

Mollers Lane, Leopold

**Planning Scheme Amendment C367
Combined Application for Rezoning,
Multi-Lot Staged Subdivision, Removal of
Native Vegetation, Removal of Easements and
Alter Access and Subdivision Adjacent to a
Road Zone Category 1 Road**

Reference: 15196-01

January 2018

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1. INTRODUCTION

TGM Group Pty Ltd has been engaged by Mollers Lane Developments Pty Ltd and Pamas Property Pty Ltd to prepare and submit a combined Planning Scheme Amendment Application C367 pursuant to Section 96A of the Planning and Environment Act 1987, for the rezoning, multi-lot staged subdivision, removal of native vegetation, removal of easements and to alter access and subdivision of land adjacent to Road Zone Category 1 Road to facilitate residential development at 2-120 Mollers Lane, Leopold (subject land).

The application also proposes to introduce a Schedule to the Design Development Overlay to ensure a coordinated and planned approach for the residential development of the subject land should the planning permit lapse.

The subject land is comprised of six separate properties being 2-20, 22-30, 32-40 and 32A, 42-90 Mollers Lane and the entirety of 92-120 Mollers Lane which includes a small area of 9.5 hectares outside the current residential growth boundary of Leopold. The addition of this land is considered to be a logical inclusion as it provides considerable drainage, servicing and environmental benefits and is supported in the South East Leopold Growth Area Framework Plan 2016.



Figure 1 : Subject Land

The subject land is located in the south eastern corner of Leopold adjoining General Residential 1 Zone land to the north and northwest and Farming Zone land to the south and east. Land directly adjoining to the west is also in the Farming Zone and is identified for future Residential 1 development in Clause 21.14-8 Leopold Structure Plan Map.

This planning report has been prepared consistent with the overarching State and Local Strategic Planning Policies and specific statutory planning provisions of the Greater Geelong Planning Scheme relevant to the rezoning and the future subdivision of this land. The planning report also includes a number of technical reports and plans that demonstrate the subject land's suitability and capability for subdivision under the proposed zone, and should be read in conjunction with these technical reports as attached.

2. BACKGROUND

In January 2016 the City of Greater Geelong with the assistance of Tract Consulting prepared a Framework Plan for the South East Leopold Growth Area to provide a planning guide for the future use and development of land identified in the Leopold Structure Plan for Residential Growth.

The Framework Plan was developed in consultation with all Landowners, Council Officers and relevant Referral Agencies who provided input into the overall design direction for the area. The Framework Plan provides a graphic representation of an overall urban design approach that incorporates key land use features including linear open space reserves along the creek network, connector roads to provide east/west integration and a shared pathway network. The features of the Framework Plan have been incorporated in the overall subdivision design response of this application.

In addition to land identified in the Leopold Structure Plan for residential growth the Framework Plan has included the southern part of land at 92-100 Mollers Lane of approximately 9.5 hectares in area located outside the Leopold Settlement Boundary as a logical addition to the area.

This land was not originally considered for inclusion in Amendment C254 Leopold Structure Plan as only the northern part was requested for inclusion due to its location outside the Significant Landscape Overlay 10. The southern portion of this land is located within this overlay and thus at that time it was considered that the development of this land may impact the surrounding farming landscapes of Lake Connewarre.

In the submission to the C254 Panel, CPG on behalf of the landowner, provided a Landscape Character and Visual Assessment report in support of the inclusion of the northern portion of this land that also acknowledged that the southern portion of this land is hidden from views by ridges CPG 25 April 2012 (page 7). However the southern portion of the land was not promoted for inclusion as it was subject to Significant Landscape Overlay 10 and was recommended to be planted as a landscape buffer.

In response Council formally supported the inclusion of the northern section of this site within the Leopold Settlement Boundary. However, Council advised the Panel that the resolution of the southern section of land, and whether it be vested with Council, is unlikely to occur and will be resolved at a later time.

The Panel agreed that further strategic work would be required to ensure any future development would provide adequate drainage and a landscape strategy that would protect the views to and from Lake Connewarre.

Further strategic work has been undertaken as part of the development of the Framework Plan and as part of the amendment application (primarily the Significant Landscape Overlay Re-assessment report developed by Xurban) has provided the additional strategic work which has resulted in validating the inclusion of this land.

As advised the Framework Plan was developed in consultation with Landowners and Referral Authorities to assist in determining the overall concept plan for the land. The additional area to the south was recognised as the lowest point which is the logical location to establish drainage and sewerage infrastructure which was recommended by Barwon Water in their referral response and supported by Council Engineers. Thus the addition of this land would significantly reduce development costs.

The addition of the southern parcel is considered to be a sound decision as it forms an important contiguous link with the land to the north and west. It will enable the opportunity to develop integral land use features to enrich the overall urban design outcomes as illustrated in the Framework Plan including:

- The reinstatement of the southern creek consistent with the proposed reinstatement of the northern creek.
- The establishment of a contiguous open space creek reserve with the adjacent land to the west as also proposed to be established to the north.
- The establishment of logical pedestrian connections along the enhanced creek reserve.
- The establishment of a stormwater treatment and detention basin at the lowest point of the subdivision integrated with the open space surrounding the creek to avoid the development of a turkey nest basin.
- The reduction of development costs by reducing the number of sewerage pumping stations as advised by Barwon Water.

The Framework Plan demonstrates that the addition of this small parcel is a logical and positive inclusion that will enhance the overall urban design attributes of the residential development consistent with the proposed landscape treatment to the north.

