed subdivision in accordance with Dr Jempson's Flood Impact Assessment (Document 6).

(v) Recommendation

The Panel recommends:

Amend condition 10 of the exhibited draft planning permit to require the drainage management plan to be amended to include the changes to the design of the underground pipe network in accordance with the Flood Impact Assessment Planning Panel Permit Application 11/2017 143-179 Flinders Avenue Lara', Report Reference: R.M00177.001.00 Docx, Date 24 April 2018, Venant Solutions.

The Panel has provided a marked-up version of the permit conditions in Appendix C which incorporate the above recommendation.

4.7 Barwon Water sewer pump

(i) The issue

EPA Victoria (Submitter 3) commented on the potential noise impacts of the sewer pump required by Barwon Water on nearby residential properties.

(ii) Evidence and submissions

Barwon Water submitted that the conditions of the proposed planning permit should include a requirement for the developer to provide a sewerage pump station and rising main to serve the development.

A Barwon Water reserve is shown on the proposed Plan of Subdivision, located at the southern point of the subject land, to the south of the proposed court bowl of Firetail Way.

The EPA submitted that, due to the proximity of the proposed sewer pump reserve to existing and proposed dwellings, the noise impacts should be considered by the Council and appropriate noise mitigation measures implemented if required. They also submitted that the noise must not exceed the recommended levels as set out in *Noise from Industry in Regional Victorian* (NIRV; EPA Publication 1411, 2011).

Council submitted that no specific noise controls are proposed to be applied through the planning permit. They stated that Barwon Water has a legal obligation to ensure its assets comply with relevant noise standards.

The Proponent tabled the advice of the company designing the sewer pump station (Document 18). In summary that advice states that:

- the pump motor is electric and fully submersible
- the pump station will be fully sealed with a cover that eliminates a large percentage of the hum/vibration of the pump
- the human ear would most likely not pick up pump run noises or flow through the pipes from a 25 metre radius
- the pump station installation will readily comply with the noise level goals designed to protect health and wellbeing.

The Proponent submitted that the size of the proposed reserve comfortably provides for a 25 metre setback of the pump station from nearby dwellings.

(iii) Discussion

The Barwon Water reserve is proposed to be opposite three residential lots (lots 1 – 3) proposed as part of this subdivision, and its eastern boundary will adjoin one residential property facing Flinders Avenue (131A Flinders Avenue). The Panel observed that this property is large (estimated to be approximately 1.5 acres) and is occupied by one dwelling that is located generally centrally on the land, and set well back from the boundary with the subject land and proposed Barwon Water reserve.

Although the author of the advice regarding the sewer pump (Document 18) did not present evidence at the hearing, given that the sewer pump is designed to be fully submersible and under a sealed cover, and the distance of the reserve from the proposed residential lots and the existing dwelling to the south, the Panel is satisfied that the sewer pump should not pose an unacceptable noise nuisance to the nearby residential properties.

The Panel does not consider it necessary to include a condition on the planning permit for the subdivision of the land to require operation of the sewer pump in accordance with the applicable EPA noise standards. These standards stand on their own.

(iv) Conclusions

The Panel concludes:

- The design and siting of the sewer pump should ensure Barwon Water can operate it in accordance with the applicable EPA noise standards. If required, additional noise mitigation measures could be implemented to ensure compliance with the noise standards.
- The relevant EPA noise publication provides the appropriate mechanism to regulate any potential noise impacts of the sewer pump and no additional requirements are required under the planning permit for the proposed subdivision.

4.8 Prohibition of cats

(i) The issue

The exhibited draft planning permit includes a condition requiring the owner of the land to enter into an agreement under section 173 of the *Planning and Environment Act 1987* that prohibits the keeping of cats on the new lots and mechanisms to apply this prohibition.¹⁴

(ii) Evidence and submissions

Council submitted that the original requirement for an agreement to prohibit cats ‘fell out’ of the findings of the Panel report for Amendment C293 to the Planning Scheme relating to stages 1-7 of the Lara Central Estate.

