



Our Ref: GGH:CML:258090

29 February 2016

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Dear Mr McCartney,

**RE: GREATER GEELONG PLANNING SCHEME AMENDMENT C336:  
BUPA RESIDENTIAL AGES CARE FACILITY 2 LOT SUBDIVISION**

We refer to the above matter and **enclose** the report by Gerard Gilfedder of Currie & Brown dated 29 February 2016.

Mr Gilfedder will be in attendance at the hearing on 7 March 2016.

Please contact the writer if you have any queries in relation to the above.

Yours faithfully,

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Bupa

Greater Geelong Planning Scheme Amendment C336

Town Planning Expert Witness Statement

**Planning Panel Expert Witness Statement**

29 February 2016

**GB** Currie & Brown

## Contents

Qualifications and Experience of Gerard Gilfedder.....	2
Instructions to Gerard Gilfedder .....	3
Documents and other materials considered.....	4
Statement of Expert Evidence.....	5
1. INTRODUCTION AND BACKGROUND .....	6
2. SITE CONTEXT .....	7
3. EXISTING PLANNING POLICIES .....	9
<b>State Planning Policy Framework.....</b>	<b>9</b>
<b>Local Planning Policy Framework.....</b>	<b>15</b>
Municipal Strategic Statement.....	15
<b>Ministerial Directions.....</b>	<b>18</b>
4. EXISTING PLANNING FRAMEWORK.....	20
<b>Zone.....</b>	<b>20</b>
<b>Overlays.....</b>	<b>20</b>
5. WITNESS STATEMENT .....	25
<b>Is the Use of Clause 52.03 Appropriate?.....</b>	<b>25</b>
<b>Is the Amendment Justified? .....</b>	<b>25</b>
<b>Is Access to the Flower Farm prevented? .....</b>	<b>27</b>
6. CONCLUSION .....	28
Appendices.....	29
Appendix A – Amendment Request Report .....	30
Appendix B – Site Photographs .....	31

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## Qualifications and Experience of Gerard Gilfedder

I am an urban and environmental planner with a Bachelor's Degree in Applied Science (Planning) and a Graduate Diploma in Urban and Regional Planning both from RMIT. I have had 33 years experience in Victoria through positions with the Environment Protection Authority (1983-1986), Shire of Healesville (1986-1988), City of Heidelberg (1988), Shire of Sherbrooke (1988-1994), Shire of Yarra Ranges (1994-1999) and Whitehorse City Council (1999-2009). I have been Senior Planner with Currie & Brown (formerly Sweett Group) since 2009 and have now been appointed as Associate, Manager Planning Services with Currie & Brown.

I have extensive experience in working with consultants, developers and state and local government departments on immensely complex and challenging projects including preparation of Structure Plans for Activity Centres and a series of planning scheme amendments to facilitate development in various municipalities.

Key projects I have managed include:

- 
- **Burwood Highway, Upper Ferntree Gully – development approval for a major shopping centre with supermarket and speciality shops including residential interface and integration of mobile library facilities.**
  - **Deakin University, Burwood Highway, Burwood – involvement in the development of a master plan and management of amendments to provide a planning framework for the development of the campus.**
  - **Housing Study – development and implementation of a Housing Study for Whitehorse City Council including the identification of substantial change or preferred development areas.**
  - **Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan – management of consultant project and community consultation program for the preparation of the structure plan for the two activity centres.**
  - **VicRoads & Monash Council: - provided advocacy and expert witness services for VCAT and Panel Hearings**

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## Instructions to Gerard Gilfedder

In general, I was instructed to review the amendment document and accompanying reports and to comment on the following issues:

- **The appropriateness of the proposed amendment and Incorporated Document;**
- **The compliance of the proposal with the policy framework and provisions of the Greater Geelong Planning Scheme;**
- **The ability to service the site for future development; and,**
- **Present the results of the review in an expert witness statement in the format required by Planning Panels Victoria.**

## Documents and other materials considered

The documents considered include:

- **Greater Geelong Planning Scheme**
- **Amendment Request Report dated 18 September 2015**
- **Submissions**
- **Council Reports**
- **Panel's Direction Letter**
- **Service Authority letters**

## Statement of Expert Evidence

The following sections introduce the relevant issues and then detail my opinions concerning those issues. It includes a copy of the Amendment Request Report dated 18 September 2015.

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## 1. INTRODUCTION AND BACKGROUND

This statement to the Panel has been prepared to outline the relevant planning provisions, discuss the issues raised in submissions and discuss the merits of the amendment.

Amendment C336 as exhibited proposed the inclusion of an Incorporated Document in the Greater Geelong Planning Scheme and consequential amendments to the Schedules to Clauses 52.03 and 81.01. The amendment seeks to facilitate a two lot subdivision to create a separate land parcel for the proposed Bupa Aged Care Facility. This facility was permitted by Permit 10/2006.

This statement supports the amendment.

## 2. SITE CONTEXT

The land subject to the amendment is located at 402-404 Bellarine Highway, Moolap (formerly described as Lot 1 on Title Plan 801 375B) and comprises a single lot with an area of 49.89 hectares. The site is currently being developed with a separately owned retirement village. Our client's RACF is to be located in the north-east corner of the property, as shown in Figure 2.

The site is located in Moolap, which is part of Greater Geelong, and is located approximately 8 kilometres to the south-east of the Geelong city centre. The land forms part of a peri-urban area that includes lots occupied by dwellings, places of worship and nurseries. The lots fronting Bellarine Highway between the site and Moolap Station Road have areas of about 1.8ha and there are larger lots of 16ha to the east.

The site is located to the south of Bellarine Highway (in this section also known as Queenscliff Road) that extends from Geelong located to the west and Queenscliff to the east. Access to the subject site is provided directly from Bellarine Highway by a two lane road that also serves two neighbouring properties via a carriageway easement.

The area to the south of the site is the Reedy Lakes Wildlife Reserve. This is fed by the Barwon River, which flows south of the site before entering Bass Strait at nearby Barwon Heads. Land to the west and east comprises two lots of similar size to the subject property. On either side of the access road there are two smaller lots that adjoin the subject site and front on to Bellarine Highway.

Given that the property has frontage to Bellarine Highway, the site is considered to obtain a reasonable level of accessibility. The site is located in close proximity to Geelong (located to the west) and to Leopold (located to the east). The Bellarine Rail Trail provides a nearby regional cycle and pedestrian link.

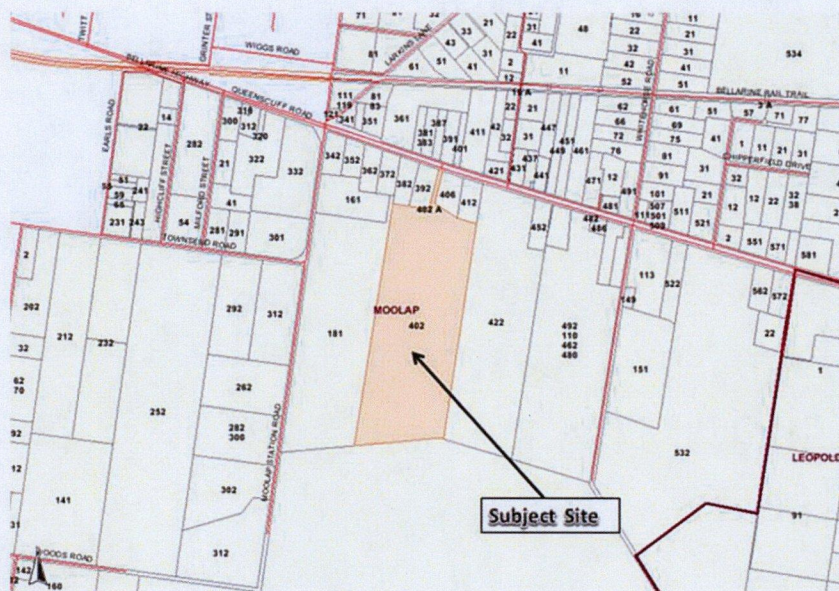


Figure 1 - Location Plan (Source: land.vic.gov.au)



**Figure 2: The northern region of the subject site (Nearmap.com)**

The approved RACF is currently under construction.

Redevelopment of the broader site has commenced under Planning Permit 10/2006. A number of retirement village dwellings and a communal building have been erected along with supporting infrastructure and signage. The subject site had previously been developed with a golf course. 9 of the 18 holes have been retained along with wetland areas.

Vehicle access is provided from an access road that extends from Bellarine Highway. The road has been formed and is nearing readiness to be sealed. The access road also provides vehicle access to Bellarine Highway for the adjoining property occupied by the Geelong Flower Farm located to the north of the site that front the highway (via carriageway easements E-6, E-7, E-8, E-9, E-12 and E-13).

Much of the site has been cleared of vegetation to allow the development approved under Planning Permit 10/2006. However, trees have been retained in the surrounds of the golf course and wetlands located to the south of the site.

### 3. EXISTING PLANNING POLICIES

#### State Planning Policy Framework

The following clauses of the State Planning Policy Framework have been identified as having relevance to and implications for the subject site.

##### **Clause 10.04 – Integrated decision making**

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of 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.

##### **Clause 11.02-1 Supply of urban land**

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

##### **Clause 11.04-6 A State of cities**

An objective is to maximise the growth potential of Victoria by developing a state of cities which delivers choice, opportunity and global competitiveness. Strategies are to deliver a permanent boundary around Melbourne, rebalance Victoria's population growth from Melbourne to rural and regional Victoria, integrate metropolitan, peri-urban and regional planning implementation and improve connections between cities.

##### **Clause 11.05-1 Regional settlement networks**

A purpose of the clause is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan. Geelong is identified as a regional city where growth in the region is promoted.

##### **Clause 11.05-4 Regional planning strategies and principles**

A purpose of the clause is to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.

##### **Clause 11.06-4 Sustainable Communities**

To create sustainable and vibrant communities supported by enhanced access to key services.

##### **11.06-5 A sustainable region**

A purpose of the clause is to make the region more self-reliant and sustainable.

**11.06-6 Integrated Planning**

A purpose of the clause is to integrate planning for growth with the provision of infrastructure.

**Clause 11.07 Geelong (G21) regional growth**



**Figure 3: G21 Regional Growth Plan**

**Clause 11.07-1 Planning for growth**

The objective is to optimise infrastructure and consolidate growth. Strategies include:

- Maximise capacity and leverage off existing infrastructure and services, particularly near central retail and transport nodes.
- Support the role of Geelong as the regional city and Victoria's second city.

- Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.

#### **Clause 11.07-2 Knowledge and innovation**

The objective of the clause is to build and support diversity, knowledge and innovation. Strategies include:

- Support diversity and innovation through a range of affordable education, housing types, service provision, technology, employment and social opportunities.
- Create a resilient and robust region that seeks, and is open to, new opportunities and lifelong learning.
- Provide a range of housing types with a mix of infill and greenfield options.

#### **Clause 11.07-3 Connected communities**

The objective is to create unique and connected communities. Strategies include:

- Support growth that enhances choice, health and wellbeing, liveability, amenity and diversity and creates a sense of place.
- Create communities with opportunity to participate in arts, culture, sport and recreation, encouraging healthy lifestyles. Support key district towns across the region providing services to surrounding areas.
- Maintain a significant settlement break between the region and Melbourne.
- Provide for settlement breaks between towns to maintain their unique identities.
- Require a settlement boundary for all towns.

#### **Clause 11.07-4 Environmental Assets**

The objective is to protect, restore and enhance the region's unique environment. Strategies include:

- Protect, restore and enhance the quality of land and marine areas, waterways and biodiversity and soils;
- Maintain and protect the region's natural assets.

#### **Clause 11.07-5 Agricultural productivity**

The objective is to secure food, water and energy resources. Strategies include:

- Protect critical agricultural land, energy and earth resources required to support a growing population by focussing development to existing township areas and directing growth to towns which provide rural services.

#### **Clause 11.07-6 Sustainable communities**

The objective is to allow communities to live, work, and participate locally. Strategies include:

- Support industries that utilise skills within the region.
- Support increased employment diversity.
- Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.
- Support key district towns providing key services to surrounding areas.
- Facilitate infill development in Central Geelong and West Fyans and around activity areas within urban Geelong and district towns.



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**Clause 11.07-7 A diversified economy**

An objective is to build the region's economy. Strategies include:

- Support diversity in the region's economy that builds on its competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.
- Facilitate growth in a range of employment sectors, including health, education and research.
- Facilitate revitalising and strengthening Central Geelong as a regional city.

**Clause 11.14-1 Localised planning statements**

The objective seeks to protect and enhance the valued attributes of the distinctive areas of the State including the Bellarine Peninsula. Strategies include:

- Recognise the significant geographic and physical features of these areas.
- Protect the identified key values and activities of these areas.
- Support use and development where it enhances the valued characteristics of these areas.
- Recognise the important role these areas play in the state as tourist destinations.
- Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.
- Protect areas that are important for food production.

Planning must consider as relevant the *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015).

**Clause 12.01-1 Protection of biodiversity**

A purpose of the clause is to assist the protection and conservation of biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

**Clause 12.01-2 Native vegetation management**

A purpose of the clause is to ensure that permitted clearing results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

**Clause 12.04-1 Environmentally sensitive areas**

A purpose of the clause is to protect and conserve environmentally sensitive areas with significant recreational value. It is noted that the Bellarine Peninsula is not one of the areas listed in this policy.

**Clause 12.04-2 Landscapes**

A purpose of the clause is to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

**Clause 13.02 Floodplains**

The objectives seek to protect life, property and community infrastructure from flood hazard as well as protecting the natural flood capacity of rivers and storage function of flood plains.

**Clause 13.05-1 Bushfire planning strategies and principle**

A purpose of the clause is to assist to strengthen community resilience to bushfire. The overarching strategies are to prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire, and where

appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

**Clause 14.01-1 Protection of agricultural land**

A purpose of the clause is to protect productive farmland, which is of strategic significance in the local or regional context?

**Clause 14.02-1 Catchment planning and management**

A purpose of the clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

**Clause 14.02-2 Water quality**

A purpose of the clause is to protect water quality.

**Clause 14.02-3 Water conservation**

A purpose of the clause is to ensure that water resources are managed in a sustainable way.

**Clause 16.01-1 Integrated housing**

A purpose of the clause is to promote a housing market that meets community needs.

**Clause 16.01-2 Location of residential development**

A purpose of the clause is to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

**Clause 16.01-4 Housing diversity**

A purpose of the clause is to provide for a range of housing types to meet increasingly diverse needs.

**Clause 16.01-5 Housing affordability**

A purpose of the clause is to deliver more affordable housing closer to jobs, transport and services.

**16.02-3 Residential aged care facilities**

A purpose of the clause is to facilitate the timely development of residential aged care facilities to meet existing and future needs. A strategy is to ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities and encourage planning for housing that:

- **Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.**
- **Enables older people to live in appropriate housing in their local community.**

In addition residential aged care facilities are encouraged to be well designed and located including to respond to the site and its context and aspire to high urban design and architectural standards.

**Clause 18.01-1 Land use and transport planning**

A purpose of the clause is to create a safe and sustainable transport system by integrating land-use and transport.

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**Clause 18.02-1 Sustainable personal transport**

A purpose of the clause is to promote the use of sustainable personal transport.

**Clause 18.02-2 Cycling**

A purpose of the clause is to integrate planning for cycling with land use and development planning and encourage cycling as an alternative mode of travel.

**Clause 18.02-4 Management of the road system**

A purpose of the clause is to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

**Clause 19.03-2 Water supply, sewerage and drainage**

A purpose of the clause is to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs whilst protecting the environment.

**Clause 19.03-3 Storm-water**

A purpose of the clause is to reduce the impact of storm-water on bays and catchments.

**Clause 19.03-4 Telecommunications**

A purpose of the clause is to facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

## Local Planning Policy Framework

This section provides a summary of the relevant strategic policy context that guides the assessment of the proposed amendment.

## Municipal Strategic Statement

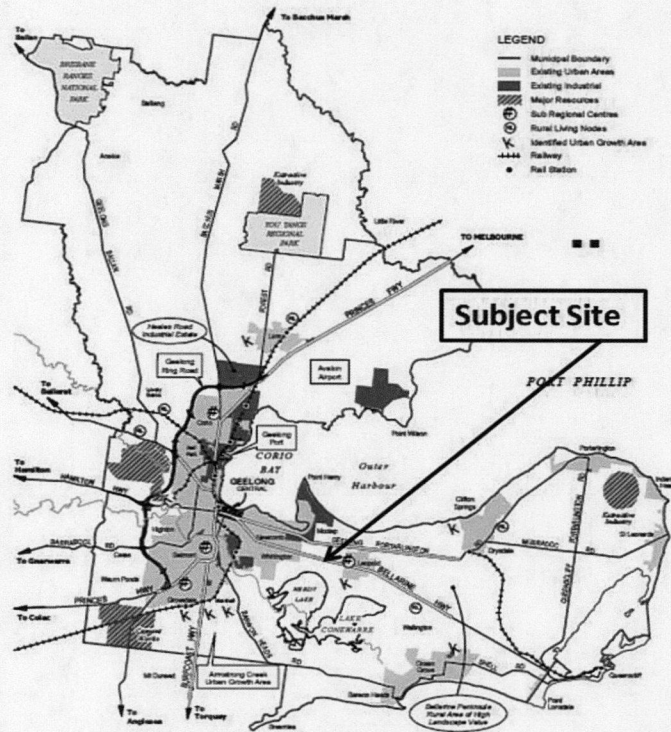
The following clauses of the Local Planning Policy Framework have been identified as having relevance to and implications for the subject site.

**Clause 21.02 Sustainable Growth Framework**

The Sustainable Growth Framework sets out key principles for ensuring that all actions and development undertaken in the City of Greater Geelong meets the needs of the present community, without compromising the ability of future generations to meet their own needs. There are four key elements to the City of Greater Geelong Sustainable Growth Framework:

- **Managing Urban Growth;**
- **Building Sustainable Infrastructure;**
- **Encouraging Diversity in Industry;**
- **Reducing Greenhouse Gas Emissions.**

**Clause 21.04 Municipal Framework Plan**



**Figure 4: Municipal Framework Plan**

**Clause 21.05 Natural Environment**

The clause recognises that:

- The municipality includes a rich diversity of flora and fauna, including rare and unique species and communities, major waterways, large coastal areas and complex freshwater and marine wetlands.
- Remnant vegetation across the municipality is conservatively estimated to be approximately 5% of that which existed pre European settlement.
- Many of the municipality’s significant natural environments are protected by international and national agreements and legislation.
- Urban and rural growth has had a direct impact on the municipality’s natural environments and the flora and fauna that they sustain. There is a need to protect and enhance the natural environment and provide for more sustainable development.
- The extensive coastline is an important natural feature of the municipality, which is vulnerable to the impacts of urban development, climate change and natural processes.
- A number of areas in the municipality are susceptible to flooding, via the flooding of waterways, storm-water runoff and coastal inundation, which have the potential to result in significant adverse economic, social and environmental impacts.