Significant Landscape Overlay Re-Assessment (Attachment 10)

As advised the southern portion of land at 92-110 Mollers Lane was excluded from consideration at the C254 Panel as the land is affected by the Significant Landscape Overlay 10. This is despite the acknowledgement that the southern portion is hidden from views by ridges as assessed in the Landscape Character and Visual Assessment report by CPG 25 April 2012 (page 7).

To assist in resolving whether the inclusion of this land is appropriate Xurban was engaged to develop a Significant Landscape Overlay Re-Assessment report to investigate the visual impact implications of the current Significant Landscape Overlay (SLO) and assess whether the current boundary is responsive to the visual setting.

The report concludes that the landscape setting surrounding Lake Connewarre is an important feature and should be maintained. The report also concludes that the current SLO boundary is overconservative and can provide the same degree of visual protection if the SLO boundary was located further to the south.

Xurban recommends that the SLO boundary be relocated to the 25 metre contour which is located almost entirely outside the urban growth land including the southern parcel where only a small portion of the open space reserve is affected.

This report validates that the SLO Boundary can be removed from the land (including the southern parcel) without detriment to the landscape that surrounds Lake Connewarre. Therefore this application also seeks to amend the current SLO boundary consistent with the recommendations of Xurban.

Conclusion

The inclusion of the southern portion of land at 90-110 Mollers Lane will result in a sound planning and development outcome. As advised the land provides considerable landuse advantages to enrich and enhance the develop ability of the land, by providing additional open space and pedestrian opportunities, infrastructure and servicing advantages and positive environmental outcomes that substantiate this land as a logical inclusion. The inclusion of this land also has strategic planning support via the Southeast Leopold Urban Area Framework Plan and will not have any detrimental impact on the rural landscapes surrounding Lake Connewarre.

3. APPLICATION OVERVIEW

This application seeks approval for the combined rezoning, multi lot subdivision, native vegetation removal and removal of easements at 2-120 Mollers Lane, Leopold pursuant to Section 96A of the Planning and Environment Act 1987.

The details of the Amendment include:

- Rezoning land at 2-120 Mollers Lane (39.5 hectares) from the Farming Zone to the General Residential 1 Zone.
- Planning Permit application for the creation of a multi-lot subdivision at 2-120 Mollers Lane consistent with relevant planning provisions of the Greater Geelong Planning Scheme.
- Reduction to the extent of the current Significant Landscape Overlay Schedule 10 over the land.
- Introduction of a Schedule to the Design and Development Overlay to the subject land.
- The removal of Native Vegetation.
- Removal of easements.
- Alter access and subdivision of land adjacent to Road Zone Category 1 Road.

Planning Scheme Amendment Details:

This application seeks the following changes to the Greater Geelong Planning Scheme:

- Amends Map 69ZN to show land at 2-120 as General Residential 1 Zone.
- Amends Map 69SLO to remove SLO10 from part of the subject land.
- Amends Map 69DDO to introduce a Schedule to the Design and Development Overlay on the subject land.
- Amends Clause 21.14-8 Leopold Structure Plan Map to show land at 2-120 as General Residential 1 Zone land.
- Amends Clause 21.14 Bellarine Peninsular to reference the South East Leopold Framework Plan and include this plan as a Schedule to this Clause.

3.1 Section 96A of the Planning & Environment Act

This application seeks approval for the combined rezoning, multi-lot residential subdivision, removal of native vegetation, removal of easements and alter access and subdivision of land adjacent to Road Zone Category 1 Road pursuant to Section 96A of the Planning and Environment Act. A Section 96A application is considered the most appropriate planning tool as:

- The proposed subdivision is of a relatively small area and there are no significant matters that require further detailed analysis under a secondary planning tool.
- The subdivision and future development of the site can be appropriately managed via planning permit conditions. Any additional work such as detailed engineering designs will be managed via permit conditions to the satisfaction of the Responsible Authority, which is the accepted planning process.
- The proposed plan of subdivision layout has been designed to integrate with the adjoining uses and facilitate development to the west.
- A Section 96A combined application provides a significant degree of certainty regarding the final form of this subdivision of the land.

- In addition a Schedule to the Design and Development Overlay will be introduced over the subject land to guide any future development should the proposed Planning Permit not be acted upon.
- The extent of the current SLO10 overlay will also be reduced under this process.
- All land owners support the application.

4. SUBJECT LAND & CONTEXT

The subject land is irregular in shape, approximately 39.5 hectares in area, and comprises of six separate land parcels at 2-20, 22-30, 32-40 and 32A, 42-90 and 92-120 Mollers Lane. The northern part of the subject land encompassing Lots 2-20, 22-30, 32-40 and 32A are approximately 195 metres wide, which then broadens to approximately 385 metres in width encompassing Lots 42-90 and 92-120. The overall length of the subject land is approximately 1,200 metres.

The application applies to the following titles:

- Vol. 09208 Fol. 879 and Vol. 09225 Vol. 576, Lot 1 on Title Plan 167626J - 2-20 Mollers Lane, Leopold
- Vol. 08643 Fol. 237, Lot 2 on Lodged Plan 74593 - 22-30 Mollers Lane, Leopold
- Vol. 09072 Fol. 030, Lot 1 on Lodged Plan 11395 - 32-40 and 32A Mollers Lane, Leopold
- Vol. 10252 Fol. 153, Land in Plan on Consolidation 35339K - 42-90 Mollers Lane, Leopold
- Vol. 10401 Fol. 393, Lot 1 on Title Plan 11676Q – 92-120 Mollers Lane, Leopold

Refer to Attachment 1 – Titles.

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

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

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

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

The subject land adjoins the Bellarine Highway to the north which is a dual lane road with vegetated centre median strip and grassed verges. Mollers Lane is a formed gravel road with grassed verges.