The Panel report for Amendment C293 considered the proposal to ban both cat and dog¹⁵ ownership. That Panel found that the permit for the subdivision should include a requirement for a section 173 agreement prohibiting the keeping of both cats and dogs on the estate, to require purchasers to be informed about this, and for Council to enforce the ban.¹⁶

While the Proponent submitted that imposing the cat prohibition through a section 173 agreement in this current proposal is superfluous due to a cat curfew imposed by the Council under its Domestic Animal Management Plan, they did not oppose the proposed permit condition.

In his evidence Mr Linke commented that he has seen other examples of similar conditions, and that reports of previous planning Panels have recognised such requirements as appropriate mechanisms to protect fauna from cats.

The Township of Lara Care Group Inc. supported the cat prohibition. Their submission (Document 21) included a letter from one of their members claiming that they “*have noticed an increase in cats over the last few years ... [and] more cats using the Serendip Creek reserve to cross into Serendip [Sanctuary]*”.

Mr Bullock submitted that he has captured feral and domestic cats and kittens around his property and that there is a cat issue in the area.

The Council submitted that cats are a problem across the municipality, but that they are no greater a problem in this part of Lara than any other area.

(iii) Discussion

While it is not implicit in the Amendment documentation, the proposed planning permit, or proposed section 173 Agreement, it is understood that the purpose of the cat prohibition is to protect native fauna, particularly given the proximity of the site to Serendip Sanctuary.

¹⁴ The mechanisms to apply the cat prohibition comprise prospective purchasers being informed about the prohibition by the developer prior to purchase of a lot or lots within the subdivision and the Council enforcing the prohibition until such time that it is superseded by a similar local law.

¹⁵ The proposed planning permit for the site does not seek to prohibit dog ownership.

¹⁶ Panel Report, Greater Geelong Planning Scheme, Amendment C293 and Permit No. 1185/2013 Caddys Road, 11 March 2014 [pages 20-22]

Although the cat curfew that currently applies across the whole of the municipality under the Council's Domestic Animal Management Plan should be sufficient to manage the risk that cats pose to native fauna, the Panel is persuaded that the circumstances in this case warrant the additional measure of the proposed section 173 Agreement. These circumstances include the fact that stages 1–7 of the Lara Central Estate include a similar prohibition on cats, and the relatively close proximity of the site to the Serendip Sanctuary, with its range of native birds as well as other fauna that may be at some risk from domestic cats.

The Panel considers that the obligation to notify prospective purchasers of lots of the cat prohibition should apply to the vendor, rather than the 'developer', to ensure this obligation applies to future sales of land/houses after the initial land sales by the developer of the subdivision.

(iv) Conclusions

The Panel concludes:

- The prohibition on keeping of cats and mechanisms to apply this through an agreement under Section 173 of the *Planning and Environment Act 1987* are appropriate.

(v) Recommendations

The Panel recommends:

Amend Condition 2 of the exhibited draft planning permit requiring an agreement under Section 173 of the *Planning and Environment Act 1987* between the Council and the owner of the land to provide that:

- a) No cats are to be kept on the new lots created**
- b) Prospective purchasers are to be informed about the prohibition by the vendor prior to purchase of a lot or lots within the subdivision**
- c) The Council is to enforce the prohibition until such time that it is superseded by a similar local law.**

The Panel has provided a marked-up version of the permit conditions in Appendix C which incorporate the above recommendation.

4.9 Planning permit conditions

(i) The issue

Changes to the exhibited draft planning permit conditions have been identified in the conclusions and recommendations in relation to the issues considered by the Panel and other refinements suggested by the Proponent.

(ii) Evidence and submissions

The Proponent submitted a revised draft planning permit (Document 23) that includes changes to address the requirements to respond to the bushfire risk assessment. They submitted that the permit should provide for the subdivision to be staged to enable the new residential lots along the northern boundary of the subdivision to be developed in a separate

stage to the remainder of the subdivision to provide flexibility as to how the bushfire risk assessment requirements will be accommodated.

The Proponent also submitted that the conditions relating to water sensitive urban design (WSUD)¹⁷ should not be required as the stormwater drainage of this subdivision is to connect into the system constructed for stages 1–7 of the Lara Central Estate that includes water sensitive urban design elements as part of the retardation basin adjacent to the Serendip Creek.

The Cultural Heritage Management Plan¹⁸ for the subject land recommends that requirements for management prior to, during, and after the activity, and contingency plans for resolution of disputes.

