



PLANNING REPORT

DEVELOPMENT AND USE OF LAND FOR
ACCOMMODATION AND RETAIL PREMISES,
SUBDIVISION, REDUCTION OF CAR PARKING
REQUIREMENTS, DISPLAY OF ADVERTISING SIGNS,
WAIVER REQUIREMENT FOR LOADING AND
UNLOADING OF VEHICLES, WAIVER REQUIREMENT
FOR PROVISION OF BICYCLE FACILITIES AND
CREATION OF ACCESS TO A ROAD IN A ROAD ZONE,
CATEGORY 1

**30 & 32 GEELONG ROAD,
PORTARLINGTON**

1. EXECUTIVE SUMMARY	4
2. INTRODUCTION.....	5
3. BACKGROUND	6
4. SUBJECT SITE AND ENVIRONS.....	8
4.1 Title Details.....	8
4.2 Subject Site	8
4.3 Environs	10
5. THE PROPOSAL.....	10
5.1 Planning Scheme Amendment.....	10
5.2 Planning Permit Application	11
5.2.1 Use.....	11
5.2.2 Subdivision.....	12
5.2.3 Development	12
5.2.4 Other	15
6. PERMIT TRIGGERS, REFERRAL & PUBLIC NOTICE REQUIREMENTS	16
6.1 Planning Permit Triggers.....	16
7. THE PLANNING CONTEXT	17
7.1 State Planning Policy Framework (SPPF)	17
7.2 Local Planning Policy Framework (LPPF)	18
7.2.1 Municipal Strategic Statement	18
7.2.2 Local Planning Policies	19
7.3 Zone (Applied).....	20
7.4 Overlays	26
7.5 Particular Provisions	27
7.5.1 Clause 52.06 (Car Parking).....	27
7.5.2 Clause 52.07 (Loading and Unloading of Vehicles).....	30
7.5.3 Clause 52.29 (Land adjacent to a Road Zone, Category 1)	31
7.5.4 Clause 52.34 (Bicycle Facilities)	32
7.6 General Provisions	34
7.6.1 Clause 65 (Decision Guidelines).....	34
7.6.2 Clause 66 (Referral and Notice Provisions).....	36
7.6.2.1 Referral Requirements	36

7.6.2.2 Public Notice Requirements.....	38
8. PLANNING CONSIDERATIOONS	40
8.1 Policy Support for the Proposed Rezoning	40
8.2 Landscape and Visual Impacts	41
8.3 Traffic Impacts.....	41
8.4 Service Infrastructure	41
8.5 Assessment against Applied Zone Provisions	41
8.6 Assessment against Clause 55.....	42
8.7 Aboriginal Heritage Act / Regulations Implications	42
9. CONCLUSION	444
APPENDIX A - Certificates of Title	45
APPENDIX B - Development Plans (Architecton)	486
APPENDIX C - ResCode (Clause 55) Assessment	47
APPENDIX D - AAV Process List Sheet	468

1. EXECUTIVE SUMMARY

St Quentin Consulting has been retained by the applicant, Grabble Pty Ltd to assess and submit an application for: Development and use of land for Accommodation and Retail premises, subdivision, reduction of car parking requirements, display of advertising signs, waiver requirement for loading and unloading of vehicles, waiver requirement for provision of bicycle facilities and creation of access to a road in a Road Zone, Category 1.

The land is located within a Mixed Use Zone (MUZ) adjacent to a Road Zone, Category 1 (RDZ1) under the Greater Geelong Planning Scheme.

The land is *not* subject to any Overlays under the Greater Geelong Planning Scheme.

No part of the activity area is located within an area of 'cultural heritage sensitivity' as defined within the *Aboriginal Heritage Regulations 2008*, and whilst some of the activities are defined as a 'high impact activity' under these same regulations a Cultural Heritage Management Plan (CHMP) is not required for the proposed activity.

The proposal seeks approval for: Development and use of land for Accommodation and Retail premises, reduction of car parking requirements, display of advertising signs, waiver requirement for loading and unloading of vehicles, waiver requirement for provision of bicycle facilities and creation of access to a road in a Road Zone, Category 1.

The proposal triggers a permit under the following Clauses of the Greater Geelong Planning Scheme:

Zone / Overlay	Clause	Permit trigger
Mixed Use Zone (MUZ)	32.04-2	Section 2 Use – Accommodation Section 2 Use – Retail premises
	32.04-4	Subdivision
	32.04-8	Buildings and works - associated with a use in Section 2 of Clause 32.04-2.
Car Parking	52.05	A permit is required to reduce car parking requirements.
Advertising Signs	52.06	A permit is required to display advertising signs.
Loading Bays	52.07	A permit is required to waiver the requirement for loading and unloading of vehicles (loading bay).
Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	52.29	A permit is required to: <ul style="list-style-type: none"> • Create or alter access to: <ul style="list-style-type: none"> ○ A road in a Road Zone, Category 1. • Subdivide land adjacent to: <ul style="list-style-type: none"> ○ A road in a Road Zone, Category 1.
Bicycle Facilities	52.34	A permit is required to waiver the requirement for provision of bicycle facilities.

The proposed use and development are considered to be wholly consistent with the key strategies and policy statements as contained within both the State and Local Planning Policy Frameworks.

2. INTRODUCTION

St Quentin Consulting Pty Ltd has been engaged by Grabble Pty Ltd to prepare a combined Planning Scheme Amendment and Permit Application under Section 96A of Division 5 (Combined permit and amendment process) of the *Planning and Environment Act 1987*, which seeks to:

- Rezone No's 30 - 42 Geelong Road, Portarlington (inclusive) from a Commercial 2 Zone (C2Z) to Mixed Use Zone (MUZ); and
- Use and develop No's. 30 & 32 Geelong Road, Portarlington (inclusive) for the purposes of a multi-level, mixed use development including Retail premises and Accommodation uses;
- Subdivide land;
- Reduce car parking requirements;
- Display advertising signage;
- Waive requirement for loading and unloading of vehicles (loading bays);
- Waive requirement for provision of bicycle facilities;
- Create access to a road in a Road Zone, Category 1;
- Subdivide land adjacent to a road in a Road Zone, Category 1.

This planning report assesses the application against the relevant provisions of the Greater Geelong Planning Scheme and is accompanied by Development Plans as prepared by Architecton Pty Ltd.

In summary this planning submission outlines:

- The subject site and environs;
- The proposal;
- An analysis of the applicable planning framework and permit requirements; and
- An assessment of the proposal against the key planning considerations.

3. BACKGROUND

The Portarlington Structure Plan (2007) is a reference document to Clause 21.14 of the Greater Geelong Planning Scheme.

Section 5.5 of the adopted Portarlington Structure Plan (2007) references a current commercial operation located on one of the properties forming part of the subject site:

'Aussie Blue Mussels' has been organically harvesting mussels in the Portarlington area for more than 10 years and is the only certified organic mussel producer in Australia. The company currently operates a small processing, distribution and retail facility at No. 42 Geelong Road in the Business 4 Zone.

It processes between two to four tonnes of mussels per day that are grown in the Port Phillip Bay Aquaculture Reserves. The Geelong Road site meets the company's requirements in terms of accessibility and visibility for retail and tourist trade and it intends to operate from this site for the foreseeable future.

It is on the basis of this current commercial operation that a Principle of the Portarlington Structure Plan (2007) is:

To retain the Business 4 zoned land on Geelong Road, Portarlington to cater for uses related to fishing/aquaculture, local produce, tourism and wineries.

