

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 22 September 2009

Held at the
Bellarine Aquatic and Sports Centre
Shell Road, Ocean Grove
commencing at 7.00 p.m.

COUNCIL:

Cr. J. Mitchell <i>- Mayor</i>	(Communications / Sport and Recreation)
Cr. B.H. Abley	(Arts and Culture)
Cr. J. Doull	(Environment and Sustainability / Climate Change)
Cr. J. Farrell	(Democracy and Governance / Education and Youth)
Cr. K. Fisher	(Community Development)
Cr. C. Granger	(Rural and Regional Affairs / Indigenous Affairs)
Cr. B. Harwood	(Tourism / Major Events / Strategic Development)
Cr. A. Katos	(Planning / Finance)
Cr. Dr. S. Kontelj	(Major Projects)
Cr. R. Macdonald	(Economic Development)
Cr. A. Richards	(Transport and Infrastructure / Parks and Gardens)
Cr. D.J. Saunderson	

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE BELLARINE AQUATIC AND SPORTS CENTRE
SHELL ROAD, OCEAN GROVE
TUESDAY, 22 SEPTEMBER 2009
COMMENCING AT 7.00P.M.**

PRESENT: Cr R Macdonald (Acting Mayor), Crs B H Abley, J Doull, J Farrell, K Fisher, C Granger, B Harwood, A Katos, S Kontelj, A Richards

Also present: D Frost (Acting Chief Executive Officer), J Wall (Acting General Manager Corporate Services), K Sullivan (General Manager Development Sustainability), D Hannah (Acting General Manager City Services, Infrastructure and Recreation), K Paton (Acting General Manager Community Services), F Hemingway (Acting General Manager Major Projects), J Brown (Acting Manager Marketing and Administration), T Demeo (Manager Planning Strategy & Economic Development), P Manolis (CEO Geelong Regional Library Corporation), J Bleazby (Governance Co ordinator), J Merlo (Senior Media Officer)

OPENING: The Acting Mayor declared the meeting open at 7.00pm

APOLOGIES: Cr J Mitchell (Overseas / Council business) and Cr D Saunderson (Leave of Absence)

CONFIRMATION OF MINUTES:

Cr Abley moved, Cr Farrell seconded -

That the Minutes of the Ordinary Meeting held on 8 September 2009 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Granger declared a Conflict of Interest in Items 12 and 13 - Proposed Aldi Supermarkets, in that he knows the Public Relations Officer for Aldi, who has been known to him through the ALP for many years.

Cr Farrell declared a Conflict of Interest in Items 12 and 13 - Proposed Aldi Supermarkets, in that the publicist who works for the developer assisted her with free advice prior to her election to Council. Although no payment was either discussed or made, she believes that the relationship may give rise to the perception of a Conflict of Interest.

10. PRECINCT STRUCTURE PLANS FOR ARMSTRONG CREEK

Portfolio: Planning – Cr Katos
Source: Economic Development & Planning – Armstrong Creek Growth Team
General Manager: Kate Sullivan
Index Reference: Proj: Armstrong Creek Urban Growth Plan

Summary

- The implementation of the Armstrong Creek Growth Area has been progressed through the adoption of a Framework Plan and rezoning of land from Farming to the Urban Growth zone.
- Two consortiums have progressed Precinct Structure Plans for the Armstrong Creek East precinct and the North East Industrial precinct respectively.
- Both consortiums are now seeking an accelerated review and approval mechanism via the Minister for Planning to enable approval of the Precinct Structure Plan and development commencement.
- It is considered appropriate to support an accelerated review and approval mechanism (subject to this being undertaken within an agreed timeline, and any substantive change in Structure Plans from the Framework Plan being the subject of consultation with Council).
- The Developer Contribution Plans (DCP's) which involve major community infrastructure funding is recommended to be subject to a conventional planning scheme approach with exhibition of the amendment and independent review opportunity (independent panel).