(iii) Discussion

In response to issues discussed within this report the Panel has identified various changes and refinements that are required in relation to the following matters:

- bushfire risk management
- construction of Flinders Avenue
- flood impact assessment.

The Panel considers that allowing for the subdivision to be staged to provide flexibility as to how the bushfire risk assessment requirements will be accommodated is reasonable.

In relation to the WSUD conditions the Panel agrees with the Proponent that these are unnecessary on the basis that the proposed subdivision is to connect into the drainage system for stages 1–7 of the Lara Central Estate that includes WSUD design elements.

To ensure that the recommendations of the Cultural Heritage Management Plan are given effect they should be included as a condition of the planning permit for the subdivision.

The Panel has identified other drafting refinements to the planning permit conditions to improve the clarity of the permit.

(iv) Conclusion

The Panel concludes:

- The conditions of the draft planning permit as exhibited should be amended in accordance with the conclusions and recommendations on the various issues in this report as well as other refinements and renumbering as shown in Appendix C.

(v) Recommendation

The Panel recommends:

Amend the conditions of the exhibited draft planning permit in accordance with the Panel version set out in Appendix C.

¹⁷ Conditions 8 and 9.

¹⁸ Cultural Heritage Management Plan Number 13780; Terra Culture (18 November 2015). This plan was appended to the report by TGM '143-179 Flinders Avenue, Lara, Planning scheme amendment and combined application for rezoning and multi-lot subdivision' (December 2016).

Appendix A Submitters to the Amendment

No.	Submitter
1	Barwon Water
2	Corangamite CMA
3	EPA Victoria
4	Flinders Avenue resident, Lara
5	M Bullock
6	S Bullock
7	J Dearnley
8	S Gatt
9	K Hollier
10	D and M Hubble
11	E Irvine
12	K Lee
13	L Liu
14	E McCulloch
15	T O'Reilly
16	M Richmond
17	Township of Lara Care Group
18	E Ashby (pro forma)
19	S Bath (pro forma)
20	E Capodicasa (pro forma)
21	J and B Cobb
22	P Desmone (pro forma)
23	M Faulkner (pro forma)
24	M Gillett (pro forma)
25	B Gupta (pro forma)
26	T Harding (pro forma)
27	J Herald (pro forma)
28	J Hrkac (pro forma)
29	M Kennedy (pro forma)
30	M Kundra (pro forma)
31	A La Motta (pro forma)

32	B Mann (pro forma)
33	U Manual (pro forma)
34	J McManus (pro forma)
35	C Mitchell (pro forma)
36	B Mummery (pro forma)
37	K Nandagopal (pro forma)
38	V Niksic (pro forma)
39	M Noonan (pro forma)
40	M O'Dowd (pro forma)
41	P O'Toole
42	M Peel (pro forma)
43	R Pyle (pro forma)
44	L Ralph (pro forma)
45	N Seebaluck (pro forma)
46	A Sharma (pro forma)
47	S Sinclair (pro forma)
48	D Tang (pro forma)
49	K Wilkin (pro forma)
50	H Vesper (pro forma)

