

# GREATER GEELONG PLANNING SCHEME AMENDMENT C391GEE

## PLANNING PERMIT APPLICATION 39-2019

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the City of Greater Geelong, which is the planning authority for this amendment.

The Amendment has been made at the request of Tract Consultants on behalf of Eastern Ash Pty Ltd, a subsidiary of Ample Investment Group Pty Ltd.

#### Land affected by the Amendment

The Amendment applies to an area of approximately 29 hectares of land on the eastern side of Ash Road Leopold consisting of 73-85 Ash Road, Leopold, 87-101 Ash Road, Leopold, 103-127 Ash Road, Leopold, 129-141 Ash Road, Leopold and 143-155 Ash Road, Leopold, as shown on the following plan:



The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application only applies to 87-101 Ash Road and 103-127 Ash Road, Leopold.

### **What the amendment does**

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).

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.

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

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 planning permit is attached as a separate document to this Explanatory Report.

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The Amendment is required to rezone land to facilitate the development of the land for residential purposes in accordance with the urban growth direction of the Leopold Structure Plan. The Amendment also includes a Schedule to the Design and Development Overlay to manage the future residential development of the area if the planning permit accompanying this Amendment is not acted upon.

The Amendment will allow the subject land to integrate fully with the Mollers Lane growth area to the east and the existing urban areas to the north and west, providing a coordinated land use planning outcome for the area.

#### **How does the Amendment implement the objectives of planning in Victoria?**

Consistent with the objectives set out in Section 4 of the Planning and Environment Act 1987, the amendment:

- Provides for the fair, orderly, economic and sustainable use and development of land as it facilitates a land use that is consistent with surrounding land use patterns and creates an economic opportunity for underutilised urban land.
- Balances the need for new housing against the constraints and opportunities of the area.
- Provides planning provisions to ensure the orderly and logical development of the land.
- Does not compromise any places of known scientific, aesthetic, architectural, historical interest, or otherwise of special cultural value.

#### **How does the Amendment address any environmental, social and economic effects?**

The permit application seeks approval to remove native vegetation which is located in patches across the subject land. Offsets are proposed to address the native vegetation loss. 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.

The environmental assessment has found that most of the site is suitable for residential development with regards to potential soil contamination. For the property at 143-155 Ash Road it found that there were several soil stockpiles on site that included asbestos containing materials which require further assessment. Clean up works have commenced on site.

The amendment will provide social benefits through the establishment of an attractive residential development supported by areas of conveniently located open space.

The City and the applicant are continuing to explore the potential to revise the layout of open space on 87-101 and 103-127 Ash Road to gain a larger, more regularly shaped local park and reduced elongated linear space connection. This is reflected in the amended plans condition 1 on the draft planning permit PP-39-2019 and shown in the outline development plan in the draft Design and Development Overlay (DDO46).

Development contributions will be allocated to community infrastructure projects within Leopold.

The amendment will also result in additional economic growth during the development of this estate and because of the expansion of the Leopold community.

The amendment will manage stormwater runoff through the provision of best practice water sensitive urban design, directing run-off to drainage basins within the site and retarding flows exiting the site eastwards to the Mollers Lane area before ultimately reaching Lake Connearre.

The proposal provides a landscape response that will retain a portion of established remnant vegetation while also proposing appropriate landscaping throughout the site to promote biodiverse habitats, particularly within proposed areas of public open space.

Subdivision design will provide a framework that can facilitate a variety of dwelling types and the permit provides for a contribution to social housing.

Public open space will include pedestrian and bicycle paths to encourage active lifestyles and transport and facilitate connections into adjoining residential areas.

### **Does the Amendment address relevant bushfire risk?**

All the land affected by the amendment and permit application is located within a bushfire prone area though no Bushfire Management Overlay applies. The site is surrounded to the north and west by existing and developing residential development, to the south by farmland and Lake Connearre and to the east by farmland that has been rezoned and has a permit for residential subdivision. The land is wholly contained within the Leopold settlement boundary.

To determine the impact of proposed subdivisions on the bushfire risk to a local community and adjacent areas, Clause 13.02S of the Planning Scheme requires that the bushfire risk be considered when assessing applications for subdivisions of more than 10 lots for land in a bushfire prone area,

The application was referred to the CFA. The CFA did not identify any strategic issues with the rezoning and proposed subdivision. The CFA noted that the site is entirely within the Settlement Boundary; that the development removes the predominant quantity of vegetation; that the development does not include the planting of vegetation that would be classifiable, that the development is surrounded to the North, East and West by existing development, or approved planning permits; and that the development includes a ring road to the south, which includes along the settlement boundary on the south east of the development.

The CFA provided permit conditions to the City and these have been included in the draft planning permit.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987 and meets the requirements of relevant Ministerial Directions as follows:

The amendment is also consistent with Ministerial Direction 11 Strategic Assessment of Amendments as the Explanatory Report includes all requirements to be met.

The amendment is also consistent with Ministerial Direction No. 15 on the Planning Scheme Amendment Process.

The amendment is consistent with the Ministerial Direction No.17 – Localised Planning Statements. To ensure lots within the Bellarine Peninsula consider the relevant adopted Localised Planning Statement, this Direction seeks to ensure discussion and implementation of the Amendment and that its relationship with this Localised Planning Statement is addressed within an explanatory report.

