

GREATER GEELONG PLANNING SCHEME

AMENDMENT C367

RESOLUTION TO REFER SUBMISSIONS TO A PANEL

UNDER DELEGATION FROM COUNCIL IT IS HEREBY RESOLVED:

That Council, having considered all submissions to Amendment C367 to the Greater Geelong Planning Scheme and Planning Permit Application 1463-2016, resolves to:

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act, 1987;**
- 2) Refer all submissions to the Panel; and**
- 3) Submit to the Panel its response to the submissions generally as outlined in this report.**



SIGNED:.

DATE:...18/10/2018

**PETER SCHEMBRI
ACTING COORDINATOR STRATEGIC IMPLEMENTATION
CITY DEVELOPMENT**

AMENDMENT C367, CONSIDERATION OF SUBMISSIONS

To: Peter Schembri – Acting Coordinator Strategic Implementation
From: Susan Williamson – Senior Strategic Planner
Subject: Resolution to consider submissions to an amendment under delegation
File number: C367
Date: 18 October 2018

Purpose

This report considers submissions to Planning Scheme Amendment C367 and draft Planning Permit 1463-2016 and recommends that Council resolves (under delegation) to refer all the submissions to an Independent Planning Panel.

Background

At its meeting of 20 September 2017, Council resolved to proceed with exhibiting a planning scheme amendment to rezone the land at 2-120 Mollers Lane Leopold concurrent with a draft planning permit. Exhibition of Amendment C367 occurred between 17 May and 18 June 2018, with notices published in the local newspaper, online and letters sent to affected landowners, occupiers, agencies and Ministers.

Key Issues

- Fifteen submissions were received, although one has since been withdrawn. Twelve submissions either oppose the amendment or seek changes; one submission wholly supports the amendment; and two submissions offer no objection.
- Objecting submissions raise concern about downstream flooding, traffic impacts, impacts on Lake Connewarre, concern for changes to duck hunting activities, the amount of open space provided, relevance of some conditions on the draft planning permit, impact on the Bellarine Peninsula, form of the amendment and integration with surrounding areas.
- In accordance with the Planning and Environment Act 1987 the City must either: change the Amendment in the manner requested by the submitters; refer the submissions to an Independent Panel; or abandon the Amendment.
- No changes to the amendment are proposed as a result of considering the submissions.
- Council officers have considered the submissions and recommended that all submissions be referred to an Independent Panel appointed by the Minister for Planning for review.

Recommendation

That Council having considered all submissions to Amendment C367 to the Greater Geelong Planning Scheme and Planning Permit Application 1463-2016, resolves to:

- 1) **Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act, 1987;**
- 2) **Refer all submissions to the Panel; and**
- 3) **Submit to the Panel its response to the submissions generally as outlined in this report.**

**Approved as a resolution of Council by Council's delegate: P.Schembri
Date: 18 October 2018**

Discussion

On 20 September 2017, Council resolved to proceed with exhibiting a planning scheme amendment to rezone the land at 2-120 Mollers Lane Leopold concurrent with a draft planning permit. The rezoning would see the land zoning change from Farming Zone to General Residential Zone Schedule 1, common with the established residential area to the north west of the land. The proposed amendment also applies a new DDO43 to guide future subdivision and urban design, removes the Significant Landscape Overlay 10 and updates the Leopold local planning policy to extend the settlement boundary and refer to the South East Leopold Framework Plan 2016. The amendment is also accompanied by:

- a draft planning permit for a subdivision creating 494 lots (only applicable to the land at 2-120 Mollers Lane).
- an agreement under Section 173 of the Planning and Environment Act 1987 to collect development contributions for community projects in Leopold.

This amendment follows the preparation of the South East Leopold Framework Plan to guide the future development of the nominated growth area along the south eastern flank of Leopold.

Attachment shows the location of the subject land.

Exhibition of Amendment C367 occurred between 17 May and 18 June 2018, with notices published in the local newspaper, online and letters sent to affected landowners, occupiers, agencies and Ministers.

Fifteen submissions were received, although one has since been withdrawn. Twelve submissions either oppose the amendment or seek changes; one submission wholly supports the amendment; and two submissions offer no objection.

Objecting submissions raise concern about downstream flooding, traffic impacts, impacts on Lake Connewarre, concern for changes to duck hunting activities, the amount of open space provided, relevance of some conditions on the draft planning permit, impact on the Bellarine Peninsula, form of the amendment and integration with surrounding areas.

Attachment 2 outlines the submissions and the officer response to them.

There are no recommendations to make changes to the amendment as a result of considering the submissions. The amendment implements planning policy for urban growth at Leopold and the planning permit facilitates a substantial multi-lot subdivision of the area. Future rezoning and permits will be required for the area to the west fronting Ash Road.

