

# MINUTES

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## PLANNING COMMITTEE MEETING No. 225

Thursday 16<sup>th</sup> April 2026  
6pm

City Hall, 57 Little Malop Street, Geelong

LIVE STREAMED ON THE CITY'S WEBSITE:

[www.geelongaustralia.com.au/meetings](http://www.geelongaustralia.com.au/meetings)

**PANEL:**

Cr A Katos (Deakin Ward) - Chair  
Cr T Sullivan (Leopold Ward)  
Cr R Nelson (Barrabool Hills Ward)  
Cr E Kontelj (Hamlyn Heights Ward)  
Cr A Aitken (Corio Ward)  
Cr R Story (Murradoc Ward)

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## **PRESENT**

**Present:** Cr's A Katos (Chair), T Sullivan (Deputy Chair), R Nelson, A Aitken, E Kontelj, R Story

**Also Present:** Joanne Van Slageren, Manager City Development, John Rush, Coordinator Statutory Planning, Shane Pritchard, Team Leader Statutory Planning, Nathan O'Shaughnessy, Senior Statutory Planner, Tessa English, Administration Officer City Development, Jacquilyn Douglas, Manager Council and Corporate Governance, Danielle Pangrazio, Governance Advisor Council Business

**Opening:** The Chair declared the meeting open at 6pm.

## **1. PROCEDURAL MATTERS**

### **1.1. Acknowledgement Of Country**

The Committee acknowledges the Wadawurrung People as the Traditional Owners of the Land, Waterways and Skies. We pay our respects to their Elders, past and present. We Acknowledge all Aboriginal and Torres Strait Islander people who are part of our Greater Geelong community today.

### **1.2. Welcome**

### **1.3. Introduce The Panel Members**

#### **Committee Members:**

Cr A Katos (Deakin Ward) - Chair  
Cr T Sullivan (Leopold Ward) - Deputy Chair  
Cr R Nelson (Barrabool Hills Ward)  
Cr E Kontelj (Hamlyn Heights Ward)  
Cr A Aitken (Corio Ward)  
Cr R Story (Murradoc Ward)

#### **Also Present:**

Joanne Van Slageren, Manager City Development, John Rush, Coordinator Statutory Planning, Shane Pritchard, Team Leader Statutory Planning, Nathan O'Shaughnessy, Senior Statutory Planner, Tessa English, Administration Officer City Development, Jacquilyn Douglas, Manager Council and Corporate Governance, Danielle Pangrazio, Governance Advisor Council Business

### **1.4. Apologies**

Cr M Cadwell  
Cr E Sinclair  
Cr C Burson  
Cr E Wilkinson  
Mayor Cr Dr Stretch Kontelj

### **1.5. Declarations Of Conflicts Of Interest**

NIL

### **1.6. Confirmation Of Minutes**

**Cr A Aitken moved, Cr R Nelson seconded -**

That the Minutes of the Planning Committee Meeting held on 4 December 2025 be confirmed.

**Carried**

## 2. MATTER(S) FOR CONSIDERATION

### 2.1. PP-1102-2024 - 351-379 Bawtree Road, Leopold

<b>Application No:</b>	PP-1102-2024
<b>Applicant:</b>	Spiire Geelong
<b>Subject Land:</b>	351-379 Bawtree Road, Leopold
<b>Owner:</b>	L&H Holdings (Property) Pty Ltd
<b>Zone:</b>	Rural Living Zone, Farming Zone
<b>Overlays:</b>	Significant Landscape Overlay
<b>Existing Use:</b>	Vacant Land
<b>Proposed Use:</b>	Five (5) Lot Subdivision and Associated Vegetation Removal

#### Summary

- The subject site at 351–379 Bawtree Road, Leopold comprises a single allotment (Lot 13 on PS040801) with an area of approximately 18.2 hectares. The land has a frontage of 291.78m to Bawtree Road and a depth of approximately 638.13m.
- The site is currently vacant farmland and contains minimal vegetation aside from a strip of trees along the front boundary.
- The land slopes generally towards the southeast/east with an approximate fall of 28 metres across the site.
- The property is affected by two zones being the Rural Living Zone (RLZ) along the frontage and Farming Zone (FZ) across the rear of the site.
- The surrounding area predominantly comprises large rural and rural residential lots. The land to the west and north is zoned Rural Living Zone with lot sizes generally 1.5–2 hectares containing single dwellings, while the land in other directions is within the Farming Zone, and generally used for agriculture with lot sizes ranging from 2–33 hectares.
- The application seeks approval for a five (5) lot subdivision.
- The subdivision proposes creation of four (4) lots within the Rural Living Zone part of the lot with lot sizes ranging from 1.409ha to 1.546ha (proposed Lots 1-4). Each lot will obtain direct access from Bawtree Road.
- The balance lot (proposed lot 5) has an area 12.21 hectares largely within the Farming Zone with the access provided via a 28.23m wide access strip through the Rural Living Zone land to Bawtree.
- The proposal also includes minor native vegetation removal, consisting of:

- Removal of 0.007 hectares of native vegetation.
  - Vegetation includes Hickory Wattle and Beaded Glasswort, primarily located along proposed lot boundaries.
- The application was referred to Barwon Water and Powercor. The referral authorities do not object to the issue of a planning permit subject to conditions.
- The application was reviewed by internal City Departments and is supported subject to conditions.
- The application was publicly advertised a total of 19 objections were received.
- Key issues raised included:
  - Loss of rural character and amenity.
  - Traffic and road safety concerns on Bawtree Road.
  - Native vegetation removal and environmental impacts.
  - Potential impacts on Lake Connewarre and wetlands.
  - Alleged inconsistency with strategic planning policy.
  - Fragmentation of agricultural land.
  - Infrastructure and waste servicing concerns.
  - Concerns about precedent for further subdivision.
- The applicant later amended the proposal following public notice to:
  - Adjust the vehicle crossover for Lot 5.
  - Provide space for waste vehicle movements.
  - Make minor boundary adjustments to reduce vegetation impacts.
- The application has been assessed against the relevant Planning Policy Framework (PPF), Municipal Planning Strategy (MPS), Zone, Overlay, Particular and General Provisions of the Greater Geelong Planning Scheme and the objections lodged against the proposal.
- The officer assessment determined that the subdivision meets the minimum lot size requirements of the Rural Living Zone as Lots 1-4 will have an average size of 1.5ha. The proposed lots will also be consistent with the surrounding lot pattern along Bawtree Road.
- All Farming Zone part of the lot remains within Lot 5, which will assist to meet the agricultural uses provided for in the zone.
- The proposed lot 5, which extends across two zones also complies with the permit requirements of Clause 64.03 (Subdivision of Land in More than One Zone).
- Native vegetation removal has been avoided and minimised to the maximum extent possible in accordance with Clause 52.17 (Native Vegetation).
- Based on the assessment of the proposal being in accordance with the planning scheme requirements it is respectfully recommended that the Council issue a Notice of Decision to Grant a Planning Permit for a Five (5) Lot Subdivision and Associated Vegetation Removal at 351-379 Bawtree Road, Leopold.