The subject land is located in south eastern corner of Leopold adjoining developed General Residential 1 Zone land to the north and northwest and Farming Zone land to the south and east. Land directly adjoining to the west is also in the Farming Zone and is identified for future Residential 1 development in the Leopold Structure Plan Map. **Refer to Attachment 2 – Site and Context Aerial Photograph.**

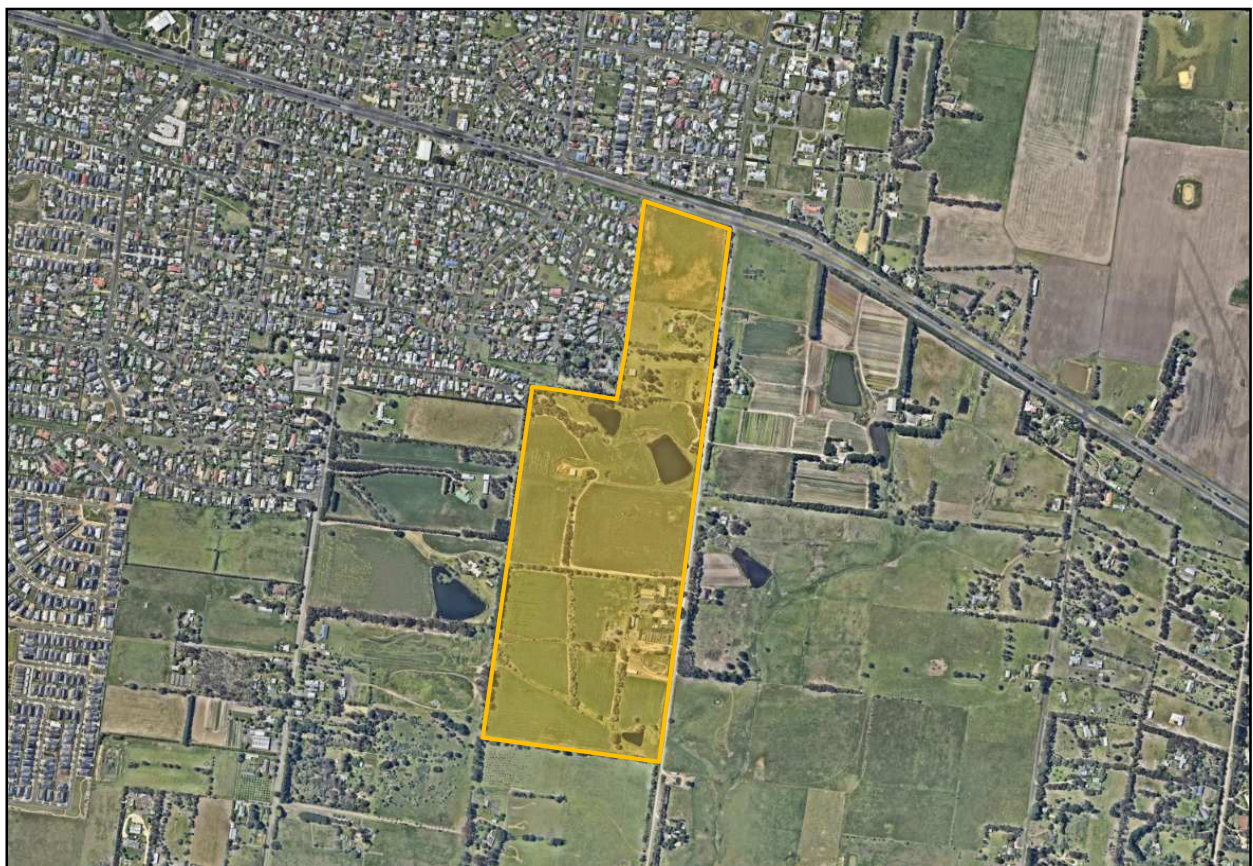


Figure 2 : Subject Land and Context

5. APPLICATION DETAILS

In accordance with Section 96A of the Planning and Environment Act 1987 this application seeks approval for a combined planning scheme amendment to rezone the subject land and Planning Permit application for a multi-lot subdivision and removal of native vegetation, removal of easements and alter access and subdivision of land adjacent to Road Zone Category 1 Road. The details of the Amendment include:

- Rezoning of the subject land of approximately 39.5 hectares from the Farming Zone to the General Residential 1 Zone.
- Staged Multi lot subdivision of the General Residential 1 Zone land.
- Reduction of the extent of the current SLO10.
- Introduction of a Schedule to the Design and Development Overlay to the subject land.
- Removal of Native Vegetation.
- Removal of Easements.
- Alter access and subdivision of land adjacent to Road Zone Category 1 Road.

It is proposed to rezone approximately 39.5 hectares of Farming Zone Land at 2-120 Mollers Lane, Leopold to the General Residential Zone Schedule 1. Leopold is a designated sub regional centre in Clause 21.04 Municipal Framework Plan. The rezoning of this land accords with the strategic direction for residential growth in Leopold as indicated in Clause 21.14-8 Leopold Structure Plan Map.

In addition as advised it is proposed to rezone an additional 9.5 hectares of land at 90-120 Mollers Lane and include this land in the Leopold Settlement Boundary. The addition of this land is considered to be a logical inclusion as it will prevent the creation of a small 9.5 hectare Farming Zone lot and provide open space, drainage and environmental benefits for the entire Leopold South East Leopold Growth Area. The rezoning of the subject land is also supported in the South East Leopold Framework Plan 2016.

The proposed multi-lot subdivision will create 494 residential lots at an average of 14 lots per hectare. The lots will range in size from 450m² to over 700m² to provide a variety of lot sizes to meet the diverse housing needs of the local community.