Financial Implications

There are no financial implications arising from this report. Costs of the panel will be borne by the applicant.

Stakeholder Consultation and Communication

The Amendment and Permit were exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

Planning Panels Victoria will notify all submitters of the Panel dates and invite requests to be heard at the Panel Hearing.

Policy/Legal/Statutory Implications

The proposal accords with the objectives of Planning in Victoria as set out in the Planning and Environment Act 1987 as it will provide for the rezoning and subdivision of land to achieve an orderly, well planned outcome consistent with the strategic direction of Leopold.

Alignment to City Plan

The Amendment supports the 'Growing our Economy' strategic direction of City Plan by providing local construction jobs, housing diversity and affordability and small business opportunities.

Conflict of Interest

No Council officer involved in the preparation of this report has any direct or indirect interest, in accordance with Section 80(c) of the Local Government Act.

Risk Assessment

There are no notable risks associated with implementing the recommendation contained in this report.

Environmental Implications

Reinstatement of the two waterways will provide habitat and native vegetation for the area, but will be in the context of their provision as waterways and part of the broader areas of public open space.

Offsets will be required for loss of native vegetation. Other vegetation is being retained as part of the open space provision.

Permit conditions address environmental impacts.

Attachment 1 – Location plan / aerial photo



Attachment 2 - Summary of Submissions and Officer Response

No.	Submitter	Address	Submission	Officer Response
1	Alfred Vella	Burnside Road Bannockburn	Submission withdrawn by written advice on 30 July 2018.	No response required.
2	EPA	Little Malop Street Geelong	<ol style="list-style-type: none"> 1. Has no concerns with the proposed combined planning scheme amendment/planning permit application. 2. EPA pleased pre-exhibition referral comments incorporated into the amendment and draft permit. 3. Supports the inclusion of condition 13 in the draft permit and reference to EPA Guidelines on construction management. 4. Reminds Council of obligations under the Ministerial Direction on potentially contaminated land. Supports the inclusion of a condition in the draft permit requiring a peer review of the environmental study. 	<ol style="list-style-type: none"> 1. Support for the amendment and draft planning permit noted. 2. Conditions on construction management are a common feature of subdivision permits and the standard condition is included in this draft permit. 3. The peer review is intended to confirm the specialised environmental review that was conducted by the applicant and submitted with the amendment request. Council sought the advice of the EPA in the pre-exhibition referral about the suitability of the report methodology and findings, but unfortunately the EPA was not able to provide this advice to Council. 4. It is noted here that in cross referencing to Submission 10, the proponent opposes the inclusion of this condition of permit.
3	Garry Lipshut	Yarra Street South Yarra	<p>No objection to the proposal but raises 3 points of concern:</p> <ol style="list-style-type: none"> 1. Increased traffic on Mollers Lane (south of 120 Mollers Lane) placing pressure on the unsealed road creating a safety hazard and requiring constant grading. Seeks sealing of Mollers Lane all the way to the Lane's end. 2. Potential for increased conflict between residents and hunters on the Lake Connewarre foreshore during duck hunting season from March to June. Current exclusion zone of 100 metres either side of the end of Mollers Lane is inadequate and needs to be increased to 1000 metres east and west of Mollers Lane. 	<ol style="list-style-type: none"> 1. There is no nexus between the amendment and the sealing of Mollers Lane south of 120 Mollers Lane. There is no modelling to show that there will be such a substantial increase in vehicles using this road to demand that the proponent construct and seal the road beyond their abutting landholdings. It is a no through road, with no established facilities such as car parking along the foreshore for people to readily enjoy; in fact it is a muddy bog area. This may in fact act as a deterrent to many more visitors. There is an interpretive installation at the southern end of Ash Road which is best placed to inform visitors about the Lake. Additionally, trucks, which have a big impact on unsealed road, will not be traversing this area and damaging the road surface. The City monitors its assets and would undertake extra grading of the Lane if it is required. 2. There is signage in place at the end of Mollers Lane on the Lake Connewarre foreshore about the exclusion zone for duck hunting activities during the March to June season.

