

PART B PANEL SUBMISSION



GREATER GEELONG PLANNING SCHEME AMENDMENT C391ggee & PERMIT APPLICATION No. PP-39-2019

73-85 Ash Road to 143-155 Ash Road, LEOPOLD

Part B Submission to the Independent Panel

Panel: Kathy Mitchell (Chair) and Geoffrey Caruthers
Date: 22 November 2021
Presented by Susan Williamson and Leanne Stockley on behalf of
City of Greater Geelong

Contents

INTRODUCTION	3
THE AMENDMENT	3
THE PERMIT.....	3
THE SECTION 173 AGREEMENT	3
SUMMARY OF COUNCIL’S PART B SUBMISSION	4
RESPONSE TO ISSUES RAISED IN SUBMISSIONS.....	6
STRATEGIC SUPPORT FOR THE AMENDMENT	6
LACK OF INFRASTRUCTURE TO SUPPORT THE REZONING	10
STORMWATER MANAGEMENT	11
SUBDIVISION INTEGRATION WITH MOLLERS LANE GROWTH AREA	13
TRAFFIC IMPACTS.....	15
ENVIRONMENTAL IMPACT	16
TREATMENT OF SOIL CONTAMINATION	19
SOCIAL AND AFFORDABLE HOUSING CONTRIBUTION.....	21
REVISED SUBDIVISION LAYOUT	23
RESPONSE TO EVIDENCE TABLED	26
PLANNING PERMIT CONDITIONS	30
FINAL POSITION ON THE AMENDMENT	35
CONCLUSION.....	35
APPENDICES	36

INTRODUCTION

1. This submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel's support for Amendment C391ggee and Planning Permit 39/2019.
2. The submission is in response to version 1 Panel Direction #12. *At the Hearing Council must provide a Part B submission that:*
 - *responds to submissions and evidence*
 - *provides its final position on the Amendment.*

The Amendment

3. The proposal is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987*.
4. The land subject to the amendment ("the subject land") is 73-85 Ash Road, 87-101 Ash Road, 103-127 Ash Road, 129-141 Ash Road and 143-155 Ash Road, Leopold.
5. The Amendment proposes to rezone the land at 73-85 to 143-155 Ash Road, Leopold to residential to facilitate future subdivision and development of the area in accordance with the Council adopted Leopold Structure Plan September 2011 (Amended January 2013).
6. Specifically, the Amendment will:
 - Rezone all the land from Farming Zone (FZ) to the General Residential Zone Schedule 1 (GRZ1); and
 - Insert a new schedule 46 to Clause 43.02 Design and Development Overlay that will apply to the land proposed to be rezoned.

The Permit

7. The land subject of the concurrent planning permit is 87-101 Ash Road and 103-127 Ash Road, Leopold.
8. The planning permit application seeks approval for the multi-lot staged subdivision of 87-101 and 103-127 Ash Road, Leopold, the removal of native vegetation and the removal of easement(s).

The Section 173 Agreement

9. A draft Section 173 Agreement, to be applied to the properties to be rezoned, accompanied the exhibited Amendment to formalise development contributions and the delivery of local infrastructure for the area.

Summary of Council's Part B Submission

10. We laid out the history and strategic policy basis for the Amendment in our Part A Submission.
11. This submission forms Council's response to the issues raised in submissions to the amendment and permit.
12. We also provide the panel with the background to the revised layout plan included in the proponent's submission 8.
13. We submit that the rezoning of the site is strategically justified being located within the settlement boundary of Leopold, a designated district town on the Bellarine Peninsula and warrants a zone that will allow residential development that can capitalise on the site's location in the growth an established growth area.
14. We support the permit application to subdivide the land into conventional lots and super lots that will have potential for some medium density development. We believe the post-exhibition planning permit conditions featured in Appendix 1 address key issues raised in submissions.

Figure 1 – Land Subject to Amendment and Planning Permit



RESPONSE TO ISSUES RAISED IN SUBMISSIONS

15. The key issues raised in submissions are categorised under the following themes:
16. The main issues that have come out of the submissions include:
 - Strategic support for the amendment – loss of semi-rural area, too much development and change in Leopold
 - Lack of infrastructure to support the rezoning – shops, doctors, services, schools
 - Stormwater management – downstream connection with Mollers Lane system
 - Subdivision integration with Mollers Lane growth area – roads, open space, stormwater, permit conditions
 - Traffic impact – road congestion and safety concerns
 - Environmental impact – loss of flora and fauna, impact on Lake Connewarre and waterways
 - Treatment of soil contamination
 - Social and affordable housing contribution.
17. This submission now responds to the issues based on the Council report of 28 September 2021.

Strategic support for the amendment

What is the issue?

18. Many submissions opposing the amendment do not support changing the semi-rural feel and outlook of the area. These submissions seek to maintain the current status of the area or at a maximum, allow for low density development. Submitters like the quiet and low-key nature of the area that allows for families to move about. There is general concern about the loss of the rural outlook in favour of population growth, conversion of the land to urban use and the changing nature of Leopold. The consequential impacts on traffic, infrastructure and environmental impacts are concerns from rezoning and development.
19. In contrast, submissions supporting the amendment argue that there is strong policy support for the rezoning.

Council response

20. Submitters are concerned about the future for Leopold. Some moved to their homes for the lifestyle and outlook provided in Ash Road. The planning policy settings for the town are known and have been established in consultation with the community over a long period of time. Leopold has an important town role on the Bellarine and is identified in the Planning Policy Framework (PPF) at clauses 21.06 and 21.14 of the Planning Scheme as a district town where growth and new housing is supported within the existing settlement boundary. Prior to its re-designation as a district town by the Settlement Strategy (2020) and Amendment C395 it was an urban growth location for

many years and a consequence is that the nature and outlook of areas previously on the edge of Leopold have changed.

21. The Amendment rezones land that is identified for future residential development in the Leopold Structure Plan and is consistent with the objectives and strategies of the PPF. The proposal accords with the map in the Structure Plan and in clause 21.14 Bellarine Peninsula. The Amendment has a sound strategic basis in the Settlement Strategy and is also consistent with the need outlined in the G21 Regional Growth Plan and the Localised Planning Statement to manage expansion of the region's urban areas and maintain non-urban breaks between settlements.
22. The combination of these policies protects the valued rural and coastal areas of the Peninsula from the pressure of urban expansion, consistent with the objectives of the Localised Planning Statement.
23. Clause 21.14 has the following very specific strategies for Leopold:
 - *'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.'*
24. This is represented on the Leopold Structure Plan map below and shows that the rezoning of the Ash Road east area will fill in the urban development of the south eastern edge of Leopold and connect the Ash Road west and Mollers Lane development area.

Figure 2 – Leopold Structure Plan Map



25. The following plan shows the land subject of this combined amendment and planning permit in the context of the other recent rezoning to residential, C280 Ash Road west and C367 Mollers Lane.

Figure 3 – Development Areas is South Leopold



26. The Settlement Strategy supports the continued planned growth of new housing in Leopold within its settlement boundary. It also confirms the current town boundary and redirects the bulk of Greater Geelong’s new housing needs away from the Bellarine

Peninsula to Armstrong Creek, future growth areas on the north and west of Geelong and through infill within the existing urban area.

27. The Department of Environment, Land, Water and Planning draft Bellarine Peninsula Statement of Planning Policy (SPP) having declared the Bellarine Peninsula a Distinctive Area and Landscape (DAL) in 2019.
28. The draft Bellarine Peninsula SPP aims to build upon existing strategic policy (such as the Bellarine Peninsula Localised Planning Statement) to protect the declared area's outstanding landscapes and coastal landforms, unique natural environment, rich Wadawurrung living cultural heritage and historic heritage, and important infrastructure and natural resources.
29. Relevant to Leopold, the draft SPP proposes protected settlement boundaries for townships on the Bellarine Peninsula including Leopold. The proposed Settlement boundaries for Leopold are consistent with the existing boundaries of townships identified in Clause 21.14 of the Greater Geelong Planning Scheme. This will protect the valued farmland and landscapes around Leopold and prevent the further outward expansion of the town outside its settlement boundary.
30. Submission 11 laments that Ash Road had a nice rural aspect that community members enjoyed for walking, exercising and the rural view and that since development started locals are upset and they believe that Leopold has been ruined. The submission further states that small acreage blocks are highly sought after and would be more sympathetic to the environment and the rural view.
31. It is acknowledged that due to planned urban growth over several decades Leopold has and continues to change and grow and that this has an impact on how residents feel about the place.
32. In urban areas it is Council policy to maximise use of residential land through a 15 lots per hectare subdivision rate. Low density lots of 1 acre in size are not supported by Council in urban growth areas.

Lack of infrastructure to support the rezoning

What is the issue?

33. A theme across several opposing submissions is that the rezoning and development places pressure on local infrastructure such as roads, schools, shopping and local services. Submitters consider that Leopold lacks infrastructure to meet the needs of new residents and that existing residents already face congestion with accessing these. One submission supports the proposal as it will bring more people and activity into the area.

Council response

34. No additional shopping areas are proposed or supported in the rezoning area. There is a sub-regional site at Melaluka Road which services the whole of Leopold and which

includes an expansion area to its north as the population and demand grows. The Leopold Structure Plan has not identified the need to provide shopping facilities in the amendment area.

35. The Education Department has not provided for an additional school in the area. GPs will establish where there is a need and a commercial opportunity. Barwon Health plans for the region do not include a hospital in Leopold.
36. The existing house retention lots which are 1.25 ha and 0.38 ha in size have potential for larger non-residential land uses such as non-government schools or childcare in the future when the current landowners leave. Uses such as these are Section 2- permit required uses in the General Residential 1 Zone.
37. New areas of open space and shared paths are being provided in the amendment area which will service both new and existing residents.
38. An infrastructure contribution of \$40,000 per net developable hectare obtained through the s173 Agreement will be allocated to community infrastructure projects within Leopold, most likely the Estuary Reserve Modular Pavilion in Melaluka Road.

Stormwater management

What is the issue?

39. Submission 10 and to a lesser extent submission 17 from the Mollers Lane landowners/developers have raised concerns about the management of stormwater. The concerns are based on the assumptions and design implications that they consider will detrimentally impact on 92-120 Mollers Lane in terms of additional flooding, potential loss of open space loss and developable land and additional construction costs. The submission has concerns over the siting and design of the northern and southern basins and submits that this needs to be reviewed and demonstrated that there are no off-site impacts. It is also submitted that there is no rationale why there are two separate detention basins located in the same area of the subject land.

Council response

40. The submission has questioned the assumptions in the Stormwater Management Report and is concerned that the resulting design implications will detrimentally impact 92-120 Mollers Lane. It seems to be of particular concern that the SMP assumes the land to the east (Mollers Lane) to be fully developed.
41. We consider that this is a fair assumption on the part of the proponent as the downstream land has a valid permit, residential zoning and development has already commenced to the northern end of Mollers Lane. If for an unforeseen reason the land at 92-120 Mollers Lane is undeveloped, the Ash Road proponent will need to demonstrate drainage rights over the waterway. This is outlined in condition 8 of the exhibited planning permit and is also addressed in the expert evidence of Mr Bishop.

42. The concern about the safety of dam and that an ANCOLD assessment is only being required as a condition of the draft planning permit. Council's pre-application advice to both the Mollers Lane and Ash Road East developers indicated that the existing dams could not be retained as part of the final drainage system as their condition and structural integrity could not be guaranteed. Proponents of the Mollers Lane development provided a dam break assessment of the dam in question, based on existing conditions, to consider the impact on their site in the event it did fail. Until such time as development commences on the Ash Rd site, the dam break analysis remains valid
43. It is Council' expectation that the Ash Road development completely decommission and remove the existing dam structure and replace it with a fit-for-purpose asset. This must include assessment to relevant ANCOLD standards, in which case it is appropriate to include as a permit condition.
44. The encumbrance of public open space by the piping of stormwater is to be avoided and not supported by Council. Detailed design plans will need to demonstrate that this is achieved but it is noted that the plans in Appendix A and B of the SMP show piping within the road reserve.
45. The submission is concerned that the SMP modelling for flooding has been limited to two extreme events and that intermediate flow events be included to determine impacts. Appendix D and E of the SMP present existing conditions and developed conditions flood mapping for a full suite of flood frequencies including the 50%, 20%, 10%, 5%, 2% and 1% AEP events.
46. The submission specifically addresses the modelling in the SMP which shows areas of afflux on the land at 92-120 Mollers Lane and the concerns for how this will impact on their open space and development.
47. Council agrees that the mapping in Appendix E of the SMP shows there will be an adverse impact to the downstream land which may change the balance of encumbered open space; based on the definition that any land within the 1% AEP flood extent is considered encumbered.
48. The proponent advises that these areas of afflux are very localised, limited to within the waterway corridor and within the 50-200mm range. This is seen to be negligible given the capacity of the waterway through Mollers Lane site and the steep grades through the waterway. It will be appropriate to resolve this minor afflux through the detailed design process and demonstrated how this will be mitigated.
49. The submission considers that the extent of works to establish the detention basin will detrimentally affect the land at 92-120 Mollers Lane and seeks that the siting and design of the northern and southern basins must be reviewed and demonstrate that there are no off-site impacts.

