

## **25. AMENDMENT C367 AND PP1463/2017 - 2-120 MOLLERS LANE LEOPOLD - RESOLUTION TO EXHIBIT**

**Source:** Planning and Development  
**Acting Director:** Geoff Lawler  
**Index Reference:** Application: Amendment C367

### **Purpose**

To exhibit a combined planning scheme amendment C367 and planning permit to rezone land at 2-120 Mollers Lane Leopold to the General Residential Zone 1 with a Design and Development Overlay and subdivide the land for conventional residential development.

### **Background**

This amendment and permit application has been made at the request of TGM Consulting on behalf of Mollers Lane Development Pty Ltd, Mollers Lane Holdings Pty Ltd and Pamas Property Pty Ltd.

The area is generally identified in the Leopold Structure Plan for future urban development, located at the south east corner of the town.

The South East Leopold Framework Plan was prepared in 2016 to guide the rezoning and development of approximately 80 hectares south of the Bellarine Highway between Ash Road and Mollers Lane. This application covers about half of the area, known as the Mollers Lane side.

### **Key Issues**

- Amendment C367 is supported by the Leopold Structure Plan adopted by Council in 2013, which identified this land as suitable for conventional residential development in one of the City's growth areas.
- The general layout of the proposed subdivision accords with the South East Leopold Framework Plan 2016 and will allow for a cohesive development across the south east growth area of the township.
- The lot yield will be approximately 460 lots.
- The proposal extends the amendment south of the settlement boundary to allow for an improved drainage outcome, a decrease in the number of sewerage pump stations required and to facilitate re-instatement of the southern creek.
- The application has demonstrated that the Significant Landscape Overlay boundary can be changed due to the undulations across the area and the lack of visibility of the southern end of the site from Lake Connewarre and surrounds.
- The proximity of the site to Lake Connewarre necessitates assessment of the impact of freshwater flows into the Lake and may require a separate application to the Commonwealth Government under the EPBC Act.
- Development will need to coordinate with land to the west.

## **ALTERNATE RECOMMENDATION**

**L Gardner moved, P Dorling seconded -**

**That Council:**

- 1) Endorse the preparation and exhibition of Amendment C367 to the Greater Geelong Planning Scheme to rezone land at 2-120 Mollers Lane Leopold from Farming Zone to General Residential Zone 1 with an accompanying Design and Development Overlay, a change to the extent of the Significant Landscape Overlay applying to the land, and change to Clause 21.14 to extend the settlement boundary to include all of the land at 92-120 Mollers Lane and include the South East Leopold Framework Plan 2016 as a reference document;**
- 2) Writes to the DELWP to raise citizen's issues of concern with the behaviour of shooters at the State Game Reserve impacting on residential and other private property to the north, and to consider the future and extent of the State Game Reserve concurrently with this proposed Amendment;**
- 3) Considers the application for a planning permit for a multi-lot subdivision, removal of native vegetation and alteration to access to a Road Zone Category 1 for 2-120 Mollers Lane Leopold concurrently with the preparation of the Amendment, in accordance with the provisions of Section 96A of the Planning and Environment Act 1987;**
- 4) Prepares a S173 Agreement for development contributions; and**
- 5) Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C367 and Planning Permit 1463/2016.**

**Carried.**

## Attachment

### **Discussion**

The subject land, approximately 41 hectares in area, is comprised of six separate properties being 2-20, 22-30, 32-40 and 32A, 42-90 and 92-120 Mollers Lane, of which 9.5 hectares is outside the current settlement boundary. The northern part of the site is approximately 195 metres wide which then broadens to approximately 385 metres. The overall length of the subject land is approximately 1,200 metres.