## **ALTERNATE RECOMMENDATION**

**Cr T Sullivan moved, Cr R Story seconded –**

**That the responsible authority, having considered all matters which Planning and Environment Act 1987 requires it to consider, decides to refuse to grant a Planning Permit for a five (5) Lot Subdivision and Associated Vegetation Removal at 351-379 Bawtree Road, Leopold, based on the grounds outlined in Attachment 3:**

**Lost**

## **RESOLUTION – Item 2.1**

**Cr E Kontelj moved, Cr R Nelson seconded –**

**That the responsible authority, having considered all matters which Planning and Environment Act 1987 requires it to consider, decides to issue a Notice of Decision to grant a Planning Permit for a five (5) Lot Subdivision and Associated Vegetation Removal at 351-379 Bawtree Road, Leopold, generally in accordance with the plans and documentation submitted with the application on the conditions outlined in Attachment 1.**

**Carried**

### ***Financial Sustainability***

There are no direct financial impacts to Council. All subdivision, servicing and vegetation offset costs will be met by the applicant.

### ***Community Engagement***

The application was advertised, including letters to nearby owners/occupiers and onsite signage. 19 objections were received.

### ***Social Equity and Sustainability***

The proposal does not identify any social equity barriers. The subdivision maintains fair and consistent access to rural-living opportunities and ensures future residents can safely and appropriately access essential services such as wastewater management, drainage, and waste collection. No impacts were identified that would disadvantage priority groups or limit equitable access to housing or infrastructure.

### ***Relevant Law/Policy/Legal Implications***

The proposal has been assessed under the Planning and Environment Act 1987 and relevant planning scheme provisions including the Rural Living Zone, Farming Zone, SLO10, Clause 52.17 and Clause 64.03.

### ***Conflict of Interest***

No officer or contractor involved in the assessment or preparation of this report has declared a conflict of interest.

### ***Risk Assessment***

Risks are low. Conditions manage drainage, vegetation protection, access, and waste servicing. No high or extreme community, environmental or infrastructure risks were identified.

### ***Environmental Sustainability***

Vegetation removal is minimal and offset appropriately. Roadside vegetation is largely retained. Drainage controls ensure protection of water quality and the Lake Connemara catchment. Reticulated gas is prohibited, supporting reduced emissions.

### **Attachments**

1. Attachment 1 Conditions Page [2.1.1 - 8 pages]
2. Attachment 2 Officer's Report [2.1.2 - 30 pages]
3. Attachment 3 Grounds of Refusal [2.1.3 - 1 page]

## Attachment 1 – Conditions

### Amended Plans

1. Prior to the certification of the Plan of Subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted 9 December 2025, but modified to show:
  - a. A drainage easement along the eastern boundary of lots 1-4 for future drainage assets.

### Endorsed Plan

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

### Telecommunications

3. 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.
4. 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.

### **No Gas Connection**

5. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This does not apply to:
- a) a lot that will not be used for, or include, a dwelling; or
  - b) a lot that contains an existing dwelling or apartment; or
  - c) a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

This condition continues to have force and effect after a statement of compliance under the Subdivision Act 1988 has been issued and the subdivision authorised by this permit has been completed.

## **ENGINEERING CONDITIONS**

### **Vehicular Crossings**

6. Prior to statement of compliance, the developer must:
- a) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
  - b) Remove any redundant vehicular crossings with kerb and channel and the nature strip area reinstated to match existing construction in the street.
- all to the satisfaction of the Responsible Authority.

### **Drainage**

7. The site must be drained to the satisfaction of the Responsible Authority, and no concentrated storm water may drain or discharge from the land to adjoining properties.

### **Creation of easements**

8. 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.

### **PARKS CONDITIONS**

#### **Arborist Project Completion TPMP Sign-off**

9. Prior to the issue of Statement of Compliance, a written statement from the Project Arborist must be submitted to the Responsible Authority that certifies that the following items have been addressed as part of the works:
  - a) Installation and correct placement of tree protection fencing 2 weeks prior to works commencing and for the duration of works.
  - b) Attendance during Tree Protection Zone incursions.
  - c) Adherence to Australian Standard 4970–2025 Protection of trees on development sites.
  - d) Completed and signed Tree Protection Specification Report.

#### **Tree Protection Specification Report**

10. Prior to the commencement of works, a Tree Protection Specification Report must be submitted to and approved by the Responsible Authority. The Tree Protection Specification Report must be prepared by a suitably qualified arborist and must include all:
  - a) council-owned trees
  - b) privately owned trees and
  - c) trees owned by other parties that are located within 4 metres of the property boundary.

In accordance with Australian Standard 4970-2025 *Protection of trees on developments sites* the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).

When approved the Tree Protection Specification Report and its recommendations will be endorsed and will then form part of the permit.

The approved Tree Protection Specification Report must not be amended or altered without the consent of the Responsible Authority.

### **Tree Protection Zones**

11. Prior to the commencement of works, Tree Protection Fencing must be installed and maintained until works are completed to the satisfaction of the Responsible Authority.

All works within the nominated Tree Protection Zones must be:

- a) carried out in accordance with Australian Standard 4373–2007 *Pruning of amenity trees* and Australian Standard 4970–2025 *Protection of trees on development sites*
- b) overseen by a suitably qualified, level-5 arborist
- c) carried out to the satisfaction of the Responsible Authority by suitably trained and qualified arboricultural staff.

Works encroaching within the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority.

### **Arborist Letter of Engagement**

12. Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), a letter of engagement must be provided to the Responsible Authority from the Project Arborist selected to oversee all relevant tree protection works. In accordance with Australian Standard 4970-2025 Protection of trees on developments sites the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).

When approved the Letter of Engagement will be endorsed and will then form part of the permit.

### **Notification of permit conditions**

13. Prior to works commencing, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and endorsed plans/documents.

## ENVIRONMENT CONDITIONS

### Native Vegetation Offset Requirement

14. To offset the removal of 0.007 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DECCA 2017) as specified below.

### General Offset

15. A general offset of 0.003 general habitat units:
  - a) located within the Corangamite Catchment Management Authority boundary or the City of Greater Geelong municipal district.
  - b) with a minimum strategic biodiversity score of at least 0.703.

### Offset Evidence and Timing

16. Prior to any native vegetation being removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. Statement of compliance for the relevant stage will not be issued until such time as evidence of offset security has been provided to the satisfaction of the Responsible Authority unless otherwise agreed in writing. This evidence is one or both of the following:
  - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

## **BARWON WATER CONDITIONS**

### **General**

17. 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.
18. The provision and installation of a potable water supply to the development.
19. An additional potable water connection(s) is to be provided to service the proposed development. A dimensioned plan showing location of all new connections relative to the allotment boundaries is to be submitted. Note that tapplings and service lines are not to be located under existing or proposed driveways. Contractors are to follow Barwon Water's requirements for the exposing of water main; please see Barwon Waters website. Prior to the commencement of any works, the contractor/ licensed plumber is required to obtain the location of all services from Before You Dig Australia (BYDA). Our standard tapping fees are based on the work site being suitably prepared and the plumber being present on site at the time of the scheduled booking. Additional charges may apply for rescheduled bookings and/or delays arising as a consequence of a failure to meet these requirements. For Occupational Health and Safety reasons, the applicant's plumber is required to be present on site when Barwon Water's accredited contractor taps the main.
20. Barwon Water's records indicate that an existing potable water service is located on this property. Private potable water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.
21. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

**POWERCOR CONDITIONS**

22. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Distributor in accordance with Section 8 of that Act.
23. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Distributor's requirements and standards.

