

# Planning Panels Victoria

## Greater Geelong Planning Scheme Amendment C441ggee 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold

### Panel Report

*Planning and Environment Act 1987*

**20 December 2022**

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### 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 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 Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Greater Geelong Planning Scheme Amendment C441ggee

672-690 Portarlington Road and 692-700 Portarlington Road, Leopold

**20 December 2022**



Lisa Kendal, Chair

## Contents

|   | <b>Page</b> |
|---|-------------|
| <b>1 Introduction.....</b>                                | <b>9</b>    |
| 1.1 The Amendment.....                                    | 9           |
| 1.2 Procedural issues.....                                | 11          |
| 1.3 Summary of issues raised in submissions.....          | 12          |
| 1.4 The Panel’s approach.....                             | 12          |
| <b>2 Strategic issues .....</b>                           | <b>14</b>   |
| 2.1 Planning context.....                                 | 14          |
| 2.2 Strategic justification.....                          | 15          |
| <b>3 Design and Development Overlay Schedule 47 .....</b> | <b>18</b>   |
| 3.1 Stormwater management.....                            | 18          |
| 3.2 Movement and access.....                              | 19          |
| 3.3 Noise and air quality.....                            | 20          |
| 3.4 Urban design.....                                     | 23          |
| <b>4 Environmental Audit Overlay.....</b>                 | <b>26</b>   |
| 4.1 Issue.....  | 26          |
| 4.2 Background.....                                       | 26          |
| 4.3 Submissions.....                                      | 28          |
| 4.4 Discussion and conclusion.....                        | 29          |
| <b>5 Downstream stormwater.....</b>                       | <b>31</b>   |
| <b>Appendix A Submitters to the Amendment .....</b>       | <b>32</b>   |
| <b>Appendix B Document list.....</b>                      | <b>33</b>   |
| <b>Appendix C Planning context.....</b>                   | <b>34</b>   |
| C:1 Planning policy framework.....                        | 34          |
| C:2 Other relevant planning strategies and policies.....  | 34          |

## List of Tables

|   | <b>Page</b> |
|---|-------------|
| Table 1 Planning context.....   | 14          |
| Table 2 Recommended approach to assessing potentially contaminated land.....    | 26          |
| Table 3 Potentially contaminated land, 692-700 Portarlington Road, Leopold..... | 27          |

## List of Figures

|  | <b>Page</b> |
|--|-------------|
| Figure 1 Leopold in the context of Geelong Region..... | 10          |
| Figure 2 The subject land.....                         | 11          |
| Figure 3 Leopold Structure Plan.....                   | 15          |

Figure 4 Amendment C441ggee and past amendments in Leopold ..... 16

## Glossary and abbreviations

|                 |   |
|-----------------|---|
| Council         | Greater Geelong Council   |
| DDO47           | Design and Development Overlay – Schedule 47                                |
| DELWP           | Department of Environment, Land, Water and Planning                         |
| DoT             | Department of Transport   |
| EAO             | Environmental Audit Overlay   |
| GRZ1            | General Residential Zone – Schedule 1                                       |
| MD1             | Ministerial Direction 1   |
| PE Act          | <i>Planning and Environment Act 1987</i>                                    |
| Planning Scheme | Greater Geelong Planning Scheme   |
| PPN30           | Planning Practice Note 30   |
| PSI             | Preliminary Site Inspection   |
| SPP             | <i>draft Bellarine Peninsula Statement of Planning Policy (DELWP, 2022)</i> |
| the Amendment   | Greater Geelong Planning Scheme Amendment C441ggee                          |
| the Whites      | Mark and Karen White  |

## Overview

| Amendment summary  |   |
|--------------------|---|
| The Amendment      | Greater Geelong Planning Scheme Amendment C441ggee  |
| Common name        | 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold  |
| Brief description  | Rezoning land from Farming Zone to General Residential Zone, applying the Design and Development Overlay to all of the land and the Environmental Audit Overlay to part of the land |
| Subject land       | 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold  |
| The Proponent      | Land owners of 672-690 Portarlington Road, Leopold and 627 Port Road Pty Ltd  |
| Planning Authority | City of Greater Geelong   |
| Authorisation      | 16 June 2022  |
| Exhibition         | 6 July 2022 to 15 August 2022   |
| Submissions        | Number of Submissions: 7 Opposed: 2   |

| Panel process          |   |
|------------------------|---|
| The Panel              | Lisa Kendal (Chair)   |
| Directions Hearing     | Video Conference, 4 October 2022  |
| Panel Hearing          | Video Conference, 3 November 2022   |
| Site inspections       | Unaccompanied, 31 October 2022  |
| Parties to the Hearing | <p>City of Greater Geelong, represented by Peter Schembri, Senior Strategic Planner</p> <p>Land owner of 672-690 Portarlington Road and 627 Port Road Pty Ltd (the Proponent), represented by Marshall Sullivan of Context Planning Pty Ltd</p> <p>Department of Transport</p> <p>Mark and Karen White, represented by Kirsten Kilpatrick of NovoPlanning</p> |
| Citation               | Greater Geelong PSA C441ggee [2022] PPV   |
| Date of this report    | 20 December 2022  |

## Executive summary

Leopold is located on the Bellarine Peninsula, approximately 12 kilometres from the regional city of Geelong. It is a designated district town and service hub for the Bellarine Peninsula, identified for residential development within an existing settlement boundary.

Greater Geelong Planning Scheme Amendment C441ggee (the Amendment) seeks to rezone the land at 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold for residential purposes. It seeks to apply the:

- General Residential Zone – Schedule 1
- Design and Development Overlay – Schedule 47
- Environmental Audit Overlay to 692-700 Portarlington Road, Leopold.

The Proponent for the Amendment is the owner of 672-690 Portarlington Road, Leopold and 627 Port Road Pty Ltd (the Proponent).

Seven submissions were received during exhibition of the Amendment. Two submitters objected to the Amendment, and a number of submitters requested changes including:

- Department of Transport, which recommended changes to the Design and Development Overlay – Schedule 47 relating to access points and vehicular entrances
- Environment Protection Authority Victoria, which recommended changes to the Design and Development Overlay – Schedule 47 relating to noise and air quality and made submissions relating to application of the Environmental Audit Overlay.

The owners of 692-700 Portarlington Road, Leopold objected to the Amendment and requested their land be removed from the Amendment, or if the Amendment proceeds for the Environmental Audit Overlay to only be applied to part of the land.

One submitter opposed the Amendment raising concerns about the lack of a downstream drainage network.

The Proponent requested changes to the drafting of Development Overlay – Schedule 47.

The Panel is satisfied the Amendment is strategically justified on the basis it is consistent with:

- key policy objectives relating to settlement, managing growth, planning for places and environmental risks
- directions and strategies in the *G21 Regional Growth Plan* and the *draft Bellarine Peninsula Statement of Planning Policy*.

Rezoning the land to General Residential Zone – Schedule 1 will support the final stages of residential development in the north-western part of Leopold within the settlement boundary. The Amendment delivers net community benefit and sustainable development as required by Clause 71.02-3 (Integrated decision making) and should proceed subject to the recommendations in this Report.

