

**GREATER GEELONG
PLANNING SCHEME
AMENDMENT C129
MSS AND LOCAL POLICY REVIEW**

PANEL REPORT

JUNE 2008

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Lester Townsend, Chair



Michael Kirsch, Member

JUNE 2008

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Abbreviations

ESO	Environmental Significance Overlay
DDO	Design and Development Overlay
DPO	Development Plan Overlay
FZ	Farming Zone
GORRLAS	Great Ocean Road Region Landscape Assessment Study
HDS	Housing Diversity Strategy
IHD area	Increased Housing Diversity area
JRUGP	Jetty Road Urban Growth Plan
LPP	Local Planning Policy
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
R1Z	Residential 1 Zone
R3Z	Residential 3 Zone
RCZ	Rural Conservation Zone
RCZ 16	Rural Conservation Zone – Schedule 16
RLUS	Rural Land Use Strategy
RLZ	Rural Living Zone
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework

Part 1: Introduction

1. Background

1.1 The Amendment

Amendment C129 ('the Amendment') introduces a new Local Planning Policy Framework together with a range of zoning and overlay changes. The Amendment has been referred to as an 'MSS and Local Policy review' Amendment though it includes significant other changes, including rezonings.

The new format Greater Geelong Planning Scheme was gazetted in July 2000. A review of the scheme was undertaken between December 2002 and June 2004. This produced the report *Three Year MSS Review* (2004).

The review report set out a range of recommendations aimed at improving the usability and clarity of the Municipal Strategic Statement (MSS) and the effectiveness of the City's Local Planning Policies (LPPs).

In 2005 Council determined to build upon the 2002–2004 MSS Review and make substantial changes to the City's MSS and LPPs. The review aimed to address the following key issues with the then current Greater Geelong Planning Scheme:

- the structure, content and format of the LPPF were considered outdated,
- there was a lack of clear, contemporary strategic direction relating to critical planning issues,
- there was significant difficulty in navigating and using the LPPF, due primarily to its overly 'wordy' nature, breadth, and content that did not aid land use and development decision making,
- there was a need to update the Scheme to reflect a range of strategic work which had been undertaken by Council but not yet implemented in the Scheme, and
- in some cases inappropriate planning tools had been used to address various planning issues.

Following review, critical policy gaps and deficiencies in the current Planning Scheme were identified. This required a range of strategic work to be undertaken. This included the following:

- a review of the Rural Strategy for all Rural zoned land across the municipality,
- a Housing Strategy review for the entire municipality,
- an updated Retail Strategy for the whole municipality, and
- a review of various place based policies (Structure Plans, Urban Growth Plans) to update these policies so they were able to better assist daily decision making.

Council determined to combine the changes to the policy framework of the scheme with appropriate changes to zones and overlays to update the entire Planning Scheme. This approach was taken to avoid 'any temporary disconnect between the City's LPPF and Zoning and Overlay framework'.

However, to keep the review and Amendment manageable, only the highest priority changes to zones, overlays and schedules were introduced. In particular, changes to zones and overlays that were 'policy neutral' but likely to attract significant public objection – such as the introduction of Flooding Overlays – were omitted from the scope of the review.

This report sets out the specific changes proposed to the MSS, LPPs, zones, overlays and schedules as part of the discussion of each issue.

1.2 The Planning Authority and Panel

The planning authority and proponent is the City of Greater Geelong.

This Panel was appointed under delegation on the 30 January 2008 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to hear and consider submissions in respect of the Amendment.

The Panel consisted of:

- Chairperson: Lester Townsend, and
- Member: Michael Kirsch.

Procedural issues

As a result of some irregularities with the issue of planning certificates Council invited additional submissions, and a number of late submissions were received and referred to us.

A number of submissions questioned the details of the strategy development or Amendment process including John Bugge (17), Maria and Pantelis Demetriou (32) and Jennifer Wills (129). We are satisfied that adequate notice was given for the Amendment.

Hearings and inspections

A Directions Hearing was held on 25 February 2008 at Geelong. The Panel Hearings were held: 12, 13, 17, 18 March at Geelong; 19, 20, 26, 27 March, 1, 2, 3, 4, 7, 10, 11 April at Planning Panels Victoria in Melbourne; and 15, 16 April in Geelong.

We inspected the various sites and surrounding areas raised in submissions, making unaccompanied visits on a number of occasions.

Submissions

We have considered all written and oral submissions and all material presented to us in connection with this matter.

We heard the parties listed in Table 1 at Appendix A. A list of submitter is also included in Table 2 at Appendix A.

2. Identification of issues

2.1 Issues

Submissions to the Amendment raised a wide range of issues. These are addressed in the relevant sections of this report.

We have also considered issues that flow from:

- Ministerial Directions made under Section 12(2)(a) and Section 7(5) of the *Planning and Environment Act*,
- Practice Notes prepared by the Department of Planning and Community Development relevant to the consideration of this Amendment,
- issues identified in the Hearing, and
- Using Victoria's Planning System, Chapter 9: Plain English which provides advice on form and content.

We have also considered the response to the Strategic Assessment Guidelines included in the exhibited Explanatory Report for the Amendment, together with submissions on the Guidelines from Council.

The letter authorising of the Amendment included a comprehensive list of matters. We had no submission from Council or the Department of Planning and Community Development about these matters, and it appears to us that not all have been addressed. We have considered the Amendment as it was exhibited, and with the recommendations suggested by Council. We have not considered whether all parts of the Amendment were in fact authorised, or any consequences that flow from any conditions or qualifications in the Authorisation letter. We consider that these are matters between Council and the Minister.

2.2 Transforming the Amendment

A number of submissions made requests that might be considered to 'transform' the Amendment. Transforming an amendment is changing an amendment in a fundamental way so that, in effect, it becomes a different amendment.

The general principle applied in panel hearings is that modifications to amendments are acceptable so long as they do not result in a transformation of the proposal.

Panels are guided by the general objective to achieve good outcomes without unnecessary delay or protraction of process. To do this, panels need to be prepared to facilitate the decision making process. Therefore, if modifying a proposal will achieve a good outcome, which overcomes legitimate and reasonable concerns, it is better to do so as part of the process of considering the matter than to reject it and require the process to be recommenced. This can mean that this Panel could legitimately consider changes to the Amendment that are quite significant, so long as they do not transform the matter into something else.

What constitutes a transformation must be judged according to its own circumstances, but it would need to be something quite different to that originally proposed.

We think that that the introduction of new zonings where the new zones would pave the way for new development or lead to a new or more intensive use of the land would be a transformation of this Amendment.

It is only possible to consider changes to an amendment or proposal, especially significant changes, if the rules of natural justice are adhered to.

The particular rule of natural justice, which must be satisfied, is the requirement that all matters upon which a decision will be based are revealed to all parties and they are given an opportunity to be heard.

The transformation of an amendment or proposal will normally require re-exhibition. We do not think that is appropriate or practical in the case of this Amendment.

For these reasons we cannot recommend the rezoning of land that would have the effect of transforming the Amendment.

2.3 Issues dealt with in this Report

We have considered all written submissions, as well as submissions presented to us during the Hearing. In addressing the issues raised in those submissions, we have been assisted by the information provided to us as well as our own observations from inspections of specific sites.

This Report deals with the issues under the following headings:

- General issues,
- Land use and development strategies,
- Particular areas,
- Other areas and sites, and
- Other issues.

2.4 Council revised Amendment

Council provided revised Amendment documentation in its closing submission. We have used that draft of the Amendment as the basis of our recommendations.

Unless we specifically recommend otherwise we support the changes proposed by Council.

Part 2: General issues

3. Municipal Strategic Statement

3.1 Introduction

This section of the report discusses the Municipal Strategic Statement (MSS) at Clause 21.

What does the Amendment propose?

The Amendment introduces a substantially revised and truncated MSS that includes the following key elements:

- Clause 21.01 Introduction
- Clause 21.02 City of Greater Geelong Sustainable Growth Framework
- Clause 21.03 Objectives – Strategies – Implementation
- Clause 21.04 Municipal Framework Plan
- Clause 21.05 Natural Environment
- Clause 21.06 Settlement and Housing
- Clause 21.07 Economic Development and Employment
- Clause 21.08 Development and Community Infrastructure
- Clause 21.09 Central Geelong
- Clause 21.10 Armstrong Creek Urban Growth Area
- Clause 21.11 Geelong Port
- Clause 21.12 Lara
- Clause 21.13 The Bellarine Peninsula
- Clause 21.14 Wandana
- Clause 21.15 Anakie

Council also proposed a number of revisions to the MSS in response to submissions and issues that were raised during the course of the Hearing.

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the Three Year MSS Review Report prepared for the Minister for Planning (July 2004), and
- the various thematic and area specific reports and strategic plans that Council has prepared.

The recommendations that follow from our assessment are intended to ensure that the MSS provides a suitable platform for implementing the significant amount of strategic work that Council has undertaken in recent years and the further work that it intends to undertake.

What are the issues?

During the course of the Hearing, we raised a number of issues related to the content and usability of the MSS. These issues were particularly concerned with the extent to which the MSS adequately reflects and implements Council's strategic vision for the municipality.

Issues were raised in relation to:

- compliance with Practice Note,
- the MSS structure,
- repetition of the SPPF,
- Key Issues and Influences,
- Objectives, Strategies and Implementation,
- the use of Reference Documents,
- Structure Plan Maps, and
- Clause 21.02.

Our findings and recommendations relating to the MSS should be read in conjunction with the thematic and site specific recommendations that are provided in subsequent sections of this report.

3.2 DoI Practice Note: 'Format of Municipal Strategic Statements' February 1999

What is the issue?

We have concerns about the extent to which some elements the MSS comply with the Practice Note: Format of Municipal Strategic Statements (February 1999) and various best practice approaches.

Discussion

We acknowledge and support Council's efforts in developing a 'practice note compliant' MSS because we believe that the planning system and its users are best served by a consistent application of the principles described in the Practice Note. However, we consider that further work can, and should, be done in order to conform to the spirit of the Practice Note and to provide a document that performs its intended functions with more ease and efficiency.

The Practice Note provides an essential resource for the development and revision of MSSs and we have relied upon it during our assessment of the Amendment. Before discussing specific issues associated with the MSS, it is appropriate to highlight some of the relevant elements of the Practice Note.

While the Practice Note sets out a preferred MSS format, it also provides for alternative formats to be used where they are logical, easy to follow and clearly linked to other parts of the planning scheme.

Under the heading 'Why is a consistent format for the MSS encouraged?' the Practice Note includes:

A consistent format will assist councils to ensure that the content of the MSS is presented in such a way that the requirements of the Act are seen to be met, the linkages between the MSS and the application of zones, overlays, schedules and policies are clearly expressed and the links to the Corporate Plan are apparent. It will also establish a consistent approach across the State while still allowing councils to creatively express the content of the MSS.

Under the heading 'How should the MSS be written?' the Practice Note concludes:

The MSS should be written in clear, concise, plain English. Jargon, generalised statements and repetition must be avoided. Descriptions or outcomes should be written as specifically as possible so that the meaning is unambiguous. There is no need to restate other parts of the scheme, such as the SPPF.

The MSS should be set out in an attractive manner that is easy to follow. Only maps, diagrams and photographs that are relevant to the text should be included.

Conclusion

We support the intent of the Practice Note and agree that the application of a consistent approach to the format and content of MSSs will have positive

outcomes. Nevertheless, we acknowledge that the Practice Note provides for Council's to adopt differing approaches as long the intent of the Practice Note is met. The key concerns for us are the need to respond to the spirit of the Practice Note and to ensure that the MSS is concise, strongly focussed on Council's land use planning function and above all, easy to use.

3.3 The MSS Structure

What is the issue?

The issue is the extent to which the general structure of the MSS assists usability.

Discussion

The MSS has been reduced from over 170 pages to fewer than 60 pages (exhibited version) and the structure and presentation of material is generally in accordance with the Practice Note. These outcomes were recommended in Council's *Three Year MSS Review Report* (2004).

Council has made a deliberate effort to produce a more focussed and concise MSS and is to be commended for doing this.

Conclusion

While we have some concerns about specific MSS content, we support the structural approach adopted by Council.

3.4 Repetition of the SPPF

What is the issue?

The issue is the extent to which the MSS is unnecessarily repetitive of the SPPF.

Discussion

As indicated in the Practice Note, there is no need for the MSS to be repetitive of the SPPF. The MSS provides opportunities for the local expression of the SPPF and for the coverage of matters not addressed in the SPPF.

The exhibited MSS contains elements that are unnecessarily repetitive of the SPPF and that do not assist in either explaining Council's vision for the municipality or in exercising the discretion that is provided in the planning scheme.

This is particularly true of Clause 21.05 (Natural Environment), elements of which add little, if anything, to the Objectives and General implementation measures contained in the SPPF Clause 15 (Environment). In making this observation we note that some submissions (such as that from A Chalmers [20]) sought the inclusion of additional material in the MSS that is already provided in the SPPF.

Although unnecessary repetition of the SPPF is not a key issue in our overall assessment of the MSS, it is one of a number of factors that affect the usability of the document. For this reason we believe that the MSS should be reviewed prior to adopting the Amendment in order to identify and delete any unnecessary SPPF repetition.

Recommendation

We recommend that:

In Clauses 21.05 – 21.15 review Objectives and Strategies to identify and delete any unnecessary repetition of the SPPF.

3.5 Key Issues and Influences

What is the issue?

The issue is the extent to which the expression and location of Key Issues and Influences are consistent with the Practice Note and best practice approaches.

Discussion

The description of Key Issues and Influences is a useful feature of the MSS that we support. However some of this material consists of objectives and strategies that should be included in those sections not as key issues and influences.

For example, the 4th dot point in Clause 21.05-1 contains a sub set of 8 dot points that are a mixture of objectives and strategies rather than key issues and influences:

Urban and rural growth has had a direct impact on the City's natural environments and the flora and fauna that they sustain. In order to

protect and enhance the natural environment and provide for more sustainable development there is a need to:

- *Protect and enhance areas of significant biodiversity value.*
- *Protect the scenic landscape qualities and agricultural productivity of rural land and the protection of these assets from pest plants, erosion, salinity and intensive urban development.*
- *Reduce the amount of runoff from urban development and to improve the quality of stormwater runoff entering estuarine and marine waters.*
- *Limit the number of stormwater outlets draining to the coast.*
- *Protect sources of water, including water storage catchments, stormwater run-off, and groundwater.*
- *Recognise flood hazards associated with waterways and ensure the free passage of water whilst protecting development from flooding impacts.*
- *Maintain and enhance local air quality.*
- *Reduce and adapt to the impacts of climate change, particularly having regard to Geelong's coastal location.*

Setting aside the issue of whether these references are necessary given that they might be repetitive of the SPPF, they are incorrectly positioned within the Clause.

The 3rd dot point under Housing in Clause 21.06-1 is also a mixture of objective and strategies:

Council will strive to improve housing affordability through the maintenance of appropriate urban land supplies, the promotion of competition in the housing market, the implementation of best practice infrastructure delivery and coordination systems, and the development of a diverse range of well located housing stock.

The objective is to 'improve housing affordability', while the supporting strategies include 'the maintenance of appropriate urban land supplies, the promotion of competition in the housing market, the implementation of best practice infrastructure delivery and coordination systems, and the development of a diverse range of well located housing stock'.

Similarly, the 4th dot point under Clause 21.13-1 is also a mixture objectives and strategies:

Appropriately managing urban growth on the Bellarine will be critical to retaining the Peninsula's identity and attributes. It is particularly important to:

- *Ensure that development responds to the identity and character of the individual township in which it is located.*
- *Protect rural and coastal environments from inappropriate urban encroachment.*
- *Provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.*

The 2nd dot point under Clause 21.09-1 is:

Council's vision for Central Geelong is that 'Geelong is an international Waterfront city. It has world class facilities and is a highly desirable place to be'.

This is essentially Council's objective for Central Geelong, rather than a key issue or influence and should be positioned as such.

In our view the MSS will function better if there is a consistent and transparent approach to locating objectives and strategies within it. For this reason we believe that the material in the various key issues and influences sections should be reviewed to identify and reposition (or in some instances delete) elements that serve as objectives or strategies.

Recommendation

We recommend that:

In Clauses 21.05 – 21.15 review the Key Issues and Influences to identify and reposition (or in some instances delete) elements that serve as Objectives or Strategies.

3.6 Objectives, Strategies and Implementation

3.6.1 What is the issue?

The issue is the extent to which the expression and location of objectives, strategies and implementation are consistent with the Practice Note and best practice approaches.

3.6.2 Discussion

Each of the thematic and area specific clauses within the MSS contains material under the headings of 'Objectives', 'Strategies' and 'Implementation'. This approach is consistent with the Practice Note.

The description of objectives, strategies and means of implementation are fundamental elements of an MSS and need to be clear and succinct, as well as being focused on land use planning outcomes. The Practice Note establishes that:

To avoid confusion and maintain consistency, councils should interpret the term objectives, strategies and implementation as having the following meanings:

- **Objectives** – the general aims or ambitions for the future use and development of an area responding to key issues identified in the MSS.
- **Strategies** – the ways in which the current situation will be moved towards its desired future to meet the objectives.
- **Implementation** – the means by which the strategies will be implemented.

The exhibited MSS raises various issues concerning the use of objectives, strategies and means of implementation. We believe that it would benefit from a detailed review and edit to ensure that these elements serve their intended purposes, and that examples of ambiguity and repetition are removed.

To assist Council, we have identified some of the more common types of problems and illustrated them with examples. The examples are drawn from the final revised version of the MSS provided by Council.

Objectives

The objectives should be reviewed to address the following situations.

The objective is a mixture of objective and strategy. For example, the 6th objective at Clause 21.12-2:

To direct industrial and service business development to designated locations so that they do not detract from the residential amenity of the township

contains an objective (to protect residential amenity) and a supporting strategy (to direct industrial and service business development to designated locations).

The objective is a strategy. For example, many of the objectives at Clause 21.09-2 are strategies rather than objectives. That is, they describe the means by which an objective will be achieved.

The objective requires further explanation. For example, the objectives at Clause 21.07-5 relate to the 'North, West and Southern Rural Areas'. These areas are not defined in the MSS, so it is uncertain where the objectives and the associated strategies apply. The same is true of Clause 21.7-7 (Avalon Rural Areas).

The objective is not related to a land use planning outcome. For example, the 6th objective at Clause 21.07-2:

To enhance an export culture within the Geelong Business sector

is not something that be influenced or achieved through the planning scheme, and should be deleted.

The objective contains a number of themes that could be expressed individually. For example, the 2nd objective at Clause 21.07-5:

To ensure these rural areas provide an attractive setting through the preservation of a farmed rural landscape, which enhances the economic value to the region.

seems to contain two objectives relating to 'an attractive setting' and 'economic value' and a strategy relating to the 'farmed rural landscape'. This should be broken down into its distinct elements.

Objectives and strategies are repetitive of each other. For example, the first objective at Clause 21.11-2 is:

To provide for the continued growth and development of Geelong Port as a key economic resource to the Victorian community.

while the 4th strategy is:

Facilitate and advocate for growth of the development of the Port.

Setting aside whether these references are objectives or strategies that should be included in the MSS, the strategy is unnecessarily repetitive of the objective.

For the most part, the objectives in the exhibited MSS serve their intended purpose, but they would benefit from a 'policy neutral' review and edit to improve their focus and relevance, and to address those situations described above.

Strategies

Strategies are the actions that change the current situation so that the objectives are achieved. To do this they should have a basis in the key influences and issues, and relate to an objective.

In some MSSs (including the current CoGG MSS) the strategies are described under specific objectives, thereby enhancing the transparency, flow and clarity of the planning scheme. The exhibited MSS does not adopt this approach: it sets out the strategies under groups of objectives. In our view this is a retrograde change and the exhibited MSS would have been improved by carrying over the current practice of listing strategies under related objectives.

Although we do not recommend that Council reconfigure the objectives and strategies in this format prior to adoption, we believe that the strategies need to be reviewed to address the following situations.

The strategy contains a mixture of objective and strategy. For example, the 2nd strategy at Clause 21.08-2:

Improve the appearance of transport routes that are key entrances to townships and areas through gateway urban design treatments and street side landscaping.

includes an objective relating to improving the appearance of transport routes, that is supported by strategies relating to urban design treatments and landscaping.

The strategy has an unclear meaning. For example, the 9th strategy at Clause 21.07-2:

Ensure new development in the Heales Road Industrial estate is configured to minimise the individual and societal risk levels attached to the Shell LPG Storage facility.

is poorly expressed and is likely to be confusing to many readers.

The strategy unnecessarily restates the application of other provisions within the planning scheme. There are numerous strategies that simply highlight the zone, overlay, LPP or particular provisions that the planning scheme applies. For example the 3rd strategy at Clause 21.07-8 observes that the LPP at Clause 22.06 applies. Similarly, the 3rd strategy at Clause 21.06-4 observes that the DDO 14 applies. Such references are unnecessary and should be deleted.

The strategy is too vague to add any value to the planning scheme. For example, the 4th strategy at Clause 21.08-3:

Where land use and development proposals create infrastructure demands or impacts which are not part of the State or Local Planning Policy Framework for an area, require the development proponent to mitigate those impacts, where appropriate

is poorly expressed and should either be revised or deleted.

The strategy is an implementation action. For example, the 1st strategy at Clause 21.05-2:

Where appropriate, require the preparation of stormwater management Plans and/or Construction Management Plans which provide for the protection of receiving waterways

should be included under Using Policy and the Exercise of Discretion within the Implementation section. Similarly, the 2nd strategy at Clause 21.09-2:

Use the Waterfront Geelong Design and Development Code 1996, Geelong Western Wedge Framework as updated September 2005, the Department of Sustainability and Environment Guidelines for Higher Density Residential Development 2004, and the services of an Urban Design Advisory Board to ensure appropriate design outcomes are achieved for developments across Central Geelong

is not a strategy.

As a matter of principle and for consistency with the Practice Note: Reference and Incorporated Documents (August 2000), all references to external documents that are not formally incorporated should be removed from the MSS and LPPs unless they appear simply in the list of reference documents. We accept that this may entail an amount of work that cannot be undertaken prior to the adoption of the Amendment. As part of this process the references to using various documents should be included under Using Policy and the Exercise of Discretion within the Implementation section. These documents should also be included in the list of reference documents.

The strategy is poorly expressed. For example, the first strategy at Clause 21.09-2:

Within each of the identified precincts of the Structure Plan, support and facilitate strengthening key activities and appropriate ancillary services as identified in the Structure Plan, such that each precinct reinforces and strengthens the primacy of Central Geelong as the business and cultural centre for the Geelong Region

is cumbersome and should be simplified. It is also potentially unnecessary given our view that many of the objectives in this Clause are strategies and that they should be repositioned as such.

The strategy is repetitive of a Structure Plan or other document in the MSS. There are numerous examples throughout the MSS where strategies have been included that simply restate the information provided in an associated Structure Plan map or other plan that has also been included in the MSS. This repetition is unnecessary and can potentially lead to confusion about what is intended. The strategies should be reviewed to ensure that unnecessary repetition is avoided and that any strategies that are to be retained are consistent with the associated plans.

In addition, we note that the objectives are presented by dot points, and the strategies are not. Most MSSs and the Practice Note example apply the reverse approach, which we believe is preferable. Although this is clearly not a major issue, we believe that greater consistency in the presentation of MSSs is a positive aspiration and that Council should apply the more usual approach to configuring objectives and strategies.

We believe that the strategies require a comprehensive 'policy neutral' review and edit before the Amendment is adopted. The poor expression of strategies is a weakness of the MSS and devalues the extensive strategic work that Council has undertaken and now seeks to implement.

Implementation

Under *Implementation*, the MSS lists the Local Policies, Zones and Overlays that will be applied to implement its strategies and objectives. While this was the accepted practice in new format schemes, these inclusions are now relatively meaningless, as they are repetitive of the zoning and overlay maps (which are already part of the scheme). In our view the cataloguing of zones and overlays need not be carried forward to subsequent versions of the MSS. The exception to this is where they signal an intention to change a zone or overlay. This approach has generally been adopted by Council and we support this.

However, the references to LPPs should be retained because unlike zones and overlays their existence is not evident on planning scheme maps. Their inclusion in the MSS provides a 'transparent link' between strategy (Clause 21) and policy (Clause 22). In this context we note that not all of the relevant Clauses include references to the applicable LPPs and we believe that they should.

It is also notable that the MSS includes a number of references under 'strategies' that in many planning schemes are included within an 'other actions' section within Implementation. This approach is used in the current planning scheme and is one that we support. As discussed earlier, the 2nd strategy at Clause 21.09-2 includes a reference to an 'Urban Design Advisory Board'. This should be included as an 'other action'.

3.6.3 Recommendation

We recommend that:

In Clauses 21.05 – 21.15 review and edit the Objectives, Strategies and Implementation measures to ensure that they are consistent with the Practice Note: Format of Municipal Strategic Statements (February 1999) and that they serve their intended purpose.

In Clauses 21.05 – 21.15 include in the Implementation sections references to the applicable Local Planning Policies.

In Clauses 21.05 – 21.15 include 'other action' sections under Implementation where appropriate.

3.7 The Use of Reference Documents

3.7.1 What is the issue?

The issue is extent to which the planning scheme relies on Reference Documents as an ancillary expression of Council's planning objectives and strategies.

3.7.2 Evidence and submissions

During the course of the Hearing various submissions raised issues associated with the content of reference documents. In a broader sense, these submissions raised issues about the statutory role that these documents have.

3.7.3 Discussion

The treatment of Reference Documents within the Amendment raises a number of issues for us, including their statutory role, how we should respond to submissions that sought changes to them; and the process of implementing them.

The Practice Note: Incorporated and Reference Documents (August 2000)

In forming our views about these issues we have relied on the Practice Note: Incorporated and Reference Documents (August 2000) which includes the following commentary in relation to Reference Documents.

Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. A variety of different types of document may perform this role. They may be wide ranging in their content and contain information not directly relevant to specific decisions under the planning scheme.

...

Reference documents can be used in a number of ways. They can be used as a basis for preparing the Municipal Strategic Statement (MSS), local planning policies or requirements in the planning scheme, or can be mentioned in the planning scheme as a source of useful background information.

Reference documents have only a limited role in decision-making as they are not part of the planning scheme. They do not have the status of incorporated documents or carry the same weight.

The statutory function of Reference Documents

It was notable that many submissions and elements of the expert evidence were focussed on the content of the reference documents, rather than on the content of the Amendment. These included parts of the Reference Documents that were not included in the Amendment and that did not relate to material that had been included in the Amendment.

For example, various town Structure Plan reports include land release staging plans that were the subject of detailed submissions and evidence. These staging plans are not included in the Amendment and in our view have no statutory role.

While it was entirely appropriate that the veracity of the background work be rigorously tested, it seemed to us that Council and many submitters have an unwarranted expectation about the statutory role that these documents have. In some cases this expectation is based on the fact that the strategies in the MSS refer explicitly to implementing a particular plan or strategy.

It is clear to us that Reference Documents should only be relied upon to provide background or explanatory material in support of the planning scheme. They should not be relied upon as a de facto planning control that

sits outside the planning scheme. If Council intended that these documents have a statutory function then it should have proposed that they be included as Incorporated Documents. We note the Practice Note commentary that:

One of the benefits of incorporating documents into the planning scheme is that the document carries the same weight as other parts of the scheme.

This is not to say that the various documents have been configured in a manner or include material that would necessarily make them suitable as Incorporated Documents. In our view, they are the types of documents that are appropriately nominated as Reference Documents and as such they have a very limited statutory function.

Amending Reference Documents

Given our view about the role of Reference Documents, we do not believe that it is necessary or appropriate to recommend that they be modified so that they are consistent with the planning scheme provisions. In addition we do not believe that we need review or form conclusions about all of the material in these documents except where they have an explicit link to the Amendment.

We have considered these documents in so far as they are relevant to the exhibited Amendment provisions and where appropriate have recommended various changes to those provisions. It makes no sense to reflect these changes in a revised version of the Reference Documents given that they have no statutory weight. We are also satisfied that should any confusion arise between what is in the Reference Documents and what is in the final form of this Amendment, then this Panel Report is one means of resolving that confusion.

We also believe that revising Reference Documents to reflect the final content of the Amendment ignores the practical difficulties associated with the precedent that this would set. It is not sensible to require that these documents be revised every time a planning scheme amendment renders them inconsistent.

For these reasons we have not recommended that the Reference Documents be changed. Nevertheless, we acknowledge that circumstances might arise where a Reference Document contains numerous and/or significant errors or inconsistencies that might confuse the interpretation of the relevant planning scheme provisions. In such situations, our preference would be to delete the Reference Document rather than selectively edit or correct it.

Implementing Reference Documents

It does not seem to us that Council has applied a consistent and rigorous approach to identifying those elements of the Reference Documents that it intended to implement through the Amendment.

In the case of the town Structure Plans for example, these have been typically implemented by the inclusion of Structure Plan maps together with a seemingly haphazard selection of objectives and strategies. Other elements of these documents such as staging plans have not been included in the Amendment. In the case of the Retail and Housing Diversity Strategies for example, the strategies in the MSS take the decision maker to the external document.

We do not support an approach whereby Reference Documents are relied upon as a de facto statutory tool. Where elements of those documents are intended to have statutory weight, then they should be implemented through appropriate VPP tools. Where they provide broad strategies at an MSS level these strategies need to be an explicit part of the MSS.

Finally, we believe that when Council prepares or commissions planning studies in the future, it should give greater thought to how those studies will be implemented through the planning scheme. This includes identifying those elements that are intended to have a statutory function and which VPP tools should be used to achieve that function. It seems to us from our review of the Amendment that the statutory implementation of various studies has been an afterthought rather than an integral component of the study.

3.7.4 Recommendation

We recommend that:

In Clauses 21.05 – 21.15 review and edit the Strategies to remove any reference to external (non-incorporated) documents.

Council develop and implement a standard approach to defining those elements of Structure Plans and other strategic documents that are intended to fulfil a statutory role and to ensure that they are implemented through appropriate VPP tools.

3.8 Structure Plan Maps

3.8.1 What is the issue?

The issue is the manner in which Structure Plan and other types of maps are included in and referred to in the MSS raises a number of issues.

3.8.2 Discussion

Referencing Structure Plan Maps

The MSS contains a series of 'Structure Plan maps' for various townships that are supported by MSS objectives and strategies. It was evident from submissions that there was potential confusion about whether the strategies referred to the Structure Plan maps included in the MSS, or the Structure Plan reports from which these maps were drawn.

Council acknowledged the potential confusion and proposed that the titles of each of the MSS Structure Plans be modified to read as 'Structure Plan Maps' to make them consistent with the associated references in the strategies. While we support this approach, we believe that that the relevant strategies should be even more explicit and refer to the 'Structure Plan maps included in this Clause'. This observation also applies to other maps and plans that are sourced from Reference Documents and where there might be some confusion about what is intended.

During the Hearing we noted that these strategies typically seek to ensure that use and development proceeds 'in accordance' with the Structure Plan maps. This approach does not provide any scope for minor departures from the Structure Plan maps that would typically occur once more detailed planning is undertaken. This was of concern to a number of submitters who suggested that that it would be more appropriate to require that use and development be 'generally in accordance' with these maps. This approach is used in other planning schemes and for references to plans that are required under various overlays such as the DPO. Council agreed that this approach would provide an appropriate degree of flexibility and included the term 'generally' in its final revised version of the MSS. We support this addition.

We also note Council's proposal that the headings to these maps in the MSS include the word 'map'. This has been attended to in the final revised version of the MSS and we support this.

In subsequent sections of this report where we refer to Structure Plans, we make the distinction between 'reports' which are the Structure Plan reports and 'maps' which are the maps included in the MSS.

A Consistent Approach to Presenting Structure Plan Maps

Council relies in large measure on the Structure Plan maps within the MSS to express its planning vision for various towns and areas within the Municipality. While we support this approach, we believe that there would be benefit in adopting a more consistent approach to including and presenting material within these maps. Other panels such as the Amendment C123 Panel have made similar observations.

We note, for example, that the treatment of future growth areas varies between maps, with most including growth areas within the settlement boundary and the St Leonards map identifying them outside the settlement boundary. The maps also adopt differing cartographic techniques to represent similar information, while some are presented in colour and others in black and white. Some maps include general disclaimers about their use, and others don't, while the Jetty Road map includes a detailed reference to how the map should be used.

While we do not believe that these matters need be attended to as part of this Amendment, we recommend that Council develop and implement a standard approach to presenting these maps so that there is greater consistency and legibility. In doing so we also believe that these maps should be prepared in a black and white format that is capable of easy and legible reproduction.

Future approaches

Some Councils have adopted an approach whereby a GIS or CAD 'model' has been developed that includes all the relevant strategic information in one file. Structure plan maps or municipal wide frameworks are different 'views' of this one model or database. This ensures consistency between municipal wide frameworks and structure plans, and between different structure plans. Changes to a municipal wide framework are automatically reflected in the local structure plan, and vice versa.

3.8.3 Recommendation

We recommend that:

In Clauses 21.05 – 21.15 express the Strategies relating to Structure Plan maps as 'Ensure that land use and development is generally in

accordance with the relevant Structure Plan map included in this Clause.'

In Clauses 21.05 – 21.15 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.

Council develop and implement a standard approach to presenting Structure Plan maps that achieves greater consistency and legibility.

3.9 Clause 21.02 – City of Greater Geelong Sustainable Growth Framework

What is the issue?

The issue is whether the exhibited Clause 21.02 should be replaced by the alternative Clause advocated by Council in its submission, or by some other material.

Evidence and submissions

Council proposed that this Clause be replaced with an alternative set of words that includes a preamble about sustainability and a set of principles under the themes of:

- Our built and natural environment,
- Our community's safety and wellbeing, and
- Managing growth.

Discussion

The exhibited Clause 21.02 (City of Greater Geelong Sustainable Growth Framework) includes a one page statement of Council's key planning principles under the themes of:

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

The principles are intended to guide the objectives and strategies within the MSS and in our view are a concise and useful statement of the context within which Council has sought to frame the MSS. Notably the principles are generally relevant to land use planning.

Council proposed that this Clause be replaced with an alternative set of words that is slightly longer and includes some references that have little or no relationship to land use planning.

In support of the alternative material, Council's submission included the following discussion.

Upon issuing authorisation to prepare and exhibit Amendment C129, the DPCD suggested that clause 21.02 be removed. At that time Council officers acknowledged the shortcomings of this clause and have since directed significant efforts to its revision.

The content of the revised clause 21.02 reflects the outcome of considerable, organisation-wide engagement and workshopping. The clause is considered by all departments to be a balanced and thoughtful reflection of what sustainable development means to the City of Greater Geelong.

Furthermore, the clause is considered to be a vital statement of Councils commitment to sustainability. It is Council's view that such a statement has an important place at the front end of the City's Local Planning Policy Framework, which is effectively the City's most significant land use and development document. In the context of the current drive for more sustainable development, Council are of the view that it would be improper for the LPPF to not include such a statement.

It is also relevant to note the commentary in the Minister's conditional authorisation of the Amendment:

The Local Planning Policy Framework should be reviewed to ensure that repetition is removed. For example, clause 21.02 repeats strategies that are listed under relevant headings throughout the MSS.

The authorisation suggested that the Clause be omitted, with one of the principles being included as a strategy at Clause 21.06.

Setting aside the view that Clause 21.02 be omitted, Council's alternative Clause presents a number of difficulties, including:

- it contains material that is unnecessarily repetitive of other elements of the LPPF (to a lesser extent this is also true of the exhibited Clause),
- it contains material that is simply not relevant to land use planning or the functioning of the planning scheme,
- it bulks up the MSS (this is particularly noticeable given Council's efforts to minimise extraneous material), and

- it was not exhibited as part of the Amendment and other parties have not had the opportunity to make submissions about it.

For these reasons we cannot support the inclusion of Council's alternative Clause.

The remaining issue is whether the exhibited Clause should remain as part of the Amendment or be omitted. While we note the Minister's view that it should be omitted, we believe that it serves a useful purpose as an overarching expression of Council's planning framework and that it is not of a length or level of detail that necessarily weakens or complicates the MSS. For this reason we believe that the exhibited Clause should be retained.

Recommendation

We recommend:

In Clause 21.02 (City of Greater Geelong Sustainable Growth Framework) retain the exhibited text.

4. Local Planning Policies

4.1 Introduction

This section of the report discusses the Local Planning Policies (LPPs) at Clause 22.

What does the Amendment propose?

The Amendment includes 43 LPPs. It deletes 8 of the current LPPs, replaces 4 other current LPPs with DDO schedules and merges a number of other LPPs.

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- *Three Year MSS Review Report (2004)* prepared for the Minister for Planning, and
- various thematic and area specific investigations and reports.

4.2 Review of policies

What is the issue

The Amendment significantly reduces the number of Local Planning Policies.

Evidence and submissions

Council provided an overview of the changes to the LPPs and indicated that the changes to existing LPPs were generally in accordance with the recommendations of the *Three Year MSS Review Report (2004)*.

