

MINUTES

COMMUNITY FOCUS COUNCIL MEETING

TUESDAY, 8 SEPTEMBER 2020

7.00PM

HELD VIRTUALLY BY ZOOM AND BROADCAST
ON THE CITY'S WEBSITE

COUNCIL:

Cr S Asher (Bellarine Ward)

Mayor

Cr K Grzybek (Windermere Ward)

Deputy Mayor

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 B Harwood (Kardinia Ward)

Cr P Murnane (Kardinia Ward)

Cr R Nelson (Kardinia Ward)

Cr A Aitken (Windermere Ward)

1. PROPOSED AMENDMENT C391GGEE AND PLANNING PERMIT PP39/2019 – ASH ROAD (EAST), LEOPOLD

Source: Planning, Design & Development – City Development
Director: Gareth Smith
Portfolio: Planning

Purpose

1. To support the preparation and exhibition of a combined planning scheme amendment C391ggee and planning permit 39/2019 to rezone land at 73-85 to 143-155 Ash Road Leopold to General Residential Zone 1 (GRZ1) and Design and Development Overlay (DDO) and to subdivide the land for conventional residential development.

Background

2. The amendment and permit application have been made by Tract Consulting Pty Ltd on behalf of Eastern Ash Pty Ltd, a subsidiary of Ample Investment Group Pty Ltd.
3. The subject land of the permit and rezoning (shown in **Attachment 3**) consists of five separately owned Farming Zone properties.
4. The South East Leopold Framework Plan (shown in **Attachment 5**) was prepared in 2016 to guide the rezoning and development of approximately 80 hectares south of the Bellarine Highway between Ash Road and Mollers Lane. This application covers about half of the area, known as the Ash Road east.
5. Amendment C367 and permit 1463/2018 affecting the Mollers Lane side was approved earlier this year.

Key Matters

6. Amendment C391ggee is supported by the Leopold Structure Plan adopted by Council in 2013, which identified this land as suitable for conventional residential development in one of the City's growth areas.
7. The general layout of the proposed subdivision accords with the South East Leopold Framework Plan 2016 and allows for a cohesive development across the south east growth area of the town.
8. The rezoning affects 5 properties whilst the permit application only applies to two of the larger centrally located properties.
9. The lot yield from the planning permit will be approximately 195 lots.
10. Stormwater drainage from the site will flow through the Mollers Lane development and onto Lake Connewarre. Development impact of freshwater flows into the Lake require careful management and may require a separate application to the Commonwealth Government for approval under the EPBC Act.
11. The subdivision layout has been influenced by the approved Mollers Land development to the east and by the road structure of land to the west in the Ash Road west area that was rezoned by Amendment C280.
12. Development contributions will be required for community infrastructure and allocated towards the pavilion at the Estuary Reserve. These are to be attained through a section 173 Agreement.

Cr Sullivan moved, Cr Mason seconded -

13. That Council:

- 13.1 Endorse the preparation and exhibition of Amendment C391ggee to the Greater Geelong Planning Scheme to rezone land at 73-85, 97-101, 103-127, 129-141 and 143-155 Ash Road, Leopold from Farming Zone to General Residential Zone 1 with an accompanying Design and Development Overlay;**
- 13.2 Considers the application for a planning permit for the subdivision of land and removal of native vegetation for 87-101 and 103-127 Ash Road, Leopold concurrently with the preparation of the Amendment in accordance with the provisions of Section 96A of the Planning and Environment Act 1987;**
- 13.3 Prepares a section 173 Agreement for development contributions; and**
- 13.4 Requests the Minister for planning to authorise the preparation and exhibition of Amendment C391ggee and Planning Permit 39/2019.**

Carried.

Attachment 1

Financial Implications

1. Road and drainage infrastructure and open space will be provided by the developer. Community infrastructure contributions will be gained through a section 173 Agreement under the *Planning and Environment Act 1987*.

Community Engagement

2. Current landowners and other parties were consulted in the preparation of the South East Leopold Framework Plan in 2016.
3. All landowners affected by the rezoning proposal have given their support to the applicant to make the rezoning application.
4. If Council resolves to support the exhibition, the amendment and permit will be exhibited in accordance with the requirements of the *Planning and Environment Act 1987*. This is anticipated to occur later in 2020 or early in 2021. Nearby landowners and occupiers, prescribed Ministers and other relevant agencies will be directly notified during the statutory exhibition period. The broader community will be notified through notices in the local newspapers and the City's website. There will be an opportunity to make submissions.
5. Changes to the *Planning and Environment Act 1987* in May 2020 allow for exhibition of planning scheme amendments without the need to have paper copies available for view at Council offices during the covid-19 period. This amendment will be available for viewing online.

