



**GREATER GEELONG PLANNING SCHEME  
AMENDMENT C347**

**MANAGING DEVELOPMENT IN RURAL AREAS  
PLANNING POLICY REVIEW**

**PART A Submission to the Independent Panel**

**Panel:** Con Tsotsoros (Chair)

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on behalf of the City of Greater Geelong

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# 1 Introduction

This Submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel's support for Amendment C347.

## 1.1 Summary of the Amendment

Amendment C347 is a Council-initiated Amendment proposing to update the Local Planning Policy Framework to reflect Council's *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015*.

The Amendment will:

- Amend Clause 21.07 - *Economic Development and Employment*;
- Replace Clause 22.06 - *Tourism Development in Rural Areas* with a new Clause 22.06 - *Tourism, Accommodation and Function Centre Development in Rural Areas*; and
- Insert a new Clause 22.64 - *Discretionary Uses in Rural Areas*.

The Amendment only applies to land zoned Farming (FZ) and Rural Conservation (RCZ).

The Amendment is in response to 2013 State Government changes (Amendment VC103) to the rules on the types of development that can occur in rural areas.

The new local policies clarify Council's position on non-agricultural use and development and provide guidance to landowners, proponents and decision-makers in the consideration of planning permit applications.

## 1.2 Summary of the main issues

The exhibition of the Amendment has resulted in the receipt of six (6) submissions, being made on the following key issues:

- Overreliance on requiring tourism uses to be associated with agriculture.
- The need to demonstrate that urban location options have been fully exhausted before considering a rural location – particularly in relation to schools – is not supported.
- Unreasonable restrictions on business diversification in rural areas.
- Contrary to policy directions set out in State Government Amendment VC103.

- The adopted *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015* is too limited in scope to be relied upon as strategic support for this Amendment.
- Contrary to the *Residential Tenancies Act*.

### **1.3 Information supplied in this Submission**

In accordance with Panel Direction No. 7 this Submission includes the following information:

- a. Background to the Amendment
- b. Chronology of events
- c. Strategic context and assessment
- d. Identification of the issues raised in submissions
- e. Changes to the Amendment documentation proposed as a result of the issues raised in submissions\*.

\*Changed Amendment documentation accompanies this Submission as separate attachments in accordance with Direction No. 6. The changed documents are:

- Clause 22.06 - *Tourism, Accommodation and Function Centre Development in Rural Areas*; and
- Clause 22.64 - *Discretionary Uses in Rural Areas*.

## **2 Rural Areas Overview**

### **2.1 Rural Context**

Rural areas are highly valued by the Geelong community and play a significant role in the continued economic prosperity, liveability and amenity of the entire municipality.

The area within the City of Greater Geelong zoned Farming Zone is 72,000 hectares, with a further 3,000 hectares of Rural Conservation Zone land. This represents 57 per cent of the total land area of the municipality.

The City of Greater Geelong adopted *Rural Land Use Strategy May 2007* underpins Amendment C347. The following extracts from the executive summary remain relevant:

#### **Introduction**

The City's rural areas encompass a range of activities, including intensive animal raising, grazing and cropping, horticulture and viticulture, smaller scale hobby farming of various types, agricultural product manufacturing and processing, and agricultural education and research. These uses and activities all form an important network of food and fibre production, economic activity and employment in the region.

Consultation for the preparation of the strategy included community, farmer, agency and Council staff workshops. In all about 200 people attended the community consultation workshops. The clear messages from people was that the rural areas are changing, that agriculture is under pressure and there is uncertainty about the future of agriculture but a desire to provide for it. The local community is passionate about their rural areas and the value of these areas in terms of their agricultural function, landscape character, biodiversity and as a place to live. While urban Geelong is developing as a vibrant city there is a strong affinity with agriculture. A rural landscape is considered by the community to be a key part of the City's economy and character.

#### **Geelong's Rural Areas**

There is about 55,000 hectares of land farmed at a commercial level across the municipality by about 300 producers. The most significant commodities in terms of gross value of agricultural production are poultry eggs and meat, cut flowers and turf, meat and wool, grains and vegetables. Other key commodities include dairy, pigs, grapes for wine and horse breeding with associated facilities. In all, production

at the farm gate is valued at about \$70m. The majority of farm businesses in the City are small scale and part time. Since 1983 the total area farmed and the number of producers has dropped by 14% and 33% respectively.

Some forms of soil-based agriculture are intensifying in production systems and activity while others are diminishing. Small and medium -scale horticulture and viticulture enterprises are seeking out new pockets of land with suitable soil and water, close to transport routes and labour. Shed-based hydroponic tomato production is also expanding from a low base, while the potato industry is shrinking. Shed-based intensive animal industries such as egg production, broiler farms and piggeries that require buffers for amenity and bio-security are being displaced to other locations in the wider region by the growth of urban areas around Geelong and the Bellarine.

Geelong has a number of large agricultural manufacturing and processing businesses that provide significant employment in the region - the eight largest enterprises employ about 1800 persons. The established education and research centres in the area also provide a strong agricultural industry focus for Geelong. Agriculture directly provides about 1.5% or 1,130 jobs of the total jobs in the municipality.

Most of the rural land within the municipality is of Class 3 capability, or moderate agricultural quality. Better quality land of Class 2 (or high agricultural quality) can be found on the northern side of the Bellarine Peninsula, and around Lara. It is important to consider that the quality of land is a key, but not a singular factor in understanding the locational dynamics of agricultural activity. Shed-based agricultural activities are largely reliant on factors such as land availability, infrastructure, buffers and labour force access. Also in Geelong, the structure of agricultural activity in many locations is part of a mixed economy that benefits from linkages to urban employment. From a land use planning and policy perspective, land capability should not be considered as offering predictive results, but rather as a layer of information to be considered along with urban and rural settlement dynamics, infrastructure and natural resource circumstances; and all within a context of planning policy and community expectations of economic development and landscape values.

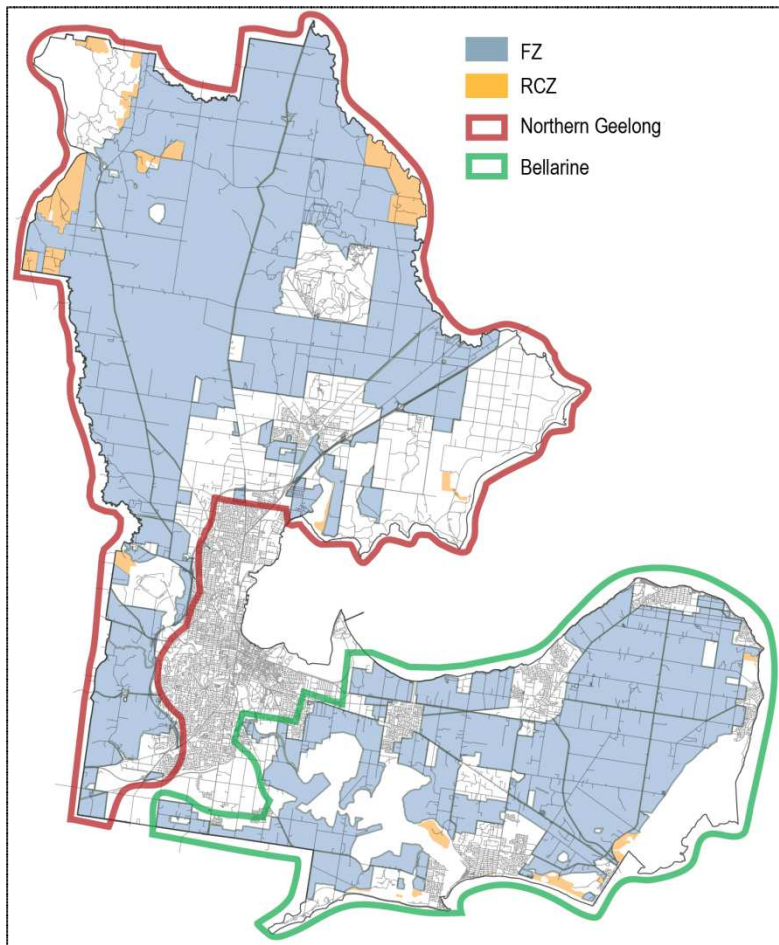
The condition of the environment will affect the productive capacity of farmland and landscape values. The Greater Geelong rural area is home to many significant environmental features and places. Particularly significant in Geelong, are 114 wetlands totaling 11,630ha that play an important role as part of the overall ecosystem of the region. Many of these wetlands are recognised under the Ramsar convention. Swan Bay is one of the most intact areas of wetland and marine

ecosystem in Port Phillip Bay. The Moorabool and Barwon Rivers are identified as the most flow stressed river systems in the region and both have high salinity, nutrient and sediment levels. Issues such as soil degradation, salinity, native vegetation loss and pest plants and animals also undermine the environmental integrity of Geelong. The Coastal Spaces Recommendations Report highlights the importance of the non-urban coastal landscape and a landscape assessment of the Bellarine Peninsula has concluded that all coastal areas and some inland locations of the Bellarine Peninsula are of local, regional or state visual significance.