The following extract from the application report describes the subject land:

*“generally undulating in nature with a fall from the northern boundary along the Bellarine Highway where the contours are relatively gentle, to the south where the land forms a series of hillocks that extend through the entire subject land and beyond to the shores of Lake Connewarre. Two major dams located at 40 Mollers Lane form a significant landscape feature along the natural drainage line that flows from northwest to the southeast. A similar drainage line located to the south also flows through the subject land into the wider creek system to the east. This drainage line, like the one to the north, is degraded in nature and has a small dam located in the south eastern corner. Both tributaries flow into a broader creek network located to the east that ultimately flow into Lake Connewarre.*

*The majority of the land has been individually owned and used predominantly for agricultural purposes in the form of grazing and cropping and thus is substantially cleared. However trees in the form of windrows and shelter belts located along boundaries and bisecting paddocks have been established to provide shade and wind breaks for farm animals and to provide privacy between allotments.*

*As the majority of the allotments have previously been individually owned and developed there are a number of dwellings and sheds that remain on the land. Land at 32 Mollers Lane is owned by the Lutheran Church and contains the Holy Trinity Leopold Lutheran Church which is a small single storey, pitched roof weatherboard building located at the rear of the site (approximately 150m from the road frontage) with a cleared car parking area in the front setback. This land also contains a number of communications towers located along the Mollers Lane frontage.*

*Land at 92 Mollers Lane contains the former Karingal Mollers Lane Plant Farm Nursery and rural workshop established in 1982/83. Known as Mollers Lane Industries, the site was abandoned due to transport costs and the operation was eventually relocated to Baxter Road in North Geelong however the disused and dilapidated buildings and glasshouses still remain on-site.*

*The subject land adjoins the Bellarine Highway to the north which is a dual lane road with vegetated centre median strip and grassed verges. Mollers Lane is a formed gravel road with grassed verges.”* The following figures show the area subject of the amendment and the area subject of the permit application.





### **South East Leopold Framework Plan**

In 2016 the City of Greater Geelong engaged Tract Consultants to prepare a Framework Plan for the South East Leopold Growth Area to guide the subsequent rezoning and development processes. It was essentially developed as a tool to guide future development and ensure a coordinated approach given the current development pressures in Leopold. The Framework Plan was developed in consultation with landowners, Council Officers and relevant referral agencies who all provided input into the overall design direction for the area.

The Framework Plan included the subject land and the addition of the southernmost parcel at 92-120 Mollers Lane in its entirety, as only part of this land was earmarked for residential growth in the Leopold Structure Plan. This additional area was included to better reflect drainage catchments and to facilitate drainage and sewer servicing.

The Framework Plan recommends key features to be incorporated into the overall future residential development of the area including linear open space reserves along the creek network, connector roads to provide east/west integration, a shared pathway network, and retention of some stands of mature trees to provide character and interest to the area.

Attachment 2 shows the South East Leopold Framework Plan Map.

### **Proposal**

The amendment request was lodged by TGM Consulting on behalf of several landowners, who are also the applicants for planning permit 1463/2016.

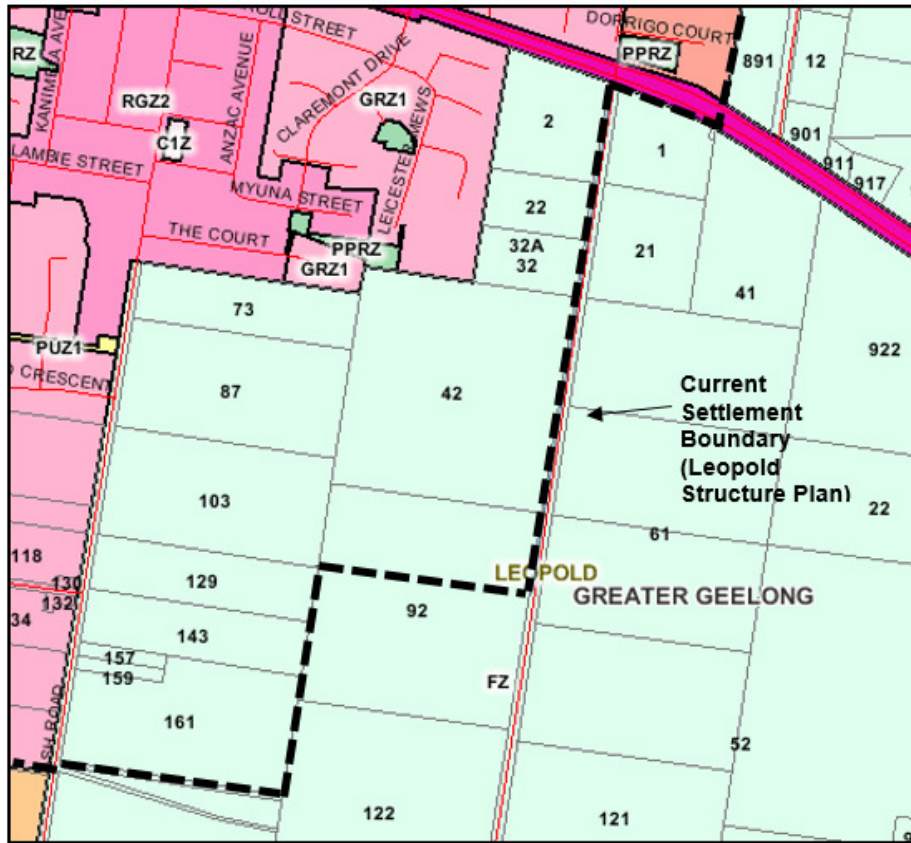
The combined application for the amendment and planning permit is accompanied by several reports addressing traffic, infrastructure, environment, landscape storm water management and cultural heritage.