No.	Submitter	Address	Submission	Officer Response
			<p>3. Environmental impact on Lake Connewarre from more people using the foreshore and the implications for bird life. Seeks a plan to protect the foreshore and wetland.</p>	<p>DELWP has not advised of any changes to the exclusion zone and has confirmed that the activity will continue to take place. It will be a decision for DELWP if any changes to the exclusion zone are to be made. There is no real safety risk to residents within the subdivision. It is not anticipated that there will be significant numbers of residents flocking to the foreshore as there are no facilities there, and shared paths will be implemented throughout the subdivision that will link in with the Leopold footpath network to the west and north.</p> <p>3. The Venant Solutions Report and the DELWP submission have not raised any significant concerns for impacts of the proposal on the birdlife at Lake Connewarre. DELWP has the Draft Strategy for Port Phillip Bay (Western Shoreline) and Bellarine Peninsula which addresses the land management requirements for Lake Connewarre. The foreshore is Crown Land and DELWP and Parks Victoria are responsible for management.</p>
4	Field & Game Australia – Geelong Branch	Anzac Avenue Seymour	<p>1. Not opposed to development in principal but is opposed to development that leads to the loss of hunting opportunities.</p> <p>2. Increase in shooting noise complaints and how Council will deal with these complaints – expects Council to dismiss any noise complaints.</p> <p>3. Seeks buyers to be made aware of duck hunting at Lake Connewarre State Game Reserve (LCSGR).</p> <p>4. Expects planning decisions in proximity to State Game reserves to take into account long standing and legal hunting activities.</p> <p>5. Notes the State Government’s Sustainable Hunting Action Plan which supports the economic and social benefits of hunting, its promotion in regional areas and the desire to expand the activity.</p> <p>6. Impact of alterations to flow of water entering Lake Connewarre are of importance to members as past experience with Warrally negative impacts have forced change onto hunting in that part of the Lake.</p>	<p>1. Noted.</p> <p>2. There are no noise regulations covering gun shots from duck hunting that would impede the rezoning and residential development of the site from proceeding. Council has a process for dealing with complaints about noise from a range of sources and this is expected to continue.</p> <p>3. The notification of prospective purchasers in the growth areas surrounding Lake Connewarre, including in the Villawood Estate off Melaluka Road and the soon to develop Allure Estate in Ash Road Leopold (both a closer straight line distance from the Lake Connewarre shoreline, haven’t included this requirement as part of either the rezoning or development plans or planning permits. There is no exceptional circumstances here to adopt a differing approach such as Section 173 Agreement for alerting future land buyers of proximity to Lake Connewarre game hunting. There are signs near the Lake advising of this activity.</p> <p>4. The issue has been considered in the consideration of the application prior to exhibition. As the submission acknowledges, the southern end of the amendment site is approximately 900 metres away from the shoreline of Lake Connewarre. It is also separated by undulating land, meaning that it would be highly unlikely to be physically impacted by shooting activities during duck hunting season. The rezoning and subdivision are not</p>

No.	Submitter	Address	Submission	Officer Response
				<p>considered likely to have any impact on the hunting activities at Lake Connewarre.</p> <p>5. The <i>Sustainable Hunting Action Plan 2016 – 2020</i> is noted for its focus on promoting responsible hunting, growing hunting opportunities and ensuring sustainable practices. It is also noted that this Plan does not contain any land use specific actions that directly affect the proposed amendment and draft planning permit. The amendment does not seek to alter the duck hunting season or regime in place at Lake Connewarre.</p> <p>6. The Venant Solutions Report has studied the impact of additional water flow into Lake Connewarre and determined that the impact of this is extremely low and will not affect the ecological regime of the Lake. Pollutant levels are required to remain at pre-development levels.</p>
5	Grant Chapman	Mollers Lane Leopold	<p>Opposed to the amendment on the following grounds:</p> <ol style="list-style-type: none"> 1. Flooding impacts on the submitters land and Lake Connewarre foreshore from an additional 60ML of water per year. This will increase the flooding on the dam Lake Connewarre foreshore. This will affect the restoration of the foreshore and may increase fire risk. 2. Changes to the ecology of the dam - more water stored at higher levels for longer will reduce the area of muddy shoreline, decreasing the diversity of water birds whilst increasing the number of ducks. This will attract more hunters to the shore of Lake Connewarre and the potential for shooting into the dam. 3. Proximity of the development to the State Game Reserve and the safety risk and gunshot noise impact for new residents. Have experienced poor hunting behaviour and discipline with shooters in the past. 4. Seeks a risk assessment of the development and an EPA noise assessment (as LCSGR is effectively an open firearms range) 	<ol style="list-style-type: none"> 1. There will be an increase in water volume downstream from the development site of 60ML per annum. This water can't be stored on site and needs to be discharged into the downstream waterway. The invert levels of the outlet pipes for the dam are at ~1.45m AHD. When water levels rise above that of the outlet pipes, the outlet pipes begin to flow and release water from the dam. In a relatively short period of time after the inflows to the dam have ceased, the water level drops back to the level of the outlet pipe invert. The additional volume of water entering the dam will not alter this level behaviour of the dam. The additional volume may result in there being more water in the dam more often up to the level of the outlet pipe invert level. This could be aided by the provision of an additional outlet control to provide greater ability to regulate the water levels. Officers do not consider there to be any increased fire risk to the submitter's property as a result of any prolonged flooding of the foreshore area and reduced slashing opportunities. The primary purpose for slashing would be weed control rather than for fire purposes. The fire risk is from the north/north west and the dam provides a substantial firebreak to the house and the foreshore. 2. Venant Solutions has advised that there is likely to be more water in the dam more often up to the level of the outlet pipe invert level. It is not expected to cause a significant change to the extent of the dam for extended periods of time. In the event that more ducks than waders are present in the dam,

