

# MINUTES

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## COMMUNITY FOCUS COUNCIL MEETING

TUESDAY 9 JULY 2019

7.00PM

INDENTED HEAD COMMUNITY HALL  
OPPOSITE 326 THE ESPLANADE  
INDENTED HEAD

**COUNCIL:**

Cr B Harwood (Kardinia Ward)  
Mayor

Cr S Asher (Bellarine Ward)  
Cr J Mason (Bellarine Ward)  
Cr T Sullivan (Bellarine Ward)  
Cr E Kontelj (Brownbill Ward)  
Cr S Mansfield (Brownbill Ward)  
Cr P Murrhy (Brownbill Ward)  
Cr R Nelson (Kardinia Ward)  
Cr P Murnane (Kardinia Ward)  
Cr A Aitken (Windermere Ward)  
Cr K Grzybek (Windermere Ward)

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## **7. AMENDMENT C367 AND PLANNING PERMIT 1463/2016 - MOLLERS LANE LEOPOLD - CONSIDERATION OF PANEL REPORT AND ADOPTION**

**Source:** Planning and Development – Strategic Implementation  
**Director:** Gareth Smith  
**Portfolio:** Sustainable Development

### **Purpose**

1. To consider the Panel Report about Amendment C367 and Planning Permit 1463/2016 and adopt Amendment C367.

### **Background**

2. The Amendment primarily rezones land at 2-120 Mollers Lane Leopold from Farming Zone to General Residential Zone Schedule 1 and applies a Design and Development Overlay Schedule 43 to this land and the adjoining property at 10 Willows Place. The Planning Permit 1463/2016 allows the staged subdivision of the rezoned land.
3. This Amendment and permit implements the recommendations of the Leopold Structure Plan for future urban growth in the southeastern area of Leopold between Ash Road and Mollers Lane. **Attachment 2** provides a background summary of the Amendment process, including consideration of the Panel Report.

### **Key Matters**

4. Exhibition of the Amendment and draft planning permit in May and June 2018 resulted in sixteen written submissions addressing issues including storm water, impacts on Lake Connewarre, public open space provision and the extent of residential development.
5. The submissions were considered under delegation in October 2018 when it was resolved to refer all submissions to an independent Panel appointed by the Minister for Planning.
6. Following a hearing in December 2018, the Panel's report was received on 22 January 2019. Under Section 27 of the *Planning and Environment Act 1987*, the Planning Authority must consider the Panel's report before deciding whether or not to adopt the Amendment.
7. The Panel found the Amendment to be strategically supported by policy and recommends that both the Amendment and planning permit be adopted with changes.
8. The Panel has supported residential development of land south of the southern waterway, as there is no physical or landscape impediment to its residential development. They have also supported the retention of a one-hectare park adjacent to the northern detention basin, which the City considers to be a significant recommendation.
9. A revised subdivision plan reflecting the Panel recommendations is included at **Attachment 8** and will become the endorsed plan at the time the permit is issued.
10. Whilst the Panel's recommendations are generally supported, this report at **Attachment 6** provides the City's response.
11. It is recommended that Amendment C367 and PP1463/2016 be adopted with changes and sent to the Minister for Planning requesting approval.

**Cr Mason moved, Cr Asher seconded -**

**12. That Council:**

- 12.1 Adopt Amendment C367 in the form outlined in Attachment 3 of this report;**
- 12.2 Submit the adopted Amendment C367 and prescribed information to the Minister for Planning requesting approval;**
- 12.3 Recommend to the Minister for Planning that before a permit is issued, further notice should be given of the outline development plan (version Y2) under section 96H(2) of the Act;**
- 12.4 Recommend to the Minister for Planning that Planning Permit 1463/2016 be approved in the form outlined in Attachment 4 of this report;**
- 12.5 Authorise the signing and sealing of the Section 173 Agreements accompanying this Amendment C367 to formalise development contributions arrangements (the draft Agreement is in Attachment 7 to this report); and**
- 12.6 Resolve the inconsistencies between the revised settlement boundary shown in the map to Clause 21.14 and the Leopold Structure Plan in the next 5 yearly review of the Leopold Structure Plan.**

**Carried.**

## **Attachment 1**

### ***Financial Implications***

1. The Amendment and permit are accompanied by an Agreement under Section 173 of the *Planning and Environment Act 1987*. A Section 173 Agreement is a voluntary agreement between Council and a landowner. They can include requirements relating to the use and development of land and they run with the title of the land. In this case the Agreements require landowners/developers to pay Council development contributions of \$40,000 per developable hectare when the land is subdivided. Council will be obliged to spend this funding on community facilities within the Leopold area. The Agreements also require the landowner to deliver infrastructure when the land is developed. This includes road widening along Mollers Lane, a signalised intersection at the Bellarine Highway, parkland and drainage works.

### ***Community Engagement***

2. Amendment C367 and draft Planning Permit 1463/2016 were exhibited in accordance with the requirements of the *Planning and Environment Act 1987*.
3. All submitters had an opportunity to be heard before an Independent Panel appointed by the Minister for Planning. The Panel considered all submissions referred to it, not just the submissions presented at the hearing.
4. The Independent Panel report has been publicly released and all submitters notified of its availability.

### ***Social Equity Considerations***

5. The Amendment will provide social benefits through the establishment of a new residential development supported by open space conveniently located proximate to sporting, community and educational facilities. Development contributions will be allocated to community infrastructure projects within Leopold.

### ***Policy/Legal/Statutory Implications***

6. The Amendment is consistent with the Greater Geelong Planning Scheme Planning Policy Framework, in particular Cause 21.14, which supports the residential growth of this area.

### ***Alignment to Council Plan***

7. The Amendment aligns with the Sustainable, Built and Natural Environment and Growing our Economy strategic priorities as it facilitates development in accordance with an adopted township structure plan.

### ***Conflict of Interest***

8. No City officer involved in the preparation of this report has any direct or indirect interest.

### ***Risk Assessment***

9. Delay in adopting Amendment C367 will impact the timeline for the subdivision development and bringing this next Leopold growth area onto the market.

***Environmental Implications***

10. Reinstatement of the two waterways will provide habitat and native vegetation for the area. Offsets will be required for loss of native vegetation. Some vegetation is being retained as part of the open space provision.
11. The planning permit includes conditions to conserve and manage the local environment, including downstream in Lake Connewarre.

## Attachment 2

### Background

1. Amendment C367 and permit application 1463/2016 seek to facilitate the residential subdivision of land at 2-120 Mollers Lane and 10 Willows Place, Leopold, generally in accordance with the Leopold Structure Plan and the *South East Leopold Framework Plan 2016* (the Framework Plan).
2. The land is on the southern outskirts of Leopold, and is mostly within the current settlement boundary shown on the map in the Leopold Structure Plan and in the clause 21.14 of the local policy framework in the Planning Scheme.
3. Land to the north and north west is already developed for residential purposes. Land to the east and south is used for farming purposes. Lake Connewarre, a declared Ramsar wetland and designated State Game Reserve, is roughly 900 metres to the south.
4. The Amendment as exhibited sought to:
  - 4.1 Rezone the Mollers Lane land from Farming Zone to the General Residential Zone Schedule 1 (10 Willows Place is already zoned General Residential Zone Schedule 1)
  - 4.2 Apply a new schedule to the Design and Development Overlay Schedule (DDO43) to the land
  - 4.3 Delete the Significant Landscape Overlay Schedule 10 (SLO10) from the southern part of the land
  - 4.4 Make changes to Clause 21.14 (Bellarine Peninsula) in Council's Municipal Strategic Statement, to:
    - (a) Extend the settlement boundary on the Leopold Structure Plan map to align with the southern boundary of the subject land
    - (b) Refer to the Framework Plan.
5. The planning permit application proposes to allow, subject to conditions:
  - 5.1 The staged multi-lot subdivision of the land
  - 5.2 Removal of native vegetation
  - 5.3 Removal of easements
  - 5.4 Alteration of access and subdivision of land adjacent to a Road Zone Category 1.
6. A draft Section 173 Agreement relating to development contributions for community infrastructure was exhibited with the Amendment. Landowners were to agree to a contribution of \$40,000 per net developable hectare to be used by Council for the purpose of providing community facilities within Leopold. Landowners were further to agree that they were responsible for the delivery of the open space, drainage, roads and intersection upgrade as part of the subdivision.
7. Owners of the five properties subject to the Agreement (only the properties fronting Mollers Lane subject to the rezoning) have signed the Section 173 Agreement (a model Agreement, with individual landowner details removed, is at **Attachment 7**).

### **South East Leopold Framework Plan 2016**

8. The South East Leopold Framework Plan was prepared in 2016 and applies to the subject land and the Ash Road east land. Council engaged Tract consultants to prepare the Framework Plan as a tool to guide future development and ensure a coordinated subdivision approach across the Leopold growth area. Tract engaged with affected landowners and authorities such as Barwon Water and the CCMA. The Framework Plan has not been formally adopted nor subject to broader public consultation.
9. The Framework Plan establishes the need for open space along the two (2) waterways bisecting the growth area, the provision of two (2) east-west connector roads between Ash Road and Mollers Lane (including one connecting to the intersection of Ash Road and Walkers Road/Estuary Boulevard), the provision of larger parcels of public open space and the location of sewerage pumping stations.

### **Discussion**

10. Amendment C367 was exhibited between 17 May and 18 June 2018. Late submissions were accepted. As a result, sixteen (16) submissions were received of which fourteen (14) opposed/sought changes to the Amendment.
11. The major issues raised in the submissions were:
  - 11.1 Changes to the settlement boundary and the impact this would have on the Bellarine Peninsula
  - 11.2 Impacts on Lake Connewarre
  - 11.3 Downstream storm water impacts
  - 11.4 Open space provision
  - 11.5 Use of the land south of the southern waterway (whether this should be as open space, or for residential development)
  - 11.6 Integration with the Ash Road (east) land
12. The Council delegate report dated 18 October 2018 and a supplementary Council delegate report dated 21 November 2018 (considering a very late submission) summarised all of the submissions and provided a detailed City response to all of the issues raised.
13. All submissions were considered pursuant to Sections 22 (1) & (2) of the *Planning and Environment Act 1987* and referred to an Independent Panel appointed by the Minister for Planning.
14. The appointed two person Panel held a directions hearing on 5 November 2018 and a three day Panel Hearing in Geelong between 3 December 2018 and 5 December 2018. Council was represented at the hearing by City officers.
15. The Panel has now presented its report to Council and recommended that Amendment C367 be adopted as exhibited subject to some changes, and that planning permit application 1463/2016 be amended. **Attachment 5** is the Executive Summary of the Panel Report and contains the consolidated panel recommendations. **Attachment 6** is the consolidated Panel recommendations and City responses.
16. A complete copy of the Panel's report is available on the Geelong Australia website [www.geelongaustralia.com.au/amendments](http://www.geelongaustralia.com.au/amendments) under the C367 webpage.

**Key Panel findings and City responses**

17. The Panel Report provided discussion and a series of findings and recommendations about all the issues associated with the Amendment, planning permit and S173 Agreement. A summary and response to the key matters is provided below.

Issue - Strategic justification for the proposal

18. The Panel was not persuaded by any party that there is any reason to question the overall policy support for the proposal as the land is identified for growth in an adopted structure plan. The Panel also noted that the proposal will deliver additional land supply consistent with policy objectives and that the slightly lower density is appropriate given the location on the outskirts of Leopold.
19. The Panel accepted evidence that the proposed subdivision represents an accessible, diverse and sustainable neighbourhood that provides integrated and connected transport solutions consistent with policy.
20. The Panel noted that the Planning Policy Framework includes policy objectives aimed at protecting and enhancing waterways, managing storm water runoff, and protecting and enhancing environmental values including those of Lake Connewarre. While the Panel was satisfied these could be managed to acceptable levels, it considered there was scope for improving environmental outcomes and made specific recommendations for additions to the planning permit.
21. Panel Conclusion: The Panel concluded that the Amendment is well founded and strategically justified as it is identified for future residential development in an adopted Structure Plan which aligns with the Planning Policy Framework.
22. City Response: The City concurs with the view of the Panel on the suitability and policy support for re-zoning to GRZ1.

Issue – Strategic justification for changing the settlement boundary

23. The issue considered was whether the change to the settlement boundary to align with the title boundary of 92-120 Mollers Lane was strategically justified, noting that policy supports containing townships on the Bellarine Peninsula within settlement boundaries and the Leopold Structure Plan discourages residential development outside of the settlement boundary.
24. Panel Conclusion: The Panel accepted Council's submission that it was logical to align the settlement boundary with title boundaries and the advice of Barwon Water that extending the boundary would allow for a reduced number of pump stations required to service the new development. It also accepted the expert evidence that not moving the boundary would result in the creation of an isolated parcel of low value farming land.
25. City Response: The City concurs with the Panel's conclusion on moving the settlement boundary. This would be considered a logical inclusion in terms of the Settlement Strategy.

Issue – Storm water management and downstream impacts

26. The Panel considered whether the impacts of storm water runoff on downstream private properties and Lake Connewarre were acceptable.

27. It was noted that the proposed drainage system for on-site drainage infrastructure is well defined and will retard the water flow to pre-development levels. All storm water runoff from the site will make its way downstream through a natural watercourse that flows to Lake Connewarre through a private dam located to the east of the subject land. The Panel notes that this footprint is less defined and that the proponent doesn't have any interest in the privately owned land where off-site drainage works are proposed, nor are there any easements in favour of a drainage authority.
28. Panel Conclusion: The Panel concluded that off-site drainage works will be required to acceptably manage the impacts of the proposed development and that it is likely these will be required on privately owned land. Given the sensitivities associated with the outfall to Lake Connewarre, the Panel found that it is necessary for the planning permit to include a condition requiring the extent of off-site works and easement arrangements to be resolved before the development proceeds.
29. City Response: The City concurs with the view of the Panel about management of the off-site drainage works and have incorporated the proposed conditions into the planning permit to ensure this is resolved before development proceeds. The City has been working with the proponent to examine alternatives that would support discharge into a pipe in the Mollers Lane road reserve to avoid the need to cross privately owned land downstream. This investigation is ongoing but does not impact on the adoption of the Amendment and planning permit.

#### Issue – Encumbered versus unencumbered open space

30. The Panel considered the disagreement between Council and the proponent on what should be considered encumbered and unencumbered land as it is relevant to how much unencumbered land should be provided as open space and how the south-west wedge land should be considered.
31. Panel Conclusion: The Panel agreed with Council and the proponent that the land within the 1 in 100 year flood zone and the retarding basins should be considered encumbered. The Panel was not persuaded that the linear open space corridors should be regarded as encumbered (other than the land within the 1:100 year flood extent). The Panel concluded that the south-west wedge land should not be treated as encumbered as the level of slope was no greater than other developable parts of the subject land.
32. City Response: The City accepts the determination of the Panel on what should be regarded as encumbered open space and what is unencumbered.

#### Issue – The amount of open space

33. The Panel has considered how much open space should be provided in the subdivision. The City supported the amount of open space shown in the exhibited outline development plan, but submitted that the amount provided in the amended plan was insufficient to provide for the needs of the future community, especially children. In contrast, the proponent argued that provision at 10% was all that should be required in the area.

34. Panel Conclusion: The Panel agreed with Council's argument that the rate of open space provision in Clause 53.01 of the Scheme (stated as 10%) is not applicable to a combined Amendment and permit. For such a case, the Panel agreed that the open space requirement should be considered in terms of the strategic planning framework for the area and local needs. Having heard the Council submission that public open space contributions in growth areas normally range from 20-35 percent (encumbered and unencumbered) the Panel found that there was not a need for a total open space contribution of up to 23 percent in this area. The Panel was not persuaded that a contribution of more than 10-12 percent of unencumbered land was justified or would necessarily deliver a net community benefit. The Panel also sought to ensure a balance was struck with other policy considerations such as the efficient use of residential land and maximising growth opportunities within settlement boundaries.
35. City Response: The City accepts this conclusion of the Panel. The final form of the subdivision provides about 12.99% of public open space as a result of reinstating the 1-hectare park. This is accepted by the proponent and has been included in the revised subdivision plan shown in **Attachment 8**.

Issue – The one hectare local park

36. The proponent circulated a revised development plan prior to the Panel Hearing which had deleted the 1 hectare park (and the encumbered public open space in the wedge to the south of the southern waterway). This was relied upon by the proponent and their expert witnesses during the Hearing as their preferred subdivision form for the area. The proponent argued the local park was not needed as the linear open spaces would satisfy the open space needs for the subdivision.
37. Council submitted that the 1-hectare local park adjacent to the northern retarding basin and northern waterway should be retained as identified in the Structure Plan and Framework Plan and as required by the objectives of clause 56.05-2 of the Scheme. If this was not provided, it would reduce the overall recreation opportunities for new residents.
38. Panel Conclusion: The Panel agrees with Council that the one-hectare local park should be provided as it maximises open space opportunities adjacent to the drainage corridor and offers a more varied and diverse open space network consistent with the Planning Policy Framework. Additionally, the park will ensure that open space is provided within 400 metres safe walking distance of most of the proposed lots. In support of this conclusion, the panel recommended the inclusion of a condition in the planning permit requiring the local park to be retained.
39. City Response: The City considers this is a significant recommendation of the Panel. This is an important piece of open space for the new residential area and one that was hard fought for by the City at the Panel Hearing. The City is supportive of this critical recommendation of the Panel. The future residents of the area will derive the recreational benefit of this land for years to come.

Issue – Residential development of the south-west wedge

40. As exhibited, the south-west wedge of land, which is located to the south of the southern waterway, is shown to be retained as encumbered open space. Council has not supported the residential development of this wedge of land as it does not accord with Framework Plan, and it would provide a buffer to the rural land to the south, between the subject land and Lake Connewarre.

41. The proponent submitted that there was no planning basis for requiring this land to be provided as open space, rather that the use of the land should be maximised for residential development. Expert evidence to the Panel submitted that the south-west wedge land is not well located as open space, there was no justification for its use as a buffer, and that street tree planting along the boundary would be sufficient to physically distinguish the two land uses.
42. Panel Conclusion: The Panel accepted that the south-west wedge land was not subject to physical constraints such as slope and negative landscape impact that would prevent its development for residential purposes. The Panel also rejected that it was required as buffer or necessary to provide an appropriate quantum of open space.
43. The Panel was cognisant of not wasting opportunities to efficiently use urban land and to maximise development within settlement boundaries. Concluding that the south-west wedge land is not required as open space the Panel recommended that it should be made available for conventional residential development and permit conditions be amended to allow for this outcome.
44. City Response: The Panel has heard all of the arguments and submissions about the proposal and has made a reasoned explanation of the issue. The Panel has balanced the various policy objectives of the Scheme and in the absence of any clear physical impediment to development, concluded that maximising development opportunity within the settlement boundary was meritorious. Whilst the Panel recommendation differs to the planning position and advice consistently given to the proponent since the preparation of the Framework Plan, the City accepts the Panel's recommendation.

#### Issue – Form and content of the Amendment

45. The Panel has considered whether the design and development overlay is the appropriate planning tool and whether the Framework Plan should be referenced in the policy framework. The status of the Framework Plan was questioned with concerns about whether it met the requirements of the *Planning Practice Note 13: Incorporated and Reference Documents*. Inclusion of elements of the Framework Plan that affect Ash Road East were also questioned because the necessary technical reports for that land have not been prepared in relation to that site.
46. Panel Conclusion: The Panel agreed that the DDO was an appropriate tool as it meets the requirements of the Planning Practice Note and there is an accompanying planning permit. The DDO will provide control over the land in the event that the planning permit is not acted upon.
47. The Panel commented that use of the DDO in Mollers Lane does not pre-determine the application of a DDO to the Ash Road East land, concluding that the same or another tool will be considered as part of an Amendment application for that development front.
48. The Panel concluded that as the Framework Plan is intended to guide the exercise of discretion, it should not be included as a reference document in clause 21.14. Instead, only the substantive elements of it should be included and any map and elements relating to the Ash Road East land should be removed from the DDO43.