Social Equity Considerations

6. The Amendment will provide social benefits through the establishment of a new residential development conveniently located to sporting, community and educational facilities. Development contributions will be allocated to community infrastructure projects within Leopold, most likely being the Estuary Reserve Leopold Modular Pavilion.

Policy/Legal/Statutory Implications

7. The proposal accords with the objectives of Planning in Victoria as set out in the *Planning and Environment Act 1987* as it provides for the rezoning and subdivision of land to achieve an orderly well-planned outcome consistent with the strategic direction of Leopold.
8. The proposal is consistent with the Planning Policy Framework, in particular with the Leopold Structure Plan which identified this land as suitable for conventional residential development as the key remaining growth area within the Leopold settlement boundary.
9. This site represents a logical rezoning as it will complete the urban growth on the south eastern edge of Leopold with the General Residential Zone 1.

Alignment to Council Plan

10. The proposal aligns with the directions of the Sustainable Built and Natural Environment and the Growing our Economy strategic priorities as it facilitates development in accordance with an adopted township structure plan.

Conflict of Interest

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

Risk Assessment

12. There are no risks with proceeding with the recommendations of this report.

Environmental Implications

13. The permit application seeks approval to remove native vegetation and appropriate offsets will be required.
14. The planning permit will include conditions for the management of stormwater leaving the site to protect Lake Connewarre downstream.

Attachment 2

Background

1. In 2011 the Leopold Structure Plan identified the suitability of the south eastern area of Leopold for future urban development.
2. The first of the rezoning in this part of Leopold was Amendment C280 and it rezoned the Ash Road west area (western side of Ash Road) to residential in March 2016. Development commenced in the area in 2019.
3. In 2016 the City of Greater Geelong engaged Tract Consultants to prepare a Framework Plan for the South East Leopold Growth Area to guide the subsequent rezoning and development processes. It was essentially developed as a tool to guide future development and ensure a coordinated approach given the current development pressures in Leopold. The Framework Plan was developed in consultation with landowners, City Officers and relevant referral agencies who all provided input into the overall design direction for the area.
4. The Framework Plan recommended key features to be incorporated into the overall future residential development of the area including linear open space reserves along the creek network, connector roads to provide east/west integration, a shared pathway network, and retention of some stands of mature trees to provide character and interest to the area.
5. **Attachment 5** shows the South East Leopold Framework Plan Map. The Plan has helped inform coordinated development across the broader area but is not included in the Planning Scheme as a reference document.
6. There were two logical development fronts within the area of the Plan – Mollers Lane and Ash Road east (subject of this application). Mollers Lane was rezoned to residential and a planning permit issued for subdivision in January 2020.

Discussion

7. The application being considered is a combined Planning Scheme Amendment and Planning Permit pursuant to section 96A of the Planning and Environment Act 1987. It relates to the land at 73-85, 87-101, 103-127, 129-141 and 143-155 Ash Road. Leopold, a combined area of approximately 29 hectares.
8. The rezoning proposal affects all the land. The planning permit for subdivision and removal of native vegetation only affects the land at 87-101 and 103-127 Ash Road only. Refer to **Attachment 3** for the outline of these areas. **Attachment 6** shows the proposed extent of rezoning and DDO.
9. The application is accompanied by several reports addressing traffic, infrastructure, environment, landscape, stormwater management and cultural heritage.
10. The site is located approximately 2.2 kilometres southeast of the Gateway Plaza and 12 kilometres east of the Central Geelong. It is located to the south and east of Leopold's existing residential area. Immediately west of the site is the Ash Road west area where development has commenced. Land to the east is part of the 40-hectare Mollers Lane area which was rezoned to residential earlier this year. **Attachment 4** shows the locality.
11. All the land is located within the Farming Zone and is used for rural lifestyle purposes. There is a single dwelling and associated outbuildings on each site. Two easements are located throughout the site, one managed by Barwon Water, running parallel to the northern boundary of 87-101 Ash Road, for the purposes of water supply.