Appendix B Document list

No.	Date	Description	Provided by
1	20/04/2018	Letter to Panel Chair (20/04/2018) re amended plan of subdivision	Minter Ellison for L Bisinella Developments Pty Ltd
2	20/04/2018	Amended plan of subdivision (19/04/2018)	Minter Ellison for L Bisinella Developments Pty Ltd
3	23/04/2018	Part A submission – City of Greater Geelong	City of Greater Geelong (COGG)
4	23/04/2018	Evidence Statement – Jason Walsh, Traffix Group	Minter Ellison for L Bisinella Developments Pty Ltd
5	23/04/2018	Evidence Statement – Shayne Linke, Contour Town Planners	Minter Ellison for L Bisinella Developments Pty Ltd
6	23/04/2018	Evidence Statement – Mark Jempson, Venant Solutions	Minter Ellison for L Bisinella Developments Pty Ltd
7	27/04/2018	Letter to Panel Chair (26/04/2018) re bushfire planning & amended plan of subdivision	Minter Ellison for L Bisinella Developments Pty Ltd
8	27/04/2018	Bushfire risk assessment – South Coast Bushfire Consultants (26/04/2018)	Minter Ellison for L Bisinella Developments Pty Ltd
9	27/04/2018	Amended plan of subdivision (24/04/2018)	Minter Ellison for L Bisinella Developments Pty Ltd
10	30/04/2018	Amendment C293 Panel Report	Chris Canavan for L Bisinella Developments Pty Ltd
11	30/04/2018	Part B submission – City of Greater Geelong	COGG
12	30/04/2018	S173 Agreement re cat prohibition	COGG
13	30/04/2018	Locality plan	Chris Canavan for L Bisinella Developments Pty Ltd
14	30/04/2018	Site locality plan	Chris Canavan for L Bisinella Developments Pty Ltd
15	30/04/2018	Written submission	Chris Canavan for L Bisinella Developments Pty Ltd
16	30/04/2018	Clause 52.01 schedule	Chris Canavan for L Bisinella Developments Pty Ltd
17	30/04/2018	Lara Central Estate Sales brochure	Chris Canavan for L Bisinella Developments Pty Ltd
18	30/04/2018	Letter from Aquatec (dated 4/4/18) re sewer pump noise	Chris Canavan for L Bisinella Developments Pty Ltd

No.	Date	Description	Provided by
19	30/04/2018	Plan of Spoonbill Court connection	Chris Canavan for L Bisinella Developments Pty Ltd
20	30/04/2018	Sealed plan of subdivision	Chris Canavan for L Bisinella Developments Pty Ltd
21	30/04/2018	Submission	Frank Chalifour for Township of Lara Care Group Pty Ltd
22	30/04/2018	Lara Structure plan	COGG
23	30/04/2018	Amended draft permit conditions (30/04/2018)	Chris Canavan for L Bisinella Developments Pty Ltd
24	30/04/2018	Photo of Barwon Water sewer pump example	Chris Canavan for L Bisinella Developments Pty Ltd
25	30/04/2018	Submitter map	COGG
26	29/05/2018	Response to Panel request for information regarding specifications for infrastructure requirements	COGG
27	04/06/2018	Amended draft permit conditions (04/06/2018)	Minter Ellison for L Bisinella Developments Pty Ltd

Appendix C Planning Permit conditions – Panel preferred version

Permit conditions

DRAFT PLANNING PERMIT

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

Permit No.: PP-11-2017

Planning scheme: Greater Geelong Planning Scheme

Responsible authority: Greater Geelong City Council

ADDRESS OF THE LAND: 143-179 Flinders Avenue, Lara, Vic 3212

THE PERMIT ALLOWS: **Staged Multi Lot Subdivision** ~~(23 lots)~~

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the Plan of Proposed Subdivision prepared by TGM Group, dated 24/04/18, Drawing reference 4986-108-PP01V12, Revision 4, but modified to show:
 - a) The staging of the subdivision.
 - b) Any lot within 19 metres of the northern boundary of the subdivision to include a restriction on title that no dwelling may be constructed within 19 metres of the northern boundary to achieve a Bushfire Attack Level of at least 12.5.

Endorsed Plans

- ~~12~~ 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.

Section 173 Agreement

- ~~23~~ Prior to the issue of Statement of Compliance for stage 1 of the subdivision, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, to the satisfaction of the Responsible Authority. The agreement must provide for the following:

- a) A prohibition on the keeping of cats that provides for the following:
 - i. No cats are to be kept on the new lots created.
 - ii. Prospective purchasers are to be informed about the prohibition on keeping cats by the ~~developer~~ vendor prior to purchase of a lot or lots within the subdivision
 - iii. Council to enforce the prohibition until such time that it is superseded by a similar Council local law.

- b) The bushfire mitigation measures recommended in section 6.2 of the 'Bushfire risk assessment response to Clause 13.05 – 143-179 Flinders Avenue' prepared by Kylie Steel, South Coast Bushfire Consultants (dated 26 April 2018) to be applied and to and implemented on the affected lots.

The owner must pay the costs for preparation, execution and registration of the agreement and the agreement must be registered on the newly created titles.

Environmental (Construction) Management Plan

~~34~~ Prior to works for stage 1 of the subdivision commencing, an Environmental (Construction) Management Plan (CEMP) must be submitted and shall address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority. 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 EMP shall be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004. All development works must be carried out in accordance with the CEMP to the satisfaction of the Responsible Authority.

