

PLANNING REPORT

Amendment C327 to the Greater Geelong Planning Scheme – Portarlington



Portarlington



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1. INTRODUCTION

Hellier McFarland acts on behalf of five landowners in relation to this proposed rezoning, known as Amendment C327 to the Greater Geelong Planning Scheme. The proposed amendment applies to land bordered by Batman Road to the south, Allens Road to the east, Tower Road to the north and Geelong-Portarlington Road to the west. The property, including the well-known “Olive Grove” site, has a combined area of approximately 28 hectares.

A planning scheme amendment is proposed to rezone the abovementioned land from the Farming Zone (FZ) to the General Residential Zone – Schedule 1 (GRZ1). It is also proposed to introduce a Development Plan Overlay (DPO) into the Scheme that sets out the parameters for development of the site including the preparation and approval of a Development Plan and the completion and approval of specified expert reports in support of the proposal prior to the issue of a planning permit for subdivision. We stress that no subdivision or development is proposed as part of this rezoning. An illustrative concept plan showing subdivisional layout has been prepared however, the details contained within this plan are subject to further refinement and do not form part of the rezoning proposal.

The proposal implements the *Portarlington Structure Plan, 2007* which is included in the Municipal Strategic Statement of the Planning Scheme. The Portarlington Structure Plan identifies the site as the “Olive Grove Urban Development Area” recommending the land as an area for longer term growth. Residential rezoning of the subject site represents a logical extension to the Portarlington township. It will provide additional residential land to cater for planned growth of Portarlington, resulting in greater diversity and range of housing in the area. The resulting increase in population will also make a positive contribution to the economic viability and vitality of the local retail centre, and provide local employment opportunities within the area. Additionally, State planning policy encourages growth in regional areas. We believe that the rezoning of the land is consistent with these long standing government policy initiatives and with the residential lot supply within the township area dwindling, that it is now appropriate to consider rezoning of this land and release for residential purposes in the context of the time frames specified in the Structure Plan.

A proposed planning scheme amendment pertaining to this land on was previously initiated on behalf of the landowners in 2006. Despite support from Council the amendment was rejected as premature to the need to increase the supply of residential land in the township at the time. Whilst the take up of land in the Portarlington township has been historically slow, the current supply of residential lots within the existing Settlement Boundary has been significantly reduced since that time.

Pre-application discussions with a number of Greater Geelong City Council Planning Officers, including representatives from Strategic Implementation, Infrastructure Management, Community Development, Environmental Planning and Waterways, Recreation and Open Space, and Statutory Planning, have been helpful in identifying issues that Council believes are most important to this amendment process. The attached consultant reports, together with this Planning Report, provide an assessment of the rezoning against the provisions of the Greater Geelong Planning Scheme, demonstrating a high level of compliance with the State and Local Planning Policy Framework.

The report is accompanied by:

- Archaeological Subsurface Testing updated July, 2015 prepared by Terra Culture
- Vegetation Assessment dated 2004 prepared by Mark Trengrove
- Stormwater Management Plan dated July 2015 prepared by Water Technology
- Servicing Report dated 2005 prepared by Dalton Consulting Engineers
- Illustrative Concept Plan prepared by Tract Consultants

2. SITE AND CONTEXT DESCRIPTION

2.1 Parcel Details

The site is roughly triangular in shape and comprises land bordered by Batman Road to the south, Allens Road to the east, Tower Road to the north and Geelong-Portarlington Road to the west. Pigdon Street runs in an east direction through the site. The property has an area of approximately 28 hectares and is currently in five titles in separate ownership. The lots are as follows:

- Crown Allotment 4, TP78710P, Title Volume 8986, Folio 330
- Crown Allotment 5, TP307954P on Title Volume 9022, Folio 937
- Crown Allotment 6 (part), Lot 1 on TP113231N in Title Volume 9566, Folio 327
- Crown Allotment 7, Lot 1 on TP838988H in Title Volume 9022, Folio 939
- Crown Allotment 8, on TP307956K in Title Volume 9022, Folio 940

A copy of the title is found at **Appendix A**.



Figure 1: Site Context

2.2 Subject Site and Surrounds

The Site and Context Plan is found at **Appendix B**.

Portarlington is located approximately 30 kilometres from Geelong. It is a very popular coastal destination for visitors and holiday makes from nearby Geelong and metropolitan Melbourne and the state generally.

The coastal setting, the lifestyle of a non-urban/township environment coupled with the proximity to Geelong and the metropolitan area for employment and higher level services results in an increasing number of people being attracted to the area for permanent living.

The land is located on the south-western approach to the Portarlington township. The land has a gentle uniform fall across the site from the high point at the Batman/Allens road intersection to the lowest point at the Geelong-Portarlington Road and Pigdon Street intersection. This fall across the site from south to north results in a natural amphitheatre landform. The highest elevation of the site is 76AHD. It is relevant to note that the Structure Plan for the area identified a height level of 55 metres AHD as being the limit of development up the slope towards Batman Road. This was a result of servicing constraints identified at the time by the water authority. Since that time, the water authority has acknowledged that subject to upgrading works by the developer to service land above the 55 metre AHD line, that lots with access to reticulated water supply can be created.

The subject land is currently rural residential in nature with dwellings on four of the five parcels and a mix of small scale rural/hobby farm activities including an olive grove and vineyard as follows:

- Crown Allotment 4 to the south of Pigdon Street, has an area of 15.05 hectares and is used for rural land (olive plantation) and includes a house and shed. The site also contains an existing dam and pump house in the area of the site abutting the corner of Geelong-Portarlington Road and Batman Road intersection.
- Crown Allotment 5 to the south of Pigdon Street has an area of 4.07 hectares and is used for rural land.
- Crown Allotment 6 to the north of Pigdon Street has an area of 1.52 hectares and used as rural land with improvements including an existing house and an outbuilding used as a pottery studio;
- Crown Allotment 7 to the north of Pigdon Street has an area of 3.29 hectares and is used as rural land with an existing house and shed;
- Crown Allotment 8 to the south of Pigdon Street has an area of 3.31 hectares and is used as rural land (vineyard) with an existing house and shed.

The land has long been largely cleared of native vegetation with only a small parcel of remnant native vegetation (sheoaks) near to the Portarlington-Geelong Road and Pigdon Street intersection.

Three areas within the site have been identified as areas located within or affected by areas of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2007. Cultural heritage is discussed in more detail at Section 3.6 of this report.

Surrounding land to the north and east has been developed for residential purposes featuring conventional-sized lots and is currently the built edge of the Portarlington township. The land to the south and west is rural in nature and is characterised by more sizeable land holdings resulting in larger scale, more traditional pastoral and agricultural activities.

The subject land has been identified in past investigative planning studies as being the preferred area to accommodate new residential development in Portarlington. These studies are clear in identifying the town boundary for Portarlington and importantly limits for residential development. The *Portarlington Structure Plan, 2007* restricts future residential development for Portarlington to the subject land with some minor infill development also identified.

2.3 Current Zoning and Overlay Controls

The land is located within a Farming Zone as is land to the south, east and west. Established residential estates located directly to the north-west on the opposite side of Geelong-Portarlinton Road and to the north of Tower Road are zoned General Residential Schedule 2. No overlays currently apply to the site. The Geelong-Portarlinton Road is located within a Road Zone Category 1. The Road Zone requires a planning permit to construct a building or construct or carry out works and to subdivide land. The responsible authority is required to take into account the views of the relevant road authority (VicRoads).

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 schedule to the zone prescribes a minimum subdivision size of 30 hectares for Farming Zone land in the Bellarine area. A building setback of 100 metres applies to land abutting a Road Zone Category 1. Clearly, it will be necessary to replace this zone with a more appropriate residential zone to enable implementation of the Structure Plan.

No overlays currently apply to the land.

3. PROPOSAL

3.1 Overall Design Concept

It is proposed to rezone the land from Farming Zone to General Residential Zone. The amendment is intended to give effect to the *Portarlinton Structure Plan, 2007* (and its predecessor *Portarlinton/Indented Head Structure Plan*) with respect to the provision of additional residential land in Portarlinton in areas identified in the plan. The amendment has been sought to enable the land to be subdivided and developed to provide for new fully serviced residential development in Portarlinton. The land is well-located for new residential development to the immediate south and east of existing residential estates and will provide balance to the development occurring at western gateway to the township along the Geelong-Portarlinton Road.