Cr Katos moved, Cr Richards seconded -

That Council:

- 1) write to the Minister for Planning advising that Council supports an accelerated process for Armstrong Creek and formally request the Minister for Planning to act as the Planning Authority for the Residential East and the North East Industrial Precinct Structure Plan Amendment. This accelerated process would include a targeted consultation process and agreed timelines for the completion of the amendment process by April/May 2010.**
- 2) advise developers that the Development Contribution Plans will be subject to a standard planning scheme amendment process including exhibition and independent panel review.**
- 3) advise all land owners within the Armstrong Creek East and North East Industrial precincts of Councils position in relation to this matter.**

Carried.

Report

Background

The implementation of the Armstrong Creek Growth Area has been progressed to a point where the approved Framework Plan has been included in the Planning Scheme, and all the land within the urban growth area rezoned to an Urban Growth zone.

10. PRECINCT STRUCTURE PLANS FOR ARMSTRONG CREEK (CONT'D)

The adoption of the Framework Plan and rezoning of the land to an Urban Growth zone was the subject of an exhibition phase in late 2006 culminating in an independent panel review which ran over 18 days in 2007. The Framework Plan provides very clear direction in relation to the location of activity centres, and land use direction for residential, conventional residential, employment land and the location of key open space. The rezoning of land to the Urban Growth Zone requires the development of Precinct Structure Plans to enable development to commence.

In addition the Armstrong Creek Project Team has undertaken detailed infrastructure planning both for civil infrastructure and community infrastructure for the entire growth area and Council has adopted the Integrated Infrastructure Delivery Plan (IIDP) which gives clear direction in relation to the infrastructure requirements to serve future communities across Armstrong Creek.

The next level of planning is at a precinct level with seven precincts defined across the growth area. A protocol has been adopted for the developer consortiums to progress Precinct Structure Plans for these identified precincts.

Two groups have progressed precinct structure planning, the Armstrong Creek Development Corporation within the Armstrong Creek East Precinct and Keystone Pty Ltd within the North East Industrial Area Precinct. This planning has involved extensive background reports to cover issues such as stormwater/drainage management, native vegetation, indigenous cultural heritage, and infrastructure planning. Both consortiums developed master plans which were subject to consultation with land owners across the precinct and those immediately adjacent to the precinct earlier in 2009 and now both consortiums are at a point of final documentation of their respective Precinct Structure Plans. These final documents will include Developer Contribution Plan requirements and detail the planning controls applicable across the entirety of that precinct.

The Precinct Structure Plan for the Armstrong Creek East Precinct is completely compliant with the Framework Plan. The North East Industrial Precinct is compliant in all aspects except the alignment of the East West arterial link to the south of the precinct and the centralising of the activity centre to service the employment precinct. Both these modifications to the Framework Plan are considered to be justified on strategic planning grounds and are generally supported by the Department of Planning and Community Development (DPCD).

The Precinct Plans detail open space requirements. The Armstrong Creek East Precinct Plan provides in excess of the 10% unencumbered open space required under the Framework Plan, with the North East Industrial area reduced to 2.5% unencumbered open space, below the Framework Plan requirement but in line with the State Governments Growth Area Authority Guidelines. The Planning Scheme Amendment will rezone the existing Industrial 1 zoned land to an Urban Growth zone to ensure the planning controls are consistent across the entire Industrial Precinct.

Discussion

The Urban Growth Zone is structured so that Precinct Structure Plans are required to go through a Planning Scheme Amendment process, before physical development can take place. This Planning Scheme Amendment process needs to be undertaken in the most expedient way as the urban area of Geelong has a critical residential land supply shortage while additional well serviced employment land would provide a stimulus to the broader Geelong economy.

10. PRECINCT STRUCTURE PLANS FOR ARMSTRONG CREEK (CONT'D)

Given the extensive review of the original Framework Plan, the compliance of these Precinct Structure Plans with that Framework Plan, and the consultation which has already been carried out with affected land owners it is considered that an accelerated process is justified.