- A second easement is located with both 87-101 and 103-127 Ash Road, running in a northwest to southeast direction, contains a Barwon Water outfall pipe.
12. The site is rolling topography with a large dam located within the eastern half of 87-101 Ash Road. The site is mostly grassed and punctuated with planted vegetation to mark out many of the property boundaries. Some patches of native vegetation remain within the site.
 13. The rezoning and planning permit will allow the land to be developed in a form that will achieve integration with the Mollers Lane development to the east and connection to the Ash Road west area centred on Walkers Road. This is consistent with the objectives of the Leopold Structure Plan and the Framework Plan.
 14. The land is not subject to cultural heritage sensitivity nor to any overlays.
 15. All necessary infrastructure required to facilitate future residential subdivision can be provided to the site.
 16. The combined rezoning and planning permit proposal is supported by planning policy to extend the existing residential area. It is consistent with the Leopold Structure Plan which identified this land as suitable for conventional residential development as the key remaining growth area within the Leopold settlement boundary.
 17. The proposal accords with the objectives of Planning in Victoria as set out in the *Planning and Environment Act 1987* as it will provide for the rezoning and subdivision of land to achieve an orderly, well planned outcome consistent with the strategic direction of Leopold.
 18. The land will provide an integrated open space network via the provision of linear open space area and local park and co-located storm water detention basin. These features will connect to the east into the Mollers Lane development area and provide easy walking and cycling access throughout the new residential area estate.
 19. The urban design and open space approach to the layout incorporates street edged open space areas for public safety and ready access. The proposed subdivision will contribute a range of lot sizes consistent with the offerings in the other recently subdivided areas of Leopold and will go close to meeting Council's policy of 15 lots per hectare. The subject land will be drained using current best practice water sensitive urban design principles and meet Council and CCMA requirements ensuring integration with neighbouring properties and no impacts on Lake Connewarre downstream.
 20. Both the Structure and Framework Plans include additional land to the south at 157, 159 and 161-183 Ash Road within the area for urban growth. This consists of 3 properties, comprising 2 smaller 4,000m² lifestyle blocks and a much larger 8ha site. This land can be serviced and drained separately from area subject of this application and is not reliant on the proposed road and drainage infrastructure. These three properties have not been included in this rezoning proposal and will be subject to a future application for any rezoning.
 21. The developer applicant has agreements with the two largest properties and has advanced this combined rezoning and permit application. They have the support of the balance of the landowners for the rezoning application to include their land.
 22. **Attachment 7** shows the indicative subdivision layout proposal for the subject land.

Integration with existing residential area

23. All existing residential development to the north of the subject land consists of a lengthy cul-de-sac which was reflective of the favoured development type of the era it was subdivided and the earlier settlement boundaries of Leopold. It is a pattern that is not conducive to integrating the proposed subdivision with this established area.

The proposed subdivision layout across the site will reflect a contemporary subdivision design with connectivity and open space featured.

24. As the Ash Road east area has been designed to seamlessly connect with the Mollers Lane area to the east through the linear open space, northern and southern connector roads and the layout of the proposed subdivision.

Storm water management

25. The key feature of the subdivision is the linear open space that will bisect the land from north west to south east. This area will follow the natural stormwater flows rather than a formally constructed watercourse. This has support from the CCMA and the City's engineers.
26. The subdivision design also features a significant drainage reserve and basin to manage stormwater generated by the future subdivision of the land. The reserve 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.
27. With its urban development, water volume discharge from the subject land will increase into the existing defined waterways. The proposed onsite detention basin will 'flatten out' the peaks of discharge.
28. Stormwater discharge from the site will be largely downstream through the Mollers Lane development. There are ongoing discussions between City officers and the Mollers Lane developers about future transmission of stormwater from their site to Lake Connewarre. The Ash Road east development will feed into the final arrangement.