Of the three residential zones available, the General Residential Zone is considered to be the most appropriate zone offering a suitable level of residential development that allows for diversity of housing types and moderate housing growth in locations offering good access to services and transport. The zone also allows for a limited range of non residential uses to serve local community needs in appropriate locations.

In addition to the application of the General Residential Zone, a draft Development Plan Overlay (DPO) has been prepared to ensure that the new residential area is planned and developed in a fully integrated manner and that all major planning issues are resolved prior to the issuing of a permit for the subdivision and development of the land. The DPO is intended to provide the framework for the more detailed planning and design work required after the rezoning has occurred and lists all servicing and other reports that will be required in order to obtain the best possible planning outcome for the site. Both the proposed residential zoning and the proposed DPO have been developed in consultation with the Greater Geelong Council officers from a range of relevant disciplines.

The proposal is to provide a “green field” site upon which a modern residential development will be designed and developed. Through the application of the DPO, the resultant development will ensure the appropriate level of physical infrastructure e.g. water, sewer, roads, etc is provided to serve that development. The DPO will also require all stages of development to clearly demonstrate that the public interest and social issues are equally addressed e.g. that appropriate networks and linkages for public open space, roads and pedestrian ways are provided with appropriate landscaping for these areas and ensure that all environmental investigations are carried out to ensure that the site is suitable for residential development given its history of intense agricultural usage.

It is expected that the end subdivision will have an overall lot yield of between 240 - 250 lots based on local site conditions including slope analysis, and will feature a number of larger lots to provide for a variety of dwelling types and to cater for a range of lifestyles.

An illustrative concept plan has been prepared by Tract Consultants. This plan shows the conceptual subdivisional layout including the local street network and connections from the estate to Geelong-Portarlinton Road. An extensive network of public open space is provided throughout the site that takes into account landscape and drainage opportunities and the availability of key views from the high point of the site in the south-east corner of the land abutting the intersection of Batman Road and Allens Road. A lineal pedestrian and landscape corridor would connect the public open space at the top of the hill to a drainage/wetland and open space reserve abutting Geelong-Portarlinton Road. Other key landscape opportunities have been identified along Geelong-Portarlinton Road to establish the landscape character including a key gateway location to the Portarlinton township and the entrance to the estate in the western corner of the land abutting the intersection Geelong-Portarlinton Road and Batman Road.

The internal road network has been designed to deal with the varying element of the slope such that developable lots are capable of being created without significant fall, however there will be few (if any) actual flat lots created. The new lots will also be required to meet the standards of and dwellings constructed in accordance with the Building Design Guidelines however like the subdivision layout itself, this does not form part of the rezoning package. The existing road networks bordering the subject land, coupled with its discrete landform, results in the site being ‘contained’ as a readily identifiable and distinct parcel of land in a geographical sense, whilst still being linked to the edge of the existing urban development of Portarlinton.

Drainage of the site has been assessed by Water Technology and Stormwater Management Plan prepared confirming that the site is capable of accommodating and servicing residential development.

The likely market for the development will appeal to buyers seeking a quality standard of design, particularly given its high profile location at the entrance to the township and the potential views it affords for up-market residential living.

The topography, existing road network, availability of services and bordering residential development to the west and north results in the land being ideally sited, from a technical engineering perspective, for residential development.

The Structure Plan prepared by Council originally in the 1990s and updated in 2007 (and 2008) identified land suitable for accommodating the future residential land for Portarlinton and the strategy has worked as planned. The amendment proposed is another step in implementing this agreed strategy for the town’s growth.

Finally, given the proposed lot yield and the anticipated household size for Portarlinton, the development may generate an additional population of about 470 people. This has implications for supporting infrastructure. The development of the site for residential purposes will attract a development levy which includes a community and recreation component which would benefit the Portarlinton community. This levy does not form part of the amendment process but may be possibly applied via an agreement on title under Section 173 of the *Planning and Environment Act 1987*, as a requirement of the permit for subdivision.

3.2 General Residential Zone

The General Residential Zone has been chosen as the most appropriate residential zone designation in consultation with Council's Strategic Planning Department.

The purpose of the General Residential 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 encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

The application of the General Residential Zone is designed to allow for modest residential growth and housing diversity. It reflects the zone applied to established residential estates to the north-west and north of the subject property and will respect and complement the neighbourhood character that has developed within these areas. In the suite of residential zones, the role of the General Residential Zone sits between the Residential Growth Zone, which enables housing growth and diversity, and the Neighbourhood Residential Zone which favours existing neighbourhood character and restricts housing growth.

The Structure plan acknowledges an identified need for the provision of a greater range of housing choices. The purpose of the General Residential Zone together with the site context within the settlement boundary of the Portarlinton township and location opposite an established residential estate, provides clear support for the application of the General Residential Zone in the suite of residential zones available.

3.3 Development Plan Overlay

A Development Plan Overlay (DPO) requires an overall plan to be prepared to co-ordinate land uses, development and redevelopment over a defined area. It requires the preparation of a Development Plan that sets out conditions for land uses and the new built form. A schedule to the overlay specifies what the Development Plan is to include such as requirements about pedestrian and road connections, and where different land uses including public open space and drainage reserves should be located, the design of new development including building height, setbacks, building colours and materials, and landscaping to minimise visual intrusion on the land amongst other things.

The Development Plan Schedule prepared for this site will guide future development in a coordinated way to enable the creation of a functional, safe and liveable residential environment that takes into account physical conditions, land capacity, connection to services, and the future built form design and siting. More particularly the Plan will be required to address the following:

- The State Government's Coastal Strategy and Coastal Spaces Project with specific reference to the Bellarine Hills south of the site in terms of views from public vantage points external to the site.
- A subdivisional layout that incorporate lots of varying sizes to provide for diverse housing choices, and recognition of the rural and residential interface.
- A subdivision design that it responsive to any servicing constraints to ensure the provision of reticulated services to the development.

- An internal road network that provides a high level of access within the development or all vehicular and non-vehicular traffic.
- The provision of public open space in accordance with Council requirements.
- Provision for the collection, treatment, re-use and disposal of stormwater runoff in an environmentally acceptable manner including the provision of water retarding basins and water quality treatment wetlands and bio retention systems with the local street network. The management of stormwater must be consistent with all relevant guidelines and Australian design standards including Council's Stormwater Quality Management Plans, the Best Practice guidelines, Royal Lifesaving Society safety guidelines and Melbourne Water guidelines.
- The provision of a design report describing the stormwater management system referred to above including all stormwater quality and quantity systems to be implemented and the re-use of water. The proposed stormwater quality treatment measures will be reviewed using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) program to determine compliance with the water quality objectives.
- Provision of a report outlining whether measures should be taken to ensure retention of the existing olive trees within the proposed subdivision layout both within public areas and on future residential lots.
- A subdivisional staging plans with approximate timing of development including intersection improvements to Geelong-Portarlinton Road and construction/upgrading of the surrounding road network.
- Infrastructure provided at the developer's cost:
 - Upgrading of intersections including protected right hand turning lanes as required to Austroads standards to the satisfaction of Council and VicRoads.
 - The construction of abutting roads as required.
 - The construction of a pedestrian path as required to Council standards.

3.4 Planning Issues to be considered as part of Amendment C327 – What is relevant?

The relevant planning issues in relation to this rezoning include:

- Whether the proposed new zone is appropriately located and is generally in keeping with the State and Local Planning Policy, the Planning and Environment Act 1987 and relevant Ministerial Directions.
- Whether the proposed zone is in accordance with local planning policy initiatives.
- Whether any future development allowed under the new zone will have a detrimental impact on native fauna and flora or areas of aboriginal cultural heritage;
- Whether the slope of the land will present a design constraint to residential development including the need to protect the ridgeline from development.
- Whether the site is capable of being drained without compounding existing flood issues and whether increased runoff would impact the current saline environment.
- Whether the site is capable of accommodating other service infrastructure to sustain residential development without incurring detrimental impact to the site or to abutting properties.
- Local road upgrades and access arrangements from Geelong-Portarlinton Road.