The rezoning and planning permit will enable the land to be developed in a manner that will ensure integration with the balance of the growth area to the west, which will optimise the conventional residential development potential of this land, consistent with the objectives of the Leopold Structure Plan.

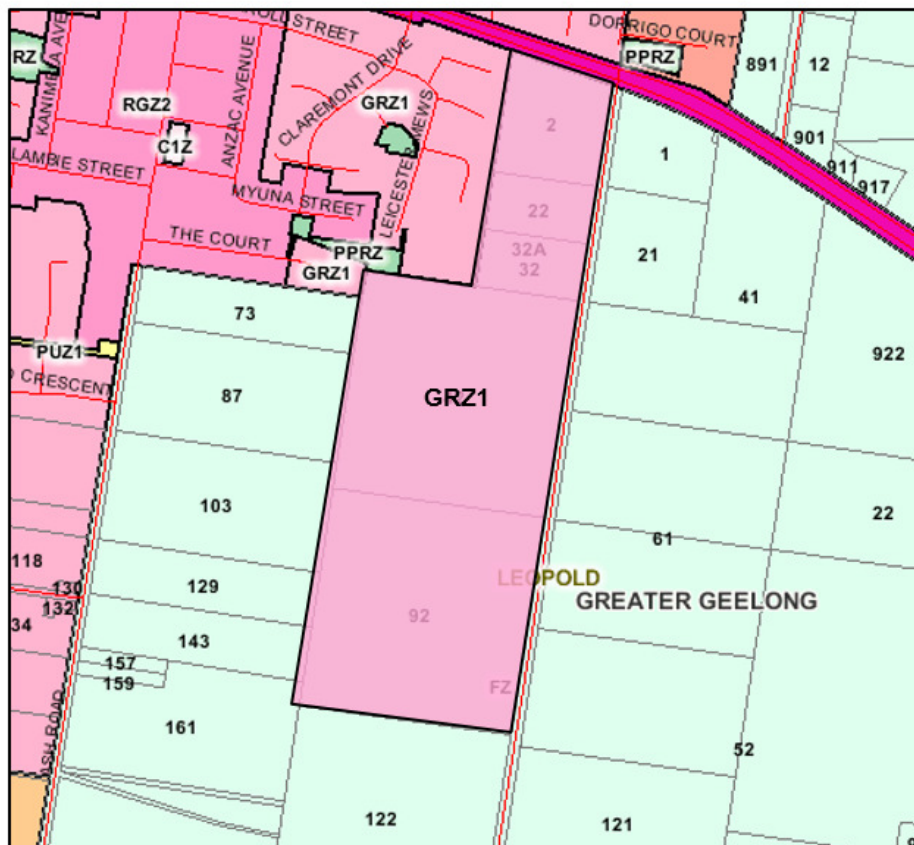
The application is made pursuant to Section 96A of the Planning and Environment Act 1987 and seeks approval for the combined rezoning, multi lot subdivision and native vegetation removal of land at 2-120 Mollers Lane, Leopold. The details of the Amendment include:

- Rezoning land at 2-120 Mollers Lane (41 hectares) from the Farming Zone to the General Residential 1 Zone.
- Applying a Schedule to the Design and Development Overlay to the subject land.
- Revising the extent of the current SLO10.
- Amending clause 21.14 of the Municipal Strategic Statement to reference the South East Leopold Framework Plan, to extend the settlement boundary southward and to show the subject land as General Residential Zone 1
- The creation of a multi-lot conventional subdivision at 2-120 Mollers Lane consistent with relevant planning provisions of the Greater Geelong Planning Scheme.
- The removal of Native Vegetation.

The application for the subdivision originally included the land at 10 Willows Place. This property is already included in the General Residential 1 Zone, but was shown on the proposed subdivision application. This site is to be removed from the subdivision application as it is in separate ownership and not available or intended for subdivision at this time.



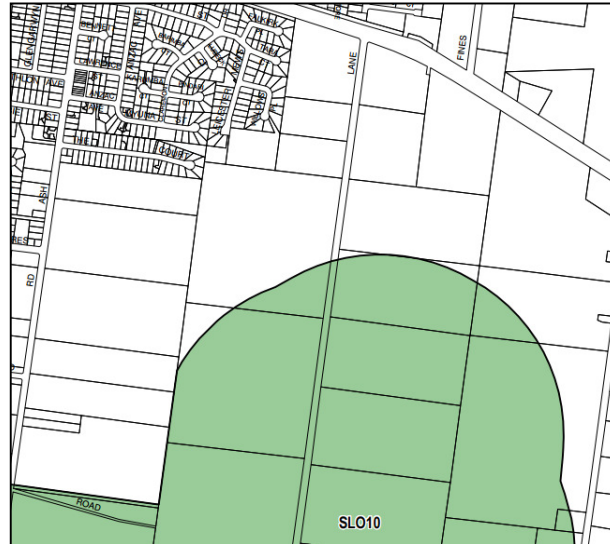
Current zoning map and settlement boundary



Proposed Zoning Map

### **Settlement Boundary and Extent of Significant Landscape Overlay (SLO)**

The southeast portion of the site is covered by Schedule 10 to the Significant Landscape Overlay (Lake Connewarre Escarpment) which aims to maintain the largely unbuilt and partially vegetated character of the prominent slopes above Lake Connewarre.



Current SLO10 Overlay

The Settlement Boundary in this part of Leopold bisects the property at 92-120 Mollers Lane as shown on the Structure Plan map. It follows an alignment to roughly accord with the extent of the SLO.

This rezoning application seeks to include all of the land at 92-120 Mollers Lane within the settlement boundary. This is considered logical as it will prevent the creation of a small 9.5 hectare Farming Zone lot and provide open space, drainage and environmental benefits for this south east area of Leopold. The *Mollers Lane, Leopold Victoria Significant Landscape Overlay Re-assessment* by XUrban has assessed the visual impact implications of the current SLO and ascertained whether the current boundary is responsive to the existing visual setting as well as key topographical features such as the drainage lines and ridgelines.

This report reconfirmed that the landscape setting of Lake Connewarre is an important feature to be maintained, but assessed that the SLO boundary adjacent to Mollers Lane appears to be overly conservative and that the same degree of protection could be afforded if the SLO boundary was relocated further to the south. This change to align with the 25 metre contour line would not impact on the amenity of Lake Connewarre.

Officers confirmed through site inspections that views to the southern portion of the subject land from various vantage points around Lake Connewarre were not possible and that the SLO was unnecessary in this location and should not be a barrier to consideration of residential development southward of the existing settlement boundary. The development of this portion of the subject land is unlikely to detrimentally impact on the visual landscape values of surrounding the Lake due to the undulating topography of the escarpment.

Given the strategic direction for this land to facilitate residential growth and its location away from the visual landscape surrounding Lake Connewarre, the removal of the SLO and the extension of the settlement boundary can be supported.