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

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

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

25. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

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

Notes:

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		This Plan (Section 88 - Electricity Industry Act 2000)	Powercor Australia Ltd

**PERMIT EXPIRY**

27. This permit as it relates to subdivision will expire if one of the following circumstances applies:

- a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
- b) A statement of compliance is not issued within five (5) years of the date of certification.

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

**Notes**

1. Where fauna is likely to be present in trees or vegetation proposed for removal, a suitably qualified wildlife handler must be present to ensure that native fauna is managed in accordance with DECCA guidance and all necessary authorisations must be obtained prior to removing native fauna.
2. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost 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.
3. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
4. A Vehicle Crossing Permit must be obtained prior to commencement of works.

## Attachment 2 – Officer’s Report

### PERMIT TRIGGERS:

<b>Planning Scheme Clause</b>	<b>Matter for which the permit has been granted</b>
35.03-3	Subdivide land
35.07-3	Subdivide land
42.03-2	Remove vegetation
52.17-1	Remove native vegetation

### DEFINITIONS:

Subdivision is not defined or nested in the Planning Scheme.

A lot is defined as a part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered plan.

Subdivision is defined in the Subdivision Act 1988 as the division of land into two or more parts which can be disposed of separately.

### RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

### OFFICER DIRECT OR INDIRECT INTEREST:

No officer involved in the preparation of this report declared a general or material conflict of interest.

### SITE/LOCALITY:

The subject site is formally described as Lot 13 on Plan of Subdivision 040801. The lot is not burdened by any restrictions, easements or Section 173 Agreements. The lot is a regular shape with a street frontage of 291.78m, a depth of 638.13m and an overall lot size of 18.2ha. The lot is situated within two lots, with the Rural Living Zone affecting a portion of the west and the Farming Zone taking up the bulk of the remaining area.

Topographically the lot is described as sloping to the southeast/east with a fall of 28m across the site. The lot is currently vacant and is used for cattle grazing. The site is also generally void of vegetation except for a strip of trees along the front boundary. The existing access is situated in the northwest corner of the lot.



Figure 1 - Subject Site



Figure 2 - Zoning Map



*Figure 3 - Looking east from the northwest corner of the subject site*



*Figure 4 - Looking east from the southwest corner of the subject site*



Figure 5 - Looking south down Bawtree Road

### **Surrounding Area**

The land to the west and northwest is zoned Rural Living Zone and consists of lots in the order of 1.5 - 2ha that are occupied by single dwellings.

The land in all other directions is zoned Farming Zone and consists of lot sizes ranging from 2 – 33ha that are used for agriculture and single dwellings.

### **PROPOSAL:**

#### **Proposed Subdivision**

The applicant seeks to subdivide the land into five lots, as described:

	<b>Lot Size</b>	<b>Description</b>
<b>Lot 1</b>	1.5ha	The lots will be contained within the Rural Living Zone part of the lot. Although the lot sizes vary, the average size will be 1.5ha. Access to each of the proposed lots will be provided via Bawtree Road.
<b>Lot 2</b>	1.546ha	
<b>Lot 3</b>	1.409ha	
<b>Lot 4</b>	1.546ha	
<b>Lot 5</b>	12.21ha	The lot will comprise the rear Farming Zone area with a 28.23m wide access strip within the Rural Living Zone land providing access from Bawtree Road. Lot 5 will have an area of 12.21ha.

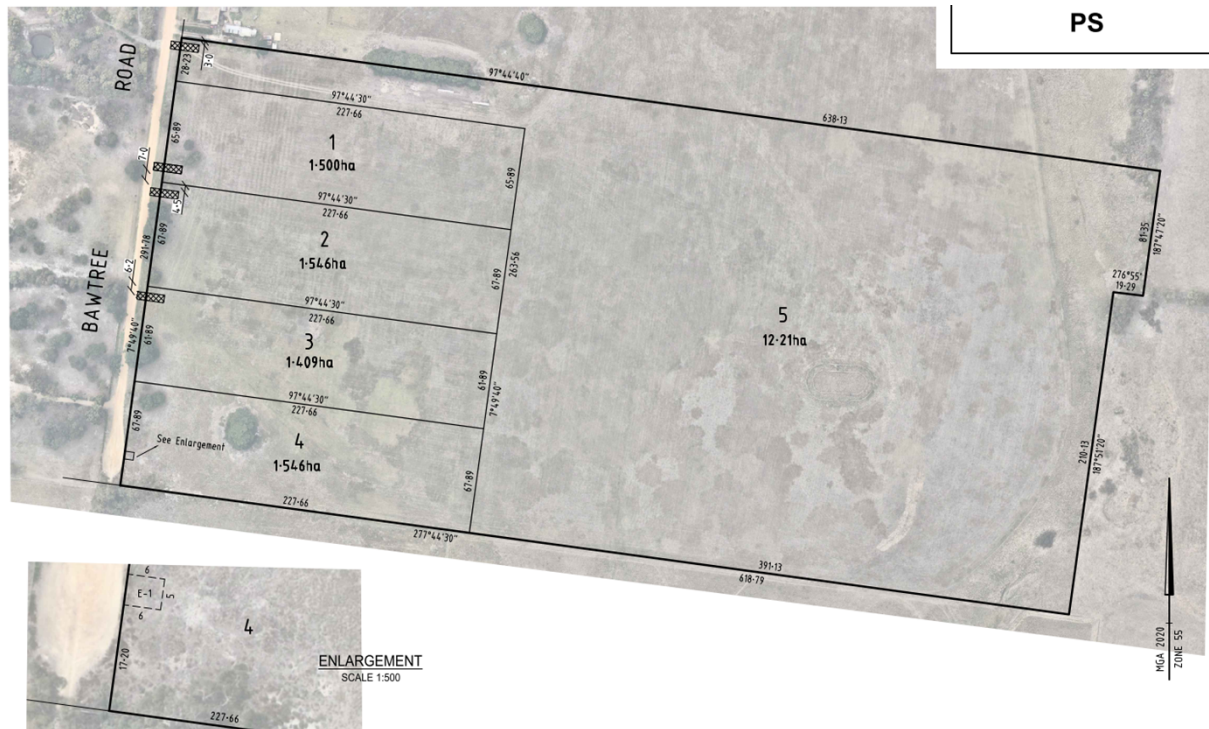


Figure 6 - Proposed Plan of Subdivision

Proposed Vegetation Removal

Tree No.	Common Name	Botanical Name	Extent of Loss (ha)	Permit Trigger	Location
2a	Hickory Wattle	<i>Acacia implexa</i>	0.004 & 0.002	Clause 52.17	The tree is located on the boundary of proposed lots 1 and 2. The tree is located on the boundary of proposed lots 3 and 4.
5	Beaded Glasswort	<i>Salicornia quinqueflora</i>	0.001	Clause 52.17	The patch is located on the boundary of lots 3 and 4.