This planning report and the consultant reports that form part of this amendment proposal support the proposed rezoning of the land for residential purposes having regard to the above matters. With regard to Aboriginal cultural heritage, Terra Culture heritage consultants undertook archaeological investigations of the site in 2004. Three Aboriginal sites were found as a result of these investigations.

Terra Culture provided follow up advice in August, 2015 stating that “*the origin of the artefacts comprising these sites seems questionable. Given these findings and the distance from potable water on the subject land, it is unlikely that any Aboriginal cultural heritage will cause undue problems with any future development*”.

Whilst this proposal involves rezoning only, it is necessary to demonstrate that the site is actually capable of being developed for residential purposes. With this in mind, the property owners have commissioned consultant reports to assess site conditions with regard to its suitability for residential development and to provide solutions and recommendations where appropriate, as to how this may be implemented. These reports form useful basis from which to assess site conditions and capacity for residential development however some will require updating to prior to development approval for subdivision.

It is reasonable to expect a quality design and standard of development for this site, particularly given its high profile location at the entrance to the township and the potential views its affords for up-market residential living. Issues such as overlooking, overshadowing, visual bulk, noise, car parking and setbacks are therefore not valid planning concerns for this amendment. These issues become relevant when a planning application for a development and use proposal are submitted to Council. The planning application process will not take place until a decision on the land rezoning has been made by the Minister for Planning.

As part of the rezoning request, the consultant documents have been submitted to help inform Council, referral authorities and nearby property owners of issues relating to the opportunities and constraints of the subject property and to provide a reasonable indication as to how the site would be eventually developed.

3.5 Vegetation Report

In 2004, Mark Trengrove was commissioned to prepare a report identifying vegetation present on the site and provide information on any ecological constraints that may impact the proposed rezoning. This report was prepared as part of the supporting documentation for the previous amendment proposal for the residential rezoning the site.

One plant of Regional Conservation significance, Drooping Sheoke (*Allocasuarina verticillata*) was recorded for the site. This species was at the time represented by one population of six plants located at the northern corner of Pigdon Street and the Geelong Portarlinton Road, just inside the boundary fence. One plant of Local Conservation Significance, Slender Wallaby-grass (*Austrodanthonia racemosa*) was recorded. This species is scattered across the site in low densities, amongst the exotic vegetation. This species is common and widespread in the region, often being one of the few indigenous species that is able to survive amongst exotic vegetation.

The vegetation of the site was not considered to contain any notable habitat values. A number of exotic and non-indigenous native trees were found to occur, however none of them appeared to provide hollows or any other habitat values of note. The site would be expected to support a number of more common and widespread native bird species as well as a number of exotic bird species.

It was recommended that the population of Drooping Sheoak be protected. It was also considered appropriate for seed to be collected from this population and used for revegetation on the site, thereby strengthening the tenure of the population. Aside from the sheoaks, the site was considered to be of nil to negligible significance for indigenous flora or as habitat for indigenous fauna.

Whilst no vegetation is proposed to be removed from the site as part of this rezoning request, a planning permit would be required for the removal of any native vegetation if necessary, as part of any future planning application for development.

An updated report will be prepared as part of DPO requirements.

3.6 Aboriginal Cultural Heritage

Terra Culture Heritage Consultants, prepared a report assessing cultural heritage issues associated with the subject site in 2004. The original report (*Archaeological Subsurface Testing for Portarlinton Road Portarlinton*) has been submitted with this proposal.

Three sites of cultural sensitivity were previously identified within the site (AAV 7821/0615-0617) based on a desktop review and survey followed by subsurface testing. In cultural heritage terms, Aboriginal archaeological sites are a non-renewable resource and will require protection as part of development of the land. No additional Aboriginal archaeological sites were identified during the subsurface testing of the land by Terra Culture and it was concluded that there is no requirement for further archaeological investigation within the site prior to development.

Terra Culture provided follow up advice in August, 2015 stating that *“the origin of the artefacts comprising these sites seems questionable. Given these findings and the distance from potable water on the subject land, it is unlikely that any Aboriginal cultural heritage will cause undue problems with any future development”*.

Notwithstanding this, a Cultural Heritage Management Plan will be required to be prepared and approved in accordance with the *Aboriginal Heritage Regulations, 2007* prior to the issue of development approval for subdivision of the site.

3.7 Stormwater Management Plan

Water Technology has prepared a report focussing on stormwater quality treatment to mitigate any potential impacts due to the proposed development. All existing drainage is directed down via existing Council drainage pipes towards the intersection of Point Richards Road and Tower Road, and continues down Point Richard Road in a northern direction and discharges into Port Phillip.

The Stormwater Management Plan for the proposed standard density residential subdivision of the land includes a requirement for the following stormwater works:

- A 1.050 cubic metre retarding basin located in the open space reserve in the most western part of the site – near the corner of Geelong-Portarlinton Road and Batman Road. A sedimentation basin is required in this location in order to treat the runoff from the contributing areas to best practice standards.
- A 6,520 cubic metre retarding basin located in the open space reserve in the central part of the site – corner of Geelong-Portarlinton Road and Waterview Close. A sedimentation basin and a wetland is required at this location.
- A 60 metre long and 9 metre wide vegetated swale located in the open space reserve in the most north eastern part of the site – near the corner of Geelong-Portarlinton Road and Tower Road.

The proposed retarding basins will retard 100 year ARI Peak flows leaving the site back to existing conditions.

The proposed works at the site ensure that the flood peaks are at or below the existing levels, therefore the drainage consultants believe that this development will not exacerbate existing flooding issues downstream of the site including any interaction with possible storm surges.

The capacity of the existing downstream Council pipe network has been checked and has sufficient capacity to cater for the 5 year ARI flows leaving each of the basins.

The proposed water quality features, namely the sedimentation basins, wetland and the vegetated swale allow the best practice water quality requirements for the development to be met.

3.8 Servicing

Dalton Consulting engineers prepared a servicing report for the site in 2005. Again, it would be necessary to update this report as part of DPO requirements. The 2005 document does however serve as a useful tool at to determine the ability of the site to access all necessary service infrastructure.

Discussions with the servicing authorities have indicated that all future lots within the subdivision can be connected with all infrastructure including sewerage, water supply, electricity supply, gas, and the provision of telecommunications facilities.

We note that the 55 metre contour was previously raised as problematic. However, it merely means that water supply to development below 55 metres will be gravity fed, while development above 55 metres will require pumping.

3.9 Traffic and Access

Discussions with VicRoads and Council officers have identified relevant issues regarding traffic and access including possible construction of the perimeter roads (Batman Road and Allens Road), deceleration lanes and turning treatments to access the site and a possible service road or tree plantation along Geelong-Portarlinton Road to limit access. A functional layout plan would also be required as a usual subdivisional requirement.

It is not necessary to resolve these matters at the amendment stage of the process, other than to highlight them as issues to be addressed as part of the DPO requirements. Suffice to say that VicRoads and major roadway matters should not in any way impede the rezoning of the subject land

4. PLANNING CONTROLS

4.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides general principles for land use development and provides state level policies. Responsible authorities must take into account the general principles and specific policies contained in the SPPF when considering rezoning applications. Comments in relation to the amendment's compliance with each clause are provided.

Clause 11 Settlement

Clause 11.02-1 Supply of Urban Land seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Key strategies include:

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development;
- Ensure that sufficient land is available to meet forecast demand;
- Plan to accommodate projected population growth over at least a 15 year period and provide a clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis;
- Planning for urban growth should consider:
 - Opportunities for consolidation, redevelopment and intensification of existing urban areas;
 - Neighbourhood character and landscape considerations;
 - The limits of the land capacity and natural hazards and environmental quality;
 - Service limitations and the costs of providing infrastructure;
 - Monitor development trends and land supply and demand for housing and industry;
 - Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry;
 - Restrict low density rural development that would compromise future development at higher densities.