"Aussie Blue Mussels" no longer operates from part of the subject site. A seafood retail business ("Jenkins & Sons Fresh Seafood") now operates from the site and this business, which includes the sale of local produce, does not include any seafood processing operations.

The currently applicable Commercial 2 Zone partly facilitates the range of uses that are sought to be provided for by the Portarlington Structure Plan. However, the Commercial 2 Zone does not facilitate any tourist accommodation uses because within the Commercial 2 Zone, Accommodation (other than Caretaker's house, Motel and Residential hotel) is a Section 3 (Prohibited) use.

Within this context, this Amendment seeks to facilitate the ongoing use of the subject site for those uses that are expressly supported by the Portarlington Structure Plan (i.e. uses related to fishing/aquaculture, local produce, tourism and wineries).

This combined application seeks to introduce a suite of planning controls which facilitate the ongoing use of the subject site for commercial uses while facilitating the development of tourism accommodation above part of the site in accordance with the strategic directions of the Portarlington Structure Plan.

The tourist accommodation sought to be facilitated by this combined application is in the form of 55 dwellings, which will be available for both permanent residency and as self-contained serviced apartments available for short-term accommodation use. The proportion of these dwellings available for short-term accommodation use will be dependent upon market conditions.

The Great Ocean Road World Class Tourism Investment Study Product Gap Audit (Urban Enterprise, 2012) identifies that a very large number of self-contained apartments and houses (833 rooms in 200-300 establishments, preferably in larger developments which deliver more rooms for business sustainability) will be required to meet future demand over the next 20-30 years

Currently the land is held within a Commercial 2 Zone (C2Z), the Purpose of which seeks:

Commercial 2 Zone

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

It is proposed to rezone all land within the Commercial 2 Zone to that of a Mixed Use Zone (MUZ), the Purpose of which seeks:

Mixed Use Zone

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.

The proposed Mixed Use Zone more appropriately caters for the range of land uses specifically envisaged by the Portarlington Structure Plan.

4. SUBJECT SITE AND ENVIRONS

4.1 Title Details

Title particulars for the land are as follows:

Parcel	Street No. (Geelong Road)	Volume / Folio	Lot / Plan Number
A	30	Volume 11400 Folio 842	Lot C, LP1709
B	32	Volume 8146 Folio 703	Lot B, LP1709
C	34	Volume 8397 Folio 715	Lot A, LP1709
D	36-38	Volume 8263 Folio 715	Lot 3, LP51191
E	40	Volume 8872 Folio 921	Lot 1, TP763400N
F	42	Volume 8453 Folio 338	Lot 1, TP817196M

The Planning Scheme Amendment relates to all of Parcels A through F (inclusive), whilst the Planning Permit pertains only to Parcels A & B (being No's 30 & 32 Geelong Road, Portarlington).

Certificates of Title are included within this submission at **Appendix A**.

There are no known agreements or registered restrictive covenants on any of the Titles forming part of this request.

4.2 Subject Site

The subject site is located at No's. 30 - 42 Geelong Road, Portarlington (inclusive) and comprises:

- A. No. 30 – Single Storey Iron Clad Dwelling (used as 'Pop Up Gallery')
- B. No. 32 – Single Storey Galvanised Iron Shed (currently unoccupied, previously used as 'Coastal Trader' – Second Hand Dealer)
- C. No. 34 – Colorbond Shed (currently unoccupied)
- D. No. 36-38 – Single Storey Warehouse Buildings
- E. No. 40 – Single Storey Buildings (currently used as a Shop 'Second Chance' recycled clothing / 'Catalyst Myotherapy' medical centre)
- F. No. 42 – Single storey warehouse (used as 'Jenkins & Son Fresh Seafood' retail outlet)

The site generally falls from Geelong Road (South) towards the Recreation Reserve (North). A feature and level survey (AHD) undertaken for No's 30 & 32 Geelong Road indicates that the land falls approximately 4 metres.

The land is located within a Mixed Use Zone (MUZ) and is adjacent to a Road Zone, Category 1 (RDZ1) under the Greater Geelong Planning Scheme. The land is not subject to any Overlays under the Greater Geelong Planning Scheme.

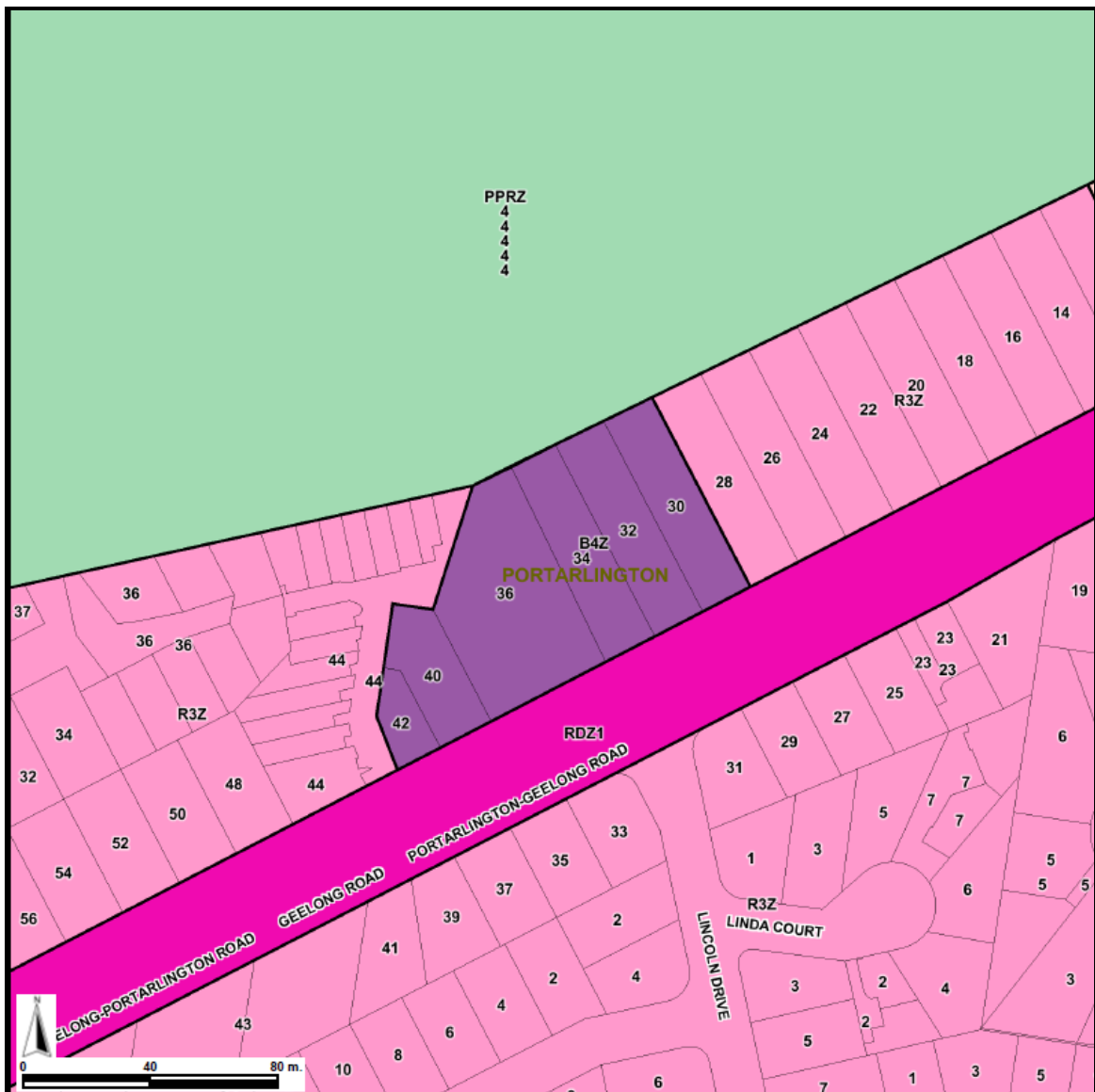


Figure 1: Subject Site (Zone Controls)

4.3 Environs

The surrounds may be described as follows:

North

The land to the North is zoned 'Public Park and Recreation Zone' (PPRZ) under the Greater Geelong Planning Scheme. This land (No. 4-22 Sproat Street, Portarlington) is Crown Land managed by City of Greater Geelong as Committee of Management.