Cultural Heritage Management Plan

5. All works must be undertaken in accordance with the Cultural Heritage Management Recommendations in Part 2 sections 8 and 9 of the Cultural Heritage Management Plan Number 13780; prepared by Terra Culture, dated 18 November 2015, to the satisfaction of the Responsible Authority.

Engineering Road Construction Plans

~~46~~ Prior to works for each stage of the subdivision commencing, engineer designed roadworks and drainage construction plans must be submitted to and approved by the Responsible Authority. The engineering construction plans must detail construction to a standard that achieves a functional design including a minimum 21m from face of kerb to face of kerb for the court bowls 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.

~~57~~ Prior to works commencing, engineered designed roadworks and drainage plans must be submitted to and approved by the Responsible Authority showing a design for the full width road pavement in Flinders Avenue ~~from 125 Flinders Avenue to 185 Flinders Avenue~~ along the frontage of the subject site and the adjoining property to the south (131A Flinders Avenue) that must include the following, to the satisfaction of the Responsible Authority:

- a) a traffic lane in each direction
- b) kerb and channelling, a parking lane, cycle lane and sealed pedestrian path on the north-western side of Flinders Avenue only
- c) a table drain on the south-east side of Flinders Avenue.

Construction of Roads

- ~~68~~ Prior to a Statement of Compliance being issued for each stage of the subdivision, roadworks and drainage must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority, and must include:
- a) Fully sealed pavement with kerb & channel and turnaround area;
 - b) Concrete footpaths; and,
 - c) Underground stormwater drainage.
- ~~79~~ Prior to a Statement of Compliance being issued for stage 1 of the subdivision, the roadwork and drainage in Flinders Avenue from ~~125~~ between the southern boundary of 131A Flinders Avenue to the northern boundary of Lot 23 and the southern boundary of 185 Flinders Avenue must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority, and at no cost to Council.

~~Water Sensitive Urban Design (WSUD) Landscape Works~~

- ~~8 The Water Sensitive Urban Design works in accordance with the Stormwater Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.~~

~~Practical Completion for the WSUD works can only be awarded subject to:~~

- ~~a) civil works within the treatment device being issued Practical Completion; and~~
- ~~b) landscape works within the treatment device being completed; and~~
- ~~c) the final stage of the development draining to that treatment device is issued Statement of Compliance; and~~
- ~~d) a relevant maintenance bond is in place for the planting works~~

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

~~Water Sensitive Urban Design (WSUD) Maintenance~~

- ~~9 Water Sensitive Urban Design works must be maintained in accordance with Council's Landscape Standards Manual (June 2013), or any replacement landscape standard guidelines or manual which may be adopted by the Council, to the satisfaction of the responsible authority until:~~
- ~~a) the end of 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;~~
 - ~~or~~
 - ~~b) Statement of Compliance is issued for the final stage of the development draining to that treatment device;~~
- ~~whichever is the latter.~~

~~A Handover inspection is required and must be organised by the permit holder with two weeks notice given for onsite inspections. No handovers will be accepted during summer months from 1 December to 29 February inclusive. Any landscape maintenance bond for WSUD will be returned on award of Handover.~~

Engineering Drainage Management Plan

- 10 Unless otherwise agreed in writing by the Responsible Authority, all works must be generally in accordance with the following ~~BMT-WBM~~ reports and to the satisfaction of the Responsible Authority:
- a) Proposed development of Caddy's Road, Lara – Flood Impact Assessment, Reference R.M20250.003.00. Modelling Addendum 2.docx, dated 20/6/2016
 - b) 'City of Greater Geelong Planning Scheme Amendment C368 Expert Witness Statement Flood Impact Assessment Planning Panel Permit Application 11/2017 143-179 Flinders Avenue Lara', Report Reference: R.M00177.001.00 Docx, Date 24 April 2018, Venant Solutions (Tabled document No 6).