No.	Submitter	Address	Submission	Officer Response
			<p>5. Seeks developers to carry out works to alleviate the dam water levels.</p> <p>6. Requests the City and DELWP/Parks Victoria to establish a permanent duck hunting exclusion zone extending from the eastern boundary of Brinsmead Lane to the western boundary of Ash Road.</p>	<p>hunters are still legally banned from shooting across from public land onto the private land. Enforcement of these laws is by Parks Victoria and Victoria Police.</p> <p>3. The southern boundary of the proposed rezoning and multi-lot subdivision is located close to one kilometre away from the shoreline of Lake Connewarre and the extent of the State Game Reserve, with undulating topography in between. This combination mitigates against any risk for new residents. As noted in response to submission 4, it is not anticipated that there will be significant numbers of residents flocking to the foreshore as there are no facilities or sealed road access, and the proposed shared paths in the subdivision will link in with the Leopold footpath network to the west and north.</p> <p>The submitter has verbally advised officers that the shooting behaviour has been significantly improved since the exclusion zone was introduced in the past four years. This amendment and permit do not change this.</p> <p>There are no specific EPA Guidelines that address noise emanating from gunshots in a State Game Reserve, nor are there any Council local laws that restrict or address noise from this activity. Officers have checked for but have been unable to find evidence of previous complaints received for noise issues relating to guns during duck season. If the City receives noise complaints officers would investigate under nuisance provisions under the Environment Protection Act and makes a determination on what is reasonable. If new residents build or move into a residence in the vicinity to where the activity of duck hunting occurs, and has previously occurred, it would be unreasonable for a resident to expect that activity to stop.</p> <p>4. For the purposes of the planning scheme, the LCSGR is not a shooting range and therefore the provisions relating to separation distances do not apply. The EPA has not raised noise issues in their submission. Based on Council's current level of noise complaints and local laws provisions, there is no urgent issue that needs to be actioned to address high levels of shot gun noise in the proximity of Lake Connewarre.</p> <p>The distance between the Lake Connewarre foreshore and the subject land, and the subdivision design which does not promote southerly walking to the</p>

No.	Submitter	Address	Submission	Officer Response
				<p>Lake on Mollers Lane, mitigates against risk between residents and game hunters.</p> <p>5. The applicant has met with the submitter and has offered to design an additional outlet pipe for the dam.</p> <p>6. DELWP has not advised of any changes to the exclusion zone and in their submission about the amendment advises that hunting activities will likely continue at Lake Connewarre. The draft RAMSAR Site Management Plan Strategy has identified that game hunting has a socio-economic and cultural value at Lake Connewarre. The Strategy further notes that a priority threat at Lake Connewarre is the duck hunting impacts to non-target species. The proposed management strategy 4.4 in response is to “<i>assess the impact of duck hunting on disturbance of non-target species, particularly shorebirds and orange-bellied parrot.</i>” There is no strategy or management initiatives to change the extent of the exclusion zone. It is considered to be beyond the scope of this amendment and draft permit to change the exclusion zone - this will be a decision for DELWP to make.</p>
6	Kathryn Hart	Leicester Mews Leopold	<p>Objects on the following grounds:</p> <ol style="list-style-type: none"> 1. development does not integrate current neighbourhood character 2. removal of existing dams will create a loss of vegetation and wildlife habitats for local wildlife. 	<ol style="list-style-type: none"> 1. This part of Leopold is a new growth area, set to develop some 20-30 years after the residential subdivision to the north –west/west. The area will have its own character influenced by the topography and other landscape features. Subdivision character will also be influenced by current planning policy to provide development at a rate of 15 dwellings per hectare, effectively increasing the density compared with the established residential areas. To meet this target as well as to deliver a product that the Leopold market is demanding, the range of lot sizes is limited with a greater balance in favour of smaller lots. 2. Removal of the existing on-site dams is necessary as they are not structurally capable of fulfilling the retarding function that is required of them in a development scenario. The flora and fauna assessments accompanying the application have not identified significant species under threat that will be affected by the decommissioning of the existing dams. The loss of current habitat in the construction process will be off-set by the retention of some existing vegetation and the re-establishment of vegetated corridors along the waterways. The planting of street trees through the subdivision will also provide habitat for some wildlife.