Clause 11.03-1 Open Space seeks to assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.

The general implementation of this clause states that planning and responsible authorities should ensure that land in established areas is developed for recreational and use activities including walking and cycling paths. In additional land use and development adjoining open space networks will be complementary in terms of visual and noise impacts as well as the preservation of vegetation. These issues will be addressed later in the detailed planning of the development.

Clause 11.05-3 Rural Productivity seeks to manage land use change and development in rural areas to promote agriculture and rural production.

Clause 11.07 Geelong (G21) Regional Growth seeks to optimise infrastructure and consolidate growth within the Geelong region based on the role of Geelong as the regional city and Victoria's second city. The G21 region includes the municipalities of Greater Geelong, Colac and Otway, Surf Coast, Golden Plains and Queenscliff.

Relevant strategies:

- Support diversity and innovation through a range of affordable education, housing types, service provision, technology, employment and social opportunities.
- Provide a range of housing types with a mix of infill and greenfield options.
- Support growth that enhances choice, health and wellbeing, liveability, amenity and diversity and creates a sense of place.
- Provide for settlement breaks between towns to maintain their unique identities.
- Require a settlement boundary for all towns.
- Protect critical agricultural land, energy and earth resources required to support a growing population by focussing development to existing township areas and directing growth to towns which provide rural services.

The economic health of the region is about maintaining viable townships as well as dealing with growth, particularly in regard to how it impacts on our natural environment. The applicable policy guidelines document is the *Geelong Regional Growth Plan*, April 2013.

This document identifies the amendment land for “planned growth” in the context of the regional framework as seen on the plan below. The Plan also advocates limiting the growth of smaller Bellarine townships including Portarlington to the existing settlement boundaries as per the relevant structure plan.

MAP 6 - IDENTIFIED PLANNED GROWTH

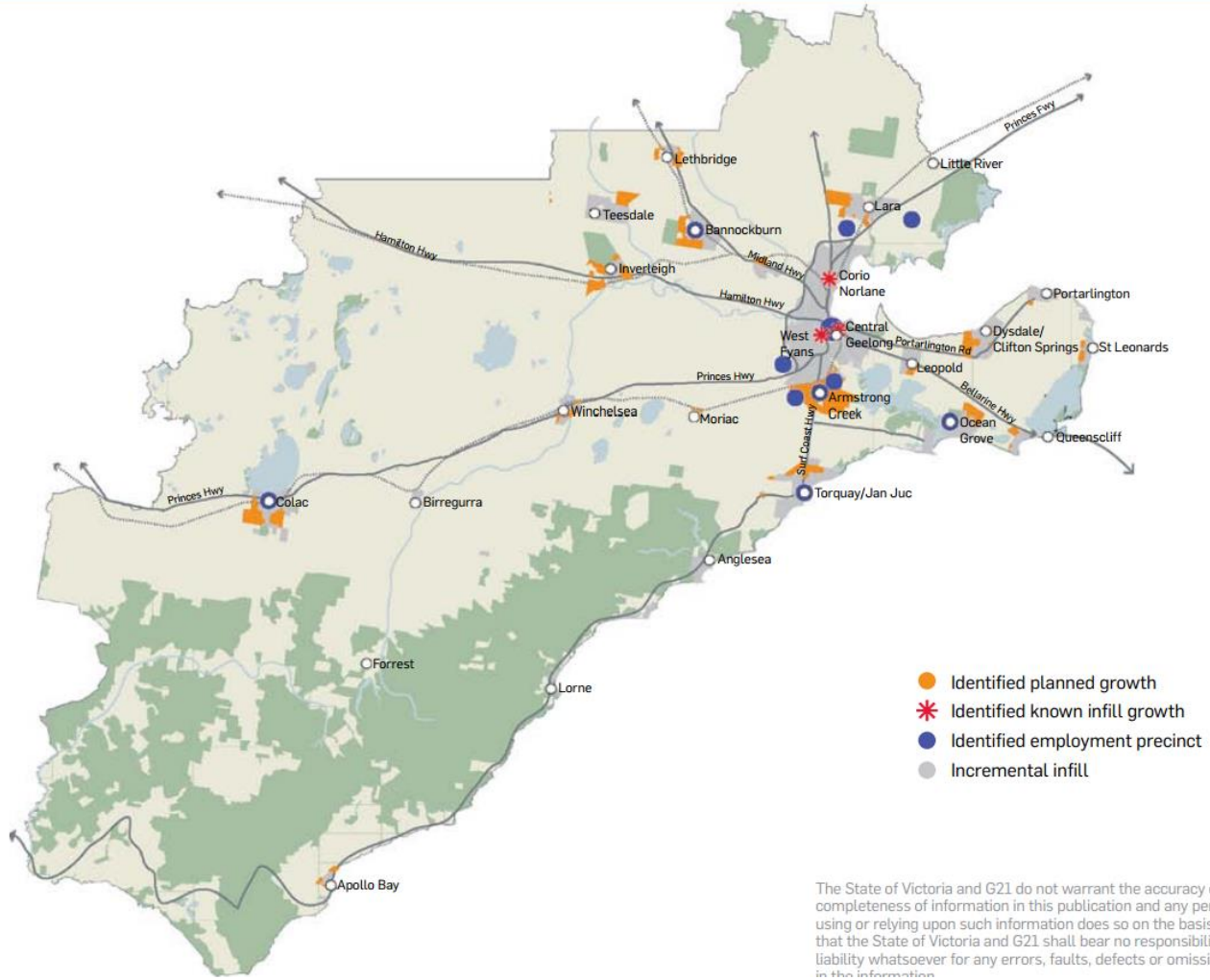


Figure 2: Geelong Regional Growth Plan, April 2013

Clause 11 establishes that planning authorities should plan to accommodate projected population growth taking into account opportunities for redevelopment and intensification of existing urban areas as well as the limits of land capability and natural hazards, environmental quality and the cost of providing infrastructure. The rezoning provides for additional residential land in an area that has been identified for future expansion of the township limits in the local strategy plan prepared for the area by the local authority. Provision of settlement boundaries for townships and non urban breaks between towns and centres is an important regional strategy.

We note that since the rezoning of this land was last proposed, there has been significant development occur in other designated areas of the Portarlington township. By the time the land is actually developed, the site will provide additional land and varied land supply in line with strategic directions set out by Council and State Government. Importantly, the proposed residential rezoning is limited to land that is already located within the defined settlement boundary and there is no intention to encroach beyond this.

The rezoning will allow for well-located residential land at a conventional density to meet expected future demands on a site that is capable of making full use of existing infrastructure and has taken into account all relevant environmental and land capability issues.

Together the zone and DPO requirements will ensure that future development achieves a high standard of sustainable design and has regard to neighbourhood character and amenity issues. The value of the land for continued agricultural activity is limited by the size of the existing lots, fragmented ownership and proximity to the Portarlington urban area. The use of this land for housing will also serve to reduce pressure for housing in rural areas away from urban settlements where housing is not being actively directed. Given the strategic location, the sensitive land use abutments, rezoning to allow residential land use is the logical strategic response.

Clause 12 Environmental and Landscape Values

Clause 12.01-2 Native Vegetation Management seeks to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

The vegetation assessment confirms that the vegetation on the subject site is highly modified. The clearing of planted shrubs and trees on the site is exempt from planning approval. A planning permit is required under Clause 52.17 for the removal of native vegetation. Whilst it is acknowledged that the report should be updated as part of the DPO requirements, it is relevant that the current report states that there are no significant biodiversity constraints that would impact on the rezoning.

Clause 14 Natural Resource Management

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development. The most relevant sub-clauses are 14.01 Agriculture and 14.02 Water.

Unplanned loss of productive agricultural land is to be avoided and permanent removal of productive agricultural land from the State's agricultural base must have regard to its economic importance for the agricultural production and processing sectors.

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing land from the primary production given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed development or likely development and the existing users of surrounding land.
- Assessment of the land capability.

Land use and development is also required to have regard to the following State planning objectives addressing water:

- To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater and the marine environment.

