

Planning and Environment Act 1987

Panel Report

**Greater Geelong Planning Scheme Amendment C336
BUPA Residential Aged Care Facility Subdivision**

4 April 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Greater Geelong Planning Scheme Amendment C336

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A handwritten signature in black ink, appearing to read 'Chris Harty', is written over a light grey rectangular background.

Chris Harty, Chair

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List of Abbreviations

FO	Floodway Overlay
FZ	Farming Zone
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MSS	Municipal Strategic Statement
SPPF	State Planning Policy Framework
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment Summary

The Amendment	Greater Geelong Planning Scheme Amendment C336
Common Name	BUPA Residential Aged Care Facility Subdivision
Subject Site	402-404 Bellarine Highway, Moolap
The Proponent	BUPA Care Services Pty Ltd
Planning Authority	Greater Geelong City Council
Authorisation	Ministerial Authorisation dated 5 November 2015
Exhibition	3 December 2015 to 11 January 2016
Submissions	<p>Number of Submissions: four Opposed: one</p> <ul style="list-style-type: none"> - Anthony Singleton on behalf of Bellarine Lakes Pty Ltd (Submitter 1) - Currie and Brown on behalf of BUPA Care Services Pty Ltd (Submitter 2). - Rigby Cooke Lawyers on behalf of G Butteriss, F & G Lawrence (Geelong Flower Farm)(Submitter 3) - VicRoads (Submitter 4).

Panel Process

The Panel	Chris Harty
Directions Hearing	Geelong, Tuesday 16 February 2016
Panel Hearing	Geelong, Monday 7 March 2016
Site Inspections	Unaccompanied, Tuesday 16 February 2016
Appearances	<ul style="list-style-type: none"> - Mr Ian McCartney, Senior Strategic Planner and Mr Lindsay Jacung, Statutory Planner from Greater Geelong City Council - Mr Anthony Singleton, Senior Project Manager and Mr Paul Burke Company Director on behalf of Bellarine Lakes Pty Ltd - Mr Caeli Lovell, lawyer from Macpherson Kelley Lawyers on behalf of BUPA Care Services Pty Ltd. He called the following expert witness: <ul style="list-style-type: none"> - Mr Gerard Gilfedder, town planner from Currie and Brown
Date of this Report	4 April 2016

Executive Summary

Amendment C336 seeks to amend the Greater Geelong Planning Scheme by introducing site specific provisions through an Incorporated Document titled “*BUPA Aged Care Facility, Bellarine Lakes, September 2015*” under the Schedules to Clause 52.03 and Clause 81.01 that would enable land at 402-404 Bellarine Highway, Moolap to be subdivided into two lots.

Lot 1 includes the partially developed and operating retirement village with an area of 48.15 hectares and Lot 2 includes the residential aged care facility that is currently under construction with an area of 1.716 hectares. Both facilities were approved under Planning Permit No. 10/2006 issued by Council on 21 November 2006.

The land is in the Farming Zone which does not permit the subdivision of the land. The Floodway Overlay and Land Subject to Inundation Overlay affect part of the land.

Key issues raised in submissions related to the proper and orderly planning of the area and the provisions of the Farming Zone, the necessity of the subdivision, strategic justification of the Amendment, impacts on existing carriageway easements and access by the adjoining Geelong Flower Farm, the appropriateness of creating a ‘landlocked’ parcel of land and servicing infrastructure arrangements.

The Panel has considered that the Amendment addresses an exceptional circumstance for application of the site specific provisions under Clause 52.03 of the planning scheme due to the current planning approval for the retirement village and residential aged care facility. This is reinforced by the fact that the retirement village has been partially developed and is operating while the residential aged care facility is currently under construction.

The subdivision of the land into two lots is considered by the Panel to reflect an administrative action that generates no adverse impacts. This is because the use and development aspects of the retirement village and residential aged care facility have already been considered and approved with no impacts on access and access rights, given the accessway into the site is completed and operating. The proposed plan of subdivision included in the Incorporated Document retains and includes carriageway easements for access which will be appropriately maintained.

The Panel concludes Amendment C336 to the Greater Geelong Planning Scheme is appropriate, is strategically justified and will support provision for aged care for the region.

Based on the reasons set out in this Report, the Panel recommends:

Greater Geelong Planning Scheme Amendment C336 be adopted as exhibited subject to the following:

- 1. The Incorporated Document be amended in accordance with the following:**
 - a) Include as part of the Incorporated Document, the missing incorporated plan titled “BUPA Care Service, Bellarine Lakes 402-404 Bellarine Highway, Moolap, Victoria: Location Plan”.**
 - b) Under the heading “Purpose”, replace the second dot point to read:**
 - “To facilitate the subdivision of land in the Floodway Overlay and Land Subject to Inundation Overlay.”**

- c) Under the heading “This Document Allows”, amend (a) to read:
 - “a two lot subdivision in accordance with the endorsed plan of subdivision”
- d) Replace the last sentence in Condition 8 to read:
 - “In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the period referred to in this condition in relation to certification of a plan of subdivision.”

1 Introduction

1.1 The Amendment

Amendment C336 to the Greater Geelong Planning Scheme (the Amendment), proposes to amend the Planning Scheme by introducing site specific provisions which will enable a two (2) lot subdivision of land at 402-404 Bellarine Highway, Moolap.

The site is in the Farming Zone (FZ) and partially affected by the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO). It is occupied by a retirement village that is partially developed and which is currently being developed for a residential aged care facility. Both facilities were approved under Planning Permit No. 10/2006 issued by Council on 21 November 2006.

The subdivision will enable the creation of a separate lot each for the retirement village and the residential aged care facility. The residential aged care facility is located in the northeast corner of the site. The Amendment is required because subdivision of the site, which is 49.89 hectares, is currently prohibited under the FZ¹.

(i) The subject area

The Amendment applies to land shown in Figures 1 and 2. The site is located on the south side of the Bellarine Highway approximately 8 kilometres southeast from the Geelong city centre within part of the non-urban rural break between Geelong's eastern suburban edge and the township of Leopold at the western end of the Bellarine Peninsula.

The site is generally flat and rectangular in shape apart from a narrow 20 metre wide accessway that provides sole access to the site before broadening out into the balance of the land. It has a total land area of 49.89 hectares with a total western boundary length of 1,385 metres and a southern boundary length (site width) of 425.9 metres. The 20 metre wide accessway to the Bellarine Highway provides access to the adjoining Geelong Flower Farm located to the west (392-400 Bellarine Highway, Moolap) and a place of worship (Moolap Baptist Church at 406-410 Bellarine Highway, Moolap) which is located to the east. Both of these uses currently have rights of access to the Bellarine Highway via the accessway through carriageway easements.

The site was formerly an 18 hole golf course which was granted approval in 2006 (Planning Permit No. 10/2006) for a retirement village with a nine (9) hole golf course and associated wetlands and a residential aged care facility.

The rural area is generally a mix of small farms, rural residential properties and some non-farming uses such as a caravan park and plant nursery, flower farm and place of worship. The site adjoins Reedy Lake and associated wetlands to the south.

¹ Under the Schedule to the Farming Zone, a 30 hectare minimum lot size applies for the Bellarine area.

(ii) Amendment Description

The Amendment proposes to enable BUPA Care Services Pty Ltd to develop and operate the residential aged care facility component of the overall development as a separate entity. Creation of a separate title for the residential aged care facility is intended to simplify management and operational arrangements which may not be achievable using a long-term lease. Access to the Bellarine Highway to the newly created lot will be provided by use of carriageway easements.