No.	Submitter	Address	Submission	Officer Response
7	Robin Morrell	Montalto Avenue Toorak	<ol style="list-style-type: none"> Totally supports the amendment. Suggests an aged care or hospital for the area. 	<ol style="list-style-type: none"> Support noted. There is no demand for the development of a hospital at this site. The proposed zoning GRZ1 would allow for a permit to be considered for such uses but with the draft planning permit for a multi-lot subdivision, this will be a very unlikely scenario.
8	Barwon Water	Ryrie Street Geelong	<ol style="list-style-type: none"> No objection to the amendment. Barwon Water provided pre-exhibition referral comments and this advice is largely unchanged. Advises the contents of the Infrastructure and Servicing Assessment, TGM 2016 accompanying the amendment request are slightly out of date and has provided updated servicing comments. The draft planning permit contains appropriate conditions relating to Barwon Water. 	<ol style="list-style-type: none"> Support noted. Updated servicing comments provided to the applicant. No changes to the Amendment or draft permit are required.
9	Sporting Shooters Association of Australia (Victoria)	Ellingworth Parade Box Hill	<ol style="list-style-type: none"> Not opposed to development in principal but is opposed to development that leads to the loss of hunting opportunities. Notes concerns about impact on game hunting at Lake Connewarre: Increase in shooting noise complaints and how Council will deal with these complaints – expects Council to dismiss any noise complaints. Seeks buyers to be made aware of duck hunting at Lake Connewarre State Game Reserve (LCSGR). Expects planning decisions in proximity to State Game reserves to take into account long standing and legal hunting activities. Notes the State Government's Sustainable Hunting Action Plan which supports the economic and social benefits of hunting, its promotion in regional areas and the desire to expand the activity. 	See response to Submission 4
10	TGM Group of behalf of Mollers	Myers Street Geelong	<ol style="list-style-type: none"> Amendment proponent and is generally supportive of the proposal as it is consistent with the strategic direction for Leopold. 	<ol style="list-style-type: none"> Support acknowledged. Officers have made concessions about the provision of open space over the course of the amendment, including accepting a different approach to the buffer along the waterways compared with the Armstrong Creek West area.

No.	Submitter	Address	Submission	Officer Response
	Lane Developments & Pamas Property		<ol style="list-style-type: none"> 2. Seeks a reduction of the proposed open space contribution to 10% in accord with the schedule to clause 52.01 3. Southern-most portion of land to be identified as developable land for housing. 4. Opposes Condition 21-26 (requirements to provide water samples) as it is a broader issue that has no benchmarks and flows are also derived outside of the subject land. 5. Opposes Condition 34 (Additional Environmental Investigation Peer review) as has provided a full environmental assessment by an appropriately qualified consultant to investigate the appropriateness of sites for residential development. Land is not defined as potentially contaminated land under Ministerial Direction No. 1. 6. Opposes Condition 40 (Proposed retention of trees along the western boundary) as has already been addressed in the application and is inconsistent with the South East Leopold Framework Plan. Overall design retains an area of trees south of the creek. Retention of more trees and the potential changes to the plan of subdivision would require substantial redesign and re-advertising. Inconsistent with officer discussions and Leopold Framework Plan. 7. Opposes Condition 69 (Requirement for an additional Growling Grass Frog Assessment) as previous investigations have revealed that no Growling Grass Frogs inhabit the dams. Retention of condition could halt development for at least six months as an assessment must be undertaken during the warmer months. 8. Reserves right to make further submission on S173 Agreement. 	<p>The buffer along the waterways is reduced below the 30 metres outlined in clause 14.02-1S to between 24 and 26 metres. The central larger reserve is provided as 0.75ha, less than the standard 1 hectare reserve usually provided. Provision is a little higher than 10% (unencumbered) but it gives amenity and landscape value to the future subdivision. No change is proposed.</p> <ol style="list-style-type: none"> 3. Land south of the southern creek is proposed to be provided as open space. Officers consider this to be encumbered open space. Officers have agreed to support the extension of the settlement boundary to include 92-120 Mollers Lane in its entirety and to adjust the SLO extent on the basis that there are benefits to be gained from reduced infrastructure requirements and to achieve the full reinstatement of the southern waterway. This was always on the proviso that land south of the southern waterway would not be available for development. Officers do not support a change to this. 4. Condition 21 requires the developer to maintain the drainage basins for a 2 year period after construction and landscaping. This is a standard condition to be retained. The subdivision drains into Lake Connewarre, which is a RAMSAR wetland. Conditions 22-26 have been included as officers consider there is an elevated consideration of water run-off required as the site is draining into a sensitive RAMSAR wetland and higher pre-caution should be applied. Officers consider that there is a need to test post-development to see whether the outcomes are as predicted by the application modelling. This approach is consistent with other planning permits such as planning permit 907/2002 for the development of the Leopold Shopping Centre at 641-659 Melaluka Road Leopold. That permit contained a similar condition 18 for water quality testing post development for 3 years. 5. Condition 34 is seeking a peer review only to confirm the specialist work for which officers don't have the expertise and the EPA has chosen not to provide advice. EPA supports this permit condition. 6. Condition 40 is only seeking a review or assessment of the trees and is not of itself requiring their retention. No arboriculture assessment has been submitted to Council that has assessed across the site to determine the health of individual or stands of established non-indigenous trees.

