

*Planning and Environment Act 1987*

**Panel Report**

**Greater Geelong Planning Scheme Amendment C251 and  
Planning Permit Application 408/2016**

**Former CSIRO site – 1 Henry Street, Belmont**

Front page

**24 July 2017**

*Planning and Environment Act 1987*

Panel Report pursuant to sections 153 and 96B of the Act

Greater Geelong Planning Scheme Amendment C251 and Planning Permit Application 408/2016

Former CSIRO site – 1 Henry Street, Belmont

24 July 2017

A handwritten signature in black ink, appearing to read 'Sue Porter', is written over a light blue rectangular background.

Sue Porter, Chair

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## List of Abbreviations

CSIRO	Commonwealth Scientific and Industrial Research Organisation
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
GRZ	General Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PPN	Planning Practice Note
PTV	Public Transport Victoria
SPPF	State Planning Policy Framework
VPP	Victoria Planning Provisions

## Executive Summary

### (i) Summary

#### Amendment/Application purpose

Greater Geelong Planning Scheme Amendment C251 (the Amendment) seeks to:

- Include the site (1 Henry Street, Belmont) within the General Residential Zone - Schedule 1 (GRZ1)
- Apply the Development Plan Overlay - Schedule 35 (DPO35)
- Apply the Environmental Audit Overlay (EAO); and
- Replace the Schedule to Clause 61.03 (maps) with an updated Schedule.

Permit Application 408/2016 (the Application) seeks approval for a multi-lot subdivision, development of 26 attached dwellings and to subdivide land adjacent to a road in a Road Zone Category 1 associated with Stage One of the proposed redevelopment of the site.

#### Background

The site was used by the CSIRO as a wool and textile research facility from 1951 until 2010, when it was closed and declared surplus. As Commonwealth Land, it is not included within a zone.

Since the closure, Council has been in consultation with the CSIRO, the Minister for Planning and the community about the future zoning of the land to facilitate the development of the site for a mix of conventional and medium density housing, whilst also recognising the need to address potential outstanding contamination issues. This work has ultimately resulted in this combined Amendment/Application.

#### Key Issues

There have been no submissions challenging the strategic justification for the proposed Amendment, the proposed zone or the application of the Development Plan and Environmental Protection Overlays. In fact, the Panel considers the Amendment has strong strategic support both at the State and local level. Similarly, there has been no objection to the issue of the planning permit. The areas of concern raised in submissions have generally been centred around matters of detail relating to the DPO35 and the Draft Planning Permit.

In particular, key issues for the Council have been about:

- the need to retain six native trees
- identifying potential road works associated with development of future stages; and
- ensuring any pathways within proposed parks will be unencumbered land and not be used for private access purposes.

The key issues for the Proponent were:

- concern about the requirement to retain six native trees and the consequent loss of development potential and impacts on design
- concern about setting unreasonable expectations about potential future road works
- the appropriateness of providing access to dwellings from adjoining open space and whether this contributes to the open space contribution.

Submissions were received from a number of agencies, none of which objected to the Amendment or Application, but rather sought the inclusion of conditions on the permit. These were not challenged by any parties and are supported by Council and the Panel.

Individual and group submitters raised concerns about:

- potential impacts on traffic and cycling
- the loss of native vegetation
- certainty around future stages of development
- potential for future flooding
- the appropriateness of identifying potential retail/medical centre uses on the DPO35, and
- the need for a consistent setback with development to the north.

### **Findings**

After considering all submissions and the evidence presented to it, the Panel has made the following key findings:

- Stage 1 of the proposed development is not likely to have a significant impact on the road network and not require the widening of Henry Street or the provision of dedicated cycling paths. Future stages of the development will be subject to a planning permit application and will involve the consideration of any additional traffic impacts. The DPO35 provides adequate direction to ensure these issues are appropriately addressed as part of any future application. The Panel supports the deletion of the VicRoads conditions in the permit and the removal of reference to potential intersectional works at the Henry Street/Corio - Waurin Ponds Road intersection in the DPO35.
- The retention of trees 55, 57, 59, 72 and 196 is supported, as is Council's permit condition which requires the modification to the subdivision layout to ensure they are retained within public reserves. The Panel found this a reasonable balance between protecting neighbourhood character and urban consolidation.
- Any encumbered open space that provides access to abutting residential properties should not form part of the Open Space Contribution.
- The DPO35 and the Development Plan (which is still to be approved by Council) will provide certainty for all key stakeholders about the form and nature of the future development of the site.
- The site is not subject to flooding and information requirements contained within the DPO35 and conditions on the permit will ensure drainage issues are appropriately addressed before construction commences.
- Whilst the DPO35 identifies the potential for retail/medical centre uses in the north-east corner of the site, this is not a mandatory requirement and the potential impacts of such as development will be considered as part of a future planning permit.
- Retention of the EAO is appropriate at this time, however, if a Certificate of Environmental Audit is issued prior to the approval of this Amendment, it would be appropriate to consider removing it from this Amendment.

The Panel notes that the revised *Ministerial Direction for the Form and Content of Planning Schemes* was released just prior to this report's submission. The implications of this will need careful consideration as the Amendment progresses.

The Panel considers that this is an Amendment/Application which has strong strategic support and recommends the adoption of the Amendment and approval of the Application, subject to a number of recommended changes to both.

## **(ii) Recommendations**

### **Amendment C251**

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Greater Geelong Planning Scheme Amendment C251 be adopted as exhibited subject to the following:

1. Review the provisions and schedules of the Amendment during finalisation to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes (May 2017).
2. Retain the application of the Environmental Audit Overlay unless a Certificate of Environmental Audit has been issued prior to the approval of this Amendment.
3. Adopt the Panel Recommended version of Development Plan Overlay – Schedule 35 as shown in Appendix C, which includes
  - a) the deletion of *“The upgrading of the Henry Street/Corio - Waurm Ponds Road intersection and Corio - Waurm Ponds Road between Henry Street and Davies Street, as required by VicRoads”* from Clause 3.0 – ‘Requirements for a Development Plan – Road Network and Traffic Management Plan’.
  - b) the deletion of *“Intersection upgrade”* and the associated icon from the *‘Henry Street Belmont Concept Plan’*.
  - c) amending Clause 3.0 – ‘Requirements for a Development Plan – Road Network and Traffic Management Plan’ dot Point 6 to read *“No new road access to Reynolds Road and direct residential access minimised.”*
  - d) amending Clause 3.0 – *Urban Design Masterplan* to read *“Where practical, the integration of existing high and moderate value canopy trees within open space reserves informed by an arboricultural assessment prepared by a suitably qualified expert.”*
  - e) amending Clause 3.0 – *Open Space and Landscape Plan* to read *“Identification of all existing canopy trees to be retained and removed, with the aim of retaining healthy, high and moderate value trees in the park and road reserves.”*
  - f) amending Clause 3.0 – ‘Open Space and Landscape Masterplan’ Dot Point 1 to read *“An Open Space Contribution equal to 10% of the developable residential land or in-lieu cash contribution payment or combination of both. Encumbered land shall not be credited as public open space including on-site*

*drainage retention or any pedestrian link reserves that are encumbered by a carriageway easement, road reserve or the like.”*

- g) amending Clause 3.0 – ‘Open Space and Landscape Masterplan’ Dot Point 2 to read *“A 0.5 hectare (approximate) park located as shown on the Henry Street Belmont Concept Plan 2017 and interfaced by public roads on 2 sides (1 side being Henry Street). The park must present as public open space.”*
- h) amending Clause 3.0 – ‘Open Space and Landscape Masterplan’ Dot Point 3 to read *“Conceptual plans for the park showing general layout and indicative landscape treatments (such as seating, play spaces and paving materials) with any infrastructure being in accordance with the standards set out in Council’s Sustainable Communities Infrastructure Development Guidelines June 2016 and the use of local indigenous plant species where appropriate. The park will include a perimeter shared path not encumbered by any carriageway easement or road reserve. Utility kiosks/cabinets must not be located in the park.”*
- i) deleting the ‘Pedestrian Link (Indicative)’ from the park as shown on the ‘Henry Street Concept Plan’.
- j) amending Clause 3.0 – Requirements for Development Plan – Urban Design Masterplan, dot point 5 to read *“Identification of the north east corner as a possible site for retail and/or medical centre uses with vehicle access/egress from Corio - Waurm Ponds Road only.”*
- k) inserting the following reference in Clause 3.0 – Requirements for Development Plan *“The Development Plan may be amended to the satisfaction of the Responsible Authority.”*

#### **Permit Application 408/2016**

Based on the reasons set out in this Report, the Panel recommends that Planning Permit Application 408/2016 be issued subject to the following changes as shown in Appendix D of this report:

4. Delete exhibited Condition 55 which reads:

*“Prior to the issue of a Statement of Compliance, the following must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:*

- a) *Undertake modifications to the Henry Street/Corio - Waurm Ponds Road intersection to prohibit vehicles turning right.*
- b) *“Create a central median opening on the Corio - Waurm Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.”*

5. Delete exhibited Condition 56 which reads:

*“Prior to works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval*

*processes, including the determination of fees and the level of VicRoads' service obligations."*

6. Insert a new Condition 1d)– *Amended Plan* requirement which shows:  
*"Replacement of 5.0 metre wide crossovers with functional minimal width crossovers, where possible, based on swept path analysis."*
7. Amend Condition 1a to delete reference to Tree 66.
8. Include new Public Transport Victoria conditions in the permit to read:
  - a) The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street/Princes Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
  - b) The existing bus stop and associated infrastructure on High Street/Princes Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

# 1 Introduction

## 1.1 The Amendment and Planning Permit Application

### (i) Amendment description and purpose

The Amendment proposes to:

- Include the site within the General Residential Zone - Schedule 1 (GRZ1)
- Apply the Development Plan Overlay - Schedule 35 (DPO35)
- Apply the Environmental Audit Overlay (EAO); and
- Replace the Schedule to Clause 61.03 with an updated Schedule.

### (ii) Planning Permit Application

The Permit Application (Application) seeks approval for a multi-lot subdivision, development of 26 attached dwellings and to subdivide land adjacent to a road in a Road Zone Category 1 associated with Stage One of the proposed redevelopment of the site.

### (iii) Purpose of the Amendment/Permit Application

This 6.2 hectare site is Commonwealth land formerly used as the CSIRO Textiles and Fibre Engineering Laboratory. As Commonwealth land, it is not zoned in the Greater Geelong Planning Scheme. The site is surplus to Commonwealth Government requirements and the sale of the land is being finalised. As such, it is necessary to include the site within an appropriate zone and any relevant overlays.

The site is surrounded by residential development and it is proposed to include it within a zone that will similarly facilitate its residential development.

The Amendment also seeks to include the site within a DPO which will guide the future development of the site, as well as provide notification and appeal exemptions for further stages of development consistent with the approved Development Plan.

It also seeks to include the site within an EAO to ensure any potential contamination issues are dealt with before the site is used for sensitive purposes.

The Application seeks to facilitate Stage One of the development which includes the subdivision of the land and the development of 26 dwellings. The subdivision also creates two larger lots which will form Stages Two and Three of the redevelopment of the remainder of the site, which will require further planning permits for resubdivision and development (where required) in the future.

### (iv) The subject site

The Amendment/Application applies to land shown in Figure 1.

The buildings associated with the former CSIRO Textiles and Fibre Engineering Laboratory have largely been removed, however, 391 trees remain on site which are located mostly along the boundaries with some internal to the site also remaining.



Figure 1 The subject site

## 1.2 Background to the Amendment/Application

The site was used by the CSIRO as a wool and textile research facility from 1951 until 2010, when it declared surplus and the decision made to dispose of the land.

Since 2011, Council has been in discussions with the CSIRO about the future rezoning of the land to facilitate the residential development. Later that year, the Minister for Planning sought Council support to rezone the land, however, the proposed Ministerial Amendment was abandoned as it was unable to proceed whilst the land was still owned by the Commonwealth Government.

As a result, during 2012-2014 the Commonwealth government initiated a sale by tender process.

During 2014-2015, Council and Tract Consultants on behalf of Up Property Pty Ltd discussed and finalised the details associated with the combined Amendment/Application that would facilitate the development of the site for a mix of conventional and medium density housing. This resulted in a formal application for the proposed Amendment/Application being made in early 2016, which was supported by Council and forms the basis for this Amendment/Application.

Demolition works on the site were undertaken between late 2016 and early 2017.

In relation to potential contamination and remediation, in May 2016 the CSIRO advised Council the site *“is relatively clean apart from dry cleaning chemical under one building”* and that *“once the building is demolished it will be fenced off and the area handed over to CH2M to manage.”*

It is understood that remediation is still underway and once completed and a Certificate of Environmental Audit issued, the sale of the land will be finalised.

## 1.3 Panel process

The Amendment and Application were prepared by the Greater Geelong Council as Planning Authority at the request of Tract Consultants Pty Ltd on behalf of Belmont Projects Pty Ltd

(the Proponent) and was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 9 February 2017.

The Amendment was placed on public exhibition between 3 March and 10 April 2017, with 11 submissions received.

At its meeting of 28 April 2017, Council resolved to refer the submissions to a Panel. A Panel to consider the Amendment/Application was appointed under delegation from the Minister for Planning on 3 May 2017 and comprised Sue Porter (Chair).

A Directions Hearing was held on 22 May 2017. Following the Directions Hearing, the Panel undertook an inspection of the subject site and its surrounds.

The Panel then met in the offices of City of Greater Geelong on 19 June 2017 to hear submissions about the Amendment/Application. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Belmont Projects Pty Ltd	Mr Rory O'Connor, Solicitor of the firm Norton Rose Fulbright Australia who called the following expert witnesses: - Mr Jon Patrick, Jon Patrick Landscape Architects providing landscape advice. - Mr Peter Doyle, SJB Planning providing planning advice. - Ms Charmain Dunstan, Traffix Group providing traffic advice.
City of Greater Geelong	Mr Peter Schembri - Senior Strategic Planner and Mr Roger Munn - Senior Statutory Planner
Mr Stephen Voorwinde	
Ms Gillian Heintze	

## 1.4 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

### (i) Planning Authority

The key issues for the Council were:

- Clear strategic support for the proposed rezoning and application of overlays.
- The need to retain six native trees.
- The need to identify potential road works associated with development of future stages.
- The need to ensure any pathways within proposed parks will be unencumbered land and not be used for private access purposes.

**(ii) Proponent**

The key issues for the Proponent were:

- Clear strategic support for the proposed rezoning and application of overlays.
- Concern about the requirement to retain six native trees and the consequent impact in terms of lost development potential and design.
- Concern about setting unreasonable expectations about potential future road works.
- The appropriateness of providing access to dwellings from adjoining open space and whether this contributes to the 10% open space contribution required by DPO35.

**(iii) Relevant agencies**

AusNet had no objection to the Amendment/Application.