Tourism is an important contributor to the local economy, providing approximately 4,200 full time positions within the local labour market and generating \$478 million to the local economy. The rural areas of Geelong play an important role in the tourist economy as many people visit the area for the beaches on the Bellarine Peninsula, wineries and natural features such as the You Yangs and Brisbane Ranges. The City's 'unspoilt' rural areas, with their long sweeping views of agricultural land use against a backdrop of coastal areas, is a key element in the City's tourist product.

**Figure 1** shows the areas in the municipality zoned for farming and rural conservation purposes. The map is sourced from the *Non Rural Uses in Rural Areas Policy Review, June 2015*, prepared by Urban Enterprise. The Urban Enterprise Review notes that there is a clear delineation in the nature of economic drivers and landscape attributes that can be geographically defined as: (1) Northern Geelong; and (2) The Bellarine Peninsula.

Figure 1 - Greater Geelong Rural Areas



## 2.2 Planning Scheme Local Policy Framework Context

The Greater Geelong Planning Scheme Local Policy Framework includes issues, influences and local policies directly related to the preparation of Amendment C347.

Clause 21.07 Economic Development and Employment is a broad strategic statement that highlights Geelong as the largest regional city in Victoria and the primary service and employment hub for the G21 Geelong Region Alliance.

Key **rural** issues and influences are identified as:

Agricultural production is modest, but locally important and economically significant for landowners.

There is potential for growth in agricultural production, particularly aquaculture.

Farming activity and the rural landscape are very significant elements to the identity, image and liveability of the City of Greater Geelong.

Farming and rural landscapes form non urban breaks and are a critical element to the settlement strategy, tourism function and lifestyle of the region.

Farming and agriculture are important and valued activities in the northern area of the municipality, particularly in the Anakie area.

Rural land in a number of urban fringe areas accommodates a range of uses and developments which require buffers from residential areas.

The City's rural areas contain important environmental assets.

Key **tourism** issues and influences are identified as:

Tourism is a key part of the economy of the Geelong region. The region includes major tourism destinations such as the Bellarine Peninsula and the coast.

Tourism activities in rural and coastal areas must be carefully managed so as not to compromise the natural environment and/or agricultural activities.

Clause 21.14 is the strategic statement for the Bellarine Peninsula and identifies the key issues and influences as:

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

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

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

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

Clause 22.04 applies to use and development applications in the Rural Living and Low Density Residential Zones. There are expectations that the amenity of rural living areas will be high – at least the same as for any other form of residential zone.

The policy basis for this clause states:

Rural living and low density residential areas are also unsuitable for activities that can cause severe amenity problems, particularly through noise nuisances, such as animal boarding. Such uses are likely to require large land holdings and greater separation from nearby dwellings to ensure that there is no intrusion on neighbours that is detrimental to their amenity. Accordingly these uses are more suitable to establishing in the Farming Zone.

Clause 22.05 Agriculture, Rural Dwellings and Subdivision applies to all land zoned Farming. The policy basis for this clause states:

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

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

Clause 22.06 is Council's current policy in relation to tourism development in rural areas. The policy basis for Clause 22.06 states:

Tourism is a key part of the economy of the Geelong region, in particular on the Bellarine Peninsula. Council supports the ongoing development of tourism in the City, including the provision and enhancement of accommodation and other facilities to encourage longer stays in the region.

The rural areas play a key role in the tourism market. They are a fundamental part of the amenity of the area and they are home to many attractions. Tourism development within the rural areas must be carefully managed so that it does not compromise the farmed rural landscape or existing agricultural activities that are part of the economy and tourism attraction of the area. Nor should tourism undermine the settlement strategy for the Peninsula that clearly directs urban development to the existing towns.

Appropriate tourism development in rural areas can support existing farming businesses. It is recognised that there is an opportunity for a small number of larger non farm based tourism enterprises in the rural areas. However, these need to be carefully designed and located so as not to compromise the vision for the rural areas that includes preserving a farmed rural landscape.

Council recognises that there are opportunities to enhance the tourism industry in the region through the provision of a small number of rural based, larger scale, high quality tourism developments that are ancillary to or associated with the farming or rural use of the land. These developments can be facilitated by the strategic application of an appropriate zone.

### 2.3 Amendment VC103

The reformed rural zones were introduced into the Victoria Planning Provisions and planning schemes by State Government Amendment VC103, gazetted on 5 September 2013.

The changes were made to the rural zones to allow for:

- more flexibility for farmers and land owners;
- greater support for business;
- encouragement for tourism; and
- greater flexibility of land uses.

Introduction of the reformed rural zones was supported by the following Department prepared guidelines

- Planning Advisory Note 53: Reformed Rural Zones in Victoria, Sept 2013.
- FACT SHEET: Reformed Zones for Victoria  
Reformed Rural Zones  
15 August 2013

A summary of the key changes that have been made discretionary under VC103 in the FZ and RCZ are outlined in **Figure 2**.

Figure 2 - Land uses made discretionary in the FZ and RCZ

Use	Farming Zone	Rural Conservation Zone.
<b>Accommodation – Permit required (previously prohibited)</b>		
Camping & caravan park	✓	✘
Group accommodation <sup>1</sup>	✓	✓
Residential hotel <sup>1</sup>	✓	✓
<b>Retail Premises - (previously prohibited)</b>		
Landscape gardening supplies.	✓	✓
Trade supplies	✓	✘
Restaurant <sup>1</sup>	✓	✓
Market – <i>unless a community market</i>	✓	✘
<b>Industry – Permit required (previously prohibited other than transfer station)</b>		
Industry	✓	✘
<b>Warehouse - Permit required (previously prohibited)</b>		
Warehouse	✓	Freezing and cool storage only
<b>Education Centre - Permit required (previously prohibited)</b>		
Primary school, secondary school	✓	✓
<b>Place of assembly – Permit required (other than amusement parlour, night club, carnival &amp; circus).</b>		
Place of assembly <sup>2</sup>	✓	✘
<b>Leisure and Recreation – Permit required (previously prohibited)</b>		
Motor sport.	✓	✘
<b>Not specifically listed/ other use - Permit required (Previously prohibited).</b>		
Earth and energy resources	✓	✓
Pleasure boat facility	✓	✓
Transport terminal	✓	✘
Display home	✓	✓
Helicopter landing	✓	✓
Hospital	✓	✓
Natural systems	✓	✓
Research centre	✓	✓
Service station	✓	✓
Saleyard	✓	✓
Veterinary centres	✓	✓

Notes:

1. Was prohibited, but there was the potential to consider if also associated with a rural use on the site.
2. Was prohibited, but there was the potential to consider if the facility was used a maximum of 10 days in a year.

Further submissions on Amendment VC103 will be provided at the Panel Hearing.

## 2.4 Managing Development in Rural Areas Review 2015

To support Amendment C347, Council has prepared and adopted the policy document: *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015*. This work was aided by advice from consultants Urban Enterprise as well as community engagement.

The Review Report is proposed to be included as a reference document in Amendment Clauses 22.06 and 22.64.

The review fulfills a gap in the Local Planning Policies brought about by Amendment VC103.

The review focused on the types of land uses that are applied through the zones and whether they are as of right, only allowed through a permit application (discretionary), or prohibited. Prior to the zone changes many of these uses were prohibited (see **Figure 2** above). These uses are still not able to occur as of right, but it is now possible to apply to Council for a planning permit to be considered on its merits.