Figure 1: Location and zoning of the site at 402-404 Bellarine Highway, Moolap.

Specifically, Amendment C336 to the Greater Geelong Planning Scheme proposes to:

- Amend the Schedule to Clause 52.03 - *Specific Sites and Exclusions*, to include the incorporated document titled “*BUPA Aged Care Facility, Bellarine Lakes, September 2015*” (Incorporated Document).
- Amend under Clause 81 – *Documents Incorporated in this Scheme* the Schedule to Clause 81.01 to include the incorporated document titled “*BUPA Aged Care Facility Bellarine Lakes September 2015*”.

These changes to the Planning Scheme are intended to enable the creation of a 2 lot subdivision of the subject land with the Incorporated Document setting out the conditions to be applied to the subdivision and including detailed plans of the subdivision in a similar manner to a planning permit. The plan of subdivision shows Lot 1 containing the retirement village and 9 hole golf course with an area of 48.15 hectares and Lot 2 containing the BUPA residential aged care facility with an area of 1.716 hectares (refer to Appendix A).



Figure 2: Aerial image of the site showing development of the retirement village

The proposed subdivision is prohibited under the Farming Zone provisions of the Scheme, thus generating the need for a planning scheme amendment for it to proceed.

In support of their application, BUPA Care Services Pty Ltd contend that the 2 lot subdivision essentially recognises a project which has already been approved by Council and as such would result in no change to the future development of the area or the existing access arrangements of the adjoining neighbours.

1.2 Background to the proposal

The development of the site for a retirement village (commonly referred to as Bellarine Lakes) comprising 399 dwellings with associated recreational facilities, a residential aged care facility comprising 108 beds and a 9 hole golf course resulted from the issue of a planning permit in 2006 and subsequent endorsement of plans. At that time the land was developed as an 18 hole golf course, club house, golf driving range and 3 dwellings.

The retirement village component of the approved development is well advanced. Over 100 residents have now moved into the village and the community centre was opened for residents' use in mid-2015. The residential aged care facility (for which Lot 2 of the subdivision is proposed under the Amendment) is currently under construction.

The Panel was advised by Council that the carriageway easement in favour of the Geelong Flower Farm was created by agreement between the then owners of the Bellarine Lakes land and the then (and current) owners of the Geelong Flower Farm under a signed Deed of Creation of Easement dated June 2004 (referred to as Easement document AD498183K and accompanying Deed).

In 2014 the owners of the Geelong Flower Farm made a request under s87 of the *Planning and Environment Act 1987* for amendments to be made to Planning Permit No. 10/2006, particularly in respect to the endorsed plans which show two access points from the Geelong Flower Farm onto the entry accessway road on the site. The matter was heard and determined by the Victorian Civil and Administrative Tribunal (VCAT)² which refused the amendment request.

The matter of the carriageway easement and the form of access between the Geelong Flower Farm and the accessway on the site is not before the Panel with respect to the Amendment. The background information relating to this issue has been provided to the Panel merely for its information and as context with respect to the history behind the use of the accessway and the use and development of the site.

The Panel notes that the accessway has been developed and comprises a two way road with median separation and boom gate access to the balance of the site with gaps in fencing to adjoining land on either side of the accessway.

1.3 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions and evidence presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspection of the site.

This report deals with the issues under the following headings:

- Strategic planning context
- The appropriateness of the Amendment
- The form and content of the Amendment

² P1987/2013 *Glen Butteriss, Graeme Lawrence and Frank Lawrence v Greater Geelong CC* [2013] unreported.

2 Strategic planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework (SPPF):

- Clause 11.05-1 - *Regional settlement networks* that seeks “to promote the sustainable growth and development of regional Victoria ...”.
- Clause 11.07 – *Geelong (G21) Regional Growth* by supporting investment in the Geelong Region through providing operational certainty for a recognised aged care provider. This is consistent with this policy by supporting the role of Geelong as the State’s second city and encourages investment to cater for expected growth.
- Clause 16.01-1 – *Integrated Housing* by promoting “a housing market that meets community needs”.
- Clauses 16.01-4 – *Housing Diversity* and Clause 16.01-5 – *Housing Affordability* by promoting for both housing diversity and affordability through residential aged care.
- Clause 16.02-3 - *Residential aged care facilities* through enabling older people to live in appropriate housing in their local community.
- Clause 14.01-1 – *Protection of agricultural land* by not impacting on productive farmland given the site is already approved for a retirement village and residential aged care facility. The Amendment (and the retirement village and residential aged care facility) will have minimal off site impacts on agriculture in the surrounding land, some of which is used for cropping and animal grazing.
- Clause 11.14 – *Planning for identified distinctive areas*, which seeks to protect and enhance the valued attributes of the distinctive areas of the Bellarine Peninsula amongst other locations. The policy refers to the Bellarine Peninsula Localised Planning Statement, September 2015 (the Statement). The site does not fall within the area of the Statement, hence the requirements of Ministerial Direction No 17 which applies to Localised Planning Statements, do not need to be met. However, the policy remains applicable. The proposed subdivision does not envisage changes to the form of use and development already permitted and hence, the policy is not undermined by the outcomes sought under the Amendment.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following policies under the Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement (MSS):

- Clause 21.06 – *Settlement and Housing* recognises that the municipality’s population is growing and ageing rapidly and that the Bellarine Peninsula is a popular destination for those wishing to retire. Although the strategy under Clause 21.06-3 - *Urban Consolidation* seeks retirement accommodation to be located in urban areas close to activity centres and public transport, the Amendment relates to subdivision associated with retirement and aged care use and development that has already been approved in a rural location and which is currently partially developed and operating and under further construction.
- Clause 21.14 – *The Bellarine Peninsula* encourages the retention of urban breaks between settlements. However, 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.

The Amendment responds to the previously approved use and development of the site for a retirement village and residential aged care facility by enabling a 2 lot subdivision to reflect the ownership, management and ongoing investment in retirement and aged care living within the City of Greater Geelong. The Amendment enables the subdivision of the site into 2 lots which has no bearing on the use and development of the land and does not generate any impacts on the policy framework of the Greater Geelong Planning Scheme.

2.2 Planning scheme provisions

(i) Zones

The site is in the Farming Zone (FZ). Clause 35.07 – *Farming Zone* sets out the following purposes:

- *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, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Under the FZ, Clause 35.07-3 – *Subdivision* requires a permit to subdivide land and requires a 30 hectare minimum lot size within the Bellarine area. The site is 49.89 hectares which does not enable a 2 lot subdivision of the land, hence the need for the Amendment to vary this requirement.

The emphasis of the FZ is provision for and retention of land for agricultural uses. Although the site is under development for non-rural land uses being a retirement village and residential aged care facility, it is important to note that prior to these uses being permitted under Planning Permit No. 10/2006, the site was used for an 18 hole golf course and was not used for agriculture. Hence, the current use and development of the site has not resulted in the loss of agricultural land. Further, the amendment relates to enabling a 2 lot subdivision of an approved use and development which, by itself, does not impact on agricultural land.

(ii) Overlays

The southern portion of the site (refer to Figure 3) is affected by the Floodway Overlay (FO) and the Land Subject to Inundation Overlay (LSIO). Neither overlays affect the north-east portion of the site which is being developed for the residential aged care facility and proposed under the Amendment to be subdivided (Lot 2).