Barwon Water had no objection to the Amendment/Application subject to conditions.

Department of Economic Development, Jobs, Transport and Resources (DEDJTR) had no objection to the Amendment/Application subject to conditions.

VicRoads had no objection to the Amendment/Application. Whilst it originally sought to include conditions on the permit, VicRoads later revised its position and no longer requires conditions be placed on the permit.

**(iv) Individual submitters or groups of submitters**

The key issues raised by submitters were:

- Potential impacts on traffic and cycling
- Concerns about the loss of native vegetation
- Concerns about certainty around future stages of development
- Potential for future flooding
- The appropriateness of identifying potential retail/medical centre uses on the DPO35, and
- The need for a consistent setback with development to the north.

## **1.5 Issues dealt with in this report**

The Panel considered all written submissions made in response to the exhibition of the Amendment/Application; as well as further submissions, evidence and other material presented to it during the Hearing, and its observations from a site visit.

The Panel has reviewed a large volume of material. The Panel 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.

The Panel notes there were no submissions which challenged the strategic justification for the proposed redevelopment of the site for residential purposes, the proposed application of the GRZ1, DPO35 and EAO, changes to Clause 61.03; or to the grant of a permit for the subdivision/development of this land. Rather, the submissions focussed on the details surrounding the future development of the site as outlined in DPO35 and the conditions

contained in the draft planning permit. On that basis, this report will not consider the broader strategic justification and application of the zone and overlays in detail, but rather focus on the detail of the DPO35 and the permit conditions and the specific issues raised by the submitters.

This report deals with the issues under the following headings:

- Planning context
- Road and bicycle network
- Tree retention
- Certainty around future development
- Open space and pathways
- Setbacks
- Environmental Audit Overlay
- Potential flooding
- Future retail and medical uses
- Other recommended changes to the DPO35
- Other recommended changes to the Draft Permit.

**(i) Amended Plans**

At the Directions Hearing, the Proponent submitted amended plans to be considered as part of the Application. The changes were minor and basically shuffled a number of allotments, without an increase in the total number of lots being created; as well as submitting corrected shadow diagrams. No objections were raised to the substitution of amended plans, by Council or any other party at the Hearing.

For these reasons, the Panel has considered submissions to the Application based on the following Plans TP00, 02, 04, 05, 06 and 10 Revision B dated 22 August 2016; TP01, 03, 18-20, 40 and 50 dated 4 March 2016; TP11-16, 21, 30-34 Revision A dated 22 August 2016; TP35 Revision A Dated 4 March 2016 and TP50-56 (no date).

**(ii) Development Plan and section 173 Agreement**

The Panel notes that a Development Plan and a section 173 Agreement were also exhibited at the same time as the Amendment and provided to the Panel. These did not form part of the Amendment and as such this Panel has not reviewed them and will make no recommendations about them, other than to state that it would be logical to reflect any changes that may be made to the Amendment/Application documentation through this Panel process in these two documents.

The Panel notes the details of both will be negotiated and finalised between the Council and the Proponent, and makes no further comment.

**(iii) Ministerial Amendment VC110**

The Panel notes that VC110 was introduced into the Victorian Planning Provisions on 27 March 2017. The intent of the Amendment is to improve housing diversity and choice whilst respecting neighbourhood character, and affects all residential zones, including the land proposed to be zoned GRZ1 as part of this Amendment. In effect, it would limit

development within the proposed zone to three storeys and specify 'garden area' requirements.

Council advised the Panel that VC110 will not apply to this Application or future Stages Two and Three under the transitional provisions at Clause 32.08-14.

Mr O'Connor concurred with this position, submitting the development plan to be approved under the DPO35 is an 'equivalent strategic plan' for the purposes of Clause 32.08-3.

The Panel was advised that this approach has been discussed with DELWP and has in principle support.

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's and the Proponent's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council and Proponent submitted the Amendment/Application is supported by the following clauses in the SPPF:

**Clause 10 – Operation of the State Planning Policy Framework** – encourages land use and development planning policies and practices which “*integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*”

**Clause 11.01 – Settlement Networks** – seeks to promote sustainable growth and development of Victoria and to deliver choice and opportunity through a network of settlements, with Geelong being a focus for growth and investment.

**Clause 11.02-1 – Supply of urban land** – seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

**Clause 11.02-2 – Structure Planning** – seeks to facilitate orderly development of urban areas through the preparation of strategic plans (amongst others) for areas that offer high-quality, frequent and safe public transport and a range of local activities for living, working and recreation.

**Clause 11.07 – Regional Victoria** – seeks to develop strategies for regional cities that reflect growth opportunities and priorities, including infill opportunities to optimise investment and surplus government land and limit urban sprawl. It also places an emphasis on encouraging high quality urban and architectural design which respects the character and identity of each settlement.

**Clause 11.09 – Geelong (G21)** – requires consideration of *G21 Regional Growth Plan 2013* which seeks to ensure growth is managed in a way that protects and builds on the regions strengths, unique character and significant natural assets. It identifies infill sites as an opportunity to deliver innovative higher density housing options.

**Clause 13.03-1 – Use of contaminated and potentially contaminated land** - seeks to ensure that potentially contaminated land is suitable for its intended future use and development and that contaminated land is used safely.

**Clause 15 – Built Environment and Heritage** – seeks to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context

and protects places and sites with significant aesthetic (amongst others) value. It also seeks to achieve high quality urban design that contributes positively to local character and sense of place, as well as enhancing liveability and promoting the attractiveness of towns and cities.

**Clause 15.01-3 – *Neighbourhood and subdivision design*** – seeks to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. In doing so, it seeks to provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people, creating a strong sense of place through well designed and attractive built form and landscape character; as well as protecting and enhancing native vegetation.

**Clause 16 – *Housing*** – seeks to encourage new housing to locate in or close to activity centre employment corridors, to meet the community’s needs in terms of housing, identify strategic redevelopment sites for large residential development and to provide a range of housing types to meet the diverse needs of the community.

**Clause 17 – *Commercial*** – seeks to encourage development which meet the community’s needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure and the aggregation and sustainability of commercial facilities.

**Clause 18 – *Transport*** – seeks to promote an integrated transport system by way of land use and transport whilst also promoting sustainable personal transport, such as walking and cycling. It also seeks to recognise the purpose of car parking and to ensure an adequate supply of car parking is available.

Council and the Proponent submitted the Amendment/Application respond appropriately to these policies as the site sits within an established residential context and presents as a unique infill housing opportunity within urban Geelong to help absorb the growing demand for housing. Council considers that development of Stage One will deliver a new high quality residential estate to the area which will contribute to the local character by providing relatively larger lots fronting the middle section of Henry Street with more intensive development along the Corio/Waurn Ponds Road and Reynolds Road which will also enhance the liveability and diversity of Belmont. In addition, the new park is considered to add a sense of place and build on the garden and canopy tree character of the area.

The Panel agrees with Council and the Proponent that the intent of the proposed Amendment/Application are consistent with the directions of the SPPF. Whether the more detailed aspects of the Amendment/Application are consistent with this policy will be examined throughout this report.

**(ii) Local Planning Policy Framework**

Council and the Proponent submitted the Amendment supports the following local planning objectives:

**Clause 21.02 – *City of Greater Geelong Sustainable Growth Framework*** – sets out key principles for ensuring that all actions and development undertaken within the municipality

meets the needs of the present community without compromising the ability of future generations to meet their own needs.

**Clause 21.04 – *Municipal Framework Plan*** – identifies Belmont as a sub-regional centre of Geelong.

**Clause 21.06-1 – *Settlement and Housing*** – recognises the Geelong population is aging and there is a need to provide an environment for these people, as well as one that attracts and supports younger people and families. It also highlights the demand for smaller dwelling types will escalate and encourages a range of housing typologies including units, townhouses and apartments to accommodate demand.

**Clause 21.06-2 – *Urban Growth*** – reinforces the importance of limiting urban sprawl by directing urban growth to designated urban growth areas and maintaining appropriate urban land supplies.

**Clause 21.06-3 – *Urban Consolidation*** - seeks to consolidate existing urban areas in a managed way and to encourage a range of densities. Increased Housing Diversity Areas are designated in and around activity centres and the General Residential Zone 1 is identified as the zone that should support appropriate medium density housing.

**Clause 21.06-4 – *Neighbourhood character*** – encourages development that respects existing neighbourhood character and limits urban sprawl by directing growth to designated urban growth areas and maintaining appropriate urban land supplies.

**Clause 22.01 – *Discretionary uses in Residential Areas*** – aims to protect the amenity of the City's existing residential areas by seeking a balance between the need for goods and services that serve local residents and the potential for negative impacts on residential amenity.

Council and the Proponent submitted the Amendment responds to these policies as it will provide for a range of housing types supported by new infrastructure and public open space.

The Panel agrees with Council and the Proponent that the intent of the Amendment/Application is consistent with the local policy framework. Whether the more detailed aspects of the Amendment/Application are consistent with this policy will be examined throughout this report.

## **2.2 Planning scheme provisions**

### **(i) Particular provisions**

**Clause 52.01 - *Public Open Space Contribution and Subdivision*** – requires a public open space contribution be made to the Greater Geelong City Council if the land is to be subdivided. The schedule to Clause 52.06 required a 10% public open space contribution for residential subdivisions of 10 or more lots.

**Clause 52.06 – *Car Parking*** – seeks to ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.

**Clause 52.29 – *Land adjacent to a Road Zone Category 1*** – seeks to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to such

roads. A permit is required to create or alter access to a road in a Road Zone Category 1 or to subdivided land adjacent to a road in a Road Zone Category 1.

**Clause 52.34 – *Bicycle Facilities*** – seeks to encourage cycling as an alternative form of transport and specifies the number of bicycle parking spaces that must be provided for each land use.

**Clause 52.36 – *Integrated Public Transport Planning*** – seeks to ensure that development supports public transport usage, can easily access a safe, attractive network and that new development does not adversely affect the efficiency of the existing network.

**Clause 55 – *Two or more dwellings on a lot and residential buildings*** – applies to an application to construct a residential building and establishes a range of objectives and strategies that must be addressed.

**Clause 56 – *Residential Subdivision*** – applies to an application to subdivided land in a residential zone that provides for residential development.

**Clause 65 – *Decision Guidelines*** – outlines a range of issues which must be considered by a Responsible Authority before deciding on an application.

## **2.3 Ministerial Directions and Practice Notes**

### **(i) Ministerial Directions**

Council submitted the Amendment meets the relevant requirements of the following Ministerial Directions:

#### **Ministerial Direction No 1 - *Potentially Contaminated Land***

The Amendment is consistent with Ministerial Direction 1 (Potentially Contaminated Land).

#### **Ministerial Direction No 11 - *Strategic Assessment of Amendments***

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

#### **The Form and Content of Planning Schemes (s7(5))**

The Panel notes that a new version (24 May 2017) of the *Ministerial Direction on Form and Content of Planning Schemes* under Section 7(5) of the Act was released post-hearing. The Panel has not completed a full review of the Amendment in accordance with the revised direction. This should be done following consideration of the Panel's recommendations.

### **(ii) Planning Practice Notes (PPN)**

#### **PPN23 – Applying the Incorporated Plan and Development Plan Overlays**

The Amendment is consistent with this Practice Note as it identifies a site that requires the planning of future use and development to be shown on a plan before a permit can be granted and exempts a planning permit application from notice and review if it is generally in accordance with the approved plan.

### **PPN30 – Potentially Contaminated Land – June 2005**

The Amendment is consistent with this Practice Note as it will include land that has a history of industrial land uses within an Environmental Audit Overlay to ensure a rigorous assessment of the potential for contamination is undertaken prior to the commencement of any sensitive uses.

### **PPN46 – Strategic Assessment Guidelines – June 2015**

The Amendment is consistent with this Practice Note.

### **PPN78 – Applying Residential Zones – June 2015**

The Amendment is consistent with this Practice Note as the application of the General Residential Zone accords with the principles of applying the residential zones outlined in this practice note.

## **2.4 Conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. 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 Road and bicycle network

#### (i) The issues

Whether there is a need to widen Henry Street; undertake intersectional improvements to accommodate the increased traffic at the Henry Street/Corio - Waurin Ponds Road intersection; and whether adequate provision has been made for bicycles?

#### (ii) Evidence and submissions

Mr Chittenden (Submission 4) raised concern that there were no plans to widen Henry Street to cater for increased traffic submitting it is the only street in the vicinity that cars can travel to Reynolds Road without going through a 'Give Way' sign or over a speed hump and consequently at peak times, such as school times, it becomes very busy. He also emphasised that during the football season many spectators park in Henry Street which already makes navigation difficult and which will be exacerbated with more cars on the road associated with the development.

Mr and Mrs Sawyer (Submission 7) submitted the proposal will *"create a lot of traffic hazards and parking on a nearby busy road."*

Mr and Mrs Voorwinde (Submission 10) submitted the intersection of High Street and Kidman Avenue is dangerous and that VicRoads has been approached on a number of occasions to place traffic lights at the intersection, which they submitted VicRoads was *'sympathetic towards'*. Mr Voorwinde made a number of suggestions about alternate entrance/exit locations along Corio-Waurin Ponds Road which he considers would improve accessibility and traffic movements in the area, in particular creating an exit opposite Kidman Avenue, which he considers would then add weight to the suggestion for traffic and pedestrian lights at the intersection.

Ms Heintze (Submission 6) submitted that traffic along Reynolds Road is heavy at school drop off and pick up times and that if car access to Reynolds Road is allowed for any of the proposed medium density housing to be built as part of Stage Two (which borders Reynolds Road) the situation will become impossible given current traffic loads. She submitted she was advised at a briefing there would be no car access to Reynolds Road from Stage Two and a wooden fence would be constructed along the western boundary preventing vehicular access (yet allowing pedestrian access). She wants to be reassured that this will occur. She also sought reassurance that Stage Two residents will not be able to park their cars along Reynolds Road during school times suggesting the creation of a peak hour clearway.

The Bicycle Users Geelong (Submission 3) submitted that Henry Street links the priority bicycle network to local schools, reserves and is critical to the local bicycle network. The Group submitted the development does not adequately cater for people of all ages to ride in safety down the length of Henry Street or within the development. Of particular concern were traffic speeds along Henry Street which it was submitted average 59 kmh and with a predicted upper limit of 3,000 vehicles per day, is unsafe for riders to share road space with vehicles. For these reasons, it was submitted the proposal is not consistent with Clause 18.01-2 – *Transport System* of the SPPF because it fails to *"Co-ordinate development of all transport alternatives to the motor car."* It was also submitted the transport mix, which

continues to favour vehicles, does not support the reduction of car dependence or encourage riding which are stated goals of many Council strategies.