The scope for the review included:

- Preparation of a policy position for the non-agricultural land uses that have been made discretionary in the rural zones, having regard to the differences between rural areas in the north and on the Bellarine Peninsula.
- To determine the current and future needs of tourist accommodation in rural areas based on research and analysis of trends and likely demands.
- Development of appropriate planning controls and application requirements, including locational and siting design criteria for discretionary land uses.
- Preparation or amendment of Local Planning Policies to implement the findings of the review.
- Consultation with stakeholders during the project.

The following was not included in the review:

- Changes or a review of the existing *City of Greater Geelong Rural Land Use Strategy 2007*.
- Changes to the way agricultural uses are allowed for and applied under the FZ and RCZ.
- Changes to the policy (Clause 22.05) for managing the construction of houses and residential subdivision in rural areas.
- The Rural Living Zone.

Further submissions on the 2015 Review Report will be provided at the Panel Hearing.

## 2.5 Background Advice - Urban Enterprise 2015

To support Council in the analysis of Local Planning Policies to address the VC103 changes, Urban Enterprise Pty Ltd were commissioned to provide expert advice and background research. Urban Enterprise delivered a completed report: *Non Rural Uses in Rural Areas Policy Review* in June 2015.

A summary of the Urban Enterprise findings are provided as follows:

### The analysis of existing and future economic conditions for tourism accommodation in Greater Geelong rural areas.

Urban Enterprise identified a growth projection for tourism across Geelong to 2030. This will in turn influence growth and need in tourism development and accommodation. Urban Enterprise provided a low to high projection estimation of tourist accommodation need to 2030. This was determined through a gap analysis and based on assumptions made by calculating needs for all of Geelong (urban and rural) and using a methodology of rural demand indicators to assess the amount of growth that could be attributed to rural areas.

Visitation to Geelong and the Bellarine is expected to grow significantly over the next 15 years. To cater for this growth and the existing demand, Urban Enterprise undertook tourism development forecasts for accommodation to 2030. These show a demand in rural areas of between 330 to 550 accommodation sites/units on the Bellarine and 2 to 4 rooms in northern Geelong (Figure 2). This represents around 22% of accommodation growth across the region.

*Figure 3 - Rural accommodation needs to 2030 for the Bellarine and Northern Geelong*

	Bellarine			Northern Geelong		
	Low	Med	High	Low	Med	High
Visitor growth 2015-2030	88,080	110,697	147,210	535	671	892
Supportable Rooms (at 60% occupancy <sup>3</sup> )	665	+824	+1,096	+4	+5	+7
Rural rooms (at 50% <sup>4</sup> )	330	+400	+550	+2	+3	+4

Urban Enterprise provided guidance on the typologies of accommodation mix anticipated in specific rural areas based on gaps in the market and industry consultation. This also takes consideration of development viability (i.e. expected room needs) and benchmarking with other similar markets.

In principle advice on the types of industry uses suitable for rural areas.

Due to industrial and warehouse proposals being changed from prohibited to discretionary in the rural area advice was sought from Urban Enterprise on the types of applications that may now be expected in these areas and whether there is any demand in the business community. Urban Enterprise analysed business start up data in rural areas and historic permit information; as well as consulted with the business industry.

The key findings were:

- There has been minimal commercial and industrial development in rural zones over the past 15 years. Commercial uses are generally connected to the agricultural industry. The lack of development reflects the zone provision constraints prior to VC103.
- Aquaculture is considered an emerging industry in the region with three permits for new aquaculture facilities granted.

Urban Enterprise was not able to provide any evidence of specific needs in rural areas. Urban Enterprise did provide some high level recommendations for Council to consider such as the drivers for business development in rural areas; and potential location based recommendations and implications.

Recommend high level siting and design planning guidance for discretionary uses.

UE were asked to provide options on high level siting design criteria to assist the preparation of Local Planning Policies for discretionary uses, including for:

- Accommodation (Camping and caravan park, Group accommodation, Residential hotel);
- tourism activities (Place of assembly, including Function centre, Conference centre, Art gallery and museum, and Restaurant); and
- commercial (Industry, Warehouse, Landscape garden supplies, Market).

Urban Enterprise was able to outline an extensive range of criteria that could be considered by Council and has been used to benchmark and inform the Local Planning Policies. Key themes for the advice included:

- Location and context;
- Design and built form;
- Access; and
- Additional detail for Camping and caravan parks including: facilities; topography, drainage, soils and vegetation; coastal or fire constraints; visual impact; internal design; amenity; and services.

## 2.6 Rural Land Use Strategy 2007

The *Rural Land Use Strategy* (RLUS) was prepared by the City of Greater Geelong and underpins a number of policies in the Planning Scheme, primarily:

Municipal Strategic Statement: Clause 21.07-05 - Rural areas

Clause 21.07-06 - Tourism in rural areas

Local Planning Policies: Clause 22.04 - Discretionary uses in rural living and low density residential areas.

Clause 22.05 - Agriculture, rural dwellings and subdivision.

Clause 22.06 - Tourism development in rural areas.

Clause 22.07 - Racing dog keeping and racing dog training.

The RLUS is also included as a reference document in Clauses 21.06, 21.07, 22.05, 22.06 and 22.07.

The RLUS sets out that there is around 55,000 hectares of land farmed at a commercial level across Geelong by around 300 producers. Geelong's rural areas cover a range of agricultural practices, such as animal grazing and production, dairy and poultry; vegetable, grain and flower growing; intensive horticulture in greenhouses and hydroponics; viticulture; and horse and dog breeding. Compared to other areas of rural Victoria agriculture is generally smaller scale and on smaller landholdings; particularly on the Bellarine.

Most of the rural land around the municipality is of Class 3, or moderate agricultural quality. Better quality land of class 2 (high agricultural quality) can be found on the northern side of the Bellarine Peninsula, and around Lara.

Geelong has a diversity of natural, environmental and scenic assets of significance, with:

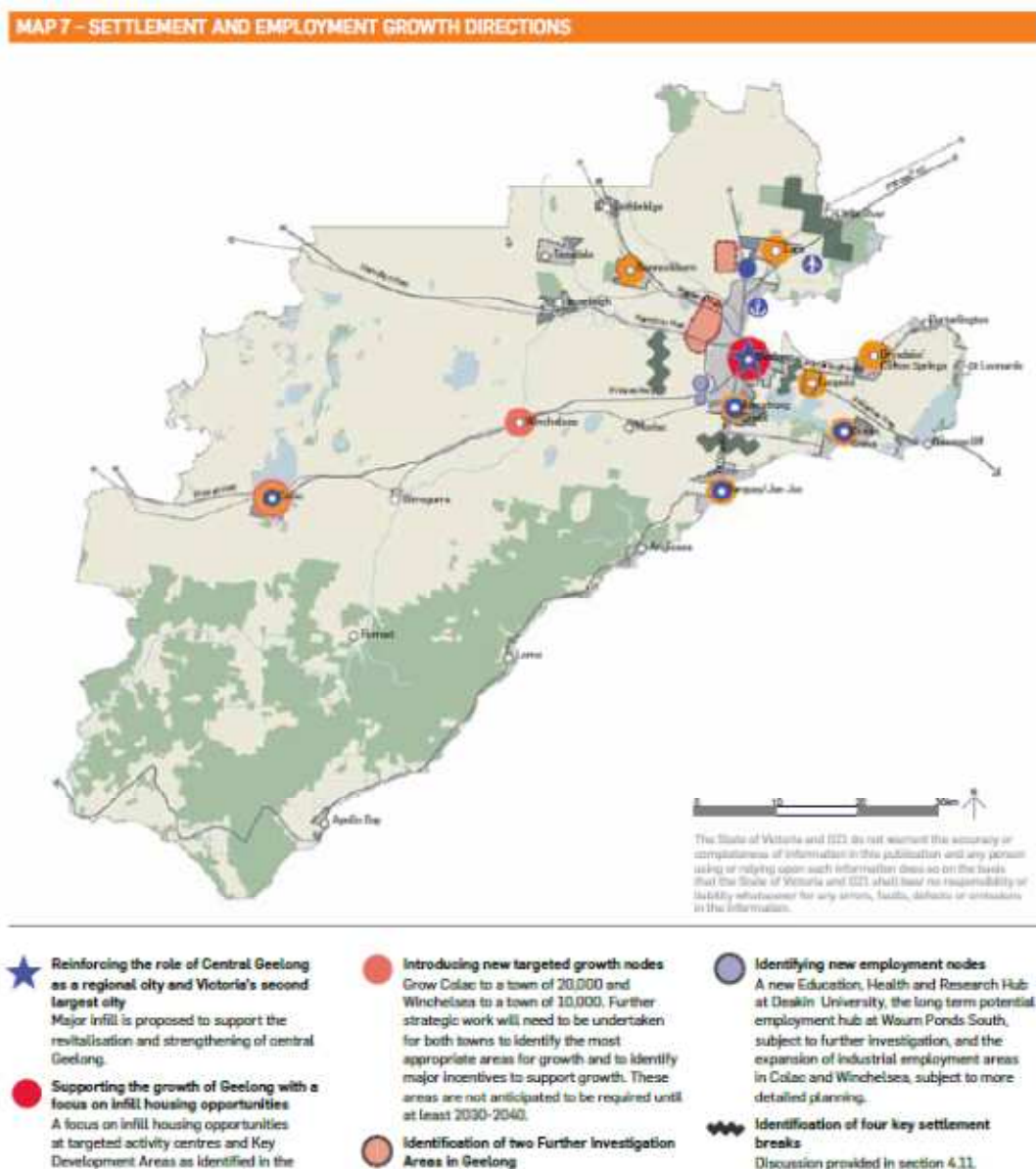
- over 100 waterways and wetlands, some of which are recognised internationally;
- rocky reefs, sandy beaches and steep cliff faces in coastal areas;
- the Brisbane Ranges National Park and You Yangs Regional Park; and
- unspoilt rural areas, with their long sweeping views of rural land use against a backdrop of coastal areas.

