

*Planning and Environment Act 1987*

**Panel Report**

# Greater Geelong Planning Scheme Amendment C347 Managing Development in Rural Areas Planning Policy

**10 August 2016**

*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Greater Geelong Planning Scheme Amendment C347

Managing Development in Rural Areas Planning Policy

10 August 2016

A handwritten signature in black ink, appearing to read 'Con Tsotsoros'. The signature is stylized and cursive.

Con Tsotsoros, Chair

# Contents

	Page
<b>Executive Summary .....</b>	<b>1</b>
<b>1 Introduction.....</b>	<b>3</b>
1.1 The subject area .....	3
1.2 The Amendment.....	3
1.3 Issues dealt with in this report.....	4
<b>2 Planning context.....</b>	<b>5</b>
2.1 Policy framework.....	5
2.2 Relevant planning strategies, plans or policies.....	6
2.3 Planning scheme zones .....	8
2.4 Ministerial Directions and Practice Notes.....	9
2.5 Amendment VC103 .....	9
2.6 Strategic justification.....	9
<b>3 Issues.....</b>	<b>13</b>
3.1 Clause 22.06 (Tourism, Accommodation and Function Centre development in rural areas).....	13
3.2 Clause 22.64 (Discretionary uses in rural areas).....	15
3.3 Drafting issues .....	18
3.4 Alignment with policy and legislation .....	20
 <b>Appendix A Document list</b>	
<b>Appendix B Panel recommended Clause 22.06 and Clause 22.64</b>	

## List of Tables

	Page
Table 1 Council response to local planning policy drafting principles in Planning Practice Note 8 .....	19

## List of Figures

	Page
Figure 1 Subject area.....	3

## List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
FZ	Farming Zone
G21 Plan	G21 Regional Growth Plan, April 2013
LPP	Local Planning Policy
MSS	Municipal Strategic Statement
Policy Review Report	<i>Managing Development in Rural Areas Planning Policy Review Final Report</i> , City of Greater Geelong, September 2015
RCZ	Rural Conservation Zone
SPPF	State Planning Policy Framework

## Overview

### Amendment Summary

<b>The Amendment</b>	Greater Geelong Planning Scheme Amendment C347
<b>Common Name</b>	Managing Development in Rural Areas Planning Policy
<b>Subject Site</b>	The Amendment affects all land in the Farming Zone and Rural Conservation Zone in the City of Greater Geelong.
<b>The Proponent</b>	City of Greater Geelong
<b>Planning Authority</b>	City of Greater Geelong
<b>Authorisation</b>	2 February 2016
<b>Exhibition</b>	Between 18 February and 29 March 2016
<b>Submissions</b>	<p>Six submissions were received – five submissions objected or requested changes to the draft policies.</p> <ol style="list-style-type: none"> <li>1. Meg Blackhall</li> <li>2. TGM Group Pty Ltd on behalf of Chris Marshall</li> <li>3. Bacchus Marsh Grammar (BMG)</li> <li>4. Dennis More</li> <li>5. Ray and Deb Threadwell</li> <li>6. BVC Projects</li> </ol>

### Panel Process

<b>The Panel</b>	Con Tsotsoros (Chair), appointed 26 May 2016 under section 153 of the <i>Planning and Environment Act 1987</i> .
<b>Directions Hearing</b>	Geelong City Hall, 20 June 2016
<b>Panel Hearing</b>	Geelong City Hall, 12 July 2016
<b>Site Inspections</b>	Unaccompanied, 16 July 2016
<b>Appearances</b>	<ul style="list-style-type: none"> <li>- City of Greater Geelong represented by Mr Peter Schembri</li> <li>- Bacchus Marsh Grammar represented by Ms Louise Hicks of Counsel, instructed by Landers and Rogers Lawyers</li> <li>- Mr Dennis More</li> <li>- Ms Megan Blackhall represented by Mr Donald Gibson of Counsel, by direct brief</li> </ul>
<b>Date of this Report</b>	10 August 2016

## Executive Summary

### (i) Summary

Greater Geelong is one of five municipalities in the G21 Region which is experiencing considerable activity and growth. The G21 Regional Growth Plan highlights the need to maintain the region's liveability and protect its unique and finite natural, tourism and farming assets, in response to growth pressures.

Greater Geelong Planning Scheme Amendment C347 (the Amendment) proposes to amend Clause 21.07 to align with the amended Clause 22.06 and new Clause 22.64; replace Clause 22.06 with a new Clause 22.06; and introduce a new Clause 22.64. The Amendment responds to changes made to the Farming Zone and Rural Conservation Zone of the Victoria Planning Provisions by Amendment VC103. These changes 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. In addition, changes have been made in relation to some accommodation, retail, commercial, industry, schools and community uses.

The Amendment was exhibited between 18 February and 29 March 2016 and received six submissions. Key issues raised in submissions included whether the Amendment has sufficient strategic justification, impact on discretionary non-agricultural and tourism land uses, and alignment with legislation. The Panel considered all submissions.

The Panel finds that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. It is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in this report. The Panel considers the net community benefit of the Amendment far outweighs the impact on any individual property owner.

Clauses 22.06 and 22.64 are appropriate and strategically justified, however the Panel believes they do have some issues that should be addressed. The Clause 22.64 policy "*The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted*" is too broad and difficult to measure. The Panel finds that other policies in Clause 22.64 can assist Council to consider whether a certain land use should locate in a rural area.

The Panel recommends some drafting changes to Clauses 22.06 and 22.64 to better align with policy drafting principles. For example, the parent policy statements appear to predetermine a permit application decision if policy outcomes are not met, and should be redrafted. The Camping and caravan park design policy in Clause 22.06 should not be expressed as a mandatory requirement. The Panel finds that Council's post-exhibition drafting changes to Clauses 22.06 and 22.64 clarify their intent and improve their operation.

The Amendment aligns with State Government planning policy on accommodation in rural areas and it does not propose changes that directly relate to the *Residential Tenancies Act 1997*. The *Residential Tenancies Act 1997* review should not influence the timing of the Amendment.

