

PLANNING PERMIT ASSESSMENT REPORT

Application Number:	1234/2014
Responsible Officer:	Roger Munn
Applicant's Name:	Batman Management Group Pty Ltd
Address/Title Details:	30-32 Geelong Road, PORTARLINGTON
Proposal:	Use and Development of Land for Accommodation (Apartment Dwellings) and Retail Premises, Multi-Lot Subdivision, Display of Advertising Signs, Reduction of Car Parking Requirements, Waiver of Loading Bay and Bicycle Parking Requirements and Creation of Access to a Road in a Road Zone, Category 1
Date Received:	25-Sep-2014
Date Report Prepared:	05-Jun-2016
Zoning:	Mixed Use Zone Adjoins Road Zone Category 1
Overlays:	Environmental Audit Overlay
Current Use/Development:	Art and Craft Centre (No.30 Geelong Road) Unoccupied galvanised iron shed (No.32 Geelong Road)
Date(s) of Plans Under Assessment	Date-stamped 25 September 2014

SITE/LOCALITY

The Site

The subject site comprises two allotments located on the northwest side of Geelong Road, Portarlington, approximately 250 metres (m) southwest of the intersection with Sproat Street. The lots are described as:

30 Geelong Road; Lot C on LP1709; Volume 11400 Folio 842; and
32 Geelong Road; Lot B on LP1709; Volume 08146 Folio 703.

The site is generally rectangular in shape with a 33.84m width and depths on the northeast and southwest boundaries of 67.13m and 67.97m, respectively. The total site area is approximately 2,286 square metres (sqm). The site is not encumbered by any easements.

30 Geelong Road contains a single storey iron clad building used as a Art and Craft Centre ('Pop Up Gallery and Studio').

32 Geelong Road contains a single storey galvanised iron shed that is currently unoccupied.

Three vehicle crossings provide access to the subject site and a power pole is located in the nature strip at the front of the site.

The subject site is to be zoned Mixed Use Zone (MUZ) and covered by an Environmental Audit Overlay (EAO).

Abutting properties

- 28 Geelong Road abuts the northeast boundary of the subject site. It is located in the General Residential 2 Zone (GRZ2) and is covered by the Design and Development Overlay, Schedule 14 (DDO14). It contains a modest single storey weatherboard dwelling set back approximately 12m from Geelong Road. The dwelling is set back approximately 3m from the boundary shared with the subject site, with a driveway along that boundary providing vehicular access to a single

car garage constructed on the common boundary. Secluded private open space is provided at the rear.

- 34 Geelong Road abuts the southwest boundary of the subject site. It forms part of the land proposed to be rezoned as part of Amendment C321. It comprises an industrial-style shed set back approximately 12.7m from Geelong Road. The rear half of the allotment is undeveloped. The property is currently unoccupied.
- The land directly to the rear (northwest) is zoned Public Park and Recreation Zone (PPRZ). It is Crown Land managed by the City Of Greater Geelong and comprises the Portarlington Recreation Reserve which provides informal open space as well as formal sporting facilities including the Portarlington Football and Netball Club.

A description of the broader surrounding land is contained elsewhere in the Part A Submission.

PROPOSAL

A description of the proposal is provided at Section 3.3 of the Part A Submission.

ZONE

The subject site is to be rezoned to Mixed Use Zone (MUZ). The purpose of the MUZ is:

- *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 a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

OVERLAYS

The subject site is to be covered by the Environmental Audit Overlay (EAO). The purpose of the EAO is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

DEFINITIONS AND NESTING

Pursuant to Clause 74:

- **Accommodation** is defined as:

Land used to accommodate persons.

- A **Dwelling** is defined as:

A building used as a self-contained residence which must include:

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a closet pan and wash basin.*

It includes out-buildings and works normal to a dwelling.

- **Retail Premises** is defined as:

Land used to:

- a) sell goods by retail, or by retail and wholesale;*
- b) sell services; or*
- c) hire goods.*

Pursuant to Clause 75.01, a Dwelling is nested in the Accommodation group.

Subdivision is not defined or nested in the Planning Scheme.

A lot is defined as a part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered plan.

Subdivision is defined in the Subdivision Act 1988 as the division of land into two or more parts which can be disposed of separately.

PERMIT TRIGGERS

A planning permit is triggered for this application pursuant to the following clauses of the Greater Geelong Planning Scheme:

- Pursuant to **Clause 32.04-2** of the **Mixed Use Zone**, a permit is required to use land for the purpose of Accommodation and Retail Premises.
- Pursuant to **Clause 32.04-4** of the **Mixed Use Zone**, a permit is required to subdivide land.
- Pursuant to **Clause 32.04-6** of the **Mixed Use Zone**, a permit is required to construct two or more dwellings on a lot.
- Pursuant to **Clause 52.05 (Advertising signs)** of the Particular Provisions, a permit is required to display advertising signs.
- Pursuant to **Clause 52.06-3 (Car parking)** of the Particular Provisions, a permit is required to reduce the number of car parking spaces required.
- Pursuant to **Clause 52.07 (Loading and unloading of vehicles)** of the Particular Provisions, a permit is required to waive the requirement for loading and unloading of vehicles.
- Pursuant to **Clause 52.29 (Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 road)** of the Particular Provisions, a permit is required to create or alter access to a road in a Road Zone, Category 1.
- Pursuant to **Clause 52.34 (Bicycle facilities)** of the Particular Provisions, a permit is required to waive the requirement for bicycle spaces.

THE STATE PLANNING POLICY FRAMEWORK (SPPF)

Relevant parts of the State Planning Policy Framework include:

10.04 – Integrated decision making

[...]

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.

[...]

11.05-1 – Regional settlement networks

[...]

To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Direct urban growth into the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

[...]

11.05-5 – Coastal settlement

Objective

To plan for sustainable coastal development.

Strategies

[...]

- *Encourage urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl.*
- *Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.*
- *Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.*
- *Avoid linear urban sprawl along the coastal edge and ribbon development within rural landscapes and protect areas between settlements for non-urban use.*
- *Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.*

[...]

11.07-1 – Planning for growth

Objective

To optimise infrastructure and consolidate growth.

Strategies

- *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.*
- *Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks.*
- *Plan for Colac and Winchelsea as new targeted growth nodes.*

- Support the proposed national transport and logistics precinct and recognise greater connection to the Werribee growth corridor and Melbourne.
- Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.

11.14-1 – Localised planning statements

Objective

To protect and enhance the valued attributes of the distinctive areas of the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.

12 – Coastal areas

Clause 12 seeks to recognise, enhance and ensure appropriate development of, coastal areas.

13.03-1 - Use of contaminated and potentially contaminated land

Objectives

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Strategies

Require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

15.01-1 – Urban design

Objective

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

15.01-2 – Urban design principles

Objective

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.

15.01-4 – Design for safety

Objective

To improve community safety and encourage neighbourhood design that makes people feel safe.

15.01-5 – Cultural identity and neighbourhood character

Objective

To recognise and protect cultural identity, neighbourhood character and sense of place.

15.02-1– Energy and resource efficiency

Objective

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

16.01-1 – Integrated housing

Objective

To promote a housing market that meets community needs.

Strategies

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Encourage housing that is both water efficient and energy efficient.
- Facilitate the delivery of high quality social housing to meet the needs of Victorians.

16.01-2 – Location of residential development

Objective

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.

Strategies

- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
- Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.
- Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

16.01-4 – Housing diversity

Objective

To provide for a range of housing types to meet increasingly diverse needs.

Strategies

- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
- Encourage the development of well-designed medium-density housing which:
 - Respects the neighbourhood character.
 - Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.
- Support opportunities for a wide range of income groups to choose housing in well-served locations.
- Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

16.01-5 - Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

- Improve housing affordability by:
 - Ensuring land supply continues to be sufficient to meet demand.

- *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
- *Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.*
- *Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.*
- *Increase the supply of well-located affordable housing by:*
 - *Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites.*
 - *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*

17.01-1 – Business

Objective

To encourage development which meet 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.

17.03-1 - Facilitating tourism

Objective

To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

18.02-2 – Cycling

Objective

To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

18.02-5 - Car parking

Objective

To ensure an adequate supply of car parking that is appropriately designed and located.