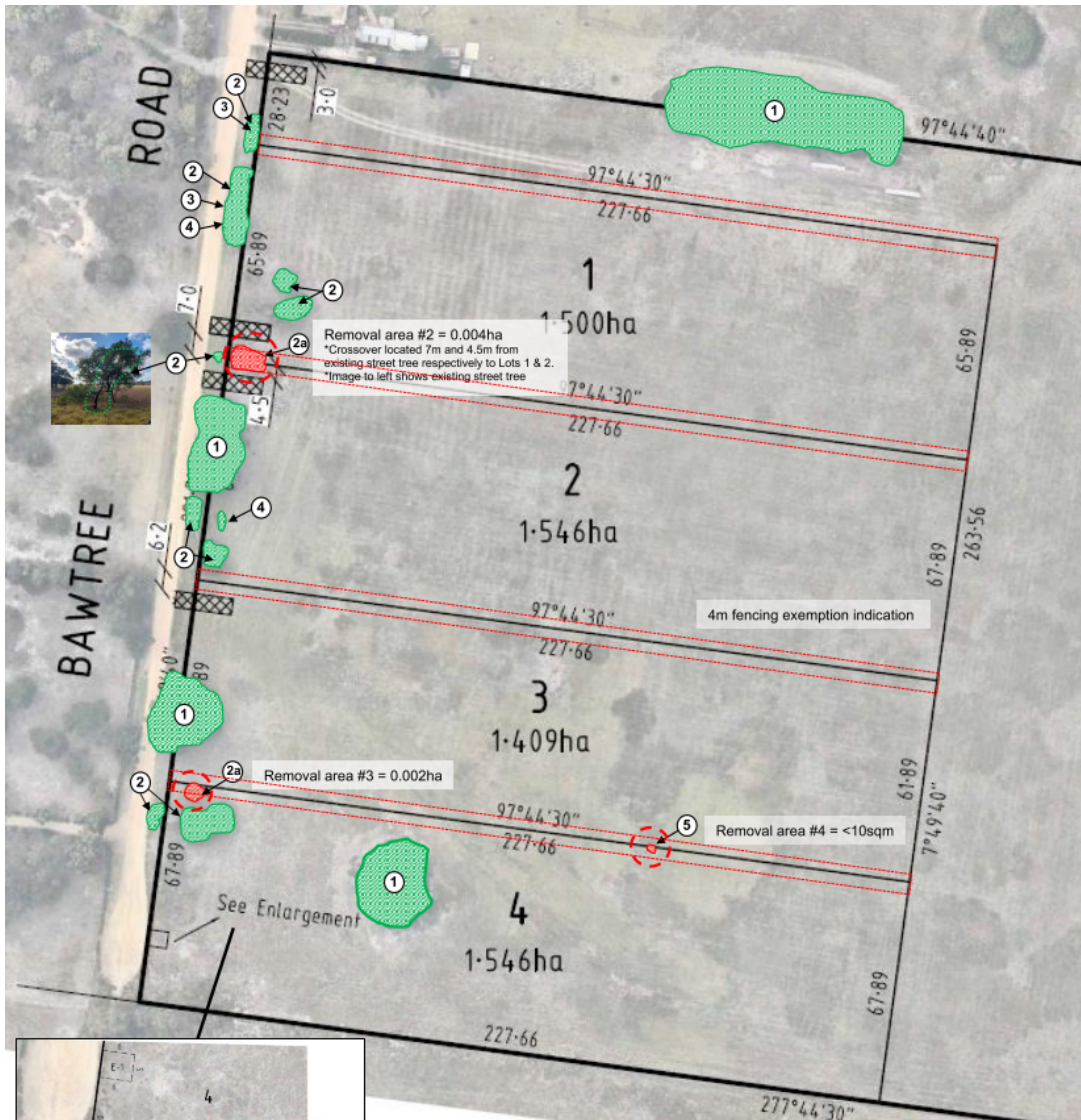


Figure 7 - Proposed Tree Retention and Removal Plan

Only the northern tree (Hickory Wattle) on the boundary of Lots 1 and 2 requires a planning permit under the Significant Landscape Overlay as it is over 5m in height

**PERMIT/SITE HISTORY:**

There is no permit/site history relevant to the application.

**REFERRALS:****EXTERNAL****DETERMINING AUTHORITY**

<b>Authority:</b>	<b>Barwon Water</b>
<b>Response:</b>	Barwon Region Water Corporation does not object to the granting of a planning permit subject to conditions being met prior to the issue of a Certificate of Compliance.
<b>Officer Comment:</b> Barwon Water does not object to the application subject to conditions which will be placed on any permit granted.	
<b>Authority:</b>	<b>Powercor</b>
<b>Response:</b>	Subject to conditions, Powercor Australia Ltd (the Distributor) does not object to the issue of a planning permit for the abovementioned application.
<b>Officer Comment:</b> Powercor does not object to the application subject to conditions which will be placed on any permit granted.	

**INTERNAL**

<b>Department:</b>	<b>Engineering Services</b>
<b>Response:</b>	<p>The application was supported and standard conditions were suggested as included below:</p> <p><b><i>Condition 1 plans</i></b></p> <p><i>Prior to the commencement of works plans must be updated to show:</i></p> <ul style="list-style-type: none"> <li>• <i>Drainage easements for future drainage assets for the lots 1-4 to the East Boundary of Lot 5.</i></li> <li>• <i>Vehicle crossing servicing Lot 4.</i></li> </ul> <p><i>All to the satisfaction of the Responsible Authority.</i></p> <p><b><i>Drainage:</i></b></p>

*The site must be drained to the satisfaction of the Responsible Authority and no concentrated storm water may drain or discharge from the land to adjoining properties.*

***Drainage & Vehicular Access:***

*Prior to statement of compliance, the developer must:*

- a) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.*
- b) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street.*

*all to the satisfaction of the Responsible Authority.*

***Notes:***

- 1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost 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.*

***Creation of easements***

*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.*

***NOTE***

*A pre-commencement meeting with the City's Engineering Department is required to be undertaken prior to works starting. To organise this meeting please telephone 5272 4426.*

**Officer Comment:**

Generally, the suggested conditions are to be included in any planning permit.

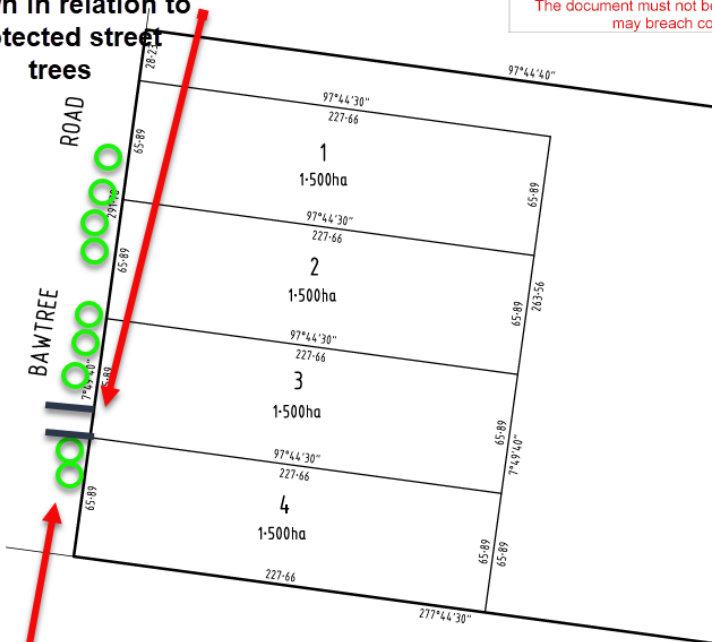
<b>Department:</b>	<b>Environment</b>
<b>Response:</b>	<p>The application was supported and standard conditions were suggested.</p> <p>The Environment Unit appreciate the further retention of native vegetation and the inclusion of the 4m buffer which demonstrates the extent of consequential loss of the proposed subdivision. It is understood that there is no opportunity to further avoid impacts to native vegetation due to minimum lot sizes.</p> <p><b>Recommended Permit Conditions (Without Prejudice)</b></p> <p><b>Notification of permit conditions</b></p> <p><i>Prior to works commencing, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and endorsed plans/documents.</i></p> <p><b>No Removal of Native Vegetation</b></p> <p><i>No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority. All vegetation to be retained outlined in the Ecological assessment of proposed five-lot subdivision at 351-379 Bawtree Road, Leopold, Vic (Tree Wishes, December 2025) must be protected.</i></p> <p><b>Native Vegetation Offsets</b></p> <p><i>To offset the removal of 0.007 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DECCA 2017) as specified below:</i></p> <p><b>General Offset</b></p> <p><i>A general offset of 0.003 general habitat units:</i></p> <ul style="list-style-type: none"> <li>a) <i>located within the Corangamite Catchment Management Authority boundary or the City of Greater Geelong municipal district</i></li> <li>b) <i>with a minimum strategic biodiversity score of at least 0.703</i></li> </ul> <p><b>Offset Evidence and Timing</b></p> <p><i>Prior to any native vegetation being removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. Statement of compliance for the relevant stage will not be issued until such time as evidence of offset security has been provided to the satisfaction of the Responsible</i></p>