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**Clause 21.06 Settlement and Housing**

Between 2006 and 2031, it is estimated that the municipality will need to accommodate an additional 63,000 persons. This level of population growth will generate demand for approximately 41,000 new dwellings.

The region's population is ageing rapidly through the in-migration of retiring persons and the ageing-in-place of existing residents. The municipality is a popular retirement destination, particularly the coastal towns on the Bellarine Peninsula.

Although the population is ageing, it is vitally important that the City continues to provide an environment that attracts and supports children, young people and families.

The ageing of the population will contribute substantially to the increase in demand for low maintenance dwellings and retirement accommodation. This accommodation will need to be close to urban services.

There is a need to maintain competition and diversity in the housing market.

Outward urban growth needs to be carefully managed and directed to locations that offer the greatest net benefit to the Geelong community, can be appropriately serviced and which have the capacity to accommodate sustainable development.

**Clause 21.07 Economic Development and Employment**

Geelong is the largest regional city in Victoria and the primary service and employment hub for the G21 Geelong Region Alliance.

The provision of high quality living, working and recreational environments is critical to attracting and retaining highly skilled people and the businesses in which they work.

**Clause 22.05 Agriculture, Rural Dwellings and Subdivision**

The rural areas of the City of Greater Geelong are highly valued for their contribution to the economy, liveability and amenity of the whole municipality. Agriculture is and will continue to be the main rural land use in all non-urban parts of the municipality, including on the Bellarine Peninsula. Agriculture plays a role in the economic prosperity of the City, both directly through production and indirectly through its contribution to the rural landscape and character of the area and their relationship with tourism and liveability.

Land use and development in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the farming character of the area is preserved. The construction of dwellings and subdivision not related to farming activity and inappropriate subdivision is an issue in Geelong's rural areas and has the potential to compromise future agricultural activity, farmed rural landscape and is contrary to the purpose of the zone and the vision for the area.

## Ministerial Directions

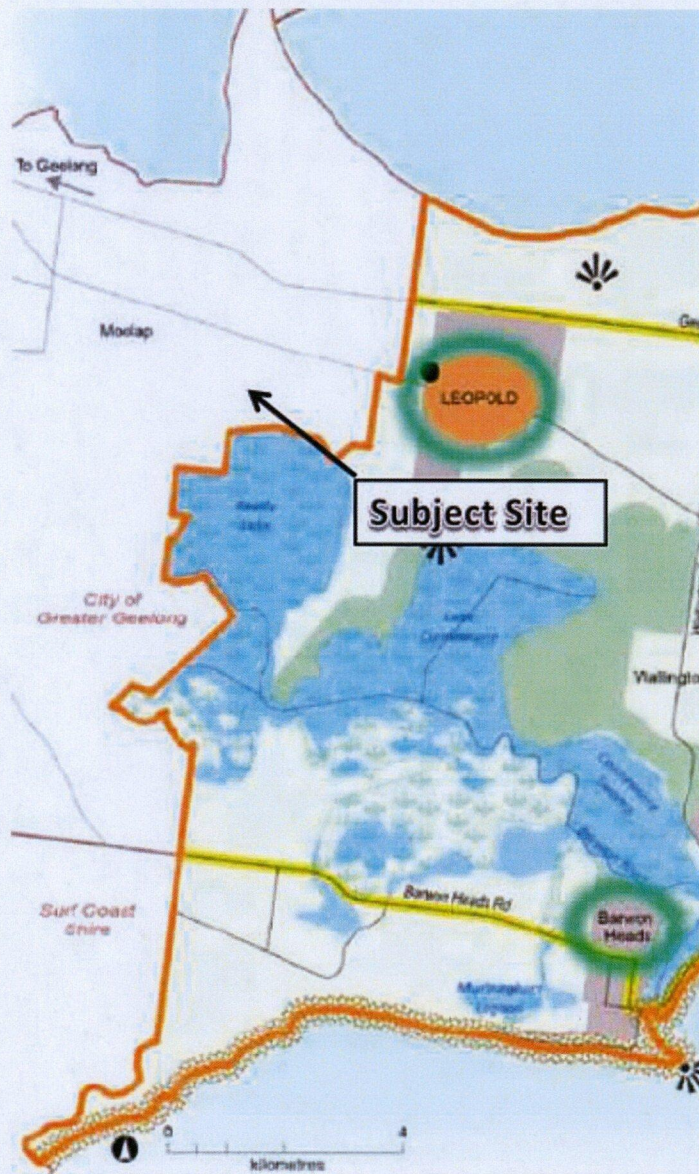
### Ministerial Direction No. 11 Strategic Assessment of Amendments

The subject town planning report, in Appendix 1, addresses Ministerial Direction No. 11.

### Ministerial Direction No. 17 Localised Planning Statements

The Direction applies to the preparation of amendments affecting land in the adopted Localised Planning Statement for the Bellarine Peninsula.

The subject land is not within the Localised Planning Statement.



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**Figure 5: Extract from Localised Planning Statement**

**Ministerial Direction on the Form and Content of Planning Schemes**

The amendment is consistent with this Direction.



- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas, which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A planning permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan. There is no management plan incorporated in the scheme.

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The State Planning Policy Framework and the Local Planning Policy Framework.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.
- Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and access-way. The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or access-way is flooded.
  - The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

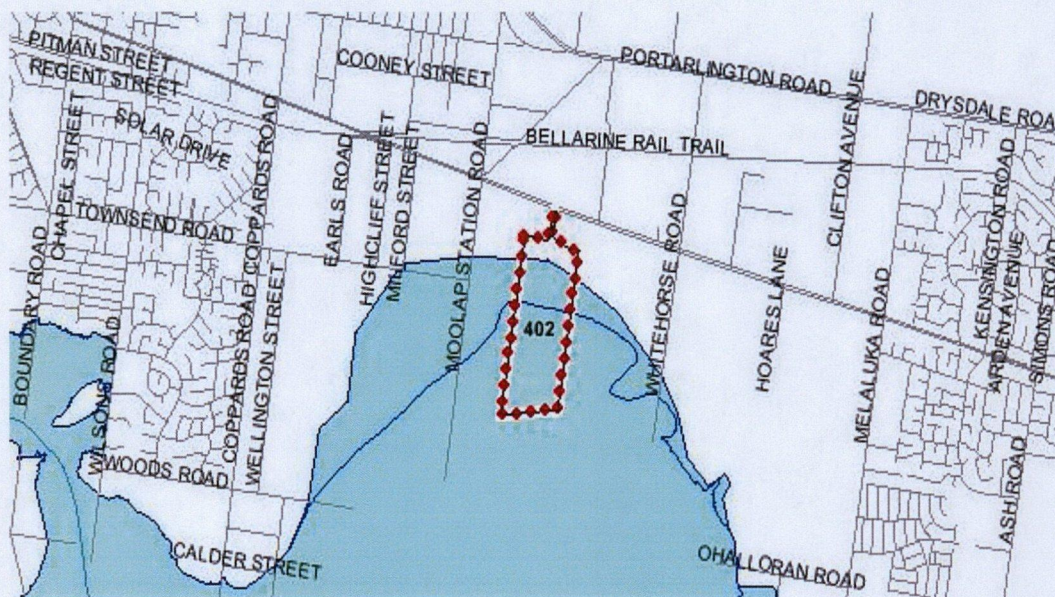
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

#### Land Subject to Inundation Overlay (Clause 44.04)

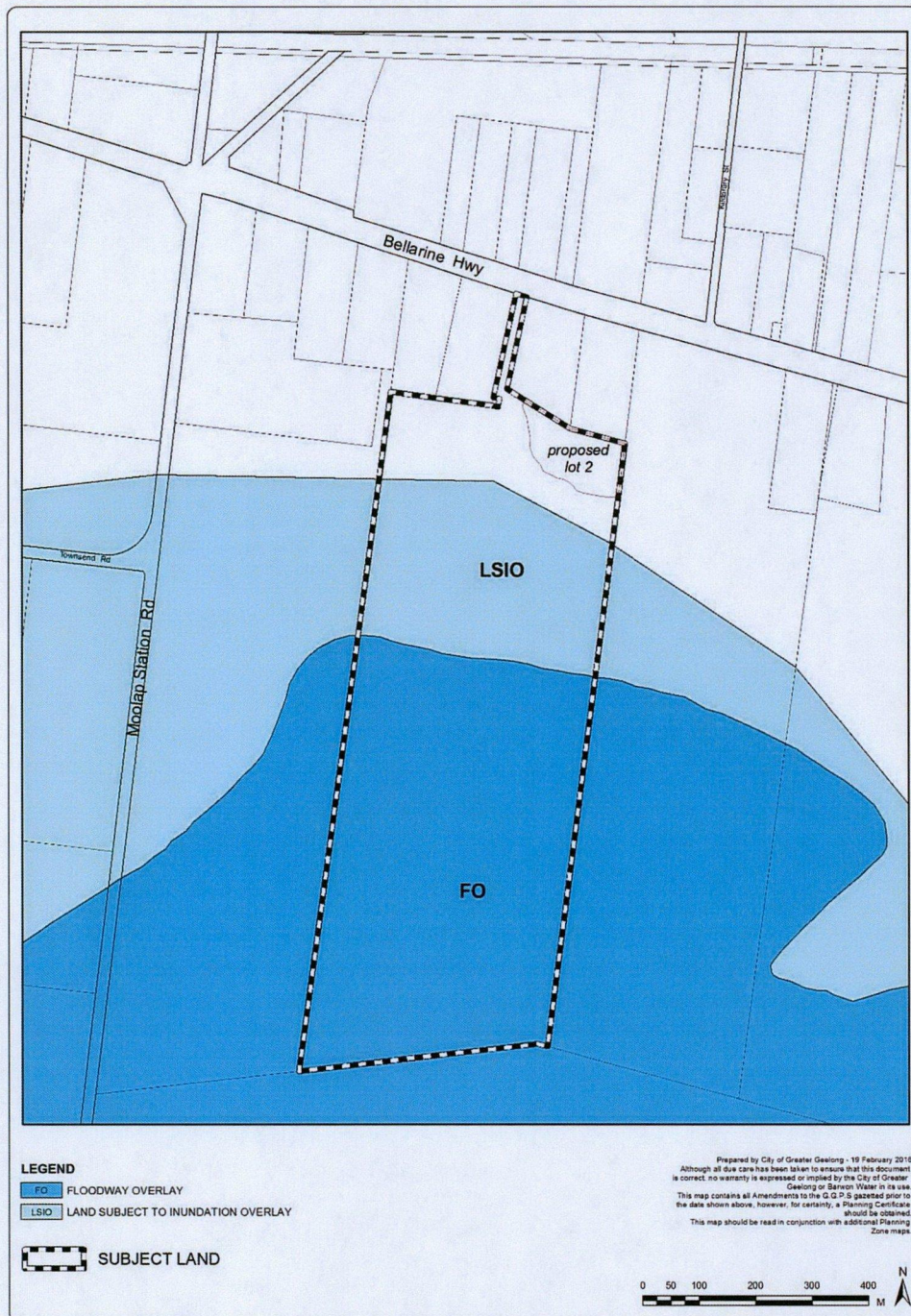
A large proportion of the southern region of the site is subject to the Land Subject to Inundation Overlay pursuant to the Greater Geelong Planning Scheme. The purpose of the overlay is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A planning permit is required to subdivide land. If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.



**Figure 7: Overlays Map (Greater Geelong Planning Scheme)**



**Figure 8: Overlays Map and Proposed Lot 2 (Greater Geelong Planning Scheme)**



## 5. WITNESS STATEMENT

This section discusses the principal submissions on the proposal.

### Is the Use of Clause 52.03 Appropriate?

The purposes of Clause 52.03 are as follows:

- **To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.**
- **To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.**

There are no other criteria to establish what matters might be appropriate for inclusion in Clause 52.03. It is my opinion that there is a need to establish whether the circumstances are extraordinary and also whether or not there are alternative VPP zones or permit processes that could deliver the same outcome.

The Amendment arises from the following facts:

- **The land is in a Farming Zone;**
- **Permit 10/2006 permits the development and use of the site for an aged care facility;**
- **It was always proposed that the Aged Care Facility would be managed by a separate operator;**
- **Plans have been endorsed and construction commenced for the Aged Care Facility; and,**
- **There is no alternative VPP zone available nor can a permit be issued for the two lot subdivision.**

It is my opinion that the ownership of the land being different from the management of the Aged Care Facility is not a suitable and convenient model for the future security of tenure of the site by Bupa or management of outgoing costs such as rates, taxes, power and water. Essentially Bupa will be at the behest of the current and any future owner of the whole property rather than as usual being able to operate the facility to its model and to manage costs and security for residents.

### Is the Amendment Justified?

It is my opinion that the proposed two lot subdivision, which will create a lot of 1.716ha and one of 48.15ha will facilitate the appropriate management of the Aged Care Facility and support its ongoing investment. It is submitted that the proposed small lot is generally consistent in area to the adjoining lots occupied by dwellings and Places of Worship abutting the site.

The amendment to permit a two lot subdivision is not considered to have an adverse effect on the features and values of the Farming Zone or overlays in addition to that already permitted by Permit 10/2006. The amendment seeks to provide a separate lot for the Aged Care Facility and Retirement Village.

In addition consideration needs to be given to the need to balance all of the competing objectives to achieve a net community benefit and sustainable development outcome for existing and future residents.

Accordingly while the land is within a Farming Zone, the purpose of which is primarily to protect land for agricultural purposes, and the subdivision provisions seek to retain large lots for agriculture purposes it is my opinion that the Amendment will primarily serve to enable the subdivision of the site and will create a separate lot for two existing approved uses. The

amendment will have a largely administrative impact to the way the land is used (rather than a physical impact). The Amendment will not pose a threat to the amenity of the immediate locality as the site and future buildings have limited visibility from the Bellarine Highway.

As outlined above the amendment satisfies the test of 'extraordinary' and will achieve a net community benefit and sustainable development outcome.

The Amendment, in my opinion, will help to ensure delivery of a residential aged care facility in an area recognised as experiencing population growth in the older person demographic. Along with new housing, the facility will also provide much needed employment opportunities for a growing population. The facility is appropriately located being on a main road that links two areas designated for increased growth (Leopold and the urban area of Geelong). The amendment is supported by Clause 11.05-1 (Regional settlement networks) that aims to 'promote the sustainable growth and development of regional Victoria'.

The Amendment, I submit, supports investment in the Geelong region through providing operational certainty for a recognised aged care provider. This is consistent with Clause 11.07 that supports the role of Geelong as the State's second city and encourages investment to cater for expected growth. The Amendment will help to provide a diverse range of housing types, service provision and employment, social and economic opportunities, which is consistent with Clauses 11.07-2, 11.07-3 and 11.07-6.

It is my opinion that as the RACF has already been approved (and in fact is under construction) the creation of a separate lot for the facility will have no impact on the protection of agricultural land and use of adjoining properties for farming purposes.

The Amendment supports Clause 16.02-3 (Residential aged care facilities) through enabling older people to live in appropriate housing in their local community and Clause 16.01-1 (Integrated housing) that promotes 'a housing market that meets community needs'. The amendment will also promote diversity and affordability, which are the objectives of clause 16.01-4 (Housing Diversity) and Clause 16.01-5 (Housing Affordability). The Amendment will support the provision of aged care housing on a convenient and readily accessible site. This can provide diversity and affordability through expanding the aged care market, increasing choice and ensuring competition amongst providers.

The Amendment also furthers the policy objectives of Clause 17.02-1 (Business), which encourages developments that 'provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'. The locational advantages of the site mean that it is appropriate to provide an aged care facility for the needs of the surrounding population. Aggregation has occurred through a neighbouring location with a retirement village meaning that people can age in place.

The Amendment will not pose an unreasonable impact on the environment or the environment on the aged care facility. The site does not contain flora and fauna habitat that is of high retention value. The site is located in an area that has been significantly altered from its previous state.

It is my opinion that the subject land and future residents are unlikely to be impacted by flooding. Conditions 1-3 of Permit 10/2006 require land to be filled and floor levels to be between 300mm and 500mm above applicable flood levels to protect future buildings from flooding. Conditions 25 and 26 also address flooding matters which ensures that all development is protected from flooding. It is also noted that the site of the RACF is not within either the Floodway or Land Subject to Inundation Overlays (Figure 8 above refers).

### Is Access to the Flower Farm prevented?

The entry road to the Retirement Village and Aged Care Facility is shown in the photograph below.

Photograph 9 below shows the three entry locations to the flower farm and it is noted that Easements E-6, E-7, E-8, E-9, E-12 and E-13 all in part provide carriageway easements in accordance with Deed AD 498183K for the Flower Farm.

It is also my opinion that as the entry road provides the only access for both the Retirement Village and Aged Care Facility it will not be obstructed.

It is also my opinion that a two lot subdivision of the land will not alter the use of this entry road given that the uses proposed to occupy each lot have already been approved under Permit 10/2006.



**Figure 9:** Site entry Road

---

## 6. CONCLUSION

The proposed amendment to include an Incorporated Document in the scheme and seek exemption from the prohibition on subdivision satisfies the purposes on Clause 52.03.