19.03-2 - Water supply, sewerage and drainage

Objective

To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

19.03-3 – Stormwater

Objective

To reduce the impact of stormwater on bays and catchments.

19.03-4 - Telecommunications

Objective

To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

Relevant policy within the Municipal Strategic Statement includes:

21.06-3 - Urban consolidation

Objectives

- *To provide for the consolidation of existing urban areas in a managed way.*
- *To encourage an appropriate range of development densities.*
- *To improve accessibility to urban services.*

Strategies

- *Manage urban consolidation and housing change across the municipality, by:*
 - *Accommodating medium and high density housing in Key Development Areas (as designated in the Incorporated Document 'Key Development and Increased Housing Diversity Areas July 2009').*
- *Maximising opportunities for housing within Increased Housing Diversity Areas (as designated in the Incorporated Document 'Key Development and Increased Housing Diversity Areas July 2009') by accommodating;*
 - *high density housing in the activity centres consistent with their primary commercial and retail role; and*
 - *medium density housing in residential areas with more intensive development being located closest to the core of activity centres.*
 - *appropriate medium density housing in Residential 1 zoned areas.*
 - *incremental change in Residential 3 zoned areas.*
- *Encourage medium density housing in mixed use zones.*
- *Require retirement accommodation to be located within urban areas, preferably within close proximity to existing or proposed activity centres and public transport facilities.*

21.06-4 - Neighbourhood character

Objectives

- *To manage the impact of urban change on existing neighbourhoods.*
- *To ensure that new development responds to the existing neighbourhood character.*
- *To protect areas with a significant garden character.*

Strategies

- *Ensure that development is responsive to the established character of the area.*
- *Acknowledge that neighbourhood character in the Increased Housing Diversity Areas and in Residential 2 Zones will adapt and evolve over time, particularly within and on the edges of activity centres, where land use and development will intensify.*
- *Allow for appropriate transition between residential zones.*
- *Ensure that development on the edges of Residential 1 and Residential 2 Zones is responsive to and respectful of the neighbourhood character in any adjoining Residential 3 Zone.*
- *Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality's tree canopy.*

21.07 - Economic development and employment

Clause 21.07 seeks (in part) to promote economic development in accordance with the City's Retail Activity Centre Hierarchy.

21.14 - The Bellarine Peninsula

Clause 21.14 provides the following Objectives (in part):

- *To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.*
- *To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.*
- *To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.*

- *To preserve the individual character, identity and role of each Bellarine township.*

Specific to Portarlington, it also provides the following Strategies (in part):

- *Support a mix of retail, commercial, community and entertainment uses within the town centre.*
- *Encourage development which respects the coastal landscape setting of Portarlington by:*
 - *Providing reasonable sharing of views of the coast and foreshore.*
 - *Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.*
 - *Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.*
- *Support the development of a focal building at 22-34 Newcombe Street, Portarlington, to contain retail uses, tourist accommodation and tourism related activities.*
- *Support development in the Portarlington town centre incorporating accommodation uses above ground level retail floor space, where such development meets all parking and access requirements.*

There are no Local Planning Policies relevant to this application.

PARTICULAR PROVISIONS

The following Particular Provisions are applicable to this application:

- 52.01 Public open space contribution
- 52.05 Advertising signs
- 52.06 Car parking
- 52.07 Loading and unloading of vehicles
- 52.29 Land adjacent to a Road Zone, Category 1 or a Public Acquisition for a Category 1 road
- 52.34 Bicycle facilities
- 55 Two or more dwellings on a lot and residential buildings
- 56 Residential subdivision

RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT

The subject site is not burdened by any Restrictive Covenants or Section 173 Agreements.

CULTURAL HERITAGE MANAGEMENT PLAN

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity.

Areas of cultural heritage sensitivity are defined within Part 2 - Division 3 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 3 does not identify the site or part of the site as within an area of cultural heritage sensitivity.

In accordance with the above assessment, a Cultural Heritage Management Plan is not required.

COASTAL INUNDATION AND EROSION

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.

Strategies include:

- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within close proximity of existing urban development.

Council's data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040.

LANDFILL GAS RISK ASSESSMENT

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.01-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the "Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills" (September 2010) or "Landfill BPEM."

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

OFFICER DIRECT OR INDIRECT INTEREST

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80(c) of the Local Government Act.

PERMIT/SITE HISTORY

There is no permit/site history relevant to the application.

REFERRALS

The following referrals were undertaken:

Section 55

Determining Authority

Authority:	Barwon Water
Response:	<p>I refer to your letter received 24/09/2015 concerning the proposed sixty two lot plan of subdivision and wish to advise that the Barwon Region Water Corporation, pursuant to Section 56 (1)(B) of the Planning and Environment Act, does not object to the granting of a planning permit subject to the following conditions being met prior to the issue of a Certificate of Compliance:</p> <p>General</p> <ol style="list-style-type: none">1. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.2. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.3. The creation of an Owners Corporation to encumber all lots within the subdivision.4. Trade Waste Agreements are to be entered into where applicable. The developer is to apply to the Barwon Water Trade Waste Department for approval. <p>Water</p> <ol style="list-style-type: none">1. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations.2. The provision of a master meter and sub meters are required to service all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. An 'Application to fit meters' is required to be completed and submitted by the licensed plumber who will be undertaking these works. This application must include a dimensioned plan indicating the location of all meters relative to existing and proposed allotment boundaries. These sub-meters will be installed by Barwon Water after the plumber has advised of completion of these preparatory plumbing works and that the meters can be installed. This application form can be downloaded via www.barwonwater.vic.gov.au - Business Customers - Property Connections. Works must not commence until written approval has been issued and all fees paid.3. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.4. An additional tapping is to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways. The tapping size is to be determined by the developer.5. The existing water main is a cracked asbestos water pipe. Please contact Barwon Water for specific requirements at least 5 business days prior to undertaking any works in its vicinity.6. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

	<p>7. The two existing 20mm diameter tapplings located onsite are to be cut and sealed at the water main as they are no longer required for use.</p> <p>Sewer</p> <p>1. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owners.</p> <p>2. The payment of New Customer Contributions for sewer for each additional lot created and/ or each additional metered connection within the subdivision.</p> <p>3. The provision of a separate sewer connection branch to all lots within the subdivision. Due to the size of the existing sewer main (300mm in diameter) a manhole will be required to be constructed with the connection point extending from this in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber and the manhole constructed by an approved Barwon Water plumbing services contractor. A list of both approved plumbers/ contractors can be provided upon request.</p> <p>4. The two existing sewer points are to be decommissioned in accordance with Barwon Water policy as they are no longer required for use.</p> <p>Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.</p> <p>It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L012545</p>
<p>Officer Comment: Conditions included on draft permit.</p>	

Authority:	Downer
Response:	<p>Reference is made to the above correspondence dated 17-Sep-15 and accompanying plan.</p> <p>We advise that AusNet Services (Gas) Pty Ltd is the owner of substantial gas assets in metropolitan Melbourne and country Victoria, and that Downer – Infrastructure Services is their maintenance provider. As part of this arrangement, we provide engineering support and act as their referral authority.</p> <p>AusNet Services (Gas) pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit, subject to the following condition:</p> <p>1. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.</p> <p>Should gas be required to be either connected or disconnected to the existing or future properties please contact your local gas retailer.</p>
<p>Officer Comment: Condition included on draft permit.</p>	

Authority:	Powercor
Response:	<p><i>Powercor Australia Ltd does not object to the issue of a planning permit in respect of the above-mentioned application if the permit is subject to the following conditions:</i></p> <p>CONDITIONS REQUIRED BY POWERCOR AUSTRALIA LTD</p> <p><i>1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.</i></p> <p><i>2. The applicant shall:-</i></p> <ul style="list-style-type: none"> <i>• Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.</i> <i>• Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.</i> <i>• Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.</i> <i>• Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.</i> <i>• Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.</i> <p><i>Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.</i></p> <ul style="list-style-type: none"> <i>• Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.</i> <i>• Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.</i> <i>• Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.</i> <i>• Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.</i> <i>• Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.</i> <p>*** END OF CONDITIONS ***</p> <p><i>It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be</i></p>

	<p><i>worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).</i></p> <p><i>Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.</i></p>
<p>Officer Comment: Conditions included on draft permit.</p>	