The Group made a number of specific suggestions about how the design should be amended to address these concerns, many of which related to the treatment of Henry Street including traffic calming measures, traffic flow restrictions, reduction in speed limits, parking restrictions; as well as the use of pedestrian crossings both within the site, as well as on nearby roads.

Initially VicRoads raised no objection to the Amendment/Application, subject to the inclusion of two conditions being placed on any permit issued, these being:

*Prior to the issue of a Statement of Compliance, the following works must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:*

- Undertake modifications to the Henry Street/Corio - Waurn Ponds intersection to prohibit vehicles turning right.*
- Create a central median opening to the Corio - Waurn Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.*

*Prior to works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads service obligations.*

VicRoads later revised its position submitting that “After review of the exhibited traffic engineering assessment and discussion with the applicant, VicRoads does not now require this treatment to be completed for any stage of the subdivision. Therefore, VicRoads has no objection if all references to these works is removed from the Development Plan.” Similarly, VicRoads submitted that given this revised position, the conditions specified above<sup>1</sup> are no longer required by VicRoads.

Mr O’Connor, on behalf of the Proponent, relied on the evidence of Ms Dunstan. In response to the submissions that Henry Street should be widened it was Ms Dunstan evidence that at 7-7.8 metre wide, the current configuration of Henry Street is adequate capacity to accommodate the development traffic expected from this scale of development and accords with the relevant standard. Similarly, Ms Dunstan did not support the disconnection of Henry Street or its widening on the basis that this could result in increased traffic speeds and cause significant impacts to existing residents and is not warranted.

In response to submissions that there should be a dedicated cycling lane, it was Ms Dunstan’s evidence that, given the low cyclist and traffic volumes, separate bicycle lanes are not warranted and that cyclists can readily use Henry Street or the internal road network without the need for separate lanes. Ms Dunstan considered the layout of the internal streets, including bends and short streets, will encourage low vehicle speeds.

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<sup>1</sup> Proposed Conditions 55 and 56 in the Draft Permit.

In response to concerns about traffic access along Reynolds Road and access, Ms Dunstan emphasised that whilst the draft Development Plan proposes minimal vehicle access to Reynolds Road, it would not be appropriate to prevent all vehicular access to properties that will ultimately abut Reynolds Road. For this reason, Ms Dunstan considered the emphasis should be on 'minimising', rather than 'restricting' access. Ms Dunstan stated that any existing issues with on-street parking on Reynolds Road should be reviewed by Council and are not relevant to this application.

In relation to the need to upgrade the intersection treatments at Henry Street/Corio Road, Ms Dunstan agreed with VicRoads' revised position and was supportive of removal of references to this requirement from the DPO35 and the draft permit conditions. In response to Council's suggestion that there should be a reference to the possibility of future works, Ms Dunstan stated *"I am satisfied that no further traffic analysis is required. The Traffic Report reviews that traffic impacts of all 3 development stages and concludes that mitigating works are not required at the intersection of Corio - Wauran Ponds Road/Henry Street. VicRoads as the road authority agrees. On that basis, I see no reason to include a requirement under the DPO for future analysis/works at this intersection."* When questioned by the Panel whether it might be appropriate to recognise the possibility for future works as suggested by Council, she said that not only is it not required but that to include such a reference in the Amendment/Draft Permit may create a false expectation that it may be required, and she did not support that approach.

Similarly, Ms Dunstan was not supportive of suggestions that the intersection of Kidman Avenue and Corio - Wauran Ponds Roads should be signalised, stating this would create a fourth intersection leg, and that the proposal before the Panel to use the Corio - Wauran Ponds Road/Henry Street intersection is an acceptable arrangement.

In response to submissions that there should be alternative access from Corio-Wauran Ponds Road, Council submitted that this would be a substantial change to the development design and is not supported. Furthermore, Council submitted that an additional signalised intersection at Kidman Street would accrue benefit well beyond the development site and that apportioning installation costs (and possibly land acquisition) would need to be considered and resolved by VicRoads independent of this proposal.

In relation to concerns raised about access to Reynolds Road, Council submitted it recognises that some access to Reynolds Road may assist traffic flows and should not be discounted completely and accepts that the DPO35 should be amended to seek to 'minimise' rather than 'restrict' access to this road. Council submitted this is also appropriate as future stages of development will require a traffic impact assessment which will ensure appropriate access arrangements are achieved, which may also consider parking restrictions along Reynolds Road.

In relation to concerns that the internal road network and pedestrian connectivity between the stages will need to support safe walking and cycling, Council submitted the Development Plan<sup>2</sup> shall require the provision of car parking in accordance with Clause 52.06.

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<sup>2</sup> To be approved by Council following the approval of this Amendment.

In response to concerns about loss of on-street parking, Council submitted it seeks to amend the Permit Conditions to replace the five metre wide crossovers with a single-width crossover to ensure additional car spaces are provided along the southern side of Henry Street.

In response to original and revised VicRoads submission, Council highlighted that Corio - Waurin Ponds Road is classified as a Road Zone Category 1 and under the responsibility VicRoads; and therefore references to the requirement to undertake works to that road in the Draft Permit and the DPO Schedule should be removed as per VicRoads submission. Despite this, Council submitted it *“is somewhat uncomfortable for both the Schedule and Development Plan to be silent on this matter given the form of future stages, particularly Stage 3, are not certain”*. It submitted it would be appropriate to include a provision that recognises the potential for future works. Council also submitted there is *“no harm”* including such a provision and that a planning permit associated with further stages will likely be supported by traffic impact assessments that considers traffic impacts and potential intersection upgrades. However, if these assessments find such works are not required, then no permit condition will be required.

Council responded to Ms Dunstan’s evidence stating that the approach of keeping reference to possible works on the Corio - Waurin Ponds Road/Henry Street intersection should be removed, stating it is no different to the reference to possible future works to the Henry Street/Reynolds Road, which is Council’s responsibility, and for which no objections were received. Council emphasised this reference should be retained.

### **(iii) Discussion**

There are a number of key themes that came through submissions which the Panel will be examined individually.

#### ***Henry Street and bicycle lanes***

The Panel is satisfied that as an access street – Level 2 that development of the street interface and services will need to be designed in accordance with design standards in Clause 56.06 of the Greater Geelong Planning Scheme and therefore will be developed to an appropriate standard.

Having also considered Ms Dunstan’s evidence, the Panel is satisfied that, based on the likely traffic numbers associated with the proposed development, widening of Henry Street and the provision of a dedicated bicycle lane is not justified. The Panel also supports the evidence and submissions that widening of the road could result in increased traffic speeds, which could potentially create a more dangerous situation for cyclists.

The Panel considers the widening of Henry Street and the provision of a dedicated bicycle lane are not necessary and does not accept submissions that the proposal is contrary to State planning policy.

The Panel also accepts Ms Dunstan’s evidence that the nature of the design of internal roads may result in slower car speeds and therefore safer cycling conditions. The Panel does not recommend any additional changes to the DPO35 or the Draft Permit in this regard.

### ***Additional signalisation along Corio - Waurm Ponds Road***

The Panel understands that Mr Voorwinde has concerns about traffic safety along Corio - Waurm Ponds Road, however, the concerns he raised extend beyond this application and relate more to broader traffic management and pedestrian access along this road in general. As these are broader traffic issues, they need to be addressed to VicRoads for consideration, recognising that it raises broader traffic management issues.

The role of this Panel is to consider submissions to the Amendment/Application before it and to ensure that DPO35 and the Draft Permit make appropriate access arrangements along this road to the satisfaction of VicRoads, as the determining authority.

Based on VicRoads amended position, which was reinforced by Ms Dunstan's evidence, and having considered the proposed DPO35 and Draft Permit, the Panel is satisfied the access arrangements to Corio - Waurm Ponds Road are appropriate for the current proposal.

The Panel is satisfied that should the development of Stages Two and Three place greater pressure on this road, including the potential retail/medical clinic, then the likely impacts associated with this will be assessed through traffic impact assessments and consultation with VicRoads as part of any future permit application. Should the need arise for additional intersection works, including additional signalization, then this could be dealt with as a condition on the permit.

The Panel is satisfied that the DPO35 and the Draft Permit are appropriate and no further changes are required.

### ***Reynolds Road***

The Panel notes that DPO35 makes a clear statement that the *Road Network and Traffic Management Plan* to be approved as part of the Development Plan is to include "No new road access to Reynolds Road ..." which is also reflected on the concept plan. Therefore, the only potential vehicular access to Reynolds Road will be directly from residential properties fronting Reynolds Road. Whilst Ms Heintze seeks confirmation that there will be no direct access to Reynolds Road from the any development, the Panel notes this has never been the intent of the DPO35, which has sought to 'restrict' access, not prevent it. The Panel also notes that Council and the Proponent seek to change this emphasis from 'restrict' to 'minimise', thereby enabling some access.

Based on Ms Dunstan's evidence, that traffic flows are not expected to exceed the capacity of the local road network and that all access to the development from Reynolds Road should be prevented, the Panel accepts that it would be appropriate to allow some properties to have access to Reynolds Road. For these reasons, the Panel considers it appropriate to alter the emphasis of the DPO35 from 'restricted' access to 'minimising' access, therefore enabling the consideration of appropriate access and will make recommendations accordingly.

How this access will ultimately be achieved will be dealt with through, firstly, the Development Plan which is still to be approved by Council which is not being reviewed by this Panel; and secondly, through the permit application associated with the development of Stage Two which will likely involve a traffic impact assessment and consideration of the

appropriateness of any future access arrangements to Reynolds Road. Similarly, fencing arrangements along Reynolds Road will also be resolved as part of the Development Plan.

In relation to concerns about current and future car parking along Reynolds Road and the need for parking restrictions, this is an issue for Council to consider independent of this Amendment/Application.

The Panel therefore considers no additional changes are required.

### ***Henry Street/Corio - Waurin Ponds Road intersection***

The Panel notes the issue of whether this intersection should be upgraded was resolved between the Proponent, Council and VicRoads prior to the Hearing with agreement reached that the proposed arrangements are satisfactory and there is no need to upgrade the intersection works as originally required by VicRoads. The Panel also accepts Ms Dunstan's evidence which confirms the proposed arrangements are satisfactory and there is no need to upgrade the intersection works. For these reasons, the Panel supports the recommended changes to remove reference to these works from the DPO35 and the relevant conditions in the Draft Permit<sup>3</sup>.

Where the difference between the parties now arises is whether the DPO35 should retain a reference for potential works that may be required as part of any future stages of development. Whilst the Panel accepts Council may want to identify the possibility of these works in the future, it agrees with Ms Dunstan's evidence that to include such a reference could potentially create a 'unreasonable expectation' that future works may be undertaken without the work having been undertaken to justify it.

The Panel is satisfied that the impact of future stages on this intersection will be considered as part of future permit applications which will likely require a traffic impact assessment; and should the need for intersection upgrades be identified at that time, then this could be required as a condition on the permit.

For these reasons, the Panel considers that the DPO35 and Draft Permit should be amended to remove references to upgrading this intersection.

### ***On-street parking and crossovers***

At the Hearing, there was discussion about the impact that wide crossovers may have on not only on-street carparking, but also the streetscape and ability to provide a good landscaping response along the naturestrip, both along Henry Street as well as internally to the site.

Whilst Council originally sought to amend the permit to include a condition that requires all five metre crossovers to be replaced with single-width crossovers, it was agreed amongst the parties that whilst the principle was appropriate, in practicality this may have an adverse impact on swept paths and that there is a need for a more flexible approach on a case by case basis.

On that basis, the Panel concludes it is appropriate to include a condition to this effect and has recommended one accordingly, recognises the wording of this condition may be refined prior to the approval of this Amendment/Application.

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<sup>3</sup> Conditions 55 and 56.

**(iv) Conclusions and recommendations**

The Panel concludes that the Amendment/Application will not result in unreasonable impacts on the road and bicycle network and supports the changes on emphasis for access to Reynolds Road.

The Panel also concludes that the details about future access to Reynolds Road will be defined as part of the Development Plan, which is still to be approved by Council, and the impacts of future development considered as part of future permit applications to enable the development of Stages Two and Three.

Accordingly, the Panel makes the following recommendations:

**Development Plan Overlay - Schedule 35**

**Delete *“The upgrading of the Henry Street/Corio - Waurn Ponds Road intersection and Corio - Waurn Ponds Road between Henry Street and Davies Street, as required by VicRoads”* from the– Clause 3.0 – ‘Requirements for a Development Plan – Road Network and Traffic Management Plan’.**

**Delete *“Intersection upgrade”* and the associated icon from the ‘Henry Street Belmont Concept Plan’.**

**Amend– Clause 3.0 – ‘Requirements for a Development Plan – Road Network and Traffic Management Plan’ Dot Point 6 to read *“No new road access to Reynolds Road and direct residential access minimised.”***

**Draft Permit Conditions**

**Delete exhibited Condition 55 which reads *“Prior to the issue of a Statement of Compliance, the following must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:***

- a) Undertake modifications to the Henry Street/Corio - Waurn Ponds Road intersection to prohibit vehicles turning right.***
- b) “Create a central median opening on the Corio - Waurn Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.”***

**Delete exhibited Condition 56 which reads *“Prior to works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads’ service obligations.”***

**Include a new Condition 1 – Amended Plan requirement which shows *“Replacement of 5.0 metre wide crossovers with functional minimal width crossovers, where possible, based on swept path analysis.”***

## 4 Tree retention

### (i) Issue

Whether a permit condition which requires the realignment of proposed allotment boundaries to enable retention of six trees should be retained; and if so, should the trees be retained within private or public land; and what impact will that have on the development potential of the site and improvements to the public realm?

### (ii) Evidence and submissions

Mr Chittenden (Submission 4) submitted there are many established trees along Henry Street which provide wildlife habitat and create the environment and appeal of Henry Street. He submitted he would like to see as many of these established trees remain as possible and if any trees are to be removed, that new ones should be planted in their place.

Mr O'Connor on behalf of the Proponent, relied on the landscape advice from Mr Patrick and the planning evidence of Mr Doyle.

In his evidence, Mr Patrick said that Trees 59 and 66 (Spotted Gums) are not worthy of retention as they are suppressed by the larger adjacent trees (Trees 55, 57 and 72) and that Tree 66 is advanced decline with over 50% of its canopy dead. He considered Trees 55, 57 and 72 (Spotted Gums) worthy of retention based on their 'Moderate' arboricultural value, but supported their removal on the basis that the trees and the tree protection zones (5.2 – 6.6 metres) required would ultimately restrict the available building area for affected lots and that replacement planting is proposed along Henry Street.

Mr Patrick recognised Tree 196 (Yellow Gum) as the most significant trees having reached '*impressive dimensions*' with a '*High*' arboricultural value. Whilst he acknowledged the tree would have a 12 metre Tree Protection Zone, he was satisfied that the tree could be significantly reduce in the size on one side without significantly impacting on the construction within proposed adjoining lots; and with the adoption of modified building techniques that the tree could be retained. If the tree were to be retained, he recommended a Tree Management Plan be prepared to implement works around the tree as a condition on the permit.

