

**Greater Geelong Planning Scheme Amendment C391ggee
and Planning Permit Application PP39/2019**

Panel Report

Planning and Environment Act 1987

17 December 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Geelong Planning Scheme Amendment C391 and Planning Permit Application PP39/2019

Ash Road, Leopold

17 December 2021



Kathy Mitchell AM, Chair



Geoffrey Carruthers, Member

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Glossary and abbreviations

AEP	Annual Exceedance Probability
amendment land	73-85 to 143-155 Ash Road, Leopold
BPEMP	Best Practice Environmental Management Guidelines
CCMA	Corangamite Catchment Management Authority
Council	City of Greater Geelong Council
DELWP	Department of Environment, Land, Water and Planning
DDO46	Design and Development Overlay – Schedule 46
DoT	Department of Transport
EAO	Environment Audit Overlay
EPA	Environment Protection Victoria
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
NDA	Net Developable Area
NVRR	Native Vegetation Removal Report
PE Act	<i>Planning and Environment Act 1987</i>
permit land	87-101 and 103-127 Ash Road, Leopold
PPF	Planning Policy Framework
Proponent	Eastern Ash Pty Ltd
SELF	South East Leopold Framework Plan
SWMP	Storm Water Management Plan

Overview

Amendment summary

The Amendment	Amendment C391ggee to the Greater Geelong Planning Scheme
Planning Permit application	PP39/2019
Common name	Ash Road, Leopold
Brief description	<p>Rezone land in Ash Road, Leopold from Farming Zone to Residential Growth Zone Schedule 1 to facilitate future subdivision and development in accordance with the Leopold Structure Plan September 2011 (amended January 2013)</p> <p>The planning permit 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)</p>
Subject land	<p>Amendment land: 73-85, 87-101, 103-127, 129-141 and 143-155 Ash Road, Leopold</p> <p>Permit land: 87-101 and 103-127 Ash Road, Leopold</p>
The Proponent	Eastern Ash Pty Ltd
Planning Authority	City of Greater Geelong
Authorisation	6 April 2021
Exhibition	27 May to 28 June 2021
Submissions	<p>Number of Submissions: 29 (see Appendix 1)</p> <p>13 objections, nine in support and seven made comment about the amendment and draft planning permit</p>

Panel process

The Panel	Kathy Mitchell AM (Chair) and Geoffrey Carruthers
Directions Hearing	By video conference: 28 October 2021
Panel Hearing	By video conference: 22, 23 and 25 November 2021
Site inspections	Partially accompanied site inspection: 5 November 2021
Parties to the Hearing	See Appendix 2
Citation	Greater Geelong C391ggee PSA [2021] PPV
Date of this report	17 December 2021

Executive summary

Leopold is a district town within the City of Greater Geelong that has been designated as an area for limited residential growth since the early 2000s. The Leopold Structure Plan was approved and included in the Greater Geelong Planning Scheme in 2011, it was updated in 2013 and has guided its residential development since that time.

This Amendment seeks to rezone land in the south-east quadrant of Leopold from the Farming Zone to General Residential Zone Schedule 1 to provide for conventional residential development in one of the last pockets of land to be developed within the Leopold settlement boundary. In addition, a planning permit application is sought to subdivide the land into approximately 206 lots, and to remove a small portion of native vegetation as well as some easements.

From the public exhibition process, 29 submissions were received, some in support, others in objection and some making various comments about the Amendment and/or the permit application. A three day Panel Hearing was held to consider the Amendment, planning permit application and issues raised, to hear from submitters and to provide advice to the Council about the proposal.

The Panel heard from Council, the Proponent and two neighbouring property owners (one representative for both). While no individual sought to be heard, the Panel has reviewed all submissions and has considered all relevant issues in providing its advice to Council.

The key issues to be reconciled relate to the layout and impact of the proposed subdivision on existing stormwater and drainage; traffic; the size and location of the public open space; vegetation loss and potential for contamination. Some submitters did not want further residential development in Leopold, but from a policy perspective, the proposal is consistent with State and local policy and more particularly, the Leopold Structure Plan 2013.

The Panel considers the Amendment is well founded, strategically supportable and that subject to conditions, the Amendment should be approved, and a planning permit should issue.

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Amendment C391ggee to the Greater Geelong Planning Scheme, as exhibited subject to:**
 - a) Adopting Design and Development Overlay Schedule 46 as amended (Document 77) and modified as follows:**
 - Amend the last dot point under Stormwater Management of Clause 3.0 Subdivision to read *“Subdivision of the land at 73-85 Ash Road should have regard to the need to accommodate the drainage of the northern catchment”*.
- 2. Issue Planning Permit PP39/2019 for the multi-lot subdivision of 87-101 and 103-127 Ash Road, Leopold, the removal of native vegetation and the removal of easements, subject to the revised permit conditions contained in Appendix D.**

1 Introduction

1.1 The Amendment and permit application

Amendment C391ggee to the Greater Geelong Planning Scheme proposes to rezone land at 73-85 to 143-155 Ash Road, Leopold (the amendment land) to facilitate future subdivision and residential development. Specifically, the Amendment proposes to:

- rezone all the land from Farming Zone to the General Residential Zone Schedule 1
- insert a new Schedule 46 to Clause 43.02 Design and Development Overlay (DDO46) to apply to the amendment land.

As exhibited, the concurrent planning permit application PP39-2019 seeks approval for the multi-lot staged subdivision of 87-101 and 103-127 Ash Road, Leopold (the permit land) to include:

- subdivision of the permit land into 196 lots across six stages, with an average lot size of 490 square metres
- dedication of 10.34 per cent of the permit land for unencumbered open space
- creation of an east-west connector road to the north of the permit land (noting a second east-west connector road will be provided to the south of the permit land) and internal roadways throughout the site
- removal of 0.347 hectares of native vegetation and easements.

The extent of the amendment and permit land is shown in Figure 1, noting that not all of the amendment land is subject to this permit application.

The City of Greater Geelong (Council) is the Planning Authority for this Amendment. The Proponent is Eastern Ash Pty Ltd (Proponent).

The Amendment was authorised by the Department of Land, Water, Environment and Planning (DELWP) on 6 April 2021.

The Amendment was on public exhibition from 27 May to 28 June 2021, during which 29 submissions were received.

Figure 1 Amendment and planning permit application area ¹



The Amendment and planning permit application were exhibited together with a draft agreement under section 173 of the *Planning and Environment Act 1987* (the PE Act). The agreement is proposed to be applied to the properties to be rezoned to formalise development contributions for the delivery of some local infrastructure for the area.

¹ Document 2

1.2 The subject land and surrounds

Both the amendment and permit land are located within Leopold on the Bellarine Peninsula (Figure 2). Leopold is located approximately 12 kilometres to the east of Geelong and 90 kilometres from Melbourne. It traverses the Bellarine Highway and is bound to the north by the Portarlington Road and to the south by Lake Connewarre.

Figure 2 Geographic location²



The subject land is located to the south and east of the existing residential area of Leopold, with the Farming Zone land continuing south of the land and to the east of Mollers Lane.

The amendment land has a total site area of 29 hectares. It is sporadically occupied by single dwellings and associated outbuildings and is broadly used for rural lifestyle purposes. The land is encumbered by two easements which service a water supply easement managed by Barwon Water. These run parallel to the northern boundary of 87-101 Ash Road, with an outfall pipe running in a north-west to south-east direction within both 87-101 and 103-127 Ash Road.

The land surrounding the amendment and permit land includes:

- existing residential use to the north
- rural lifestyle purposes to the south

² Document 42

- development of a new residential to the east as the result of a combined Greater Geelong Planning Scheme Amendment C367 and Planning Permit (PP1463/2016)
- the established residential neighbourhood of Hazelwood Crescent to the west.

Approximately 850 metres further to the south of the land is Lake Connewarre which is a declared 'wetland of international significance' under the RAMSAR Convention.

Figure 3 shows the location of the amendment and permit land, as well as the neighbouring land under development that was subject to Greater Geelong Planning Scheme Amendments C280 and C367 and Planning Permit PP1463/2016.

Figure 3 Location of amendment and permit land and Amendment C367³



³ Document 50

The land to the immediate west of the amendment and permit land is within the Leopold South growth area where residential development has commenced in accordance Amendment C280 gazetted on 24 March 2016. Amendment C280 sought the rezoning of land at 90-172 Ash Road Leopold and 22-30 and 21-29 Walkers Road, Leopold from Farming Zone to General Residential Zone 1 and the introduction of Development Plan Overlay 33 to the Ash Road West Land.

The 40 hectare land to the immediate east was the subject of combined Amendment C367 and planning permit application PP1463/2016. Amendment C367 was gazetted on 16 January 2020 approving the following:

- rezoning of the land at 2-120 Mollers Lane from Farming Zone to General Residential Zone 1
- planning permit application PP1463/2016 for the creation of a multi-lot subdivision
- reduction to the extent of the Significant Landscape Overlay Schedule 10 to the land at 2-120 Mollers Lane
- introduction of Design and Development Overlay 43
- removal of native vegetation and easements
- alteration to existing access and subdivision of land adjacent to a Road Zone 1.

1.3 Site inspections

The Panel visited the subject site, adjoining land and the broader Leopold area on 5 November 2021 and observed:

- the surrounding environs of the subject site and abutting land in the Farming Zone, particularly the approved Mollers Lane staged residential subdivision development to the east
- northern edge of Lake Connewarre and associated wetlands
- the main water course traversing the subject site, existing dam, general topography, and proposed locations of drainage detention basins
- native vegetation to be removed
- proposed location for public open space
- alignments of east to west connector streets
- the traffic road network around the Leopold precinct, particularly the intersections of Ash Road and Mollers Lane with the Bellarine Highway, and the location of the proposed roundabout at Walkers Road.

The Panel was accompanied by representatives of the City of Greater Geelong, the Proponent and submitter 10 and 17 for that part of its inspections on the private land subject to the Amendment and permit application.

1.4 Issues raised in submissions

A total of 29 submissions were received from exhibition, of which:

- nine submissions supported the amendment
- 13 submissions opposed the amendment
- seven submission made comment about the amendment that neither supported nor opposed the amendment and draft planning permit.

The key themes within the 13 submissions which opposed the amendment included:

- lack of strategic support for the amendment including the loss of semi-rural area, too much development and change in Leopold
- lack of infrastructure (shops, doctors, services, schools) to support the rezoning
- stormwater management and downstream connection with Mollers Lane system
- subdivision integration with Mollers Lane growth area including roads, open space, stormwater, permit conditions
- traffic impact, road congestion and safety concerns
- environmental impact, including loss of flora and fauna, impact on Lake Connewarre and waterways
- treatment of soil contamination
- social and affordable housing contribution.

The Panel has considered all written submissions made in response to exhibition of the amendment and the planning permit, observations from its site visits, and submissions, evidence and other material presented to it during the Hearing.

This report deals with the key issues under the following headings:

- Planning context (policy, strategic framework, statutory considerations)
- Infrastructure (subdivision layout, public open space, drainage and stormwater, traffic and access)
- Environment (vegetation, contamination)
- Other matters (housing diversity and affordability, section 173 agreement)
- Resolution of the Amendment and planning permit application.

2 Planning context

2.1 Planning policy framework

Council submitted the amendment is supported by various clauses in the Planning Policy Framework (PPF), Municipal Strategic Statement and Local Planning Policy Framework, which the Panel has summarised below.