	<p><i>Authority unless otherwise agreed in writing. This evidence is one or both of the following:</i></p> <ul style="list-style-type: none"> <li><i>a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site and/or</i></li> <li><i>b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.</i></li> </ul> <p><i>A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit.</i></p> <p><i>Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.</i></p> <p><b>Permit Note</b></p> <p><i>Where fauna is likely to be present in trees or vegetation proposed for removal, a suitably qualified wildlife handler must be present to ensure that native fauna is managed in accordance with DECCA guidance and all necessary authorisations must be obtained prior to removing native fauna.</i></p>
<p><b>Officer Comment:</b></p> <p>Generally, the suggested conditions are to be included in any planning permit.</p>	

<b>Department:</b>	<b>Parks Department</b>
<b>Response:</b>	<p><i>The native street trees above 5m in height along this section of Bawtree Road are protected under an SLO 10. Where will the crossovers be located in relation to the protected street trees in front of the newly created 5 lots (image attached below)?</i></p> <p><i>I believe both the street trees and proposed crossover locations must be shown on the plan of sub-division to ensure that protected trees are not compromised by the new crossover locations.</i></p>

**Proposed  
crossovers must be  
shown in relation to  
protected street  
trees**

This copied document is made of enabling its consideration process under the Planning. The document must not be may breach cc



**Native street trees  
over 5m in height  
are protected under  
the SLO 10**

SURVEYOR'S FILE REF: 322032SV01

**spiire**

10 Moorabool Street  
PO Box 4032  
Geelong Vic. 3220  
T 61 3 5249 6888  
spiire.com.au

**DRAFT**



**Response:**

I am satisfied that the subdivision plans are now showing the proposed crossovers and that all native tree removals will be under 5m and will not require a permit.

I have condition that a Tree Protection Specification Report (TPS) be produced regarding these trees. The Tree Protection Specification Report must include an indicative Tree Protection Plan (TPP) and a table that schedules the tree protection process (an example may be found with AS4970-2025).

The table must include a sign-off column to be completed by the project Arborist and other relevant person/s.

**Standard Conditions****Tree Protection Specification Report**

Prior to the commencement of the development, a Tree Protection Specification Report must be submitted to and approved by the Responsible Authority. The Tree Protection Specification Report must be prepared by a suitably qualified arborist and must include all:

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

In accordance with Australian Standard 4970-2025 *Protection of trees on developments sites* the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).

When approved the Tree Protection Specification Report and its recommendations will be endorsed and will then form part of the permit.

The approved Tree Protection Specification Report must not be amended or altered without the consent of the Responsible Authority.

**Tree Protection Zones**

Prior to the works commencing (including any demolition works), Tree Protection Fencing must be installed and maintained until works are completed to the satisfaction of the Responsible Authority.

All works within the nominated Tree Protection Zones must be:

- carried out in accordance with Australian Standard 4373–2007 *Pruning of amenity trees* and Australian Standard 4970–2025 *Protection of trees on development sites*
- overseen by a suitably qualified, level-5 arborist
- carried out to the satisfaction of the Responsible Authority by suitably trained and qualified arboricultural staff.

Works encroaching within the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority.

#### **Note**

1. In the instance that minor pruning is anticipated the applicant must contact the City's Parks Planning Officers ([parksplanning@geelongcity.vic.gov.au](mailto:parksplanning@geelongcity.vic.gov.au)) to lodge a request and provide adequate notice.

#### **Arborist Letter of Engagement**

Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), a letter of engagement must be provided to us (as the Responsible Authority) from the Project Arborist selected to oversee all relevant tree protection works. In accordance with Australian Standard 4970-2025 Protection of trees on developments sites the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).

When approved the Letter of Engagement will be endorsed and will then form part of the permit.

#### **Arborist Project Completion TPMP Sign-off**

Prior to occupation of the development/the issue of Statement of Compliance, a written statement from the Project Arborist must be submitted to the Responsible Authority that certifies that the following items have been addressed as part of the works:

- Installation and correct placement of tree protection fencing 2 weeks prior to works commencing and for the duration of works
- Attendance during Tree Protection Zone incursions
- Adherence to Australian Standard 4970–2025 Protection of trees on development sites
- Completed and signed Tree Protection Specification Report.

#### **Officer Comment:**

Generally, the suggested conditions are to be included in any planning permit.

<b>Department:</b>	<b>Waste Department</b>
<b>Response:</b>	<p><i>The location of the proposed crossover may not have much impact on existing conditions.</i></p> <p><i>Forward motion vehicle turn-around space suitable for Council's waste service must be developed prior to any development on subdivided land.</i></p>
<b>Officer Comment:</b>	
<p>The plans demonstrate that suitable areas are provided for the City's Waste Disposal vehicles to ensure satisfactory egress from the site.</p>	

<b>Department:</b>	<b>Environmental Health</b>
<b>Response:</b>	<p><i>Reasons for conditions</i></p> <p><i>This application is for the subdivision of the property into five lots (lot 1-4 at 1.5ha each and lot 5 at 12.21ha).</i></p> <p><i>Environmental Health cannot foresee any issues with the proposed subdivision. All lots of the proposal appears to be suitably sized to accommodate a dwelling and the associated on-site wastewater management system (OWMS).</i></p> <p><i>Environmental Health do not require any further information at this stage. Further information may be requested when a septic application is received.</i></p> <p><b><u>Standard Conditions:</u></b></p> <p><i>The premises must reasonably comply with all noise legislation and regulations in force including EPA publication 1254.2 "Noise control guidelines"</i></p> <p><i>Comply with EPA publication 1834 "Civil construction, building and demolition guide"</i></p> <p><b><u>Dust Emissions</u></b></p> <p><i>Dust control measures to prevent emissions that may cause nuisance to adjoining properties must be implemented to the satisfaction of the Responsible Authority. Such as but not limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>Identifying potential sources of dust and airborne particulates and processes which may generate dust and airborne</i></li> </ul>

*particulates; and implementing dust and airborne suppression measures, including (but not limited to) covering materials and/or applying a light water spray, applying sprays before or during turning, but also avoiding excessive water- logging of organic materials and runoff;*

- *cessation of some activities during windy days*

#### **Light Emissions**

*Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties*

#### **General Amenity**

*The amenity of the area must not be detrimentally affected by the use or development through the:*

- *Transport of materials, goods or commodities to or from the land;*
- *Appearance of any building, works or materials;*
- *Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
- *Presence of vermin;*

*to the satisfaction of the Responsible Authority.*

*Notes: Environmental Health has considered the information submitted with the application for a planning permit at the abovementioned property. Environmental Health has no objection to the granting of a planning permit providing the following notes are included within:*

#### **Noise**

*Ensure compliance with any Commercial Noise regulations, Councils Local Laws and obtain permits where and when required.*

#### **Construction noise for residential and commercial construction**

	<i>Noise during construction is to be managed and not emit unreasonable noise at any time of the day under the Environment Protection Act 2017.</i>
<b>Officer Comment:</b>	
The comments received from the City's Health Department area acknowledged. However, these requirements are all outside of the scope of planning and on this basis are not to be included in any planning permit.	

