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# PLANNING REPORT

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Section 72 Amendment to the Permit PP-788-2014

2270 Portarlington Road, Bellarine

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## Document Control

Version	Date	Issue
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# 1. Application Summary

## 1.1 Application Summary

Application Summary	
Subject Land	2222-2230, 2232-2260 & 2270 Portarlington Road, Bellarine
Proposal	Section 72 Amendment to the Permit PP-788-2014
Land Description	Lot 1 on Title Plan 110153Y Volume 09844, Folio 323
Land Use	Place of assembly
Land Use Definition	<i>Place of assembly = "Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings."</i>
Zone	<ul style="list-style-type: none"> <li>• Farming Zone (FZ)</li> <li>- Schedule to the FZ</li> </ul>
Overlays	<ul style="list-style-type: none"> <li>• Significant Landscape Overlay (SLO)</li> <li>- Schedule 13 (SLO13)</li> </ul>
Permit Triggers	<ul style="list-style-type: none"> <li>• Section 72 Amendment to a permit</li> </ul>

## 1.2 The Proposal and Relevant Background

This report has been prepared in support of an application to amend the Planning Permit No. PP-788-2014 for an alteration to the hours of operation only. All other conditions of the permit would remain unaltered.

The permit presently includes a condition requiring the operation to be undertaken between the hours of 10.00am - 6.00 pm. This application is for an amendment to those hours to the following:

10.00am - 11.00pm.

No amendments to any other conditions of the permit are sought. The maximum number of patrons, events per year and other plans endorsed under the permit would not be altered.

There was a single trial event undertaken for the extended hours of operation under secondary consent which occurred on the 27<sup>th</sup> December 2025. There were no complaints or concerns raised with the operation that we, or the event organisers are aware of.

The application is accompanied by the following submissions:

- Endorsed Noise Management Plan
- Endorsed Site Plans
- Endorsed Waste Management Plan
- Noise Testing Results from the 27<sup>th</sup> of December Event

### 1.3 Planning Controls

The subject land is affected by the following zones and overlays:

- Farming Zone (FZ)
  - Schedule to the Farming Zone
- Significant Landscape Overlay (SCO)
  - Significant Landscape Overlay - Schedule 13