(i) State and regional policy

Clause 11 (Settlement)

- To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements (Clause 11.01-1R – Settlement – Geelong G21).
- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1S – Supply of urban land).
- To facilitate the orderly development of urban areas (Clause 11.02-2S – Structure planning).
- To manage the sequence of development in areas of growth so that services are available from early in the life of new communities (Clause 11.02-3S – Sequencing of development).
- To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas (Clause 11.03-2S – Growth Areas).
- To plan for sustainable coastal development (Clause 11.03-4S – Coastal settlement).
- To facilitate integrated place-based planning (Clause 11.03-6S – Regional and local places).

Clause 12 (Environmental and landscape values)

- To ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation (Clause 12.01-2S – Native vegetation management).

Clause 13.02 (Bushfire planning)

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Clause 13.02-1S – Bushfire planning).

Clause 13.04 (Potentially contaminated land)

- To ensure that contaminated and potentially contaminated land is used and developed safely (Clause 13.04-1S – Contaminated and potentially contaminated land).

Clause 14.02-1S (Catchment planning and management)

- To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment (Clause 14.02.1S - Catchment planning and management).

Clause 15 (Built environment and heritage)

- To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity (Clause 15.01-1S – Urban design).
- To achieve building design outcomes that contribute positively to the local context and enhance the public realm (Clause 15.01-2S – Building design).
- To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods (Clause 15.01-3S – Subdivision design).
- To achieve neighbourhoods that foster healthy and active living and community wellbeing (Clause 15.01-4S – Healthy neighbourhoods).
- To recognise, support and protect neighbourhood character, cultural identity, and sense of place (Clause 15.01-5S – Neighbourhood character).
- To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions (Clause 15.02-1S – Energy and resource efficiency).

Clause 16 (Housing)

- To facilitate well-located, integrated and diverse housing that meets community needs (Clause 16.01-1S – Housing supply).
- Facilitate infill development in Central Geelong and West Fyans and around activity areas within urban Geelong and district towns (Clause 16.01-1R - Infill housing - Geelong G21).
- To deliver more affordable housing closer to jobs, transport and services (Clause 16.01-2S – Housing affordability).

Clause 18 (Transport)

- To create a safe and sustainable transport system by integrating land use and transport (Clause 18.01-1S – Land use and transport planning).
- To promote the use of sustainable personal transport (Clause 18.02-1S – Sustainable personal transport).
- To facilitate greater use of public transport and promote increased development close to high-quality public transport routes (Clause 18.02-2S – Public Transport).

Clause 19 (Infrastructure)

- To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community (Clause 19.02-6S – Open Space).
- To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach (Clause 19.03-3S – Integrated water management).

Clause 19.02-6 (Open space)

- To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community (Clause 19.02-6 – Open space).

(ii) Clause 21 (Municipal Strategic Statement)

The combined amendment and permit support the following local planning policies:

- Clause 21.02 - City of Greater Geelong Sustainable Growth Framework by meeting the needs of the present community, without compromising the ability of future generations.
- Clause 21.05-2 – waterways through enhancing and protecting waterways by the appropriate management of stormwater runoff through permit conditions.

- Clause 21.05-7 - flooding by protecting floodplains and minimising the risk of flood damage through permit conditions.
- Clause 21.06-2 – urban growth through the provision of housing stock suited to a diverse range of household types.
- Clause 21.06-4 - neighbourhood character by ensuring that the development will positively respond to the established urban character of the area by providing connections into adjoining landholdings.
- Clause 21.08-5 – accessibility by providing adequate amounts of open space.
- Clause 21.14 - Bellarine Peninsula by implementing the urban growth policies for Leopold and protecting waterways including Lake Connewarre.

The Municipal Strategic Statement identifies Leopold as a potential sub-regional centre, which would see retail services expanded to a level to serve the Bellarine Peninsula.

2.2 Strategic framework

(i) G21 Regional Growth Plan (April 2013)

The G21 Regional Growth Plan provides broad direction for the further land use and development across the Geelong region. The Plan is reflected within Clause 11.01-1R – Settlement – Geelong G21, which includes the following strategies:

- Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focusing growth along key road and rail networks.
- Require a settlement boundary for all towns.

Council submitted the Amendment is consistent with the G21 Regional Growth Plan and Clause 11.01-1R as it proposes to provide an increase in residentially zoned land within the designated area for residential growth.

(ii) Bellarine Peninsula Localised Planning Statement (September 2015)

Localised planning statements are State policies for protecting and enhancing distinctive areas with State significant geographic and physical features, biodiversity, natural resources, cultural and tourism values, productive rural land and regional and national infrastructure assets.

They are reference documents in Clause 11.03-5S of the PPF. Ministerial Direction No 17 requires any planning scheme amendments affecting these areas to have regard to the localised planning statement. The Bellarine Peninsula Localised Planning Statement sets out six objectives to guide planning on the Bellarine Peninsula:

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks with open farmed landscapes between settlements.
- To support the ongoing use of rural land on the Bellarine Peninsula for agriculture and to preserve the open farmed landscape.
- To preserve and maintain the ecology of the Bellarine Peninsula's environmentally significant coastal, wetland, and vegetated areas.
- To protect, preserve and enhance built heritage, cultural and urban character values and preserve the individual identity and role of the townships.
- To facilitate the planned residential growth of Drysdale/Clifton Springs, Leopold and Ocean Grove, consistent with adopted Structure Plans and as service hubs for the Bellarine Peninsula. In all other townships, provide retail, commercial and community

uses and facilities that serve the daily needs of the community and encourage street based activity and local employment.

- To support and encourage diverse and sustainable tourism as a key economic activity in townships and in rural areas where it complements and respects the farmed rural landscape of the area, does not impact upon existing farming activities and contributes to the local economy.

The Bellarine Peninsula Localised Planning Statement supports the G21 Regional Growth Plan, identifying Leopold as a designated residential growth area of the region.

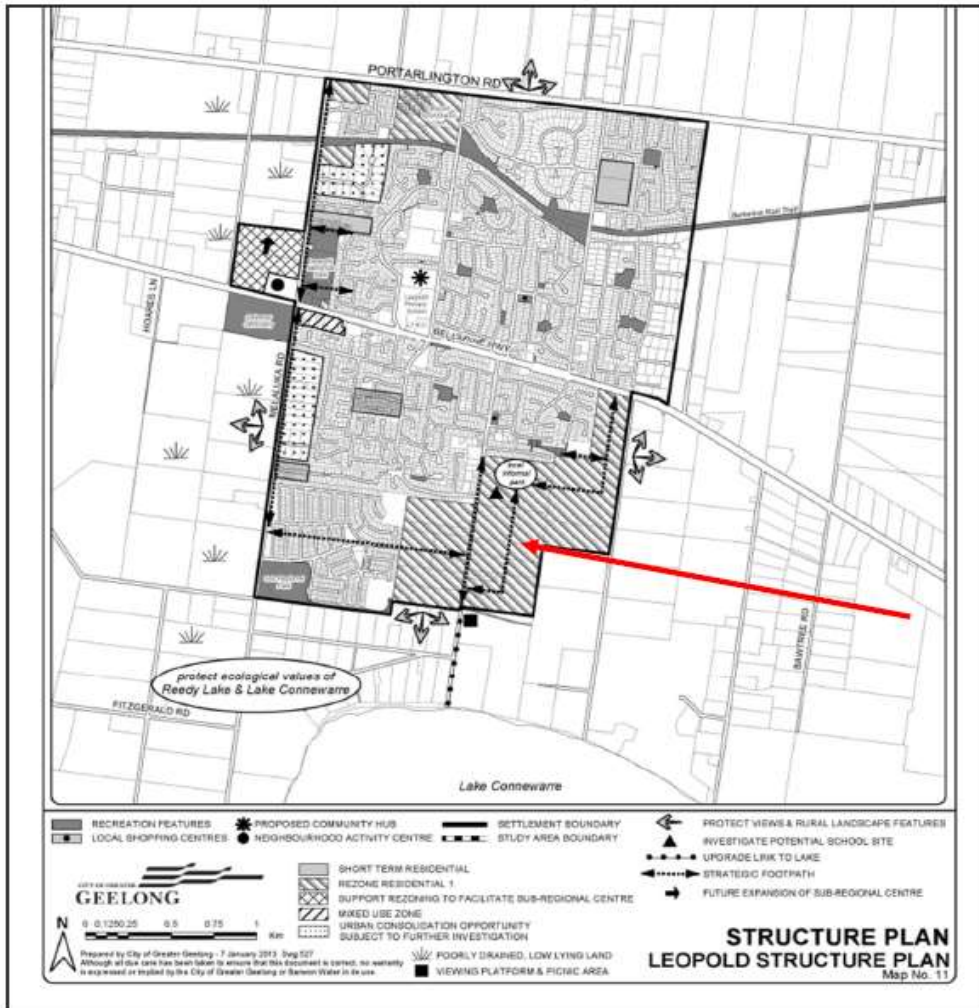
(iii) Leopold Structure Plan (Amended January 2013)

The Leopold Structure Plan was prepared by City of Greater Geelong and was adopted in September 2011 through Amendment C254. It was amended in January 2013. The Structure Plan includes principles and direction for each of the following themes:

- urban growth
- settlement and housing
- economic development and employment
- infrastructure
- natural environment
- rural areas.

Figure 4 provides the Structure Plan and includes a reference to the Ash Road area. It notes that it contains a local neighbourhood shopping strip along with opportunity to increase housing diversity.

Figure 4 Leopold Structure Plan Map⁴



(iv) South East Leopold Framework Plan (June 2016)

The South East Leopold Framework Plan (SELFP) was developed by Tract Consultants and adopted by Council in June 2006. The SELFP focuses on the areas of Ash Road and Mollers Lane to ensure appropriate connectivity within the new subdivisions and with the surrounding residential areas.

The SELFP was proposed to be included as a Reference Document in Amendment C367, but that Panel recommended against it and recommended the relevant aspects be translated into policy. Therefore, the SELFP carries no strategic planning weight, although it is a useful document to consider as it provides some limited strategic guidance to consideration of elements of this amendment.

(v) The City of Greater Geelong Settlement Strategy (October 2018)

The City of Greater Geelong Settlement Strategy seeks to contain growth within identified locations across the local government area. The Strategy recognises Leopold as a “*district town – moderate housing (within existing settlement boundaries)*”. The Strategy is centred around the following themes:

⁴ Document 51

- spatial distribution of growth and land supply
- housing diversity
- managing future growth
- Bellarine Peninsula
- permanent settlement boundaries
- urban consolidation
- monitoring and review.

Through its implementation, the Strategy establishes Leopold as a district town with an ability to provide diverse housing opportunities and higher order services to surrounding, smaller towns.

2.3 Statutory considerations

(i) Zones

The land is currently located within the Farming Zone and is proposed to be rezoned to General Residential Zone Schedule 1, the purposes of which are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Figure 5 highlights that the areas surrounding the subject land to the north and west are generally within the General Residential Zone, with some land in the Residential Growth Zone. Land to the east and south remains in the Farming Zone.