50. Council will need further clarification from the detail design of the subdivision and detention basins and will be seeking to ensure that the development does not impact on the Mollers Lane land. The exhibited subdivision plan and the revised layout submitted in the proponent's submission show that the basins are contained within the Ash Road land.
51. Council understands that there has been sharing of plans between the two developers during the preparation of the SMP and modelling to ensure that the concept designs match in the interface with Mollers Lane site design.
52. In response to the submission query about the rationale for two separate detention basins, Council notes that this is conceptual at this stage. The land on which the southern basin is located does not form part of the permit application and the design as presented serves only to demonstrate that the balance of the amendment land can be serviced. The proponent has indicated the northern basin cannot service 129-141 Ash Rd in the location proposed, due to topographic constraints.
53. It is not Council's preference for multiple smaller basins; however, this landowner is not a party to the permit application, and Council cannot compel a landowner to seek a permit even if it results in a better servicing outcome.

Subdivision integration with Mollers Lane growth area

What is the issue?

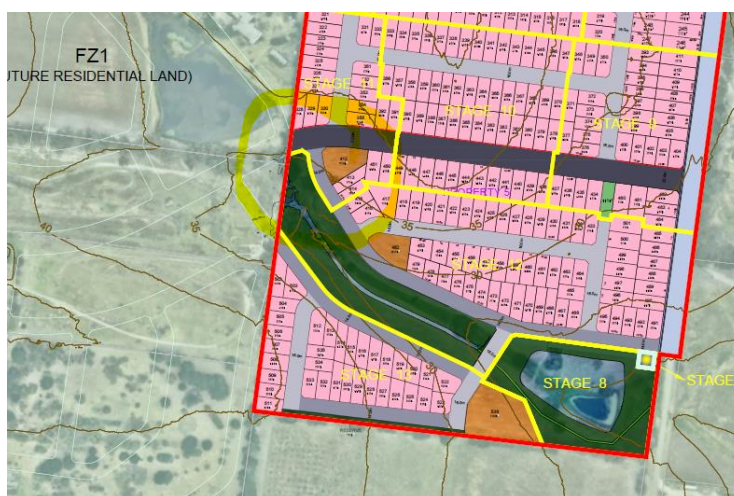
54. Submissions 10 and 17 are from interests in the Mollers Lane growth area to the east. These submissions contend that DDO46 requirement for integration between the two growth areas is not being delivered by the draft planning permit for the subdivision of two properties. The submissions state that the issue of stormwater management, subdivision connectivity, road treatment/cross sections and open space treatment between the two areas is inconsistent and not conducive to a seamless residential estate across the two areas.

Council response

55. In 2016 Council prepared the South East Leopold Framework Plan to help guide rezoning and development across south east Leopold as we could foresee that there would likely be two development fronts in this area – Mollers Lane and Ash Road, and that it was unlikely there be one united development consortium for the whole area.
56. The Framework Plan was prepared by Tract Consultants with the input of Council, government agencies and departments, and the affected landowners. It was a high-level plan with more detail to be studied and developed as part of the subsequent planning scheme amendment and planning permit processes.
57. The overall plan of the area proposed by the Framework Plan included some parameters such as waterways, Barwon Water's Bellarine main transfer pipeline and a southern

- connector road that links with Estuary Boulevard/Walkers Road to provide an overall road connection across southern Leopold between Melaluka Road and Mollers Lane.
58. The Framework Plan was used to assist the preparation of DDO43 and the proposed DDO46.
 59. The Ash Road proposal has sought to integrate their subdivision layout with the Mollers Lane development. Road connections, including the northern and southern collector roads are continued and will facilitate permeability between the two development areas. The subdivision layout includes the continuation of smaller order roads across the boundary. The Barwon Water pipeline is in the northern connector road reserve and the drainage infrastructure and open space are generally located according to the Framework Plan.
 60. A revised layout plan shows an alteration to the provision of a long, linear open space along the waterway, replaced with a larger 1-hectare park fronting Ash Road and a narrower swale connecting this to the drainage basins in the south east of the site. The revised plan shows a road along the southern side of the drainage basins and the swale. A connection between one of the proposed drainage basins and the southern waterway on 92-120 Mollers Lane is also provided.
 61. Management of the stormwater system across the two development areas is addressed earlier in this Part B submission.
 62. The local road along the waterway corridor referred to by the submissions is not intended to connect into the Ash Road site, being truncated by the southern east-west connector road. Its continuation is therefore not included in the approved plans for 92-120 Mollers Lane – refer to Figure 4.

Figure 4 – Approved Mollers Lane Plan



63. Council considers that the proponent has designed the subdivision of 87-101 & 103-127 Ash Road to integrate with Mollers Lane development.

Traffic impacts

What is the issue?

64. Many of the opposing submissions argue that the new development will cause negative impact on roads and increase of traffic on the local area. Resident submitters comment Ash Road is a small road and not fit to hold the number of cars that travel on it each day and seek the road to be fixed before signing off on any new development. They submit that an increase in traffic of 7-8000 vehicles per day in Ash Road, adjoining roads and the Bellarine Highway intersection is detrimental to the area and there are already difficulties with street parking and exiting driveways. Submissions think this will cause traffic to be pushed into smaller streets and cause gridlock.
65. Some submissions have sought the installation of a give way sign or even a roundabout on the Hazelwood Crescent and Ash Road intersection.
66. Concern has been expressed that Portarlington Road and Bellarine Highways already show signs of pressure, especially during peak periods, due to development elsewhere on the Peninsula. Infrastructure projects such as a bypass from Moolap to Armstrong Creek need to be prioritised to ease this pressure and frustration.

Council response

67. Submissions raising concerns about the impact of the rezoning on traffic and roads is to be expected. This is a growth location with any change and development contributing additional vehicle movements in the existing area.
68. The Cardno Traffic Report has assessed the capacity of the road network concluding that it has capacity to accommodate additional traffic generated from this development. Traffic volumes on Ash Road are estimated to be in the order of 7,000-8,000 vehicles per day after development of the entire area covered by the Leopold Structure Plan. Ash Road is to be widened along the eastern side of the rezoning area as the road reserve in this section is too narrow for the additional development proposed. No changes are being proposed for the section of Ash Road north of the amendment area through to the Bellarine Highway. The cross section of Ash Road has been designed to accommodate traffic volumes greater than what the development of the subject site will generate, and therefore is anticipated to operate adequately after the subdivision of the land north of Ash Road development area.
69. The Cardno traffic report has assessed the functioning of the surrounding road network and how it can manage additional traffic generated by this development. The main road infrastructure upgrade required in the broader network is an additional* extension to the right-hand queueing lane from the Bellarine Highway to Ash Road to manage the traffic flow into the area. (*to that being provided by the Ash Road west developments)
70. To address the need for intersection capacity post development at the Ash Road/Bellarine Highway, the Cardno Report and application proposes an extension of

the right-hand queuing lane on the Highway to 145 metres. It is noted that the Department of Transport has sought to extend this by a further 50 metres to a total of 195 metres.

71. Two connector roads are proposed across the amendment area with both connecting eastward across to Mollers Lane. The southern road will also connect to Walkers Road/Estuary Boulevard providing a connection through to Melaluka Road. These connections will provide access options for traffic to move through the area and beyond.
72. With the location of the local schools, supermarkets/shopping and services, and the Leopold and Geelong centres and access to arterial roads, it is expected that the traffic generated by the site will mainly utilise Ash Road, Mollers Lane and Melaluka Roads and the Bellarine Highway to access the rest of Leopold, Geelong and east to other areas of the Bellarine Peninsula. It is not expected that the Portarlington Road is to be significantly affected.
73. Where there are issues for sightlines access the street from private driveways, these can be considered and addressed by Council as part of our ongoing traffic management responsibilities. Any current issues should be identified to Council so that they can be investigated, and any remedial measures implemented. Area. Similarly, for the request from submission 4 and others for a traffic treatment either by a give-way sign or roundabout at the intersection of Hazelwood Crescent and Ash Road to provide a safe traffic environment, a request to the City can be made anytime. The installation of a roundabout at the intersection is not an infrastructure item required of this development that has been included in the s173 Agreement. The Cardno Traffic Report has not identified the need for traffic management treatments at that intersection
74. Condition 9 of the draft planning permit includes the requirement for a Local Area Traffic Management Plan to be submitted to the Responsible Authority which may include, but not limited to: traffic management devices, modified intersection priorities, indented car parking, signage, line marking, and vehicle crossing locations. All treatments shown on the LATM Plan on subsequent construction plans for each stage must be consistent with the approved LATM Plan. This will pick up any localised infrastructure arising from the proposed development.
75. The bypass from Grovedale to Moolap is a long-term infrastructure project that will not remove traffic from the current Leopold urban area or this growth area. Its purpose is to re-direct traffic to the Bellarine away from central and urban Geelong.

Environmental impact

What is the issue?

76. The environmental impact of the rezoning on the local environment is a feature of several opposing submissions. Some are concerned that the rezoning will detrimentally impact on native environment and wildlife as the area attracts a range of fauna, has vast

biodiversity and is quietly enjoyed by numerous people near and far to the area. There is concern that the Ash Road area has a lot of natural beauty which will be lost through overdevelopment.

77. Submissions also comment that the amendment will further devalue the ecological diversity of the Bellarine Peninsula, particularly as the land is close to the Ramsar wetlands of Lake Connewarre.
78. Submission 7 submits that unless substitutional tree planting takes place, this land will be a dead space of concrete and black tiled roofs, not to mention the dull hearted, rubbish producing, energy sapping, water consuming people who will pack into houses with no green wedges in between.
79. Submission 4 comments that the amendment needs to do more to incorporate more vegetation retention in the area and that existing vegetation should be incorporated into open space and natural walking paths and streets.

Council response

80. The PPF 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. These can be managed as demonstrated in the rezoning of land at Mollers Lane, and Ash Road west and Estuary Estates.
81. The proposal places urban development no closer to Lake Connewarre than the Estuary Estate, Ash Road west (Allure Estate) and future development land in Mollers Lane.
82. Increased population density and the conversion of rural land to urban can increase the threats to fauna and flora species. The Biodiversity Assessment by Ecolink has identified that the vegetation within the area has been heavily modified with the understorey generally dominated by exotic species and the overstorey vegetation including exotic pines and plantations of Australian and Victoria natives and a range of ornamental trees.
83. Two patches of remnant vegetation were recorded on site.
84. The Ecolink Report surveyed the subject land and recorded 16 species including birds and amphibians and advised that all are typical of peri-urban and rural areas of Western Victoria. One threatened species (Vulnerable in Victoria) was recorded, Hardhead *Aythya Australis*, at the dam on 103-127 Ash Road. The Study assessment concluded that the species are unlikely to be significantly impacted by development of the land, due to infrequent use of the habitats and the abundance of relatively higher quality habitats located nearby at Lake Connewarre.
85. Some vegetation is being retained in the subdivision, but not all. New trees and plantings will be included in the public spaces of the proposed subdivision. The

landscape will change with the rezoning and subsequent residential subdivision and development.