49. City Response: The Panel conclusions on using a DDO support the City's position in choosing this tool. The City supports the Panel recommended changes to the DDO and Clause 21.14 and these are included in the Amendment for adoption in **Attachment 3**. The Framework Plan has effectively done its job in directing the subdivision layout of the growth area to ensure an integration of the land along the two waterways and ensuring delivery of an east-west road connection between Mollers Lane and Ash Road that meets at Walkers Road.
50. The City has been open to a different approach to the Ash Road East land, noting that a combined Amendment and permit application have now been lodged for this site, including all the technical reports and studies that are required to properly assess future development of this area. This will be presented to Council at a future meeting for consideration.

#### Issue – The Amended ODP and further notice

51. The amended outline development plan (ODP) submitted to the Panel by the proponent included significant changes to the exhibited version. It was produced just before the Panel Hearing and had not been subject to full consideration by the City, public notification or consultation with relevant agencies/referral authorities. The most significant variations are the deletion of the 1-hectare park and the substitution of residential subdivision for the encumbered open space south of the southern waterway.
52. Panel Conclusion: Section 96H(2) allows the Minister to direct the planning authority to give more notice of the permit application if he thinks that the notice already given was inadequate (even if the planning authority complied with the notice requirements of the Act). The Minister may allow any person affected by the changes to make a submission the Minister and these may then be referred to a panel, which may require a further hearing.
53. While generally supporting the revised ODP, subject to the reinstatement of the 1 hectare park, the Panel considered that Section 96H(2) of the Act should be used to direct further notification of the permit application. It is not available for the Panel to direct the Minister to use these powers, but is a matter that Council should bring to the Minister's attention when submitting the combined Amendment and permit for approval.
54. City Response: The change to the ODP to allow residential development in the south-west wedge may impact on surrounding landowners and servicing authorities. It is noted that no adjoining landowners in the immediate vicinity of the proposed change made a submission and it is unknown whether the changes proposed to the ODP would affect their view of the Amendment and permit. The City supports this recommendation to ensure that any person that may be potentially affected by the changes are able to make formal submissions and have those considered by a Panel.

**Attachment 3**

**Amendment C367 Adoption Documents**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C367**

**INSTRUCTION SHEET**

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of three attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map No. 69 in the manner shown on the one attached map marked "Greater Geelong Planning Scheme, Amendment C367".

**Overlay Maps**

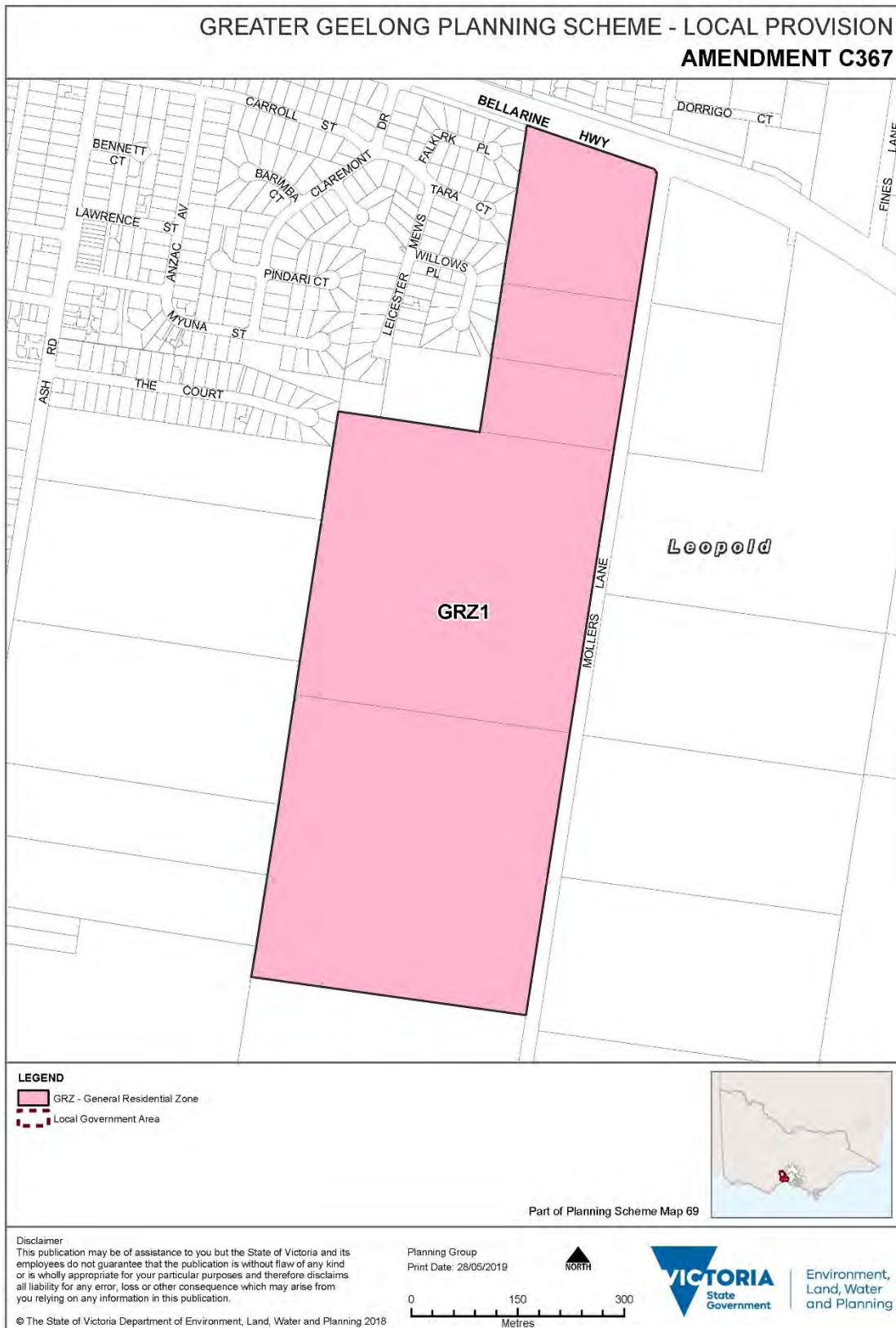
2. Amend Planning Scheme Map No. 69DDO in the manner shown on the one attached map marked "Greater Geelong Planning Scheme, Amendment C367".
3. Amend Planning Scheme Map No. 69SLO in the manner shown on the one attached map marked "Greater Geelong Planning Scheme, Amendment C367".

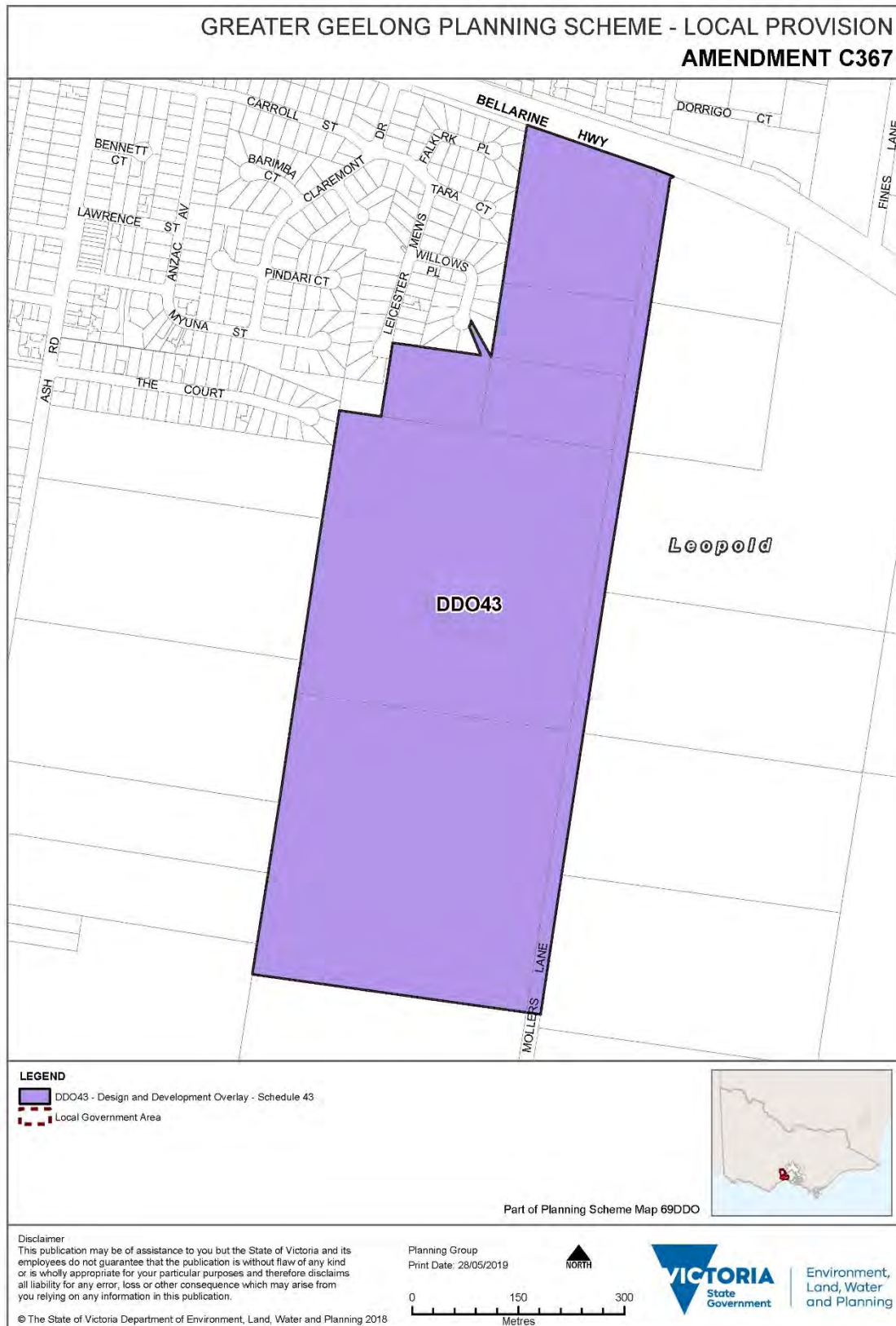
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

4. In Local Planning Policy Framework – replace Clause 21.14 with a new Clause 21.14 in the form of the attached document.
5. In Overlays – Clause 43.02, insert a new Schedule 43 in the form of the attached document.

End of document







GREATER GEELONG PLANNING SCHEME

**21.14 THE BELLARINE PENINSULA**

21/12/2017  
C367-669

**21.14-1 Key issues and Influences**

28/01/2010  
C129 (Part 1)

The Bellarine Peninsula comprises a series of contained townships separated by rural and coastal areas.

The rural and coastal areas on the Bellarine Peninsula form an important non-urban break between settlements. They are highly valued for their scenic attributes, tourism function, environmental function and lifestyle appeal.

The Bellarine Peninsula is one of the fastest growing areas in the City of Greater Geelong. Population growth on the Bellarine Peninsula is being driven by the attractiveness of the peninsula as a relaxed lifestyle destination within close proximity to urban Geelong.

Appropriately managing urban growth on the Bellarine Peninsula will be critical to retaining the peninsula's identity and attributes.

**21.14-2 Objectives**

21/12/2017  
C369

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- To preserve the individual character, identity and role of each Bellarine township.

**21.14-3 Strategies**

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks.
- Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.
- Direct bulky goods retailing and industrial development to existing and future areas as identified in Structure Plan maps included in this clause.

**St Leonards:**

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of St Leonards by:
  - Providing reasonable sharing of views of the coast and foreshore.

GREATER GEELONG PLANNING SCHEME

- Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
- Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the on-going management, enhancement and sensitive development of the foreshore, Salt Lagoon Wildlife Reserve and Edwards Point State Faunal Reserve.
- Protect the scenic qualities of Murradoc Hill and Swan Bay.
- Support the development of a focal building, comprising retail and tourist related activities, at the south west corner of Murradoc and Bluff Roads.
- Support the development of Growth Areas 1 and 2 identified on the Structure Plan map.
- Facilitate development of a community facility including an Early Years Learning Centre, preferably at 1345 Murradoc Road.
- Integrate the town centre and pier-foreshore area.

**Portarlington:**

- Support the on-going management, enhancement and sensitive development of the foreshore, including a place making project for the main activity node, Point Richards Flora and Fauna Reserve and Salt Lagoon Wildlife Reserve.
- Encourage development which respects the coastal landscape setting of Portarlington by:
  - Providing reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay.
  - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
  - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the establishment of a Portarlington Community Hub.
- Support the redevelopment of the Country Fire Authority fire station.
- Support the integration of the Portarlington town centre and pier-foreshore area.
- Support the development of the development opportunity sites, as shown on the Structure Plan Map, including:
  - Development of a focal building at 22-34 Newcombe Street, Portarlington.
  - Redevelopment of the rear of 40-42 Newcomb Street in a manner that is sympathetic to and maintains the heritage context of the site.
  - Redevelopment of the block behind Newcomb Street and Fenwick Street to improve pedestrian connectivity by creating a two-way rear lane system and additional shop front activation.
  - Support development in the Portarlington town centre incorporating accommodation uses above ground level retail floor space, where such development meets all parking and access requirements.
- Support the use and development of 33-41 Mercer Street, Portarlington for aged care living.

**Indented Head:**

- Encourage development which respects the coastal landscape setting of Indented Head, by:

GREATER GEELONG PLANNING SCHEME

- Providing reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay.
- Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
- Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.

**Ocean Grove:**

- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Encourage development which respects the coastal landscape setting of Ocean Grove, by:
  - Providing reasonable sharing of views of the coast and foreshore
  - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
- Ensuring that development allows for protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation. Support the continued development of the north-east growth area as shown on the Structure Plan map. Encourage a range of accommodation and housing options, including aged care within and adjacent to the Town Centre and other existing and proposed activity centres.
- Ensure development avoids impacts on environmental assets including the Coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Begola Wetlands, Barwon River/Lake Conneware and the Lake Victoria Wetlands.
- Ensure the Town Centre remains the primary retail centre for Ocean Grove by providing for a range of retail, business and accommodation uses.
- Ensure that the supply of car parking in the Town Centre increases commensurate with parking demands from new development.
- Preserve The Terrace as the potential long-term arterial route through the Town Centre.
- Support the development of a new Neighbourhood Activity Centre, including community uses, in the north-east growth area adjacent to Grubb Road.
- Support the development of the restricted retail and industrial precincts within the north-east growth area.
- Support the development of a strategic footpath network for the town that provides permeable and safe routes to key destinations and services.
- Where appropriate, ensure new developments assist in the establishment of a safe bicycle-pedestrian path network around the town connecting the foreshore, river, nature reserve, Grubb, Banks and Bonnyvale Roads as shown on the Structure Plan map.
- Where appropriate, ensure new development contributes to the improvement of open spaces, key pedestrian links.
- Provide for a range of appropriately scaled and located tourism accommodation and activities, including opportunities for revitalisation of existing uses.
- Support further development of existing caravan parks and accommodation uses in residential areas, particularly those close to the beach and river, to provide a broader range of accommodation type and mix.
- Where appropriate, encourage a range of appropriately scaled tourism related activities on the rural periphery of the town which are complementary to the environmental and rural setting.

GREATER GEELONG PLANNING SCHEME

- Support the duplication of Grubb Road in a manner which preserves significant roadside vegetation, provides an attractive town entry, safe crossing points, pedestrian/cycle paths and undergrounding of powerlines.
- Support the provision of community and social infrastructure commensurate with population growth, including the investigation of a site for a new primary school in the north-east growth area.

**Leopold:**

- Support Leopold as a Sub Regional Retail Activity Centre for the Bellarine Peninsula, whilst providing local community, recreational and employment facilities to Leopold's residents.
- Ensure the retention of Leopold as an urban island - supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland.
- Support the development of the Ash Road/Mollers Lane Growth Area and other areas identified for residential development on the Structure Plan map.
- Ensure that future urban form and subdivision integrates seamlessly across the Ash Road East and Mollers Lane growth area.
- Support increased housing densities around the Sub Regional Retail Activity Centre and neighbourhood shopping strips at Ash Road and Dorothy Street.
- Encourage the northerly expansion of the Sub Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities, and enhances its appearance and functionality.
- Support the local convenience role of the Ash Road and Dorothy Street neighbourhood shopping centres, whilst restricting any future expansion of these centres.
- Support the development of Council's Kensington Road Community Hub to provide a wide range of community, health, education and civic services/facilities.
- Encourage the creation of an additional local mixed use centre on the south east corner of Bellarine Highway and Melaluka Road. Any redevelopment of this site could accommodate restaurants, convenience shops, offices and residential development.
- Provide public open space within existing and proposed residential areas to cater for the passive and active recreation needs of the community.
- Provide an improved transport network which includes better traffic movements, pedestrian and cyclist linkages and public transport options.
- Ensure environmentally sensitive areas including Lake Connemara and Reedy Lake are protected from localised development pressure.
- Investigate opportunities for public access to Port Phillip Bay.

**Barwon Heads:**

- Maintain a compact urban form and avoid outward sprawl.
- Protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
- Ensure the Hitchcock Avenue shopping centre remains the focus of retail activity in Barwon Heads.
- Restrict new commercial development to the existing business and mixed use zones in Hitchcock Avenue between Bridge Road and Ozone Road and the south side of Bridge Road.
- Ensure new housing development complements the character of Barwon Heads and provides for a variety of housing sizes and types.

GREATER GEELONG PLANNING SCHEME

- Support the continued development of 13th Beach Resort as a tourist destination.
- Continue upgrading the Barwon Heads Village Park and foreshore reserves in accordance with established master plans.
- Support development of appropriate tourist accommodation around the Barwon Heads town centre.

**Drysdale/Clifton Springs:**

- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Support the development of the Jetty Road Urban Growth Area and other areas identified for residential development on the Structure Plan map.
- Ensure new development incorporates sustainability principles including environmentally sustainable design, energy efficiency, connectivity and water sensitive urban design.
- Reinforce the Drysdale town centre as the primary retail centre including the development of an additional supermarket on the south side of Murradoc Road
- Provide for the expansion of the Drysdale town centre to the east along Murradoc Road.
- Locate future development of a service business or industrial nature in the identified precinct along Murradoc Road extending to the proposed Drysdale Bypass.
- Ensure new development opposite or in close proximity to the Drysdale Bypass road accords with the VicRoads Drysdale Bypass Access Management Strategy (November 2017) and minimises back fencing as viewed from the Bypass.
- Locate and integrate future education, community and recreation facilities to enhance their accessibility and to maximise joint use wherever possible.
- Develop the Council owned Palmerston Street site and the Drysdale Regional Community and Cultural Hub for community and recreation purposes.
- Ensure any development of short term tourist accommodation at the Curlewis Golf Course is located at the eastern end of the course in close proximity to the Jetty Road Urban Growth Area, functions as a minor component to the primary role of the site as a golf course and maintains the rural landscape character of the site.
- Provide additional bicycle and pedestrian opportunities throughout the townships including new footpaths and bicycle lanes.
- Provide for the creation of consolidated parking areas in the town centre.

