

# AGENDA

## ORDINARY MEETING OF COUNCIL

**Tuesday, 9 September 2008**

To be held at the  
Council Conference and Reception Centre  
City Hall, Little Malop Street, Geelong  
commencing at 7.00 p.m.

**COUNCIL:**

Cr. B. Harwood (Tourism and Major Events / Communications)  
- *Mayor*

Cr. B.H. Abley (Infrastructure / Parks / Gardens)  
Cr. A.M. Ansett (Historical Restoration / Rural and Regional Affairs)  
Cr. L. Brazier (Community Development and Indigenous Affairs)  
Cr. J. Farrell (Democracy and Governance / Education and Youth)  
Cr. A. Katos (Finance)  
Cr. Dr. S. Kontelj (Major Projects)  
Cr. R. Macdonald (Planning / Economic Development (shared) / Strategic Development (shared))  
Cr. P. McMullin (Arts, Culture and Heritage / Economic Development (shared))  
Cr. J. Mitchell (Sport and Recreation / Strategic Development (shared))  
Cr. T. O'Connor (Environment / Waste Management)  
Cr. D.J. Saunderson (Multicultural Affairs)

**SECTION A - PROCEDURAL MATTERS**

- Apologies
- Confirmation of Minutes
  - Ordinary Meeting held on 26 August 2008.
- Declarations of Interest or Conflicts of Interest
- Question Time
- Petitions

**SECTION B – REPORTS**

- 1. Amendment C93 – Combined Permit/Rezoning, Retirement Village, Mercer Street, Portarlinton..... 1-16
- 2. Amendment C155 Matthews and Plantation Roads, Corio – Consideration to Seek Authorisation and Exhibit ..... 17-27
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**SECTION C – COMMON SEAL REGISTER**

**SECTION D – CONFIDENTIAL**

## **2. AMENDMENT C155 MATTHEWS & PLANTATION ROADS, CORIO CONSIDERATION TO SEEK AUTHORISATION AND EXHIBIT**

**Portfolio:** Planning – Cr Macdonald  
**Source:** Development Sustainability – Strategic Implementation  
**General Manager:** Kate Sullivan  
**Index Reference:** Project: C155 – Reports Council

### **Summary**

- The purpose of this report is to seek Council approval to proceed with the preparation and exhibition of Planning Scheme Amendment C155 subject to Authorisation being obtained from the Minister for Planning.
- Amendment C155 proposes to:
  - Re-zone 21.35 hectares of land in Plantation Road Corio, bounded by Sutcliffe Reserve to the east, Plantation Road to the South and the Geelong Outer Ring Road, to the west and north, from the Low Density Residential zone (LDRZ) to Residential 1 zone (R1Z).
  - Introduce and apply a new schedule 14 to the Development Plan Overlay (DPO14) to the land.
- The Amendment would facilitate conventional residential development with a potential lot yield in the order of 200 lots.
- The Amendment request is accompanied by a draft Development Plan Overlay schedule (DPO14) and Explanatory Report.
- Council officers recommend that a draft Agreement (s) under Section 173 of the Planning and Environment Act, 1987 is prepared and exhibited with the Amendment in relation to the provision of civil infrastructure, a 10% public open space contribution and a \$900 per lot contribution towards community infrastructure.
- The original amendment request didn't include rezoning of a parcel of land west of Matthews Road abutting the Geelong Ring Road. This land is not owned by the C155 proponent and is subject to a planning permit for a Freeway Service Station issued by VCAT in 2006. This site is now included for rezoning to Residential 1 to 'tidy up' the zoning in the area rather than leaving a small parcel of LDRZ land. There are no implications for the Freeway Service Centre by changing the zoning.
- The key issues associated with this amendment are the potential impacts on the amenity of the proposed residential area due to its proximity to the Geelong Ring Road and the M. C. Herd Abattoir and Rendering Plant, as well as drainage issues.
- It is considered that this proposal has sufficient merit to warrant the preparation of an amendment subject to the Minister's authorisation being obtained, the amendment documentation being finalised and Section 173 agreements being prepared.