Figure 5 Zoning context⁵



⁵ Document 51

(ii) Overlays

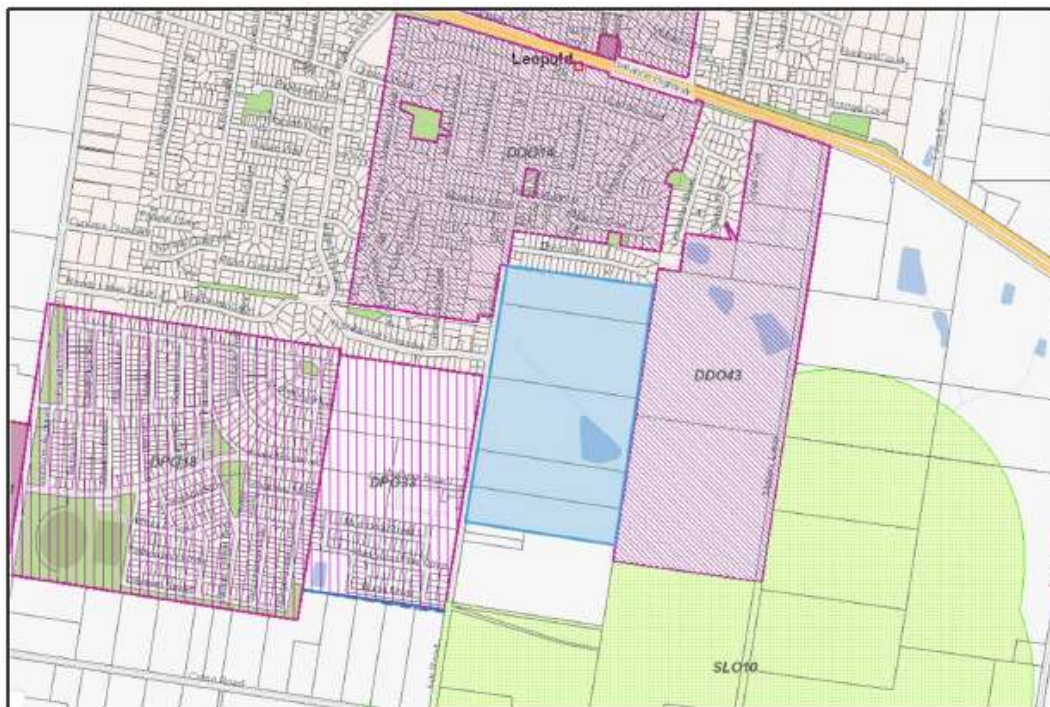
The Amendment seeks to introduce DDO46 to the entirety of the amendment land. The design objectives of DDO46 are:

- To implement the Ash Road (East) Outline Development Plan as attached to this schedule and facilitate the orderly and integrated residential development of the area.
- To create a safe and integrated road network that provides two east-west connector roads between Ash Road and the Mollers Lane growth area.
- To provide a shared pathway network and on-road bicycle links that establish safe and interconnected walking and cycling routes.
- To ensure local parks are conveniently located and provide connections between areas of open space.
- To ensure best practice stormwater management and water quality treatment to prevent any adverse impact on downstream areas, in particular on Lake Connewarre and the Mollers Lane growth area.

The Outline Development Plan included in DDO46 is minimalistic and provides little guidance on the detail of how the land is proposed to be developed. Apart from the proposed residential area, it shows two east-west road connectors, two areas for open space and a drainage basin.

A mix of Design and Development Overlay and Development Plan Overlay have been applied to adjoining residential development areas (Figure 6).

Figure 6 Overlay context⁶



⁶ Document 51

(iii) Particular and other provisions

Development of the site must have regard to the following particular and other provisions:

- Clause 52.02 – Easements, restrictions and reserves
- Clause 52.17 – Native vegetation
- Clause 53.01 – Public open space contribution and subdivision
- Clause 56 – Residential subdivision
- Clause 65.02 – Approval of an application to subdivide land.

The permit application was not accompanied by a Clause 56 assessment, for which Mollers Lane Developments (Mollers) and H.B Parker Pharmacy Superannuation Fund (Parker), submitters 17 and 10, were highly critical⁷. The Proponent responded by having a comprehensive Clause 56 assessment prepared and presented by Mr Clements of Tract Consultants during closing submissions⁸.

(iv) Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Ministerial Direction No 1 Potentially contaminated land states that where land has been previously used for industry, mining, or chemical storage, and is to be used for a sensitive use such as residential, an audit is required. The Potentially Contaminated Land General Practice Note (June 2005) recommends that an environmental audit should be required unless the proponent can demonstrate to the satisfaction of the responsible authority that the site has never been used for a potentially contaminating activity, or that other strategies or programs are in place to effectively manage any contamination. Contamination is discussed further in Chapter 4.2.

2.4 Discussion and conclusions

The Panel noted the strategic support for this amendment at the Hearing. It concluded the case before it was not about the strategic planning issues per se, but rather how this site was appropriately integrated with its neighbouring sites to ensure the area reads as a whole, not as separate parts. This is particularly relevant for drainage, water and road linkages.

The Panel supports the position of Council and the Proponent that planning policy supports the Amendment to achieve residential development in this area of Leopold. The Amendment is consistent with Clause 21.14 in that it provides for residential development of an average of 15 lots per hectares in an area that has long been recognised for growth.

The Panel considers the Amendment and permit will assist in implementing policy objectives set out in section 4 of the *Planning and Environment Act 1987* by providing for the rezoning and subdivision of land to achieve an orderly, well planned outcome consistent with the strategic direction of Leopold.

⁷ The Panel will refer to these two submissions as Mollers/Parker as both raised similar issues in Documents 59 and 60

⁸ Document 73

The Panel concludes:

- The Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes.
- The Amendment has strong strategic support through the provisions of the Greater Geelong Planning Scheme, particularly Clause 21.14 that provides for the residential development of the land in accordance with the Leopold Structure Plan.
- The Amendment is well founded and strategically justified, and the Amendment should proceed, subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Infrastructure

The key issues raised by submitters in relation to infrastructure are:

- subdivision layout
- public open space
- drainage and stormwater
- traffic and access.

The Proponent called the following infrastructure evidence in support of its submissions:

Expert	Firm	Area of expertise
Mr Bishop	Water Technology	Drainage and flooding
Mr Young	Ratio Consultants	Traffic engineering
Mr Lloyd	Lloyd Environmental	Stormwater management and biodiversity

All witnesses provided expert evidence statements and presented to the Hearing to speak to their statements.

3.1 Subdivision layout

The key issues to be resolved are:

- whether the subdivision layout results in an acceptable outcome for the site
- whether the subdivision layout provides for appropriate integration with other developing areas of Leopold.

(i) Submissions and evidence

The exhibited Permit application was for a multi lot subdivision into 196 lots across six stages, with an average lot size of 490 square metres, and the removal of some native vegetation and easements.

The Proponent identified that the application seeks to appropriately integrate with the approved Mollers/Parker development located to its east. Road connections, including the northern and southern collector roads, are to be continued and will facilitate permeability between the two development areas. The subdivision layout includes the continuation of smaller order roads across the contiguous boundary. The Barwon Water pipeline is within the northern connector road reserve, and the drainage infrastructure and open space are generally located according to the SELFP.

In response to Council concerns raised in its Officer Report of 28 September 2021, which considered submissions to the exhibited documents, submissions and further work, the Proponent tabled a revised subdivision plan shortly before the Hearing commencing⁹. This was referred to as Revision 18. Revision 18 replaced the long, linear open space along the central waterway with a larger one-hectare park fronting Ash Road, and a narrower 10-metre-wide swale connecting this to the drainage basins in the south east of the site. Consequently, Revision 18 showed a single road

⁹ Document 53

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 was provided.

To further support the Revision 18 subdivision concept, a detailed amended subdivision plan, land budget plans, and a staging plan were provided with the Proponent's submission¹⁰. This included a statement of changes in the form of a memorandum which noted¹¹:

- the open space in the north-west of the permit land and linear reserve through the centre of the site replaced with a one hectare park and a 3.5-metre wide shared path connecting the park with the drainage reserve and future one hectare local park in the south-east
- development of the permit land over five stages
- a new medium density lot to the south of the local park in the order of 1,787 square metres, which is expected to deliver social/affordable housing
- 208 lots with an average lot size of 482 square metres at a residential density of 15 dwellings per hectare
- unencumbered open space in the order of 6.11 per cent of site area and a total open space of 11.93 per cent (including encumbered open space).

Revision 18 was generally supported by Council, noting the need to make several adjustments:

- site lines for pedestrians/cyclists crossing from around the south eastern edge of the proposed one-hectare local park need further work
- the apex of the bend in the road may require some 'smoothing' so that crossing on a road bend is avoided
- there is incomplete integration with the Mollers/Parker area on the eastern side, in that there is a road connection planned from Mollers Lane into the Ash Road area with no commensurate road in Revision 18
- the eastern most north-south road connection to the property at 73-85 Ash Road needs be moved eastward, closer to Mollers Lane to 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 need to be provided in encumbered open space outside of the 1 in 100-year flood (Q100 extent¹²)
- consideration is 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 streets
- clarification is required on the sub-terranean pipe works in the proposed one-hectare park.

Apart from those matters, Council submitted the Proponent had adequately designed the subdivision to integrate with the Mollers/Parker development.

¹⁰ Document 53

¹¹ Document 52

¹² Q100 refers to the 1 in 100 year Average Return Interval (ARI) of a flood event

The permit application was supported by a Landscape Masterplan which identified the landscape assets and proposed works on the permit land¹⁴. It incorporated:

- substantial tree planting
- certain trees to be retained on site
- the drainage basin in the south-east of the permit land which will be subject to future detailed design in accordance with proposed conditions 19, 20 and 21 of the Panel preferred version of the Permit¹⁵
- a proposed 2.5 metre wide shared pedestrian and cycle path throughout the site
- areas of play and shelter.

The Proponent submitted the original application had been thoroughly researched and was supported by the necessary technical analysis. Revision 18 included the key changes requested by Council, including:

- a one-hectare local park and a 3.5 metre wide shared path connecting that park with the drainage reserve and future one hectare park in the south-east
- unencumbered open space in the order of 6.11 per cent of site area and a total open space of 11.93 per cent (including encumbered open space).

Tract subsequently compiled an updated assessment against Clause 56.05-1 based on Revision 18 and the Proponent concluded the objectives of Design and Development Overlay 46 would be met and a permit should issue.

The Tract Planning Report exhibited with the Amendment, noted the subdivision was designed to provide a variety of lot sizes to accommodate single dwellings with provision for landscaping throughout, consistent with established residential development of the surrounding area¹⁶. Public open space within the proposed subdivision would be of a larger scale (in comparison to the surrounding area), and accessible to the surrounds via shared pathway linkages.

The Tract Planning Report identified that street trees are currently featured throughout the surrounding residential areas, and the proposed development would encourage their prominence and enhance the amenity of the neighbourhood. Additional landscaping, including significant vegetation featured within proposed open space areas, would enhance amenity of the development and guide future character of the area.

Cardno TGM presented objecting submissions on behalf of Mollers/Parker, which contended the application:

- did not demonstrate it would appropriately integrate with the land to the east that has approval for subdivision
- was substantially incomplete and did not include the detail required to support subdivision of the land
- did not accord with the planning permit requirements for the subdivision in the General Residential Zone
- was inconsistent with DDO46 because it did not:
 - demonstrate integration with the Mollers/Parker land

¹⁴ Document 28

¹⁵ Note: The Panel has used the condition numbers as referenced in Appendix D, which may be different to the condition numbers from the permit that was exhibited and/or amended during the course of the Hearing.