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

**Greater Geelong Planning Scheme Amendment C347 be adopted as exhibited subject to the following:**

- 1. Amend Clause 22.06, as shown in Appendix B to:**
  - a) delete the word 'existing' in the first policy under 'Preferred location'**
  - b) make minor changes to the Policy Basis, Application Requirements and Decision Guidelines.**
  - c) change provisions that address drafting issues.**
  
- 2. Amend Clause 22.64, as shown in Appendix B to:**
  - a) replace the parent policy statement with "Where a permit is required for a discretionary use, it is policy that:"**
  - b) delete the second objective "To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community."**
  - c) delete the policy "The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted."**
  - d) replace the second policy with "The intensity of the use will complement and support the local rural context."**
  - e) change provisions that address drafting issues.**

# 1 Introduction

## 1.1 The subject area

The Amendment applies to land in the Farming Zone and Rural Conservation Zone shown in Figure 1. It proposes to update the Local Planning Policy Framework to reflect Council's *Managing Development in Rural Areas Planning Policy Review Final Report*, September 2015 (Policy Review Report). The Amendment only applies to land zoned Farming and Rural Conservation. The new local policies clarify Council's position on non-agricultural use and development and provide guidance in relation to planning permit applications.

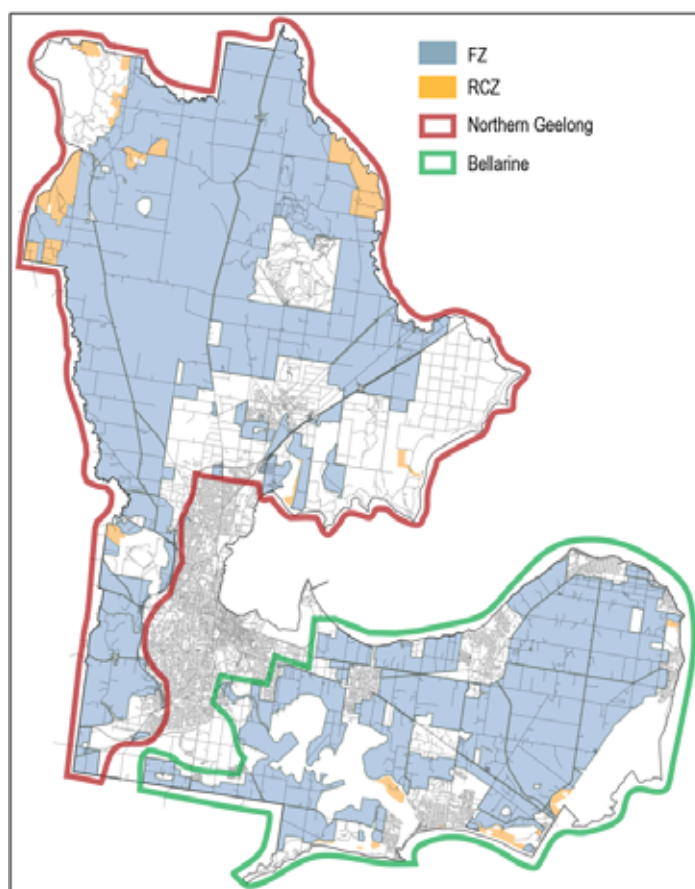


Figure 1 Subject area

## 1.2 The Amendment

### (i) The proposal

The Amendment proposes to:

- amend Clause 21.07 (Economic Development and Employment) to align with the amended Clause 22.06 and new Clause 22.64.
- replace Clause 22.06 (Tourism Development in Rural Areas) with a new Clause 22.06 (Tourism, Accommodation and Function Centre Development in Rural Areas)
- introduce a new Clause 22.64 (Discretionary Uses in Rural Areas).

## **(ii) Purpose of the Amendment**

The Amendment responds to changes made to the Farming Zone and Rural Conservation Zone of the Victoria Planning Provisions under Amendment VC103. These changes 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. In addition, changes have been made in relation to some accommodation, retail, commercial, industry, schools and community uses.

Council stated that the Amendment is needed so that the new zones are interpreted in a manner that is consistent with Council's local planning policy, the *Bellarine Peninsula Localised Planning Statement 2015* and the adopted *Geelong Rural Land Use Strategy, May 2007* (Rural Land Use Strategy).

The Rural Land Use Strategy recognises the importance of managing development in rural areas to avoid overdevelopment that could lead to the fragmentation of land and threaten the ability to use it for farming. The *Bellarine Peninsula Localised Planning Statement 2015* focuses on the current pressure for growth and change and provides strategies for preserving the Bellarine Peninsula.

## **1.3 Issues dealt with in this report**

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

This report deals with the issues under the following headings:

- Planning Context
- Issues
  - Clause 22.06 (Tourism, Accommodation and Function Centre development in rural areas)
  - Clause 22.64 (Discretionary uses in rural areas)
  - Drafting issues
  - Alignment with policy and legislation.

## 2 Planning context

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

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

### 2.1 Policy framework

#### State Planning Policy Framework

##### Clauses

#### 11 Settlement

Planning is 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.

##### 11.05 Regional development

###### 11.05-3 Rural productivity

To manage land use change and development in rural areas to promote agriculture and rural production.

###### 11.05-4 Regional planning strategies and principles

To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

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

##### 11.14 Planning for identified distinctive areas

###### 11.14-1 Localised planning statements

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

#### 12 Environmental and landscape values

##### 12.02 Coastal areas

###### 12.02-1 Protection of coastal areas

**Objective:** To recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.

**Strategy:** Apply the hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy 2014

#### 13 Environmental risks

##### 13.04 Noise and air

To assist the control of noise effects on sensitive land uses.

To assist the protection and improvement of air quality.

#### 14 Natural resource management

##### 14.01 Agriculture

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

To protect productive farmland which is of strategic significance in the local or regional context.

**17 Economic development**

Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

**17.03 Tourism****17.03-1 Facilitating tourism**

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

**18 Transport**

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

**Local Planning Policy Framework****Clauses****21 Municipal Strategic Statement****21.06 Settlement and housing****21.07 Economic development and employment****21.07-4 Economic growth sectors**

To facilitate development in the City's strategic economic growth sectors.

**21.07-5 Rural areas**

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.

**21.07-6 Tourism in rural areas**

To support tourism development in rural areas that respects the open farmed landscape of the area, and contributes to the economy.

**21.14 The Bellarine Peninsula**

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.

**2.2 Relevant planning strategies, plans or policies****(i) G21 Regional Growth Plan, April 2013**

The G21 Regional Growth Plan (G21 Plan) is one of eight regional growth plans that provide broad direction for land use and development across regional Victoria. The G21 Plan:

*... 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 and the critical infrastructure required to support it.*

The G21 Plan identifies the need to maintain the region's liveability and protect its unique and finite natural, tourism and farming assets, in response to growth pressures, as a significant challenge.

**(ii) Managing Development in Rural Areas Planning Policy Review Final Report, September 2015**

This Policy Review Report was prepared by Urban Enterprise for the City of Greater Geelong in June 2015. It was initiated by changes to the rural zones introduced by Amendment VC103 in 2013. The Review forms part of a broader policy review undertaken by the City of Greater Geelong to review Clause 22.06 of the Planning Scheme (*Tourism Development in Rural Areas*).