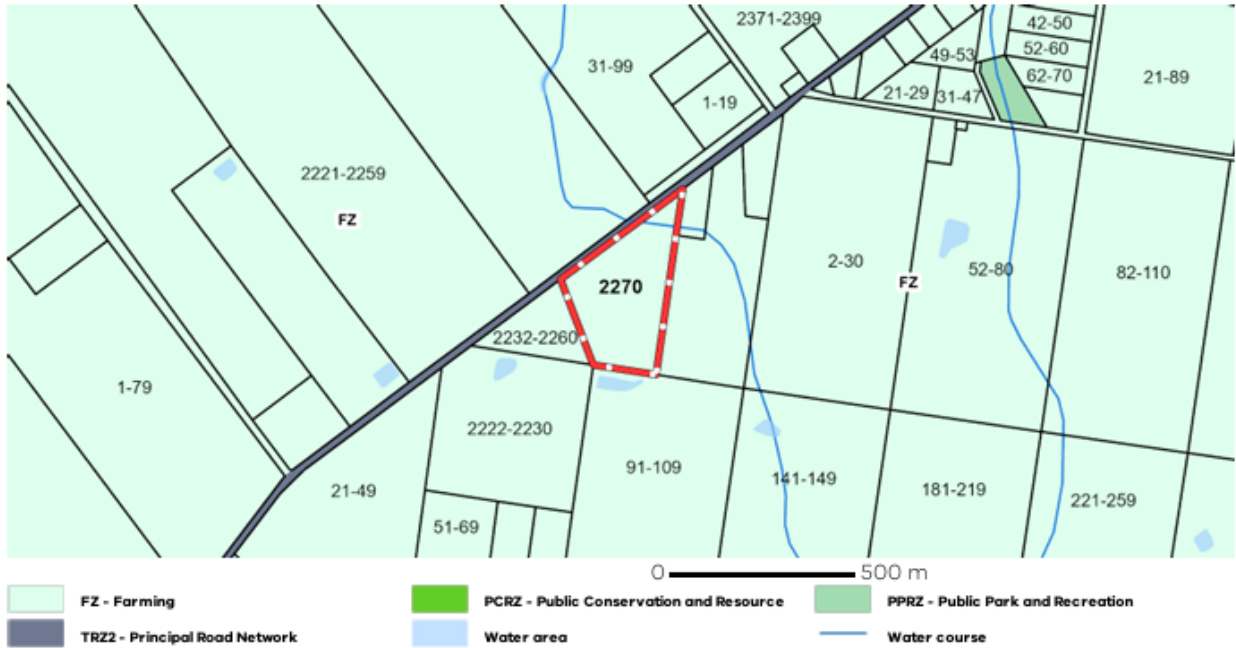


Figure 1. Subject land within surrounding zoning

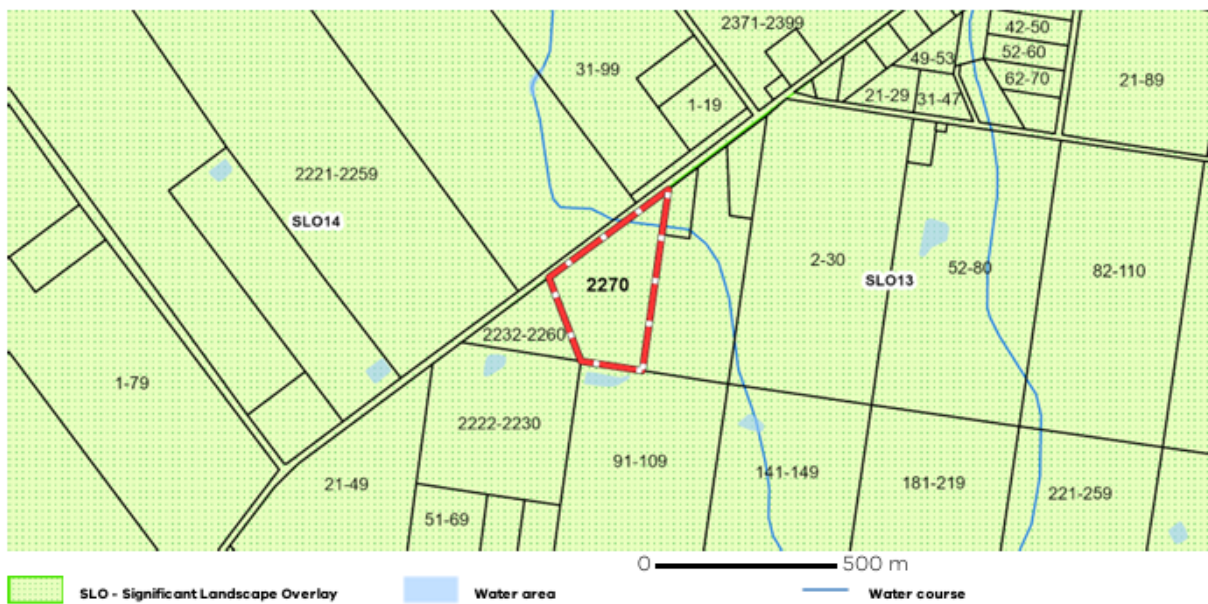


Figure 2. Subject land within surrounding LSIO

## 1.4 Aboriginal Cultural Heritage

In accordance with Regulation 7 of the Aboriginal Heritage Regulations:

*"A cultural heritage management plan is required for an activity if–*

*(a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; **and***

*(b) all or part of the activity is a high impact activity."*

Neither A or B are met, therefore no CHMP is required.

## 1.5 Permit Triggers - The reason a permit application is required

Provision	Permit Trigger/ Applies?	Reason
Planning & Environment Act Section 72 Amendment	Yes	Section 72 states that "a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit."  The proposal is for the amendment of a single permit condition.
Clause 35.07 Farming Zone	No	No new use is being proposed. A Permit has already been granted.
Clause 42.03 Significant Landscape Overlay	No	There are no proposed buildings or works.

## 2. Site and Locality Analysis

### 2.1 Site Analysis

The subject land is three parcels of land located on the east of Portarlington Road, between Drysdale and Portarlington:

- 2222-2230 Portarlington Road, Bellarine
- 2232-2260 Portarlington Road, Bellarine
- 2270 Portarlington Road, Bellarine

The broader site is currently used as a winery (viticulture), with vineyards making up a significant portion of the land. There are four vehicle crossovers servicing the three parcels. The land contains a restaurant, winemaking and viticulture sheds and a number of dwellings. A portion of the land is used for periodic camping.

The site generally falls to the north-west towards Portarlington Road, dropping approximately 15-20m from its highest to lowest point. There is some existent vegetation on the site, two dams, with an internal unsealed accessway network. The only vegetation lining the boundary is on the north-eastern interface.