¹⁶ Document 9

- provide a range of lot sizes and densities to encourage the provision of a variety of housing types
- provide a pedestrian/cycle network that encourages safe walking and cycling access throughout the area and connects areas of open space.

Several submissions expressed concerns regarding over-development, subdivision connectivity, road treatment/cross sections, and that the open space was inconsistent and not conducive to a seamless residential estate across the area. The exhibited plans did not speak to the density of housing planned. Submitter 11 suggested there was a demand for small acreage lots which would be more appropriate for the precinct. Submitter 13 wanted medium density housing to be located elsewhere on the Bellarine Peninsula.

Supporting submissions regarded development of this type was planned for and appropriate in Leopold.

(ii) Discussion and conclusions

The Panel supports the continued residential development of this part of Leopold in accordance with the Leopold Structure Plan.

It considers the subdivision layout in Revision 18 produces an acceptable outcome for the permit site. The Proponent compiled several iterations to the original layout plan and participated in constructive and cooperative dialogue with Council and Mollers/Parker to refine some of the details, as further discussed in the remainder of Chapter 3. The plan will be further refined in accordance with the conditions to the permit as more detailed planning progresses.

The overarching Council policy requirement of 15 dwellings per hectare is now met (from the original 14 dwellings per hectare). The lot yield of 196 has increased to 208, reducing the average lot size from 508 square metres to 482. The two retained lots within the permit land could be further subdivided if and when the owners of these large lots are ready to develop their land. The larger of the two in the north east of the permit land, which has an indicative yield of 20 lots, has been included in the overall dwelling density. The large lot at the eastern boundary has been identified for higher density affordable housing, to be considered at another point in time.

While there is a desirable distribution of variable lots sizes, Revision 18 includes several lots in the order of 1,000 plus square metres with relatively narrow frontages. Mollers/Parker submitted these lots could potentially be further subdivided, adding to the dwelling density and resulting in a less optimal design outcome. In the absence of evidence being called to provide any alternative subdivision layout, the Panel considers Revision 18 to be an acceptable outcome for the site.

The Panel concludes that:

- The subdivision layout plan in Revision 18 is an acceptable outcome for the permit site.
- The subdivision layout provides for appropriate integration with existing and other developing areas of Leopold.

3.2 Public open space

The key issues to be resolved are:

- whether the provision of public open space is adequate
- whether the reconfiguration of the public open space in Revision 18 results in an acceptable outcome.

(i) Submissions and evidence

The exhibited subdivision plan provided for a lineal area of open space running diagonally across the site from its north-west boundary to the drainage basin in the south-east. This space would be wide enough for various recreation pockets and opportunities, but not in a form that would allow for more structured activity such as a small oval or ball court spaces. Council sought changes to be made to that plan to enable a larger single area of open space in the order of a rectangular one hectare at the north-west corner of the permit land and to ensure the allocation of open space was appropriately designed as unencumbered space.

The exhibited plan provided for a five metre wide open space strip around the perimeter of the drainage basin on the permit land, which sat as a buffer to the 1 in 100 year flood inundation line. Council considered the linear reserve in the original application documents had dual purpose, primarily being for drainage and secondary being for open space. Council therefore considered this reserve would be encumbered, due to its primary drainage function.

Council's position was that this land would not be credited as open space for the purposes of Clause 53.01. Conversely, the Proponent's submission argued this land should be identified as unencumbered open space. The Proponent's position was consistent with the conclusion of the Amendment C367 Panel, where this issue was debated for the adjacent land.

The encumbrance of the drainage reserve was removed through changes to the piping of stormwater through the road reserves of the subdivision. The linear reserve in the exhibited subdivision plan was considered to diminish the open space provision due to its shared path, land for trees and landscaping, and the waterway.

With the primary drainage function removed, Council considered the space would not adequately deliver for the open space needs of future residents. Council sought the change to a reduced linear reserve between the larger park along Ash Road and the detention basin in the south east of the site. Council sought a revised layout in order to gain a fit-for-purpose one hectare local park that would be more usable for a range of passive recreation activities, compared to a long strip of space that was originally proposed by the Proponent.

Council advised it had made submissions to the Amendment C367 Panel, noting:

That beyond the linear reserves, a more regular shaped 1 hectare local park was required adjacent to the northern retarding basin and northern waterway in the Mollers Lane area to serve the recreation needs of future residents.

The Amendment C367 Panel agreed with Council that such a park should be provided, as it maximised open space opportunities adjacent to the drainage corridor and offered a more varied and diverse open space network. Such a park would ensure that open space is provided within 400 metres safe walking distance of most of the proposed lots in the Mollers/Parker area.

Notwithstanding the Proponent's original position, Revision 18 responded primarily to Council's desire to achieve a regular shaped one hectare park, embellished with relevant infrastructure, and a lessened long, narrow reserve that has limited recreational/open space function. This larger open space would be adjacent to Ash Road and in a location where stands of existing trees in good arboricultural condition could be retained.

As this matter progresses, further revised landscape plans would be submitted for Council's approval prior to works commencing for each relevant stage of the subdivision, as required by Condition 19 of the draft Permit. Changes to the landscaping concepts illustrated in the Landscape

Masterplan would be made to account for the final subdivision plan endorsed in accordance with Condition 1.

The overall landscape response would be maintained. The one hectare open space area would accommodate informal recreation activities, for example picnic areas, playgrounds, shade, shelter, seating, access, drinking fountains, signage, garden beds and trees. The encumbered linear trail will provide for a formalised swale to allow for the conveyance of water as well as a shared path.

Council submitted it had been consistent in seeking to ensure that suitably sized local parks in both Mollers Lane and Ash Road East are provided to meet the recreation and play needs of the future residents, not only in these immediate subdivisions, but in South Leopold more broadly. Council was satisfied that the park be in the front-end delivery of Stage 1 of the development.

The Proponent's submission was that the amended plans removed the five metre wide strip from the perimeter of the drainage basin, as this issue was no longer in contention. As a result of the changes shown to the exhibited plan, the amended Permit plan proposed 6.1 per cent unencumbered land and 5.81 per cent encumbered land. The Proponent acknowledged Council would require the shortfall between unencumbered land (at 6.1 per cent) and the 10 per cent requirement under clause 53.01 to be paid cash, as secured by Condition 39 of the draft Permit.

The further adjustments requested by Council were addressed by the Proponent's submission:

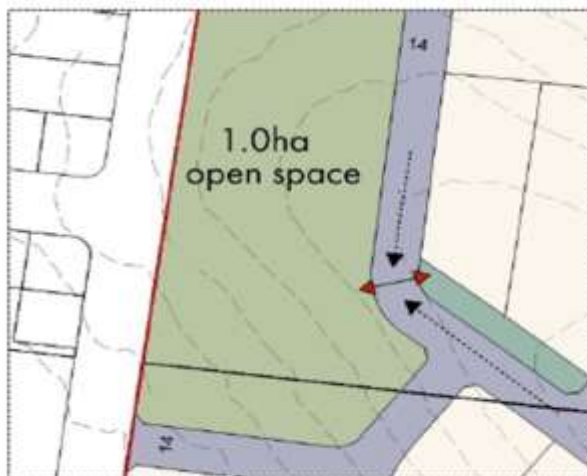
- the site lines for pedestrians/cyclists crossing from around the south eastern edge of the proposed one hectare park need further work
- the apex of the bend in the road may require some smoothing so that crossing on a road bend is avoided (see Figure 8).

The Proponent adopted the evidence of Mr Young on this point. Mr Young did not share the Council's concerns and noted that:

... a shared path crossing could be provided at this location with clear sight lines from both approaches as illustrated in the below. I do not consider it necessary or desirable to 'smooth' the bend in the road, which could instead result in poorer sightlines due to the curvature.

Figure 8 Sightlines at the local park street crossing point¹⁷

Figure 6-6: Clear sightlines to crossing point at bend in the road



¹⁷ Document 51

Mollers/Parker submitted the application lacked the environmental outcomes required by Council, including the proposed reinstatement of the creek, habitat planting, and incorporation of habitat and access opportunities for native fauna.

Mollers/Parker noted the width of the linear reserve would be approximately 30 metres in total, which it contended, was inconsistent with Council and CCMA requirement for its adjacent development. It suggested this should be increased to provide an improved integrated landscape response with land to the east.

Mollers/Parker understood that Council required a 10 per cent unencumbered open space contribution and argued this would be inconsistent with the Council's response to the provision of open space to its development, which required over 10 per cent unencumbered open space. Mollers/Parker noted the Leopold Structure Plan shows all the open space for south east Leopold on the proposed Amendment land, which is considerably closer to broader Leopold.

Submitter 4 sought improved amenity outlook to the east via open space and natural walking paths. Submitters 15 and 16 sought enhanced facilities for walking and running via open space provision and connectivity.

(ii) Discussion and conclusions

In regard the issue of quantum of public open space, the Proponent has agreed to meet the 10 per cent of Net Developable Area (NDA) requirement or pay Council a cash contribution for any shortfall in the final layout outcome. The Panel considers the detail of this is a matter that Council can finalise after the detailed design stage.

Whether this matches or is consistent with the arrangements reached for the Mollers/Parker permit is again a matter for Council to resolve. The Panel considers a higher degree of consistency should be achieved across the various residential developments in South Leopold, notwithstanding that public open space is used by its local residents and by others external to South Leopold.

The one hectare area of the local park sought by Council may not be optimal, if the park is used for structured sport (rather than passive) recreation purposes. The Panel notes Council has sought the park be delivered in Stage 1 of the subdivision development. Seeking an area larger than one hectare may be being influenced by the current availability of public open space to the west of the subject site. A series of linked smaller discrete park areas might produce environments that are more conducive to passive recreation. This would assist in establishing the areas of significant vegetation plantings envisaged in the Landscape Masterplan, for example trees and shrubs¹⁸.

Ultimately, the most appropriate planning outcome for the residents should be for the 10 per cent minimum NDA requirement to be achieved entirely within the permit land area, and not be offset by a cash contribution by the Proponent. Whether or not this might be equitable when compared to the Amendment C367 Permit is beyond the remit of this Panel and is a matter for Council to determine.

The final calculations with respect to NDA will in-part be influenced by the size and location of the detention basin in the southeast of the site. These are considerations at the detailed design stage, and the Panel finds Revision 18 is generally in accordance with the Leopold Structure Plan and the SELFP, as well as the exhibited DDO46 Map 1.

¹⁸ Document 28

The Panel concludes:

- Revision 18 is an acceptable outcome for the delivery and provision of public open space.
- The 10 per cent of NDA for open space should be physically delivered on land within the subdivision.

3.3 Drainage and stormwater

The key issues to be resolved are:

- whether the proposal complies with Clause 14.02-1S (Catchment planning and management) and Clause 19.03-3 (Stormwater) of the Planning Scheme
- whether an updated Storm Water Management Plan (SWMP) should be required
- whether potential downstream impacts upon the Mollers/Parker development have been adequately considered.

(i) Submissions and evidence

Council submitted DDO46 addressed State policy drainage and stormwater requirements at Clause 3.0. It did however propose a change to the exhibited clause at Stormwater Management:

Subdivision of the land at 73-85 Ash Road should have regard to the need to accommodate the drainage of the northern catchment.

Council noted the final SWMP would need to be endorsed by the Corangamite Catchment Management Authority (CCMA).

In delivering on drainage and stormwater, the Proponent relied upon the Spiire SWMP¹⁹ and the evidence of Mr Bishop and Mr Lloyd.