The amendment is appropriate as:

- **The land is already under development for a Retirement Village and Aged Care Facility;**
- **The existing zone and overlays do not permit the two lot subdivision;**
- **The amendment provides for the introduction of a site specific control in extraordinary circumstances;**
- **The amendment will provide a net community benefit and a sustainable development for existing and future residents;**
- **The amendment and resultant subdivision does not affect or remove carriageway easements for the Geelong Flower Farm; and,**
- **Appropriate easements can be provided.**

Finally, I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

## Appendices

## Appendix A – Amendment Request Report

402-404 Bellarine Highway  
Moolap: BUPA RACF  
Planning Scheme Amendment Request

BUPA Care Services  
18 September 2015

# Contact details

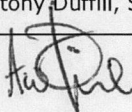
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Author: Antony Duffill, Senior Town Planner and Project Manager

Signed:



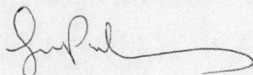
Reviewer: Gerard Gilfedder, Associate - Manager Planning Services

Signed:



Director Responsible: Gary Pendlebury, National Director Property and Development Services

Signed:



## Document History

Date	Version	Comments
14/07/15	1	First Draft
20/07/15	2	Second Draft
18/09/15	3	Final Draft

# Contents

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<b>1.0 Executive Summary</b>	<b>1</b>
<hr/>	
<b>2.0 Introduction</b>	<b>2</b>
2.1 Introduction	2
2.2 Background & Need for Subdivision	2
2.3 Project Appreciation	3
2.4 Methodology	3
2.5 Consultation	4
<hr/>	
<b>3.0 Subject Site and Surrounds</b>	<b>5</b>
3.1 Subject Site	5
<hr/>	
<b>4.0 Existing Planning Framework</b>	<b>8</b>
4.1 Existing Zone	8
4.2 Existing Overlays	9
4.3 Existing Planning Framework Problems	11
<hr/>	
<b>5.0 Proposed Planning Framework</b>	<b>12</b>
5.1 Clause 52.03 Proposed Incorporated Document	12
5.2 Documents Incorporated into the Scheme	12
5.3 Zoning and Overlay	12
<hr/>	
<b>6.0 State Planning Policy Framework</b>	<b>13</b>
6.1 State Planning Policy Framework	13
<hr/>	
<b>7.0 Local Planning Policy Framework</b>	<b>20</b>
<hr/>	
<b>8.0 Relevant Strategic Policy</b>	<b>23</b>
8.1 Plan Melbourne	23
8.2 G21 (Geelong) Regional Growth Plan (April 2013)	23
<hr/>	
<b>9.0 Ministerial Directions</b>	<b>26</b>
9.1 Direction No. 11 Strategic Assessment of Amendments	26
9.2 Direction No. 15 - The Planning Scheme Amendment Process	26
9.3 Practice Note 46: Strategic Assessment Guidelines	26
9.4 Practice Note: Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004)	27
9.5 Advisory Note: A protocol for fast tracking amendments	27
<hr/>	
<b>10.0 Amendment Notice</b>	<b>28</b>
<hr/>	
<b>11.0 Justification for Amendment</b>	<b>31</b>
11.1 Why is an amendment required?	31
11.2 How does the amendment implement the objectives of planning in Victoria?	31

11.3 How does the amendment address any environmental effects and any relevant social and economic effects?	33
11.4 Does the amendment address relevant bushfire risk?	33
11.5 Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?	34
11.6 How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?	34
11.7 How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?	35
11.8 Does the amendment make proper use of the Victorian Planning Provisions?	35
11.9 How does the amendment address the views of any relevant agency?	36
11.10 Does the amendment address relevant requirements of the Transport Integration Act 2010?	36
11.11 What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?	37

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<b>12.0 Conclusion</b>	<b>38</b>
12.1 Request	38

## Appendices

### **Appendix A - Amendment Documents**

### **Appendix B - Titles**

## 1.0 Executive Summary

Sweett Group has been engaged by the proprietors BUPA Care Services to prepare a strategic town planning assessment to outline and provide justification for a planning scheme amendment to allow a site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

The purpose of the site specific approval is to introduce an incorporated document in Clause 52.03 that enables the creation of a separate lot for our client's approved Residential Aged Care Facility (RACF). The need for the approval arises from the prohibitive nature of the Farming Zone in terms of the required subdivision.

The land subject to the amendment is located at 402-404 Bellarine Highway, Moolap and comprises a single lot with an area of 49.89 hectares that is currently being developed with our client's RACF and a separately owned retirement village (both approved by planning permit 10/2006). In order to operate efficiently and sustainably to their well practiced models, it is essential that our client obtains individual ownership over their land.

It is our assessment that the proposed site specific approval under Clause 52.03 is appropriate for the subject site and this view is also held 'in principle' by Council officers. The approval is essential for the operation of the RACF that will provide quality housing to a demographic that is experiencing recognised growth and will therefore provide a valuable social contribution to the community.

In preparing this report, Sweett Group has considered the following key elements:

- The physical and policy context of the site and surrounding area;
- The strategic objectives contained with the State and Local Planning Policy Frameworks and other relevant strategic planning documents;
- The social, environmental and economic effects of the proposed amendment.
- The views of Council, the Department of Environment, Land, Water and Planning (DELWP) and relevant authorities to form the basis of this application.

The amendment will support and implement the SPPF and LPPF by facilitating the establishment of an efficiently operating RACF. The facility will make a positive and sustainable social and economic contribution to the community. Both State and Local policy encourage the provision of land to support economic development, employment and residential development.

The Amendment will not have any negative ramifications and will in effect allow a paper based approval rather than a new development. Access arrangements have been arranged by way of carriageway easements that will not impact adjoining properties in any way. On this basis it is requested that the Amendment be exempted from notification under Section 20(2) of the *Planning and Environment Act 1987*.

Having regard to the detailed strategic justification outlined in this report, it is respectfully requested that Council consider this amendment request and approve the site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

## 2.0 Introduction

### 2.1 Introduction

BUPA have engaged Sweett Group (Australia) to provide a strategic town planning assessment to support a request to amend the Greater Geelong Planning Scheme to include a site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

The approval will facilitate a two lot subdivision, and create any required easements including for access.

The purpose of the site specific approval is to enable the creation of a separate lot for our client's approved Residential Aged Care Facility (RACF). An amendment is required due to the prohibitive nature of the Farming Zone for the required subdivision.

Sweett Group has undertaken detailed inspections of the site and the surrounding area, as well as a documentation review of the City of Greater Geelong Planning Scheme and strategies to form the basis of this assessment.

In preparing this report, Sweett Group has considered the following key elements:

- The physical and policy context of the site and surrounding area;
- The strategic objectives contained within the State and Local Planning Policy Frameworks; and
- The social, environmental and economic effects of the proposed rezoning.

### 2.2 Background & Need for Subdivision

Planning permit 10/2006 was issued on 21 November 2006 for the redevelopment of the site for a retirement village and associated facilities and a separate Residential Aged Care Facility (RACF). The endorsed plans always envisaged that this latter facility would be developed and operated as a separate entity. This is evidenced through only rudimentary plans being initially endorsed for the aged care facility with an expectation of more detailed plans once a provider had been found.

The required plans for the RACF were approved in February 2015 and the process to appoint a builder is now underway.

The site of the RACF is currently subject to a 99 year lease and in addition all services are provided to the site through the main property. While this arrangement may be a consequence of the original approval it is not a suitable and convenient model for the future security of tenure of the site by BUPA or management of outgoing costs such as rates, taxes, power and water. Essentially BUPA will be at the behest of the current and any future owner of the whole property rather than as usual being able to operate the facility to its model and to manage costs and security for residents.

Accordingly BUPA seek to obtain a separate lot for its RACF.

## 2.3 Project Appreciation

The subject land is currently in the Farming Zone (FZ) under the Greater Geelong Planning Scheme. The FZ is restrictive in terms of subdivision and stipulates a minimum lot size of 30 hectares for the site. Given that the subject land has an area of 49.89 hectares, a two lot subdivision creating a smaller lot for the RACF will not be possible under the zone.

Part of the subject site is located in the Floodway Overlay. The Overlay prohibits the subdivision of land unless the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

While the land to be subdivided is not located in the Floodway Overlay, the second dot point is not met for the balance lot. This means that the requirements of the overlay will need to be exempted by the Amendment.

Clause 52.03 provides the ability to undertake site specific approvals to override normal provisions, which prohibit proposed use and development. The proposed amendment will introduce a form of planning permit that will enable the required subdivision to take place despite the prohibition in the Farming Zone and Floodway Overlay. This approach was discussed with Council Officers and 'in principle' support was given.

Effectively, the requested Amendment will insert a site specific approval (incorporated document) in the form of a planning permit under Clause 52.03 that will allow:

- A two lot subdivision;
- The creation of easements for servicing and access.

It is our assessment that a site specific approval under Clause 52.03 provides the appropriate mechanism to enable the subdivision of the land, which would otherwise be prohibited under the current Greater Geelong Planning Scheme. This project therefore involves the preparation and submission of an amendment request to the City of Greater Geelong.

## 2.4 Methodology

Our approach in preparing this amendment request has involved the following tasks:

- Provide details of the subject site and immediate surrounds to provide context for the request;
- Review the objectives and strategies of the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement;

- Outline the deficiencies of the existing planning framework in achieving the required subdivision;
- Review and address the social, environmental and economic impacts of the proposed amendment;
- Seek to address the objectives of the relevant State Government agencies;
- Provide a draft form of an Incorporated Document that can be entered into the planning scheme under clause 52.03.

We believe that this methodology is sufficiently exhaustive to ensure that all key aspects for consideration are assessed.

## 2.5 Consultation

This strategic planning assessment has been prepared in consultation with the City of Greater Geelong and the Department of Environment, Land, Water and Planning (DELWP). The following advice was provided:

### **City of Greater Geelong**

A preliminary meeting was held with Council Planning Officers on 18 June 2015 to discuss the planning scheme amendment. The following feedback was provided:

- 'In principle' support would be provided for the Amendment given that an anomaly exists (the anomaly relates to the land's zoning and the effect of an historical approval for a RACF and retirement village);
- Willingness from Council to seek exemption from notification under Section 20(2) of the *Planning and Environment Act 1987*. While preliminary discussion between Council and DELWP have occurred, it is understood that a decision regarding notification requirements will be further considered following lodgement of this request.

### **Department of Environment, Land, Water and Planning (DELWP)**

The views of DELWP on a potential Section 20(2) request have been sought. Council advised in an email dated 6 August 2015 as follows:

*"One option which did arise in our discussions is the prospect of only notifying directly the adjoining properties fronting Bellarine Highway....we are both aware of an existing on-going dispute between the owners of the retirement village & the adjoining retail flower shop re access issues...we don't wish to become caught up in any misconception we are deliberately concealing information.*

*DELWP will further consider our request when we receive your application which will provide us with more details about legal access arrangements for the newly created lot...you may also wish to comment on reasons why a Sec 20(2) application should be supported in light of this dispute."*

## 3.0 Subject Site and Surrounds

### 3.1 Subject Site

The land subject to the amendment is located at 402-404 Bellarine Highway, Moolap and comprises a single lot with an area of 49.89 hectares. The site is currently being developed with a separately owned retirement village. Our client’s RACF is to be located in the north-east corner of the property, as shown in Figure 2.

The site is located in Moolap, which is part of Greater Geelong, and is located to the south-east of the Geelong city centre. The land forms part of a sparsely developed non-urban area that is mainly used for farming, commercial and low density residential purposes.

The site is located to the south of Bellarine Highway (in this section also known as Queenscliff Road) that extends from Geelong located to the west and Queenscliff to the east. Access to the subject site is provided directly from this road from a driveway that also serves two neighbouring properties via a carriageway easement.

The area to the south of the site is the Reedy Lakes Wildlife Reserve. This is fed by the Barwon River, which flows south of the site before entering Bass Strait at nearby Barwon Heads. Land to the west and east comprises two lots of similar size to the subject property. On either side of the access road there are two smaller lots that adjoin the subject site and front on to Bellarine Highway.

Given that the property has frontage to Bellarine Highway, the site is considered to obtain a reasonable level of accessibility. The site is located in close proximity to Geelong (located to the west) and to Leopold (located to the east). The Bellarine Rail Trail provides a nearby regional cycle and pedestrian link.

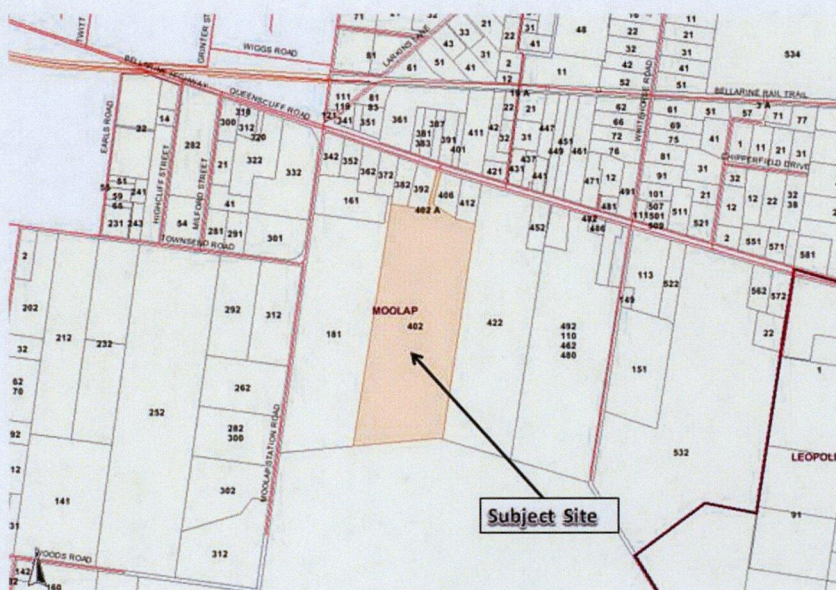
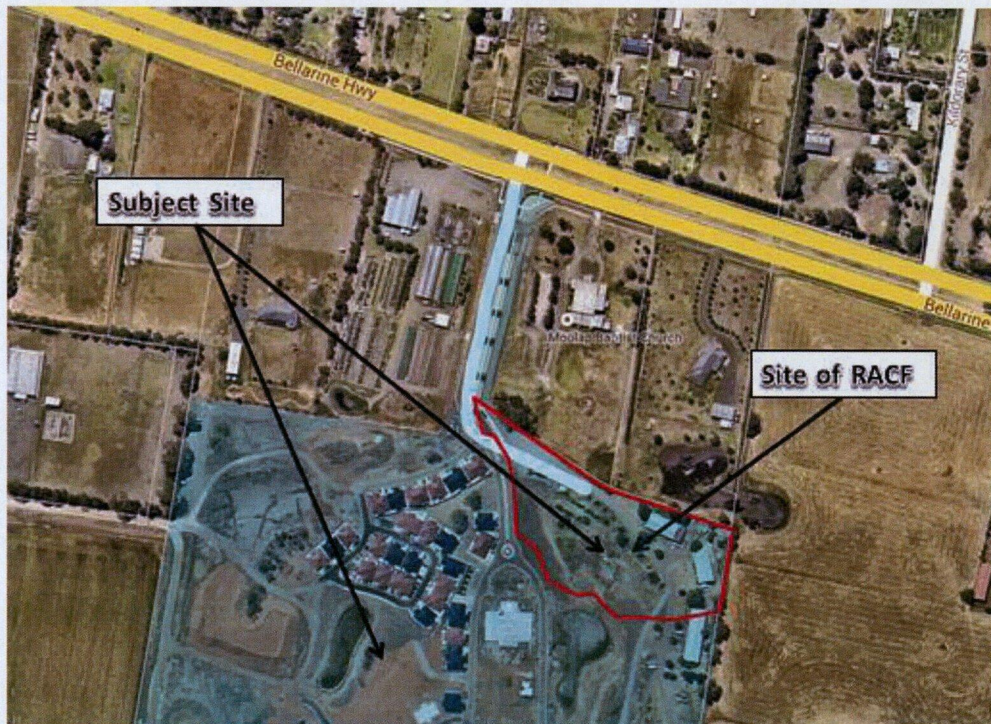


Figure 1 - Location Plan (Source: land.vic.gov.au)



**Figure 2:** The northern region of the subject site (Nearmap.com)

Nearby amenities and services are listed in Figure 3 below:

Amenity / Service	Street Address	Distance
Geelong City Centre	Brougham Street	5.1km W
Breakwater Train Station	Breakwater Road	4.8km W
Geelong Racecourse	St Albans Road	4.2km W
Leopold Urban Area	Bellarine Highway	2.3km E
Barwon Heads Urban Area	Barwon Heads Road	9.5km SE
Grinter Reserve	Copards Road	4.8km W
Bellarine Rail Trail	n/a	450m N
Moolap Baptist Church	Bellarine Highway	Abutting N
Gateway Plaza Leopold	Bellarine Highway	2.1km E

**Figure 3 -** Nearby Amenities, Services and Landmarks

Figure 4 shows the public transport options available in the area. The nearest train station is located at Breakwater 4.8 kilometres to the west. Bus route 75 operates between Geelong and Queenscliff via Bellarine Highway.

### 3.2 Site Particulars

The land is more particularly described as 402-404 (Lot 1 on Title Plan 801375B) Bellarine Highway, Moolap (see Appendix B of this report). The site comprises a single lot of 49.89 hectares and has a 20.11 metre frontage to Bellarine Highway (the width of the access road). The site has a depth of

1,385 metres (western boundary and access road) and a southern boundary of 425.9 metres (this is the approximate width of the majority of the site). The site is generally flat.

### 3.3 Encumbrances, Caveats and Notices

The property contains the following easements:

- E-1 and E-4 (water supply and drainage) bisect the site running east-west;
- E-2 and E-5 (water supply and drainage) are located on the western boundary;
- E-3 (water supply and drainage) is located along the eastern property boundary;
- E-6 and E-7 (carriageway) are located within the access driveway.
- There are no known covenants or Section 173 Agreements relevant to the land (none appear on the title diagram). However, Planning Permit 10/2006 requires that a Section 173 Agreement be entered into for water testing at Reedy Lake and provision of amenities/communal facilities.

### 3.4 Current Use and Improvements

The area of the subject site approved to be utilised for the RACF currently contains a site office.

Redevelopment of the broader site has commenced under Planning Permit 10/2006. A number of retirement village dwellings and a communal building have been erected along with supporting infrastructure and signage. The subject site had previously been developed with a golf course. 9 of the 18 holes have been retained along with wetland areas.

Vehicle access is provided from an access road that extends from Bellarine Highway. The road has been formed and is nearing readiness to be sealed. The access road also provides vehicle access to Bellarine Highway for the adjoining properties located to the north of the site that front the highway (via carriageway easements E-6 and E-7).

Much of the site has been cleared of vegetation to allow the development approved under Planning Permit 10/2006. However, trees have been retained in the surrounds of the golf course and wetlands located to the south of the site.