As outlined within the Bellarine Peninsula Localised Planning Statement, the proposal appropriately facilitates residential growth as designated by the Structure Plan, to be contained within the settlement boundary. The amendment ensures urban growth is contained to protect and enhance the non-urban (rural) break to the east of Leopold. In addition, the remaining rural land to the south provides an appropriate separation to Lake Connewarre.

As the southeast residential growth area of Leopold, the proposed Amendment seeks to incorporate a Design and Development Overlay in addition to rezoning of the land to General Residential Zone (Schedule 1). This overlay will dictate urban character values and design that are consistent and respectful to the existing residential surrounds of Leopold.

### **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment is consistent with the intent of the Planning Policy Framework (PPF) and supports its implementation by:

- Clause 11 Settlement – The amendment supports this policy as it will facilitate residential growth in an orderly manner within the established township of Leopold with access to recreational, community, schooling and retail services. The amendment is delivering on the planned extension to the township identified in the Leopold Structure Plan.
- Clause 11.03 -1 Open space – The amendment and planning permit a public open space network linked via paths and trails to meet the community's needs.
- Clause 11.07 Geelong (G21) Regional Growth – As Leopold is identified as an area to 'Support planned growth and reinforce the role of distinct towns', the amendment is implementing this policy.
- Clause 12.01-2 Native vegetation management – The amendment implements this policy by retaining some existing site vegetation and where clearing is required, through the implementation of off-set planting to ensure no net loss of biodiversity.
- Clause 15 Built Environment and Heritage – The amendment supports this policy as the subdivision design will enable the creation of a safe and functional urban environment which retains some existing landscape features. The proposal will also ensure integration with the vacant land to the east and facilitate the continuation of an east-west road between Melaluka Road and Mollers Lane.
- Clause 16 – The amendment accords with this policy as it facilitates a serviced housing development within the town boundary and provides a range of lot sizes to meet the varying needs of the community.
- Clause 19.03-3 Stormwater – The amendment supports this policy as it will manage stormwater from the site through the subject land and via incorporation of water-sensitive urban design techniques to reduce run-off and peak flows and integrate stormwater treatment. The amendment will not cause any significant negative impact on Lake Connewarre.

In addition to current State Policy, on 29 October 2019, the Bellarine Peninsula was declared a Distinctive Area and Landscape under the *Planning and Environment Act 1987*. The declaration triggers the requirement to prepare a Statement of Planning Policy (SPP).

The SPP will include a 50-year vision and land use strategies to better protect the unique features of the Bellarine Peninsula for current and future generations. It also provides the opportunity to designate long term settlement boundaries.

The SPP will be informed by strategic planning work already undertaken, relevant technical studies and outcomes from community engagement.

A draft SPP is to be released for public consultation in mid-2021. It is not expected that Amendment C391ggee will conflict with the draft SPP as the land is located within an existing settlement boundary and is already earmarked in the planning scheme for rezoning.

### **How does the Amendment support or implement the Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposal is specifically consistent with and will implement the following elements of the Planning Policy Framework (PPF):

- 21.06-2 Urban growth seeks to retain development within defined urban growth areas and provide a mix of housing suited to the needs of a diverse range of household types.
- Clause 21.05-2 Waterways seeks to enhance and protect waterways by the appropriate management of stormwater runoff from developments.
- Clause 21.05-7 Flooding seeks to protect floodplains and minimise the risk of flood damage.
- Clause 21.06-3 – Urban Consolidation – provides for the consolidation of existing urban areas in a managed way, encourages an appropriate range of development densities and to improve accessibility to urban services.
- Clause 21.06-4 Neighbourhood character seeks to ensure that new development positively responds to the established urban character of the area.
- 21.08-3 Development Contributions – Encourages development to proceed in a contiguous manner which maximises the use of development and community infrastructure.
- 21.08-5 Accessibility – Recognises the need to have safe access to infrastructure for all members of the community and provide shared spaces and passive surveillance of all recreational areas.
- Clause 21.14 Bellarine Peninsula – The amendment implements the urban growth policies for Leopold and the protection of waterways including Lake Connewarre.

The amendment appropriately implements the MSS, which seeks to direct residential development to designated growth areas, including Leopold. Leopold is a designated growth town where urban growth is expected and encouraged. The site represents a logical rezoning within the settlement boundary.

### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have minimal impact on Council's resource and administrative costs as it represents an expected strategic planning outcome for this land.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

'Amendments' section of the City's website [www.geelongaustralia.com.au/amendments/](http://www.geelongaustralia.com.au/amendments/)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority.

Submissions about Amendment C391ggee should be received by Monday 28 June 2021 and addressed to:

The Coordinator  
Strategic Implementation  
City of Greater Geelong

- either by mail to: PO Box 104, GEELONG VIC 3220
- or by email to: [amendments@geelongcity.vic.gov.au](mailto:amendments@geelongcity.vic.gov.au)
- or lodged online at: [www.geelongaustralia.com.au/amendments](http://www.geelongaustralia.com.au/amendments)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: in the week commencing 27 September 2021
- panel hearing: in the week commencing 25 October 2021

### **Further information**

For further information about Amendment C391ggee, please contact the Strategic Implementation Unit at the City of Greater Geelong on (03) 5272 4820 or via email [amendments@geelongcity.vic.gov.au](mailto:amendments@geelongcity.vic.gov.au)