¹⁹ Document 8

Figure 9 - Catchment in relation to Lake Connewarre²⁰



The scenario developed within the SWMP considered the proposed Ash Road East drainage assets, together with the approved Mollers/Parker development drainage assets, including testing the entire system using a two dimensional model. The proposed arrangement allowed 1 per cent annual exceedance probability (AEP) peak discharge rates from the South East Leopold area to be kept at or below existing conditions. The Ash Road East retarding basins were shown to function efficiently, in combination with the Mollers/Parker development basin (in the northeast of that site). The analysis presented demonstrated that the concept retarding basins would be appropriate and work well as a system (with the downstream Mollers/Parker development). Very minor change in water levels through the whole downstream environment was predicted, which confirmed the suitability of basin design.

Works within the linear drainage reserve would be staged in coordination with the five stages of the proposed subdivision. The first phase of the retention basin works could be designed and constructed to provide drainage for initial stages of the subdivision, with the entire basin system being constructed towards the final stages of the development. The staging of the basin works would be assessed and designed in conjunction with the detailed design progression of the overall development. This was anticipated to occur together with detailed design of Stage 1.

Stormwater management on the amendment land was proposed to be undertaken in accordance with an updated SWMP as appropriate, incorporating the Revision 18 plan. Specifically, for all storm events up to and including a 1 per cent AEP event, stormwater runoff will be piped from the upstream catchment to the proposed wetland under the open space linkage and the road reserves. This design aimed to avoid creating encumbered open space, consistent with Council's preference that open space be unencumbered.

²⁰ Document 8

Council relied upon the referral response from the CCMA (Submission 29) which noted that piping of the waterway was not normally agreed to, but in this circumstance was acceptable, provided that Best Practice Environmental Management Guidelines (BPEMG) objectives were exceeded and that the piping did not represent a decrease in stormwater treatment.

In evidence, Mr Bishop confirmed the need for treatment of the northeast corner of the amendment land, either by on-site treatment at 73 – 85 Ash Road, or through an agreement with Mollers/Parker ²¹. This accorded with Council's requirement for all stormwater to be treated within the site.

The Proponent referred to the evidence of Mr Bishop that the MUSIC model presented in the SWMP showed the BPEMG being exceeded and acknowledged that part of this waterway was already piped. Mr Bishop's evidence concluded:

The water quality analysis shows that the proposed treatment measures will exceed best practice standards. This should ensure that adequate water quality will be maintained in the receiving waterway and Lake Connewarre.

The Proponent noted the CCMA recommended that a volume reduction (for example, stormwater harvesting for irrigation use of the public open space) be explored further, due to any increased freshwater flows into Lake Connewarre having been identified as a threat to the RAMSAR listed wetlands. The CCMA recommended an assessment of the freeboard for the retention basins under increased rainfall intensity predictions to year 2100 be undertaken, and 300 millimetre freeboard be provided for the future projected scenario.

Mr Bishop's evidence referred to these recommendations and stated:

... the CCMA requirements can be met through implementation of the Stormwater Management Plan design and in accordance with the proposed permit conditions.

Similarly, in response to CCMA's submission, Mr Lloyd considered that:

The evidence provided addresses this concern and indicates that the mitigation elements and WSUD design mean any downstream impacts on Lake Connewarre are minor ²².

The Proponent reiterated that Mr Bishop's evidence demonstrated the stormwater impacts would be acceptable. Mr Bishop confirmed any additional afflux would be minor and limited to the waterway. He expressed confidence this can be further confirmed through detailed design. He confirmed that while the SWMP will need to be updated (which the Proponent accepted), he did not anticipate the changes would have a significant impact on the design of the drainage and water quality assets. That is, the location and general configuration of the retention basin and wetland will not change, and any alterations to the detailed design and sizing would be minor.

The Proponent stated it was not uncommon for proposed concept site layouts to change as the development progresses to detailed design, and some design adjustments required may be required. The Proponent did not expect this to change the size of the drainage assets, nor render the SWMP obsolete (as suggested by Mollers/Parker).

Mollers/Parker submitted that drainage in the northeast corner of the amendment land generally flows in a north-to-easterly direction. These flows could potentially impact upon its development land if not addressed within the Eastern Ash SWMP. These submissions noted a small area west of

²¹ Document 46

²² Document 44

Ash Road, already developed for residential purposes, currently flows into the Eastern Ash amendment land.

Mollers/Parker expressed concern the Amendment and permit application lacked the detail required to ascertain the potential impact of the proposal upon its land. Mollers/Parker advised that it had provided its SWMP data analysis to the Proponent in October 2019 to facilitate a holistic civil design consideration of the entire southeast Leopold catchment²³.

The clarification provided within that analysis assisted the Proponent to better understand the complexity of the design problems. It stated that both projects would benefit from open and transparent discussion, and design collaboration, to ensure the overall embankment design (associated with the southern retention basin) was optimised to the benefit of both developments. The Proponent stated it would continue to work with Mollers/Parker on this design into the future. This commitment was accepted by the Panel.

At the conclusion of Day 2 of the Hearing, the Panel suggested the three parties (Council, Proponent and CardnoTGM for Mollers/Parker) meet to try and reconcile their differences in relation to these issues, and to provide a statement identifying the outstanding drainage and stormwater issues. The parties met the following day and compiled an agreed statement that was included in the Proponent's closing submission²⁴. Mollers/Parker confirmed on the final day of the Hearing that it would be no longer pursuing matters regarding the location of the retention basins, subject to the inclusion of Conditions 4f) and 4g) as provided in the final draft permit²⁵.

Submissions 3, 4, 7, 11, 12,13, 15, and 26 expressed concerns regarding the downstream impacts of the proposal upon the RAMSAR wetlands and Lake Connewarre. These submitters generally opposed the amendment unless the SWMP could demonstrate that the stormwater drainage could be dealt with appropriately within the site before discharge downstream.

(ii) Discussion and conclusions

In order to comply with Clauses 14.02-1S and 19.03-3, the SWMP must manage stormwater from the site through the subject land and through implementation of Water Sensitive Urban Design (WSUD) techniques to reduce run-off and peak flows and integrate stormwater treatment. The Amendment and permit must not cause any significant negative impact on Lake Connewarre (being a registered RAMSAR site). The Panel is satisfied this can occur when a final detailed design and an updated SWMP are compiled and endorsed and approved by the CCMA and Council (respectively).

On the basis that the final subdivision layout approved by Council will generally be in accordance with Revision 18, any consequential impacts upon drainage and stormwater management should be minor. The Panel is satisfied the CCMA requirements can be implemented through Permit condition 7, such that WSUD and BPEMG principles are applied. There must be little or no changes to the combined outflows from the subject site and the Mollers/Parker development into Lake Connewarre. The Spiire report analysed the treatment of stormwater within the site and concluded the proposed detention basin and wetland methodology would be best practice. The Panel encourages the reuse of treated stormwater to be used to irrigate public open space.

²³ Document 72

²⁴ Document 78

²⁵ Document 81

Underground piping of the drainage would be a positive outcome for the linear open space area, such that it would then be unencumbered and produce more useable safe recreational purposes.

The options for the stormwater flow from the northern parcel of the amendment land being directed into the Mollers/Parker development, or alternatively, piped southwards into the Eastern Ash development retention basins, are considerations that can be dealt with when the SWMP is updated. The Panel is satisfied that this is specified in DDO46 at Clause 3, and that the Permit conditions 4f) and g) and 7 will provide appropriate controls.

The final location and height level of the southern retention basin within the amendment land must be determined in cooperation with the Mollers/Parker development, and the Panel is satisfied this can occur. The CCMA's recommendation in relation to freeboard provision at the retention basin is included in a new permit condition (69.d). The connector road adjacent to the southeast basin may be impacted in terms of finished road level and alignment. It is imperative the final civil design is undertaken collaboratively to achieve an integrated interface between the two residential development sites.

The Panel concludes:

- There will be no adverse stormwater or drainage impacts from the proposed development on the Mollers/Parker residential area.
- The Proponent should update the Storm Water Management Plan to reflect the final subdivision layout as part of its permit obligations.

3.4 Traffic and access

The key issues to be resolved are:

- the length of the right turning lane at the Bellarine Highway – Ash Road intersection
- Whether the development would result in additional traffic into the South Leopold area and result in adverse impacts to existing residents.

(i) Submissions and evidence

The Department of Transport (DoT) originally submitted that a 195 metre long right turn lane with a 25 metre taper from the Bellarine Highway into Ash Road would be required. This was later amended after DoT reviewed the traffic evidence of Mr Young. DoT advised Council that a shorter length of 130 metres would be adequate ²⁶.

The Proponent proposed the right turn lane from the Bellarine Highway into Ash Road be 120 metres in length, with a 25 metre taper. The Proponent relied on the Cardno 'Traffic and Transport Assessment' ²⁷ and Mr Young's evidence (at paragraph 7.1.1), specifically that the right turn lane be 120 metres long.

Council's submission addressed the concerns of submitters that an increase in traffic of 7,000 to 8,000 vehicles per day in Ash Road, adjoining roads, and the Bellarine Highway intersection would be detrimental to the Leopold area. Submitters noted there are already difficulties with street parking and exiting driveways, and that additional traffic will be pushed into smaller streets and cause gridlock.

²⁶ Document 68

²⁷ Document 18

Council relied upon the CardnoTGM assessment which concluded the road traffic network could accommodate the predicted increase in traffic. The upgrade plan for Ash Road, the local street design within the proposed subdivision, and the connections with the Mollers/Parker development would ensure that the intent of the Leopold Structure Plan would be achieved.

Council accepted the evidence of Mr Young that there were no traffic engineering reasons why the amendment and permit should not proceed, subject to permit conditions. The Panel was advised that Council's traffic engineers supported the exhibited road layout design, noting they had made several comments for the detailed design stage based on the exhibited plans (but not Revision 18).

While the evidence of Mr Young was not contested, it did not mention the roundabout proposed for the Ash Road-Walkers Road intersection, and that minimum 5 metre by 5 metre splays would be required at the north east and south east corners of the roundabout.

Mollers/Parker submitted the connector road alignment and pavement level in the southeast corner of the amendment land would in part be governed by the location and height of the retention basin and treatment wetlands. It was concerned that any associated land fill batters should not encroach upon or impact its development outcome. Concerns were raised regarding some aspects of the subdivision street layout in Revision 18.

The Proponent committed to ensuring a continuous road network outcome at the interface with the Mollers/Parker development. Mollers/Parker responded with an equal commitment, notwithstanding that its development layout had already been finalised and approved by Council.

Submissions 3, 4, 11, 15, 21, and 26 expressed concerns regarding the increase in traffic and truck movements during construction. Council noted these concerns would be addressed in Condition 7 in the final Permit.

(ii) Discussion and conclusions

DoT is the determining authority with regard to the length of the right turn lane in the Bellarine Highway, and the Panel accepts its recommendation for 130 metres, including a 25 metre taper. Mr Young's opinion was that 120 metres would meet the increased demand created by the proposal, but the Proponent's closing submission informed the Panel that it would be prepared to accede to the DoT requirement.

The traffic impacts of 7,000 to 8,000 vehicles per day predicted in the 'Traffic and Transport Assessment' can be accommodated by the local road network, and the Panel accepts the opinion of Mr Young that the amendment and permit can proceed on this basis.