## **2. AMENDMENT C155 MATTHEWS & PLANTATION ROADS, CORIO CONSIDERATION TO SEEK AUTHORISATION AND EXHIBIT (CONT'D)**

### **Recommendation**

**That Council:**

- 1) resolve to support the preparation and exhibition of Amendment C155 to the Greater Geelong Planning Scheme to; rezone land at Plantation Road Corio, bounded by Sutcliff Reserve to the east, Plantation Road to the South and the Geelong Outer Ring Road, from Low Density Residential zone to Residential 1 zone and apply Development Plan Overlay schedule 14 to the land, subject to;**
  - a) resolution of the detail of the amendment;**
  - b) agreement being reached between Council and the proponent of the amendment to enter into an agreement or agreements under section 173 of the Planning and Environment Act, 1987 in relation to;**
    - the provision of civil infrastructure**
    - a contribution of the equivalent of 10% unencumbered land or cash in lieu of land for public open space**
    - a contribution of \$900 per lot towards community infrastructure**
  - c) the draft agreement being exhibited together with the planning scheme amendment, and**
- 2) request the Minister for Planning to authorise the preparation and exhibition of Amendment C155 to the Greater Geelong Planning Scheme.**

### **Report**

#### ***Background***

An application has been received from TGM Group Pty Ltd to rezone land bounded by Matthews Road, Plantation Road, Sutcliffe Reserve and the Geelong Outer Ring Road from Low Density Residential zone (LDRZ) to Residential 1 zone (R1Z), and to apply a new Schedule 14 to the Development Plan Overlay (DPO14) to the land.

The original amendment application didn't include rezoning of the parcel of land west of the Matthews Road reserve abutting the Geelong Ring Road (310-312 Plantation Road, Corio). This land is in separate ownership and is subject to a planning permit for a Freeway Service Station issued at the direction of VCAT in 2006. Following discussions with Council officers, the proponents have agreed to amend their request to include all of the existing LDRZ land on the north side of Plantation Road in the proposed amendment. This will 'tidy up' the zoning in the area rather than leaving a small parcel of LDRZ land. There are no implications for the Freeway Service Centre by changing the zoning to Residential 1 as the zone provisions are the same for this land use.

The proposed re-zoning is shown on Appendix 2-1.

It is also intended that a new Schedule 14 to the Development Plan Overlay (DPO14) be introduced to require that, prior to the issue of a planning permit for subdivision, an overall site Masterplan showing the lot sizes, internal road layout, storm water management arrangements, open space areas and any constraints on the site must first be approved Council. The proposed extent of application of the DPO14 is shown on Appendix 2-2.

## **2. AMENDMENT C155 MATTHEWS & PLANTATION ROADS, CORIO CONSIDERATION TO SEEK AUTHORISATION AND EXHIBIT (CONT'D)**

The existing zoning of the land affected by the amendment request is shown on Appendix 2-3, which also shows the relationship of the land to the route of the Geelong Outer Ring Road, which is located in the Rural Living zone (RLZ), Sutcliffe Reserve, which is zoned Public Park and recreation (PPRZ) and the M. C. Herd abattoir and rendering plant, located in the Farming zone (FZ). Appendix 2-4 is an aerial photo and identifies that portion of the land located within 1,000 metres of the rendering plant.

Council will advise the owners of the lot on the western side of Matthews Road that the request to re-zone the land has been received.

### ***Discussion***

The proponents have provided a detailed assessment against State and Council planning policies as required by the Strategic Assessment Guidelines. Relevant policies and objectives of the State Planning Policy Framework that provide a context for this amendment are Settlement (Clause 14), Housing (Clause 16), Environment (Clause 15) and Infrastructure (Clause 18).

The rezoning proposal is consistent with Council's adopted planning policies as contained within the Municipal Strategic Statement, in particular:

- Clause 21.08: Urban Growth. On-going consolidation within Urban Geelong as one of Council's urban growth directions.
- Clause 21.18: Housing. The proposed rezoning will provide for the further diversity of residential opportunities to meet the future housing needs of the community.