Part of Mr Patrick's justification for accepting the removal of these trees was that he prepared a landscaping and a street tree planting plan which would compensate for the loss of these trees. The plan proposed the extensive use of Spotted Gums as street trees which he said was partly in response to the Council's request to retain the five existing Spotted Gums and "*partly due to the impact that a row of the large grey and white mottled trunks of these stately trees will impart on Henry Street.*"

Mr Patrick also identified that Tree 51 (a street tree with '*Moderate*' value) will require removal to accommodate a proposed new entry to the site and recommended that six other street trees also be removed to enable the creation of a consistent avenue of street trees along Henry Street, recognising this is a matter that will need to be negotiated with Council. He also recognised that retention of Tree 196 would prevent the location of a street tree adjacent to it, resulting a slightly fractured avenue at this point but considered " ... *the*

*establishment of large canopy trees along this alignment will provide a superior outcome than medium sized canopy trees ...”*

In terms of trees within the park, he encouraged the retention of trees with ‘High’ or ‘Moderate’ arboricultural significance, recognising that it may not be practicable to retain all trees.

In his evidence, Mr Doyle said that where practicable and appropriate, planted native trees are to be retained and protected within the proposed park, but does not support retention of such trees within private lots where they:

- *Are afforded less protection*
- *May limit urban consolidation policy/outcomes; or*
- *May result in trees that are unsuitable/inappropriate to be retained within the private open space areas associated with a private dwelling.*

Mr Doyle did not support the retention of trees 55, 57, 59, 66, 72 and 196, because the trees and their associated tree protection zones, would result in the loss of three conventional residential lots and would also result in:

- *Discordant and relatively unusable public open space areas;*
- *‘interruption’ to the uniformity and rhythm of lots/dwellings otherwise proposed along Henry Street streetscape; and*
- *lots ‘wrapped’ around these pocket parks creating challenges from a house siting, design and interface perspective.*

Mr Doyle considers the removal of these trees is consistent with the neighbourhood character policy<sup>4</sup> which seeks to retain existing vegetation where possible, whilst also contributing new landscaping and tree planting, thereby “*balancing tree retention considerations against the significant policy weight afforded to urban consolidation, medium density, affordable housing and housing diversity at both a State and local level.*”

Mr O’Connor sought the removal of permit condition 1a) which requires the modification of proposed allotment boundaries to facilitate the retention of Trees 55, 57, 59, 66, 72 and 196 within public reserves for the following reasons:

- *The retention of the trees would create a poor quality frontage to Henry Street, with inconsistent setbacks, and impact on the capacity of the development to provide a consistent streetscape along Henry Street.*
- *The retention of trees would result in inefficient envelopes for future dwellings on the land;*
- *The retention of the trees would create a series of ‘pocket parks’ of little public benefit as public open space;*
- *A high quality, consistent landscaping theme is proposed along the Henry Street frontage, which could not be delivered if the trees are retained;*
- *The retention of Tree 196 in particular would prevent a consistent avenue of street trees being provided along Henry Street and would present as an incongruent element in the streetscape; and*

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<sup>4</sup> Clause 21.06-4

- *The removal of these trees would not be contrary to relevant neighbourhood character policy objectives contained in Clause 21.06-4 of the Planning Scheme, given the proposed high quality streetscape landscaping treatment.*

Mr O'Connor submitted that if the Panel was inclined to support the retention of the trees, it would be the Proponent's preference that they be retained within the private property rather than public reserves as this would enable design responses around access/building and retention of the trees.

Mr O'Connor also submitted that Tree 51 needs to be removed to accommodate the entrance to Stage 1 subdivision and sought a recommendation from the Panel that Council approve removal of this tree to enable a consistent avenue of street trees along Henry Street. He also sought a recommendation from the Panel to support the wording of the draft Development Plan that the retention of trees within the proposed reserve should include reference to *'where practical'*.

In support of the proposed tree retention, Council submitted that proper planning involves designing places that integrate key existing features and respect for neighbourhood character. It was submitted there is strong policy support at both the State<sup>5</sup> and local<sup>6</sup> levels and the provisions<sup>7</sup> of the planning scheme for their retention of trees for the contribution they make to neighbourhood character, as well as habitat.

Council submitted the ability to retain mature canopy trees in new infill housing development is rare opportunity which it considers will add significant value to the estate. It was emphasised that Belmont is known for its vegetated character, parks and spacious private setting and that Council supports the distinct character that the development will create and sees the retention of these trees as going some way to respecting the areas appeal.

Council also submitted that retention of these trees is consistent with the proposed DPO35 – *Urban Design Master Plan* which specifically seeks to ensure that the Development Plan to be approved must show *"Where practical, the integration of existing high value canopy trees within open space reserves informed by an arboricultural assessment prepared by a suitably qualified expert."*

Whilst Council acknowledged that the extensive demolition works and remediation required presented the developer with a dilemma of not knowing what trees would ultimately be spared or what condition they would be in, it submitted demolition is now complete and that dilemma no longer exists. Council demonstrated that it has consistently adopted the position and communicated to the Proponent that the design should consider the retention of trees on site.

Council emphasised that excluding the trees within the proposed park, it only seeks to retain six out of 391 trees surveyed in the 2015 TreeLogic Assessment on this large 6.2 hectare site,

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<sup>5</sup> Clause 15.01-1 – *Urban Design*, Clause 15.01-3 - *Neighbourhood and subdivision design*.

<sup>6</sup> Clause 21.06-4 – *Neighbourhood Character*.

<sup>7</sup> Clause 56.03-5 – *Neighbourhood character objective* and Clause 56.05-1 – *Integrated urban landscape objectives*.

which together with the trees in the proposed local park, are considered to strike a balance between maximising medium density housing and respecting the contribution they make to neighbourhood character, recognising that retaining more Henry Street trees would be an unreasonable impost on the site's development potential for little additional benefit.

Council did not accept Mr Doyle's evidence that the potential loss of three allotments will have an impact on the urban consolidation objectives and did not consider the design challenges to be insurmountable.

In support, Council submitted the trees proposed for retention will form part of the Henry Street streetscape and are easily accessed for maintenance, still allowing for street trees to be planted. Whilst recognising this would have an impact on the subdivision, Council submitted that alternative layouts are possible that maintain access, amenity and surveillance.

Whilst Council accepted Mr Patrick's evidence that Trees 59 and 66 are not worthy of retention because of their suppressed state, it submitted they do have retention value in forming a 'patch' of Spotted Gum and should be retained in its natural state and given the trees are clustered together, the land take is likely to remain the same.

### **(iii) Discussion**

The Panel recognises this as a strategic redevelopment site that has the capacity to contribute to urban consolidation in the Belmont and broader Geelong area, however, the Panel does not accept the notion that overrides any other strategic direction contained within the planning scheme. Neighbourhood character and vegetation protection are also strategic imperatives. The challenge is to balance these competing objectives.

The Panel considers the Amendment makes a significant contribution to urban consolidation as it will enable the redevelopment of a 6.2 hectare site for a range of conventional to medium density residential development up to three storeys, creating a potential additional 220 dwellings on the site. The proposed GRZ1 is a less restrictive zone than the surrounding GRZ2 zoned land, which has less stringent standards in terms of a landscaping, private open space area and building heights, thus enabling a higher density of development. The Application also seeks to subdivide the land into allotments ranging in area from 179 to 363 square metres and the associated construction of a number of dwellings on lots less than 300 square metres. At the same time, to facilitate this development, the vast majority of the 391 trees on this site, two of which are of 'High', one of 'High-moderate' and 115 of 'Moderate' arboricultural value will be removed<sup>8</sup>.

Retention of these trees would affect only three allotments. It would not remove them as potential development sites, but rather require the realignment of title boundaries to enable protection of the trees and the adoption of more creative and sensitive site specific responses to the development of these sites. As acknowledged by Mr Patrick in relation to Tree 196, it is possible to adopt modified building techniques to enable the retention of trees so development of these sites should still be possible.

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<sup>8</sup> Not including those that will be retained within the park as part of Stage 3.

In this case, the Panel considers that the strategic value of this site for urban consolidation purposes has been recognised and prioritised. For these reasons, the Panel is not convinced by the evidence and submissions that argue that the retention of six trees would be contrary to urban consolidation policies.

Of these 391 trees on site, in addition to those trees to be located within the future park, Council seeks to retain only six trees which are of *'Moderate'* arboricultural value. These trees are located directly adjacent to the Henry Street and are visible at the Henry Street/Corio - Waurm Ponds Road intersection and from oblique views both north and south from Corio - Waurm Ponds Road. It is the Panel's opinion that these mature canopy trees do contribute to the character of the area and define the start of Henry Street and that efforts should be made to retain them.

The Panel is also aware from an inspection that a significant number of mature trees largely located around the boundaries of the site will be removed as part of the development. These trees make a significant contribution to the character of the area and their removal will impact the character of the area. Whilst Mr Patrick was confident that the planting of Spotted Gums along the south side of Henry Street will ultimately create a significant avenue of trees and contribution to the future character of the area, which the Panel agrees with, these trees will take decades to reach the size and canopy width of many of the trees that exist on the site and the trees proposed to be retained. For these reasons, the Panel considers it appropriate to retain what trees can be retained and to supplement these, rather than to remove them and to start again just to achieve a uniform and consistent spacing and placing of the same species as a street tree. The Panel is conscious of the fact that the Development Plan has not been approved and the appropriate approach to the planting of street trees and crossover locations can still be tailored to accommodate the retention of these trees and the design of appropriate street tree planting program.

The Panel is also satisfied that the proposed retention of these trees is consistent with proposed DPO35 which states the *'Open Space and Landscape Masterplan'* should include *"Identification of all existing canopy trees to be retained and removed, with the aim of retaining healthy and high value trees within the park and road reserves."* Whilst Council accepts this provides support for the retention of trees, it only refers to the retention of *'High'* value trees and these six trees are of *'Moderate'* arboricultural value. The Panel therefore considers the DPO35 should be amended to reflect this and include reference to only *'Moderate'* value trees as well.

Whilst concerns were raised about the inclusion of these trees within a public reserve rather than private property, the Panel does not share the same concern and considers this an appropriate outcome. Firstly, Council want the trees retained for landscape reasons, and therefore the Panel considers it appropriate that Council assume the responsibility for their maintenance. This will only occur if the trees and the associated appropriate tree protection zones are located on public land. Secondly, these trees are not subject to tree controls and therefore there would be no imperative for them to be retained if they were on private property.

Whilst concern was also raised that the reserves would be small and unusable parcels of land, the Panel does not consider that all public land must necessarily perform an active

public open space function. The Panel considers that public land for the retention and protection of trees is equally valid purpose.

For these reasons, the Panel supports the retention of the condition which requires the retention of these trees within public reserves, with the exception of Tree 66 which has now died, which was confirmed by all parties at the Hearing.

In response to Mr O'Connor request that the Panel make recommendation in relation to Tree 51 which is a street tree, this Tree is not on land directly affected by DPO35 or the Application, but rather is on Council land. The potential removal of this Tree is matter that will need to be negotiated with Council and the Panel will make no recommendations on this issue.

Similarly, Mr O'Connor sought support for existing wording within the Development Plan which supports the retention of trees within the proposed reserve *'where practical'*. As stated from the outset, the final form of the Development Plan is still to be finalised and the Panel will not make any further comment on the detail of the Development Plan. The Panel does, however, note that proposed DPO35 states *"Where practical, the integration of existing high value canopy trees within open space reserves informed by an arboricultural assessment prepared by a suitably qualified expert"* and emphasises the importance of consistency between documents. The Panel notes this also makes reference to 'High' value trees only, whereas the proposal is also to retain *'Moderate'* value trees and similarly considers this reference should be amended to refer to also include *'Moderate'* trees to enable their protection.

#### **(iv) Conclusions and recommendations**

The Panel concludes that the condition that requires the modification to allotment boundaries to enable the retention of Trees 55, 57, 59, 72 and 196 should be retained, but reference to Tree 66 should be deleted as the tree is now dead.

The Panel also concludes that DPO35 should be amended to delete reference to the retention of high value trees only, as the trees to be retained are also of a moderate level.

#### **Development Plan Overlay Schedule 35**

**Amend– Clause 3.0 – *Urban Design Masterplan* to read *"Where practical, the integration of existing high and moderate value canopy trees within open space reserves informed by an arboricultural assessment prepared by a suitably qualified expert."***

**Amend DPO35 – Clause 3.0 – *Open Space and Landscape Plan* to read *"Identification of all existing canopy trees to be retained and removed, with the aim of retaining healthy, high and moderate value trees in the park and road reserves."***

#### **Draft Permit**

**Amend Condition 1a to read *"Modifications to proposed allotment boundaries so that Trees 55, 57, 59, 72 and 196 (as identified in the Arboricultural Assessment prepared by Tree Logic [dated 5/10/2016]) are incorporated into the development and retained in public reserves."***

## 5 Certainty around future development

### (i) The issue

What certainty would residents to the south have about the development to be undertaken as part of future Stage Two and Three of the development?

### (ii) Submissions and evidence

Ms Heintze (Submission 6) questioned when the proposed details for Stages Two and Three will be ready for viewing and comment, recognising they are some years off. She also submitted that consultation around the development indicated that a one metre wide buffer garden would be planted along the southern boundary fence of Stage Two running east-west, which she supported and sought reassurance that despite the developers changing, this would still be provided.

In response, Council submitted that the DPO35 establishes the location for different housing forms on the southern boundary in terms of a range of heights from one to three storeys throughout the site, with a requirement for third storey elements to be recessed, which will ultimately be reflected in an approved Development Plan.

Council also submitted the DPO35 *Residential Design Guidelines* requires information about indicative treatments for key interface areas and a written description of how the development will minimise any adverse impacts on the properties to the south. Council recognised the design guidelines would be regulated by the developer, but submitted that an appropriate mechanism could be a restriction on title that requires proposed buildings to be reviewed and approved by the developer's 'design review panel'.

Recognising that the DPO removes any third party right to notice or appeal of future planning permits, Council considered it reasonable that the Standards of Clause 55.04 – *Amenity Impacts* are met in relation to future development as part of Stages Two and Three adjacent to the properties to the south, stating Council officers will be conscious of the lack of notice and appeal rights when assessing permit applications associated with these future stages.

Council also stated that it notes Ms Heintze's submission and "*will endeavour to inform the landowners about Stage 2 developments.*"

### (iii) Discussion

It became evident during the Hearing that Ms Heintze was not aware that the application of the DPO would ultimately remove her third party rights of notice or appeal associated with any permit applications for the future development of Stages Two and Three; and that she considered that if more people had known that would occur, then she was sure more people would have made submissions.