The new LPPs and some revisions to existing policies were the result of the further strategic work that had been completed since the review, including the Rural Land Use Strategy and the Retail Strategy.

Council also indicated that it intended to review the heritage LPPs and that it would most likely collapse these policies into a single LPP.

Various submissions raised issues with specific LPPs and we have considered those submissions under the relevant thematic and area specific sections of this report.

Discussion

We note Council's intention to review the heritage LPPs and believe that it should give consideration to deleting these LPPs and including them within an Incorporated Document. In forming its views on this matter we suggest that Council review the Panel reports for Yarra Planning Scheme Amendment C43 and Ballarat Planning Scheme Amendment C58, and the Advisory Committee Review of the Heritage Provisions in Planning Schemes (August 2007).

Specific LPPs are discussed in the following sections of this report:

- Clause 22.03 (Assessment Criteria for Retail Planning Applications) – Section 7.2,
- Clause 22.05 (Agriculture, Rural dwellings and Subdivision) – Section 11.2,
- Clause 22.06 (Tourism Development in Rural Areas) – Section 11.2, and
- Clause 22.07 (Racing Dog Keeping and Training) – Section 11.6.

Conclusion

In general terms we support Council's initiative to streamline Clause 22 by replacing some of the LPPs with more appropriate VPP tools and by consolidating others.

5. Armstrong Creek

5.1 Introduction

This section discusses the content of Objectives and Strategies in the MSS relating to the Armstrong Creek Growth Area.

5.2 Adoption of Amendment C138

What is the issue?

The form of Amendment C138 is not consistent with the revised MSS exhibited as part of Amendment C129.

Evidence and submissions

The Armstrong Creek Urban Growth Area is the main growth area for the wider Geelong region. It is located to the south of Geelong between the Ghazeepore Road and the Barwon River, extending south to Mount Duneed. When developed the area is expected to accommodate approximately 54,000 persons and 22,000 dwellings. The growth area was recently considered in Amendment C138 to the Geelong Planning Scheme. The panel considering Amendment C138 supported the amendment subject to a number of changes.

Council has advised us that on 13 May 2008 it adopted a form of Amendment C138 amended to be consistent with the format of Amendment C129.

Echin Pty Ltd (89) submitted that no decision should be made on Armstrong Creek until the Amendment C138 process is finalised.

Discussion

The issue here is one of overlapping processes. We have not considered any submissions on the substantive issues in the development of Armstrong Creek as these issues were dealt with in the C138 process. Council has, as part of that Amendment process, determined a set of words that are in a format that is capable of transferral into the format proposed as part of this Amendment.

It is appropriate that C129 adopt the words proposed as an outcome of the C138 process.

Recommendation

In Clause 21.10 (Armstrong Creek Urban Growth Area) revise the text to reflect the outcomes of the Amendment C138 process (adopted as Clause 21.40).

6. Future growth options

6.1 Introduction

This section discusses the future growth area options for Geelong and the 'Western Boundary review' issues.

What does the Amendment propose?

As finally presented by Council the proposed Clause 21.06-2 includes:

Direct the majority of new greenfield residential development to the designated primary urban growth areas at Armstrong Creek, Ocean Grove, Drysdale / Clifton Springs, Lara and Leopold.

Maintain the non-urban break between Geelong and Werribee and, in particular, prevent further expansion of the Little River township boundary.

Maintain the Geelong Ring Road as the western boundary of urban Geelong.

Provide for urban growth in the Fyansford area.

Ensure that land use and development does not compromise the capacity or potential future development of areas designated for future urban growth, as shown on the relevant Structure Plan or Urban Growth Plan.

Clause 21.06 of the MSS at further work (as exhibited)

Undertake a study to provide direction on future land use and development along the Geelong Ring Road corridor.

Council suggested that this be amended to:

Undertake a study, to be completed by mid 2010, to provide direction on future land use and development along the Geelong Ring Road corridor. This study area includes all land to the west of the Geelong Ring Road, proximate to the existing urban area and extending from the municipal boundary at Mount Duneed in the south, to Avalon Airport in the north, and to the municipal boundary in the west.

Reference to the outdated Industrial Land Study (2001) is proposed to be removed.

What is the strategic basis for this part of the Amendment?

There is a general recognition that planning for industrial and residential growth beyond that identified in the Armstrong Creek area is required. State Planning Policy sets out policies to maintain an adequate supply of zoned land.

What is the issue?

There is a need to plan for the future growth of Geelong beyond the Armstrong Creek Growth Area.

This has been described by Council as the 'Western Urban Boundary Review'. We think that this issue is better conceived as a growth planning exercise than a western boundary review.

6.2 Planning for growth**6.2.1 What is the issue?**

A number of submitters considered that growth areas could be identified as part of this Amendment.

6.2.2 Evidence and submissions

A number of submissions sought acknowledgement of areas for future growth which are currently outside the urban boundary of Geelong.

These included submissions for development of land in Lovely Banks from Lovely Banks Pty Ltd (111) and Aprigo Pty Ltd (25); and from Adelaide Brighton (51) and E & P Partners (48) for extractive industry land west of the Ring Road in Fyansford.

Geelong Town Planning Services (45) suggest that Council needs to identify the next major growth corridor after Armstrong Creek and that the most logical location for this is in the north along the existing railway line between Wyndham and Geelong. The MSS should include a commitment to investigate the potential to open up a growth corridor along the train line.

Bisinella Developments (13) and the Geelong West Branch of the ALP (5) also submitted on the need for growth planning.

Mr Steer provided evidence on behalf of Lovely Banks Pty Ltd that the needed growth should take the form of an identified growth area that

contained a relatively large amount of growth in one area, and that there were only a limited number of possible locations that could accommodate such a growth area:

- Blue Circle,
- Waurm Pond/Barrabool Hills,
- Fyansford,
- Batesford, and
- Lovely Banks.

He concluded that a consideration of all possible areas showed that they were all inadequate to contain a growth area except Lovely Banks. Council was critical of Mr Steer's evidence, primarily because they considered the analysis it contained to be superficial.

Mr Hunter provided evidence that the land in Lovely Banks could be serviced, and in response to questioning said that probably all the possible growth areas could be serviced.

Council submitted that a key aim of the future strategy is to provide a framework for managing the significant land use and development pressures and opportunities that will arise as a result of the development of the Geelong Ring Road.

Council submitted that the overarching purposes of the Western Urban Boundary Review are to:

- define the location of the next major, long term residential growth area(s) in urban Geelong, and
- identify potential new industrial and commercial areas across the municipality, having particular regard for the opportunities offered by the development of the Geelong Ring Road.

Work on this study is scheduled to commence in 2008/2009, and Council advised that as an input to the Western Urban Boundary Review, it engaged SGS Economics and Planning in February 2008 to prepare an Economic Impact Assessment of the Geelong Ring Road.

Amongst other things, this study is intended to quantify the long term demand for residential, commercial and industrial land across the G21 Region, having specific regard for the impacts of the Ring Road.

Council submitted that it is unnecessary to make substantial alterations to the MSS in response to these submissions and that it is unreasonable at this stage, without the relevant strategic work being undertaken, to give priority to particular parcels of land.

Council submitted that given the proximity of land west of the Geelong Ring Road to urban Geelong, it is considered that the area nominated to the west of urban Geelong is the most logical next growth area for the municipality.

6.2.3 Discussion

The majority of new residential development in urban Geelong is expected to take place in the Armstrong Creek Urban Growth Area. Development in this area is expected to begin in 2009 or 2010. Development projections suggest that the growth area will reach development capacity in approximately 15 years.

State Policy is to maintain at least a 10 years supply of land for urban growth, though at least 15 years supply is considered better as it reduces speculation effects. Given the projections for Armstrong Creek there will be less than 10 years supply of land from about 2015. As Mr McNeil stated:

While Geelong's current land supply appears to adhere to applicable land supply benchmarks, it is not sufficient to adopt a 'sit back and wait' approach to dealing with the longer term.

With the projected levels of residential growth across the City of Greater Geelong, there is a pressing need to define the location of Geelong's next major urban growth area(s). This will:

- ensure that adequate urban land supplies are maintained to meet future population and housing needs,
- provide for appropriate competition and consumer choice in the housing market,
- ensure that the most suitable location for long term urban growth can be protected from inappropriate development which may undermine its future development potential,
- inform long term strategic planning by all stakeholders, including government agencies, service providers and the wider community, and
- provide certainty to all stakeholders with regards to Geelong's longer term growth directions and urban structure.

There is also significant demand for high quality industrial and commercial land across the Geelong Region, particularly in the City of Greater Geelong. The supplies of industrial and commercial land are limited, potentially resulting in lost investment and economic development opportunities. The demand for such land is expected to increase when the Geelong Ring Road is open to traffic.

Council advised that it is receiving numerous enquiries from developers regarding development opportunities along the Ring Road corridor and around other major infrastructure assets, such as Avalon Airport.

Approach to identifying growth areas

We broadly agree with Mr Steer that the possible growth areas can be broken down into a number of distinct area or corridors that have common characteristics. This is pretty obvious given the topography and road and river locations. We think some more investigation is required to refine these areas (and possibly sub areas) but this, of itself, is not a major exercise.

We are not convinced that all the growth need be in one area, though this may be the best option. It is a key decision that should flow out of a consideration of the constraints and opportunities and should not be decided on before hand.

Equally, no artificial pattern (corridor, cluster, new town or whatever) should be chosen in advance. It is a question of fitting an appropriate development model to the specific possible areas in a way that minimises the adverse aspects of constraints and maximises desired outcomes. This needs to be done at the broad scale before detailed investigations are undertaken.

The key questions are:

- What are the future residential and industrial land use needs for Geelong?
- What are the environmental, resource, landscape, development pattern, access, servicing, land use, economic and social constraints and opportunities in the possible growth areas around Geelong? This should be assessed in two stages: the first to identify any 'fatal flaws' that would prevent further consideration of an area, the second a more refined investigation.
- What combination of possible growth areas will best meet future needs considering the constraints and opportunities?

The answers to these questions will generate a 'Geelong Growth Strategy' that can form the basis of more detailed growth area planning. In carrying out the first stage of investigation we think that it would be preferable to include all possible land, even if policy does not currently support its development. We do not think that finding a suitable growth area for Geelong will be straightforward, and we think that it will be need to be guided primarily by the capacity of the area to provide for a sustainable and a liveable community.

Following identification of areas, more detailed work should be undertaken and partnerships developed with relevant land owners. The result of this would be growth area plans for land that has growth potential. Precinct Structure Plans would follow as land moves towards development.

On this basis we think that these three levels of plans will need to be developed in turn and that the level of detail needs to be appropriate to the task. The three levels are:

- A Geelong Growth Strategy – this needs to be broad brush and run by Council. It needs to provide for industrial, commercial and residential development land.
- A growth area plan for identified growth areas – this could be carried out in partnership with land owners.
- Precinct Structure Plans.

The role of the Ring Road is one input into growth projects as an opportunity and constraint. We note that Council is carrying out a study of the likely economic impacts of the Ring Road. This is potentially a useful piece of work but it should not be confused with the need to plan for Geelong's growth.

What are the potential growth areas?

Having inspected the possible growth areas we caution Council on inviting privately funded investigation studies prior to the overall strategy being approved. We can see obvious constraints in all possible areas. Overcoming these constraints will require high level policy decisions and perhaps significant investment if sustainable communities are to be created.

We think that Council should keep an open mind on what areas might be possible for growth and not exclude any areas on the periphery of Geelong from initial consideration. We say this because we think that no area stands out as a clearly superior growth area.

Fyansford area

We note the comprehensive submission from Adelaide Brighton on the suitability of this land for development and agree that it has *prima facie* appeal as a development area. However, we are not convinced that this area will ultimately prove to have development potential. Two obvious issues concern us: the possible need to maintain the limestone resource and transport access.

The area has been identified as a limestone resource and while the current owners may not wish to use the resource, this does not automatically imply that it is no longer of strategic importance to Victoria. This is potentially a state policy hurdle that would need to be overcome before this area could be developed.

Road links from the area back into Geelong are sparse. Access to the rest of Geelong is via the Hamilton Highway including the narrow twisting Deviation Road adjacent to Zillar Crawcour Park. It is by no means obvious how other convenient links could be created. Simply observing that there is good connection to the Ring Road does not solve the problem of connection to the rest of Geelong. In planning for the growth of Geelong we think connection to the urban services of Geelong is probably going to be more important in creating liveable suburbs and a vibrant Geelong CBD than connection to a freeway and out of town services.

These issues might be fatal to the development of this area, and if they are then there is little point in carrying out more detailed assessment of the land.

Lovely Banks

The Lovely Banks area is separated from Geelong by an area of rural living, and this would make connection to the existing social and community services of Geelong more difficult, though there seems to be better prospects for transport connections to Geelong than the Fyansford areas.

Waurrn Ponds

There may be some development potential in the Waurrn Ponds/Barrabool Hills area though we note that this area is covered in part by a Significant Landscape Overlay.

Land towards Lara and land in the south east

We understand that land in these areas have a number of constraints, including drainage issues, that may make them unsuitable for development. However there may be some limited growth potential in these areas.

Reporting on land supply

Bisinella Developments submitted that a strategy in Clause 21 could require Council to report annually on the quantity of zoned residential land and proposed residential land in the municipality. Council submitted that this information could be published in Council's Economic Indicators Bulletin, which is produced yearly by Council Economic Development Department. We note that this information is currently provided by the Urban

Development Program (UDP) run by the Department of Planning and Community Development. This material is available on line.

Notation on plans

It was suggested that the Municipal Framework Plan could include a notation of the possible future growth areas. Given that we think that, at least initially, all land on the periphery of Geelong should be considered for growth this notation would be relatively meaningless.

6.2.4 Recommendation

We recommend that:

In Clause 21.06-6 delete the item in the Further Work section beginning:

'Undertake a study, to be completed by mid 2010, to provide direction on future land use and development along the Geelong Ring Road corridor.'

and replace it with:

'Investigate the future residential and industrial land use needs for Geelong, as a basis for future growth area planning, that would include:

- the assessment of the environmental, resource, landscape, development pattern, access, servicing, land use, economic and social constraints and opportunities associated with possible growth areas around Geelong,**
- the identification of a preferred growth area or areas, and**
- the preparation of detailed growth area plans commencing in mid 2010.'**

Part 3: Land use and development strategies

7. Retail

7.1 Introduction

This section discusses issues with the implementation of the Retail Strategy.

What does the Amendment propose?

The following components of the exhibited Amendment are wholly or in part based on the strategic directions of the Retail Strategy:

- Municipal Strategic Statement, Clause 21.07 Economic Development and Employment
 - 21.07-1 (Key Issues and Influences)
 - 21.07-3 (Objectives- Retail)
 - 21.07-10 City of Greater Geelong Retail Activity Centre Hierarchy (Map)
- Local Planning Policy Clause 22.03 Retail Assessment for Retail Planning Applications

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes the Geelong Retail Strategy, Essential Economics (2006).

The current policies relating to retail development and use are based on a 1998 Retail Strategy. This was updated in part for floorspace projections and restricted retail in 2001.

In 2006 Council identified that the existing Retail Strategy could no longer provide adequate directions to retail development proposals.

Council engaged Essential Economics (the firm that developed the 1996 Strategy) to prepare a new strategy. The strategy was developed following a process of background research and analysis including a review of trends across the retail industry generally and those specifically impacting on

Geelong, population and socio economic trends, a review of the hierarchy of retail centres across Geelong and identification of issues and opportunities in the retail sector.

The preparation of the Retail Strategy also involved extensive consultation and was ultimately adopted by Council at its meeting on 13 June 2006.

This is a significant piece of strategic planning work that has now been completed for some time but not yet been included in the Planning Scheme.

The Strategy takes a retail activity centre hierarchy approach which defines the role of centres according to their place in the hierarchy. This provides certainty for stakeholders including Council, developers, property owners and businesses, and was supported throughout the consultation phase of the project by stakeholders as a suitable outcome for the Strategy.

Key elements of the Strategy include:

- The regional centre role of Central Geelong (Geelong CAA) is recognised.
- Sub-regional centres at Corio, Belmont and Waurn Ponds are a focus for future development, and a Mt Duneed sub-regional centre needs to be considered in the longer term. A sub-regional centre at Leopold has been identified to serve the needs of the Bellarine Peninsula. Timing of the proposals should coincide with appropriate population growth.
- Development to serve new urban growth on the southern fringe of Geelong, Mt Duneed growth corridor, Bellarine Peninsula, Lara etc. is promoted, including both new centres where necessary (e.g. Leopold, Drysdale, Mt Duneed) and the growth of existing centres, e.g. Ocean Grove and Lara. New facilities are required to ensure that the basic retail needs of local residents are met. The framework established in the Strategy ensures this can be done without compromising the viability of established retail facilities.
- A strategic partnership between Council and relevant stakeholders is promoted to ensure that activity centres, particularly those with a split ownership structure, operate and evolve in a coherent and integrated manner.
- Out-of-centre retail development is carefully managed in the strategy. Homemaker retail will be concentrated in locations identified in the strategy; retail development outside of these areas will be subject to a strict set of out-of-centre assessment criteria. Limiting 'ribbon' and stand alone retail development in Geelong and

consolidating activity centres, will generate significant economic and social benefits over the life of the Strategy.

- Revised retail assessment criteria for assessing new proposals have been developed. The retail assessment criteria are an important tool in creating more certainty between Council and the retail sector and reducing the potential for conflict.
- The Strategy provides advice in relation to urban design principles that will assist Council in assessing retail development schemes and guiding developers on the urban design outcomes being sought by Council policy. Principles relating to accessibility, sustainability and commercial viability are provided.

Issues

Issues were raised in relation to:

- flexibility in the development of Activity Centres,
- Corio Homemaker Centre – Geelong Gateway,
- application of the DDO 20,
- Leopold,
- potential centres, and
- retail framework definitions.

In addition, Barry Alsop (4) raised concerns that the Amendment would allow for off-street car parking associated with a use in a Business 1 zone to establish on nearby Residential 1 land. This is not proposed in the Amendment and would in fact require a change to the Residential 1 zone.

7.2 Flexibility in the development of Activity Centres

What is the issue?

The issue is the basis for considering new retail development.

Evidence and submissions

Fulcrum Town Planners for ING Real Estate (42) expressed difficulty with some of the language within the Retail Strategy and the MSS provisions, specifically arguing that the concept of 'net community benefit' should always be the criteria used to assess the merits of individual applications.

The Aldi (1) submission sought greater flexibility for the development of Activity Centres.

Council submitted that Net Community Benefit (NCB) was clearly the criteria to judge the merits of individual retail proposals, and considered that minor modification to wording to provide further emphasis on net community benefit as the principle criteria to make decisions in relation to retail expansion would be desirable.

The changes would see more specific direction around net community benefit as the criteria to be met for any expansion of retail centres beyond identified floor space limits. Council considered that this was appropriate having regard to the dynamic nature of retailing.

Discussion

Setting out a retail or activity centre hierarchy is not a goal in itself. It is a broad strategy for managing growth and change and providing services for local communities. The social and transport benefits of mixed use activity centres is recognised and hence across Victoria there is a general reluctance to allow 'out of centre' development.

The approach set out by Council of assessing the net community benefit of new development is generally supported.

Conclusion

The approach to providing flexibility in retail development based on net community benefit is appropriate.

7.3 Corio Homemaker Centre – Geelong Gateway

What is the issue?

The issue is the nomination of a homemaker centre in the northern suburbs of Geelong.

Evidence and submissions

The retail strategy was ambivalent on the location of a Homemaker Centre in the north of Geelong. Two potential locations had been identified: the Geelong Gateway Centre in Corio and the Hometown and Quay Business Park Development.

Amendment C98 involved the Hometown and Quay Business Park Development Centre and the Panel for that Amendment recommended that the proposal not proceed. Council abandoned Amendment C98 on 12 June 2007. This leaves the Geelong Gateway as the only currently identified site

for a Homemaker Centre. Council submitted that '*...logically the only place for a Homemaker centre in northern Geelong is the Gateway Centre.*'

Trans-Pacific Holdings Pty Ltd (144) and Faggs Mitre 10 (40) submitted that there should be strategic support for the northern homemaker centre within Geelong to be on the Gateway site.

Since Amendment C98 was abandoned some homemaker type retail has established under a permit. As Mr Biacsi said: '*the site is a homemaker centre in fact.*'

Discussion

It is clear that the Geelong Gateway site is the only real contender as a Homemaker Centre in the northern area of Geelong.

Given the strength of argument and evidence that the centre was established, we suggested that rezoning to Business 4 might be effected as part of this Amendment on some sort of 'policy neutral basis'. This suggestion was rejected by the land owners present at the Hearing on the basis that it might have unintended consequences, and that not all land owners were represented at the Hearing.

In our mind the zoning and designation on the retail strategy map should align. We agree with Council that until the site has been rezoned to Business 4, the appropriate designation is 'Potential Homemaker Centre'.

Conclusion

We support the proposed change to the Retail Hierarchy map to show the Corio Hometown Centre as a 'Potential Homemaker Centre'.

7.4 Leopold

What is the issue?

The strategy identifies the need for a sub regional centre in Leopold.

Evidence and submissions

John Rantino on behalf of Lascorp Development Group (35) submitted that the area immediately adjacent to the established supermarket at Leopold should be designated now as the sub regional centre for Leopold. This would involve a notion on the Leopold Structure Plan map, potentially outside of the Growth Boundary.

Council did not agree with this submission. It considered that the specific location of any future sub regional centre within Leopold should be the subject of further detailed strategic work beyond the broad direction provided within the Retail Strategy that Leopold is a preferred site long term for a sub regional centre to service the Bellarine Peninsula.

Council conceded some minor modifications when considering submissions to address concerns around the designation of Leopold as a potential subregional centre and included as further work in Clause 21.07 a review of the recommendations in the Retail Strategy.

Discussion

The Retail Strategy identifies the need for a new sub regional centre to serve the Bellarine Peninsula. In determining the location of such a centre there is a potential to refine the site selection in a number of stages:

- there should be a sub regional centre on the Bellarine Peninsula,
- it should be located in Leopold,
- it should be part of the identified activity centre, and
- the site in the activity centre is chosen.

The Leopold Structure plan includes the shopping centre as well as some adjacent land, including a Council owned oval, as part of the Activity centre.

The final location of new retail development within the Activity Centre is not settled and Council wants to retain an option to explore development of its own land. This is fair enough, but if the new retail cannot be established on the Council land then the logical location is adjacent to the existing centre and this will require development outside of the settlement boundary.

As part of the implementation of the Retail Strategy we think that it is appropriate to identify the possible expansion of the current centre on the Leopold Structure Plan map. This will leave no doubt that such an expansion has policy support as an option to provide the needed sub regional centre. It will not lock Council into this location.

Recommendation

We recommend:

In Clause 21.13-8 (Leopold Structure Plan map) show an appropriate area marked as 'Possible expansion of settlement boundary to accommodate expansion of activity centre'.

7.5 Design and Development Overlay Schedule 20

What is the issue?

The issue is the application of DDO 20 to Business 4 zoned land.

Evidence and submissions

Fulcrum on behalf of ING Real Estate (42) and Reachy Pty Ltd (80) submitted that the application of the DDO over Business 4 zoned land was unnecessary.

DDO 20 was exhibited to apply to land in Industrial 1, 2, 3 Zones, and the Business 4 Zone.

It sets out the following objectives:

1.0 Design objectives

- *To improve the visual appearance and image of industrial and bulky goods retailing areas through well designed site responsive developments.*
- *To facilitate economic development through efficient and functional industrial and bulky goods retailing development.*
- *To provide a high level of amenity for workers and visitors to industrial and bulky goods retailing areas.*
- *To minimise the potential for negative off-site effects to occur.*
- *To promote best practise storm water quality and reuse measures.*

Council agreed that the overlay could be refined to apply only to Industrial zoned land.

Discussion

A review of the requirements of DDO 20 confirms that it would add little to the consideration of applications with the Business 4 zone.

Recommendation

We recommend:

In Clause 42.02 (Design and Development Overlay) amend Schedule 20 so that it only applies to industrial zoned land.

7.6 Potential centres

What is the issue?

The issue is how to identify activity centres that are supported on a strategic basis but are not zoned to allow for development, or are in growth areas without services or surrounding development.

Submissions

Council has proposed that this Clause be revised to include the location of 'potential' activity centres, including the north-eastern neighbourhood activity centre in Ocean Grove.

Discussion

In our mind the zoning and designation on the retail strategy map should align. We agree with Council that until a site has been rezoned it is appropriate that it have a 'potential' designation. We also think that these potential centres need to be included in the scheme – otherwise the strategic work is lost.

Conclusion

We support the proposal for the retail hierarchy map to show 'potential' centres.

7.7 Retail framework definitions

What is the issue?

The Panel that considered the Armstrong Creek amendment (C138) recommended that the retail hierarchy for Geelong should adopt the Melbourne 2030 nomenclature of:

- Principal Activity Centre,
- Major Activity Centre, and
- Neighbourhood Activity Centre.

Evidence and submissions

Council agreed to this as part of the Armstrong Creek process. We note that Council has accepted that Panel's recommendation in respect of Armstrong Creek as a Major Activity Centre.

Discussion

The MSS does not spell out what is meant by the definitions it uses. We think that it would assist understanding of the retail strategy if the roles of the centres were described as part of their identification.

We also think that the need to refer to the external Retail Strategy should be removed from the strategies. We think that the table of Clause 21.07-10 could be amended to provide this information as follows:

City of Greater Geelong Retail Activity Centre Hierarchy		
		Indicative floorspace and example key tenants
Central Activities District	Central Geelong (1)	More than 100,000 sqm Department store, discount department store(s), mini major(s), supermarket(s) and extensive range of specialties
Major Activity Centres	Belmont (2), Corio Village (3), Waurm Ponds (4)	15,000 sqm to 35,000 sqm Discount department store(s), mini major(s), supermarket(s) and specialties
Community Centre	Pakington Street (Geelong West) (5)	10,000 sqm to 25,000 sqm Supermarket(s), mini major(s) and specialties
Neighbourhood Centres	Highton (6), Shannon Avenue (Geelong West) (7), Shannon Avenue (Newtown) (8), Bellarine Village (9), Newcomb Central (10), Bell Post (11), Ocean Grove marketplace (12), Separation Street (13), Pakington Street (Newtown) (14), Geelong East (15) Leopold (16)	2,500 sqm to 10,000 sqm Supermarket (small or full line), primarily convenience oriented specialties
Town Centres	Ocean Grove (Town Centre) (17), Drysdale (18), Lara (19), Barwon Heads (20), Portarlington (21)	1,500 sqm to 15,000 sqm Supermarket, mini major(s), specialties
Homemaker Centres	Waurm Ponds (22), Moorabool/Fyans (23), Geelong West (24)	5,000 sqm to 50,000 sqm Large restricted retail type tenants
Potential Major Activity Centres	Armstrong Creek (25), Leopold (32)	
Potential Neighbourhood Centres	Armstrong Creek East (26), Armstrong Creek Horseshoe Bend Road (27), Jetty Road Growth Area (28), Ocean Grove north east	

City of Greater Geelong Retail Activity Centre Hierarchy		
	growth corridor (29), Wandana Heights (30)	
Potential Homemaker Centres	Corio (31)	

Recommendation

We recommend:

In Clause 21.07-3 modify to the 7th strategy to read 'Ensure that new retail development is consistent with the role and function described in the Retail Activity Centre Hierarchy included in this Clause'.

In Clause 21.07-10 align the terminology of retail centres with Melbourne 2030 nomenclature.

In Clause 21.07-10 include indicative floorspace and example key tenants in the Retail Activity Centre Hierarchy Table.

8. Housing Diversity

8.1 Introduction

This section discusses the implementation of the Housing Diversity Strategy (2007).

What does the Amendment propose?

The Housing Diversity Strategy is implemented by:

- Municipal Strategic Statement, Clause 21.06 (Settlement and Housing), particularly:
 - 21.06-1 (Key Issues and Influences) – Includes references to forecast population and housing growth, the nature of housing demand in the municipality and the need for increased housing diversity to address housing needs and environmental, social and economic issues.
 - 21.06-3 (Urban Consolidation) – Sets out the strategic thrust of the Housing Diversity Strategy, with particular reference to the type and intensity of development sought in Key Development Areas, Increased Housing Diversity Areas and Incremental Change Areas.
 - 21.06-4 (Neighbourhood Character) – Sets out Council’s preferred development outcomes in Incremental Change Areas (Residential 3 Zones) and acknowledges that neighbourhood character will change more rapidly in Increased Housing Diversity Areas and Key Development Areas (Residential 1 and 2 Zones), relative to Incremental Change Areas.
- Application of the Residential 3 Zone to the residential parts of all Incremental Change Areas (mostly all residential areas except those identified as Housing Diversity Areas) with:
 - Standards A5 Site coverage 50% (Clause 54 single dwellings under 300sqm)
 - Standards B8 Site coverage 50% (Clause 55 two or more dwellings)
 - Standard B28 Private open space consisting of an area of 60 sqm 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 a minimum area of 40 sqm with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.

- Removal of Schedule 14 to the Design and Development Overlay (DDO 14) from:
 - all Increased Housing Diversity Areas,
 - the Waurn Ponds Key Development Area, and
 - all Residential 2 Zones within the Central Geelong Key Development Area.

DDO 14 is retained in the West Fyans Key Development Area pending the findings of the Fyans/West Fyans Street Structure Plan, however the majority of the land in the West Fyans Key Development Area is zoned industrial with only a small part residential with the DDO 14. This project commenced earlier this year.

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- Housing Strategy Background and Issues Report, Swinburne University, (2005),
- Housing Diversity Strategy, alphaPlan, David Lock Associates and the City of Greater Geelong, (2007), and
- Residential Character Study: Character Precinct Brochures, Planisphere for City of Greater Geelong, (September 2001).

In 2005, Swinburne University prepared a municipal Housing Strategy Background and Issues Report. The report highlighted the need for increased housing diversity in the municipality, particularly the need for appropriately located medium and higher density housing.

The demand for medium and higher density housing in the CoGG is being driven by significant growth in smaller household types and an emerging preference for lower maintenance dwellings close to services. The rapid aging of the population – particularly on the Bellarine Peninsula – is a significant contributor to the decline in household sizes.

Council submitted that there is significant community concern over the impact of this form of development on established suburban areas, particularly in terms of the erosion of the City's traditional 'conventional density' or 'garden setting' neighbourhood character and impacts on infrastructure capacity (e.g. traffic, car parking supply, drainage and sewerage systems, water supply).

In June 2006 Council engaged David Lock Associates and alphaPlan to assist with the development of a new Medium Density Housing Strategy for the municipality. The strategy was later re-named the 'Housing Diversity Strategy' (HDS), to better reflect its concern with the development of a range of housing types and densities, including conventional, medium and higher density housing.

Issues

Issues were raised in relation to:

- Key Development Areas,
- whether Increased Housing Diversity Areas are substantial change areas,
- identifying areas with potential for higher density development,
- use of Residential 3 zone, and
- implementation in policy.

8.2 Key Development Areas

8.2.1 What is the issue?

The issue is the extent of certain Key Development Areas and the nomination of additional Key Development Areas.

8.2.2 Evidence and submissions

Key Development Areas are identified in the HDS. These are areas that have been identified through other processes and the HDS has not explicitly sought to identify other Key Development Areas.

The HDS identifies Key Development Areas as:

Key Development Areas: being large existing and future development areas that have the potential to accommodate significant amounts of new medium and higher density housing, including mixed use development

Mr Gleeson of Urbis submitted on behalf of Coles (22) on the appropriateness of the Waurm Ponds Key Development Area in the context of the proposed expansion of the adjacent Activity Centre. This centre is proposed to expand using some of the land identified in the Key Development Area. Mr Gleeson concluded that the land should be rezoned to Business 1 to ensure consistency with the Retail Strategy.

Ms Katz of the Planning Group submitted on behalf of Links Living (148) that owns land proposed for residential development and rezoned by Amendment C110 to facilitate residential development. The land is covered by a DPO. The submission sought to retain the Residential 1 zone.

8.2.3 Discussion

Three Key Development Areas were identified in the strategy:

- Central Geelong,
- West Fyans, and
- Wauran Ponds.

As a result of submission Council suggested adding the North Geelong Golf Course site.

We have no issue with the concept of identifying Key Development Areas and believe this is a welcome approach in the Greater Geelong Planning Scheme. Nevertheless, particular issues were raised in submissions and we discuss these below.

Wauran Ponds

Current planning practice is to create vibrant activity centres with a mix of uses including housing. Traditional town centres combine retail and higher density living, and while such an approach might not be an obvious solution for Wauran Ponds it is an approach that should be supported by the planning scheme. We understand that some rezoning of land will be required to facilitate the proposed expansion of the retail centre, and consider that this expansion could be planned in conjunction with a residential component.

North Geelong Golf Course redevelopment

Redevelopment of part of the North Geelong Golf Course site has been approved and the land has been rezoned.

It is appropriate that this site is recognised as a Key Development Area. In the revised MSS Council has proposed a strategy where this site is described as a residential infill site. We think that it is best formally identified as a Key Development Area. We envisage that over time more Key Development Areas, or sites, will be identified and each will present a range of opportunities and constraints. Rather than try to determine whether a particular site or area is a 'key development site' or not, we think it would be best to identify all such sites as key development sites and identify any constraints on the intensity of development as part of that process.

Identification of Key Development Areas

We have recommended elsewhere that references to external documents (including the HDS) should be removed from the MSS. We also agree that the Key Development Areas (including the North Geelong Golf Course site) should be included in the MSS on an appropriate plan. We note that Council has attended to this in its final revised version of the MSS and we support these changes.

In light of these changes there is also a need to relabel these maps in recognition that they are more than 'Increased Housing Diversity Areas'. We suggest that they be called 'Housing Development Framework maps'.

8.2.4 Recommendation

We recommend that:

In Clause 21.06-7 (Increased Housing Diversity Areas maps) relabel the maps to 'Housing Development Framework map'.

8.3 Whether Increased Housing Diversity areas are substantial change areas

8.3.1 What is the issue?

The issue is how Increased Housing Diversity areas (IHD areas) should be interpreted and applied.

8.3.2 Evidence and submissions

In the evidence and submissions we identify two possible approaches:

- IHD areas are substantial change areas, with the expectation that all the land within them has been targeted for higher density development, or
- IHD areas are a looser concept in which some land, but not all, is suitable for higher density development.

There is strong State Policy to encourage medium density housing:

16.02 Medium density housing

16.02-1 Objective

To 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.*

A key issue in understanding the precise role of IHD areas is what development is expected on the 'constrained' sites within the IHD areas.

Ms Glynn provided evidence as follows:

The Role of Heritage Overlays and Restrictive Covenants

In establishing areas of incremental change and housing diversity, there was acknowledgement of the potential reduction in housing capacity resulting from both heritage overlays and restrictive covenants that may apply to lots. ...

The use of a heritage overlay in itself does not preclude housing diversity. It is merely an additional consideration to be addressed in planning applications. ...

The existence of single dwelling covenants in areas of housing diversity was acknowledged by the consultants in preparing the housing diversity strategy, however, was deliberately excluded as a matter that planning has little to no influence over.

Covenants on title can be removed via a planning permit, although it is noted that this is not a simple process. The application of a single dwelling covenant (or any other covenant) is a matter that occurs separate to strategic planning. It was the view of the consultants in preparing the strategy that it was not possible or desirable to seek to direct the strategic planning objectives of the study on covenants that may or may not continue to apply to sites over the long term.

Submissions were made that Geelong West was not suitable for higher density housing, because of access and infrastructure issues and the desirability of maintaining the character of the area.

The Geelong West housing diversity area roughly coincides with DDO 1, except for a Housing Diversity area north of Waratah Street. DDO1 includes the following design objectives:

To retain the small and medium scale residential buildings within the area.

To retain the uniformity of scale throughout the area, including the single storey scale, and regular front and side setbacks.

To encourage contemporary interpretation of traditional building design within the area.

To encourage the use of appropriate fence types of low to medium height.

To encourage the appropriate development form and scale of garages and or carports, with a location at the side or rear of the existing and/or infill buildings.

To ensure new buildings visible from the street are in keeping with the kinds of development that predominate in the area.

A number of submitters questioned the relative supply and demand figures for medium density housing. Mr Boyd (14) made a number of assertions about demographics and Melbourne 2030 suggesting that there was not demand for medium density housing. In our experience these assertions are without basis. We accept that there is a demand for medium and higher density housing, and accept that areas need to be identified to cater for this demand. In identifying these areas allowance has to be made for the fact that not all properties will be redeveloped for higher density housing.

8.3.3 Discussion

Current planning approaches identify three types of residential area:

- *substantial change areas*, where there will be a significant increase in the number of dwellings and creation of a new built form character,
- *incremental change areas*, where a moderate increase in new dwellings is carried out in a way that respects the existing character of areas, and
- *limited change areas*, where the desire to protect specific character limits the opportunities for increased housing.