Council officers consider that, with the adjoining section of the Geelong Outer Ring Road under construction, it would be timely for the land to be re-zoned to allow for development at residential densities consistent with those of the surrounding residential area, subject to existing constraints.

A portion of the eastern part of the site, varying in width between approximately 210 metres and 80 metres falls within the 1,000 metre buffer distance from the Rendering Plant located on Bacchus Marsh Road. This is shown in Appendix 2-4. The buffer distance is derived from EPA publications and Clause 52.10 of the Planning Scheme "Uses with Adverse Amenity Potential".

Officers believe it is appropriate for all of the subject land to be re-zoned, with the portion of the land within 1,000 metres of the rendering plant to be identified in the Schedule to the Development Plan Overlay as not to be developed until the plant is closed or until such time as it can be demonstrated to the satisfaction of Council and the EPA that the odour emissions from the plant are at a level that will not impact on residential amenity.

The application has been referred to Council's Environment, Engineering (in relation to drainage, traffic and subdivision considerations), Recreation, Social Planning and Statutory Planning units for comment. Responses from these units are generally supportive of the proposed re-zoning, subject to the content of the Schedule to the Development Plan Overlay being finalised prior to exhibition.

In particular, Council's engineers have indicated that they are not totally confident at this stage that an acceptable drainage outcome can be designed which would be consistent with development of the land to residential densities in line with the Residential 1 Zone. The engineers require the proponent to demonstrate how the main drainage system would function prior to the amendment proceeding.

## **2. AMENDMENT C155 MATTHEWS & PLANTATION ROADS, CORIO CONSIDERATION TO SEEK AUTHORISATION AND EXHIBIT (CONT'D)**

The preliminary subdivision layout submitted with the application will also need to be revised as Council's engineers and planners are not satisfied with the design particularly the interface with the Ring Road. The layout will also need to respond to the 1000 metre buffer area potentially not being developed for some time.

In regards to Public Open Space, the Recreation and Open Space Unit require 10% unencumbered land or cash in lieu of land or a combination of both for areas rezoned for residential development. In this case the preference would be to obtain a 10% cash contribution and allocate it to the development of the adjacent Sutcliffe Reserve. The Recreation and Open Space Unit also advise that the land under the power line easement should not be considered as part of the 10% contribution.

Correspondence from several authorities has been lodged commenting on the proposed amendment:

### Vic Roads

Correspondence from Vic Roads dated 30 June 2006 indicates that Vic Roads would not oppose the proposed re-zoning and subsequent residential development of the land, subject to the owners being responsible for undertaking noise attenuation measures, including the construction of sound walls to Vic Roads satisfaction.

### Barwon Water

Correspondence from Barwon Water dated 28 October 2005 indicates that the land can be serviced with reticulated water and sewer.

### EPA

Correspondence from Council dated 13 January 2006 recommended that the proponents initiate discussions with MC Herd Pty Ltd and the EPA regarding the development of the site.

In October 2007 and January 2008 Council officers wrote to the EPA seeking its views in regard to the application of an urban residential zone to land within 1,000 metres of the rendering plant on Bacchus Marsh Road. A letter dated 13 February 2007, unsigned and not on letterhead, was emailed to Council from the EPA advising that the EPA is of the view that grounds to reduce the threshold distance of 1,000 metres do not exist. A copy of the letter is included as Appendix 2-5. Council officers will continue to discuss the buffer issue with the EPA and the proponents to reach a satisfactory resolution prior to exhibition.

### ***Financial Implications***

The developers will be required to fund the necessary infrastructure upgrades to enable the subdivision of the land to proceed. These requirements will be specified in the proposed Development Plan overlay and a Section 173 agreement. In recent residential rezonings in the municipality, Council has required the developer to enter into an agreement to provide \$900 per lot towards community infrastructure and this will also be required for Amendment C155. As mentioned previously a cash contribution will also be required for public open space equivalent to 10% of the unencumbered land area and this will go towards Sutcliffe Reserve.

The Council will eventually become responsible for open space and storm water management; however the costs associated with this responsibility will be off-set by the additional rate income that will accrue from the development of the land subsequent to subdivision in accordance with the proposed Residential 1 zone.