86. The removal of the two patches of remnant vegetation is unavoidable in the subdivision and will be required to be offset - this is conditioned in the planning permit.
87. The permit area contains planted vegetation largely in the form of planted wind rows, the vast majority of which are proposed to be removed. The removal of some is required to logically develop the area for residential purposes and Council encourages efforts to retain as much as possible for landscape, amenity and environmental benefits. One such area is the frontage of 87-101 Ash Road where some vegetation could be retained in the proposed 1-hectare park (subject to sight lines required for safe vehicular entry/egress to the site), and this could form an entry feature to the development.
88. The tree path lining the existing driveway to the house at 87-101 Ash Road will not be retained in the subdivision layout. The proposed road network does not incorporate this driveway with the main east-west connector in the north running too close to this driveway for it to be retained.
89. Planning permit condition 43 requires the planting of semi-advanced street trees throughout the subdivision. We agree that it is not like-for-like in terms of mature tree height as stated in submission 4 however this is the accepted standard for new subdivisions.
90. Surveys and assessment by Ecolink Consulting did not record the presence of the Growling Grass Frog (GGF) at the study area although they did identify that quality of the habitats within the site (the dam and drainage lines) was moderate to high with a diversity of submerged, emergent and fringing vegetation and suitable water quality for the species. Ecolink notes that there are a few records of the GGF within the vicinity of the study area, but none within the drainage lines, near the study area. Ecolink also noted the presence of other frog species present, as well as other fauna. A fauna protection condition has been included in the draft planning permit to mitigate the risk to these fauna species from the removal of the dam. Ecolink concluded that the Growling Grass Frogs do not occur on the site, that further management of this species is not required and that a referral under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) is not required.
91. Council supports DELWPs recommendation for an amendment to condition 17 to include design standards that meet Growling Grass Frog Habitat Design Standards in any new WSUD landscape elements.
92. The loss of current habitat in the construction process will be offset by the retention of some existing vegetation and the re-establishment of the vegetated swale corridor between the 1-hectare park and the drainage basin. The planting of street trees through

the subdivision will also provide habitat for wildlife. It is not possible to retain all existing vegetation in the subdivision design.

93. Council values the farmed landscape of the Bellarine Peninsula, as evidenced through the Bellarine Peninsula Localised Planning Statement and the policy position articulated in the Settlement Strategy. Maintaining the urban break between towns on the Peninsula, its farmed landscape, the opportunities for tourism and its recreation offerings are values Council holds in common with submitters. This amendment and planning permit will not detract from these as this is a planned urban area and there is no major development spread further east into the Bellarine Peninsula arising from this amendment.
94. The receiving water for this development is Lake Connewarre which is a Ramsar site for migratory birds. Fresh water flows or stormwater run-off need to be managed to limit any impact on the saline Lake Connewarre ecosystem.
95. Ecological values of the Lake are dependent on its water quality and hydrological regimes. Stormwater exiting the site is proposed to be mitigated to meet best-practice including on-site detention which is proposed to match peak flow to pre-development levels and to filter pollutant load and have been designed for flow control and treatment.
96. The EPA submission noted the need to consider the interface of the area with land in the Farming Zone. Council has reviewed this and we note that only the land to the south of the subject site is zoned Farming Zone. This land comprises two 1-acre rural living lots and a larger property of over 8 hectares. There are no recent records of intensive agricultural permits for these properties which would cause an issue. Each of these properties are included within the settlement boundary with strategic policy support for their conversion to urban land. The South East Leopold Framework Plan shows an open space connection and potential storm water detention basin along the southern boundary of the land at 161-183 Ash Road providing a buffer to rural land.
97. Land further to the south at 185 Ash Road and 187 – 213 Ash Road also does not have a record of recent intensive agricultural industry planning permits.
98. Many of the Farming Zone properties to the south and south east of the subject land are not intensively grazed or cropped and appear to be larger rural lifestyle properties.
99. The development of the area will generate water run-off from the area which is to be treated prior to entering waterways downstream. This is provided for by planning permit condition and meets the risk requirements of the General Environment Duty obligation (GED).

Treatment of soil contamination

What is the issue?

100. Submission 9 from the EPA has concluded that the agricultural activities on the subject land may carry a 'medium' potential for contamination rather than the low potential as

determined in the proponent's Coffey environmental assessment report and recommended a peer review.

101. The EPA also recommended that an EAO should be applied to the land at 143-155 Ash Road on which asbestos was found in a rubble pile.

Council response

102. Through its submission, the EPA has considered the Environment Site Assessment (ESA) by Coffey and concluded that the agricultural activities may carry a 'medium' potential for contamination rather than low potential. The EPA advised Council as the Planning Authority to seek further advice from the consultant (Coffey) and to require an independent peer review as per the Planning Practice Note 30.

103. We have sought both from the proponent. To date we have received a statement from Coffey responding to the matters raised by the EPA has been provided indicating that they consider no further environmental assessments for 73-141 Ash Road are warranted.

104. Council has been further advised that the proponent is updating their ESA to accord with the new PPN30 framework. Once this is completed this will be peer reviewed, but this will not be completed before this Panel Hearing.

105. The Coffey Report identified that asbestos had been found in rubbish piles on the land at 143-155 Ash Road and that an environmental audit and clean-up would be required.

106. Council was waiting on advice from the applicant that an environmental audit had been undertaken and clean up complete. However, advice from the proponent in March just prior to authorisation was that the clean-up works had been instigated but wouldn't be completed prior to authorisation/exhibition and that no environmental audit was being undertaken.

107. The timing of this advice led us to include the requirement in the DD046 for an environmental assessment and if required either a certificate of environmental audit or statement in accordance with the Part IXD of the Environment Protection Act 1970.

108. We acknowledged that this approach was considered late in the process leading up to exhibition and was used to avoid delay to the planned exhibition.

109. We submit that this approach is consistent with what has been applied in the vicinity (Ash Road west DDO33) and is capturing the issue in the planning scheme. It will achieve the same objective as the EAO – an environmental audit of the site prior to residential subdivision.

110. We have identified that the wording of this requirement in the DDO46 can be adjusted to remove the requirement to complete an environmental assessment as this has already been undertaken and in the process of being updated to meet the new framework.

111. We are not opposed to the application of the EAO to the land if recommended.

Social and affordable housing contribution

What is the issue?

112. Submission number 8 from the proponent outlines their commitment to negotiating an appropriate social and affordable housing contribution with Council. They submit that the inclusion of Condition 39 in the draft permit is inappropriate and should be removed. The provision of a social and/or affordable housing contribution by Eastern Ash is an entirely voluntary outcome and the provision of a permit condition as included in the draft permit does not accord with the Planning and Environment Act 1987.
113. The negotiation of this voluntary contribution should have no bearing on the progression of the Amendment either through Council or Planning Panels Victoria.

Council response

114. The provision of social housing is a significant issue across Geelong with a significant unmet need for additional dwellings over the next 20 years. In response Council adopted the City of Greater Geelong Social Housing Plan (SHP) in 2020.
115. It is an expectation of the SHP that a housing needs assessment be prepared by a proponent as part of applications for rezoning applications and major residential development applications. Such assessments will be used to guide negotiations for the inclusion of social housing in new developments where rezoning and planning approvals add value to land.
116. This application was lodged well before the adoption of the SHP and the establishment of Council processes to deal with the issue. It was therefore only late in the pre-exhibition process when Council requested the applicant to undertake a Housing Needs Assessment and make a social housing contribution.
117. We determined to allow the needs assessment to be prepared whilst simultaneously proceeding with exhibition of the amendment, and for the inclusion of an interim social housing contribution condition in the planning permit to signal this intention.
118. This progressed with the support of the applicant in the knowledge that a contribution would be voluntary and that it would likely require a s173 Agreement rather than a permit condition.
119. Post -exhibition the applicant provided Council with their Housing Needs Assessment report undertaken by Urban Xchange. It outlined that the social and demographic profile of Leopold and the geographic location of the rezoning area led to an affordable housing offering being preferred. The report further set out an offer of facilitating the development of the equivalent of 5% of the site's dwellings as affordable housing for the purchase at 25% below the market price. It is intended that the affordability of the dwellings can then be secured by applying a 25% discount to the market price of the dwelling. This would be initially offered to the Geelong Housing Trust or a registered housing association for a select period and subject to eligibility criteria.

120. Council and the proponent have continued discussions towards reaching an agreement. The two parties have broadly agreed on a position with the formalities of a s173 Agreement now being prepared. As part of this Council agrees to the deletion of the condition in the draft planning permit.
121. To date this matter has been negotiated with the proponent of the amendment and applicant for the permit for subdivision of 87-101 and 103-127 Ash Road (2 of the 5 properties being rezoned). As the negotiations are being finalised, and with the receipt of the Housing Needs Assessment, Council is writing to the remaining 3 landowners advising of our position to negotiate a social and affordable housing contribution with them.

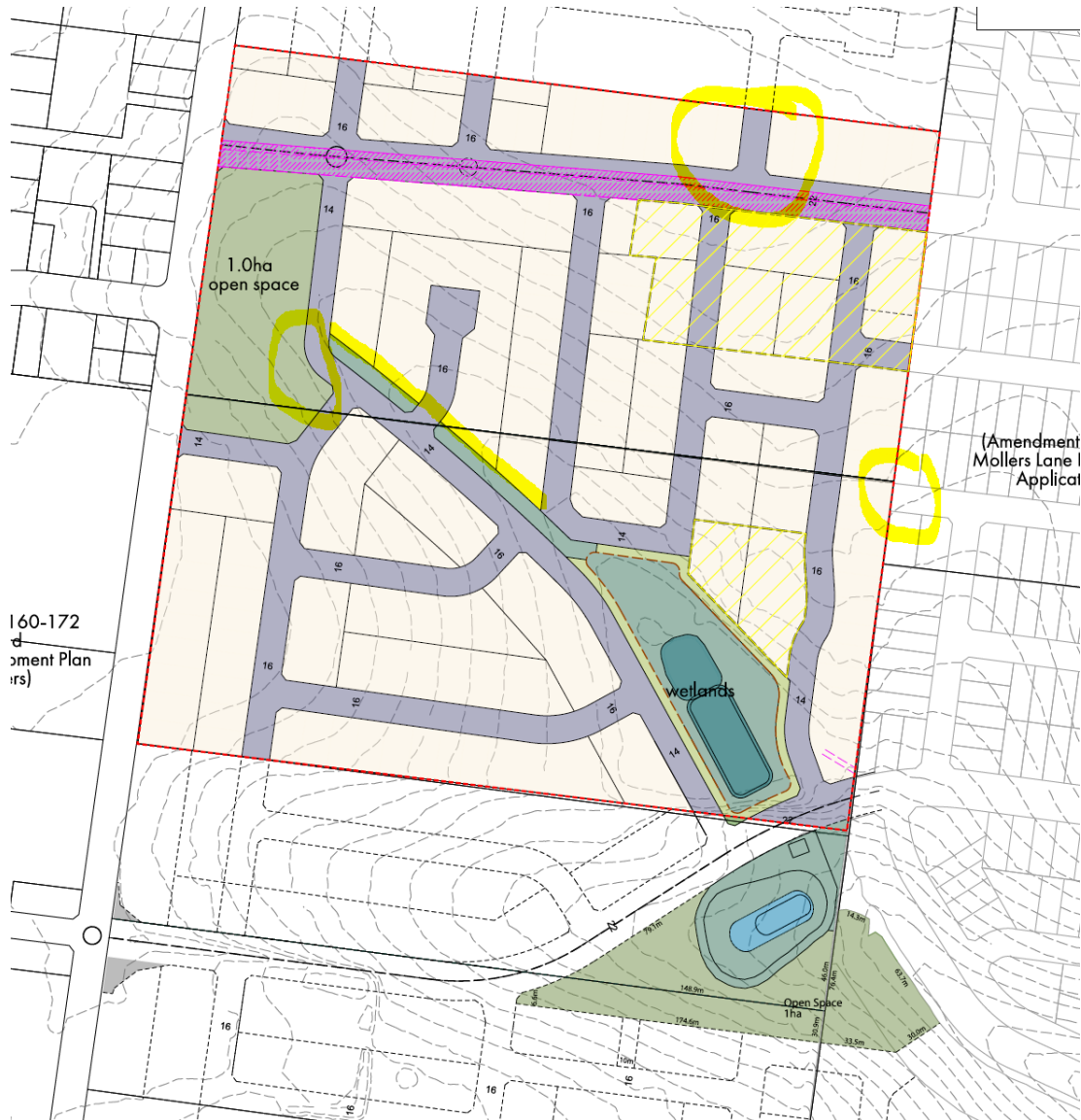
REVISED SUBDIVISION LAYOUT

122. Submission 8 from the proponent has included a revised subdivision layout that responds to Council's request to try and achieve a 1ha park on the land subject of the planning permit. The following provides a background to this and Council's response to this plan.