Regarding the Design and Development Overlay – Schedule 47, the Panel concludes:

- The 'stormwater management' requirement relating to the single detention/treatment facility is appropriate.
- The additional and amended 'movement and access' requirements relating to provision of a pedestrian connection to Melaluka Road and vehicle access are appropriate, subject to wording changes recommended by the Panel.

- The 'urban design' requirement relating to noise and air quality is not clear and should be removed, and the amended application requirement proposed by the Environment Protection Authority Victoria is appropriate.
- The 'urban design' subdivision requirements relating to road frontage and landscaping are appropriate, and it is appropriate to remove the requirement relating to retaining existing trees.

The Panel concludes it is appropriate to apply the Environmental Audit Overlay to all of 692-700 Portarlington Road, Leopold.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C441ggee be adopted as exhibited subject to the following:

1. **Amend Design and Development Schedule 47 to:**
  - a) **Include the additional 'movement and access' requirement:**

*Provision of a public pedestrian connection to Melaluka Road, close to Portarlington Road intersection, from the internal road network.*
  - b) **Amend the 'movement and access' requirements to:**
    - **Delete the following text:**

*New direct vehicle access from Portarlington Road should be limited to the corner of Portarlington and Melaluka Roads for potential commercial uses only. Any vehicle access from Portarlington Road and/or Melaluka Road must be supported by a Traffic Impact Assessment and approved by the Head, Transport for Victoria.*
    - **Add the following text:**

*Direct access points or vehicular entrances to residential subdivision should be from Melaluka Road only.*

*The following must be accompanied by a Transport Impact Assessment and subject to further review and approved by the Head, Transport for Victoria:*

      - *Any access proposed at Melaluka Road*
      - *Consideration of any potential Commercial Activity on the corner of Portarlington and Melaluka Roads and any access proposed to Portarlington Road as a result.*
  - c) **Delete the following 'urban design' requirements:**

*Noise and air quality attenuation measures to future dwellings from the source of the emissions (Portarlington Road), as appropriate.*

*Existing trees of medium-high arboricultural value should be retained where appropriate in conjunction with the design and location of the drainage reserve. Any trees retained should be located on land to be transferred to council as road or drainage reserve.*
  - d) **Amend the following 'urban design' requirement to state:**

*Creation of a 5 metre wide landscaped land buffer to the Portarlington Road interface.*
  - e) **Amend the application requirements as follows:**

- Delete the following text:

*An assessment report(s) of noise and air quality emissions from Portarlington Road and impacts on sensitive land uses by a suitably qualified expert. Where the report recommends built form and/or landscape or other design measures to mitigate noise/air quality risk, permit conditions should be applied that satisfy the report.*

- Add the following text:

*An acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:*

- *Applies the following noise objectives:*
  - *35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.*
  - *40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.*
- *For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).*
- *Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.*
- *Includes additional considerations, where relevant, to address:*
  - *potential noise character (tonality, impulsiveness or intermittency);*
  - *noise with high energy in the low frequency range; and*
  - *transient or variable noise.*

*Where the report recommends any noise attenuation measures, permit conditions should be applied to that effect.*

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The purpose of Greater Geelong Planning Scheme Amendment C441ggee (the Amendment) is to:

- rezone the land at 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold from Farming Zone to General Residential Zone – Schedule 1 (GRZ1)
- apply the Design and Development Overlay – Schedule 47 (DDO47) to all the land
- apply the Environmental Audit Overlay (EAO) to 692-700 Portarlington Road, Leopold.

The Proponent for the Amendment is the owners of 672-690 Portarlington Road and 627 Port Road Pty Ltd (the Proponent). The City of Greater Geelong (Council) is the planning authority.

### (ii) Subject land and context

The subject land is located in Leopold on the Bellarine Peninsula. Leopold is located approximately 12 kilometres from the regional city of Geelong (see Figure 1), and is bound by the Portarlington Road to the north and Lake Connewarre to the south. It is a designated district town in the Municipal Planning Strategy, and growth opportunities are influenced by land constraints such as drainage, landscape and environmental values.

The municipality of Greater Geelong is experiencing strong growth and sustained demand for housing. The 2011 Leopold Structure Plan (amended 2013) estimates the population of Leopold will grow by approximately 6,000 people between 2015 and 2031.

The subject land is located on the corner of Maluleka Road and Portarlington Road, on the edge of the Leopold Settlement Boundary (see Figure 2). It is approximately 500 metres north of the Leopold Sub-Regional Activity Centre on Melaluka Road and within walking distance of the Bellarine Rail Trail and bus stop.

The property at 672-690 Portarlington Road is 2.05 hectares and contains a dwelling, planted vegetation and outbuildings. The property at 692-700 Portarlington Road, Leopold is 1.10 hectares, contains a single dwelling, large shed, dam, and is used by local business Geelong Oil Supplies.



**Figure 2**      **The subject land**



Source: Council's Part A submission

## 1.2 Procedural issues

### (i) Mark and Karen White

During the Hearing, Mark and Karen White (the Whites) advised they intended to change their submission. They no longer objected to the Amendment but still objected to the EAO being applied to the entire property. An updated submission was provided during the Hearing (Document 8).

### (ii) 'Without prejudice' drafting session

A 'without prejudice' drafting session was held before closing submissions at the Hearing. The purpose of this session was for the Panel to understand the Council's preferred version of Amendment documents, including any changes from exhibited documents, and the views of other parties.

Council, the Proponent and the Whites participated in the drafting session.

**(iii) Department of Transport**

Department of Transport (DoT) did not attend and participate in the Hearing as scheduled. Reasons were not provided to the Panel.

**1.3 Summary of issues raised in submissions**

Seven submissions were received during exhibition of the Amendment.

Submissions were received from the following authorities:

- DoT supported the rezoning, and recommended changes to the DDO47 relating to access points and vehicular entrances
- Environment Protection Authority Victoria (EPA) made submissions relating to application of the EAO and recommended changes to the DDO47 to manage noise and air quality
- Department of Environment, Land, Water and Planning (DELWP) submitted its policy interests were not affected by the Amendment and noted the need for assessment of native vegetation within road reserves.

The owners of 692-700 Portarlington Road objected to the Amendment and requested their land be removed from the Amendment. If the Amendment did proceed, the submitter:

- suggested the Development Plan Overlay was preferred to DDO47 to ensure an integrated development outcome
- requested the EAO to only be applied to part of their property.

During the Hearing, the owners of 692-700 Portarlington Road withdrew their objection to rezoning the land and no longer pursued the Development Plan Overlay. Consequently, the Panel has not addressed these issues. The Whites maintained their concerns regarding application of the EAO to the entire property.

One submitter opposed the Amendment raising concerns about the lack of a downstream drainage network.

The Proponent supported the Amendment and requested changes to the DDO47 relating to road frontage and tree requirements.

**1.4 The Panel's approach**

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Greater Geelong Planning Scheme (Planning Scheme).

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed all of the material provided to it, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Design and Development Overlay – Schedule 47

- Environmental Audit Overlay
- Stormwater management.

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C describes key relevant provisions and policies.