The proposed subdivision has been designed generally in accordance with the South East Leopold Framework Plan includes the following features:

- The development of a grid style integrated road network that provides main road access from three major connector roads, Mollers Lane along the eastern boundary and two proposed east/west roads. All roads will provide local access and the two east/west roads will also provide future connections for the proposed residential land to the west.
- An open space network adjoining the two creeks that bisect the subject which includes landscaped linear open space surrounding these features that is also edged by the local road network to provide passive surveillance.
- A large local park integrated with open space along the northern creek located to provide for new residents and existing developed residential land to the northwest.

- The percentage of open space proposed to be provided is over 16%.
- The incorporation of two stormwater basins adjoining and adjacent to the open space creek network to establish a significant open landscape feel.
- A shared walking path network integrated with the open space reserves and with the future development of land to the west.

Refer to Attachment 4 – Overall Development Plan, TGM and Staged Proposed Plan of Subdivision, TGM.

As advised the proposed subdivision has been designed to create a variety of lot sizes to facilitate the development of a mix of dwelling types to meet the different needs of the local community. The proposed lots are all an appropriate size to develop a dwelling, garage and to establish private open space. The proposed lots are predominantly orientated north-south with some east-west which together with the proposed lot diversity will satisfy the varying needs of the Leopold housing market.

The subdivision has been designed to provide a permeable network of streets, walkways and public spaces to establish a high amenity quality residential estate. The subdivision is based on a modified logical grid pattern design that positively responds to the natural topographical and environmental features of the land to establish a high degree of connectivity to filter access through the subdivision rather than being concentrated to a small number of access points.

A feature of the subdivision is the establishment of three connector roads that provide the primary access to and beyond the estate. This includes Mollers Lane which will act as the primary link to and from the Bellarine Highway and two east/west connector roads that will provide primary access through the subdivision that will inter-link with the future residential land to the west. The alignment of the northern most east/west collector road has been chosen to integrate with the Barwon Water water main and avoid creating dead space which accords with the recommendations of the South East Leopold Framework Plan.

Smaller local access roads have been incorporated in the subdivision design to link with the connector roads to provide the main access to dwellings throughout the subdivision. All selected road typologies have the capacity for on-street parking, the provision of services and street trees. **Refer to Attachment 5 –Traffic Impact Assessment, ESR Transport Planning and Attachment 6 – Landscape Plans, Mexted Rimmer and Associates.**

The key environmental and open space feature of the subdivision is the proposed reinstatement of two creek tributaries that bisects the land above the midpoint and along the southern boundary of the subdivision. The creeks will be designed to manage flows up to the 1 in 100 flood events and provide habitat for native flora and fauna. The creeks will be edged on both sides by linear unencumbered public open space reserves that will establish an attractive landscape element for passive open space activities. A shared walking path will also be established within each reserve which will also be edged by roads to establish an open green landscape feature that will allow for passive open surveillance from the adjoining street network and adjacent dwellings. **See Attachment 6 – Landscape Plans, Mexted Rimmer and Associates.**

A local park is also proposed to be created to be integrated with the northern creek reserve corridor to provide a combined significant area of public open space. This park will be developed to provide formal play spaces which broadens the open space attraction and activities for future residents. **Refer to Attachment 6 – Landscape Plans, Mexted Rimmer and Associates.**

The subdivision design also features two municipal reserves set aside to manage stormwater generated by the future subdivision of the land. These reserves will have the capacity to treat stormwater consistent with the principles of water sensitive urban design and detain stormwater to predevelopment flows to ensure that there are no downstream impacts. **Refer to Attachment 7 Site Stormwater Management Plan and Flood Impact Report, TGM.** Preliminary investigations undertaken as part of the **Infrastructure and Servicing Assessment by TGM (Attachment 8)** has confirmed that there is existing sufficient capacity within the existing supply networks to provide all essential services to facilitate the proposed subdivision without the need for major augmentation.