While the SELFP generally envisaged traffic flows being directed towards Mollers Lane, it is clear from the traffic assessment that routes east-to-west via Walkers Road to Melaluka Road would occur. It will be crucial that this thoroughfare connection via Estuary Boulevard is established prior to the final stages of both Eastern Ash and Mollers/Parker development being completed.

The proposed upgrade to Ash Road is crucial to accommodate the resultant increase in traffic. A roundabout at the Walkers – Ash Roads intersection should continue to be considered for any future development of the South Leopold precinct.

The proposed road reserve widths and cross sections of east-west connector roads and local streets network would meet the Council requirements. The sight distance at the curve in the street abutting the southeast corner of the one-hectare local park would be adequate.

The Proponent has committed to achieving continuity of the road alignments and cross sections with the Mollers/Parker development, and this should be delivered in the Local Area Traffic Management Plan required in Condition 10 of the permit.

Further to the Panel's comments relating to the subdivision layout in Revision 18, the location and alignment of the southern connector road may require additional review by Council at the final approval stage. The potential for three or four street intersections within close proximity of that open space area, over an underground drainage easement, may not be the optimal outcome from a traffic management perspective, particularly if the connector road ultimately becomes a bus route. An appropriate sight distance needs to be maintained around the curved road alignment into the Mollers/Parker development. The crossing of this connector road by pedestrians, bicyclists, and the less mobile should be given prioritised consideration by Council, in order to enhance the continuous shared pathway network.

The Panel supports the improvements made in Revision 18 by the Proponent in consultation with Council and Mollers/Parker. The indicative road connectivity to developing areas in Leopold (west of the amendment land) and the contiguous Mollers/Parker development are now in alignment, notwithstanding that the Walkers Road to Estuary Boulevard thoroughfare has yet to be fully created. The two main east-west connector roads depicted in Revision 18 now align with the Mollers/Parker development, and adequate access to Ash Road will be provided via three additional minor connector streets.

The Panel concludes:

- The length of the right turning lane at the Bellarine Highway – Ash Road intersection should be 130 metres as determined by the Department of Transport.
- An increase in traffic in Leopold is inevitable as a designated growth area, but it will be manageable.

4 Environment

The key issues raised by submitters in relation to environment are:

- native vegetation
- contamination.

4.1 Vegetation

The key issue to be resolved is:

- whether the removal of native vegetation and associated habitat is appropriate and will be appropriately offset.

(i) Submissions and evidence

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

The Proponent prepared a Native Vegetation Removal Report (NVRR)²⁸ to support the application and relied upon the expert evidence of Mr Lloyd at the Hearing²⁹.

Submissions 4, 7, 11, 12, 13, 14, 15, 16, and 26 expressed concerns regarding the environmental impact of the rezoning on the local environment. Some were concerned the rezoning would detrimentally impact on native environment and wildlife as the area has 'vast biodiversity' and attracts a range of fauna. There was concern that the Ash Road area has significant natural beauty which would be lost through overdevelopment.

Ecolink Consulting undertook surveys and prepared a Biodiversity Assessment Report (BAR) in support of the Amendment and planning permit application³⁰. The BAR noted biodiversity offsets would be required for removal of native vegetation within the study area, which contains patches equating to 0.278 hectares of native vegetation³¹. The offset for the removal of this vegetation will be 0.053 General Habitat Units, with a minimum Strategic Biodiversity Score of 0.368. The offsets are proposed to be located within the Corangamite catchment area or within the City of Greater Geelong municipality.

The BAR did not record the presence of Growling Grass Frog (GGF) at the study area, although it did identify potential habitat within the site in the dam and drainage lines. The habitat was moderate to high with a diversity of submerged, emergent, and fringing vegetation and suitable water quality for the species. Several submitters expressed concern about GGF habitat being destroyed.

Ecolink noted 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. It concluded the GGF did not occur on the site, that further management of this species is not required, and that a referral under the *Environment*

²⁸ Document 37

²⁹ Document 44

³⁰ Document 26

³¹ The area studied by Ecolink Consulting in 2017 and 2018 comprised two properties: 87-101 Ash Road (approximately 8.2 hectares), and 103-127 Ash Road (approximately 8.3 hectare)

Protection and Biodiversity Conservation Act 1999 (Commonwealth) (EPBC Act) was not required. Council noted the development did not trigger the need for an Environment Effects Statement, and Mr Lloyd concluded that it was unlikely to trigger provisions under the EPBC Act.

There was a difference between the NVRP originally submitted with the application and the updated BAR that was included with the exhibited amendment documents. Council was confident the condition in the exhibited draft permit was based on the most recent NVRP, and that the correct figure for offsets is contained in permit Condition 61.

The Ecolink BAR raised no concern about the rezoning and future development of the land, however it made a number of recommendations relating to environmental matters. These included ensuring the removal of all noxious weeds, preparation of a Construction Environmental Management Plan, presence of a wildlife handler when felling trees, and the offset requirements.

The Landscape Masterplan for the permit land was provided to demonstrate appropriate landscaping that can be achieved throughout. The plan incorporates an abundance of street trees within each road reserve and significant vegetation within the proposed open spaces. The proposed landscaping design and incorporated species which would provide appropriate habitat to support existing fauna within the amendment land and surrounding area.

(ii) Discussion and conclusions

Clause 12.01-2 (Native vegetation management) requires the Amendment to retain some existing site vegetation and where clearing is required, through the implementation of off-set planting to ensure no net loss of biodiversity.

The NVRP illustrates the location and quantity of vegetation to be removed. Four patches of existing vegetation are to be incorporated into the open space to promote river health and biodiversity objectives. These patches are located along the western boundary of 87-101 Ash Road of the site and along the side boundary between 87-101 and 103- 127 Ash Road. The Panel notes the landscape response proposes appropriate landscaping throughout the site to promote biodiverse habitats, particularly within proposed areas of open space.

The Panel is satisfied these offsets can be delivered within the amendment land, but if not, elsewhere within the municipality or in the Corangamite catchment area.

The Landscape Masterplan Plan should deliver diverse habitats and enhance the natural cooling environment amenity at the interface with residential developments abutting the amendment land. The Landscape Masterplan should ensure an aesthetically pleasing environment that provides shade and cooling throughout the subdivision, particularly within the open space areas.

The Panel concludes:

- That the native vegetation removal offsets should comprise 0.053 General Habitat Units, with a minimum biodiversity score of 0.368.

4.2 Contamination

The key issue to be resolved is:

- whether the asbestos contamination identified at 143-155 Ash Road requires an Environmental Audit Overlay (EAO) to be applied.

(i) Submissions and evidence

A Contamination Report was provided by Coffey in support of the Amendment and permit application³². The report found that most of the site was suitable for residential development but the property at 143-155 Ash Road was encumbered by several on-site soil stockpiles that included asbestos containing materials which required further assessment. The Coffey Contamination Report stated (at page 22):

Following the identification of Asbestos Containing Material (ACM) in the paddock area at the rear of the property at 153 Ash Road, a systematic site inspection was completed to determine the extent of ACM contamination at the site, during which five pieces of ACM in the form of compressed cement sheeting were found. All five pieces of ACM were collected as samples and submitted for laboratory identification analysis and were confirmed as containing chrysotile asbestos. Each of the ACM pieces were noted as being in good condition with minimal degradation or crumbling (that is, the asbestos had not become friable) and were therefore unlikely to represent a significant human health risk.

ACM sheeting was also identified in several other soil stockpiles on 153 Ash road and asbestos is considered to be a contaminant of concern on this property.

The submission from Environment Protection Victoria (EPA) (who did not seek to be heard) concluded agricultural activities on the subject land may carry a 'medium' potential for contamination, rather than the 'low' potential as determined in the Coffey assessment. EPA recommended a peer review of the Coffey Contamination Report and that an EAO should be applied to the land where asbestos was found.

The Proponent acknowledged the EPA submission referred to Planning Practice Note 30 (Potentially Contaminated Land), and that part of the amendment land may carry a 'medium' potential for contamination, requiring an environmental site assessment to be undertaken. It noted the environmental sustainability assessment in the Coffey Contamination Report concluded that four of the properties (75-85, 87-101, 103-127, and 129-141 Ash Road) did not require an environmental audit, but the land at 143-155 Ash Road should be remediated under an environmental audit prior to it being redeveloped for a sensitive use.

Given the recent gazettal of the *Environment Protection Act 2017*, the environmental sustainability assessment will need to be updated to accord with the updated framework governing site audits and the new form of Planning Practice Note 30. The Proponent submitted that in the interim, the environmental sustainability assessment provided confidence that no further audit or action would be required to address contamination on the affected land, and the amendment and permit could proceed on this basis.

(ii) Discussion and conclusions

The Panel is satisfied the environmental sustainability assessment has identified the level of contamination at 143-155 Ash Road being specifically fragments of compressed cement sheet, and of low potential for contamination. According to Council's submission, clean up works are currently being undertaken, and a further environmental sustainability assessment would be required under the DDO46. Under these circumstances, the Panel considers the application of an EAO is not warranted.

³² Document 10

The Panel concludes:

- The low level of asbestos containing material contamination at 143-155 Ash Road does not require the application of an Environmental Audit Overlay.
- The environmental sustainability assessment within the Coffey Contamination Report will need to be updated to accord with the updated framework governing site audits and the revised Planning Practice Note 30.

5 Other matters

Two other matters were raised in submissions:

- housing affordability and diversity
- the section 173 agreement.

5.1 Housing affordability and diversity

The key issue to be resolved is:

- whether the Amendment delivers housing affordability and diversity.

(i) Submissions and evidence

Mollers/Parker contended the subdivision proposal did not deliver on housing affordability and diversity. The Proponent dispute that and pointed out the variation in lot size and the opportunity for some medium density and social housing as part of the plans, especially through Revision 18.

(ii) Discussion and conclusions

The Panel does not consider the submissions made on this matter by Mollers/Parker to have merit. It considers the subdivision pattern for this proposal has considerably more variation in lot layout and size than that to the east.

Affordable housing is a term that can be difficult to define, as what may be affordable to some, may not be to others. The important issue is land supply. Increasing supply in this location will ensure more participants can enter the housing market.

The Panel concludes:

- The Amendment will deliver on an appropriate range of lots sizes and will provide affordable housing opportunities.

5.2 Section 173 agreement

The key issue to be resolved is:

- whether the Panel should have regard to the draft section 173 agreement.

(i) Submissions and evidence

Submissions 10 and 17 raised issues about the sharing, siting, development, contribution and enforcement mechanism of drainage infrastructure in the draft section 173 agreement.

At the Directions Hearing, the Panel advised it was aware a draft section 173 agreement would be applied to the land to be rezoned and that it accompanied the exhibited Amendment to formalise development contributions and the delivery of local infrastructure for the land. As this was raised in submissions, the Panel issued a direction that Council clarify whether it was expected the Panel would be required to consider the proposed development contributions and/or the section 173 agreement.

At the Hearing, both Council and the Proponent made submissions on this matter and both, in summary, agreed it was not a matter for the Panel to consider or make recommendations on.

Council submitted that for smaller growth areas of less than 40 hectares, the developer is required to provide its fair share of local infrastructure. Council advised it does not set development contributions for these smaller area, in particular where there was no regional level infrastructure to be provided, nor did it act as a collection agency for such sized areas:

The primary function for this agreement is for the landowners to deliver the specified infrastructure of open space, roads and drainage. The Agreement does not identify which Owner is required to deliver the Infrastructure Projects although the obligation to provide the land components of any Infrastructure Project falls on the owner of that land in which the component resides.³³

Council further advised:

The secondary aspect of the s173 Agreement is for the collection of infrastructure contributions for community facilities. These contributions will most likely be allocated to the Estuary Reserve Modular Pavilion ...