## 2.7 G21 Regional Growth Plan

The Geelong Regional Growth Plan (April 2013) manages growth and land use pressures to 2050. It pulls together the strategic land use and growth planning already done across the region and builds on this to identify where future residential and employment growth will occur.

The Plan identifies four key settlement breaks in *Map 7 - Settlement and Employment Growth Directions* (p. 27) – as shown in **Figure 4**.

Figure 4 - G21 Regional Growth Plan Map 7



Section 4.11 *Settlement Breaks* on page 31 states that the environments between urban areas play important roles in (as relevant): agricultural production; accommodating recreational pursuits; economic activities including tourism; accommodating significant landscapes and geographical features; and framing settlements.

The Growth Plan confirms the agricultural, economic and natural significance of these areas.

The purpose of the identified settlement breaks are:

**1. North-Eastern Gateway**

- To ensure a strong visual identity and clear delineation between Geelong as a regional city and Melbourne as a capital city.
- To protect significant views, grassland and wetland habitat areas, farming activities and strategic opportunities for employment linked with Avalon Airport, Department of Defence and quarry sites.

**2. Thompson Valley**

- To ensure a strong farmed landscape character between the urban areas of Armstrong Creek and Torquay, encourage rural production and maintain existing town identities.

**3. Barrabool Hills**

- To protect National Trust classified landscape of cultural heritage significance. Rural production is the primary land use activity in addition to the small settlements of Ceres and Barrabool.

**4. Bellarine Peninsula**

- To ensure a strong farmed landscape character between Geelong and Bellarine towns, encourage rural production, maintain town identities and related tourism opportunities and minimise impacts on significant wetlands and coastal views.

## **2.8 Bellarine Peninsula Localised Planning Statement**

Clause 11.14-1 (Localised planning statements) of the Planning Scheme includes the adopted Bellarine Peninsula Localised Planning Statement (Victorian Government 2015) as a policy guideline.

The Bellarine Peninsula is one of four areas that have been identified as having significant geographic and physical features which contribute to the quality of life of all Victorians. The inclusion of the Statement as a policy guideline in the State Planning Policy Framework will ensure the valued attributes of the Bellarine Peninsula are identified and protected.

Ministerial Direction No. 17 requires that the preparation of an amendment affecting land identified in an adopted Localised Planning Statement must have regard to the relevant Statement.

The Bellarine Peninsula Localised Planning Statement (BPLPS) Framework Plan is shown in **Figure 5**.

The following references in the Statement are particularly relevant to this proposal:

### **Land Use in Rural Areas**

Farming activity on the Bellarine Peninsula shapes the landscape which is so valued by the community. Elements such as the agricultural use of rural land, the layout of properties, fences, rural road patterns including that most buildings are well setback from roads, tree planting on rural properties in rows or clumps are all important because of their high form and visibility. These landscape elements should be retained.

The vision for the rural areas of the Bellarine Peninsula is for the continuation of a working farmed landscape where the “right to farm” is respected and the key features of this open farmed landscape and values of the environmental assets are retained. This Statement supports the continuing use of the area for agriculture, in particular viticulture, horticulture, cropping and grazing as the main land use in rural areas on the Bellarine Peninsula and as an integral part of the rural economy and character of the area and the region. Intensive agricultural activities which could change the appearance of this open farmed landscape are encouraged to locate in other more suitable rural areas beyond the Bellarine Peninsula.

The Bellarine Peninsula is also home to a growing aquaculture industry. The main forms are mussel aquaculture and spat collection. There are opportunities to consolidate and expand aquaculture activities at Portarlington, Queenscliff and St

Leonards, coupled with opportunities to utilise Avalon Airport for export to international markets. These can make a significant contribution to the local economy and should be supported to provide employment opportunities. Siting of sheds for aquaculture should be carefully considered to ensure they do not compromise local landscape characteristics.

Horse breeding, raising and training is another significant emerging industry and is well suited to rural areas on the Bellarine Peninsula.

**Policy Objective No. 6**

To support and encourage diverse and sustainable tourism as a key economic activity in townships and in rural areas where it complements and respects the farmed rural landscape of the area, does not impact upon existing farming activities and contributes to the local economy.

An assessment against the policy objectives and strategies of the BPLPS can be found under Section 4.2.



## **2.9 Victorian Coastal Strategy 2014**

The Victorian Coastal Strategy (VCS) is prepared under the *Coastal Management Act 1995*, which requires the strategy to provide for the long-term planning of the Victoria Coast over the next 100 years.

The VCS identifies a Hierarchy of Principles and five key issues that need to be addressed if our coast is to continue to provide benefits to all Victorians into the future. The five key interrelated issues are;

1. Managing population growth.
2. Adapting to a changing climate.
3. Managing coastal land and infrastructure.
4. Valuing the natural environment.
5. Integrating marine planning.

The purpose of the VCS is to provide 'guidance' for statutory decision-makers and to provide 'a framework' for related strategies and plans, including Local Planning Schemes. The VCS recognises this relationship by requiring the State Planning Policy Framework and Local Planning Policy Frameworks to be consistent with the Strategy.

### **3 Description of Amendment C347**

#### **3.1 Chronology of Events**

The following is a brief history of relevant events leading up to the preparation of Planning Scheme Amendment C347.

##### May 2007

The Council adopted the *City of Greater Geelong Rural Land Use Strategy*.

##### January 2010

Implementation of Planning Scheme Amendment C129, which was a major re-write of the Municipal Strategic Statement as well as the introduction of new local policies. The *City of Greater Geelong Rural Land Use Strategy* key policy elements form part of Clause 21.07 and relevant local planning policies (Clause 22.05 and 22.06). The Strategy also becomes a reference document in these clauses.

##### September 2013

The reformed rural zones were introduced into the Victorian Planning Provisions and planning schemes by Amendment VC103, gazetted 5 September 2013.

The reformed rural zones generally relaxed the number of uses that can be considered in the rural zones and reduced many of the conditions previously required to be met.

##### Mid 2014

As a consequence of Amendment VC103 Council officers decided to review the Local Planning Policy Framework. To support Council in this work, Urban Enterprise Pty Ltd consultants were commissioned to provide expert advice and background research.

##### June 2015

Urban Enterprise delivered a completed report: *Non Rural Uses in Rural Areas Policy Review, June 2015*. [Note: Urban Enterprise was also commissioned by Tourism Greater Geelong & The Bellarine to prepare the tourism development strategy for the region].

### July - August 2015

A period of community engagement was held from 10 July until 7 August 2015. Community input was sought on issues around managing growth in rural areas that had been formulated from Council and Urban Enterprise research.

### December 2015

Adoption of the *Managing Development in Rural Areas Planning Policy Review, Final Report – September 2015* (prepared by the City of Greater Geelong) at the Ordinary Meeting of Council on 8 December 2015.

At the same meeting, the Council also resolved to amend the Greater Geelong Planning Scheme to reflect the Policy Review.