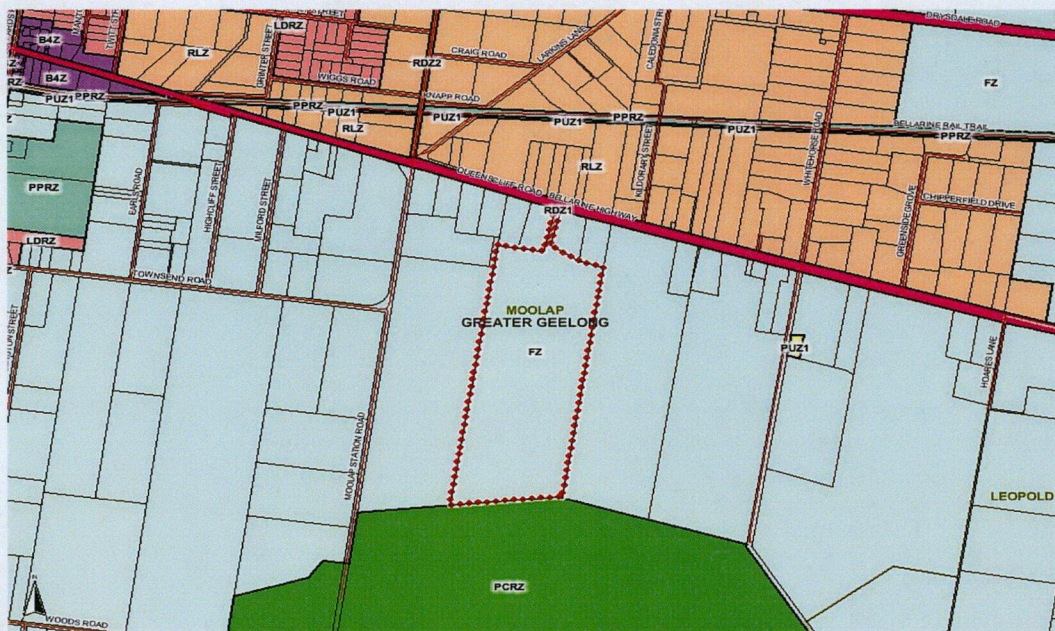
## 4.0 Existing Planning Framework

### 4.1 Existing Zone

The subject site, and adjoining land to the east and west, is currently located in the Farming Zone (FZ). The purpose of the zone is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

The Zone schedule requires a minimum lot size of 30 hectares for subdivision (the site is located in the Bellarine area of the Farming Zone Minimum Subdivision Area Map).



**Figure 4:** Zone Map (Greater Geelong Planning Scheme)

## 4.2 Existing Overlays

### Floodway Overlay (Clause 44.03)

The site is partially covered by the Floodway Overlay pursuant to the Greater Geelong Planning Scheme. Specifically, a large proportion of the southern section of the site is covered by the Overlay. The purpose of the Overlay is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas, which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- *The State Planning Policy Framework and the Local Planning Policy Framework.*
- *The existing use and development of the land.*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *The susceptibility of the development to flooding and flood damage.*
- *The potential flood risk to life, health and safety associated with the development.*
- *Flood risk factors to consider include:*
  - *The frequency, duration, extent, depth and velocity of flooding of the site and access-way.*
  - *The flood warning time available.*

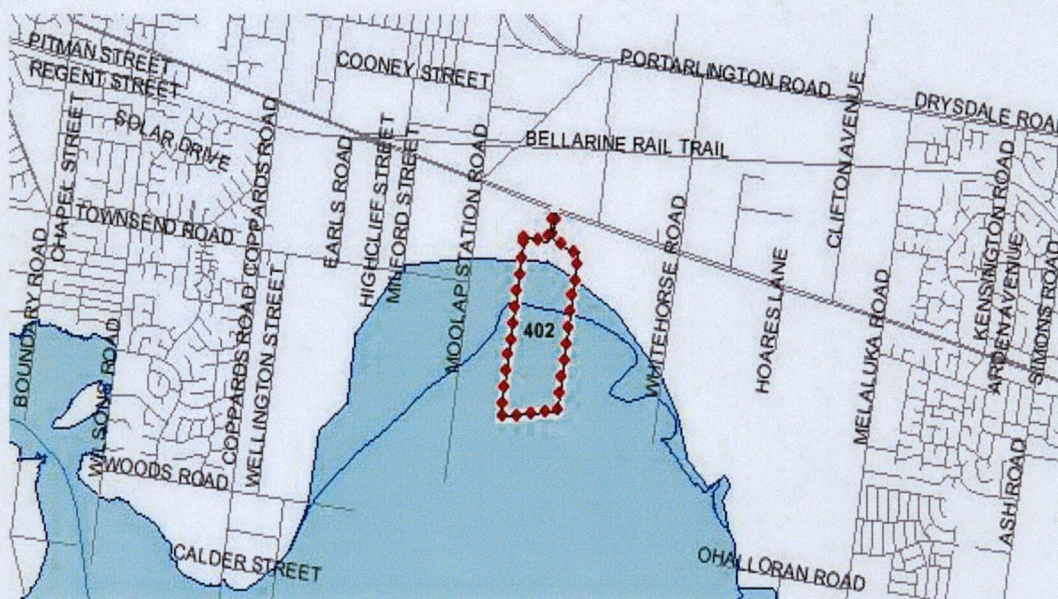
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or access-way is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

**Land Subject to Inundation Overlay (Clause 44.04)**

A large proportion of the southern region of the site is subject to the Land Subject to Inundation Overlay pursuant to the Greater Geelong Planning Scheme. The purpose of the overlay is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A planning permit is required to subdivide land. If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.



**Figure 5: Overlays Map (Greater Geelong Planning Scheme)**

---

## 4.3 Existing Planning Framework Problems

### **Farming Zone**

The need for the proposed planning scheme amendment has arisen from the prohibitive nature of the Farming Zone towards subdivision, stipulating a minimum lot size of 30 hectares for the site. Given that the subject land has an area of 49.89 hectares, a two lot subdivision creating a smaller lot for the RACF will not be possible through applying for a planning permit under the zone.

### **Floodway Overlay**

Also prohibitive is the Floodway Overlay. The Overlay prohibits the subdivision of land unless the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

Because the second dot point would not be met by the proposed subdivision, the proposed planning scheme amendment is required to provide an exemption for this requirement.

---

## 5.0 Proposed Planning Framework

### 5.1 Clause 52.03 Proposed Incorporated Document

The requested planning scheme amendment proposes to introduce a new incorporated document into the Greater Geelong Planning Scheme under Clause 52.03. The document will take the form of a planning permit and will permit the following:

- A two lot subdivision;
- The creation of easements for servicing and access.

The Incorporated Document has been prepared and is provided at Appendix A of this report. The document includes a number of conditions that would typically be found on a planning permit for a two lot subdivision. Where possible the standard conditions of the Greater Geelong Council's planning team have been used.

### 5.2 Documents Incorporated into the Scheme

The proposed incorporated document will need to be listed in the schedules to Clauses 52.03 and 81.01. This will require the amendment of both schedules.

### 5.3 Zoning and Overlay

No changes are proposed to the zoning or overlays applicable to the land.

## 6.0 State Planning Policy Framework

### 6.1 State Planning Policy Framework

The following clauses of the State Planning Policy Framework have been identified as having relevance to and implications for the subject site.

#### **Clause 9.01: Plan Melbourne Interpretation**

Where relevant, planning and responsible authorities must consider and apply the strategy Plan Melbourne: Metropolitan Strategy (Department of Transport, Planning and Local Infrastructure, 2014).

#### **Clause 10.04 – Integrated decision making**

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of 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.

#### **Clause 11.02-1 Supply of urban land**

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

#### **Clause 11.02-2 Planning for growth areas**

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.

#### **Clause 11.02-3 Structure planning**

A purpose of the clause is to facilitate the orderly development of urban areas.

#### **Clause 11.02-4 Sequencing of development**

A purpose of the clause is to manage the sequence of development in growth areas so that services are available from early in the life of new communities.

#### **Clause 11.04-6 A State of cities**

An objective is to maximise the growth potential of Victoria by developing a state of cities which delivers choice, opportunity and global competitiveness. Strategies are to deliver a permanent

boundary around Melbourne, rebalance Victoria’s population growth from Melbourne to rural and regional Victoria, integrate metropolitan, peri-urban and regional planning implementation and improve connections between cities.

**Clause 11.05-1 Regional settlement networks**

A purpose of the clause is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan. Geelong is identified as a regional city where growth in the region is promoted.

**Clause 11.05-4 Regional planning strategies and principles**

A purpose of the clause is to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.

**Clause 11.06-4 Sustainable Communities**

To create sustainable and vibrant communities supported by enhanced access to key services.

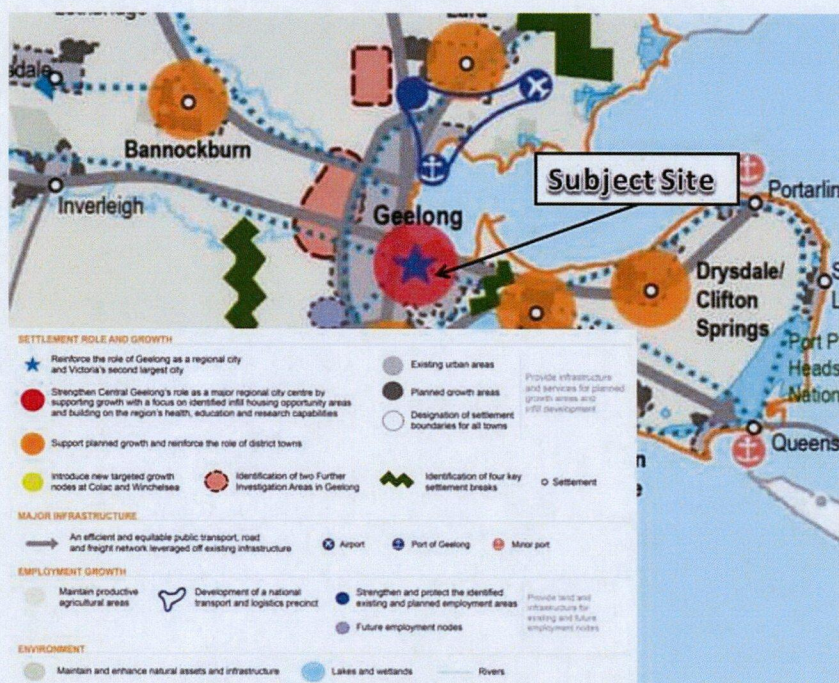
**11.06-5 A sustainable region**

A purpose of the clause is to make the region more self-reliant and sustainable.

**11.06-6 Integrated Planning**

A purpose of the clause is to integrate planning for growth with the provision of infrastructure.

**Clause 11.07 Geelong (G21) regional growth**



**Figure 6: G21 Regional Growth Plan**

**Clause 11.07-1 Planning for growth**

The objective is to optimise infrastructure and consolidate growth. Strategies include:

- Maximise capacity and leverage off existing infrastructure and services, particularly near central retail and transport nodes.
- Support the role of Geelong as the regional city and Victoria's second city.
- Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.

**Clause 11.07-2 Knowledge and innovation**

The objective of the clause is to build and support diversity, knowledge and innovation. Strategies include:

- Support diversity and innovation through a range of affordable education, housing types, service provision, technology, employment and social opportunities.
- Create a resilient and robust region that seeks, and is open to, new opportunities and lifelong learning.
- Provide a range of housing types with a mix of infill and greenfield options.

**Clause 11.07-3 Connected communities**

The objective is to create unique and connected communities. Strategies include:

- Support growth that enhances choice, health and wellbeing, liveability, amenity and diversity and creates a sense of place.
- Create communities with opportunity to participate in arts, culture, sport and recreation, encouraging healthy lifestyles. Support key district towns across the region providing services to surrounding areas.
- Maintain a significant settlement break between the region and Melbourne.
- Provide for settlement breaks between towns to maintain their unique identities.
- Require a settlement boundary for all towns.

**Clause 11.07-6 Sustainable communities**

The objective is to allow communities to live, work, and participate locally. Strategies include:

- Support industries that utilise skills within the region.
- Support increased employment diversity.
- Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.
- Support key district towns providing key services to surrounding areas.
- Facilitate infill development in Central Geelong and West Fyans and around activity areas within urban Geelong and district towns.

**Clause 11.07-7 A diversified economy**

An objective is to build the region's economy. Strategies include:

- Support diversity in the region's economy that builds on its competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.

- Facilitate growth in a range of employment sectors, including health, education and research.
- Facilitate revitalising and strengthening Central Geelong as a regional city.

**Clause 12.01-1 Protection of habitat**

A purpose of the clause is to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

**Clause 12.01-2 Native vegetation management**

A purpose of the clause is to achieve a net gain in the extent and quality of native vegetation.

**Clause 12.04-1 Environmentally sensitive areas**

A purpose of the clause is to protect and conserve environmentally sensitive areas.

**Clause 12.04-2 Landscapes**

A purpose of the clause is to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

**Clause 13.03-3 Salinity**

A purpose of the clause is to minimise the impact of salinity and rising water-tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

**Clause 13.05-1 Bushfire planning strategies and principle**

A purpose of the clause is to assist to strengthen community resilience to bushfire. The overarching strategies are to prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire, and where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

**Clause 14.01-1 Protection of agricultural land**

A purpose of the clause is to protect productive farmland, which is of strategic significance in the local or regional context?

**Clause 14.02-1 Catchment planning and management**

A purpose of the clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

**Clause 14.02-2 Water quality**

A purpose of the clause is to protect water quality.

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**Clause 14.02-3 Water conservation**

A purpose of the clause is to ensure that water resources are managed in a sustainable way.

**Clause 15.01-1 Urban design**

A purpose of the clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

**Clause 15.01-2 Urban design principles**

A purpose of the clause is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

**Clause 15.01 Urban environment**

A purpose of the clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

**Clause 15.01-3 Neighbourhood and subdivision design**

A purpose of the clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cycle-able, diverse and sustainable neighbourhoods.

**Clause 15.01-4 Design for safety**

A purpose of the clause is to improve community safety and encourage neighbourhood design that makes people feel safe.

**Clause 15.01-5 Cultural identity and neighbourhood character**

A purpose of the clause is to recognise and protect cultural identity, neighbourhood character and sense of place.

**Clause 15.02-1 Energy and resource efficiency**

A purpose of the clause is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

**Clause 15.03-1 Heritage conservation**

A purpose of the clause is to ensure the conservation of places of heritage significance.

**Clause 15.03-2 Aboriginal cultural heritage**

A purpose of the clause is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

**Clause 16.01-1 Integrated housing**

A purpose of the clause is to promote a housing market that meets community needs.

**Clause 16.01-2 Location of residential development**

A purpose of the clause is to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

**Clause 16.01-4 Housing diversity**

A purpose of the clause is to provide for a range of housing types to meet increasingly diverse needs.

**Clause 16.01-5 Housing affordability**

A purpose of the clause is to deliver more affordable housing closer to jobs, transport and services.

**16.02-3 Residential aged care facilities**

A purpose of the clause is to facilitate the timely development of residential aged care facilities to meet existing and future needs. A strategy is to ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities and encourage planning for housing that:

- Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
- Enables older people to live in appropriate housing in their local community.

**Clause 17.01-1 Business**

A purpose of the clause is to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

**Clause 18.01-1 Land use and transport planning**

A purpose of the clause is to create a safe and sustainable transport system by integrating land-use and transport.

**Clause 18.02-1 Sustainable personal transport**

A purpose of the clause is to promote the use of sustainable personal transport.

**Clause 18.02-2 Cycling**

A purpose of the clause is to integrate planning for cycling with land use and development planning and encourage cycling as an alternative mode of travel.

**Clause 18.02-4 Management of the road system**

A purpose of the clause is to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

**Clause 18.02-5 Car parking**

A purpose of the clause is to ensure an adequate supply of car parking that is appropriately designed and located.

**Clause 19.02-4 Distribution of social and cultural infrastructure**

A purpose of the clause is to provide fairer distribution of and access to social and cultural infrastructure.

**Clause 19.03-2 Water supply, sewerage and drainage**

A purpose of the clause is to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs whilst protecting the environment.

**Clause 19.03-3 Storm-water**

A purpose of the clause is to reduce the impact of storm-water on bays and catchments.

**Clause 19.03-4 Telecommunications**

A purpose of the clause is to facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

**Clause 19.03-5 Waste and resource recovery**

A purpose of the clause is to avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

# 7.0 Local Planning Policy Framework

This section provides a summary of the relevant strategic policy context that guides the assessment of the proposed amendment.

## 7.1 Municipal Strategic Statement

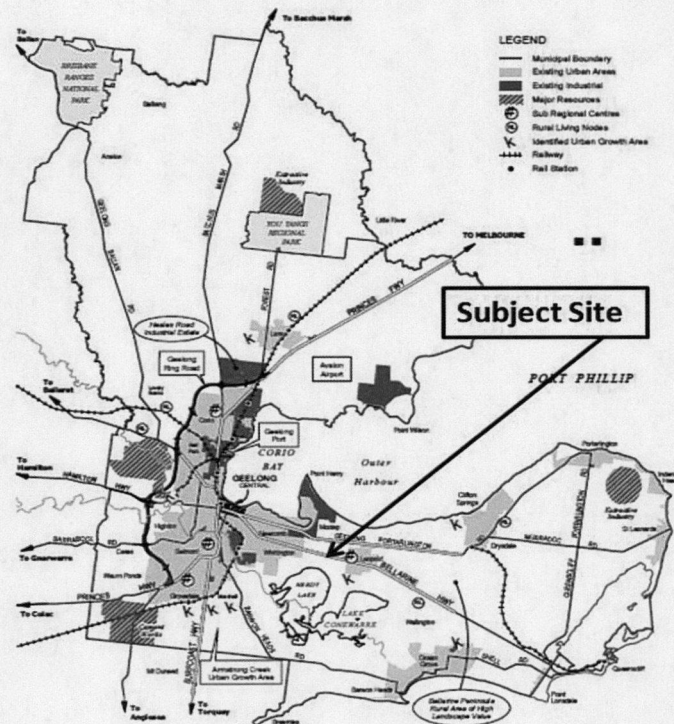
The following clauses of the Local Planning Policy Framework have been identified as having relevance to and implications for the subject site.

### Clause 21.02 Sustainable Growth Framework

The Sustainable Growth Framework sets out key principles for ensuring that all actions and development undertaken in the City of Greater Geelong meets the needs of the present community, without compromising the ability of future generations to meet their own needs. There are four key elements to the City of Greater Geelong Sustainable Growth Framework:

- Managing Urban Growth;
- Building Sustainable Infrastructure;
- Encouraging Diversity in Industry;
- Reducing Greenhouse Gas Emissions.