This is quantified at a rate of \$40,000 per net developable hectare.³⁴

Council concluded the proposed development contributions required do not require the consideration of the Panel.

In its opening submission, the Proponent noted a section 173 agreement was a private arrangement between Council and the Proponent with regard to establishing and providing for infrastructure. In this case, it related to upgrades to road networks, and provision of open space facilities and drainage.

The submission from Parker did not pursue this issue. Mollers reiterated concerns raised in its original submission about any enforcement mechanism to ensure that such contributions would be made, and suggested:

... the Section 173 Agreement is worded to not permit the development of the Ash Road East land until it is confirmed that a proportional contribution to the ultimate drainage scheme has been paid to my client.³⁵

(ii) Discussion and conclusions

The Panel notes that the issues raised related to the potential of Mollers/Parker being impacted by the extent of drainage works on the adjacent subject land. This has been dealt with in Chapter 3.3. As these works relate to the imposition of a section 173 agreement to ensure the works are undertaken and in the absence of a development contributions plan, the Panel supports that course of action. However, it makes no recommendation about the way in which that agreement is drafted.

The Panel concludes:

- It is appropriate that Council ensure local infrastructure such as roads, drainage and public open space, and a contribution to community facilities, is provided for through a section 173 agreement as there is no formal development contributions plan.

³³ Document 42, para 35

³⁴ Document 42, paras 37, 38

³⁵ Document 59, para 50

6 Resolution of the Amendment and permit

The key issues to be resolved are:

- whether the rezoning is appropriate
- whether the use and the form of the Design and Development Overlay is appropriate
- whether a planning permit should issue, and if so, the conditions that pertain to it.

6.1 The Amendment

The Panel has reviewed the General Residential Zone and notes no party raised issues with its application to the site, nor its structure or format. The Panel agrees it is the appropriate zone for the land and will provide for the opportunity to deliver a new residential area that provides for a diverse housing offer.

The Design and Development Overlay was subject to some discussion by the parties at the Hearing, with issues raised including:

- whether the Design and Development Overlay is the appropriate overlay to deliver a new residential area
- the clarity of the Outline Development Plan
- some wording changes.

The Panel questioned the selection of the Design and Development Overlay at the Directions Hearing and directed Council to respond to why it was used in favour of the Development Plan Overlay. The Panel notes that some of the earlier developed areas of Leopold are supported by a Development Plan Overlay (including Estuary, Villawood and Allure Estates to the west; Moss Road and Portarlington Road to the north), but more recent development was subject to the Design and Development Overlay (for example Mollers/Parker to the east).

The Panel notes the Leopold Structure Plan foreshadows the use of the Development Plan Overlay to implement residential development and that the SELFP, if included as a Reference Document, may have negated the need for any overlay. Council contended:

The use of a DDO avoids the duplication of a development plan where we have a concurrent permit application. From our experience, a development planning process can be time consuming and quite involved.³⁶

The Panel disagrees with that statement as a matter of principle. The Development Plan Overlay is the correct planning tool to use for this type of Amendment, and if used properly, provides for residential development when a Precinct Structure Plan is not warranted. The Design and Development Overlay is predominantly used as a built form control for height, setback and other tangible parameters.

The Outline Development Plan included in this Design and Development Overlay is unusual. It provides very little guidance as it has very few parameters. That plan might have carried more weight if it had more of the detail of the elements provided in the SELFP.

Preparing a Development Plan to complete the residential development of Leopold South would have been beneficial, especially if prepared in conjunction with Mollers/Parker. Leopold South

³⁶ Document 42

should read as an integrated and well planned area and a Development Plan might have resulted in less contention about the infrastructure issues as noted in this matter.

The Panel became aware during the Hearing that the Panel for Amendment C367 (Mollers/Parker) asked the same question about the use of the Design and Development Overlay, but which they concluded was acceptable.

However, while the Panel does not consider the use of the Design and Development Overlay is the most appropriate overlay, it is not fatal for the Amendment. There is enough before the Panel to support the Amendment going forward and while these concerns are highlighted, they do not warrant refusal, especially as the adjacent Mollers/Parker area to the east has been approved with application of the same zone and overlay.

There were two DDO46 Clauses in contention at the Hearing. A new dot point was included under Clause 3.0 Subdivision, under Stormwater Management to read:

Subdivision of the land at 73-85 Ash Road should set aside land to accommodate the drainage of the northern catchment.

The Proponent did not support this change in full and suggested deletion of the words '*... set aside land ...*' and replacement with '*... have regard to the need ...*'. For reasons expressed in Chapter 3.3, the Panel supports the inclusion of that requested change.

6.2 The planning permit

(i) Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other matters to be taken into account include:

- submissions
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the *Planning and Environment Act 1987*, including the Victorian planning objectives

and the economic, social and environmental impacts of the proposed use and development

- adopted government policy.

(ii) Discussion and conclusions

Council's Part A and Part B submissions provided a helpful summary of the permit triggers, application requirements and referral requirements for the Project under the Greater Geelong Planning Scheme. It provided the relevant State and local planning policy, a summary of referral authority comments and responses, and a chronology of the Permit Application. This was also highlighted through the Proponent's opening submissions. The Panel was assisted by these submissions in its deliberations.

The key issues and impacts required to be considered in the decision guidelines have been discussed in this Report, including the late submission of the Clause 56 assessment.

There was useful discussion about the permit conditions on a without prejudice basis at the end of the Hearing. In the main, all three parties were generally comfortable with the conditions, except for some specific points of difference. These related to:

- inclusion of lot numbers of the amended plans
- additional requirements in relation to stormwater management
- creation of the reserve and the SWMP on Ash Road
- acknowledgement of need for GGF design standards
- inclusion of arboriculture assessment as part of the Tree Protection Management Plan
- inclusion of Barwon Water conditions
- inclusion of an additional condition in relation to the submission by the CCMA
- changing the right turn lane approach to Ash Road from Bellarine Highway from 120 metres to 130 metres
- additional notes.

After that discussion, the Proponent provided updated conditions, which the Panel has adopted in Appendix D to finalise its preferred and recommended version. The Proponent generally accepted all suggestions made by Council and many made by Mollers/Parker.

On balance, the Panel considers that the permit should be granted in accordance with the conditions in Appendix D. It is consistent with the policy intent of the Greater Geelong Planning Scheme, and specifically the Leopold Structure Plan. It will develop a new area of land designated for residential growth in South Leopold and provide for increased and diverse housing opportunities.

The Panel concludes:

- The Amendment is strategically justified.
- A permit to use and develop the land is appropriate.

6.3 Recommendations

The Panel recommends:

1. **Adopt Amendment C391ggee to the Greater Geelong Planning Scheme, as exhibited subject to:**
 - a) **Adopting Design and Development Overlay Schedule 46 as amended (Document 77) and modified as follows:**
 - **Amend the last dot point under Stormwater Management of Clause 3.0 Subdivision to read *“Subdivision of the land at 73-85 Ash Road should have regard to the need to accommodate the drainage of the northern catchment”*.**
2. **Issue Planning Permit PP39/2019 for the multi-lot subdivision of 87-101 and 103-127 Ash Road, Leopold, the removal of native vegetation and the removal of easements, subject to the revised permit conditions contained in Appendix D.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Mr Bellchambers, Ample
2	Ms Phillips, Barwon Water
3	Ms Carrick
4	Ms Deans
5	Mr Elliott
6	Mr Nain, Department of Transport
7	Ms Dover
8	Mr Clements of Tract Consultants for Eastern Ash Pty Ltd
9	Ms Brice, Environment Protection Authority Victoria
10	Mr Marshall of CardnoTGM for H.B Parker Pharmacy Superannuation Fund
11	Ms Hearn
12	Ms Hedderick
13	Ms Hughes
14	Ms Kirsopp
15	Ms McCawley
16	Ms Mojsiej
17	Mr Marshall of CardnoTGM for Moller Lane Developments
18	Ms Norton
19	Mr Odd, Leopold Health Group
20	Mr Perez, Ash Road Developments
21	Mr Pitcher
22	Mr Plumridge, Ash Road Developments Pty Ltd and Walkers Road Developments Pty Ltd
23	Mr Patten, Powercor
24	Mr Rodgers
25	Ms Skewes
26	Ms Trofimovs
27	Dr Jones, Wadawurrung Traditional Owners Aboriginal Corporation
28	Mr Wellam
29	Dr Taylor, Corangamite Catchment Management Authority

Appendix B Parties to the Panel Hearing

Submitter	Represented by
City of Greater Geelong	Represented by Susan Williamson and Leanne Stockley
Eastern Ash Pty Ltd	Represented by Brianna Eastaugh of Maddocks Lawyers (with Nick Clements of Tract Consultants) who called expert evidence on: <ul style="list-style-type: none">• drainage from Warwick Bishop of Water Technology• stormwater and biodiversity from Lance Lloyd of Lloyd Environment• traffic from Brett Young of Ratio Consultants
Department of Transport	Represented by Nikit Nain
H.B Parker Pharmacy Superannuation Fund	Represented by Chris Marshall of CardnoTGM
Moller Lane Developments	Represented by Chris Marshall of CardnoTGM

Appendix C Document list

No.	Date	Description	Presented by
1	29 Sep 21	Instruction Sheet Exhibition	Ms Williamson, City of Greater Geelong
2	"	Explanatory Report Exhibition	"
3	"	Clause 43.02 Schedule 46 Exhibition	"
4	"	GRZ Map 69 Exhibition	"
5	"	DDO Map 69 Exhibition	"
6	"	Draft Planning Permit Exhibition	"
7	"	Ash Road Subdivision Plans	"
8	"	Stormwater Management Plan Report – Spiire, February 2020	"
9	"	Planning Report - Tract Consultants, December 2020	"
10	"	Contamination Report – Coffey, October 2019	"
11	"	Minutes Council Meeting - 8 September 2020	"
12	"	Council Meeting - 28 September 2021	"
13	"	Submissions	"
14	"	Submitter details	"
15	11 Oct 21	Correspondence from Panel, Directions Hearing Letter	Chair
16	25 Oct 21	Correspondence from Eastern Ash Pty Ltd (Proponent) to Chair in relation to request to be heard, Part A submission and evidence	Ms Eastaugh, Maddocks for Proponent
17	29 Oct 21	Panel Directions, Distribution List and Timetable (v1)	Chair
18	3 Nov 21	Traffic and Transport Assessment (87-127 Ash Road Leopold) prepared by Cardno	Ms Williamson
19	"	Traffic and Transport Assessment - Appendix (87-127 Ash Road Leopold) prepared by Cardno	"
20	"	South East Leopold Framework Plan 2016	"
21	"	Leopold Structure Plan 2011 (amended Jan 2013)	"
22	"	Planning Permit - PP-1463-2016	"
23	"	Site Inspection Map	"
24	10 Nov 21	Planning Permit application form	Ms Williamson
25	"	Aboriginal and Historical Heritage Assessment - Ecology and Heritage Partners, August 2019	"
26	"	Biodiversity Site Assessment - Ecolink Consulting, July 2018	"
27	"	Growling Grass Frog Survey Report - Ecolink Consulting, December 2020	"
28	"	Landscape Masterplan – Tract, December 2020	"
29	"	Native Vegetation Removal Report - May 2019	"
30	"	Feature and Level Survey - Spiire	"