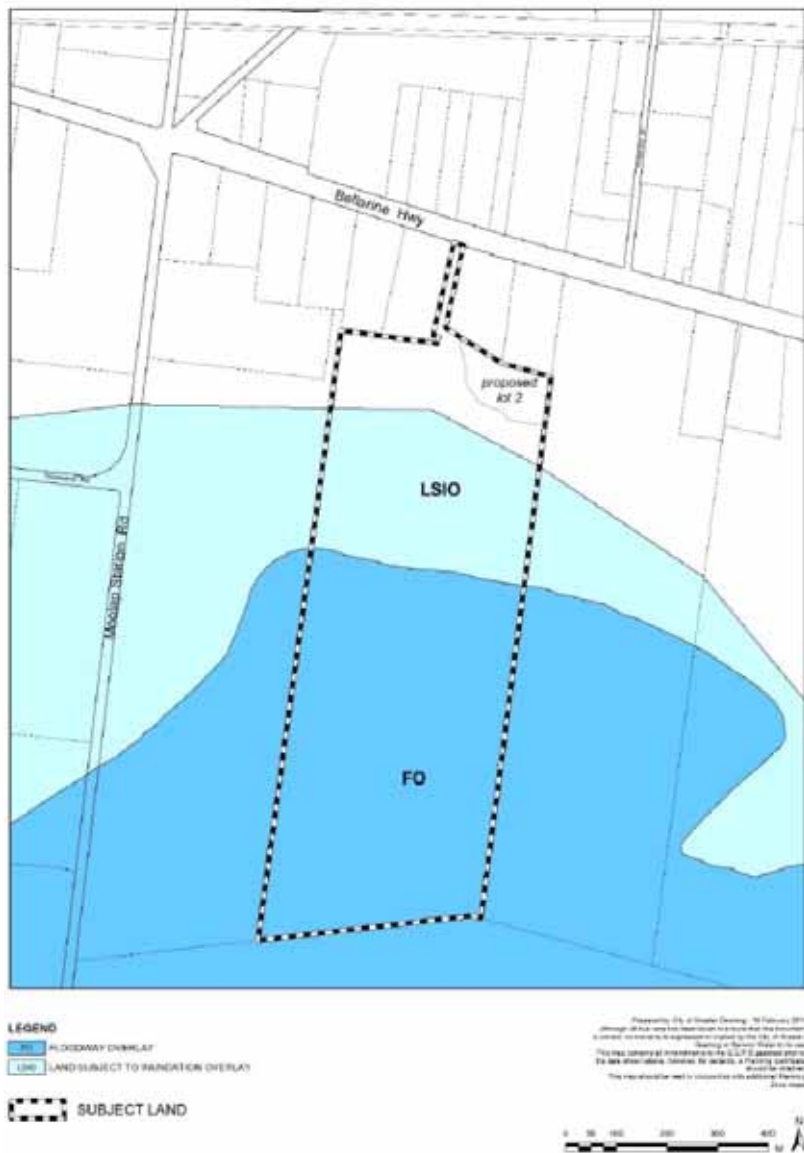


Figure 3: Extent of Floodway Overlay and Land Subject to Inundation Overlay.

However, both Clause 44.03-2 under the FO and Clause 43.03-2 under the LSIO trigger the requirement for a permit for subdivision. A permit for subdivision under the FO can only be granted if no new lots are created that are entirely within the overlay area³. Hence, unlike the FZ where a 2 lot subdivision as proposed under the Amendment is prohibited, discretion under the FO and LSIO remains for permits to be granted for subdivision.

(iii) Particular provisions

The Amendment proposes to amend the Schedule to Clause 52.03 relating to *Specific Sites and Exclusions* to include reference to an incorporated document titled; *BUPA Aged Care Facility, Bellarine Lakes, September 2015* that would permit the subdivision of the site into 2 lots. The purposes of this provision are:

- *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.*

Under the *Use or development* provisions of the Clause, land identified in the schedule may be used or developed in accordance with the specific controls contained in the incorporated document.

Under the Amendment, the purposes stipulated in the incorporated document include:

- *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.*

The incorporated document includes conditions of approval and a plan of subdivision (PS732911Y) which shows the layout of the proposed 2 lot subdivision including an extensive array of easements covering carriageway (access), drainage and reticulated services relating to electricity, water and sewerage infrastructure.

The use of Clause 52.03 is considered by Council and the proponent as an appropriate means of achieving a subdivision that would merely reflect use and development that has already been permitted and is under construction.

³ It is noted that the other requirement for subdivision under the FO concerning re-subdivision of existing lots is not applicable in this case.

(iv) General provisions

Clause 65 – *Decision Guidelines* addresses matters required to be considered when approving a plan of subdivision under Clause 65.02 including “*the movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*”

(v) Incorporated Documents

Under Clause 81 – *Documents incorporated in this scheme*, the Amendment proposes to amend the Schedule to Clause 81.01 by including the incorporated document titled; *BUPA Aged Care Facility, Bellarine Lakes, September 2015*.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments)

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

(ii) Planning Practice Notes

Planning Practice Note PPN13 – *Incorporated and Reference Documents, June 2015*

Planning Practice Note PPN13 gives guidance on the use and differentiation between incorporated and reference documents. The Practice Notes identifies that incorporated documents are essential to the proper functioning of the planning scheme and decision-making. It can guide the exercise of discretion by the responsible authority and carries the same weight as other parts of the scheme. However, being part of the planning scheme, means that the planning authority can only change an incorporated document by a planning scheme amendment.

2.4 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the SPPF and LPPF.

The Panel concludes that the Amendment is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 The appropriateness of the Amendment

3.1 The issue

The issue of the appropriateness of the Amendment is primarily associated with objections raised from the Geelong Flower Farm (Submitter 3) and what the Panel considers to be matters of clarification from the Bellarine Lakes Pty Ltd (Submitter 1).

The Panel acknowledges that Submitter 3 did not request to be heard at the Panel Hearing, however, by letter dated 12 February 2016 from Rigby Cooke Lawyers, it was requested that the Panel read and consider their objections. Accordingly, the Panel has considered the submission.

These objections relate to:

- The proper and orderly planning of the area and the provisions of the Farming Zone
- The necessity of the proposed 2 lot subdivision
- Strategic justification for the Amendment
- Impacts on carriageway easement rights
- Problems with creating a 'landlocked lot'
- Details regarding infrastructure servicing arrangements.

The issues raised in the above objections are the key matters to consider with regards to the appropriateness of the Amendment.

3.2 Evidence and submissions

(i) The proper and orderly planning of the area and the provisions of the Farming Zone

The ground of objection from Submitter 3 is that:

The Amendment is contrary to proper and orderly planning of the area and the provisions of the Farming Zone which prohibits subdivision when a lot is less than 40 hectares.

Council acknowledged that the proposed 2 lot subdivision is prohibited under the FZ. The use of Clauses 52.03 and 81.01 to permit either a use or development in a zone where they would otherwise be prohibited is an unusual circumstance and an action which Council submits has not been taken lightly. However, Council considered that the use of Clause 52.03 to provide for a site specific outcome for a 2 lot subdivision of the site and the creation of a lot that is less than the minimum 30 hectare area specified under the schedule to the FZ for land in the Bellarine area was appropriate and warranted in this case. Council submitted the use of Clause 52.03 is an option where additional flexibility is considered relevant in particular exceptional circumstances where compliance with the planning scheme provisions appears illogical, unwarranted or contrary to the community interest.