- Dec 2018- proposed subdivision layout and application documents were based on the South East Leopold Framework Plan. In Ash Road the Framework Plan focussed on a linear link between two areas of open space and drainage reserve. The linear link was overlaid on the designated waterway and was considered to be encumbered due to its primary drainage function.
- June 2020 - proponent submitted response to the initial round of referral comments, including amended subdivision plans and updated reports, but layout was still largely the same as the original application.
- An important change to the original application was the removal of the formally constructed watercourse to the north west of the drainage basin. With the consent of the CCMA and Council's engineers, the SMP changed stormwater management to a piped system installed within the adjoining road reserve. The primary function of the linear space as encumbered land for drainage purposes was no longer.
- June 2020 - second round of referrals on the updated plans.
- November 2020 - further revised plans were submitted with minor changes to road layout.
- Dec/Jan 2021 - discussions with the proponent about what would be counted as encumbered and unencumbered open space.
- Feb 2021 - This led Council and the proponent to a broader discussion that the long linear space open and the smaller 0.5ha park on Ash Road was not delivering a fit for purpose park as part of the open space contribution.
- Mar 2021 - Discussion between Council, proponent and CCMA about features of a revised layout. Council wanted to see the open space network designed to allow for a 1ha park in northwest (allowing for tree retention), connected to the drainage basins and another park in the south east by a reduced linear corridor.
- Proponent saw merit in this and advised Council they would entertain changes if we agreed to not hold up authorisation and exhibition of the amendment.
- Council and the proponent agreed to include condition 1 in the draft planning permit to facilitate a revised open space and subdivision layout to the exhibited plans, and for the plan within the proposed Schedule 46 to the Design and Development Overlay to schematically show this.

123. The revised layout included in the proponent's submission shows two 1ha parks generally in the locations illustrated in the DDO46 concept plan. The two parks will be connected by a shared path network that will utilise the drainage path required by the CCMA. The width of the small section of corridor has been derived from the precedent at Nautical Rise in Torquay North that Council had advised the proponent as being an acceptable link.
124. The submitted revised layout responds to the plan in the proposed DDO46. The plan has responded to Council's desire to achieve a regular shaped, 1ha local park embellished with relevant local infrastructure and a lessened long, narrow reserve that has limited recreational/open space function. The larger local park will be adjacent to Ash Road and in a location where stands of existing trees in good arboricultural condition can be retained.
125. The revised plan is generally supported but there are some points that require adjustment (some of these are highlighted on **Figure 5**):
- The site lines for pedestrians/cyclists crossing from around the south eastern edge of the proposed 1ha park need some further work. In Council's submission response we had commented that the apex of the bend in the road may require some smoothing so that crossing on a road bend is avoided.
 - There is not complete integration with the Mollers Lane area on the eastern side. There is a road connection planned from Mollers Lane into the area that shows no commensurate road in the revised plan – this needs to be addressed and we note the expert evidence of Mr Young on this being resolved.
 - At the northern end of the subdivision plan, the eastern most north-south road connection to the property at 73-85 Ash Road should be moved eastward, closer to Mollers Lane. This will remove a potential long court bowl on that property.
 - The plan needs to demonstrate that all services can be accommodated within the road verges adjacent to the open space.
 - Sediment drying areas needs to be provided in encumbered open space outside of the Q100 extent.
 - Consideration required to avoid a long length of side, paling fences along the northern side of the encumbered drainage reserve/corridor – this could be addressed through unit development access from the adjoining north-south side minor roads.
 - Clarification is required on the sub-terranean pipe works in the proposed 1ha park.

Figure 5 – Council response to revised layout plan



RESPONSE TO EVIDENCE TABLED

126. Eastern Ash Pty Ltd is the proponent and requested the combined amendment and planning permit. Maddocks on behalf of Eastern Ash Pty Ltd is a party to the Hearing.

127. Maddocks has called expert evidence on:

- Drainage from Warwick Bishop of Water Technology;
- Traffic from Brett Young of Ratio Consultants; and
- Stormwater and biodiversity from Lance Lloyd of Lloyd Environmental.

128. We find that the evidence tabled is generally reflective of the substantial collaboration between council officers and the proponent in preparing the Amendment and draft planning permit.

129. No other party to the hearing has called expert evidence.

Drainage Evidence of Warwick Bishop of Water Technology

130. We accept the standing of Mr Bishop as an expert in the field of drainage and flooding.

131. Mr Bishop has reviewed all the necessary background documents and it is his evidence that the principles behind the stormwater management system proposed for this development are sound and acceptable.

132. Council's Planning Engineer has reviewed the expert evidence of Mr Bishop and has provided input to the following comments.

133. Mr Bishop's evidence is generally supportive of Council's position on the amendment and planning permit and reflects the considerable work that has been undertaken by Council and the proponent over the duration of the amendment process.

134. Relevant to the revised subdivision layout, we agree with the evidence that has reasonably concluded that an increase in the NDA will increase the impervious areas that need to be catered for in the drainage assets, albeit of a very minor nature.

135. The evidence confirms the need for treatment of the northern catchment either by on-site treatment at 73 – 85 Ash Road or an agreement with the Mollers Lane development. This supports Council's view about this site.

136. An effect of the evidence that catering for the Growling Grass Frogs habitat requirement of DELWP is that enough land left needs to be set aside for the eventuality that the basin increases in size. Council will not support any reduction in the unencumbered land or a reduction of required buffers and maintenance areas to facilitate this.

137. At paragraph 7.1.2 the evidence states that the piping of the waterway was partly driven by Council's open space department. We say that this was initially driven by developer request. It was demonstrated to Council and CCMA that flows within the waterway would be insignificant due to the small upstream catchment and that piping would be able to

satisfy the CCMA's requirements. Open space planning arrangements came later in the amendment process.

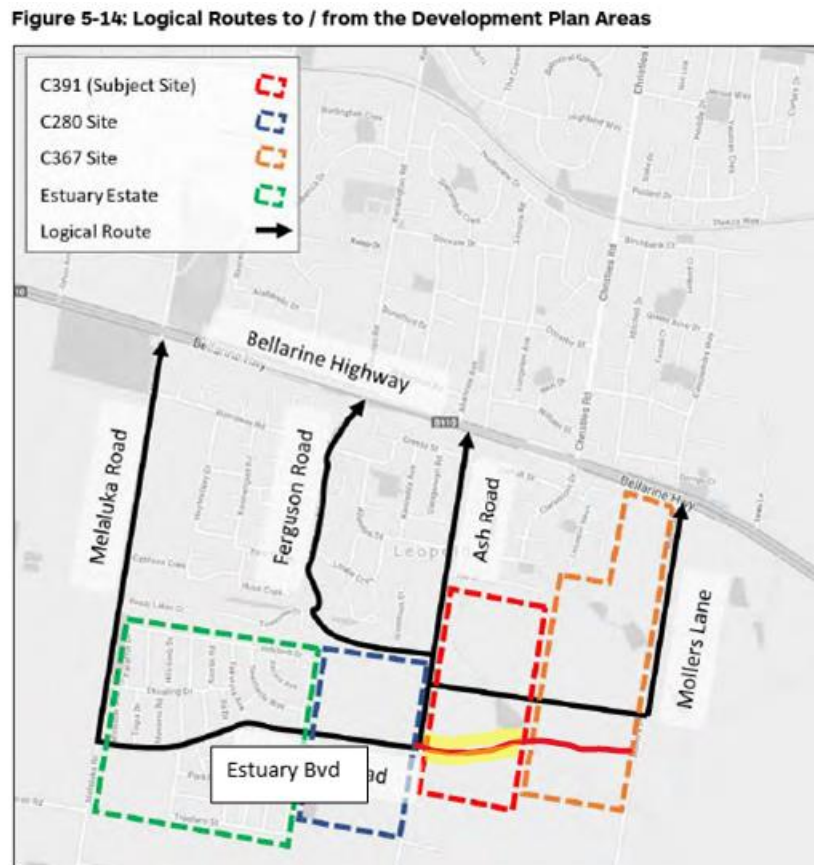
138. At section 7.2.3 the evidence notes there is still some uncertainty around the future of the outlet design. We can advise that this is being considered as development progresses. A key principle is that the outlet must cater for both development fronts. Ideally it would have been designed through collaboration between the two developers, but it is currently being driven by the Mollers Lane developers as they are ahead with their development.
139. The section 9 of the evidence addresses the outlet from the growth area. As late as last month we have reached an in-principal agreement with the Mollers Lane developers to construct a gravity drain within the Mollers Lane road reserve. Easements across downstream privately owned land to the east of Mollers Lane will not be required. We agree with the evidence that an easement over the 92-120 Mollers Lane land (H.B. Parker Pharmacy Superannuation Fund land) may be needed if the subject land starts development ahead of that site. This is a reasonable proposition.
140. We agree with the evidence in section 9 that both the Mollers Lane and Ash Road developers need to work cooperatively to deliver the outlet drainage, and that both developers share the responsibility and cost for delivering this infrastructure. We further agree that this needs to be resolved prior to development proceeding on the subject site.
141. In response to the DELWP submission, the evidence has stated that additional measures to reduce stormwater volume are unnecessary. We comment that the purpose of the stormwater basin is to retard peak flows to predevelopment rates and that the impact of additional stormwater volumes has been considered throughout the life of the application and will be further considered through design of the outfall.
142. The final dot point of the evidence conclusion states that conditions on both this development and the Mollers Lane development will require coordination by Council and a collaborative approach by both developers to ensure a satisfactory outcome is achieved.
143. Council has consistently encouraged discussion between the developers and facilitated this where necessary to ensure a consistent approach to stormwater management across both development areas. We will continue to be facilitative in our approach to both developers.

Traffic Evidence of Brett Young of Ratio

144. We accept the standing of Mr Young as an expert in the field of traffic.
145. Council's traffic engineer has reviewed the expert transport evidence of Mr Young and we provide the following comments.

146. We note that the evidence concludes that Ash Road and the broader road network (subject to the extension to the right turn lane on the Highway), can accommodate the traffic to be generated by up to 330 dwellings in the amendment area.
147. We note that the Estuary Boulevard extension through the subject site and the Mollers Lane sites has not been shown in Fig. 5-14 and the following plans of the evidence. This is highlighted in Figure 6.

Figure 6 – Extract of figure 5-14 from Traffic Evidence



148. This eventual southerly connection will allow for a direct route between Mollers Lane and Melaluka Road and attract some traffic and will have a higher order collector road function. Our traffic engineering advice considers that there will be more traffic using this road than the east-west lower order road to its north. The evidence needed to discuss these impacts in the traffic distribution analysis.
149. In section 6.3 Cross Sections, no mention is made of potential cul-de-sacs that serve only 2-3 lots and are provided with a concrete driveway. The road reserve width of these cul-de-sacs must be 10-12 m. There is a 4 m wide 'driveway' with a minimum 3 m offset from the lots, with provision of 2.5 m wide parking spaces on the opposite side of the lots. Access to the 'driveway' is from a 4 m wide concrete vehicle crossing. Waste collection occurs in the adjoining street.
150. We Mr Young's comments at paragraph 6.4.3 of the evidence responding to Council's comments on the apex of the road adjacent to the 1-ha park. Council accepts that the

finer details of any crossing at this point will be worked out at detailed design and to ensure the tram crossings are located at the midpoint of the curve to allow equal sight distance in each direction and ensure on-street parking is set far enough back.

151. The evidence doesn't make any mention of the roundabout that is proposed for the Ash Road/Estuary Boulevard/Estuary Boulevard extension intersection, and that a minimum 5 x 5 m splay would be required at the NE and SE corners.