The HDS identifies three types of housing areas:

Key Development Areas: being large existing and future development areas that have the potential to accommodate significant amounts of new medium and higher density housing, including mixed use development.

Increased Housing Diversity Areas; being areas where a mix of high, medium and conventional density housing will be encouraged, with the density of development being highest within the commercial core of the area and lower at the edge of the area, and

Incremental change areas; being residential areas where the majority of new development will be in keeping with Geelong's suburban character.

The Increased Housing Diversity areas present some of the more difficult considerations for us. A particular difficulty is that the approach taken by Geelong is fundamentally different to recent approaches announced in terms of new residential zones. Geelong's approach and the approach taken for the new zones are very easily confused, and we note this confusion in submissions from Geelong and in the evidence of Ms Glynn where the terms 'IHD area' and 'Substantial Change Area' were used to mean the same thing.

We are concerned that this confusion could lead to decision making (by Council or VCAT) that is at odds with the approach intended in the HDS.

In submissions, Council used the term IHD and substantial change areas to refer to the same areas, but ultimately it will be for later decision makers to decide, unless the scheme is very clear on these issues. Comparing the 'definition' of the two areas shows a difference in respect of built form outcomes.

<i>Housing Diversity Strategy</i>	<i>DPCD advice on new residential zones</i>
<p><i>Increased Housing Diversity Areas</i></p> <p><i>Areas where a mix of high, medium and conventional density housing will be encouraged, with the density of development being highest within the commercial core of the area and lower at the edge of the area.</i></p>	<p><i>Substantial change areas</i></p> <p><i>Areas where there will be a significant increase in the number of dwellings and creation of a new built form character.</i></p>

The HDS clearly states that a variety of housing types will be created within the IHD areas. The diagram on page 34 of the HDS indicates that within IHD areas there will be a mix of medium and conventional density housing. It would seem that not all the area identified for 'diversity' has been identified for 'development'.

Alternatively, the 'substantial change area' implies that the whole area will be subject to substantial change.

Heritage and covenants

Including areas of houses with restrictive covenants and Heritage Overlays in the IHD areas is not sensible if the intention is that the whole area will be subject to substantial change.

Heritage and single dwelling covenant areas have limited capacity for intensification under current planning controls and title restrictions. Council submitted that the strategy should be forward looking, not based on the past application of the covenant. It is one thing to be forward looking it is another to ignore a basic restriction on development. We think that the fairest answer to the question: 'What is the medium density development potential of an area of detached houses, protected by a single dwelling covenant and within a Heritage Overlay?', would have to be 'Not much'.

We note Council's submission that much of inner Melbourne is covered by Heritage Overlays but that development in inner Melbourne has still proceeded. We make the observation that very little of this development has entailed the demolition and replacement of residential heritage stock. The development has occurred on vacant land or as part of the reuse of old industrial buildings. We note that industrially zoned land has been excluded from the IHD areas. In the context of inner Melbourne, 'Key Development Sites' that are much smaller than the Key Development Areas identified by the HDS are often identified. Council's submission only makes sense if preservation of the heritage fabric is envisaged within the IHD area.

Planning may have little influence over covenants, but this does not mean that covenants have little influence over development. Council's approach seems back-to-front. Planning must acknowledge that it is only one factor in the development equation and recognise its limitations in setting strategies to achieve its objectives. Ignoring constraints because you can't 'influence' them seems to us to be a recipe for policy failure. This is only a valid criticism of Council's approach if all the IHD area is envisaged for change. If some areas will remain as they are as part the 'diversity' within the IHD areas then ignoring covenants might be a reasonable approach. If IHD areas are meant to be areas of substantial change, then ignoring covenants does not make sense.

Overlays

We accept that planners sometime have to balance competing objectives. However no amount of 'balancing' can overcome fundamentally contradictory objectives. We cannot see how the existing planning controls for Geelong West can be reconciled with IHD areas, if they are taken to be areas of substantial change.

It is not clear to us how housing diversity could be physically or financially achieved in many of the streets in Geelong West while retaining the small and medium scale residential buildings and single storey scale.

There are some areas of Geelong that have Overlays that quite clearly identify them as areas of limited change (this is discussed below).

<i>Current Planning Scheme</i>	<i>DPCD advice on new residential zones</i>
<p><i>DDO 1 area</i></p> <p><i>Area where the small and medium scale residential buildings within the area will be retained</i></p> <p><i>Area where the uniformity of scale throughout the area, including the single storey scale, and regular front and side setbacks will be retained</i></p>	<p><i>Limited change areas</i></p> <p><i>Areas where the desire to protect specific character limits the opportunities for increased housing.</i></p>

We note that the Amendment does not seek to delete the DDO 1.

8.3.4 Conclusion

The IHD areas could serve a useful purpose in the Geelong scheme if their role is clearly articulated. Despite some confusion in submissions, IHD areas are not synonymous with 'substantial change areas'.

8.4 Identifying areas with potential for higher density development

8.4.1 What is the issue?

The issue is how the IHD areas have been selected, with some submissions seeking the inclusion of additional areas and some requesting areas be deleted.

8.4.2 Evidence and submissions

Concerns were expressed over the depth of understanding the HDS showed for local issues. As one submitter put it:

Overall, the Housing Diversity Strategy appears to lack a contextual and sympathetic understanding of Geelong and simply seeks to apply Melbourne 2030 strategies and other generic consolidation, medium density ... strategies to Geelong.

The HDS states:

The nomination of respective activity centres and transport hubs as the core of an Increased Housing Diversity Area has had regard to the following criteria:

- *The need to provide a spatially balanced distribution of Increased Housing Diversity Areas,*
- *The need to ensure that the demand for medium and high density housing in the municipality can be met,*
- *The need to provide appropriate choice and diversity of in the location of Increased Housing Diversity Areas,*
- *The need to strike an appropriate balance between Increased Housing Diversity Areas, particularly in Geelong's older suburbs where the preservation of neighbourhood character is particularly important to the community, and*
- *The need to response to local area conditions and circumstances.*

In response to concerns about the selection of areas, Council submitted that the approach was 'simple' and that there was a need to identify a strategy and that all options were 'arbitrary':

Looked at another way, it is possible to say that designating substantial change areas around activity centres and transport hubs is the 'least arbitrary' of a generally arbitrary set of options.

Submitters concerns over the overall process for identifying IHD areas as well as concerns over particular areas.

Submissions that raised concerns over the general methodology or selection of IHD areas including JR Boyd (14), Nancy Finlay (133), Andrea Crosbie (27) and Phyl Wild (125). One submitter stated:

We believe the plan is as a one dimensional solution to a complex social problem and will do little to solve changing housing needs, urban sprawl, reliance on cars etc while creating a range of local communities.

A number of submitters raised general concerns over IHD areas citing concerns over traffic, infrastructure, character, visual bulk, heritage and amenity. These submissions included Geelong West Branch of the ALP (5), Ken Best (11), Brian Butler (18), Donald Gibson (49), Anne Morell (68), Dick Southcombe (94), Anne Morell (68), Chris Parkinson (73), Gary Tigani (104), D & H Watson (121). More specific concerns were raised over the application of the IHD area in Belmont (Belmont Residents Group (10), Andrea Crosbie (27), Anne Morell (68), Nancy Finlay (133)) and West Geelong (Chris Parkinson (73), Alicia Te Wierik (98)). Sincock Planning (88) opposed the exclusion of Pakington Street Newtown activity centre from an IHD area.

A number of submissions opposed the application of an IHD area to Portarlington primarily of character grounds (this is discussed below). Friends of Bellarine Hills (41) supported the IHD area in Portarlington as it would allow for containment of the town to existing boundaries.

Concern was expressed that development trends to date had not been taken into account, and that there was a need to monitor future development trends (Belmont Residents Group (10), Anne Morell (68)).

8.4.3 Discussion

How should areas be identified for higher density housing?

We think that the starting questions for a Housing Diversity Strategy are 'What diversity of housing stock do we need?' and 'Where are the best locations to provide that stock?'

Having determined that more medium density housing is required, the strategy needs to address the question: 'Which areas in Geelong are best suited for medium density housing?' We do not think that the answer to this question is necessarily arbitrary. Council conceded that its approach was arbitrary when it submitted it was 'the "least arbitrary" of a generally arbitrary set of options'. This is a fundamental weakness in the identification of the IHD areas.

It is generally recognised that some areas are more suitable for medium density housing than others, and an obvious, and eminently sensible planning strategy is to direct medium density housing to those areas that are most suitable.

We do not agree with the Council submission that:

... it is well proven that the net societal benefit of urban consolidation is maximised when that consolidation happens around activity centres and transport hubs.

On the contrary we think the benefits of consolidation (that is higher density) are best realised when they are part of a 'walkable suburbs' (as the strategy alludes) and that walkable suburbs have a range of other features than simple access to activity centre.

Research on walkability typically identifies three elements:

- street connectivity,
- density, and
- mix of uses.

The HDS notes:

The Guide [Healthy by design: A planner's guide to environments for active living] goes on to suggest that destination points such as food stores, schools, chemists, neighbourhood centres, senior citizen centres and cafes provide focal points for people to walk and cycle within their neighbourhood.

It makes sense to boost the density of areas that have a mix of uses and good street connectivity as this will help promote walkability, and result in higher density in areas where car use can be less.

Furthermore, the evidence on transport energy use is quite clear that centrality is the main factor on decreasing energy use. This would imply identifying more areas in inner Geelong for housing diversity.

Location of higher density housing around a relatively remote car dominated activity centre in an area with poor street connectivity clearly will not maximise social benefit. There is a need to look more specifically at the locations being selected for higher density housing to determine whether it will maximise social benefit.

The criteria for determining which areas are suitable or best for higher density development will always be open to some debate, but these criteria will generally include a mixture of local context (for example, neighbourhood character) and strategic criteria (for example, access to existing infrastructure).

A list of criteria for identifying which areas are best suited for higher density development in Geelong might include at least:

- access to the Central City,
- access to views,
- access to local services,
- a mix of uses in the area (a component of walkability).

-
- access to public transport,
 - access to open space,
 - lot sizes suitable for redevelopment,
 - a street network capable of handling increases in traffic and providing crossovers for off street parking,
 - a well-connect street network (a component of walkability),
 - a lack of restrictive covenants that prohibit development,
 - a lack of contradictory overlays or other control,
 - local house prices that can support redevelopment,
 - existing density and housing mix, and
 - the ability to serve all segments of the market.

Mr Morrell submitted that main roads were an appropriate location for higher density development. We do not agree with this and would not include a main road location as a criterion for identifying medium density housing areas (though we do not think that a main road location necessarily excludes medium density development). We cannot see the logic of increasing the number of people exposed to the negative amenity effects of main roads.

How has the Housing Diversity Strategy identified IHD areas?

The process used in selecting the location of IHD area appears to be twofold:

- identifying areas within walking distance to an activity centre, and
- selecting or adjusting these areas based on the following criteria:
 - the need for a 'spatially balanced distribution' of the IHD areas across Geelong,
 - the need to provide appropriate choice and diversity of in the location of IHD areas,
 - the need to strike an appropriate balance between IHD areas and Incremental Change Areas, particularly in Geelong's older suburbs where the preservation of neighbourhood character is particularly important to the community, and
 - the need to respond to local area conditions and circumstances.

The HDS also identified the non location specific criterion:

- The need to ensure that the demand for medium and high density housing in the municipality can be met.

Walking distance to activity centres

Instead of a detailed 'bottom up' examination of where the best locations for medium density housing are, the HDS has taken a top down approach of imposing a theoretical model of development – higher density around activity centres – without, in our view, sufficient attention to the actual conditions of the areas that have been identified.

We accept that the strategy progressed beyond an arbitrary 'as the crow flies' circle and has identified areas within actual walking distance, but the basic concern remains that the selection of IHD areas is based on a very narrow analysis.

We think the identification of IHD areas has relied too much on walking distance to activity centres and has not considered other important factors to identify the best locations for higher density housing.

Spatially balanced distribution

It is not clear what the logic of a 'spatially balanced approach' is. 'Balance' is generally considered to be a positive feature and so a 'balanced' approach seems to have some positive benefit. In reality it is difficult to see what is being balanced. Reading the strategy suggests that a 'spatially balanced approach' is really a less clear way of saying 'distributed throughout the urban area'. It is not the same as matching local supply to demand as this is covered in a separate criterion.

A spatially balanced distribution is not a planning objective: it may be a strategy to achieve a broader objective, such as 'spreading the "pain" ' or 'spreading the advantage' of higher density housing. It is certainly not an effective strategy for determining the overall location of higher density housing, where by any fair reckoning more centrally located sites are better locations for the majority of new stock.

The approach taken means selecting some areas that are (on other criteria) less suitable areas for medium density housing over other areas that are (on other criteria) more suitable, so that medium density housing is distributed on a 'balanced' basis across the urban area.

We note that the HDS identified IHD areas around three centres in Geelong West and this was considered to be 'too many' IHD areas for this part of Geelong. This seems to be what is meant by 'spatial balance'. This ad hoc adjustment of what the analysis has produced highlights fundamental flaws in the approach. Ad hoc adjustment at the end of an analytical process is not that different to a completely ad hoc approach.

The need to provide appropriate choice and diversity in the location of Increased Housing Diversity Areas

This is a laudable criterion, and suggests that areas will be identified across all areas of Geelong. The reality however will be that some areas will have a much higher demand for medium density housing than others.

It is one thing to identify the need for appropriate choice, but the HDS does not articulate what this choice should be, or how it really effects the identification of IHD areas.

The need to strike an appropriate balance between Increased Housing Diversity Areas and Incremental Change Areas, particularly in Geelong's older suburbs where the preservation of neighbourhood character is particularly important to the community

This criterion is most puzzling in the way it has been put into practice. It has not been interpreted as protecting areas with valued characteristics, rather it has meant changing the walkability radius from 800 to 400m for Belmont High Street, and (as we understand it) limiting the definition of the activity centre to only part of the business zoned land in that centre.

This criterion is little more than a fudging factor to cover over the fact that the primary criteria for selecting areas did not cover all the relevant criteria. If it had, there would be no need to undertake 'balancing' exercises at the end of the analysis.

The need to respond to local area conditions and circumstances

We note that the approach progresses beyond simply including all areas within a nominated walking distance but also relies on additional criteria, including:

- minimising interfaces with low amenity areas,
- acknowledging barriers to walking,
- excluding non residential land, and
- acknowledging development constraints such as flooding.

We also accept that Council has assessed whether land can be serviced.

We agree with the need to select areas based on local conditions.

Development constraints, such as inundation, compete with higher density housing objectives, but they are not necessarily contradictory. Development of the old abattoirs in Kensington in Melbourne took place on what was once flood prone land. These areas might well be opportunities for higher density

development. Similarly old industrial or commercial land might be suitable for housing as part of a mixed use development.

The IHD areas (and hence the Residential 3 zone) has been applied in a very precise fashion. While we agree that it is important to use 'ped-sheds' rather than simple circles we can see difficulty when the limit of the IHD area falls halfway along a street.

The boundaries of the IHD areas do equate to any 'natural' or intuitive city districts and so will always appear strange on the ground. There has not been sufficient attention paid to locating IHD area boundaries or zone and overlay boundaries that make sense on the ground. It is a further failing of this work that it does not relate spatially to the urban character work that has previously been completed.

What higher density development is supported in Incremental change areas?

A further layer of complexity is added by the statements at section 4.3.2 of the HDS that identifies areas within the Incremental Change Areas where '*Low scale medium density housing that is responsive to the surrounding neighbourhood character of the area*' is encouraged to locate:

Within 400 metres walking distance of the following activity centres

- *Shannon Avenue in Manifold Heights*
- *Aberdeen Street and Pakington Street in Newton*
- *Dorothy and Ash Road in Leopold*
- *Vines Road in Hamlyn Heights*

On sites that are within 200 metres of active parkland and /or tertiary education; and/or

On sites that accommodate existing public or social housing that requires urban renewal.

We think that the areas identified in the first strategy should be explicitly identified on the housing framework. Identifying them as IHD areas with a statement about their intended level of development will remove a level of complexity and possible confusion.

In the absence of maps it is difficult to understand precisely what areas are covered by the second strategy. Presumably not all parkland is 'active parkland' and so it is not clear precisely what is included. In regards to the third point this might be read as applying to all social housing or just some identified areas.

On what basis should areas be excluded from the IHD areas?

Concerns over the application of the IHD designation to areas not suitable for development are less important if the interpretation of IHD area as areas of substantial change is guarded against.

We share the concerns of a number of submitters over the suitability of certain areas and think that they are not appropriate areas for redevelopment – they are appropriate with their current level of development as part of the mix within the IHD areas. They provide, and can go on providing the lower density part of the mix.

We accept that a number of areas within IHD areas are wholly inappropriate for development.

The HDS has identified heritage areas, areas covered by single dwelling covenants and areas that have little prospect for development within IHD areas. This is acceptable – though not ideal – if the MSS explicitly acknowledges that not all streets within IHD areas are suitable for redevelopment.

Removing these areas as IHD areas would further muddy an already confused issue, and would only make sense if all of the IHD areas were redefined on a consistent basis. We think that a better approach is to explicitly acknowledge in the MSS that not all areas in the IHD areas are expected to be developed.

If the IHD areas were to be read as ‘substantial change areas’ then we would recommend their deletion for the Amendment. As a looser indication of potentially suitable areas they serve some purpose.

Possible refinements

With the introduction of new residential zones there will be scope for a further refinement of development expectations. We think that this work is best carried out as part of the review of character areas so that a preferred character can be clearly identified for different character areas.

We think that in this work some revisiting of areas suitable for development could be undertaken.

8.4.4 Recommendation

We recommend:

In Clause 21.06-7 (Increased Housing Diversity Area maps) include (with an appropriate notation) as IHD areas:

- **sites within 400 metres walking distance of the following activity centres, Shannon Avenue in Manifold Heights, Aberdeen Street and Pakington Street in Newton, Dorothy and Ash Road in Leopold, and Vines Road in Hamlyn Heights.**

In Clause 21.06-6 amend the 8th reference in Further Work to read:

- **'Review the management of neighbourhood character in Geelong (including the Residential Character Study: Character Precinct Brochures, Planisphere for City of Greater Geelong, [September 2001]) with the intention of introducing new residential zones and/or appropriate overlays that set out neighbourhood character requirements and provide for increased housing diversity in suitable locations'.**

8.5 Use of the Residential 3 Zone and Design and Development Overlays

8.5.1 What is the issue?

The issue is the justification for the more restrictive requirements under the Residential 3 Zone.

8.5.2 Evidence and submissions

Though presented as part of the HDS the real effect of the Residential 3 zoning is to apply character based controls over much of Geelong.

The Practice Note: Using the Neighbourhood Character Provisions in Planning Schemes was published in June 2004.

The Practice Note provides direction for translating neighbourhood character policy and provisions, and housing statements into the scheme. It provides five tests for determining if proposed statutory controls can meet broader policy directions at a state and local level. These tests are:

1. *What is council's projected population for the next 30 years?*
2. *How many new households will be required?*
3. *Given the existing number of dwellings, how many additional dwellings are required to meet population and household projections over an initial 15-year period?*
4. *How will these additional dwellings be provided within the municipality?*
5. *What impact will the implementation of the neighbourhood character amendment have on achieving the number of dwellings that need to be provided to meet other housing objectives over the initial 15-year period?*

The Practice Note goes on to state that:

The level of analysis in relation to these tests should be proportional to the effect the amendment has on the delivery of future housing outcomes. For example, if a Neighbourhood Character Overlay is proposed for a street of 20 dwellings, then the effect of the amendment on the supply of housing in the municipality will be minor. If, however, the planning authority is seeking to amend the schedule to the residential zone, then the effect of the amendment can be potentially far-reaching. Therefore, there will be a far greater onus on the planning authority to demonstrate that the amendment will not prejudice the delivery of housing required to meet the future needs of the community. It is a matter of scale.

Ms Glynn provided evidence that:

- DSE officers have confirmed that the Practice Note remains relevant and should form the basis of VPP tool selection.
- In particular, DSE officers have noted that neighbourhood character can be addressed at three levels:
 - Policy – directions within the MSS and local policy to identify preferred and non preferred areas for medium density housing based on logical criteria and a balance between housing needs and neighbourhood character.
 - Use of local variation to ResCode through an amended schedule to the Residential 1 zone. It was noted that any change to this schedule must be across the whole municipality to which the zone applies. Examples (e.g. Glen Eira) where different provisions apply to preferred and non preferred areas will not be accepted by DSE.

There is opportunity to use the Residential 3 zone to address areas of non preferred residential development, with the

mandatory height limit of 9 metres. This zone can also have a modified schedule but must be modified to apply to all land in the municipality to which the Residential 3 zone applies.

- Use of Neighbourhood Character Overlays to address areas of specific residential character. It is noted that other overlays may also provide effective consideration of local character, (e.g. DDO, SLO, VPO etc).

The following table summarises the controls that currently apply, and are proposed to apply in the 'incremental change' areas.

What is affected	Current (R1Z)	Proposed (R3Z)
Dwellings and residential buildings Clause 54 and Clause 55	Zone controls Discretionary 9 metre height limit (10 metres on sloping sites).	Zone controls Mandatory 9 metre height limit (10 metres on sloping sites).
DDO 14	A permit is required for development over 7.5 metre with decision guidelines that: The siting and design of buildings to achieve a reasonable sharing of views between properties with significant landscape features having particular regard to the following: <ul style="list-style-type: none"> • The impact of the proposed buildings and works on the view from another property as result of the design, siting, height, size, bulk (including the roof), and colour of the building, • The opportunity for a reasonable sharing of views having regard to the extent of the available view(s) and the significance of the view(s) from the properties affected. 	
Clause 54 single dwellings under 300 sqm Clause 55 two or more dwellings Standards A5 and B8	The site area covered by buildings should not exceed 60 per cent.	The site area covered by buildings should not exceed 50 per cent.
Clause 55 two or more dwellings Standard B28	Private open space of 40 sqm, with secluded private open of 25 sqm, with a minimum dimension of 3 metres.	Private open space of 60 sqm, with secluded private open of 40 sqm, with a minimum dimension of 5 metres.

A number off submissions were concerned that the HDS states that it will accommodate a growing demand for medium and higher density housing, but the Amendment puts in place strategies that effectively prevent this. These submission included Geelong Town Planning Services Pty Ltd (45), Poligot (77), Glenn McAllister (142) , Maria and Pantelis Demetriou (32), Contour Consultants for Stockland (23), Housing Industry Association (56), Carl Bucovas (59), Anne Morell (68), St Quentin Pty Ltd (95), and Peter Dowling (105).

A number of submissions expressed concerns that removing DDO 14 from the IHD area in Portarlington would lead to a destruction of the character of the town. These submissions included Des Badrock (6), Judith Bracken (15), John Bugge (17), Peter & Vivien Dalton (28), Vivien George (46), Louise Glanville (50), G and M Henderson, Dorothy Knight (62), NR Lamond (63), Portarlington Community Association (78), Ian & Joy Porter (79), Roger & Helen Sanders (84), Paul Soccio (93), Gemma Tobschall (106), Gillian Walker (119), R & D Williams & Warren (127), ME & JM Williams (128) and Jennifer Wills (129). Similar submissions were also received in respect of St Leonards (Jocelyn Banks (7), Laurel Wilkinson (126)).

8.5.3 Discussion

Role of incremental change areas

Incremental change areas in the HDS align with the concept of incremental change areas in broader planning thinking. These areas cannot be read as limited change areas – this is not how they are described, and some of the land covered is clearly suitable for some form of incremental change, and is identified in the HDS as being suitable for medium density.

<i>Housing Diversity Strategy</i>	<i>DPCD advice on new residential zones</i>
<i>Incremental change areas</i> <i>Residential areas where the majority of new development will be in keeping with Geelong's suburban character.</i>	<i>Incremental change areas</i> <i>Areas where a moderate increase in new dwellings is carried out in a way that respects the existing character of areas.</i>

The issue is the application of the more restrictive requirements under the Residential 3 zone.

Restrictions under the Residential 3 Zone

An observation was made in the Hearing that the Residential 3 zone was 'a blunt tool' for trying to achieve the neighbourhood character objectives. One submitter observed that a 'good workmen sharpens his tools'. Unfortunately it is not up to Council to sharpen the tools, and there are limited choices available.

The primary justification for the height limit, site coverage and open space requirements is urban character.

Mandatory height limit

It is not clear that the mandatory height limit is justified. We are uncomfortable with the broad application of a 9 metre height limit across Geelong, when it would apply to sites that may well be suitable for medium density housing.

Open space and site coverage

We have some sympathy with the idea that in areas not identified or suitable for medium density housing, larger open space areas and decreased site coverage can be achieved.

However, care needs to be taken that this approach does not adversely impact on affordability. Bisinella Developments submitted that the 50 per cent site coverage requirement Residential 3 zone would have a detrimental impact on the development of single dwellings on smaller lots between 300 sqm and 350 sqm. It is not clear why the more stringent requirements should apply to new areas that are creating their own character, if the main justification is the protection of the character of existing areas.

Selection of boundaries of the Residential 3 zone

A broader concern is that the criteria for selection of the areas for the Residential 3 zone bear no relation to the actual controls that are to be applied under the zone. The zone is applied to the areas left out of the IHD areas, with no analysis whether the height, site coverage, or open space controls are appropriate to these areas.

Mr Robert Roder (144) of Rippleside drew our attention to his residential land which is located behind the approved Rippleside development. The steeply sloping nature of the land, its proximity to open space and the Rippleside development and relative closeness to central Geelong make it suitable for higher density development. There seems to be no good reason not to make the most of these sorts of opportunities. Applying the Residential 3 zone to land such as this has not been justified.

We can see no justification for the automatic assumption that areas not identified as IHD areas must automatically have a character that needs protection by way of a mandatory height limit, and must necessarily need to have more open space and less site coverage. We see the argument for more open space especially troubling for sites adjoining open space. If the issue is the amount of vegetation across the municipality then this again is a separate issue and could be tackled by other means. Elwood in inner Melbourne has

high site coverage, little private open space yet manages to have a far stronger garden character than many areas of Geelong.

It seems to us that the Residential 3 zoning is trying to do two things:

- identify the areas for IHD or Key Development (by zoning the areas not within these areas), and
- apply neighbourhood character controls.

The first task does not imply the second. Such controls should only be applied to those areas where they are properly justified. We do not think that the way the Residential 3 areas have been chosen (as the areas left over from the IHD areas) justifies the proposed controls.

We also think that if the justification is primarily on character grounds then boundaries should more logical following character area boundaries identified in the Neighbourhood Character study. The application of character controls should relate to the character precinct boundaries and earlier character work that Council has carried out.

We are also concerned about its application to steeply sloping sites where the mandatory height limit might compromise good design solutions.

We are unable to support of the application of the Residential 3 zone.

Use of DDOs

DDO 14 is proposed to be removed in IHD areas. In some coastal locations it is to be replaced by a new DDO.

There was some confusion in submissions regarding the removal of the DDO 14 in coastal areas where it was being replaced with the DDO 17 for Residential Coastal Areas. DDO 17 control maintains the need for a dwelling over 7.5 metres in height and includes additional controls and design considerations relating to the coastal location.

Council submitted in relation to Portarlinton that removal of the 7.5 metre trigger (DDO 14) in the Increased Housing Diversity area is:

consistent with the approach taken across the municipality, as it is considered contrary to retain this control while designating an area for increased housing density. Single dwellings in this area above 7.5 metres will still be required to meet Building Regulations with regard to general dwelling siting issues.

We find it difficult to reconcile an approach that seeks to remove DDO 14 – presumably because it would stifle development but ignores DDO 1 and

Heritage Overlays. It seems that on the one hand Council accepts that medium density housing can be compatible with fairly stringent character or heritage controls, but on the other proposes to remove a less stringent control.

We have expressed concern about the lack of connection between neighbourhood character issues and IHD areas.

We have not formed a view whether DDO 14 is an appropriate control in Geelong or its coastal towns, and understand that there are a range of views about this. If DDO 14 is to be removed, then it should be removed by way of a proper assessment of what it was trying to achieve and whether these objectives are still relevant to development in Geelong. We note that from our reading of submissions a number of people (especially in Portarlington) consider DDO 14 to be a height limit, when in fact it is not.

Removing DDO 14 in IHD areas is one of the factors that contribute to the confusion on what precisely the IHD areas are meant to achieve.

8.5.4 Recommendation

We recommend:

Delete the Residential 3 Zone from the Amendment.

Retain the Design and Development Overlay Schedule 14 in its current extent except where it is to be replaced by a more specific Design and Development Overlay.

8.6 MSS strategies

What is the issue?

The issue is the need to review the proposed MSS statements in the light of our conclusions on the suitability of the Residential 3 zone and the reference to external documents.

Evidence and submissions

The MSS sets out a number of policy statements that implement the HDS.

The implementation of the IHD areas into the planning scheme policy is broadly consistent with the concepts set out in the strategy. IHD areas have

been left in the Residential 1 zone and incremental change areas have been placed into the Residential 3 zone.

21.06-3 *Objective – Urban Consolidation*

To provide for urban consolidation.

To encourage an appropriate range of development densities.

21.06-4 *Objective – Neighbourhood Character*

To reduce the impact of urban change on existing or preferred neighbourhood character.

To protect and enhance existing or preferred neighbourhood character.

It is easier to understand the strategies by considering them in terms of the zoned land that they will apply to:

Mixed use

Encourage medium density housing in mixed use zones.

Residential 1 (IHD areas)

Manage urban consolidation and housing change across the municipality, as detailed in the Housing Diversity Strategy, by accommodating:

- *A mix of high, medium and conventional density housing within Increased Housing Diversity Areas, with the density of development being greatest at commercial core of area and lower at edge of the area,*

When considering a planning application, acknowledge that neighbourhood character in Residential 1 and 2 Zones will adapt and evolve over time, particularly within and on the edges of business zones, where land use and development will intensify.

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 Zones.

In residential 1 areas encourage a mix of high, medium and conventional residential development.

Consider other low scale medium density housing development in proximity to retail and other public facilities.

Residential 3 (non Key Development or IHD areas)

Manage urban consolidation and housing change across the municipality, as detailed in the Housing Diversity Strategy, by accommodating:

- *A mix of conventional and medium density housing in Incremental Change Areas, consistent with the lower scale garden setting character of these areas.*

Ensure that in all Residential 3 Zones, development is responsive to the preferred character of the area.

Support medium density housing, in Residential 3 zones, in accordance with the schedule to the Residential 3 Zone.

In Residential 3 Zones, discourage medium density housing that is three storey's or above and ensure compliance with the requirements of Schedule 14 to the Design and Development Overlay.

In residential 3 areas encourage a mix of conventional and medium density consistent with the lower scale garden setting character of these areas.

Discussion

The reference to the HDS in the strategies is poor drafting. It means the reader must refer to the 60 odd pages of the strategy. A complete picture of what type of development is supported and where it is supported needs to be coherently and transparently presented in the planning scheme.

The difficulty that we can see in practice is that despite an extensive strategy and much community consultation, it is still not really apparent which areas of Geelong will adapt with a new character, and what that character might be.

The overlapping and confused policy and requirements from the MSS strategies, the HDS, DDOs, Heritage overlays and Character brochures, means that it is very difficult to be confident on the precise policy direction envisaged under the Amendment.

The IHD areas are too easily confused with substantial change areas (Council and Council witnesses confused the terminology) and this potentially has the effect of encouraging wholly inappropriate development.

We make the observation that if the IHD areas are intended to be 'substantial change areas' then:

- the reference to a mix of housing is misleading, and
- ignoring Overlays in the identification of these areas can only be described as incompetent.

We appreciate the work Council has gone to in developing the HDS and think that some of this policy direction could be salvaged by amending the

strategies in the MSS to clarify expectation around the level of development appropriate in IHD areas. We see this as a stepping zone to a more considered application of character controls and housing urban consolidation policy as part of the introduction of the new residential zones.

Recommendation

We recommend:

In Clause 21.06-3 replace the 1st Strategy with:

- **'Encourage medium and high density housing in Key Development Areas (identified in this Clause).**
- **Support a mix of high, medium and conventional density development within the Increased Housing Diversity areas (identified in this Clause) provided the development is consistent with heritage, environmental, or built form overlays, and with the density of development being highest at the commercial core of area and lower at the edge of the area.**
- **Support low scale medium density development in all residential areas consistent with the character of these areas.'**

In Clause 21.06-4 replace the first five Strategies with:

- **Ensure that in areas outside Key Development Areas and Increased Housing Diversity Areas (identified in this Clause) development is responsive to the preferred character of the area.**
- **When considering a planning application, acknowledge that neighbourhood character in some parts of Increased Housing Diversity Areas and in the Residential 2 Zones will adapt and evolve over time, particularly within and on the edges of business zones, where land use and development will intensify.**
- **Ensure that development on the edges the Residential 2 Zones is responsive to and respectful of the adjoining neighbourhood character.'**

9. Open space

9.1 Introduction

This section discusses the proposal to increase the open space contribution required in subdivisions to 10 per cent.

What does the Amendment propose?

The Amendment introduces objectives and strategies at Clause 21.08-4 (Open Space). The objective is:

To develop a comprehensive, safe and accessible open space network.

The strategies include seeking to ensure that all land provided is:

- useable,
- allows passive and active recreation,
- has good passive surveillance, and
- where possible, provides linkages between activity centres, schools, public transport hubs, other parks and recreation areas.

The Clause includes the Study of Open Space Networks (2001) as a reference document.

Clause 52.01 already requires a 10 per cent contribution for certain land in Waurn Ponds, and Amendment C139 for Armstrong Creek (as adopted by Council) also proposes a 10 per cent (unencumbered) contribution. The exhibited schedule to Clause 52.01 is as follows.

Type or location of subdivision	Amount of contribution for public open space
The subdivision of land zoned for residential purposes prior to August 31st 2007, that creates:	
1 additional lot	None
2 additional lots	2%
3 additional lots	3%
4 additional lots	4%
5 or more additional lots	5%
All areas rezoned for residential development post August 31st 2007	10% unencumbered land or cash in lieu or combination of both, to the satisfaction of the responsible authority

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- Open Space Strategy, Jeavons & Jeavons Pty Ltd (1997), and
- Study of Open Space Networks, City of Greater Geelong (2001).

Geelong has undertaken two major strategic reviews into open space in recent times. The first was undertaken by Jeavons & Jeavons Pty Ltd in 1997.

Council then engaged Tract Consultants to provide a more detailed implementation package for the earlier adopted policy position with specific direction around provision of linkages, and more particularly the implementation of previous strategic work – Study of Open Space Networks (2001).

As part of the Implementation Strategy, Part 4 of the Study of Open Space Networks states:

To provide an adequate quantity and variety of open space through appropriate development contributions incorporating a minimum 10% open spaces comprising of land and/or cash in lieu. Land provided should be unencumbered unless otherwise approved as part of the negotiations process.

Council submitted that the sliding scale for existing residential land is consistent with many Councils, whether it be formally through Clause 52.01 or through the informal use the old Vic Code 1 provisions. The sliding scale provides extra guidance to the standard 5% under and *Subdivision Act*, and allows for a more reasonable request for those smaller infill subdivisions.

Issues

Submissions raised two issues about the proposed changes:

- is the quantum (10 percent) appropriate, and
- whether there should be a 'sliding scale' for newly rezoned land.

9.2 Asking for 10 percent unencumbered land

9.2.1 What is the issue?

The issue is whether it is appropriate to introduce a 10 per cent open space requirement.

9.2.2 Evidence and submissions

The Geelong West Branch of the ALP (5) supported the requirement and submitted that developers should not be able to provide less open space than the Schedule to 52.01 provides. The 10 per cent contribution was acceptable provided it allowed for use on encumbered land. The Housing Industry Association (56) was concerned that the 10 per cent contribution would lead to less affordable housing, a similar concern was expressed by Bisinella Developments (13) who submitted that smaller blocks would result from the additional impost. Bisinella also submitted that care needed to be taken that any cash-in-lieu monies were directed to locally relevant open space projects and that the developer was aware of the destination of their funds. St Quentin Consulting (95) considered that the provision had no regard to nature of subdivisions or need for public open space improvements.

Council submitted:

The requirement for a 10% open space contribution in major growth areas within the municipality has to be seen in context. These are the development precincts where the City is now expecting significantly higher yields on a per hectare basis for conventional housing and further is looking to work with developers to achieve significant medium density development around activity centres within these growth nodes. The Armstrong Creek development (Urban Growth Plan) represents the new position of the City of Greater Geelong in respect to any major growth corridor development.

With this form of development there is a heightened expectation from the community, but more particularly from the development community that there will be improved open space provision as part of any overall development than that which has been provided traditionally.

In respect of affordability Council submitted that while there is an increase in the cost of development, the increase in percentage from current practice is not significant.

Council submitted details of the open space contributions in other areas, particularly growth areas, of the State and referred to their experience in Armstrong Creek.