The community interest relates to the provision of housing for the elderly and in particular that associated with residential aged care. The proponent, BUPA Care Services Pty Ltd (Submitter 2) described the growth of Australia's ageing population and the increase in

demand for aged care facilities and the necessary care and accommodation that can service their particular needs including complex health needs, high levels of care and support (notably associated with dementia) and 'end of life' facilities. The reliance of the residential aged care facility on remaining on the same titled parcel of land as that of the retirement village, and yet operated as a separate facility, increases its exposure to insecurity of tenure and disadvantage without the benefits from ongoing management of its operating costs and investment. The proponent submitted that having to consult with the operators of the retirement village when considering future investments in the operation of the residential aged care facility places it at a significant disadvantage, hence the need for the subdivision and the request for the Amendment.

Council re-iterated that use of the site specific and exemptions provision under Clause 52.03 has been rarely used in the Greater Geelong Planning Scheme, with most cases involving major projects. However, in this case, Council considered that:

It is considered difficult to mount an argument that the amendment will somehow impact on proper and orderly planning when in fact it will not result in any change in the physical appearance of the site. The circumstances in this case are so unique that it is hard to imagine how this amendment could be considered to be a precedent for further similar exemptions being supported in the future.

(ii) The necessity of the proposed 2 lot subdivision

The ground of objection from Submitter 3 is that:

The subdivision of the site is unnecessary to facilitate the operation of the residential aged care facility as a separate entity, there are other mechanisms available to facilitate such arrangements including leases etc ...

Council submitted that the main reason for the Amendment, which it accepts, is that the proposed subdivision would enable the residential aged care facility to be developed and operated as a separate entity. The residential aged care facility site is currently subject to a 99 year lease with all services to the site provided through the retirement village component of the site. The proponent advised that while this arrangement is a consequence of the original permit approval, it is not a suitable and convenient model for the future security of the site or management of outgoing costs such as rates, taxes, power and water associated with the residential aged care facility. They highlighted that it will be at the behest of the current and future owner of the whole property rather than as usual being able to operate the facility in accordance with its operating model and manage costs and security for its residents.

(iii) Strategic justification for the Amendment

The ground of objection from Submitter 3 is that:

There is no strategic justification for the Amendment.

Council submitted that it was satisfied the Amendment was consistent with a range of State and local planning policies particularly with respect to supporting housing provision and

diversity. It will facilitate the provision of accommodation for older persons requiring a higher level of support than independent living. Council submitted the Bellarine Peninsula is a popular retirement destination with a likely future strong demand for such facilities. It considered that the Amendment would have little impact and would not result in any changed physical appearance on the ground and therefore have no adverse strategic planning implications.

Mr Gerard Gilfedder from Currie & Brown gave evidence on behalf of the proponent that the Amendment would support the residential aged care facility as a separate entity, which was intended when the overall development of the site for both the residential aged care facility and the retirement village was granted planning approval in 2006. His evidence was that the proposed small lot for the residential aged care facility (Lot 2 with an area of 1.716 hectares) would be generally consistent in area with nearby adjoining lots that front the Bellarine Highway and occupied by the Geelong Flower Farm (2.17 hectares), the Moolap Baptist Church (2.11 hectares) and a dwelling to the north-west (2.05 hectares). The area of lots abutting to the immediate west and east are more in keeping with the proposed Lot 1 for the retirement village (48.15 hectares) with land areas of 42.26 hectares and 42.86 hectares respectively.

Mr Gilfedder considered the Amendment to permit a two lot subdivision would have no adverse effect on the features and values of the FZ, FO and LSIO given that it relates to the use and development previously considered in terms of strategic policy and impacts via the assessment and determination of Planning Permit No. 10/2006. He submitted the Amendment would have a largely administrative impact to the way the land is used rather than a physical impact. There will be no impacts on agricultural land or with regards to flood risk⁴ given proposed Lot 2 for the residential aged care facility is not affected by the FO or LSIO and would further assist residential aged care provision in the Geelong region and hence provide support for the aged population sector of the region.

(iv) Impacts on carriageway easement rights

The ground of objection from Submitter 3 is that:

Our clients land has the benefit of a carriageway easement over part of the site and the proposed subdivision will impact on their use of the carriageway. Our client will have no recourse against the owner of proposed Lot 2 if they obstruct the carriageway.

Council submitted that there has been a long-standing dispute between the owners of the subject land and the owners of the Geelong Flower Farm about the access rights over the carriageway easement applying to the entry accessway road portion of the site.

Both properties on either side of the entry accessway road have existing constructed driveways entering into it. Council and the proponent both submitted that it is not intended that existing easement rights in favour of the Geelong Flower Farm be in any way changed or diminished as a result of the subdivision being permitted by the Amendment.

⁴ Conditions on Planning Permit No. 10/2006 requires the site to be filled and floor levels to be between 300mm and 500mm above applicable flood levels to protect future buildings from flooding.

The Incorporated Document contains a copy of the proposed Plan of Subdivision of the site showing the proposed 2 lots. It shows easements⁵ applying to the access road to the site adjoining to the Geelong Flower Farm. They are described as carriageway easements and their origin is described in the Deed of Creation of Easement AD498183K – in favour of land described as Lot 1 TP1137018, which is the Geelong Flower Farm land. Council considered all of the rights associated with the originally created easement of carriageway will be transferred to the new titles to be created on the site such that there will be no loss of existing easement rights.

(v) Problems with creating a 'landlocked lot'

The ground of objection from Submitter 3 is that:

The proposed layout of the subdivision will create a lot which would be "land locked" but for the carriageway easement. Such a layout is problematic.

Council and the proponent stated that Submitter 3 has not demonstrated what would be 'problematic' about creating a proposed lot which has a shared easement of carriageway to provide its legal access to the Bellarine Highway. The Incorporated Document includes a Plan of Subdivision that shows rights of access to the Bellarine Highway via the existing accessway road on the site will be provided for the residential aged care facility and adjoining properties to the existing accessway road which Council considers satisfactory.

(vi) Details regarding infrastructure servicing arrangements

With regards to infrastructure servicing arrangements, Submitter 1 generally supports the Amendment and the subdivision of the land but requested matters associated with drainage and connections with reticulated water supply and sewerage infrastructure are confirmed in a manner that appropriately recognises the separate titles.

The proponent's response was that the Amendment will facilitate a subdivision that will enable BUPA Care Services Pty Ltd to make provision for relevant servicing infrastructure in its own capacity to bear the costs of building and maintaining required infrastructure.

The proponent submitted that the proposed conditions in the Incorporated Document addresses the provision for servicing infrastructure including any necessary agreements as part of the approval process of any plan of subdivision (certification and statement of compliance process). It was considered this would provide sufficient protection to ensure the interests and respective responsibilities between Submitter 1, Barwon Water, Council and BUPA Care Services Pty Ltd would be addressed under the Amendment.

3.3 Discussion

The Panel considers that, despite the concerns from Submitter 3, the Amendment is satisfactory and appropriate because it seeks to give effect to and facilitate a use and development which has already been approved under Planning Permit No 10/2006. Development on the site is already well underway with a significant portion of the

⁵ Easements; E-6, E-7, E-8, E-9, E-12 and E-13.

retirement village built and operating and at the time of the Panel Hearing the residential aged care facility was under construction.

The use of Clause 52.03 is usually associated with exceptional circumstances. Council submitted to the Panel that this case is an exceptional situation given the differences in the operational nature between the retirement village and the residential aged care facility. Permitting a lot less than the minimum lot size under the FZ with no direct road frontage and being reliant upon carriageway easements for access and other easements for infrastructure services would usually raise issues with respect to proper and orderly planning. However, the situation in this instance is unusual in that the Amendment relates to a 2 lot subdivision proposal that exists and/or is under development. The accessway road into the site is constructed and operating and the relevant easements already exist and are proposed to be retained as part of the proposed subdivision under the Amendment. This presents as clear evidence to the Panel that the Amendment and its outcomes are a reflection of what occurs on the ground and that impacts on land use, development and the environment are not significant.