The Portarlington Recreation Reserve is home to the Portarlington Football and Netball Club, Cricket Club, Tennis Club, Sports Club, Girl Guides and Fire Brigade.

East

The land to the East (from No's. 28 through 12 Geelong Road) is zoned 'General Residential Zone - Schedule 2' (GRZ2 - *GENERAL RESIDENTIAL AREAS B*) under the Greater Geelong Planning Scheme and is generally developed by detached Dwellings. Further East (No. 10 Geelong Road and beyond), the land is zoned 'General; Residential Zone – Schedule 1' (GRZ1 – *GENERAL RESIDENTIAL AREA*).

South

Land to the South is zoned 'General residential Zone – Schedule 2' (GRZ2 - *GENERAL RESIDENTIAL AREAS B*) and is separated from the subject land by Geelong Road and associated service road. The land is elevated above the subject land, and continues to rise further to the East. Properties opposite the subject site are developed by a range of Dwellings, both single and two storey in form.

West

To the West of the subject land is also land held within a General Residential Zone - Schedule 2' (GRZ2 - *GENERAL RESIDENTIAL AREAS B*) under the Greater Geelong Planning Scheme. This land has been developed for use by a multi dwelling development. Several of these Dwellings have been designed to take advantage of the aspect over the Reserve to the North.

5. THE PROPOSAL

5.1 Planning Scheme Amendment

This Amendment request proposes to:

- Amend the Portarlington Structure Plan Map at Clause 21.14-5, to change the annotation "Retain Business 4 Zone" to "Retain Mixed Use Zone"; and
- Rezone No's. 30 - 42 Geelong Road, Portarlington (inclusive) from Commercial 2 Zone (C2Z) to Mixed Use Zone (MUZ).

5.2 Planning Permit Application

This Planning Permit Application seeks approval for:

- Use and development of the land for **Accommodation**;
- Use and development of land for **Retail Premises**;
- Subdivision of the land;
- Construction of two or more dwellings on a lot;
- Reduction of car parking requirements;
- Display of advertising signage;
- Waiver requirement for loading and unloading of vehicles (loading bays);
- Waiver requirement for provision of bicycle facilities;
- Creation of access to a road in a Road Zone, Category 1;
- Subdivide land adjacent to a road in a Road Zone, Category 1.

The full description may be described as:

Development and use of land for Accommodation and Retail premises, subdivision of the land, reduction of car parking requirements, display of advertising signs, waiver requirement for loading and unloading of vehicles, waiver requirement for provision of bicycle facilities and creation of access to a road in a Road Zone, Category 1

The proposal includes the following key characteristics:

5.2.1 Use

The Application seeks approval for use of the land for **Accommodation** and **Retail premises**:

Accommodation is defined by Clause 74 (Land use terms) of the Greater Geelong Planning Scheme as:

Land used to accommodate persons.

Following construction of the Dwellings (see below) across multiple levels, it is intended that each Apartment be made available for either short-term accommodation (through a serviced apartment model) or for longer term occupancy by owner/occupiers.

Both the Basement and Ground Floor will comprise commercial uses, including separate **Retail premises**.

A **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.

Development Plans are included within this submission at **Appendix B**.

5.2.2 Subdivision

The land will be subdivided into individual Titles, generally in accordance with the layout depicted on the Development Plans.

To allow for the effective management of the site, there may be need for creation of separate areas of Common Property, necessitating 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. All Dwellings and each separate commercial tenancy will be subdivided onto a separate lot. Car parking spaces within the Basement will be allocated to each of the principal allotments (namely Dwellings) by way of 'Part' lots.

5.2.3 Development

This proposal seeks approval to undertake Buildings and Works in association with use of the land for Accommodation and a Retail premises (as detailed above) and for creation of access onto a Road Zone, Category 1 (as detailed below).

The proposal includes the following characteristics:

Basement Plan

- Ramp access from Geelong Road to Basement Car Park
- 57 No. Car Parking Spaces
- Lift and Stair Access
- Stores and Bin Storage

Ground Floor Plan

- Lobby (Common area)
- Reception / Arrival (65m²)
- Retail premises (255m²)
- Food and drink premises (136m²)
- 4 No. Dwellings comprising:
 - 2 No. 'Type 2' comprising 1 + 1 Bedroom (each 55m²); and
 - 2 No. 'Type 3' comprising 2 Bedrooms (@ 59m²).
- Lift and Stair Access

First, Second and Third Storey Floor Plans

- 17 No. Dwellings on each Level (55 No. Dwellings Total) comprising:
 - 6 No. 'Type 1' comprising 1 Bedroom (each 46m²)
 - 4 No. 'Type 3' comprising 1 + 1 Bedroom (each 59m²)
 - 4 No. 'Type 4' comprising 2 Bedrooms (@ 63m²); and
 - 3 No. 'Type 5' comprising 2 Bedrooms (@ 65m²).

- Lift and Stair Access

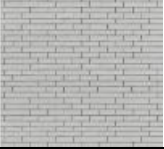

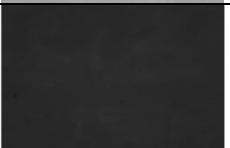




Roof Plan

- Concealed Plant and Equipment (Lift Overrun and associated Mechanical Plant)
- Access to Roof Top Garden
- 1200mm high Balustrading (Cement render to East, South and West elevations, Glazing to North) with planter box hedge screening.

Setbacks

- Minimum setbacks will generally be as follows:
 - South (Geelong Road) – 8.90m (Ground Floor) and 7.21m (Upper Floors)
 - 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)

Materials and finishes are depicted on Drawing No. TP5-001 as summarised below:

Surface	Material	
Walls	BRK = Feature Stone Cladding	
	RND = Cement Render Colour Mid Grey	
	RND2 = Cement Render Colour Dark Grey	
	PERF = Louvred Screening	
	TMB = Timber Cladding	
	SCR = Aluminium Vertical Louvred Screen	
Windows	GLZ = Black Powdercoated Aluminium Frame with Performance Glazing (Opaque Glazing where noted)	
	TNT = Tinted Glazing	
Ramp	PRE = Textured Precast	
Roof	Tray Deck Roof	

Development Plans are included within this submission at **Appendix B**.

5.2.4 Other

***Creation of access to a road in a Road Zone, Category 1 /
Subdivide land adjacent to a road in a Road Zone, Category 1 (Clause 52.29)***

This application also seeks approval to create or alter access to a Road Zone, Category 1 (RDZ1) – Geelong Road. The proposed new access onto Geelong Road is depicted on Drawing No's TP1-004 (Design Response) and TP2-002 (Proposed Ground Floor Plan). The application also seeks approval for subdivision of the building on land adjacent to the RDZ1.