Stormwater Management Design Plans

- 11 Prior to works commencing, a detailed Site Stormwater Management Plan must be submitted to and approved by the Responsible Authority. When approved the Site Stormwater Management Plan will form part of this permit. The plan must include, but is not limited to, detailed hydrological, hydraulic and water quality treatment analysis to the satisfaction of the Responsible Authority. The stormwater drainage system on the site must be designed in accordance with any Precinct Structure Plan and/or previously endorsed Drainage Strategy for the site, and such 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:
- a) 80% retention of the typical annual load of suspended solids;
 - b) 45% retention of the typical annual load of total phosphorous;
 - c) 45% retention of the typical annual load of total nitrogen; and
 - d) 70% retention of the typical annual load of gross pollutants.

Construction of the Stormwater Management System

- 12 Prior to a Statement of Compliance being issued for each stage of the subdivision, a stormwater drainage system ~~including detention basin~~ must be constructed within easements, drainage reserve and/or road reserves to cater for all lots, roads, streets, and courts created by the subdivision in accordance with approved plans to the satisfaction of the Responsible Authority.

Creation of Easements

- 13 The Plan of Subdivision submitted for certification of each stage of the subdivision must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

- 14 The Plan of Subdivision submitted for certification must include an easement 5.5m wide along the southern boundary of the balance of land to accord with the Caddy's Road, Flood Impact Assessment from Flinders Avenue to the boundary of 40-46 Caddys Road to the satisfaction of the Responsible Authority.

Functional Layout Plan

- 15 Prior to [a Statement of Compliance being issued for each stage of the subdivision](#), a detailed Functional Layout Plan of the subdivision must be submitted to and approved by the Responsible Authority. The plan is to include, but is not limited to:
- a) Maintenance vehicle access points;
 - b) Maintenance vehicle access tracks;
 - c) Tree protection measures;
 - d) Existing and proposed street signs;
 - e) Existing and proposed linemarking changes;
 - f) Road, drainage, footpaths assets and utility installation offsets;
 - g) Further, temporary access, movement and/or alternative solution shall be catered for to allow access for waste removal of dwellings in Firetail Way while road construction is being undertaken.

Civil Maintenance Bond

- 16 Prior to [a Statement of Compliance being issued for each stage of the subdivision](#), a civil works maintenance bond of 5% of the cost of the works must be paid to the Council. The bond will be returned after successful completion of the relevant maintenance period.

Revocation of Flood Prone Areas

- 17 Prior to [a Statement of Compliance being issued for each stage of the subdivision](#), flood mapping is to be undertaken and submitted to the Responsible Authority to allow revocation of the flood prone designation for all lots covered by this permit.

Street Signs

- 18 Prior to [a Statement of Compliance being issued for each 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.

Street Lighting

- 19 Prior to [a Statement of Compliance being issued for each stage of the subdivision](#), street lighting is to be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.

Fencing of Council Reserves

- 20 Prior to [a Statement of Compliance being issued for each stage of the subdivision](#), appropriate fencing and vehicle access barriers shall be erected abutting Council reserve to the satisfaction of the Responsible Authority and at no cost to Council.

Disturbed Surfaces

- 21 Prior to [a Statement of Compliance being issued for each stage of 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.

Engineering Works

- 22 The design and construction of the stormwater drainage connection into the existing Council infrastructure and any new council infrastructure must be approved and supervised by the Responsible Authority, to the satisfaction of the Responsible Authority. A fee of 3.25% of the cost of the works must be paid to the Responsible Authority for the checking and supervision of these works. A maintenance bond of 5% of the cost of the works must be paid to the Responsible Authority and must be returned after successful completion of the relevant maintenance period.

Topsoil Removal

- 23 No topsoil shall be removed from the land without the consent of the Responsible Authority and any topsoil disturbed as a result of works permitted by this permit shall be stockpiled on the site for later redressing of the land.

Public Open Space Contribution

- 24 The owner of the subject land must pay to the Council a sum equivalent to ten (10) per cent of the site value of all of the land in the subdivision as a public open space contribution pursuant to Section 18 of the Subdivision Act 1988. The contribution will be payable prior to the issue of a Statement of Compliance [being issued for each stage of the subdivision](#).