The Panel does not consider that the 2 lot subdivision outcome of the Amendment will create difficulties for either the retirement village or residential aged care facility to retain and have access to and from the Bellarine Highway. The retention of carriageway easements is considered by the Panel to have no impact on current easement access rights for either the Geelong Flower Farm or Moolap Baptist Church sites that adjoin the site's accessway.

On this basis, the Panel finds that the proposed Amendment is appropriate and will not undermine proper and orderly planning or the intent of the FZ. The site was not used for agricultural purposes prior to approval of the retirement village and residential aged care facility because it was used for recreational purposes as an 18 hole golf course. The Panel finds there is no loss of agricultural land or impact on agricultural activity in the area. The Panel does not consider the proposed subdivision will increase the risk of land use conflict between agricultural and the site. This issue would have been considered at the time of the permit decision for the use and development in 2006. The Amendment facilitates the creation of a lot below the minimum lot size in the northeast corner of the site that directly relates to a use that is permitted and under development.

Regarding provision of servicing infrastructure, the Panel accepts that the proposed conditions included in the Incorporated Document provide the framework within which suitable arrangements for servicing provision can be provided to each proposed lot. The servicing authorities will have the opportunity to specify their requirements and any necessary agreements for servicing infrastructure. Where private facilities are involved, these will remain a matter between the operators of the retirement village and the residential aged care facility and would need to be agreed upon to the satisfaction of Council either before any certification of the plan of subdivision or issue of a statement of compliance. The Panel does not consider matters of how and who arranges necessary servicing infrastructure to the proposed lots significant enough to warrant not supporting the Amendment.

The Amendment will facilitate the continued support for the retired and elderly population of the area and the aged care sector and has satisfactory strategic support. It will assist, through creation of a dedicated titled parcel of land, the sustainability of the residential aged care facility by allowing BUPA Care Services Pty Ltd to have greater control compared to a lease arrangement over the use and operational functioning of the facility. The Panel considers the Amendment supports the continued ability of the site to allow ageing in place to occur with both the retirement village aspect and the higher care needs of the aged community with regards to residential aged care accommodation.

3.4 Conclusion

The Panel concludes that the Amendment is appropriate in terms of application of the site specific provisions of Clause 52.03 of the Greater Geelong Planning Scheme and through the Incorporated Document to facilitate a 2 lot subdivision of the site that reflects use and development that has planning approval and is under development.

4 The form and content of the Amendment

4.1 The issue

The issue is the form and content of the Amendment relating to the drafting of the Incorporated Document proposed under the Amendment. Specifically, the Panel has identified issues with the drafting of the Incorporated Document and expiry condition.

4.2 Discussion

Generally, the Panel considers the Incorporated Document proposed under the Amendment is satisfactory. However, there are a number of issues the Panel has identified that warrant changes to the Incorporated Document that will improve its administration. They relate to:

- Under the heading “*Address of the Land/Project*” reference is made to the Incorporated Document applying to land shown on the incorporated plan titled “*BUPA Care Service, Bellarine Lakes 402-404 Bellarine Highway, Moolap, Victoria: Location Plan*”. This plan is missing from the Incorporated Document and should be included.
- Under the heading “*Purpose*”, the second dot point relates to facilitating subdivision of land in the FO that would otherwise be prohibited. This purpose should be amended to remove reference to prohibition and include reference to permitting subdivision under both the FO and LSIO. The permit requirement in the FO provides discretion for the creation of new lots where they are not entirely within the overlay. The coverage of the FO partially affects the site and proposed Lot 2 for the residential aged care facility is not affected at all by the FO, whilst proposed Lot 1 for the retirement village is not wholly within the coverage of the FO. The other discretion under permit requirements in the FO relates to proposals to re-align existing lot boundaries, which is not applicable in this situation.
- Under the heading “*This Document Allows*”, the reference to “*a two lot subdivision*” should include reference to an endorsed plan of subdivision.
- Condition 8 should be amended to only refer to extending the permit expiry timeframe for certification of the plan of subdivision and not to the issue of a statement of compliance. This is because neither the *Planning and Environment Act 1987* or the *Subdivision Act 1988* provides a head of power for such action.

Regarding permit expiry, the Panel notes that under the *Planning and Environment Act 1987*, s68(1)(b) provides for the expiry of a subdivision within 5 years of the certification of the plan of subdivision and s69(2) limits the ability to extend a permit relating to a subdivision to certification only of a plan of subdivision. The inability to extend a permit for a subdivision with respect to a statement of compliance is reinforced under s7 of the *Subdivision Act 1988* which specifies that the certification of a plan of subdivision is valid for 5 years from the date of certification.

The last sentence of Condition 8 should be amended to read:

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the period referred to in this condition in relation to certification of a plan of subdivision.

4.3 Conclusion

The Panel concludes that form and content of the proposed Incorporated Document under the Amendment is satisfactory subject to the amendments outlined above in Section 4.2.

4.4 Recommendations

The Panel recommends:

- 1. The Incorporated Document be amended in accordance with the following:**
 - a) Include as part of the Incorporated Document, the missing incorporated plan titled “BUPA Care Service, Bellarine Lakes 402-404 Bellarine Highway, Moolap, Victoria: Location Plan”.**
 - b) Under the heading “Purpose”, replace the second dot point to read:**
 - **“To facilitate the subdivision of land in the Floodway Overlay and Land Subject to Inundation Overlay.”**
 - c) Under the heading “This Document Allows”, amend (a) to read:**
 - **“a two lot subdivision in accordance with the endorsed plan of subdivision”**
 - d) Replace the last sentence in Condition 8 to read:**
 - **“In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the period referred to in this condition in relation to certification of a plan of subdivision.”**