Stormwater and Biodiversity Evidence of Lance Lloyd of Lloyd Environmental

152. We accept the standing of Mr Lloyd as an expert in the field of stormwater and biodiversity.
153. Mr Lloyd's evidence is generally consistent with previous evidence of the impacts from the Mollers Lane area.
154. We note the evidence of Mr Lloyd is that the impact of the development on the broader Lake Connewarre complex are likely to be minor and there is a low risk to the Lake's RAMSAR values. The evidence also concludes that the small area of foreshore habitat of the internationally significant Sandpipers is at low risk of being affected by the flow changes caused by this development, and that the mitigation measures proposed by the amendment and planning permit will likely reduce these impacts further.
155. The development does not trigger the need for an EES and the evidence of Mr Lloyd concludes that it is also unlikely to trigger provisions under the EPBC Act 1999.

PLANNING PERMIT CONDITIONS

156. Submissions from Barwon Water, CCMA, the Department of Transport, DELWP, Mollers Lane Developments, H.B. Parker Pharmacy Superannuation Fund, the Wadawurrung and Eastern Ash (the proponent), have addressed conditions in the exhibited draft planning permit.
157. Barwon Water (submission 2) has provided conditions to be included in the draft permit. As Barwon Water is a determining referral authority, the recommended permit conditions are accepted, and Council supports their inclusion in the final draft planning permit. Refer to Appendix 1 copy of the track changes permit for the list of requested conditions.
158. CCMA (submission 29) does not object to the planning permit. In its capacity as a recommending referral authority, the CCMA has sought the inclusion of conditions in the permit that address stormwater management infrastructure, appropriate construction techniques and the subdivision requirements of clause 56.07-4. Council has included these in the post-exhibition planning permit. Refer to Appendix 1 for the list of requested conditions.
159. The Department of Environment, Land, Water and Planning (submission 5) does not object to the granting of the planning permit but recommended the addition of conditions in the table below. We note that DELWP is a recommending referral authority for this planning permit. The additional conditions recommended by DELWP are supported by Council.

Submitted Condition	Council Response
<p>Native vegetation offsets</p> <p>1. To offset the removal of 0.395 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:</p> <p>a) A general offset of 0.182 general habitat units:</p> <p>i) located within the Corangamite Catchment Management Authority boundary or Greater Geelong municipal area</p> <p>ii) with a minimum strategic biodiversity value of at least 0.364</p>	<p>DEWLP appears to have based their comments and conditions on an earlier native vegetation removal report (NVRP). There is a difference between the original submitted NVRP submitted with the application and an updated supporting document that was included with the amendment exhibition material. Council is confident that the condition in the exhibited draft permit is based on the most recent NVRP and that the correct figures for offsets are contained within the exhibited permit condition number 60.</p> <p>It is noted that Patch 2 is located on adjoining land that is part of the C367ggee Mollers Lane area and PP-1463-2016. This planning permit cannot compel an offset for vegetation that is located on another property.</p>
<p>2. Before any native vegetation is, evidence that the required offset has been secured must be provided to the satisfaction of the responsible Authority. This evidence must be one or both of the following:</p>	<p>This is a standard condition for the implementation of the off-set process and is included in the draft permit.</p>

Submitted Condition	Council Response
<p>b) 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</p> <p>c) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.</p> <p>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, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Barwon South West regional office via BSW.planning@delwp.vic.gov.au.</p>	
<p>3. In the event that a security agreement is entered into as per condition 2, the applicant must provide the annual offset site 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.</p>	<p>This is a standard condition for the implementation of the off-set process and is included in the draft permit.</p>
<p>DELWP notes condition 17 Water Sensitive Urban Design Landscape Plan and recommends that this condition be amended to include design standards that meet the Growling Grass Frog Habitat Design Standards (DELWP 2017).</p>	<p>DELWP's recommendation for an amendment to condition 17 to include design standards that meet Growling Grass Frog Habitat Design Standards in any new WSUD landscape elements, is supported with the addition that any plan submitted needs to be developed/reviewed in consultation with Councils Environment Unit to ensure that there is an environmental oversight to this Engineering consideration.</p>

160. The Department of Transport (submission 6) has also provided conditions to be included in the draft permit. As the Department of Transport is a determining referral authority under clause 66.02-11 Council has included the DoT request conditions in the post-exhibition draft planning permit. Refer to Appendix 1 copy of the track changes permit for the list of requested conditions.

161. The proponent's Cardno Traffic Report recommends an extension to the right turn lane and lighting on the Bellarine Highway at the Ash Road intersection. The proponent has confirmed that their plans show this distance is 145 metres. The implication of DoTs condition is that total length of the queuing lane would be extended by 50 metres to meet its requirement of 195 metres.

162. We note that the plans for an extension to this queuing lane is additional to the extension required of the Ash Road (west) development which extends the queue length to 95 metres.

163. The cumulative extension resulting from the proponents plans and the additional length required by DoT is therefore 100 metres.

164. As part of the proponents, Eastern Ash Pty Ltd (submission 8) has requested several changes to the exhibited draft permit conditions as outlined in the table below:

Submitted Condition	Council Response
Condition 1: until such a time at which the potential alternative layout of the subdivision is resolved, Eastern Ash continues to express its concern with the wording of Condition 1.	Condition 1 – once the revised plan is formally submitted then this condition may be deleted. Condition 1 - to be revised when open space is resolved.
Condition 5: the condition refers to a ‘growth area development plan’. It is not clear what this plan is, especially in the context of the proposed Condition 1. Additionally, the timing in which the plan of subdivision must be registered with Land Victoria is not considered sufficient.	Council is open to considering more appropriate wording and Tract may wish to propose an alternative wording and timing.
Condition 10: would appear to duplicate Condition 9 and also include both pre and post construction commencement requirements.	This condition seeks a list of road names be provided for the consideration of the Property Unit first. Condition 9 then incorporates these approved names into engineering plans. This is to avoid the circumstance where names are proposed on engineering plans without the Property unit having the opportunity to review and require revision if necessary. The condition is not a duplicate.
Condition 12: interim works should not be maintained in perpetuity, only until the next stage has commenced.	The inclusion of “in perpetuity” is so that Council has assurances ongoing from each stage until the interim works are superseded by the approvals for following stages. Including the term ‘in perpetuity’ catches the hopefully unlikely situation that a developer folds, or that there is a significant delay between stages. The condition is to be retained.
Condition 32: requirements for signage should be dealt with via detailed design conditions.	This is a standard condition to ensure waste collection signage is installed where necessary. No need to change or delete.
Condition 33: temporary turn arounds should not be mandated – they should only be required where temporary dead-end roads are provided.	This is a standard condition for temporary turnarounds for waste collection. No need to change or delete.
Condition 37: we note that matters relating to the potential transfer of land to Council beyond the statutory open space requirements of Clause 53.01 can only be resolved at the time in which the potential alternative layout of the subdivision is resolved. As such, Eastern Ash is concerned with the current wording.	With support for the revised plan, a POS contribution in cash is required for the shortfall between proposed unencumbered land provision and the 10% requirement. This is the standard wording for achieving this contribution. Tract may propose an alternative for consideration, otherwise no change is proposed.
Condition 39: please refer to the following section for further details.	The concern is noted and is to be further discussed between parties as we work towards agreement on the social and affordable housing contribution and how this is facilitated. Expecting to be through the section 173 Agreement.
Condition 43: refers to the need for a Street Tree Master Plan not required elsewhere within the permit. Condition 41j would appear to already deal with these matters.	The street tree master plan is to be incorporated in the Landscape Master Plan with the second part of the condition giving direction on what should be included.
Condition 46: appears to largely duplicate Condition 47.	These are not duplicate conditions as they achieve/require different outcomes.
Condition 47: appears to largely duplicate Condition 46.	These are not duplicate conditions as they achieve/require different outcomes.

165. Submissions 11 and 17 (H.B Parker Pharmacy Superannuation Fund and Mollers Lane Developments) have submitted that the exhibited draft planning permit conditions are not equivalent to those issued in PP1463-2016 and that there should be some commonality between the two permits that are subject to the same planning provisions.
166. We respond that Planning Permit PP-39-2019 is a completely different planning permit to PP-1463-2016 and has been prepared responding to the information, referral authority comments and internal City departmental advice. It does not need to be the same as Mollers Lane. The Mollers Lane permit was amended by the C367 Planning Panel with a difficult to administer condition 3 requiring an Integrated Drainage, Vegetation and Open Space Framework Plan which needed to be peer reviewed to ensure that the drainage design represented best practice and could meet the requirements of that permit, including water quality requirements. Whilst this condition was not an original requirement of the draft planning permit for Mollers Lane, as it was proposed by the Panel, it was accepted by the City and included in the final approved Mollers Lane planning permit.

Submitted Conditions	Council Response
Seeks the addition of a requirement in condition 4 for a peer review of the drainage strategy	Council supports the addition of a peer review of the stormwater management plans to be included in the planning permit (condition 4 or 6). The addition of this requirement will provide for an independent assessment of the stormwater drainage design to ensure that it represents best practice. The wording for the condition should include the requirement for a peer review unless otherwise agreed to by the Responsible Authority.
Submits that condition 4 needs to be re-written as there is no statutory requirement for the Mollers Lane Development under PP1463-2016 to provide a storm water management strategy that facilitates additional flows from the Ash Road proposal. The condition also requires an assessment of 'the constructed outfall infrastructure to Lake Connewarre'. If this is already approved what benefit is there in reassessing the outfall? The final concern with condition 4c is that the inclusion of 'interim stormwater measures approved' and question why interim solutions should be considered when 4a already requires this to be resolved and have been approved.	The proposed conditions generally match those applied to the Mollers Lane development. The draft permit was exhibited based on best available information with the expectation that these conditions would change before the final permit is issued. It has been a long running process for the Mollers Lane proponent to prepare an outfall strategy that meets the requirements of PP-1463-2016. As at Aug 2021, a design has not been approved. Early advice from the Mollers Lane proponent indicated their outfall design would include enough capacity to cater for the Ash Rd site. Council took this in good faith and understood the separate proponents were generally working together on this matter. The Ash Road proponent has indicated they are willing to contribute to the outfall works; however, the quantum of a contribution cannot be determined until there is a design.

167. Submission 27 from the Wadawurrung Traditional Owners Aboriginal Corporation in reference to the Ecology & Heritage Report (August 2018) outcomes, submitted that the following be added to the planning permit: Having regard to the provisions of the

Aboriginal Heritage Act 2006 and Regulations 2018, if any Aboriginal cultural heritage issues or artefacts are encountered during the course of construction activity on the subject land then works should immediately cease within 10 m of the area of concern and the Registered Aboriginal Party should be immediately contacted to investigate, and to issue any instructions under the provisions of the Aboriginal Heritage Act 2006 and Regulations 2018 that must be complied with.

168. The request to add the Wadawurrung Cultural Heritage condition on the requirement to notify the RAP and an immediate cessation of activity should any artefacts be encountered during construction to the draft planning permit is not supported by Council. This is because if there is a breach, the RAP can push on Council to be the enforcement body. This is not Council's role as there is other legislation that addresses this. Effectively, it is not Council's jurisdiction to be involved. Council has added a note about this to the planning permit.
169. To assist the Panel, we have a track changes version of the draft permit incorporating these post-exhibition changes in Appendix 1.

FINAL POSITION ON THE AMENDMENT

170. Council supports the extent of the rezoning and the proposed DDO46.

171. We have prepared a track changes post-exhibition version of the draft planning permit in response to the submissions.

CONCLUSION

172. We continue to support the amendment and a draft planning permit.

173. The amendment implements Council's settlement policies for Leopold and applies planning controls to manage the orderly residential development of the subject land.

174. We submit that we have demonstrated that the impacts on adjoining areas can be appropriately managed by the DDO, proposed planning permit conditions and the s173 Agreement.

175. We reiterate that the rezoning will facilitate a range of local community benefits and respectfully seek the Panel's support for the proposal.