**(iii) Geelong Rural Land Use Strategy 2007**

The Rural Land Use Strategy was adopted by the City of Greater Geelong in 2007. The Strategy sets the vision and directions for rural land use management and is implemented by the planning scheme. The Strategy notes the importance of managing development to avoid overdevelopment, which could lead to the breakup of land and threaten the ability to be able to use it for farming. It could also impact on rural landscape character and the importance of non-urban breaks between settlements. Key strategic directions of the Rural Land Use Strategy are:

- *Supporting preservation of the rural-farmed landscape beyond the urban areas for economic, environmental, and community reasons*
- *Continuing a planned approach to the rural areas so they are managed to contribute to the City's overall growth and development*
- *Maintaining a distinct separation between urban areas and farming - rural activities*
- *Not providing for ad-hoc residential subdivision or use of land in rural areas*
- *Only supporting the development of a house on existing vacant lots where it will not compromise the farming - agricultural use of land and the presentation of the landscape*
- *Removing the concept that there is a nexus between minimum lot size and 'viable' farming units - minimum subdivision sizes are about retaining a rural-farmed landscape and opportunities for productive agricultural use of the land*
- *Maintaining the role of rural living through the provision of zoned land and by recognising the use of large rural parcels for lifestyle living associate with the agricultural use of the land*
- *Planning for a range of uses that need to be accommodated in rural areas (such as tourism/recreation development, dog keeping and other uses) by requiring buffers to urban areas and rural uses through the application of definitive policy and implementation of location and siting criteria*
- *Providing for some new uses and developments in rural areas on the basis that they can demonstrate that they will*

- *Support farming and not impose adverse impacts on agricultural use on adjoining and nearby uses*
- *Be subservient to the quality of the rural landscape*
- *Achieve substantial gains in the environmental condition of an area*
- *Meet all their own development costs*
- *Be designed and developed to a high quality*
- *Be well served by the relevant infrastructure*
- *Maintain the overall settlement strategy which reinforces the identity of urban areas, towns and communities and the concept of non-urban breaks between towns.*

**(iv) Other relevant documents**

Council referred to the following documents as being relevant to the Amendment:

- Bellarine Peninsula Localised Planning Statement
- Victorian Coastal Strategy 2014.

**2.3 Planning scheme zones**

The Farming Zone and Rural Conservation Zone are relevant to the Amendment. A common purpose of both zones is:

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

Other Farming Zone purposes are:

- *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.*

Other Rural Conservation Zone purposes are:

- *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.*

## **2.4 Ministerial Directions and Practice Notes**

Council submitted that the Amendment is consistent with:

- Ministerial Direction No 11 - Strategic Assessment of Amendments
- The Form and Content of Planning Schemes (s7(5)).

### **(i) Planning Practice Notes**

#### **Planning Practice Note 8 – Writing a Local Planning Policy, June 2015**

Planning Practice Note 8 explains the role and need for Local Planning Policy and guides how to write a Local Planning Policy. It states that a local planning policy is a guideline about how discretion is likely to be decided and cannot prescribe mandatory requirements. It adds that a ‘mandatory’ requirement included in a local planning policy has no statutory weight and that if a mandatory requirement is appropriate it must be prescribed in schedules to zones, overlays and particular provisions.

#### **Planning Practice Note 46 – Strategic Assessment Guidelines, June 2015**

Planning Practice Note 46 provides a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

## **2.5 Amendment VC103**

The Policy Review Report was initiated by changes to the rural zones introduced by Amendment VC103 in 2013, which:

- changed the Farming Zone by:
  - permitting land uses that were previously prohibited including: Accommodation (Camping and caravan park, Group accommodation and Residential hotel); Landscape gardening supplies; Market; Trade supplies; Warehouse; Industry; and Primary and secondary schools
  - removing the ‘in conjunction with agriculture’ requirement for Accommodation and Restaurant
  - removing permit requirements for some rural uses
  - not requiring a permit for Bed and breakfast if the number of people accommodated is 10 or less instead of the previous threshold of 6 people.
- changed the Rural Conservation Zone by removing permit requirements for some rural uses.

## **2.6 Strategic justification**

### **(i) Council submission**

Council submitted that the Policy Review Report provides substantial, relevant strategic planning support for the Amendment. It added that the Policy Review Report explains the need for a review, comprehensively assesses changes resulting from Amendment VC103 and states Council’s intentions on non-agricultural proposals in the Farming Zone and Rural Conservation Zone.

Council acknowledged that the Policy Review Report focuses on tourism land uses throughout the municipality because it has an existing policy to support and encourage appropriate tourism developments in rural areas. It added that a majority of tourism demand is identified on the Bellarine Peninsula.

Council referred to Section 5 of the Policy Review Report which outlines how Clauses 22.06 and 22.64 were prepared, highlighting:

- Clause 22.06 seeks to support nominated tourism uses if they are carefully managed and sited properly.
- Clause 22.64 seeks to discourage non-agricultural discretionary uses (other than tourism) that were introduced through Amendment VC103.

Council added that many of the findings of the *Reformed Zones Ministerial Advisory Committee Rural Zones Report* mirror its policy to carefully manage development in rural areas and:

*... the key features of the reformed rural zones remains to support agricultural activity and farming-related development.*

*There is a clear focus in both proposed policies to ensure that the ongoing use of land for agriculture and the landscape character of rural areas is preserved. Clause 22.06 proactively supports tourism development as directed in the policy. Other discretionary uses are generally discouraged.*

Council emphasised that the proposed planning policies are not controls and cannot remove the discretion in the Farming Zone and Rural Conservation Zone. Therefore the policies cannot undo the changes introduced through Amendment VC103.

## **(ii) Other submissions**

Bacchus Marsh Grammar submitted that the Amendment seeks to “effectively turn back the clock and undo the work of VC103.” TGM considered the Policy Review Report’s scope is too limited to strategically justify the Amendment because:

- *The report and recommendations are Bellarine Peninsula and tourism centric and are irrelevant to the large majority of rural land in the City of Greater Geelong.*
- *The report and recommendations are based on 12 respondents and 2 of these respondents were actually landholders. Therefore we doubt whether the broader farming community are aware of the report’s findings and the proposed amendment and its effect on farming land.*
- *The recommendations of the report seek to implement additional restrictions on discretionary uses which are not based on actual examples of where these uses have caused detriment to the Farming Zone in the City of Greater Geelong. So why provide additional restrictions?*
- *The report fails to acknowledge that in some cases the Farming Zone benefits from the provision of localised businesses and industries that provide employment and add value to farming practices. On the contrary the report espouses a centralised view only and fundamental supports the siting of these uses in an urban context only.*

Mr Gibson, Barrister, on behalf of Ms Blackhall, submitted that the Amendment should be abandoned because the Greater Geelong Planning Scheme is “*fine and is more flexible*” than what the Amendment seeks to introduce. He took a similar view to Bacchus Marsh Grammar and submitted:

*... the Responsible Authority is attempting to return using Local Planning Policy Framework to the pre VC103 planning controls that tie or require an association between a non-agricultural use and development to an existing agricultural use of the land.*

Mr Gibson considered that there has not been a sufficient number of relevant planning permits to warrant the changes proposed by the Amendment. This view was shared by other submitters.