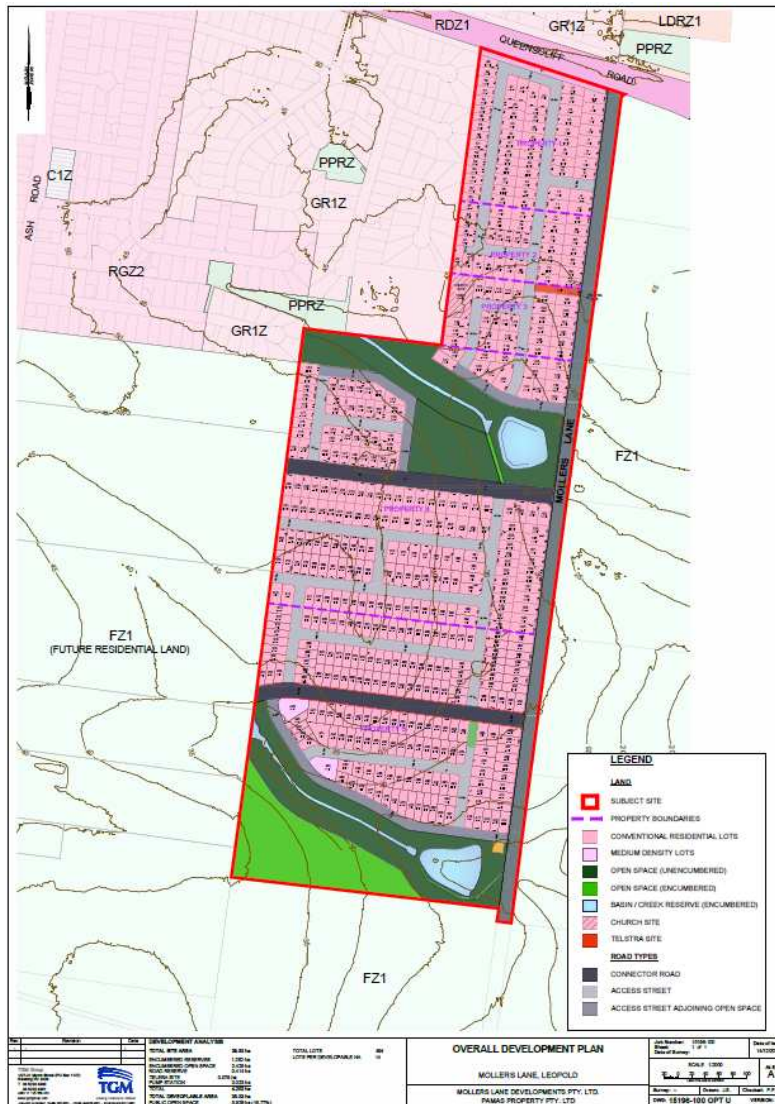


Figure 3 : Proposed Plan of Subdivision

6. PLANNING PERMIT TRIGGERS

A Planning Permit is required for the proposal under the following provisions of the Planning Scheme:

General Residential 1 Zone

(GRZ1) (Proposed)

Clause 32.08-3

Subdivision of Land

Significant Landscape Overlay

(SLO10) (Existing & Proposed)

Clause 42.03-2

Removal of Native Vegetation

Native Vegetation

Clause 52.17-3

Removal of Native Vegetation

Removal of Easements

Clause 52.02

Easements, Restrictions and Reserves

Land Adjacent to a Road Zone, Category 1

Clause 52.29

Create or alter access to a Road Zone, Category 1 , Subdivide land adjacent to a Road Zone, Category 1

7. ZONING & OVERLAY PROVISIONS

7.1 CURRENT ZONING

The site is currently within the Farming Zone (Clause 35.07), the purpose of which is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

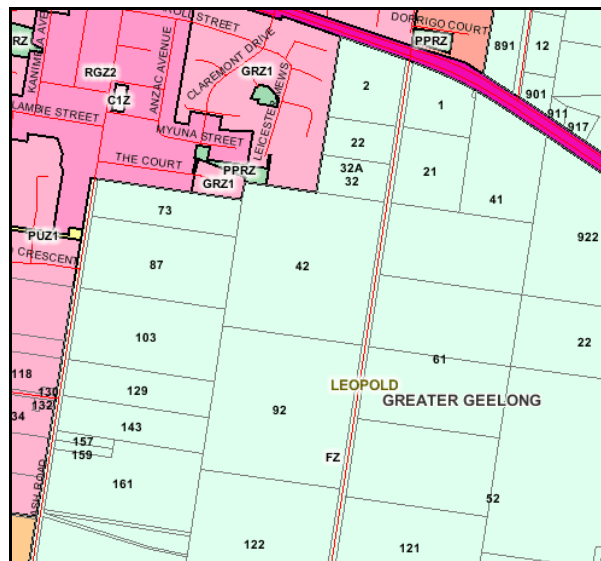


Figure 4 : Current zoning map

Response: The land is currently within the Farming Zone which reflects its historical use and that of the surrounding land to the south, west and east which predominantly involved grazing and cropping activities. The land forms part of a larger area of South East Leopold identified in the Leopold Structure Plan Map for development to Residential 1 zone land. Thus whilst the Farming Zone seeks to retain and protect farming land, as this land is located just to the south of Leopold it has been identified to facilitate the future residential growth requirements of Leopold.

7.2 CURRENT OVERLAY

The southeast portion of the site is covered by Schedule 10 to the Significant Landscape Overlay (Lake Connewarre Escarpment). Approval is sought under Clause 42.03-2 as part of this application for removal of native vegetation.



Figure 5 : Current SLO10 Overlay

Objectives:

- To protect locally significant views and vistas that contribute to the landscape, including extensive and scenic outviews across waterbodies from main roads and settlements.
- To ensure that the prominent slopes above Lake Connewarre retain a largely unbuilt and partially vegetated character, free from intrusive built development.
- To improve the appearance of rural living development within the landscape.
- To minimise the visual impact of infrastructure and signage throughout the landscape.
- To maintain and improve indigenous vegetation throughout the landscape, particularly at roadsides, in riparian strips and on lake escarpments.
- To protect cultural vegetation elements that positively contribute to the character of the landscape, including exotic wind breaks and feature planting around homesteads.
- To recognise and protect the continuation of the land as a working farmed landscape.

Response: *The subject land forms part of a broader farming area that surrounds Lake Connewarre. Schedule 10 seeks to protect and retain these broader undeveloped rural landscapes to protect Lake Connewarre from potential visual impacts from buildings and structures and thus retain the prominent slopes surrounding Lake Connewarre largely free of obtrusive built forms. As advised, the subject land has been identified to facilitate the future residential growth demands of Leopold and thus it is intended to develop this land. The development of this land is unlikely to detrimentally impact on the visual landscape values surrounding the Lake due primarily to the undulating topographical nature of the escarpment which essentially limits broader viewing opportunities. Also there are very limited and restricted opportunities to view the Lake and the surrounding escarpment at this location or other locations. Given the strategic direction for this land to facilitate residential growth and its location away from the immediate visual landscape surrounding Lake Connewarre, the part removal of this Schedule can be justified. This view is supported in the Significant Landscape Overlay Re-assessment report of Mollers Lane by Xurban Landscape Architects who recommend that the Overlay be relocated along the 25 metre contour. The proposed amendment to SLO10 is reflected in Figure 6 below.*



Figure 6 : Proposed Revised Significant Landscape Overlay

Refer to Attachment 10 – Significant Landscape Overlay Re-assessment, Xurban.