No.	Submitter	Address	Submission	Officer Response
				<p>7. Condition 69 is proposed to cover any delay in the construction of the subdivision and capturing growling grass frog data if a lapse of time occurs between permit issue and subdivision construction, particularly for the southern area. Officers support adding in words "<i>unless otherwise agreed by the Responsible Authority</i>" to this condition to provide scope for discussion about this with the applicant.</p> <p>8. No further submission has been put forward addressing the S173 Agreement. The purpose of the Agreement is to attain the developer contributions for social infrastructure, and sets out the other obligations of the developer to deliver the other infrastructure such as drainage, open space, roads etc.</p>
11	Tract Consultants on behalf of Eastern Ash Pty Ltd	Riverside Quay Southbank	<ol style="list-style-type: none"> 1. Eastern Ash is the proponent for impending application on land immediately adjacent to the west. Does not object to the Amendment. 2. Consistency with 'South East Leopold Framework Plan 2016' should not compromise a better design outcome. The Plan was prepared as a tool to guide future development and provides a high level development framework and was prepared without substantive advice from specialist consultants. 3. Council should apply the Development Plan Overlay as the Design and Development Overlay does not exempt third party notification and appeal rights. 4. Vegetation should only be retained where it does not impact upon a logical and efficient subdivision layout and the delivery of relevant infrastructure. Stand of mature vegetation located on the western boundary of 92-120 Mollers Lane only to be retained where it does not impact upon the functionality of the proposed drainage corridor. 5. As public open space provision of 14.99% unencumbered open space is higher than the 10% Planning Scheme requirement, assumes Council will require 10% open space across the entirety of the 	<ol style="list-style-type: none"> 1. Noted. 2. The Framework Plan was prepared as a tool to guide subsequent rezoning and development processes across the south east fringe of Leopold that had been identified for future urban growth. Officers could foresee that there would likely be 2 development fronts – Mollers Lane and Ash Road, and that it was unlikely to achieve one united development consortium for the whole area. Officers acknowledge that it is a high level plan with detail to be studied and developed as part of the subsequent planning scheme amendment processes. For the Mollers Lane front, the amendment and draft permit do not rigidly adhere to the Framework Plan but it does give an overall framework that has generally been followed. The Framework Plan was prepared by Tract (the submitter) with their in-house specialist urban designers and town planners, and with the input of officers from Council, government agencies and departments, and the affected landowners. 3. C367 is a combined rezoning and planning permit, with the DDO43 used to provide a back up to the permit if development doesn't proceed in the future. The DDO43 contains the key elements of the subdivision that can be applied to a future permit application if PP1463/2016, for an unforeseen and unlikely reason, is not acted upon. There is no objection from the proponent to the use of the DDO43 and it also obviates the need for them to seek an additional (and redundant approval) post the issue of a permit with the amendment. This combination was also agreed in the context of what was applied for.

No.	Submitter	Address	Submission	Officer Response
			<p>area subject to the Framework Plan. By this assumption, only 2.074ha of unencumbered open space should be provided in the Eastern Ash area.</p> <ol style="list-style-type: none"> 6. Seeks a more formal arrangement for developer contributions as private land owner agreements will only work if they cooperate and reach consensus. 7. Council should carefully consider whether the proposed layout may prejudice the logical subdivision of the Ash Road land holdings. 8. Unclear why large area of open space in the south-west corner is 'encumbered' as doesn't fit with the definition outlined by Victorian Planning Authority's Precinct Structure Planning Guidelines. 	<p>Officers have advised Tract and their client, Eastern Ash, that they are open to alternatives for the Ash Road East development front and that we are not locked into the use of a DDO for that area.</p> <ol style="list-style-type: none"> 4. Vegetation retention was a key facet of the Framework Plan with several areas identified. Retention is for amenity and landscape value, rather than for species significance or rarity. Retention should be supported where there are no impediments and an arboriculture assessment has been carried out. The Framework Plan identifies the stand along the border with 92-120 Mollers Lane as "<i>mature stands of vegetation to be considered for retention</i>"; it doesn't require this as a non-negotiable outcome. Detailed design will need to be addressed as part of a rezoning application for the Ash Road East area. 5. The open space contributions by the proponent are in dispute (refer to submission 10) so the final quantity is still to be determined. Regardless, officers have considered the amendment site separate to the overall area. The principle of each site providing the required 10% open space contribution applies. If more is provided on one development front then that is responding to a localised issue or circumstance and should not be interpreted to obviate the need for the other development front to reduce its provision. 6. Officers are comfortable with the developers of Mollers Lane delivering the required infrastructure. There is a united group working together and there has been no need to require a Shared Infrastructure Funding Plan or an equivalent. It is expected that developers will deliver the infrastructure. This has only been outlined in the S173 Agreement to identify what that is and Council's expectation for when it will be delivered. There is no need for an additional mechanism to be prepared. 7. The subdivision has been designed around a couple of set parameters including the two creeks and Barwon Water's pipeline. The northern connector road incorporates the pipeline to avoid the need to create a separate reserve. The southern connector road needs to link up with Walkers Road, which in turn will join with Estuary Boulevard, providing an overall road connection across southern Leopold between Melaluka Road on the western edge of the township and Mollers Lane on the east. The