Landscaping Plans

- 25 Prior to the certification of the plan of subdivision [for each stage of the subdivision](#), Landscape Plans for all landscape works on public lands, prepared by a qualified Landscape Architect who is a member of the Institute of Landscape Architects, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with any approved Landscape Master Plan. When approved, the plans will be endorsed and will then form part of the permit. The landscape plans must provide detailed planting, construction and specification details for all of the proposed landscaping works on public reserves and roads. The landscape plan must show:
- a) The layout of proposed new planting in all road reserves, reserves for municipal purposes and traffic management devices (e.g. medians, islands, and roundabouts).
 - b) Details of all other infrastructure within the road reserve and reserves for municipal purposes (e.g. underground services, street lights, stormwater pits, fire plugs etc).
 - c) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species.
 - d) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres.

- e) Tree placement on secondary lot frontages using no more than two (2) trees that grow to an estimated size at maturity of no greater than 5 x 4m.
- f) All proposed groundcover & shrub planting with a minimum container size of 150mm.
- g) The maintenance schedule for all proposed planting.
- h) A footpath that connects Flinders Avenue with Firetail Way.
- i) [A footpath that connects the new northern court with Spoonbill Court.](#)
- j) [The boundaries between the subject land and Spoonbill Court and Firetail Way to be unfenced.](#)

Completion of Landscape Works

- 26 Unless otherwise approved in writing by the Responsible Authority, prior to the issue of [a Statement of Compliance being issued for each stage of the subdivision](#), all landscape works shown on the endorsed plans for the subdivision must be completed to the satisfaction of the Responsible Authority.

Where landscape works forming part of the endorsed plans are not completed to the satisfaction of the Responsible Authority, prior to the applicant seeking a Statement of Compliance for [a stage of](#) the subdivision, the developer may request the approved landscape plan to be appropriately bonded or covered by a bank guarantee. Estimates must be professionally costed and submitted to the Responsible Authority for approval, once approved the bonds or bank guarantees must be submitted to the Responsible Authority separately prior to [a Statement of Compliance being awarded issued for each stage of the subdivision](#).

- a) The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works.
- b) The maintenance bond or bank guarantee must be 100% of the estimated cost of maintenance activities for a two (2) year period.

Maintenance of Landscape Works

- 27 All works must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the date of practical completion. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required.
- 28 A maintenance bond to the value of 100% of the cost of works must be submitted to the Responsible Authority on application for practical completion of landscaping works to be retained until such time that the works have been accepted by Council for handover.
- 29 Where the landscape works are bonded, the maintenance period will commence from the date that the works are awarded Practical Completion by the Responsible Authority.
- 30 Works that have achieved practical completion will be randomly inspected throughout the maintenance period. Works deemed by the Responsible Authority as being inappropriately maintained or established will not be accepted and will remain on maintenance until such time that the Responsible Authority deems it acceptable.

Telecommunications

- 31 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.
- 32 Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; 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.

Powercor Conditions

- 33 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.
- 34 The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- 35 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.
- 36 Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- 37 Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- 38 The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- 39 The applicant shall provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for 'Powerline Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.
- 40 The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- 41 The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- 42 The applicant shall obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- 43 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.

Barwon Water Conditions

General

- 44 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.
- 45 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.
- 46 Additional water and/ or sewer assets are required to service this development. The creation of assets is additional to the internal works required for which the developer will be responsible to provide. The assets required are a Sewerage Pump Station (SPS) and rising main to serve the development.

Water

- 47 The provision and installation of individual water services to all lots in the subdivision. Note, that tappings and services are not to be located under existing or proposed driveways.
- 48 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.

- 49 Reticulated water mains or a water main extension are/ is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.

Sewer

- 50 The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).
- 51 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).
- 52 Reticulated sewer mains or a sewer main extension are/ is 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.
- 53 The owner/developer is required to design and construct a Sewerage Pump Station and rising main to service this development.

Downer Utilities Condition

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

Country Fire Authority Conditions

Hydrants

- 55 Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- 56 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.
- 57 Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)

Roads

- 58 Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- 59 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

- 60 Roads must have a minimum trafficable width of:
- a) 5.5m if parking is prohibited on one or both sides of the road,
 - b) 7.3m where parking is allowable on both sides of the road.
- 61 Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.
- 62 Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'No Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

Expiry

- 63 The permit will expire if the plan of subdivision is not certified within 2 years from the date of this permit and if a statement of compliance is not issued within 5 years of the date of certification of that plan.

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