## **2. AMENDMENT C155 MATTHEWS & PLANTATION ROADS, CORIO CONSIDERATION TO SEEK AUTHORISATION AND EXHIBIT (CONT'D)**

### ***Policy/Legal/Statutory Implications***

Planning policy issues have been addressed in detail in the main body of this report. The proposed rezoning and residential development of this land is considered to be consistent with State Planning Policy and Council's Local Planning Policy as contained in the Municipal Strategic Statement.

The schedule to the Development Plan Overlay will ensure that the land within the buffer distance of the rendering plant cannot be developed for residential purposes until such time as odour emissions from the rendering plant are resolved. This will reduce any potential exposure to objections from additional residents in relation to adverse impact on their amenity resulting from the inappropriate zoning of their land.

### ***Risk Assessment***

The Environment Protection Authority publication Recommended Buffer Distances for Industrial Residual Air Emissions, July 1990, specifies a buffer distance of 1,000 metres between residential development and a rendering plant. Ensuring that residential development does not occur within the 1,000 metre buffer reduces the risk of conflict between the existing abattoir/rendering plant and the future residential area.

### ***Social Considerations***

Provision of a new housing estate in Corio will provide additional residential housing options in the northern part of the Geelong urban area. The potential for the future subdivision of the land to accommodate a range of lot sizes, including some sites for multi-unit housing development, will assist in increasing housing diversity within this part of the city. The developer will also be required to provide \$900 per lot towards community infrastructure in the local area. The infrastructure to be funded by this contribution will need to be determined in consultation with the City's Community Development Department.