Council submitted that it planned to take a 'pragmatic' approach

K Best (11) submitted that any loss in open space should be compensated by the provision of like open space not cash in lieu for improvements to club rooms or the like. This is a separate issue to the Amendment which is addressing new open space provision. The *Local Government Act* regulates the use of monies derived from the sale of public open space.

9.2.3 Discussion

It is difficult to get an accurate picture of the precise quantum of open space delivered in different growth areas because 'open space' provision can include encumbered areas that have limited recreational value, areas set aside for conservation reasons, or regional facilities delivered by development contribution plans or other mechanisms. However, in our experience a 10 per cent contribution is not unreasonable if it includes regional open space requirements (such as sporting ovals) and is broadly consistent with current practice.

Not all land is equally developable and some land is constrained. The use of constrained or encumbered land for an 'open space' purpose is an outcome sought by Clause 56. This makes sense from a land use efficiency point of view.

There is no doubt that encumbered land can have a complementary open space function and should be developed as open space where possible. For example creek corridors can accommodate a walking/cycle path and plantings to the benefit of the broader community, while electricity easements can accommodate a walking/cycle path.

We agree that open space credits should not be automatically ascribed to encumbered land; however, we make the observation that the extent to which encumbered land can legitimately provide for the recreation needs of the community needs to be considered on a case by case basis.

This approach is consistent with a number of VCAT decisions. For example, in *Mutton Nominees v Casey City Council* [2002] VCAT 1220 the Tribunal

allowed a drainage reserve in which Melbourne Water intended to construct an open landscape waterway with a pathway for pedestrians, cyclists and equestrians to be part of the public open space contribution.

In our mind if the drainage reserve did not provide a strategic link, and was not usable for pedestrians it would not be counted towards local open space. It is counted not because it is a drainage reserve but because it serves an identified recreation need. These types of decisions are ideally made at the precinct structure planning stage.

Similarly, in *Australand Holdings Limited v Maroondah City Council* [2006] VCAT 1319, the Tribunal observed:

... that in our view there are many circumstances in which open space encumbered by wetlands or EVC patches, can be useful or valuable public open space: paragraph 59.

We think it is important to keep in mind the objectives for open space. While it makes sense to use encumbered spaces to meet recreation, social or health needs (if this does not compromise the primary function), this should not compromise meeting those needs. For example a cycle path can be located without compromise along the transmission easement, but a children's playground may not be a suitable use because of community perception and the limits on landscaping and structures.

Council submitted that:

As senior practitioners the Panel will be well aware of circumstances of the past where open space in association with retardation basins and the like has seen less than optimal outcomes for open space provision to assist in the development of communities in developing areas

We agree that a retarding basin is not appropriate as open space, however we are less convinced that land with, say a drainage easement, cannot function as open space.

We think that there is no escaping, at the structure plan stage, making a broad judgement as to what extent community needs can be met on encumbered land and hence how much other open space will be required.

Council submitted that:

The requirement for unencumbered land is to establish the negotiation platform for resolving open space provision in major growth corridors. It does not preclude the acceptance of encumbered land as part of the overall negotiation, however sets the minimum standard to ensure that any negotiated outcome is one which achieves the desired community/Council

position of 10% open space which is useable all year round and not encumbered by easements, flooding or the like.

We think that the issue of usability, if it is a major concern to Council can be addressed by an appropriate strategy. However, we do not think that this is necessary.

Affordability

While we think that affordability is an important consideration, it has to be considered in the context of the needs of the community. A less expensive housing product that does not properly meet community needs is not a good outcome. We are satisfied that a negative impact on affordability is outweighed by the benefits of meeting community needs, and we note Bisinella's submission that a likely response to the increased requirement is slightly smaller blocks.

Drafting issues

The head clause states

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).

We do not see the need for the words 'or cash in lieu or combination of both, to the satisfaction of the responsible authority' to be included in the table. It is a concern when schedules do not fit properly with, or repeat elements of, the head clause.

9.2.4 Conclusion

We conclude that 10 per cent is appropriate as an open space contribution, but the reference to unencumbered provision is not required to ensure open space meets recreational needs.

9.3 Sliding scale

What is the issue?

The provisions introduce a sliding scale for land zoned residential before 31 August 2007 and a flat 10 percent for land rezoned after this date.

Evidence and submissions

In respect to the concern raised in relation to the blanket cover, Council submitted that the provisions only relate to land rezoned after the 31 August 2007, and there was no need for a sliding scale for land rezoned after 31 August 2007 because this would be broad scale subdivision.

Discussion

We accept the logic behind the sliding scale but consider it should be applied in a consistent fashion. If there are small rezonings within the established urban area then we do not think that the 10 per cent should apply, as these infill developments should contribute to local open space needs on the roughly the same basis as their neighbouring properties. If, as Council submits all rezoning will be for broad scale development then nothing is lost by including the sliding scale provisions.

We are concerned about the workability of including the rezoning date in the Schedule. In the future it will be necessary to check the zoning history of land to determine its open space contribution. This is cumbersome.

If a 10 per cent contribution is justified then surely it is justified for large scale subdivisions on land that has been rezoned but for which no permit has been issued, or no agreement reached with Council.

Conclusion and recommendation

We conclude that an appropriate addition to the Schedule to 52.01 would be:

Type or location of subdivision	Amount of contribution for public open space
The subdivision of land for residential purposes that creates:	
1 additional lot	None
2 to 9 additional lots	1 per cent per additional lot
10 or more lots	10 per cent

We recommend that:

In the Schedule to 52.01 (Public Open Space Contribution and Subdivision) add to the table to require the following amounts of open space for residential subdivision:

- **1 additional lot – none**
- **2 to 9 additional lots – 1 per cent per additional lot**
- **10 or more lots – 10 per cent**

10. Industrial and commercial development

10.1 Introduction

This section discusses the issues associated with industrial and port related uses.

10.2 Geelong Port & Department of Infrastructure

What is the issue?

The issue is whether the strategic importance of the Port has been properly recognised in the MSS and the proposed provisions.

Evidence and submissions

A submission was received from The Planning Group on behalf of Geelong Port (102) and from the Department of Infrastructure (139), both relating to issues surrounding Geelong Port.

Council advised while a Geelong Port Structure Plan has been prepared it does not form part of this Amendment, and the detail in Clause 21.11 is essentially a direct translation from the current MSS.

Council agreed as part of considering submissions, which essentially provide for greater clarity in the wording without any change in the policy direction. These changes have been detailed as follows:

- 21.07-1 Key Issues and Influences
 - Industry will be supported by the maintenance and improvement of infrastructure including the road, rail, Avalon Airport, Deep Water Port and associated facilities.
- Amend the seventh strategy under Clause 21.08-2 – Transport to replace current wording with:
 - Direct freight transport into ~~existing~~ industrial zones and ~~existing~~ freight roadways.
- Amend the fourth objective under Clause 21.11-2 to replace current words with:

-
- ~~To balance the needs of a working Port with the amenity entitlements of~~ give appropriate weight to the needs of a working Port having regard to the amenity of the land uses at the Port interface

Concerns were also raised in regard to the application of DDO 20 to the Port land. Council submitted that this overlay would not apply to the majority of port land as the land was in a Special Use zone and not an industrial zone. Council agreed to amend notice requirements in the DDO to exempt third party notice and appeal rights.

Discussion

We note that further changes to the MSS might flow from the implementation of the Geelong Port Structure Plan, but consider the current provisions (with the changes suggested) are a reasonable carry forward of existing policy.

Conclusion

The changes proposed by Council are appropriate.

10.3 240 Bacchus Marsh Road

What is the issue?

The issue is the future development potential of 240 Bacchus Marsh Road.

Submissions and Evidence

A submission was received from Ratio on behalf of Reachy Pty Ltd (80) with regard to the future development of the property.

The site is currently zoned residential and discussions have been held with Council regarding a request to rezone this land to facilitate a business park. A formal request had not been lodged at the time of the Hearing.

Council submitted that changes to Clause 21.07 were not required and the MSS as proposed would not preclude consideration of this type of rezoning from the perspective of industrial land supply.

Council noted that there are issues that would need to be resolved with regard to the adjacent abattoir located to the west and its continuing operations. The abattoir is a major employer in the area and it is important that this is considered as part of any future rezoning application.

Discussion

We have previously discussed the issue of rezoning requests at Section 2.2.

10.4 Intermodal freight terminal

What is the issue

The issue is whether the Amendment should provide better support for a proposed intermodal freight facility.

Submission

There have been proposals for an intermodal freight terminal.

A submission from SM Urban on behalf of Buildev Development (91) – a land owner in Lara of land which has been designated in a study by the DOI for an intermodal freight terminal – notes that the final recommendations of the Geelong Intermodal Freight Terminal Feasibility Study have not been included in the exhibited MSS. The Study identified a site north of Lara as the most appropriate location for the Intermodal Terminal and the MSS should recognise this and the opportunity for complimentary industrial development within Clause 21.07.

Council advised that the Geelong Intermodal Freight Terminal Feasibility Study was commissioned by the Department of Infrastructure and has not been formally released or adopted by Council. Council was consulted as part of the process.

Discussion

It is understood that during the course of the Hearing Council received advice from Regional Development Victoria that relevant Ministers had agreed to the recommendations of the report. There will be a formal process agreed to between State Agencies and the City to move this project forward.

To date the options for intermodal freight transport terminals have not been through a public consultation process and obviously there is yet to be a public exhibition or discussion of any rezoning of the site referenced within the intermodal options report.

It is considered premature to include the specific recommendations of the study within the MSS.

Conclusion

The current (amended) strategy '*Support the development of an inter-modal freight terminal in the northern area of the municipality*' is considered appropriate.

10.5 Extractive Industry

What is the issue?

The issue is whether appropriate weight has been given to limestone resources and cement production activities.

Evidence and submissions

A submission was received from SKM on behalf of Blue Circle Southern Cement (90) which was concerned that Clause 21.07 fails to give appropriate weight to the significance of the limestone resource to the cement production industry, the value and utility of stone resources and the economic importance of extractive industry to both the Geelong Region and to the State of Victoria.

Council submitted that any watering down of policy relating to extractive industry in the revised MSS was not intentional.

Council submitted that the following inclusion and changes were appropriate:

- Include the following statement at Clause 21.07-1 Industry:
 - 'The extractive industry operations in the City make a vital contribution to the building and construction industries and are of major economic importance to the Geelong region.'
 - Amend the following strategy contained at Clause 21.07-2 Industry which states:
 - 'Protect identified stone resources for future extraction and potential extractive operations.'
- to state:
- 'Protect identified stone resources for future extraction and potential extraction operations from the encroachment of incompatible land uses.'

Discussion and Conclusion

The proposed changes are a reasonable response to the issue raised in the submission and the need to manage encroachment.

10.6 Heales Road Industrial Area Framework Plan

A number of submissions were received on the Heales Road industrial area.

Amendment C157 has introduced the Heales Road Industrial Framework Plan, DDO 21 (now numbered DDO 18) and rezoned land.

These matters are therefore no longer being considered as part of this Amendment.

11. Rural areas

11.1 Introduction

This section of the report discusses issues raised in relation to the rural areas.

What does the Amendment propose?

The exhibited Amendment includes:

- new and revised Objectives, Strategies and Implementation measures at Clause 21.07,
- a new Discretionary Uses in Rural Living and Low density Residential Areas policy at Clause 22.04,
- a new Agriculture, Rural Dwellings and Subdivision policy at Clause 22.05,
- a new Tourism Development in Rural Areas policy at clause 22.06,
- a new Racing Dog Keeping policy at Clause 22.07,
- a new schedule 16 (Bellarine Peninsula) to the Rural Conservation Zone that replaces the Farming Zone on the Bellarine Peninsula, and
- a revised schedule to the Farming Zone.

These components of the Amendment have been drawn from existing elements of the planning scheme together with the further strategic work undertaken by Council.

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the Rural Land Use Strategy (May 2007) (RLUS), and
- The Proposed Use of the Rural Conservation Zone on the Bellarine Peninsula – addendum to Rural Land Use Strategy (September 2007) (the RLUS addendum report).

The Rural Land Use Strategy included a review of the current 1997 Strategy and provided input to the review of the LPPF and the application of the new rural zones. It included extensive consultation and provided a number of zoning, LPP and non statutory recommendations.

The Addendum Report was prepared to provide further analysis and justification of the proposed application of the RCZ 16 within the Bellarine Peninsula.

In relation to the Bellarine Peninsula, the Rural Land Use Strategy and the Addendum Report are also based in part on the findings of the Bellarine Peninsula Strategic Plan.

Issues

Issues were raised in relation to:

- the rural areas of the Bellarine Peninsula,
- the Rural Activity Zone,
- rural living development,
- rural land identified for urban growth, and
- the Racing Dog Keeping policy at Clause 22.07.

11.2 The Rural Areas of the Bellarine Peninsula

11.2.1 What is the issue?

The issue is whether the proposed planning framework for the rural areas of the Bellarine Peninsula area is appropriate.

11.2.2 Evidence and submissions

Submissions that opposed the RCZ 16 and preferred the RAZ included those from C Bailey (7), P Kenny (9), Fadgyas Planning Associates on behalf of various owners (37), DLA Phillips Fox on behalf of Kilgour Estate (37), Fadgyas Planning Associates on behalf of Lagrin Pty Ltd (39), G Fulton (44), Geelong Town Planning Services (45), D More (67), Tract Consultants on behalf of Gourlay Nominees (110), Tract Consultants on behalf of V Petsinis (112), Tract Consultants on behalf of G Petsinis (113), Tract Consultants on behalf of J McMahon and Sons (108) and C & N Sheehan (148).

Submissions that opposed the RCZ 16 and preferred the retention of the FZ included those from E Morrell (69), Contour Consultants on behalf of Stockland (23), N Huggins (58) and Tract Consultants on behalf of V Petsinis (112).

Submissions that opposed the RCZ 16 on land identified for future urban development included those from TGM on behalf of Swan Bay Nominees Pty Ltd (3), Coomes Consulting on behalf of Webb Property Holdings Pty Ltd (24), Minter Ellison on behalf of Shell Road Developments Ltd (30), Hellier

McFarland – Cityplan on behalf of various land owners (52), P O’Farrell on behalf of Strahan Investments and J O’Donohue (92), Urban Land Developments Pty Ltd (115) and TGM on behalf of Country Club Villages Pty Ltd (145).

The submissions from J and E Vorrath (16), Fadgyas Planning Associates on behalf of P Masec (38), E and M Perez (76) opposed the RCZ 16 without nominating an alternative zone.

The submissions from A Chalmers (20), Geelong Town Planning Services (45) and Tract Consultants (108, 110 and 113) proposed that the SLO rather than the RCZ was the appropriate VPP tool to protect landscape values.

The submission from K Maher (64) did not object to the Amendment but provided a discussion of farming and conservation issues on the Bellarine Peninsula.

11.2.3 Discussion

Council’s Vision for the Rural Areas of the Bellarine Peninsula

The Rural Land Use Strategy proposed that:

...the unique, high quality rural landscapes of the Bellarine Peninsula be maintained through the ongoing support for agriculture in the rural areas. The rural character of the Bellarine Peninsula is highly valued by local residents and visitors, and is a fundamental part of the livability and identity of Geelong.

Implementation of this strategy will involve supporting the ‘right to farm’ of local landowners, preserving non urban breaks between towns, ensuring dwelling development and subdivision will not remove properties from agricultural use, managing the location and scale of tourist facilities so that they do not undermine the rural character of the land beyond the towns and protecting and enhancing environmental assets to improve the overall condition of the natural resource base.

In support of this the Rural Land Use Strategy found that:

The Peninsula has an obvious tourism attraction with the coast and the rural landscapes an important part of this package. It also supports significant environmental values including wetlands and coastal areas. Most of the rural land on the Peninsula is of Class 2 and 3, and is deemed suitable for some intensive uses (viticulture and horticulture) and extensive cropping and grazing. Most rural lots are retained in sizes that have productive potential.

During the Hearing we characterised Council's vision for the Peninsula as having three main components:

- continuing agricultural use,
- preservation of landscape and environmental values, and
- continuing opportunities for low scale rural related tourism, with only limited potential for larger scale tourism development.

Council generally agreed with this summation and we also note that submissions were generally supportive of this vision, although many challenged the mechanisms through which Council intends to achieve it. The only significant exceptions to this were those submissions that sought the application of the RLZ or LDRZ. As discussed later in this section, Council does not intend to provide opportunities for rural living beyond the currently zoned areas.

Having reviewed Council's strategic analysis of the area, we are satisfied that Council's vision for the Peninsula is sound. The major issue is how to best give expression to this vision.

The Use of the Rural Conservation Zone

The Amendment seeks to replace the existing FZ with a new RCZ 16. This schedule identifies the following values that Council seeks to conserve:

- *The continuing use of the area for agriculture, in particular crop raising and extensive animal husbandry, as the main land use on the Bellarine Peninsula and as an integral part of the rural economy and character of the area and the region.*
- *The farmed rural landscape of the Bellarine Peninsula which is characterised by the unique and integrated blend of agriculture, long sightline views to distant features, coastal and inland environmental features, wetlands, original remnant vegetation, limited large lot rural living and tourist facilities which are subservient and complementary to their rural setting.*

The schedule also includes a minimum subdivision area of 30 ha, together with various provisions relating to residential hotels, restaurants, and alterations and extensions to existing dwellings and buildings used for agriculture.

Mr Budge indicated that the selection of the RCZ as the preferred VPP tool to achieve Council's vision was supported by the DPCD and was consistent with the purposes of the RCZ and the guidance provided by the VPP Practice Note *Applying the Rural Zones* (March 2007).

Without needing to repeat the detail of the RCZ purposes and the Practice Note content, we acknowledge that the RCZ, while typically applied to protect environmental rather than landscape values, is also intended provide for the protection of landscape values. Having said that, Mr Budge was not aware of any examples of the RCZ being used in a comparable situation, where the key values to be protected related to the landscape.

It is not clear to us that the RCZ is necessarily the most appropriate VPP tool to achieve Council's vision for the Peninsula. Its suitability was challenged in a significant number of submissions and we expressed a range of concerns about its use during the course of the Hearing. In this context, we believe that the use of the RCZ needs to be reassessed and alternative approaches considered.

The Rural Conservation Zone as a Tool to Achieve Council's Vision

The application of the RCZ 16 across almost all of the rural areas on the Bellarine Peninsula raises a number of issues that are discussed below.

The Rural Conservation Zone and Agriculture

An integral part of Council's vision for the Peninsula is that the 'right to farm' be protected. This is explicit in the Rural Land Use Strategy and in the proposed RCZ 16. We do not believe that this vision sits comfortably with the RCZ, for which the Practice Note establishes that:

... farming is subordinate to other land uses or the environmental values of the land.

In this context it is not surprising that the RCZ requires a permit for agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry and Timber production). There was considerable discussion during the Hearing about the practical implications of this requirement and the extent to which it might be an unreasonable impediment to the 'right to farm'. There were also divergent views about the extent to which 'existing use rights' might apply, thereby negating the need for permits.

These discussions confirmed to us that the RCZ is not a natural fit with a strategy that seeks to protect the 'right to farm'. This is particularly so in an area that includes relatively high quality agricultural land (classes 2 and 3) and a subdivision pattern that has retained many lots in sizes that have productive potential.

We also note that some of the provisions included in the proposed Agriculture, Rural Dwellings and Subdivision policy at Clause 22.05 are

seemingly intended to overcome some of the deficiencies and consequences of applying the RCZ. These provisions include:

- a statement that agriculture is the main land use to be supported in the RCZ on the Peninsula,
- a statement that crop raising and animal husbandry are considered consistent with the purpose of the RCZ on the Peninsula,
- an exemption from Section 52 (1) (a) notification requirements for crop raising and extensive animal husbandry on the Peninsula, and
- an exemption from paying permit fees for crop raising and extensive animal husbandry on the Peninsula.

It seems to us that these provisions seek to overcome the poor fit between the RCZ and maintaining a right to farm. We also note that the authorisation of the Amendment required the removal of the reference to fee exemptions.

The Rural Conservation Zone and Landscape Protection

While we acknowledge that the purposes of the RCZ encompass the protection of landscape values, we have concerns about the extent to which the zone provisions provide a reasonable basis for doing so.

Under the RCZ there are very few uses that do not require a permit, while a buildings and works permit is generally required in association with those uses that do require a permit. We think that landscape values are more likely to be affected by buildings and works rather than use, and that a suitable landscape control should be similarly focussed. We note for example that the SLO is a 'development' rather than a 'use' control.

It seems to us that the onerous permit requirements relating to 'use' serve little purpose in protecting landscape values, and as discussed above, also compromise Council's strategy to protect the 'right to farm'.

The extent of the Rural Conservation Zone

The Amendment proposes to replace the FZ with the RCZ 16 across all of the rural areas on the Peninsula. While we understand and agree with the general proposition that the landscape is a key characteristic of the Peninsula, we do not agree that these values exist across all the areas that are to be zoned RCZ 16. Nor do we believe that where these values do exist, that they exist in equal measure. The widespread application of the RCZ 16 is not underpinned by the detailed level of analysis that should be required to justify a landscape protection control and that was undertaken as part of the Coastal Spaces Landscape Assessment Study (2006).

The Coastal Spaces Landscape Assessment Study was prepared on behalf of DSE and identified and mapped landscape characteristics of various coastal regions including the Bellarine Peninsula. It also included a comprehensive implementation strategy including the application of various SLO schedules.

We believe that simply replacing the FZ with the RCZ would result in a number of anomalies. For example, the site of the Mitre 10 store at Wallington should not be subject to a landscape control on the basis of its contribution to the 'farmed landscape'. This is not to say the current FZ is the ideal zone for this and other sites, but to apply the RCZ makes no sense.

Given our view that the RCZ is a restrictive zone to apply to farming areas, its use requires a detailed level of strategic analysis and support, rather than a reliance on general propositions. We do not believe that the Rural Land Use Strategy provides the level of detailed analysis that is required in support of the zone.

It seems to us that the 'one size fits all' approach to landscape protection within the Peninsula's rural areas ignores the diversity of landscapes, land uses and view lines that are found within the area. This diversity needs to be better understood so that appropriate VPP tools can be applied in suitable locations.

Practical Difficulties in Relying on the Rural Conservation Zone for Landscape Protection

Relying on the RCZ as the principle means of protecting landscape values, means that once the zoning is changed the landscape 'protection' is lost. For example, future rezonings from the proposed RCZ 16 to another rural zone or even an urban zone will lead to the landscape protection afforded by the RCZ 16 being removed. In order to retain some form of landscape protection a new control, such as an SLO, would need to be introduced. This seems to be a cumbersome approach.

This issue can be resolved through the application of the SLO, as recommended in the Coastal Spaces Landscape Assessment Study. We note that Council has included the implementation of this report as an item of further work in the MSS and has also highlighted the need to undertake additional landscape analysis of the areas not covered by the Coastal Spaces Landscape Assessment Study SLOs. We note that this report provides detailed recommendations about how to amend the planning scheme and was released in December 2006.

The introduction of SLOs would raise the issue of whether the RCZ 16 would need to be retained. Council and Mr Budge indicated that the zone would be

retained in the event that SLOs were introduced. We can see no compelling reason why two landscape controls would be applied when one is sufficient. In addition, we can see no justification for retaining the RCZ in preference to an SLO, given that the SLO is the more practical, sensible and transparent tool for protecting landscape values.

It seems to us that Council has not thought through all of the practical implications of relying on the RCZ as the principle means of achieving landscape protection. In light of the intended application of the Coastal Spaces Landscape Assessment Study SLOs and the further landscape assessments to be undertaken, we do not believe that the RCZ 16 needs to be applied.

The Rural Conservation Zone and Tourism

Although the tourism related provisions of the RCZ and FZ are similar, we note that the RCZ is slightly more restrictive. Nevertheless, the differences between the zones do not lead us to conclude that the FZ is a significantly better mechanism than the RCZ to facilitate the scale and type of tourism facilities supported by Council.

We note that the exhibited RCZ 16 schedule reduces the number of bedrooms associated with a Residential hotel (from 80 to 30) and the number of patrons associated with a Restaurant (from 150 to 70). While there might be some basis for reducing the scale of Residential hotels, we are not satisfied that this is true for Restaurants. If we had supported the RCZ 16, we would have recommended that the restriction on the number of restaurant patrons be deleted and that the default requirement in the table of uses be relied upon.

Other VPP Tools to achieve Council's Vision

While we acknowledge that the RCZ includes purposes that relate to agriculture and landscape protection, it is not the only VPP option to address these issues. It is notable that while the Rural Land Use Strategy, the Addendum Report, Council's submission and Mr Budge's evidence all discussed the relative suitability of the FZ, RAZ and RCZ as means of achieving Council's vision for the Peninsula's rural areas, there was very little discussion and no written analysis supplied to us of the other options that might be available to Council. This is particularly so of the SLO, which we believe is the most obvious VPP tool to address landscape issues.

At the beginning of this section we summarised the three key characteristics of Council's vision for the rural areas of the Peninsula as being:

- continuing agricultural use,

- preservation of the landscape and environmental values, and
- continuing opportunities for low scale rural related tourism, with only limited potential for larger scale tourism development.

We believe that the selection of the most appropriate VPP tools to achieve this vision is a relatively straight forward exercise. We think that:

- continuing agricultural use is best served by retaining the FZ,
- landscape values are best protected by applying the SLO,
- environmental values are best protected by the applying the RCZ and/or appropriate overlays,
- small scale rural tourism is best facilitated by retaining the FZ, and that
- larger scale rural tourism is best achieved by rezoning areas or sites to a general zone such as the RAZ or by rezoning specific sites to a site and/or proposal specific zone such as a CDZ or SUZ.

The basis for selecting these tools is discussed below.

The Farming Zone

The Practice Note establishes that:

The FZ is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

This is consistent with Council's support for the 'right to farm', and applying the FZ provides an unambiguous statement about the primacy of agriculture and Council's support for its continuation.

We do not believe that applying the FZ will detract from or threaten the landscape values of the Peninsula, particularly if it is supplemented with an appropriate SLO. The Rural Land Use Strategy and the Addendum Report repeatedly refer to the positive values of the 'farmed landscape'. In our view a 'farmed landscape' is a consequence of farming, and we question how this landscape is protected by making it more difficult to farm.

We have reviewed the permit requirements of the FZ and RCZ and do not believe that the broader opportunities associated with the FZ pose a threat to landscape values. Although there are more 'as of right' and 'permit required' uses in the FZ than the RCZ we are satisfied that land values and the economics of farming on the Peninsula will largely ensure that intensive and visually intrusive agricultural uses will be unlikely to establish there.

We are also satisfied that the FZ provides a similar albeit slightly expanded range of tourism/commercial opportunities to the RCZ. On this basis the FZ is consistent with Council's support for farm related tourism of an appropriate scale.

We do not support the application of the RAZ as part of this Amendment. While further analysis might conclude that the RAZ is suitable for sites and areas within the Bellarine Peninsula, the RAZ was not exhibited as part of the Amendment and stakeholders have not had the opportunity to comment. With this in mind, we believe that applying the RAZ would transform this element of the Amendment.

The broader issues associated with the RAZ are discussed later in this section.

The Significant Landscape Overlay

We believe that the SLO is the most appropriate VPP tool for protecting landscape values. It is a transparent control; it is focussed on development rather than use; it requires that the landscape character and objectives be identified; and it provides the opportunity for the schedule to exempt matters from requiring a permit. It can also be applied and retained regardless of the underlying zoning and whether or not that underlying zoning is changed.

It is one of the more curious elements of the Amendment, that a landscape focussed RCZ has been developed (without there being a precedent for this approach elsewhere in the State) while draft SLOs and associated amendment documentation (Coastal Spaces Landscape Assessment Study) have been available since December 2006. While we note the *Coastal Spaces Landscape Assessment Study* was focussed on coastal areas and not inland areas, the coastal landscapes are often the most valued and threatened.

In any event, Council has indicated that it intends to undertake further landscape assessment work to supplement Coastal Spaces Landscape Assessment Study and we support this being done. We also note that there are existing SLOs applied on the Peninsula, although they cover relatively small areas.

The Rural Conservation Zone

The current planning scheme applies the RCZ to specific sites within the Peninsula that have identified environmental values. We support this approach and believe that it is an appropriate use of the RCZ. As discussed above, we do not support the use of the RCZ as a broad based landscape

protection tool when there is a more suitable tool available for the particular characteristics of the Peninsula and that will better implement Council's vision for the Peninsula.

Facilitating Tourism Development

A subsidiary but important element of Council's vision for the Peninsula is that it continue to provide opportunities for tourism development. Council intends that these be confined to small scale farming based developments permissible under the proposed RCZ 16 and a limited number of larger scale developments that would be subject to S96A applications involving a rezoning to RAZ.

While we generally support Council's strategic position on tourism development on the Peninsula, we question whether the emphasis on the RAZ as the only, or the preferred zone to facilitate larger scale development is appropriate. This view is implied in the proposed Tourism Development in Rural Areas policy at Clause 22.06 which details the circumstances under which Council will support the application of the RAZ. It seems to us that larger scale tourism development that would require a rezoning could just as well be facilitated via the use of other zones such as the SUZ or the CDZ without compromising Council's vision.

We also believe that the MSS should include a strategy in support of this element of the LPP that relates to larger scale tourism development. The exhibited Clause 21.07-6 includes a strategy relating to small scale rural based tourism but does not provide a comparable strategy for the larger scale development anticipated in the LPP.

Reconfiguring the Amendment

In order to accommodate the Panel's views about these elements of the Amendment a number of changes to the exhibited provisions are required.

The MSS needs to be modified to delete references to the RCZ and to better reflect Council's position on tourism.

The current FZ needs to be retained and suitable schedule provisions included. We note that the current schedule applies a range of subdivision minima across the Peninsula subject to the land system. We are satisfied that a minimum of 30 ha throughout the Peninsula as proposed for the RCZ 16 is appropriate. Council supported this approach in the event that the FZ was to be retained.

The **Agriculture, Rural Dwellings and Subdivision policy** (Clause 22.05) needs to be modified to delete references to the RCZ, and material that is superfluous.

The **Tourism Development in Rural Areas policy** (Clause 22.06) needs to be modified to broaden the range of zones that might be suitable for larger scale tourism development. Superfluous material should also be deleted.

11.2.4 Recommendation

We recommend that:

Delete the Rural Activity Zone 16 from the Amendment and retain the Farming Zone.

In the Schedule to the Farming Zone (as it applies to the Bellarine Peninsula) include a minimum subdivision area and a minimum area for which no permit is required to use land for a dwelling of 30ha.

In Clause 21.07 (Economic Development and Employment):

- **Amend the 1st Strategy at Clause 21.07-6 to read 'Maintain rural land in large and productive parcels.'**
- **Amend the 4th Strategy at Clause 21.07-6 to read 'Support tourism uses and developments in the Farming Zone that are ancillary to or are associated with farming activity on the land.'**
- **Include a new Strategy at Clause 21.07-6 'Support a limited number of larger scale rural based tourism developments within rural areas that require a rezoning.'**

In Clause 22.05 (Agriculture, Rural Dwellings and Subdivision policy):

- **Delete the last sentence under Policy Basis.**
- **Delete the last 4 dot points under Policy.**

In Clause 22.06 (Tourism Development in Rural Areas policy):

- **Delete the third paragraph under Policy Basis.**
- **Delete the heading 'Rural Activity Zone' and replace it with 'Larger Scale Tourism Developments'.**
- **Revise the first sentence under 'Rural Activity Zone' to read 'Council will only support larger scale tourism developments within the rural areas where:'.**
- **Delete the 5th dot point under the heading 'Rural Activity Zone'.**

- **Revise the 12th dot point under the heading 'Rural Activity Zone' to read 'The submission to Council seeking a rezoning for such a facility must address the above mentioned policy requirements. In particular the submission must...'**

Council prepare a planning scheme amendment to implement the recommendations of the Coastal Spaces Landscape Assessment Study (2006).

Council determine whether any supplementary landscape assessments outside the areas covered by the Coastal Spaces Landscape Assessment Study (2006) need to be undertaken.

11.3 The Rural Activity Zone

11.3.1 What is the issue?

The issue is whether the RAZ should be applied instead of the RCZ or FZ, particularly on the Bellarine Peninsula.

11.3.2 Evidence and submissions

Submissions that sought the application of the RAZ included those from C Bailey (7), P Kenny (9), Fadgyas Planning Associates on behalf of various owners (37), DLA Phillips Fox on behalf of Kilgour Estate (37), Fadgyas Planning Associates on behalf of Lagrin Pty Ltd (39), G Fulton (44), Geelong Town Planning Services (45), D More (67), Tract Consultants on behalf of Gourlay Nominees (110), Tract Consultants on behalf of V Petsini (112), Tract Consultants on behalf of G Petsinis (113), Tract Consultants on behalf of J McMahan and Sons (108) and C & N Sheehan (148).

These submissions sought the RAZ either on a site specific basis or across all of the rural areas of the Peninsula.

As discussed earlier, Council's view is that the RAZ should only be applied in support of tourism proposals subject to various requirements being met. In addition, Council sees the RAZ as typically being applied on site specific basis rather than as a zone to be applied across a broader area or region. It described this approach as allowing for a '*considered rather than speculative basis*' for applying the zone.

11.3.3 Discussion

The submissions in relation to the RAZ raised a number of general issues about its use. Although we do not support its application as part of this

Amendment, we believe it is appropriate to respond to these issues and to provide commentary about how it might be applied in the future.

Applying the RAZ and 'transforming' the Amendment

Setting aside the strategic merits of applying the RAZ, we believe that recommending the application of the RAZ would transform the Amendment. Section 2.2 of this report provides a general discussion on 'transforming' Amendments.

The RAZ was not exhibited as part of the Amendment and various stakeholders have not had the opportunity to comment. We think that this is particularly important given the extent of community involvement in the preparation of the Rural Land Use Strategy, particularly on the Bellarine Peninsula. For this reason we cannot recommend that the RAZ be applied as part of this Amendment.

Recommending that the FZ be retained, instead of supporting the exhibited RCZ 16, does not transform the Amendment. The FZ is the existing zone and we are not satisfied that there is adequate strategic justification for changing it.

Possible applications of the RAZ

In our view the RAZ has a number of potential applications not just in relation to tourism development. The Practice Note identifies a mix of uses that might include:

- *Farming, rural industry and associated agribusiness uses*
- *Farming and tourist facilities*
- *Intensive animal husbandry and associated rural processing industries*
- *Nature based tourism and recreation facilities*
- *Agricultural and environmental education and research facilities*

Council has taken a limited view about when the RAZ might be applied and we think that this approach is unnecessarily restrictive. We believe that Council should be open to the RAZ being applied in a wider range of circumstances.

We note for example the submission from Mr Bartley on behalf of Kilgour Estate, that this site was a suitable candidate for the RAZ. Mr Budge agreed that it meet all of the RAZ rezoning criteria in the proposed Tourism Development in Rural Areas policy. We agree that this and other sites are

potentially suitable for the RAZ and believe that a comprehensive assessment of the Peninsula would have identified and assessed such sites.

We encourage Council to take a broader view of how and when the RAZ might be applied when it considers rezoning submissions that seek the RAZ and when it undertakes the next rural area review.

The need for a policy context for the RAZ

The FZ and RAZ provisions are similar in many respects, although there are some important differences. These include 'innominate uses' being included in section 2 (permit required) of the table of uses in the RAZ and in section 3 (prohibited) in the FZ. In addition, the potential opportunities for small lot subdivision are greater in the RAZ than the FZ.

The Practice Note recognises that the mix of uses in the RAZ is potentially wide-ranging and establishes that the planning scheme should be clear about:

- *What the planning authority wants to achieve in the area where the zone is to be applied, and*
- *How discretion in the zone will be exercised.*

It suggests that this can be done by:

- *Setting out clear objectives for the zone and explaining how discretion in the zone will be exercised in the LPPF, or*
- *Including a purpose statement in the schedule to the zone.*

In our view the need to provide a 'policy' context for the RAZ is particularly important where it is applied across a broad area rather than on a site specific basis.

This observation is important in relation to those submissions that sought the application of the RAZ over all of the Bellarine Peninsula. Setting aside the possible merits of this proposal, we do not believe that it could proceed without an assessment of the additional policy guidance that might be needed in exercising the various discretions under the zone.

On the other hand, we do not believe that a more detailed policy context than that provided in the Amendment is necessary for site specific applications of the RAZ. We believe that site specific rezonings (whether or not they are accompanied by a permit application) can be adequately assessed against the existing and proposed provisions of the planning scheme and the guidance provided by the Practice Note.

Conclusion

It seems to us that the Rural Land Use Strategy process failed to take advantage of the opportunities associated with the RAZ. We believe there are areas and sites within the Peninsula that would be suitable for the RAZ and that this and other controls such as the SLO could assist in achieving Council's vision for the area.

11.4 Rural living development

What is the issue?

The issue is the extent to which the Amendment provides for rural living development.