**Table 1** Planning context

|                                      | Relevant references  |
|--------------------------------------|--|
| <b>Victorian planning objectives</b> | - section 4 of the <i>Planning and Environment Act 1987</i>  |
| <b>Municipal Planning Strategy</b>   | - Clause 02.03 (Strategic directions)<br>- Clause 02.04 (Strategic framework plans)  |
| <b>Planning Policy Framework</b>     | - Clause 11.01-1R (Settlement)<br>- Clause 11.03-5S (Distinctive areas and landscapes)<br>- Clause 11.03-6L-01 (Bellarine Peninsula)<br>- Clause 13.04-1S (Contaminated and potentially contaminated land)<br>- Clause 13.05-1S (Noise management)<br>- Clause 13.06-1S (Air quality management)<br>- Clause 16.01-1S (Housing supply)<br>- Clause 19.03-3 (Stormwater)  |
| <b>Planning scheme provisions</b>    | - Clause 32.08 (General Residential Zone)<br>- Clause 43.02 (Design and Development Overlay)<br>- Clause 45.03 (Environmental Audit Overlay)<br>- Clause 71.02-3 (Integrated decision making)  |
| <b>Ministerial directions</b>        | - Ministerial Direction – The Form and Content of Planning Schemes (section 7(5) of the Act)<br>- Ministerial Direction 1 (Potentially contaminated land) (MD1)<br>- Ministerial Direction 11 (Strategic assessment of amendments)<br>- Ministerial Direction 17 (Localised planning statements)<br>- Ministerial Direction 19 (Preparation and content of amendments that may significantly impact the environment, amenity and human health) |
| <b>Planning practice notes</b>       | - Planning Practice Note 30 (Potentially contaminated land) (PPN30)<br>- Planning Practice Note 46 (Strategic assessment guidelines)   |

#### (i) Leopold Structure Plan

The local policy relating to Bellarine Peninsula (Clause 11.03-16L-01) includes the following objectives:

- To ensure development responds to the identity and preferred character of the individual township in which it is located.
- To provide attractive and sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.

Strategies include supporting Leopold as a sub-regional retail activity centre and retaining “Leopold as an ‘urban island’, supporting urban growth contained within the settlement boundary to preserve the surrounding rural hinterland”. The local policy includes the Leopold Structure Plan (see Figure 3).

**(ii) G21 Regional Growth Plan**

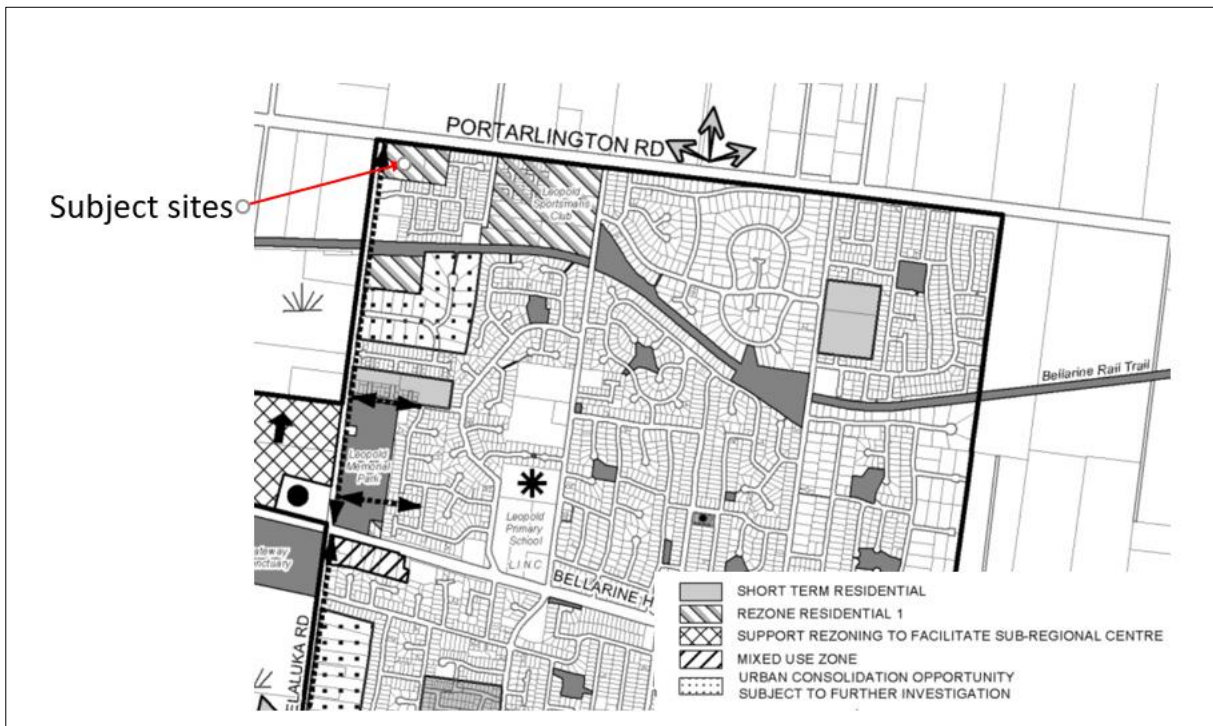
*G21 Regional Growth Plan* (Geelong Region Alliance, 2013) identifies Leopold as an area to “support planned growth and reinforce the role of distinct towns”.

**(iii) Bellarine Peninsula Statement of Planning Policy**

Council explained the Bellarine Peninsula was declared a ‘distinctive area and landscape’ in 2019.

The proposed protected settlement boundary in the *draft Bellarine Peninsula Statement of Planning Policy* (DELWP, 2022) (SPP) is the same as the existing settlement boundary identified in the Leopold Structure Plan. The SPP identifies the subject land for ‘incremental change’ which equates to areas for housing development. It states, “development must be sensitively designed to fit in with the town’s established character and rural setting”.