## **Open Space**

The majority of public open space is proposed to be provided as linear reserves alongside the two waterways generally in accordance with the Framework Plan. A 0.75 hectare local park is proposed adjacent to the northern east-west connector road, co-located with the linear open space. The drainage reserves are co-located with the linear open space. All proposed open space is bounded by public roads to provide casual passive surveillance.

Provision is made in the linear open space along the southern waterway for the continuation of a shared pathway that will continue the planned link along the southern edge of urban Leopold between Melaluka Road and Mollers Lane.

The Planning Scheme requires a 10% contribution for open space for residential subdivision and Council seeks to attain this as unencumbered land or cash equivalent or a combination of both. Final calculations and configurations are being negotiated and will be completed for exhibition.

Further open space is provided south of the southern waterway and 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 along the 25 metre contour 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 on the proviso that land south of the southern waterway would be retained as encumbered open space and no credit would be provided for it. This issue is still to be resolved and will be negotiated in the preparation of the amendment documents and draft planning permit for exhibition.

## **Road network**

Primary access to this area will be off Mollers Lane. At present it is a formed, gravel road with a 20 metre road reserve. It is proposed to be widened to create a 22 metre wide road reserve and will be constructed with kerb, channel and bitumen seal on the west side adjoining the rezoned land.

To accommodate significantly increased traffic using Mollers Lane, the Bellarine Highway/ Mollers Lane intersection will need to be upgraded. Traffic signals, left turn lane on the Highway, bicycle lanes, street lighting, bus stops and vegetation removal to improve sight lines will eventually be required. Upgrading of this intersection will be done in stages commensurate with the development of the subdivision. VicRoads advises that it expects that the intersection could continue to operate under the current 'give way' priority controls in the early subdivision stage (subject to interim upgrading including a left turn lane, street lighting and sight line improvements). The developer will meet the costs of undertaking this work.

There are two proposed east-west connector roads within the subdivision – one in the north and one in the south. The northern road is based around the existing Barwon Water easement that runs east-west through the site and contains the two Bellarine Water Transfer Main pipelines. The southern road is located to provide a westerly link with the Estuary Boulevard/Walkers Road on the west side of Ash Road and is a key design parameter in the Framework Plan.

Design of the subdivision and the provision of two connector roads will allow for the future provision of bus routes through the new subdivision.

Direct lot access to the proposed lots along Mollers Lane in the steep sections near the current 22 and 32 Mollers Lane is questioned and will need to be addressed with the submission of a road cross section prior to the finalisation of a draft planning permit for exhibition. If safe access cannot be achieved then a minor redesign of the subdivision to gain internal access will be required.

No new road access will be gained to the area along the Bellarine Highway frontage, with lots to be accessed from an internal road. A tree reserve will be required along this strip continuing this approach used to the west of the subject land.

### **Integration with existing residential area**

All existing residential development to the west of the northern part of the subject land consists of cul-de-sac street pattern. This is reflective of the favoured development type of the era they were subdivided and the earlier settlement boundaries of Leopold. It is a pattern that is not conducive to integrating the proposed subdivision with the existing. There is however an opportunity to connect the proposed northern lineal open space and waterway with the Myuna Street basin and with the land at 10 Willows Court if that becomes available for subdivision in the future.

For that part of the subject land which adjoins the Farming Zone to the west, roads in the proposed subdivision have been designed to continue westwards to connect with the Ash Road side of this growth area, in particular the east-west connector roads.

### **Storm water management**

The key environmental and open space feature of the subdivision is the proposed reinstatement of two creek tributaries that bisect the subject land. The creeks will be designed to manage flows up to the 1 in 100 flood events and provide habitat for native flora and fauna. A small section of the northern creek will need to be piped under the proposed connector road and Mollers Lane to the natural continuation of the waterway on its east side.

The creeks will be edged by 30 metre wide buffers in accordance with the requirements of the planning scheme.