Car parking will be provided for fifty seven (57) cars within a Basement level car park.

6. PERMIT TRIGGERS, REFERRAL & PUBLIC NOTICE REQUIREMENTS

6.1 Planning Permit Triggers

Use	Development	Subdivision	Other
			Clause 52.05 (Advertising signs) <i>Display advertising signs</i>
	Clause 32.04-6 (MUZ) <i>Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings</i>		Clause 52.06-3 (Car parking) <i>Reduce the number of car parking spaces required</i>
Clause 32.04-2 (MUZ) Accommodation <i>(other than Dependent person's unit, Dwelling and Residential hotel)</i>	Construct two or more dwellings on a lot		Clause 52.07 (Loading and unloading of vehicles) <i>Waive requirement for loading and unloading of vehicles</i>
	Clause 32.04-8 (MUZ) <i>Building and works associated with a Section 2 use</i>	Clause 32.04-4 (MUZ) <i>Subdivide land</i>	Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) <i>Create access to a road in a RDZ1 / Subdivide land adjacent to a road in a RDZ1</i>
Retail premises <i>(other than Food and drink premises and Shop)</i>	Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (i.e. Accommodation and Retail premises)		Clause 52.34 (Bicycle facilities) <i>Waive requirement for bicycle spaces</i>

7. THE PLANNING CONTEXT

7.1 State Planning Policy Framework (SPPF)

The following provisions of the State Planning Policy Framework (SPPF) are relevant to the consideration of this application:

The following provisions of the State Planning Policy Framework (SPPF) are relevant to the consideration of this application:

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

A fundamental principle of Planning (Clause 11) is to recognise the need for, and as far as practicable contribute towards (amongst other matters) diversity of choice, economic viability and a high standard of urban design.

At present accommodation options (both permanent and tourist) are relatively uniform within Portarlington, and the proposal will help to facilitate a diversity of choice in the local market and build on a competitive strength of the region (tourism). This high-level Planning objective is further supported and implemented by the strategies as detailed in Clauses 11.04-2 and 11.07-2, 11.07-7, 16.01-1, 16.01-4, 17.03-1.

By re-zoning the subject to site to better facilitate the range of land uses expressly supported by the Portarlington Structure Plan, the proposal also will contribute towards the economic viability of the area. This high-level Planning objective is further supported and implemented by the strategies as detailed in Clause 17.

Finally, the proposal is predicated on and represents a high standard of urban design. This high-level Planning objective is further supported and implemented by the strategies as detailed in Clause 15.

In addition to the above, the proposal:

- Ensures that an adequate supply of car parking that is appropriately designed and located (Clause 18.02-5).
- Appropriately addresses all applicable servicing requirements (Clause 19)

In this manner the proposal supports and implements the applicable Objectives and Strategies of the State Planning Policy Framework

7.2 Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework (LPPF) is comprised of the Municipal Strategic Statement (MSS) and Local Planning Policies (LPPs).

7.2.1 Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. Of specific relevance to the current application are the following:

The following provisions of the Local Planning Policy Framework (LPPF) are relevant to the consideration of this application:

- Clause 21.06 Settlement and Housing
- Clause 21.07 Economic Development and Employment
- Clause 21.14 The Bellarine Peninsula

The proposal supports and implements the Settlement and Housing Objectives of the MSS (Clause 21.06) by:

- Facilitating the development of medium density housing within a Mixed Use Zone;
- Helping to promote competition in the housing market, and the development of a diverse range of well located housing stock; and
- Developing an underutilized site within the designated settlement boundary.

The proposal supports and implements the Economic Development and Employment Objectives of the MSS (Clause 21.07) by

- Supporting tourism development, identified as a key strategic growth sector for the municipality;
- Supporting the ongoing limited retail development of land which is currently strategically identified (and zoned) to facilitate a limited extent of retail land use.

The proposal supports and implements the Bellarine Peninsula Employment Objectives of the MSS (Clause 21.14) by:

- Facilitating the ongoing use of the subject site for those uses that are expressly supported by the Portarlington Structure Plan (i.e. uses related to fishing/aquaculture, local produce, tourism and wineries).

The currently applicable Commercial 2 Zone partly facilitates the range of uses that are sought to be provided for by the Portarlington Structure Plan. However, the Commercial 2 Zone does not facilitate any tourist accommodation uses because within the Commercial 2 Zone, Accommodation (other than Caretaker's house, Motel and Residential hotel) is a Section 3 (Prohibited) use.

Within this context, this Amendment seeks to facilitate the ongoing use of the subject site for those uses that are expressly supported by the Portarlington Structure Plan (i.e. uses related to fishing/aquaculture, local produce, tourism and wineries).

In this manner the proposal supports and implements the applicable Objectives and Strategies of the Municipal Strategic Statement.

7.2.2 Local Planning Policies

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement. A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen.

No Local Planning Policies are considered relevant to the consideration of this application.

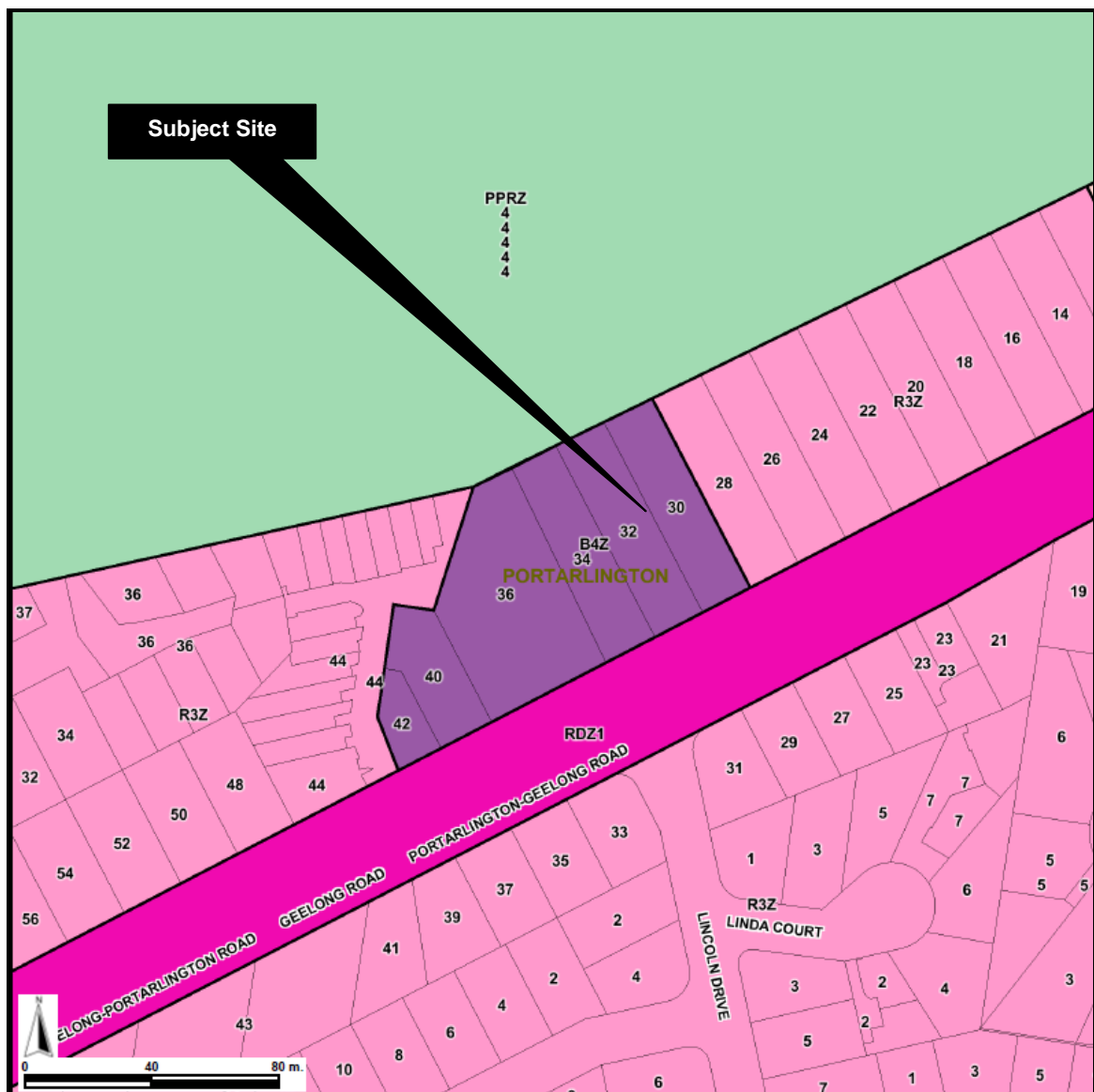
Clause 22.03 (Assessment Criteria for Retail Planning Applications) only applies where “*where a planning scheme amendment or planning permit application is required for new or expanded provision of retail floorspace*”. By its nature, the proposal does not increase the provision of retail floorspace (i.e. a range of retail land uses are currently permissible, either as of right [Section 1 uses] or subject to a permit [Section 2 uses], within the existing Commercial Zone).