176. This completes the Part B submission of Council.

APPENDICES

Appendix 1 – Track changes version Post-exhibition Planning Permit version 16/11/2021

Summary of track changes to permit for Panel	<ul style="list-style-type: none">• Addition of peer review requirement to condition 4 in response to HB Parker Pharmacy submission;• Addition of 4e) and 6g) advising of CCMA recommendations and conditions to be considered (subsequent renumbering and correction);• Condition 14 renumbered/corrected• Condition 17 amended in response to DELWP recommendation regarding GGF habitat and review of specific Council units;• Deletion of condition 39 for Social Housing contribution – external agreement between Council and developer has progressed to a point where condition is no longer required;• Addition of aboricultural assessment for trees to be retained in reserves into condition 43b) (renumbered to 42) – originally omitted in error;• Addition of notes to condition 44 (renumbered to 43) for detailed landscape plans – originally omitted in error• CCMA conditions added at 67-69;• Addition of Barwon Water conditions at 70-85;• Deletion of 86. Tenix – No condition requested• Additional Department of Transport conditions added at conditions 101-102;• Addition of note in response to Wadawurrung Traditional Owners Aboriginal Corporation submission;• Subsequent renumbering where required.
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DRAFT

Permit No.

PP-39-2019

**PLANNING PERMIT
GRANTED UNDER
SECTION 96I OF THE
PLANNING AND
ENVIRONMENT ACT 1987**

Planning Scheme

Greater Geelong Planning
Scheme

Responsible
Authority

Greater Geelong City Council

ADDRESS OF THE LAND

87-101 & 103-127 ASH ROAD, LEOPOLD

THE PERMIT ALLOWS

**MULTI LOT STAGED SUBDIVISION, REMOVAL OF
NATIVE VEGETATION, AND REMOVAL OF
EASEMENT(S)
GENERALLY IN ACCORDANCE WITH THE ENDORSED
PLANS**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to certification for the first stage of the subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with maps shown in the Design and Development Overlay – Schedule 46 and 43, but modified to show:
 - a) A 1ha Northern Open Space Reserve which is of suitable dimensions (Broadly Square or Rectangular with sides no greater than 2:1);
 - b) Identify areas of encumbered and unencumbered open space. This should be shown on the map and also include a land use budget to demonstrate compliance with 10% unencumbered open space provision. Linear Links should not be included as unencumbered open space;
 - c) Provision of an off road connection (direct, shared path or other format) to the southern local park shown as part overall open space network;
 - d) Consistency with approved house lot retention subdivision layouts of PP-261-2020 and 263-2020.

Endorsed Plans

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

[CGMA conditions](#)

Engineering Conditions

Stormwater Outfall Impact Assessment

4. Prior to the lodgement of the Functional Layout Plan for the first stage of development, an addendum to the *Ash Road East Stormwater Management Plan* and *Ash Rd Development - Flows to Lake Connewarre Impact*

Assessment for the South East Leopold Growth Area must be submitted and approved by the Responsible Authority. Unless otherwise approved in writing by the Responsible Authority, the submission must be accompanied by a peer review. The assessment must include but not be limited to an assessment of;

- a) the adopted ultimate stormwater management plan for Mollers Lane development PP-1463-2016, approved by the City of Greater Geelong
- b) any interim stormwater measures approved
- c) the constructed outfall infrastructure to Lake Connewarre
- d) and propose a stormwater strategy design response to the ultimate stormwater management plan and constructed assets.
- ~~d)~~e) Recommendations of the Corangamite Catchment Management Authority and their conditions of this permit

The addendum assessment must be submitted to and approved by the Responsible Authority, to the satisfaction of the Responsible Authority.

Creation of Reserve on 129-141 Ash Rd – Prior to Commencement of Works

5. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing, a Plan of Subdivision must be submitted and approved by the Responsible Authority under Section 35 of the Subdivision Act 1988, creating a reserve for drainage purposes in general accordance with the growth area development plan [LS1] on 129-141 Ash Rd and in favour of the City of Greater Geelong, at the landowners expense.

The plan of subdivision creating the reserve must be registered with Land Victoria within 60 days of approval by the Responsible Authority and all associated costs and compensation are at the landowners expense, or there must be an agreement in writing to the satisfaction of the Responsible Authority which secures its creation prior to commencement of works.

Engineering Plans Required

6. 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 5.30, March 2020, 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 1% AEP event, to the satisfaction of the Responsible Authority.
- 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) Risk assessment of drainage structures, in accordance with relevant ANCOLD guidelines.
- g) Reference to CCMA recommendations and conditions of this permit.
- h) Construction of Ash Road including concrete kerb and channel, footpath, intersection treatments and sealed road pavement where it abuts the subject site, unless otherwise approved in writing by the Responsible Authority;
- h*i*) Interim road construction and asset works in Ash Road abutting Stage 4, during Stage 2.
- b*j*) Footpaths on both sides of roads unless otherwise approved in writing by the Responsible Authority;
- k*e*) All footpath treatments showing DDA compliance at all designated crossing points;
- l*e*) Suitable road reserve cross sections to convey major drainage flows;
- e*m*) Turning areas suitable for the safe and efficient turning of service and emergency vehicles.

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.

Prior to Certification - Easements

7. 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.
8. Unless otherwise approved in writing by the Responsible Authority, prior to certification of each relevant stage of the Plan of Subdivision, the following easements and/or reserves must be created and registered with Land Victoria, or there must be an agreement in writing to the satisfaction of the Responsible Authority which secures their creation:
 - a) Drainage easements and/or reserves as required by the land use between the subject site and the outfall at Lake Connewarre;
 - b) Carriageway easements on adjoining land where required to facilitate the construction of drainage infrastructure and works;
 - c) Carriageway easements in favour of relevant authorities where access to assets is required;
 - d) Carriageway easement over any private property that is required to facilitate a vehicle turnaround area for waste services/fire services and to create the Temporary Hammerhead Turnaround at the dead end of a street or streets. 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 Temporary Hammerhead Turnarounds 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.

All to the satisfaction of the Responsible Authority.

Local Area Traffic Management and Road Name Plan

9. Unless otherwise approved in writing by the Responsible Authority, prior to the lodgement of Functional Layout Plans for Stage 1:
 - a) A Local Area Traffic Management (LATM) Plan must be developed with Council's Traffic Development Engineer's and submitted to and approved by the Responsible Authority. The LATM treatments may include, but not limited to: traffic management devices, modified intersection priorities, indented car parking, signage, linemarking, and vehicle crossing locations. All treatments shown on the LATM Plan on subsequent construction plans for each stage must be consistent with the approved LATM Plan.
 - b) When the LATM plan has been finalised, a Road Naming Plan must be developed with Council's Traffic Development Engineer's and submitted to and approved by the Responsible Authority. The Road Naming Plan must respect the LATM plan and the *Naming Rules For Places in Victoria* document. Pre-approved road names and descriptors shall be applied to a color-coded length of road on the Road Naming Plan. All road naming on subsequent plans of subdivision for each stage must be consistent with the approved Road Naming Plan.

All to the satisfaction of the Responsible Authority.

Road Names and Signs

10. Prior to the development of the Road Naming Plan and lodgement of the Functional Layout Plan for Stage 1, the permit holder must provide a list of all proposed road names within the subdivision for approval by Council's

Properties and Valuations unit. The permit holder must provide and place all relevant street signs and are consistent with the road names shown on all approved plans, to the satisfaction of the Responsible Authority.

Functional Layout Plan

11. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing for each relevant stage of the Plan of Subdivision, a detailed Functional Layout Plan for that stage of the subdivision must be submitted to and approved by the Responsible Authority. The plan must be in accordance with the Infrastructure Design Manual and submitted with the Design Engineers Checklist - Request for functional layout approval. Plans are to include:

- a) Locations of High voltage cable routes, sub-stations and property/NBN services pits;
- b) All Local Area Traffic Management items along with waste bin presentation plan, maintenance vehicle access points, maintenance vehicle access tracks, tree protection measures, footpaths and utility installations on or adjacent to public reserves.

All to the satisfaction of the Responsible Authority.

Interim Works

12. The engineering construction plans must show with each stage the extent of any proposed interim measures associated with road, drainage or other infrastructure and must detail construction to a standard that achieves a functional design with no adverse external impacts and achieves an acceptable standard of aesthetics including landscaping and is maintainable in perpetuity to the satisfaction of the Responsible Authority. The Responsible Authority may approve modifications to the execution of this requirement upon receipt of an application in writing that successive stages are to immediately follow on with construction and a guarantee that should this not occur within a prescribed time.

13. All temporary road connections to existing roads must be maintained by the landowner until the ultimate alignment is constructed, to the satisfaction of the Responsible Authority.

14. Prior to the commencement of site works for any stage of the subdivision, 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. The plan will be reviewed and updated to include each stage of development. 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) A Traffic Management Plan with proposed access and routes of construction vehicles to and from the site must be submitted and approved to ensure that no traffic hazards are created in and around the site;
- c) An outline of requests to occupy public footpaths or roads, and anticipated disruptions to traffic on Ash Road and utility services – updated regularly to include copies of Consents, Notifications or MOUs from Authorities;
- d) A dilapidation survey of authority assets within and immediately adjoining the site must be documented and reviewed prior to Practical Completion for each Stage.
- e) All appropriate control of site emissions during construction and the defects liability period;
- f) A staging plan for all construction phases including indicative dates for commencement and completion;
- g) 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; Planning and Environment Regulations 2015 - Form 9, Section 963
- i) Lined and bunded concrete washout area
- k) Designated Hydrocarbon filling area and spill kit
- l) Hours/days of construction, including deliveries, that are consistent with applicable Environment Protection Authority (EPA) legislation/guidelines;
- m) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- n) Details of site cleanliness and clean up regimes;
- o) Location of material storage;
- p) Dust suppression management;
- q) 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.
- 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'
- ~~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.

- 15. All development and works must be carried out in accordance with the approved CEMP, to the satisfaction of the Responsible Authority.
- 16. All sediment and erosion measures must be fully implemented prior to the commencement of earthworks on the development site.

Water Sensitive Urban Design (WSUD) Landscape Plans

- 17. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing for each relevant stage of the subdivision, plans which outline the WSUD landscaping elements must be submitted [for the review of Council's Engineering Services and Environment Units](#) and approved by the Responsible Authority. The plans must include, but are not limited to:

- a) Construction details of all water sensitive urban design elements including materials and plantings required for effective stormwater pollutant removal in accordance with the drainage design criteria specified in the conditions of this permit;
- b) Planting and establishment schedule for all water sensitive urban design planting, including species and densities in accordance with the drainage design criteria specified in this permit;
- c) Q10 and Q100 levels, and associated flow rates;
- d) Details of existing and finished surface levels; and;
- ~~e)~~ Construction and establishment methodology and associated staging of the WSUD works specific to the site, in accordance with relevant industry standards of the City of Greater Geelong to the satisfaction of the Responsible Authority.
- ~~e)f)~~ [Design standards that meet the Growling Grass Frog Habitat Design Standards \(DELWP 2017\).](#)

All to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design (WSUD) Landscape Works

- 18. Unless otherwise approved by the Responsible Authority, prior to the issue of statement of compliance for the relevant stage, the Water Sensitive Urban Design works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.

Practical Completion for the WSUD works can only be awarded when the ultimate landscape design is complete and subject to:

- a) Civil works within the treatment device being issued Practical Completion; and
- b) Landscape works within the treatment device being completed; and
- c) The final stage of the development draining to that treatment device is issued Statement of Compliance; and;
- d) A relevant maintenance bond being in place for the planting works.

A Practical Completion inspection is required and must be arranged by the permit holder with a two week notice period provided prior to onsite inspections. Any incomplete landscape works bond for WSUD will be returned on award of Practical Completion.

Water Sensitive Urban Design (WSUD) Maintenance

19. Unless otherwise approved by the Responsible Authority, Water Sensitive Urban Design works must be maintained in accordance with Council's Landscape Standards Manual (June 2013), or any replacement landscape standard guidelines or manual which may be adopted by the Council, to the satisfaction of the Responsible Authority until:

- a) The end of 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; or;
- b) Statement of Compliance is issued for the final stage of the development draining to that treatment device; whichever is the latter.

A Handover inspection is required and must be organised by the permit holder with a two week notice period provided prior to onsite inspections. No handovers will be accepted during summer months from 1 December to 29 February inclusive. Any landscape maintenance bond for WSUD will be returned on award of Handover.

Completion of Earthworks

20. 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 in writing by the Responsible Authority.

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.