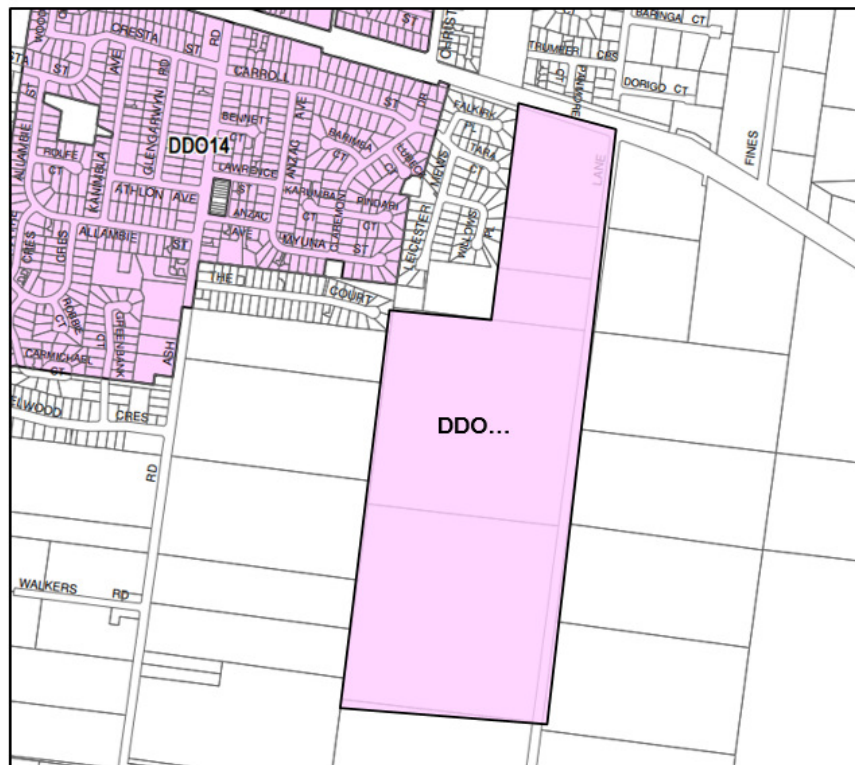
The subdivision design also features two reserves set aside to manage stormwater generated by the future subdivision of the land. These reserves will have the capacity to treat stormwater consistent with the principles of water sensitive urban design and detain stormwater to predevelopment flows to ensure that there are no downstream impacts.

With its urban development, water volume discharge from the subject land will increase into the existing defined waterways. The onsite detention basins will 'flatten out' the peaks of discharge.

### **Out of sequence development**

The subject land is at the eastern edge of the south east Leopold growth area. Land on the west side of Ash Road was rezoned by Amendment C280 in March 2016 but is yet to have a development plan prepared. The land on the east side of Ash Road or the western half of the growth area is still in the Farming Zone with no immediate rezoning application and development plans in sight, albeit some initial developer interest is occurring. The subject land benefits from a handful of landowners working together with a landowner-developer who has undertaken the background work and studies to advance a combined rezoning and permit application. This might seem like it is out of sequence but is consistent with the Framework Plan. This Plan addressed the growth area as a whole and set up the development parameters that can be implemented regardless of which 'side' of the area would proceed first.

The amendment will introduce a Schedule to the Design and Development Overlay (DDO) to guide the development of the land should the proposed planning permit expire. The DDO will implement the South East Leopold Framework Plan and facilitate the orderly and integrated residential development of the area.



Proposed Design and Development Overlay Extent

### ***Financial Implications***

Road and drainage infrastructure and open space will be provided by the developer. Community contributions will be gained through a S173 Agreement.

### ***Stakeholder Consultation and Communication***

Council planners sought referral comments from Council departments and external referral agencies. Most issues raised in comments have been resolved or are addressed by draft Planning Permit conditions. This report has outlined those matters which are still being negotiated prior to commencing exhibition.

All nearby owners and other parties were consulted in the preparation of the South East Leopold Framework Plan.

### ***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.

The amendment is consistent with the Leopold Structure Plan which identified this land as suitable for conventional residential development as the key remaining growth area within the Leopold settlement boundary. The amendment recommends a change to the settlement boundary to provide an improved drainage and infrastructure outcome.