**Point Lonsdale**

- Support low scaled and designed tourism opportunities on designated land identified on the Point Lonsdale Structure Plan map at Clause 21.14-12.
- Ensure new development strengthens the township's coastal village character and landscape setting by requiring a high standard of architectural and urban design response including:
  - Low scale forms
  - Articulation (materials, openings or features such as decks, balconies, wide eaves or canopies).
  - Contemporary design quality.
  - Use of materials such as timber, corrugated iron, weatherboard or light coloured render.
  - Limiting site coverage and provide front and side setbacks that reflect existing neighbourhood patterns and provide opportunities for maintenance and planting of native coastal and indigenous vegetation.

GREATER GEELONG PLANNING SCHEME

- Ensure that new urban development street works and road designs contribute to the implementation of the identified primary and secondary pedestrian/cycle routes and are designed to complement the informal coastal streetscape character.

**21.14-34**

19/10/2017  
C362

**Implementation**

These strategies will be implemented by:

**Applying Zones and overlays**

**Ocean Grove**

Apply the Commercial 1 Zone to the surplus park at 94 The Parade.

Apply the Commercial 1 Zone to the surplus road reserve from upgrade of the Hodgson Street/The Parade intersection.

Apply the Design and Development Overlay to the Town Centre to implement the findings of the Ocean Grove Town Centre Urban Design Framework.

Apply the Design and Development Overlay to the Commercial 1 and Commercial 2 Zone precincts in the north-east growth adjacent to Grubb Road.

Apply schedule 20 to the Design and Development Overlay to the Industrial 3 Zone in the north-east growth area.

Apply the Public Acquisition Overlay to The Terrace rear laneway.

**Leopold**

Apply the General Residential Zone Schedule 1 and the Development Plan Overlay or the Design and Development Overlay to land designated for future residential growth shown on the Leopold Structure Plan map included in this clause.

Apply a combination of commercial zones, a Design and Development Overlay and a Development Plan Overlay to facilitate the expansion of the Leopold Sub Regional Retail Activity Centre.

**Drysdale**

Apply the General Residential Zone Schedule 1 with a Development Plan Overlay based on the principles identified in the Structure Plan to Princess Street, Central Road and Oakden Road.

Support the application of the General Residential Zone Schedule 1 to identified residential infill areas with appropriate Development Plan Overlay and Developer Contribution Plan controls.

Support a joint rezoning and development application at the Curlewis Golf Club to facilitate short term tourist accommodation.

**Point Lonsdale**

Apply the General Residential Zone Schedule 1 with a Development Plan Overlay to the portion of the Lonsdale Golf Course shown for residential growth on the Point Lonsdale Structure Plan map at Clause 21.14-12 subject to an amendment and EES process.

Apply appropriate design and environmental overlays to areas of consistent urban and landscape character.

Rezone the Commercial Zone land on the corner of Fellows Road and Bellarine Highway to facilitate tourism development.

**St Leonards**

Apply the General Residential Zone Schedule 1 to Growth Areas 1 and 2.

Apply the Development Plan Overlay to Growth Area 2.

Apply the Development Contributions Plan Overlay (or an equivalent agreement with landowners) in conjunction with the rezoning of Growth Areas 1 and 2.

GREATER GEELONG PLANNING SCHEME

**Further work**

Review township structure plans as scheduled (in structure plans) to meet emerging needs of communities.

Review the planning framework for land identified in the Coastal Spaces Landscape Assessment Study as regionally significant in the south west of the Bellarine Peninsula to ensure the protection of landscape values is adequately addressed.

Undertake a strategic assessment to identify aged care needs across the Bellarine Peninsula, identifying design options and guidance to encourage older people to remain in their homes for as long as possible through adaptable housing design.

**Point Lonsdale**

Work with the Borough of Queenscliff to address climate change issues in Point Lonsdale and implement any relevant outcomes.

Prepare detailed streetscape design plans for designated primary and secondary routes as identified in the Point Lonsdale Structure Plan.

Investigate opportunities to establish a railway station-transport interchange precinct to link with the Queenscliff tourist railway service.

**Portarlington**

Support Parks Victoria Safe Harbour Project, including ensuring appropriate integration with the adjacent foreshore reserve and Town Centre.

**Ocean Grove**

Review the application of Schedule 7 to the Significant Landscape Overlay.

Undertake a review of the older parts of the town as identified on the Structure Plan map to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes.

Work with VicRoads to prepare a network operating plan (SmartRoads) for the town.

Review the Structure Plan including an assessment of long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2021. The assessment should include consideration of:

- land to the north, north-west and east of Ocean Grove.
- the role of Ocean Grove as a district town.
- other planned growth on the Bellarine Peninsula.
- development trends, lot supply and housing capacity within the settlement boundary.
- the desirability of providing a diversity of living options.
- physical and environmental constraints, including the importance of protecting the biodiversity values of the Nature Reserve and maintaining a rural break between settlements.
- the protection of landscape values and implications for the character of approaches to Ocean Grove township along the Bellarine Highway, Grubb Road and Wallington Road.
- the implications for significant agricultural uses and their employment generating potential.
- whether any adjustments to the settlement boundary are required.

**Leopold**

Implement the Leopold Activity Centre Urban Design Framework, 2011.

Undertake further assessment of sites nominated as "Urban Consolidation" in the plan attached to this Clause.

Undertake a Flood Study to introduce controls over areas identified appropriate for Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

GREATER GEELONG PLANNING SCHEME

**Barwon Heads**

Undertake a Landscape Assessment Study for the Ewing Blyth/Golf Links/Bridge Road and the Warrenbeen Court residential areas with the intention to apply an overlay to protect the existing character and vegetation.

Undertake a detailed study of Murnaghurt Lagoon to establish whether the boundaries of the existing Environment Significant Overlay require review.

Consider the impacts of climate change on the future development of Barwon Heads in accordance with the Climate Change Adaptation Strategy to be developed by Council during 2010-2011.

**Drysdale/Clifton Springs**

Investigate the relocation of the Council depot site at 22A Collins Street

Prepare a Master Plan for the development of a community hub on the Council owned land at Palmerston Street site in the town centre.

Undertake a Drysdale Town Centre Community Facilities Planning Project to investigate and provide direction for future development and community use of 38 – 40 High Street and 2 – 8 Wyndham Street (senior citizens building) adjacent to the Town Square.

Prepare a Master Plan for the development of the Drysdale Regional Community and Cultural Hub.

Review the extent of the Heritage Overlay in the Drysdale Commercial Heritage Area.

**References**

*Bellarine Peninsula Strategic Plan*, City of Greater Geelong, 2006.

*Ocean Grove Structure Plan*, City of Greater Geelong, 2015 (amended September 2016).

*Ocean Grove Urban Design Framework*, City of Greater Geelong, 2014.

*Portarlington Structure Plan*, City of Greater Geelong, September 2016 (amended July 2017).

*Indented Head Structure Plan*, City of Greater Geelong, May 2016.

*St Leonards Structure Plan*, City of Greater Geelong, 2015.

*Leopold Structure Plan*, City of Greater Geelong, 2011 (amended January 2013).

*Leopold Urban Design Framework*, City of Greater Geelong, 2011.

*Barwon Heads Structure Plan*, City of Greater Geelong, 2010.

*Drysdale Clifton Springs Structure Plan*, City of Greater Geelong, 2010.

*Jetty Road Urban Growth Plan*, City of Greater Geelong, 2007 (amended September 2008).

*City of Greater Geelong Municipal Reference Document, Coastal Spaces Landscape Assessment Study*, Planisphere, 2006.

*Point Lonsdale Structure Plan*, Planisphere, 2009 (amended November 2011).

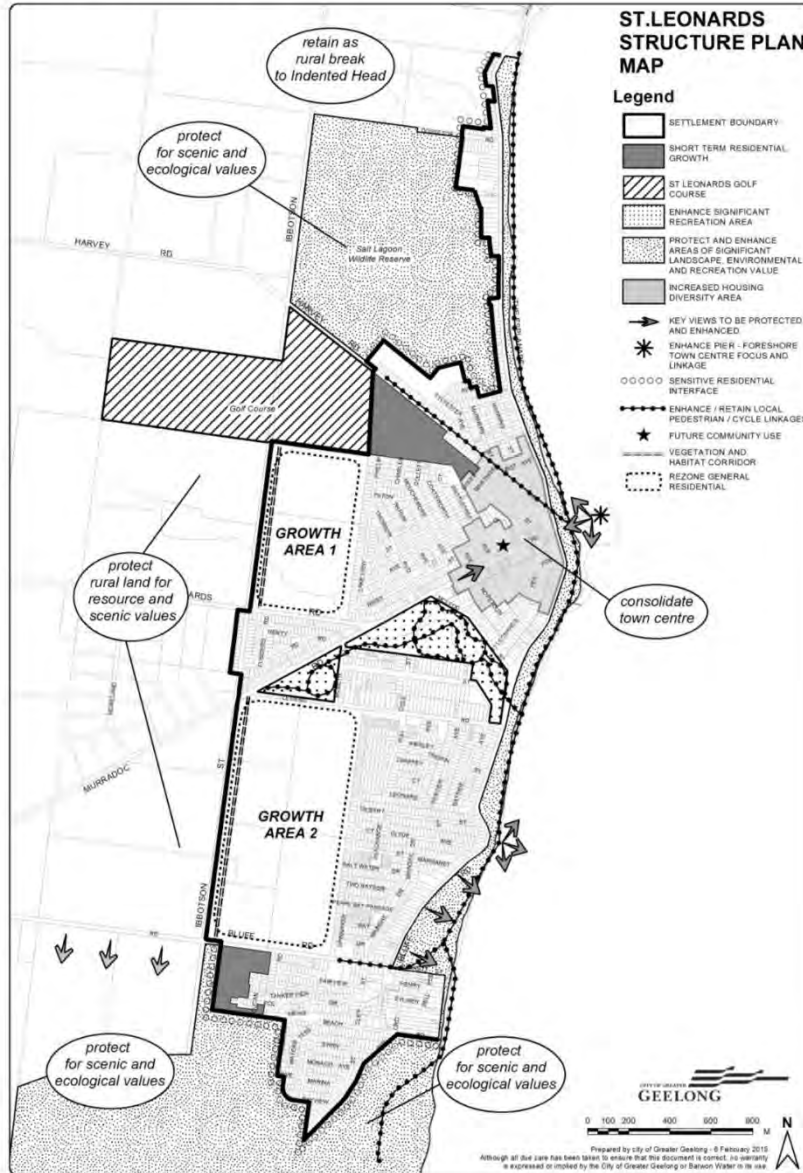
*Drysdale Urban Design Framework*, City of Greater Geelong 2012.

*Drysdale Bypass Access Management Strategy*, VicRoads August 2017

GREATER GEELONG PLANNING SCHEME

**21.14-45 St Leonards Structure Plan map**

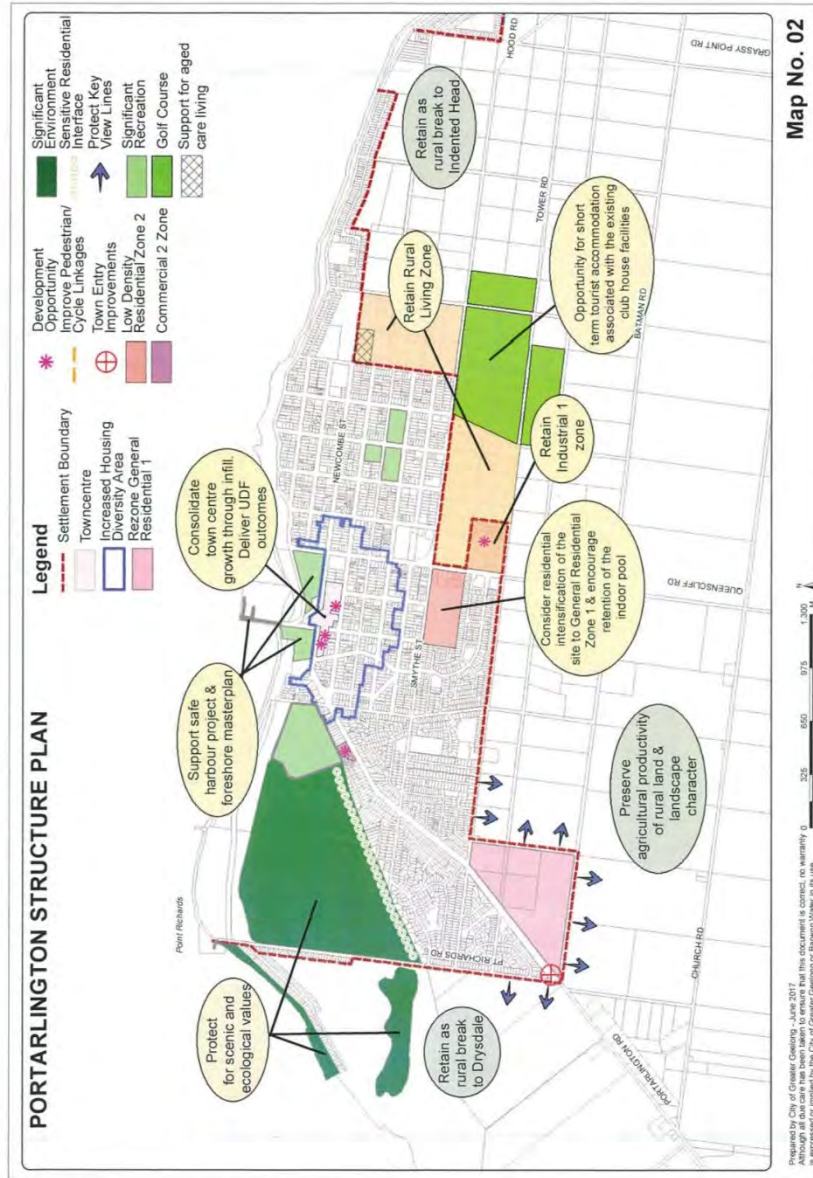
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 C312



GREATER GEELONG PLANNING SCHEME

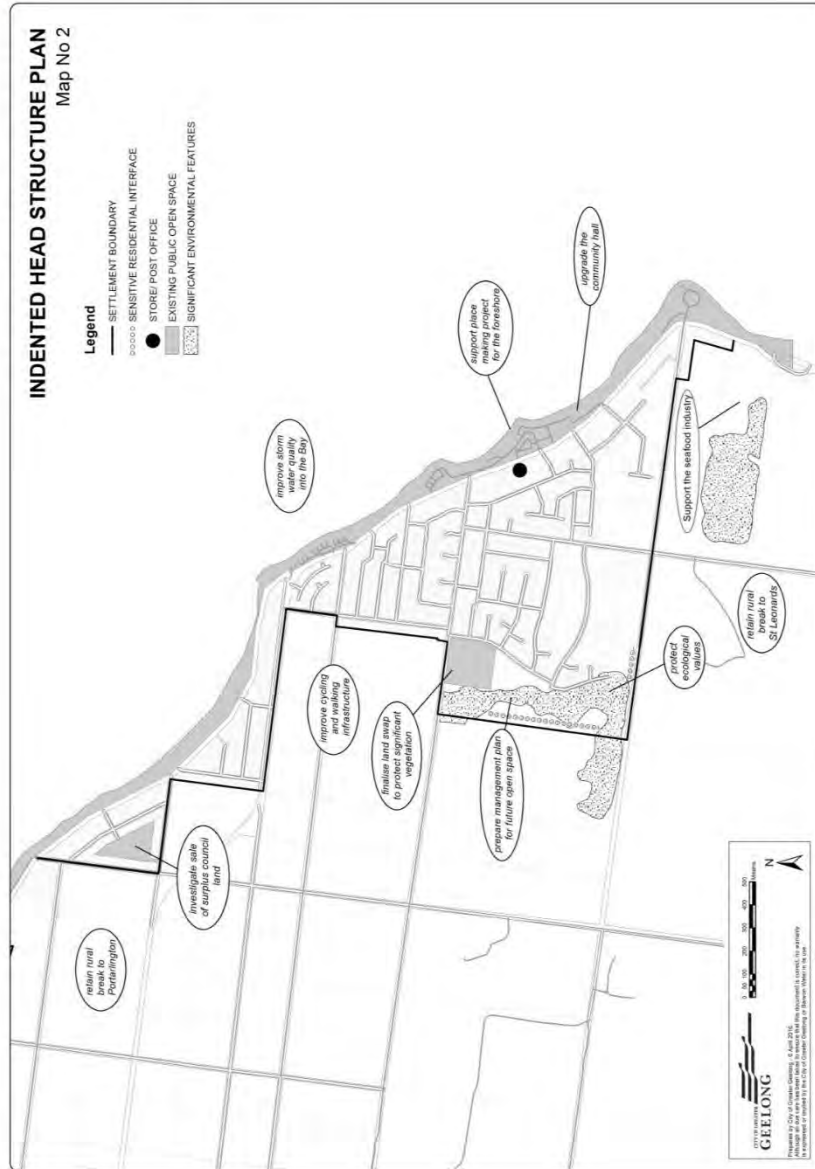
21.14-56 Portarlington Structure Plan map