### Early 2016

Preparation of Planning Scheme Amendment C347.

### **3.2 The Amendment**

Amendment C347 proposes the following changes to the Greater Geelong Planning Scheme:

- 1 Amend Clause 21.07 - *Economic Development and Employment*;
- 2 Replace Clause 22.06 - *Tourism Development in Rural Areas* with a new Clause 22.06 - *Tourism, Accommodation and Function Centre Development in Rural Areas*; and
- 3 Insert a new Clause 22.64 - *Discretionary Uses in Rural Areas*.

### **3.3 Changes as a result of Submissions**

Given the very low number of objections (five), Council officers contacted each submitter in an attempt to mutually resolve matters of concern. Agreement with BVC Projects Pty Ltd on revised drafting of Clause 22.06 resulted in the withdrawal of their objection.

Other objections could not be resolved although Council officers decided to revise Clause 22.64.

As a result of the consideration of submissions to Amendment C347 and further discussions with submitters, Council resolved to make changes to the exhibited:

- Clause 22.06 - *Tourism, Accommodation and Function Centre Development in Rural Areas*; and
- Clause 22.64 - *Discretionary Uses in Rural Areas*.

These changes are reflected in Council's Delegated Authority Report, dated 17 May 2016.

## **4 Consideration of the proposal**

### **4.1 Assessment against Planning Policy**

Minister's Direction No. 11 requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. What should be considered as part of the Direction is explained in the DPCD Practice Note 46 (November 2011): "*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments.*"

An assessment of the proposal against the guidelines is in **Appendix 1**. This includes an assessment against State and Local Policy.

### **4.2 Consideration against the State Planning Policy Framework**

The State Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The most relevant policies for this proposal include:

#### **Clause 11 Settlement**

Clause 11 requires planning to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 11.05-4 is a broad policy addressing regional planning strategies and principles. The objective is to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Amendment C347 reinforces the Council's long-held policy position to carefully manage non-agricultural uses in rural areas and retain these areas for agricultural productivity, landscape values and important urban breaks. This is a principle tenant in the framing of Council's settlement strategy.

The City of Greater Geelong is a growing municipality and there is continual, comprehensive planning to ensure adequate residential, commercial and industrial land is available to meet future expectations. Given the compact and diverse nature of the municipality, Council seeks to direct urban uses to urban areas where infrastructure services and good transport connectivity is available.

#### **Clause 11.05-3 Rural productivity**

The objective of this clause is to manage land use change and development in rural areas to promote agriculture and rural production. The most relevant strategy is to prevent inappropriately dispersed urban activities in rural areas. The clause also requires planning to consider the G21 Regional Growth Plan.

The proposed new Clauses 22.06 and 22.64 are consistent with this policy and support the 'settlement break' role identified in the G21 Regional Growth Plan to protect agricultural production.

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

This clause requires planning to consider the *G21 Regional Growth Plan 2013*. The G21 Regional Growth Plan establishes a framework for strategic land use and settlement planning. The purpose of the Plan is to ensure growth is managed in a way which protects, and builds on, the region's strengths, unique character and significant natural assets. The Plan says growth should provide housing choice and employment opportunities.

Most relevant to Amendment C347, the Plan on page 31 states the importance and function of settlement breaks has shaped the Growth Plan directions. The Growth Plan confirms the agricultural, economic and natural significance of the municipality's rural areas. The Growth Plan also acknowledges related tourism opportunities, particularly on the Bellarine Peninsula.

Both proposed policies are consistent with the policy direction established in the G21 Regional Growth Plan.

#### Clauses 11.14-1 Localised planning statements

Clause 11.14 requires the consideration of the adopted *Bellarine Peninsula Localised Planning Statement* (BPLPS). The Statement provides policy objectives and strategies that are relevant to the consideration of this proposal.

**Objectives 1 and 2** seek to maintain non-urban breaks and support the ongoing use of rural land on the Bellarine Peninsula for agriculture and to preserve the open farmed landscape. Strategies include to protect these scenic qualities, support agricultural activities and ensure development outside settlement boundaries does not compromise landscape values.

The proposed new Local Planning Policies are designed to avoid compromising the productive capacity of rural land, agricultural activity and open farmed landscapes.

**Objective 6** supports and encourages diverse and sustainable tourism as a key economic activity in rural areas. The most relevant strategies are to:

- Support the development of rural land for tourism where the development will not compromise the farmed rural landscape.
- Ensure that tourism uses in rural areas will not compromise agricultural activities on adjoining land.

Proposed clause 22.06 is essentially a revision of the existing policy and continues to recognise that there are opportunities to enhance the tourism industry on the Bellarine. There is direct support for tourism uses associated with agricultural activity. The policy also provides direction on tourism proposals not associated with agriculture.

#### Clause 12.02-1 Protection of coastal area

The objective of this policy is to recognise and enhance the value of coastal areas to the community and ensure sustainable use of natural coastal values. A key strategy is to apply the hierarchy of principles for coastal planning and management as set out in the *Victorian Coastal Strategy 2014*.

The proposal is consistent with the Victorian Coastal Strategy hierarchy of principles as follows:

*Principle 1: Ensure the protection of significant environmental and cultural values.*

*Principle 2: Undertake integrated planning and provide clear direction for the future.*

*Principle 3: Ensure the sustainable use of natural coastal resources.*

*Principle 4: Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and any impacts can be managed sustainably.*

Both proposed Local Policies seek to limit impacts on significant environmental and cultural values and find their basis in Council's *Rural Land Use Strategy* and settlement strategies to plan for urban growth.

The policies support tourism uses in rural areas under appropriate circumstances however discourage other discretionary non-agricultural use and development. Both policies contain direction on appropriate locations, design and siting and consideration of environmental impacts.

#### Clause 12.02-2 Appropriate development of coastal areas

The objective of this policy is to ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values. Strategies include to sensitively design and site development and to respect settlement character, and maintain natural drainage patterns and water quality adjacent to coastal wetlands.

This policy is consistent with matters to be addressed in proposed new clause 22.64 *Discretionary Uses in Rural Areas*. Building and structures should not be visually dominant and should blend into the surrounding landscape. Visual impacts are to be mitigated or minimised through sensitive design, landscaping, materials and colours. The environmental condition of the land to be developed should also be improved.

#### Clause 12.02-4 Coastal tourism

The objective of this policy is to encourage suitably located and designed coastal tourism opportunities. Strategies include to:

- Ensure that a diverse range of accommodation options and coastal experience are maintained and provided for and that sites and facilities are accessible to all.
- Ensure tourism developments demonstrate a tourist accommodation need and support a nature based approach within non-urban areas.
- Ensure developments are of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural visual, environmental and coastal character.

The policy basis for proposed Clause 22.06 identifies that tourism development forecasts show that there is a demand of between 330 and 550 accommodation rooms or caravan sites in rural Geelong to 2030. There is also a need to diversify the type of accommodation offer.

The policy includes locational, design and siting, amenity, traffic and services requirements to be addressed in the consideration of planning permit applications.

#### Clause 13.04 Noise and air

The objectives of these policies are to assist the control of noise effects on sensitive land uses and protect air quality. It has been recognised at the Planning Tribunal that agricultural uses generate noise and air pollution consistent with the purpose of the zone and are acceptable and expected (in accordance with industry standards).

Proposed Clause 22.06 includes policies to mitigate and minimise noise and air impacts from new tourism developments. The policy recognises that these uses may generate amenity impacts separate from traditional sources. Permit application requirements for the preparation of management plans and acoustic reports will ensure these issues are addressed.

Such requirements are not provided in the proposed Clause 22.64 as the policy is to discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone. Notwithstanding, air and noise impacts will still need to be addressed under Clause 65.01 *Decision Guidelines*.

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

The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context.

As stated throughout this submission, underpinning Amendment C347 and Council's *Managing Development in Rural Areas Planning Policy Review* are existing strategies such as the Rural Land Use Strategy and the G21 Regional Growth Plan.

Preserving and enhancing the productive agricultural capacity of the land, the rural farmed landscape and environmental condition of rural areas are key aspects of these strategies.

#### Clause 17 Economic development

Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Council commits substantial resources to properly planning for demand and supply of commercial, retail and industrial land uses. The G21 Regional Growth Plan establishes a framework for residential and employment growth. Geelong's long-standing policy position to retain non-urban breaks, protect agricultural activity and landscape values, and direct urban uses to nearby appropriately zoned land, must be considered in this context.