7.3 PROPOSED ZONING

The land is proposed to be rezoned from the Farming Zone to the General Residential 1 Zone. Refer to Attachment 3 – Current and Proposed Zones and Overlays.

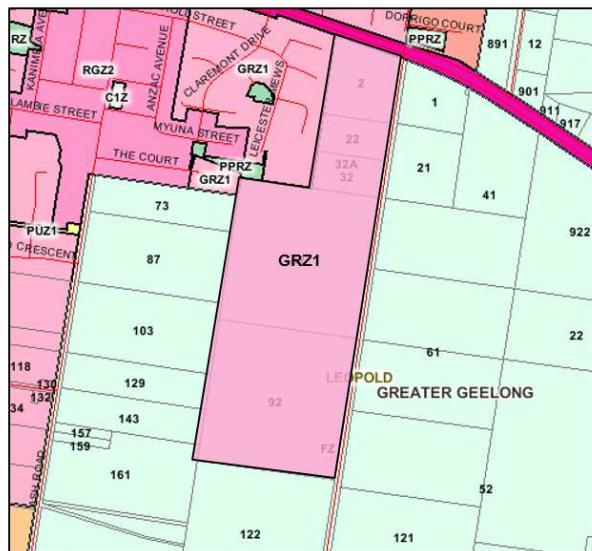


Figure 7 : Proposed Zoning Map

Purpose:

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

Response: *The introduction of this zone is considered appropriate in this context as land forms part of a larger land area located in the south east of Leopold recommended to be rezoned to the Residential 1 Zone in Clause 21.14-8 Leopold Structure Plan map of the Greater Geelong Planning Scheme. The subject land and the entire lot at 92-120 is also supported for residential growth in the South East Leopold Framework Plan 2016. The **Environmental Assessment Report by ESA – Attachment 13** has confirmed that the land is suitable for residential development. The proposed staged plan of subdivision (**Attachment 4**) provides a positive and integrated response to the site and the established residential character of Leopold by providing a lot density of just over 14 lots per hectare and providing a mix of lot sizes to cater for the varying needs of the Leopold Community.*

The Infrastructure and Servicing Assessment by TGM (**Attachment 8**) has confirmed that there is sufficient capacity within the existing supply networks to provide all essential services to facilitate the proposed subdivision without the need for major augmentation. The land is also within close distance to commercial, community and recreational services of Leopold and will be located in an inspiring rural and lake hinterland setting, which will add to the unique and diverse residential settings available in Leopold and the Greater City of Geelong.

Under Clause 32.08-3 of the General Residential 1 Zone, a permit is required to subdivide land. An application to subdivide land must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Response: The subdivision design has been developed to provide a positive response to the lands environmental features and the adjoining developed urban character of this area. Key features of the subdivision design that achieves this outcome are the reinstatement of the creek network, integration of open space and a proposed lot density of just over 14 lots per hectare which accords with the neighbourhood character of Leopold. The subdivision has also been designed to provide a permeable network of streets, walkways and public spaces to establish a high amenity quality residential estate. The subdivision design will also facilitate the creation of a range of lot sizes that will meet the varying housing demands of this community within close distance to all commercial and public facilities of Leopold. **Refer to Attachment 11 – Response to Clause 56, TGM.**

Under the provisions of Clause 32.08-3, an application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building, must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4. Where a vacant lot less than 400 square metres is created, that lot must contain at least 25 percent of the lot as garden area.

The provisions of Clause 32.08-4 require a lot to provide a minimum garden area at ground level as follows :

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 square metres	25%
501 - 650 square metres	30%
Above 650 square metres	35%

Response: As is standard practice by the City of Greater Geelong, Permits issued for the subdivision of land contain a requirement that any future dwelling construction on any lots created comply with the relevant garden area requirements of the Planning Scheme.

7.4 PROPOSED OVERLAYS

In addition to the proposed amendment to SLO10 discussed above, the application proposes to introduce a Schedule to the Design Development Overlay to guide the development of the land should the proposed Planning Permit expire.

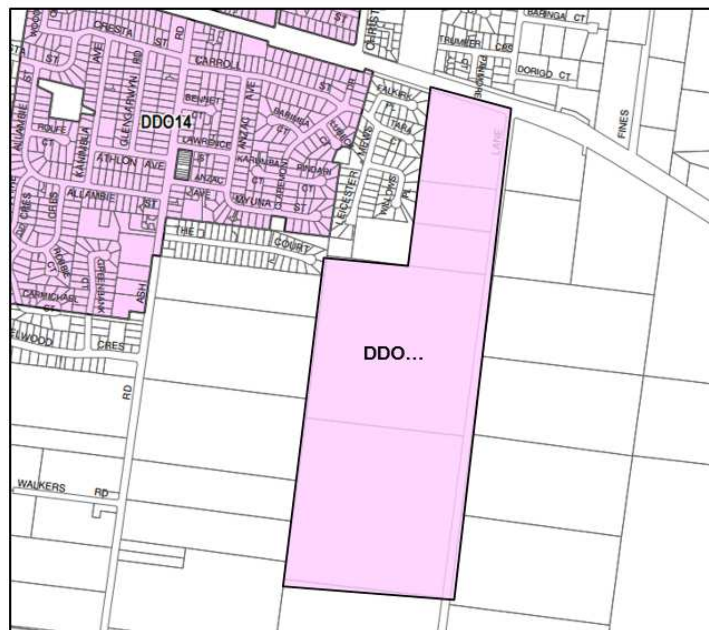


Figure 8 : Proposed Design and Development Overlay

Proposed Schedule to the Design Development Overlay – Refer to Attachment 3 and separate amendments documents.