**Figure 3 Leopold Structure Plan**



Source: Planning Scheme Clause 11.03-16L-01 – enlarged and with Panel notations

**2.2 Strategic justification**

**(i) Submissions**

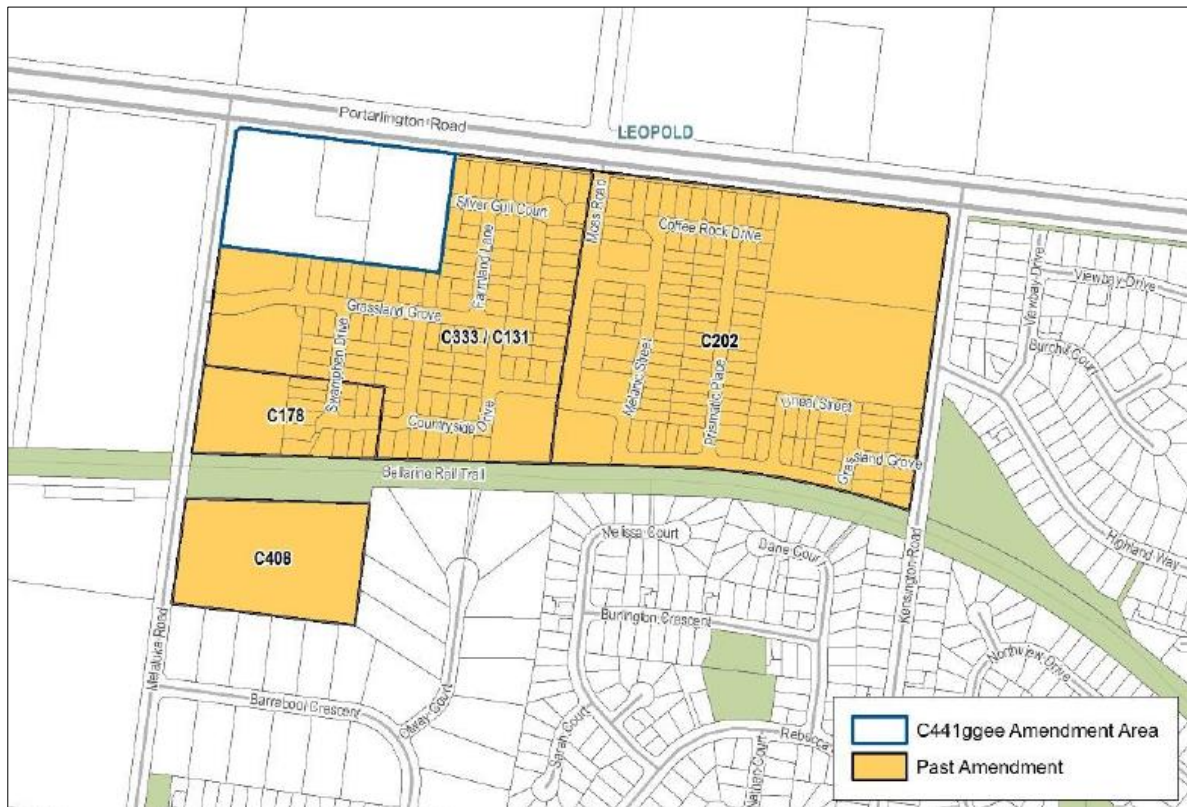
Council explained the planning context of the land, and submitted its rezoning had long been envisaged and was strategically justified. Specifically:

- the land is identified for residential development in the Leopold Structure Plan

- it is located within the town boundary of Leopold and within proximity to local services and facilities
- population projections anticipate growth in Leopold and the land supply will help meet this need.

Council provided a detailed chronology of past Planning Scheme amendments in Leopold and explained this was the last piece of puzzle required to rezone land for GRZ purposes in the north western part of Leopold (see Figure 4).

**Figure 4** Amendment C441ggee and past amendments in Leopold



The Proponent supported Council's submissions and considered the proposal aligned with the Leopold Structure Plan. It submitted the Amendment:

- implements the objectives of planning in Victoria
- adequately addresses environmental, social and economic effects
- will achieve a net community benefit
- makes proper use of the Victoria Planning Provisions.

The Proponent submitted the planning provisions seek to facilitate appropriate and orderly development of the land with consideration of stormwater, movement and access, and urban design.

No submitters raised issues relating to strategic justification of the Amendment.

## (ii) Discussion and conclusions

The Panel is satisfied the Amendment is strategically justified. The proposal is consistent with:

- key policy objectives relating to settlement, managing growth, planning for places and environmental risks

- directions and strategies in the *G21 Regional Growth Plan* and the *draft Bellarine Peninsula Statement of Planning Policy*.

Rezoning the land to GRZ1 will support final stages of residential development in the north western part of Leopold. The Panel considers the Amendment delivers net community benefit and sustainable development as required by Clause 71.02-3 (Integrated decision making).

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 Design and Development Overlay Schedule 47

### 3.1 Stormwater management

#### (i) What is proposed?

DDO47 includes a 'stormwater management' requirement which states:

Subdivision and development must be informed by a Stormwater Management Plan that takes an integrated approach to flooding, stormwater and drainage management, considers the whole of the catchment, and includes:

- ...
- A single detention / treatment facility to service all of the DDO land. New drainage infrastructure effectively co-located with the existing drainage reserve to the south must be investigated.

#### (ii) The issue

The issue is whether the requirement relating to the single detention/treatment facility is appropriate.

#### (iii) Submissions

The Proponent submitted that full use of the adjoining reserve for detention must be explored to avoid the use of developable land. If additional land is required it should not form part of the net developable area.

Council submitted the planning provisions require that a stormwater management plan is prepared at the application stage that considers stormwater detention requirements. It's preference would be to use the existing basin if it is suitable. If part of the subject land is required for stormwater detention purposes this would not form part of the net developable area.

#### (iv) Discussion and conclusion

The Panel is satisfied the requirement relating to stormwater is appropriate. Specifically:

- the requirements will be determined through preparation of a stormwater management plan
- the option of a single detention/treatment facility using the existing basin is preferred by Council and may be available, subject to the findings of the stormwater management plan
- Council will take into consideration the stormwater detention facility when considering net developable area of the subject site.

The Panel concludes the 'stormwater management' requirement relating to the single detention/treatment facility is appropriate.

## 3.2 Movement and access

### (i) What is proposed?

DDO47 proposes the following 'movement and access' subdivision requirements:

- An internal road network which utilises existing access connections from the adjoining street network.
- New direct vehicle access from Portarlington Road should be limited to the corner of Portarlington and Melaluka Roads for potential commercial uses only. Any vehicle access from Portarlington Road and/or Melaluka Road must be supported by a Traffic Impact Assessment and approved by the Head, Transport for Victoria.
- Construction of a concrete footpath to the frontage of the site (on Melaluka Road) to link the existing path south of the DDO land to the existing path at the Portarlington Road / Melaluka Road signalised intersection.

### (ii) The issues

The issues are whether:

- there should be an additional requirement relating to pedestrian connectivity to public transport and trails
- the requirements relating to direct vehicle access from residential subdivision to Portarlington Road and access requirements relating commercial uses are appropriate.

### (iii) Submissions

DoT supported the rezoning, and recommended:

- Council consider the provision of pedestrian connectivity to the bus stop on the north-west corner of Portarlington Road and Melaluka Road
- specific changes to the drafting of DDO47 including:
  - There should be no additional direct access points or vehicular entrances to Portarlington Road from the residential subdivision.
  - The following must be accompanied by a Transport Impact Assessment and subject to further review and approved by the Head, Transport for Victoria:
    - any access proposed at Melaluka Road
    - consideration of any potential Commercial Activity on the corner of Portarlington and Melaluka Roads and any access proposed to Portarlington Road as a result.

DoT explained the changes are suggested in the context of Planning Scheme Amendments VC204 and VC205, which updates Clause 18 and gives effect to the *Transport Integration Act 2010*.

Council agreed with the submissions of DoT and during the drafting session, Council accepted the suggested wording from DoT subject to recommendations of the Panel.

While noting it did not support a footpath along Portarlington Road, Council submitted that development of the land at 672-690 Portarlington Road will enable construction of a section of missing footpath along Melaluka Road to connect residents to the Route 60 bus stop on Portarlington Road. Council proposed an additional pedestrian network requirement in DDO47 for pedestrian access to improve access to the existing bus stop:

Provision of a public pedestrian connection to Melaluka Road, close to the Portarlington Road intersection, from the internal road network.