No.	Submitter	Address	Submission	Officer Response
				<p>Framework Plan provides guidance about integration and the proponent has considered the development needs to the west in their subdivision design for this rezoning and permit.</p> <p>8. Land south of the southern creek is considered by Council as 'encumbered' in the context of not being available for development. Officers agreed to accept an extension to the settlement boundary to include all of the property at 92-120 Mollers Lane, but with development opportunity only extending to the creek. This was underpinned by the arguments that full inclusion of the property would allow for the reinstatement of the creek, lesser infrastructure costs through reduction in the number of sewerage pumping stations and no compromise to the SLO10 affecting views to and from Lake Connewarre. This was a feature of the Framework Plan and has been part of all discussions from the outset. Officers do not support the provision of drainage infrastructure from another site being provided on a secondary site.</p>
12	DELWP	Cnr Fenwick and Little Malop Streets Geelong	<ol style="list-style-type: none"> 1. DELWP does not object to the amendment. 2. Requires a revised Vegetation Due Diligence Assessment and Biodiversity Report that addresses the changes to the native vegetation requirements in December 2017. Detail is currently lacking/missing is the avoid/minimise statement or an offset strategy. DELWP recommends further information be sought to support the proposal prior to proceeding to a hearing. 3. Notes that any alterations to the flows into Lake Connewarre will require a permit under the Wildlife Act 1975 from the Secretary of DELWP. 4. The need for additional WSUD measures such as additional on-site detention should be considered during detailed design. 5. Requests Council to formalise ongoing land management responsibilities and ensure water treatment design measures are incorporated within the dam on downstream, adjoining privately owned land. 	<ol style="list-style-type: none"> 1. Noted. 2. An updated vegetation assessment has been sought from the applicant and will be provided prior to a Panel Hearing. Revised or additional permit conditions can be included in the draft planning permit if necessary. 3. An application to the Commonwealth under the EPBC Act 1999 has not yet been made. Officers note that an application under the Wildlife Act 1975 may also be required. 4. The purpose of the on-site detention basins are to match peak flow to pre-development levels. The proposed system meets best practice for flow control and treatment. No additional detention is required and nor is there space for any additional detention basins. Further refinement will likely occur during detailed design but this is not expected to result in any changes to the subdivision. 5. Numerous discussions have been held with parties about the impact of the development on the downstream waterways and dam on privately owned land. Officers have sought further information from the applicant to investigate this issue. It is still being prepared but is likely to conclude that works and easements will be required downstream along the waterway between the subject site and the dam just north of Lake Connewarre. This work is currently in progress.