### **(iii) Discussion**

The Panel agrees with Council that the Policy Review Report is relevant to all land in the Farming Zone and Rural Conservation Zone throughout the municipality.

The Panel does not accept that the Amendment is undoing changes introduced by Amendment VC103. When the State Government changed state provisions in the Farming Zone and Rural Conservation Zone, it did not provide a Council with the ability to reintroduce the former provisions in a schedule to each Zone. Policy changes proposed by Amendment C347 cannot possibly be compared with planning provision changes introduced through Amendment VC103.

State planning provisions are deleted or changed when the State Government considers that they are not appropriate on a state-wide basis. It does not prohibit a planning policy that may be perceived as contradicting the direction of these changes from being applied at a regional or local basis. This is because the State Government changed the rural zone provisions in 2013 but it has not changed State planning policy to discourage a Council from introducing its own local planning policy.

A striking example is the State Government’s support to amend Clause 11 to introduce the *Wimmera Southern Mallee Regional Growth Plan* in 2014. The following strategy was introduced in response to policy seeking to diversify the region’s economy:

*Support a diverse range of tourism development on private land, particularly in designated locations where it will:*

...

- *Operate in conjunction with agricultural activities and be located away from intensive agriculture and mining.*

While the State Government considers that there should be no state-wide approach to this particular matter, it considered it appropriate to apply it at a regional level. Council can therefore amend local planning policy if the revised policy is appropriate, aligns with State planning policy and is strategically justified.

The Policy Review Report identifies the land use tension between agricultural and non-agricultural uses while highlighting the importance of tourism and economic development.

The Report provides relevant evidence to quantify issues and support its strategic directions. A proportion of the report is dedicated to rural areas outside of the Bellarine Peninsula. The Panel therefore does not agree with submissions that the Policy Review Report scope is too limited to strategically justify the Amendment.

The Amendment is supported by other strategic work beyond the Policy Review Report. This includes the Rural Land Use Strategy, existing Local Planning Policy Framework, G21 Regional Growth Plan and Bellarine Peninsula Localised Planning Statement.

Greater Geelong's rural areas are under considerable pressure and Council is commended for being proactive to propose policy that seeks to address the sensitive balance between protecting agricultural activity, directing certain land uses to appropriate locations and ensuring that tourism is not adversely impacted. The Panel does not share submitter views that the Amendment should be abandoned because it has insufficient strategic basis.

The Panel acknowledges that the Amendment is likely to impact certain future permit applicants, especially if they are proposing non-agricultural discretionary land uses in a rural area where such uses will be discouraged. However, the Panel considers the net community benefit of the Amendment far outweighs the impact on any individual property owner.

Issues associated with the proposed policies are discussed in Chapter 3 of this report.

#### **(iv) Conclusions**

The Panel concludes:

- The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.
- The Amendment is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Issues

#### 3.1 Clause 22.06 (Tourism, Accommodation and Function Centre development in rural areas)

##### (i) The issue

The issue is whether Clause 22.06 policies are appropriate and justified.

##### (ii) Submissions

Council submitted that the Rural Land Use Strategy seeks to ensure that agricultural remains the predominate land use in rural areas and emphasises that poor and out-of-character tourism developments could quickly erode these 'unspoilt' areas. It added:

*Any departure from Council's current position risks ad-hoc tourism development that chips away at the core appeal and attraction of the very places operators seek to leverage off.*

Council highlighted a key strategic direction of the Strategy that seeks to remove the concept that there is a nexus between minimum lot size and 'viable' farming units. It stated that its policy to associate certain land uses with agricultural activity on the property, recognises existing policy in the Rural Land Use Strategy and the Local Planning Policy Framework. It submitted that Clause 22.06 strengthens support for tourism because it:

- *Identifies a tourism accommodation need.*
- *Identifies a need to expand the type of accommodation offer and encourage longer term stays.*
- *Identifies that Function centres and restaurants may also be considered as tourism ventures.*
- *Clarifies the characteristics that define a caravan and camping park.*
- *Acknowledges new businesses that include an agricultural component (where none existed on the property previously) should also be encouraged.*

Ms Blackhall submitted that many properties in the Farming Zone are not viable for agricultural activity because of numerous factors including lot size and:

*Smaller lots should not be restricted from tourism uses, in fact these should be encouraged so that farm land holders are able to earn an income from the property and attract visitors to the region.*

She added that policy should be more flexible and provide greater discretion and clarity for tourism uses including Place of assembly, Conference centre and Residential hotel and:

*Importantly I think the need to be associated with an agricultural activity should be removed. I also believe that there should be some recognition that these uses should be encouraged in existing buildings.*

BVC Projects requested a considerable number of changes to Clause 22.06 to achieve greater flexibility and submitted:

*The most notable change is enabling tourism based development in the FZ and RCZ to be considered when it is ancillary or co-located with an agricultural activity, rather than an 'existing' agricultural activity. The current drafting is considered too restrictive as it precludes genuine farming enterprises from seeking potential or investment in pursuing new agricultural pursuits used in association or co-located with tourism development uses. Notably, it should be recognised that the nexus between agricultural activity and tourism uses is still retained with this recommended change.*

In a subsequent submission, BVC Projects stated that it would support changes to Clause 22.06 if Council included what it considered to be changes agreed between itself and Council at their meeting on 7 April 2016. At the Hearing, Council confirmed that it agreed to:

- minor changes to the Policy Basis, Application Requirements and Decision Guidelines
- delete the word 'existing' so that the preferred location policy reads *"The use will be associated with an agricultural activity on the land."*

Another submitter, the Campbell Point House owner, was concerned that further planning restrictions would adversely impact the regional economy and the land holders. She submitted that tourism uses including places of assembly, conference centres and residential hotels should be given more flexibility and greater discretion and added:

*Importantly I think the need to be associated with an agricultural activity should be removed. I also believe that there should be some recognition that these uses should be encouraged in existing buildings.*

Council responded that it did not support removing reference to the association with agriculture. It added that this would be a significant policy shift and would be inconsistent with the Rural Land Use Strategy.