There is considerable imperative to proceed through an accelerated process with both consortiums making representations to DPCD for the Minister for Planning to expedite the process.

In regard to the Developer Contribution Plan component, it is considered this is best undertaken by the standard planning scheme amendment process. Any broad ranging Developer Contribution Plan introducing explicit charges on individual properties should be the subject to a formal consultation process. It is recommended this be done as a separate amendment run by Council. There are extensive community infrastructure requirements to be specified in the Developer Contribution Plan for the Armstrong Creek East precinct the North East Industrial precinct Developer Contribution Plan deals with civil infrastructure components.

The recommended process to advance precinct development involves:

- Precinct Structure Plans to be dealt with by the Minister for Planning as the Responsible Authority which will include targeted consultation, consideration of submissions by an Advisory Committee and specified timelines for the process.
- Developer Contribution Plans to be subject to formal exhibition as a Council amendment, and Panel review to allow all land owners to have input into the resolution of this process of a Developer Contribution Plan amendment.
- The Precinct Structure Plans to proceed on the basis of a section 173 agreement requirement that would commit pioneer developers (early stages) to pay the exhibited Developer Contribution Plan amount on a per lot/or per hectare basis which would ensure that the City of Greater Geelong as the collecting agency and delivery of this infrastructure was not prejudiced by the Precinct Structure Plans proceeding in advance of a Developer Contribution Plan amendment.

On the basis of this proposed approach it is considered appropriate that Council write to the Minister for Planning requesting the Minister to act as the Planning Authority for approval of Precinct Structure Plans for the Armstrong Creek East and North East Industrial Precincts in Armstrong Creek subject to the Minister confirming that the review and approval can be undertaken within "an agreed timeline".

Environmental Implications

The environmental impact of development in the Armstrong Creek Urban Growth Area has been subject to thorough analysis and review via the original Framework Plan, independent panel process. The preparation of the Precinct Structure Plans has been supported via the development of detailed technical reports in respect to stormwater management, native vegetation, and broader sustainability analysis. The development and review of these technical reports has been undertaken in consultation with relevant statutory departments of the State.

10. PRECINCT STRUCTURE PLANS FOR ARMSTRONG CREEK (CONT'D)

Financial Implications

The Developer Contribution Plans are the vehicle for the collection of contributions from the developers for both civil and community infrastructure. As indicated above it is not intended to depart from the conventional Planning Scheme Amendment process for the implementation of these Developer Contribution Plans. It is proposed through this process to require pioneer developers to enter into a section 173 agreement to commit to the payment of the exhibited Developer Contribution Plans so that Council is not prejudiced in any way in the collection of developer contributions for these two initial precincts in the future.

Policy/Legal/Statutory Implications

The proposal in this instance is to have the Minister for Planning act as the Planning Authority, which reduces the steps in the process to enable the approval of these Precinct Structure Plans an accelerated process. The request of the Minister includes consultation with Council if there are any significant modifications to the Precinct Structure Plans.

Given the compliance of these Precinct Structure Plans with the broader framework adopted by Council it is considered that an accelerated process will not prejudice Councils policy objectives.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any direct or indirect interest.

Risk Assessment

The limited land supply available in Geelong is a significant risk to managing population growth. The proposal to seek Ministerial assistance to accelerate the delivery of serviced residential and employment land would clearly assist in mitigating this risk.

Social Considerations

A key consideration in the development of Armstrong Creek is the need to ensure that community infrastructure is established as soon as practicable in the individual precincts and that developers contribute on an equitable basis to the provision of this infrastructure. The S173 amendment principal ensures that Councils position in relation to DCP's would not be prejudiced in respect to delivery of community amenities in these precincts.

Communication

All land owners across the two precincts proposed to be dealt with under this accelerated mechanism for the review and approval of the Precinct Structure Plans will be advised in writing of the Council's position.