7.3 Zone (Applied)

It is proposed to apply the Mixed Use Zone (MUZ) to the whole of the site. As such the provisions of this applied zone are relevant to the consideration of this application.

Mixed Use Zone (MUZ)

The subject land is located within a 'Mixed Use Zone' (MUZ) adjacent to a 'Road Zone, Category 1' (RDZ1) under the Greater Geelong Planning Scheme (Planning Scheme Map No. 43).



The purpose of the Mixed Use Zone (Clause 32.04) 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.

Clause 32.04-2 Table of uses

Use

Following development of the land for dwellings, it is intended that the site be used for **Accommodation** involving both short-term accommodation under a service apartment model, or permanent occupancy by the owners.

A **Dwelling** is defined by Clause 74 (Land use terms) of the Greater Geelong Planning Scheme 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.

Accommodation is defined by Clause 74 (Land use terms) of the Greater Geelong Planning Scheme as:

Land used to accommodate persons.

Both the Basement and Ground Floor will comprise commercial uses, including separate **Retail premises**.

A **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.

A planning permit is required under Clause 32.04-2 of the Mixed Use Zone to use land for the following purposes:

- **Retail premises (other than Food and drink premises and Shop)**

A **Food and drink premises** is defined as:

Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.

No planning permit is required under Clause 32.04-2 of the Mixed Use Zone for use of the land for a **Food and drink premises** on Condition that: *The leasable floor area must not exceed 150 square metres.*

A **Shop** is defined as:

Land used to sell goods or services, or to hire goods. It includes the selling of bread, pastries, cakes or other products baked on the premises. It does not include food and drink premises, gambling premises, landscape gardening supplies, manufacturing sales, market, motor vehicle, boat, or caravan sales, postal agency, primary produce sales, or trade supplies.

No planning permit is required under Clause 32.04-2 of the Mixed Use Zone for use of the land for a **Shop** on Condition that: *The leasable floor area must not exceed 150 square metres.*

Clause 32.04-4 Subdivision

Subdivision

A planning permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- *Must meet all of the objectives included in all clauses specified in the following table.*
- *Should meet all of the standards included in the clauses specified in the following table.*

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

No detailed assessment against Clause 56 has been provided. The subdivision will comprise a building subdivision. All relevant services will be provided as part of the development process.

Clause 32.04-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- **Construct two or more dwellings on a lot.**
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

Assessment:

An assessment against the relevant objectives and standards of Clause 55 is included within **Appendix C**.

Clause 32.04-7 Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

Assessment:

Clause 2.0 (Clause 54 and Clause 55 requirements) of the Schedule to the Mixed Use Zone states: 'None specified.' On this basis the default standards of Clause 55 continue to apply.

Clause 32.04-9 Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

Assessment:

No. 30 Geelong Road (upon which buildings and works are proposed) directly abuts land within a General Residential Zone (@ No. 28 Geelong Road). An assessment against the relevant requirements of Clause 55 is included within the assessment within **Appendix C** to this report.

Clause 32.04-8 Buildings and works associated with a Section 2 use

A planning permit is required under Clause 32.04-8 of the Mixed Use Zone to:

- *Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (i.e. Accommodation and Retail premises)*

Clause 32.04-10 Maximum building height requirement

The maximum height of a building must not exceed the building height specified in a schedule to this zone.

Assessment:

Not Applicable. Clause 3.0 (*Maximum building height requirement*) of the Schedule to the Mixed Use Zone states: 'None specified.'

Clause 32.04-11 Application requirements

General

Any application requirements specified in a schedule to this zone.

Assessment:

Not Applicable. Clause 5.0 (*Application requirements*) of the Schedule to the Mixed Use Zone states: 'None specified.'

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- *A site analysis and descriptive statement explaining how the proposal responds to the site and its context.*
- *Plans drawn to scale and dimensioned which show:*
 - *The layout of proposed buildings and works.*
 - *An elevation of the building design and height.*
 - *Setbacks to property boundaries.*
 - *All proposed access and pedestrian areas.*
 - *All proposed driveway, car parking and loading areas.*
 - *Existing vegetation and proposed landscape areas.*
 - *The location of easements and services.*

Assessment:

As appropriate, all such Application requirements have been addressed. Refer **Appendix B** to this Report for full details.

Clause 32.04-13 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

Issues	Criterion	Assessment
General Issues	<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	The proposal is consistent with both the SPPF and LPPF. Strategic directions at both State and Local levels seek to facilitate medium density housing in the MUZ, specifically developing a diverse housing stock. Associated strategies also seek to foster tourism development and ongoing limited retailing opportunities.
	<i>The objectives set out in a schedule to this zone.</i>	Not Applicable. Clause 1.0 (<i>Objectives</i>) of the Schedule to the Mixed Use Zone states: 'None specified.'
	<i>Any other decision guidelines specified in a schedule to this zone.</i>	Not Applicable. Clause 6.0 (<i>Decision guidelines</i>) of the Schedule to the Mixed Use Zone states: 'None specified.'
Use for industry and warehouse	<i>The effect that existing uses on adjoining or nearby land may have on the proposed use.</i>	Not Applicable. Proposal does not seek permission for use of land for an <i>industry</i> or <i>warehouse</i> .
	<i>The design of buildings, including provision for solar access.</i>	
	<i>The availability and provision of utility services.</i>	
	<i>The effect of traffic to be generated by the use.</i>	
	<i>The interim use of those parts of the land not required for the proposed use.</i>	
	<i>Whether the use is compatible with adjoining and nearby land uses.</i>	
	<i>For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.</i>	

Subdivision	<i>The pattern of subdivision and its effect on the spacing of buildings.</i>	Subdivision is an internal building subdivision which will follow integrated development of both No's. 30 & 32 Geelong Road.
	<i>For subdivision of land for residential development, the objectives and standards of Clause 56.</i>	Refer above comments. No detailed assessment is required..
Construction and extension of one dwelling on a lot	<i>The objectives, standards and decision guidelines of Clause 54.</i>	Not Applicable. Proposal does not seek approval for construction or extension of one dwelling on a lot.
Construction and extension of two or more dwellings on a lot, dwelling on common property and residential buildings	<i>The objectives, standards and decision guidelines of Clause 55.</i>	Not Applicable. Development proposed four storeys (excluding a basement). The application has been assessed against the requirements of Clause 55 on this basis.
	<i>For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).</i>	Not Applicable.