- To protect water quality.
- To ensure that water resources are managed in a sustainable way.

The site has long been identified for future expansion of the Portarlinton township limits for residential purposes. Providing for additional residential land on this site is supported by the Greater Geelong Structure Plan for the Portarlinton and Clause 21.14 of the Greater Geelong Planning Scheme. As noted previously, the lot sizes and fragmentation of ownership limit the agricultural productivity of the land as well as proximity to the urban edge with its inherent interface issues including control of weed species, domestic animals and so on. The removal of this specific site from agricultural production is consistent with strategic policy directing the future growth of the Portarlinton Township and will not be detrimental to the overall primary production or economy of the Geelong region.

The subject site is not located within close proximity to any waterways. The development of the subject land will seek to implement best practice in relation to stormwater management design, water quality protection, the provision of open space and energy efficiency.

Clause 15 Built Environment and Heritage

Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns. Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning principles dictate the achievement of high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place;
- Reflects the particular characteristics, aspirations and cultural identity of the community;
- Enhances liveability, diversity, amenity and safety of the public realm;
- Promotes attractiveness of towns and cities within broader strategic contexts; and
- Minimises detrimental impact in neighbouring properties.

Matters to be considered include:

- Urban environment – urban design, neighbourhood and subdivision design, design for safety and cultural identity and neighbourhood character;
- Sustainable development – energy and resource efficiency;
- Heritage – heritage conservation and aboriginal cultural heritage.

The proposed General Residential zoning and the DPO will together ensure that the ultimate residential development of the land achieves a high quality standard of design including sustainable design principles, that respects neighbouring residential built form and the rural-urban interface location.

The subdivision of the land will create a range of open spaces to meet a variety of needs with links to open space networks and provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

The proposed Development Plan Overlay will introduce design guidelines to ensure new development achieves a high built form standard that responds to the natural landscape character and any heritage values, respects community identity and the values, and needs and aspirations of the community.

CONCLUSION

The proposed rezoning is consistent with the State Planning Policy Framework, by making available additional new residential land to meet the needs for additional housing for the town within the established Settlement Boundary of the Portarlinton township. This area has long been identified in strategic documents including the Portarlinton Structure Plan 2007 for that purpose and is consistent with State policies advocating urban containment within established township boundaries in rural and regional areas.

The site is capable of being connected to all necessary service infrastructure and accommodating well-designed, sustainable and high quality residential development that respects the surrounding natural environment, neighbouring built form, and the rural interface. Whilst areas of aboriginal cultural sensitivity have been identified on the site and will be protected as required, given its agricultural history, the site itself has limited environmental value making it suitable for urban land use.

4.2 Local Planning Policy Framework

The following clauses of the Local Planning Policy Framework (LPPF) are relevant to this amendment.

Municipal Strategic Statement

Clause 21.06 Settlement and Housing

This section sets out how the amendment promotes the key strategic planning land use and development objectives for the municipality detailed in the MSS and Local planning policies of the Greater Geelong Planning scheme. The following sections address the relevant components of the local section of the Planning Scheme.

Clause 21.06-2 Urban Growth seeks to limit urban sprawl by directing urban growth to designated urban growth areas. It also seeks to improve housing affordability through the maintenance of appropriate urban land supplies, the promotion of competition in the housing market and the development of a diverse range of well located housing stock.

Portarlinton is not identified as a growth area. Key objectives of the policy are to maintain non-urban breaks between settlements, protection of rural areas and environmental features, encourage higher densities in existing urban areas and provide for efficient and effective infrastructure provision. Development of land within the existing settlement boundary of the Portarlinton township is consistent with these strategies.

Clause 21.14 The Bellarine Peninsula

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 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.

Relevant strategies include:

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan map.

Portarlington is not a location designated for extensive residential or rural residential growth within the MSS. The Structure Plan identifies a clear settlement boundary for the township to provide a compact urban form. The subject site within this settlement boundary for the Portarlington township and is designated within the plan as suitable for longer term residential growth that is to be rezoned for residential purposes. Abutting and to the south and east is designated as rural, and outside the settlement boundary.

In addition to the existing ResCode provisions at Clause 56 of the Greater Geelong Planning Scheme, the Structure Plan requires subdivision and development within the township to have regard to requirements addressing open space, street layout and permeability, density, streetscape, water sensitive urban design, environmentally sustainable development and native vegetation.

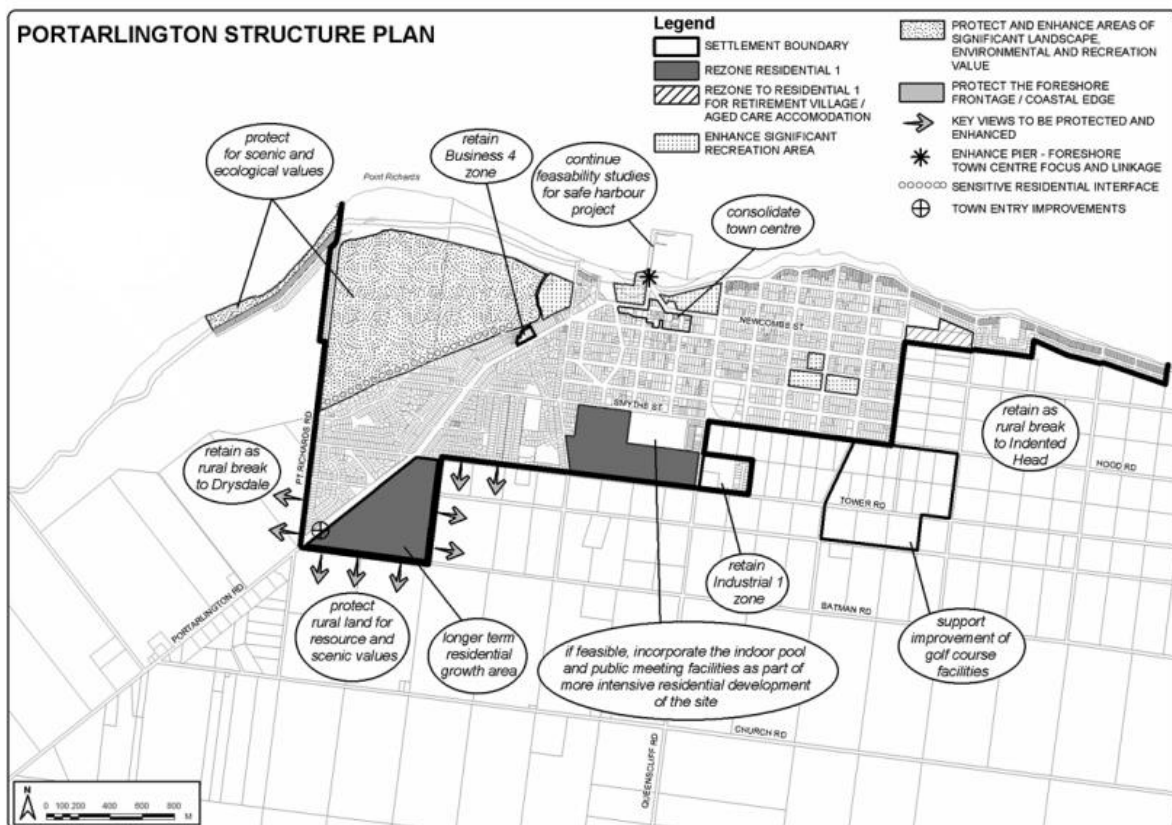


Figure 3: Portarlington Structure Plan

The proposed amendment to rezone the land from Farming to General Residential is entirely consistent with the strategic vision for the future expansion of the existing urban area as identified in the Portarlington Structure Plan. The DPO developed as part of the amendment requires the preparation and approval of a Development Plan detailing the proposed subdivision and staging.

The Illustrative Concept Plan that has been submitted with this report demonstrates how the land may be developed and will include lots of varying sizes to provide greater housing choice to meet identified local need and achieve efficiency of design.

The subject site provides a logical extension to Portarlinton for residential development without adverse impacts on the character of the town. The increased business and commercial activity from the development and future residents will strengthen the retail centre as well as contribute to the social and community fabric of the areas.