19/10/2017  
 C362



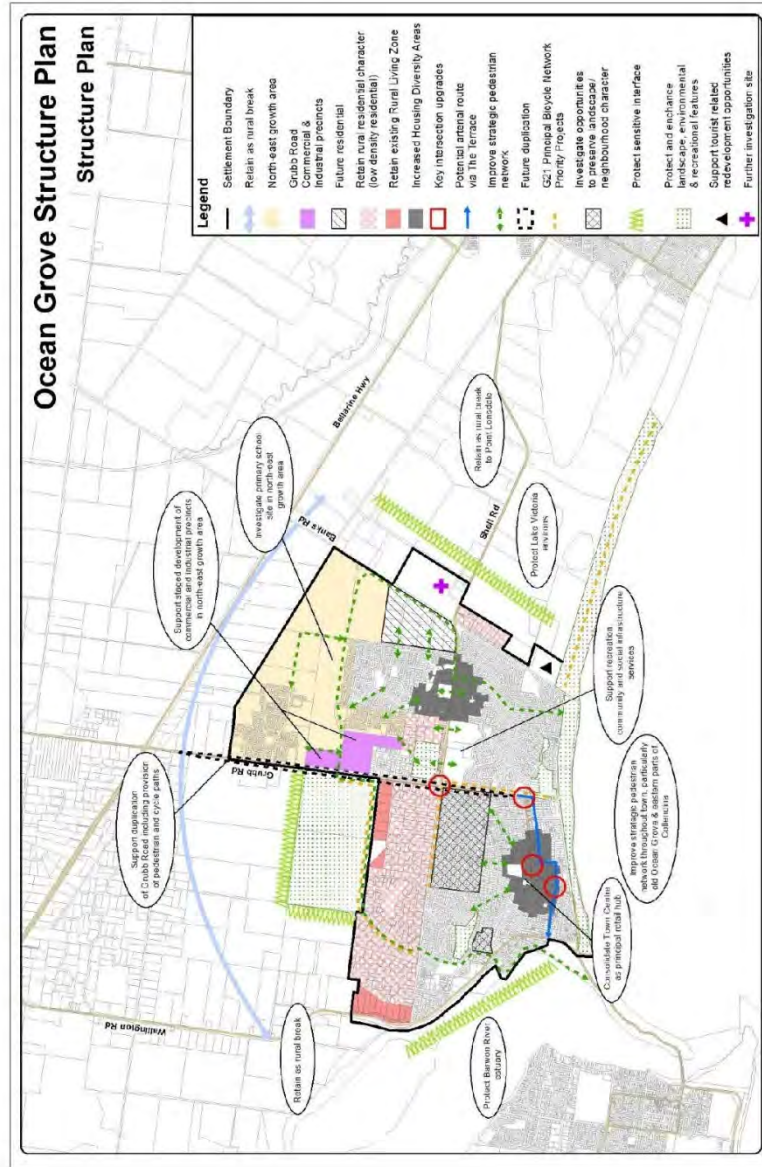
GREATER GEELONG PLANNING SCHEME

21.14-67 Indented Head Structure Plan map  
 19/10/2017  
 C362



GREATER GEELONG PLANNING SCHEME

21.14-78 Ocean Grove Structure Plan map  
 08/12/2016  
 C346



GREATER GEELONG PLANNING SCHEME

**21.14-89 Leopold Structure Plan map**

16/05/2013  
 C254



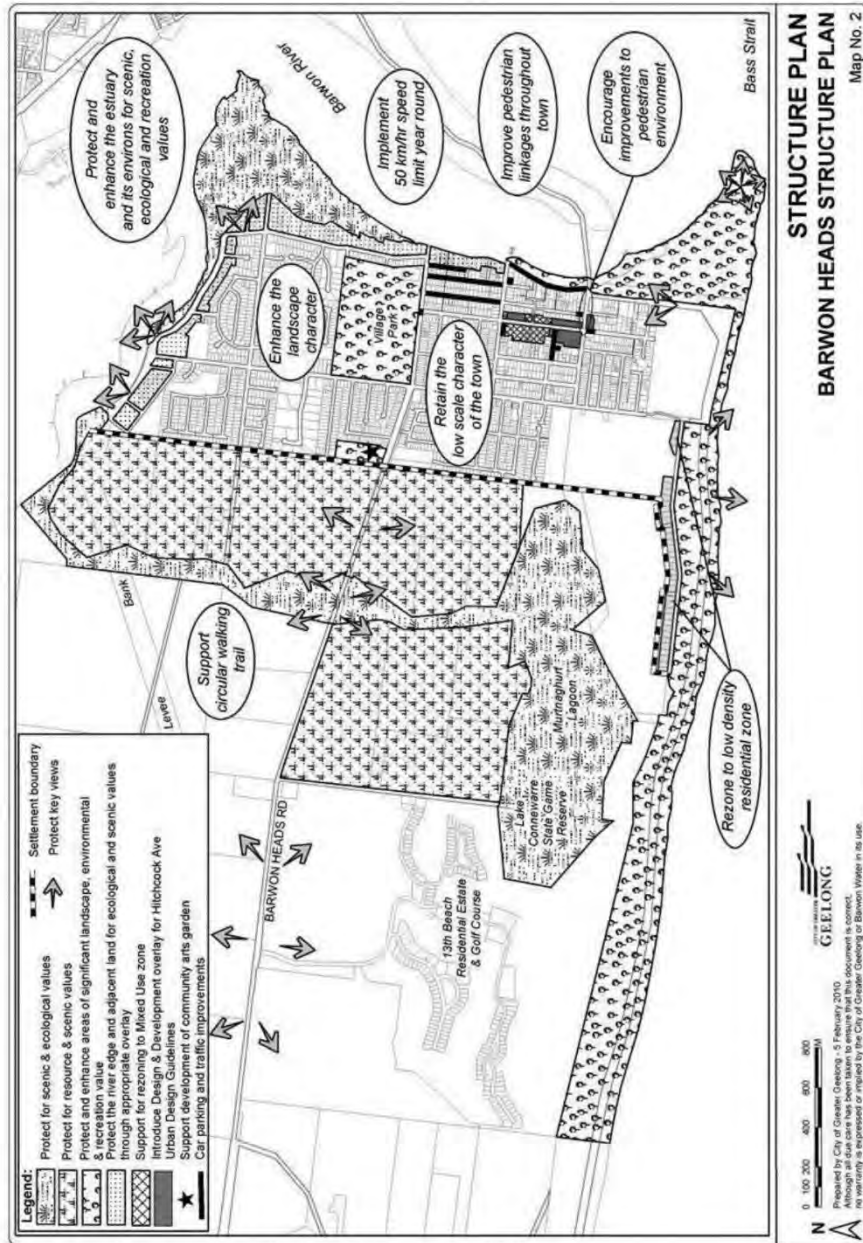
GREATER GEELONG PLANNING SCHEME



GREATER GEELONG PLANNING SCHEME

21.14-910 Barwon Heads Structure Plan map

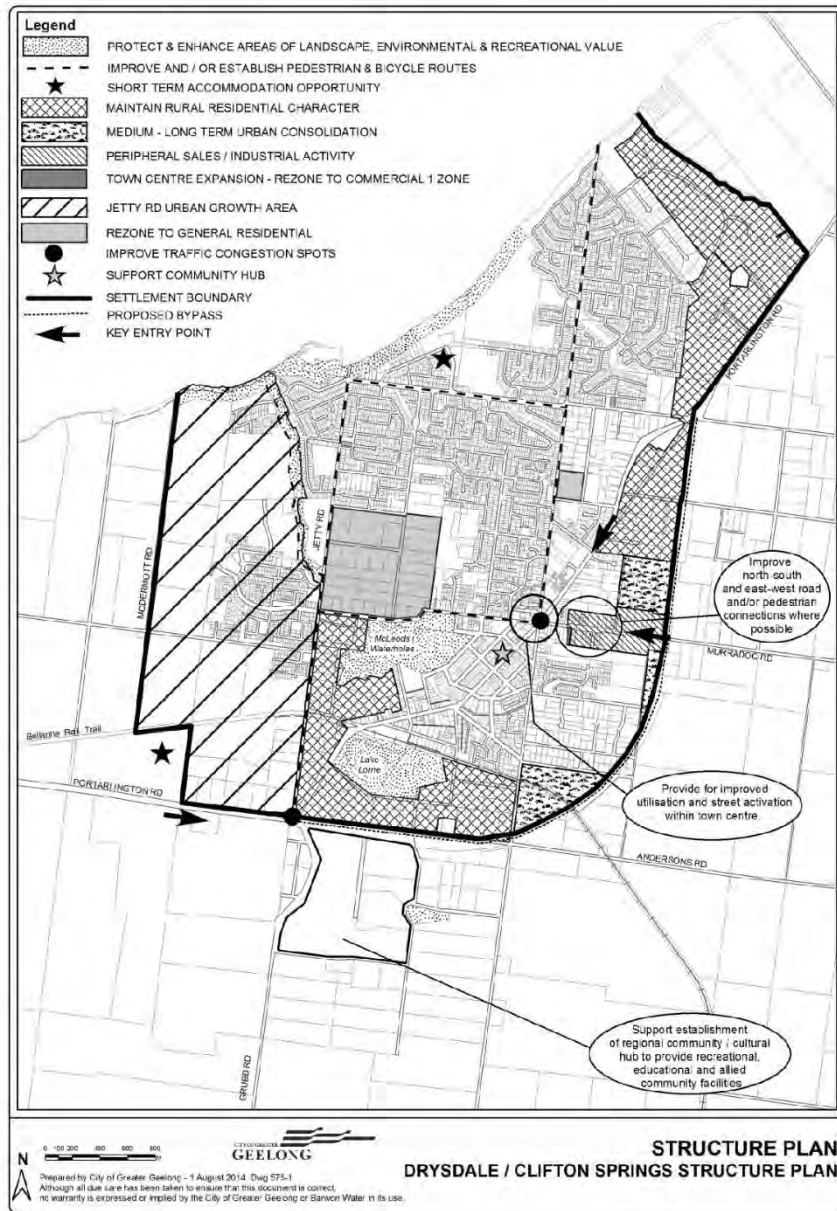
26/08/2010  
 C153



GREATER GEELONG PLANNING SCHEME

**21.14-101 Drysdale Clifton Springs Structure Plan map**

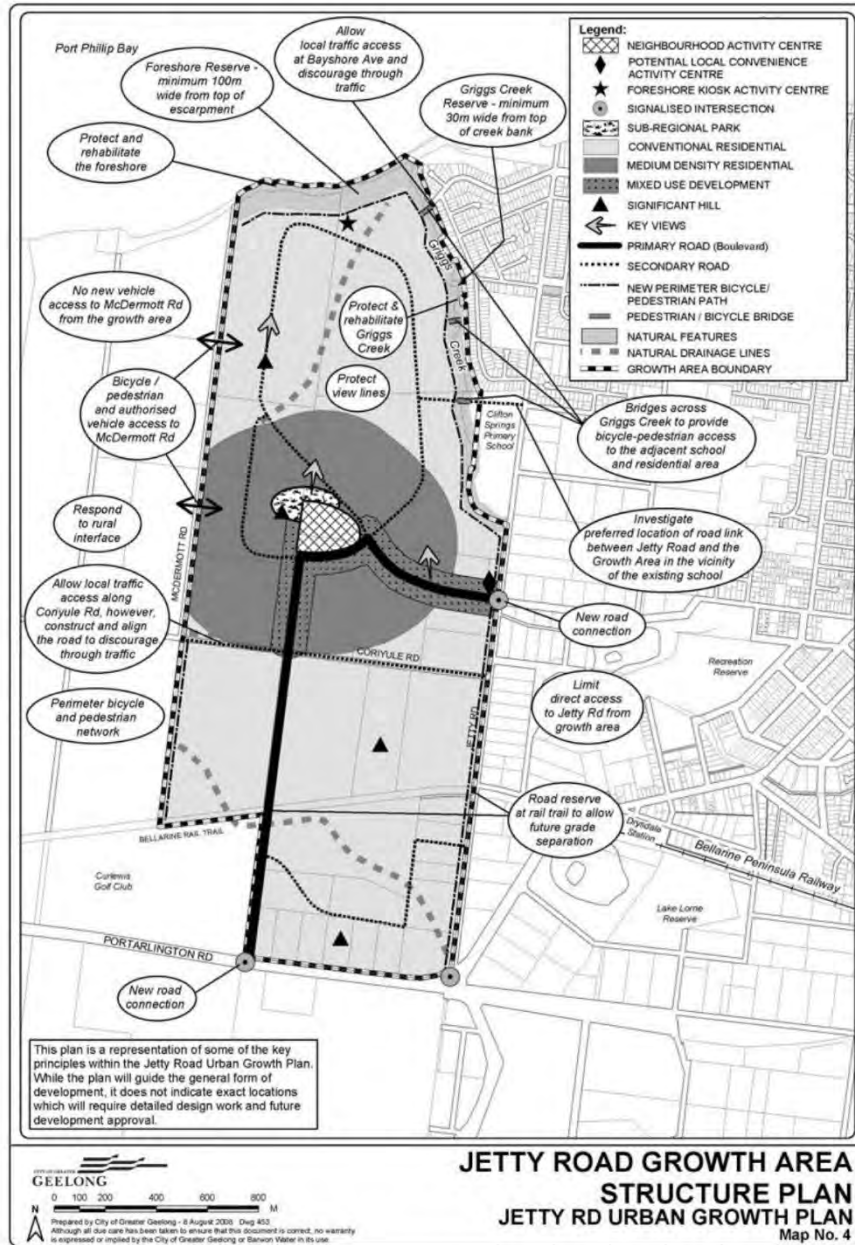
27/11/2014  
 C283



GREATHER GEELONG PLANNING SCHEME

**21.14-142 Jetty Road Urban Growth Plan map**

28/01/2010  
 C129 (Part 1)



GREATER GEELONG PLANNING SCHEME

**21.14-123 Point Lonsdale Structure Plan map**

26/07/2012  
 C165



GREATER GEELONG PLANNING SCHEME

—/—/20—  
C367

**SCHEDULE 43 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO43**.

**MOLLERS LANE LEOPOLD**

**1.0 Design objectives**

—/—/20—  
C367

To facilitate the orderly and integrated residential development of the area.

To create a safe and integrated road network that establishes Mollers Lane as a connector road and provides two east-west connector roads between Mollers Lane and Ash Road.

To provide a shared pathway network and on-road bicycle links that establish safe and interconnected walking and cycling routes.

To ensure local parks are conveniently connected to linear open space adjoining the two waterways.

To ensure best practice stormwater management and water quality treatment to prevent any adverse impact on downstream areas, in particular on Lake Connewarre.

**2.0 Buildings and works**

—/—/20—  
C367

A permit is not required to construct a building, to construct or carry out works or construct a fence.

**3.0 Subdivision**

—/—/20—  
C367

A permit to subdivide land must meet the following requirements:

General

- Subdivision must not result in the further fragmentation of land where it would prevent orderly development in accordance with the objectives and requirements of this schedule.
- Subdivision should be generally in accordance with the map in this schedule unless otherwise agreed by the Responsible Authority.
- Subdivision sequencing must generally support the efficient delivery of service infrastructure and road connections.
- Subdivision must demonstrate future integration opportunities to allow the orderly development of land to the west, known as the Ash Road East land.

Urban Design

- Subdivision design should provide a range of lot sizes and densities to encourage a variety of housing types.
- Subdivision design should provide a pedestrian/cycle network that encourages safe walking and bicycle access.
- Subdivision design should incorporate the reinstatement of the two creek systems as key environmental and open space features.
- Open space and drainage reserves should be interfaced by roads on at least three sides.
- Subdivision should provide for the retention, where possible, of trees of high arboricultural value in future road reserves or open space reserves to provide landscape, amenity and biodiversity value to the area.

Stormwater Management

- Subdivision must set aside land for drainage purposes to meet peak discharge limits and water sensitive urban design elements in accordance with performance

GREATER GEELONG PLANNING SCHEME

objectives of Urban Stormwater: Best Practice Environmental Management Guidelines (CSIRO,1999), Infrastructure Design Manual, and CoGG Design Notes.

- The design of retarding basins must have sufficient land area set aside for heavy vehicle access and sediment drying; as well as measures to mitigate mosquito breeding in accordance with best practice guidelines.
- Easement creation, widening and/or realignment as necessary to ensure adequate provision for pipe-laying and maintenance, and identify overland flow paths, both within the development area, and to external affected land.
- A stormwater management system must be designed to ensure that:
  - peak discharge rates and pollutant loads of all stormwater leaving the site post development are regulated to integrate with downstream infrastructure, at no greater than pre-development rates.
  - no adverse impacts to any surrounding land, upstream or downstream including to Lake Connewarre.

Traffic and Pedestrian Movements

- Subdivision design should provide a movement network that:
  - promotes a high degree of safe internal permeability for a variety of transport modes, including the provision of two east/west connector roads, one generally located in the north and one across the south of the area. The northern most connector road should generally align with the existing Barwon Water pipeline easement. The southern connector road must connect with the intersection of Ash Road and Walkers Road.
  - provides an integrated and continuous network of safe and convenient footpaths and shared paths.
  - enables integration of the road, pedestrian and cycle network to the west into the area known as the Ash Road East.

Public Open Space

- Subdivision should provide an open space contribution (in cash or land or a combination of both) to a minimum of 10% of the developable residential land.
- Subdivision should provide open space adjoining the reinstated waterways including local parks.
- Subdivision should provide for linear open space corridors and parks located generally as shown in the map in this schedule.
- Shared pathways of 2.5 metres width should be provided within the linear open space reserves adjacent to the reinstated waterways to facilitate future pedestrian/cycle connections between Mollers Lane and Ash Road.

Environmental Management

- Subdivision must include the reinstatement of the two creek networks within the extent of the 1 in 100 year flood event to operate as ecological corridors. The reinstated creeks should be designed to incorporate habitat features to encourage native flora and fauna species. Some passive recreation use shall be provided without imposing on the ecological values of the corridor.

**4.0**

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C367

**Advertising signs**

None specified.

**5.0**

-1-20-  
C367

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the subdivision design is generally in accordance with the Mollers Lane Outline Development Plan 2019.

GREATER GEELONG PLANNING SCHEME



Attachment 4

**Planning  
Adoption**

**Permit**

**1463/2016**

**for**

Planning and Environment Regulations 2015 - Form 9, Section 96J

<b>PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987</b>	Permit No.: PP-1463-2016
	Planning scheme: Greater Geelong Planning Scheme
	Responsible authority: Greater Geelong City Council

**ADDRESS OF THE LAND: 2-120 MOLLERS LANE, LEOPOLD**

**THE PERMIT ALLOWS: STAGED MULTI-LOT SUBDIVISION, REMOVAL OF NATIVE VEGETATION, REMOVAL OF EASEMENTS, AND ALTERATION OF ACCESS AND SUBDIVISION OF LAND ADJACENT A ROAD ZONE CATEGORY 1**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Endorsed Plan**

1. 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.

**Staging**

2. Unless otherwise approved in writing by the Responsible Authority, the subdivision must be staged in accordance with the endorsed staging plan.

**DRAINAGE CONDITIONS**

Integrated Drainage, Vegetation and Open Space Framework Plan

3. Before the plan of subdivision for Stage 1 is certified, an Integrated Drainage, Vegetation and Open Space Framework Plan must be prepared, peer reviewed and then submitted to and approved by the Responsible Authority, in consultation with the Department of Environment, Land, Water and Planning. The plan must include the following:
  - a) Concept drainage design for on-site and off-site drainage works, that includes:
    - i. water sensitive urban design (WSUD) features that achieve environmental best practice
    - ii. stormwater retardation measures that respond to the requirements of this permit including conditions 6, 11(a)-(b), 39 and 40
    - iii. a footprint showing the extent of drainage works and associated WSUD.

Date issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment, to which the permit applies, comes into operation)	Signature for the Responsible Authority
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Planning and Environment Regulations 2015 - Form 9, Section 96J

- b) Concept vegetation and landscape design plans for any on-site or off-site works, that:
    - i. demonstrate how impacts on native vegetation have been avoided and minimised with the subdivision layout;
    - ii. demonstrate how retained native vegetation and any offset areas will be integrated into and protected in any open space areas;
    - iii. include design and landscaping features to support and establish habitat for fauna species, such as the Growling Grass Frog; and
    - iv. responds to the requirements of conditions 39 and 40.
  - c) Unless otherwise approved in writing by the Responsible Authority, the plan must outline access and management arrangements and responsibilities, including:
    - i. responsibility for the implementation, operation and maintenance of any infrastructure, WSUD features and other environmental mitigation measures on-site and off-site;
    - ii. mechanisms for securing ongoing access and management arrangements, such as easements or on-title agreements;
    - iii. ongoing monitoring and reporting, including any requirements relating to on-site native vegetation offset areas.
  - d) The Integrated Drainage, Vegetation and Open Space Framework Plan must be prepared by suitably qualified and experienced consultant(s). The plan must be peer reviewed by a suitably qualified, independent and experienced consultant to confirm that the concept design, mitigation measures and ongoing management arrangements meet best practice environmental standards and the requirements of this permit, prior to being submitted to the Responsible Authority. A copy of the peer review comments must be provided to the Responsible Authority.
- All of the above must be to the satisfaction of the Responsible Authority.
4. All plans prepared in accordance with the conditions on this permit must be consistent with the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan, unless otherwise agreed in writing and to the satisfaction of the Responsible Authority.

**Department of Environment, Land, Water and Planning conditions**

5. Proposed on-site wetland areas should be designed in accord with WSUD best practice to:
- a) Retard additional stormwater volumes and rates as close to pre-development levels as possible;
  - b) Retard additional water volumes and rates during summer months;
  - c) Meet stormwater quality requirements of the Greater Geelong Planning Scheme;
  - d) Incorporate design and landscaping features that facilitate the establishment of habitat suitable for Growling Grass Frog and other fauna species.
6. Mitigation measures should be put in place to appropriately retard water flows and volumes during construction.