The proposed Local Policies appropriately address the design, siting, amenity and environmental effects of commercial or industrial development

Clause 17.03-1 Facilitating tourism

The objective of this policy is to encourage tourism development to maximise the employment and economic benefits of developing the State as a competitive domestic and international tourist destination.

The strategies are to:

- Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

The policy guidelines of this clause state that:

*'Planning must consider as relevant any relevant regional tourism development strategy'.*

Proposed clause 22.06 supports this policy by including as its first objective: *To support tourist development in rural areas that contributes to the growth of the tourist market.* There are other objectives however to diversify accommodation types, preserve agricultural capacity and carefully manage development scale and siting.

*The Greater Geelong & Bellarine Tourism Development Plan, January 2016* has been accepted and endorsed by the Board of Tourism Greater Geelong and The Bellarine Inc in its capacity as the recognised and State funded Regional Tourism Board. The Plan is considered as the most relevant guiding document to direct and prioritise tourism related infrastructure in Greater Geelong and The Bellarine region.

*The Greater Geelong & Bellarine Tourism Development Plan, January 2016* will be further addressed at the hearing.

### **4.3 Consideration against the Municipal Strategic Statement**

The key policies in the planning scheme are Clause 21.06 - Settlement and Housing Clause 21.07 - Economic Development and Employment and Clause 21.14 - The Bellarine Peninsula.

#### Clause 21.06 - Settlement and housing

This broad policy notes that the municipality's population continues to grow and coastal towns on the Bellarine Peninsula are a popular destination, particularly for retirees. Relevant urban growth strategies under Clause 21.06-2 include to ensure development occurs within designated settlement boundaries and to ensure new neighbourhoods provide a mix of housing suited to the needs of a diverse range of household types.

The particular relevance of this policy is that the Council has an established settlement strategy to cater for a growing population. Residential land supply growth is directed to within planned settlement boundaries and urban infill is encouraged and targeted.

#### Clause 21.07 - Economic Development and Employment

This broad policy covers a diverse range of important economic themes including industry, retail, rural settings, agriculture and tourism.

Clause 21.07-4 identifies tourism, food and horticulture as strategic growth sectors to be supported and facilitated. Support for aquaculture and viticulture industries are highlighted.

Clause 21.07-5 focuses on rural areas and contains the following objectives:

- To support the use of the northern, western and southern rural areas for productive agriculture.
- To ensure that rural areas provide an attractive setting through the preservation of a farmed rural landscape.
- To protect and enhance the Bellarine Peninsula as a productive rural area with highly significant landscapes based on farming and environmental features.

A key strategy is to minimise non farming land uses in rural areas.

The objective of Clause 21.07-6 *Tourism in rural areas* is to support tourism development in rural areas that respects the open farmed landscape of the area, and contributes to the economy.

Strategies include:

- Within the Bellarine Peninsula rural areas, support appropriately scaled, high quality, landscape responsive tourism uses that are subservient and complimentary to their rural landscape and environmental setting and are associated with agricultural activity on the land.
- In all other rural areas support tourism uses and developments in the Farming Zone that are associated with agricultural activity on the land.

It is noted that Amendment C347 proposes to combine the above two Clause 21.07-6 strategies, as explained on page 11 of the 2015 Review Report:

*A distinction is made in the policy between the 'Bellarine Peninsula rural areas' and 'other rural areas'. Essentially the policy requires landscape characteristics on the Bellarine Peninsula to be taken into account. This should be broadened to include the assessment of landscape characteristics in all rural areas. There should be no distinction in the MSS as landscapes that are important in other areas (i.e. You Yangs, Brisbane Ranges).*

*These changes, including changes for consistency are set out in the tracked changes version of Clause 21.07.*

What all these objectives and strategies demonstrate is the overwhelming direction to retain rural areas for agriculture and landscape values. This principle is consistent with the proposed new Local Planning Policies.

Both amended Clause 22.06 and new Clause 22.64 recognise the need to support the use of land for productive agriculture, preserve the farmed rural landscape and protect the highly significant landscapes – by ensuring non rural uses do not compromise farming activity.

Support for the economic growth sector potential of the Bellarine for the development of food, horticulture and viticulture industries is also recognised, by protecting productive agricultural land while also allowing some tourism uses that complement the agricultural use of the land. Across the rural area Clause 22.06 promotes appropriate tourism, accommodation and function centre development provided that the impacts are carefully managed and are designed to an

appropriate scale. New Clause 22.64 discourages retail uses from being located in areas outside of the urban area and settlement strategy identified in the Geelong Retail Hierarchy.

#### Clause 21.14 - The Bellarine Peninsula

The Bellarine is comprised of a series of contained townships separated by rural and coastal areas. The strategic statement for the Bellarine can be found at Clause 21.14.

Common objectives are:

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.

The Amendment promotes the protection and enhancement of the rural and coastal environment on the Bellarine Peninsula from inappropriate development and will maintain non-urban breaks between settlements.

The proposed Clause 22.64 directs new industrial and warehouse development to existing commercial and industrial land designated within Township structure plan settlement boundaries.

#### **4.4 Consideration against Local Policies**

The proposed Clause 22.06 essentially replaces the existing clause following a review of the changed rules (Amendment VC103) that now apply to the FZ and the RCZ. This review was adopted in the Council document: *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015*.

Consideration against the existing Clause 22.06 is comprehensively addressed in the 2015 Review at Section 5.

In addition, the 2015 Review addressed policy gaps relating to discretionary uses and development not related to agriculture, tourism, function centre or accommodation land uses (i.e. new Clause 22.64). The need for this clause is summarised on page 27 of the Review:

*It is considered necessary to create a new policy for discretionary uses in rural areas rather than add this to the existing Clause 22.06. The new policy addresses non agricultural discretionary uses (other than tourism) that have been added through VC103. The general principle under the policy is to discourage these uses. This is different to Clause 22.06 where the principle is that the nominated tourism uses are supported, provided that these are carefully managed and sited properly.*

The proposed new policies have also been formulated and drafted with consideration to consistency with other relevant Local Policies, being;

- Clause 22.04 - Discretionary uses in rural living and low density residential areas.
- Clause 22.05 - Agriculture, rural dwellings and subdivision.
- Clause 22.07 - Racing dog keeping and racing dog training.

#### **4.5 Consistency with the Rural Land Use Strategy 2007**

The Amendment is considered to be consistent with the Council adopted *Rural Land Use Strategy May 2007*.

The *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015* provides the following commentary about the RLUS on page 5:

The RLUS emphasises that the city’s “unspoilt” rural areas can be quickly eroded by poor, out of character tourism developments. It seeks to ensure that the predominant use of the land be retained for agriculture. Preserving and enhancing the productive capacity of the land, the rural farmed landscape and environmental condition of rural areas are key aspects of the policy. Maintaining a distinct separation between urban and rural areas with clearly defined urban areas is of particular importance.

The strategy recognises that other uses need to be accommodated in rural areas through the application of definitive policy and locational and siting criteria. Tourism is recognised as an important part of the Geelong economy, which has a strong interrelationship to rural character, amenity and the coastal environment. The current policy provides for tourism and accommodation uses to be ancillary to or associated with farming activities. Large scale tourism is only supported through a planning scheme amendment process for uses that are not suited to an urban area, there is an identified regional demand and a number of other requirements are met.

The addition of the new Local Policy Clause 22.64 *Discretionary Uses in Rural Areas* further implements the strategic directions established in the RLUS.

#### **4.6 Consistency with the Geelong Regional Growth Plan**

The Amendment is considered to be entirely consistent with the strategic land use framework established under the G21 Regional Growth Plan, April 2013.

The proposed Local Policies confirms and supports the agricultural, economic and natural significance of settlement breaks.

The *G21 Regional Growth Plan*, January 2016 will be further addressed at the hearing.

#### **4.7 Consistency with the Farming Zone**

The purpose of the Farming Zone is:

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

*To provide for the use of land for agriculture.*

*To encourage the retention of productive agricultural land.*

*To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

*To encourage the retention of employment and population to support rural communities.*

*To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The proposed new Local Planning Policies are clearly consistent with the purpose of the Farming Zone. Both policies, at their heart, recognise the value of Geelong's rural areas for their contribution to the economy, liveability and amenity of the whole municipality. This is a well established principle of Council's Municipal Strategic Statement.