TGM submitted that it is difficult to understand the relevance of the proposed Clause 22.06 to the entire farming community, particularly because the Policy Review Report seems to centre its assessment around the Bellarine Peninsula.

Mr and Mrs Threadwell, who own a property in the Rural Living Zone, sought to expand the policy so that it applied to the Rural Living Zone so that they could include tourist accommodation on their property.

### **(iii) Discussion**

As discussed in Chapter 2.6, Council can introduce a local planning policy to increase discretion resulting from changes to State-wide rural zone planning provisions.

The Panel agrees with submissions that generally, further restrictions on tourism related land uses, may adversely impact a regional economy. However, Geelong's rural areas are experiencing growth pressure and intensity within a relatively constrained geographic area. As outlined in the Rural Land Use Strategy, the absence of good planning policy may result in the cumulative impact of inappropriate and unplanned development, which in itself may impact the regional economy. Clause 22.06 seeks to address this.

The Panel agrees with Council that its adopted Rural Land Use Strategy, which is referenced in the Greater Geelong Planning Scheme<sup>1</sup>, supports the changes proposed by the Amendment. The Panel also agrees with minor changes to the Policy Basis, Application Requirements and Decision Guidelines and changing the local policy so that a use can be associated with both existing and future agricultural activity on the land.

In response to Mr and Mrs Threadwell's submission, the Panel acknowledges that the Rural Land Use Strategy provides direction on rural living. However, there is no strategic basis to extend the application of Clause 22.06 to the Rural Living Zone. The Rural Land Use Strategy refers to the Rural Residential Strategy 1994 for further direction on rural living.

#### **(iv) Conclusions**

The Panel concludes:

- Clause 22.06 is appropriate and strategically justified subject to addressing issues identified in this report.

#### **(v) Recommendation**

The Panel recommends:

**Amend Clause 22.06, as shown in Appendix B, to:**

- a) delete the word 'existing' in the first policy under 'Preferred location'**
- b) make minor changes to the Policy Basis, Application Requirements and Decision Guidelines.**

### **3.2 Clause 22.64 (Discretionary uses in rural areas)**

#### **(i) The issue**

The issue is whether Clause 22.64 policies are appropriate and justified.

Clause 22.64 applies to permits in the Farming and Rural Conservation Zones but does not apply to agricultural, tourism, function centre or accommodation land uses. It proposes to introduce, among other policies:

*It is policy that the responsible authority would only support an application for a discretionary non-agricultural use where the following can be met:*

- *The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted.*

#### **(ii) Submissions**

Council submitted that the policy seeks to discourage land uses such as independent schools not associated with agriculture, or those seeking to significantly increase student numbers in rural areas. Council referred to State Planning Policy (Clause 19.02-2) which seeks to integrate education facilities with local and regional communities and includes associated strategies. It added that this policy flows through to the assessment of Education uses in the Managing Development in Rural Areas Review 2015:

---

<sup>1</sup> Clauses 21.06, 21.07, 22.05, 22.06 and 22.07

*Providing for education facilities in rural areas appears to be at odds with the SPPF relating to education where this seeks to locate facilities near to pedestrian and cycling networks and have consideration of demographics and future demand. Council policy is also to locate these schools that can integrate with other community facilities, activity centres and residential areas; potentially in hubs. An urban location is therefore the most appropriate location.*

Bacchus Marsh Grammar owns land in the Farming Zone at 155 Staughton Vale Road, Staughton Vale. It submitted that if the above statement is truly the concern, then:

- a specific application requirement might relate to addressing such issues
- the existing planning framework, including Clauses 14.01 and 21.07-5, is sufficient to achieve the policy objective for better protecting farming land.

Bacchus Marsh Grammar and TGM questioned the way in which the policies were drafted. Concerns ranged from the broad level of some policies and degree of subjectivity through to the language used. For example, TGM submitted:

*In response to Clause 22.64, Discretionary Uses in Rural Areas, we believe that this policy is a veiled prohibition of discretionary uses allowed under Section 2 of the Farming Zone and previously prohibited in the former Rural Zone.*

TGM on behalf of a Mount Duneed landowner, considered the proposed Objectives and Policy considerations to be “*substantially broad and non-specific and open to subjectivity.*”

At the Hearing, Ms Hicks of Counsel, for Bacchus Marsh Grammar, submitted that the School is generally supportive of the Amendment and outlined that it has a planning permit which includes various secondary consents. Council added that it supported the planning permit on the basis that the campus was “*in association with agricultural and outdoor education*”.

Bacchus Marsh Grammar submitted that it considers an agricultural based curriculum to be appropriate, however it is concerned that policy requirements will affect its ability to amend or cancel a planning permit based on alleged material change of circumstances. For example:

*... the language of the proposed amendment requiring Council to “discourage discretionary non-agricultural uses in rural areas” could lead to decisions to refuse secondary consent where land is currently being used for non-agricultural uses ...*

Bacchus Marsh Grammar and TGM submitted concern about another requirement to “*demonstrate that all urban location options have been fully exhausted*”. They questioned how it would be possible to demonstrate that all urban location options have been exhausted. Ms Hicks questioned why it is necessary to demonstrate this. At the Hearing, Mr Gibson said that, like other proposed policies, this policy would be hard to measure and may need expert evidence.

In support of its concern, Bacchus Marsh Grammar sought to:

- remove the requirement for a proposal to “*demonstrate that all urban location options have been fully exhausted*”

- change the policy basis and objectives to remove “that could reasonably be located in an urban location” and “cannot be catered for in an urban area”.

Council did not support the changes.

Council considered the objective “To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community” to be onerous and proposed to delete it. It also found the policy “The intensity of the use will complement and support the local rural context” to be too vague and proposed to replace it with:

*The intensity of the use will complement and support the local rural context.*

In response to a direction of the Panel, Council prepared revised wording for Clause 22.64, as shown in tracked changes:

*The use requires a rural location because it can be demonstrated that all urban location options have been ~~fully~~ exhausted. The extent of the urban area to be considered is dependant on the land use proposed.*

Council sought feedback from Bacchus Marsh Grammar through Ms Hicks on 21 July 2016’ The Panel is not aware of a response being received at the time of this report being prepared.

### **(iii) Discussion**

The Panel refers to a seventh drafting principle that Council did not include in its assessment (see Table 1 of this report):

***An LPP should not contain broad strategic objectives and strategies. Policies that address broad level strategic planning issues should be included in the MSS rather than as an LPP.***

The Panel considers the policy to “demonstrate that all urban location options have been fully exhausted” to be a broad strategic goal. Even if the extent of the urban area is dependent on the land use, this requirement would result in significantly increased permit application costs. Conversely, a broad level assessment may be dismissed as being inadequate to meet this policy outcome. The broad nature of this requirement makes it difficult to measure. For example, are all urban locations defined as:

- vacant and appropriately zoned land
- land that is unused and could be rezoned, or
- only vacant zoned land available for sale?