The Structure Plan documentation identifies the subject land as not only suitable for residential development but states that the only future urban expansion beyond the existing urban area be in this area.

Finally, subdivision and development will be required to have regard to the matters specified in the Structure Plan to ensure a quality planning outcome for residential living that has regard to the characteristics and capacity of the site and the coastal character of the township.

Local Planning Policy

Clause 22.05 Agriculture, Rural Dwellings and Subdivision

This policy applies to all land zoned Farming. 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.

Objectives:

- To support the ongoing use of the rural areas for agriculture and to preserve their farmed rural landscape.
- To ensure that the development of dwellings and excision of existing dwellings in the Farming Zone is consistent with the purpose of the zone and the utilisation of the land for sustainable rural uses.
- To protect agricultural production and the normal operation of agricultural activities by preventing land use conflicts, particularly conflicts associated with the introduction of non-farm related dwellings into rural areas.
- To limit development of new dwellings on prime or high quality agricultural land.

The Bellarine Peninsula is valued for its high landscape and agricultural contribution to the area. The rezoning of this particular land from Farming to General Residential will reduce pressure for urban sprawl outside township areas and will reinforce the non-urban break between settlements on the Bellarine Peninsula by confining the proposed residential development to an area within the settlement boundary that has been identified for future residential expansion.

CONCLUSION

The proposed development demonstrates a high level of compliance with the Local Planning Policy Framework. Once the zoning has been amended as requested, the subdivision and ultimate residential development for will satisfy the objectives and purposes of the General Residential Zone, providing for housing diversity and responding the neighbourhood character and amenity. The rezoning will not impact detrimentally on the surrounding amenity nor the future amenity of occupants. All environmental factors have been taken into consideration and can be appropriately managed at the planning permit stage.

All of the relevant servicing authorities have been involved at various stages of this process and there has been no objection expressed to the extension or upgrading of the necessary services, including roads, to enable the development to proceed.

It is important to note that from these investigations, there are no findings or issues that have been identified to suggest that that the use and development of the land for residential purposes is inappropriate or in conflict with the long term planning of the area or result in any unexpected servicing or access issues.

The opportunity for new residents to come to the area will result in broader and stronger social and community services.

The proposed rezoning is supported by the Council's Urban Growth policy and the land is located in a reasonable and acceptable proximity to the central area of the Portarlinton business and community district while providing a logical expansion to the residential area of the town in a preferred strategic area. The Portarlinton Structure Plan gives explicit support for the amendment as a proposed rezoning request. The rezoning will not compromise the rural, environmental and landscape values of the non-urban break or the longer term growth opportunities for Bellarine townships recognised in the planning scheme.

5. STRATEGIC ANALYSIS

5.1 Overview

Rezoning of the land from Farming to General Residential is consistent with both the long term strategic vision for the Portarlinton township and reflective of the subject site's status as a 'future urban' zone when viewed in the context of the broader surrounding land uses.

The site is identified in the Portarlinton Structure Plan as the "Olive Grove Urban Development Area" and has long been earmarked as a longer term growth area to meet future housing needs. Whilst the residential land take up has been traditionally slow in the town, there has become an increasing need to release more land for residential development within the Settlement Boundary to meet the increased demand for additional housing in the area. In this context, the existing Farming Zone is no longer considered appropriate.

The existing lots within the Olive Grove Urban Development Area are relatively small by rural standards falling well below the 30 hectare minimum lot size required by the schedule to the Farming Zone, in order to sustain productive viable agricultural activities. The area is also in fragmented ownership. Despite the existing zone, the area is no longer used for traditional large scale farming practices and does not display a traditional farming character. In planning terms the existing land usage in the area is currently more accurately described as rural residential living than farming.

The strategic assessment guidelines provide an appropriate framework for evaluation of the proposed planning scheme amendment. The following section provided an evaluation of the proposed amendment against the key requirements of Minister's Direction No.11.

5.2 Strategic Assessment of Amendment

Why is the amendment required?

The amendment is being sought to enable the land to be subdivided and developed to provide for new fully serviced residential development. It will also provide planning controls to allow the residential development of the land to accord with Council's adopted Portarlinton Structure Plan, 2007 which is included in the Municipal Strategic Statement of the Greater Geelong Planning Scheme at Clause 21.14.

The subject land has been identified through a strategic planning process in the development of the *Portarlinton Structure Plan, 2007* as being the most appropriate area to provide for new residential development. The area provides a logical extension to the built up area of Portarlinton within the Settlement Boundary. The City of Greater Geelong's Planning Scheme identifies the Portarlinton Structure Plan document as a reference document in that Scheme and it forms part of its overall structure planning for the Greater Geelong region. The residential rezoning and the introduction of a Development Plan Overlay provide for the planned and orderly growth of Portarlinton to meet forecast population needs and completes the infill development in the currently defined boundaries.

How does the amendment support or implement the objectives of planning in Victoria?

The amendment is considered the support the following objectives of planning in Victoria:

- (a) *To provide for the fair, orderly, economic and sustainable use and development of land;*
- (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorian and visitors to Victoria;*
- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (f) *To facilitate development in accordance with the objectives set out in the points above;*
- (g) *To balance the present and future interests of all Victorians.*

The proposed rezoning will allow for the economic and sustainable use and development of an area of land that has remained largely economically underutilised due to its currently inappropriate zoning. Development of this land for residential purposes will meet the need for housing in the township within the defined settlement boundary and is in accordance with the strategic directives for the area.

The subdivision and any future development will be designed to ensure a pleasant, efficient and safe residential environment having regard to site opportunities and constraints, will protect registered sites of Aboriginal cultural heritage and will have no detriment environmental or other impacts on the area.

How does the amendment address any environmental, social and economic effects?

The amendment addresses environmental, social and economic effects in the following ways:

- The amendment facilitates a more appropriate zoning for the land to enable the provision of additional housing to meet the needs of the Portarlington township within the preferred area of expansion. Future development will be guided and influenced by the requirements of the DPO prepared for the site to ensure a high quality development outcome that suits the context of the site.
- There are no significant environmental/biodiversity constraints on the site that would prevent this rezoning.
- There will be positive social and economic effects from this amendment. The increased population as a result of additional housing within the township will result in increased local employment, and support for local business. The subdivision also offers opportunity for new open space networks, developer contributions to benefit community facilities and services and increased social connectivity.

How does the amendment address any relevant bushfire risk?

The amendment will have no effect on bushfire risk for the subject site.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the *Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*. Ministerial Direction No. 11 *Strategic Assessment of Amendments* has been followed in the preparation of this amendment.

How does the amendment support or implement the State Planning Policy Framework and any adopted state policy?

It is considered that the proposed rezoning complies with the State Planning Policy Framework. The amendment complies with Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 14 (Natural Resource Management) and 15 Built Environment and Heritage). Details of which are discussed in section 4.1 of this report.

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

The amendment is consistent with and implements the objectives of relevant Local Planning Policy. The amendment complies with Clauses 21.06 (Settlement and Housing), 21.14 The Bellarine Peninsula and 22.05 (Agriculture, Rural dwellings and Subdivision), details of which are discussed in section 4.2 of this report.

- The proposed rezoning and subsequent residential subdivision and commercial development are consistent with the Portarlington Structure Plan.
- The subdivision and development will be required to achieve a high standard of design and take into accounts all matters specified in the Portarlington Structure Plan documentation.
- The rezoning will allow for additional housing and greater housing diversity to meet the needs of the township.

- Development within the Portarlinton settlement boundary reduces pressure for residential encroachment into rural areas and reinforces the urban breaks between townships on the Bellarine Peninsula.
- The site is capable of being fully serviced and will make efficient use of existing infrastructure.
- The site is well located in proximity to the town's centre and the additional population will support business activity and strengthen the retail centre.
- Development will have no adverse impacts on environmental assets of the area or the character of the town.

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

The amendment is considered to make proper use of the Victoria Planning Provisions (VPP) by applying the General Residential Zone. The existing Farming Zone is considered to be inappropriate and no longer required to meet the contemporary needs of the community for additional residential land within the Portarlinton town boundary.