Evidence and submissions

Various submissions sought the application of the RLZ instead of the existing FZ, or in the case of the Bellarine Peninsula, the proposed RCZ 16. These submissions included those from S Debets (31), M Hoare (54), TGM on behalf of Santhor Pty Ltd (100), and B & H Cross and M & D Menheere (132). The areas that were subject to these submissions included Little River (31), Moolap (54), Wallington (100) and Marcus Hill (132).

The submission from Coomes Consulting on behalf of Aprigo Pty Ltd (25) raised issues with the lack of direction relating to rural living development, particularly in the Lovely Banks area.

The submission from St Quentin Consulting on behalf of I and H Boyd (96) raised issues with what was perceived as a prohibition on further rural living rezonings regardless of the merits of individual proposals. The submission proposed a number of revisions to the policy framework.

Submissions relating to the subdivision restrictions in the RLZ in the Waurm Ponds area were also received. These are discussed in section 18.9 of this report.

Council indicated that it did not want to create additional rural living nodes, or to apply the RLZ as part of the Amendment. It relied on the Rural Land Use Strategy which found that:

Rural living in the form traditionally provided in Geelong should be limited to the existing nodes, and no further nodes developed. Rural living in this form is contrary to the vision of a rural farmed landscape being maintained in the rural areas around the City. It is recognised that

some rural land, although zoned for agriculture, is or will, in reality, be used for larger scale rural living.

Council's submission also included the observation that:

The basis of many of these submissions is that the zone does not reflect the viable usage of smaller land parcels that are scattered across the Peninsula. While such sites present difficulties in terms of whether to support the construction of dwellings not connected with rural activity, the fact is such lots are currently zoned Farming and have had a rural zoning since the introduction of planning controls and there is no strategic basis for the creation of wide scale rural residential areas wherever small lots exist historically.

Council also opposed any rural living rezonings progressing as part of this Amendment given the lack of opportunity for other parties to comment and the lack of analysis required by Ministers Direction No 6.

In terms of possible future rezonings, Council indicated that rural living opportunities would be considered as part of:

- the western growth area study, and
- the structure planning processes for the periphery of townships.

Discussion

We are generally supportive of Council's strategic position in relation to rural living development and note the observations and findings of the Rural Land Use Strategy. We also note that future rural living opportunities will be considered as part of other area specific investigations that it will undertake.

Some submissions interpreted Council's position as effectively placing an embargo on rural living rezonings. Council confirmed this interpretation and we believe that it is entitled to adopt this position in light of the SPPF which includes the following strategy at Clause 12.03 (Rural residential development):

To control development in rural areas to protect agriculture and avoid inappropriate rural residential development by:

- *Reducing the proportion of new housing development provided in rural areas and encouraging the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made.*

Council indicated that there is an existing supply of vacant land (although it may be limited in various areas) and it does not believe that additional rezonings are warranted at this time.

We have not been presented with any detailed evidence that indicates there is a shortage of rural living land or that there is strategic justification for providing additional zoned land.

We agree with Council that in the absence of detailed submissions in support of the various rezoning proposals (including assessments against Ministers Direction No 6) we are unable to recommend that they be included in the Amendment. We also believe that supporting RLZ rezonings as part of this process would transform the Amendment and that other parties should have the opportunity to comment via a formal exhibition process.

While we support Council's strategic position about rural living development, we are not satisfied that it is made entirely clear in the Amendment. The exhibited version included the following strategy at Clause 21.06-2:

Limit rural-living to the existing nodes in Lara, Drysdale/Clifton Springs, Wallington, Lovely Banks and Batesford.

Some submitters interpreted this strategy as providing an opportunity for rural living rezonings but only within, or in association with, the existing nodes. It was only in response to questions that Council explained that it did not support any rural living rezonings at this time. In this context it proposed that the strategy be revised to:

Limit rural-living to the existing nodes (existing rural living zone) in Lara, Drysdale/Clifton Springs, Wallington, Lovely Banks and Batesford.

We think that this can be expressed more simply and prefer:

Limit rural living to existing zoned land in the existing nodes at Lara, Drysdale/Clifton Springs, Wallington, Lovely Banks and Batesford.

In addition, the Municipal Framework Plan at Clause 21.04 identifies 4 of the 5 rural living nodes, but not Batesford. Council agreed that Batesford should be included on the Plan and has done so on the final revised version supplied at the close of the Hearing.

Finally, we note that the reference on the Municipal Framework Plan is to Rural Living 'Areas' rather than 'Nodes'. We believe that this reference should be consistent with the strategy.

Recommendation

We recommend that:

In Clause 21.06-2 replace the 7th strategy with 'Limit rural living to existing zoned land in the existing nodes at Lara, Drysdale/Clifton Springs, Wallington, Lovely Banks and Batesford'.

In Clause 21.04 (Municipal Framework Plan) amend the legend to refer to 'Rural Living Nodes'.

11.5 Rural land identified for urban growth

What is the issue?

The issue is the appropriate zone to apply to rural land that has been identified for urban growth.

Evidence and submissions

Submissions that opposed the RCZ 16 on land identified for future urban development included those from TGM on behalf of Swan Bay Nominees Pty Ltd (3), Coomes Consulting on behalf of Webb Property Holdings Pty Ltd (24), Minter Ellison on behalf of Shell Road Developments Ltd (30), Hellier McFarland – Cityplan on behalf of various land owners (52), P O'Farrell on behalf of Strahan Investments and J O'Donohue (92), Tract Consultants on behalf of V Petsini (112), Urban Land Developments Pty Ltd (115) and TGM on behalf of Country Club Villages Pty Ltd (145).

Some submissions sought the retention of the FZ, while others sought the application of the RAZ.

Council supported the application of the exhibited RCZ 16 to these areas, although Mr Budge was equivocal on whether the RCZ 16 or retaining the FZ was more appropriate.

Discussion

Future growth areas for various towns on the Bellarine Peninsula are currently zoned FZ, while the Amendment proposes that they be rezoned to RCZ 16. A number of submissions objected to this on the basis that the RCZ 16 was an unnecessarily restrictive interim control (holding zone) and that a future urban rezoning might be complicated by having the RCZ 16 apply to the land.

As a matter of principle we believe that the most appropriate 'holding zone' for future urban land is the underlying zone that is applied to non urban

land in the immediate area. In the absence of a 'future urban' zone in the VPPs we agree with Council that land identified for urban growth should not be treated differently from other land in the area. We differ from Council however in our view that the FZ rather than the RCZ 16 should be applied on the Bellarine Peninsula, including future growth areas.

Finally, we do not believe that zones such as the RCZ 16 would be an impediment to a future urban rezoning where the land is specifically identified for urban growth in the MSS. In the case of Amendment C129, these areas are identified within the Settlement Boundaries of various Structure Plan maps and we are satisfied that this provides adequate justification for their future conversion to an urban zone.

Conclusion

We do not believe that rural land identified for future urban growth warrants a different zoning and/or overlay treatment to other rural land in the immediate area.

11.6 The Racing Dog Keeping and Training Policy

What is the issue?

The issue is the suitability of the proposed Racing Dog Keeping and Training policy at Clause 22.07.

Evidence and submissions

Submissions were received from Greyhound Racing Victoria (137) and the Geelong Greyhound Racing Club (140) that raised a number of issues with the proposed Racing Dog Keeping and Training policy at Clause 22.07. While generally supporting the policy, the submitters proposed a number of revisions to provide greater flexibility in where these facilities might locate and to make the 'policy' and 'application requirements' less onerous.

Discussion

The policy has its genesis in the Rural Land Use Strategy which included a draft policy that formed the basis of the policy in the Amendment. Council indicated that officers had met with the submitters to discuss their concerns and that consequently a number of revisions to the policy were proposed. These changes are included in Council's final version of the policy submitted at the close of the Hearing.

We generally support the LPP and the changes proposed by Council, although there are two matters that require comment.

Firstly, although the changes proposed by Council generally address the issues raised by the submitters, Council has not agreed to remove the requirement for a noise impact assessment to accompany relevant applications. Nevertheless, it has proposed to modify the requirement so that it only applies to category 2 and 3 premises as defined under the Code of Practice for the Operation of Greyhound Establishments.

While we agree that there may be situations where a noise impact assessment might be unnecessary, we note that the policy provides Council with discretion about the nature and detail that is required in support of applications. We would expect Council to exercise that discretion and to determine whether an assessment is required for individual applications, rather than make it a blanket requirement for all applications. In order to reflect this, we believe that the requirement should more specifically indicate that the assessment 'may' rather than 'will' be required.

Secondly, we believe that the requirement for an assessment should be explicitly linked to the number of dogs to be kept rather than the categories in the Code of Practice. It is preferable that the requirement be transparent and that it not be linked to the categories in the Code that may change over time. For this reason the requirement should relate to racing dog keeping applications that involve 6 or more dogs (the lowest number in category 2). The requirement should read 'A Noise Impact Assessment undertaken by a qualified acoustic consultant may be required for applications for the keeping of 6 or more racing dogs.'

The reference to complying with the State Environment Protection Policy N1 in the second dot point under 'Policy' should be deleted. The need to be consistent with relevant EPA requirements is adequately covered in Clause 15.05 (Noise abatement). The proposed dot point should read: 'The facility is designed to limit off site impacts of noise and where necessary include appropriate buffers or other noise reduction techniques'.

Recommendation

We recommend that:

In Clause 22.07 (Racing Dog Keeping and Training policy):

- **Replace the 11th application requirement with 'A Noise Impact Assessment undertaken by a qualified acoustic consultant may be required for applications for the keeping of 6 or more racing dogs'.**
- **Replace the 2nd policy dot point with 'The facility is designed to limit off site impacts of noise and where necessary include appropriate buffers or other noise reduction techniques'.**

Part 4: Particular areas

12. Central Geelong

12.1 Introduction

This section deals with issues in Central Geelong including the introduction of a Parking Precinct Plan.

What does the Amendment propose?

The Amendment proposes to:

- Introduce Clause 21.09 setting out objectives and strategies for Central Geelong and including a structure plan map
- Include the Central Geelong Parking Precinct Plan by:
 - Inserting a Schedule to Clause 52.06 Car parking
 - Incorporating the Central Geelong Parking Plan

What is the strategic basis for this part of the Amendment?

A number of studies have been completed that are relevant to central Geelong:

- Central Geelong: Looking Forward, Part A – Structure Plan, (July 2007)
- Geelong Western Wedge Framework, (April 2005) (updated September 2005).
- Central Geelong Parking Study and Strategy, (2007)

The Housing Diversity Strategy identifies parts of Central Geelong as a Key Development Area.

Issues

Issues were raised in relation to:

- residential development,
- the Parking precinct Plan,
- land in La Trobe Terrace, and
- the reference to external documents.

12.2 Residential development in Central Geelong

What is the issue?

The Central Geelong Key Development Area for residential development does not relate to the residential area identified on the Central Geelong Structure Plan.

Evidence and submissions

Matthew Finton (134) supported the nomination of Central Geelong as a Key development Area, but considered clear guidelines were needed.

Discussion

The Central Geelong Key Development Area for residential development does not relate to the residential area identified on the Central Geelong Structure Plan.

The proposed (revised) MSS states:

21.09-2 Within each of the identified precincts of the Structure Plan, support and facilitate strengthening key activities and appropriate ancillary activities as identified in the Structure Plan, such that each precinct reinforces and strengthens the primacy of Central Geelong as the business and cultural centre for the Geelong Region.

21.06-3 Encourage development of the Central Geelong Key Development Area (Housing Diversity Strategy) as an area for medium and higher density housing consistent with the activity centre focus of Central Geelong.

It is not clear whether or not residential development is supported in the Core Retail and Waterfront precincts or in commercial areas that are not designated 'Commercial Living'. Perhaps nothing of great importance rests on this lack of clarity, but it highlights the problem of a lack of integration of the HDS into the structure planning of central Geelong.

Recommendation

We recommend:

In Clauses 21.09-2 and 21.06-3 review the strategies relating to residential development in Central Geelong to ensure internal consistency.

12.3 The Parking Precinct Plan

12.3.1 What is the issue?

The issue is whether the provisions of the proposed Parking Precinct Plan are appropriate.

12.3.2 Evidence and submissions

Council's current planning framework designates Central Geelong, including the Western Wedge, for intensive urban development into the foreseeable future. This will generate significant additional demand for car parking.

Little Ryrrie Street Investments (81) and Paul Donovan (33) supported the reduced rates in the Schedule to Clause 52.06 from the standards rates in planning schemes but did not support the amount of the cash-in-lieu payment, the lack of discretion to waive requirements, and the use of gross floor area. Concerns were also raised about the variation in rates between precincts. Peter Dowling (105) thought requiring cash-in-lieu for residential development would work against urban consolidation objectives.

In summary the following issues were raised in submissions:

- discretion on provision,
- rate of contribution,
- gross or net leasable floor area,
- parking rates for residential development, and
- cash-in-lieu for residential development.

12.3.3 Discussion

Discretion on provision

The decision criteria for waiving car parking can be seen to fall into a number of categories:

- parking demand for particular components of a development,
- parking characteristics of the shared uses of a development,
- parking availability of the centre, and
- parking credits.

The discretion to waive car parking doesn't serve the public interest once empirically set rates have been determined, and an overall strategy

determined. The Parking Precinct Plan essentially takes over from a case-by-case consideration of:

- parking demand for particular components of a development, and
- parking availability of the centre.

Potentially waving of parking remains appropriate for:

- parking characteristics of the shared uses of a development; and
- parking credits.

Rate of contribution

The rate of contribution is proposed at \$18,332 (exclusive of GST). The schedule and plan refer to indexation in accordance with the Parking Precinct Plan, but we could not find the indexation method within that document.

The contribution is consistent with broad estimates for the cost of car parking provision in activity centres across Victoria.

Gross or net leasable floor area

Referring to net leasable floor area only complicates matters. It is clear what floor area is leased (there will be leases identifying the areas) it is not clear what portion of this area could or should be deemed as 'net' and this area may change over time.

Parking rates and parking for residential development

We are generally satisfied that the parking rates have been properly established by a parking survey, however we have some concerns over the rates for accommodation uses.

The Schedule to Clause 52.06 provides:

Use	Car space measure	Rates	
		Core retail & waterfront precincts	Commercial living precinct
Accommodation other than dwelling	Car space per room or suite	0.7	1
Dwelling	Car space per dwelling	1	1

Because there is no provision to waive parking this would mean that parking is required for all accommodation uses including, for example, student

accommodation, backpackers, and retirement accommodation, all of which are likely to have a lesser demand than indicated.

We agree with Mr Dowling that this may work against broader objectives of urban consolidation or the aim to create a vibrant central Geelong. We think the best approach is to retain some flexibility for reducing the parking requirement for accommodation uses based on an empirical assessment of the likely demand of the particular use.

12.3.4 Recommendation

We recommend:

In the Parking Precinct Plan include an explicit indexation method for the cash-in-lieu amount.

In the Schedule to Clause 52.06 add an additional dot point under: 'Before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to:' as follows:

- **'The likely car ownership or parking generation rates of likely or proposed residents of any accommodation or dwelling.'**

12.4 255–257 La Trobe Terrace

What is the issue?

The issue is whether land within the 'transition area' in the Structure Plan map should be rezoned from Residential 2 to Business 2 or Mixed Use.

Evidence and submissions

Council submitted that it did not want to 'grey the edges' of the CBD and was concerned that if transition areas were rezoned from residential to commercial it might take the focus off areas where development is favoured: the western wedge and central city area.

Mr Marshall on Behalf of Galiano Pacor (72) submitted:

The Central Geelong Structure Plan fails to address the current use and zoning conflicts along La Trobe Terrace despite acknowledging and encouraging this area of Geelong to continue as mixed use. Therefore it fails to provide any strategic direction regarding office use despite its dominance within the transition zone of the CAA

Discussion

The Central Geelong Structure Plan identifies a number of areas:

- Waterfront living including part of an 'Arts, Civic Education' cluster,
- Core retail,
- Commercial Living including an 'Arts, Civic Education' cluster and a 'Medical Health' cluster,
- Transition including a 'Medical Health' cluster,
- Residential, and
- Eastern Park.

The site is located in the 'Transition' area.

The 'Transition' area provides no guidance as to what the mix of uses should be. The Structure Plan report states at sections 3.1.7 and 3.1.8:

Objective: Allow in the Transition Precinct a mix of uses to transition from residential and business based precincts while supporting the role and amenity of other precincts.

Strategic Directions

- *Support medical/health related uses*
- *Support accommodation uses*
- *Support uses that retain a reasonable residential amenity*
- *Consider uses that do not undermine the role of other precincts.*

The last two dot points imply something more than residential.

There seems to be something fundamentally strange about nominating a 'Transition' area which implies some sort of smooth transition and then determining not to grey the areas of the CBD. Surely 'transition' implies such a greying. We are not sure which approach is best in this case – a hard edge or a soft edge – but we note that the Structure Plan map in the scheme calls for a transition, and this implies a 'greying' of the edge.

It is difficult to see what the 'transition area' mix of uses means in practice when a Residential Zone is applied. Any mix of uses is confined to the limited range of uses permitted under the Residential 2 zone.

We agree with Mr Marshall's submission, however, that it is not appropriate to rezone this land as requested as part of this Amendment. The reasons for this are discussed in Section 2.2 of this Report. While ideally the appropriate zone for the transition area would be considered across all of the transition

area, we can see no practical difficulties in proceeding with a separate amendment for this site without an overall review.

Conclusion

While it would be inappropriate to rezone 255–257 La Trobe Terrace as part of this Amendment, we believe that Council should reconsider the zoning of this land and support a suitable rezoning.

12.5 Drafting of provisions

What is the issue?

The issue is referencing external documents.

Discussion

The new clauses make reference to a number of external documents:

- the Waterfront Geelong Design and Development Code (1996),
- the Geelong Western Wedge Framework (as updated September 2005), and
- the Geelong Verandah Study (2006).

The need to refer to external documents is generally considered to be a poor drafting practice, and is best avoided. As an interim measure we believe that that the references can be retained, albeit relocated within the Clause. In the longer term, the next planning scheme review should identify which elements of these documents are intended to serve a statutory function and be implemented through appropriate VPP tools.

Recommendation

We recommend:

In Clause 21.09 (Central Geelong):

- **revise the 1st Strategy to read: ‘Within each of the precincts of the Geelong Structure Plan map included in this Clause, strengthen key activities and appropriate ancillary activities, such that each precinct reinforces and strengthens the primacy of Central Geelong as the business and cultural centre for the Geelong Region.’,**
- **relocate the references to external documents in the 2nd Strategy to Using Policy and the Exercise of Discretion, and**
- **relocate the reference to the Urban Design Advisory Board in the 2nd Strategy to a new ‘Other Action’ section under Implementation.**

13. Ocean Grove

13.1 Introduction

This section of the report discusses the issues raised in relation to Ocean Grove.

What does the Amendment propose?

The exhibited Amendment includes:

- new and revised Objectives, Strategies and Implementation measures at Clause 21.13,
- a new Ocean Grove Structure Plan at Clause 21.13-7,
- the Ocean Grove Structure Plan (June 2007) as a Reference Document,
- the Rural Conservation Zone 16 to replace the Farming Zone,
- the Residential 3 Zone,
- the Design and Development Overlay 20 (Industrial 1, 2, 3 Zones and Business 4 Zones), and
- the deletion of the Design and Development Overlay 14.

A copy of the exhibited Ocean Grove Structure Plan map is included on the following page.

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the Ocean Grove Structure Plan (February 2007),
- the Rural Land Use Strategy (May 2007),
- the proposed use and application of the Rural Conservation Zone on the Bellarine Peninsula – addendum to the Rural Land Use Strategy (September 2007),
- the Housing Diversity Strategy (July 2007), and
- the City of Greater Geelong Retail Strategy (June 2006).



Figure 1: Ocean Grove Structure Plan

Issues

Issues were raised in relation to:

- the North-Eastern Growth Area,
- the Shell Road Activity Centre,
- Coolamon Close,
- Trethowan Avenue and Ocean Grand Drive,
- the Wynndean Holiday Resort,
- the content of the Structure Plan map, and
- various other site specific areas.

13.2 The North-Eastern Growth Area

13.2.1 What is the issue?

The issues raised in relation to the North-Eastern Growth Area included:

- the function of the Structure Plan,
- the staging of development,
- application of the Incorporated Plan Overlay,
- the relationship with land to the west of Grubb Road,
- the location of the school, parkland and activity centre,
- multiple ownerships and equity,
- including the proposed Activity Centre in the retail hierarchy, and
- the Rural Conservation Zone 16.

13.2.2 Evidence and submissions

Submissions were received from Coomes Consulting on behalf of Webb Property Holdings Pty Ltd (24), SM Urban Consulting Group on behalf of Strahan Investments Pty Ltd (92) and Minter Ellison on behalf of Shell Road Developments Ltd (30).

Webb Property Holdings Pty Ltd owns land on the east side of Grubb Road, within the 'north-eastern growth area' designated in the Ocean Grove Structure Plan. More specifically, the land straddles two areas identified for 'school' and 'parkland' in the Structure Plan map that forms part of the Amendment.

Mr Pikusa called evidence from Mr Milner in relation to the location of various uses within the Structure Plan. Mr Milner concluded that the proposed locations of the activity centre and surrounding land uses should be reconsidered because there was insufficient analysis to underpin what he

described as '*...the quite rigid, ordered and structured outline of land uses...*' He also indicated that the longer term development and location of land uses to the west of Grubb should be a factor in determining the location of various activities (including the activity centre) to the east of Grubb Road. His consideration of these issues led him to conclude that the Webb land should be indicated as:

...part of the medium density and conventional density residential area surrounding an activity mode, with the need for a school and the active open space to be noted as being determined at a more detailed development planning stage.

Shell Road Developments Ltd owns land on the east side of Grubb Road, within the 'north-eastern growth area'. This landholding encompasses specific areas designated 'activity centre' and 'proposed medium density housing' in the Structure Plan map that forms part of the Amendment. Council indicated that this land holding includes approximately 70% of the land within the growth area.

Mr Bisset called town planning evidence from Mr Bastone (Urbis) and urban design evidence from Mr Sheppard (David Lock Associates). Mr Bastone reviewed the Amendment and Structure Plan, particularly in relation to the activity centre site, and concluded that it was appropriate for traffic, catchment, and tenure reasons. Mr Sheppard also reviewed the Amendment and Structure Plan from an urban design perspective and concluded that the proposed location of the activity was consistent (not surprisingly) with the Structure Plan, and that the level of specificity about the location was appropriate.

Mr Bisset concluded that the location of the activity centre was appropriate but raised issues associated with the staging of development, and the need to include the activity centre in the hierarchy of activity centres.

Strahan Investments Pty Ltd owns land on the east side of Grubb Road, which is also within the 'north-eastern growth area'. This landholding encompasses specific areas designated 'school' and 'parkland' in the Structure Plan map that forms part of the Amendment.

Mr O'Farrell generally supported the Amendment although he raised issues associated with the staging plan in the Structure Plan report (Figure 3) and sought changes to it. He also questioned whether there had been a sufficient level of analysis to support the proposed sites of the activity centre, school and parkland.

Council's submission outlined the process undertaken in preparing the Structure Plan report and supported its findings and recommendations. Although it proposed a number of minor changes to the Amendment and Structure Plan report, it did not agree with those submissions that sought a review of, or alterations to the siting of the activity centre, school and parkland. It acknowledged however that as detailed planning for the growth area progressed, it might be necessary to modify the locations of these activities within the general framework established by the Structure Plan.

13.2.3 Discussion

Submissions and evidence raised a number of issues that are discussed below.

Function of the Structure Plan

As discussed in Section 3.7 of this report, we don't agree with those submissions that sought to elevate the Structure Plan report to a status that is not warranted for a Reference Document. Our principle focus is with the provisions that are included in the planning scheme, and in this context, the Structure Plan map and the associated MSS objectives and strategies.

We agree with Mr Bisset that:

... the limited detail and precision of the proposed Structure Plan Map provides a sufficient degree of flexibility with respect to the location of the activity centre and surrounding land uses to allow future zoning and overlay provisions and development proposals to cater for alterations or deviations that are necessary to accommodate future detailed land requirements.

As also discussed Section 3.8, we believe that the strategies in support of this and other Structure Plan maps should require that subsequent development be generally in accordance such maps.

Staging of development

The submissions on behalf of Shell Road Developments and Strahan Investments raised issues with the staging plan included at Figure 3 of the Structure Plan report (North-East Residential Corridor). Both submissions sought changes to the staging references in the report.

The staging plan does not form part of the Amendment and it does not have the statutory weight attributed to it by various parties. The staging plan is an indicative guide within a Reference Document and provides a basis for more

detailed planning and investigation. This is indicated in the text of the Structure Plan report. We agree with Council's view that:

The broad wording of the Structure Plan has flexibility and it is acknowledged that there may be capacity for the staging plan to be further articulated as part of a negotiated DPO...

We also note that Council intends to exhibit Amendment C60 in the near future. This Amendment will involve approximately 220 ha and comprise the next stage of development within the area. It is unlikely that it will be entirely consistent the Structure Plan report and it makes no sense to revise the Structure Plan report so that it is consistent with this or other Amendments.

Finally, we note that Council and Shell Road Developments have negotiated additional text to be inserted in the Structure Plan report. As discussed earlier we do not believe that revisions to the Structure Plan report (or other Reference Documents) are necessary, but ultimately this is a matter for Council.

Application of the Incorporated Plan Overlay

The exhibited Amendment included a reference to applying the IPO to the north-eastern growth area at Clause 21.13-3. Council proposes to delete this reference on the basis that it will apply and rely upon the DPO as the mechanism to coordinate development. We support this approach and agree that the reference to the IPO should be deleted from the Amendment.

We note that the revised version of the MSS supplied by Council includes this deletion.

Relationship with land to the west of Grubb Road

Mr Milner proposed that the site of the activity centre should be reconsidered to take account of future residential development to the west of Grubb Road. His contention was that the potential catchment in this area would provide a basis for locating the activity centre further to the north of the site proposed on the Structure Plan map.

We note that this area is designated as a 'long-term growth option' and that its development will not occur for some time. In the interim, the Structure Plan seeks to consolidate development to the east of Grubb Road and the proposed site of the activity centre is reasonably located to service that development. We do not support the activity centre being located further to the north on the basis of the possible long term development to the west of Grubb Road.

The location of the school, parkland and activity centre

Mr Pikusa submitted that there was insufficient strategic basis on which to designate the exact location of the school, parkland and activity centre. He indicated that a general designation should be applied to the area of these three land uses and that future investigations should determine the precise location of individual components.

Mr Bisset submitted that a range of factors supported the proposed siting of the three land uses and that the level of specificity was based on sound planning grounds.

We do not believe it is necessary to repeat the detail of submissions and evidence in relation to this matter. We acknowledge that there is a range of factors that determine the most suitable sites for the activity centre, school and parkland and that the assessment of these factors does not necessarily result in unambiguously preferred locations.

Nevertheless, our review of the Structure Plan report, submissions and evidence has led us to conclude that the proposed siting of these activities is appropriate. We agree with Council's general observation that:

The Structure Plan provides a basic framework to the development of the growth area in terms of key roads, linkages and arrangements of land uses activities as well as broad development principles. Structure Plans are not intended to identify the fine grain of development which evolves from more detailed site analysis and planning.

We are satisfied that at the level of analysis undertaken in the structure planning process there is a prima facie case for the proposed locations of these facilities. To simply identify a general area for these uses would ignore the analysis that has been done to date and provide a level of uncertainty that is neither warranted nor desirable.

Nevertheless, we agree that the next level of detailed planning (such as the Amendment C60 process and the subsequent Development Plan) might result in these locations being reviewed and slightly modified.

Multiple ownerships and equity

Mr Pikusa submitted that it was inequitable that Shell Road Developments should be the sole beneficiary of the siting of the activity centre.

Alternatively, Mr Bastone highlighted the possible constraints associated with designating the activity centre site over multiple ownerships.

We agree with Mr Bastone that the siting of activity centres should avoid multiple ownerships – where this is practical and doesn't compromise proper and orderly planning. While we acknowledge that the Structure Plan map locates the activity centre within the land owned by Shell Road Developments, our assessment of whether this is a suitable location is based on its planning merits rather than the extent to which it might achieve financial equity amongst landowners in the area.

Including the Activity Centre in the Retail Hierarchy

Mr Bisset proposed that the activity centre should be included in the hierarchy of activity centres included in Clause 21.07-10. Council has proposed that this Clause be revised to include the location of 'potential' activity centres, including the north-eastern neighbourhood activity centre.

As discussed in section 7.6, we support this approach.

Applying the Rural Conservation Zone

Mr Bastone and Mr Milner opposed the rezoning of land within the growth area from FZ to RCZ 16. We have recommended that the RCZ 16 be deleted from the Amendment.

Conclusion

We support Council's revised provisions relating to the North-Eastern Growth Area, subject to the specific recommendations provided elsewhere in this report.

13.3 The Shell Road Activity Centre

What is the issue?

The issue is whether the MSS and reference documents preclude the expansion of the Shell Road Activity Centre.

Evidence and submissions

The submission from TGM on behalf of Lascorp Development Group Pty Ltd (99) sought a number of changes to the Structure Plan report, the Retail Strategy and the MSS. These changes related to the Shell Road Activity Centre and were principally intended to support a proposed expansion of the Market Place Shopping Centre.

Council indicated that the proposed expansion could be accommodated within the proposed policy framework and that it was not necessary to modify the background documents or the MSS.

Discussion

We agree with Council's proposition that the exhibited policy framework does not preclude a proposal to expand the activity centre being considered on its merits – the MSS strategies and Structure Plan map are silent on whether the centre should or could be expanded. We are not in a position to provide explicit support for an expansion of the centre given that we have not been presented with detailed submissions in support of an expansion.

While we note that some of the detailed references to the activity centre in the Ocean Grove Structure Plan report might not be entirely accurate, we do not believe that it necessary to revise them. As discussed in Section 3.7, the status and statutory weight of such documents have been overstated in many submissions and we do not believe that they need to be amended.

While we do not support the changes proposed by this submission, we see no reason why Council should not consider a proposal to expand the Market Place Shopping Centre on its merits.

Conclusion

We support the provisions relating to the Shell Road Activity Centre.

13.4 Coolamon Close

What is the issue?

The issue is whether the Coolamon Close LDRZ area should be identified for higher density residential development.

Evidence and submissions

The submission from R Bird et al (12) supported the Structure Plan designation of the Coolamon Close area as 'low-density rural living'.

The submission from Withington and Associates Pty Ltd (130) indicated that the retention of the LDRZ was anomalous given the proximity of the area to the town centre and the support in the Housing Diversity Strategy for increased housing densities in such situations. The submission indicated that the area was capable of supporting a higher density of development and that more detailed analysis of vegetation constraints should be undertaken. The submission also drew comparisons with the Kingston Estate and the Banks

Road RLZ area and proposed that the opportunity to further develop the Coolamon close area should be provided in the Structure Plan.

Discussion

Coolamon Close is an area zoned LDRZ that consists of approximately 20 lots. Council indicated that an earlier draft of the 2007 Ocean Grove Structure Plan report identified an opportunity for more intensive residential development within this area. Council indicated that this opportunity was also foreshadowed in the predecessor 1993 Structure Plan. In response to submissions received in relation to the draft 2007 Structure Plan and further analysis of existing native vegetation in the area, Council decided that the LDRZ should be retained.

While we agree with the Withington submission to the extent that an LDRZ zoning is potentially anomalous in this area given its central location within Ocean Grove, we note the practical difficulties that would be involved in re-subdividing this area for higher density residential development. We also note Council's advice about the value of the native vegetation in the area and the strong support for retaining the existing zoning amongst many of the landowners. We also note that the north-west area of the estate abuts an industrial area and that this area might not be entirely suitable for higher density residential development.

Conclusion

For the reasons discussed above, we are not prepared to support a change to the zoning or the inclusion of a strategy within the MSS in support of a possible future rezoning. Nevertheless, we believe that Council should remain open to the possibility that more detailed analysis of this area might indicate that sections of it are suitable for rezoning and more intensive development. This possibility is flagged in the Structure Plan report which indicates that any future rezoning would need to be accompanied by an Outline Development Plan for the area.

13.5 Trethowan Avenue and Ocean Grand Drive

What is the issue?

The issue is whether the land in the Trethowan Avenue and Ocean Grand Drive area should be designated for future residential development.

Evidence and submissions

The submissions from D & P Reid (83) and D & H Watson (121) opposed the rezoning of land in this area from RLZ to R1Z. There was some support for a zoning that would allow subdivision into 1 acre lots.

Council indicated that the Ocean Grove Structure Plan report identifies this area as a residential infill opportunity that might be suitable for more intensive residential development and the application of the R1Z.

Discussion

Amendment C129 does not propose to rezone this area to R1Z, instead, it proposes to include the Structure Plan map in the MSS. The map applies the notation 'future residential designation' to the area. There are no other specific references to this area in the MSS.

The Structure Plan report identifies a process whereby an Outline Development Plan might be prepared as a precursor to rezoning the area R1Z and applying a DPO. It includes the caveat that this process would only proceed if it is generally supported by land owners in the area.

We agree with Council that this area has greater potential for infill residential development than the Coolamon Close area discussed earlier. The lot sizes are typically larger, it abuts a conventional residential area to the west and it is not constrained by being adjacent to potentially incompatible uses such as might be found in an industrial area. It also seems to support less native vegetation, although a detailed survey would be required to confirm this.

Conclusion

We believe that is appropriate to identify this as a potential infill area although we acknowledge that further investigations might prove that it is impractical. We also believe that converting the land to LDRZ rather than R1Z might be a more suitable outcome depending on the constraints that affect the area. Council should not dismiss this option as part of any future investigation of the area.

13.6 Wynndean Holiday Resort

What is the issue?

The issue is whether the proposed rezoning of the Wynndean Holiday Resort to R3Z is appropriate.

Evidence and submissions

The submission from Wynndean Holiday Resorts Pty Ltd (131) raised concerns about the proposed application of the R3Z and the limitations that this would place on higher density residential development. The submission noted that the 1993 Structure Plan identified the site's potential for more intensive tourist related accommodation.

Council indicated that the R3Z does not preclude medium density housing.

Discussion and conclusion

As discussed in Section 8.5, we do not support the application of the R3Z and have recommended that it be deleted from the Amendment.

13.7 Content of the Structure Plan map

What is the issue?

The suitability of some of the detailed elements of the Structure Plan map.

Evidence and submissions

During the course of the Hearing the following issues were raised in relation to the Structure Plan map intended to be included at Clause 21.13-7:

- the designation of 'medium density housing' areas by way of a 400m radius, and
- the designation of the north-eastern growth area 'transition area/buffer'.

Discussion

The Structure Plan map includes three 'medium density housing' areas within a 400m radius of the Ocean Grove Town Centre, the Shell Road Activity Centre and the Proposed Grubb Road Activity Centre.

Council indicated that the designation of these 3 areas by way of a 400m radius was unnecessary in light of the implementation of the Housing Diversity Strategy and should be deleted. Our discussion of housing provisions is included in section 8 of this report.

The Structure Plan map also includes a 'transitional area buffer' along the northern boundary of the north-eastern growth area. There was some confusion about how this designation might be interpreted.

Council proposed to refine the representation and description of the 'transition area/buffer' to make its purpose more clear.

Conclusion

These changes are supported and are included in the final revised version of the Amendment provided by Council.

13.8 Other submissions

What is the issue?

The issue is whether various site specific rezoning proposals should proceed as part of the Amendment.

Evidence and submissions

The submission from the Ocean Grove and District Community Association Inc. (71) proposed a number of site specific rezonings.

Council only supported one of these proposals and opposed the others on the basis that they would require further analysis before being pursued. It supported the rezoning of the Council owned former SES site to PPRZ rather than the R3Z proposed in the Amendment. It had intended that this rezoning be included in a future anomalies amendment but supported it proceeding as part of Amendment C129.

The submission from M and R Payne (74) opposed the rezoning of land in the north east of Ocean Grove from FZ to RCZ 16. They also expressed concern that the 'protect long-term growth option' applied to this area on the Structure Plan map would '*... only serve to promote future residential development of this area, rather than restrict it.*'

The submissions from C & N Sheehan (148) and W Cross (132) also raised issues with the application of the RCZ 16.

Council's response to these submissions confirmed its support for the RCZ 16. In relation to the Payne submission, Council also indicated that it opposed the application of the RLZ. We note that the submission referred to us did not include a request for the land to be rezoned RLZ.

The submission from B Head (143) supported the Amendment but stressed the need to review the existing SLO as a matter of urgency. The submission also highlighted the need to resolve local planning issues in the area bounded by Bell, Blackwell, Mann and Newcombe Streets and Wallington Road.

Council indicated that it intends to address these matters.

Discussion

We support Council's request that the former SES site be rezoned to PPRZ rather than R3Z on the basis that it corrects an anomaly. We acknowledge Council's view that the other rezonings proposed by the Ocean Grove and District Community Association Inc. should not proceed as part of this Amendment as they require further assessment.