Authority:	VicRoads
Response:	<p><i>Thank you for your letter dated 10 September 2015 referring details of the above application to the Roads Corporation (VicRoads) pursuant to Section 55 of the Planning and Environment Act 1987.</i></p> <p><i>The application is for the combined rezoning and multi storey development.</i></p> <p><i>VicRoads has reviewed the application and associated plans and does not object to the application with the following conditions requested to be included in any Notice of Decision to issue a Planning Permit.</i></p> <ol style="list-style-type: none"> <i>1. Before the commencement of works, a parking design and allocation plan must be submitted to the satisfaction of VicRoads. Amended plans must be submitted to and approved by VicRoads. When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped 25 September 2015 and annotated (as but modified) to show:</i> <ol style="list-style-type: none"> <i>a) Depict line marking and a no standing zone to demonstrate safe access and egress to and from the development site to the Geelong Portarlington Road.</i> <i>b) Undertake road widening to accommodate a right turn lane on the Geelong Portarlington Road at the entrance of the proposed development.</i> <i>2. The applicant must enter a formal agreement with VicRoads regarding processes and fees associated with all works within the declared road reserve of the Geelong Road.</i> <p><i>Once Council makes its decision, please forward a copy of the decision to VicRoads as required under Section 66 of the Planning and Environment Act 1987.</i></p>
<p>Officer Comment: Conditions included on draft permit.</p>	

Section 52

Authority:	DELWP
Response:	<p>Given the abutting land to the northwest is Crown Land, the application was informally referred to DEPI (former DELWP). DEPI advised that it would have no concerns with the application, presuming there is no drainage discharge across the boundary. It advised that it would defer to the delegated manager of the reserve. The delegated manager is the City of Greater Geelong.</p>
<p>Officer Comment: Appropriate permit conditions will ensure drainage does not discharge across the boundary shared with the Reserve.</p>	

Internal

Department:	Engineering Services
Response:	<p>COMMENTS</p> <p>Drainage:</p> <ul style="list-style-type: none"> • [...]Comment should be sought from the Environment Unit in relation to discharge and the Environmental Diverse Site to the west. [...]The site is in balance between saline and fresh water inflows. • The developer should be encouraged to incorporate on site detention via tanks and re use for toilet flushing and irrigation which will lessen the impact on the Environmentally Diverse Site to the west. • The LPOD for the development is the existing 600mm diameter drain running along the west boundary of No 34 Geelong Road. The connection to the drain will require the construction of Junction Pit. The capacity of the outlet from the newly constructed Junction Pit will need to be assessed and upgraded by the developer if required. Connection to the drain will be via an easement along the north boundary of 34 Geelong Road which the developer will need to obtain. <p>Further to this, WSUD is required on site as the above description mentions sub.</p> <p>Vehicle Access & Car Parking: Access to U/G car parking from Geelong Road, traffic to give comment on parking.</p> <p>Flooding & Coastal Inundation: N/A</p> <p><u>Permit Conditions -</u></p> <p>The following conditions must be placed on the planning permit:</p> <p>Drainage & Vehicular Access:</p> <p>Prior to the commencement of use / statement of compliance, engineer designed drainage plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. These plans must show, but are not limited to;</p> <ol style="list-style-type: none"> a) Pits and pipe sizes; b) Finished surface and existing surface levels; c) Creation of appropriate easements, including creation of new easements as required to the LPOD via the northern boundary of adjoining properties; d) Connection to the existing Council drainage network (LPOD), being the 600mm diameter drain running along the western boundary of No. 34 Geelong Road, via a newly constructed junction pit. The capacity of the outlet from the newly constructed junction pit will need to be assessed and upgraded by the developer if required; e) Vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong; f) Any redundant vehicular crossings must be removed, kerb and channel reinstated and the footpath/nature strip area reinstated to match existing construction in the street. <p>all to the satisfaction of the Responsible Authority.</p>

	<p>Note:</p> <ol style="list-style-type: none"> 1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided. 2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500. 3. A Vehicle Crossing Permit must be obtained prior to commencement of works. <p>Car Parking:</p> <p>Prior to the commencement of use / statement of compliance, the developer must construct the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans to the satisfaction of the Responsible Authority.</p> <p>Stormwater Quality / Management:</p> <p>The site stormwater system must be designed and installed such that;</p> <ol style="list-style-type: none"> a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required, which is recommended to incorporate re-use tanks for toilet flushing and irrigation purposes; b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority. <p>all to the Satisfaction of the Responsible Authority.</p> <p>Creation of Easements:</p> <p>The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible</p>
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Officer Comment:

As recommended by the Engineering Services Unit, verbal advice was sought from Council's Environment Unit. The Environment Unit does not object to the application, subject to appropriate drainage and WSUD conditions as per the draft conditions provided by Engineering Services. Conditions included on draft permit.

Department:	Traffic
Response:	<p>Council's Traffic Unit does not support the proposed reduction parking. This is discussed in detail later in this report. In summary, amended plans showing the provision of 63 on-site car spaces are required.</p> <p>In relation to other matters, the Traffic Unit provided the following advice:</p>

Vehicle Access

The vehicle crossing and driveway (i.e. the ramp) should have a minimum width of 6 m to allow for two-way traffic flow. It is somewhat surprising that VicRoads has not asked for a permit condition that specifies a minimum width for the vehicle crossing and driveway.

The 90 degree curve at the base of the ramp is impractical for two-way flow, and it would be very tight even for one vehicle to perform this turn due to the limited width of the opening to the basement.

The ramp does not comply with the ramp guidelines in AS/NZS 2890.1 – 2004 in that the 90 degree curve requires a minimum 4 m internal radius.

In Kevin Flynn's Traffic Report, this has not been acknowledged as being a problem. He does suggest that a signal system be implemented to accord for the lack of sight from the basement to the top of the ramp. He does not suggest how this will work, where vehicles at each end would be expected to wait, and the actual locations of the signals.

This kind of treatment would be unnecessary if the ramp was designed for two-way flow, and the entrance to the basement was wider.

Traffic Generation

The traffic generation rates given in Kevin Flynn's Traffic Report are acceptable.

Conclusion

Recommended conditions:

- The basement car park must be provided with a minimum of 63 fully accessible car spaces. The car park must be linemarked and be in accordance with the endorsed Basement plan.*
- A car parking allocation plan must be provided to show each car space being tied to a particular retail tenancy and dwelling. Each car space must be designated with adequate signage and/or linemarking. The basement car park must be provided with at least one disabled car space and must comply with the standards in AS/NZS 2890.6-2009.*
- The car park must be linemarked and be in accordance with the endorsed Basement plan.*
- The driveway/ramp must be 6.0 m wide between the road reserve boundary for at least 6 m inside of the site and at a grade no steeper than 5 % (1 in 20), before tapering to a width of 4.0 – 5.5 m on the main ramp. The driveway/ramp must have a minimum offset of 1.0 m from the north-eastern property boundary. All dimensions must be shown on the Ground Floor plan.*
- A longitudinal section of the driveway/ramp must be provided to show all relevant design levels, grades, transition and main ramp lengths, vertical curve lengths and headroom clearance.*
- The driveway/ramp must be designed in accordance to the standards set out in AS/NZS 2890.1-2204 and be to the satisfaction of the RA.*
- Swept path diagrams must be provided for the 85th percentile vehicle (and any larger vehicle expected to enter the basement) that shows the ingress and egress travel paths along the ramp and entering/exiting the basement car park, including ingress/egress from any 'difficult to access' car spaces. The swept path diagrams must be prepared by a qualified traffic engineering consultant using a recognised computer software programme.*
- The 'traffic signal system' proposed for the driveway/ramp must have a detailed explanation and accompanied drawings to show how the system operates, including (but not limited to) vehicle holding points, traffic signal locations,*

	<p>locations of inductive loops, specifications, maintenance schedules and advice/instructions intended for tenants.</p> <ul style="list-style-type: none"> • The storage inside the basement car park must be located in locations where there is clear pedestrian access, and that this access be at least 1.2 m from any adjacent car space.
<p>Officer Comment: Conditions included on draft permit.</p>	