### **AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:**

The applicant made a request to amend the application pursuant to Section 50 of the Planning and Environment Act 1987 on 07 July 2025. Council accepted the amendment.

The amendment made the following changes to the application:

- Inclusion of 52.17 (native vegetation) to application.
- Revised Subdivision Plan.
- Ecology Assessment and Tree Removal/Retention Plan.

These are the plans that form the basis of this report.

### **PUBLIC NOTIFICATION:**

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite).
- A2 sign(s) was placed on the land.

Nineteen (19) objections have been lodged with Council.

### **AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION**

The applicant made a request to amend the application following public notification pursuant to Section 57A of the Planning and Environment Act 1987 on 9 December 2025. Council has accepted the amendment.

The amendment made the following changes to the application:

- Alterations to vehicle crossover location of Lot 5.
- Inclusion of area dedicated for Council waste vehicle movements on Lot 4 vehicle crossover.
- Minor re-alignments to property boundaries to reduce 4m assumed loss vegetation impacts.

These are the plans currently under assessment.

It was not considered necessary to readvertise the proposal based on the amendment, as the amendment would not result in any additional material detriment compared with the advertised application, for the following reasons:

- The scale of the revisions are minor and will result in an improved environmental outcome.
- The change in boundaries will not affect the use rights of the proposed lots.

#### **MAP of OBJECTIONS:**



Figure 8 - All objectors in the area represented by Green pins. Map does not include the Queenscliffe Community Association or 50 West View, Ocean Grove due to extensive distance from subject site.

The concerns of objectors are summarised and commented on below:

#### **Loss of rural character and amenity**

The proposed lots have an average area of 1.5 hectares, which can provide generous separation between future buildings and maintain a sense of spaciousness that is consistent with the character of Bawtree Road. The lot dimensions and overall sizes will ensure that the rural character of the area is largely preserved.

All proposed lots within the Rural Living Zone are likely to accommodate single dwellings. However, each dwelling will require a planning permit under the Significant Landscape Overlay, which will allow assessment of potential amenity impacts.

The entirety of the Farming Zone will be retained within Lot 5. While the proposal necessitates the removal of some native vegetation, this has been minimised to an acceptable extent through the careful siting of crossovers and property boundaries.

No loss of rural character or amenity is therefore likely to occur from the proposed subdivision.

#### Inconsistent lot size

The creation of Lots 1-4 is appropriate, as they comply with the average lot size of 1.5ha as specified in the schedule to the Rural Living Zone.

It is acknowledged that existing allotments along Bawtree Road range in size from approximately 1.3 to 2.5 hectares, with the smaller lots generally located toward the northern end of the road. The proposed lots are therefore considered broadly consistent with the established lot pattern and notably they exceed the minimum 1 hectare requirement under the schedule to the Rural Living Zone.

The subdivision achieves an average lot size of approximately 1.5 hectares, in accordance with the schedule. The proposal is therefore generally consistent with other lots along Bawtree Road and is therefore unlikely to adversely affect the amenity of surrounding residents.

Lot 5, which includes land zoned Farming Zone and Rural Living Zone was assessed separately under Clause 64.03. This provision permits the creation of a lot smaller than the minimum specified where land is situated in two or more zones, provided the relevant requirements are satisfied. In this instance, the applicable criteria was met.

#### Precedent for Further Subdivision

Additional subdivision of lots 1-4 under the Rural Living Zone is not possible as the schedule stipulates that the minimum subdivision area is 1 hectare with the average area being 1.5 hectares. Given that each of the proposed lots are already between 1.5ha or less in size, it would not be possible to satisfy the requirements.

Further subdivision of lot 5 would not be supported under the Farming Zone, as the resulting lot would not meet the 30 hectare minimum lot size that is applicable to the Bellarine Peninsula, nor would it satisfy the small lot subdivision provisions. Although the lot is smaller than the requirements of the Farming Zone, this is due to the lot being situated within two zones, with a small lot being permitted under Clause 64.03. As this is a rare occurrence, the proposal will not set a precedent along Bawtree Road and the provision can not be further used.

The proposed subdivision is not considered to create a precedent and the lots will have no further subdivision potential. In addition, the subject site appears to be the final lot along Bawtree Road that is suitable for subdivision within the Rural Living Zone.

#### Traffic and road safety concerns on Bawtree Road

The City's Civil Infrastructure team did not identify any concerns regarding the condition of Bawtree Road or its capacity to accommodate additional traffic. Each lot is anticipated to generate at least 10 vehicle movements per day as per the Infrastructure Design Manual.

This is not considered to be an excessive number with respect to Bawtree Road as a whole.

Concerns around speed have been raised and are acknowledged. While speed limits apply, the City's ability to control traffic on unsealed rural roads is inherently limited.

Suggestions were also made that the Bawtree Road / Bellarine Highway intersection be upgraded, however this is outside the scope of this application. Any safety improvements at this intersection would need to be pursued directly with the City or the Department of Transport and Planning.

The proposed vehicle crossover locations are also well spaced and provide safe visibility for vehicles when entering and exiting the site. Given that the subject site is at the end of Bawtree Road, the subdivision is unlikely to pose a risk to other road users.

#### Fragmentation of agricultural land

The landowner intends to cease agricultural activity on the Rural Living Zone portion and carry out a Section 1 use (dwelling), which is permitted as of right.

Although agriculture can occur within the Rural Living Zone, it is a Section 2 (permit required) use and is not intended to facilitate intensive agricultural activities that may adversely impact the amenity of surrounding land uses.

All land within the Farming Zone will be contained within Lot 5, ensuring that the agricultural capacity of that zoned land is not fragmented or undermined.

There is potential for future dwellings to be impacted by agricultural activity on adjoining land, however, appropriate siting of the dwellings will mitigate these effects. Lot 5 will also act as a buffer between Lots 1–4 and the eastern Farming Zone land.

Any future dwelling on Lot 5 (within the Farming Zone) would require a planning permit for use and development, and approval would be contingent on demonstrating that the dwelling is genuinely required for agricultural purposes.

#### Inconsistency with planning policy

Concerns have been raised that the proposal does not comply with Clauses 11.03-5S, 12.05-2S and 15.01-6S. Clauses 11.03-5S and 12.05-2S, which relate to distinctive areas and landscapes, are considered to be adequately addressed, as vegetation removal has been minimised to the greatest extent practicable and no significant trees are proposed to be removed.