The proposal is consistent with and will implement the State Planning Policy Framework (SPPF):

- Clause 11.02 Urban Growth seeks to ensure the provision of land supported by infrastructure to support sustainable urban development.
- Clause 11.02-2 Planning for growth areas seeks to concentrate urban development in growth areas close to services and public transport.
- Clause 11.02-3 Structure Planning seeks to facilitate orderly development of urban areas through the preparation of strategic plans.
- Clause 11.03 -1 Open space planning seeks to assist create a diverse and integrated public open space network linked via paths and trails to meet the community's needs.
- Clause 11.07 Geelong (G21) Regional Growth – Leopold is identified as an area to 'Support planned growth and reinforce the role of distinct towns' (see plan below). Relevant policies relate to planning for growth, connected communities and sustainable communities.
- Clause 11.07-1 Planning for growth seeks to optimise infrastructure and consolidate growth in district towns including Leopold.
- Clause 11.07-4 Environmental assets seek to protect and restore environmental assets including waterways.
- Clause 12.01-1 Protection of biodiversity seeks to ensure that strategic planning avoids and minimises significant impacts on Victoria's biodiversity.
- Clause 12.01-2 Native vegetation management seeks to ensure that permitted clearing of native vegetation results in no net loss to biodiversity in Victoria.
- Clause 12.04-2 Landscapes seeks to ensure the protection of significant landscapes.
- Clause 15.01-1 Urban design seeks to promote functional and quality urban environments that responds to the site and context.
- Clause 15.01-2 Urban design principles seeks to achieve positive urban character outcomes by consideration of issues such as site context, open space safety, landscapes and pedestrian opportunities.
- Clause 15.03-2 Aboriginal cultural heritage seeks to ensure conservation of cultural heritage is appropriately addressed.
- Clause 16.01-4 Housing diversity seeks to provide a range of housing types to meet the varying needs of the community.
- Clause 19.03-2 Stormwater seeks to reduce the impact of stormwater on bays and catchments by the incorporation of water-sensitive design techniques.

The amendment is also consistent with the following elements of the Local Planning Policy Framework:

- 21.06-2 Urban growth – This policy seeks to retain development within defined urban growth areas and provide a mix of housing suited to the needs of a diverse range of household types.
- 21.06-3 Urban consolidation – This policy seeks to encourage urban consolidation and encourage a range of development densities.
- Clause 21.05-2 Waterways seeks to enhance and protect waterways by the appropriate management of stormwater runoff from developments.

- Clause 21.05-7 Flooding seeks to protect floodplains and minimise the risk of flood damage.
- Clause 21.06 – Settlement & Housing – Identifies a number of issues which influence urban form and direct future growth for the region.
- Clause 21.06-2 – Urban growth to limit urban development to designated urban growth areas which includes Leopold.
- Clause 21.06-3 – Urban Consolidation – provides for the consolidation of existing urban areas in a managed way, encourages an appropriate range of development densities and to improve accessibility to urban services.
- Clause 21.06-4 Neighbourhood character seeks to ensure that new development positively responds to the established urban character of the area.
- 21.08 Development and Community Infrastructure – policy recognises the need to provide for the efficient use of services and conservation of water.
- 21.08-3 Development Contributions – Encourages development to proceed in a contiguous manner which maximises the use of development and community infrastructure.
- 21.08-5 Accessibility – Recognises the need to have safe access to infrastructure for all members of the community and provide shared spaces and passive surveillance of all recreational areas.
- Clause 21.14 Bellarine Peninsula identifies Leopold as a growth town where development will be facilitated. Also seeks to protect waterways including Lake Connewarre.

The proposal accords with the direction for residential growth in Leopold. Leopold is a designated growth town where urban growth is expected and encouraged. The site represents a logical rezoning as it forms part of a broader area of South East Leopold identified for residential growth in the Leopold Structure Plan. The inclusion of land at 92-120 Mollers Lane in its entirety is considered to be a logical inclusion as it will allow the full enhancement of the creek consistent with the creek to the north, provide better servicing outcomes and assist with establishment of an integrated and well planned open space network. It will not compromise the visual integrity of Lake Connewarre and its surrounds.