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment, to which the permit applies, comes into operation)	Signature for the Responsible Authority
_____	_____	_____

**CORANGAMITE CATCHMENT MANAGEMENT AUTHORITY CONDITIONS**

7. The development must demonstrate that site and access safety achieved in accordance with Australian Rainfall and Runoff Revision Project 10 Safety Criteria. Safety is defined in terms of the depth and velocity of water over the area in question during a 1% AEP flood event as follows:
- a) Depth must be no greater than or equal to 0.3 metres; and
  - b) Velocity must be no greater than or equal to 3.0 m/s; and
  - c) The product of depth multiplied by velocity must be no greater than or equal to 0.3 m<sup>2</sup> per second.
8. Any alterations to the existing waterways must result in no loss of waterway stability, no loss in floodplain storage, no increase in flood levels, depth and velocity (hazard), duration of flooding or extents on other properties (adjacent, upstream and downstream) for a range of events up to and including the 1% AEP flood event.

**ENGINEERING CONDITIONS**

9. Prior to certification of the plan of subdivision, engineering plans for the construction of new council infrastructure must be submitted to the satisfaction of the Responsible Authority for approval.

**Engineering Plans Required for Roads and Drainage**

10. Prior to the commencement of site works for any stage of the subdivision, the developer is required to submit detailed road and drainage construction plans for that stage to the Responsible Authority for approval. The plans shall include details of pits and pipes sizes, finished and existing surface levels, location of appropriate easements, detention basin(s) including any required drainage reserves, water quality treatment and connection to the legal point of discharge. The Consulting Engineer must show that the design for the drainage system complies with the requirements of the Infrastructure Design Manual (Local Government Infrastructure Design Association, Version 5.20, March 2019, or as amended from time to time) and any other relevant standards.

The plans must include, but not limited to:

- a) The stormwater drainage system on the site must be designed such that stormwater run-off exiting the land meets the current best practice performance objectives for stormwater quality as follows:
  - i. 80% retention of the typical annual load of suspended solids;
  - ii. 45% retention of the typical annual load of total phosphorous;
  - iii. 45% retention of the typical annual load of total nitrogen; and
  - iv. 70% retention of the typical annual load of gross pollutants.
- b) Site run-off shall be limited to equivalent pre-developed levels for rainfall events up to and including the critical 100 year ARI event, to the satisfaction of the Responsible Authority.

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment, to which the permit applies, comes into operation)	Signature for the Responsible Authority
_____	_____	_____

Planning and Environment Regulations 2015 - Form 9, Section 96J

- c) Replacement and/or augmentation of the culverts in Mollers Lane
- d) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
- e) Detailed methodology for the removal of existing dams.
- f) Details of waterway remediation

Note:

- 1. Detailed Road and Drainage Design Plans for any stage that result in flood levels on existing properties being adversely affected by the proposed works will not be approved for construction.

**Easements – drainage**

- 11. Any plan of subdivision submitted for certification 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 in favour of the City of Greater Geelong to the satisfaction of the Responsible Authority.
- 12. Unless otherwise agreed in writing by the Responsible Authority, before the plan of subdivision for Stage 1 is certified, an easement, or suitable equivalent arrangements, must be secured to enable off-site drainage works and any WSUD or environmental mitigation measures (as shown on the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan required under condition 4) to be implemented and managed to the satisfaction of the Responsible Authority.
- 13. Prior to the commencement of works for each stage of the subdivision, construction plans must be submitted to and approved by the responsible authority for the full construction of roads including road reserves, design of all intersection treatments, traffic management devices, linemarking, signage, kerb and channel, vehicle crossing laybacks, road pavement and sealing and footpaths.

The plans must include the following, to the satisfaction of the Responsible Authority:

- a) Construction of Mollers Lane including concrete kerb and channel, footpath and sealed road pavement where it abuts the subject site, unless otherwise approved in writing by the Responsible Authority;
- b) Footpaths on both sides of roads unless otherwise approved in writing by the Responsible Authority;
- c) All footpath treatments showing DDA compliance at all designated crossing points;
- d) Suitable road reserve cross sections to convey major drainage flows;
- e) Turning areas suitable for the safe and efficient turning of service and emergency vehicles;
- f) Vehicle access point(s) for the existing telecommunications facility(s), as agreed to by the facility operator.

- 14. Unless otherwise approved in writing by the Responsible Authority, prior to lodgement of Stage 1 construction plans, a Local Area Traffic Management (LATM) plan must be

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developed for the approved subdivision with Council's Traffic Development Engineer, and submitted to and approved by the Responsible Authority.

The LATM treatments may include, but are not limited to, vehicle crossing locations, parking restrictions, signage, linemarking, traffic management devices and modified intersection priorities. The LATM treatments may also include items identified in Mollers Lane referred to in condition 14(a).

A separate street naming plan must be provided that complements the approved LATM plan and is to assist with road naming and house numbering, and must be to the satisfaction of the Responsible Authority.

**Construction Environmental Management Plan**

15. Prior to works commencing a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority. When approved this CEMP will form part of this permit. This plan must incorporate, but is not limited to, the following information:

- a) Measures to protect all vegetation nominated to be retained and the two waterways;
- b) Access locations for construction vehicles;
- c) All appropriate control of site emissions during construction and the defects liability period;
- d) A staging plan for all construction phases including indicative dates for commencement and completion;
- e) Intended access for construction vehicles;
- f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
- g) Details of actions to be implemented in the event of damage to abutting assets;
- h) Details of where construction personnel will park;
- i) Hours/days of construction, including deliveries, that are consistent with applicable Environment Protection Authority (EPA) legislation/guidelines;
- j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- k) Details of site cleanliness and clean up regimes;
- l) Location of material storage;
- m) Dust suppression management;
- n) Details of measures to be maintained during the housing construction phase of development to prevent sediment entering downstream drainage infrastructure;

The CEMP must include measures to ensure the following requirements are met:

- a) No polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period.
- b) No polluted stormwater runoff from the development site shall impact upon the Lake Connewarre State Game Reserve Ramsar wetland.
- c) Any construction stockpiles, fill and machinery must be placed away from those areas supporting native vegetation and drainage lines.

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- d) All vehicles, earthmoving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
- e) Any other measures that are consistent with the following EPA publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions'

The CEMP must be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004 and CCF Environmental Guidelines for Civil Construction, 2010.

- 16. All development and works must be carried out in accordance with the approved CEMP, to the satisfaction of the Responsible Authority.
- 17. All sediment and erosion measures must be fully implemented prior to the commencement of earthworks on the development site.
- 18. At the completion of the bulk earthworks and at the completion of the works for each stage, all disturbed areas must be hydro mulched with an approved seed to the satisfaction of the Responsible Authority to suppress dust and minimise erosion, unless otherwise approved by the Responsible Authority.
- 19. During the construction phase of the development, the following conditions must be met to the satisfaction of the Responsible Authority:
  - a) only clean rainwater shall be discharged to the stormwater drainage system;
  - b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
  - d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
  - e) fencing is to be fitted and installed so as to ensure safe access for pedestrians, and
  - f) all litter must be contained on site;

**Construction of Roadworks/ Drainage**

- 20. Vehicle and other access to the land to the south of the southern drainage and open space corridor (to be developed for residential purposes) must be designed and constructed to the satisfaction of the Responsible Authority prior to the commencement of development of that part of the land.
- 21. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, all road and drainage works, including basin(s), must be constructed for that stage in

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accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.

22. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.
23. A maintenance bond of 5% of the cost of the works is to be paid to council and will be returned after successful completion of a 12 month maintenance period for civil works.
24. For a period of 24 months following the issue of a Statement of Compliance for the final stage of the subdivision, the constructed stormwater basins, which have been fully planted as per the endorsed landscape plans, shall be maintained by the developer, to the satisfaction of the Responsible Authority.
25. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, relevant street sign/s must be erected to the satisfaction of the Responsible Authority.
26. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, street lighting must be provided within the site and along external frontages in accordance with the relevant Australian Standard(s), unless otherwise agreed in writing by the Responsible Authority and unless it can be demonstrated that existing street lighting is sufficient for public safety to the satisfaction of the Responsible Authority.

**Fill**

27. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
28. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.
29. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as otherwise approved by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.
30. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

**Provisions for Waste Collection Services**

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31. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, street signs must be erected to the satisfaction of the Responsible Authority, 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.
32. During construction of the development the waste and recycling kerbside collection trucks shall not be required to reverse a distance greater than 20 metres. Temporary Hammerhead Turnarounds must be provided in accordance with condition 34 at the end of each temporary dead end road of each stage where the reversing distance exceeds 20 metres. The temporary dead end turnaround of each stage must be maintained by the applicant until the connecting road network is completed and the kerbside collection trucks can undertake all collections in a forward motion.
33. A carriageway easement must be provided over any private property that is required to create the Temporary Hammerhead Turnaround at the dead end of a street or streets. The required hammerhead length is 26.5 metres and a width of 5.5 to 6 metres. The use of private property driveways to create a hammerhead is acceptable and must be approved by the Responsible Authority unless other options are agreed to and approved by the Responsible Authority. The carriageway easement over the private property must remain in place for the duration that the temporary turnaround is required.
34. Where culs de sac are to be created they must be a minimum of 21 metres from face of kerb to face of kerb with no parking signs to apply on the day of residential waste and recycling kerbside collection.
35. Unless otherwise agreed to in writing the developer must provide to the satisfaction of the Responsible Authority bin pads on the through street for properties which front onto a Place (a short cul de sac without a turning circle). Bin pads must also be provided for bins from the properties whose frontage is used for the bin pads.

**OPEN SPACE, STREETScape AND VEGETATION PROVISIONS**

**Tree Retention and Removal Plan**

36. Prior to commencement of works, a detailed Tree Retention and Removal Plan shall be submitted to and approved by the Responsible Authority which clearly documents vegetation to be retained and removed. The Tree Retention and Removal Plan shall, where possible, retain trees of high arboricultural value to provide landscape, amenity and biodiversity value consistent with the objectives of the South East Leopold Framework Plan, Tract, 2016.

**Arborist Report Required**

37. All tree(s) proposed for retention within a road reserve or public open space (excluding conservation areas) for any stage of the development must be independently assessed by a suitably qualified Level 5 Arborist and be informed by AS4970 – 2009 Protection of Trees on Development Sites. The assessment must be submitted to, and be to the satisfaction of, the Responsible Authority. The assessment must have regard to the

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context of tree's location and the intended setting in which it sits. The assessment report may be summarised in table format and must include as a minimum:

- a) Tree number
- b) Species identification
- c) Estimated age (e.g. juvenile, semi-mature, mature, over mature)
- d) Useful life expectancy
- e) Health
- f) Structure
- g) Arboricultural significance
- h) Hazard ranking
- i) TPZ (Tree Protection Zone)
- j) Recommendation for retention or removal
- k) Comments / remedial actions required
- l) Recommended design response for surrounding areas proposed for landscaping

The assessment must include a plan which accurately records tree locations.

The detailed design response for the area in which the tree(s) are located must be informed by the recommendations contained within the arboricultural assessment report.

**Notes**

- 1. Trees within plantations may be assessed as a group but must be individually numbered
- 2. The arborist must be provided all relevant information that will inform the inspection/assessment, i.e. their intended location, vehicle crossovers, intersections etc.

**Landscape Master Plan**

38. Unless otherwise approved in writing by the Responsible Authority, prior to issue of Statement of Compliance for the first stage of the subdivision, a Landscape Master Plan (incorporating the Street Tree Master Plan) for the permit area must be developed with, and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. This plan must address and be consistent with the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan, be drawn to scale with dimensions and submitted (electronically and in hard copy) and be generally in accordance with the submitted landscape master plans (Mexted Rimmer, 23/01/2018) but modified to show:

- a) The Mexted Rimmer Northern Public Open Space Landscape Masterplan and associated cross-sections dated 23.01.2018 must be amended to:
  - i. Relocate the 2.5 metre shared path further away from the southern side of the waterway, to maintain a minimum 10 metre wide riparian/ecological corridor from the edge of the 1 in 100 contour;
  - ii. Increase the narrow riparian/ecological zone on the north side of the waterway to a minimum of 10 metres from the 1 in 100 contour;

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- iii. Use local indigenous species based on those listed within Zone 3 of the City's Indigenous Plants of the Geelong Region guidelines and the relevant EVC's.
- b) The Mexted Rimmer Southern Public Open Space Landscape Masterplan and associated cross-sections dated 23.01.2018 must be amended to:
  - i. Relocate the 1.5 metre wide pathway along the northern side of the waterway to within the road reserve;
  - ii. Relocate the 2.5 metre shared path further away from the southern side of the waterway, to maintain a minimum 10 metre wide riparian/ecological corridor from the edge of the 1 in 100 contour;
  - iii. Use local indigenous species based on those listed within Zone 3 Central Bellarine Hills of the City's Indigenous Plants of the Geelong Region guidelines and the relevant EVC's.

Notes:

- 1. Consultation with Council's Recreation and Open Space and Environment Units during early concept design is encouraged to help facilitate efficient approval processes.

**Detailed Landscape Plans**

39. Unless otherwise agreed in writing by the Responsible Authority, prior to the Statement of Compliance being issued for each applicable stage of the subdivision, a detailed landscape plan for the stage must be prepared and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. The landscape plan must be drawn to scale with dimensions and submitted electronically.

The plans must address and be consistent with the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan and the endorsed Landscape Master Plan applying to the site and show, but not be limited to:

- a) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
- b) Existing vegetation that is to be retained;
- c) A detailed planting schedule and proposed planting layout of all areas of and adjoining open space, including proposed trees, shrubs, groundcovers and aquatic planting if applicable (with zonation detail), and showing botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant;
- d) The proposed layout, materials and finish of all finished surfaces, structures, fences abutting council reserves, maintenance vehicle access crossovers, maintenance access gates, play equipment, furniture and bike parking;
- e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- f) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves;
- g) Permeable fence design details for lots abutting open space reserves and Council reserves (excluding road reserves). Fencing detail must be to the satisfaction of the Responsible Authority;

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- h) Proposed fencing detail along northern, western and southern boundaries of the public open space reserves which adjoin private properties (not in the subdivision);
- i) Additional supporting information, such as certified structural designs or building forms;
- j) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
- k) The proposed landscaping treatment of any road reserve abutting public open space;
- l) A detailed schedule of quantities showing accurate cost estimates of each item included in the plan.

**Waterway Reinstatement Plan**

40. Prior to the issue of a Statement of Compliance for the first stage of the subdivision, a Waterway Reinstatement Plan for the two creek corridors must be submitted to and approved by the Responsible Authority. The plan must detail the specific rehabilitation and revegetation of these ecological corridors. When approved the plan will be endorsed and then form part of the permit. The plan must include:
- a) Details regarding the proposed works within the waterway and its embankments;
  - b) Details of all revegetation works including the use of plants listed within the City's guidelines- Indigenous plants of the Geelong Region Zone 3 Central Bellarine Hills including plant densities, supply sizes, quantities of each plant with a note that plants must be sourced from local provenance material and site treatments;
  - c) The location of any stabilisation works (if required) such as rockwork and/or jute matting;
  - d) Details of all proposed weed control works and
  - e) Details of the proposed maintenance program prior to the transfer of the reserves to the City.

**Completion of Landscape Works**

41. Unless otherwise approved in writing by the Responsible Authority, the landscaping works shown on the approved landscape plan for a particular stage must be completed to the satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance for that stage.
42. Prior to the transfer to Council of the waterway corridors, all the works documented within the approved Waterway Rehabilitation Plan must be fully implemented by the developer, unless otherwise agreed in writing by the Responsible Authority. A detailed inspection shall be undertaken by Council officers upon completion of all the required on-ground works.
43. If the Responsible Authority agrees to issue a Statement of Compliance prior to the landscaping works being completed, the entire landscaping works must be bonded to the satisfaction of the Responsible Authority. The landscape works bond or bank guarantee must be 125 per cent of the estimated cost of entire landscape works as shown in the approved schedule of quantities submitted as part of the landscape plans. Unless otherwise agreed in writing by the Responsible Authority the bonded works must be completed within one year of the date of the lodgement of the bond.

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- 44. A practical completion inspection must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The landscape works bond will be returned on award of practical completion.
- 45. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of practical completion of landscaping works, or any other time as agreed by the Responsible Authority, the following must be provided to the Responsible Authority:
  - a) Building permits and structural engineering compliance, as-built construction plans, and materials detail where necessary;
  - b) Landscaping maintenance plan
  - c) Schedule of Quantities showing the financial value of all hard assets
  - d) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.

**Maintenance of Landscaping**

- 46. The landscaping shown on any endorsed landscape plan for a particular stage must be maintained to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the Responsible Authority. During this period, any dead, diseased or damaged plants are to be replaced and any landscaped area and hard assets are to be repaired as required to ensure the landscaping is maintained to the same standard as when practical completion was awarded.
- 47. Should the permit holder default on landscape maintenance requirements which leads to a partial or full replanting, the responsible authority will consider the extension of the maintenance period as necessary to provide for establishment of replacements.
- 48. The developer and contractors who will construct and maintain the subject reserves and associated landscaping must obtain and maintain appropriate public liability insurance (with the responsible authority's interest noted on the certificate of insurance) over the entire reserve area for the duration of the maintenance period.
- 49. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority on application for practical completion of landscaping works. The maintenance bond or bank guarantee must be 125 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

**Notes:**

- 1. Unless otherwise agreed in writing, the responsible authority will not be responsible for the reserve and its assets or public liability until a handover inspection has taken place and written acceptance of handover has been issued.
- 2. No handovers will be accepted during the summer months from 01 December to 28 February inclusive.

**Fencing of Council Reserves**

- 50. Prior to the issue of Statement of Compliance for any relevant stage of the subdivision, the subdivider must erect a fence on any property boundary directly abutting a reserve

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(including drainage reserves, but excluding a road reserve) in accordance with the approved landscape plan to the satisfaction of the Responsible Authority and at no cost to Council. All new timber post and rail fencing shall be of a type and installed as per Council's standard drawings.

**Council Reserves – Vehicle Access Barriers**

51. Prior to the issue of a Statement of Compliance for any relevant stage, suitable vehicle access barriers across the entrance of any Council Reserves must be provided or otherwise bonded to the satisfaction of the Responsible Authority. These must be de-mountable to allow access for Council vehicles. The location of these barriers must be determined by the Responsible Authority.

**No Utility Services on Public Open Space**

52. Utility service substations, kiosk sites and the like must not be located on any land identified as unencumbered open space unless otherwise agreed in writing by the Responsible Authority. Any existing or future easements affecting all land which is to be vested in Council must be clearly identified on the detailed landscape plans.

**REMOVAL OF NATIVE VEGETATION CONDITIONS**

53. Before works commence, the permit holder must prepare a revised Biodiversity Assessment report that accounts for all native vegetation losses being approved by this permit and having regard to the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan, to the satisfaction of the Responsible Authority. The revised Biodiversity Assessment report (or other document) must be submitted to and approved by the responsible authority. When approved the report will be endorsed and will then form part of the permit.

54. Prior to the issue of a Statement of Compliance for any stage of the subdivision, evidence that the required offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) for the relevant stage has been secured must be provided to the satisfaction of the Responsible Authority. Evidence is to be in the form of one or both of the following:

- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or
- b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

55. In the event that a security agreement is entered into as per condition 4, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

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**Vegetation Protection and Removal**

56. Removal, including pruning, of native vegetation must be undertaken using a suitably qualified arborist and be carried out in accordance with AS4373 – 2007; 'Pruning of Amenity Trees to the satisfaction of the Responsible Authority'. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.

57. Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed Tree Retention and Removal Plan. An inspection is required to be undertaken by the Responsible Authority prior to any removal being undertaken.

**Note:**

1. Please contact the City's Environment (and /or Parks) Unit to discuss inspection requirements and provide adequate notice of any request arrange an inspection.

58. Prior to any vegetation removal, the vegetation to be retained on site shall be fully protected by Tree Protection Fencing in accordance with AS4970-2009 Protection of Trees on Development Sites. The Tree Protection Fencing must have signs attached around the fencing which clearly states - TREE PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Any requirements in the Arborist Report submitted under condition 38 must also be met.

59. Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.

60. All work within the drip line of any tree to be retained above or below ground must be supervised by a suitably qualified level 5 arborist to ensure that the works are done in a manner which protects and minimises damage to those trees to the satisfaction of the Responsible Authority.

61. Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the fenced Tree Protection Zone:

- a) vehicular or public pedestrian access.
- b) trenching or soil excavation.
- c) storage or dumping of tools, equipment, soil, stone or waste is to occur.
- d) construction of entry and exit pits for underground services; or
- e) temporary or permanent installation of signs and utilities.

62. All recommended remedial actions being undertaken must be carried out in accordance with AS4373-2007 *Pruning of Amenity Trees* using suitably trained / qualified arboricultural staff to the satisfaction of the Responsible Authority and maintained as part of the streetscape works for all or that particular stage of the development for a period of no less than two (2) years.

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**Stag Relocation Plan**

63. Dead stags to be removed must be used as habitat for use as part of the ecological corridor rehabilitation and/or the stormwater treatment basins to the satisfaction of the Responsible Authority. Any Eucalypt tree that has a Diameter at Breast Height >70 centimetres should be considered for retention, subject to tree health, so that they can achieve maximum habitat value.
64. Prior to the commencement of works for any relevant stage containing trees to be removed, a Stag Relocation Plan must be submitted and approved by the Responsible Authority. The plan must include the following:
- Identification of each tree proposed for relocation.
  - Species identification and size of each individual tree.
  - Identification of the relocation sites.
  - The proposed site preparation and protection measure to ensure each tree's structural integrity and protection after relocation is maximised.

**Fauna Protection**

65. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation.

**STREETSCAPE WORKS**

**Streetscape plan**

66. Prior to the Statement of Compliance being issued for each relevant stage of the subdivision, a detailed streetscape plan, prepared by a person suitably qualified in landscape design, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The streetscape plan must be drawn to scale with dimensions and three hard copies provided. Where applicable, the plan must be generally in accordance to the Street Tree Master Plan forming part of the endorsed Landscaping Master Plan, and show:
- The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts);
  - Details of all other infrastructure within the road reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc);
  - 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, with street trees to be planted adjacent to the drainage/wetland reserves and the two waterway reserves to be local indigenous species or others as agreed by the Responsible Authority ;
  - All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;
  - 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;
  - All proposed groundcover & shrub planting with a minimum container size of 150mm;

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- g) The maintenance schedule for all proposed planting.

**Notes**

1. Streetscape plans must be submitted separately to plans for adjoining land nominated as Council reserves.
2. Proposed entry signage must not be located on public land.
3. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.
4. Street tree species selection within the master plan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching. Tree location and species type shall be determined, in consultation with CitiPower/Powercor, based on the specific site and the ability of the tree to both enhance the local amenity and co-exist with utility services infrastructure – with all trees to be identified on a 'master services plan' provided by the party planting the trees.
5. The applicant must obtain and provide evidence to the Responsible Authority that Powercor and Barwon Water have been consulted and have agreed with the proposed street tree species palette.

**Completion of Streetscape Works**

67. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for a particular stage of the subdivision all streetscape works shown on the endorsed streetscape plans for that stage must be completed to the satisfaction of the Responsible Authority.
68. Where streetscape 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 all, or a particular stage of a subdivision, the developer may request the works in the approved Streetscape 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 Statement of Compliance being awarded.
69. The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works.

**Notes**

1. A practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned once practical completion has been awarded.
2. Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

**Maintenance of Streetscape Works**

70. All streetscape 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,

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any dead, diseased or damaged plants are to be repaired or replaced as required. The maintenance period will commence from the date that the works are awarded Practical Completion by the Responsible Authority.

71. 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.
72. 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.

**Notes**

1. A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The maintenance bond will be returned on acceptance of handover.
2. No handovers will be accepted during the summer period, between 30 November and 1 March.

**TELECOMMUNICATION CONDITIONS**

73. 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.
74. 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**

75. 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.

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76. 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.
77. 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.
78. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
79. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
80. 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.
81. 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 "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
82. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
83. 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.
84. 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.

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85. 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**

86. 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.
87. 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.
88. Existing strategic pipelines traverse the land. Barwon Water requires the location of these pipelines to be proven prior to any works. Any works proposed in the vicinity of the pipelines will only be permitted after approved civil works planned are presented to the satisfaction of Barwon Water. Through subdivision of the land these pipelines must be located within the road reserve and not private property.

**Water**

89. The provision and installation of individual water services to all lots in the subdivision.
90. Reticulated water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
91. Additional water assets are required to service the development, which include DN225mm water mains and a Pressure Reducing Valve. Under the current Essential Services Commission ("ESC") price determination these water assets are considered "shared" assets and to be funded by Barwon Water. Confirmation of these additional water asset requirements and funding will be determined at the time an "Offer of Conditions" is issued on the development, and in accordance with the ESC price determination applicable at the time.
92. 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.
93. Barwon Water's records indicate that existing water services and meters are located on land within this area. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, are to be

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submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

**Sewer**

94. The provision of sewerage services to all lots in the subdivision.
95. Reticulated sewer mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
96. Additional sewerage assets are required to service the development, which include sewer pump-stations and rising mains. These must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
97. 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).

**Note:**

1. The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication quote Barwon Water reference number L009993.

**CFA CONDITIONS**

**Hydrants**

98. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* for any stage of the subdivision, the following requirements must be met to the satisfaction of the CFA:
- a) Above or below ground operable hydrants must be provided for the relevant stage. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
  - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

**Note**

1. CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**Roads**

99. 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.

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- a) 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 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b) Curves must have a minimum inner radius of 10 metres.
- c) Have a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically to the satisfaction of the Responsible Authority.

**VICROADS CONDITIONS**

- 100. Before issue of statements of compliance for each stage of the subdivision, the following roadworks at the Bellarine Highway/Mollers Lane intersection must be completed at no cost to and to the satisfaction of the Roads Corporation (VicRoads):
  - a) Traffic signals (to be completed prior to the issue of the statement of compliance for the stage that includes the 160th lot)
  - b) Left turn deceleration lane (on Bellarine Highway) (to be completed prior to the issue of the statement of compliance for stage 1);
  - c) Bicycle lanes (to be completed prior to the issue of the statement of compliance for stage 1);
  - d) Bus stops (to be completed prior to the issue of the statement of compliance for stage 1);
  - e) Street lighting (to be completed prior to the issue of the statement of compliance for stage 1).
- 101. Prior to the roadworks commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads' service obligations.
- 102. Prior to the certification of the plan of subdivision, a scaled functional layout plan of the Bellarine Highway Road/Mollers Road intersection must be prepared to the satisfaction of VicRoads.
- 103. Direct access from the subdivisional lots to Bellarine Highway is not permitted. All subdivisional lot access shall be to the service/frontage road or internal subdivisional road.
- 104. The service/frontage road shall be sufficiently separated from Bellarine Highway roadway to provide enough verge width to accommodate landscaping, drainage, utility services and bus stops.
- 105. No drainage shall be discharged onto the Bellarine Highway reserve without the written approval of the Roads Corporation (VicRoads).
- 106. The applicant must take measures to ensure that vehicles leaving the site during construction of the subdivision do not deposit mud or other material onto Bellarine

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Highway. If mud or debris is deposited, the applicant must clean or sweep the roadway & shoulders on Bellarine Highway when required by VicRoads.

**TRANSPORT FOR VICTORIA CONDITIONS**

107. Before the certification of a plan of subdivision, or other time agreed in writing with the Head, Transport for Victoria, an amended Integration Plan to the satisfaction of the Head, Transport for Victoria, must be submitted to and approved by the Responsible Authority. When approved, the amended Integration Plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the plan submitted with the plan prepared by TGM Group Pty Ltd dated 14 January 2017 but modified to show:
- a. how the proposed development connects to the existing road network to the west of the site;
  - b. shared user path (off road) a minimum of 2.5 metres wide along Mollers Lane and the southern and northern connector roads;
  - c. shared user path (off road) a minimum of 2.5 metres wide through the northern basin creek reserve and connecting through Myuna Reserve to Myuna Street;
  - d. the shared user path in the southern basin creek reserve a minimum of 2.5 metres;
  - e. the provision of a pair of indented bus stops/shelters and associated infrastructure (on the departure sides) at the new signalised intersection of Mollers Lane and Bellarine Highway compliant with the Disability Standards for Accessible Public Transport 2002;
  - f. Road cross sections for Mollers Lane and the northern and southern connector roads and identified as bus capable roads.
108. Pursuant to Section 8 (1) (a) of the Subdivision Act 1988, all Plans of Subdivision must be referred to the Head, Transport for Victoria for Certification and consent to Statement of Compliance.
109. Prior to the operation of the traffic signals on Bellarine Highway, the bus stops/shelters and all associated infrastructure identified on the endorsed plans must be completed to the satisfaction of Public Transport Victoria at the full cost to the permit holder.
110. Unless otherwise agreed to in writing with the Head, Transport for Victoria, prior to the Certification of a Plan of Subdivision, construction engineering plans, for any subdivision stages which contain or abut a road nominated as a bus capable road must be submitted to Public Transport Victoria for approval. The plan must be to the satisfaction of Public Transport Victoria and the Responsible Authority and must depict the road cross section to be constructed, including shared user paths (off road), to be constructed as outlined in the endorsed plans.
111. Unless otherwise agreed to in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stages that contain or abut a

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road nominated as bus capable, that portion of road must be constructed to accommodate public transport access for buses, in accordance with its corresponding Cross Sections and shared user paths (off road). This must be constructed to the satisfaction of and at no cost to Public Transport Victoria.

112. Any roundabouts constructed on roads designated as bus capable within the subdivision, must be designed to accommodate ultra-low floor buses, to the satisfaction of the Public Transport Victoria.
113. Intersections, slow points, splitter islands and any other local area traffic management treatments must be designed and constructed in accordance with the Public Transport Guidelines for Land Use and Development. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' must not be constructed on any portion of a road identified as a potential bus route.

**SUBDIVISION EXPIRY**

114. This permit will expire if one of the following circumstances applies:

- a) The first stage of the plan of subdivision has not been certified within five (5) years of the date of this permit.
- b) All stages of the plan of subdivision have not been certified within ten (10) years of the date of this permit.
- c) A statement of compliance is not issued within five (5) years of the date of certification of a particular stage of subdivision.

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

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C367 to the Greater Geelong Planning Scheme.

### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

## Attachment 5

### C367 Panel Report Executive Summary

Greater Geelong Planning Scheme Amendment C367 and Permit Application PP1463/2016 | Panel Report | 22 January 2019

## Executive summary

### (i) Summary

Greater Geelong Planning Scheme Amendment C367 and Permit Application PP1463/2016 seek to facilitate the residential subdivision of land at 2-120 Mollers Lane and 10 Willows Place, Leopold, generally in accordance with the *South East Leopold Framework Plan 2016* (the Framework Plan). The Framework Plan applies to the subject land, and to the land to the immediate west (referred to in this Report as the Ash Road East land).

The land is on the southern outskirts of Leopold, and is mostly within the current settlement boundary shown on the map in the Leopold Structure Plan and in the local policy framework. Land to the north and west is already developed for residential purposes. Land to the east and south is used for farming. Lake Connewarre, a declared Ramsar wetland and designated State Game Reserve, is roughly 900 metres to the south.

The Amendment proposes to:

- rezone the Mollers Lane land from Farming Zone to General Residential Zone Schedule 1 (10 Willows Place is already zoned General Residential Zone Schedule 1)
- apply a new Schedule 43 to the Design and Development Overlay (DDO43) to the land
- delete the Significant Landscape Overlay Schedule 10 (SLO10) from the southern part of the land
- make changes to Clause 21.14 (Bellarine Peninsula) in Council's Municipal Strategic Statement, to:
  - extend the settlement boundary on the Leopold Structure Plan map to align with the southern boundary of the subject land
  - refer to the Framework Plan.

The permit application proposes to allow, subject to extensive conditions:

- the staged multi-lot subdivision of the land
- removal of native vegetation
- removal of easements
- alteration of access and subdivision of land adjacent to a Road Zone Category 1.

Key issues raised in submissions included:

- changes to the settlement boundary and the impact this would have on the Bellarine Peninsula
- impacts on the ecology of and duck hunting activities on Lake Connewarre
- downstream stormwater impacts
- open space provision
- the use of the land south of the southern waterway (whether this should be as open space, or for residential development)
- vegetation removal
- transport infrastructure
- impacts on the character of the surrounding area
- integration with the Ash Road East land

- the form of the Amendment and the permit.

#### **The Amendment**

The Amendment is well founded and strategically justified, and should proceed with some changes. The land is identified for future residential development in an adopted Structure Plan which generally aligns with the Planning Policy Framework, including policy to direct future growth to Leopold and within the settlement boundary. This will, in turn, help to protect the highly valued rural and coastal areas of the Peninsula from the pressure of urban expansion, consistent with the objectives of the Bellarine Peninsula Localised Planning Statement.

The Planning Policy Framework includes several policy objectives directed at protecting and enhancing waterways, appropriately managing stormwater runoff, and protecting and enhancing significant environmental values, including those of Lake Connewarre. While the Panel is satisfied that these issues can broadly be managed to acceptable levels, it makes some specific recommendations directed at improving environmental outcomes.

The Panel does not support including the Framework Plan as a reference document in the Planning Scheme. In the Panel's view, the preferable approach is to include the substantive elements of the Framework Plan into the Planning Scheme. It appears that this has largely been done via the proposed DDO43, although Council should consider what, if any, additional elements of the Framework Plan need to be translated into Clause 21.14 and/or DDO43.

The Panel considers that it is premature to apply the Framework Plan, or its principles, to the Ash Road East land. While there are several technical reports and studies that broadly confirm the appropriateness of the Framework Plan's treatment of the subject land, the same cannot be said for the Ash Road East land. Council should therefore be very cautious about including elements of the Framework Plan in the Planning Scheme that relate to the Ash Road East land at this stage.

#### **The permit application**

Broadly speaking, the proposed subdivision will deliver an accessible, diverse and sustainable neighbourhood that provides integrated and sustainable transport solutions and a suitable open space network. The draft section 173 agreement exhibited with the Amendment and draft permit appropriately deals with the Proponent's obligations to deliver infrastructure necessitated by the development, and make contributions toward shared community infrastructure in the area. The permit should issue, but with some changes to both the exhibited Outline Development Plan (Version U) and the exhibited permit conditions.

The following aspects of the proposed development require further consideration. These matters can be dealt with by way of permit conditions, and the Panel has included appropriate conditions in Appendix D:

- Given the sensitivities associated with the outfall to Lake Connewarre, the design and access arrangements for the off-site drainage works must be resolved to Council's satisfaction, in consultation with the Department of Environment, Land, Water and Planning, prior to the commencement of the development.

- The proposed conditions regarding the monitoring of water quality entering Lake Connewarre are impractical, and need to be replaced with a condition requiring independent peer review of the drainage design, to ensure that it represents best practice and can meet the requirements of the permit, including water quality requirements.
- The Panel supports the residential development of the land south of the southern drainage and open space corridor, subject to resolving access arrangements to Council's satisfaction.
- The Panel considers that the local park adjacent to the northern retarding basin is required, and should be retained.
- Additional efforts should be made to avoid the removal of native vegetation and integrate this into the detailed design of the subdivision.
- While the Panel generally supports the proposed transport network, it agrees with Transport for Victoria that signalisation of the Bellarine Highway/Mollers Lane intersection should be brought forward. Shared paths should be constructed at a width of 2.5 metres.
- The requirement for a peer review of the Environmental Assessment that has already been prepared for the land is disproportionate to the level of contamination risk that has been assessed, and is not justified.

Many of these issues can be resolved with a more integrated approach to drainage, native vegetation and environmental outcomes. Accordingly, the Panel has recommended a condition requiring an Integrated Drainage, Vegetation and Open Space Framework Plan to be prepared.

The Panel sees some merit in the subdivision layout shown in the amended Outline Development Plan circulated by the Proponent prior to the Hearing (Version Y2). That said, the amended Outline Development Plan was provided late in the process, and has not been subject to public consultation or detailed consideration by Council or relevant government agencies. The Panel considers that further notice should be given of the amended Outline Development Plan under section 96H(2) of the Act before a permit issues. This will allow potentially affected parties to make formal submissions and have those submissions considered by a panel.

**(ii) Recommendations in relation to the Amendment and permit application**

**The Amendment**

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C367 and Permit Application PP1463/2016 be adopted as exhibited subject to the following changes:

- 1. Amend the proposed Clause 21.14 to:**
  - a) delete the proposed strategy that reads "Support the implementation of the land use recommendations of the South East Leopold Framework Plan"**
  - b) delete the South East Leopold Framework Plan 2016 from the list of reference documents at the end of the clause.**
- 2. Amend the Design and Development Overlay Schedule 43 as follows:**

- a) in Clause 1.0, in the first design objective, delete “generally implement the South East Leopold Framework Plan as attached to this schedule and”
  - b) in Clause 3.0 under the heading ‘General’, in the second dot point, delete “generally in accordance with the South East Leopold Structure Plan that forms part of this schedule” and replace it with “the map in this schedule”
  - c) in Clause 3.0 under the heading ‘Public Open Space’, delete the third dot point and replace it with “Subdivision should provide for linear open space corridors and parks located generally as shown in the map in this schedule”
  - d) in Clause 5.0, remove the decision guideline that reads “Whether the subdivision design is generally in accordance with the South East Leopold Framework Plan 2016”
  - e) amend the map so that it only relates to the subject land, and not to the Ash Road East land.
3. Translate into Clause 21.14 and the Design and Development Overlay Schedule 43 additional elements from the South East Leopold Framework Plan (if any) that may be required to properly guide the use and development of the subject land, and the consideration of permit applications in relation to the subject land.

#### The permit application

Based on the reasons set out in this Report, the Panel recommends that permit application PP1463/2016 be granted, with the following changes to the exhibited conditions (condition numbers in the following recommendations refer to the Panel’s recommended permit in Appendix D, except where explicitly described as ‘exhibited condition’):

#### Drainage conditions

4. Include condition 4 in Appendix D requiring an Integrated Drainage, Vegetation and Open Space Framework Plan that includes (among other things):
  - a) a concept drainage design for on-site and off-site drainage works that includes Water Sensitive Urban Design features that achieve environmental best practice, stormwater retardation measures and water quality standards specified in the permit
  - b) a footprint showing the extent of drainage works and associated Water Sensitive Urban Design features
  - c) access and management arrangements and responsibilities for on-site and off-site drainage works and Water Sensitive Urban Design features.
5. Include condition 5 in Appendix D requiring all plans prepared in accordance with the conditions on the permit to be consistent with the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan.
6. Include conditions 12 and 13 in Appendix D, requiring easements to be secured for on-site and off-site drainage works prior to certification of a plan of subdivision.
7. Replace exhibited conditions 22 to 27, relating to monitoring and remediating where necessary water quality entering Lake Connewarre, with condition 4(d) in Appendix D requiring the Integrated Drainage, Vegetation and Open Space Framework Plan to be peer reviewed by an independent, suitably qualified and experienced consultant to confirm that the concept design, mitigation measures and ongoing management arrangements meet best practice

environmental standards and the requirements of the permit (including water quality requirements).