Appendix A Incorporated Document as exhibited

**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.

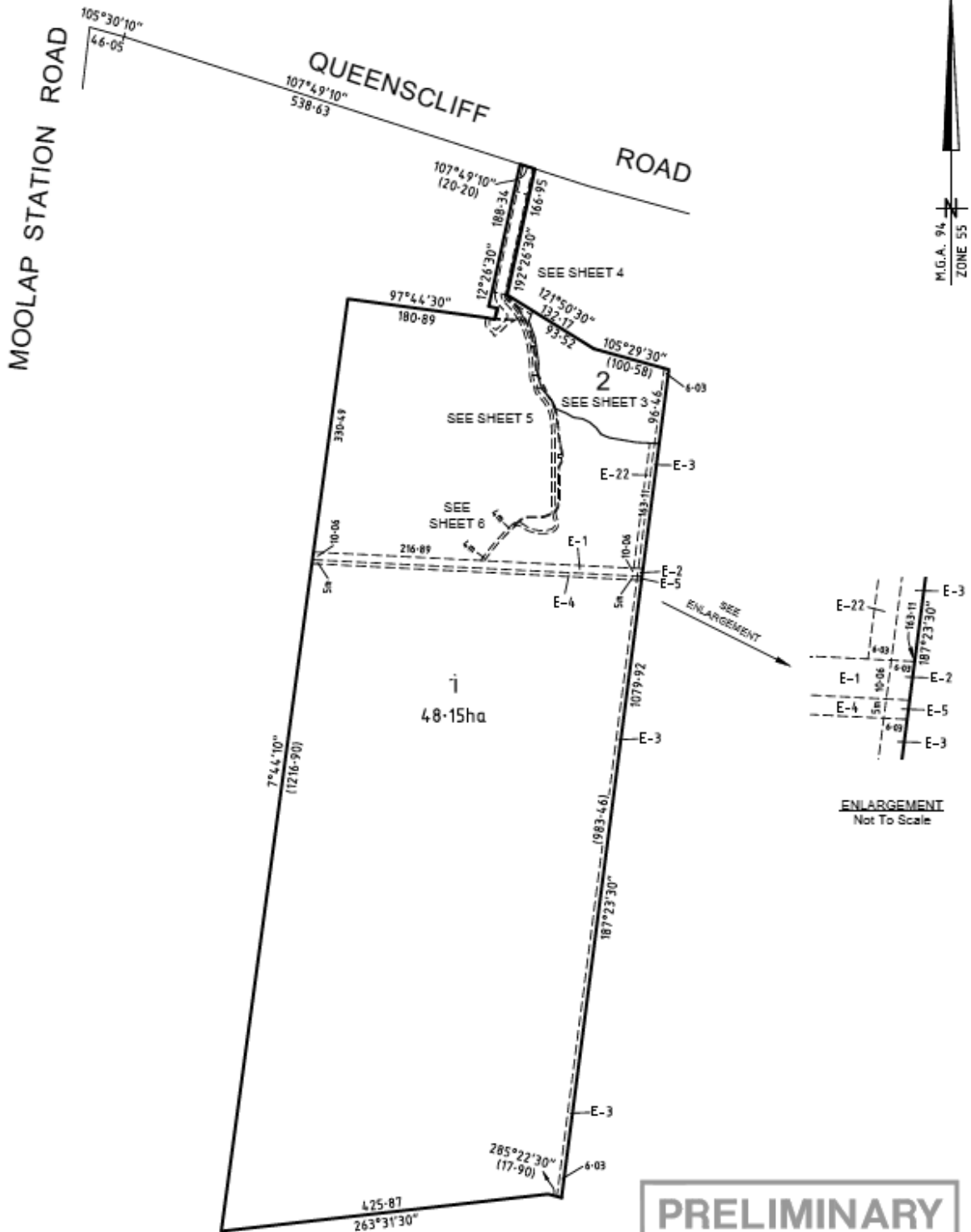
GREATER GEELONG PLANNING SCHEME

PLAN OF SUBDIVISION		LV USE ONLY EDITION	PLAN NUMBER PS 732911Y
LOCATION OF LAND		COUNCIL NAME: GREATER GEELONG CITY COUNCIL REF:	
<p>PARISH: MOGLAP</p> <p>TOWNSHIP: -</p> <p>SECTION: -</p> <p>CROWN ALLOTMENT: -</p> <p>CROWN PORTION: 11 (PART) & 12 (PART) BLOCK 1</p> <p>TITLE REFERENCES: VOL 11503 FOL 443</p> <p>LAST PLAN REFERENCE/S: PS 722208Y (LOT 1)</p> <p>POSTAL ADDRESS: 402 BELLARINE HIGHWAY (At time of subdivision) MOGLAP 3224</p> <p>NGA84 Co-ordinates E 274575 (of approx centre of land in plan) N 5770850 ZONE 55</p>		<div style="border: 2px solid gray; padding: 10px; display: inline-block;"> PRELIMINARY </div>	
VESTING OF ROADS AND/OR RESERVES		NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		
NOTATIONS			
<p>DEPTH LIMITATION DOES NOT APPLY</p> <p>STAGING This is not a staged subdivision. Planning permit No.</p> <p>SURVEY. THIS PLAN IS AS NOT BASED ON SURVEY.</p> <p>THIS IS A SPEAR PLAN.</p>			
30041357S.007BEL - VER B.DWG AJG/DAA			
EASEMENT INFORMATION			
LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)			
Easement Reference	Purpose	Width (Metres)	Land Benefited/In Favour Of
SEE SHEETS 7 & 8 FOR EASEMENT DETAILS			
 SMEC <small>Geelong Survey T 5228 3100 F 5228 3199</small>		SURVEYOR REF: 30041357S-007BEL DIGITALLY SIGNED BY LICENSED SURVEYOR: JOHN RICHARD MCKENZIE VERSION B	ORIGINAL SHEET SIZE: A3 SHEET 1 OF 8

GREATER GEELONG PLANNING SCHEME

PLAN OF SUBDIVISION

PLAN NUMBER
PS 732911Y



PRELIMINARY

30041357S-007BEL - VER BDWG AJG/DAA



SCALE
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LENGTHS ARE IN METRES

DIGITALLY SIGNED BY LICENSED SURVEYOR:
JOHN RICHARD MCKENZIE

REF 30041357S-007BEL VERSION B

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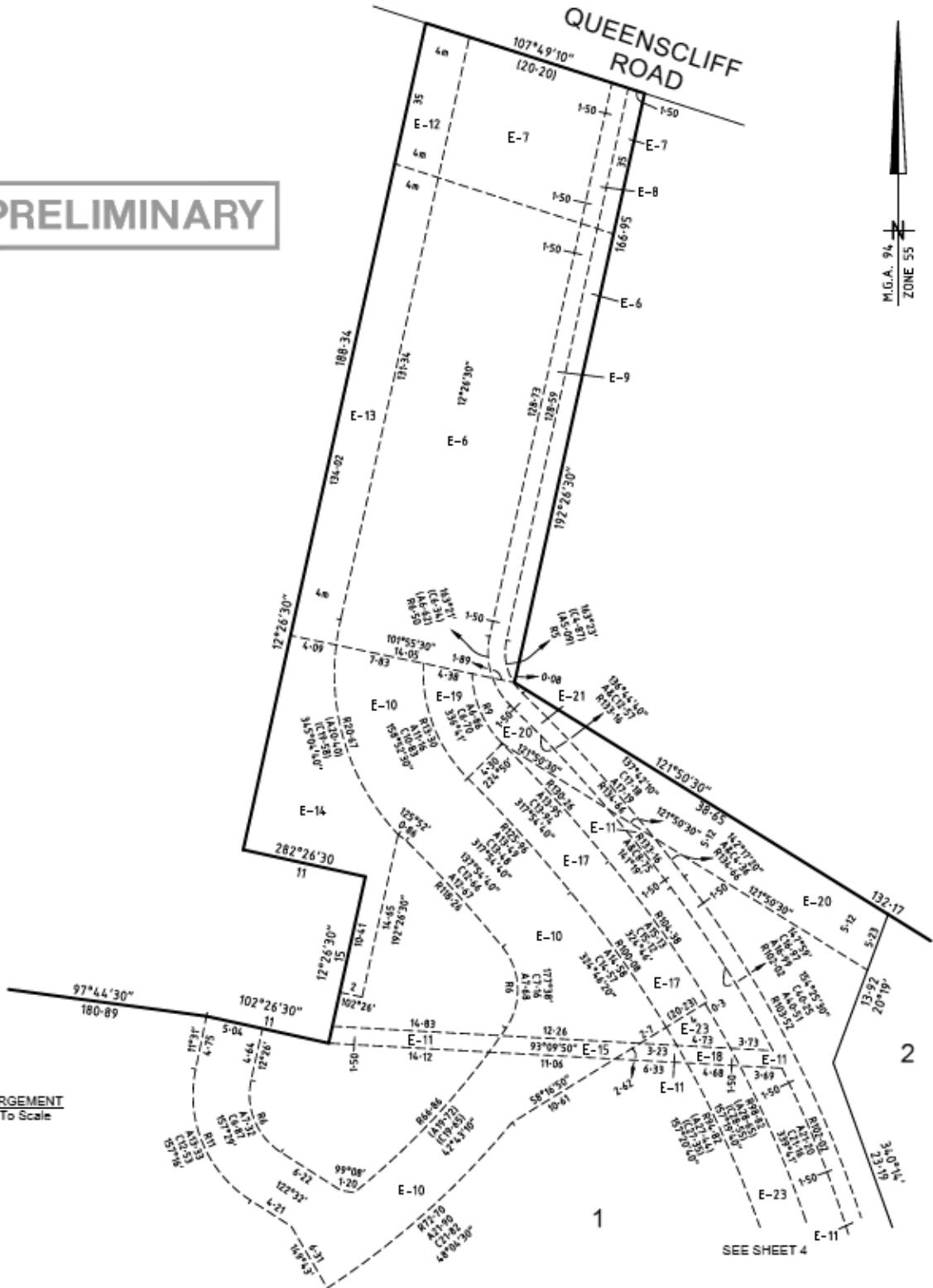
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PLAN OF SUBDIVISION