Prior to Statement of Compliance – Roads and Drainage

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 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, payable prior to the issue of statement of compliance for the relevant stage, unless otherwise approved in writing by the Responsible Authority.
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. The bond is payable prior to the issue of statement of compliance for the relevant stage, unless otherwise approved in writing by the Responsible Authority.
24. 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.
25. 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

26. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
27. 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.
28. 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.
29. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Redundant Crossovers

30. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, any vehicular crossovers which are redundant as a result of this subdivision shall be removed, and the kerb and channel, footpath and nature strip shall be reinstated as required, at the expense of the Landowner and to the satisfaction of the Responsible Authority.

Council Assets

31. Prior to the issuing of a Statement of Compliance for each relevant stage of the subdivision, repair and reinstatement necessitated by any damage to Council assets caused by or as a result of the subdivision construction is required to be carried out at the Landowners expense to the satisfaction of the Responsible Authority.

Provision for Waste Collection Services

32. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, relevant street signs must be erected to the satisfaction of the Responsible Authority, including any signs required 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.
33. 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 turnarounds or constructed carriageways must be provided 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.
34. Prior to certification of the plan of subdivision for any relevant stage, 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.
35. Where cul de sacs are to be created, they must be a minimum of 21 metres from face of kerb to face of kerb no parking signs to apply on the day of residential kerbside collection.
36. Unless otherwise approved in writing by the Responsible Authority, prior to commencement of works for any relevant stage of the subdivision, a Bin Presentation Plan must be provided to the satisfaction Responsible Authority where bin pads are required:
 - a) on the through street for properties which front onto a Place (a short cul de sac without a turning circle);
 - b) to courts with four or less dwellings and garbage collection is to occur at the mouth of the court;
 - c) at the corner of through traffic where a stage creates an ending, that is not a court or a hammerhead, that services a number of dwellings;
 - d) for bins from lots whose frontage is used for the bin pads.

When bin pad is more than 20 metres from a lot frontage a section 173 agreement is required for the property indicating where the bin placement is according to the Bin Presentation Plan.

Swept path information for kerbside collection trucks shall also be submitted, using a "Checking Vehicle" with no clearance from Kerbs and overhang permitted over the internal islands and Road Centreline. Garbage collection vehicles are 10.2 metres long, dual rear axle. The "Design Vehicle" – which design guidelines require no overhang and 0.5m clearance (Back of Kerb) in the road reserve. Swept path diagrams using recognised software must be provided to show all egress movements from the development so that these vehicles can exit the site in a forward direction, to the satisfaction of the RA.

Developer Contributions

Public Open Space Contribution

37. Prior to the issue of Statement of Compliance for each stage of the subdivision, a public open space contribution, as specified in the Schedule to Clause 53.01 of the Greater Geelong Planning Scheme must be made to the Responsible Authority. The land must be provided in a manner which is consistent with the endorsed plan of subdivision and associated Section 173 Agreement applying to the land. Any shortfall in the 10% contribution must be agreed to by the Responsible Authority and made as a cash contribution.

Land identified as public open space as approved by this permit must be transferred to or vested in Council at no cost to Council. Any public open space provided at the applicants request in addition to the requirements here, must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

Community Infrastructure Contribution

38. Prior to the issue of Statement of Compliance for any stage of the subdivision, a Community Infrastructure contribution must be made to the Responsible Authority in accordance with the Section 173 Agreement applying to the land.

~~Social Housing Contribution~~

~~39. Unless otherwise approved in writing with the Responsible Authority, prior to the issue of Statement of Compliance for the first stage of the subdivision, the Owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the provision of a social and/or affordable housing contribution (as defined in that agreement) to the satisfaction of the Responsible Authority. The Owner must pay the Responsible Authority's reasonable costs associated with the preparation, registration and enforcement of the agreement~~

Open Space Reserves and Streetscape Landscaping

Tree Protection Management Plan

~~39.40.~~ A Tree Protection Management Plan must be prepared by a suitably qualified arborist and submitted for approval by the Responsible Authority prior to any work commencing. The plan must be prepared in accordance with the relevant Australian Standards and address all:

- a) council-owned trees
- b) privately owned trees and
- c) trees owned by other parties that are located within 4 metres of the property boundary.

Once approved, the Tree Protection Management Plan and its recommendations will form part of the Planning Permit and must be distributed and communicated to neighbouring properties that may be affected by the works

~~40.4.~~ All works must be in accordance with the endorsed Tree Protection Management Plan, unless otherwise approved in writing by the Responsible Authority.

Works within Tree Protection Zones

~~42.1.~~ All works within the nominated Tree Protection Zones must be:

- a) carried out in accordance with Australian Standard 4373–2007 *Pruning of amenity trees* and Australian Standard 4970–2009 *Protection of trees on development sites*
- b) overseen by a suitably qualified, level-5 arborist
- c) carried out to our satisfaction (as the Responsible Authority) by suitably trained and qualified arboricultural staff

- d) Tree Protection Fencing must be installed prior to the development starting (including any demolition works) and
- e) maintained until works are completed, or for two years.

Works encroaching the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority. All requests to amend or encroach a Tree Protection Zone must be directed to and carried out under the supervision of the Project Arborist.

Failure to adhere to the above conditions may result in the applicant being held fully liable for all costs associated with the following items:

- a) amenity tree value
- b) tree removal
- c) stump removal
- d) remedial pruning
- e) offset replanting and establishment of replacement trees, as determined by us (as the Responsible Authority).

At the conclusion of the works and prior to seeking Statement of Compliance the Project Arborist must submit a written statement to the Responsible Authority that certifies that the following items have been addressed as part of the works:

- a) Establishment of correct placement and installation of tree protection fencing
- b) Attendance during Tree Protection Zone incursions
- c) Adherence to Australian Standard 4970–2009 *Protection of trees on development sites*

Note

1. An inspection is required to satisfy this condition, please contact Council's Parks Planner's on 5272 5272 (treeplanning@geelongcity.vic.gov.au) to discuss this requirement and provide adequate notice of any request.
2. In the instance that minor pruning is anticipated the applicant must contact Council's Parks Planner's on 5272 5272 (treeplanning@geelongcity.vic.gov.au) to lodge a request and provide adequate notice.

Landscape Master Plan

432. Prior to issue of Statement of Compliance for the first stage of the subdivision, unless otherwise approved in writing by the Responsible Authority, a landscape master plan (incorporating street tree master plan detail) for the entire permit area must be prepared by a qualified landscape architect and submitted and approved by the Responsible Authority. The plan must be submitted electronically. When approved, the plan will be endorsed and form part of the permit. The landscape master plan must show and include, but is not limited to:

- a) The location, size (including area and dimensions) and primary function of all land to be developed as reserves, including Public Open Space Reserves (identifying if encumbered or unencumbered), Conservation Reserves, Greenways, Road Reserves and Drainage Reserves;
- b) A survey (including the location, size and botanical name) of all existing vegetation proposed to be retained on the land. [Trees to be retained must be accompanied by an aboriginal assessment to allow Council's Tree Management Unit to determine if individuals can be safely kept in any reserves.](#) Further detail to be supplied in accordance with condition ~~39~~40 for Tree Protection Management Plan;
- c) Any open space or landscaped areas to be common property must be distinguished from public open space areas;
- d) Current reserve area grades and any proposed changes to site gradients for all reserve areas.
- e) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
- f) The location and size of any water sensitive urban design (WSUD) assets;
- g) Location of any proposed services in open space – services will not to be allowed in credited open;

- h) A general indication of what recreation infrastructure is proposed and its location, including but not limited to: playgrounds, furniture, and exercise equipment, kick about areas, paths, shelters, vehicle exclusion barriers and maintenance access points;
- i) The style and location of all fencing for all boundaries abutting reserves (excluding road reserves other than paper roads);
- j) Street Tree Master Plan
- k) The principles and graphical concepts of any proposed Public Art, which complies with the requirements of the City's Arts and Culture Department;
- l) Mechanisms for the exclusion of vehicles from landscaped areas, as and where agreed with the Responsible Authority. Where vehicle access barriers to public open space are deemed appropriate, a maintenance access gate must be provided. The location of these barriers will be determined with the Responsible Authority;
- m) Pedestrian and cyclist movement plan – including shared path locations, widths and surface treatments.

The Street Tree Masterplan must include but not be limited to, the following:

- a) Street tree planting using semi-advanced trees with a minimum container size of 45 litres that comply with AS2303 - 2018 *Tree Stock for Landscape Use*;
- b) One tree per standard property frontage and no more than two (2) trees on side boundaries;
- c) Pedestrian linkages;
- d) Street closures;
- e) Land created for the purposes of creating a buffer zone (i.e. rural interface or main road);
- f) The estimated canopy of the mature trees (at 20 years) must be shown to scale.

Notes:

1. Street tree species selection within the Masterplan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching. Please consult with the Electrical Designer regarding this requirement.
2. Consultation with the City's Open Space Planning Unit during early concept design is encouraged to help facilitate efficient approval processes.
3. Any pathway within the open space reserves should be located having regard to the protection of existing vegetation worthy of retention.

Detailed Landscape Plans

434. Prior to the Statement of Compliance being issued for each applicable stage of the subdivision, unless otherwise agreed in writing by the Responsible Authority, a detailed landscape plan for that 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 plan must address and be consistent with any endorsed landscape master plan applying to the site and show, but not be limited to:

- a) The name and stage of the estate and the Planning Permit Number.
- b) Location of all services or encumbrances (including drainage infrastructure/WSUD);
- c) Site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- d) Any reserve containing gradients 1 in 14 or steeper must include a minimum of two (2) individual cross sections that stipulate the proposed treatment options;
- e) The ultimate 1% and 10% Annual Exceedance Probability storm event extents;
- f) The proposed layout including all paths, structures, furniture, play equipment, bike parking, signage, maintenance vehicle access crossovers and maintenance access gate/s – including materials and finish of all surfaces;

- g) Details of all other infrastructure within the road reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc.);
- h) Specifications for all proprietary products shown on the plan. Construction details for all non-proprietary furniture, play equipment, shelters etc;
- i) A detailed planting schedule and proposed planting layout of all areas of open space, road reserves and traffic management devices (e.g. medians, islands, and roundabouts) 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. Note: Street tree planting must be achieved in no less than 85% of the lots for that particular stage of the development;
- j) All proposed groundcover and shrub planting with a minimum container size of 150mm and must not exceed 400 mm in height at maturity;
- k) The maintenance schedule for all proposed planting;
- l) The estimated canopy of the mature trees (at 20 years) must be shown to scale;
- m) All road cross sections applicable to the site;
- n) Tree Protection Zones on all plans.
- o) Detailed planting and hardscaping construction drawings;
- p) Permeable fence design details for lots abutting all reserves except road reserves. Fencing detail must be to the satisfaction of the Responsible Authority;
- q) A detailed schedule of quantities showing accurate cost estimates of each item included in the plan;
- r) The removal of any existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
- s) Additional supporting information as required, such as certified structural designs;

Landscape plan changes must be identified on any amended plans with a revision cloud. Any changes not identified on a plan that is subsequently endorsed will not be accepted and Council has the right to require rectification.

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.](#)

No Utility Services On Public Open Space

454. Utility service substations, kiosk sites and the like must not be located on any land identified as 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.

Council Reserves — Vehicle Access Barriers

465. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes a Council reserve, suitable vehicle access must be provided across the entrance of the Reserve, to allow access to City of Greater Geelong maintenance vehicles to the satisfaction of the Responsible Authority. The location of any barriers shall be determined by the Responsible Authority.

Fencing of Council Reserves

47.6. Unless otherwise approved in writing by the Responsible Authority, prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision which includes, or is adjacent to, a Council reserve, the subdivider must erect an appropriate fence on the boundaries of the Council Reserve to the satisfaction of the Responsible Authority and at no cost to the City. Design detail of the fencing to be provided to the satisfaction of the Open Space Planning Unit.

Restriction on title – Fencing of Council Reserves

48.7. Unless otherwise approved in writing by the Responsible Authority, the plan of subdivision submitted for certification for any stage that includes a lot that is to be provided with fencing where the lot adjoins a Council reserve must show a restriction on title. The land to be burdened by the restriction must be all lots that are both:

- a) Within that stage of the subdivision; and
- b) To be provided with fencing where the lot adjoins the Council reserve,

The land to be benefitted by the restriction must be the Council reserve(s) within that stage of the subdivision. The restriction must prohibit the owner of the burdened land from:

- a) Removing the boundary fence along the boundary between the Council reserve and the adjoining lot; or
- b) Altering the boundary fence along the boundary between the Council reserve and the adjoining lot, if the alterations would result in a different fence material, height or level of visual permeability;

Except with the written consent of the owner of the benefitting land.