Both policies reinforce the primacy of a 'farmed' or 'rural' use of land – while acknowledging the opportunities to enhance the tourism industry and general incompatibility of other non-agricultural uses. Where such uses are supported in the zone, each Clause contains policies to guide design, siting and preferred locations.

#### **4.8 Consistency with the Rural Conservation Zone**

The purpose of the Rural Conservation Zone is:

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

*To conserve the values specified in a schedule to this zone.*

*To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*

*To protect and enhance natural resources and the biodiversity of the area.*

*To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*

*To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*

*To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

Similar to the consistency with the Farming Zone, both policies include guidance for development to enhance the environmental condition of the land, incorporate environmentally sustainable design features and not compromise landscape values and existing agricultural activity.

Given that proposed Clause 22.06 *Tourism, Accommodation and Function Centre Development in Rural Areas* actively supports appropriate tourism development in rural areas, there are permit application requirements for land management plans and landscape character assessments.

Both policies will ensure that important ecological and landscape character values are considered in permit applications consistent with the purpose of the zone.

## **5 Exhibition and Submissions**

### **5.1 Council resolution to prepare and exhibit an Amendment**

On 8 December 2015 Council resolved to:

- 1) adopt the recommendations of the *Managing Development in Rural Areas Planning Policy Review – Final Report*, (Appendix 3) including changes to the Local Planning policy of the Greater Geelong Planning Scheme:
  - a) amend Clause 22.06: Tourism and Function Centre Development in Rural Areas (Appendix 1); and
  - b) prepare a new Clause 22.64: Discretionary Uses in Rural Areas (Appendix 2).
- 2) seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement the recommendations of the review into the Greater Geelong Planning Scheme; and
- 3) write to the Minister of Planning to outline its concerns on the definition of camping and caravan parks in the Victorian Planning Provisions.

### **5.2 Ministerial Authorisation**

In response to Council's request for Ministerial Authorisation, authorisation was granted from DELWP dated 2 February 2016.

### **5.3 Exhibition**

Public exhibition of the Amendment commenced on 18 February 2016 and closed on 29 March 2016.

Notices were published in local newspapers and letters sent to persons engaged during the policy development phase. The Amendment documents were available for viewing at the Drysdale Library, Lara Library and 100 Brougham Street Geelong; as well as on Council's and the Department of Environment, Land, Water and Planning websites.

The formal notice of the preparation of the Amendment appeared in the Victorian Government Gazette on 25 February 2016.

### **5.4 Submissions received**

As a consequence of exhibition, a total of six (6) submissions were received. Late submissions were accepted.

Each submission is briefly summarised as follows:

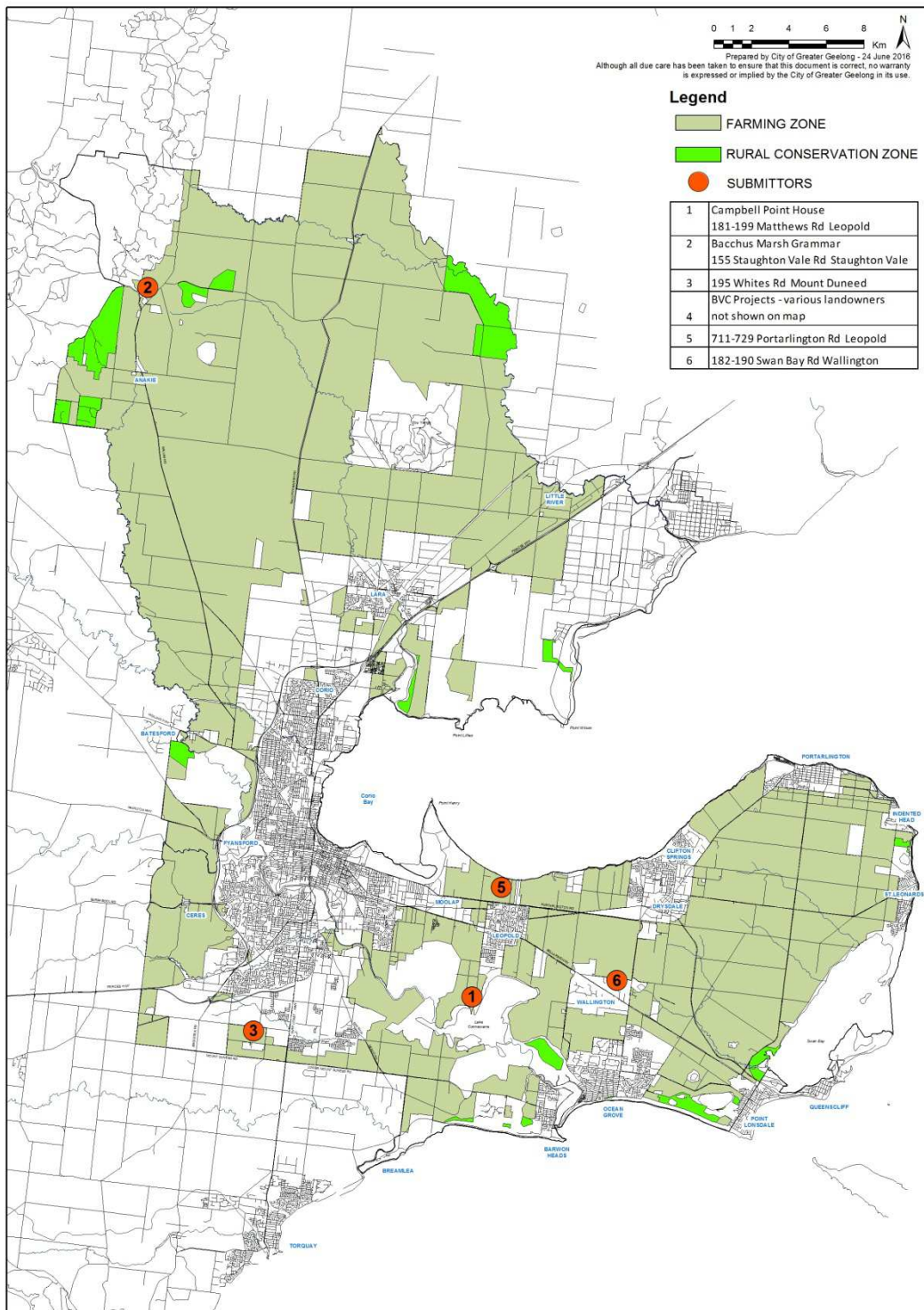
- 1 M. Blackhall, Matthews Road, Leopold: objection in relation to Campbell Point House, southern Leopold.
- 2 Bacchus Marsh Grammar, South Maddingley Road, Bacchus Marsh: objection in relation to land owned at 155 Staughton Vale Road, Staughton Vale.
- 3 TGM Group on behalf of V. Kelly, Whites Road, Mount Duneed: objection in relation to the landowner's Farming zoned property.
- 4 BVC Projects Pty Ltd: objection on behalf of various Bellarine Peninsula landowners. This objection was subsequently withdrawn subject to the changes made to proposed Clause 22.06 as shown in the Delegated Authority Report dated 17 May 2016.
- 5 D. More, Barwon Boulevard Highton: objection in relation to the landowner's Farming zoned property in northern Leopold.
- 6 R & D Threadwell, Swan Bay Road Wallington: comment in relation to the landowner's Rural Living zoned property. A follow-up email from the submitter stated that the submission is not an objection.

**Figure 6** is a map showing the location of the submitters.

Council officers have determined that the key issues arising from the submissions are as follows:

- Overreliance on linking tourism uses with agriculture.
- The need to demonstrate that urban location options have been fully exhausted before considering a rural location – particularly in relation to schools.
- Unreasonable restrictions on business diversification in rural areas.
- Contrary to policy directions set out in State Government Amendment VC103.
- The adopted *Managing Development in Rural Areas Planning Policy Review Final Report – September 2015* is too limited in scope to be relied upon as strategic support for this Amendment.
- Contrary to the *Residential Tenancies Act*.