**Figure 3.** Street view of subject site from Portarlington Road (Google Earth)

## 2.2 Locality and Context Analysis

The subject land is situated generally centrally between Drysdale and Portarlington, located approximately 4.8 kilometres and 4.3 kilometres from each township respectively. More broadly, the site is positioned approximately 24 kilometres east of Geelong via road.

The surrounding land in all directions is Farming Zoned and appears to be used for various agricultural pursuits, including evidence of viticulture on several nearby properties. The broader landscape is characterised by a gently undulating topography influenced by Mount Bellarine to the south-west. While Port Phillip Bay is not visible from the site, it is readily accessible via McAdams Lane, approximately a 2-kilometre drive.

The adjoining land at 2312-2320 Portarlington Road, located to the north-west of the subject site, is used as a wedding venue operated by Harvester Moon. Further south east on Portarlington Road is located Bennets, Jack Rabbit and Terindah Estate each containing a venue/restaurant.

Portarlington Road accommodates both local traffic and significant tourist movements, functioning as the primary route into and out of the Bellarine Peninsula.



Figure 4. Subject land aerial (Metromap)

# 3. The Planning Provisions

The following section is a review of the relevant provisions of the Scheme as they specifically relate to the proposal. Relevant strategic planning considerations are also contained within.

## 3.1 Planning Policy Framework

The PPF contains the overarching objectives and principles of planning in Victoria. The PPF contains the broader objectives on which regional and local planning policy builds upon in the context of the finer grained local environment. The following clauses of the PPF are most relevant to the proposal, noting that as the hours of use is the only aspect of the current permit to be amended, it will be the only one considered:

### Clause 13 - Environmental Risks and Landscapes

**Clause 13.02-1S Bushfire planning** aims to *strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life and prioritises human life above all other considerations.* While the land forms part of the bushfire prone area, the use and development controls in a bushfire prone area seek consideration of land use or development where it has the potential for people to congregate in large numbers. We would suggest that the level of activity proposed is unlikely to generate patronage to the extent which critical assessment was intended under this provision.

Notwithstanding that, the land surrounding is managed to a minimum fuel condition and there is little risk associated with a bushfire.

**Clause 13.05-1S Noise management** seeks to *assist the management of noise effects on sensitive land uses.* Relevant strategies include:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

**Clause 13.07-1S Land Use compatibility** aims to *protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*. Relevant Strategies toward achievement of the above include:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*

**Clause 13.07-3S Live music** seeks to *encourage, create and protect opportunities for the enjoyment of live music*. Relevant strategies include:

- *Identify areas where live music venues are encouraged or where there are clusters of live music venues.*
- *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

## Clause 17 - Economic Development

**Clause 17.01-1S Diversified economy** aims to *strengthen and diversify the economy* with the following relevant strategies:

- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Support rural economies to grow and diversify.*

**Clause 17.01-1R Diversified Economy - Geelong G21** aims to build on its parent clause with the following relevant strategies:

- *Build on the region's competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.*

**Clause 17.04-1S Facilitating Tourism** seeks to *encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination*. Relevant strategies include:

- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

## 3.2 Municipal Planning Strategy

The Municipal Planning Strategy outlines local strategic planning directions and identifies the specific contextual matters relevant to the City of Greater Geelong. The following clauses of the MPS are relevant to and speak directly to the proposal:

### Clause 02.03 Strategic Directions

**Clause 02.03-3 Environmental risks and amenity** understands that around amenity, *Non-residential uses can reduce the amenity of residential areas through impacts from traffic, car parking, hours of operation, appearance and noise. In order to maintain the residential character and amenity of an area it is important that non-residential uses are well-located and managed. To protect residential areas, it is important to discourage the encroachment of incompatible uses.*

Council seeks to:

- *Encourage a balance between the need for goods and services that serve local residents and workers and the potential for negative impacts on residential amenity.*

**Clause 02.03-7 Tourism** specifically identifies that *tourism is a key part of the economy of the Geelong region.*

*Growth of the tourism economy is expected across Geelong to 2030. While most of this tourism growth is directed to Central Geelong and other townships, there are opportunities to enhance the tourism industry in rural areas through complementary developments that are associated with the farming or rural use of the land.*

*Tourism development within the rural and coastal areas must be carefully managed and designed so that it does not compromise the landscape, non-urban character or existing agricultural activities that are part of the attraction of the area.*

*The following are the relevant strategies presented by 02.03-7 Tourism.:*

- *Support tourism use and development that:*
  - *Contributes to the economy.*
  - *Respects the landscape character of the area.*
  - *Maintains agricultural productivity in rural areas.*
  - *Does not seek to urbanise rural or coastal areas. Support and preserve the individual character, identity, role and function of each Bellarine Peninsula township.*

### 3.3 Local Planning Policy

Local Planning policy builds upon the Planning Policy Framework and contextualises future land use and planning policy direction. The following specific local planning policy is relevant or speaks to the proposal.