Issues associated with the application of the RCZ 16 and RLZ are discussed in Sections 11.2 and 11.4 of this report.

In relation to the submission from B Head, we note that the MSS includes the review of the SLO 7 and the Residential Character Study: Character Precinct Brochures as items of Further Work at Clauses 21.13-3 and 21.06-6 respectively.

Recommendation

We recommend that:

Rezone the Council owned land at the south east intersection of Tuckfield Street and Shell Road, Ocean Grove (referred to as 2 Shell Road and formerly the site of the SES) to the Public Park and Recreation Zone.

14. Clifton Springs/Drysdale

14.1 Introduction

This section of the report discusses the issues raised in relation to Clifton Springs and Drysdale, including the Jetty Road Urban Growth Area.

What does the Amendment propose?

The exhibited Amendment includes:

- new and revised Objectives, Strategies and Implementation measures at Clause 21.13,
- a new Jetty Road Urban Growth Plan map at Clause 21.13-11,
- a carried over Drysdale Clifton Springs Structure Plan map at Clause 21.13-10,
- the Jetty Road Urban Growth Plan (June 2007) as an Incorporated Document,
- the Rural Conservation Zone 16 to replace the Farming Zone,
- the Residential 3 Zone,
- the Design and Development Overlay 20 (Industrial 1, 2, 3 Zones and Business 4 Zones), and
- the deletion of the Design and Development Overlay 14.

Copies of the exhibited Drysdale Clifton Springs Structure Plan map and the Jetty Road Urban Growth Plan map are included on the following pages.

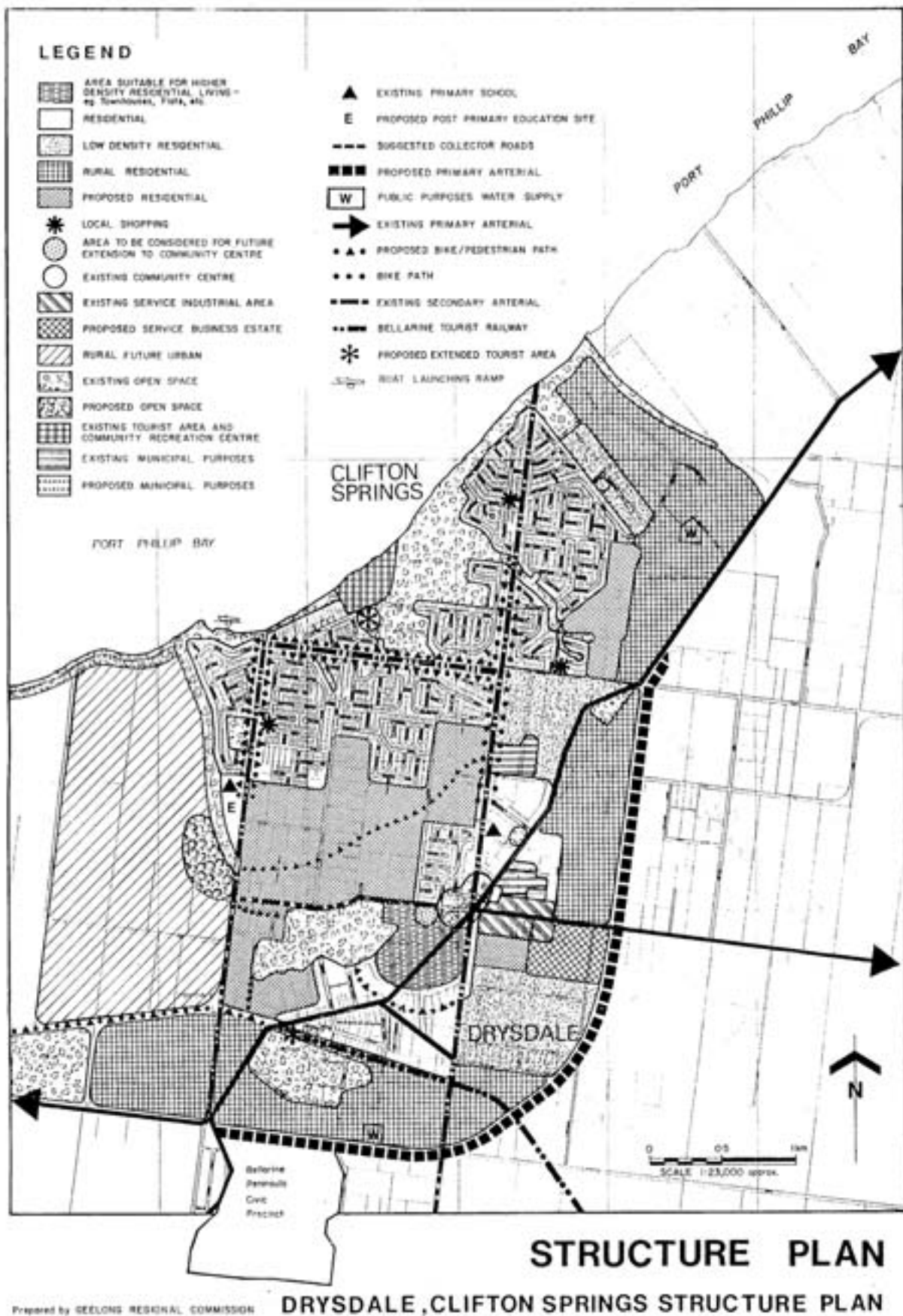


Figure 2: Drysdale Clifton Springs Structure Plan map

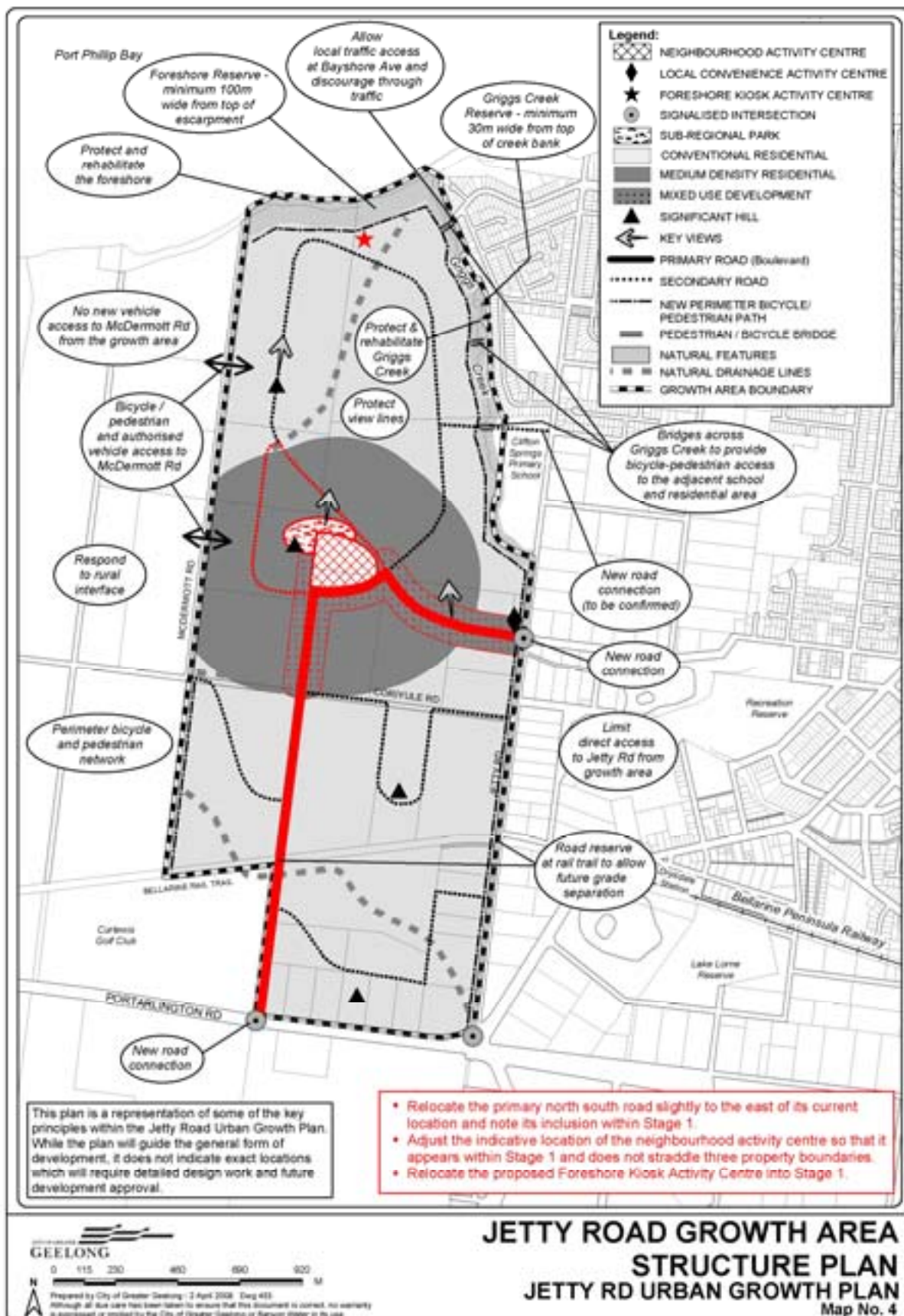


Figure 3: Jetty Road Structure Plan map

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the Jetty Road Urban Growth Plan (June 2007),
- the Rural Land Use Strategy (May 2007),
- the proposed use and application of the Rural Conservation Zone on the Bellarine Peninsula – addendum to the Rural Land Use Strategy (September 2007),
- the Housing Diversity Strategy (July 2007), and
- the City of Greater Geelong Retail Strategy (June 2006).

Issues

Issues were raised in relation to:

- the Jetty Road Growth Area, and
- various site specific areas within Drysdale and Clifton Springs.

14.2 The Jetty Road Growth Area

14.2.1 What is the issue?

The issues raised in relation to the Jetty Road Growth area included:

- Amendment C152,
- the location of the proposed Neighbourhood Activity Centre,
- the proposed road network,
- stage 1 of the Growth Area,
- the Foreshore Kiosk Activity Centre,
- the Local Convenience Activity Centre,
- the Mannix Reserve,
- updating the MSS to reflect the JRUGP,
- including the JRUGP report as an Incorporated Document, and
- applying the RCZ 16.

14.2.2 Evidence and submissions

The submission from Mr Townsend on behalf of Algo Properties (2) generally supported the JRUGP and the proposed location of the activity centre. His submission raised issues associated with east west road connections, limiting the number of development fronts and the strategic significance of the Algo land. Mr Townsend called town planning evidence

from Mr Biles, urban design and landscape evidence from Mr Dance and traffic evidence from Ms Dunstan.

The submission from TGM on behalf of Swan Bay Nominees Pty Ltd (3) generally supported the Amendment and the JRUGP but raised issues associated with the internal road network, the staging of development, and the location of the activity centre.

The submission from D Herbertson on behalf of the Clifton Springs Primary School Council (21) referred to three options for a connector road through the school site that had been discussed at various forums. The submission indicated that all of the options would impact on the use of the site and the future growth of the school. The submission supported a pedestrian and cycle access entering the site to the north of the school.

The submission from Mr Bisset on behalf of Croftlane Pty Ltd and Yorkrow Pty Ltd (107) generally supported the Amendment and the JRUGP, although it opposed the rezoning of the land from FZ to RCZ 16, and believed that the Amendment should provide for development to be 'generally' in accordance with the JRUGP map. He called economic evidence from Mr Dimasi, traffic evidence from Mr Higgs and town planning evidence from Mr Negri.

The submission from Mr Chiappi on behalf of Eureka Funds Management (122) generally supported the JRUGP, except for the location of the neighbourhood activity centre. Mr Chiappi submitted that the activity centre should be located on the south west corner of the Jetty Road and Wyndham Street intersection. Mr Chiappi called town planning evidence from Mr Govenlock, economic evidence from Mr Shimmin, and traffic evidence from Mr Hunt. He also submitted visual impact material prepared by Mr Goss.

The submission from J Boland (141) generally supported the Amendment and the JRUGP, but did not support a bridge over Griggs Creek at the western end of Bay Shore Avenue or a pathway on the escarpment of the Adrian Mannix reserve.

Council supported the key elements of the JRUGP, although it proposed a number of minor changes. These included:

- relocating the primary north south road slightly to the east of its current location to include it in Stage 1,
- adjusting the indicative location of the neighbourhood activity centre so that it appears within Stage 1 and does not straddle three property boundaries, and
- relocating the proposed Foreshore kiosk Activity Centre to include it in Stage 1.

Council also submitted that the proposed inclusion of the JRUGP as an Incorporated Document should not proceed.

14.2.3 Discussion

The issues raised in submissions and evidence are discussed below.

Amendment C152

Council indicated that it has resolved to seek Ministerial Authorisation for Amendment C152 which seeks implement Stage 1 of the JRUGP. The Amendment will include R1Z, PPRZ and PUZ rezonings and the application of DDO and DPO schedules. The R1Z rezoning includes land to the south of Coriyule Road that is outside the proposed Stage 1 in the JRUGP report. Council indicated that this additional land was required to ensure that the desired 10 -15 years supply of land would be provided.

Issues associated with the Staging Plan are discussed later in this section.

We believe that Amendment C152 will provide an appropriate framework within which issues associated with the sequencing of development and the provision of infrastructure will need to be considered and resolved.

The location of the proposed Neighbourhood Activity Centre

The JRUGP provides for a centrally located neighbourhood activity centre within the growth area. Council proposed that this site be shifted slightly to the east so that it is within Stage 1 and does not fall within 3 separate land ownerships. While there was general support from other submitters for this location, Mr Chiappi submitted that the activity centre should be located on the south west corner of the Jetty Road and Wyndham Street intersection.

Council preferred the central location for the following reasons:

- *The NAC is intended to primarily serve the needs of the growth area community.*
- *Any capacity issues of the Drysdale Town centre will be addressed by the Drysdale Clifton Springs Structure Plan review currently being undertaken.*
- *The adopted NAC location is at the major intersection of the growth area. Traffic analysis indicates that the road layout will provide similar traffic volumes on Jetty Road and the adopted primary road network.*

- *Walkability and pedestrian access are fundamental design elements of the UGP. The eastern side of Jetty road is unable to provide the density or permeability of the central location.*
- *The NAC is to provide a community focal point and sense of place for the growth area.*

Specific issues that were raised in submissions are discussed below.

Catchment

The activity centre is intended to serve the catchment within the growth area and has been sited to fulfil this function. Being within a 'greenfield' area presents an opportunity to configure residential development so that higher densities are achieved around and in association with the activity centre. There is also an opportunity to develop the activity centre in association with the proposed sub-regional park.

The Jetty Road site proposed by Mr Chiappi does not present a similar opportunity. To the east of Jetty Road (and the proposed site) is a large area zoned RLZ that is substantially developed. While the Amendment includes a strategy that seeks to redevelop this area (and others) for conventional residential development, there is some uncertainty about how successful this strategy will prove to be.

In light of the current and likely future density development to the east of Jetty Road we believe that a more central location for the activity centre within the Growth Area is preferred. It will provide a better opportunity to develop appropriate residential densities in support of the centre and to maximise pedestrian access.

In terms of serving its intended catchment, we prefer a more central location within the Growth Area.

Access to the Road Network

The central activity centre site is intended to take advantage of the proposed north south connector road and its east west link with Wyndham Street.

Mr Chiappi's submission and the evidence from Mr Hunt indicated that a Jetty Road location would be adequately serviced by Jetty Road and Wyndham Street, without compromising the operation of the existing road network or the proposed network within the Growth Area.

Our review of the evidence and submissions indicate that there is not a significant difference between the projected traffic volumes that would be

available to the central site and the Jetty Road site. We are also satisfied that either site could be adequately serviced by the existing and proposed road networks.

On balance we do not believe that there are any factors associated with access to the road network that favour one site over the other.

Synergy between land uses

Mr Govenlock preferred the Jetty Road site for a variety of reasons, including the potential to create '*...a commercial and community node*'. He indicated that the node would involve the Clifton Springs Primary School and a proposed Griggs Creek reserve to the east of the site.

While we agree with the desirability of creating such nodes, we do not agree that the Jetty Road site presents a significant opportunity for such a node to be developed. The primary school is some distance away from the site, and the Creek reserve while a positive feature is not a significant factor. On the other hand, Council proposes that the activity centre in the central location be developed in association with a sub-regional park and a range of neighbourhood community facilities. It is intended to provide a community focal point and sense of place for the Growth Area.

We do not believe that perceived synergies with existing land uses is a factor that supports the Jetty Road site over the central site.

Visual impact

The central activity centre site is generally within one of the higher areas of the Growth Area and is likely to be more visually prominent than a Jetty Road site.

We were presented with evidence from Mr Dance relating to urban design and landscape planning, and photo montages of views to the two sites prepared by Mr Goss of Orbit Solutions.

Mr Chiappi indicated that the higher elevation of the central site would mean greater visual dominance of the retail component of the centre. Mr Govenlock also raised a number of issues associated with the elevation of the site, including difficulties associated with pushing trolleys up hills.

We accept that minimising the negative visual impacts of an activity centre in the central location will be challenging, and that a Jetty Road site is not as constrained by these visual impact issues. Nevertheless, we believe that the elevation and visibility of the central site are opportunities as much as constraints, and that an appropriate centre can be designed for the site.

We are satisfied that the visual impact of development is not a reason to prefer a Jetty Road site over a more visible central location.

The Drysdale Town Centre

The activity centre is intended to complement rather than undermine the role and function of the Drysdale Town Centre, which is located to the east of the Growth Area.

In simple terms, the further away the neighbourhood activity centre is located from the Town Centre, the greater the opportunity for the centres to develop and operate as separate entities with separate catchments. This in turn assists in protecting the role and function of the Town Centre.

However, we believe that the distance between the two sites is insignificant and it has not been a factor in our assessment of their relative merits. We are inclined to agree with Mr Chiappi's conclusion that:

Regardless of the proposed activity Centre, Drysdale will benefit from growth in the market and will continue to be a robust centre.

We also note Council's view that the Drysdale/Clifton Springs Structure Plan review will provide a mechanism to address any capacity issues faced by the Town Centre.

Delivery of the Activity Centre

Mr Chiappi submitted that the key issue in determining the preferred location is timing. Mr Shimmin indicated the central site could be delivered in 2022, while the Jetty Road site could be delivered by 2011. Mr Chiappi indicated that the late delivery of the centre would have adverse consequences, including:

- holding back the take up of residential land in the Growth Area,
- increasing use of the Drysdale Town Centre, with consequent impacts on congestion and the level of service,
- Council will come under increasing pressure to approve an alternative site for a new supermarket, and
- construction of the centre towards the end of development of the Growth Area will limit the potential opportunity for growth.

We agree that the early delivery of the centre would be a positive outcome given that it would serve pioneer residents in the Growth Area. On the other hand, it would draw trade from the Town Centre before the Growth Area catchment is fully developed. On balance we do not believe that delaying the activity centre until development of the Growth Area is substantially

underway is fatal to the central site. We do not share Mr Chiappi's concern that an interim reliance on the Town Centre amongst growth area residents is necessarily a bad thing.

We also believe that the guidance provided in the planning scheme will be sufficiently robust for Council to resist pressure to provide an alternative site for a supermarket.

Consequences of shifting the activity centre site to Jetty Road

Shifting the activity centre site to Jetty Road would raise a number of potentially significant practical issues. These would include the need to recast other elements of the JRUGP, the need to revise the proposed Amendment C152, and the possible need to re-exhibit this element of Amendment C129. As Council indicated, although the Amendment did not attract any submissions from existing retail interests elsewhere in Drysdale/Clifton Springs, this might not have been the case if the activity centre had been identified on Jetty Road.

These issues are not insurmountable and have not been factors in our assessment of the activity centre site. We raise them to highlight that the process of identifying the proposed site has been lengthy and that a number of further processes are contingent on the central site proceeding. We believe that adopting a Jetty Road site would further delay the development of the growth area and we do not believe that this would be a desirable outcome.

Conclusion

We agree that a Jetty Road site would provide an opportunity to develop the activity centre earlier and provide an impetus and focus for the earlier stages of residential development. On the other hand, a central location will better serve the Growth Area catchment once it is fully developed. It will also provide more opportunity to integrate the centre with surrounding land uses given that it will be entirely within a greenfield area.

On the other measures raised in submissions we do not believe that there is much to separate the two locations.

While there might be a short term advantage in locating the activity centre on Jetty Road, we are satisfied that in the longer term a more central site in the Growth Area would be a better planning outcome. We agree with Mr Negri's conclusion that:

...the benefit which will be derived by future residents of the growth area through the siting of the proposed neighbourhood activity centre (co-located with a mix of activities and a sub-regional park) in a central

location which promotes walkability and on a primary road, outweighs any potential benefit to the existing population of Drysdale/Clifton Springs which may arise as a result of the more timely delivery of the activity centre at the alternative location.

The proposed road network

The main elements of the proposed road network include:

- a primary north south road that connects to Wyndham Street to the east,
- a connection to Bay Shore Avenue, and
- three other indicative connections to Jetty Road, including a connection through the Clifton Springs Primary School and an extension of Coriyule Road.

In response to submissions, Council proposed to realign the proposed north south road slightly to the east of its exhibited location to include it within stage 1. It did not propose any other changes and noted that the secondary road layout is indicative and that minor adjustments would be considered provided that all of the JRUGP principles and objectives are met.

The specific elements of the road network that were raised in submissions are discussed below.

The north south connector road

The exhibited JRUGP map provides a north south road connection that straddles a number of properties.

The evidence from Mr Higgs proposed an alternative configuration for the siting of the activity centre and the intersection of the north south connector road and Wyndham Street extension. While we agree that this proposal has merit, we believe that this level of detail needs to be considered as part of Amendment C152 and the subsequent preparation of a Development Plan.

We agree however with Council and Mr Higgs that the north south connector road should be shifted slightly to the east on the JRUGP map so that it is contained within Stage 1. This is a fundamental change that should be made now to inform the Amendment C152 process and the subsequent preparation of a Development Plan. This change is reflected on the revised version of the JRUGP map provided by Council.

The proposed road connection to the north of the Clifton Springs Primary School

The JRUGP map provides for a road connection between Jetty Road and the Growth Area that traverses the northern section of the Clifton Springs Primary School grounds. It includes the notation 'New road connection (to be confirmed)'.

The School Council objected to this proposal and noted that all of the options discussed with Council would impact on the use of the site and the future growth of the school. The need for this road link was also raised in other submissions and was the subject of expert evidence. There was a general view that a new road connection south of Wyndham Street was necessary.

Firstly, we are satisfied that the projected traffic volumes will warrant a road connection to Jetty Road in the general area of the school. Such a connection will also assist with the sequential development of land within Stage 1.

In relation to locating the road connection through the school property, we note Council's advice that that it is in negotiations with the Education Department and the School to find a location that is suitable to all parties.

While we acknowledge the concerns of the School Council, we do not dismiss the possibility of constructing the road along the northern boundary of the school site. We believe that this option would optimise the distribution of access points between the Growth Area and Jetty Road north of Wyndham Street. We also believe that such a connection could be configured in a manner that need not be a significant impediment to the future operation and growth of the school. We agree with the evidence of Ms Dunstan that:

This link is important in servicing the school site as well as providing a sufficient number of east-west connections in the northern area to minimise the impacts on Bay Shore Avenue.

Nevertheless, we note that Council intends to further consider this matter and we support this. In light of this, it would be premature for us to reach any definitive conclusions about the location of the road. In the interim we believe that the JRUGP map should retain the exhibited road link but replace the notation with: '*Investigate the preferred location for a road link between Jetty Road and the Growth Area in the general area of the Clifton Springs Primary School.*'

An additional east west connection to Jetty Road

Ms Dunstan supported the provision of an additional east west connection to Jetty Road midway between the proposed connections through the school site and Wyndham Street.

It seems to us that the need or desirability of an additional connection will be largely reliant on Council's further assessment of whether the proposed connection through the school site should proceed, and if not, where the alternative connection should be provided. Until these matters are resolved it would be premature for us to support an additional connection.

Coriyule Road

TGM raised issue with the proposed treatment of Coriyule Road, which it described as '*...convoluted in its attempt to curtail direct access along Coriyule Road.*' Mr Higgs expressed similar concerns and indicated that there were alternative approaches to managing through traffic. Ms Dunstan made the general observation that the alignment of internal secondary roads should be reviewed to reduce/remove extended lengths of curvilinear roads.

We agree with these submissions although we support the intent of avoiding a direct, heavily trafficked connection between Jetty Road and the north south connection along Coriyule Road. We believe that the exhibited 'loop' to the south should be deleted and replaced with a dashed straight connection along the existing road reserve. In order to address Council's concerns, the map should include the notation 'Allow local traffic access along Coriyule Road, but construct and align the road to discourage through traffic'. A similar notation applies to the Bay Shore Avenue connection and we support this approach.

Bay Shore Avenue

The JRUGP map provides for an extension of Bay Shore Avenue into the Growth Area. The submission from J Boland opposed this connection and the construction of a vehicular bridge over Griggs Greek.

The proposed road link on the JRUGP map includes the notation '*Allow local traffic access at Bayshore Ave and discourage through traffic*'.

We support this approach and Council's observation that:

Bayshore Avenue is an important link at the northern extent of the Jetty Road growth area to create proper east-west permeability between the growth area and the existing Clifton Springs.

Conclusion

We generally support Council's proposed changes to the road network shown on the Jetty Road Urban Growth Plan map, subject to the revisions that we have recommended. We believe that it will provide a suitable basis for the more detailed planning that will be undertaken as part of the Amendment C152 process and the subsequent preparation of a Development Plan.

Stage 1 of the Growth Area

Mr Townsend raised concerns about the size of the proposed stage 1 to be implemented through Amendment C152, particularly in terms of the number of development fronts that might result and the sequencing and coordination of those development fronts. He invited the Panel to:

...make a strong statement that Council provide leadership on this issue.

TGM submitted that:

The specifics of internal staging, developer contributions, overlay schedules, etc are matters that relate to amendment C152 and not C129.

Mr Chiappi supported the expanded Stage 1, indicating that it would be prudent to allow sufficient land to provide choice and competition.

We agree that the sequencing and coordination of development within stage 1 will be a key factor in determining the success of the JRUGP. This is particularly so in terms of the timely and efficient provision of connector roads and the activity centre. It will also be important that the sequencing of development avoid land locking key land parcels.

We agree with TGM however that these matters will need to be considered and resolved within the framework to be provided by Amendment C152. We also agree with Council's submission that there is no need to amend the JRUGP report to reflect the increased area of Stage 1.

The Foreshore Kiosk Activity Centre

The JRUGP map provides for a 'Foreshore Kiosk Activity Centre' in the northern section of the Growth Area. Council has proposed that this be moved to the east so that it is within Stage 1. We support this change and note that it is included in the revised version of the JRUGP map provided by Council.

The Local Convenience Activity Centre

The JRUGP map provides for a 'local convenience activity centre' to the north-west of the Jetty Road Wyndham Street intersection.

Following its consideration of submissions and evidence, Council indicated that it would consider removing this reference on the basis that such facilities might be better provided on the site of the proposed neighbourhood activity centre as part of its inception and organic growth. Nevertheless, it proposed that the designation be retained until the issue is further considered.

We agree with Council's submission and believe that the legend to the JRUGP should be modified so that it refers to a 'Potential Local Convenience Activity Centre.'

Mannix Reserve

The submission from J Boland opposed the construction of a pathway on the escarpment of Mannix Reserve. Council indicated that Mannix Reserve is not part of the Amendment and that its Environment Department is preparing a Clifton Springs Coastal Management Plan which will address this issue.

Updating the MSS to reflect the JRUGP

TGM proposed a number of changes to the Amendment to ensure that the MSS was internally consistent in its references to Drysdale/Clifton Springs and the Jetty Road Urban Growth Area. These included:

- modifying the Drysdale/Clifton Springs Structure Plan map at Clause 21.13-10 to include the material in the JRUGP map,
- deleting or modifying the 6th strategy to '*Cluster community facilities in close proximity to the education facilities west of Jetty Road, or at the Bellarine Sub-regional Centre*', and
- deleting the reference at Clause 21.13-3 to incorporating the JRUGP (we note that Council has agreed to this).

We agree that there is a need to ensure that the MSS is internally consistent, however we think that there would be practical difficulties in combining the two maps given the scale of the plans and the amount of information that they seek to convey. Instead, we believe that the Drysdale/Clifton Springs Structure Plan map should be modified to delete unnecessary and conflicting references to the Jetty Road Urban Growth Area, and that it include a notation that directs readers to the Jetty Road Urban Growth Plan map at Clause 21.13-11.

We also agree that the proposed strategy is confusing and seemingly unnecessary. We believe that it should be deleted.

Including the JRUGP report as an Incorporated Document

The exhibited Amendment proposed to include the JRUGP report as an Incorporated Document. Council subsequently proposed that it only be included as a Reference Document. We agree that the report is not suitable as an Incorporated Document and that it should only be included as a Reference Document. The necessary changes are included in the revised version of the Amendment documentation provided by Council.

Applying the RCZ 16

Submissions raised issues with the proposed rezoning of land from FZ to RCZ 16. These issues are discussed in Section 11.2 of this report, where we have recommended that the RCZ 16 be deleted from the Amendment.

14.2.4 Recommendation

We recommend that:

In Clause 21.13-11 (Jetty Road Urban Growth Plan map):

- **Revise the notation relating to the east west road link through the Clifton Springs Primary School to read 'Investigate the preferred location for a road link between Jetty Road and the Growth Area in the general area of the Clifton Springs Primary School.'**
- **Revise the legend so that it refers to a 'Possible Local Convenience Activity Centre.'**

In Clause 21.13-10 (Drysdale Clifton Springs Structure Plan map) delete those references that conflict with the Jetty Road Urban Growth Area map, and include a notation that directs readers to the Jetty Road Urban Growth Plan map at Clause 21.13-11.

In Clause 21.13-2 delete the 6th strategy under 'In Drysdale/Clifton Springs' (Cluster community facilities in close proximity to the education facilities west of Jetty Road, or at the Bellarine Sub-regional Centre).

14.3 Other submissions and issues

What is the issue?

Submissions raised a number of individual issues that are discussed in the following sections.

Evidence and submissions

The submissions from J and E Vorrath (16) and Urban Land Developments Pty Ltd (115) opposed the proposed rezoning of land from FZ to RCZ 16.

The submission from the Drysdale/Clifton Springs Community Association Inc (34) raised issues in relation to landfill, the proposed Bypass and the Murradoc Road industrial estate.

The submission from M and J Spiteri (146) opposed the rezoning of their land from R1Z to R3Z. They purchased the land to undertake a 'multi unit' development and believe that the R3Z will unfairly constrain the development of the site.

Discussion and conclusion

The issues associated with the application of the RCZ 16 are discussed in Section 11.2 of this report, where we have recommended that the RCZ 16 be deleted from the Amendment.

The issues associated with the application of the R3Z are discussed in Section 8.5 of this report, where we have recommended that the R3Z be deleted from the Amendment.

Council advised that it has commenced the review of the Drysdale/Clifton Springs Structure Plan. We believe that this review will provide the appropriate mechanism to address the other issues raised in these submissions.

15. Portarlington

15.1 Introduction

This section of the report discusses the issues raised in relation to Portarlington.

What does the Amendment propose?

The exhibited Amendment includes:

- new and revised Objectives, Strategies and Implementation measures at Clause 21.13,
- a new Portarlington Structure Plan map at Clause 21.13-5,
- the Portarlington Structure Plan (April 2007) as a Reference Document,
- the Rural Conservation Zone 16 to replace the Farming Zone,
- the Residential 3 Zone,
- the Design and Development Overlay 20 (Industrial 1, 2, 3 Zones and Business 4 Zones),
- the Design and Development Overlay 17 (Residential Coastal frontages),
- the Design and Development Overlay 19 (Portarlington Town Centre), and
- the deletion of the Design and Development Overlay 14.

A copy of the exhibited Portarlington Structure Plan map is included on the following page.

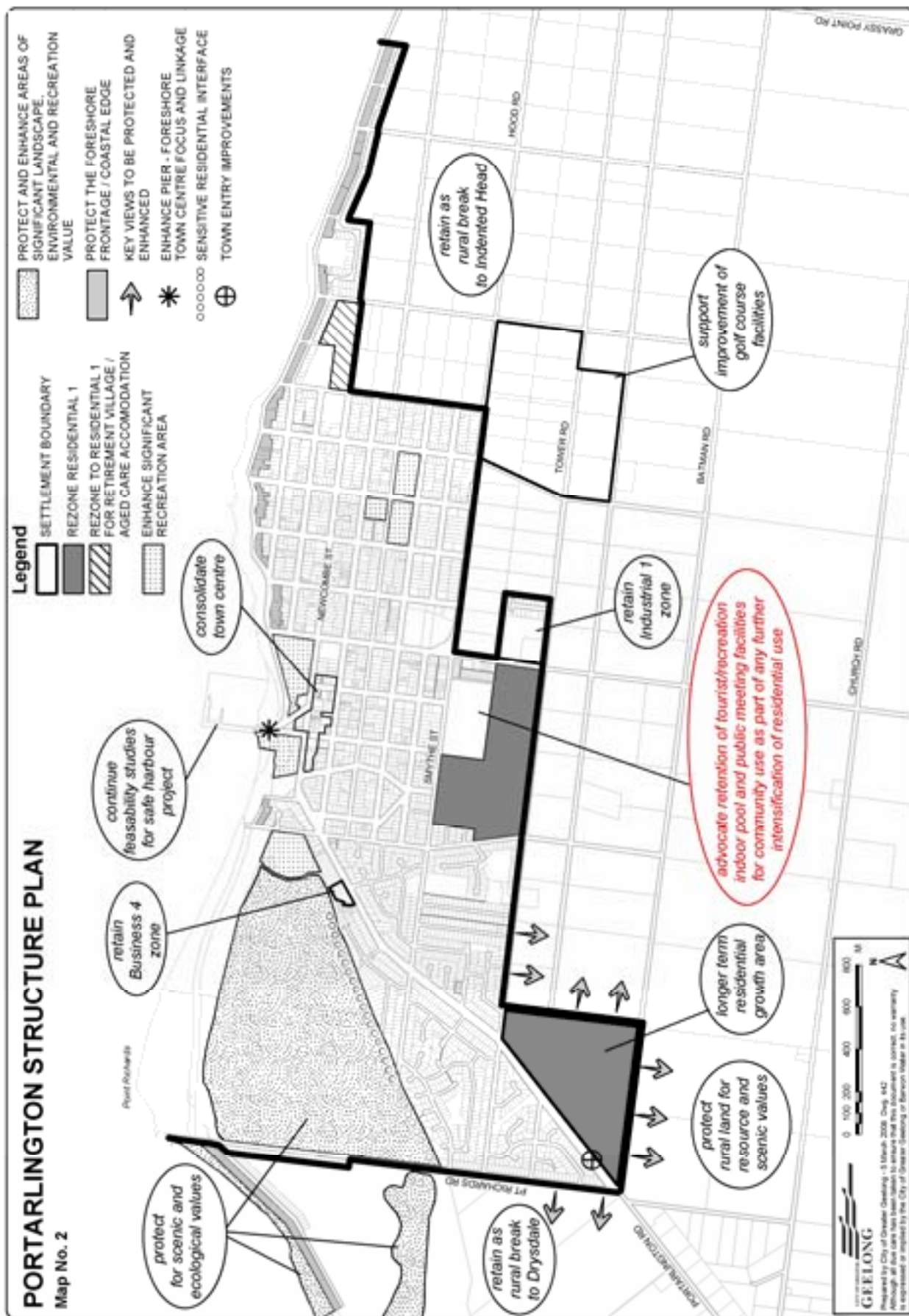


Figure 4: Portarlington Structure Plan map

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the Portarlington Structure Plan (April 2007),
- the Rural Land Use Strategy (May 2007),
- the proposed use and application of the rural Conservation Zone on the Bellarine Peninsula – addendum to the rural Land Use Strategy (September 2007), and
- the Housing Diversity Strategy (July 2007).

Issues

Issues were raised in relation to:

- the Olive Grove site,
- the proposed retirement village,
- the residential provisions,
- the Portarlington Aquatic Centre and Holiday Flats,
- the Port Bellarine Tourist Resort site, and
- the Portarlington Structure Plan Settlement Boundary.

15.2 The Olive Grove

What is the issue?

The suitability and timing of future residential development of the Olive Grove site.

Evidence and submissions

Submissions opposing the designation of the Olive Grove site for residential development were received from Friends of the Bellarine Hills (41), G & M Henderson (53), D Knight (62), the Portarlington Community Association (78), A van den Akker-Luttmer (116) and G Walker (119). These submissions opposed residential development of the Olive Grove on the basis that there was an adequate supply of residential land and that development should not occur on such an elevated and visible site.