Road network

29. Primary access to this area will be from Ash Road. It will be widened and will be constructed with kerb, channel and bitumen seal for its length along the rezoning area.
30. To accommodate increased traffic using Ash Road Lane, the Bellarine Highway/ Ash Road intersection will need to be upgraded to lengthen the right-hand queuing lane from the Highway into Ash Road. The development will be required to fund the costs of this work.
31. There are two proposed east-west connector roads within the site – one in the north and one in the south. The northern road is based around the existing Barwon Water easement that runs east-west through the site and contains the Bellarine Water Transfer Main pipelines. This proposal will integrate with the alignment approved as part of the Mollers Lane development to the east. The southern road is located to provide a westerly link with the Estuary Boulevard/Walkers Road on the west side of Ash Road and is a key design parameter in the Framework Plan. Again, the alignment of this southern connector seamlessly integrates with the alignment set in the Mollers Lane area.
32. Design of the subdivision and the provision of two connector roads will allow for the future provision of bus routes through the new subdivision.

Proposed Overlay

33. This Amendment will introduce and apply a new Design and Development Overlay (DDO) to the site. This will facilitate development that is generally in accordance with the Structure Plan and the Framework Plan.

34. The proposed DDO will be similar to the terms of the DDO43 which was applied to the Mollers Lane development front. It will feature an overall development plan and include requirements to be met including urban design, stormwater management, traffic and pedestrian movements, public open space and environmental management.
35. A DDO requires a planning permit to construct a building or construct or carry out works, and to subdivide land. This will provide a backup in the unlikely event that the concurrent permit with this rezoning is not acted upon. It will also provide the guidance for subdivision pattern for the properties being rezoned but which are not subject to the concurrent planning permit.
36. Application of a DDO means that permit applications for the future subdivision of the balance of the properties will go through a third-party notification process. As detailed subdivision plans for these sites are not yet known and subject to future permits, it is a fair expectation that the community be able to have a review process.
37. A Development Plan Overlay (DPO) could be applied to the site but is not recommended as it would duplicate the concurrent planning permit proposal for about half of the rezoning area. For the three smaller, separated properties outside of the permit area, requiring 2 or 3 requiring development plans for subsequent development is deemed to be unnecessary administrative burden when planning permits will suffice.

Open space

38. Most of the open space is to be provided through a linear spine oriented in a northwest to southeast direction across the site complemented by a triangular shaped reserve of approximately 1.0 ha. The drainage reserve is to be co-located with the linear open space. All open space is proposed to be bounded by public roads to provide casual passive surveillance and ease of access.
39. The linear open space will include shared pathways and other usual infrastructure such as seating and landscaping.
40. The Planning Scheme requires a 10% contribution for open space for residential subdivision. The City can attain this through land or cash equivalent or a combination of both. Final calculations and configurations are being negotiated and will be completed for exhibition.

Environment Issues

41. A Growling Grass Frog assessment will need to be undertaken in October to determine if the area provides any habitat and how it should be protected. This may have a minor impact on subdivision layout.
42. An Environmental Assessment prepared by Coffey for 73-155 Ash Road, Leopold did not identify any soil contamination that would impact on the rezoning and future residential subdivision.
43. Some native vegetation will be removed as part of the subdivision works. These patches are unfortunately located close to the existing dam which needs to be completed rebuilt to meet the required engineering standards for a drainage basin. Offsets will be required for this lost vegetation within the same catchment or municipal area.

Development contributions

44. The development needs to provide localised infrastructure such as stormwater drainage, public open space and roads to meet the needs of the future residential population.

45. For these smaller growth areas which are fewer than 40 hectares with a handful of landowners, the City's approach is that the developer delivers the local infrastructure as part of the development. The City does not take on the role of directly facilitating local infrastructure delivery through collecting contributions and passing these onto other developers/landowners delivering works in kind through mechanisms such as developer contributions plans (DCP) and overlays, i.e. the City does not act as a collection agency for this smaller growth area and become involved in funding arrangements between developers and private property owners. A DCP would also usually only be required where there is regional infrastructure to be delivered – in this application there is none.
46. Development contributions for this proposal will be obtained via section 173 Agreement with a draft Agreement to be exhibited with the amendment. The s173 will also clarify the infrastructure being delivered by the developers.
47. It is more complicated to deal with a section 173 Agreement where there are multiple landowners who are not all working together to advance the rezoning. It was able to be achieved with the Mollers Lane landowners and developers who worked together and voluntarily entered into s173 Agreements to deliver the local infrastructure and the community infrastructure contribution. Time will be required to continue negotiations with the proponent on this matter before proceeding to exhibition.
48. If agreement can't be reached with all landowners an available option is to proceed with rezoning only the land subject to the permit application, 87-101 and 103-127 Ash Road.
49. Development contributions for community infrastructure will also be required. These contributions are collected on a per lot basis and will most likely be allocated to the Estuary Reserve Modular Pavilion planned for the sporting reserves in the Estuary Estate adjacent to Melaluka Road.