**(iv) Discussion**

The Panel agrees the changes suggested by DoT are appropriate. The changes are consistent with Clause 18 (Transport) which seeks to ensure a safe, integrated and sustainable transport system, and will:

- ensure internal pedestrian connections are provided to assist with access to nearby public transport opportunities
- facilitate an efficient and safe road network.

**(v) Conclusions and recommendations**

The Panel concludes:

- The additional 'movement and access' requirement relating to provision of a pedestrian connection to Melaluka Road is appropriate.
- The vehicle access requirement proposed by DoT, and accepted by Council, is appropriate, subject to drafting changes suggested by the Panel in the recommendations below.

The Panel recommends:

**Amend Design and Development Overlay – Schedule 47 to:****a) Include the additional 'movement and access' requirement:**

*Provision of a public pedestrian connection to Melaluka Road, close to Portarlington Road intersection, from the internal road network.*

**b) Amend the 'movement and access' requirements to:**

- Delete the following text:

*New direct vehicle access from Portarlington Road should be limited to the corner of Portarlington and Melaluka Roads for potential commercial uses only. Any vehicle access from Portarlington Road and/or Melaluka Road must be supported by a Traffic Impact Assessment and approved by the Head, Transport for Victoria.*

- Add the following text:

*Direct access points or vehicular entrances to residential subdivision should be from Melaluka Road only.*

*The following must be accompanied by a Transport Impact Assessment and subject to further review and approved by the Head, Transport for Victoria:*

- *Any access proposed at Melaluka Road*
- *Consideration of any potential Commercial Activity on the corner of Portarlington and Melaluka Roads and any access proposed to Portarlington Road as a result.*

**3.3 Noise and air quality****(i) What is proposed?**

DDO47 proposes the following:

- 'urban design' subdivision requirement:

- Noise and air quality attenuation measures to future dwellings from the source of the emissions (Portarlington Road), as appropriate.
- application requirement:
  - An assessment report(s) of noise and air quality emissions from Portarlington Road and impacts on sensitive land uses by a suitably qualified expert. Where the report recommends built form and/or landscape or other design measures to mitigate noise/air quality risk, permit conditions should be applied that satisfy the report.

## (ii) The issues

The issues are whether:

- the ‘urban design’ requirement relating to noise and air quality is appropriate
- alternative wording of the noise application requirement is appropriate
- air quality has been adequately considered.

## (iii) Submissions

EPA submitted that as the subject land is located on Portarlington Road, greater consideration should be given to noise impacts on future sensitive uses.

EPA submitted the purpose of the noise/air quality subdivision requirement relating to ‘urban design’ was unclear, given the application requirement for an acoustic report for any subdivision application. EPA recommended alternative wording of the noise/air quality application requirement to strengthen and better protect sensitive uses from noise impacts. The alternative application requirement wording includes relevant noise objectives, Australian standards, consideration of noise attenuation measures and additional considerations.

EPA clarified in its final formal advice on the Amendment (Document 11):

... there is an overlap between noise and air quality impacts, i.e., when directly addressing noise impacts, it may indirectly address air quality impacts and vice versa.

Given the inclusion of EPA’s recommended wording in DDO47 to address noise impacts, EPA do not consider that there will be air quality impacts that would significantly impact human health or amenity.

Council submitted the advice from the EPA is consistent with Clause 13.05-1S (Noise management) and Clause 55.04.8 (Noise impact objectives).

Council explained the preliminary advice from EPA was that *“there is an overlap between noise and air quality – when directly addressing noise risks, it may indirectly address air quality risks and vice versa”*. Council submitted the Amendment responds appropriately to Clause 13.06-1S (Air quality management).

Council accepted the submissions of EPA and proposed post exhibition changes to DDO47 specifically to:

- delete the application requirement relating to noise assessment and air quality
- delete the ‘urban design’ requirement relating to noise and air quality attenuation measures.

## (iv) Discussion

The post exhibition changes proposed by Council in response to EPA submissions strengthen and provide better protection from noise and air quality impacts for future sensitive uses on the subject land. The Panel accepts the EPA’s advice that the measures applied to address noise

impacts are likely to indirectly address air quality risks, and this does not need to be addressed in a specific requirement in DDO47.

The proposed changes are consistent with Clause 13.05-1S (Noise management) and Clause 55.04.8 (Noise impact objectives) which seek to manage noise effects on sensitive land uses to ensure community amenity and human health is not adversely impacted by noise. The changes suggested by EPA appropriately take into consideration the updated *Environment Protection Regulations* under the *Environment Protection Act 2017*, and *Environment Reference Standard*.

## (v) Conclusions and recommendation

The Panel concludes:

- The 'urban design' requirement relating to noise and air quality is not clear and should be deleted.
- The EPA amended application requirement is appropriate.
- Air quality is adequately addressed indirectly by proposed noise requirements.

The Panel recommends:

### 2. Amend Design and Development Schedule 47 to:

#### a) Delete the following 'urban design' requirement:

*Noise and air quality attenuation measures to future dwellings from the source of the emissions (Portarlinton Road), as appropriate.*

#### b) Amend the application requirements as follows:

- Delete the following text:

*An assessment report(s) of noise and air quality emissions from Portarlinton Road and impacts on sensitive land uses by a suitably qualified expert. Where the report recommends built form and/or landscape or other design measures to mitigate noise/air quality risk, permit conditions should be applied that satisfy the report.*

- Add the following text:

*An acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:*

- *Applies the following noise objectives:*

- *35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.*
- *40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.*

- *For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).*
- *Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.*
- *Includes additional considerations, where relevant, to address:*
  - *potential noise character (tonality, impulsiveness or intermittency);*

- ***noise with high energy in the low frequency range; and***
- ***transient or variable noise.***

***Where the report recommends any noise attenuation measures, permit conditions should be applied to that effect.***

### 3.4 Urban design

#### (i) What is proposed?

DDO47 proposes the following 'urban design' subdivision requirements:

- A mix of lot sizes and dwelling types which include designs to achieve passive surveillance of the municipal drainage reserve to the south and any future on-site drainage reserve.
- Road layout and arrangement of lots should provide for lots to front Portarlington Road and Melaluka Road.
- Creation of a 5 metre wide landscape land buffer to the Portarlington Road interface.
- Existing trees of medium-high arboricultural value should be retained where appropriate in conjunction with the design and location of the drainage reserve. Any trees retained should be located on land to be transferred to council as road or drainage reserve.

#### (ii) The issue

The issue is whether the following 'urban design' subdivision requirements are appropriate, specifically as they relate to road frontage, landscaping and trees.

#### (iii) Submissions

The Proponent sought deletion of the requirement relating to lots fronting Portarlington Road and Melaluka Road. It did not consider a requirement for active frontages was appropriate due to the small land area and busy road frontage. It was of the view the matter can be considered as part of any future subdivision design. It submitted alternative wording:

- An appropriate visual interface to Portarlington Road and Melaluka Road to provide visual interest and activity.