Completion of Landscape Works

49.8. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance, the landscaping works shown on the approved landscape plan for that stage must be completed to the satisfaction of the Responsible Authority.

A practical completion inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The completion of works must be to a standard to the satisfaction of the Responsible Authority to pass this inspection. If applicable, the landscape works bond will be returned following the award of practical completion.

50.49. 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) The vesting of the reserve in Council, at no cost to Council;
- b) Building permits and structural engineering compliance, as-built construction plans, and materials detail where necessary;
- c) Landscaping maintenance plan
- d) Schedule of Quantities showing the financial value of all hard assets
- e) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.
- f) An independent playground auditors report with evidence of rectification of any identified defects. The report must relate to all playground equipment, fitness equipment, natural play area, soft fall areas and edging to ensure that all aspects of playground construction meet Playground Standards AS/NZ4422 1996 and AS4685 parts 1-6 2004 and is in good working order and safe for use.

Landscaping Bonds

54.0. If the Responsible Authority agrees to issue Statement of Compliance prior to the landscaping works being completed for the relevant stage, 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 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 (1) year of the date of statement of compliance being awarded for that stage.

52.1. 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.

Maintenance of Landscaping

532. 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 and equipment are to be repaired as required to ensure the landscaping is maintained to the same standard as when practical completion was awarded.

Should the permit holder default on landscape maintenance requirements which leads to a partial or full replanting, the Responsible Authority will determine an appropriate extension of the maintenance period as necessary to provide for establishment of replacements.

A handover inspection is required and must be arranged by the permit holder with two weeks' notice provided for the responsible authority. The maintenance of the completed works must be at a standard to the satisfaction of the Responsible Authority to pass this inspection. The maintenance bond will be returned following award of Handover.

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 construction and maintenance period.

Notes:

1. 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. At the conclusion of the maintenance period all maintenance responsibilities will be transferred to the responsible authority.
3. No handovers will be accepted during the summer months from 01 December to 28 February inclusive.

Native Vegetation Removal

Notification of permit conditions

543. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

No Removal of Native Vegetation

554. No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority.

Vegetation Removal and Protection

565. Removal, including pruning, of native trees 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.

576. Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. The vegetation to be retained must be protected in accordance with the endorsed Tree Protection Management Plan and its recommendations. An inspection is required once the Tree/Vegetation Protection Fencing has been erected. Please contact the City's Environment Unit to arrange this inspection.

587. 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.

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

Native vegetation offsets

Offset requirement

6059. To offset the removal of 0.463 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

General offset

A general offset of 0.219 general habitat units:

- a) located within the Corangamite Catchment Management Authority boundary or the City of Greater Geelong municipal district
- b) with a minimum strategic biodiversity score of at least 0.365

Offset evidence and timing

640. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is 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.

Monitoring and reporting for onsite offset implementation

621. In the event that a security agreement is entered into as per the preceding condition, the applicant must provide the annual offset site 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.

Fauna and Habitat

Stag Relocation Plan

632. Any Eucalypt tree nominated for removal that has a Diameter at Breast Height >70 centimetres, and dead stags to be removed must be used as habitat to the satisfaction of the Responsible Authority. These trees must be salvaged so that they can achieve maximum habitat value. Prior to the commencement of works for any relevant stage containing trees to be removed, a Stag Relocation Plan for each stage of subdivision must be submitted and approved by the Responsible Authority. The plan must include the following:

- a) Identification of each tree proposed for relocation.
- b) Species identification and size of each individual tree.
- c) Identification of the relocation sites.
- d) The proposed site preparation and protection measure to ensure each tree's structural integrity and protection after relocation is maximised.

Fauna Protection

643. Prior to the commencement of any tree removal or other potential fauna habitat, the permit holder must appoint an ecologist to conduct a pre-clearing survey to assess the presence of fauna. Where fauna is likely to be present in trees or vegetation proposed for removal, a suitably qualified wildlife handler must be present to ensure that native fauna is managed in accordance with DELWP guidance and all necessary authorisations must be obtained prior to removing native fauna. Dams filled as part of the approved development must be drained at least 48 hours prior to works commencing to enable the relocation or translocation of fauna.

CFA Conditions

Subdivision plan not to be altered

654. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA

Hydrants

665. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- 1) Above or below ground operable hydrants must be provided. 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 90 metres and the hydrants must be no more than 120 metres apart. These distances must be measured around lot boundaries.
- 2) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note – 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)

Roads

676. 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.

- 1) 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.
- 2) Curves must have a minimum inner radius of 9 metres.
- 3) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- 4) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

CCMA Conditions

67. [Stormwater Management Infrastructure must be constructed in accordance with the details provided in the Stormwater Management Plan submitted with the application unless with the written consent and approval of the Responsible Authority, specifically:](#)

[a\) The central catchment sediment pond shall provide a minimum 1000m² treatment area;](#)

[b\) The central catchment wetland shall provide a minimum of 2,800m² treatment area;](#)

[c\) Flow retardation must be provided generally in accordance with the Stormwater Management Plan, and must ensure no adverse impacts for properties downstream for storm events up to and including a 1% AEP event.](#)

68. [Construction techniques must incorporate the provisions within the Guidelines for Environmental Management – Doing it right on Subdivisions \(EPA Publication 960\).](#)

69. [The requirements of Standard C25 \(Clause 56.07-4 of the Planning Scheme\) must be met for the subdivision.](#)

[Note: A works on waterway permit must be obtained from the Authority prior to commencement of works on the waterway on site](#)

Barwon Water

Conditions required

~~Approximately 12 conditions~~

General

70. [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.](#)

71. [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 Servicing Requirements Manual, without cost to Barwon Water, over existing and proposed potable water and sewerage infrastructure within the land. If further easements or reserves are required following design of the required 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.](#)

72. A restriction is to be created on title for any land where an existing or proposed sewer main is located within. The restriction is to allow for "reasonable access" as required under the adopted sewer design code. Should Barwon Water agree to partial or no gravity control of sewer to any allotment, a separate restriction is to be created highlighting the limit of gravity control or the reliance on a non-gravity sewer connection.

73. For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water sewerage system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with section 36 of the Subdivision Act 1988. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.

74. The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and sewerage services to the proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L018821.

Potable Water

75. The provision and installation of a potable water supply to the development.

76. Reticulated potable water mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.

77. Strategic potable water infrastructure is required. The process to deliver and funding of these assets will be determined at the time a Developer Deed is issued for the development.

78. Each retained home site will be remote from the existing water main in Ash Road upon subdivision and will require the owner/to apply to Barwon Water to enter into a temporary Water Supply By Agreement (WSBA) for each house site if water services are to be maintained prior to construction of reticulation mains in those Stages. Terms and Conditions of these temporary WSBA's and the end date of the WSBA's will be determined at the time of the applications/subdivision. Barwon Water will require formal agreement from the developer and owners of these retained home sites to these conditions for this temporary servicing to be supplied prior to acceptance.

79. The developer will also be required to relocate and reconnect each water supply meter for the retained home sites until water mains are constructed to each home site if WSBA's are entered into.

80. Barwon Water's records indicate that existing potable water services and meters are located on these properties. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private potable water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments unless in accordance with temporary Water Supply By Agreements for retained home sites.

81. The payment of a standardised New Customer Contribution is required for any new connection.

82. Barwon Water has two existing strategic water mains contained within this land for which is a road reserve is proposed. Barwon Water will not permit any nature-strip trees to be planted over these water mains. Should relocation of these assets be required this will be at the developer's cost.

Sewer

83. The provision and installation of a sewerage service to the development.

84. Reticulated sewer mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.

85. Strategic sewerage infrastructure is required. Strategic sewerage assets include a sewerage pumping station which is to be located external to this land and a rising main. The sewerage pumping station and rising main are

[to be delivered following Barwon Water's Developer Works Process. The process to deliver and funding of these assets will be determined at the time a Developer Deed is issued for the development.](#)

Powercor

806. This letter shall be supplied to the applicant in its entirety.

847. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

882. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

893. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

9084. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- i. RESERVES established by the applicant in favour of the Distributor.
- ii. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

9185. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- i. Existing easements may need to be amended to meet the Distributor's requirements
- ii. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2009	Powercor Australia Ltd

Tenix

~~86. — No Condition requested.~~

Telecommunications

8792. 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.

9388. 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 item; 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.

Transport for Victoria

- | ~~9489~~. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the Certification of a Plan of Subdivision for any stage which contains a bus stop nominated in writing by the Head, Transport for Victoria, construction engineering plans relevant to that stage of the subdivision must be submitted to the Head, Transport for Victoria. The plan must be to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and show the following:
 - a) Concrete hard stand area for passengers, and barrier kerb, (based upon PTV standard drawings STD_0064, STD_0065, STD_0066 or STD_0067 (where applicable) in accordance with the attached 'Ash Road Bus Stop Plan' document prepared by TN;
 - b) A design compliant with the Disability Discrimination Act - Disability Standards for Accessible Public Transport 2002 (but not including the construction of tactile);
 - c) Direct and safe pedestrian access to a shared/pedestrian path

- | ~~950~~. Before the certification of a Plan of Subdivision, or other time agreed in writing with the Head, Transport for Victoria, an Integration Plan to the satisfaction of the Head, Transport for Victoria, must be submitted to and approved by the Responsible Authority. When approved, the 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 Proposed Road Network Plan prepared by Cardno dated 4 December 2018 but modified to show:
 - a) how the proposed development within the subdivision connects to the existing road network to the east of the site;
 - b) both shared user paths (off road) on the southern and northern connector roads; and
 - c) a shared user path (off road) of a minimum of 3.5 metres width through the linear park reserve and connecting Ash Road and the southern Connector road.

- | ~~964~~. Unless otherwise agreed 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 the Head, Transport for Victoria for approval. The plan must be to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and must depict the road cross section, including shared user paths (off road), to be constructed as outlined in the endorsed plans.

- | ~~972~~. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the issue of a Statement of Compliance for any subdivision stage which contains a bus stop nominated in writing by the Head, Transport for Victoria, concrete hard stand pads for passengers and barrier kerbing must be constructed in accordance with the endorsed plans at the full cost of the permit holder.

- | ~~983~~. Unless otherwise agreed 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 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).

- | ~~994~~. 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 Public Transport Victoria.

- | ~~10095~~. 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.

101. Before the issue of a Statement of Compliance for the subdivision, the following roadworks on Bellarine Highway at the Ash Road intersection must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria and the Responsible Authority:

- a) Extension of the Bellarine Highway right turn lane on the west approach to the intersection so that the total length is 195m including a 25m taper;
- b) Extension and alteration to the Bellarine Highway right turn lane street lighting (as required by lighting design).

102. Prior to the works commencing on the Bellarine Highway reserve, the applicant must enter into a works agreement with Head, Transport for Victoria, confirming design plans and works approvals processes, including the determination of fees and the level of service obligations of the Head, Transport for Victoria.

SUBDIVISION EXPIRY

~~96~~103. 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 two (2) 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.

Note:

~~Conditions from the following authorities are expected to be provided post exhibition of the draft permit via Amendment C394:~~

- ~~1. Barwon Water;~~
- ~~2. Tenix~~
- ~~3. Department of Environment Land Water and Planning~~

Wadawurrung Cultural Heritage

Having regard to the provisions of the Aboriginal Heritage Act 2006 and Regulations 2018, if any Aboriginal cultural heritage issues or artefacts are encountered during the course of construction activity on the subject land then works should immediately cease within 10 m of the area of concern and the Registered Aboriginal Party should be immediately contacted to investigate, and to issue any instructions under the provisions of the Aboriginal Heritage Act 2006 and Regulations 2018 that must be complied with.

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates-

- * from the date specified in the permit; or
- * if no date is specified from-
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it is issued, in any other case.

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 the 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 of 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 APPEALS?

- * The person who applies for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case, no right of review exists.
- * An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that Notice.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must be also served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Victorian Civil and Administrative Tribunal, 7th Floor, 55 King Street, MELBOURNE, 3000, Phone (03) 9628 9777
Planning and Environment Regulations 2005 Form 4