7.4 Overlays

No Overlays currently apply to the subject site. Based on the nature of the proposal it is considered that no new Overlays should be applied to the subject site.

Accordingly, there are no Overlays that are relevant to the consideration of this application.

7.5 Particular Provisions

The following Clauses are relevant to the consideration of this application:

- 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 Overlay for a Category 1 Road*
- 52.34 *Bicycle Facilities*

7.5.1 Clause 52.06 (Car Parking)

The purpose of this particular provision is:

To ensure that car parking is provided in accordance with the State Planning Policy Framework and 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 of 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.

Clause 52.06-2: Scope

Clause 52.06 applies to a new use. Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

Clause 52.06-5: Number of car parking spaces required under Table 1

Table 1 to this clause sets out the car parking requirements for specified uses.

Use	Rate	Rate	Car Parking Measure
	Column A	Column B	Column C
	Applies the standard rate to all zones	Only applies where specified in a schedule to the Parking Overlay	
Dwelling	1	1	To each one or two bedroom dwelling, plus
	2	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	0	For visitors to every 5 dwellings for developments of 5 or more dwellings
Food & drink premises other than listed in this table	4	3.5	To each 100 sq m of leasable floor area
Restaurant	0.4		To each patron permitted
		3.5	To each 100 sq m of leasable floor area

Assessment:

The number of car parking spaces has been calculated as follows:

Accommodation

No statutory rate is listed within Table 1 for Accommodation. On this basis the provision of Clause 52.06-5A (Number of car parking spaces required for other uses) apply:

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

The nearest applicable rate is that listed for a Dwelling (refer Table 1 above).

Dwelling

1 / each one or two bedroom dwelling ~ 1 (Rate) x 55 (Car parking measure) = 55 car spaces
plus

1 / every 5 dwellings (visitors) ~ 55/5 = 11 = 11 car spaces

Total No. of car spaces required for Dwellings = 66 car spaces (including visitor car parking).

At Ground Floor level and within the Basement, a number of commercial land uses are proposed. Car parking requirements for these components has been assessed as follows:

Retail premises

No statutory rate is listed within Table 1 for Retail premises. On this basis the provision of Clause 52.06-5A (Number of car parking spaces required for other uses) apply:

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

Following Pre-Application feedback from Council's Traffic Department a rate of 2 spaces per 100m² of floor area has been applied to the Retail premises.

The leasable floor area proposed for use as Retail premises equates to 569m².

$569\text{m}^2 / 100\text{m}^2 = 5.69$

$5.69 \times 2.0 = 11.38$ (11 Car spaces) for Retail premises.

A total of seventy seven (77) car spaces (66 for Dwellings + Visitor Car Parking and 11 for Retail premises) are required to satisfy general demand for the Accommodation and Retail premises uses combined. Fifty seven (57) car spaces are provided on site, representing a deficit of twenty (20) car spaces.

It is generally accepted that visitor car parking and short term parking demand for retail premises uses can be met by nearby on street car parking.

On this basis, the application seeks approval for a reduction in car parking.

7.5.2 Clause 52.07 (Loading and Unloading of Vehicles)

The purpose of this particular provision 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.

Requirements to be met

No building 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 below.*
- *The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.*
- *The road that provides access to the loading bay is at least 3.6 metres wide.*

FLOOR AREA OF BUILDING	MINIMUM LOADING BAY DIMENSIONS	
2,600 sq m or less in single occupation	Area	27.4 sq m
	Length	7.6 m
	Width	3.6 m
	Height clearance	4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m	

A permit may be granted to reduce or waive these requirements if either:

- *The land area is insufficient.*
- *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*

Assessment:

The application seeks approval for the construction of a building with a total floor area of 4,297m². Presently this remains in single occupation; however it is intended that the land be subdivided consistent with the internal layout as proposed. The initial 2,600m² requires provision of a loading bay area of 27.4m², with the balance area of 1,697m² require a further 18m². It is impractical to provide dedicated loading bay facilities on the land due to ramped access to a shared basement car park. Accordingly, it is proposed to provide such loading bay facilities adjacent to the site on Geelong Road. The removal of two (now) redundant vehicles crossovers abutting the subject land will enable additional on street parking / loading areas to be provided.

On this basis, the application requires a Planning Permit to waiver the requirement for loading and unloading of vehicles (loading bay) on the land.

7.5.3 Clause 52.29 (Land adjacent to a Road Zone, Category 1)

The purpose of this particular provision is:

To ensure appropriate access to identified roads.

To ensure appropriate subdivision of land adjacent to identified roads.

Permit requirement

A permit is required to:

- Create or alter access to:
 - A road in a Road Zone, Category 1.
- Subdivide land adjacent to:
 - A road in a Road Zone, Category 1.

Referral of applications

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the authority responsible for acquiring the land, must be referred to the Roads Corporation under Section 55 of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *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.*

Assessment:

Application is made to create access to / subdivide land adjacent to a road in a Road Zone, Category 1 (Geelong Road) generally in accordance with the layout depicted on the Development Plans (**Appendix B**), specifically that depicted on Drawing No. TP1-004 (Design Response) and TP2-002 (Proposed Ground Floor Plan).

Presently there are three (3) crossovers serving land at No's. 30 & 32 Geelong Road. These will be replaced by a single vehicle crossover providing ingress / egress to the Basement Car Park within the development. Redundant vehicle crossovers will be removed and kerb and channel reinstated to match the adjoining profile.

7.5.4 Clause 52.34 (Bicycle Facilities)

The purpose of this particular provision is:

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Clause 52.06-2: Provision of bicycle facilities

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

52.34-2 Permit requirement

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.*
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.*
- The users of the land and their opportunities for bicycle travel.*
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.*
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.*
- Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities.*
- Any relevant bicycle parking strategy or equivalent.*

52.34-3 Required bicycle facilities

Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.

If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.

A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

Table 1 to Clause 52.34-3 – Bicycle spaces

USE	EMPLOYEE/RESIDENT	VISITOR/SHOPPER/STUDENT
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings
Retail premises other than specified in this table	1 to each 300 sq m of leasable floor area	1 to each 500 sq m of leasable floor area

52.34-4 Design of bicycle spaces

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

Bicycle rails

A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

Bicycle compounds and lockers

A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:

- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

Assessment:

The number of bicycle spaces required is calculated as follows:

USE	EMPLOYEE/RESIDENT	VISITOR/SHOPPER	NO. OF BICYCLE SPACES REQUIRED
Dwelling	1 to each 5 dwellings (55 Dwellings proposed) $55/5 = 11$	1 to each 10 dwellings (55 Dwellings proposed) $55/10 = 5.5$	$11 + 6 = 17$
Retail premises	1 to each 300sqm of leasable floor area (255m ² leasable floor area proposed) Not Applicable as <300m ² provided	1 to each 500sqm of leasable floor area (255m ² leasable floor area proposed) Not Applicable as <500m ² provided	Not Applicable

In total 17 bicycle spaces are required. No Bicycle spaces are proposed.

The application requires a Planning Permit to waiver the requirement for provision of bicycle spaces.