8. Restructure the exhibited conditions as shown in Appendix D, so that all drainage design and Water Sensitive Urban Design conditions (including conditions from other statutory authorities) are grouped together.

Open space conditions

9. Include condition 1(c) in Appendix D requiring the local park adjacent to the northern retarding basin to be retained.
10. Amend condition 1 to refer to Version Y2 of the Outline Development Plan dated 31 October 2018 instead of Version U dated 14 December 2017, so as to allow the residential development of the land to the south of the southern waterway and open space corridor.

Conditions relating to native and non-native vegetation

11. Include condition 4(b) in Appendix D, that requires the Integrated Drainage, Vegetation and Open Space Framework Plan to demonstrate how impacts on native vegetation have been avoided and minimised with the subdivision layout, and how retained native vegetation and any offset areas will be integrated into and protected in any open space areas.
12. Replace exhibited conditions 57 to 59 with conditions 54 to 55 in Appendix D, to refer to offset obligations under Clause 52.17 and the 2017 Native Vegetation Guidelines, after seeking further advice from DELWP.

Conditions relating to protection of fauna

13. Delete exhibited conditions 69 and 70, requiring targeted surveys for, and salvage and relocation of, Growling Grass Frog. Include conditions 4(b)(iii) and 6(d) requiring design and landscaping features that provide suitable habitat for fauna including Growling Grass Frog.

Transport and traffic conditions

14. Amend conditions 100(a) and 107(b) to (d) to reflect the agreed position in relation to the timing of the signalisation of the Mollers Lane/Bellarine Highway intersection, and the width of shared paths.
15. Otherwise amend conditions 107 to 113 to reflect the agreed conditions set out in Transport for Victoria's submission dated 27 November 2018 (Document 13).
16. Include condition 21 in Appendix D requiring access to the land south of the southern waterway and open space corridor to be designed and constructed to the satisfaction of Council prior to development of that part of the land commencing.

Contamination conditions

17. Delete exhibited condition 34 requiring a peer review of the Environmental Assessment.

Based on the reasons set out in this Report, the Panel makes the following additional recommendation in relation to Permit Application PP1463/2016:

- 18. Inform the Minister for Planning that before a permit is issued, further notice should be given of the amended Outline Development Plan (Version Y2) under section 96H(2) of the Act.**

**The section 173 agreement**

Based on the reasons set out in this Report, the Panel recommends that the draft section 173 agreement exhibited with the Amendment and draft permit be amended as follows:

- 19. Delete clause 5 requiring an environmental audit of any land transferred to Council.**

**20. Amend schedule 3 to:**

- a) refer to the infrastructure projects more generally, rather than by reference to very specific plans
- b) reflect the agreed position in relation to the timing of the signalisation of the Mollers Lane/Bellarine Highway intersection, and the width of shared paths, consistent with amended permit conditions 100(a) and 107(d) to (d).

**(iii) Further recommendations**

The Panel makes the following further recommendations:

- 21. Should the Amendment be approved in a form that shifts the settlement boundary, Council should consider resolving the consequential inconsistencies between the revised settlement boundary and the Leopold Structure Plan in the next 5 yearly review of the Structure Plan.**

**Attachment 6**

**Panel Recommendations and Response**

No.	Panel Recommendations Greater Geelong Planning Scheme Amendment C367	City Response	Adopted Council Position
<p><b>The Amendment</b></p> <p>Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C367 and Permit Application PP1463/2016 be adopted as exhibited subject to the following changes:</p>			
<p><b>1</b></p>	<p>Amend the proposed Clause 21.14 to:</p> <p>a) delete the proposed strategy that reads  <i>“Support the implementation of the land use recommendations of the South East Leopold Framework Plan”</i></p> <p>b) delete the South East Leopold Framework Plan 2016 from the list of reference documents at the end of the clause.</p>	<p>Supported.</p> <p>The Framework Plan has done its job in directing the subdivision layout of the growth area, with the concurrent planning permit with this Amendment and the recent application for the Ash Road East side generally consistent.</p>	<p>Refer to Attachment 3 (Clause 21.14 for adoption).</p>
<p><b>2</b></p>	<p>Amend the Design and Development Overlay Schedule 43 as follows:</p> <p>a) in Clause 1.0, in the first design objective, delete  <i>“generally implement the South East Leopold Framework Plan as attached to this schedule and”</i></p> <p>b) in Clause 3.0 under the heading ‘General’, in the second dot point, delete  <i>“generally in accordance with the South East Leopold Structure Plan that forms part of this schedule”</i> and replace it with <i>“the map in this schedule”</i></p> <p>c) in Clause 3.0 under the heading ‘Public Open Space’, delete the third dot point and replace it</p>	<p>Supported</p> <p>Some minor modifications to the Panel’s recommended wording is required to ensure grammatically correct sentences in the DDO43.</p> <p>The Panel has not made a specific recommendation to delete the fifth dot point in Clause 3.0 under the heading ‘Public Open Space’, which states <i>“Along the Mollers Lane frontage of the growth area, encumbered open space must be provided as a buffer between the southern creek and the southern settlement boundary”</i>. This contrasts with the Panel’s recommendation to allow residential development of the south-west wedge. In accepting that recommendation, the City considers that this dot point of</p>	<p>Refer to Attachment 3 (Clause 43.02- for adoption).</p>

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
	<p>with <i>“Subdivision should provide for linear open space corridors and parks located generally as shown in the map in this schedule”</i></p> <p>d) in Clause 5.0, remove the decision guideline that reads <i>“Whether the subdivision design is generally in accordance with the South East Leopold Framework Plan 2016”</i></p> <p>e) amend the map so that it only relates to the subject land, and not to the Ash Road East land.</p>	<p>the DDO43 needs to be removed. An updated map has been prepared to show only the Mollers Lane area.</p>	
<b>3</b>	<p>Translate into Clause 21.14 and the Design and Development Overlay Schedule 43 additional elements from the South East Leopold Framework Plan (if any) that may be required to properly guide the use and development of the subject land, and the consideration of permit applications in relation to the subject land.</p>	<p>Supported As the exhibited DDO43 was reasonably comprehensive, there is little change required to import additional elements from the Framework Plan.</p>	<p>Refer to Attachment 3 (Clause 21.14 for adoption).</p>
	<p><b><i>The permit application</i></b></p> <p>Based on the reasons set out in this Report, the Panel recommends that permit application PP1463/2016 be granted, with the following changes to the exhibited conditions (condition numbers in the following recommendations refer to the Panel’s recommended permit in Appendix D, except where explicitly described as ‘exhibited condition’):</p>		
	<p><u>Drainage conditions</u></p>		
<b>4</b>	<p>Include condition 4 in Appendix D requiring an Integrated Drainage, Vegetation and Open Space Framework Plan that includes (among other things):</p> <p>a) a concept drainage design for on-site and off-site</p>	<p>Supported. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)</p>	<p>Refer to Attachment 4 (condition 3 of the Planning Permit 1463/2016 for adoption)</p>

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
	<p>drainage works that includes Water Sensitive Urban Design features that achieve environmental best practice, stormwater retardation measures and water quality standards specified in the permit</p> <p>b) a footprint showing the extent of drainage works and associated Water Sensitive Urban Design features</p> <p>c) access and management arrangements and responsibilities for on-site and off-site drainage works and Water Sensitive Urban Design features.</p>		
<b>5</b>	<p>Include condition 5 in Appendix D requiring all plans prepared in accordance with the conditions on the permit to be consistent with the endorsed Integrated Drainage, Vegetation and Open Space Framework Plan.</p>	<p>Supported.          (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)</p>	<p>Refer to Attachment 4 (condition 4 of the Planning Permit 1463/2016 for adoption)</p>
<b>6</b>	<p>Include conditions 12 and 13 in Appendix D, requiring easements to be secured for on-site and off-site drainage works prior to certification of a plan of subdivision.</p>	<p>Generally Supported.          With post-panel discussion between the proponent and the City about possible alternatives to easements on downstream private land, the permit condition now also includes capacity for such an alternative outcome subject to Council approval.          (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)</p>	<p>Refer to Attachment 4 (conditions 11 and 12 of the Planning Permit 1463/2016 for adoption)</p>
<b>7</b>	<p>Replace exhibited conditions 22 to 27, relating to monitoring and remediating</p>	<p>Supported.          This is consistent with the expert evidence at the Panel Hearing and will provide Council with</p>	<p>Refer to Attachment 4 (condition 3d of the Planning</p>

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
	<p>where necessary water quality entering Lake Connewarre, with condition 4(d) in Appendix D requiring the Integrated Drainage, Vegetation and Open Space Framework Plan to be peer reviewed by an independent, suitably qualified and experienced consultant to confirm that the concept design, mitigation measures and ongoing management arrangements meet best practice environmental standards and the requirements of the permit (including water quality requirements).</p>	<p>additional information about downstream water quality. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)</p>	<p>Permit 1463/2016 for adoption)</p>
<b>8</b>	<p>Restructure the exhibited conditions as shown in Appendix D, so that all drainage design and Water Sensitive Urban Design conditions (including conditions from other statutory authorities) are grouped together.</p>	<p>Supported. This is a minor formatting / drafting matter. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)</p>	<p>Refer to Attachment 4 (conditions 34 through to 8 of the Planning Permit 1463/2016 for adoption)</p>
<u>Open space conditions</u>			
<b>9</b>	<p>Include condition 1(c) in Appendix D requiring the local park adjacent to the northern retarding basin to be retained.</p>	<p>Supported. This is an important piece of open space for the new residential area and one that was hard fought by the City at the Panel Hearing. The City supports the retention of the local park generally in the same configuration as shown on the Version U plan. This includes that provision of the local park at a 1 hectare size. The City notes that the provision of this 1ha park does result in an open space provision of about 12.99% which is more than the 10-12% public open space preferred by the Panel. The City considers</p>	<p>Attachment 8 – revised plan to be endorsed at time of permit issue.</p>

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
		<p>this is reasonable as it reflects the Panel’s recommendation and provides a useable local park for the area.</p> <p>With continued discussions between the City and the proponent post the Panel report, a revised plan incorporating the Panel’s recommendations has been prepared. This is accepted by the City and will become the endorsed plan when the permit is issued. As a result, condition 1 in the Panel’s preferred permit, is to be deleted as the requirements of this condition have either been included in the revised plan to be endorsed or incorporated into other conditions within the permit, such as the access arrangements for the telco tower site, which have been added into condition 14.</p>	
<b>10</b>	<p>Amend condition 1 to refer to Version Y2 of the Outline Development Plan dated 31 October 2018 instead of Version U dated 14 December 2017, so as to allow the residential development of the land to the south of the southern waterway and open space corridor.</p>	<p>Supported.</p> <p>The Independent Panel has heard all the arguments and made a reasoned explanation of the issue and recommendation. There are no landscape or physical impediments to this land being made available for residential development.</p> <p>With continued discussions between the City and the proponent post the Panel report, a revised plan incorporating the Panel’s recommendations has been prepared. This is accepted by the City and will become the endorsed plan when the permit is issued. As a result, condition 1 in the Panel’s preferred permit, is to be deleted as the requirements of this condition have either been included in the revised plan to be endorsed or</p>	<p>Attachment 8 – revised plan to be endorsed at time of permit issue.</p>

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
		incorporated into other conditions within the permit, such as the access arrangements for the telco tower site, which have been added into condition 14.	
<u>Conditions relating to native and non-native vegetation</u>			
<b>11</b>	Include condition 4(b) in Appendix D, that requires the Integrated Drainage, Vegetation and Open Space Framework Plan to demonstrate how impacts on native vegetation have been avoided and minimised with the subdivision layout, and how retained native vegetation and any offset areas will be integrated into and protected in any open space areas.	Supported. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)	Refer to Attachment 4 (condition 3 (b) of the planning permit 1463/2016 for adoption).
<b>12</b>	Replace exhibited conditions 57 to 59 with conditions 54 to 55 in Appendix D, to refer to offset obligations under Clause 52.17 and the 2017 Native Vegetation Guidelines, after seeking further advice from DELWP.	Supported. DELWP has provided updated permit conditions and these are supported by the City. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)	Refer to Attachment 4 (conditions 53 and 54 of the planning permit 1463/2016 for adoption).
<u>Conditions relating to protection of fauna</u>			
<b>13</b>	Delete exhibited conditions 69 and 70, requiring targeted surveys for, and salvage and relocation of, Growling Grass Frog. Include conditions 4(b)(iii) and 6(d) requiring design and landscaping features that provide suitable habitat for fauna including Growling Grass Frog.	Supported. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)	Refer to Attachment 4 (conditions 3 and 5 of the Planning Permit 1463/2016 for adoption)
<u>Transport and traffic conditions</u>			
<b>14</b>	Amend conditions 100(a) and 107(b) to (d) to reflect the agreed position in relation to the timing of the signalisation	Supported. The timing as required by VicRoads for the installation of signals at the Bellarine Highway and Mollers	Refer to Attachment 4 (conditions 100a and 107b-d of the

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
	of the Mollers Lane/Bellarine Highway intersection, and the width of shared paths.	Lane intersection is tied to the development of the 160 <sup>th</sup> lot in the subdivision. This is also captured in the S173 Agreement.	Planning Permit 1463/2016 for adoption)
<b>15</b>	Otherwise amend conditions 107 to 113 to reflect the agreed conditions set out in Transport for Victoria's submission dated 27 November 2018 (Document 13).	Supported.	Refer to Attachment 4 (conditions 107-113 of the Planning Permit 1463/2016 for adoption)
<b>16</b>	Include condition 21 in Appendix D requiring access to the land south of the southern waterway and open space corridor to be designed and constructed to the satisfaction of Council prior to development of that part of the land commencing.	Supported. It is a concern that access to this land is across a corridor of open space. The City supports being involved in the design and construction of this access to ensure that the open space and drainage functions and attributes of the corridor are not compromised. (note that the renumbering of permit conditions changes the numbering referred to by the Panel.)	Refer to Attachment 4 (condition 20 of the Planning Permit 1463/2016 for adoption)
<u>Contamination conditions</u>			
<b>17</b>	Delete exhibited condition 34 requiring a peer review of the Environmental Assessment.	Supported.	Refer to Attachment 4 (Planning Permit for adoption) – no condition included.
<b>18</b>	Based on the reasons set out in this Report, the Panel makes the following additional recommendation in relation to Permit Application PP1463/2016:  Inform the Minister for Planning that before a permit is issued, further notice should be given of the amended Outline Development Plan (Version Y2) under section 96H(2) of the Act.	Supported. Allowing development south of the southern waterway has arisen from the proponent post-exhibition in the lead up to the Panel Hearing. Landowners and residents in the vicinity have not had the opportunity to view these plans or have their say on them. It is important for the integrity of the process for this to be undertaken prior to any approval of the Amendment and planning permit.	Refer to the report recommendation for this resolution.
<b>The section 173 agreement</b>			

<b>No.</b>	<b>Panel Recommendations Greater Geelong Planning Scheme Amendment C367</b>	<b>City Response</b>	<b>Adopted Council Position</b>
	Based on the reasons set out in this Report, the Panel recommends that the draft section 173 agreement exhibited with the Amendment and draft permit be amended as follows:		
<b>19</b>	Delete clause 5 requiring an environmental audit of any land transferred to Council.	Supported The environmental assessment report submitted with the application address the condition of the land and finds that there is no contamination above WHO standards.	Refer to Attachment 7 (S173 Agreement)
<b>20</b>	Amend schedule 3 to: a) refer to the infrastructure projects more generally, rather than by reference to very specific plans  b) reflect the agreed position in relation to the timing of the signalisation of the Mollers Lane/Bellarine Highway intersection, and the width of shared paths, consistent with amended permit conditions 100(a) and 107(d) to (d).	Supported. These Panel recommendations reflect the position that the City presented to the Panel during the Hearing, and the negotiations held with Transport for Victoria.	Refer to Attachment 7 (S173 Agreement)
<b>Further recommendations</b> The Panel makes the following further recommendations:			
<b>21</b>	Should the Amendment be approved in a form that shifts the settlement boundary, Council should consider resolving the consequential inconsistencies between the revised settlement boundary and the Leopold Structure Plan in the next 5 yearly review of the Structure Plan.	Supported.	Included in the report recommendation

**Attachment 7**

**Model  
Agreement**

**Section**

**173**

Date / /



**Maddocks**

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**Agreement under section 173  
of the Planning and Environment Act 1987**

**Subject Land: Mollers Lane, Leopold**

**Purpose of Agreement: Payment of Infrastructure Contributions and Delivery of  
Infrastructure Projects**

**City of Greater Geelong**

and

**##**

**Draft 6 June 2019**

**NOTE**

This Agreement requires:

- each Owner who has entered into an identical agreement to pay an Infrastructure Contribution Liability which is payable in stages based on the Net Developable Area in that Stage; and
- the provision of one or more Infrastructure Projects before specified milestones.

This Agreement **does not** identify which Owner is required to deliver any particular Infrastructure Project although the obligation to provide the land component of any Infrastructure Project falls on the owner of that land in which the land component resides.

All Owners of the Subject Land contained in this Agreement are expected to agree among themselves as to who will be responsible for the delivery of the specified Infrastructure Projects where it comprises works as set out in Schedule 3 to this Agreement. One of the Infrastructure Projects comprises a signalised intersection which is not on the Subject Land but the responsibility for funding and delivery of this intersection is to be borne across all of the Owners and it is up to the Owners to agree between themselves who will be responsible for delivery of that Infrastructure Project noting that it must be

delivered before the issue of a statement of compliance for the stage that includes the 160<sup>th</sup> Residential Lot.

Council will not issue a statement of compliance for any stage of subdivision that contains an Infrastructure Project if it is not satisfied that the Infrastructure Project has been provided unless otherwise agreed.

This agreement contains legal obligations on all Owners. Owners should seek their own legal advice in relation to the obligations contained in this Agreement.

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**Schedule 2**..... 16  
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## Agreement under section 173 of the Planning and Environment Act 1987

Dated        /        / 2019

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### Parties

Name	<b>City of Greater Geelong</b>
Address	City Hall, 30 Gheringhap Street, Geelong, Victoria
Short name	<b>Council</b>
Name	<b>The Owners set out in Schedule 1</b>
Address	As set out in Schedule 1
Short name	<b>Owner</b>

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### Background

- A. Council is the responsible authority pursuant to the Act for the Planning Scheme. Council is also the planning authority for Amendment C367 to the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Subject Land is within an area that is being developed for urban purposes. Amendment C367 proposes to:
- C.1 rezone the Subject Land from Farming Zone to General Residential Zone Schedule 1 under the Planning Scheme; and
  - C.2 apply other planning controls as appropriate to the Subject Land –
- to give effect to the South Leopold Framework Plan.
- D. The Owner and Council have agreed that the Owner will:
- D.1 pay the Infrastructure Contribution;
  - D.2 carry out and complete the Infrastructure Projects; and
  - D.3 transfer Open Space Land to Council.
- E. As at the date of this Agreement, parts of the Subject Land are encumbered by a mortgage in favour of the Mortgagee. Each Mortgagee consents to the Owner entering into this Agreement.