Department:	Urban Design
Response:	<p><i>ISSUES/COMMENTS</i></p> <p><i>This development is of a large scale in comparison to its surrounds. It uses a large portion of the site and is of four levels in comparison to the surrounding one and two levels. It is proposed in an area that is light industrial in usage and this type of use in a position that is an entrance of the town is definitely more appealing.</i></p> <p><i>The higher density type of usage is of advantage in controlling the sprawl of the town while allowing increased visitation for vacation type usage.</i></p> <p><i>The proposal provides approximately 570m² of retail space. This will help to activate the ground floor areas arguably at the cost of the Portarlinton town centre. This may be a good result as the provision of a mixed offering may provide sufficient critical mass of retail to make it viable.</i></p> <p><i>The architectural massing offers articulation and interest with a mix, glass, masonry and textured concrete finishes.</i></p> <p><i>Access through the park has been handled within the site.</i></p> <p><i>RECOMMENDED PERMIT CONDITIONS / GROUND OF REFUSAL</i></p> <p><i>In short it is a proposal that is larger than previous developments in the area but is well executed and should be supported in the Urban Design context.</i></p>
<p>Officer Comment: Noted.</p>	

Department:	Waste Services
Response:	<p><u>Council Vs Private Contractors</u></p> <ol style="list-style-type: none"> 1. All residential units in this development will be charged the <u>RESIDENTIAL WASTE CHARGE</u> as per Councils Rates Strategy. The Residential Waste Charge is a mandatory charge applied to all residential properties including multi unit developments. This charge cannot be waived even if a private contractor is engaged to provide recycling and waste services. 2. Waste Services has already experienced a number of unit property developments where the waste plan indicated a private contractor to supply the services and when the property owners discover they are being charged twice for their waste services they then use the council provided service. This has encountered some difficulties particularly the provision of inadequate capacity of the bin storage area. 3. Therefore the recycling and waste service permit condition must allow for the

use bins standard and access that will allow the Council contractor to provide the waste and recycling collection services.

4. The location of this development in the location of Portarlington and its distance from the Geelong city centre means there is limited collection services for the 660 and 1100 litre bins.
5. Bin enclosure as presented on drawings is inadequate to service the development. The bin enclosure must allow for both recycling and waste residential bins and recycling and waste bins for commercial premises. A revised plan must be submitted to provide for adequate the bin storage for the whole development.

RECOMMENDED PERMIT CONDITIONS / GROUND OF REFUSAL

1. The development must be serviced using either 1100 litre or 660 litre general waste and recycling bins. The bins must be transported from the bin enclosures-storage area to a location on or adjacent to the road reserve for collection by Councils collection contractor or a private collection contractor paid for by the property owners. The bins must be presented for collection at a location acceptable to Waste Services and the private waste contractor.
2. The movement of the bins from the bin enclosures to the collection point and return shall be the responsibility of the property owners. The property owner must supply and maintain suitable equipment that can move the bins up and down the grades of the basement ramps.
3. Prior to the use of the development commencing any changes to or provision of new infrastructure required within the road reserve as required by Council's Waste Services to allow for the provision of recycling and waste services to the development must be provided by the property owners at their cost and approved prior to construction by the Responsible Authority.
4. Prior to the commencement of the Development a Waste Management Plan must be submitted to and approved by the Responsible Authority.
 - a. The waste Management Plan must address the City of Greater Geelong's Recycling and Waste collections systems availability and potential to be used by the property owners of this development.
 - b. The Plan must also address the requirements the Recycling and Waste management for the commercial premises on the property.
 - c. The Plan must also reflect that the Council provided services to the residential; units would only be one recycling collection per week, one greenwaste collection per fortnight and 1 waste collection per week and provide sufficient bin storage space to satisfy the residential unit demands.
 - d. The plan when approved by the Responsible Authority must be endorsed and become a part of the planning permit.
5. Prior to the Commencement of the Development amended plans showing the revised bin storage area must be submitted to and approved by the Responsible Authority.

Officer Comment:

Conditions included on draft permit.

ASSESSMENT

Zone

The proposal is consistent with the purpose of the MUZ, proposing a combination of residential and commercial uses to complement the mixed-use function of the locality. The apartments offer higher density products which is also consistent with the zone.

The zone also encourages development that responds to the existing or preferred neighbourhood character of the area. This is discussed further below. The decision guidelines of the MUZ require the responsible authority consider the objectives and standards of Clause 55 and Clause 56 when assessing this application. An assessment is provided later in this report.

Overlay

To address the requirements of the Environmental Audit Overlay, draft permit conditions include a requirement for a certificate or statement of environment audit prior to works commencing, consistent with the requirement at Clause 45.03-1 of the Greater Geelong Planning Scheme.

State and Local Planning Policy Frameworks

The development will provide for a more efficient use of the land, in a way that is consistent with the purpose of the Mixed Use Zone. It will contribute to housing diversity (Clause 16.01-4) and provide tourist accommodation to the Portarlington area (Clause 21.14). Whilst the development is of a scale larger than what is currently found in the surrounding area (Clause 21.06-4), it is considered a good response to urban consolidation (Clause 21.06-3), offering a range of uses without causing unreasonable amenity impacts.

The orientation of the site is not ideal with regard to maximising energy efficiency within the development (Clause 15.02-1). However, this is not considered significant enough to warrant refusal of the application. The area is serviced by all utilities and required infrastructure and is unlikely to cause an overload to any of these services (Clause 19.03). On balance, the proposal is considered an acceptable response to relevant State and local planning policies.

Response to Submissions

The following is a summary of issues specific to the planning permit application raised in submissions. Each is responded to accordingly.

The building height and bulk is out of character for Portarlington

The majority of submissions say the proposed 4 storey building is not in keeping with the preferred character of Portarlington, some making reference to policies in the Planning Scheme. Furthermore, that there has been no attempt to design a structure that would fit in with its surrounding environment – the building will look completely out of place and dominate the landscape.

Some say that with the inclusion of the roof top terrace and lift shaft, the building is more like 5 storeys. Overwhelmingly objectors believe the building is too high and bulky, and that 2 or even 3 levels would be more appropriate. Evolve Town Planning on behalf of the proponent point to the high standard of design, acceptable transition of built form, a height essentially 3 metres higher than dwellings opposite and the absence of height controls. Two local supporting submissions see the development as an opportunity to transform an ugly entrance to Portarlington into a stunning, architecturally inspired building.

Officer response

The preferred character of Portarlington is an important consideration in assessing the merits of the development, as is the preferred character for the commercial precinct in which it will be built. The Planning Scheme at Clause 21.14 *The Bellarine Peninsula* includes objectives and strategies to preserve township character and promote contemporary design that reflects the existing scale, setbacks, form and materials of buildings in the locality.

A review of the objections would suggest most residents consider 2 storeys (whether dwellings or other buildings in general) to be an acceptable height to meet character requirements. Much of the dwelling stock is single or 2 storey, rectangular and face-brick, with flat or pitched tiled roofing set in landscaped gardens.

Looking a little deeper, the Portarlington Structure Plan states on page 11 “It will be important to preserve the residential character of the township, whose attributes include an open coastal setting, modest scale buildings and landscape features. Features of particular importance are the residential areas along the foreshore /coastal edge which form an intrinsic part of the character of Portarlington”.

The Structure Plan further identifies the Town Centre, the pier/foreshore reserves, the Point Richards Flora and Fauna Reserve, the recreation reserve and the surrounding significant farmed landscapes as contributors to the character of Portarlington. There is also the obvious advantage of the bay setting.

Clearly, the current presentation of commercial buildings at 30 to 42 Geelong Road is not in keeping with the preferred character. The precinct appears tired and does not present a vibrant, attractive entrance to Portarlington. It is ripe for renewal. There are no design or height controls applying to the precinct however future development must still deliver acceptable built form outcomes. The precinct is not located along the coastal edge or in close visual proximity to the Town Centre.

It is considered that the structure – while representative of a new built form feature for Portarlington – is of high architectural quality, visually appealing and complementary to its coastal setting and prominent town entry location. The building is a self-contained apartment and retail complex designed to attract visitors and residents, and take advantage of views to the bay and the range of tourist facilities on the Bellarine. It will naturally be different in appearance to a dwelling of even a multi-storey townhouse or warehouse development.