7.6 General Provisions

The following Clauses are relevant to the consideration of this application:

- 65 Decision Guidelines
- 66 Referral and Notice Provisions

7.6.1 Clause 65 (Decision Guidelines)

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 - Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- ***The matters set out in Section 60 of the Act.***

All relevant matters within S. 60 of the Act have been considered within this Report.

- ***The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.***

Refer above.

- ***The purpose of the zone, overlay or other provision.***

Refer above.

- ***Any matter required to be considered in the zone, overlay or other provision.***

Refer above.

- ***The orderly planning of the area.***

Rezoning of the land from a Commercial 2 Zone to that of a Mixed Use Zone will provide greater flexibility in the range of land uses that are appropriate to this location. Whilst representing a departure from conventional forms of development, the proposal will enable a high standard urban design outcome to be achieved.

- ***The effect on the amenity of the area.***

The position and design of the building has had proper regard to the impact on the amenity of the neighbouring residential property at No. 28 Geelong Road. As is further detailed within **Appendix C**, the objectives of ResCode have been satisfied with regard to relevant Objectives and Standards for Overlooking and Overshadowing. Whilst the proposal will create additional vehicle movements to and from the site, its location on a main Road will absorb the increased traffic. Public transport is convenient to the subject site with Bus stops located adjacent to the properties frontages.

Residents within the surrounding area will be able to walk from Geelong Road through the site and out into the abutting Reserve.

- ***The proximity of the land to any public land.***

The subject land directly abuts public land. A recreation reserve (Crown land) abuts the rear boundary of the subject land. The proposal will enable access for the public through the development site onto the reserve. Stormwater management measures will be implemented to minimise the impact of runoff on the reserve.

- ***Factors likely to cause or contribute to land degradation, salinity or reduce water quality.***

The site is not subject to an Erosion Management Overlay or Salinity Management Overlay. The proposal should result in no impact upon water quality.

- ***Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.***

The Legal Point of Discharge (LPOD) for the site is a drain located along the western boundary of No. 34 Geelong Road. An easement will be required to enable discharge of stormwater runoff across the Northern (rear) boundary of this property.

- ***The extent and character of native vegetation and the likelihood of its destruction.***

The subject land is largely devoid of any vegetation coverage. Similarly, the adjoining road reserve is also cleared. Accordingly, the proposal does not require removal of native vegetation.

- ***Whether native vegetation is to be or can be protected, planted or allowed to regenerate.***

As above.

- ***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.***

The site is not subject to any Land Management Overlays (i.e. Floodway / Land Subject to Inundation / Special Building Overlay, Erosion Management Overlay or Bushfire Management Overlay).

7.6.2 Clause 66 (Referral and Notice Provisions)

7.6.2.1 Referral Requirements

Scope

These provisions set out the types of applications which must be referred under Section 55 of the Act or for which notice must be given under Section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of Section 52(1) of the Act.

These provisions also specify when a plan must be referred under Section 8(1)(a) of the Subdivision Act 1988.

Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act.

Any requirement for referral under this or another clause does not apply if in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal.

Clause 66.01 of the Greater Geelong Planning Scheme specifies the following subdivision referral requirements:

Clause 66.01 Subdivision referrals

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority.

Type of application	Referral authority	Type of referral authority
To subdivide land other than: <ul style="list-style-type: none"> • A boundary realignment. • The subdivision of an existing building already connected to services. • A two lot subdivision. • The subdivision of land into lots each containing an existing dwelling or car parking space. 	The relevant water, drainage or sewerage authority The relevant electricity supply or distribution authority The relevant gas supply authority	Determining referral authority Determining referral authority Determining referral authority

Clause 66.01-1 Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Clause 66.03 of the Greater Geelong Planning Scheme also specifies the following subdivision referral requirements:

Clause 66.03 Referral of permit applications under other State standard provisions

An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

Clause	Kind of application	Referral authority	Type of referral authority
Clause 52.29	An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause.	Roads Corporation	Determining referral authority

7.6.2.2 Public Notice Requirements

Notice

Notice of an application of the kind listed below in Clauses 66.05 and 66.06 must be given in accordance with Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified.

Any requirement for notice under this or another clause does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.

Mixed Use Zone (MUZ)

Clause 32.04-12 Exemption from notice and review

This Clause states:

Subdivision

An application for subdivision is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Assessment:

Clause 4.0 of the Schedule to Clause 32.04 (Mixed Use Zone) states:

Exemption from notice and review

None specified.

On the basis of the above the Mixed Use Zone:

- *Exempts* the subdivision from notice and review;
- Does *not* specifically exempt remaining permit requirements (i.e. use / buildings and works) from notice and review.

Car Parking

Clause 52.06-4 Exemption from notice and review

This Clause states:

An application under Clause 52.06-3 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if:

- *the application is only for a permit under Clause 52.06-3; or*
- *the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.*

Assessment:

The reduction of Car Parking does not qualify for an exemption from Notice and Review as the above pre-conditions are not met. The application includes other permissions beyond a permit under Clause 52.06-3. In respect of those other permissions sought, not all qualify as exempt from notice and review.

8. PLANNING CONSIDERATIONS

Based on the provisions of the Greater Geelong Planning Scheme and the Decision guidelines of Clause 65, the following are identified as the key planning considerations relevant to the proposed application:

- Policy Support for the Proposed Rezoning;
- Landscape and Visual Impacts;
- Traffic Impacts;
- Service Infrastructure;
- Assessment against Applied Zone Provisions;
- Assessment against Clause 55;
- Aboriginal Heritage Act / Regulations Implications.

Each of these identified issues are addressed in turn below.

8.1 Policy Support for the Proposed Rezoning

The rezoning of the subject site to facilitate commercial and tourist accommodation uses is an outcome specifically supported by the applicable policy framework.

The Amendment's ongoing facilitation of commercial and tourism accommodation uses supports and implements State Planning Policy (Clause 11.07-7), which seeks to support the diversity in the (G21) region's economy that builds on its competitive strengths, specifically including tourism. This objective of State Planning Policy gives effect to Principle 7 for regional growth as detailed in the G21 Regional Growth Plan "...create jobs through building on our competitive strengths, including tourism..."

The Amendment's facilitation of commercial and tourism accommodation uses also supports and implements Local Planning Policy directions in relation to economic development and employment (Clause 21.07-4), which specifically support industry development within the tourism "*strategic growth sector*".

The Amendment's facilitation of accommodation uses supports and implements State Planning Policy (Clause 11.05-5 and Clause 16.01-1, which seeks to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations and encouraging urban renewal and redevelopment opportunities, including under-utilised urban land. These objectives of State Planning Policy gives effect to Principle 1 for Regional Growth as detailed in the G21 Regional Growth Plan "...minimise additional land used for residential, commercial and industrial purposes by harnessing under-utilised land and buildings in our settlements..."

The Amendment's facilitation of accommodation uses also supports and implements Local Planning Policy directions in relation to urban consolidation (Clause 21.06-3), which specifically encourage medium density housing in mixed use zones.

The Amendment's facilitation of tourism accommodation uses supports and implements State Planning Policy (Clause 17.03-1), which seeks to encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.

8.2 Landscape and Visual Impacts

The Amendments' facilitation of a high-quality, contemporary design supports and implements Local Planning Policy directions to promote contemporary design (Clause 21.14.-2). The Amendment will facilitate an architectural and urban design outcome that contributes positively to the local urban character and enhance the public realm (Clause 15.01-2). The mass, bulk and height of the proposed development has been confirmed as being not unreasonable by Council officers during pre-application discussions.