The application of the General Residential Zone reflects the neighbouring residential developments to the north and west and will allow residential development at a range of densities as well as a limited range of non-residential uses to complement the estate.

How does the amendment address the views of any relevant agency?

Referrals to relevant agencies and opportunities to consider their views will be undertaken at the exhibition stage of this amendment. Additional opportunities will arise as relevant, prior to the issue of development approval for the subdivision.

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

The amendment is unlikely to have a significant impact on the transport system as identified by Section 3 of the *Transport Integration Act 2010*. There are no policies or principles prepared under section 22 of the *Transport Integration Act 2010* that apply to this amendment.

6. CONCLUSION

It is submitted that the request for an amendment to the Greater Geelong Planning Scheme is clearly supported by and in accordance with the relevant sections of the State Planning Policy Framework, the Local Planning Policy Framework and the relevant land use planning policies applicable to the site. The strategic justification of the rezoning of this parcel of land from the current Farming Zone to General Residential Zone to provide for additional housing to meet expected needs within the defined Settlement Boundary of Portarlinton is supported by the Portarlinton Structure Plan and reinforced in the Municipal Strategic Statement of the Greater Geelong Planning Scheme.

All site investigations carried out support the proposed amendment and resultant subdivision and development from an environmental and servicing perspective. The residential development of the land will fulfil the acknowledged need to provide needed greater diversity to the housing market in the area as well as provide employment opportunities and the increase in population attracted by the development will make a positive contribution to the local community and economy of both Portarlinton and the region in general.

It is therefore respectfully requested that Amendment C327 be favourably considered by Council.

Appendix A

Certificate of Title



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08986 FOLIO 330

Security no : 124058963505M
Produced 04/02/2016 04:10 pm

LAND DESCRIPTION

Crown Allotment 4 Township of Portarlington Parish of Bellarine.
PARENT TITLE Volume 06658 Folio 494
Created by instrument E830815 28/05/1973

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
MICSAL INVESTMENTS PTY LTD of 21 ORMOND ROAD ELWOOD VIC 3184
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
LOMAR INVESTMENTS PTY LTD of 21 ORMOND ROAD ELWOOD VIC 3184
As to 2 of a total of 4 equal undivided shares
Sole Proprietor
MECCAGLOW PTY LTD of 21 ORMOND ROAD ELWOOD VIC 3184
AF032232J 27/04/2007

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF032233G 27/04/2007
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP787101P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 185-235 GEELONG ROAD PORTARLINGTON VIC 3223

DOCUMENT END

TITLE PLAN	EDITION 1	TP 787101P
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Location of Land

Parish: BELLARINE
 Township: PORTARLINGTON
 Section:
 Crown Allotment: 4
 Crown Portion:

Last Plan Reference:
 Derived From: VOL 8986 FOL 330
 Depth Limitation: 50 FEET

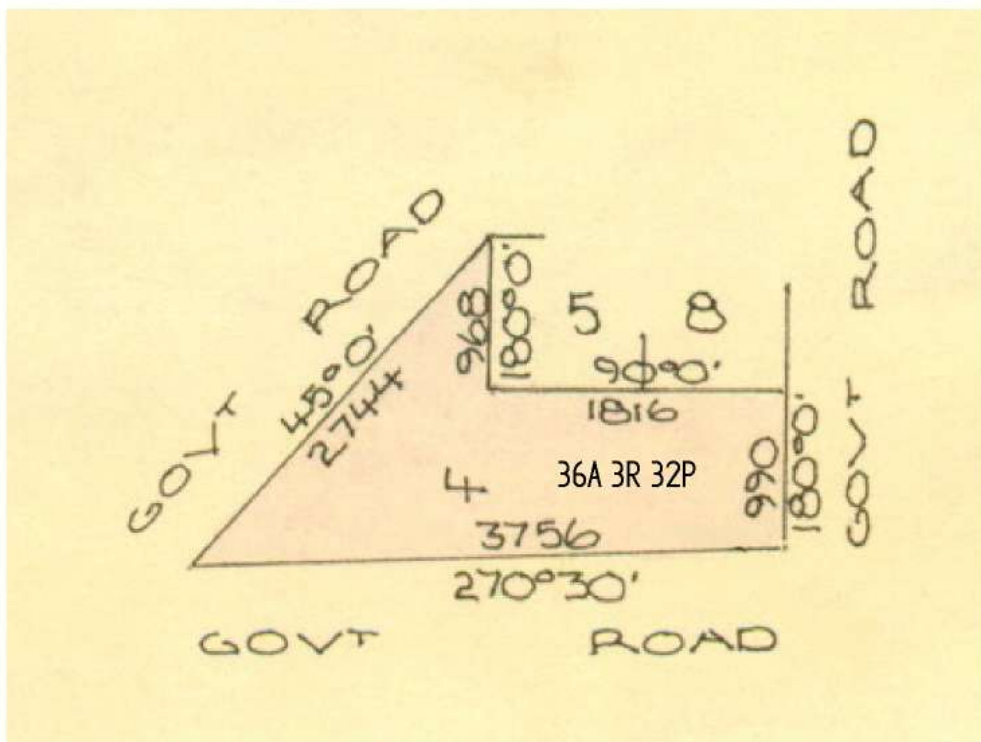
Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 28/05/2003
 VERIFIED: RZ





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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 09022 FOLIO 937

Security no : 124058963567U
Produced 04/02/2016 04:11 pm

LAND DESCRIPTION

Crown Allotment 5 Township of Portarlington Parish of Bellarine.
Created by Application No. 056596 13/01/1978

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MECCAGLOW PTY LTD of 12 NORMANDY RD ELWOOD
R227792L 20/02/1991

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP307954P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 181-183 GEELONG ROAD PORTARLINGTON VIC 3223

DOCUMENT END

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MICHAEL HORAN & ASSOCIATES

Code 0991D

STAMP DUTY DOC'S
CONTRACT
STAMPED ✓

VICTORIA

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed transfers to the transferee all his estate and interest in the fee simple in the land described. (Notes 1-4)

Land (Note 5)

CERTIFICATE OF TITLE Volume 9022 Folio 937

Consideration (Note 6)

\$170,000.00

Transferor (Note 7)

KEITH ALEXANDER BROWN & MARGARET ANNE BROWN

Transferee (Note 8)

MECCAGLOW PTY. LTD. of 12 Normandy Road, Elwood

STAMP DUTY CHECKER
STAMP DUTY

Dated the 5th day of February 1991

Execution & Attestation (Note 9)

SIGNED SEALED AND DELIVERED)

by the said KEITH ALEXANDER)

BROWN and MARGARET ANNE BROWN)

in the presence of:)

Paul Brace

THE COMMON SEAL of MECCAGLOW)

PTY LTD was hereunto affixed)

in accordance with its)

Articles of Association in)

the presence of:)

S. L. L...

DIRECTOR/SECRETARY

Keith A. Brown
Margaret A. Brown



[Signature]
DIRECTOR

STAMP DUTY
\$5400.00 STAMP DUTY R227792L
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A memorandum of the within instrument has been entered in the Register Book.



REGISTRATION
NOTC

NOTES

1. This form must be used for all transfers by the registered proprietor of an estate in fee simple other than
 - (a) transfers by direction
 - (b) transfers creating or reserving easements
 - (c) transfers containing a restrictive covenant or a covenant created pursuant to statute
 - (d) transfers of mortgages charges or leases or leasehold estates
 - (e) transfers of other than the full interest of the transferor for which the appropriate form must be used.
2. Transfers may be lodged as an original only and must be typed or completed in ink.
3. All signatures must be in ink.
4. If there is insufficient space in any panel to accommodate the required information use the above space or an annexure sheet (Form A1). Insert only the words "See Annexure A" (or as the case may be) in the appropriate panel and enter the information above or on the annexure sheet under the appropriate heading.