Whilst Ms Heintze contends that if more people knew about this then they would have made submissions, the Panel does not accept this proposition.

Ever since the CSIRO ceased operations in the site in 2010, the future of this site has been the subject to extensive discussions and consultation with key stakeholders, including the

community. Preparation of this Amendment/Application commenced in early 2016, which has always involved the application of the DPO which clearly states that it exempts the third-party notice and review rights which is reflected in the Amendment documentation. Also, the Council Report of 23 February 2017 clearly identifies this as a consequence of applying the DPO35 when it stated:

*The effect of the Development Plan Overlay will be to exempt future permit applications from public notice and review if generally in accordance with a Development Plan prepared to the satisfaction of the Responsible Authority (i.e. Council's statutory Planning Department).*

The Panel is therefore satisfied that the Amendment Documentation identifies this as a consequence of applying the DPO and that Council has clearly articulated it in its Council Report. Therefore, whilst there may not have been many submissions on this issue, the Panel does not accept that this is consequence of some omission in Amendment documentation.

In terms of Ms Heintze's concern about what certainty she has about the form and nature of the development that will occur as part of future stages, the issue for this Panel is whether the DPO35 provides sufficient guidance to ensure this interface is sensitively managed.

In reviewing the DPO35, the Panel recognises that any Development Plan must be generally be in accordance with the Concept Plan that forms part of the DPO35 which clearly identifies the need for 'Interface treatment' along the entire southern boundary of the site. It also states that the Development Plan must address the 'Residential Design Guidelines' which require the following to be addressed:

*Indicative building heights and setbacks along interface areas with an appropriate transition in building height from a lower built form along sensitive precinct interfaces to higher built form elsewhere.*

*Indicative treatments for key interface areas (... between existing residential and proposed residential development).*

...

*A written description of how the development will enhance the existing urban realm and minimise any adverse amenity impacts to adjacent or nearby sites.*

The Panel is satisfied that Council has the ability to ensure the Development Plan (which was exhibited at the same time as this Amendment/Application, but is yet to be approved) contains sufficient clarity and certainty within it to define what this interface treatment should be and to address any potential amenity concerns of residents to the south for all stages of the development.

The Panel is also satisfied that DPO35, with an approved Development Plan combined with the requirement to address Clauses 54 – *One dwelling on a lot* and Clause 55 – *Two or more dwellings on a Lot and Residential Buildings* and the relatively modest lot sizes (predominantly 357 square metres) will ensure that development responds appropriately to the residential development to the south.

Whilst Council made suggestions about the possible appointment of a 'design review panel' that could be registered on title, the Panel considers this is a matter between the Proponent and Council and not for this Panel and it makes no further comment.

**(iv) Conclusion**

The Panel is satisfied that DPO35 provides sufficient guidance about the future development of the site that will need to be incorporated into the Development Plan which is yet to be approved by Council. For these reasons, the Panel is satisfied that the Amendment as exhibited is appropriate and no change is recommended.

## 6 Open space pathways

### (i) Issue

Whether open space pathways should form part of the open space contribution and whether direct access from abutting residential properties is appropriate?

### (ii) Evidence and submissions

Mr O'Connor, on behalf of the Proponent, relied on the evidence of Mr Doyle. Mr Doyle did not agree with Council's position that land providing formal pedestrian access around the proposed park in Stage Three, (but which might also be used for potential access to dwellings that may abut the park), should not form part of any public open space contribution, for the following reasons:

- *The pathways within the future park will provide unfettered public access for users of the park;*
- *The pathways will provide for public resort, recreation and enjoyment;*
- *The pathways can easily be maintained as part of the broader open space or public street network – just as is the case with most paths in and around parks and streetscapes commonly found in this urban area;*
- *I do not see any nexus between these paths providing (potential) access to future private properties and their exclusion from an open space calculation.*

Council submitted that the Stage Three park perimeter path (as exhibited) should be included as part of the unencumbered land calculation, however, does not support the designation of part of the path fronting and providing access to future dwellings to be burdened by a carriageway easement or the like to facilitate potential access or mail deliveries. Council submitted this public open space shall be vested in Council upon registration of the plan of subdivision for Stage Three and that it would be inappropriate for a municipal reserve to include a restriction on the owner, being Council, from using that part of its own land in certain ways. At the Hearing, Council sought to amend the DPO35 Concept Plan to delete the pathway and alteration to the 'Open Space and Landscape Plan' requirements to make reference to the pathway within the park.

### (iii) Discussion

The Panel agrees with Council's position that if the Stage Three open space is to be unencumbered land and therefore part of the open space contribution, then it is not appropriate for this land to be burdened by a carriageway easement or the like to facilitate potential legal access or mail deliveries to residential properties which may abut it.

The Panel accepts Mr Doyle's evidence that this land could still be used by other park users, however, the Panel agrees with Council that serving a dual purpose may ultimately impact on the future use and management of this land. If this land is to be open space and be part of the open space contribution, then the Panel considers that the land should only be used for open space purposes, and if the land is required for access and in fact be encumbered in any way, that it should not be credited as open space.

The Panel notes there was agreement at the Hearing that depiction of the pathway on the DPO35 Concept Plan should be removed and that the reference to this should also be removed from the requirements of the DPO35 for an *Open Space and Landscape Masterplan* which refers to “any land providing formal pedestrian access and address to Stage 3 dwellings abutting the park.” The Panel agrees with this approach as it does not prevent the construction of a pathway as part of the future development of the land for open space, but more importantly it does not create the expectation that a pathway will be provided abutting these residential allotments.

The Panel considers the issue of access to open space is ultimately an issue which can be resolved as part of the Development Plan which is yet to be approved by Council.

Another issue in contention was whether the DPO35 should include a reference that “*The park must present as communal open space and not appear to be for the private use of Stage 3 residents.*” with Mr O’Connor and Mr Doyle stating that this is not appropriate as these dwellings can provide an appropriate address to this open space and improve passive surveillance. Whilst the Panel agrees with Council that the emphasis of the open space should be on public rather than private open space, the Panel agrees with Mr O’Connor and Mr Doyle that there are benefits in ensuring any development that occurs opposite/abutting this open space presents an active interface in order to improve passive surveillance and visual interest. The Panel is satisfied that a change in terms from “communal” to “public” and deletion of “and not appear to be for the private use of Stage 3 residents” is appropriate as part of DPO35, recognising that the finer detail about the open space/adjoining development interface treatments will ultimately be resolved as part of Council’s consideration and approval of the Development Plan.

#### **(iv) Conclusion and recommendations**

In conclusion, the Panel is satisfied that the direction DPO35 with the recommended changes is appropriate, recognising that the finer details about how this will be implemented will be resolved as part of the Development Plan.

The Panel makes the following recommendations:

#### **Development Plan Overlay Schedule 35**

***Amend Clause 3.0 – ‘Open Space and Landscape Masterplan’ Dot Point 1 to read “An Open Space Contribution equal to 10% of the developable residential land or in-lieu cash contribution payment or combination of both. Encumbered land shall not be credited as public open space including on-site drainage retention or any pedestrian link reserves that are encumbered by a carriageway easement, road reserve or the like.”***

***Amend Clause 3.0 – ‘Open Space and Landscape Masterplan’ Dot Point 2 to read “A 0.5 hectare (approximate) park located as shown on the Henry Street Belmont Concept Plan 2017 and interfaced by public roads on 2 sides (1 side being Henry Street). The park must present as public open space.”***

***Amend Clause 3.0 – ‘Open Space and Landscape Masterplan’ Dot Point 3 to read “Conceptual plans for the park showing general layout and indicative landscape***

***treatments (such as seating, play spaces and paving materials) with any infrastructure being in accordance with the standards set out in Council's Sustainable Communities Infrastructure Development Guidelines June 2016 and the use of local indigenous plant species where appropriate. The park will include a perimeter shared path not encumbered by any carriageway easement or road reserve. Utility kiosks/cabinets must not be located in the park."***

**Delete the 'Pedestrian Link (Indicative)' from the park as shown on the 'Henry Street Concept Plan'.**

## 7 Setbacks

### (i) The issue

Whether the setbacks for the development on the southern side of Harvey Street should be consistent with those to the north?

### (ii) Evidence and submissions

Mr Chittenden (Submission 4) submitted that in order to maintain the privacy and outlook of existing properties, as well as street appeal, setbacks of new houses on the south side of Henry Street should reflect the setbacks on the northern side.

Council submitted the development represents an opportunity to deliver a new high quality built environment and does not support the requirement for a 6.5 metre setback to Henry Street as it considers a lesser setback will still positively contribute to street appeal and character and allow for landscaping, recognising that street tree planting will be provided as well.

### (iii) Discussion

The Panel recognises the Application before it is for 26 dwellings which are largely internal to the site, with the remaining allotments that will front Harvey Street to be developed as part of Stages Two and Three under separate permit applications.

The Panel recognises that whilst Council sought to exhibit the Development Plan (which provides more detail about the future development of the site) at the same time as the Amendment, it was not part of the Amendment and therefore is not before this Panel. The Development Plan will still need to be approved by Council before any development can occur.

What is relevant to this Panel is whether the DPO35 provides sufficient guidance about how specific issues will be dealt with as part of future stages of the development. To this end, the Panel is satisfied the DPO35 provides sufficient guidance about what issues will be need to be addressed through the *'Residential Design Guidelines'* which must be approved as part of any future approved Development Plan, which relevantly include the following:

*Indicative building heights and setbacks along interface areas with an appropriate transition in building height from a lower built form along sensitive precinct interfaces to higher built form elsewhere.*

*Indicative treatments for key interface areas (... between existing residential and proposed residential development).*

...

*A written description of how the development will enhance the existing urban realm and minimise any adverse amenity impacts to adjacent or nearby sites.*

The Panel is satisfied these guidelines clearly identify the need to ensure that any future setbacks along the Harvey Street interface as part of Stages Two and Three are addressed in the Development Plans.

Similarly, in terms of privacy issues, these will all be addressed as part of any future development proposals in line with the requirements of Clauses 54 – *One dwelling on a lot* and Clause 55 – *Two or more dwellings on a Lot and Residential Buildings* which is the standard planning approach.

Having said this, the Panel is also cognisant of the fact that this site is a strategic redevelopment site, and as such, is capable of containing development of a higher density than the surrounding residential properties, which may also include setbacks that differ from the existing setbacks to the north.

**(iv) Conclusion**

The Panel concludes that DPO35 and other provisions already contained within the Greater Geelong Planning Scheme provide sufficient direction to ensure that any future development along the southern side of Henry Street will respond appropriately to both its local context and affords an appropriate level of amenity to neighbouring properties to the north, whilst at the same facilitating the development of this site for higher densities.

## 8 Environmental Audit Overlay

### (i) Issue

Whether the Environmental Audit Overlay will be required if and when this Amendment is approved?

### (ii) Submissions

On behalf of the Proponent, Mr O'Connor did not object to the application of the EAO, but emphasised that it is his client's understanding that the land will be fully remediated by the CSIRO before ownership is transferred, and depending on the timing of the issuance of a Certificate of Environment Audit and the subsequent transfer of the land, it would be appropriate to remove the EAO from the Amendment prior to gazettal.

Council supports this position.

### (iii) Discussion

The Panel is aware that the remediation of the site is ongoing and that it is now limited to one location.

Until such time as the contamination issues have been resolved and the Certificate of Environmental Audit has been issued, the Panel considers that the EAO should be retained as part of this Amendment. The Panel, however, agrees that should the contamination issues be appropriately resolved following the finalisation of this report, but before approval of the Amendment, that it would be appropriate to remove the application of this overlay from this Amendment.

### (iv) Conclusion and recommendations

The Panel concludes the Environmental Audit Overlay should be retained as part of this Amendment at this time, however, should the contamination issues be resolved and a Certificate of Environmental Audit be issued before the approval of this Amendment, the Panel considers that it would be appropriate to delete the EAO from the Amendment.

### (v) Recommendations

The Panel makes the following recommendations:

**Retain the application of the Environmental Audit Overlay unless a Certificate of Environmental Audit has been issued prior to the approval of this Amendment.**

## 9 Potential flooding

### (i) Issue

Whether the site is subject to any potential flooding?

### (ii) Submissions

Mr Castles (Submission 11) raised concern about what he identified as an isolated event resulting in the flooding of his property from the subject site. He wants to be assured the development will not have any future impacts on his property.

Council submitted the site is not subject to potential flooding.

### (iii) Discussion

The Panel notes the site is not affected by a Special Building Overlay or a Land Subject to Inundation Overlay, which are the planning tools typically used to identify land that is subject to or potentially subject to flooding. The Panel also notes that the topography of the land confirms that this site is unlikely to be subject to any flooding.

The Panel notes the Amendment/Application was referred to Barwon Water and Council's Engineering Services Unit for comment in relation to the provision of water, sewerage and drainage. As a result, a series of conditions<sup>9</sup> were recommended and have been included on the Draft Permit that address drainage and stormwater quantity in particular and need to be approved by Council prior to the commencement of work and issuance of a Statement of Compliance. A condition<sup>10</sup> has also been included which specifies limitations on stormwater discharge and quality.

Whilst Mr Castle's recognised the flooding event was an isolated occurrence, the Panel is satisfied the Draft Conditions on the permit are appropriate and will enable Council to ensure that drainage issues are appropriately addressed prior to the commencement works.

### (iv) Conclusions

The Panel concludes that the Draft Permit conditions are appropriate and should be retained as exhibited.

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<sup>9</sup> Draft Conditions 17 – 21.

<sup>10</sup> Draft Condition 19.

## 10 Future retail and medical uses

### (i) Issue

Whether it is appropriate to identify the possibility to develop retail or medical centre uses on the corner of Corio - Waurn Ponds Road in the DPO35?

### (ii) Evidence and submissions

Mr and Mrs Sawyer (Submission 7) submitted that the identification of possible retail/medical centre on the Development Plan are “*not an option*” as there are already facilities nearby in Belmont.

Mr O’Connor, on behalf of the Proponent, supported the identification of the corner site as a potential retail/medical centre site, however, objected to the limiting these uses to the ground floor of an accommodation building on the basis that it is appropriate to allow such uses in an upper level and requested that this reference in the DPO35 be removed.

In her evidence, Ms Dunstan said that she considers that a small retail use in this location would not have an unreasonable traffic and parking impacts on the area.

Council submitted that while retail and medical services are available in the Belmont Activity Centre on High Street, additional on-site services will have little impact on the Greater Geelong Retail Hierarchy. In addition, Council submitted that any retail/medical centre, if developed, would be accessed from Corio-Waurn Ponds Road only and that this traffic arrangement would be subject to detailed traffic and parking assessment that would require VicRoads approval. Whilst Council sought to confine these uses to the ground level of an accommodation building, at the Hearing, Council accepted that the use need not be part of an accommodation building and agreed to its removal, however, did not agree to the removal of reference to the location of these uses on the ground floor. Both parties agreed to this variation.