8.3 Traffic Impacts

Section 7.5.1 of this report provides a detailed assessment of proposed car parking provision in association with the proposed development against Clause 52.06. It is submitted that the proposal provides an adequate supply of appropriately designed and located car parking (Clause 18.02-5). While cars will be the predominant mode of transport associated with the proposed use and development, public transport is convenient to the subject site with Bus stops located adjacent to the properties frontages. In this manner, the amendment ensures access is provided to the development taking advantage of all available modes of transport and with a view to minimising adverse impacts on existing transport networks and the amenity of surrounding areas (Clause 18.01-1).

The requirements of Clause 52.06 (Car Parking), Clause 52.07 (Loading and Unloading of Vehicles) and Clause 52.34 (Bicycle Facilities) are further detailed within **Section 7.5** of this Planning Report.

8.4 Service Infrastructure

Reticulated services will be provided to the development to accord with the following requirements of Clause 19.03-2:

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.

It is not considered that the development will place an unnecessary burden on supply services. Council advised during pre-application discussions that drainage will need to be connected to a Legal point of Discharge via an easement over the adjoining property. Both water volume and quality targets will need to be addressed as part of detailed drainage design.

8.5 Assessment against Applied Zone Provisions

The subject site is zoned Mixed Use Zone (MUZ - applied zone). The combined application seeks to provide for and facilitate the mix of land uses that are specifically identified and supported by the Portarlington Structure Plan, namely uses related to "fishing/aquaculture, local produce, tourism and wineries". This range of land uses supports and implements the purpose of the Mixed Use Zone which seeks:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

In seeking to facilitate accommodation land use, the combined application supports and implements the purpose of the Mixed Use Zone which seeks:

To provide for housing at higher densities.

Section 6.2 of this report details how the proposed development responds to the existing / preferred neighbourhood character for the area. On this basis, it is submitted that the combined application supports and implements the purpose of the Mixed Use Zone which seeks:

To encourage development that responds to the existing or preferred neighbourhood character of the area

8.6 Assessment against Clause 55

An assessment against the objectives and standards of Clause 55 is included within **Appendix C**.

8.7 Aboriginal Heritage Act / Regulations Implications

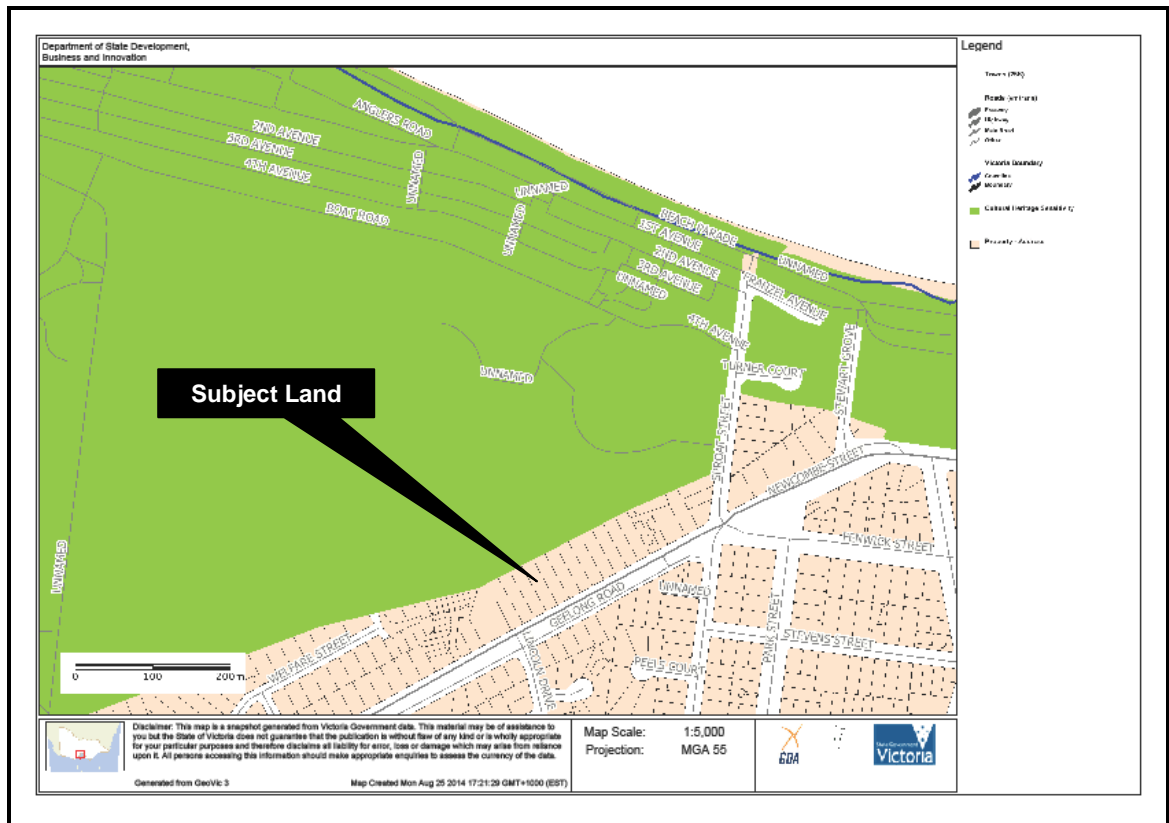
In accordance with Section 47 of the Aboriginal Heritage Act 2006 and Regulation 6 of the *Aboriginal Heritage Regulations* 2007 a Cultural Heritage Management Plan (CHMP) is required under the following circumstances:

6 When a cultural heritage management plan is required

A cultural heritage management plan is required for an activity if—

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and*
- (b) all or part of the activity is a high impact activity.*

In this case, no part of the land is located within an area of cultural heritage sensitivity (Refer below map) as demarked by the green shading. Accordingly, no part of the proposed activity is to occur within this area of defined cultural heritage sensitivity.



On this basis the Regulations do not require the preparation of a Cultural Heritage Management Plan (CHMP).

An AAV Process List Sheet is included within this submission at **Appendix D**.

9. CONCLUSION

In summary, the above report has assessed the proposal against the relevant provisions of the State and Local Planning Policy Framework, Zone, Particular Provisions and General provisions and has found that the proposal is consistent with the same.

A planning permit is triggered by virtue of the Mixed Use Zone for: use, development and subdivision. Additional requirements for a Planning Permit are triggered under each of the following Particular Provisions:

- Display advertising signs (Clause 52.05)
- Reduce the number of car parking spaces required (Clause 52.06-3)
- Waive requirement for loading and unloading of vehicles (Clause 52.07)
- Create access to a road in a RDZ1 (Clause 52.29)
- Subdivide land adjacent to a road in a RDZ1 (Clause 52.29)
- Waive requirement for bicycle spaces (Clause 52.34)

The form of urban design which will be facilitated by rezoning to a Mixed Use Zone will be of a high quality design standard which will improve the range of accommodation offerings within Portarlinton. The Accommodation will be available for short-term stays filling a gap identified in the Portarlinton Structure Plan for provision of tourist accommodation. Whilst the proposal introduces a different style of mixed use development in Portarlinton which is of a larger scale than the prevailing built form, the design has had proper regard to the amenity impacts by way of overlooking and overshadowing.

APPENDIX A - Certificates of Title

APPENDIX B - Development Plans (Architecton)

APPENDIX C – ResCode (Clause 55) Assessment

APPENDIX D - AAV Process List Sheet