The Proponent did not support the landscape land buffer requirement, and considered the landscape buffer should be able to be provided in private land and not a reserve. It suggested amending the requirement to state:

- Provision of landscaping along the Portarlington Road interface.

The Proponent sought removal of the requirement relating to retaining existing trees. The Proponent submitted the trees onsite have not ecological or habitat value. It was concerned the requirement would lead to unnecessary developments cost and impact on subdivision design, road layout and infrastructure provision. It submitted an ecology report with its original submission, which confirmed the trees are planted and have no ecological value.

The Whites submitted the subdivision requirements relating to urban design:

including passive surveillance, a five metre wide landscape buffer along Portarlington Road and lot frontage to Portarlington Road requires further work to understand the proposed design feasibility.

They agreed with the Proponent's suggested drafting changes which did not specify the width of the landscape buffer.

DELWP submitted it had reviewed the vegetation assessment report submitted by the Proponent and was satisfied no patches of native vegetation or trees were present in the study area.

Council did not support proposed changes to the road frontage and landscape buffer requirements. It submitted that the corner of Portarlington Road and Melaluka Road is a key visual and physical entry point to Leopold and a satisfactory interface should be provided. It is seeking to improve the urban-rural interface of its Bellarine towns and to avoid potential development of back fences along site's frontage to Portarlington Road and Melaluka Road. Council provided an example of an approved development plan for Moss Avenue which demonstrates how the site was designed with residential lots fronting Portarlington Road.

Council submitted the requirement *"is drafted to allow discretion at the detailed design stage as to how the requirement can be satisfied"*.

Council supported the request to delete the requirement relating to retaining existing trees on the basis that the trees have no ecological or habitat value (and as supported by the DELWP submission). It supported consideration of trees for retention during future subdivision design, and this would be considered at the planning permit application stage in response to Clause 56.05-1 (Integrated urban landscape objectives) which is likely to require an arboricultural assessment.

#### **(iv) Discussion**

The Panel agrees with Council it is appropriate to retain the requirements relating to road frontage and the 5 metre landscape buffer. The road frontage requirements will contribute to local policy provisions which seek to provide attractive development and a sensitive rural and urban interface.

The approach to road frontage and landscape buffer is consistent with recent development approved by Council. The Panel agrees with Council the drafting provides flexibility in how the requirement is achieved through detailed design. The Panel notes and supports the minor drafting correction proposed by Council to the landscape buffer requirement.

Council, the Proponent and DELWP agreed there is no native vegetation on the subject land. It is appropriate to delete the requirement relating to retaining existing trees. It is appropriate for the future subdivision design to consider vegetation retention in accordance with the residential subdivision requirements at Clause 56 of the Planning Scheme, and a specific requirement in DDO47 is not necessary.

#### **(v) Conclusions and recommendations**

The Panel concludes:

- The 'urban design' subdivision requirements relating to road frontage and landscaping are appropriate.
- It is appropriate to delete the requirement relating to retaining existing trees.

The Panel recommends:

#### **3. Amend Design and Development Schedule 47 to:**

##### **a) Amend the following 'urban design' requirement to state:**

*Creation of a 5 metre wide landscaped land buffer to the Portarlington Road interface.*

##### **b) Delete the 'urban design' requirement which states:**

***Existing trees of medium-high arboricultural value should be retained where appropriate in conjunction with the design and location of the drainage reserve. Any trees retained should be located on land to be transferred to council as road or drainage reserve.***

## 4 Environmental Audit Overlay

### 4.1 Issue

The issue is whether the EAO should be applied to part or all of 692-700 Portarlington Road, Leopold.

### 4.2 Background

#### Planning policy and guidance

PPN30 provides planning guidance on:

- how to identify potentially contaminated land
- the appropriate level of assessment of contamination in different circumstances
- appropriate provisions in planning scheme amendments
- appropriate conditions on planning permits.

PPN30 identifies the recommended assessment mechanism for a planning proposal (see Table 2).

**Table 2 Recommended approach to assessing potentially contaminated land**

| Planning Proposal  |   | Potential for Contamination |        |
|--|---|-----------------------------|--------|
|  |   | High                        | Medium |
| <b>Uses defined in Ministerial Direction No. 1, the EAO, and clause 13.04-1S</b>   |   |                             |        |
| <ul style="list-style-type: none"> <li>• Sensitive uses: Residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use.</li> <li>• Children’s playground</li> <li>• Secondary school</li> </ul> | New use, or buildings and works associated with a new use             | A                           | B      |
|  | Buildings and works associated with an existing use                   | B                           | B      |
| <b>Other land use</b>  |   |                             |        |
| Open space<br>Agriculture<br>Retail or office<br>Industry or warehouse   | New use, or buildings and works associated with a new or existing use | C                           | D      |

|   | Planning Scheme Amendment  | Planning Permit Application   |
|---|--|---|
| A | PRSA or audit option applies<br>Proceeding directly to an audit is recommended.                | PRSA or audit option applies<br>Proceeding directly to an audit is recommended.                   |
| B | PRSA or audit option applies<br>PRSA to determine need for audit is recommended.               | PRSA or audit option applies<br>PRSA to determine need for audit is recommended.                  |
| C | PSI to inform need for audit is recommended  | PSI to inform need for audit is recommended   |
| D | Planning authority to document consideration of potential for contamination to impact proposal | Responsible authority to document consideration of potential for contamination to impact proposal |

Note: Where land is used for more than one purpose, the most sensitive land use should be used to inform the approach to determining if an audit is required.

Source: PPN30 Table 3

MD1 aims to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by contamination.

### The proposal and chronology

The Amendment proposes to apply the EAO to all of 692-700 Portarlington Road, Leopold.

The Panel has compiled a chronology of events relating to the exchange of information and submissions detailed in Table 3.

**Table 3** Potentially contaminated land, 692-700 Portarlington Road, Leopold

| Date             | Event/activity   |
|------------------|--|
| 15 August 2022   | <p>Submission on the Amendment from the Whites, requesting if the EAO is applied that it excludes the residential area (dwelling and land between the dwelling and Portarlington Road).</p> <p>The Whites reserved the right to submit an environmental audit/assessment at a later stage.</p>   |
| 6 September 2022 | <p>Council report considering submissions. Council maintained the EAO is proposed to be applied to the entire property, however it noted:</p> <ul style="list-style-type: none"> <li>- the Whites had engaged an expert to investigate the extent of contamination</li> <li>- Council would consider the expert assessment in consultation with the EPA when it is provided.</li> </ul>  |
| 6 October 2022   | <p>The Panel issued directions for Council to:</p> <ul style="list-style-type: none"> <li>- provide an explanation of the history of potentially contaminated land at 692-700 Portarlington Road, Leopold, and Council's approach to managing this with consideration of PPN30 and MD1, in its Part A submission</li> <li>- provide an update on any assessment of potentially contaminated land and seek and provide updated advice from the EPA regarding the proposal, in its Part B submission.</li> </ul> |
| 28 October 2022  | <p>The Whites provided Council with the <i>Preliminary Site Investigation, 692-700 Portarlington Road, Leopold</i>, Landserve Environment, 14 October 2022 (PSI). Council provided the PSI to the EPA.</p>   |
| 31 October 2022  | <p>EPA provided preliminary comments to Council.</p>   |
| 2 November 2022  | <p>In its Part B submission, Council explained EPA's preliminary comments and advised it had requested the EPA provide a written response to replace the preliminary comments within 14 business days. Council proposed to the Panel that it provide its final position on this part of the Amendment after receiving and considering the EPA's formal advice.</p> <p>Council attached a copy of the PSI to its Part B submission.</p>   |