### Clause 21.04 Municipal Framework Plan



**Figure 7: Municipal Framework Plan**

### **Clause 21.05 Natural Environment**

The clause recognises that:

- The municipality includes a rich diversity of flora and fauna, including rare and unique species and communities, major waterways, large coastal areas and complex freshwater and marine wetlands.
- Remnant vegetation across the municipality is conservatively estimated to be approximately 5% of that which existed pre European settlement.
- Many of the municipality's significant natural environments are protected by international and national agreements and legislation.
- Urban and rural growth has had a direct impact on the municipality's natural environments and the flora and fauna that they sustain. There is a need to protect and enhance the natural environment and provide for more sustainable development.
- The extensive coastline is an important natural feature of the municipality, which is vulnerable to the impacts of urban development, climate change and natural processes.
- A number of areas in the municipality are susceptible to flooding, via the flooding of waterways, storm-water runoff and coastal inundation, which have the potential to result in significant adverse economic, social and environmental impacts.

### **Clause 21.06 Settlement and Housing**

Between 2006 and 2031, it is estimated that the municipality will need to accommodate an additional 63,000 persons. This level of population growth will generate demand for approximately 41,000 new dwellings.

The region's population is ageing rapidly through the in-migration of retiring persons and the ageing-in-place of existing residents. The municipality is a popular retirement destination, particularly the coastal towns on the Bellarine Peninsula.

Although the population is ageing, it is vitally important that the City continues to provide an environment that attracts and supports children, young people and families.

The ageing of the population will contribute substantially to the increase in demand for low maintenance dwellings and retirement accommodation. This accommodation will need to be close to urban services.

There is a need to maintain competition and diversity in the housing market.

Outward urban growth needs to be carefully managed and directed to locations that offer the greatest net benefit to the Geelong community, can be appropriately serviced and which have the capacity to accommodate sustainable development.

### **Clause 21.07 Economic Development and Employment**

Geelong is the largest regional city in Victoria and the primary service and employment hub for the G21 Geelong Region Alliance.

The provision of high quality living, working and recreational environments is critical to attracting and retaining highly skilled people and the businesses in which they work.

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**Clause 21.14 The Bellarine Peninsula**

The Bellarine Peninsula comprises a series of contained townships separated by rural and coastal areas.

The rural and coastal areas on the Bellarine Peninsula form an important non-urban break between settlements. They are highly valued for their scenic attributes, tourism function, environmental function and lifestyle appeal.

The Bellarine Peninsula is one of the fastest growing areas in the City of Greater Geelong. Population growth on the Bellarine Peninsula is being driven by the attractiveness of the peninsula as a relaxed lifestyle destination within close proximity to urban Geelong.

Appropriately managing urban growth on the Bellarine Peninsula will be critical to retaining the peninsula's identity and attributes.

**Clause 22.05 Agriculture, Rural Dwellings and Subdivision**

The rural areas of the City of Greater Geelong are highly valued for their contribution to the economy, liveability and amenity of the whole municipality. Agriculture is and will continue to be the main rural land use in all non-urban parts of the municipality, including on the Bellarine Peninsula. Agriculture plays a role in the economic prosperity of the City, both directly through production and indirectly through its contribution to the rural landscape and character of the area and their relationship with tourism and liveability.

Land use and development in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the farming character of the area is preserved. The construction of dwellings and subdivision not related to farming activity and inappropriate subdivision is an issue in Geelong's rural areas and has the potential to compromise future agricultural activity, farmed rural landscape and is contrary to the purpose of the zone and the vision for the area.

## 8.0 Relevant Strategic Policy

### 8.1 Plan Melbourne

Plan Melbourne is a strategic plan that sets out the State Government's vision for the city to 2050. A purpose of the plan is to address Melbourne's infrastructure, housing, employment and environmental challenges with an integrated approach to planning and development that includes land use, transport, and social and community infrastructure. It is a strategy to house more people around the metropolitan area with a focus on also directing population to the regional centres.

Section 7 of the Plan titled 'A State of Cities' aims to 'maximise the growth potential of Victoria by developing a state of cities which delivers choice, opportunity and global competitiveness'. The Plan refers to the eight Regional Growth Plans that are being developed across regional Victoria (the G21 Geelong Regional Growth Plan being relevant to the subject site). These are to provide 20-30 year land use strategies and set out how each region can accommodate a greater share of the State's growth.

The importance of regional centres is underlined by the strategy. The population of the State is growing rapidly with much of this growth occurring within the Melbourne Metropolitan area. To ensure that the 'liveability' of Melbourne is preserved, the Plan highlights that regional areas will need to capture a greater proportion of the population growth. The plan also acknowledges research that has confirmed in many cases that the cost of servicing residents in regional Victoria is significantly below the cost of servicing residents in the growth areas of capital cities.

### 8.2 G21 (Geelong) Regional Growth Plan (April 2013)

The G21 Regional Growth Plan (the Plan) is the strategic land use plan for the Geelong region to guide growth and change for the next 30 years. The plan covers the local areas of Greater Geelong, Queenscliffe, Colac Otway, Surf Coast and Golden Plains. The plan has been developed in partnership between local government and state agencies and authorities and reflects state and local government objectives. It is one of eight Regional Growth Plans prepared for Victoria.

The Plan identifies:

- Where future development will be supported, assessed at a regional scale;
- Environmental, economic, community and cultural assets and resources of regional significance that should be preserved, maintained or developed;
- Key regional priorities for future infrastructure planning and investment to support growth.

The Plan recognises that the region is expected to experience significant population growth between now and 2050 (200,000 more people are predicted). Therefore a need exists to consider how land is used to manage this growth. The plan considers a wide range of land uses including residential, agriculture, tourism and the protection of environmental assets and commercial uses.

The Plan provides a vision for the region and number of strategic direction. One strategy focusses on economic development and lists the following initiatives as the most critical in driving beneficial socioeconomic growth for the region by:

- Prioritising economic development opportunities that will 'build value' into the regional economy and which are based on the region's competitive advantages;

- Identifying opportunities that will lead to an increase in prosperity and regional standards of living by providing for a more diverse economy with broader skills capability;
- Becoming a sought after region of choice and innovation and an alternative high-level service centre to Melbourne.

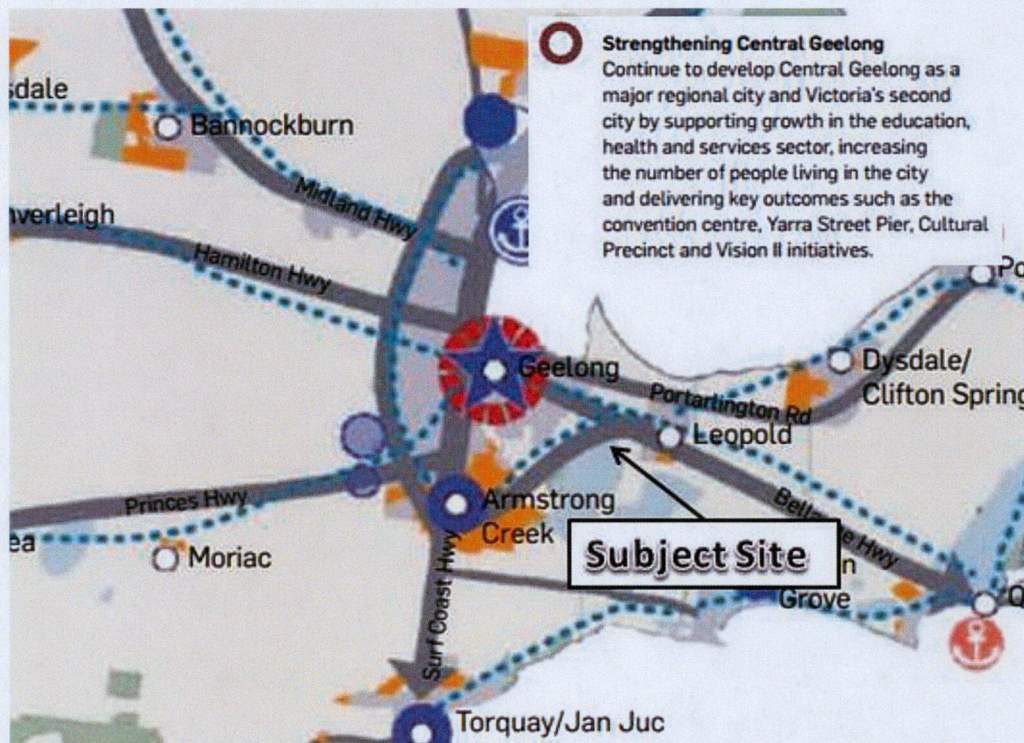
The Plan recognises that employment growth needs to be planned alongside predicted population growth. The Plan anticipates that 80,000 jobs will be required to facilitate regional population growth. The sequencing of growth areas for housing and employment activity is also recognised as being essential.

While Moolap is not listed as a recognised employment node it is closely located to Leopold and the central areas of Geelong. The plan recognises Leopold’s high capacity for growth and lists the area within the priority planned growth area.

The Implementation Plan aims to build on the work of the Growth Plan by:

- Identifying the critical infrastructure required to support housing and employment growth providing land supply data and incentives for achieving adequate and diverse housing options; and
- Identifying key considerations for the planning of longer term growth areas.

A key strategic consideration is to providing diversity of housing choice in terms of type, tenure and cost in order to address ongoing affordability issues and lifestyle/socio-demographic changes.



**Figure 8:** G21 Growth Plan, April 2013

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**Aboriginal Cultural Heritage**

A southern portion of the site is subject to identified Aboriginal Cultural Heritage Sensitivity as described in the *Aboriginal Heritage Regulations 2007*. Applications for certain development approvals in this area may require the provision of an Aboriginal Cultural Heritage Management Plan. This will be particularly likely for a high impact activity on land that has not been subject to significant ground disturbance. As previously noted, the effect of this amendment is largely paper based and will not result in additional ground disturbance. On this basis it is our view that further considerations in regards to Aboriginal Cultural Heritage are not required for this Amendment.

**Bellarine Peninsula Strategic Plan 2006-2016**

*The Bellarine Peninsula Strategic Plan 2006-2016* recognises that the aged population is amongst the fastest growing in Greater Geelong. The plan provides demographic projections for the aged in Leopold, predicting that persons aged 65 years or more will increase in percentage of total population from 11% in 2001 to 15.5% in 2016. A key action of the plan is to encourage suitable siting of housing for older people and to develop a variety of housing styles suitable for seniors close to facilities.

## 9.0 Ministerial Directions

### 9.1 Direction No. 11 Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of an amendment and the outcomes it produces.

In preparing an amendment, a planning authority must evaluate and include in the explanatory report a discussion about how the amendment addresses the following strategic considerations:

- Why is an amendment required?
- How does the amendment implement the objectives of planning in Victoria?
- How does the amendment address any environmental effects?
- How does the amendment address any relevant social and economic effects?
- Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?
- How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?
- How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?
- Does the amendment make proper use of the Victoria Planning Provisions?
- How does the amendment address the views of any relevant agency?
- Does the amendment address the requirements of the Transport Integration Act 2010?

A response to these ministerial directions is provided in Section 9.

### 9.2 Direction No. 15 - The Planning Scheme Amendment Process

The purpose of this Direction is to set times for completing steps in the planning scheme amendment process. This Direction applies to the Minister for Planning, the Secretary to the Department, Panels appointed under Part 8 of the Planning and Environment Act 1987 (Act), and all planning authorities in Victoria.

### 9.3 Practice Note 46: Strategic Assessment Guidelines

Minister's Direction No. 11 Strategic Assessment Guidelines requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. What should be considered as part of the direction is explained in Practice Note 46.

The Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

## 9.4 Practice Note: Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004)

The Planning and Environment Act 1987 provides for the intervention of the Minister for Planning in the planning process. The purpose of the practice note is to set out the circumstances in which the Minister will consider exercising those powers of intervention and the principles that will apply in considering a request for intervention.

The practice note applies to the power to amend a planning scheme, with exemption from notice requirements, or to expedite an amendment to a planning scheme, under section 20(4) of the Planning and Environment Act 1987. When considering using powers of intervention where a person other than the Minister proposes the intervention, the Minister will:

- Expect the proposal to be made in writing and to identify why the Minister should intervene and address the criteria set out in the practice note;
- Expect that person to have consulted with the relevant planning authority or responsible authority about the proposal.

The circumstances when the Minister will consider using these powers include:

- The matter will be one of genuine State or regional significance;
- The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known;
- The matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review;
- The matter will raise issues of fairness or public interest;
- The matter requires coordination to facilitate decision making by more than one agency.

## 9.5 Advisory Note: A protocol for fast tracking amendments

This advisory note sets out a 'fast track' protocol to reduce the time frame for amendments that remove redundant provisions. The advisory note covers using the provisions of section 20(2) of the Act and makes reference to the above Practice Note (Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004)).

## 10.0 Amendment Notice

It is open to the Minister for Planning to exempt Council from the need to undertake the full notification of an amendment. This type of exemption would normally apply to a correction to a scheme or removal of an anomaly in the planning requirements for a site.

The notice requirements for an amendment are listed in Section 19 of the Planning and Environment Act, 1987. These are outlined in the table below with a commentary on the proposed amendment notice requirements.

Notice Requirement	Comment	Conclusion
<p>Any Minister, public authority and council materially affected by the amendment.</p>	<p>The amendment seeks to allow a two lot subdivision of the property to create a separate lot for an approved RACF.</p> <p>As it is a two lot subdivision standard conditions required by service authorities will be included in the Incorporated Document as required by Clause 66.01-1 of the Greater Geelong Planning Scheme and no further notice is required.</p> <p>It is proposed to create an easement of way over the existing access road to the site. No change is proposed to the access and therefore there is no need to notify VicRoads or adjoining landowners.</p>	<p>Relevant authorities, Minister's and Council are either aware of the amendment or standard requirements can be included in the Incorporated Document.</p> <p>No notice is required.</p>
<p>Any owners or Occupiers materially affected by the amendment.</p>	<p>RACF approved and access to the site for this use already noted.</p> <p>No change in traffic conditions/generation.</p> <p>No loss of access to adjoining properties. It is proposed to create an easement of way over the existing access road to the site. No change is proposed to the access and therefore there is no need to notify adjoining landowners.</p> <p>Developer of the site, Bellarine Lakes, is aware of and has no</p>	<p>The amendment does not impact on access to adjoining land and there is no change to the condition of the property.</p> <p>The developer of the site Bellarine Lakes is aware of the amendment.</p> <p>No notice is required.</p>

	objection to the amendment request and two lot subdivision.	
Any prescribed Minister or authority.	<p>The Greater Geelong Council is the Planning authority and no authority is designated as an acquiring authority.</p> <p>It is noted that the Minister's administering relevant Acts would be required to be notified under Section 20(3).</p> <p>The amendment does not reserve land for a public purpose nor does it close a road.</p>	<p>The Ministers administering the Conservation, Forests and Lands Act, 1987, the Catchment and Land Protection Act, 1994, the Sustainable Forests (Timber) Act, 2004, the Mineral Resources (Sustainable Developments) Act, 1990 and the Pipelines Act, 2005 are required to be notified under Section 20(3).</p> <p>Notice will be required to prescribed Minister's responsible for the administration of the above Acts.</p>
Any owners or occupiers benefited by a covenant of the amendment removes or varies the covenant.	The amendment does not remove or vary a covenant as no covenant applies to the land.	No Notice required.
The Minister administering the Land Act 1958 if the amendment provides for the closure or part closure of a road on Crown Land.	The amendment does not apply to a road on Crown Land nor does it close a road.	No Notice required.

There are two properties adjoining the entry road to the subject land. The site to the east is occupied by a Place of Worship and has no access from the entry road. The land on the west is occupied by a Flower Farm, with two access points from the entry road.

This access has been the subject of a VCAT Hearing in March 2014 in which the operators of the nursery sought to amend Permit 10/2006 to seek additional access points. The member considered the matter in detail and held as follows:

- "27 *They raised the matter, very belatedly, in August 2013. They now seek amendments to the permit and/or endorsed plans to assert their alleged rights of access exceeding two crossing points. Such rights, if they exist, exceeding what is depicted on the currently endorsed plans, it is still open to them to take action in court to assert those rights, and to enforce them. As I have said, I am deliberately refraining from indicating that they have any such further rights as they might assert.*
- 32 *Even if there was a mistake in the responsible authority in granting the permit, or ultimately in endorsing the approved plans, I do not find that it was a material mistake having regard to the relevant planning considerations. I do not see why the responsible authority would not, or should not, have granted the permit as it did (or the approval of the plans as it did)*

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*even if the requestors had objected and informed it as to their varying preferences and agreements in relation to access from their land on to the easement land. The planning laws generally, and request proceedings under section 87, are not for the purpose of establishing or defending real property rights as such."*

It is submitted that the proposed amendment will not remove the rights provided by Permit 10/2006 and the access points shown on the approved plans. The Incorporated Document will retain relevant carriageway rights and does not interfere with any 'real property' rights for which separate action can be taken.

It is noted that Permit 10/2006 established the right to develop a Residential Aged Care Facility and the requested amendment does not change the proposed development or alter traffic generated by the future facility.

It is therefore submitted that the access issue has been finalised by the VCAT decision, is not altered by the amendment request and therefore the adjoining landowner is not materially affected by the requested amendment.

It is also understood that action has been taken by Bellarine Lakes to cancel the planning permit for the Flower Farm. The proposed amendment does not affect this action.

It is submitted that the proposed amendment does not materially affect adjoining landowners or the use of adjoining land. Accordingly notice of the amendment to these landowners is not required.

## 11.0 Justification for Amendment

### 11.1 Why is an amendment required?

The amendment is required to provide a site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

The purpose of the site specific approval is to introduce an incorporated document in the form of a planning permit to Clause 52.03 that enables the creation of a separate lot for our client's approved Residential Aged Care Facility (RACF).

The need for the approval arises from the prohibitive nature of the Farming Zone in terms of the required subdivision.

The approval will effectively create a two lot subdivision, create required easements for servicing and access.

The approval is essential for the operation of the RACF that will provide quality housing to a demographic that is experiencing recognised growth and will therefore provide a valuable social contribution to the community.

### 11.2 How does the amendment implement the objectives of planning in Victoria?

The Amendment ensures that the objectives of planning in Victoria are met by providing for the fair, orderly, economic and sustainable use of the land through enabling it to be used efficiently for the provision of residential aged care housing.

The amendment implements the planning objectives in Victoria as set out in Section 4(1) of the *Planning & Environment Act 1987* by:

- Providing for the fair, orderly, economic and sustainable use and development of the land

The Amendment implements this objective by enabling the site to be subdivided from an adjoining retirement village that is in separate ownership. While the retirement village and residential aged care facility were approved under the same planning permit (Permit 10/2006), the endorsed plans clearly indicate an intention for the two facilities to operate as separate entities. This is evidenced through only rudimentary plans being initially endorsed for the residential aged care facility. This shows an expectation that once an aged care facility provider had been found, more detailed plans calibrated to their needs would be drafted for approval. This sequence of events has in fact eventuated, resulting in the need for the current Amendment.