As the current application relates to subdivision only and does not include built form, several concerns raised by objectors regarding future development are not directly applicable at this stage.

The proposed subdivision is also consistent with the Rural Land Use Strategy (2017), as no changes are proposed to the minimum lot size, zone purpose or other strategic parameters. While the lot configuration will change, the subdivision does not prevent ongoing small scale agricultural or hobby farming activities from occurring on the land.

In addition, the proposal is not considered to be inconsistent with the Bellarine Peninsula Statement of Planning Policy or the Bellarine Peninsula Localised Planning Statement. These documents seek to discourage inappropriate subdivision of rural land and to protect the integrity of farming operations.

The proposal is not considered to conflict with the Bellarine Peninsula Statement of Planning Policy, as the land is already zoned Rural Living and the policy primarily seeks to limit additional rural living supply outside established nodes.

Although the land has historically been used for agricultural purposes, there is no statutory requirement for that use to continue, particularly as a dwelling is a Section 1 (as of right) use within the Rural Living Zone, subject to conditions. The scale of the subdivision is consistent with the zone requirements, and as it will not necessitate substantial vegetation removal, whilst it is not expected to adversely impact the rural landscape.

The proposed lot sizes will maintain a sense of spaciousness. The objective of maintaining non-urban breaks between settlements primarily applies to other rural and public land zones, whereas the Rural Living Zone expressly provides for residential

development where conditions are met. Any future development will also be subject to assessment under SLO10 to determine its landscape impact.

Concerns were raised that the proposal would result in urbanisation as the subdivision was to occur outside the urban growth boundaries. While growth is generally directed by policy to existing settlements and within urban growth boundaries, the Rural Living Zone lies outside these boundaries and allows subdivision where appropriate, provided the minimum and average lot size requirements in the schedule to the zone are met. In addition, the Rural Living Zone does not prohibit further subdivision or development, and dwellings are permitted as of right on lots exceeding 1 hectare.

#### Native vegetation Loss

The proposed native vegetation removal is minimal. As the new boundaries are located within four metres of a patch of native grass and two scattered trees, this is treated as an assumed loss under Clause 52.17; however, this does not necessarily mean the vegetation will be removed. The applicant has demonstrated compliance with the “avoid and minimise” requirements of Clause 52.17, and lot boundaries have been adjusted where practicable to reduce potential vegetation impacts.

The subject site is largely cleared of native trees, with only sporadic patches of native grass. Any future development will trigger Clause 52.17 (Native Vegetation) and will need to be sited to avoid or minimise adverse impacts on flora and fauna.

#### Application not referred to additional external authorities

Referral to DEECA (State Government) was not required as part of this application, as the native vegetation removal does not fall within the detailed risk-based pathway. Referral to the CFA and the catchment management authority was also not required, as the land is not affected by a Bushfire Management Overlay or any flooding or inundation overlay.

The site is within a Designated Bushfire Prone Area, however, as the subdivision proposal fewer than 10 lots, Clause 13.02-1S does not require further bushfire protection measures.

#### Infrastructure and waste servicing concerns

Any future dwellings will require drainage and onsite wastewater management systems to be designed in accordance with relevant standards and approved by the City’s Environmental Health and Civil Infrastructure teams. Based on the proposed lot sizes,

future dwellings will be able to accommodate an appropriately designed onsite wastewater management system.

The City's Waste and Civil Infrastructure Departments assessed the application and confirmed that adequate space is available for waste collection vehicles to enter and exit the site via the proposed vehicle crossover on Lot 4. An easement on the vehicle crossover will ensure that this access remains unobstructed by gates or other barriers.

The application was referred to Powercor and Barwon Water who consented to the proposal, however they did not provide any indication that reticulated services in the area are constrained. Telecommunications infrastructure will be required as part of the standard conditions.

No building envelopes are proposed at this stage, as ideal locations free of native vegetation and adequately set back from waterways will be determined prior to future development.

#### Impacts from Dwellings

Objections were raised regarding the setback between dwellings, privacy, overshadowing, loss of views, and impacting farming operations. However, these aspects cannot be fully assessed at this stage as no dwellings have yet been proposed. Given the generous lot widths of 61–67 metres, they provide flexibility to site future dwellings in a way that avoids adverse impacts on neighbouring properties.

Many of the concerns raised are moot at this point in time, as the location, height, and design of future buildings are unknown and are required to be assessed through a separate planning application process.

#### Potential Impacts on Lake Connewarre and wetlands

The subject site is approximately 535 metres from the bank of Lake Connewarre and an even greater distance from the wetlands, providing a substantial buffer. Future development will be required to connect drainage to the legal point of discharge, and any onsite wastewater management system must be designed and installed to the satisfaction of the City's Environmental Health unit. These measures, along with minimal native vegetation removal, are expected to prevent environmental impacts on habitats and water quality.

The broader area is identified as a sub-catchment, however, no concerns have been raised by the City's departments.

### Significant Landscape Overlay Schedule 10

Although the subject site is affected by Schedule 10 of the Significant Landscape Overlay (SLO10), the overlay does not prohibit subdivision or development. Any future dwelling will require a planning permit under the overlay and will be assessed to ensure that the landscape and environmental values of the area are appropriately protected.

### Financial loss

It is a long-established position of the Tribunal that potential loss of property value is not a relevant planning consideration and cannot be taken into account in the assessment of this application.

### **ASSESSMENT:**

#### ZONE:

##### Rural Living Zone

Lots 1–4 on the proposed plan of subdivision will be entirely within the Rural Living Zone. These lots are generous in size, with frontages ranging from 61.8 to 67.89 metres and total areas between 1.409 and 1.546 hectares.

The land in the Rural Living Zone is capable of supporting agricultural activity if desired, although at a smaller, hobby-farm scale given the lot sizes, and likely subject to a permit depending on the proposed activity to ensure that there are no amenity impacts.

It is anticipated that Lots 1–4 will be developed with single dwellings. While existing agricultural activities along the southern and eastern boundaries could create potential land use conflicts, future dwellings can be appropriately sited to avoid paddocks, and the use of windbreaks and vegetation can help filter airborne dust particles, allowing farming activities to continue unobstructed.

No development is proposed at this stage. Any future dwellings will require a planning permit under the Significant Landscape Overlay Schedule 10 (SLO10), which will ensure consideration of water quality, environmental impacts and landscape character.

##### Farming Zone

Lot 5, which will contain the entire Farming Zone area along with a small portion of Rural Living Zone for road access, is intended to continue being used for agricultural

purposes. Although the lot will have an area of 12.21 hectares, below the 30 hectares minimum for subdivision under the Farming Zone, it has been assessed as consistent with Clause 64.03.

The proposed subdivision also resolves a legacy issue by consolidating the Farming Zone largely onto a single lot. While Lot 5 is unlikely to support intensive agricultural activity, it remains sufficiently large to sustain an agricultural use.

#### OVERLAY:

##### Significant Landscape Overlay Schedule 10

The tree proposed for removal is located along the frontage of the lot, isolated between a significant tree and a nearby cluster that contributes to the scenic qualities of the area. As it sits alone, its removal will not interrupt important view corridors or diminish the rural character. All other trees within the road reserve and the majority along the front boundary will be retained, ensuring that the streetscape and landscape character continue to be maintained.