Attachment 3

Extent of Rezoning Application and Planning Permit Application

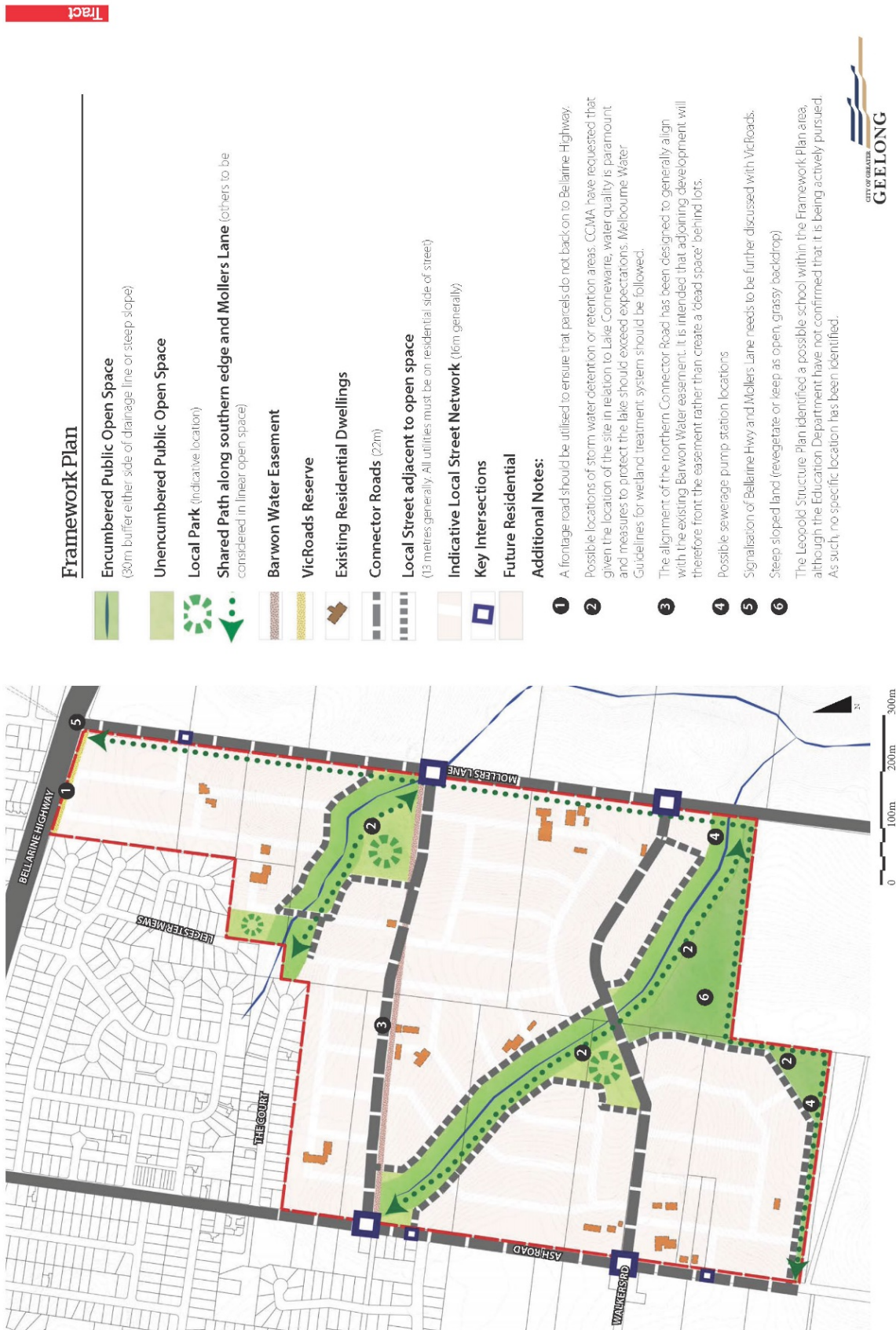


Attachment 4
Locality Plan



Attachment 5

South East Leopold Framework Plan



Attachment 7
Indicative Subdivision Layout Plan