This Amendment will help to ensure the successful establishment and ongoing viability of the approved aged care facility. The creation of a separate title will assist in enabling our client to manage the facility's operations under their established regimes and without interference from the adjoining retirement village operators. Key requirements such as security for residents and the

management of outgoings such as power and water can occur independently. Financing the project will also be simplified through the land being on an individual title.

- Protecting natural and man-made resources, ecological processes and genetic diversity

The Amendment will not impact significant flora and fauna habitats. While the amendment will enable the subdivision of land, this will in effect be a paper based approval that will not influence the physical development of the land. Issues of natural and man-made resources, ecological process and genetic diversity have formed the basis of previous assessments for the site that were made in relation to physical built form impacts.

- Securing a pleasant, efficient, safe working, living and recreational environment

The Amendment will facilitate a subdivision that will assist in the efficient provision of an aged care facility to an established operational plan prepared by a distinguished operator. The Amendment will therefore help to provide a safe and pleasant living and working environment for residents and staff.

- Conserving and enhancing places of historic interest and cultural value

The subject site is not identified as having historical interest or cultural value. The Amendment is consistent with this objective.

- Protecting and enabling the orderly provision and coordination of public utilities and other facilities

The Amendment will assist in the orderly connection of an approved aged care facility to existing infrastructure and it is not expected that operations will exceed capacity. The provision of an individual lot for the facility will simplify connections and payments for utility usage. This will help the facility to operate efficiently.

- Facilitating development in accordance with the above objectives

The Amendment will facilitate a subdivision that is consistent with each of the above objectives. Development further to that currently approved is currently not proposed. However, the process of achieving necessary approvals for possible alterations or additions in the future will be simplified through the facility being located on its own individual lot.

- Balancing the present and future needs of all Victorians

The Amendment will help to ensure the establishment and ongoing operations of an aged care facility that will provide both housing and employment opportunities for the region. There are no perceived environmental or social impacts meaning that the Amendment will provide a positive and balanced outcome to the needs of Victorians.

### 11.3 How does the amendment address any environmental effects and any relevant social and economic effects?

#### Environmental Effects

The amendment request to facilitate a two lot subdivision of existing approved facilities will have no adverse effects on the environment. As previously discussed, the development of the site for a Residential Aged Care Facility has been approved and commenced. The amendment does not alter the physical appearance of the site.

Similarly, there are no known environmental considerations that would impact the outcomes of the Amendment.

#### Potential Contamination

The site does not have a history of use that would suggest potential contamination (the site was used previously as a golf course). An Environmental Site Assessment is not required for the subject site in order to support the Amendment.

#### Social Impact

The Amendment will result in positive social impacts to the municipality. The amendment will help to provide an efficiently operating residential aged care facility established by a recognised operator. This will provide high quality housing for a demographic that is increasing in number and in need of additional and appropriate facilities (*the Bellarine Peninsula Strategic Plan 2006-2016* recognises that the aged population is amongst the fastest growing in Greater Geelong and a key action of the Plan is to encourage suitable siting of housing for older people and to develop a variety of housing styles suitable for seniors close to facilities). Facilitating supply will help to provide a competitive market that can be expected to assist with affordability. The site is in close proximity and is readily accessible to a range of commercial and community facilities including in both Leopold and the Geelong urban centre.

#### Economic Benefits

The Amendment will have a positive impact on the economy of the area and the wider municipality and region. An effectively operating facility will provide immediate and sustainable employment opportunities at the site, which is considered to be conveniently accessible to several communities (immediate for construction workers and sustainable for aged care staff).

Both Clause 11.07 and the G21 Regional Growth Plan identify nearby Leopold and the urban areas of Geelong for increased economic growth. The G21 Regional Growth Plan also acknowledges the importance of sequencing housing and employment activity and predicts that 80,000 new jobs will be required to cater for regional population growth in the order of 200,000 more people by the year 2050.

### 11.4 Does the amendment address relevant bushfire risk?

The subject site is largely cleared and is not in a Designated Bushfire Prone area pursuant to the Department of Environment, Water, Land, and Planning (DEWLP) mapping.

## 11.5 Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

### **Ministerial Direction 11**

Ministerial Direction No.11 (Strategic Assessment of Amendments) is the relevant Minister's Direction with regard to the proposed amendment. This section of the report outlines the proposed amendment's compliance with the Strategic Assessment Guidelines. The amendment documents also comply with the Ministerial Direction on the Form and Content of Planning Schemes.

## 11.6 How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment will help to ensure a residential aged care facility in an area recognised as experiencing population growth in the older person demographic. Along with new housing, the facility will also provide much needed employment opportunities for a growing population. The facility is appropriately located being on a main road that links two areas designated for increased growth (Leopold and the urban area of Geelong). The amendment is supported by Clause 11.05-1 (Regional settlement networks) that aims to 'promote the sustainable growth and development of regional Victoria'.

The Amendment supports investment in the Geelong region through providing operational certainty for a recognised aged care provider. This is consistent with Clause 11.07 that supports the role of Geelong as the State's second city and encourages investment to cater for expected growth. The Amendment will help to provide a diverse range of housing types, service provision and employment, social and economic opportunities, which is consistent with Clauses 11.07-2, 11.07-3 and 11.07-6.

The Amendment supports Clause 16.02-3 (Residential aged care facilities) through enabling older people to live in appropriate housing in their local community and Clause 16.01-1 (Integrated housing) that promotes 'a housing market that meets community needs'. The amendment will also promote diversity and affordability, which are the objectives of clause 16.01-4 (Housing Diversity) and Clause 16.01-5 (Housing Affordability). The Amendment will support the provision of aged care housing on a convenient and readily accessible site. This can provide diversity and affordability through expanding the aged care market, increasing choice and ensuring competition amongst providers.

The Amendment also furthers the policy objectives of Clause 17.02-1 (Business), which encourages developments that 'provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'. The locational advantages of the site mean that it is appropriate to provide an aged care facility for the needs of the surrounding population. Aggregation has occurred through a neighbouring location with a retirement village meaning that people can age in place.

The Amendment will not pose an unreasonable impact on the environment or the environment on the aged care facility. The site does not contain flora and fauna habitat that is of high retention value. The site is located in an area that has been significantly altered from its previous state. The

Amendment will primarily serve to enable the subdivision of the site and will have a largely administrative impact to the way the land is used (rather than a physical impact). The Amendment will not pose a threat to the amenity of the immediate locality.

## **11.7 How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Municipal Strategic Statement (MSS) is consistent with State policy on the matter of supporting appropriate housing for older persons and encouraging economic and social sustainability. Clause 21.06 (Settlement and Housing) recognises that the municipality's population is growing and aging rapidly and that the area is a destination for those wishing to retire. There is a recognised demand for retirement accommodation, which should be directed to areas that are convenient to urban services.

The Amendment is consistent with these policies. The Amendment will assist in enhancing the functionality of an approved aged care facility. The facility will provide residential aged care facilities that will supply housing and employment opportunities in an ideally suited location. While the site is not located within an urban area, it is close to both Leopold and the urban area of Geelong and is located on a main road.

Local policy encourages the retention of urban breaks between settlements (Clause 21.14 - The Bellarine Peninsula). It is therefore important to note that the purpose of the Amendment is to assist with the subdivision of an approved development that, in terms of built form and site location, has been previously assessed to be appropriate.

## **11.8 Does the amendment make proper use of the Victorian Planning Provisions?**

The Amendment makes use of the most appropriate Victoria Planning Provision (VPP) tool for the subdivision of the subject site. A site specific approval in the form of an Incorporated Document in Clause 52.03 of the Greater Geelong Planning Scheme is appropriate for the following reasons:

- The use of Clause 52.03 acknowledges the unique and site specific nature of the need to subdivide the land, which has arisen from an historical approval;
- The approach maintains the integrity of the Farming Zone as it is applied to other land in the municipality in respect to subdivision;
- There is precedence for using this VPP tool in Greater Geelong, which has been effective in promoting economic growth within the region;
- Both State and Local policy and strategic planning policies recognise the importance that both the residential and commercial sector plays in providing ongoing employment opportunities and economic sustainability within Victoria. The site specific approval will support these policies.
- Both State and Local policy and strategic planning policies recognise that the Geelong region is experiencing population growth and that housing needs are changing necessitating both additional and diversity in housing stock. The site specific approval will support these policies.

The amendment does not seek to apply any additional VPP tools to the site.

## 11.9 How does the amendment address the views of any relevant agency?

### **City of Greater Geelong**

A preliminary meeting was held with Council Planning Officers on 18 June 2015 to discuss the planning scheme amendment. The following feedback was provided:

- 'In principle' support was provided for the Amendment given that an anomaly exists (the anomaly relates to the land's zoning and the effect of an historical approval for a RACF and retirement village);
- Willingness from Council to seek exemption from notification under Section 20(2) of the *Planning and Environment Act 1987*. However, it was noted that Council have yet to discuss this with DELWP.

### **Department of Environment, Land, Water and Planning (DELWP)**

The Department will provide strategic and statutory input into the amendment process and its merits. DELWP's role will be to authorise exhibition of the amendment and to make recommendations to the Minister for Planning on whether the amendment should be approved.

### **Department of Transport**

The views of the Director General of Transport will be considered during the amendment process.

### **Service Authorities**

The amendment supports a two lot subdivision of the subject site. The standard conditions in Clause 66.01-1 for a two lot subdivision have been included in the Incorporated Document and therefore the requirements of service authorities are addressed.

### **VicRoads**

The amendment does not propose any alteration to the access to the site nor increase the likely traffic to be generated from the approved use.

## 11.10 Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not create a significant impact on the existing transport system as defined by Section 3 of the *Transport Integration Act 2010*. The Amendment will provide an administrative approval that will facilitate the subdivision of an already approved development that will be readily accessible due to its close proximity to main road infrastructure.

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It is noted that the provisions of Division 2 (Transport System Objectives) and Division 3 (Decision Making Principles) of the *Transport Integration Act 2010* have been appropriately considered in the formulation of the amendment.

### **11.11 What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is expected that the new planning scheme provisions will have a limited impact on the resources and administrative costs of the City of Greater Geelong. Council planning officer resources will be required to implement the amendment. However, the resource and administrative costs to Council will not be in excess of the costs typically associated with planning scheme amendments.

## 12.0 Conclusion

Sweett Group has been engaged by the developers of an approved Residential Aged Care Facility, BUPA Care Services, to prepare a strategic town planning assessment to outline and provide justification for a planning scheme amendment to include a site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

The site specific approval will serve to excise our client's residential aged care facility from a retirement village that is in separate ownership, though currently located on the same lot. In order to operate efficiently and sustainably to their well practice models, it is essential that our client obtains individual ownership over their land.

The need for the amendment has arisen from the prohibitive nature of the Farming Zone and the Floodway Overlay in terms of the required subdivision. It is our submission that an anomaly has arisen due to an historical approval and this provides the special circumstances that warrants the use of Clause 52.03.

Sweett Group has undertaken detailed inspections of the site and the surrounding area, and has reviewed the Greater Geelong Planning Scheme, Council's strategic documents, technical reports, and has consulted with Council, the Department of Environment, Land, Water and Planning and relevant authorities – to form the basis of this request.

The following provides a summary of our findings:

- The amendment will support and implement the SPPF and LPPF by facilitating the viable development of a RACF and helping to ensure that it has title to operate effectively. The facility will make a positive social and economic contribution to the community. Both State and Local policy encourage the provision of land to support economic development, employment and residential development.
- The proposed site specific approval under Clause 52.03 is appropriate for the subject site and this view is also held 'in principle' by Council officers.
- The Amendment will not have any material impact on adjoining landowners or key authorities and will in effect allow an administrative approval rather than a new development. On this basis it requested that the Amendment be exempted from notification under Section 20(2) of the *Planning and Environment Act 1987*.

### 12.1 Request

Having regard to the detailed strategic justification outlined in this report, it is respectfully requested that Council consider this amendment request and approve the site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

# Appendices

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# Appendix A - Amendment Documents

## **GREATER GEELONG PLANNING SCHEME**

### **AMENDMENT C336**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Greater Geelong City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of BUPA Care Services.

#### **Land affected by the Amendment**

The Amendment applies to 402-404 Bellarine Highway, Moolap.

#### **What the amendment does**

The Amendment introduces a site specific provision to enable a two lot subdivision of the subject site.

The Amendment makes the following changes to the Greater Geelong Planning Scheme.

- Amends the Schedule to Clause 52.03 Specific Sites and Exclusions to include the incorporated document titled "BUPA Aged Care Facility, Bellarine Lakes, July 2015"
- Amends the Schedule to Clause 81 Documents Incorporated into this Scheme to include the incorporated document titled "BUPA Aged Care Facility, Bellarine Lakes, July 2015."

#### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The amendment is required to provide a site specific approval in Clause 52.03 of the Greater Geelong Planning Scheme.

The purpose of the site specific approval is to introduce an incorporated document in the form of a planning permit to Clause 52.03 that enables the creation of a separate lot for our client's approved Residential Aged Care Facility (RACF).

The need for the approval arises from the prohibitive nature of the Farming Zone in terms of the required subdivision.

The approval will effectively create a two lot subdivision, create required easements for servicing and access.

The approval is essential for the operation of the RACF that will provide quality housing to a demographic that is experiencing recognised growth and will therefore provide a valuable social contribution to the community.

#### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment ensures that the objectives of planning in Victoria are met by providing for the fair, orderly, economic and sustainable use of the land through enabling it to be used efficiently for the provision of residential aged care housing.

The amendment implements the planning objectives in Victoria as set out in Section 4(1) of the *Planning & Environment Act 1987* by:

- Providing for the fair, orderly, economic and sustainable use and development of the land

The Amendment implements this objective by enabling the site to be subdivided from an adjoining retirement village that is in separate ownership. While the retirement village and residential aged care facility were approved under the same planning permit (Permit 10/2006), the endorsed plans clearly indicate an intention for the two facilities to operate as separate entities. This is evidenced through only rudimentary plans being initially endorsed for the residential aged care facility. This shows an expectation that once an aged care facility provider had been found, more detailed plans calibrated to their needs would be drafted for approval. This sequence of events has in fact eventuated, resulting in the need for the current Amendment.

This Amendment will help to ensure the successful establishment and ongoing viability of the approved aged care facility. The creation of a separate title will assist in enabling our client to manage the facility's operations under their established regimes and without interference from the adjoining retirement village operators. Key requirements such as security for residents and the management of outgoings such as power and water can occur independently. Financing the project will also be simplified through the land being on an individual title.

- Protecting natural and man-made resources, ecological processes and genetic diversity

The Amendment will not impact significant flora and fauna habitats. While the amendment will enable the subdivision of land, this will in effect be a paper based approval that will not influence the physical development of the land. Issues of natural and man-made resources, ecological process and genetic diversity have formed the basis of previous assessments for the site that were made in relation to physical built form impacts.

- Securing a pleasant, efficient, safe working, living and recreational environment

The Amendment will facilitate a subdivision that will assist in the efficient provision of an aged care facility to an established operational plan prepared by a distinguished operator. The Amendment will therefore help to provide a safe and pleasant living and working environment for residents and staff.

- Conserving and enhancing places of historic interest and cultural value

The subject site is not identified as having historical interest or cultural value. The Amendment is consistent with this objective.

- Protecting and enabling the orderly provision and coordination of public utilities and other facilities

The Amendment will assist in the orderly connection of an approved aged care facility to existing infrastructure and it is not expected that operations will exceed capacity. The provision of an individual lot for the facility will simplify connections and payments for utility usage. This will help the facility to operate efficiently.

- Facilitating development in accordance with the above objectives

The Amendment will facilitate a subdivision that is consistent with each of the above objectives. Development further to that currently approved is currently not proposed. However, the process of achieving necessary approvals for possible alterations or additions in the future will be simplified through the facility being located on its own individual lot.

- Balancing the present and future needs of all Victorians

The Amendment will help to ensure the establishment and ongoing operations of an aged care facility that will provide both housing and employment opportunities for the region. There are no perceived environmental or social impacts meaning that the Amendment will provide a positive and balanced outcome to the needs of Victorians.

## **How does the Amendment address any environmental, social and economic effects?**

### Environmental Effects

The amendment request to facilitate a two lot subdivision of existing approved facilities will have no adverse effects on the environment. As previously discussed, the development of the site for a Residential Aged Care Facility has been approved and commenced. The amendment does not alter the physical appearance of the site.

Similarly, there are no known environmental considerations that would impact the outcomes of the Amendment.

### Social Impact

The Amendment will result in positive social impacts to the municipality. The amendment will help to provide an efficiently operating residential aged care facility established by a recognised operator. This will provide high quality housing for a demographic that is increasing in number and in need of additional and appropriate facilities (*the Bellarine Peninsula Strategic Plan 2006-2016* recognises that the aged population is amongst the fastest growing in Greater Geelong and a key action of the Plan is to encourage suitable siting of housing for older people and to develop a variety of housing styles suitable for seniors close to facilities). Facilitating supply will help to provide a competitive market that can be expected to assist with affordability. The site is in close proximity and is readily accessible to a range of commercial and community facilities including in both Leopold and the Geelong urban centre.

### Economic Benefits

The Amendment will have a positive impact on the economy of the area and the wider municipality and region. An effectively operating facility will provide immediate and sustainable employment opportunities at the site, which is considered to be conveniently accessible to several communities (immediate for construction workers and sustainable for aged care staff).

Both Clause 11.07 and the G21 Regional Growth Plan identify nearby Leopold and the urban areas of Geelong for increased economic growth. The G21 Regional Growth Plan also acknowledges the importance of sequencing housing and employment activity and predicts that 80,000 new jobs will be required to cater for regional population growth in the order of 200,000 more people by the year 2050.

## **Does the Amendment address relevant bushfire risk?**

The subject site is largely cleared and is not in a Designated Bushfire Prone area pursuant to the Department of Environment, Water, Land, and Planning (DEWLP) mapping.

## **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

Ministerial Direction No.11 (Strategic Assessment of Amendments) is the relevant Minister's Direction with regard to the proposed amendment. This section of the report outlines the proposed amendment's compliance with the Strategic Assessment Guidelines.

The amendment documents also comply with the Ministerial Direction on the Form and Content of Planning Schemes.

## **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment will help to ensure a residential aged care facility in an area recognised as experiencing population growth in the older person demographic. Along with new housing, the facility will also provide much needed employment opportunities for a growing population. The facility is appropriately located being on a main road that links two areas designated for increased growth (Leopold and the urban area of Geelong). The amendment is supported by Clause 11.05-1 (Regional settlement networks) that aims to 'promote the sustainable growth and development of regional Victoria'.