No.	Date	Description	Presented by
31	“	Proposed roundabout at Walkers Road and Ash Road Plan (July 2019)	“
32	“	Ash Road Upgrade Plan (April 2020)	“
33	“	Bellarine Highway turning lane Plan (July 2019)	“
34	“	Correspondence – Mr Marshall to Mr Clements relating to the Alternative Subdivision Plan	Mr Marshall, CardnoTGM Parker/Mollers
35	“	Correspondence – Mr Nick Clements in response to Mr Chris Marshall relating to the Alternative Subdivision Plan	Mr Clements, Tract for Proponent
36	12 Nov 21	Letter – Mr Chris Marshall to Panel in relation to Alternative Subdivision Plan	Mr Marshall
37	“	Vegetation Removal Plan – Tract, November 2018	Ms Wickman, City of Greater Geelong
38	“	Submitter Map 1	“
39	“	Submitter Map 2	“
40	“	Written Submission – Ms Leanne Hearn	Ms Hearn
41	“	Letter – Ms Brianna Eastaugh in response to letter of Mr Chris Marshall in relation to Alternative Subdivision Plan	Ms Eastaugh
42	15 Nov 21	Council Part A Submission	Ms Williamson
43	“	Letter – Ms Brianna Eastaugh regarding expert witness statements	Ms Eastaugh
44	“	Evidence statement of Lance Lloyd on stormwater and biodiversity	“
45	“	Evidence statement of Brett Young on traffic	“
46	“	Evidence statement of Warwick Bishop on stormwater	“
47	“	Proponent Additional Documents	“
48	17 Nov 21	Barwon Water – Section 56(1)(B) response including conditions	Ms Williamson
49	18 Nov 21	Correspondence – Ms Amelia Hunter to Mr Nikit Nain of Department of Transport (DoT) in relation to expert witness statement and response from DoT	Ms Hunter, Maddocks for Proponent
50	19 Nov 21	Council Part B Submission	Ms Williamson
51	“	Proponent Submission	Ms Hunter
52	“	Statement of Changes - Subdivision Plan – Rev 18	“
53	“	Ash Road Subdivision Plan - Rev 18	“
54	“	Ash Road Lot Yield Stage Plan - Rev 08	“
55	“	Ash Road Land Budget Plan - Rev 01	“
56	“	Ash Road Land Budget Plan Properties - Rev 02	“
57	22 Nov 21	Proponent Draft Conditions with comments	Ms Hunter
58	“	Correspondence – Mr Nain regarding amended position on right turn lane length from the Bellarine Highway into Ash Road	Mr Nain, Department of Transport
59	“	Mollers Lane Developments Submission	Ms Dixon, CardnoTGM

No.	Date	Description	Presented by
60	"	H.B Parker Superannuation Fund Submission	"
61	"	Clause 32.08 – General Residential Zone	"
62	"	Clause 43.02 – Design and Development Overlay	"
63	"	Exhibited Subdivision Plans for Mollers Lane	"
64	"	Impact Plan	"
65	"	Mollers Lane Endorsed Secondary Consent Dec 2020 - PP-1463-2016	"
66	"	Mollers Lane Planning Permit	"
67	"	Amendment C367 and Planning Permit Application PP1463/2016 (2-120 Moller Lane and 10 Willows Place, Leopold) Panel Report	"
68	"	Department of Transport Submission	Mr Nain
69	"	Subdivision Plan including road names	Ms Hunter
70	"	Letter – Concerns regarding stormwater	Mr Marshall
71	23 Nov 21	Presentation – Lance Lloyd – Stormwater and biodiversity	Ms Hunter
72	"	Letter – Memorandum of advice – Spiire	"
73	25 Nov 21	Updated Clause 56 Assessment	"
74	"	Draft conditions – marked	Ms Eastaugh
75	"	Correspondence – Conditions commentary	"
76	"	Council Closing Submission	Ms Williamson
77	"	Council Design and Development Overlay – Schedule 46	"
78	"	Proponent Closing Submission	Ms Eastaugh
79	26 Nov 21	Correspondence – Final conditions commentary	"
80	"	Final draft conditions - marked	"
81	"	Final draft conditions - clean	"

Appendix D Panel preferred version of Planning Permit PP39/2019

[Tracked Added](#)

~~Tracked Deleted~~

Note: minor edits not shown

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 the plans submitted with the application (Revision 15 dated 28 October 2020) and the maps shown in the Design and Development Overlay – Schedule 46 and 43, but modified to show:
 - a) A one hectare 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;
 - e) Lot numbers.

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.

Engineering Conditions

Stormwater Management Plan and Outfall Impact Assessment

4. Prior to the lodgement of the Functional Layout Plan for the first stage of subdivision, an updated *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. 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) a stormwater strategy design response to the ultimate stormwater management plan and constructed assets;
 - e) recommendations of the Corangamite Catchment Management Authority and their conditions of this permit;
 - f) siting and design of stormwater basins and associated civil works to demonstrate:

- i. that they do not have an adverse impact on land at 92-120 Mollers Lane, Leopold and provide for appropriate connectivity and integration;
 - ii. no potential downstream detrimental impacts on the creek system and loss of land set aside for public open space and residential development at 92-120 Mollers Lane, Leopold; and;
 - iii. that the siting and design of stormwater basins do not impact on the east-west road design that will cause impact to the orderly development of land at 92-120 Mollers Lane, Leopold.
- g) An analysis of the impact of any additional stormwater volumes on the waterway at 92-100 Mollers Lane to determine whether any additional mitigation and alteration measures will be required;

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

Creation of Restriction on Title

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 restrictions on Lots (to be identified). The restrictions must benefit the reserve lot and burden the residential lots and dictate that boundary fences abutting the open space must be no more than 1.2m in height for the first 6m from the lot frontage, and no higher than 1.8m for the balance.
- Unless otherwise approved in writing by the Responsible Authority, the plan of subdivision creating the restrictions must be registered with Land Victoria within 60 days of planning 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.

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

6. 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 on 129-141 Ash Road generally in accordance with the endorsed subdivision plan and in favour of the City of Greater Geelong, at the landowners expense.
- Unless otherwise approved in writing by the Responsible Authority, the plan of subdivision creating the reserve must be registered with Land Victoria within 60 days of planning 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

7. 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.
- c) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
- d) Detailed methodology for the removal of existing dams.
- e) Risk assessment of drainage structures, in accordance with relevant ANCOLD guidelines.
- f) Reference to Corangamite Catchment Management Authority recommendations and conditions of this permit;
- g) 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) Footpaths on both sides of roads unless otherwise approved in writing by the Responsible Authority;
- i) All footpath treatments showing DDA compliance at all designated crossing points;
- j) Suitable road reserve cross sections to convey major drainage flows;
- k) Turning areas suitable for the safe and efficient turning of service and emergency vehicles;
- l) construction of an east-west connector road that demonstrates road network integration and no detrimental impacts on the subdivision of land at 92-120 Mollers Lane, Leopold.

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

8. 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.
9. 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 that demonstrates no adverse impacts to receiving waterways;
 - 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

10. 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

11. 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

12. 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

13. 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, or until the next stage requires its removal, 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.
14. 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.
15. 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 Construction Environmental Management Plan 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;

- 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;
 - h) Details of actions to be implemented in the event of damage to abutting assets;
 - i) Details of where construction personnel will park; Planning and Environment Regulations 2015 - Form 9. Section 963
 - j) 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.
16. The Construction Environmental Management Plan 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'
 - f) 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.
17. All development and works must be carried out in accordance with the approved CEMP, to the satisfaction of the Responsible Authority.
18. 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

19. 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;
- 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;
- 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

20. 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

21. 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

22. 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

23. 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.
24. 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.
25. 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
26. 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.
27. 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

28. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.
29. 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.
30. 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.
31. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Redundant Crossovers

32. 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

33. 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

34. 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.
35. 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.
36. 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.
37. 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.
38. 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:
- on the through street for properties which front onto a Place (a short cul de sac without a turning circle);
 - to courts with four or less dwellings and garbage collection is to occur at the mouth of the court;
 - 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;
 - 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

39. 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

40. 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.

Open Space Reserves and Streetscape Landscaping

Tree Protection Management Plan

41. 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:
- council-owned trees
 - privately owned trees and
 - 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

42. 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

43. All works within the nominated Tree Protection Zones must be:
- carried out in accordance with Australian Standard 4373–2007 *Pruning of amenity trees* and Australian Standard 4970–2009 *Protection of trees on development sites*
 - overseen by a suitably qualified, level-5 arborist
 - carried out to our satisfaction (as the Responsible Authority) by suitably trained and qualified arboricultural staff
 - Tree Protection Fencing must be installed prior to the development starting (including any demolition works) and
 - 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:

- amenity tree value
- tree removal
- stump removal
- remedial pruning
- 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:

- Establishment of correct placement and installation of tree protection fencing
- Attendance during Tree Protection Zone incursions
- 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

44. 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 arboricultural 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 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

45. 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

46. 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

47. 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

48. 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

49. 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

- 50. 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.
- 51. 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

- 52. 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.
- 53. 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

- 54. 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

55. 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

56. 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

57. 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.
58. 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.
59. 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.
60. 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

61. 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

62. 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:
- 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
 - 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

63. 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

64. 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:
- Identification of each tree proposed for relocation.
 - Species identification and size of each individual tree.
 - Identification of the relocation sites.
 - The proposed site preparation and protection measure to ensure each tree's structural integrity and protection after relocation is maximised.

Fauna Protection

65. Prior to the 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

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

Hydrants

67. 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:
- 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

68. 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.
- 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.
 - Curves must have a minimum inner radius of 9 metres.
 - 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.
 - 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.

Corangamite Catchment Management Authority Conditions

69. Stormwater Management Infrastructure must be constructed in accordance with the endorsed Stormwater Management Plan unless with the written consent and approval of the Responsible Authority, specifically:
- The central catchment sediment pond shall provide a minimum 1000m² treatment area;
 - The central catchment wetland shall provide a minimum of 2,800m² treatment area;
 - Flow retardation must be provided generally in accordance with the endorsed Stormwater Management Plan, and must ensure no adverse impacts for properties downstream for storm events up to and including a 1% AEP event;
 - [An assessment of the freeboard for the retention basins under increased rainfall intensity predictions to year 2100 be undertaken, and 300 millimetre freeboard be provided for the future projected scenario.](#)
70. Construction techniques must incorporate the provisions within the Guidelines for Environmental Management – Doing it right on Subdivisions (EPA Publication 960).
71. 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

General

72. The permit holder 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.
73. 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.

74. 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.

Note: 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. The owner of each retained home site must 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.

Note: 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 permit holder 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. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, must be submitted to Barwon Water for approval. 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. Nature-strip trees must not be planted over Barwon Water's two existing strategic water mains within the land. Should relocation of these assets be required this will be at the permit holder'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

86. 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.
87. 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.

88. 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.

89. 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.

90. 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 2000	Powercor Australia Ltd

Telecommunications

91. 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.

92. 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

93. 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
94. 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.
95. 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.
96. 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.
97. 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).
98. 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.
99. 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.
100. Before the issue of a Statement of Compliance for the first stage of 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 ~~120m~~ 130m including a 25m taper;
 - b) Extension and alteration to the Bellarine Highway right turn lane street lighting (as required by lighting design).
101. 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

102. 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:

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.