PLAN NUMBER
PS 732911Y


PRELIMINARY

ENLARGEMENT
Not To Scale



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

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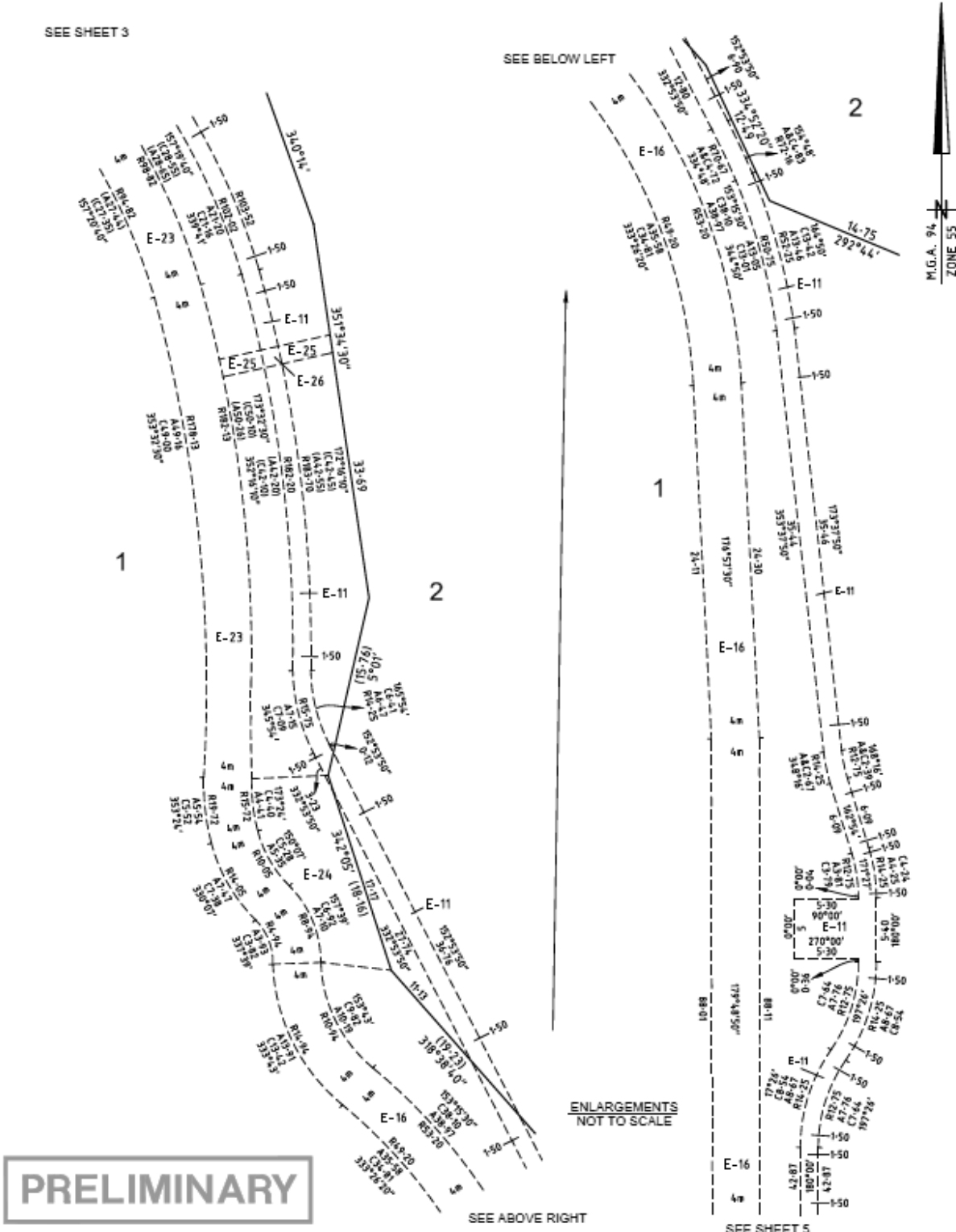
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PLAN OF SUBDIVISION

PLAN NUMBER
PS 732911Y

SEE SHEET 3

SEE BELOW LEFT



PRELIMINARY

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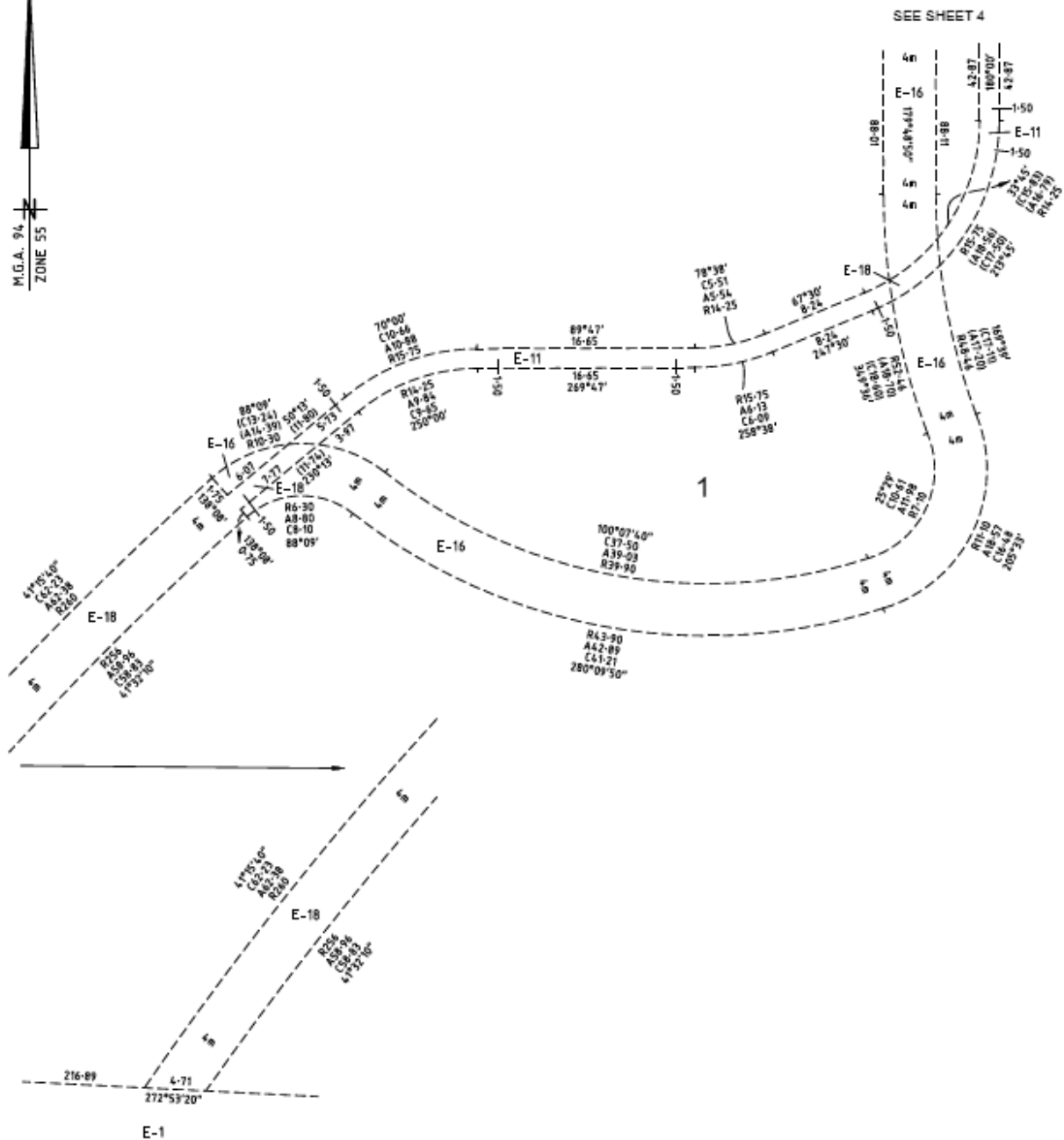
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DIGITALLY SIGNED BY LICENSED SURVEYOR: JOHN RICHARD MCKENZIE			
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PLAN OF SUBDIVISION