**Clause 17.01-1L-01 Diversified Economy - Greater Geelong** builds on state and regional policy by:

- *Support industry development in the following strategic growth sectors: ... tourism ... food and horticulture.*
- *Support the development of food, horticulture and viticulture industries, particularly on the Bellarine Peninsula.*

**Clause 17.04-1L-02 Tourism in rural areas** applies to the use or development of land for tourism, tourist accommodation (including camping and caravan parks) or function centres on land in the Farming Zone or Rural Conservation Zone. Where relevant, it seeks to *support tourism development in rural areas that contributes to the growth of the tourism market, to preserve the productive agricultural capacity and environmental qualities of the land and to ensure the scale of development will complement and respect the rural landscape character of the area.* Relevant strategies include:

- *Minimise detrimental amenity impacts to neighbouring properties associated with noise, the hours of operation, number of patrons, or vehicular movements resulting from the use.*

### 3.4 Clause 53.06 Live Music Entertainment Venues

Clause 53.06 applies to application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue. This still applies for an amendment to the hours of operation under the existing use. Its purpose is to (where relevant):

- *To recognise that live music is an important part of the State's culture and economy.*
- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

#### Requirements to be met - Clause 53.06-3

Clause 53.06-3 lists two requirements to be met. They are:

- *"a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue."*

The requirement is met.

The nearest noise receiver (the adjoining land to the north east) is located well outside 50m (approx. 250m) from the noise generator (live music location). Notwithstanding that - the adjoining land is a wedding venue and not a residential land use.

- *"a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any: Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes."*

Not relevant. This requirement relates to the agent of change principle for a new residential land use.

While the proposed amendment is not explicitly assessable under Clause 53.06, for the purposes of demonstrating ongoing adherence to the relevant performance standards we note the following decision guidelines:

Clause 53.06 - Decision Guidelines	Response
<i>The extent to which the siting, layout, design and construction minimise the potential for noise impacts.</i>	The use is existing, as is the location of the stage with respect to neighbouring land uses and the surrounding context.
<i>Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.</i>	<p>The location of stage and speaker stacks are located ~250m from the nearest neighbouring building.</p> <p>Appended to this submission are recordings taken from last years evening event. The recordings are taken from the common boundary between Harvester Moon and the subject site and approximately 200m west of the stage near Portarlington Road adjacent to which there are two existing sensitive land uses north of Portarlington Road.</p> <p>The recordings demonstrate that the noise recorded is below the 65dB(A) noise protocols outlined in Publication 1826, Environment Protection Authority, November 2020.</p>
<i>Whether the proposal adversely affects any existing uses.</i>	As above - the ongoing use and empirical evidence demonstrates an adherence to the relevant noise protocols by which live music venues are measured.
<i>The social and economic significance of an existing live music entertainment venue.</i>	The subject land continues to provide a social, cultural and economic benefit to the region.
<i>The impact of the proposal on the functioning of live music venues.</i>	N/A

### 3.5 EPA Publication 1826 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises, and entertainment venues

EPA publication 1826 identifies the noise limits for new and existing outdoor entertainment venues. Part II of the publication outlines that which is specifically relate to outdoor live music venues such as the subject site.

**Clause 91** of the publication states that *the noise limit for music noise from outdoor entertainment venues and for music noise from outdoor entertainment events during standard operating hours, as defined in regulations 128 and 129 is 65 dB(A) when the measurement point is located outdoors, within a noise sensitive area and 55 dB(A) when the measurement point is located indoors, in a sensitive room within a noise sensitive area.*

Live readings rom the extended operating hours event held on the December the 27<sup>th</sup> 2025 were taken for the duration of the live music. They were taken from locations 1 and 2 identified in figure 5 below.

Noise readings were taken from a handheld acoustic analyser unit: NTI AL1.

The recordings demonstrate adherence to the 65dB(A) noise limit which we would note are located a considerable distance away from the sensitive noise receiver.

The operation of the use is demonstrably managed well and in accordance with the identified noise protocols.