Hellier McFarland – Cityplan on behalf of various land owners (52), and B and B Mitchell (66) supported residential development of the Olive Grove and proposed that it be rezoned to R3Z as part of Amendment C129. The Cityplan submission proposed that an overlay be applied to control the timing and release of new residential lots. It also opposed the application of

the RCZ 16 to land identified for urban development and within a Settlement Boundary.

Council did not support any changes to the exhibited provisions. It noted that the Olive Grove would not be required in the short term given its assessment that there is approximately 15 – 19 years supply of lots currently available.

Discussion

The Olive Grove is an area of farming land to the south west of the Portarlington urban area. It is currently zoned FZ and is within the 'limit to urban expansion' on the current Structure Plan map, derived from the Portarlington/Indented Head Structure Plan (1993). Amendment C129 also includes the land within the Settlement Boundary of the revised Portarlington Structure Plan map which is derived from the Portarlington Structure Plan (April 2007). This map also applies the designation 'longer term residential growth area'. The Amendment also seeks to rezone the land from FZ to RCZ 16.

The Olive Grove was the subject of Amendment C121 which sought to rezone it to R1Z. The Amendment was authorised and exhibited, but was subsequently abandoned in May 2007 after it attracted a significant number of opposing submissions. In the interim, Council commenced the review of the Portarlington Structure Plan and rezoned an alternative area to R1Z via Amendment C134 to cater for immediate residential development needs.

Although the Olive Grove has a complex planning history, there has been a consistent policy position that it forms part of the longer term residential land supply for Portarlington. The review of the Structure Plan has confirmed this position and we see no reason to change this designation at this time. We agree that development of the Olive Grove will present a number of challenges, particularly minimising its visual impact, but until detailed planning and formal proposals are considered, there is no basis to remove its designation for longer term residential development.

We do not agree with submissions that sought the rezoning of the Olive Grove for residential development as part of Amendment C129. Setting aside the land supply and demand issues that might affect the timing of future development, it is clear that the Portarlington community and other stakeholders should have the opportunity to formally comment on such a proposal (as they did in relation to Amendment C121). It is simply not open to us to recommend that the site be rezoned as part of this process. While it is unfortunate that Council failed to resolve the issues associated with the

site through the Amendment C121 process, there is no option other than to exhibit a further amendment at an appropriate time.

In terms of land supply issues, we agree with the Cityplan submission that residential choice, diversity and competition would be better served by having more than one development front in Portarlington. Council has focussed short to medium term development opportunities within the area made available by Amendment C134, and does not anticipate that the Olive Grove would be required for some time. We believe that the timing of additional residential development areas should recognise the desirability of creating competing development fronts, and not just be assessed on the overall level of land supply. We do not agree with the 'one development area at a time' approach that Council seems to have embraced in various areas of the municipality. We think that any proposals to rezone the Olive Grove should be considered in the context of providing competition, choice and diversity in the market.

For these reasons we believe that the proposed 'long term residential growth area' notation on the Structure Plan map should be changed so that it simply reads 'residential growth area'. Applying the 'long term' qualification is an artificial and unnecessary constraint, given that the site is now the only area that has been identified for future residential development that requires rezoning.

In relation to Amendment C134, we note that the affected land is subject to the notation 'rezone residential 1' on the exhibited Structure Plan map. Given that the rezoning has been approved, the Structure Plan map should be amended to delete this reference.

Recommendation

We recommend that:

In Clause 21.13-5 (the Portarlington Structure Plan map):

- **Identify the 'Olive Grove' site as 'residential growth area', rather than a 'longer term residential growth area'.**
- **Delete the 'rezone residential 1' designation from the land subject to Amendment C134.**

15.3 The Retirement Village

What is the issue?

The issue is whether the references to the proposed retirement village in the MSS are appropriate.

Evidence and submissions

Submissions opposing the proposed retirement village were received from D Badrock (6), J Bugge (17), V George (46), L Glanville (50), I Kacunic (61), D Pearson (75), G Walker (119) and J Wills (129).

The Portarlington Community Association (78) supported the need for a retirement village, but agreed that the current proposal required further investigation.

Tract Consultants lodged a submission on behalf of Peninsula Lifestyle Properties Pty Ltd (109) in support of the retirement village proposal.

Council did not propose any changes to the relevant elements of the Amendment in response to submissions. It believed that the proposal has merit.

Discussion

The retirement village site comprises approximately 5.2 ha in the eastern area of Portarlington. It is currently zoned RLZ and is outside the 'limit to urban expansion' on the current Structure Plan map, derived from the Portarlington/Indented Head Structure Plan (1993). Amendment C129 includes the site within the Settlement Boundary of the revised Portarlington Structure Plan map which is derived from the Portarlington Structure Plan (April 2007). This map also applies the designation 'rezone to residential 1 for retirement village/aged care accommodation'. The Amendment does not propose to change the current RLZ.

The site is subject to proposed Amendment C93 which is a combined permit/rezoning application to rezone the site (and the existing Dylene caravan park) from RLZ to R1Z, and to seek consent for a retirement village. Council advised that it expects to exhibit the Amendment subject to obtaining Ministerial Authorisation and indicated that such authorisation had been previously declined on the basis that the proposal was inconsistent with the 1993 Structure Plan.

A number of submissions opposed the retirement village proposal on grounds that varied from site specific issues such as flooding through to broader locational issues such as the distance of the site from the town centre. It is worth repeating that Amendment C129 does not include a rezoning of the site or a planning permit for the retirement village. It seeks to include Portarlington Structure Plan map that shows the site as within the Settlement Boundary and that applies the designation 'rezone to residential 1 for retirement village/aged care accommodation'.

Whether or not the retirement village proposal succeeds will be determined by the Amendment C93 process. We have not been presented with detailed plans for the proposal and we have not considered any detailed evidence or submissions about such plans. Our considerations are limited to those elements of Amendment C129 that are relevant to the proposal.

In this context we have concerns about including the site within the proposed Settlement Boundary. It seems to us that Council is yet to undertake the fundamental analysis that would lead it to conclude that the site is suitable for urban development and that it should be included within the Settlement Boundary. Council has responded to a site specific development proposal rather than identify the site as a logical and natural extension to the existing urban area that should be zoned R1Z.

We believe that this distinction is important because including the land within the Settlement Boundary gives the proposed R1Z rezoning an imprimatur that we simply cannot assign it on the material presented to us. We also have concerns about referring only to the R1Z, given that there might be other zoning approaches to facilitate a retirement village, should it be established that the site is suitable.

We are also concerned that if the land is zoned R1Z and the proposed retirement village does not proceed, then there is likely to be pressure to develop it for conventional residential purposes. In this scenario, we do not think that a refusal for conventional residential development could be sustained under the provisions of the R1Z.

The more appropriate approach is to remove the site from within the Settlement Boundary and to apply a revised notation: *'possible retirement village/aged care accommodation subject to rezoning and inclusion within the Settlement Boundary'*. This approach is consistent with Council's observation at the Hearing that the expanded Settlement Boundary was tied to the retirement village proposal and that Council would revert to the 1993 boundary (that is, exclude the site) if the retirement village proposal did not proceed.

We do not believe that this change would be an impediment to Amendment C93 being authorised by the Minister or being considered on its merits by Council or a future Panel. While we understand that the site's location outside the 'limit to urban expansion' in the current MSS was an impediment to an earlier authorisation request, the approach we have recommended provides an opportunity to move the Settlement Boundary in response to a specific development proposal – the merits of which can be tested via an amendment process.

In relation to the Dylene caravan park site, we note that while it is also zoned RLZ, it has a de facto urban residential use given the number of seemingly permanent cabins and vans on site. It is also a relatively small site that seems to be partly within and partly outside the existing 'limit to urban expansion' in the 1993 Structure Plan. This is in contrast to the retirement village site which is cleared farming land, has a significantly larger area and is entirely outside the existing 'limit to urban expansion'. For these reasons we are satisfied that the caravan park site should be included within the Settlement Boundary.

Finally, Tract Consultants requested that elements of the Net Community Benefit tests included in the Portarlington Structure Plan report (p31) be modified. The Amendment introduces this document as a reference document. As discussed in section 3.7 of this report, reference documents have no statutory weight and we will not recommend detailed changes to them. If and how Council wishes to apply the Net Community Benefit tests are matters for Council. If it had been intended that the proposed 'Principles for Development of the Mercer Street and Oxley Street Special Investigation Area' have statutory weight, then they should have been specifically included in the MSS.

Recommendation

We recommend that:

In Clause 21.13-5 (the Portarlington Structure Plan map) remove the proposed Mercer Street retirement village site from within the Settlement Boundary and identify the site as 'Possible retirement village/aged care accommodation subject to rezoning and inclusion within the Settlement Boundary'.

15.4 The Portarlington Aquatic Centre and Holiday Flats

What is the issue?

The issue is whether the proposed references to the Portarlington Aquatic Centre and Holiday Flats on the Portarlington Structure Plan map are appropriate.

Evidence and submissions

The submission from Maunsell Australia on behalf of T Montalto (65) raised concerns about the extent to which the Amendment and the Portarlington Structure Plan report restrict appropriate development of the site.

G Walker (119) proposed that Council purchase the swimming pool complex.

The Portarlington Community Association (78) opposed any changes to the Structure Plan report or map that diminished the future opportunity for public use of the recreation facilities.

Council indicated that the intention of the Amendment and Structure Plan report was to encourage the retention of the recreation facilities on the site (particularly the swimming pool) and to incorporate them within future residential development of the site. It did not express an interest in purchasing the site or any of the facilities.

Discussion

The site consists of approximately 7.8 ha at the southern edge of the urban area that includes 11 self contained units, a 25 metre indoor pool and various other leisure and recreation facilities. It is currently zoned LDRZ and is subject to the DDO 14. The site is also subject to the notation '*retain tourist/recreation facility for community use*' on the current Structure Plan map, derived from the Portarlington/Indented Head Structure Plan (1993).

The proposed Portarlington Structure Plan map at Clause 21.13-5 applies the same notation to the site; '*retain tourist/recreation facility for community use*'. The Amendment does not propose any zoning or overlay changes that affect the site.

After considering the submission, Council proposed an alternative set of words: '*advocate retention of tourist/recreation indoor pool and public meeting facilities for community use as part of any further intensification of residential use*'.

We agree with Council that retaining the recreation infrastructure as part of a future residential development might be a good outcome, and we note that

this position has been carried over from the current MSS and the 1993 Structure Plan. We also note the concerns raised by Mr Campbell about the possible impacts of the Structure Plan notation that led him to propose various changes that included removing the notation from the map and including references to the site being suitable for the R1Z.

We agree with Mr Campbell that the exhibited references and the revised references proposed by Council will potentially and unnecessarily affect the sale and/or development of the site. On the other hand, we don't agree that the Structure Plan map or report need to include a reference supporting the rezoning of the site to R1Z. The Structure Plan doesn't preclude such a rezoning and we simply haven't been presented with any material to form the view that the site is suitable for such a rezoning.

This leaves us supporting Council's position, but wanting a less cumbersome and confusing form of words. We prefer that the Structure Plan map include the notation: *'If feasible, incorporate the indoor pool and public meeting facilities as part of more intensive residential development of the site'*.

Recommendation

We recommend that:

In Clause 21.13-5 (the Portarlington Structure Plan map) apply the following notation to the Portarlington Aquatic Centre and Holiday Flats: 'If feasible, incorporate the indoor pool and public meeting facilities as part of more intensive residential development of the site'.

15.5 The Port Bellarine Tourist Resort Site

What is the issue?

The issue is whether the provisions relating to the Port Bellarine Tourist Resort site are appropriate.

Evidence and submissions

A submission was received from Watsons on behalf of Grawin Pty Ltd (123) that sought a number of changes to the Portarlington Structure Plan report and map.

Discussion

The Port Bellarine Tourist Resort proposal has a long history that is detailed in the Portarlington Structure Plan report. It involves a significant marina

and canal residential development on Crown and freehold land to the west of Portarlinton. The submission from Watsons sought a number of changes to the background material in the Structure Plan report and the inclusion of the site within the Portarlinton Settlement Boundary. Council advised that the proposal has not been acted upon in any significant way since the initial approval was obtained in the 1980's and it does not support the submission.

Given the uncertainty about whether the project will proceed we do not believe that the site should be included within the Portarlinton Settlement Boundary. As discussed in Section 3.7, neither do we believe that it is necessary to modify the background material in the Structure Plan report given that it is a reference document.

Finally, we make the observation that the scale and significance of the project are such that the material in the Structure Plan report or the site's location outside the Settlement Boundary will not be significant factors in determining the various approvals that would be required.

Conclusion

We do not believe that any changes to the planning provisions that affect the Port Bellarine Tourist Resort site are warranted.

15.6 The Portarlinton Settlement Boundary

What is the issue?

The issue is whether the Portarlinton Structure Plan Settlement Boundary should be further reviewed before it is implemented in the planning scheme.

Evidence and submissions

The submission from Fadgyas Planning Associates on behalf of Lagrin Pty Ltd (39) submitted the Portarlinton Structure Plan should be reviewed, (particularly the proposed Settlement Boundary) and that it should not be implemented until this is done. The submission also opposed the proposed RCZ 16 and submitted that the RAZ should be applied instead.

Discussion

The submission did not provide any detailed material in support of the contention the Settlement Boundary is flawed and that it should include the submitters land to the west of Point Richards Road. From our review of the Portarlinton Structure Plan report we are satisfied that the western boundary provides a reasonable limit to development at this time.

The issues associated with the RCZ 16 and RAZ are discussed in Section 11.2 of this report. We have recommended that the RCZ 16 be deleted from the Amendment and that the FZ be retained.

Conclusion

We do not believe that the Settlement Boundary need be further reviewed at this time.

15.7 Residential Provisions

What is the issue?

The issue is whether the proposed residential development provisions are appropriate for Portarlington.

Evidence and submissions

Submissions raising concerns with the proposed residential provisions were received from D Badrock (6), J Bracken (15), J Bugge (17), P & V Dalton (28), V George (46), L Glanville (50), G & M Henderson (53), D Knight (62), N Lamond (63), the Portarlington Community Association (78), I & J Porter (79), R & H Sanders (84), P Soccio (93), G Tobschall (106), G Walker (119), R Williams and D Warren (127), M & J Williams (128) and J Wills (129).

These submissions opposed the nomination of Increased Housing Diversity Area (the proposed R1Z area), and the removal of the DDO 14 which requires a permit for buildings over 7.5m.

The submissions also noted that the Portarlington had not been designated as a growth area and that the proposed changes would detrimentally affect the character of the town and that the forecast land needs were excessive.

The Portarlington Community Association (78) supported the DDOs 17 and 19.

Council submitted that the 400m IHD area for Portarlington, given anticipated demand for medium density housing, is a reasonable size area in the context of Portarlington and is considered to strike the appropriate balance. The breadth of this area will ensure that opportunities can be taken across this broad area such that one particular locale will not necessarily be subject to significant change.

Discussion

We have made general comments on the IHD areas in Section 8.3 and 8.4. The 400 metres radius for Portarlington is consistent with the other town centres on the Bellarine Peninsula.

It is important to note that DDO 14 does not set out a height limit but rather a set of considerations that buildings above 7.5 metres need to be assessed against. We have recommended in Section 8.5 that DDO 14 remain except where it is replaced by a more specific DDO. We have also recommended that the R3Z be deleted from the Amendment.

Conclusion

We conclude that the 400 metre IHD area is appropriate for Portarlington.

15.8 Portarlington Town Centre**What is the issue?**

The issue is whether the proposed Design and Development Overlay 19 (Portarlington Town Centre) is appropriate.

Evidence and submissions

The submission from P Soccio (93) raised concerns that the proposed DDO 19 might compromise the quality of the neighbourhood character.

The DDO 19 was supported by the Portarlington Community Association (78).

Discussion

The Amendment proposes to apply a new DDO 19 to areas zoned B1Z and B2Z within the Portarlington town centre. This was a recommendation of the Portarlington Structure Plan report. The affected areas do not currently have a DDO applied.

Conclusion

We are satisfied that the DDO 19 is warranted and that the proposed design objectives and responses provide an appropriate basis for managing development within the Portarlington town centre.

16. Indented Head

16.1 Introduction

This section of the report discusses the issues raised in relation to Indented Head.

What does the Amendment propose?

The exhibited Amendment includes:

- new and revised Objectives, Strategies and Implementation measures at Clause 21.13,
- a new Indented Head Structure Plan map at Clause 21.13-56,
- the Indented Head Structure Plan (April 2007) as a Reference Document,
- the Rural Conservation Zone 16 to replace the Farming Zone,
- the Residential 3 Zone,
- the Mixed Use Zone,
- the Design and Development Overlay 17 (Residential Coastal frontages), and
- the deletion of the Design and Development Overlay 14.

A copy of the exhibited Indented Head Structure Plan map is included on the following page.

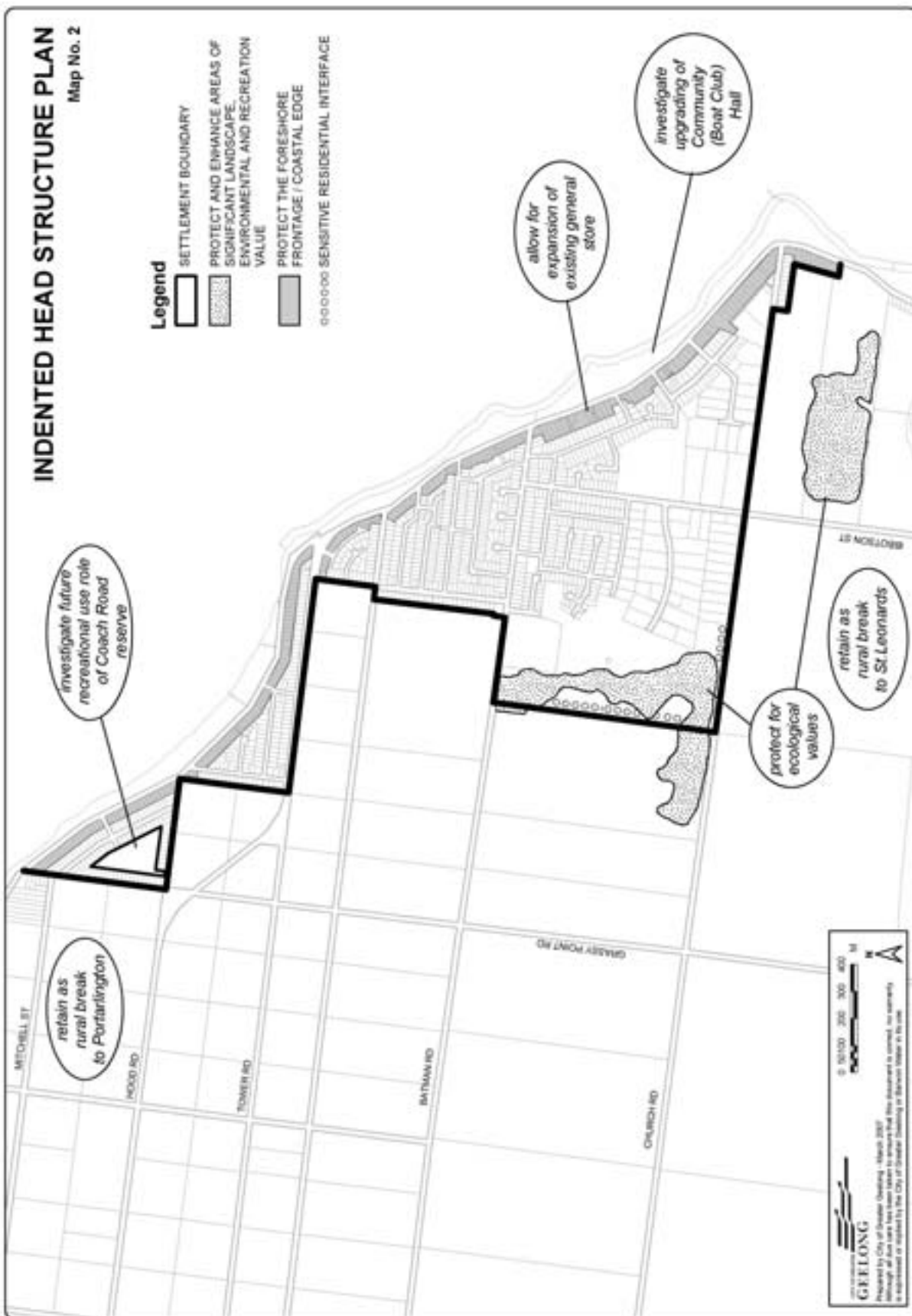


Figure 5: Indented Head Structure Plan map

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the Indented Head Structure Plan (April 2007),
- the Rural Land Use Strategy (May 2007),
- The proposed use and application of the Rural Conservation Zone on the Bellarine Peninsula – addendum to the rural Land Use Strategy (September 2007), and
- the Housing Diversity Strategy (July 2007).

Issues

Issues were raised in relation to:

- residential development on the Esplanade,
- the Bellarine Australia Pty Ltd site, and
- the SJ Canny Pty Ltd site.

16.2 Residential Development on the Esplanade

What is the issue?

The issue is whether the residentially developed land along the Esplanade should have a residential zone applied and be included within the Indented Head Settlement Boundary.

Evidence and submissions

The submissions from C Dalton-Reed (29), B Sandles (85) and J Swann (97) relate to land along the Esplanade to the west of Indented Head. They sought the rezoning of this area from FZ to a residential zone rather than the proposed RCZ 16.

Council did not support the rezonings and included the following commentary in its closing submission:

While there is empathy for the position put by Mr Sandles, ultimately the land is not appropriate for any further intensification of the existing residential use and as such the rural nature of the zoning should not be altered.

Council also highlighted that the additional development that could occur under the R1Z could 'harden' the current 'soft edge' to the town.

Discussion

The general area of the submissions includes 157 to 163 The Esplanade, 2-12 Grassy Point Road and 191 Mitchell Street. This area is developed for residential purposes and shares the same characteristics as the land to the east of Grassy Point Road which is currently zoned R1Z. On the other hand, the land immediately to the west (144 – 156 The Esplanade) and south (the subject of submission 47) is zoned FZ and is cleared farming land.

The Indented Structure Plan map applies the designation '*retain as rural break to Portarlington*' to the general area along the foreshore between the two towns. In our view the land that is the subject of these submissions is not 'rural' and it does not provide any form of a 'break' to Portarlington. Alternatively, the land to the west (at 144-156 The Esplanade) is clearly rural and does provide a break (albeit a very narrow break) between the towns.

It seems to us that the zoning structure in this area should reflect the existing land uses. The fact that this land has had a rural zoning for many years is not the point. Council's strategy is to retain a rural break between the two towns and this is not assisted by applying a rural zoning to land that is already subdivided and developed for residential purposes.

While we believe that this area should have a residential zone (and potentially the DDO 17) applied rather than the FZ, we acknowledge that affected landowners have not had the opportunity to comment on such changes. We also believe that further consideration should be given to whether the LDRZ or a conventional residential zone would be appropriate for parts of the area.

For these reasons we do not believe that a rezoning can proceed as part of Amendment C129. Nevertheless, we believe that Council should further consider these issues during the next review of the Indented Head Structure Plan. Depending on the outcome of this review, it might be appropriate to include this land within the Settlement Boundary and to apply an appropriate residential zoning and overlay framework.

Recommendation

We recommend that:

Council review the appropriate zoning and overlay framework for the land at 157 to 163 The Esplanade, 2-12 Grassy Point Road and 191 Mitchell Street Indented Head within the next review of the Indented Head Structure Plan with a view to recognising the existing residential development of this area.

16.3 The Bellarine Australia Pty Ltd Site

What is the issue?

The issue is whether the Bellarine Australia Pty Ltd site should be rezoned for urban development and included within the Indented Head Settlement Boundary.

Evidence and submissions

The submission from GHD on behalf of Bellarine Australia Pty Ltd (47) referred to a 3.6 ha lot to the north west of Indented Head that is currently zoned FZ. The submission sought the inclusion of the land within the indented Head Settlement Boundary and its rezoning to an urban zone such as the R1Z, CDZ or MUZ.

Council did not support this submission on the basis that it would be inconsistent with its strategy to maintain the rural break between Portarlington and Indented Head. It also raised issues associated with the physical characteristics of the land that might preclude urban development.

Discussion

This site is cleared farming land that contributes to the rural break between the two towns that Council seeks to retain. In this regard, we view this land differently to the land discussed in the preceding section which is subdivided and developed for residential purposes.

We agree with Council that residential development of this land would be inconsistent with its strategy to maintain rural break, and we also note Council's assessment that the site is potentially affected by a number of physical constraints to development.

Conclusion

We do not believe that there is any strategic basis on which to support this submission.

16.4 The SJ Canny Pty Ltd Site

What is the issue?

The issue is whether there is adequate support for extractive industry in the planning scheme and whether the SJ Canny Pty Ltd site should be rezoned to SUZ (7).

Evidence and submissions

The submission from Coomes Consulting on behalf of SJ Canny (26) referred to a sand extraction site to the south west of Indented Head that is currently zoned FZ. The submission sought greater protection and recognition of sand resources in the LPPF and the rezoning of the site to SUZ 7 rather than the proposed RCZ.

Council did not support the submission on the basis that the current policy support for extractive industry is adequate, and the proposed rezoning to SUZ 7 should not proceed without being exhibited.

Discussion

We are satisfied that the Planning Scheme provides adequate support for extractive industry through Clause 17.09 (Extractive industry) and the designation of major resource areas on the proposed Municipal Framework Plan at Clause 21.04. This Plan specifically identifies the Indented Head 'Extractive Industry' area.

We agree however that the proposed application of the RCZ 16 is incongruous with the use of the land for sand extraction. As discussed in Section 11.2 of this report, we do not support the application of the RCZ 16. Given the use of the site, we believe that it should be zoned SUZ (7) rather than FZ, on the basis that this is the more transparent and appropriate zone.

We acknowledge Council's advice however that the site has been subject to a number of VCAT appeals and that it would be reasonable that other parties have an opportunity to comment on any rezoning. For this reason we do not support the application of the SUZ 7 as part of this Amendment, but encourage Council include the rezoning as part of its next general amendment.

Recommendation

We recommend that:

Council include the rezoning of the land at 82 – 160 Ibbotson Street Indented Head (the subject of the submission on behalf of SJ Canny) to Special Use Zone 7 in the next general amendment to the planning scheme.

17. St Leonards

17.1 Introduction

This section of the report discusses issues raised in relation to St Leonards.

What does the Amendment propose?

The exhibited Amendment includes:

- new and revised Objectives, Strategies and Implementation measures at Clause 21.13,
- a new St Leonards Structure Plan map at Clause 21.13-4,
- the St Leonards Structure Plan (September 2006) as a Reference Document,
- the Rural Conservation Zone 16 to replace the Farming Zone,
- the Residential 3 Zone,
- the Special Use Zone 3,
- the Design and Development Overlay 17 (Residential Coastal frontages),
- the Design and Development Overlay 18 (St Leonards Town Centre),
- the Design and Development Overlay 14 (Dwellings over 7.5 metres),
- the Development Plan Overlay 11 (land comprising the whole of the St Leonards Golf Club, and Special Use 3 land at 280 to 320 Ibbotson Street, St Leonards), and
- the deletion of the Design and Development Overlay 14.

A copy of the exhibited St Leonards Structure Plan map is included on the following page.

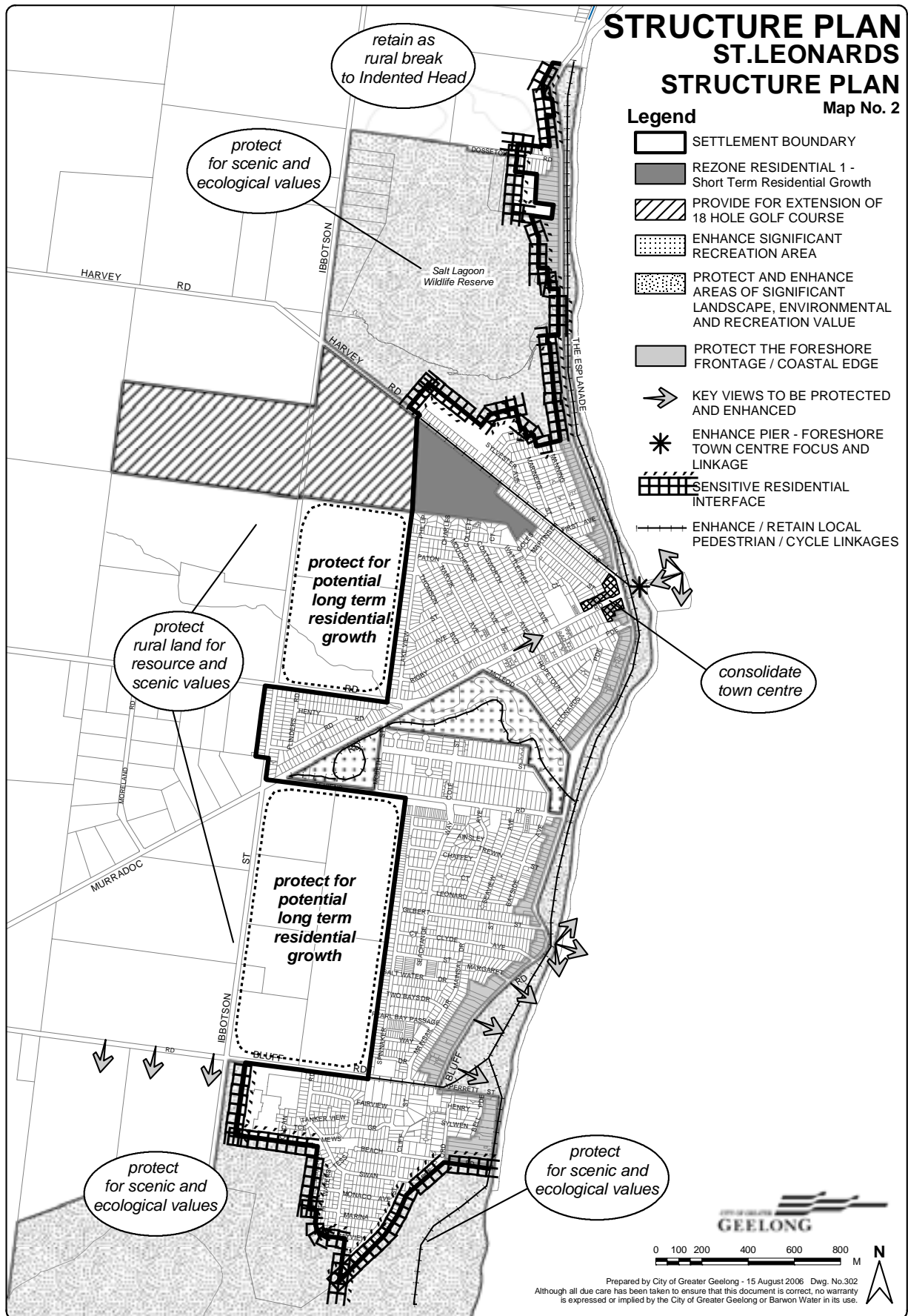


Figure 6: St Leonards Structure Plan map

What is the strategic basis for this part of the Amendment?

The strategic basis for this part of the Amendment includes:

- the St Leonards Structure Plan (September 2006),
- the Rural Land Use Strategy (May 2007),
- The proposed use and application of the rural Conservation Zone on the Bellarine Peninsula – addendum to the rural Land Use Strategy (September 2007), and
- the Housing Diversity Strategy (July 2007).

Issues

Issues were raised in relation to:

- the future growth of St Leonards,
- the St Leonards Golf Course, and
- the application of the RAZ.

17.2 The future growth of St Leonards

What is the issue?

The issue is whether the Settlement Boundary should be expanded.

Evidence and submissions

Tract Consultants made a submission on behalf of V Petsinis (112A) in relation to land to the west of St Leonards.

The land owned by V Petsinis is cleared farming that is currently zoned FZ. The Amendment proposes to rezone the land RCZ and apply the designation '*protect for potential long term residential growth*' on the St Leonards Structure Plan map. It is outside the proposed Settlement Boundary.

The submission supports the residential growth designation but proposes that the land be included within the Settlement Boundary, and that the FZ be retained in the interim instead of the RCZ 16. The submission also observed that the Structure Plan report identifies two prioritised growth areas, with the V Petsinis land being the second priority. The submission proposed that this prioritisation should be deleted so that there can be two development fronts and choice in the market.

Discussion

As a matter of principle we believe that future growth areas should be included within the Settlement Boundaries of coastal settlements. This is

particularly so where the land has been identified as suitable for development and there is a reasonable prospect of it being developed within the short to medium term. We believe that this approach is consistent with the VPP Practice Note: Implementing a Coastal Settlement Boundary.

We note that the St Leonards Structure Plan report which was adopted in September 2006 found that there was 14 years supply of vacant residential zoned land, based on an average take-up of 57 lots per annum. This assessment relied on a land supply report completed in 2005. At the time of the next scheduled Structure Plan review (2011) there will be less than 10 years supply of land, and if the high development rates of 2003 – 2005 continue, there could be significantly less than 10 years supply.

The additional time required to process rezoning and subdivision permits following the review could conceivably mean that by the time housing lots are available for purchase, the land supply might have decreased to around 5 years. Such a low level of supply would have negative implications for choice, competition and cost in the residential land market.

Including the two 'long term residential growth areas' (including the land owned by V Petsinis) within the Settlement Boundary does not mean that the land need be rezoned now; it simply removes one impediment to a future rezoning. We think that this is a sensible approach that is consistent with the Practice Note.

Although this was not a matter raised in submissions or discussed at the Hearing, our inspection of the area suggested that there may not be provision for a road connection through the strip of residential lots along the western frontage of Pearl Bay Passage to the growth area to the west. It seems to us that such a connection/s would be highly desirable. If necessary, Council should seek to acquire or provide such a connection.

The application of the RCZ 16 is discussed in Section 11.2 of this report. We have recommended that it be deleted from the Amendment.

Recommendation

We recommend that:

In Clause 21.13-4 (the St Leonards Structure Plan map) include the two areas identified as 'protect for long term residential growth' within the Settlement Boundary.

17.3 St Leonards Golf Course

The issue is whether part of the St Leonards Golf Course should be rezoned for residential development.

Evidence and submissions

The submission from A Murray (70) objected to the partial rezoning of the Golf Course to R1Z and raised a number of issues including the existing land supply, overlooking, noise, visual impact, the provision of water, and wildlife habitat.

Council provided a detailed history of this matter and addressed each of the issues raised in the submission.

Discussion

The St Leonards Structure plan map provides for the extension of the Golf Course to the west and the residential rezoning of the remaindered land to the east. The proposal was the subject of Amendment C56 which lapsed in 2005 after attracting a number of objections.

Amendment C129 includes the rezoning of the land to R1Z and the area for the golf course extension to SUZ 3. The DPO 11 is also applied as part of the Amendment.

Conclusion

We believe that there is adequate justification for the references on the Structure Plan map and for the rezoning and DPO. We are satisfied that the DPO requirements are sufficiently comprehensive to address the concerns raised by the submitter.

17.4 Other submissions

What is the issue?

Submissions raised issues associated with the application of the RCZ 16, the RAZ, tourism development, residential development and landscape protection.

Evidence and submissions

Tract Consultants made a submission on behalf of G Petsinis (113) relating to land to the west of St Leonards.

The land owned by G Petsinis is cleared farming land currently zoned FZ. It is outside the proposed Settlement Boundary and is within an area subject to the general designation '*protect rural land for resource and scenic values*' on the St Leonards Structure Plan map.

The submission objects to the proposed RCZ and proposes that the RAZ would be the more appropriate zone. The submission also expressed concern about the combination of zoning and policy provisions which will stifle tourism development on the Peninsula.

The submission from L Wilkinson (126) raised issues associated with residential height controls, density and demand, and the application of the RCZ and the protection of landscapes.

The submission from J Banks (7) raised issues associated with the DDO 14 and building heights.

Discussion and conclusion

The issues associated with the application of the RAZ, RCZ 16 and tourism on the Bellarine Peninsula are discussed in Sections 11.3 and 11.2 of this report. We have recommended that the RCZ 16 be deleted from the Amendment and that the FZ be retained. We have also recommended a number of changes to the planning framework relating to tourism on the Peninsula.

The issues associated with residential development and landscape protection are discussed in Sections 8 and 11 of this report. We have recommended that the R3Z be deleted from the Amendment and that the DDO 14 be retained.

Part 5: Other issues

18. Other Areas and Sites

18.1 Introduction

This section discusses issues raised in relation to other towns, areas and sites within the municipality.

18.2 Breamlea

What is the issue?

Vegetation removal and the accuracy of the planning scheme cadastre.

Evidence and submissions

The submission from S Howells (57) supported the DDO 22 but raised issues with vegetation removal. The submission raised also issues with the accuracy of maps for Breamlea and street naming.

Council noted that Breamlea is subject to an ESO to control vegetation removal.