### (iii) Discussion

The Panel notes that the Mr and Mrs Swayer’s submission relates to the fact that there are already such facilities available in Belmont and as such they will not be required on this site.

The Panel notes that the DPO35 Concept Plan does not seek to mandate that these uses should occur on this site, but rather identifies them as a potential use. Whether this land will ultimately be used for these purposes will be determined at a later stage based on whether there is a demand for them. For this reason, the Panel considers that retention of this reference is appropriate.

Whilst it was Ms Dunstan’s evidence that a small retail or medical centre on the site would not have unreasonable traffic and parking impacts on the area, but the Panel considers that would ultimately depend on the size and configuration of the development. Either way, any such development would be the subject of a separate planning permit application that would enable the consideration of potential traffic impacts, including the referral to VicRoads. For this reason, the Panel is satisfied that these issues can be adequately

addressed. The Panel also notes that proposed DPO35 also specifies that any permit issued must include a condition preventing access/egress from Henry Street.

The Panel also supports the agreed position between Council and the Proponent that removal of the requirement for a retail/medical centre use to be part of an accommodation building as this is unnecessarily limiting. Similarly, the Panel also considers there is no need to state that any potential retail/medical centre uses should be limited to the ground floor only. Combining retail/medical centre uses with a residential development, whether at the ground floor, above or both, may ultimately be the appropriate form of development but this will be determined at a later date and removal of this reference would not prevent this from occurring.

The Panel notes this is not a mandatory requirement and this is an issue that can be addressed as part of any future permit application.

**(iv) Conclusion and recommendations**

For these reasons, the Panel is satisfied that the identification of the potential to develop a retail/medical centre on this site is appropriate and should be supported.

Accordingly, the Panel makes the following recommendation:

**Development Plan Overlay Schedule 35**

***Amend Clause 3.0 – Requirements for Development Plan – Urban Design Masterplan, Dot Point 5 to read “Identification of the north east corner as a possible site for retail and/or medical centre uses with vehicle access/egress from Corio - Waurin Ponds Road only.”***

## 11 Other recommended changes to the Development Plan Overlay Schedule

### (i) The issue

In addition to those matters already discussed, both Council and Proponent recommended a number of additional minor or editorial changes to the DPO35 which were largely agreed to by all parties.

On behalf of the Proponent, it was Mr Doyle evidence that the primary driver for majority of the suggested changes has been to:

- *Avoid creating requirements that are already triggered elsewhere in the Planning Scheme ...*
- *Avoid specific requirements in a DPO Schedule that may predetermine or prejudice an outcome on what are very specific matters when the studies or investigations by the Schedule itself may result in an alternative outcome – which may then necessitate a Planning Scheme Amendment to change the wording of the Schedule.*

In support, both Council and the Proponent submitted amended DPO35 Schedules with the changes highlighted

The Panel has considered all of these recommended changes. Where discussed previously within this report or where agreement was reached between all parties and the Panel considers the amendments are appropriate, for the sake of brevity, the Panel has not discussed these changes and has incorporated them in a consolidated *Panel Recommended Development Plan Overlay – Schedule 35* attached as Appendix C.

There was only one remaining area where there was disagreement between the parties and this is discussed below.

### (ii) Evidence and submissions

Mr O'Connor, on behalf of the Proponent, submitted that the DPO35 should include the provision for the Development Plan to be amended once approved, however, Council was not supportive of this change.

### (iii) Discussion

The Panel considers it appropriate to provide for the approved Development Plan to be amended overtime. This development will take many years to complete and there will be times when unforeseen or new issues arise which will need to be dealt with. The Panel considers it appropriate to allow Council to amend the Development Plan provided it remains consistent with the intent of the DPO35. Inclusion of such a reference does not oblige Council to approve amendments to the Development Plan and any such changes must be to its satisfaction.

The Panel supports the inclusion of such a reference.

**(iv) Conclusion and recommendations**

The Panel concludes that the additional changes as recommended are appropriate and have been included within a consolidated Panel Recommended DPO35, with the additional ability for the Development Plan to be amended to Council's satisfaction should the need arise.

**Development Plan Overlay Schedule 35**

**Include the following reference in Clause 3.0 – *Requirements for Development Plan* “*The Development Plan may be amended to the satisfaction of the Responsible Authority.*”**

**Adopt the consolidated Panel Recommended Development Plan Overlay – Schedule 35 as shown in Appendix C.**

## 12 Other recommended changes to the Draft Permit

### (i) Issue

Whilst not objecting the Draft Permit, a number of agencies specifically requested conditions be placed on it.

In addition, both Council and the Proponent submitted amended Draft Permits with suggested changes highlighted

The Panel has considered all of these recommended changes. Where discussed previously within this report or where agreement was reached between all parties and the Panel considers the amendments are appropriate, for the sake of brevity, the Panel has not discussed these changes and has incorporated them in a consolidated *Panel Recommended Draft Permit* attached as Appendix D.

As there were no outstanding areas of dispute, this Chapter will therefore only focus on agency comments.

### (ii) Evidence and submissions

AusNet (Submission 1) raised no objection to the Amendment/Permit Application.

Barwon Water (Submission 2) raised no objection to the proposed amendment or the permit application, subject to specific conditions being met prior to the issue of Statement of Compliance. The specific conditions included:

#### *General*

- 1. The owner shall create easements for Pipelines or Ancillary Purposes in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage 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.*
- 2. The plan of subdivision must be referred to Barwon water in accordance with the Subdivision Act 1988 and any subsequently amendments to the plan provided to Barwon Water.*

#### *Water*

- 3. The provision and installation of individual water services to all lots in the subdivision. Note that tappings and services are not to be located under the existing or proposed driveways.*
- 4. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/or any apartment, unit, or premises within the development that is or can be separately metered for water supply.*

5. *Reticulated water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.*
6. *The existing 450mm water main in Reynolds Road is not available for direct connection and a rider main will be required to be constructed to service lots fronting Reynolds Road.*
7. *Meter numbers 0730555, 0943387, 1030012 and 0439233 are to be returned to Barwon Water prior to the issue of Certificate of Compliance. The associative tapings are to be cut and sealed at the respective mains. Details of the locations of these services can be made available upon request.*

#### *Sewer*

8. *The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extended into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).*
9. *The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).*
10. *Reticulated sewer mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.*
11. *The proposed development can be serviced by the Geelong Sewer System. The development can be serviced by the existing gravity sewer system which includes:*
  - *DN150 and DN137 gravity sewers located on the southern property boundary.  
DN150 gravity sewers opposite the east property boundary within High Street.*
12. *The existing site contains several connections to the existing sewer mains. These sewer connection points must be decommissioned in accordance with Barwon Water's 'Property Connection Decommissioning Process' prior to the issue of a Certificate of Compliance. The location of these points can be made available upon request.*

***Note:** The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.*

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (Submission 5) made a coordinated response on its and the Public Transport Victoria's (PTV) behalf which stated that no objection was raised to the proposal subject to the following conditions identified by PTV being included on any permit issued:

- 1. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street/Princes Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (124) prior.*
- 2. The existing bus stop and associated infrastructure on High Street/Princes Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*

Initially VicRoads raised no objection to the Amendment/Application, subject to the inclusion of two conditions being placed on any permit issued, these being:

*Prior to the issue of a Statement of Compliance, the following works must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:*

- Undertake modifications to the Henry Street/Corio - Waurn Ponds intersection to prohibit vehicles turning right.*
- Create a central median opening to the Corio - Waurn Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.*

*Prior to works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads service obligations.*

VicRoads later revised its position submitting that 'After review of the exhibited traffic engineering assessment and discussion with the applicant, VicRoads does not now require this treatment to be completed for any stage of the subdivision. Therefore, VicRoads has no objection if all references to these works is removed from the Development Plan.' Similarly, VicRoads submitted that given this revised position, the conditions specified above<sup>11</sup> are no longer required by VicRoads.

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<sup>11</sup> Proposed Conditions 55 and 56 in the Draft Permit.

**(iii) Discussion**

The Panel notes that the Barwon Water conditions were included in the Draft Permit as exhibited and that the proposed PTV conditions included and the VicRoads conditions deleted from Council's amended Draft Permit, which was supported by parties.

The Panel considers these changes are appropriate.

**(iv) Conclusion and recommendations**

The Panel recommends the inclusion of the following PTV conditions and deletion of the VicRoads conditions 55 and 56 from the permit.

**Include the following Public Transport Victoria conditions on the permit:**

- a) *The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street/Princes Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.***
- b) *The existing bus stop and associated infrastructure on High Street/Princes Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.***

**Delete the following VicRoads conditions from the permit:**

- a) Prior to the issue of a Statement of Compliance, the following works must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:**
  - *Undertake modifications to the Henry Street/Corio - Waurin Ponds intersection to prohibit vehicles turning right.***
  - *Create a central median opening to the Corio - Waurin Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.***
- b) Prior to works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads service obligations.**

**Adopt the consolidated Permit as shown in Appendix D.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	AusNet Services
2	Barwon Water
3	Bicycle Users Group Geelong
4	D. Chittenden
5	Department of Economic Development, Jobs, Transport and Resources
6	G. Heintze
7	M and V Sawyer
8	Tract for Belmont Projects Pty Ltd
9	VicRoads
10	S and N Voorwinde
11	Bernard Castles

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## Appendix B Document list

No.	Date	Description	Tabled by
1	19/6/2017	Amended Shadow diagrams (TP50 – 56) and consolidated set of substituted plans	Mr O'Connor
2	19/6/17	Council's illustration of impact of tree retention on proposed lots	Council
3	19/6/17	Various Council correspondence demonstrating continual emphasis of the importance of retaining vegetation	Council
4	19/6/17	City of Greater Geelong Urban Forest Strategy 2015-2025	Council
5	19/6/17	2 x Tree Logic Plan Overlay	Mr O'Connor and Council
6	19/6/17	Council's Part B submission	Council
7	19/6/17	Mr Voorwinde's submission	Mr Voorwinde
8	19/6/17	Proponent's submission	Mr O'Connor

## **Appendix C    Panel    Recommended    version    of Development Plan Overlay Schedule 35**

DD/MM/YYYY  
Proposed C251

## SCHEDULE 35 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO35**.

### 1 HENRY STREET, BELMONT (FORMER CSIRO SITE)

This schedule applies to the land at 1 Henry Street, Belmont, bounded by Henry Street to the north, Corio-Waurn Ponds Road to the east, Reynolds Road to the west and established residential properties to the south.

The aim of this Schedule is to ensure that development occurs generally in accordance with the *Henry Street Belmont Concept Plan 2016*, and to require a range of detailed planning issues to be resolved prior to commencement of development of the land.

#### 1.0 Requirements before a permit is granted

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A permit may be granted for the following before a Development Plan has been approved:

- Any earthworks or building removal associated with the remediation, releveling and drainage of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970*.
- Minor buildings or works provided the buildings or works do not prejudice the preparation and approval of a Development Plan.
- The staged subdivision, construction of two or more dwellings on a lot and earthworks generally in accordance with a planning permit issued for Planning Permit Application Number 408/2016.

#### 2.0 Conditions and Requirements for Permits

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A permit must contain conditions or requirements that give effect to the provisions and requirements of the approved Development Plan.

Any permit for retail and/or medical centre uses fronting Corio-Waurn Ponds Road must contain a condition preventing direct vehicle access/ egress from Henry Street. Access/ egress will be from Corio-Waurn Ponds Road subject to the written approval of VicRoads.

~~A permit must also contain the following conditions, where appropriate:~~

##### ~~Design Guidelines~~

~~Prior to the commencement of any stage of the development, Design Guidelines must be provided to the satisfaction of the responsible authority. The Design Guidelines must be generally consistent with the Residential Design Guidelines forming part of the approved Development Plan for the land. Once approved, the Design Guidelines will form part of any permit.~~

~~The Design Guidelines are to specifically address:~~

- ~~▪ Building heights and setbacks;~~
- ~~▪ Fencing height and form;~~
- ~~▪ Car parking provision and location of garages, carports, car spaces and garage doors;~~
- ~~▪ Building materials and architectural styles throughout the site;~~
- ~~▪ Siting and orientation of buildings having regard to passive energy efficiency techniques; and~~
- ~~▪ Interface treatments to existing residential land.~~

Any permit for retail and/or medical centre uses fronting Corio-Waurn Ponds Road must require interface treatments to adjacent residences to the satisfaction of the Responsible Authority.

### 3.0 Requirements for Development Plan

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A Development Plan must be generally in accordance with the *Henry Street Belmont Concept Plan 2017* forming part of this Schedule.

Only one Development Plan shall be approved for the entire area covered by this Schedule.

The Development Plan must state the stage of construction for ~~any~~ [all public](#) infrastructure works identified in the Development Plan.

[The Development Plan may be amended to the satisfaction of the Responsible Authority.](#)

The Development Plan must show or include the following:

A **Planning Assessment** that includes:

- A site analysis that identifies the key attributes of the land, its context, the surrounding area and its relationship with adjoining land;
- A context analysis that identifies existing or proposed uses on adjoining land, and other neighbourhood features such as public transport, activity centres, [community infrastructure](#), walking and cycling connections.

An **Urban Design Masterplan** that includes:

- The location of all proposed land uses including, roads, public open space and housing types [generally in accordance with the Henry Street Belmont Concept Plan 2017](#).
- The staging of the subdivision and the general subdivision layout including location and distribution of lots.
- A variety of housing types generally located as follows:
  - Medium density residential ([generally up to](#) 2-3 storeys in height) fronting Corio Waurn Ponds Road and a new on-site park, and Reynolds Road.
  - Medium density residential ([generally up to](#) 2 storeys in height) consisting of detached and attached dwellings adjacent to higher density areas.
  - Conventional residential ([generally up to](#) 1-2 storeys in height) through the middle section of the site.
- [Consideration of](#) ~~The~~ ~~recessing of~~ third storey elements to reduce the dominance of buildings from adjoining properties and the streetscape.
- Identification of the north east corner as a possible site for retail and/or medical centre uses ~~contained to at the ground floor of an accommodation building~~, with vehicle access/ egress from Corio Waurn Ponds Road only.
- Identification of any private internal roads and demonstrating resolution of engineering design for vehicle access, ~~visit~~ or parking, waste services, drainage, footpaths, landscaping and infrastructure services.
- Where practical, the integration of existing high [and moderate](#) value canopy trees within open space reserves informed by an arboricultural assessment prepared by a suitably qualified expert.