South East Leopold Growth Area

Design objectives

General

- To implement the South East Leopold Framework Plan as attached to this schedule.
- To facilitate the orderly and integrated residential development of the area.

Access

- To create a safe and integrated road network that establishes Mollers Lane as a connector road and incorporates two east west connector roads to provide primary access to the estate.
- To provide a shared pathway network or safe on-road bicycle links that establish safe interconnected walking and cycling routes.

Open Space

- To ensure local parks are conveniently connected to linear open space opportunities adjoining waterways.
- To ensure best practice stormwater management objectives (quantity, quality, Volume) are met to prevent adverse impact on downstream areas.

Response: *The application proposes to amend the Planning Scheme by introducing a Schedule to the Design and Development Overlay over the land to guide the future residential development should the planning permit issued for this subdivision application expire. The proposed Schedule essentially seeks to guide development via the implementation of the South East Leopold Framework Plan which forms an attachment to the Schedule. It also reinforces and supports the development of the primary urban elements (as identified in the Design Objectives) including the development of connector roads, shared pathways and integrated open space reserves that essentially shape and inform the overall urban character outcomes of this land. In addition, the application requirements of this Schedule require the submission of key supporting information to validate the proposed urban design and environmental outcomes of any future planning permit. Applications will be assessed to determine whether the design objectives of this Schedule have been met and whether the overall subdivision design generally accords with the South East Leopold Framework Plan.*

7.5 PROPOSED POLICY CHANGES

This application also seeks to amend Clause 21.14 as it relates to Leopold by referencing the implementation of the South East Leopold Framework Plan and including this plan as an attachment to this Clause. The details of these changes are illustrated in the separate amendment documents.

This application also seeks to amend Clause 21.14-8 Leopold Structure Plan map by identifying land at 92-120 Mollers Lane in its entirety within Leopold Settlement Boundary as land to be rezoned as Residential 1 Zone land.

8. PARTICULAR PROVISIONS

8.1 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

Under the provisions of Clause 52.01, a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988. The Schedule to Clause 52.01 requires that for subdivision of land zoned for residential purposes for 10 or more lots on land zoned for residential purposes after August 31st 2007 a 10% contribution is required.

Response: *Under this Clause and Schedule an open space contribution of 10% is required for residential subdivision. The subdivision proposes to provide a total of 5.926 hectares of unencumbered public open space located adjoining the proposed creek reserves that bisect the estate. This area equates to 14% of the Net Developable Area and thus is in excess of the percentage of land required for public open space under this clause. Refer to Attachment 4 – Overall Development Plan, TGM.*

8.2 EASEMENTS, RESTRICTIONS AND RESERVES

Under the provisions of this clause a permit is required for the removal of easements.

Response: *The application seeks planning approval to remove the following easements:*

- *E1 and R1 on LP74593*
- *E1 and E2 on LP113935*
- *E2 on PC353398k*

8.3 NATIVE VEGETATION

Under the provisions of Clause 52.17-2, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- *If the table to Clause 52.17-7 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.*
- *To an area specified in the schedule to this clause.*

Response: *The application seeks planning approval to remove native vegetation under this Clause. The application is accompanied by a **Vegetation Due Diligence Assessment and Biodiversity Assessment Report** from Mark Trengove Ecological Services. The report is included in **Attachment 12** to this report. Native vegetation in patches are located in the subject land and particularly along Mollers Lane and within the existing dams which are proposed for removal. It is proposed to seek approval to offset the native vegetation loss.*

8.4 LAND ADJACENT TO A ROAD ZONE, CATEGORY 1, OR A PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD

Under the provisions of Clause 52.29, a permit is required a permit is required to:

- Create or Alter access to a Road Zone Category 1
- Subdivide land adjacent to a Road Zone Category 1

Response: *The application seeks planning approval to create the proposed staged multi lot subdivision adjacent to the Bellarine Highway which is a Road Zone Category 1 Road. In addition the application will require changes to the Bellarine Highway/ Mollers Lane intersection as the land is developed. The changes proposed are described in the **Traffic Impact Assessment Report by ESR Transport Planning Pty Ltd (Attachment 5)***

9. GENERAL PROVISIONS

9.1 DECISION GUIDELINES

Under the provisions of Clause 65.02, before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Response: *The application accords with the relevant decision guidelines of this clause. The land is identified to be rezoned for residential use in Clause 21.14-8 Leopold Structure Plan map and the South East Leopold Framework Plan 2016. The subdivision has been designed to integrate with the future residential land to the west and provide a lot density that is consistent with the existing density and character of Leopold.*

The subdivision design provides a positive response to the topographical characteristics of the land and will provide key environmental and open space features. The road layout proposes to create three connector roads to provide the primary access to and through the subdivision. The combination of these roads, access streets walkways and shared paths will achieve a functional and legible subdivision that will allow ease of access throughout the subdivision.

The drainage system has been planned to meet all contemporary water treatment and discharge requirements and will ensure that there are no downstream impacts. The staging of the subdivision will logically commence along the northern boundary with the Bellarine Highway and will progressively move south as stages have been completed. All utility services will be available to supply the proposed subdivision.

10. POLICY CONTEXT

The following planning provisions must be considered in response to a combined planning scheme amendment and planning permit application:

- The objectives of Planning Victoria as set out in Section 4(1) of the Planning and Environment Act 1987;
- The State Planning Policy Framework of the Greater Geelong Planning Scheme; and
- The Local Planning Framework of the Greater Geelong Planning Scheme.