Figure 6 - Map showing location of submitters



## **5.5 Council Resolution regarding the consideration of submissions**

On 17 May 2016 Council under delegation considered the submissions outlined in the Delegated Authority Report dated 17 May 2016, and resolved:

*That having considered all submissions to Amendment C347 to the Greater Geelong Planning Scheme to:*

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987;*
- 2) Refer all submissions to the Panel; and*
- 3) Submit to the Panel its response to the submissions generally as outlined in this report.*

## **6 Part B Submission**

At the Panel Hearing on 12 July 2016, Council will address the following issues:

- a. A summary of the key issues raised in submission.
- b. Response to the submissions.
- c. Its final position on the Amendment.

# APPENDICIES

## **Appendix 1 - Response to Strategic Assessment Guidelines**

Minister's Direction No. 11 requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. What should be considered as part of the Direction is explained in the DPCD Practice Note 46 (November 2011): "Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments."

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

The following section of this presentation to the Panel provides the City of Greater Geelong's strategic assessment of Amendment C347 in the order as set out in the Guidelines.

### **Why is the amendment required?**

#### ***What does the amendment intend to do and what is its desired outcome?***

The amendment responds to changes made to the Farming and Rural Conservation Zones of the Victorian Planning Provisions under Amendment VC103. Changes to the zones have impacted on how non-rural uses are managed under the Greater Geelong Planning Scheme. A number of land uses that were previously prohibited have been made discretionary. Changes related to some accommodation, retail, commercial, industry, schools and community uses.

The amendment is required to ensure that the new zones are interpreted in a manner consistent with Council's local planning policy, the *Bellarine Peninsula Localised Planning Statement 2015* and the adopted *Rural Land Use Strategy 2007*.

The *Rural Land Use Strategy* recognises the importance of managing development in rural areas to avoid a proliferation of buildings or overdevelopment that could lead to the fragmentation of land and threaten the ability to use it for farming. The *Bellarine Peninsula Localised Planning Statement* also outlines the pressure for growth and change that is being experienced and sets strategies to ensure the key attributes of the Bellarine Peninsula are preserved.

#### ***How does it intend to do it?***

The Amendment proposes to:

- Amend Clause 21.07 - *Economic Development and Employment* to align with the implementation of amended Clause 22.06 and new Clause 22.64 of the Local Planning Policy Framework.
- Replace Clause 22.06 - *Tourism Development in Rural Areas* with a new Clause 22.06 – *Tourism, Accommodation and Function Centre Development in Rural Areas*.
- Insert a new Clause 22.64 - *Discretionary Uses in Rural Areas*.

***Is it supported by or is it a result of any strategic study or report?***

The Amendment is specifically supported by the Adopted *Managing Development in Rural Areas Planning Policy Review, Final Report – September 2015*. This report shall be included as a reference document in the Planning Scheme.

**Does the amendment implement the objectives of planning and any environmental, social and economic effects?**

***Does the amendment implement the objectives of planning in Victoria?***

The objectives for planning in Victoria listed under Section 4(1) of the Planning and Environment Act 1987 contains the following:

- *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *to facilitate development in accordance with the objectives set out [above].*

It is considered that this amendment balances ongoing agricultural activity in rural zones with supporting appropriate non-rural uses that positively contribute to tourism and employment growth. The amendment also seeks to ensure that new development in rural areas does not compromise valued landscape character and non-urban breaks between towns.

***Does the amendment adequately address any environmental, social and economic effects?***

**Environmental Effects**

No adverse environmental effects are foreseen as a consequence of this amendment. The amendment retains support for the preservation of the productive capacity of land. It also recognises the need to protect rural landscape character and the diversity of natural, environmental and scenic assets of importance.

**Social Effects**

In terms of social impacts the amendment allows farmers to continue to live on and use their land. The amendment also promotes food security and the retention of a local produce market. Clause 22.64 ensures that non agricultural uses that attract significant numbers of visitors, traffic demand and car parking are provided in urban areas where there are appropriate services and transport connectivity. Amended Clause 22.06 seeks to ensure camping and caravan parks do not provide for long term housing options that could lead to poor social outcomes and community connectivity.

**Economic Effects**

The amendment acknowledges the important economic contribution of agricultural production to the City's rural communities, while continuing to support and grow the tourism sector. The new policies seek to ensure that the impacts of non-farming uses are appropriately managed, and that the rural character is maintained in a manner that encourages tourism.

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

There are no relevant bushfire risks as a result of the proposed amendment. Development in bushfire prone areas is addressed through the Bushfire Management Overlay and permit applications, where relevant.

### **Does the amendment comply with all the relevant Minister's Directions?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act and complies with Ministerial Direction 11 – Strategic Assessment of Amendments.

Ministerial Direction No. 17 requires planning authorities to have regard to the adopted *Bellarine Peninsula Localised Planning Statement* (Victorian Government 2015) when preparing a planning scheme amendment affecting land on the Bellarine. The Bellarine contains land zoned Farming and Rural Conservation, to which this amendment applies. The amendment accords with the Statement by promoting discretionary uses and development that support and are consistent with the areas valued scenic attributes, established agricultural activity and natural tourism advantages.

### **Does the Amendment support or implement the State Planning Policy Framework?**

The amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF), including the following clauses:

Clause 11 - Settlement: in terms of regional growth for Geelong where it will ensure rural breaks between towns are maintained, agricultural productivity is protected, and it seeks to provide for a diversified economy; including tourism and agricultural land resources. Specifically, the amendment is consistent with Clause 11.14 which seeks to protect and enhance the valued attributes of the Bellarine Peninsula under the *Bellarine Peninsula Localised Planning Statement*.

Clause 12 - Environment and Landscape Values: as it will ensure the protection of coastal areas and coastal biodiversity and ecological areas. The amendment will ensure that tourism developments demonstrate an accommodation need at an appropriate scale and intensity. It will also protect landscapes and significant open spaces.

Clause 13 - Environmental Risks: in that it will assist the control on noise effects on sensitive land uses and the protection and improvement of air quality.

Clause 14 - Natural and Resource Management: as it will protect productive farmland of local strategic importance and encourages the sustainable use of agricultural land.

Clause 17 - Economic Development: in that it supports tourism development, including a range of well designed and sited tourist facilities that are compatible with and build on the assets and qualities of surrounding rural activities and cultural and natural attractions. The amendment also reinforces the need to ensure an adequate supply of Industry and commercial land is provided in appropriate locations in urban areas.

Clause 18 – Transport: whereby new Clause 22.64 seeks to discourage non-rural uses from rural areas that have high amenity impact or would attract significant numbers of visitors and traffic/ car parking demand. These uses are generally incompatible with farming activities and should be directed to urban areas. This includes community infrastructure and education facilities uses that should be

located in urban areas that maximise walking and cycling consistent with Clause 19 Infrastructure.

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

The amendment makes minor changes to the Local Planning Policy Framework to ensure the relevant provisions align with amended Clause 22.06 and new Clause 22.64. The amendment is consistent with the following clauses of the Local Planning Policy Framework:

Clause 21.07 - Economic Development and Employment

Both amended Clause 22.06 and new Clause 22.64 recognise the need to support the use of land for productive agriculture, preserve the farmed rural landscape and protect the highly significant landscapes; by ensuring non rural uses will not compromise farming activity.

Support for the economic growth sector potential of the Bellarine for the development of food, horticulture and viticulture industries is also recognised, by protecting productive agriculture land while also allowing some tourism uses that complement the agricultural use of the land. Across the rural area Clause 22.06 promotes appropriate tourism and function centre development provided that the impacts are carefully managed and are designed to an appropriate scale. New Clause 22.64 discourages retail uses from being located in areas outside of the urban area and settlement strategy identified in the retail hierarchy.

Clause 21.14 - The Bellarine Peninsula

The amendment promotes the protection and enhancement of the rural and coastal environment on the Bellarine Peninsula from inappropriate development and will maintain non-urban breaks between settlements. The proposed Clause 22.64 directs new industrial and warehouse development to existing commercial and industrial land and areas identified in Township structure plans.

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

The amendment makes proper use of the Victoria Planning Provisions by applying policies consistent with the form and content of the VPPs to facilitate appropriate consideration of land use and development in the Farming and Rural Conservation zones in the municipality.

**How does the amendment address the views of relevant agencies?**

There were no submissions from relevant agencies and authorities and the amendment is not considered to adversely impact on any operations of these organisations.

**Does the amendment address the requirements of the *Transport Integration Act 2010*?**

There are no impacts on the transport system defined by the *Transport Integration Act* as a result of this amendment.

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

The new local policies will have minimal impact on Council's resource and administrative costs.