The Amendment supports investment in the Geelong region through providing operational certainty for a recognised aged care provider. This is consistent with Clause 11.07 that supports the role of Geelong as the State's second city and encourages investment to cater for expected growth. The Amendment will help to provide a diverse range of housing types, service provision and employment, social and economic opportunities, which is consistent with Clauses 11.07-2, 11.07-3 and 11.07-6.

The Amendment supports Clause 16.02-3 (Residential aged care facilities) through enabling older people to live in appropriate housing in their local community and Clause 16.01-1 (Integrated housing) that promotes 'a housing market that meets community needs'. The amendment will also promote diversity and affordability, which are the objectives of clause 16.01-4 (Housing Diversity) and Clause 16.01-5 (Housing Affordability). The Amendment will support the provision of aged care housing on a convenient and readily accessible site. This can provide diversity and affordability through expanding the aged care market, increasing choice and ensuring competition amongst providers.

The Amendment also furthers the policy objectives of Clause 17.02-1 (Business), which encourages developments that 'provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'. The locational advantages of the site mean that it is appropriate to provide an aged care facility for the needs of the surrounding population. Aggregation has occurred through a neighbouring location with a retirement village meaning that people can age in place.

The Amendment will not pose an unreasonable impact on the environment or the environment on the aged care facility. The site does not contain flora and fauna habitat that is of high retention value. The site is located in an area that has been significantly altered from its previous state. The Amendment will primarily serve to enable the subdivision of the site and will have a largely administrative impact to the way the land is used (rather than a physical impact). The Amendment will not pose a threat to the amenity of the immediate locality.

## **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Municipal Strategic Statement (MSS) is consistent with State policy on the matter of supporting appropriate housing for older persons and encouraging economic and social sustainability. Clause 21.06 (Settlement and Housing) recognises that the municipality's population is growing and aging rapidly and that the area is a destination for those wishing to retire. There is a recognised demand for retirement accommodation, which should be directed to areas that are convenient to urban services.

The Amendment is consistent with these policies. The Amendment will assist in enhancing the functionality of an approved aged care facility. The facility will provide residential aged care facilities that will supply housing and employment opportunities in an ideally suited location. While the site is not located within an urban area, it is close to both Leopold and the urban area of Geelong and is located on a main road.

Local policy encourages the retention of urban breaks between settlements (Clause 21.14 - The Bellarine Peninsula). It is therefore important to note that the purpose of the Amendment is to assist with the subdivision of an approved development that, in terms of built form and site location, has been previously assessed to be appropriate.

## **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes use of the most appropriate Victoria Planning Provision (VPP) tool for the subdivision of the subject site. A site specific approval in the form of an Incorporated Document in Clause 52.03 of the Greater Geelong Planning Scheme is appropriate for the following reasons:

- The use of Clause 52.03 acknowledges the unique and site specific nature of the need to subdivide the land, which has arisen from an historical approval;
- The approach maintains the integrity of the Farming Zone as it is applied to other land in the municipality in respect to subdivision;
- There is precedence for using this VPP tool in Greater Geelong, which has been effective in promoting economic growth within the region;
- Both State and Local policy and strategic planning policies recognise the importance that both the residential and commercial sector plays in providing ongoing employment opportunities and economic sustainability within Victoria. The site specific approval will support these policies.
- Both State and Local policy and strategic planning policies recognise that the Geelong region is experiencing population growth and that housing needs are changing necessitating both additional and diversity in housing stock. The site specific approval will support these policies.

The amendment does not seek to apply any additional or remove any current VPP tools to the site.

## **How does the Amendment address the views of any relevant agency?**

### **City of Greater Geelong**

A preliminary meeting was held with Council Planning Officers on 18 June 2015 to discuss the planning scheme amendment. The following feedback was provided:

- 'In principle' support was provided for the Amendment given that an anomaly exists (the anomaly relates to the land's zoning and the effect of an historical approval for a RACF and retirement village);
- Willingness from Council to seek exemption from notification under Section 20(2) of the *Planning and Environment Act 1987*. While preliminary discussion between Council and DELWP have occurred, it is understood that a decision regarding notification requirements will be further considered following lodgement of this request.

### **Department of Environment, Land, Water and Planning (DELWP)**

The Department will provide strategic and statutory input into the amendment process and its merits. DELWP's role will be to authorise exhibition of the amendment and to make recommendations to the Minister for Planning on whether the amendment should be approved.

### **Department of Transport**

The views of the Director General of Transport will be considered during the amendment process.

### **Service Authorities**

The amendment supports a two lot subdivision of the subject site. The standard conditions in Clause 66.01-1 for a two lot subdivision have been included in the Incorporated Document and therefore the requirements of service authorities are addressed.

## **VicRoads**

The amendment does not propose any alteration to the access to the site nor increase the likely traffic to be generated from the approved use.

## **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not create a significant impact on the existing transport system as defined by Section 3 of the *Transport Integration Act 2010*. The Amendment will provide an administrative approval that will facilitate the subdivision of an already approved development that will be readily accessible due to its close proximity to main road infrastructure.

It is noted that the provisions of Division 2 (Transport System Objectives) and Division 3 (Decision Making Principles) of the *Transport Integration Act 2010* have been appropriately considered in the formulation of the amendment.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is expected that the new planning scheme provisions will have a limited impact on the resources and administrative costs of the City of Greater Geelong. Council planning officer resources will be required to implement the amendment. However, the resource and administrative costs to Council will not be in excess of the costs typically associated with planning scheme amendments.

## **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Greater Geelong City Council  
Ground Floor  
100 Brougham Street  
GEELONG

The amendment can also be inspected free of charge at the:

'Amendments' section of the City's website [www.geelongaustralia.com.au/amendments/](http://www.geelongaustralia.com.au/amendments/)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

**[The following sections of the Explanatory Report are only applicable to exhibited amendments and should be removed at the adoption stage]**

## **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

The Coordinator  
Strategic Implementation  
City of Greater Geelong  
either by mail to:

PO Box 104, GEELONG VIC 3220

or by email to:

[strategicplanning@geelongcity.vic.gov.au](mailto:strategicplanning@geelongcity.vic.gov.au)

Alternatively, a submission may be lodged online at the City's website:

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

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date] ]**

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*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C336**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Particular Provisions – Clause 52.03, replace the Schedule with a new Schedule in the form of the attached document.
2. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document

**GREATER GEELONG PLANNING SCHEME  
INCORPORATED DOCUMENT**

**BUPA Aged Care Facility,  
Bellarine Lakes  
September 2015**

**This document is an incorporated document in the Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.**

## **INTRODUCTION:**

This document is an incorporated document in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 of the Greater Geelong Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 52.03 of the Scheme the land identified in this incorporated document may be developed in accordance with the specific controls contained in this document.

## **ADDRESS OF THE LAND/PROJECT:**

This Incorporated Document applies to land shown on the incorporated plan titled "BUPA Care Service, Bellarine Lakes 402-404 Bellarine Highway, Moolap, Victoria: Location Plan", which forms part of this Incorporated Document (referred to hereafter as 'the land').

## **PURPOSE:**

The purposes of the Incorporated Document are:

- To facilitate the subdivision of land in the Farming Zone that would otherwise be prohibited.
- To facilitate the subdivision of land in the Floodway Overlay that would be otherwise prohibited.
- To allow a residential aged care facility to have a separate title to a retirement village that is in separate ownership and that was always anticipated to operate as a separate entity.
- To help to ensure the economic viability and effective operation of an aged care facility that will provide much needed housing for the elderly along with employment opportunities.

## **THIS DOCUMENT ALLOWS:**

This Incorporated Document allows for the development of the land for the purposes of:

- (a) a two lot subdivision

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

**Layout Not Altered**

1. The subdivision as shown on the plan that forms part of this incorporated document must not be altered without the prior written consent of the Responsible Authority.

**Reticulated Services**

2. Reticulated water, sewerage and electricity must be available to each lot shown on the plan that forms part of this incorporated document before any lot can be used.

**Lot Drainage**

3. Each lot shown on the plan that forms part of this incorporated document must be drained to the satisfaction of the Responsible Authority.

**Clause 66.01-1 Two Lot Subdivision**

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on plan that forms part of this incorporated document in accordance with that authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

**S173 Subdivision prior to completion of development**


7. Prior to the issue of a Statement of Compliance for this subdivision, the owner of the land to which this incorporated document relates must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. In addition to the usual provisions, the agreement must provide for the following matters:
  - a) Except with the consent of the Responsible Authority, the land and any lot created by the subdivision of the land may only be developed in accordance with the Residential Aged Care Facility authorised in Planning Permit No. 10/2006 and depicted in the endorsed plans that form part of Planning Permit No. 10/2006;
  - b) The development shall not be occupied or used until all works, including landscaping and drainage have been completed;
  - c) The costs of the Responsible Authority in relation to the agreement are to be borne by the owner.

### **Time for Starting and Completion**

8. The specific controls contained in this document will expire if any of the following circumstances applies:
  - a) The plan of subdivision is not certified within 2 years of the date of approval of the amendment.
  - b) The subdivision is not completed within five years of the date of certification of the plan.

The responsible authority may extend the periods referred to if a request is made in writing before these controls expire or within six months afterwards.

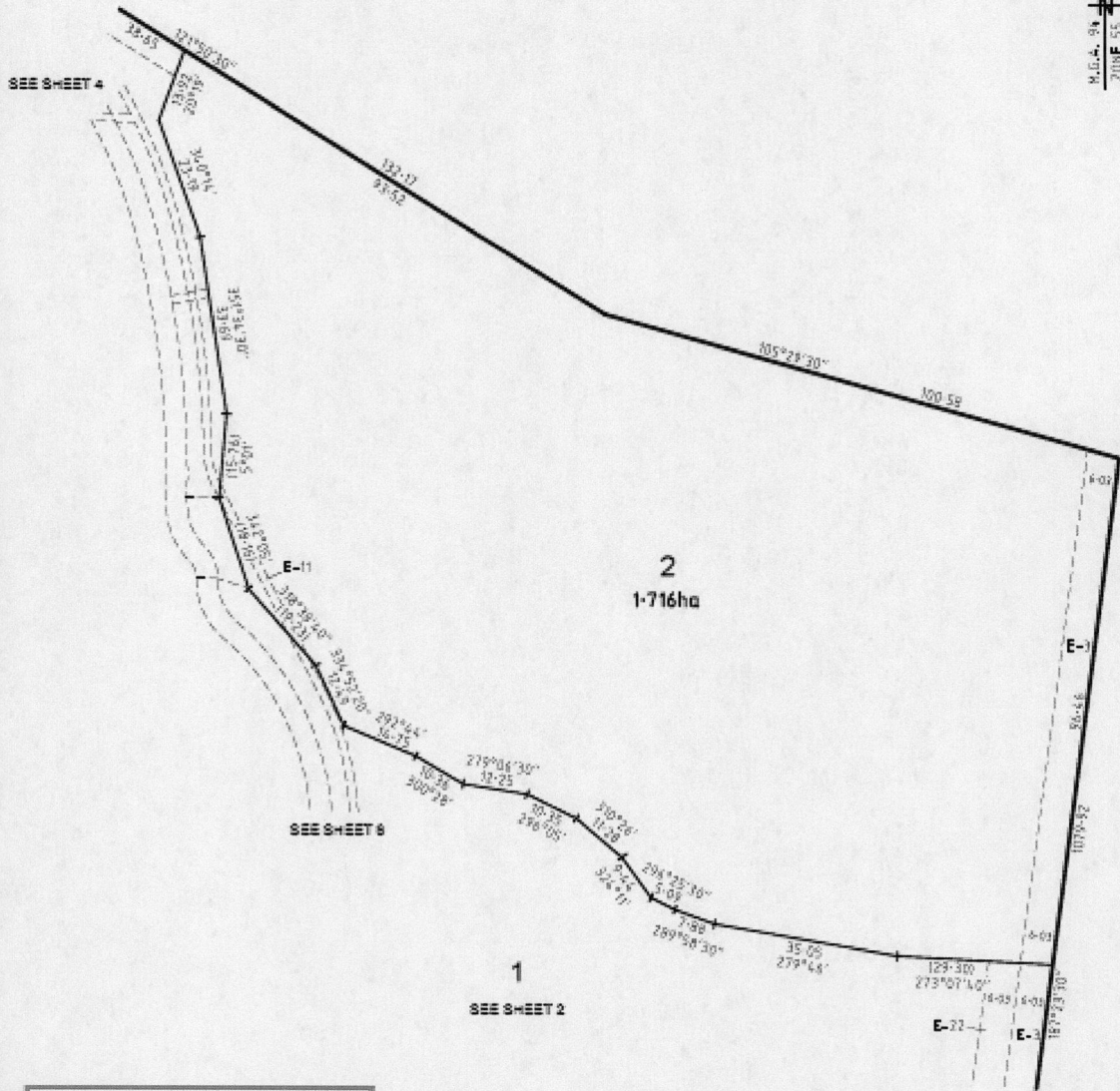
GREATER GEELONG PLANNING SCHEME

<b>PLAN OF SUBDIVISION</b>		LV USE ONLY <b>EDITION</b>	PLAN NUMBER <b>PS 732911Y</b>
<p style="text-align: center;"><b>LOCATION OF LAND</b></p> <p><b>PAREN:</b> MODLAP</p> <p><b>TOWNSHIP:</b> -</p> <p><b>SECTION:</b> -</p> <p><b>CROWN ALLOTMENT:</b> -</p> <p><b>CROWN PORTION:</b> 11 (PART) &amp; 12 (PART) BLOCK 1</p> <p><b>TITLE REFERENCES:</b> VOL 11503 FOL 643</p> <p><b>LAST PLAN REFERENCE(S):</b> PS 732208Y (LOT 11)</p> <p><b>POSTAL ADDRESS:</b> 402 BELLARINE HIGHWAY (at time of subdivision) MODLAP 3224</p> <p><b>MGA94 Co-ordinates</b>      <b>E</b> 274575 (at approx centre of      <b>N</b> 5770850 land in plan)                <b>ZONE</b> 55</p>		<div style="border: 2px solid gray; padding: 10px; display: inline-block;"> <p style="font-size: 24px; margin: 0;"><b>PRELIMINARY</b></p> </div>	
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>	
<b>IDENTIFIER</b>	<b>COUNCIL/BODY/PERSON</b>		
<b>NOTATIONS</b>			
<p><b>DEPTH LIMITATION</b> DOES NOT APPLY</p> <p><b>STAGING</b> This plan is a staged subdivision. Planning permit No.:</p> <p><b>SURVEY</b> THIS PLAN IS BASED ON SURVEY.</p> <p><b>THIS IS A SPEAR PLAN.</b></p>			
<b>EASEMENT INFORMATION</b>			
<b>LEGEND</b> A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)			
<b>Easement Reference</b>	<b>Purpose</b>	<b>Width (Metres)</b>	<b>Origin</b>
<b>Land Benefitted/In Favour Of</b>			
<p style="font-size: 24px; transform: rotate(-45deg); opacity: 0.5;">SEE SHEETS 7 &amp; 8 FOR EASEMENT DETAILS</p>			
 <p><b>SMEC</b> Geelong Survey T 5228 3100 F 5228 3122</p>		SURVEYOR REF: <b>30041357S-007BEL</b> DIGITALLY SIGNED BY LICENSED SURVEYOR: JOHN RICHARD MCENZIE VERSION <b>B</b>	ORIGINAL SHEET SIZE A3 SHEET 1 OF 8