| Date             | Event/activity  |
|------------------|---|
| 3 November 2022  | <p>At the Hearing, the Panel issued a direction for Council to, by Friday 18 November 2022:</p> <ul style="list-style-type: none"> <li>- seek final views of the EPA regarding: <ul style="list-style-type: none"> <li>- the PSI and application of the EAO</li> <li>- whether an environmental audit requirement can be appropriately captured in the Design and Development Overlay</li> </ul> </li> <li>- provide this information to the Proponent and the Whites, and invite comment</li> <li>- provide a collated summary of the EPA’s final views and comment from the parties, and Council’s final position in relation to the issues.</li> </ul> |
| 11 November 2022 | The EPA’s formal advice was provided to Council.  |
| 17 November 2022 | Council circulated a memo explaining its final position including a collated summary of the views of the EPA and parties (Document 10).   |

### 4.3 Submissions

Council submitted that as the land is identified as potentially contaminated it is appropriate to apply the EAO to the entire property as exhibited. Council agreed with EPA that a PSI is not the recommended form of assessment for the property, and a Preliminary Risk Screen Assessment (PRSA) would be required to inform any decision to reduce the extent of the EAO on the property. There is no commitment to doing this work, and delaying the Amendment would be unfair to the Proponent.

Council did not support the Whites’ suggestion to include an environmental audit requirement in the DDO rather than through the EAO.

Council submitted the formal advice of EPA in support of its position. The EPA considers the land meets the definition of ‘potentially contaminated land’ and strongly recommends applying the EAO to the entire site. EPA’s formal advice to Council included the following observations:

- in accordance with PPN30, a PSI is not the recommended form of assessment for this scenario, however it may be used to determine whether land is potentially contaminated
- current and past land uses indicate 692-700 Portarlington Road, Leopold has either ‘medium’ or ‘high’ potential for contamination
- where land has ‘medium’ potential for contamination and a sensitive land use may be established, PPN30 recommends preparing a PRSA or an environmental audit
- where land has ‘high’ potential for contamination and a sensitive land use may be established, PPN30 recommends preparing an environmental audit, or the PRSA option may apply.

The EPA explained its recommendation:

- applying the EAO to the entire site simplifies mapping processes and takes into account the limitations of sampling that has been done
- while PPN30 does not provide guidance on applying the EAO to the whole or part of a site, advice in the *DELWP Planner’s Toolkit: a toolkit for planners working with potentially contaminated land* encourages a precautionary approach and states reduction of the EAO should “only be an option for large land parcels”

- if the submitter wishes to reduce the extent of the EAO, a PRSA is required (noting the methodology of a PRSA is similar to a PSI with oversight from and EPA appointed auditor).

EPA advised:

... there is a misconceived idea that applying the EAO to a reduced area will reduce the scope of the PRSA or audit but this is not always the case. The appointed environmental auditor will determine the scope and will be compelled to consider all potential sources of contamination, including where the source is offsite. This is particularly relevant here given that some of the potentially contaminating land uses/activities have been carried out at the Site may result in 'offsite contamination'.

EPA did not support including an environmental audit requirement in DDO47 as proposed by the Whites. To effectively defer the environmental audit requirements, the Schedule to DDO47 would essentially need to replicate the requirements of the EAO or MD1. This is not appropriate as the EAO is a purpose built and established planning control. Further, as 'use' is not a consideration under the DDO47, and a permit is not required to construct a building or construct or carry out works, there would be no trigger for the audit system requirements under this scenario. Deviation from the EAO would require strategic justification.

The Whites did not support application of the EAO to all of 692-700 Portarlington Road, and submitted the dwelling and land between the residential area should be excluded. The submitter accepted the EAO should be applied to the balance of the land.

The Whites relied on the PSI. The PSI found the residential area on the property was low risk and suggested a PRSA was not required for that part of the property. With reference to MD1 which refers "*to the land or parts of the land*", the Whites submitted:

Given the size of the allotment, nature of the use, and the general findings in the PSI, we believe applying the EAO to part of the land is appropriate in this instance.

The Whites submitted there are many instances in planning schemes where overlays are applied to part of the land. Further, the EPA's position that including the entire property simplifies the mapping process is unreasonable and there are other mechanisms to address concerns raised by the EPA. The Whites sought to continue to address the comments from Council and EPA and requested the Panel consider recommending the Amendment is approved in part to allow for this further work.

The Whites suggested inclusion of a subdivision requirement in DDO47 for a PRSA to require assessment of the entire site to address potential concerns.

The Proponent did not comment on application of the EAO at 692-700 Portarlington Road, Leopold.

#### 4.4 Discussion and conclusion

The Panel considers it appropriate to apply the EAO to all of 692-700 Portarlington Road, Leopold.

Parties agreed the land has either 'medium' or 'high' potential for contamination. The disagreement related to whether the EAO should be applied to the entire site or only to the land outside of the residential area on the property, which the PSI had determined to be low risk.

The Panel has considered whether the approach to assessing land contamination is appropriate with regard to planning guidance.

The PPN30 clearly states a PRSA or audit is the preferred assessment mechanisms for land with 'medium' or 'high' potential for contamination, not a PSI. PPN30 explains a PSI is a "*primarily desktop investigation to establish the site history, and develop a conceptual site model... The purpose of the PSI is to recommend whether the land warrants further field investigation*".

A PSI is not a substitute for a PRSA or environmental audit. PPN30 explains:

the decision whether to undertake a PRSA or proceed directly to audit will depend on the potential for contamination and the proposal ... [see Table 2]. A PRSA is recommended for scenarios where it is uncertain whether an audit is warranted: specifically those with lower potential for contamination ... or for sites where the proposal is relatively minor – i.e. involving modifications to an existing use, rather than a change in use. For sites in the 'high' contamination category, where a new sensitive use is established, proceeding directly to audit is recommended, as there will usually be reasonable certainty that an audit will be required, and this approach is likely to provide the most efficient outcome.

The land owner has relied on a PSI to understand the extent of potentially contaminated land. Neither Council nor the EPA considered the PSI assessment adequate to inform the Amendment. The Panel agrees reliance on a PSI is not consistent with PPN30, which specifies that planning scheme amendments proposing to allow sensitive uses, such as residential development, require a planning authority to satisfy itself that the land is suitable for the use by either:

- a PRSA stating the land no audit is required, or
- an environmental audit stating the land is suitable for the proposed use.

Given the land is accepted as potentially contaminated, it is appropriate to apply planning controls to ensure land contamination is adequately considered when planning and assessing future use and development. PPN30 provides guidance that where land has been "*determined to be potentially contaminated, but it is difficult or inappropriate to meet environmental audit system requirements at the amendment stage, the application of the [EAO] to the land allows deferment of these requirements*".