The perspectives (TP8-001 and TP8-002) provided with the application demonstrate how the building will present within the surrounding context. There is no question that the proposed development is a departure from the scale of development typically found in the surrounding area. However, the building incorporates a number of features to minimise the visual bulk of the building. These include a mixture of external materials, projections and voids to break down the building into smaller forms.

A response to the built form as it presents to the adjoining dwelling at No.28 Geelong Road is provided later in this report – under the response to Clause 55.04-1 (Standard B17).

Finally, the policy framework talks about encouraging development that respects the coastal landscape setting of Portarlington and preserving the town’s identity and role. The proposed building is located well within the settlement boundary, strengthens Portarlington’s role as a holiday and lifestyle destination, does not impact on any views of state or regional significance, nor will it detract from the design and heritage significance of the Town Centre and foreshore reserves.

The building will have an adverse impact on views

Objections about loss of bay views were received from residents opposite the proposed development. These are owners of properties on Geelong Road and in Linda Court, Peels Court, Sherwood Crescent, Robin Avenue and Lincoln Drive. The submission from the abutting owner of 28 Geelong Road says the proposed development will not result in the reasonable sharing of views of the coast and refers to the Design and Development Overlay Schedule 14 (DDO14).

Officer response

Of assistance to the consideration of loss of views is *Healy v Surf Coast SC [2005] VCAT 990 (26 May 2005)*. At point 21 of the determination Senior Member Marsden refines the consideration criterion for view sharing, these being:

- (a) there is no legal right to a view;
- (b) views form part of the existing amenity of a property and their loss is a relevant consideration to take into account;
- (c) the availability of views must be considered in the light of what constitutes a reasonable sharing of those views;
- (d) in addressing the concept of “reasonableness”, it is relevant to consider
 - (i) the importance of the view to be lost within the overall panorama available; and
 - (ii) whether those objecting have taken all appropriate steps to optimise development of their own properties.
- (e) added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme.

It is considered that the proposed development will not unreasonably impact on existing views. The development site sits low in comparison to the majority of objector properties and while there may be obstruction to an element of a view in some instances, expansive views across the bay to the You Yangs and out as far as the Melbourne city skyline are not compromised, as demonstrated by Council's mapping system.

None of the objecting landowners on Geelong Road will have their views unreasonably impacted. The DDO14 triggers the requirement for a planning permit to construct a dwelling above 7.5 metres in height. The overlay is not a height control as such and applies to the surrounding residential land. The DDO14 does not apply to the Commercial 2 Zone precinct.

While assessment is concentrated on the proposed development at 30-32 Geelong Road, it is recognised that large commercial buildings such as warehouses, can be constructed in the current Commercial 2 Zone with little regard to impact on views.

In light of the guidance from Healy, the Responsible Authority considers the loss of views in a northwest direction from No.28 Geelong Road to be reasonable.

The dwelling at No.28 Geelong Road has not been designed to capitalise on existing views, with the dwelling being a modest single storey development set back a significant distance from the rear boundary of the property. Whilst it is acknowledged that it will lose the potential for views in the northwest direction, on balance this is considered acceptable given the extensive views still available to the north and east.

Traffic and car parking concerns

Residents say the increased traffic volumes and congestion, the road safety hazard at the intersection of Geelong Road/Lincoln Street, the poor condition of Geelong Road and visibility constraints will be unacceptable.

Likewise there is concern about the lack of on-site visitor and retail parking which will result in an overreliance on street parking to the detriment of nearby residents. Objectors also note that most visitors to Portarlinton carry boats, jet skis, kayaks, etc which cannot be accommodated in the basement car park.

Officer response

The concerns of local residents are understandable however it is considered that the proposed development satisfactorily addresses traffic and car parking matters, particularly with the conditions included on the draft permit.

The Traffic Impact Assessment prepared by Civil & Traffic Consulting P/L finds that traffic generation from the new development will have minimal impact on the performance and safety of the road network. VicRoads, as the Responsible Authority for Geelong Road, does not object to the development subject to permit conditions. This includes requirements for the developer to undertake road widening and access/egress line marking.

Council has further imposed conditions to increase the number of basement car spaces and to provide a line-marked parking lane on Geelong Road (Portarlinton-bound carriageway) between Hereford Street and Sproat Street. Concerns about parking of watercraft are considered to be unfounded and misunderstand the intended market for the accommodation complex.

A response to Clause 52.06 is provided later in this Report.

General amenity concerns and benefits

In combination, the 27 objections raised numerous general amenity concerns. The key amenity concerns are considered to be construction noise and traffic, late night roof-top noise and unsavoury behaviour, and loss of privacy.

The permit applicant has highlighted that a design feature of the building will be the provision of a pedestrian connection between the recreation reserve and residential land to the south of Geelong Road.

Officer response

The draft permit includes the requirement for a site construction management plan that addresses staging, dust, location of parking facilities for construction vehicles, access and site cleanliness.

Submissions that raise concerns about privacy, noise and anti-social behaviour from the complex are not sufficient reasons to disallow the development. The roof-top terrace is a good use of space and will add to the appeal and experience for occupants. Anti-social or unsavoury behaviour is beyond the scope of any planning assessment in this instance and controlled by the police.

The building will be designed to ensure overlooking standards to the neighbouring residential property at 28 Geelong Road are in accordance with ResCode provisions. Condition 15 of the permit requires the preparation of a screening plan. However those objecting from properties on the opposite side of Geelong Road and up Lincoln Drive and connecting streets are well beyond distance limits to impact on privacy.

The provision of a public connection between the Portarlington Recreation Reserve and Geelong Road will significantly improve access for local residents and visitors. At present there is no formal public access to/from the reserve to Geelong Road. The access point is conveniently located opposite Lincoln Drive. The building will also improve the interface with the reserve, providing surveillance and interest.

Particular Provisions

Clause 52.01 – Public Open Space Contribution

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Pursuant to the schedule to Clause 52.01, the following contribution is required to be made:

Creation of one additional lot	None
Creation of two to nine additional lots	1 percent per additional lot up to a maximum of 5 percent
Creation of 10 or more lots on land zoned for residential purposes prior to August 31 st 2007	5 percent
Creation of 10 or more lots on land zoned for residential purposes after August 31 st 2007	10 percent
Waurm Ponds Creek Environs	10 percent

Pursuant to the above table 10 per cent contribution is required to be made.

Clause 52.05 – Advertising signs

The MUZ is in Category 3 (High amenity areas) at Clause 52.05.

The applicant has applied for a permit to display advertising signs. However, detail of the signage is very limited. The application plans include perspectives that show a “Bella Living” business identification sign. Future commercial tenants will require business identification signage, however such details are not included with the application which is not surprising given the current stage of the proposal.

A draft amended plans condition seeks greater detail of proposed advertising signs.

Clause 52.06 – Car parking

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and the Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity off the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The table below summarises the spaces required based on Clause 52.06 requirements.

LAND USE	NUMBER	PARKING RATE	PARKING SPACES
1 & 2 bed dwellings	55	1 per dwelling	55
Residential visitors		1 per 5 dwellings	11
Retail/commercial	255sqm	4 per 100sqm GFA	10
Café	181sqm	0.4 per seat/person	36
TOTAL			112

It is noted that both Traffic Impact Assessment (prepared by Kevin Flynn of *Civil and Traffic Consulting Pty Ltd*) provided with the application and the advice from Council's Traffic Unit provide incorrect floor areas for the retail/café components.

The Flynn report provides the following description of Geelong Road:

Geelong Road, at the frontage of the subject site, is an important arterial road (C123), managed by VicRoads, that provides a link between the communities of Portarlington, Drysdale and Geelong. The sealed carriageway is generally two-lane two-way carrying approximately 6,000 vehicles per day under normal operating conditions which can rise to approximately 10,000 vehicles per day during the peak holiday periods (data obtained from VicRoads website). The commercial vehicle composition is 7%. The average two-way peak hour volume is expected to be in the order of 600 vehicles per hour. The posted speed limit on Geelong Road is 60km/h.

The sealed carriageway width is approximately 9.1m wide. The eastbound carriageway is approximately 5.5m wide bounded by barrier type kerb and channel and includes kerbside parallel parking. The westbound carriageway is approximately 4.6m wide with a 3.6m wide traffic lane and 1m wide sealed shoulder. A parallel service road on the south side of Geelong Road provides access to properties on that side of the road. The main carriageway and the service road are separated by an embankment where the service road is approximately 1m higher.