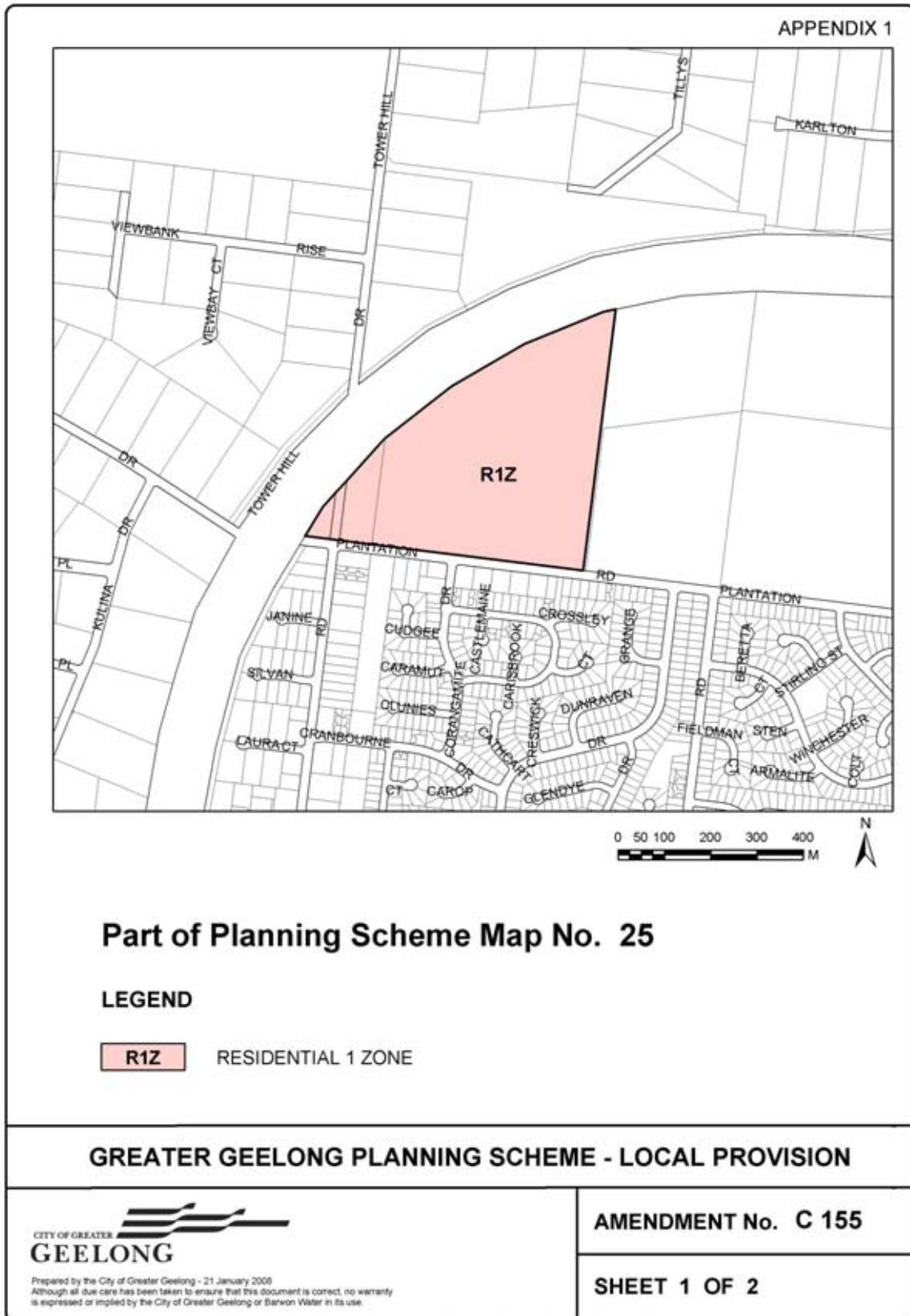
### ***Environmental Implications***

The subject land has been substantially cleared of native vegetation. Provided stormwater is managed as proposed by the Development Plan Overlay schedule requirements there should be no adverse environmental impacts.

### ***Communication***

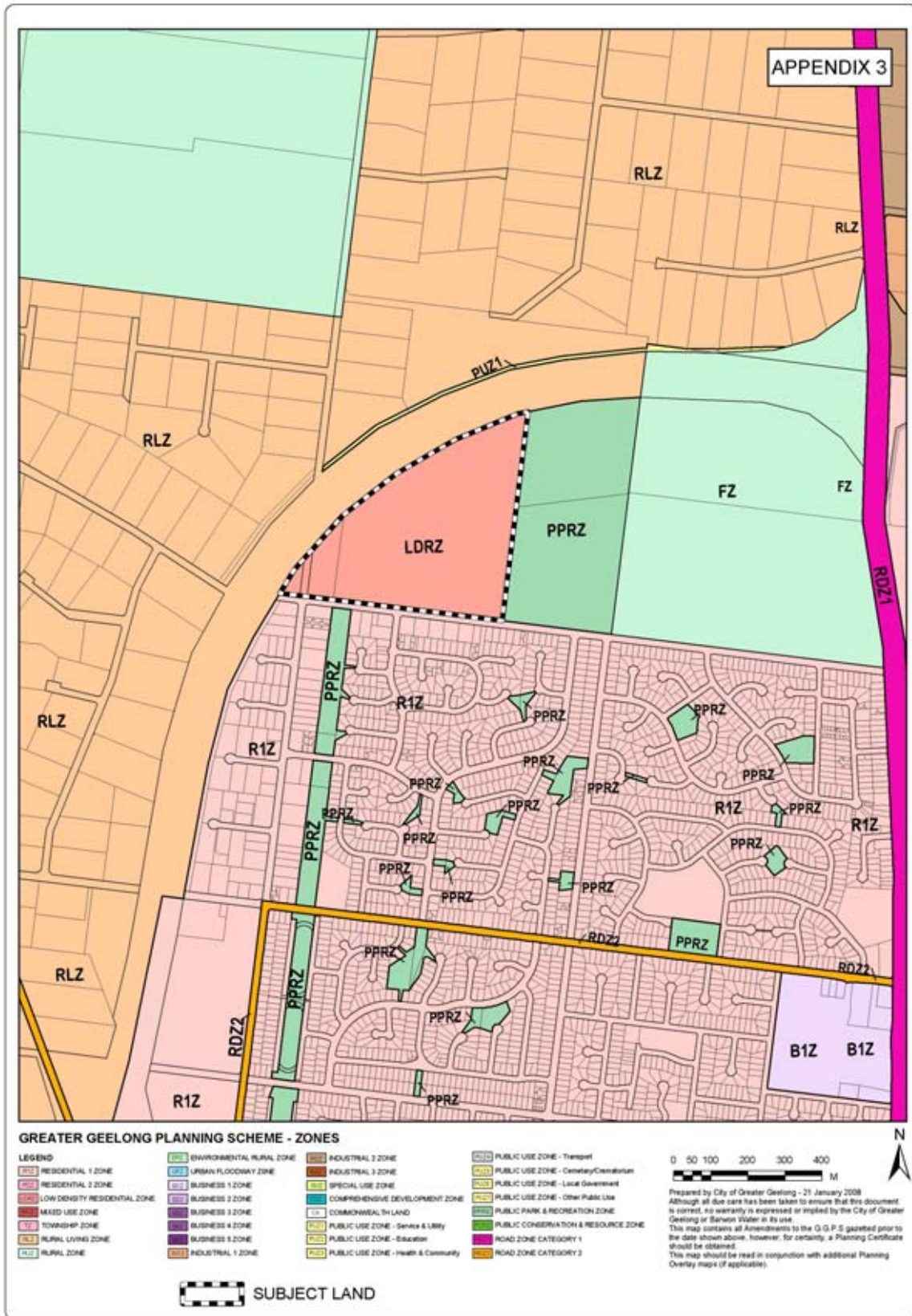
If Council determines to exhibit the proposed planning scheme amendment full notification will be undertaken in accordance with the provisions of the Planning and Environment Act.