Discussion and conclusion

We note Council's response relating to the ESO. The other matters are beyond the scope of the Amendment to address.

18.3 Lara

What is the issue?

The review of the Lara Structure Plan

Evidence and submissions

The submission from The Planning Group on behalf of Bisinella Development Pty Ltd (3) raised issues associated with the review of the

current Lara Structure Plan, and in particular, the Caddy's Road area. It referred to the earlier Amendment C123 Panel report which discussed the timing of the next review and which recommended that it be commenced in 2007 or at the latest 2008. The submission proposed that the MSS should include a commitment from Council to exhibit an amendment for the Caddy's Road area as a high priority residential development area by March 2009.

In response, Council proposed the Further Work section at Clause 21.12-3 include the following reference:

In March 2009, commence a partial review of the Lara Structure Plan, focussing specifically on future residential development opportunities at the Caddy's Road area.

We also note that the Amendment will introduce the Lara Structure Plan map included in Amendment C123, but incorrectly omitted from the approved Amendment.

Discussion and conclusion

We are satisfied that Council's proposal to commence the review in March 2009 is appropriate given the extensive further work program that it has committed to. For this reason we support the inclusion of the reference proposed by Council. The reference is included in the final revised version of the Amendment provided by Council.

18.4 Moolap – Chipperfield Avenue and Clifton Drive

What is the issue?

Eugene Boccia requested the rezoning of land in Moolap.

Evidence and submissions

The land is a mix of RLZ and FZ zoned land and Mr Boccia seeks a rezoning for residential development.

Discussion and conclusion

We have discussed in Section 2.2 the issues with rezoning and transformation of the Amendment. Certainly a rezoning of the scale envisaged by this submission would require a proper Amendment process.

We have discussed in Section 6.2 the need to carry out a comprehensive growth planning exercise. Council should consider the opportunities in this general area as part of this exercise. This does not mean that the area is necessarily suitable for residential development, but that Council should turn its mind to whether it has any prospect of being more suitable than other areas to be examined.

18.5 Moolap – Country Club Villages

What is the issue?

Russell Kennedy for Country Club Villages (145) sought an alternate zone for the approved retirement village at 402 – 404 Bellarine Highway Moolap. The retirement village has a permit but is now a prohibited use within the FZ and would remain prohibited under the proposed RCZ 16.

Evidence and submissions

Council submitted that in this instance there was some basis for considering an alternative zone given its proximity to the urban edge, and the range of site activities within the site and adjacent to the site. Council also acknowledged the level of investment to date in the project.

Council submitted that there was a range of options including:

- the Special Use Zone,
- the Comprehensive Development Zone,
- Clause 52.03 Specific sites and exclusions,
- a standard zone – Residential, Mixed Use, or
- an extension of time on the permit (say at least 5 years to commence use and development or a staged time period) to enable confidence in the project) and allow minor alterations (if required) via the normal ‘non-conforming use provisions’.

An extension of time is Council’s preference.

Discussion and conclusion

We agree with Council submissions that a ‘standard zone’ is probably a poor choice.

The problems with this site arise out of the rural zone translation process whereby the Rural Zone was replaced with the Farming Zone. We have

recommended in Section 11.2 that the FZ remain. Whether or not the land is within the current zone or the exhibited zone the same issues prevail.

For the reasons discussed in Section 2.2 and in the absence of support from Council we are not prepared to support a rezoning of the site as part of this Amendment. Nevertheless, we acknowledge the uncertainty that can exist when an existing permit is incompatible with the applicable zone. This is an undesirable situation and we encourage Council to take a proactive approach to identifying the appropriate zone for the site.

18.6 Point Lonsdale

What is the issue?

The issue is the future growth of Point Lonsdale.

Evidence and submissions

The submission from Tract Consultants on behalf of J McMahon and Sons (108) proposed that the Amendment should provide for the future expansion of Point Lonsdale to the west of the existing settlement. It also proposed that the land owned by the submitter should be rezoned RAZ rather than RCZ 16.

Council indicated that it is preparing a Structure Plan for Point Lonsdale in conjunction with Queenscliff Council and that it will not undertake any rezonings until that process is completed. This project is included as an item of Further Work at Clause 21.13-3.

A submission was also received from Contour on behalf of Stockland (23) in relation to its landholdings in Point Lonsdale. The submissions raised issues with the proposed application of the R3Z and the RCZ 16. These matters are discussed in Sections 8.5 and 11.2 of this report.

Discussion and conclusion

We agree with Council that the future growth of Point Lonsdale and the future use of the McMahon land need to be determined as part of the Structure Plan process. We do not believe that Amendment C129 should anticipate the outcomes of this process by indicating a 'possible future expansion area' on the Municipal Framework Plan as proposed by the submitter.

In relation to the RAZ, our general commentary on the use of this zone is provided in Section 11.3 of this report. In relation to the McMahon site, it may well be that neither the FZ nor RCZ are entirely appropriate for this site, but in the absence of a detailed site assessment and the guidance that the

structure plan will provide, there is no basis on which to apply the RAZ as part of the Amendment.

18.7 Thirteenth Beach Golf Course Resort

What is the issue?

The issue is the extent to which the MSS supports the Thirteenth Beach Golf Course Resort.

Evidence and submissions

The submission from the Planning Group (103) sought greater recognition in the MSS of Council's support for the Thirteenth Beach Golf Course Resort. It proposed that the following strategy be included in the MSS:

Support the development of tourism industries in appropriate locations, particularly in the Thirteenth Beach Golf Course Resort Comprehensive Development Zone (and other key sites as appropriate).

Council indicated that it supported a more general strategy in support of tourism and included the following strategy in the final revised version of the MSS:

Support and facilitate tourism developments across the municipality where appropriate.

Discussion

We note that the Thirteenth Beach Golf Course Resort has its approval in place (CDZ 1), and do not believe that specific MSS strategy in support of the development is necessary. In addition we do not believe that Council's proposed strategy adds any local value to the existing tourism references in Clause 17.04 (Tourism) and should therefore be deleted.

Recommendation

We recommend:

In Clause 21.07-8 delete the 4th Strategy (Support and facilitate tourism developments across the municipality where appropriate).

18.8 Wallington

What is the issue?

The future role and function of Wallington

Evidence and submissions

Submissions relating to the Wallington area were received from GHD on behalf of Bellarine Australia Pty Ltd (47A) which sought a rezoning from FZ to a business zone, and from TGM on behalf of Santhor Pty Ltd (100) to rezone land from FZ to RLZ.

These submissions raised general issues related to the future role and function of Wallington.

Discussion

Wallington is located on the Bellarine Highway, north of Ocean Grove and is a low density residential area, with a mixed use/commercial core centred on the intersection of the Bellarine Highway and Grubb Road. The Amendment only affects Wallington to the extent that it seeks to change the FZ to the RCZ 16.

For the reasons discussed in Section 2.2 we do not support any RLZ rezonings as part of this Amendment. Neither do we support any rezoning to a business zone given that Wallington is not identified as an activity centre in the Retail Strategy.

In forming our views about these submissions we sought guidance from the MSS about the role and function of Wallington, and Council's strategic vision for the area. The MSS is silent on Wallington as a specific location (except for the Rural Living Area designation), although a number of general thematic strategies can be drawn upon to guide decision making. We also note that Council does not anticipate any significant changes to the current arrangement of land uses in the area.

We believe that the MSS would benefit from an explicit statement about the role and function of Wallington. Although it is not a large settlement, it will be subject to development pressure from time to time and the planning scheme should provide more transparent direction in addressing those pressures. In light of the limited or no growth that Council anticipates for the area, a comprehensive structure planning process is clearly not required. Instead, we believe that Council should develop a brief strategy or set of strategies that define the role and function of the area and include them in

the MSS. This should be done as part of a future amendment so that landowners and other stakeholders have an opportunity for input.

Recommendation

We recommend that:

In Clause 21.13-3 include as an item of Further Work: 'Define the role and function of the Wallington area and include appropriate references in the planning scheme'.

18.9 Waurm Ponds

What is the issue?

Some submitters sought to vary subdivision restrictions in Waurm Ponds.

Evidence and submissions

Debra and Robert Johnson (60) and R Reardon (82) submitted that an ability to subdivide their land would increase housing diversity in this established area. They submitted that the land was close to facilities and that current development patterns were a 'hotch potch'.

Discussion and conclusion

We do not think that there is a strong case for relaxing subdivision controls in the area. Housing diversity needs to be looked at in a wider context than one small area, and allowing for smaller lots will not necessarily improve the maintenance of lots. We find the area to be quite attractive and can see no case for allowing more intensive development.

Further, we have discussed in Section 2.2 the issues with rezoning and transformation of the Amendment. Altering controls to allow for more intensive subdivision of this area would be a transformation of the Amendment.

This Amendment could not be changed in response to these submissions, even if we supported the submissions.

19. Other submissions

19.1 Introduction

This section of the report discusses other issues raised in submissions.

19.2 Campervan Facilities

What is the issue?

The issue is the lack of campervan facilities in Geelong.

Evidence and submissions

J Holliday (55) made written and verbal submissions to the Panel regarding the provision of campervan facilities in Geelong, in particular, the lack of a campervan rest stop, the need for campervan parking facilities and the lack of a black water dumping facility. He also highlighted the significant economic contribution that campervan based tourism makes to the Geelong region.

Council indicated that the submission was outside the scope of this Amendment to address and that it had been referred to Geelong Otway Tourism for comment and response. We understand that a response is yet to be provided.

Discussion

While we agree with Council that some of the issues raised by Mr Holliday are not relevant to this Amendment process, we believe that others warrant further investigation and consideration. This is particularly so in relation to the provision of parking and waste water disposal facilities - proposals that have a land use, and therefore, a planning scheme nexus. We encourage Council to again seek a response from Geelong Otway Tourism, and if deemed appropriate, to support and facilitate the provision of appropriate campervan facilities.

Recommendation

We recommend that:

In Clause 21.07-9 include the following item of Further Strategic Work: 'Investigate the need for campervan parking and wastewater disposal facilities'.

19.3 Coastal Planning

What is the issue?

The issue is the extent to which the MSS adequately responds to coastal planning issues.

Evidence and submissions

The submission from A Chalmers (20) raised a number of issues associated with coastal planning and the extent to which the Amendment adequately implements various related policies.

Discussion and conclusion

While we acknowledge the importance of coastal planning issues raised in the submission, we also note that coastal planning is specifically addressed in the SPPF at Clause 15.08 (Coastal areas). For example, Clause 15.08-3 includes the requirement that coastal planning should be consistent with the Victorian Coastal Strategy. As discussed in Section 3.4 of this report, we do not believe that it is necessary to repeat the SPPF provisions in the MSS.

We also note that Council has made a commitment to implementing the Coastal Spaces Landscape Assessment Study through an Amendment to the planning scheme and that this commitment is expressed as an item of Further Work at Clause 21.05-8. As discussed in Section 11.2 of this report we support this commitment.

19.4 Country Fire Authority Submission

What is the issue?

The extent to which fire related issues are addressed in the MSS.

Evidence and submissions

The submission from the CFA (136) proposed a number of changes to the MSS to assist in addressing fire related issues.

Council agreed to incorporate some of the proposed changes but concluded that most were unnecessary. The agreed changes have been included in the final revised version of the MSS.

Discussion and conclusion

We support the changes agreed to by Council.

19.5 Impacts of Avalon Airport

What is the issue?

The extent to which aircraft movements associated with Avalon Airport have an adverse impact on the Bellarine Peninsula.

Evidence and submissions

The submission from A Whittle (124) raised concerns about the flight paths and air traffic movements associated with Avalon Airport and noise, pollution and safety impacts.

Discussion and conclusion

The operation of Avalon Airport is not a matter that can be regulated in the planning scheme. While we acknowledge the amenity impacts of air traffic, we do not believe that it is of a level that warrants it being a factor in land use planning on the Bellarine Peninsula.

19.6 Outer Metropolitan Transport Corridor

What is the Issue?

The issue is how the possible Outer Metropolitan Ring Road is reflected in the MSS.

Evidence and submissions

VicRoads submitted that text be inserted into the Municipal Strategic Statement in Section 21.26 Integrated Transport under 'Importance and Key Issues' and 'Undertaking Further Strategic Work' to refer to the proposed Outer Metropolitan Ring from Werribee to Craigieburn.

Council did not adopt any changes at the time of considering submissions, however, after further discussions between Council and VicRoads Council suggested the following changes:

- Clause 21.08-2 objective - Transport third dot point, replace the current words with:
 - 'Create and protect reservations for future transport corridors, planned arterial roads and arterial road widening.'
- Addition to Further Work at Clause 21.08-6 Implementation:
 - 'Support VicRoads future planning for the Outer Metropolitan Ring Transport Corridor'

Discussion

There is potential that the ring road will link in with the Princes Freeway within the Geelong municipality around the Little River area. We think that it is appropriate to acknowledge this potential infrastructure, and to recognise that it may well be a transport corridor and not simply a road corridor.

Recommendation

We recommend:

In Clause 21.08-2 replace the 3rd Objective with: 'Create and protect reservations for future transport corridors, planned arterial roads and arterial road widening.'

In Clause 21.08-6 add to Further Work: 'Support VicRoads future planning for the Outer Metropolitan Ring Transport Corridor'.

Part 6: Summary of recommendations

20. Recommendations

Further actions

We have made a number of recommendations for further action by Council. These recommendations are:

- C1 Council develop and implement a standard approach to defining those elements of Structure Plans and other strategic documents that are intended to fulfil a statutory role and to ensure that they are implemented through appropriate VPP tools.**
- C2 Council develop and implement a standard approach to presenting Structure Plan maps that achieves greater consistency and legibility.**
- C3 Council determine whether any supplementary landscape assessments outside the areas covered by the Coastal Spaces Landscape Assessment Study (2006) need to be undertaken.**
- C4 Council prepare a planning scheme amendment to implement the recommendations of the Coastal Spaces Landscape Assessment Study (2006).**
- C5 Council include the rezoning of the land at 82 – 160 Ibbotson Street Indented Head (the subject of the submission on behalf of SJ Canny) to Special Use Zone 7 in the next general amendment to the planning scheme.**
- C6 Council review the appropriate zoning and overlay framework for the land at 157 to 163 The Esplanade, 2-12 Grassy Point Road and 191 Mitchell Street Indented Head within the next review of the Indented Head Structure Plan with a view to recognising the existing residential development of this area.**

Changes to the Amendment

As set out in Section 2.4, Council provided revised Amendment documentation in its closing submission. Unless we specifically recommend otherwise we support the changes proposed by Council.

Based on the reasons set out in this Report, we recommend:

Amendment C129 to the Greater Geelong Planning Scheme be adopted in the form presented to the Panel on 16 April 2008 subject to the following changes:

MSS

1 In Clauses 21.05 – 21.15

- 1.1 review and edit the Objectives, Strategies and Implementation measures to ensure that they are consistent with the Practice Note: Format of Municipal Strategic Statements (February 1999) and that they serve their intended purpose.**
- 1.2 review Objectives and Strategies to identify and delete any unnecessary repetition of the SPPF.**
- 1.3 review the Key Issues and Influences to identify and reposition (or in some instances delete) elements that serve as Objectives or Strategies.**
- 1.4 review and edit the Strategies to remove any reference to external (non-incorporated) documents.**
- 1.5 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.**
- 1.6 express the Strategies relating to Structure Plan maps as ‘Ensure that land use and development is generally in accordance with the relevant Structure Plan map included in this Clause.’**
- 1.7 include in the Implementation sections references to the applicable Local Planning Policies.**
- 1.8 include ‘other action’ sections under Implementation where appropriate.**

2 In Clause 21.02 (City of Greater Geelong Sustainable Growth Framework) retain the exhibited text.

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- 3 In Clause 21.04 (Municipal Framework Plan) amend the legend to refer to 'Rural Living Nodes'.
 - 4 In Clause 21.06-2 replace the 7th strategy with 'Limit rural living to existing zoned land in the existing nodes at Lara, Drysdale/Clifton Springs, Wallington, Lovely Banks and Batesford'.
 - 5 In Clause 21.06-3 replace the 1st Strategy with:
 - 'Encourage medium and high density housing in Key Development Areas (identified in this Clause).
 - Support a mix of high, medium and conventional density development within the Increased Housing Diversity areas (identified in this Clause) provided the development is consistent with heritage, environmental, or built form overlays, and with the density of development being highest at the commercial core of area and lower at the edge of the area.
 - Support low scale medium density development in all residential areas consistent with the character of these areas.'
 - 6 In Clause 21.06-4 replace the first five Strategies with:
 - Ensure that in areas outside Key Development Areas and Increased Housing Diversity Areas (identified in this Clause) development is responsive to the preferred character of the area.
 - When considering a planning application, acknowledge that neighbourhood character in some parts of Increased Housing Diversity Areas and in the Residential 2 Zones will adapt and evolve over time, particularly within and on the edges of business zones, where land use and development will intensify.
 - Ensure that development on the edges the Residential 2 Zones is responsive to and respectful of the adjoining neighbourhood character.'
 - 7 In Clause 21.06-6 amend the 8th reference in Further Work to read:
 - 'Review the management of neighbourhood character in Geelong (including the Residential Character Study: Character Precinct Brochures, Planisphere for City of Greater Geelong, [September 2001]) with the intention of introducing new residential zones and/or appropriate overlays that set out neighbourhood character requirements and provide for increased housing diversity in suitable locations'.

- 8 In Clause 21.06-6 delete the item in the Further Work section beginning:
- ‘Undertake a study, to be completed by mid 2010, to provide direction on future land use and development along the Geelong Ring Road corridor.’**
- and replace it with:
- ‘Investigate the future residential and industrial land use needs for Geelong, as a basis for future growth area planning, that would include:**
- **the assessment of the environmental, resource, landscape, development pattern, access, servicing, land use, economic and social constraints and opportunities associated with possible growth areas around Geelong,**
 - **the identification of a preferred growth area or areas, and**
 - **the preparation of detailed growth area plans commencing in mid 2010.’**
- 9 In Clause 21.06-7 (Increased Housing Diversity Area maps) include (with an appropriate notation) as IHD areas:
- **sites within 400 metres walking distance of the following activity centres, Shannon Avenue in Manifold Heights, Aberdeen Street and Pakington Street in Newton, Dorothy and Ash Road in Leopold, and Vines Road in Hamlyn Heights.**
- 10 In Clause 21.06-7 (Increased Housing Diversity Areas maps) relabel the maps to ‘Housing Development Framework map’.
- 11 In Clause 21.07 (Economic Development and Employment):
- **Amend the 1st Strategy at Clause 21.07-6 to read ‘Maintain rural land in large and productive parcels.’**
 - **Amend the 4th Strategy at Clause 21.07-6 to read ‘Support tourism uses and developments in the Farming Zone that are ancillary to or are associated with farming activity on the land.’**
 - **Include a new Strategy at Clause 21.07-6 ‘Support a limited number of larger scale rural based tourism developments within rural areas that require a rezoning.’**
- 12 In Clause 21.07-10 align the terminology of retail centres with Melbourne 2030 nomenclature.

- 13 In Clause 21.07-10 include indicative floorspace and example key tenants in the Retail Activity Centre Hierarchy Table.
- 14 In Clause 21.07-3 modify to the 7th strategy to read 'Ensure that new retail development is consistent with the role and function described in the Retail Activity Centre Hierarchy included in this Clause'.
- 15 In Clause 21.07-8 delete the 4th Strategy (Support and facilitate tourism developments across the municipality where appropriate).
- 16 In Clause 21.07-9 include the following item of Further Strategic Work: 'Investigate the need for campervan parking and wastewater disposal facilities'.
- 17 In Clause 21.08-2 replace the 3rd Objective with: 'Create and protect reservations for future transport corridors, planned arterial roads and arterial road widening.'
- 18 In Clause 21.08-6 add to Further Work: 'Support VicRoads future planning for the Outer Metropolitan Ring Transport Corridor'.
- 19 In Clause 21.09 (Central Geelong):
 - revise the 1st Strategy to read: 'Within each of the precincts of the Geelong Structure Plan map included in this Clause, strengthen key activities and appropriate ancillary activities, such that each precinct reinforces and strengthens the primacy of Central Geelong as the business and cultural centre for the Geelong Region.',
 - relocate the references to external documents in the 2nd Strategy to Using Policy and the Exercise of Discretion, and
 - relocate the reference to the Urban Design Advisory Board in the 2nd Strategy to a new 'Other Action' section under Implementation.
- 20 In Clauses 21.09-2 and 21.06-3 review the strategies relating to residential development in Central Geelong to ensure internal consistency.
- 21 In Clause 21.10 (Armstrong Creek Urban Growth Area) revise the text to reflect the outcomes of the Amendment C138 process (adopted as Clause 21.40).
- 22 In Clause 21.13-10 (Drysdale Clifton Springs Structure Plan map) delete those references that conflict with the Jetty Road Urban

Growth Area map, and include a notation that directs readers to the Jetty Road Urban Growth Plan map at Clause 21.13-11.

- 23 In Clause 21.13-11 (Jetty Road Urban Growth Plan map):
- Revise the notation relating to the east west road link through the Clifton Springs Primary School to read 'Investigate the preferred location for a road link between Jetty Road and the Growth Area in the general area of the Clifton Springs Primary School.'
 - Revise the legend so that it refers to a 'Possible Local Convenience Activity Centre.'
- 24 In Clause 21.13-2 delete the 6th strategy under 'In Drysdale/Clifton Springs' (Cluster community facilities in close proximity to the education facilities west of Jetty Road, or at the Bellarine Sub-regional Centre).
- 25 In Clause 21.13-3 include as an item of Further Work: 'Define the role and function of the Wallington area and include appropriate references in the planning scheme'.
- 26 In Clause 21.13-4 (the St Leonards Structure Plan map) include the two areas identified as 'protect for long term residential growth' within the Settlement Boundary.
- 27 In Clause 21.13-5 (the Portarlington Structure Plan map) apply the following notation to the Portarlington Aquatic Centre and Holiday Flats: 'If feasible, incorporate the indoor pool and public meeting facilities as part of more intensive residential development of the site'.
- 28 In Clause 21.13-5 (the Portarlington Structure Plan map) remove the proposed Mercer Street retirement village site from within the Settlement Boundary and identify the site as 'Possible retirement village/aged care accommodation subject to rezoning and inclusion within the Settlement Boundary'.
- 29 In Clause 21.13-5 (the Portarlington Structure Plan map):
- Identify the 'Olive Grove' site as 'residential growth area', rather than a 'longer term residential growth area'.
 - Delete the 'rezone residential 1' designation from the land subject to Amendment C134.

- 30 In Clause 21.13-8 (Leopold Structure Plan map) show an appropriate area marked as 'Possible expansion of settlement boundary to accommodate expansion of activity centre'.

Local Policies

- 31 In Clause 22.05 (Agriculture, Rural Dwellings and Subdivision policy):
- Delete the last sentence under Policy Basis.
 - Delete the last 4 dot points under Policy.
- 32 In Clause 22.06 (Tourism Development in Rural Areas policy):
- Delete the third paragraph under Policy Basis.
 - Delete the heading 'Rural Activity Zone' and replace it with 'Larger Scale Tourism Developments'.
 - Revise the first sentence under 'Rural Activity Zone' to read 'Council will only support larger scale tourism developments within the rural areas where:'.
 - Delete the 5th dot point under the heading 'Rural Activity Zone'.
 - Revise the 12th dot point under the heading 'Rural Activity Zone' to read 'The submission to Council seeking a rezoning for such a facility must address the above mentioned policy requirements. In particular the submission must:...'
- 33 In Clause 22.07 (Racing Dog Keeping and Training policy):
- Replace the 11th application requirement with 'A Noise Impact Assessment undertaken by a qualified acoustic consultant may be required for applications for the keeping of 6 or more racing dogs'.
 - Replace the 2nd policy dot point with 'The facility is designed to limit off site impacts of noise and where necessary include appropriate buffers or other noise reduction techniques'.

Zones

- 34 Delete the Residential 3 Zone from the Amendment.
- 35 Delete the Rural Activity Zone 16 from the Amendment and retain the Farming Zone.
- 36 In the Schedule to the Farming Zone (as it applies to the Bellarine Peninsula) include a minimum subdivision area and a minimum

area for which no permit is required to use land for a dwelling of 30ha.

- 37 Rezone the Council owned land at the south east intersection of Tuckfield Street and Shell Road, Ocean Grove (referred to as 2 Shell Road and formerly the site of the SES) to the Public Park and Recreation Zone.

Overlays

- 38 Retain the Design and Development Overlay Schedule 14 in its current extent except where it is to be replaced by a more specific Design and Development Overlay.
- 39 In Clause 42.02 (Design and Development Overlay) amend Schedule 20 so that it only applies to industrial zoned land.

Other

- 40 In the Schedule to 52.01 (Public Open Space Contribution and Subdivision) add to the table to require the following amounts of open space for residential subdivision:
- 1 additional lot – none
 - 2 to 9 additional lots – 1 per cent per additional lot
 - 10 or more lots – 10 per cent
- 41 In the Schedule to Clause 52.06 add an additional dot point under: 'Before a requirement for car spaces is reduced or waived, the applicant must satisfy the responsible authority that the reduced provision is justified due to:' as follows:
- 'The likely car ownership or parking generation rates of likely or proposed residents of any accommodation or dwelling.'
- 42 In the Parking Precinct Plan include an explicit indexation method for the cash-in-lieu amount.

Appendix A Appearances and Submissions

Table 1 Appearances

Submitter	Represented By
City of Greater Geelong	Terry Demeo Sarah Storen Aaron Garrett Cameron Brenton Tim Hellsten Council called <ul style="list-style-type: none"> ▪ Roger Gibbins: Parking Precinct Plan ▪ Alison Glynn: Housing Diversity Strategy ▪ Sean Stephens: Retail Strategy ▪ Trevor Budge: Rural Strategy
Galiano Pacor	Chris Marshall TGM Planning
A L Chalmers	
Belmont Residents Group	Tim Boyd
Anne Morrell	
Dick Southcombe	
Don Gibson	
Biscan Developments	Toni Sincock of Sincock Planning
Gary Tigani	
Jocelyn Banks	
Peter Dowling	
Portarlington Community Association	Monica Hayes, Robert Bain, David Hughes
Barbara Mitchell	
Tom Montalto	Alister Campbell Maunsell Australia
John Bugge	
Des Badrock, Dolores Pearson, Jennifer Wills	
Lascorp Development Group Pty Ltd	John Rantino of Maddocks
ING Real Estate Development Australia	Christina McRae of Fulcrum Town Planning
CVC Geelong for Trans-Pacific Holdings Pty Ltd	John Cicero of Best Hooper Solicitors who called: <ul style="list-style-type: none"> ▪ Andrew Biacsi of Contour Consultants
Ivan Kacunic	
Murray Ness Hellier McFarland City Plan	
Peninsula Lifestyle	Nevan Wadeson Tract Consultants
Chris Marshall of TGM Pty Ltd	
Shell Road Developments	Phil Bisset of Minter Ellison who called:

Submitter	Represented By
	<ul style="list-style-type: none"> ▪ Maugan Bastone of Urbis on planning issues ▪ Mark Sheppard of David Lock Associates on urban design issues
Strahan Investments Pty Ltd	Peter O'Farrell
John Webb	T S Pikusa who called: <ul style="list-style-type: none"> ▪ Mr Milner of Coomes Consulting on planning issues
R & L Bird and Others	
Bellarine Australia	Richard Strates GHD and Rhynah Subrun GHD
SJ Canny P/L	Coomes Consulting
William Alan Sandles	
V Petsinis (545 Ibbotson Road, St Leonards)	Nevan Wadeson and Sarah McDonald Tract Consultants
Coles Group Limited	Phil Bisset of Minter Ellison Lawyers and Phil Gleeson of Urbis
Buildev Development	Ofer Fridberg of SM Urban
Louise Glanville (Portarlinton)	
Colin Wallace	
VicRoads	Clive Mottram
John Holliday	
Aprigo Pty Ltd	Rob Milner of Coomes Consulting
Reachy Pty Ltd	John Sidwick of Ratio Consultants
L Bisinella Developments	Julie Katz of The Planning Group
E & P Partners	Tim Fallaw of GHD
Adelaide Brighton Limited	Andrew Napier Hassell and Joanne Hartsias
Lovely Banks Pty Ltd	Mark Bartley DLA Phillips Fox who called: <ul style="list-style-type: none"> ▪ Chris McNeil of Spade consultants on land supply issues ▪ Davis Hunter of Coomes Consulting on servicing issues ▪ Philip Steer of Tract Consulting on planning issues
Swan Bay Nominees	Chris Marshall TGM Group Pty Ltd
Eureka Funds Management & DNA Property Group	Paul Chiappi who called: <ul style="list-style-type: none"> ▪ Jamie Govenlock of Urbis on planning issues ▪ Ian Shimmin of Urbis on retail issues ▪ Stephen Hunt of Cardno Grogan Richards on traffic issues
Croftlane P/L and Yorkrow P/L	Phil Bisset of Minter Ellison Lawyers who called: <ul style="list-style-type: none"> ▪ Marco Negri of Contour on planning issues ▪ Anthony Dimasi of Pitney Bowes Mapinfo on retail issues ▪ Jim Higgs of TTM on traffic issues

Submitter	Represented By
Algo Properties	Matthew Townsend who called: <ul style="list-style-type: none"> ▪ Chris White of WBCM group on servicing issues ▪ Tim Biles on town planning issues ▪ Chris Dance on urban design and landscape issues ▪ Charmaine Dunstan on traffic issues
Anne Timms & other landowners	Mark Bartley DLA Phillips Fox
Country Club Villages	Andrew Sherman
Debra Johnson	
Ray Reardon	
Ross Closter for Urban Land Development	
I & H Boyd	Cameron Gray of St Quentin Consulting
E Boccia	
Dennis More	
G Petsinis	Nevan Wadeson of Tract Consultants
Robertson Projects Pty Ltd (J McMahon & Sons)	Nevan Wadeson of Tract Consultants
Gourlay Nominees	Nevan Wadeson of Tract Consultants
V. Petsinis	Nevan Wadeson of Tract Consultants
Alicia te Wierik	
Brian Butler	
Robert Roder	

Table 2: Submissions

	Submitter	Organisation (if any)
1	Nigel Uren	Aldi Stores
2	Tim Biles, Message Consultants	Algo Properties
3	Alison Glynn, AlphaPlan	Swan Bay Nominees Pty Ltd
4	Barry Alsop	
5	Phil Flaherty	Geelong West Branch of the ALP
6	Des Badrock	
7	Jocelyn Banks	
8	Chris Bailey	
9	Peter Kenny	Bellarine Estate
10	Tim Boyd	Belmont Residents Group
11	Ken Best	

12	R Bird & Others	
13		Bisinella Developments
14	J R Boyd	
15	Judith Bracken	
16	J & E Vorrath	Brambledale Farm
17	John Bugge	
18	Brian Butler	
19	David Canny	
20	A L Chalmers OAM	
21	Debra Herbertson	Clifton Springs Primary School
22	Leo Ostrobrurski	Coles
23	Shayne Link, Contour	Stockland
24	Timothy Westcott, Coomes Consulting Group	Webb Property Holdings
25	Natasha Liddell, Coomes Consulting Group	B Capron
26	Natasha Liddell, Coomes Consulting Group	S Canny
27	Andrea Crosbie	
28	Peter & Vivien Dalton	
29	Catherine Dalton-Reed	
30	Nicole Donnison, David Lock Associates	Shell Road Developments
31	Sue Debets	
32	M & P Demetriou	
33	Paul Donovan	
34	Maureen Naughton	Drysdale/Clifton Springs Community Association Inc.
35	Heath Downie, Environmental Resources Management Australia	
36	R J Rich	EPA Victoria
37	CLG Fadgyas, Fadgyas Planning Associates	Eight landowners
38	CLG Fadgyas, Fadgyas Planning Associates	P Masec
39	CLG Fadgyas, Fadgyas Planning Associates	Lagrin Pty Ltd
40	Keith Fagg	Fagg's Mitre 10
41	D Badrock	Friends of Bellarine Hills
42	Christina McRae, Fulcrum Town Planners	ING Real Estate
43	Catherine Heggen, Fulcrum Town Planners	Barett Burston Malting Co
44	Geoffrey Fulton	Fulton + Salomon Architects
45	Raewyn Hansen, Geelong Town Planning Services Pty Ltd	Geelong Town Planning Services
46	Vivien George	
47	Richard Strates, GHD	Bellarine Australia Pty Ltd
47A	Richard Strates, GHD	Bellarine Australia Pty Ltd

48	Tim Fallaw, GHD	E & P Partners
49	Donald Gibson	
50	Louise Glanville	
51	Andrew Napier, Hassell Ltd	Adelaide Brighton
52	Murray Ness, Hellier McFarland - Cityplan	Land owners in Portarlington
53	G & M Henderson	
54	Michael Hoare	
55	John Holliday	
56	Craig Jennion	Housing Industry Association
57	Susan Howells	
58	Neville Huggins	
59	Carl Bucovas	
60	Debra Johnson	
61	Ivan Kacunic	
62	Dorothy Knight	
63	N R Lamond	
64	Ken Mahar	
65	Greg Harrison, Maunsell Australia	
66	B & B Mitchell	
67	Denis More	
68	Anne Morell	
69	E G Morrell	
70	Anne Murray	
71	Michael Harbour	Ocean Grove & District Community Association
72	Galiano Pacor	
73	Chris Parkinson	
74	Matthew & Ruth Payne	
75	Dolores Pearson	
76	E & M Perez	
77	Tufan Chakir, Poligot	
78	Ian Pinge	Portarlington Community Association Inc
79	Ian & Joy Porter	
80	Colleen Peterson, Ratio Consultants	Reachy Pty Ltd
81	Brad George, Ratio Consultants	Little Ryrie Street Investments
82	Ray Reardon	
83	D S & P J Reid	
84	Roger & Helen Sanders	
85	William Allan Sandles	
86	Joe Schembri	

87	Jenny Lourie, Shell Refinery (Australia) Pty Ltd	Shell Refinery (Australia) Pty Ltd
88	Toni Sincock, Sincock Planning	Sincock Planning
89	Vanessa Turner, SJB Planning	Echin Pty Ltd
90	Piers McComas, SKM	Blue Circle Cement
91	Ofer Fridberg, SM Urban	Buildev Development NSW
92	Shannon Lea, SM Urban	Strahan Investment Pty Ltd
93	Paul Soccio	
94	Dick Southcombe	
95	St Quentin Consulting	
96	St Quentin Consulting	I & H Boyd
97	Jillian Swann	
98	Alicia Te Wierik	
99	Chris Marshall, TGM	Lascorp Pty Ltd
100	Chris Marshall, TGM	Santhor Pty Ltd
101	Chris Marshall, TGM	Beaver Winds Pty Ltd
102	Phillip McCutcheon, The Planning Group	Geelong Port Pty Ltd
103	Kirsten Coster, The Planning Group	I & P McNaughton
104	Gary Tigani	
105	Peter Dowling	TKP Design Studio
106	Gemma Tobschall	
107	Justin Slater, Tract	Croftlane Pty Ltd & Yorkrow Pty Ltd
108	Justin Slater, Tract	J McMahon & Sons
109	Justin Slater, Tract	Peninsula Lifestyle Properties Pty Ltd
110	Luke Chamberlain, Tract	Tract for Landowner at Marcus Hill & Wallington
111	Sally McDonald, Tract	Lovely Banks Pty Ltd
112	Sally McDonald, Tract	V Petsinis
113	Sally McDonald, Tract	G Petsinis
114	Paul Harpur	Trans-Pacific Holdings
115	Ross Closter	Urban Land Developments
116	Astrid van den Akker-Luttner	
117	Rod Cottrill	VicRoads
118	Valerie Dripps	VicRoads
119	Gillian Walker	
120	Colin Wallace	
121	D & H Watson and Others	
122	Ross Morcombe, Watsons	DNA Property Group & Eureka Funds Management
123	John Woodman, Watsons	Grawin Pty Ltd
124	A J Whittle	

125	Phyl Wild	Wild Design
126	Laurel Wilkinson	
127	R & D Williams & Warren	
128	M E & J M Williams	
129	Jennifer Wills	
130	David Withington, Withington and Associates Pty Ltd	
131	J & D & J Wynn	Wynndean Holiday Resorts Pty Ltd
132	Wayne Cross	
133	Nancy Finlay	
134	Matthew Fitton	
135	D & N Arapovic	
136	Matt Allen	CFA Barwon/Corangamite Area
137	Bob Smith	Greyhound Racing Victoria
138	Eugene Boccia	
139	Mark Curry	Department of Infrastructure
140	Wayne Elliott	Greyhound Racing Victoria - Geelong
141	John Boland	Clifton Springs Independent Ratepayers Group
142	Glenn McAllister	
143	Brian Head	
144	Robert Roder	
145	James Iles, TGM	Country Club Villages
146	Michael and Joe Spiteri	
147	Wendy Harding	
148	Julie Katz , The Planning Group	Links Living