A PSRA or environmental audit has not yet been prepared for the land, and the Panel accepts Council's position that delaying the Amendment for this to occur is unreasonable. PPN30 explains the EAO is a suitable planning tool to apply to the potentially contaminated land under these circumstances.

It is appropriate to apply the EAO to the entire property because:

- the *DELWP Planner's Toolkit: a toolkit for planners working with potentially contaminated land* explains generally the EAO should be applied to the cadastral area boundary and a PRSA is needed to obtain sufficient information to inform a reduced EAO extent
- in the absence of a PRSA there is uncertainty on the extent of potentially contaminated land and it is prudent to take a precautionary approach
- identified current and historic uses have potential to result offsite contamination (so may not be limited to the area identified in the PSI).

The Panel acknowledges EPA's advice that applying the EAO to a reduced area may not result in a reduced area requiring assessment as this will be determined by the auditor when determining the scope.

The Panel concludes:

- It is appropriate to apply the EAO to all of 692-700 Portarlington Road, Leopold.

## 5 Downstream stormwater

### (i) The issue

The issue is whether the proposal has adequately considers and addresses issues relating to downstream stormwater management.

### (ii) Submissions

Submitter 7 opposed the Amendment and raised issues relating to the lack of downstream drainage network and maintenance. The submitter was concerned that urban development was resulting in increased runoff, resulting in overgrown open drains and localised flooding on farming zoned land to the west.

Council advised its engineers were engaging with the submitter in relation to the local drainage maintenance program. Council's engineers advised:

- the subject land does not drain to the area of concern
- the area of concern was part of a reactive maintenance program
- works were planned for the 2021-22 open drain renewal program.

Council submitted that the future stormwater drainage from the subject land would be developed consistent with the requirements of DDO47 and the Planning Scheme.

### (iii) Discussion and conclusion

The Panel accepts the advice of Council that the area of concern to the submitter is not relevant to the proposal. Council has improvement works planned for the area of concern as part of its renewal program.

Under the proposed planning provisions, a permit is required to subdivide land. This will require assessment against Residential Subdivisions including Clause 56.07-4 (Stormwater management objectives) and DDO47, which includes:

- an objective to *“ensure best practice stormwater management and water quality treatment to prevent any adverse impact on downstream areas”*
- a subdivision requirement to prepare a Stormwater Management Plan which demonstrates *“no adverse impacts to any surrounding land, upstream or downstream”*.

The Panel concludes downstream stormwater management is adequately considered through the proposed planning provisions and the Planning Scheme.

## Appendix A Submitters to the Amendment

| No | Submitter  |
|----|--|
| 1  | Mark and Karen White   |
| 2  | Department of Transport  |
| 3  | Environment Protection Authority Victoria  |
| 4  | Land owner of 672-690 Portarlinton Road, Leopold and 627 Port Road Pty Ltd (the Proponent) |
| 5  | Department of Environment, Land, Water and Planning  |
| 6  | Wadawurrung Traditional Owners Aboriginal Corporation                                      |
| 7  | Rylan Bennett  |

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## Appendix B Document list

| No. | Date             | Description   | Presented by   |
|-----|------------------|---|--|
| 1   | 6 October 2022   | Directions and Hearing timetable  | PPV  |
| 2   | 12 October 2022  | Email – explanation of how to access and use the shared document system and website link to Amendment documents   | Greater Geelong City Council (Council)   |
| 3   | 12 October 2022  | Design and Development Overlay Schedule 47 (unmarked word version)  | Council  |
| 4   | 26 October 2022  | Part A submission, with attachments:<br>- Combined Authorities responses<br>- 2010 complaint regarding 692-700 Portarlington Road   | Council  |
| 5   | 2 November 2022  | Proponent submission, with attachment:<br>- DDO47 tracked change version  | Land owner of 672-690 Portarlington Road and 627 Port Road Pty Ltd (Proponent) |
| 6   | 2 November 2022  | Council Part B Submission, with attachments:<br>- Design and Development Overlay Schedule 47 (Panel Version) (word document)<br>- Environmental Site Investigation 692-700 Portarlington Road<br>- EPA comments on Landserv report 14.10.2022 for 692-700 Portarlington Rd. Leopold (email) | Council  |
| 7   | 2 November 2022  | Hearing submission  | Mark and Karen White   |
| 8   | 3 November 2022  | Further submission  | Mark and Karen White   |
| 9   | 3 November 2022  | Photos presented during the Hearing   | Proponent  |
| 10  | 3 November 2022  | Further direction   | PPV  |
| 11  | 17 November 2022 | Council final position, including collated responses from EPA and parties   | Council  |

## Appendix C Planning context

### C:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

#### Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing for the fair, orderly, economic and sustainable use, and development of land
- providing for the protection of natural and human-made resources
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- protecting public utilities and other assets
- facilitating development in accordance with the above objectives.

#### Municipal Planning Strategy

Municipal Planning Strategy at Clause 02.04 (Strategic Framework Plans) identifies Leopold as a district town, and supports it as a Sub Regional Retail Activity Centre for the Bellarine Peninsula whilst providing local community, recreational and employment facilities to Leopold's residents.

#### Planning Policy Framework

Council explained the Amendment supports the Planning Policy Framework by:

- Clause 11.01-1R (Settlement) – facilitating residential growth in an orderly manner within the established township of Leopold with access to recreational, community, schooling and retail services. Leopold is designated a 'district town' in the Geelong G21 Regional Growth Plan 2013 where planned growth is supported.
- Clause 11.03-5S (Distinctive areas and landscapes) – implementing the strategic directions of the Bellarine Peninsula Localised Planning Statement 2015, including to facilitate the planned residential growth of Leopold.
- Clause 11.03-6L-01 (Bellarine Peninsula) – implementing the 2011 Leopold Structure Plan (amended January 2013) which designates the land as suitable for residential development and within the Leopold Settlement Boundary.
- Clause 13.04-1S (Contaminated and potentially contaminated land) – applying the EAO to part of the site is determined to be potentially contaminated.
- Clause 16.01-1S (Housing supply) – facilitating serviced urban development within the Leopold town boundary and provide opportunities for a range of lot sizes and affordable housing.
- Clause 19.03-3 (Stormwater) – managing stormwater from the site through the subject land and via incorporation of water-sensitive urban design techniques to reduce run-off and peak flows and integrate stormwater treatment.

### C:2 Other relevant planning strategies and policies

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

The following table includes the purposes for each relevant zone.

| Control | Purposes   |
|---------|--|
| GRZ     | <ul style="list-style-type: none"> <li>- To encourage development that respects the neighbourhood character of the area.</li> <li>- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</li> <li>- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</li> </ul> |

The following table includes the purposes for each relevant overlay.

| Control | Purposes   |
|---------|--|
| DDO     | <ul style="list-style-type: none"> <li>- To identify areas which are affected by specific requirements relating to the design and built form of new development.</li> </ul>                  |
| EAO     | <ul style="list-style-type: none"> <li>- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.</li> </ul> |

Clause 71.02-3 (Integrated decision making) states:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.