**Appendix 2-1 – Proposed Zoning**





**Appendix 2-3 – Existing Zoning**





## Appendix 2-5 – EPA Letter

13 February 2007  
Our Ref: 23145

Mr Peter Smith  
Coordinator Strategic Implementation  
City Greater Geelong  
PO Box 104  
GEELONG 3220

Dear Mr Smith,

C155 220 -302 PLANTATION ROAD CORIO - PROPOSED REZONING

I apologise for the delay in response to your letter of 16 January 2008 which was following up correspondence from October 2007. You requested EPA's initial view and complaint details associated with rezoning land the near M C Herds Pty Ltd rendering facility.

EPA will make a formal submission if and when the rezoning is formally submitted to EPA for comment.

The *State Environment Protection Policy Air Quality Management* stipulate beneficial uses of the atmosphere that must be protected. Relevantly it should be free of offensive odours. This is an objective that is actively pursued by EPA. However it is recognised from time to time despite all best endeavours offsite odours will be emitted.

EPA's publication *Recommended Buffer Distances For Industrial Residual Air Emissions* AQ 2/86 ("IRAE") specifies distances between the emitter of odours and the edge of the sensitive receiving environments. In this case the recommended distance of 1000 metres between the Herds rendering activities and eastern edge of the proposed residential rezoned land ("subject land"). EPA's IRAE addresses residual air emissions and is not relevant for the routine emission of offensive offsite odours.

The supplied aerial photograph indicates approximately 200 meters of the subject land is within this 1000 metres separation distance.

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It is worth noting the method of calculation and purpose of the Planning Scheme Table 52.10 differs from this IRAE.

Offensive offsite odours are required to be kept within the confines of the premises. Therefore the actual performance of the rendering plant in its self should not be a consideration. Distances however can be varied if the odour emitter is shown to be using better than good practice. The company is not in this category.

EPA has received numerous reports of offensive odours and on occasion has taken enforcement action in relation to some of these avoidable emissions. EPA has also received reports from the community of offensive odour unrelated to the rendering facility. These odours were from the animal holding yards which are not regulated by EPA. These odours have been reported and tracked as far away as Streeton Court ~1000 meters to the east of Herds.

Herds and EPA are entering into an agreement to reduce the more ongoing offensive odour emissions from the rendering facility. As previously explained this would not reduce the need for a 1000 meter separation.

I trust these comments will assist in council determining its course of action in relation to the proposed rezoning.

If you have any further questions you can call me on 52264 825.

Yours sincerely,

NEIL MCKENZIE  
SOUTHWEST REGION