The land will provide an integrated open space network via the provision of linear open space areas, local parks and storm water basins either adjoining or adjacent to the creeks. These features will be interconnected by a shared pathway network to provide for easy walking and cycling access throughout the estate and with opportunities to extend this network to future proposed residential land to the west (yet to be rezoned).

The proposal will also result in the restoration of the degraded creek network that traverses the subject land at two locations. This restoration work will include redefining the natural creek bed and incorporation of habitat features such as native plants to provide a positive environmental outcome. The urban design and open space approach incorporates street edged open space areas for public safety and ready access. An approved Cultural Heritage Management Plan requires the salvage of artefacts found at the subject land.

The proposed subdivision will contribute a range of lot sizes consistent with the offerings in the other recently subdivided areas of Leopold and will meet Council's policy of 15 lots per hectare. The subject land will be drained using current best practice water sensitive urban design principles and meet Council and CCMA requirements ensuring no downstream impacts on neighbouring properties and Lake Connewarre.

Development contributions will be obtained via a Section 173 Agreement at the rate of \$2670 per residential lot or \$40,000 per hectare based on a yield of 15 lots per developable hectare. These contributions could go towards a range of infrastructure items and programs in Leopold. A draft Section 173 Agreement will be exhibited with the amendment to nominate contributions to be directed towards a project(s) identified as a priority by the Social Planning and Investment Department.

***Alignment to City Plan***

This report aligns with the directions of the Sustainable Built and Natural Environments theme in City Plan.

***Conflict of Interest***

No Council officers involved in the preparation of this report have any direct or indirect interest, as defined in Section 80C of the Local Government Act, with respect to the matters to which this Amendment and Permit relate.

***Risk Assessment***

There are no risks with proceeding with the recommendation of this report.

***Environmental Implications***

The permit application seeks approval to remove native vegetation which is located in patches across the subject land, in particular along Mollers Lane and within the existing dams which are proposed for removal. Offsets are proposed to address the native vegetation loss. Surveys and assessment by Ecology Australia for the applicant has not found any evidence of the presence of the Growling Grass Frog at the subject land.

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.

The impact of the proposal on Lake Connewarre has been assessed and modelling shows that there is likely to be only a minimal change to a small area of wetland habitat along the foreshore of Lake Connewarre and this is unlikely to be noticed by any of the ecological components.

DELWP has been provided with the application and supporting documents for their consideration













The Environmental Assessment has found that the land is suitable for residential development.

**ATTACHMENT 2 – SOUTH EAST LEOPOLD FRAMEWORK PLAN MAP**

South East Leopold Framework Plan



**Framework Plan**

-  Encumbered Public Open Space  
(30m buffer either side of drainage line or steep slope)
  -  Unencumbered Public Open Space
  -  Local Park (indicative location)
  -  Shared Path along southern edge and Mollers Lane (others to be considered in linear open space)
  -  Barwon Water Easement
  -  VicRoads Reserve
  -  Existing Residential Dwellings
  -  Connector Roads (22m)
  -  Local Street adjacent to open space  
(13 metres generally. All utilities must be on residential side of street)
  -  Indicative Local Street Network (61m generally)
  -  Key Intersections
  -  Future Residential
- Additional Notes:**
- 1** A frontage road should be utilised to ensure that parcels do not back on to Bellarine Highway.
  - 2** Possible locations of storm water detention or retention areas. CCGMA have requested that given the location of the site in relation to Lake Connewarre, water quality is paramount and measures to protect the lake should exceed expectations. Melbourne Water Guidelines for wetland treatment system should be followed.
  - 3** The alignment of the northern Connector Road has been designed to generally align with the existing Barwon Water easement. It is intended that adjoining development will therefore front the easement rather than create a 'dead space' behind lots.
  - 4** Possible sewage pump station locations
  - 5** Signalisation of Bellarine Hwy and Mollers Lane needs to be further discussed with VicRoads.
  - 6** Steep sloped land (vegetate or keep as open grassy backlot)
- The Leopold Structure Plan identified a possible school within the Framework Plan area, although the Education Department have not confirmed that it is being actively pursued. As such, no specific location has been identified.



**ATTACHMENT 3 – INDICATIVE PRELIMINARY SUBDIVISION PLAN**