Lincoln Drive intersects Geelong Road approximately 30 west of the subject site.

The application proposes the provision of 57 on-site car spaces in the basement carpark. The Traffic Impact Assessment (prepared by *Civil and Traffic Consulting Pty Ltd*) provided with the application recommends that these spaces be provided for residents, with two of the spaces reserved for people with disabilities. The report supports car parking for visitors and retail staff being provided on the street.

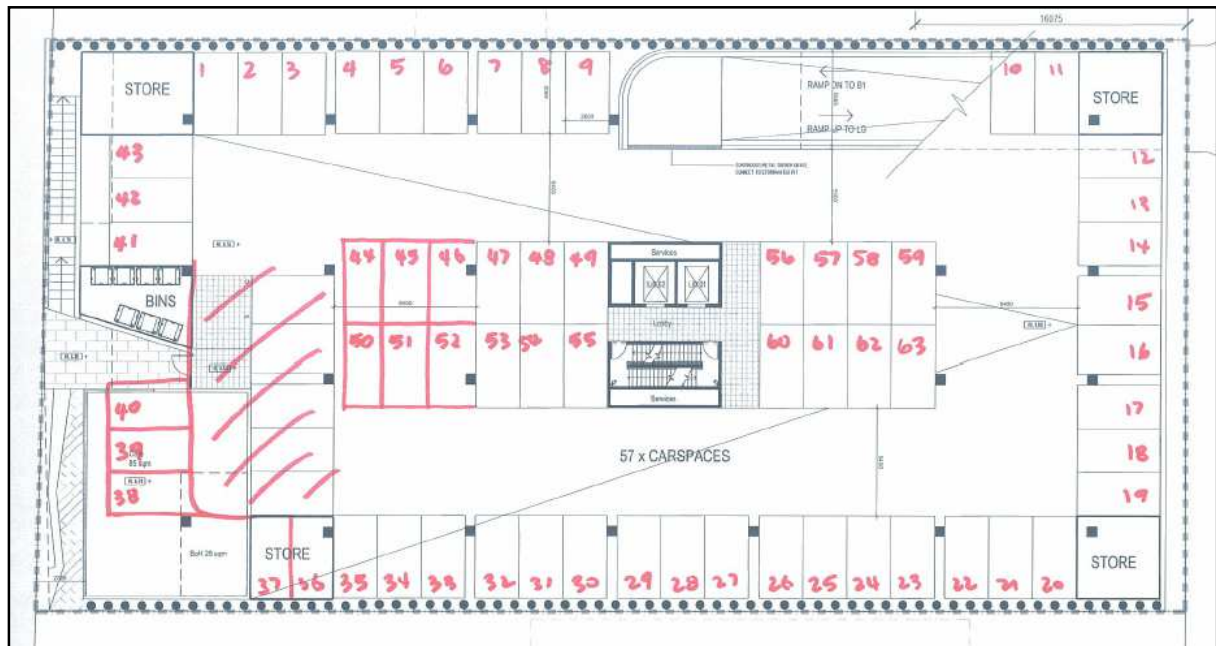
The *Civil and Traffic Consulting Pty Ltd* report states:

It is expected that the café/retail generated traffic will be stable throughout the day with the peak hour period occurring around lunchtime on Saturday.

It is considered that there is ample spare capacity in the local road network to accommodate the traffic generated by the proposal without unduly impacting on safety and performance.

Council's Traffic Unit does not support the proposed reduction in parking. It is expected that, in addition to resident parking, one space per commercial tenancy (including the reception/arrival room) is provided on-site. Accordingly, an amended plans condition requires a minimum of 63 car spaces in the basement car park.

The figure below gives a rough indication of how Council envisages 63 spaces could be provided in the basement car park.



It is common that visitors and customers are less likely to use basement car parks due to the private nature of these car parks. It is accepted that residential visitor demand and café/retail customers (and additional staff) will be forced to park in Geelong Road and in surrounding local streets. It is considered that the surrounding street network is capable of accommodating this overflow without unreasonably impacting the amenity of others.

A number of other amended plans conditions deal with issues raised by Council's Traffic Unit.

Clause 52.07 - Loading and unloading of vehicles

The purpose of Clause 52.07 is:

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

No buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless: space is provided on the land for loading and unloading vehicles as specified in the Table to Clause 52.07.

It is proposed to waive the loading bay requirement. It is considered that Geelong Road is capable of accommodating delivery vehicles, noting that such deliveries are likely to occur outside normal business hours.

Clause 52.29 - Land adjacent to a Road Zone, Category 1 or a Public Acquisition for a Category 1 road

The purpose of Clause 52.29 is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

The decision guidelines to be considered are:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The views of the relevant road authority.*
- *The effect of the proposal on the operation of the road and on public safety.*
- *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Given VicRoads supports the application, it is considered an acceptable response to the purpose of Clause 52.29.

Clause 52.34 - Bicycle facilities

The purpose of Clause 52.34 is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

The application form lodged with the application proposes a waiver of the requirement for bicycle facilities. However, the Traffic Impact Assessment (prepared by Kevin Flynn of *Civil and Traffic Consulting Pty Ltd*) states that “it is understood that secure facilities will be provided in the basement level car park as part of the storage area allocation for each residential unit.”

As per the Table to Clause 52.34-3, it is understood that bicycle parking should be provided as follows:

LAND USE	NUMBER	EMPLOYEE/RESIDENT	VISITOR/SHOPPER	PARKING SPACES
Dwelling	55	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	11 + 5 = 16
Retail	436sqm	1 to each 300sqm of leasable floor area	1 to each 500sqm of leasable floor area	2
TOTAL				18

Given the reduction in car parking proposed, it is considered reasonable that bicycle parking be provided in accordance with Clause 52.34. Accordingly, an amended plans condition requires the provision of 18 bicycle spaces, including 5 accessible to the public.

Clause 55 - ResCode Assessment – Two or More Dwellings on a Lot

The development is required to be assessed against Clause 55 as set out below:

<p>55.02-1 Neighbourhood character objectives</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that the design responds to the features of the site and the surrounding area.</p>	<p>Standard B1</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site..</p>	<p>✓ Standard met</p> <p>Refer to the 'Response to Submissions' Assessment section of this Report.</p>
<p>55.02-2 Residential policy objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2</p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p>	<p>✓ Standard met</p> <p>St. Quentin Consulting prepared a planning report that accompanied the application and meets the requirements of the Standard.</p>
<p>55.02-3 Dwelling diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. 	<p>✓ Standard met</p> <p>Five apartment types are proposed, including a combination of one and two bedroom apartments.</p> <p><u>Type 1</u>: 18 x 1 bed; 46sqm</p>

	<ul style="list-style-type: none"> At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Type 2: 2 x 1 bed; 55sqm Type 3: 14 x 1 bed; 59sqm Type 4: 12 x 2 bed; 63sqm Type 5: 9 x 2 bed; 65sqm</p> <p>Total 1 bedroom apartments = 34 Total 2 bedroom apartments = 21</p>
<p>55.02-4 Infrastructure objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Standard B4</p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>✓ Standard met</p> <p>The site is located in an area serviced by necessary utility infrastructure. The application was referred to Council's Engineering Services Unit which supports the proposal subject to appropriate permit conditions.</p>
<p>55.02-5 Integration with the street objectives</p> <p>To integrate the layout of development with the street.</p>	<p>Standard B5</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement</p>	<p>✓ Standard met</p> <p>The development has been designed to integrate with both the Geelong Road frontage and the public open space to the rear.</p> <p>Paving provides clear direction for pedestrians entering the lobby and the retail/reception spaces that front Geelong Road. The cantilevered upper floors provide shelter to this entry space.</p> <p>The pedestrian link along the west side of the site is generous in width, providing good visibility to the retail/commercial spaces along the west side of the building when viewed from Geelong Road.</p>