There may also be confusion as to whether land uses such as nurseries and garden supplies are agricultural or non-agricultural land uses. While Council’s revised wording factors in different urban catchments for different land uses, this again is not defined and open to debate.

Taking into account the many possible discretionary non-agricultural land uses, the Panel considers it an unnecessary burden on applicants to have to prove each time that there is no opportunity to locate their land use in an urban area. The Panel finds that the suite of

remaining policies can guide Council when considering a permit application that proposes a discretionary non-agricultural land use in a rural area without the need for this policy.

The Panel supports Council's post-exhibition changes to the second objective and second policy because they will improve the operation of Clause 22.64.

#### **(iv) Conclusions**

The Panel concludes:

- Clause 22.64 is appropriate and strategically justified subject to addressing issues.
- The policy *"The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted"* is too broad and difficult to measure.
- Other policies in Clause 22.64 can assist Council to consider whether a certain land use should locate in a rural area, thereby implementing the objective: *To discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone.*
- Council's post-exhibition changes will improve the clarity and operation of Clause 22.64.

#### **(v) Recommendation**

The Panel recommends:

**Amend Clause 22.64, as shown in Appendix B, to:**

- a) replace the parent policy statement with "Where a permit is required for a discretionary use, it is policy that:"**
- b) delete the second objective "To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community."**
- c) delete the policy "The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted."**
- d) replace the second policy with "The intensity of the use will complement and support the local rural context."**

### **3.3 Drafting issues**

#### **(i) The issue**

The issue is whether Clauses 22.06 and 22.64 have been drafted appropriately.

As outlined in section 2.4, Planning Practice Note 8 guides a Council when drafting a local policy. Submitters questioned the language used in the proposed policies. Specific to language, Planning Practice Note 8 states:

*An LPP should be written in clear, concise, plain English. Plain English is a way of writing that makes the meaning clear to as many readers as possible. Chapter 9 of Using Victoria's Planning System provides detailed guidance and illustrates the principles of plain English for planning schemes.*

*An LPP should be written with a performance-based approach in mind rather than a prescriptive one. This is more than simply avoiding the use of 'must' or removing references to numbers. It means there is a clear and logical progression from policy basis to objectives, to the policy itself and the criteria against which proposals will be assessed.*

## (ii) Submissions

Council submitted that Clauses 22.06 and 22.64 are consistent with Planning Practice Note 8 (Writing a Local Planning Policy) and provided an assessment against six relevant local planning policy principles, as shown in Table 1.

Table 1 Council response to local planning policy drafting principles in Planning Practice Note 8

Principle	Council response
An LPP should not repeat or contradict the State Planning Policy Framework (SPPF).	The policy does not contradict the SPPF rather it is consistent with key Clauses 11, 11.05-3, 11.07, 11.14-1, 12.04-2 and 14.01-1. It could be argued that the policy is at odds with Clause 17 Economic development however given the policy applies to the FZ and RCZ only; we consider that Clause 17 is outweighed by policies that support agriculture and rural landscapes.
An LPP should not repeat or contradict the MSS.	The policy does not contradict the MSS rather it is consistent with key Clause 21.07.
An LPP should assist the council to make a decision.	The policy provides direction where Council will support an application for a discretionary non-agricultural use.
An LPP should not repeat or contradict other LPPs.	The policy has been drafted consistent with other rural policies, such as Clause 22.04 Use and Development in Rural Living and Low Density Residential Areas.
An LPP should not repeat or contradict controls in a zone.	The policy does not contradict the FZ or RCZ controls. The policy seeks to 'discourage' discretionary non-agricultural uses consistent with language used in the Guidance on the exercise of discretion section of the Practice Note.
An LPP should not repeat or contradict controls in an overlay.	Substantial areas of FZ and RCZ land are applied with overlays, particularly the Significant Landscape Overlay. The policy is consistent with the landscape character objective of these and other overlays.

## (iii) Discussion

As discussed in Sub-chapters 3.1, the Panel accepts Council's justification for proposed policies and agrees with what it seeks to achieve. The Panel agrees with submitters regarding some of the language in Clauses 22.06 and 22.64, specifically the 'parent' policy statement:

Clause 22.06 *It is policy that the responsible authority will support the use and development of rural land for tourism and function centre uses where:*

Clause 22.64 *It is policy that the responsible authority would only support an application*

*for a discretionary non-agricultural use where the following can be met:*

These statements appear to pre-determine permit application decisions if policy outcomes are not met. When referring to Planning Practice Note 8, the Panel considers Geelong Planning Scheme Clause 22.01 (Discretionary uses in residential areas) to have more appropriate wording; "It is policy that:". The Panel also refers to Clause 22.04 which Council considers to be consistent with the proposed Clause 22.64:

*Where a permit is required for a use or development, including subdivision, it is policy to:*

...

#### **(iv) Conclusion**

The Panel concludes:

- The parent policy statements in Clauses 22.06 and 22.64 appear to predetermine a permit application decision if policy outcomes are not met, and should be redrafted to be more consistent with Clauses 22.01 and 22.04.
- For Clause 22.06, the policy Camping and caravan park design should not be expressed as a mandatory requirement.
- Council's post-exhibition drafting changes to Clauses 22.06 and 22.64 clarify their intent and improve their operation.

#### **(v) Recommendations**

The Panel recommends:

**Amend Clause 22.06, as shown in Appendix B, to change provisions that address drafting issues.**

**Amend Clause 22.64, as shown in Appendix B, to change provisions that address drafting issues.**

### **3.4 Alignment with policy and legislation**

#### **(i) The issue**

The issue is whether the Amendment:

- aligns with State Government planning policy on accommodation
- aligns with the *Residential Tenancies Act 1997*
- should not progress until the outcomes of the *Residential Tenancies Act 1997* review are known.

Section 518 of the *Residential Tenancies Act 1997* states:

*A planning scheme or permit under the Planning and Environment Act 1987 whether made before or after the commencement of this section cannot limit the duration of residency in a caravan park.*

**(ii) Submissions**

Council submitted that Clause 22.06 seeks to influence the layout and design of Camping and caravan parks but does not, and cannot, control the length of stay. It added that the length of stay or type of resident in a Camping and caravan park is not controlled through the Farming Zone or through its definition in Clause 74 of the Planning Scheme. Council also submitted that any review of the *Residential Tenancies Act 1997* is independent and has no bearing on the Amendment.