The removal has been assessed in accordance with Clause 52.17 and the objectives and decision guidelines of SLO10, applying the principles of “avoid, minimise, offset.” The tree proposed for removal is among the smallest and least significant, thereby minimising impacts to the landscape. Lot boundaries have been sited to retain all other vegetation and further reduce potential impacts.

Planning practice recognises that minor vegetation removal may be necessary to facilitate subdivision, site access, or future development. In this context, the removal of a single tree greater than 5 metres is proportional, reasonable, and consistent with the objectives of SLO10, as well as other relevant planning controls.

#### CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):

The proposed five lot subdivision is not required to provide a CHMP pursuant to the Aboriginal Heritage Regulations 2018 as it is not in an area of cultural heritage sensitivity. The proposed subdivision will also not result in significant ground disturbance.

#### LANDFILL GAS RISK ASSESSMENT:

The subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

### DEVELOPMENTS IN BUSHFIRE PRONE AREAS:

The site is located within a designated bushfire prone area.

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

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

The proposal is not listed at Clause 13.02-1S as one of the uses or developments which should be considered:

The application is not expected to create a risk bushfire to people, property and community infrastructure.

It is considered that no bushfire protection measures to address the identified bushfire risk is necessary.

### THE VICTORIAN PLANNING POLICY FRAMEWORK (VPPF):

#### MUNICIPAL STRATEGIC STATEMENT.

The following policies of the Municipal Strategic Statement are applicable to this application:

- 02.03-1 – Settlement
- 02.03-2 – Environmental and Landscape Values
- 02.03-4 – Natural Resource Management

#### PPF

The following policies of the Municipal Strategic Statement are applicable to this application:

- 11.03-6L-01 – Bellarine Peninsula
- 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs

- 12.05-2S – Landscapes
- 14.01-1S – Protection of agricultural land

#### RELEVANT PARTICULAR PROVISIONS:

The following Particular Provisions are applicable to this application:

#### CLAUSE 52.17 – NATIVE VEGETATION:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation

A planning permit is required to remove native vegetation. This only applies to patches 2a and 5.

Tree 2a to the north is a Hickory Wattle that is over 5m, while the one to the south is less than 5m. Patch 5 consists of Beaded Glasswort. These trees were found to be the least significant in terms of height and structure. For this reason, the trees removal is deemed reasonable by the City's Parks and Environment teams as it accords with the principle of 'avoid and minimise'.

The tree is a scattered tree with an approximate area of 0.07 hectares. A general offset amount must therefore be secured, which will be imposed as a condition on permit.

#### CLAUSE 53.03 – RESIDENTIAL RETICULATED GAS SERVICE CONNECTION:

To prohibit residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.

Application

This clause applies to an application for a permit under any provision of this scheme that is for or includes:

- construction of a new dwelling (other than a caretaker's house) or a new apartment development.
- the subdivision of land where the subdivision provides for or is for one or more purposes that include residential development.

This clause does not apply to an application for a permit that is solely for:

- the alteration or extension of an existing dwelling or apartment development.
- the subdivision of land or a building to create lots each containing an existing dwelling or apartment.
- the subdivision of land or a building to create lots each of which are intended to contain a dwelling or an apartment authorised by a planning permit that has been issued for the land.
- An application for an amendment to a permit under section 72 of the Act where the permit was issued prior to the 1 January 2024.

#### Response

As the application was received post 1 January 2024:

- A condition on any planning permit will prohibit the subdivision from being connected to reticulated gas.

#### CLAUSE 64.03 – SUBVISION OF LAND IN MORE THAN ONE ZONE:

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

#### Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:

- To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

### Response

Lot 5 of the proposed plan of subdivision is predominately within the Farming Zone but the handle of the battle axe will be in the Rural Living Zone, which is essential for creating access to Bawtree Road. Due to the size of the land in the Farming Zone, the proposed lot size will be 12.21ha, which cannot not comply with the minimum lot size of 30 hectares for the Bellarine Peninsula. However, the remainder of the proposed lots, which are in the Rural Living Zone, comply with the average lot size of 1.5ha.

Based on the above, the proposed subdivision of land in more than one zone is deemed appropriate as it has satisfied all three requirements of this provision.

### [DECISION GUIDELINES OF CLAUSE 65:](#)

#### [CLAUSE 65.01 – APPROVAL OF AN APPLICATION OR PLAN](#)

Clause 65.01 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

- The degree of flood, erosion or fire hazard associated with the location of the
- land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

### Response

The proposed subdivision is consistent with the decision guidelines as it will contribute to the orderly planning of the area, and is consistent with the planning policy frameworks, zones and overlay.

### CLAUSE 65.02 – SUBDIVISION

Clause 65.02 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on an application to subdivide land. These decision guidelines include:

- The suitability of the land for subdivision
- The existing use and possible future development the land and nearby land
- The availability of subdivided land in the locality, and the need for the creation of further lots
- The effect of development on the use or development of other land which has a common means of drainage
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation
- The density of the proposed development
- The area and dimensions of each lot in the subdivision
- The layout of roads having regard to their function and relationship to existing roads
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots
- The provision and location of reserves for public open space and other community facilities
- The staging of the subdivision
- The design and siting of buildings having regard to safety and the risk of spread of fire
- The provision of off street parking
- The provision and location of common property
- The functions of any body corporate
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas

- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot
- Whether, in relation to subdivision patterns, native vegetation can be protected through subdivision and siting of open space areas.

### Response

The proposal is consistent with the guidelines, as it will achieve an appropriate lot size, minimise vegetation loss and has access to utility services.

### **CONCLUSION:**

That the Responsible Authority having considered all matters which the *Planning and Environment Act 1987*, requires it to consider decides to issue a Notice of Decision for Five (5) Lot Subdivision and associated vegetation at 351-379 Bawtree Road, LEOPOLD in accordance with the plans and documentation submitted with the application subject to the recommended conditions.

**Attachment 3 – Grounds of Refusal**

1. The proposal does not comply with Clause 12.01-1L – Protection of Biodiversity, as it:
  - a) Fails to avoid or minimise impacts on areas of biodiversity significance; and
  - b) Results in the fragmentation of habitat.
2. The proposal does not comply with the purpose of the Rural Living Zone (Clause 35.03) as it:
  - a) Fragments the land, thereby compromising its agricultural potential.
  - b) Reduces biodiversity values of the site.
  - c) Introduces additional rural residential lots that add an increased provision for infrastructure to the area that compromise more sustainable land practices.
3. The proposal does not comply with the landscape character objectives (Clause 42.03) as it:
  - a) Does not maintain and improve indigenous vegetation across the site.
  - b) Undermines the continuation of the land as a working rural landscape through the proposed subdivision and fragmentation of the land.
4. The proposal does not meet the purpose of Clause 52.17 (Native Vegetation) as it would result in the removal of native vegetation and consequently this provides a loss of biodiversity.
5. The proposal fails to produce acceptable outcomes under the decision guidelines of Clause 65 given:
  - a) The effect on the environment, human health and the amenity of the area.
  - b) The extent and character of native vegetation and the likelihood of its destruction.
  - c) Whether in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### **3. CLOSE OF MEETING**

As there was no further business the meeting closed at 7:01pm on Thursday 16 April 2025

Signed: \_\_\_\_\_

Cr Andrew Katos (Chair)

Date: \_\_\_\_\_