	<p>the open space.</p>	<p>The interface to the public open space to the north incorporates active frontages and pedestrian links, complementing the open space and offering passive surveillance.</p> <p>It is not clear from the application plans whether 1.5m high fencing is proposed along the front (south) boundary. Given the commercial nature of the ground floor spaces proposed, such fencing is considered unnecessary. An amended plans condition could seek deletion of any inference of such fencing along the front boundary.</p> <p>Whilst some solid design elements are proposed at the ground and basement levels fronting the open space to the north, overall these elements are offset by the active frontages and integration provided at the upper levels</p>
<p>55.03-1 Street setback objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 Walls of buildings should be set back from streets the distance specified in Table B1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>* Standard not met – variation required</p> <p>The buildings on the abutting allotments fronting Geelong Road have front setbacks of 12.3m (No.28 Geelong Road) and 12.7m (No.34 Geelong Road). Therefore a front setback of 9m is required to meet the Standard.</p> <p>The Standard is not met as the upper floors are proposed to be set back no greater than 7.2m from Geelong Road.</p> <p>It is considered that the Objective is met for the following reasons:</p> <ul style="list-style-type: none"> ▪ At ground level, the front setback is no less than 8.9m, very close to the 9m required to meet the Standard. ▪ The proposed front setbacks balance (a) the efficient use of the site, (b) the provision of adequate space for landscaping opportunities and (c) the provision of a ground floor retail/commercial tenancy that is clearly visible from the street. ▪ The proposed building will be set back 4.7m from the east boundary. This side setback provides a generous transition space between the proposed building and the existing dwelling at No.28 Geelong Road, thereby reducing the impact of the proposed variation to the Standard when viewing these

		<p>two buildings from the street.</p> <ul style="list-style-type: none"> It is anticipated that the mixed use precinct will evolve over time and the front setback proposed will be consistent with the emerging character of the precinct.
<p>55.03-2 Building height objectives</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7</p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>* Standard not met – variation required</p> <p>The MUZ does not specify a maximum building height and the land is not covered by any overlays that specify such a height.</p> <p>Therefore the maximum building height should not exceed 9 metres. Neither the application plans or the report that accompanied the application provide details on the maximum height of the building. From scaling off the plans, it is estimated that a maximum height of approximately 17m above natural ground level is proposed, significantly higher than what the Standard encourages.</p> <p>It is considered that the Objective is met - refer to the 'Response to Submissions' section of this assessment.</p>
<p>55.03-3 Site coverage objective</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage the retention of significant trees on the site.</p>	<p>Standard B8</p> <p>The site area covered by buildings should not exceed 60 per cent.</p>	<p>* Standard not met – variation required</p> <p>The basement level will take up almost 100% of the site. The Standard is not met.</p> <p>It is considered that the provision of landscaping will ensure the objective is met. Draft conditions require such landscaping.</p>
<p>55.03-4 Permeability objectives</p> <p>To reduce the impact of increased</p>	<p>Standard B9</p> <p>At least 20 per cent of the site should not</p>	<p>* Standard not met – variation required</p> <p>The site retains 8% permeability, less than the 20% required to</p>

<p>stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.</p>	<p>be covered by impervious surfaces.</p>	<p>meet the Standard.</p> <p>To meet the Objective, permit conditions relating to stormwater quality and stormwater management have been included in the draft permit.</p>
<p>55.03-5 Energy efficiency objectives To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>Standard B10 Buildings should be:</p> <ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>* Standard not met – variation required</p> <p>Given the size and orientation of the subject site, it is not possible to fully meet the Standard.</p> <p>Living areas and balconies generally face east or west.</p> <p>‘Type 1’ apartment bedrooms borrow light from living areas. Whilst it is not ideal that these bedrooms do not have direct natural light, this type of design response is accepted given the shallow depth of the adjacent living rooms and the anticipated short-term occupiers of the apartments.</p> <p>‘Type 4’ apartment incorporate a saddlebag arrangement to ‘Bed 2’, with the light source coming from a window fronting a narrow passage. Again, the limited access to natural light of these windows is not ideal but is considered acceptable given the anticipated short-term occupiers of the apartments.</p> <p>It is considered that the Objective is met for the following reasons:</p> <ul style="list-style-type: none"> • Through the building permit process, the development will need to incorporate appropriate design to achieve the required energy rating. • The energy efficiency of the existing dwelling on abutting land would not be unreasonably reduced, as demonstrated on the shadow diagrams that form part of the application plans.

<p>55.03-6 Open space objective</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Standard B11</p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings, where appropriate. ▪ Provide outlook for as many dwellings as practicable. ▪ Be designed to protect any natural features on the site. ▪ Be accessible and useable. 	<p>✓ Standard met</p> <p>The application report provided the following response:</p> <p><i>Communal open space is available to occupants at Roof Level.</i></p> <p><i>The development has been oriented to take full advantage of the views available across the abutting Portarlinton Recreation Reserve.</i></p> <p><i>Pedestrian access is available through the site out onto the Reserve, whilst retail spaces have been positioned to provide outlook onto the abutting recreational areas. Where practically habitable rooms and balconies also provide outlook onto or across the adjacent public open space.</i></p> <p>It is considered that the Standard is met.</p>
<p>55.03-7 Safety objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>✓ Standard met</p> <p>The development is designed to provide for the safety and security of residents and property. The main pedestrian entry to the building is clearly identifiable from the street and the entries to each individual apartment would be clearly visible from the common circulation areas.</p> <p>An amended plans condition requires fencing of ground floor secluded private open space areas to prevent inappropriate use by the public.</p> <p>A condition on permit requires the submission of an appropriate landscape plan, which will ensure planting does not create unsafe spaces. Appropriate lighting of public areas is also a requirement of this condition.</p>
<p>55.03-8 Landscaping objectives</p>	<p>Standard B13</p>	<p>✓ Standard met</p>

<p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> ▪ Protect any predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. ▪ Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p>	<p>There is no notable vegetation on site worthy of retention.</p> <p>Concept landscaping is shown on the application plans. A condition of permit requires the submission of a detailed landscape plan.</p> <p>There are adequate areas available on site to allow for planting appropriate within a mixed use area.</p>
<p>55.03-9</p> <p>Access objective</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> ▪ 33 per cent of the street frontage, or ▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p>	<p>✓ Standard met</p> <p>The number of crossovers will be consolidated from three down to one shared accessway.</p> <p>The width of the accessway (6m) will occupy approximately 17.7% of the street frontage.</p> <p>Service, emergency and delivery vehicles will utilise on-street parking.</p>

	<p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	
<p>55.03-10 Parking location objective To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.</p>	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be well ventilated if enclosed. <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>✓ Standard met Convenient and secure parking would be provided for residents and staff within the basement car park.</p>
<p>55.04-1 Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the</p>	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p>	<p>✗ Standard not met – variation required No side and rear setbacks are specified in the Schedule to the Mixed Use Zone.</p> <p>Proposed side and rear setbacks are generally as follows:</p>

<p>amenity of existing dwellings.</p>	<ul style="list-style-type: none"> ▪ At least the distance specified in a schedule to the zone, or ▪ If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<ul style="list-style-type: none"> • East: 7.27m (Ground Floor) reducing to 4.75 (Upper Floors); • West: 7.43m (Ground Floor) reducing to 4.75m (Upper Floors); • North: 8.83m (Ground Floor) reducing to 2.15m (Upper Floors). <p>The application plans provide RLs for each level. However the elevations do not provide accurate wall height measurements when measured from the boundaries. Therefore the assessment against the Standard has been undertaken to the best of Council's ability with the information it has before it.</p> <p>It is estimated that a approximate maximum wall height, when measured from the natural ground level of 28 Geelong Road, of 15m is proposed. This requires a setback of approximately 10m. Given a setback of 4.75 is proposed, the Standard is not met.</p> <p>The effective height of walls will vary due to the slope of the land.</p> <p>To meet the objective, the height and setbacks should respect neighbourhood character and limit the impact on amenity of existing dwellings.</p> <p>It is considered that the height and setbacks of the building are appropriate from a neighbourhood character perspective, subject to the land being rezoned to the Mixed Use Zone.</p> <p>From an amenity perspective, it is acknowledged that the scale of the development will be imposing on the residential property to the east (28 Geelong Rd). The architectural features and variety of materials proposed will assist with reducing this impact. In addition, a permit condition requiring details of screening to prevent unreasonable overlooking is proposed.</p>
<p>55.04-2 Walls on boundaries objective</p>	<p>Standard B18</p>	<p>* Standard not met – variation required</p>