An **Integrated Water Management Plan** that includes:

- Reference to:
  - *WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005.*
  - *Clause 56.07 of the Greater Geelong Planning Scheme.*
  - *City of Greater Geelong Stormwater Management Plan, 2002.*
  - *The Infrastructure Design Manual and associated Design Notes.*
- A Water Sensitive Urban Design that demonstrates the methods of collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner.
- Systems to ensure the peak discharge rate and pollutant load of stormwater leaving the land ~~covered by this Schedule~~ post development is no greater than pre-development [levels](#) and provides for discharge to the existing drainage network, or as otherwise nominated by Council.
- The location of any on-site detention facility (or facilities) to capture and treat stormwater from the development.

**A Road Network and Traffic Management Plan** that includes:

- Existing conditions of ~~the site and~~ surrounding road and public transport networks.
- Anticipated vehicle generation and distribution from the development.
- ~~The upgrading of the Henry Street/Corio Waurn Ponds Road intersection and Corio Waurn Ponds Road between Henry Street and Davies Street, as required by VicRoads.~~
- No direct residential lot vehicle or new road access to Corio Waurn Ponds Road.
- Reconstruction of the Henry Street road reserve frontage to the site inclusive of a minimum 1.5 metre wide footpath and street trees provided on the south side of Henry Street.
- No new road access to Reynolds Road and direct residential vehicle access ~~restricted~~ minimised.
- A minimum 2.0 metre wide footpath and street trees are to be provided on Reynolds Road to the frontage of the site.
- Identification of any intersection treatment works required at Henry Street/Reynolds Road as a result of the development.
- A pedestrian crossing facility on Reynolds Road to connect to the school and reserve which may require removal or upgrading of the existing crossing.
- ~~The provision of car parking in accordance with Clause 52.06.~~

**An Open Space and Landscape Masterplan** that includes:

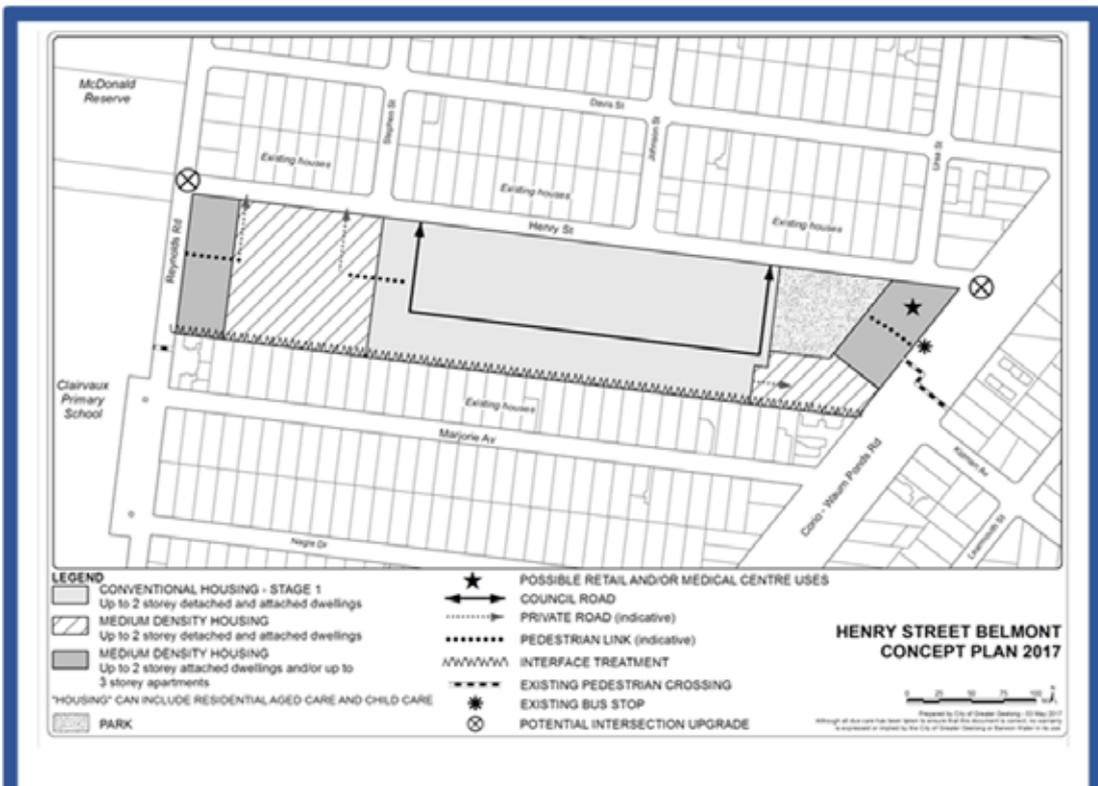
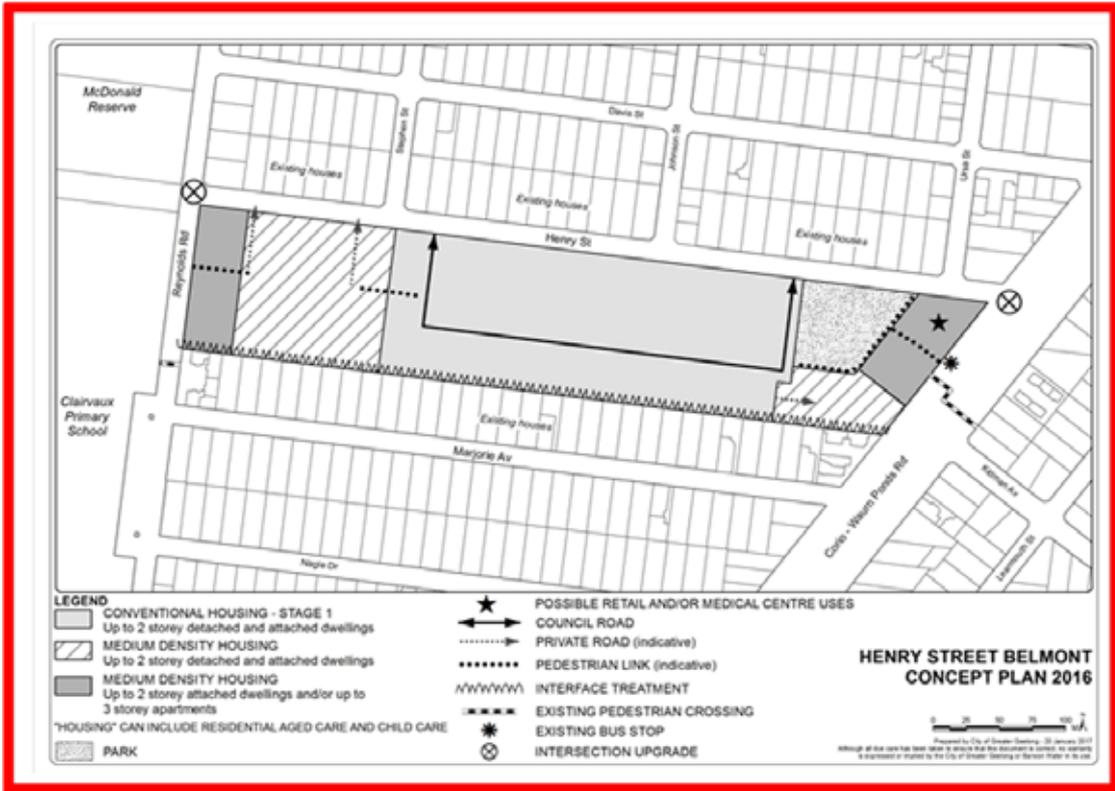
- An Open Space Contribution equal to 10% of the developable residential land or in-lieu cash payment or combination of both. Encumbered land shall not be credited as public open space including on-site drainage detention facilities, and any pedestrian link reserves that are encumbered by a carriageway easement, road reserve or the like. ~~and any land providing formal pedestrian access and address to Stage 3 dwellings abutting the park.~~
- A 0.5 hectare (approximate) park located as shown on the *Henry Street Belmont Concept Plan 2017* and interfaced by public roads on 2 sides (1 side being Henry Street). The park must present as ~~communal~~ public open space ~~and not appear to be for the private use of Stage 3 residents.~~
- Conceptual plans for the park showing general layout and indicative landscape treatments (such as seating, play spaces and paving materials) with any infrastructure being in accordance with the standards set out in Council's Sustainable Communities Infrastructure Development Guidelines June 2016 and the use of local indigenous plant species where appropriate. The park will include a perimeter shared path not encumbered by any carriageway easement or road reserve. Utility kiosks/cabinets must not be located in the park.
- Identification of all existing canopy trees to be retained and removed, with the aim of retaining healthy, ~~high~~ and moderate value trees in the park and road reserves.
- New street tree species selection.
- ~~Typical street cross sections for Council and private roads.~~
- Provision of safe, accessible and convenient pedestrian links in accordance with CPTED principles through the whole site and connecting with the surrounding road network.

**Residential Design Guidelines** which provide the following:

- Indicative building heights and setbacks along interface areas with an appropriate transition in building height from lower built form along sensitive ~~precinct~~ interfaces to higher built form elsewhere;
- Indicative treatments for key interface areas (e.g. between open space areas and proposed development, and between existing residential and proposed residential development);
- ~~Relevant recommendations and findings from supporting technical reports.~~
- A written description of how the development will enhance the existing urban realm and minimise any adverse amenity impacts to adjacent or nearby sites.

#### 4.0 Henry Street Belmont Concept Plan 2016

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 Proposed C251



## **Appendix D      Panel recommended version of Draft Permit**

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

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**Permit No.: 408/2016**

**Planning scheme: Greater Geelong Planning  
Scheme**

**Responsible authority: Greater Geelong City  
Council**

**ADDRESS OF THE LAND: 1 HENRY STREET, BELMONT**

**THE PERMIT ALLOWS: STAGED MULTI-LOT SUBDIVISION (INCLUDING SUBDIVISION  
OF LAND ADJACENT TO A ROAD IN A ROAD ZONE CATEGORY 1) AND  
CONSTRUCTION OF A SINGLE DWELLING ON EACH LOT UNDER 300 SQUARE  
METRES**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Amended Plans**

1. Prior to the commencement of works, three (3) copies of 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 dated 8 September 2016~~ [TP11-16, 21, 30-34 Revision A dated 22 August 2016; TP00, 02, 04, 05, 06 & 10 Revision B dated 22 August 2016; TP01, 03, 18-20, 40 & 50 dated 4 March 2016 and TP35 Revision A Dated 4 March 2016 and TP50-56](#), but modified to show:
- a) Modifications to proposed allotment boundaries so that Trees 55, 57, 59, ~~66~~, 72 and 196 (as identified in the Arboricultural Assessment prepared by Tree Logic (dated 5/10/2015)) are incorporated into the development and retained in public reserves.
  - b) Relocation of visitor car spaces V12 and V13 northward to provide more space for a potential future link between Future Stage 3 to the east and the proposed road named 'Internal Central Street'.
  - c) The use of alternative screening devices to reduce the extent of obscure glazing to address overlooking from 'Bed 2' and 'Bed 3' of each dwelling.
  - d) [Replacement of 5.0 metre wide crossovers with functional minimal width crossovers, where possible, based on swept path analysis.](#)
  - e) [The provision of at least 6 cubic metres of externally accessible, secure storage space for each dwelling.](#)

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**Date Issued:**

**Date Permit comes into  
operation:**  
(or if no date is specified, the permit  
comes into operation on the same  
day as the amendment, to which  
the permit applies, comes into  
operation)

**Signature for the Responsible  
Authority**

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2. Prior to occupation of the dwellings, all buildings and works must be completed in accordance with the endorsed plans unless otherwise approved in writing by the Responsible Authority.

### Development Plan Approval

3. Unless otherwise approved by the Responsible Authority the subdivision and development as shown on the endorsed plans must not commence until a Development Plan required by Schedule 35 of the Development Plan Overlay of the Greater Geelong Planning Scheme has been approved by the Responsible Authority.

### Infrastructure Contributions

4. The owner must make Infrastructure Contributions to Council as required by the Section 173 Agreement between the Greater Geelong City Council and Belmont Projects Pty Ltd, dated xx/xx/xx.

### Environmental Audit

5. Before a sensitive use commences or before the construction or carrying out of buildings and works in association with a sensitive use commences ~~Prior to the commencement of site works~~, either:
- a) A certificate of environmental audit for the land must be issued in accordance with Part IXD of the Environment Protection Act 1970, or
  - b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for residential use of the development hereby approved;
- to the satisfaction of the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the development hereby approved must comply with all the directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to Statement of Compliance for any stage and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

## DEVELOPMENT

### Endorsed Plans

6. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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<b>Date Issued:</b>	<b>Date Permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment, to which the permit applies, comes into operation)	<b>Signature for the Responsible Authority</b>
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7. Once the construction of a dwelling has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

### Landscaping

8. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and show:
- Details of surface finishes of pathways and driveways;
  - A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
  - Landscaping and planting within all open areas of the site.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority

### Prior to Occupation

10. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the dwellings, the developer must:
- Construct the site stormwater system for each dwelling in accordance with the approved stormwater strategy, and connect into the drainage connection point as shown on the endorsed engineering plans required under the subdivision conditions of this permit, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with the Infrastructure Design Manual/ City of Greater Geelong Standard Drawings;
  - Construct any roads required to provide access to the dwellings, including turning areas. The road must be constructed in accordance with the endorsed engineering plans required under the subdivision conditions of this permit. The roads must be constructed to a full construction standard;
  - Construct vehicle crossings to all lots in accordance with the endorsed plans and to the requirements and standards of the City of Greater Geelong;
  - Remove any redundant kerb and channel, section of road pavement, vehicle crossing, and reinstate kerb and channel, the footpath/nature strip area and road pavement to match existing construction in the street;
  - Clean and finish all external walls on or facing property boundaries;
  - Complete landscaping in accordance with the endorsed plans;
  - Complete all buildings and works in accordance with the endorsed plans.

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<b>Date Issued:</b>	<b>Date Permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment, to which the permit applies, comes into operation)	<b>Signature for the Responsible Authority</b>
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all to the satisfaction of the Responsible Authority.

Notes:

1. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
2. A Vehicle Crossing Permit must be obtained prior to commencement of works.

### **Maintenance of Screening Devices**

11. Screening devices shown on the endorsed plans that limit overlooking to adjoining properties must be maintained to the satisfaction of the Responsible Authority.

### **SUBDIVISION**

#### **Endorsed Plans**

12. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan must 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.
13. The staging of the subdivision must be generally in accordance with the staging plan endorsed as part of this planning permit except with the prior written consent of the Responsible Authority.

#### **Creation of Easements**

14. The 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 to the satisfaction of the Responsible Authority.

#### **Corner Splay**

15. The plan of subdivision submitted for certification must include a splay for road purposes at all internal and external intersections in accordance with the Infrastructure Design Manual to the satisfaction of the Responsible Authority.