Mr More submitted:

*This policy gap can be explained in its most simplistic for as the failure of Accommodation to be reinstated into Section 2 of the Farming Zone (permit required) when the Department of Planning and Community Development (DPCD) made amendments to the planning scheme in 2013.*

Mr More submitted that changes to Clause 22.06 will 'in effect' ban permanent residents in Caravan Parks, which may be unlawful in the *Residential Tenancies Act 1997*; specifically section 518. He added that the Act is currently being reviewed and Council should not introduce new policies and strategies that may be affected by the Act until this review has concluded. When asked by the Panel, Mr More was not able to provide a specific example where provisions proposed by the Amendment explicitly contradicts the *Residential Tenancies Act 1997*.

At the Hearing, Mr More confirmed Council's submission that his property has a current planning permit, issued 18 December 2014, allowing a Camping and caravan park and that construction is yet to commence.

When asked by the Panel, Mr More confirmed that he would allow permanent residents at the proposed park. Council responded that this would effectively transform his park into a residential village which is prohibited in the Farming Zone. Council added that it does not support remote residential subdivision and that the land would need to be rezoned to allow such a land use.

**(iii) Discussion**

The decision to change the rural zones through Amendment VC103 was made by the then Minister for Planning in response to advice from an independently appointed advisory committee; not the Department. In any case, the Panel does not consider the prohibition of most types of Accommodation to be a policy gap. Council tendered a copy of the *Reformed Zones Ministerial Advisory Committee Rural Zones Report*. The report:

- recognised that all Accommodation other than Dependent person's unit, Dwelling, Group accommodation, Host farm and Residential hotel were prohibited
- recommended that some previously prohibited or restricted accommodation types be permitted in the Farming Zone
- recommended prohibiting most other accommodation.

Amendment VC103 implemented these changes and permitted the previously prohibited Camping and caravan park (an accommodation use) in the Farming Zone. This contradicts Mr More's reference to a 'failure to reinstate' Accommodation into Section 2 of the Farming

Zone, especially when considering that most Accommodation has been prohibited since the zone was introduced.

Mr More did not provide sufficient evidence in his written submission or submission at the Hearing to support his views regarding the *Residential Tenancies Act 1997*. His submission does not accurately reflect what is proposed by the Amendment. The Panel agrees with Council that the Amendment does not seek to limit the duration of residency in a caravan park. Only a planning provision, such as those in zones can prohibit or restrict land uses. The Amendment does not propose a change to any zone. Most notably, the Farming Zone does not provide the ability for a Council to specify tenure for any land use in the local schedule.

The Panel agrees with Council's reasons for concluding that *Residential Tenancies Act 1997* review is independent and has no bearing on the Amendment. The Panel does not comment on the legitimacy of permanent residents at a Camping and caravan park or the merits of the land being used for a permanent residential village.

**(iv) Conclusion**

The Panel concludes:

- The Amendment aligns with State Government planning policy on accommodation in rural areas.
- The Amendment does not propose changes that directly relate to the *Residential Tenancies Act 1997*.
- The *Residential Tenancies Act 1997* review is independent and therefore should not influence the timing of the Amendment.

## Appendix A Document list

No.	Description	Presented by
<b>4 July 2016</b>		
1	Submission – Part A	Council
<b>12 July 2016</b>		
2	Submission – Part B	Council
3	Rural Land Strategy, 8 May 2007	Council
4	Planning Permit No 531/2010 (181-199 Matthews Road, Leopold)	Council
5	Minutes – Development Hearings Panel held on 19 March 2015	Council
6	Planning Permit No 905/2015 (155 Staughton Vale Road, Staughton Vale)	Council
7	Rural Zones Report, Reformed Zones Ministerial Advisory Committee, 28 February 2013, pp1-50	Council
8	Planning Practice Note 8 – Writing a Local Planning Policy, June 2015	Council
9	Bellarine Peninsula Localised Planning Statement, September 2015	Council
10	G21 Regional Growth Plan, April 2013	Council
11	Planning Practice Note 53 – Reformed Rural Zones for Victoria, September 2013	Council
12	Fact Sheet – Reformed Zones for Victoria Reformed Rural Zones, 15 August 2013	Council
13	Submission	Mr D More
14	Submission – Bacchus Marsh Grammar	Ms L Hicks
15	Submission – Megan Blackhall	Mr D Gibson

## **Appendix B Panel recommended Clause 22.06 and Clause 22.64**

**22.06**DD/MM/YYYY  
Proposed**TOURISM, ACCOMMODATION AND FUNCTION CENTRE DEVELOPMENT IN RURAL AREAS**

This policy applies to all land zoned Farming and Rural Conservation. This policy does not apply to a dwelling use.

**Policy Basis**

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality. Tourism is a key part of the economy of Greater Geelong, in particular on the Bellarine Peninsula.

Growth of the tourism economy is expected across Geelong to 2030. Most of this tourism growth is directed to Central Geelong and other townships where there is existing capacity and a settlement strategy that caters for future growth.

There are opportunities to enhance the tourism industry in rural areas through well designed developments that are associated with the farming or rural use of the land. Tourism development forecasts show that there is a demand of between 330 to 550 accommodation rooms or caravan sites in rural Geelong to 2030. Camping and caravan parks currently are traditionally the most common form of accommodation in the rural areas of Geelong with a focus on the family market. There is a need to expand the type of accommodation provided in rural areas to improve the market offer and encourage longer-term stays. This includes farm stays, accommodation associated with wineries and golf courses, nature based accommodation and integrated resort accommodation that is dispersed across the rural area.

Tourism development within the rural areas must be carefully managed and designed so that it does not compromise the rural landscape character or existing agricultural activities that are part of the economy and tourism attraction of the area.

~~In some circumstances~~ Function centres and restaurants may also be considered as tourism ventures, particularly when co-located or associated with other tourism activity. Camping and caravan parks that result in long term or permanent housing accommodation risk resulting ad hoc urban extensions. This undermines the settlement strategy and can also lead to poor social outcomes and community connectivity. Camping and caravan parks must be designed to cater for the tourism market.

**Objectives**

- To support tourism development in rural areas that contributes to the growth of the tourism market.
- To diversify the range of accommodation types to address an identified demand.
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To ensure the scale of development will complement and respect the rural landscape character of the area;
- To ensure development will not result in the urbanisation of the area;
- To ensure a mix of accommodation options are provided in camping and caravan parks.