<p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> ▪ For a length of more than the distance specified in a schedule to the zone; or ▪ If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, <p>whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or</p>	<p>The basement will be constructed almost the full length of both the eastern and western side boundaries. However these walls are largely irrelevant given they will be predominantly underground, as illustrated on TP6-001.</p> <p>A sloping wall is proposed along the northern boundary, associated with the steps down to the adjoining public open space.</p> <p>All boundary walls respect neighbourhood character and minimise the impact on amenity of existing dwellings.</p>
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	a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.	
<p>55.04-3 Daylight to windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>✓ Standard met The required light courts have been achieved and all windows have access to the required level of daylight.</p>
<p>55.04-4 North facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of</p>	<p>– N/A There are no north-facing habitable room windows that require consideration under the Standard.</p>

	height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	
<p>55.04-5 Overshadowing open space objective</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21</p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>✓ Standard met</p> <p>The level of overshadowing associated with the development meets the Standard.</p> <p>The application plans show that No.34 Geelong Road will be impacted by significant overshadowing. Given this land is not used for residential purposes, the level of overshadowing proposed is considered acceptable.</p> <p>Overshadowing of the secluded private open space associated with the property at No.28 Geelong Road will increase. However a significant portion of that property will not be overshadowed.</p>
<p>55.04-6 Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22</p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres</p>	<p>✓ Standard met - subject to permit conditions</p> <p>Appropriate screening devices can be incorporated to prevent unreasonable overlooking. Given the rezoning has the potential to result in a similar residential development being proposed on the rezoned land to the southwest, it is appropriate to consider the potential for future overlooking to the west.</p> <p>Permit conditions require the provision and maintenance of such screening devices.</p>

	<p>above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7 metres above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck</p>	
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	or patio is less than 0.8 metres above ground level at the boundary.	
<p>55.04-7 Internal views objective</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>✓ Standard met</p> <p>Internal views have been considered in the design solution and there is no internal overlooking.</p>
<p>55.04-8 Noise impacts objective</p> <p>To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</p>	<p>Standard B24</p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>✓ Standard met</p> <p>The applicant's submission advises:</p> <p><i>All plant, equipment and services will be located either within the Basement, adjacent to the lift lobby and stair or at Roof level (appropriately screened).</i> <i>Mechanical units will be positioned centrally so as to avoid visual impact.</i></p> <p>Given the application plans do not show where mechanical plant etc will be located, a permit condition requires these details (including appropriate screening devices) to be shown on amended plans.</p>
<p>55.05-1 Accessibility objective</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Standard B25</p> <p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>✓ Standard met</p> <p>The lobby entry is accessible to those with limited mobility. The lifts provide accessibility to all apartments.</p>
<p>55.05-2 Dwelling entry objective</p> <p>To provide each dwelling or residential</p>	<p>Standard B26</p> <p>Entries to dwellings and residential</p>	<p>✓ Standard met</p> <p>The main pedestrian entry to the building is clearly identifiable</p>

<p>building with its own sense of identity.</p>	<p>buildings should:</p> <ul style="list-style-type: none"> ▪ Be visible and easily identifiable from streets and other public areas. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>from the street and the entries to each individual apartment would be clearly visible from the common circulation areas.</p>
<p>55.05-3 Daylight to new windows objective To allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> ▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or ▪ A verandah provided it is open for at least one third of its perimeter, or ▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>✓ Standard met All habitable room windows face an outdoor space of the required dimensions (each balcony is open for more than one third of its perimeter), allowing light into habitable rooms.</p>
<p>55.05-4 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>B28 A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone. Schedule 2 of the General Residential Zone An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top</p>	<p>✗ Standard not met – variation required The applicant’s report provides the following response: <i>Dwellings are each provided with an area of private open space consisting of:</i></p> <p><i>Type 1 – Balcony: 6m²</i> <i>Type 2 – Terrace: 59m²</i> <i>Type 3 – Balcony: 9m²</i> <i>Type 4 – Balcony: 20m²</i> <i>Type 5 – Balcony: 9m²</i></p> <p><i>Refer Dwg No’s. TP2-005 & TP2-006 (Apartment Types).</i></p> <p><i>Balcony widths range from 1250mm to 1450mm.</i></p>

	terrace.	<p><i>Terraced areas are each 7253mm x 8125mm (including a planter box area).</i></p> <p><i>Whilst not all balconies meet the preferred dimensions, it should be noted that the site directly abuts a sizeable Recreation Reserve and is within walking distance of a range of other recreational facilities. Direct access is also available to communal open space proposed at Roof Level.</i></p> <p>It is considered that the Objective is met.</p>
<p>Clause 55.05-5 Solar Access to Open Space</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Standard B29</p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2+0.9h) metres, where 'h' is the height of the wall.</p>	<p>✓ Standard met</p> <p>Private open space generally faces either east or west, and the shape and orientation of the subject land does not lend itself to a better alternative.</p> <p>It is noted that the development proposes direct access to communal open space proposed at Roof Level.</p>
<p>Clause 55.05-6 Storage</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p>Standard B30</p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>✗ Standard not met – variation required</p> <p>The applicant's report provides the following response:</p> <p><i>Given the expected tenure of the Dwellings it is not considered that dedicated storage space be required external to the Dwelling.</i></p> <p><i>Limited storage is available within the Basement.</i></p> <p>It is considered appropriate to allow a variation to the Standard given the anticipated tenure by short-term visitors and tourists. Subject to appropriate accessibility (as required by an amended plans condition), the proposed storage areas are considered</p>

		satisfactory.
<p>Clause 55.06-1 Design Detail</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Façade articulation and detailing, ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>✓ Standard met</p> <p>Various design features are proposed to assist with the building respecting the preferred neighbourhood character, including the use of a range of materials, window proportions and balconies.</p> <p>Car parking will not be visually dominant as it is proposed in the basement car park.</p>
<p>Clause 55.06-2 Front Fences</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Standard B32</p> <p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> ▪ Streets in a Road Zone, Category 1: 2 metres. ▪ Other streets: 1.5 metres. 	<p>✓ Standard met</p> <p>1.5m high fencing is proposed along a portion of the street frontage (Geelong Road), as a function of the proposed raised bed landscaped areas.</p>
<p>Clause 55.06-3 Common Property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>B33</p> <p>Development should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>✓ Standard met – subject to permit conditions</p> <p>The applicant's report provides the following response:</p> <p><i>To allow for the effective management of the site, there may be need for creation of separate areas of Common Property, requiring creation of two or three Owners Corporations. Common Property will cover all common and service areas, including the Lobby, Stairs and Lifts and associated Plant and Equipment.</i></p> <p>It is considered that the layout and design of the development clearly delineates public, communal and private areas, as well as enabling efficient management of common property areas.</p>

		An amended plans condition requires a proposed subdivision plan.
<p>Clause 55.06-4 Site Services To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</p>	<p>B34 The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>✓ Standard met The dwelling layout and design provides for sufficient space and facilities for services to be installed and maintained. Bin and recycling enclosures are proposed in the Basement. Mailboxes can be provided to meet the requirements of Australia Post.</p>

Clause 56 – Subdivision

It is considered unnecessary to undertake a detailed assessment against the provisions of Clause 56 given the detailed assessment against Clause 55 that has been carried out. A condition of permit requires the development to be substantially completed (lockup stage as a minimum) before Statement of Compliance can be issued.

DECISION GUIDELINES OF CLAUSE 65:

Clause 65 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Response

The proposal has been assessed against the relevant decision guidelines listed above and is considered to accord with the decision guidelines, providing for an orderly planning outcome.

RECOMMENDATION:

That the Responsible Authority, having considered all matters which the Planning and Environment Act 1987 requires it to consider, decides to Grant a Planning Permit for Use and Development of Land for Accommodation (Apartment Dwellings) and Retail Premises, Multi-Lot Subdivision, Display of Advertising Signs, Reduction of Car Parking Requirements, Waiver of Loading Bay and Bicycle Parking Requirements and Creation of Access to a Road in a Road Zone, Category 1 at 30-32 Geelong Road, PORTARLINGTON in accordance with the plans and documentation submitted with the application.

Report prepared by Roger Munn