#### **Environmental (Construction) Management Plan**

16. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing on any stage, an Environmental (Construction) Management Plan (EMP) must be submitted to and approved by the Responsible Authority. The EMP must address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority. The plans must include measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged

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directly or indirectly into stormwater drains or watercourses during the construction period. The EMP must be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004.

When approved the EMP will form part of this permit. All development and works must be carried out in accordance with the endorsed EMP, to the satisfaction of the Responsible Authority.

(Note: where a conflict arises with the construction management plan and any legislation, the relevant legislation will take precedence).

### Functional Layout Plans

17. Unless otherwise approved in writing by the Responsible Authority, prior to certification of the first stage of the subdivision, a detailed functional layout plan for the entire subdivision area (Stage 1) is to be submitted to and approved by the Responsible Authority. The plan is to include, but is not limited to:

- a) All proposed road reserve and pavement widths;
- b) Proposed kerb and channel profile and proposed footpath surfacing;
- c) Location of all services and confirmation that all services can be constructed within the naturestrip areas of the proposed road reserves;
- d) Approved turning manoeuvre areas at court/ cul-de-sac ends suitable for the safe and efficient turning of service vehicles, including Council's waste collection vehicles, and emergency vehicles;
- e) All proposed on street parking areas, including indented parking with the objective being to maximise the number of on street parking area within the subdivision;
- f) Removal of existing Henry Street indented bus stops including the removal of kerb and channel together with road pavement, and the reinstatement of kerb and channel and naturestrip;
- g) Reconstruction of the ~~failed sections of~~ road pavement and kerb and channel in Henry Street abutting the site from High Street to Ursa Street;

all to the satisfaction of the Responsible Authority.

### Road Construction Plans

18. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works on any stage of the subdivision, engineer designed plans for the full construction of all new roads must be submitted to and approved by the Responsible Authority. These plans must show, but are not limited to:

- a) Full construction of all new roads, including: road reserve landscaping, kerb and channel, road pavements and sealing, footpaths, linemarking, utilities, street lighting, signage and street trees;

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- b) Approved turning manoeuvre areas at court/cul-de-sac ends suitable for the safe and efficient turning of service vehicles, including emergency vehicles and Council's waste collection vehicles;
- c) Suitable road reserve cross sections to convey major drainage flows within the subdivision site. Unless approved otherwise by the Responsible Authority, the road pavement widths for all streets in the subdivision must be 7.6 metres back to back of B2 kerb and channel;
- d) Any proposed Local Area Traffic Management treatments within the subdivision site and in Henry Street;
- ~~e) Major traffic management control items e.g. roundabout at major road intersections within and abutting the subdivision. The major traffic control items shall be determined to the satisfaction of the Responsible Authority at the time of approval of the engineering design plans;~~
- e) On-street parking;
- f) The design of footpath abutting the Henry Street sideage;
- g) The removal of the existing Henry Street indented bus stop. The works will include the removal of kerb and channel together with road pavement, and the reinstatement of kerb and channel and naturestrip;
- h) Reconstruction of the failed sections of road pavement and kerb and channel in Henry Street abutting the site from High Street to Ursa Street;

all to the satisfaction of the Responsible Authority.

### Site Stormwater Management Plan

19. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, a Site Stormwater Management Plan (SSMP) prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

### Drainage Plans

20. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, engineer designed drainage plans in conjunction with the endorsed Site Stormwater Management Plan (SSMP) must be submitted to and approved by the Responsible Authority.

These plans must show, but are not limited to:

- a) Pits and pipe sizes;
- b) Finished surface and existing surface levels;
- c) Creation of appropriate easements;
- d) Connection to the existing council drainage network;
- e) The conveyance of any external major flows through the site;

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- f) Stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:

80% retention of the typical annual load of suspended solids;  
45% retention of the typical annual load of total phosphorous;  
45% retention of the typical annual load of total nitrogen; and  
70% retention of the typical annual load of gross pollutants.

all to the satisfaction of the Responsible Authority.

### Stormwater Quantity

21. The site stormwater discharge for each catchment is to be limited as follows:

a) Eastern Catchment

5 Year ARI: Permissible Site Discharge = 0.63 m<sup>3</sup>/sec

100 Year ARI: Permissible Site Discharge = 1.23 m<sup>3</sup>/sec

b) Western Catchment

5 Year ARI: Permissible Site Discharge = 0.01 m<sup>3</sup>/sec

100 Year ARI: Permissible Site Discharge = 0.05 m<sup>3</sup>/sec

### Stormwater Quality

22. Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

### Completion of Engineering Works

23. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for the relevant stage, the permit holder must:

- a) Construct works in accordance with the endorsed engineering plans relating to drainage, roads, footpaths etc. Roads created as part of the subdivision as shown on the endorsed plans must be constructed to a full construction standard;
- b) Complete all works shown on the endorsed Functional Layout Plan that are within the relevant stage;
- c) Construct a separate drainage connection point for each lot in accordance with the approved drainage plans;
- d) Relocate any existing services crossing the new lots;
- e) Remove any existing buildings that traverse the lot boundaries;
- f) Construct any required major traffic management control items e.g. roundabout at major road intersections within and abutting the subdivision, and any required LATM treatment;

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Date Issued:

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- g) construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong. Vehicle crossings must have a 1.0 metre offset from light poles and utility pits;
- h) remove any redundant kerb and channel, section of road pavement and/or vehicular crossing, and reinstate with kerb and channel, footpath, nature strip and/or road pavement to match existing construction in the street;
- i) satisfy the Stormwater Quality condition of this permit.
- j) provide street lighting within and abutting the subdivision at the full cost of the permit holder;
- k) Provide and erect relevant street signs;
- l) Provide fire hydrants and/or fire plugs in accordance with Standard C29 of Clause 56.09-3 of the Greater Geelong Planning Scheme;

all to the satisfaction of the Responsible Authority.

### Street Tree Master Plan

24. Unless otherwise approved by the Responsible Authority, prior to the issue of Statement of Compliance for the first stage, a street tree master plan prepared by a suitably qualified landscape architect in consultation with Council's Tree Management Unit must be submitted to and approved by the Responsible Authority. Once approved all subsequent stages of the development must accord with the master plan unless otherwise agreed in writing by the Responsible Authority.

### Streetscape Plans

25. Unless otherwise approved by the Responsible Authority, prior to the issue of Statement of Compliance for the relevant stage, a detailed streetscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The streetscape plan must be drawn to scale with dimensions and three hard copies provided. The plan must be developed in conjunction with the latest civil plans and in accordance with the approved street tree master plan and show:

- a) The layout of new planting in all road reserves ~~using deciduous trees running east/west and evergreens running north/south~~ consistent with the Landscape Plan required by Condition 24;
- b) Details of all other infrastructure within the road reserve (power, street lights, stormwater pits, telecommunications pits, third pipeline etc);
- c) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species;
- d) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;
- e) Trees to be located on secondary lot frontages shall be capped at two (2) only and must not exceed an expected size of 5 metres x 4 metres at maturity;
- f) The maintenance schedule for all proposed planting;

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all to the satisfaction of the Responsible Authority.

### **Completion of Streetscape Works**

26. The streetscape works shown on the endorsed streetscape plan must be carried out to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance for the relevant stage, or any other time as agreed in writing by the Responsible Authority and suitably bonded.

Substitutions shall not be made without the prior knowledge or consent of the Responsible Authority.

A maintenance bond must also be submitted to the Responsible Authority at the time of application for practical completion of streetscape works.

Note 1: The incomplete streetscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete streetscape works and the maintenance bond or bank guarantee must be 100 per cent of the estimated cost of maintenance of streetscape works for a two (2) year period.

Note 2: A practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned on award of practical completion.

Note 3: Incomplete works covered by approved bonds must be enacted within 12 months of Statement of Compliance being issued.

### **Maintenance of Streetscapes**

27. The streetscapes shown on any endorsed streetscape plan for a particular stage must be appropriately bonded and maintained to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion being awarded. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required.

Note 1: A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The streetscape maintenance bond will be returned upon acceptance of handover.

Note 2: No handovers will be accepted during the summer period, between 30 November and 1 March.

### **Tree Protection Zone / Remedial Actions Required**

28. Prior to the commencement of works for all or that particular stage of the development, all trees approved for retention must be protected via tree protection zones installed in accordance with the arboricultural assessment and the requirements of AS4970 – 2009

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*Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. Once approved, all tree protection measures shall not be moved or removed for the duration of the works without the knowledge or consent of the consulting arborist and/or the Responsible Authority.

Note: An inspection is required to satisfy this condition, please contact Council's Parks Unit on 5272 4827 to discuss this requirement and provide adequate notice of any request.

All recommended remedial actions being undertaken such as deadwooding, formative pruning, removals etc must be carried out in accordance with AS4373-2007 *Pruning of Amenity Trees* using suitably trained / qualified arboricultural staff to the satisfaction of the Responsible Authority and maintained as part of the streetscape works for all of that particular stage of the development for a period of no less than two (2) years [from practical completion of works](#).

Within this zone there must be no vehicular or pedestrian access, trenching, excavation, or storage of waste to the satisfaction of the Responsible Authority.

### Section 173 Agreement - Drainage

29. Unless otherwise approved by the Responsible Authority and prior to the issue of Statement of Compliance for the relevant stage, the land owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 for the installation, use, and on-going maintenance of allotment drainage in accordance with the approved stormwater strategy to achieve the permissible site discharge. All costs associated with setting up and reviewing the agreement must be borne by the land owner. The agreement is to be registered on each individual title, and run with the land, and is to provide to the satisfaction of the Responsible Authority that:

- a) All storm water runoff is to be collected on site and discharged to the legal point of discharge for each allotment/catchment;
- b) In the event of any operational difficulties with the allotment drainage, it is the responsibility of the land owner to rectify these difficulties.

### Public Open Space Contribution

30. Unless otherwise approved by the Responsible Authority, the owner of the subject land must:

- a) Provide a Public Open Space Contribution equal to 10% of the developable residential land [across the entire 1 Henry Street site](#) consisting of a 0.5 hectare (approximate) park to be provided [in a subsequent stage of the subdivision](#) ~~and land required for tree retention as per Condition 1(a)~~, and the balance (being the equivalent site value of the balance land) to be paid to Council in cash.

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- b) Deliver the Public Open Space Contribution in accordance with the Approved Development Plan and Section 173 Agreement registered on the Title of 1 Henry Street, Belmont.
- c) Submit a land budget to determine compliance with this condition.

### Telecommunications

31. The owner of the land must enter into an agreement 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 will not be provided by optical fibre.

32. 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 time; and
- b) A suitably qualified person that fibre ready telecommunication 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.

### Site Works

33. No topsoil must be removed from the land without the consent of the Responsible Authority and any topsoil disturbed as a result of works permitted by this permit shall be stockpiled on the site for later redressing of the land.

34. Any existing filling on the site must be removed from the site to the satisfaction of the Responsible Authority. Any new filling to be placed on the site must be engineered filling, and must be approved by the Responsible Authority prior to placement on site. Compaction and testing of any new filling is to be to the satisfaction of the Responsible Authority.

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### **Disturbed Surfaces**

35. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of Statement of Compliance for the relevant stage, all disturbed surfaces except those areas set aside for roadways and footpaths shall be dressed with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Responsible Authority to prevent any erosion or siltation either on or adjacent to the land.

### **Street Names**

36. Prior to certification the subdivider must provide a list of proposed street names for approval.

## **BARWON WATER CONDITIONS**

### General

37. The owner shall create easements for Pipelines or Ancillary Purposes in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. If further easements or reserves are required following design of water and sewerage 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.
38. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

### Water

39. The provision and installation of individual water services to all lots in the subdivision. Note that tappings and services are not to be located under existing or proposed driveways.
40. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.
41. Reticulated water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
42. The existing 450mm water main in Reynolds Road is not available for direct connection and a rider main will be required to be constructed to service lots fronting Reynolds Road.
43. Meter numbers 0730555, 0943387, 1030011, 1030012 and 0439233 are to be returned to Barwon Water prior to the issue of Certificate of Compliance. The associative

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tappings are to be cut and sealed at the respective mains. Details of the locations of these services can be made available upon request.

### Sewer

44. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).
45. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
46. Reticulated sewer mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
47. The proposed development can be serviced by the existing Geelong Sewer System. The development can be serviced by the existing gravity sewer system which includes:
- DN150 and DN137 gravity sewers located on the southern property boundary
  - DN150 gravity sewers opposite the east property boundary within High Street.
48. The existing site contains several connections to the existing sewer mains. These sewer connection points must be decommissioned in accordance with Barwon Water's 'Property Connection Decommissioning Process' prior to the issue of Certificate of Compliance. The location of these points can be made available upon request.

### **POWERCOR CONDITIONS**

49. The applicant shall provide an electricity supply to all properties within the development in accordance with Powercor's requirements and standards, including the extension, augmentation or rearrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work may be required).
50. The applicant shall, where buildings or other installations exist on the land and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
51. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

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52. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
53. The applicant shall set aside on the property for the use of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways where an electric substation (e.g. indoor) is required to service the development. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat.
54. The applicant shall provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the development and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
55. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
56. The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

#### **PUBLIC TRANSPORT VICTORIA CONDITIONS**

57. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street/Princes Highway is kept to a minimum during the construction of the development. Foreseen disruption to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.
58. The existing bus stop and associated infrastructure on High Street/Princess Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works for damage during construction must be rectified to the satisfaction of Public Transport Victoria at the cost of the permit holder.

#### **VICROADS CONDITIONS**

- ~~59. Prior to the issue of Statement of Compliance, the following works must be completed to the satisfaction of, and at no cost to VicRoads and the Responsible Authority:~~
- ~~a) Undertake modifications to the Henry Street/Corio Waurm Ponds Road intersection to prohibit vehicles turning right.~~
- ~~b) Create a central median opening on the Corio Waurm Ponds Road between Henry Street and Davis Street, to cater for west bound vehicles only. These works must also include the construction of a right turn lane.~~

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~~60. Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and work approvals processes, including the determination of fees and the level of VicRoads' service obligations.~~

## **EXPIRY**

### **Development**

~~59~~<sup>64</sup> This permit as it relates to the development of buildings will expire if one of the following circumstances applies:

- a) The development of the building(s) hereby approved has not commenced within ~~two (2)~~ three (3) years of the date of this permit.
- b) The development of the building(s) hereby approved is not completed within ~~four (4)~~ five (5) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- a) Within six (6) months after the permit expires where the use or development has not yet started; or
- b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

### **Subdivision**

60 This permit as it relates to subdivision 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 four (4) 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 the relevant stage of subdivision.

The Responsible Authority may extend the certification periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

### **Notes**

1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost

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of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.

2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

#### Barwon Water

4. The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.

It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L013091.

#### Downer

5. Should gas be required to be either connected or disconnected to the existing or future properties please contact your local gas retailer.

#### Powercor

6. It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail.

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