PLAN NUMBER
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JOHN RICHARD MCKENZIE

REF 30041357S-007BEL VERSION B

ORIGINAL SHEET
SIZE: A3

SHEET 6

GREATER GEELONG PLANNING SCHEME

PLAN OF SUBDIVISION			PLAN NUMBER PS 732911Y	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	WATER SUPPLY	10-06	INSTRUMENT No.1523259	STATE RIVERS & WATER SUPPLY COMMISSION
E-2	WATER SUPPLY DRAINAGE	SEE DIAGRAM SEE DIAGRAM	INSTRUMENT No.1523259 LP 80808	STATE RIVERS & WATER SUPPLY COMMISSION LOTS ON LP 80808
E-3	DRAINAGE	6-03	LP 80808	LOTS ON LP 80808
E-4	WATER SUPPLY	5-00	X 817094P	BARWON REGION WATER AUTHORITY
E-5	DRAINAGE WATER SUPPLY	SEE DIAGRAM SEE DIAGRAM	LP 80808 X 817094P	LOTS ON LP 80808 BARWON REGION WATER AUTHORITY
E-6	CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY SUPPLY OF ELECTRICITY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	AD 498183K PS 722208Y PS 722208Y THIS PLAN THIS PLAN	LOT 1 ON TP 113701B BARWON REGION WATER CORPORATION POWERCOR AUSTRALIA LIMITED LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
E-7	CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY SUPPLY OF ELECTRICITY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	AD 498183K AG 393086R PS 722208Y PS 722208Y THIS PLAN THIS PLAN	LOT 1 ON TP 113701B LOT 1 ON TP 582054N BARWON REGION WATER CORPORATION POWERCOR AUSTRALIA LIMITED LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
E-8	POWERLINE CARRIAGEWAY CARRIAGEWAY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	PS 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000 AD 498183K AG 393086R	POWERCOR AUSTRALIA LIMITED LOT 1 ON TP 113701B LOT 1 ON TP 582054N
E-9	POWERLINE CARRIAGEWAY	SEE DIAGRAM SEE DIAGRAM	PS 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000 AD 498183K	POWERCOR AUSTRALIA LIMITED LOT 1 ON TP 113701B
E-10	CARRIAGEWAY	SEE DIAGRAM	PS 722208Y	BARWON REGION WATER CORPORATION
E-11	POWERLINE	SEE DIAGRAM	PS 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED
E-12	PIPELINES OR ANCILLARY PURPOSES CARRIAGEWAY CARRIAGEWAY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	PS 722208Y SECTION 136 OF THE WATER ACT 1989 AD 498183K AG 393086R	BARWON REGION WATER CORPORATION LOT 1 ON TP 113701B LOT 1 ON TP 582054N
E-13	PIPELINES OR ANCILLARY PURPOSES CARRIAGEWAY	SEE DIAGRAM SEE DIAGRAM	PS 722208Y SECTION 136 OF THE WATER ACT 1989 AD 498183K	BARWON REGION WATER CORPORATION LOT 1 ON TP 113701B
E-14	PIPELINES OR ANCILLARY PURPOSES	SEE DIAGRAM	PS 722208Y SECTION 136 OF THE WATER ACT 1989	BARWON REGION WATER CORPORATION
E-15	POWERLINE CARRIAGEWAY	SEE DIAGRAM SEE DIAGRAM	PS 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000 PS 722208Y	POWERCOR AUSTRALIA LIMITED BARWON REGION WATER CORPORATION
E-16	CARRIAGEWAY	SEE DIAGRAM	PS 722208Y	POWERCOR AUSTRALIA LIMITED
E-17	CARRIAGEWAY CARRIAGEWAY CARRIAGEWAY SUPPLY OF ELECTRICITY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	PS 722208Y PS 722208Y THIS PLAN THIS PLAN	BARWON REGION WATER CORPORATION POWERCOR AUSTRALIA LIMITED LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
E-18	POWERLINE CARRIAGEWAY CARRIAGEWAY SUPPLY OF ELECTRICITY	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	PS 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000 PS 722208Y THIS PLAN THIS PLAN	POWERCOR AUSTRALIA LIMITED POWERCOR AUSTRALIA LIMITED LOT 2 ON THIS PLAN LOT 2 ON THIS PLAN
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GREATER GEELONG PLANNING SCHEME

		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 722208Y PS 722208Y THIS PLAN PS 722208Y	BARWON 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 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED	
E-22	CARRIAGEWAY WATER SUPPLY DRAINAGE	SEE DIAGRAM SEE DIAGRAM SEE DIAGRAM	THIS PLAN THIS PLAN THIS PLAN	LOT 2 ON 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 722208Y 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 722208Y SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LIMITED	
	SUPPLY OF ELECTRICITY	SEE DIAGRAM	THIS PLAN	LOT 2 ON THIS PLAN	

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JOHN RICHARD MCKENZIE
REF 300413575-007BEL VERSION B

ORIGINAL SHEET
SIZE: A3

SHEET 8

END OF DOCUMENT

Appendix B Document list

No.	Date	Description	Presented by
1	7/3/16	Greater Geelong City Council submission	Mr Ian McCartney
2	"	Floodway Overlay and Land Subject to Inundation Overlay maps	"
3	"	Bellarine Lakes Pty Ltd submission	Mr Anthony Singleton
4	"	BUPA Aged Care Services Pty Ltd submission	Mr Caeli Lovell
5	"	Plans of the BUPA residential aged care facility	"
6	"	Artists impression plans of BUPA residential aged care facility	"
7	"	Property titles of surrounding land	"
8	"	Copy of current title of the site	"
9	"	Copy of current title of the site showing power easements	"
10	"	Copy of current title of the site showing water easements	"
11	"	Copy of current title of the site showing carriageway easements	"
12	"	Copy of proposed plan of subdivision showing easements	"
13	"	Gerard Gilfedder Expert Witness Statement	Mr Gerard Gilfedder
14	"	Copy of Bellarine Lakes expression of interest document	Mr Caeli Lovell
15	"	Extract of newspaper article about carriageway easement dispute	"