**Policy**

~~It is policy that the responsible authority will support the use and development of rural land~~ For tourism, accommodation and function centre uses ~~where, it is policy that:~~

**Preferred location**

- The use will be associated with an ~~existing~~ agricultural activity on the property.
- ~~Uses not associated with agriculture may be supported by the responsible authority~~ where unless all the following are met:

- It is demonstrated that the circumstances of the use are unique and support site selection in a rural location over an urban location.
- The site is strategically located with respect to an identified tourist route, such as the tourist route identified in the *Bellarine Peninsula Localised Planning Statement* or along the Bellarine Highway. Preference will be given to areas where there is already a cluster of non-rural activities and additional development will not result in urbanisation.
- The use and its associated development would not unreasonably visually compromise a non-urban break between settlements, a significant view or area identified for landscape significance or environmental significance.
- The use can address a regionally recognised demand identified in a tourism development strategy.
- Tourist accommodation provides a connection or access to a tourist facility, tourist attraction or outdoor recreation.

#### **Impacts on agricultural productivity**

- The use and development will not be out of balance with, nor change the character and nature of the primary rural land use, or result in an unreasonable loss of productive agricultural land;
- The proportion of the property used for tourism and ancillary infrastructure is minimised, and is directed to the area of lowest agricultural quality or where the natural landscape has been modified;
- Existing agricultural activity on adjoining land will not be compromised;

#### **Design and siting**

- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through appropriate design, landscaping, materials and colours.
- Buildings incorporate a high design standard with environmentally sustainable design features.
- The design of a residential hotel or group accommodation avoids large, single footprint buildings and is distinguishable from a dwelling.

#### **Amenity**

- Neighbouring properties are protected from unacceptable disturbance associated with the hours of operation, number of patrons, or vehicular movements resulting from the use.

#### **Traffic and Services**

- Adequate area is set aside for on site car parking and landscaping.
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.

#### **Camping and caravan park design**

In addition to the above policy, a camping and caravan park ~~must~~should also meet the following:

- A camping and caravan park will include a mix of tourist accommodation site types and visitor facilities including:
  - Sites for caravans, motor homes or tents;
  - Sites with unregistrable movable dwellings;
  - Sites for caravans with rigid annexes;
  - Sites with cabins;
  - Lodge accommodation;

- Ablution blocks;
- Communal and recreation facilities; or
- Facilities that allow for public pre-booked or walk up bookings.
- The layout and design of the camping and caravan park will have the appearance of a camping and caravan park, rather than a residential village or subdivision – which could include restricted access, permanent constructed roads, larger building footprints, higher building densities, the provision of individual carports/ garages, and building design that resembles a permanent residence rather than a holiday cabin.

### Application Requirements

An application should be accompanied by the following information to the satisfaction of the responsible authority, as appropriate:

- A description of the proposal, including a site context report; hours and days of operation; number of staff and visitors or patrons; type and number of accommodation buildings, units or camping sites; or a description of how a camping and caravan park is to be established and operate as a tourist park,
- A land management plan outlining measures to address agricultural production and environmental protection, including pest plants and animals and erosion of the land; as well as fencing off remnant vegetation, revegetating strategic areas to develop wildlife corridors and along waterways.
- A management plan outlining, the following as appropriate:
  - The mechanisms to be put in place to ensure onsite and offsite amenity is maintained on an ongoing basis, including onsite caretaker arrangements;
  - ~~Onsite and offsite~~ [Traffic management procedures](#);
  - [Set up and down procedures for functions and events](#);
  - Litter and waste effluent management;
  - Staffing and staff training procedures;
  - Requirement and procedure to inform adjoining residents of when a function or event is to be held; or
  - The requirement for the provision of an onsite manager for the duration of a function or event and the complaints procedure;
- A landscape plan, including a landscape character assessment for site and building design with an outline of the impact on the rural landscape.
- An acoustic report outlining noise impacts and noise mitigation measures, ~~including set up and set down for functions and events~~.
- A traffic report.

### Decision guidelines

Before deciding an application the responsible authority must consider, as appropriate:

- If the use is ~~ancillary to or~~ associated with an ~~existing~~ farming activity on the site
- If a rural location is required in favour of an urban location
- The proximity and access to tourism features and infrastructure.
- Potential impacts on the rural landscape character of the area.
- How the land use is consistent with tourism strategies for the area and promotes the regional tourism economy and expands accommodation typologies.
- The mix and type of accommodation provided.
- The potential impact the use will have on neighbouring properties, including agricultural operations.

- If the proposal will maintain and/or improve the productive capacity or environmental condition of the site.

**References**

*City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.*

*Managing Development in Rural Areas, Planning Policy Review, City of Greater Geelong, 2015.*

## 22.64 DISCRETIONARY USES IN RURAL AREAS

DD/MM/YYYY  
Proposed C347

This policy applies to the consideration of use and development applications within the Farming and Rural Conservation Zones. This policy does not apply to agricultural, tourism, function centre or accommodation land uses.

### Policy Basis

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality.

Non-agricultural uses in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the rural landscape character of the rural area is preserved.

Non-agricultural uses that would attract a significant numbers of visitors, accommodate large numbers of people or generate significant volumes of traffic and car parking demand are generally incompatible with farming activities and ~~rural amenity are not appropriate in the rural area~~. These uses should be directed to urban areas where ~~there is an appropriate level of~~ municipal infrastructure services and good transport connectivity ~~is available~~. ~~To ensure that development is planned in the right locations a~~ An adequate supply of land is zoned for industrial, commercial and community purposes in urban areas ~~to provide for these uses~~. The encroachment of non-agricultural uses into rural areas is discouraged and should only be considered when the use or development cannot be catered for in an urban area and there are unique circumstances to justify a rural location.

### Objective

- To discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone.
- ~~▪ To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community.~~
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To maintain the unique rural landscape character of rural areas.

### Policy

~~It is policy that the responsible authority would only support an application for a~~ discretionary non-agricultural use, it is policy that: ~~where the following can be met:~~

- ~~▪ The use requires a rural location because it can be demonstrated that all urban location options have been fully exhausted.~~
- ~~▪ The use is of an appropriate scale to support the local rural population.~~
- The intensity of the use will complement and support the local rural context.
- The use will not result in an unreasonable loss of productive agricultural land.
- Existing agricultural activity on adjoining land will not be compromised.
- The scale of the development will complement and respect the rural landscape character.
- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through ~~appropriate~~sensitive design, landscaping, materials and colours.
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.

- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.
- The environmental condition of the land could be enhanced by fencing off remnant vegetation and revegetating waterways and other strategic areas to develop wildlife corridors ~~and along waterways.~~

### **References**

*City of Greater Geelong Rural Land Use Strategy*, City of Greater Geelong, 2007.

*Managing Development in Rural Areas, Planning Policy Review*, City of Greater Geelong, 2015.