No.	Submitter	Address	Submission	Officer Response
			<ol style="list-style-type: none"> 6. DELWP recommends that draft planning permit include additional requirements on WSUD, water retardation, mitigation measures during construction and incorporation of design and landscaping features for Growling Grass Frog habitat to establish. 7. Notes that Mollers Lane is a popular access point to Lake Connewarre during the duck hunting season that it is reserved for hunting purposes and that will likely continue. 	<ol style="list-style-type: none"> 6. Officers are working through DELWP's proposed additional conditions to check if there is any duplication with what is already in the draft permit. 7. Officers note the DELWP position on the status of the State Game Reserve for hunting purposes, particularly ducks.
13	Transport for Victoria (incorporating VicRoads)	Melbourne	<ol style="list-style-type: none"> 1. Submission made in consultation with VicRoads. No objections but seeks changes. Development should set a good precedent for future residential growth through a network of bus capable roads and safe and connected active transport links. 2. Supports the inclusion of bus capable connector road, but these roads lack provision for cyclists. 3. Connection to the broader active transport network, in particular the Bellarine Rail Trail via Christies Road and the provision of a safe crossing as part of the Highway intersection is encouraged. 4. Requests a 3 metre wide shared user paths are provided on a single side of the southern and northern connector roads and on Mollers Lane (sourced from the <i>Austrroads Guide to Road Design Part 6A: Paths for Walking and Cycling 2017</i>). 5. Supports the proposed shared user paths through the northern and southern waterways, but requests they be widened to 3.5metres. 6. Need to formalise the pedestrian/cyclist connections into Myuna Street and along the southern side of the Bellarine Highway to the Claremont Drive/Christies Road intersection. 	<ol style="list-style-type: none"> 1. Noted. 2. Note support for the inclusion of public transport capacity and cycling/pedestrian infrastructure. Integration of this has been a feature of the Framework Plan and the proposed subdivision from the start. 3. Connection into the active transport network can be achieved in this development through the provision of shared paths and a signalised intersection at the Bellarine Highway. Integration with land to the west via shared path connections to Ash Road and Melaluka Road will also assist active transport to the primary school and shopping centre. 4. The City works under the provisions of the Infrastructure Design Manual (IDM) and this provides for 2.5 metre wide shared user paths. Increasing these paths to the 3 and 3.5metre widths as requested is excessive and costly for the development. Based on experience across the municipality, officers question whether there is the critical mass to justify this significant increase in service provision. 5. The addition of 3 metre wide shared user paths along the southern and northern connector roads is considered to be an excessive provision when shared user paths are provided within the open space corridors along the northern and southern waterways. 6. Agree with the need to formalise the connection post the subject site and into existing Council owned land linking to Myuna Crescent. A masterplan will be required to deliver the connection. 7. Officers support VicRoads' requirement for early delivery of the signals at the Highway/Mollers Lane intersection for the reasons articulated in the

No.	Submitter	Address	Submission	Officer Response
			<ol style="list-style-type: none"> 7. Supports the early installation of traffic signals at the Bellarine Highway/Mollers Lane intersection, and the associated development of new bus stops. 8. Requests changes to the draft permit conditions to reflect the above requirements. 	<p>submission. Officers support the need to rationalise bus stops on the Highway in the vicinity of Mollers Lane.</p> <ol style="list-style-type: none"> 8. Officers support the proposed conditions with the exception of a 3.5 metre wide shared user path for the reasons stated earlier in this response.
14	Leopold Lutheran Church	Mollers Lane Leopold	<ol style="list-style-type: none"> 1. Supports the proposed amendment and subdivision. 2. Notes that the subdivision includes subdividing a significant portion of the Church's land, and while ongoing discussions are being held with the developer, no commitment has yet been made by the Church. 	<ol style="list-style-type: none"> 1. Support noted. 2. Development position noted. Subdivision of the Church site is proposed in Stage 13, with subdivision around it to the north and south able to be discreetly carried out prior to that stage.
15	Geelong Environment Council	Belmont	<p>Submission received 3 months after close of exhibition.</p> <ol style="list-style-type: none"> 1. Opposes development outside of town boundary 2. Additional growth threatening landscape and tourism values of Bellarine Peninsula 3. Proximity of development to Lake Connewarre places pressure on the natural lake systems from people, drainage, pet and pest animals 4. Draft Settlement Strategy and Local Planning Statement give greater protection to the Bellarine and adherence to town boundaries. 	<ol style="list-style-type: none"> 1. Officers agreed to support the extension of the settlement boundary to include 92-120 Mollers Lane in its entirety and to adjust the SLO extent on the basis that there are benefits to be gained from reduced infrastructure requirements and to achieve the full reinstatement of the southern waterway. About half of this additional area is not available for development. This affected only one property that was already half included within the settlement boundary. 2. Apart from the extension to the settlement boundary, this rezoning and subdivision is planned for in the Leopold Structure Plan and is therefore strategically supported. 3. These were matters that were considered in the Leopold Structure Plan designation of this area for future development. The inclusion of storm water management and WSUD measures into the subdivision address water run-off and pollution entering into the lake system. The proposal places urban development no closer to the Lake Connewarre foreshore than the Estuary Estate, Allure Estate and future development land in Ash Road East. The lack of facilities at the southern end of Mollers Lane and the direction of shared paths within the development and connection to the north will limit people accessing Lake Connewarre at this location. 4. Council adopted the Greater Geelong Settlement Strategy on 9 October 2018. A process will soon commence to implement its recommendations into the Planning Scheme. Directions for the Bellarine Peninsula will see the contribution it makes to the Geelong housing supply decline over time.

No.	Submitter	Address	Submission	Officer Response
				<p>Once current greenfield estates are completed the focus for new development will be on infill housing. The introduction of permanent settlement boundaries will assist protecting the environmental, farming, landscape and tourism values on the Bellarine. As this area of Leopold is already identified for growth, it is not affected by the implementation of the Settlement Strategy or future Localised Planning Statements.</p>