10.1 PLANNING AND ENVIRONMENT ACT 1987

Pursuant to Section 12(1) (a) of the Planning and Environment Act 1987, it is a duty of planning authorities to implement the following objectives of Planning Victoria as set out in Section 4(1) of the Planning and Environment Act 1987:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and;
- (g) to balance the present and future interests of all Victorians.

Response: *This application accords with Section 4(1) of the Planning and Environment Act 1987 as it will provide for the rezoning and subdivision of the land to achieve an orderly, well planned outcome consistent with the strategic direction of Leopold.*

10.2 STATE PLANNING POLICY FRAMEWORK

[Clause 11.01-1 Settlement Networks](#) – The objective of which is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

[Clause 11.02 Urban Growth](#) contains policies relating to the supply of urban land, planning for growth areas and the sequencing of developments.

[Clause 11.02-2 Planning](#) for growth areas seeks to concentrate urban development in growth areas close to services and public transport.

[Clause 11.02-3 Structure Planning](#) seeks to facilitate orderly development of urban areas through the preparation of strategic plans.

[Clause 11.04-1 Open space planning](#) seeks to assist create a diverse and integrated public open space network linked via paths and trails to meet the community's needs.

[Clause 11.05-2 Distinctive areas of state significance](#) – This policy aims to protect and enhance the valued attributes of the distinctive areas including the Bellarine Peninsula.

[Clause 11.07 Regional Victoria](#) – Contains policies relating to regional planning and peri-urban areas. Objectives of which include developing regions and settlements which have a strong identity, are prosperous and are environmentally sustainable and to manage growth in peri-urban areas to protect and enhance their identified valued attributes.

[Clause 11.09 Geelong \(G21\) Regional Growth](#) – Leopold is identified as an area to ‘Support planned growth and reinforce the role of distinct towns’ (see plan below). Relevant policies relate to planning for growth, connected communities and sustainable communities.



Figure 9 : G21 Map

[Clause 12.01-1 Protection of biodiversity](#) seeks to ensure that strategic planning avoids and minimises significant impacts on Victoria’s biodiversity.

[Clause 12.01-2 Native vegetation management](#) seeks to ensure that permitted clearing of native vegetation results in no net loss to biodiversity in Victoria.

[Clause 12.04-2 Landscapes](#) seeks to ensure the protection of significant landscapes.

[Clause 15.01-1 Urban design](#) seeks to promote functional and quality urban environments that responds to the site and context.

[Clause 15.01-2 Urban design principles](#) seeks to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

[Clause 15.03-2 Aboriginal cultural heritage](#) seeks to ensure conservation of cultural heritage is appropriately addressed.

[Clause 16.01-4 Housing diversity](#) seeks to provide a range of housing types to meet the varying needs of the community.

Clause 19.03-2 Water supply, sewerage and drainage seeks to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Response: The application is considered to accord with the above mentioned State policies. Leopold is identified as a district town where urban growth is planned and expected which is also reflected in the Leopold Structure Plan and South East Leopold Framework Plan. The land is located adjoining developed residential land and is planned to be serviced to facilitate future urban growth. The land will provide a diverse and integrated open space network via the provision of linear open space areas, local parks and stormwater basins either adjoining or adjacent to the proposed reinstated creeks. These features will be interconnected by a shared pathway network to provide for easy walking and cycling access throughout the estate and with opportunities to extend this network to future proposed residential land to the west.

*The application will also result in the restoration of the degraded creek network that traverses the site at two locations. This restoration work will include redefining the natural creek bed and incorporation of habitat features such as native plants to provide a positive environmental outcome. The urban design and open space approach incorporates street edged open space areas for public safety and easy and pleasant access as well as providing public viewing opportunities to the adjacent rural landscapes to the east. The application is supported by an approved **Cultural Heritage Management Plan (Attachment 9)** which requires the salvage of artefacts.*

*The proposed subdivision will contribute to the range of lot sizes in this area consistent with the existing neighbourhood character, and will contribute to housing diversity and affordability. The land will be drained using current best practice water sensitive urban design principles and to Council standards as required, which will ensure no downstream impacts on neighbouring properties and Lake Connewarre. **Refer to Attachment 7 - Site Stormwater Management Plan and Flood Impact Assessment, TGM.***

10.3 LOCAL PLANNING POLICY FRAMEWORK

10.3.1 MSS

Clause 21.05-2 Waterways seeks to enhance and protect waterways by the appropriate management of stormwater runoff from developments.

Clause 21.05-7 Flooding seeks to protect floodplains and minimise the risk of flood damage.

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

The subdivision also proposes to create a range of lot sizes to accommodate the varying housing needs of the Leopold Community.

10.3.2 LOCAL PLANNING POLICIES

There are no Local Policies relevant to this application.

11. CONCLUSION

In summary, it is considered that the rezoning of this land for residential subdivision and development is a logical and orderly planning outcome having regard to the overall recognised strategic planning direction for South East Leopold. Leopold is a district town where urban growth is encouraged which is further reinforced in the Leopold Structure Plan which also supports residential growth at this location. The inclusion of the South East Leopold Framework Plan in the Greater Geelong Planning Scheme also assists in reinforcing this strategic direction and the provision of an overall preferred character for urban development in this area.

The proposed plan of subdivision, landscape plans and supporting technical reports and plans validate that the land can facilitate residential development to provide an attractive and integrated subdivision to meet the variable housing demands of the Leopold community. The proposed combined application provides the appropriate planning controls and tools to ensure the development of a high quality residential estate in-keeping with the existing urban character of Leopold with the added environmental and open space features expected in contemporary residential subdivisions.

The application is considered to accord with relevant State and Local Planning Policies and the planning provisions of the General Residential Zone 1 and thus should be supported.



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Chris Marshall
Manager - Town Planning