**PLAN OF SUBDIVISION**

PLAN NUMBER  
**PS 732911Y**



**PRELIMINARY**

300413575-007BEL - VER 0/DWG A16/D44



**SMEC**

Geomatics Survey T 5223 3100 F 5223 3129

SCALE  
1:800



ORIGINAL SHEET  
SIZE A3

SHEET 3

DIGITALLY SIGNED BY LICENSED SURVEYOR,  
JOHN RICHARD MINENZE

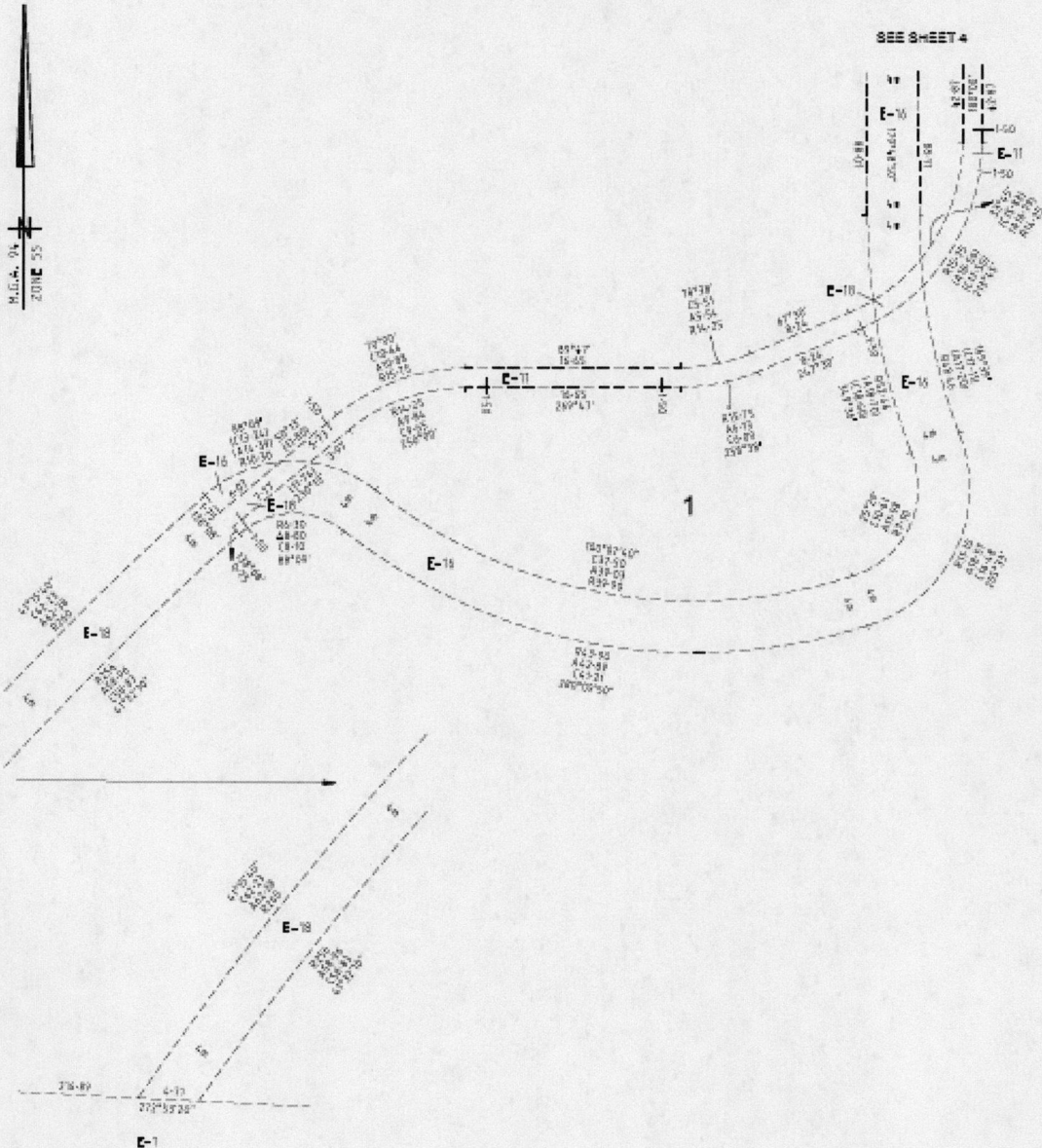
REF 300413575-007BEL VERSION B





**PLAN OF SUBDIVISION**

PLAN NUMBER  
**PS 732911Y**



**PRELIMINARY**

30041357S-007BEL - VER: BOWS 4/6/04



SCALE  
N.T.S.  
DIGITALLY SIGNED BY LICENSED SURVEYOR  
JOHN RICHARD MCKENZIE  
REF: 30041357S-007BEL VERSION B

ORIGINAL SHEET  
SIZE A3  
SHEET 6

PLAN OF SUBDIVISION			PLAN NUMBER PS 732911Y	
Equipment Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of
E-1	WATER SUPPLY	10-00	INSTRUMENT No. 7523259	STATE RIVERS & WATER SUPPLY COMMISSION
E-2	WATER SUPPLY DRAINAGE	SEE DIAGRAM	INSTRUMENT No. 7523259	STATE RIVERS & WATER SUPPLY COMMISSION
E-3	DRAINAGE	SEE DIAGRAM	LP 80808	LOTS ON LP 80808
E-4	WATER SUPPLY	6-03	LP 80808	LOTS ON LP 80808
E-5	WATER SUPPLY	5-00	X 817094P	BARWON REGION WATER AUTHORITY
E-6	DRAINAGE	SEE DIAGRAM	LP 80808	LOTS ON LP 80808
E-7	WATER SUPPLY	SEE DIAGRAM	X 817094P	BARWON REGION WATER AUTHORITY
E-8	CARRIAGEWAY	SEE DIAGRAM	AD 498183K	LOT 1 ON TP 113701B
E-9	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-10	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-11	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	LOT 2 ON THIS PLAN
E-12	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-13	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-14	CARRIAGEWAY	SEE DIAGRAM	AD 498183K	LOT 1 ON TP 113701B
E-15	CARRIAGEWAY	SEE DIAGRAM	AD 393086R	LOT 1 ON TP 582054N
E-16	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-17	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-18	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	LOT 2 ON THIS PLAN
E-19	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	LOT 2 ON THIS PLAN
E-20	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-21	POWERLINE	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-22	CARRIAGEWAY	SEE DIAGRAM	SECTION 86 OF THE ELECTRICITY INDUSTRY ACT 2000	LOT 1 ON TP 113701B
E-23	CARRIAGEWAY	SEE DIAGRAM	AD 498183K	LOT 1 ON TP 582054N
E-24	POWERLINE	SEE DIAGRAM	AD 393086R	LOT 1 ON TP 582054N
E-25	POWERLINE	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-26	CARRIAGEWAY	SEE DIAGRAM	SECTION 86 OF THE ELECTRICITY INDUSTRY ACT 2000	LOT 1 ON TP 113701B
E-27	CARRIAGEWAY	SEE DIAGRAM	AD 498183K	LOT 1 ON TP 113701B
E-28	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-29	POWERLINE	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-30	PIPELINES OR ANCILLARY PURPOSES	SEE DIAGRAM	SECTION 86 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
E-31	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-32	CARRIAGEWAY	SEE DIAGRAM	SECTION 136 OF THE WATER ACT 1989	LOT 1 ON TP 113701B
E-33	CARRIAGEWAY	SEE DIAGRAM	AD 498183K	LOT 1 ON TP 582054N
E-34	CARRIAGEWAY	SEE DIAGRAM	AD 393086R	LOT 1 ON TP 582054N
E-35	PIPELINES OR ANCILLARY PURPOSES	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-36	PIPELINES OR ANCILLARY PURPOSES	SEE DIAGRAM	SECTION 136 OF THE WATER ACT 1989	LOT 1 ON TP 113701B
E-37	PIPELINES OR ANCILLARY PURPOSES	SEE DIAGRAM	AD 498183K	LOT 1 ON TP 113701B
E-38	PIPELINES OR ANCILLARY PURPOSES	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-39	POWERLINE	SEE DIAGRAM	SECTION 86 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
E-40	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-41	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-42	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-43	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-44	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-45	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-46	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	BARWON REGION WATER CORPORATION
E-47	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-48	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-49	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-50	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-51	POWERLINE	SEE DIAGRAM	PS 732208Y	POWERCOR AUSTRALIA LIMITED
E-52	CARRIAGEWAY	SEE DIAGRAM	SECTION 86 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
E-53	CARRIAGEWAY	SEE DIAGRAM	PS 732208Y	LOT 2 ON THIS PLAN
E-54	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-55	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN

-----CONTINUED ON SHEET 8

**PRELIMINARY**

300413575-007BEL - VER. 0.0WS AUG/04



**SMC**

Geomatics Survey T 5223 3100 F 5223 3122

ORIGINAL SHEET  
SIZE A3

SHEET 7

DIGITALLY SIGNED BY LICENSED SURVEYOR,  
JON RICHARD MENENDEZ

REF: 300413575-007BEL VERSION B

**PLAN OF SUBDIVISION**

**PLAN NUMBER  
PS 732911Y**

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-19	CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY SUPPLY OF ELECTRICITY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	PS 732208Y PS 732208Y THIS PLAN PS 732208Y	BARMON REGION WATER CORPORATION POWERCOR AUSTRALIA LIMITED LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
E-20	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-21	POWERLINE	SEE DIAGRAM	PS 732208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-22	WATER SUPPLY DRAINAGE	SEE DIAGRAM SEE DIAGRAM	THIS PLAN THIS PLAN	LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
E-23	CARRIAGEWAY CARRIAGEWAY SUPPLY OF ELECTRICITY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	PS 732208Y THIS PLAN THIS PLAN	POWERCOR AUSTRALIA LIMITED LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
E-24	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-25	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN
E-26	POWERLINE	SEE DIAGRAM	PS 732208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN

**PRELIMINARY**

30041357S-007BEL - VER. 00WS AIG/DAR



**SMC**

Geelong Survey T 5228 3100 F 5228 3192

DIGITALLY SIGNED BY LICENSED SURVEYOR,  
JOHN EDWARD MCKENZIE

REF 30041357S-007BEL VERSION B

ORIGINAL SHEET  
SIZE A3

SHEET 8

**END OF DOCUMENT**

18/05/2013  
Proposed  
C336

**SCHEDULE TO CLAUSE 52.03**

Address of land	Title of incorporated document
The Melbourne to Geelong Railway shown on the project area maps for the Regional Fast Rail Project and the Fibre Optic Project in the incorporated document.	Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project), December 2002.
The land at 40-60 Brougham Street, Geelong and Allotment 2024 Township of Geelong (City).	Geelong TAC Office Development, October 2006.
312 – 328 Moorabool Street, Geelong	Geelong TAC Transitional Office Development, May 2007.
The existing rail corridor for the ARTC Standard Gauge Western Mainline shown on the project area maps for the Rail Upgrades at Geelong Port Project.	Rail Upgrades at Geelong Port Project, May 2010.
The corridor for the Geelong Melbourne Interconnection Project shown on the project plans included in the incorporated document.	Melbourne Geelong Interconnection Project, June 2010.
The land required for the Geelong Ring Road – Section 4C as identified in clause 3 of the incorporated document.	Geelong Ring Road – Section 4C Incorporated Document, June 2010.
14 Shepherd Court, North Geelong	14 Shepherd Court, North Geelong, Cotton On Office Redevelopment, July 2011
49 Little Malop Street, Geelong	Geelong Library and Heritage Centre Redevelopment, March 2013
402-404 Bellarine Highway, Moolap	BUPA Aged Care Facility, Bellarine Lakes, July 2015

20/08/2015  
Proposed  
C336**SCHEDULE TO CLAUSE 81.01**

Name of document	Introduced by:
14 Shepherd Court, North Geelong, Cotton On Office Redevelopment, July 2011	<b>C257</b>
Adventure Park Comprehensive Development Plan May 2014	<b>C288</b>
Advertising Sign Guidelines, City of Greater Geelong, November 1997, Amended October 2014.	<b>C296</b>
Armstrong Creek East Native Vegetation Precinct Plan, May 2010	<b>C206</b>
Armstrong Creek East Precinct Structure Plan, May 2010 Amended November 2011.	<b>C214</b>
Armstrong Creek East Precinct Development Contributions Plan, Version 4.1 Alternate Version November 2011.	<b>C214</b>
Armstrong Creek Horseshoe Bend Precinct Structure Plan September 2014.	<b>C259</b>
Armstrong Creek North East Industrial Precinct Development Contributions Plan, May 2010.	<b>C207</b>
Armstrong Creek North East Industrial Precinct Growing Grass Frog Conservation Management Plan, May 2010.	<b>C207</b>
Armstrong Creek North East Industrial Precinct Native Vegetation Precinct Plan, May 2010.	<b>C207</b>
Armstrong Creek North East Industrial Precinct, Precinct Structure Plan, May 2010.	<b>C207</b>
Armstrong Creek Town Centre Precinct Structure Plan, March 2014	<b>C267</b>
Armstrong Creek Town Centre Development Contributions Plan, March 2014	<b>C267</b>
Armstrong Creek Town Centre Native Vegetation Precinct Plan, March 2014	<b>C267</b>
Armstrong Creek Urban Growth Plan Framework Plan, November 2008, Updated September 2012	<b>C240</b>
Armstrong Creek West Precinct Development Contributions Plan, February 2013	<b>C240</b>
Armstrong Creek West Precinct Native Vegetation Precinct Plan, November 2012	<b>C240</b>
Armstrong Creek West Precinct Structure Plan, September 2012	<b>C240</b>
Australian Standard AS 2021-1994, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction. Standards Association of Australia 1994.	<b>NPS1</b>
Batman Park, Indented Head Incorporated Plan, June 2015	<b>C274</b>
BUPA Aged Care Facility, Bellarine Lakes August 2015	<b>C336</b>
Environmental Weeds, City of Greater Geelong, September 2008	<b>C129(Part 1)</b>
Geelong City Urban Conservation Study Vol. 1 Restoration and Infill Guidelines, Commercial and Civic Buildings, Graeme Butler for the City of Geelong, 1993	<b>C258</b>
Geelong Library and Heritage Centre Redevelopment, March 2013	<b>C287</b>
Geelong Ring Road – Section 4C Incorporated Document, June 2010.	<b>C232</b>
Geelong TAC Office Development, October 2006.	<b>C142</b>
Heritage and Design Guidelines, City of Greater Geelong, 1997.	<b>NPS1</b>

GREATER GEELONG PLANNING SCHEME

Name of document	Introduced by:
Horseshoe Bend Precinct Development Contributions Plan September 2014.	<b>C259</b>
Jetty Road Urban Growth Area Development Contributions Plan, September 2011	<b>C230</b>
Lara West Development Contributions Plan, Final Version – C246/C285, March 2014	<b>C285</b>
Lara West Growth Area, Lara, Native Vegetation Precinct Plan, September 2013	<b>C246</b>
Lara West Precinct Structure Plan, Revision J, 25 September 2013	<b>C246</b>
Melbourne Geelong Interconnection Project, June 2010.	<b>C229</b>
Manzeene Village, Lara, Native Vegetation Precinct Plan, June 2014	<b>C285</b>
Native Vegetation Precinct Plan, Geelong Ring Road Employment Precinct, March 2013	<b>C243</b>
Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area August 2014.	<b>C259</b>
Newtown Heritage Study Review Report, Volume 3, City of Greater Geelong, 2008	<b>C191</b>
New Station Estate Restructure Plan, July 2010	<b>C187</b>
Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project), December 2002.	<b>VC17</b>
Rail Upgrades at Geelong Port Project, May 2010.	<b>C211</b>
Rippleside Comprehensive Development Plan, February 2000.	<b>C2</b>
Rippleside Urban Design Guidelines, June 2000.	<b>C2</b>
Small Lot Housing Code, December 2012	<b>C267</b>
Thirteenth Beach Golf Resort Barwon Heads, Barwon Heads Comprehensive Development Plan, Land Design Partnership, Anthony Cashmore & Associates and the Planning Group, May 2001 amended September 2006.	<b>C54</b>
Waterfront Geelong Design and Development Code, Keys Young, July 1996	<b>NPS1</b>
West Fyans-Fyans Street Precinct Structure Plan, June 2009	<b>C205</b>

## Appendix B - Titles



**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 08965 FOLIO 190

Security no : 124055742345X  
Produced 23/06/2015 08:25 am

**LAND DESCRIPTION**

Lot 1 on Title Plan 605685D (formerly known as part of Lot 4 on Plan of Subdivision 080808).  
PARENT TITLE Volume 08719 Folio 453  
Created by instrument E703970 15/02/1973

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors

JAMES ROBERT FRANK SULLIVAN

CAROL ANNE SULLIVAN both of 412-420 BELLARINE HIGHWAY MOOLAP VIC 3221  
AE832407W 10/01/2007

**ENCUMBRANCES, CAVEATS AND NOTICES**

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP605685D FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 412-420 BELLARINE HIGHWAY MOOLAP VIC 3224

DOCUMENT END

# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Land Victoria.

Document Type	<b>plan</b>
Document Identification	<b>TP605685D</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>23/06/2015 08:27</b>

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The document is invalid if this cover sheet is removed or altered.

TITLE PLAN	EDITION 1	TP 605685D
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<b>Location of Land</b> Parish: MOOLAP Township: Section: Crown Allotment: Crown Portion:  Last Plan Reference: LP80808 Derived From: VOL 8965 FOL 190 Depth Limitation: NIL	<b>Notations</b>     ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
---	---

<b>Description of Land / Easement Information</b> <div style="border: 1px solid black; padding: 5px; background-color: #fff9c4;"> <p><b>ENCUMBRANCES REFERRED TO</b>                      As to the land coloured blue - - - -                      THE EASEMENTS (if any) existing over the same by virtue of Section 98 of the Transfer of Land Act - - - - -</p> </div>	THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 18/08/2000 VERIFIED: SO'C
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**COLOUR CODE**  
BL = BLUE

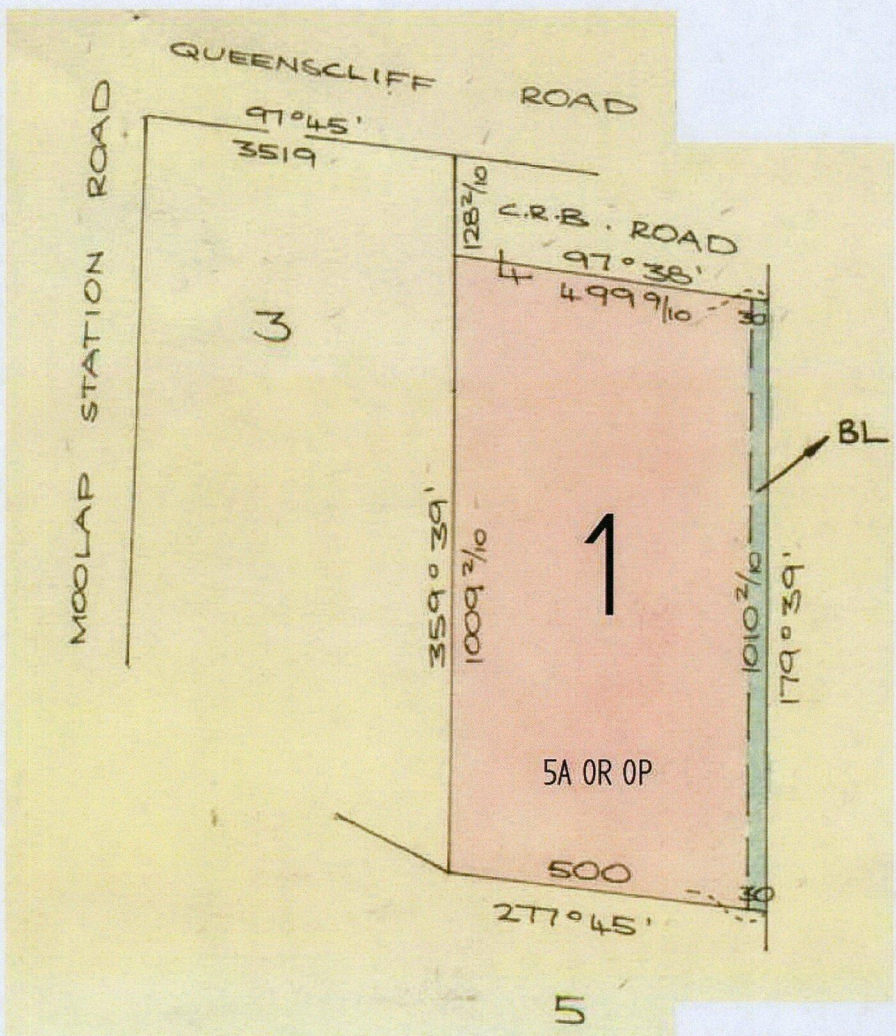


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = LOT 4 (PT) ON LP80808	

LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets
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Africa  
Americas  
Asia  
Australia  
Europe  
Middle East

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## Appendix B – Site Photographs



Photo 1: View of Aged Care Facility from Resort Boulevard (south boundary)



Photo 2: View of Aged care Facility from Resort Boulevard



Photo 3: Retirement Village Community Centre



Photo 4: Typical Retirement Village Units



Photo 5: Entry Road with Aged Care Facility construction entry road on right and Flower Farm on left



Photo 6: Moolap Baptist Church



Photo 7: View of site from Bellarine Highway (abutting 452 Bellarine Highway)



Photo 8: View of northern part of Aged Care Facility from rear of the Moolap Baptist Church