Figure 5. Location of Noise Readings

## 3.6 Strategic Planning Considerations

### Statement of Planning Policy - Bellarine Peninsula DAL

The statement preceded the DAL's Statement of Planning Policy. The Statement identified the Bellarine's distinct landscape and identity as being critical to the character and function of the Peninsula within the broader regional context. Key identified policy domains included tourism, distinct townships with non-urban breaks, agriculture, biodiversity and its coastal setting. Protecting settlement boundaries to safeguard landscapes and providing strategic direction toward appropriate land use activities and developments. Ensuring the protection of rural areas and managing agriculture production are seen as fundamental outcomes toward the protection of the Bellarine Peninsula.

Specifically, page 11 of the plan demonstrates the area as one that while is a significant landscape, is seen as a viticulture region of the peninsula which is typically associated with tourism. Live Music venues attract patronage and ancillary spending on accommodation, food and drink, fuel and ancillary purchases. The proposed outcome is consistent with the DAL's Statement of Planning Policy,

### Geelong Rural Land Use Strategy 2006

While 20 years old, the statement recognises tourism's contribution to the rural areas of Greater Geelong, *providing approximately 4,200 full-time positions within the local labour market and generating \$478 million to the local economy.*

*It recognises that there is the potential for a small number of larger, regional tourism facilities to be located within the rural areas to capitalise on the assets of the region and bring economic benefit. Large tourism facilities should only be located in rural areas where there is a demonstrated regional need, they are not suited to an urban area, they will not compromise the rural landscape character, they provide for net environmental gains and they meet their own infrastructure needs and costs.*

# 4. Planning Assessment

Having reviewed the relevant planning provisions in Section 3 above this section of the report provides an assessment of the relevant policy and the merits of the proposal. Clause 71.02-3 states that *'planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.'* [bold underline emphasis added]

The key planning considerations are:

- Do the proposed amended hours of operation cause unreasonable amenity impacts?
- Clause 65 Decision Guidelines

## 4.1 Do the proposed amended hours of operation cause unreasonable amenity impacts?

Having reviewed the relevant provisions of the Planning Scheme and associated strategic policy, the key considerations relating to the proposed increase in operating hours for the live-music venue primarily concern potential noise and traffic impacts.

State policy requires that development is not prejudiced by, and that community amenity and human health are not adversely affected by, noise emissions (**Clause 13.07-1S**).

In accordance with EPA Publication 1826, noise monitoring was undertaken at multiple locations 1 and 2 throughout the operation of the previous event. As well as the noise desk. The readings demonstrated noise levels consistently below 60dB(A) with louder bursts occasionally above 60dB(A) but remaining below 65db(A) in accordance with the EPA's noise protocols. The venue has demonstrably operated within acceptable noise parameters, inclusive of evening events.

Notwithstanding the above, the noise recordings were taken from the adjoining boundary of a function centre and not a sensitive land use. It stands to reason that the noise readings at the nearest sensitive land use which is beyond Harvester Moon would be lower again.

Policy strongly supports increased tourism within the region. **Clause 17.01-1L-01** seeks to support industry development in strategic growth sectors, including tourism, food and horticulture. **Clause 02.03-7** further encourages tourism that maintains agricultural productivity, respects landscape character, contributes to the local economy and

avoids urbanisation of rural areas. The subject site aligns with each of these policy directions.

Given the adherence with EPA noise protocols, the strong policy support for tourism, and the historical lack of amenity complaints during extended-hour events the proposed extended hours are well supported by planning policy.

## 4.2 Clause 65 Decision Guidelines

With respect to the decision guidelines of **Clause 65.01** it is submitted that the proposed use would lead to an increased financial viability of the site.

The proposal does not increase the number of patrons presently permitted on site, it does not increase the number of events presently permitted on site. There would be no increase in traffic impacts occurring as a result of the proposal.

Matters relating to flooding, erosion and environmental hazards are not relevant to the proposal at hand.

The proposed extended hours cause no additional bushfire risk to the environment or neighbouring land uses.

# 5. Conclusion

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The previous section of this report reviewed and assessed the relevant provisions of the Geelong Planning Scheme as they apply to the proposal. It is submitted that the proposed extended hours respond well to the relevant State and Local planning provisions and meets the purpose of the Farming Zone.

The proposal represents a low risk for adverse amenity impacts and has demonstrated adherence to the relevant noise protocols.

## 5.1 Should a permit be granted?

The proposal responds positively to the relevant provisions of the City of Greater Geelong. The proposal is generally consistent with outcomes sought by the planning scheme, the proposal demonstrably adheres to the relevant noise protocols set out by the EPA.

It is submitted that the proposal achieves a good and orderly planning outcome and is recommended that a permit be granted.




## CONTACT US

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