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- F. As at the date of this Agreement, the Subject Land is subject to a Caveat in favour of the Caveators. The Caveators consent to the recording of this Agreement on the certificates of title to the Subject Land.
- G. The parties enter into this Agreement to:
- G.1 record the terms and conditions on which Council and the Owner have agreed for the Owner to pay the Infrastructure Contribution; and
  - G.2 record the terms and conditions on which the Owner is required to provide the Infrastructure Projects; and
  - G.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

### The Parties agree

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#### 1. Definitions

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Adjustment Index** means the annual Consumer Price Index (all groups) Melbourne as published by the Australian Bureau of Statistics.

**Agreement** means this agreement.

**Amendment C367** means Amendment C367 to the Planning Scheme prepared by Council in its capacity as the Planning Authority.

**Approval Date** means the date on which a notice of approval is published under section 36 of the Act or Amendment C367 commences to operate, whichever is the later.

**Approved Plans** means plans and specifications of an Infrastructure Project endorsed by Council in accordance with clause 4.2.3.

**Endorsed Plan(s)** means the plans endorsed under the Planning Permit.

**Infrastructure Contribution** means the contribution specified in Schedule 2 required to be made in accordance with clause 3.1.

**Infrastructure Contribution Liability** means the Owner's liability for the Infrastructure Contribution payable under clause 3.1.

**Infrastructure Project** means the infrastructure projects listed in Schedule 3.

**Land Project** means the land component of any Infrastructure Project.

**Localised Infrastructure** means works, services or facilities necessitated by the subdivision or development of land including but not limited to provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications infrastructure and local roads, bridges, culverts and other water crossings, any required associated traffic control measures and devices together with the associated land.



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**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**Net Developable Area** means land available for development. This excludes encumbered land, arterial roads, community facilities and public open space. It includes lots, local streets and connector streets. Net Developable Area may be expressed in terms of hectare units namely Net Developable Hectares.

**Northern Open Space** means the northern parcel of public open space adjacent to the northern waterway and basin as shown in the Endorsed Plans.

**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land and includes any Mortgagee-in-possession.

**Open Space Land** is any Land Project which comprises land for public open space.

**Party or parties** means the Owner and Council under this Agreement as appropriate.

**Plan of Subdivision** means a plan of subdivision of the Subject Land which is not a procedural plan but a plan that upon registration creates an additional lot which can be disposed of separately and is intended to be used for a dwelling or can be re-subdivided.

**Planning Permit** means planning permit number P1463/2016 issued or to be issued by Council for the staged multi lot subdivision of the Subject Land and other matters.

**Planning Scheme** means the Greater Geelong Planning Scheme and any other planning scheme that applies to the Subject Land.

**Registrar of Titles** means the Victorian Registrar of Titles.

**Residential Lot** means a lot which in the opinion of Council is of a size and dimension such that it is intended to be developed as a house lot without further subdivision.

**Schedule** means a schedule to this Agreement.

**Southern Open Space** means the southern parcel of public open space adjacent to the southern waterway and basin as shown in in the Endorsed Plans.

**Stage** means a stage identified in the Staging Plan..

**Staging Plan** means the plan attached as Annexure "A" to this Agreement.

**Statement of Compliance** means a statement of compliance issued by Council under the *Subdivision Act 1988*.

**Subject Land** means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.



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## **2. Interpretation**

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If the Owner comprises more than one party, then this Agreement binds them jointly and each of them severally.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

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## **3. Obligations of the Owner to pay development contributions.**

### **3.1 Infrastructure Contribution**

The Owner covenants and agrees that in addition to the obligations in clause 4 of this Agreement, the Owner must pay the Infrastructure Contribution in respect of that part of a plan of subdivision that proposes to create Net Developable Area:

- 3.1.1 prior to the issue of a Statement of Compliance in respect of any plan of subdivision; or
- 3.1.2 prior to the issue of an Occupancy Permit or the like under the *Building Act 1993* if there is no subdivision.

### **3.2 Indexation of Infrastructure Contribution**

The Owner agrees that the amount of the Infrastructure Contribution is to be adjusted each year on 1 July by the Adjustment Index.



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#### **4. Obligation of Owner to deliver Infrastructure Projects**

##### **4.1 Owner to carry out Infrastructure Project**

The Owner covenants and agrees that unless the Owner has been notified in writing by Council that an Infrastructure Project is to be delivered by a third party, the Owner must:

- (a) carry out and construct each Infrastructure Project generally in accordance with the Approved Plans;
- (b) provide by a process of transfer or vesting, the part of the Land Project which is on that Owner's land to Council at no cost to Council in any respect; and
- (c) all prior to the Provision Trigger identified in Schedule 3 unless Council has agreed to an alternative time.

##### **4.2 Design and construction of Infrastructure Projects**

The Owner agrees that, except with the prior written consent of Council:

- 4.2.1 the Owner will, at its cost, prepare detailed engineering plans and specifications of each Infrastructure Project and submit those plans and specifications to Council for approval;
- 4.2.2 the plans and specifications of each Infrastructure Project must:
  - (a) be to the satisfaction of Council; and
  - (b) comply with any conditions or requirements of any relevant planning permit or the Planning Scheme;
- 4.2.3 approval of the plans and specifications of each Infrastructure Project by Council will be reflected in a set of plans and specifications endorsed by Council as the Approved Plans; and



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- 4.2.4 the Owner will obtain all necessary permits and approvals for the Infrastructure Projects;
- 4.2.5 the Owner will construct the Infrastructure Projects in accordance with the Approved Plans to the satisfaction of Council unless Council has approved in writing a variation from the Approved Plans;

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### 5. Acknowledgement by the Owner

The Owner acknowledges and agrees that:

- 5.1.1 this Agreement contains obligations for the delivery of infrastructure namely the Infrastructure Projects but this Agreement does not specify which Owner is responsible for delivery of any particular item of Infrastructure Projects;
- 5.1.2 Council will not issue a Statement of Compliance for any plan of subdivision unless Council is satisfied that the Infrastructure Project has been delivered by the Provision Trigger for any particular item of Infrastructure;
- 5.1.3 it is the responsibility of the Owner or where the owner is more than one person the Owners to arrange between themselves who will be responsible for the delivery of any particular Infrastructure Project;
- 5.1.4 this Agreement does not relate to Localised Infrastructure; and
- 5.1.5 compliance with the obligations of this Agreement does not relieve the Owner of any obligation imposed by Council or a Tribunal to provide Localised Infrastructure which obligation may be imposed as a requirement in a planning permit for the subdivision or development of the Subject Land.

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### 6. Acknowledgements of Council

Council acknowledges that it will apply any amount received under this Agreement for the purpose of providing community facilities within Leopold.

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### 7. Further obligations of the Parties

#### 7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

#### 7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including:
  - (a) sign any further agreement, acknowledgment or document; and



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- (b) obtain all necessary consents to enable the recording to be made.

### **7.3 Council's costs to be paid**

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the drafting execution and registration of this Agreement which are and until paid will remain a debt due to Council by the Owner.

### **7.4 Interest for overdue moneys**

- 7.4.1 Any amount due under this Agreement but unpaid by the due date incurs interest at the rate referenced in section 172 of the *Local Government Act* 1989 and any payment made shall be first directed to payment of interest and then the principal amount owing.
- 7.4.2 Notwithstanding anything contained in this Agreement, no interest will begin to accrue unless the person obliged to make a payment has been specifically notified in writing by the other party of the event which gives rise to the obligation to make the payment.

### **7.5 Localised Infrastructure**

The Parties acknowledge and agree that:

- 7.5.1 this Agreement does not relate to Localised Infrastructure; and
- 7.5.2 compliance with the obligations of this Agreement does not relieve the Owner of any obligation imposed by Council or a tribunal to provide Localised Infrastructure which obligation may be imposed as a requirement in a planning permit for the subdivision or development of the Subject Land.

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## **8. Agreement under section 173 of the Act**

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed.

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## **9. Owner's Warranties**

- 9.1 The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.
- 9.2 The Owner warrants that the Open Space Land and any Land Project is in an environmental condition such as to be suitable to be used and developed for the purpose for which it is intended to be put.



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**10. Successors in title**

Until such time as a memorandum of this Agreement is recorded on the Certificate of Title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

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**11. General matters**

**11.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 11.1.1 personally on the person;
- 11.1.2 by leaving it at the person's current address for service;
- 11.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 11.1.4 by facsimile to the person's current number for service; or
- 11.1.5 by email to the person's current email address for service.

**11.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**11.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**11.4 No fettering of Council's powers**

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**11.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**11.6 Governing law**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.



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**12. GST**

**12.1 GST Act**

In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in that Act.

**12.2 Exclusive of GST**

Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

**12.3 Recipient must pay**

If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 12.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

**12.4 Tax invoice**

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 12.3.

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**13. Foreign resident capital gains withholding**

**13.1 Definitions**

For the purposes of this clause, the following definitions apply:

**Clearance Certificate** means a valid clearance certificate under section 14-220(1) of Schedule 1 to the Tax Act.

**Consideration** means any monetary and non-monetary consideration including a Credit required to be paid or given by Council to the Owner for the transfer or vesting of a Land Project or in respect of Open Space Land under this Agreement.

**Excluded Transaction** has the meaning given to that term in section 14-215 of Schedule 1 to the Tax Act.

**Statement of Compliance** has the same meaning as in the Subdivision Act 1988

**Tax Act** means the *Taxation Administration Act 1953* (Cth)

**Variation Amount** means, where the Owner has served a Variation Notice on Council, the amount required to be withheld as specified in the Variation Notice.

**Variation Notice** means a valid variation notice issued by the Australian Taxation Office in respect of a variation application made under section 14-235(2) of Schedule 1 of the Tax Act.

**13.2 Foreign resident status of Owner**

The Owner is taken to be foreign residents under Subdivision 14-D of Schedule 1 to the Tax Act unless the Owner gives to Council a Clearance Certificate no later than 10 Business



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Days before the Land Project and the Open Space Land is transferred to or vested in Council.

### **13.3 Excluded transaction**

13.3.1 Clause 13.5 does not apply if:

- (a) the transfer or vesting of the Land Project or the Open Space Land is an Excluded Transaction; and
- (b) the Owner provides Council with all information and documentation to satisfy Council that the transfer or vesting of the Land Project and the Open Space Land is an Excluded Transaction no later than 10 Business Days before the Land Project or the Open Space land as the case may be is transferred to or vested in Council's ownership.

13.3.2 Without limiting clause 13.3.1, the transfer or vesting of a Land Project or Open Space Land is an Excluded Transaction if the market value of the Land Project or Open Space Land as at the date of this Agreement is less than \$750,000.

### **13.4 Variation notice**

If the Owner provides Council with a Variation Notice prior to the transfer or vesting of the Land Project and Open Space Land, then Council will adjust the withholding amount (as specified in clause 13.5 below) in accordance with the Variation Notice.

### **13.5 Withholding**

13.5.1 This clause 13.5 applies if the Owner is taken to be foreign residents under clause 13.2 and the Owner has not satisfied Council that the transfer or vesting of the a Land Project and Open Space Land is an Excluded Transaction under clause 13.3.

13.5.2 Subject to clauses 13.5.3 and 13.5.4, Council will deduct from any monetary consideration payable to the Owner an amount equal to:

- (a) 12.5% of the Consideration (excluding GST) in accordance with section 14-200(3) of Schedule 1 to the Tax Act; or
- (b) the Variation Amount, if the Owner have provided Council with a Variation Notice in accordance with clause 13.4,

(withholding amount).

13.5.3 Subject to clause 13.5.4, if any monetary consideration payable to the Owner is less than 12.5% of the Consideration, the Owner must deliver to Council:

- (a) a cash payment equal to 12.5% of the Consideration (or such other amount as required by Council); or
- (b) the Variation Amount, if the Owner has provided Council with a Variation Notice in accordance with clause 13.4 -

upon delivery of the executed form of this Agreement to Council or such other time as Council may have allowed in writing as notified to the Owner.

13.5.4 If there is no Consideration specified in this Agreement, the Owner must deliver to Council:



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- (a) a cash payment equal to 12.5% of the market value of the Land Project and Open Space Land valued as at the date of this Agreement; or
- (b) the Variation Amount, if the Owner has provided Council with a Variation Notice in accordance with clause 13.4,

upon delivery of the executed form of this Agreement to Council or such other time as Council may have allowed in writing as notified to the Owner and the Developer.

### 13.6 Council to remit withholding amount

13.6.1 Council agrees to:

- (a) pay the withholding amount or amounts determined under clause 13.5 to the Reserve Bank of Australia (on behalf of the Australian Taxation Office) by electronic funds transfer immediately after the earlier of:
  - (i) Council receiving a transfer of land in respect of the Land Project and Open Space Land, in registrable form; or
  - (ii) the registration of a plan of subdivision which vests the Land Project or Open Space Land in Council's ownership;
- (b) provide the Owner with a copy of the purchaser payment notification form submitted by Council to the Australian Taxation Office; and
- (c) provide the Owner with a copy of any receipt of payment or proof of payment of the withholding amount issued by the Australian Taxation Office to Council.

### 13.7 Consideration adjusted after withholding

For the avoidance of doubt and notwithstanding anything else in this Agreement, the Consideration payable to the Owner and the Developer is reduced to the extent that a withholding amount is deducted from the Consideration under clause 13.5.

### 13.8 Owner to co-operate

13.8.1 The Owner must:

- (a) not procure the registration of a plan of subdivision which vests a Land Project or Open Space Land in Council's ownership unless:
  - (i) a Clearance Certificate has been provided to Council; or
  - (ii) the Owner and Council have agreed upon the amount to be withheld by and/or remitted by Council to the Australian Taxation Office in accordance with clause 13.5;
- (b) provide Council with 20 Business Days prior written notice of the lodgement of a plan of subdivision at Land Use Victoria which will have the effect of vesting any land in Council's ownership; and
- (c) notify Council immediately on the date on which a plan of subdivision registers which vests land in Council's ownership.

13.8.2 The Owner must provide Council with all information, documentation and assistance necessary to enable Council to comply with its obligation to pay the



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withholding amount within the time set out in section 14-200(2) of Schedule 1 to the Tax Act.

### **13.9 Owner's and Developer's warranty**

The Owner warrants that the information provided to Council under this clause 13 is true and correct.

### **13.10 Indemnity**

The Owner agrees to indemnify Council against any interest, penalty, fine or other charge or expense incurred by Council as a result of the Owner's failure to comply with this clause 13.

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## **14. Commencement of Agreement**

Unless otherwise provided in this Agreement, this Agreement commences from the Approval Date of this Agreement.

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## **15. Amendment of Agreement**

15.1 This Agreement may be amended in accordance with the Act.

15.2 If notice of a proposal to amend this Agreement is required pursuant to section 178C of the Act, the parties agree that only Council and the Owner of the Subject Land or that part of the Subject Land that is the subject of the proposal to amend this Agreement are required to be notified of the proposal.

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## **16. Ending of Agreement**

16.1 This Agreement ends:

16.1.1 when the Owner has complied with all of the Owner's obligations under this Agreement; or

16.1.2 otherwise by agreement between the Parties in accordance with section 177 of the Act.

16.2 Upon the issue of a Statement of Compliance for a plan of subdivision for any Residential Lot created over the Subject Land or earlier by agreement with Council, the Agreement ends in respect of that part of the Subject Land in the plan of subdivision in accordance with section 177 of the Act provided that at all times, the Agreement must remain registered on the balance of the Subject Land.

16.3 If notice of a proposal to end this Agreement is required pursuant to section 178C of the Act, the parties agree that only Council and the Owner of the Subject Land or that part of the Subject Land that is the subject of the proposal to end this Agreement are required to be notified of the proposal.

16.4 Once this Agreement ends as to part of the Subject Land, Council will, within a reasonable time following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register as to that part of the Subject Land.



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- 16.5 On completion of all the Owner's obligations under this Agreement, Council must as soon as practicable following the ending of this Agreement and at the Owner's request and at the Owner's cost, execute all documents necessary to make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register.

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## Schedule 1

### Subject Land

Address: ##

Subject Land and Certificate of title details: Volume ### Folio ###

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## Schedule 2

### Infrastructure Contribution

\$40,000 per Net Developable Hectare. (The Infrastructure Contribution is to be adjusted in accordance with this Agreement)



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### **Schedule 3**

#### **INFRASTRUCTURE PROJECTS**

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Table to Schedule 3			
Project Number	Infrastructure Project <sup>1</sup> Description	Extent of Project	Provision Trigger for the completion of the Infrastructure Project
1	The parks and Open Space Land along the creek/watercourse alignments including playground equipment seating, shared walking cycling paths, landscaping trees and utility services in accordance with the Planning Permit.	To the extent shown in accordance with the Planning Permit. The details of the inclusions of park furniture playground equipment and the like must be as per the Endorsed Plans.	<p>The Northern Open Space is to be delivered before the issue of a Statement of Compliance in respect of the first of the Stage or Stages in which adjoining residential subdivision is developed as shown on the Endorsed Plans.</p> <p>The Southern Open Space is to be delivered before the issue of a Statement of Compliance in respect of the first of the Stage or Stages in which adjoining residential subdivision is developed as shown on the Endorsed Plans..</p>
2	Drainage Infrastructure and water detention basins generally as shown in the Planning Permit but more particularly as per any drainage plan forming part of the Endorsed Plans	To the extent shown in the Planning Permit 1463/2016 but more particularly designed in accordance with any drainage plan forming part of the Endorsed Plans .	<p>The drainage infrastructure and water detention basin forming part of the Northern Open Space is to be constructed and completed prior to the issue of a Statement of Compliance in respect of Stage 1.</p> <p>The drainage infrastructure and water detention basin forming part of the Southern Open Space is to be constructed and completed prior to the issue of a Statement of Compliance in respect of any residential subdivision reliant upon draining to the southern drainage basin.</p>
3	The widening and upgrade of the western side of Mollers Lane so as to have a total road reservation width of 22 metres in accordance with plans forming part of the Endorsed Plans	To the extent shown in the Planning Permit .	The widening of Mollers Lane must be constructed prior to the issue of a Statement of Compliance for the first plan of subdivision for land adjoining that part of Mollers Lane proceeds, with the exception of that portion of Mollers Lane which is adjacent to the land at 32A and 32-40 Mollers Lane. That part of Mollers Lane which is adjacent to 32A and 32-40 Mollers Lane must be widened prior to the issue of a Statement of Compliance for the first plan of subdivision for residential development of land adjoining to the north and south.
4	Signalised intersection works to upgrade the intersection of Bellarine Highway and Mollers Lane in accordance with the relevant conditions in the Planning Permit and in accordance with the Endorsed Plans.	Signalised Intersection between Mollers Lane and Bellarine Highway	Prior to the issue of a Statement of Compliance for the stage that includes the 160 <sup>th</sup> Residential Lot.



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5	All Connector and other internal Roads	To the extent shown in the Planning Permit .	The issue of a Statement of Compliance in respect of the Stage within which the road is located.
6	Sewerage Pumping Station(s)	To the extent required by Barwon Water	As required by Barwon Water.

<sup>1</sup> *Infrastructure Project* is a defined phrase in this Agreement which includes Land Projects where applicable.



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## Signing Page

**Signed, sealed and delivered** as a deed by the Parties.

**SIGNED SEALED AND DELIVERED**  
on behalf of the **GREATER GEELONG**  
**CITY COUNCIL** by  
pursuant to an instrument of delegation  
authorised by Council resolution, in the presence  
of:

.....  
Witness

**Signed Sealed and Delivered** by ## in the )  
presence of: )  
)

.....  
Witness

**Signed Sealed and Delivered** by ## in the )  
presence of: )  
)

.....  
Witness



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