Multiple annexures may appear on the same annexure sheet but each must be correctly headed.
All annexure sheets should be properly identified and signed by the parties and securely attached to the instrument.
5. Volume and folio references must be given. If the whole of the land in a title is to be transferred no other description should be used. If the transfer affects part only of the land in a title the lot and plan number or Crown description should also be given. Any necessary diagram should be endorsed above or on an annexure sheet (Form A1).
6. Set out the amount (in figures) on the nature of the consideration.

In a transfer on sale of land subject to a mortgage it should be clearly shown whether or not the amount owing under the mortgage is included in the consideration e.g. \$ which includes the amount owing under mortgage No.
7. Insert full name. Address is not required.
8. Insert full name and address. If two or more transferees state whether as joint tenants or tenants in common. If tenants in common specify shares.
9. If an executing party is a natural person execution should read "Signed by the transferor (transferee) in the presence of". The witness must be an independent person. If an executing party is a body corporate execution should conform to any prescribed formalities relating to the affixing of the common seal.

TITLE PLAN		EDITION 1	TP 307954P
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Location of Land

Parish: BELLARINE
 Township: PORTARLINGTON
 Section:
 Crown Allotment: 5
 Crown Portion:

Last Plan Reference:
 Derived From: VOL 9022 FOL 937
 Depth Limitation: NIL

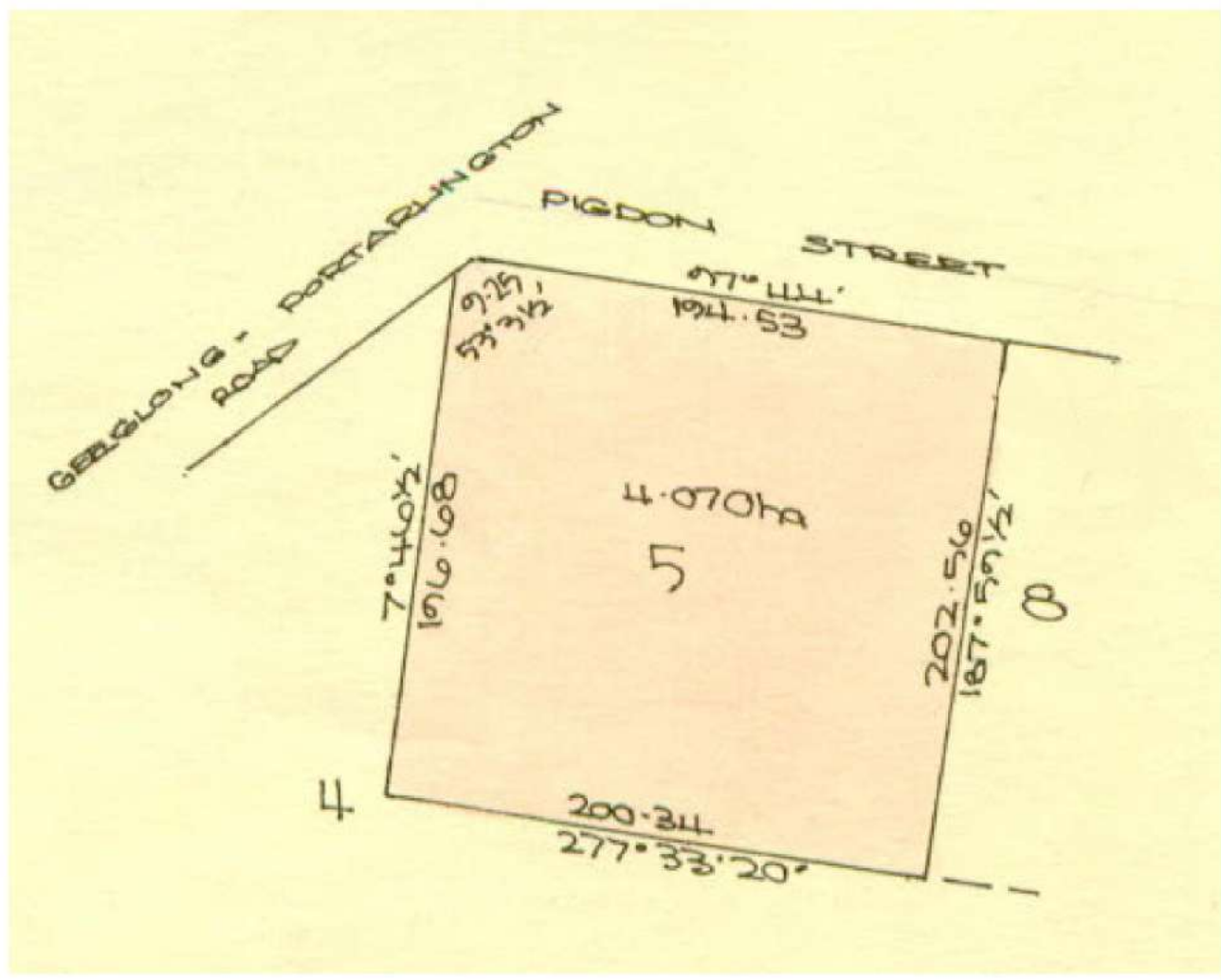
Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 08/02/2000
 VERIFIED: AK





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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 09022 FOLIO 939

Security no : 124058963804M
Produced 04/02/2016 04:18 pm

LAND DESCRIPTION

Lot 1 on Title Plan 838988H (formerly known as Crown Allotment 7 Township of Portarlington Parish of Bellarine).
Created by Application No. 056596 13/01/1978

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

BARBARA ANN MITCHELL
ROBERT BARRY MITCHELL both of 92 RUTHERFORD ROAD VIEW BANK
K170569 23/11/1982

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE L896022P 19/09/1985
THE COMMISSIONERS OF THE STATE BANK OF VICTORIA

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP838988H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 2-20 ALLENS ROAD PORTARLINGTON VIC 3223

DOCUMENT END

2-51
K170569
\$116
116.00 B RT T

K170569

REGD

JOHN X. SMITH d/r

VICTORIA

TRANSFER OF LAND

STREAMSFORTH ESTATES PTY. LTD. and CESUNA ESTATES PTY. LTD. both of 266 Hamshire Road Sunshine in the State of Victoria being registered as proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of THIRTY THOUSAND SEVEN HUNDRED DOLLARS (\$30,700.00) paid to them by ROBERT BARRY MITCHELL and BARBARA ANN MITCHELL both of 92 Rutherford Road View Bank in the said State foreman and home duties respectively DO HEREBY TRANSFER to the said ROBERT BARRY MITCHELL and BARBARA ANN MITCHELL all their estate and interest in all that piece of land being Crown Allotment 7 Township of Portarlinton, Parish of Bellarine and being the whole of the land more particularly described in Certificate of Title Volume 9022 Folio 939.

2016
\$614-

DATED the 22 day of November One thousand nine hundred and eighty-two.

Executed by STREAMSFORTH ESTATES PTY. LIMITED)
by being signed by its Attorney PATRICK JOHN)
CANNON under Power No. 219014 in the presence)
of:)

P. Cannon

Thomablay

Executed by CESUNA ESTATES PTY. LIMITED by)
being signed by its Attorney PATRICK JOHN)
CANNON under Power No. 220974 in the presence)
of:)

P. Cannon

Thomablay

SIGNED by the said ROBERT BARRY MITCHELL and)
BARBARA ANN MITCHELL in the presence of:)

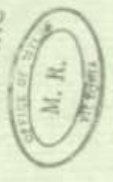
Robert Barry Mitchell
Barbara Ann Mitchell

Melvin Hade

ENCUMBRANCES REFERRED TO :

The easement (if any) affecting the said land and the encumbrances (if any) set out at the foot of the Certificate of Title to the said land.

A memorandum of the within instrument has been entered in the Register Book.



RECEIPT
TRANS#80482 S.D.V.
697 11A
STAMP DUTY VICTORIA
22NOV82
\$116.00
MVMW6514.00

Handwritten initials and date

DATED 1982.

STREAMSFORTH ESTATES PTY. LTD. and
CESUNA ESTATE PTY. LTD.

-to-

R.B. & B.A. MITCHELL

TRANSFER OF LAND

John X. Smith, Ll.B.,
Barrister & Solicitor,
561 Bourke Street,
MELBOURNE Vic. 3000

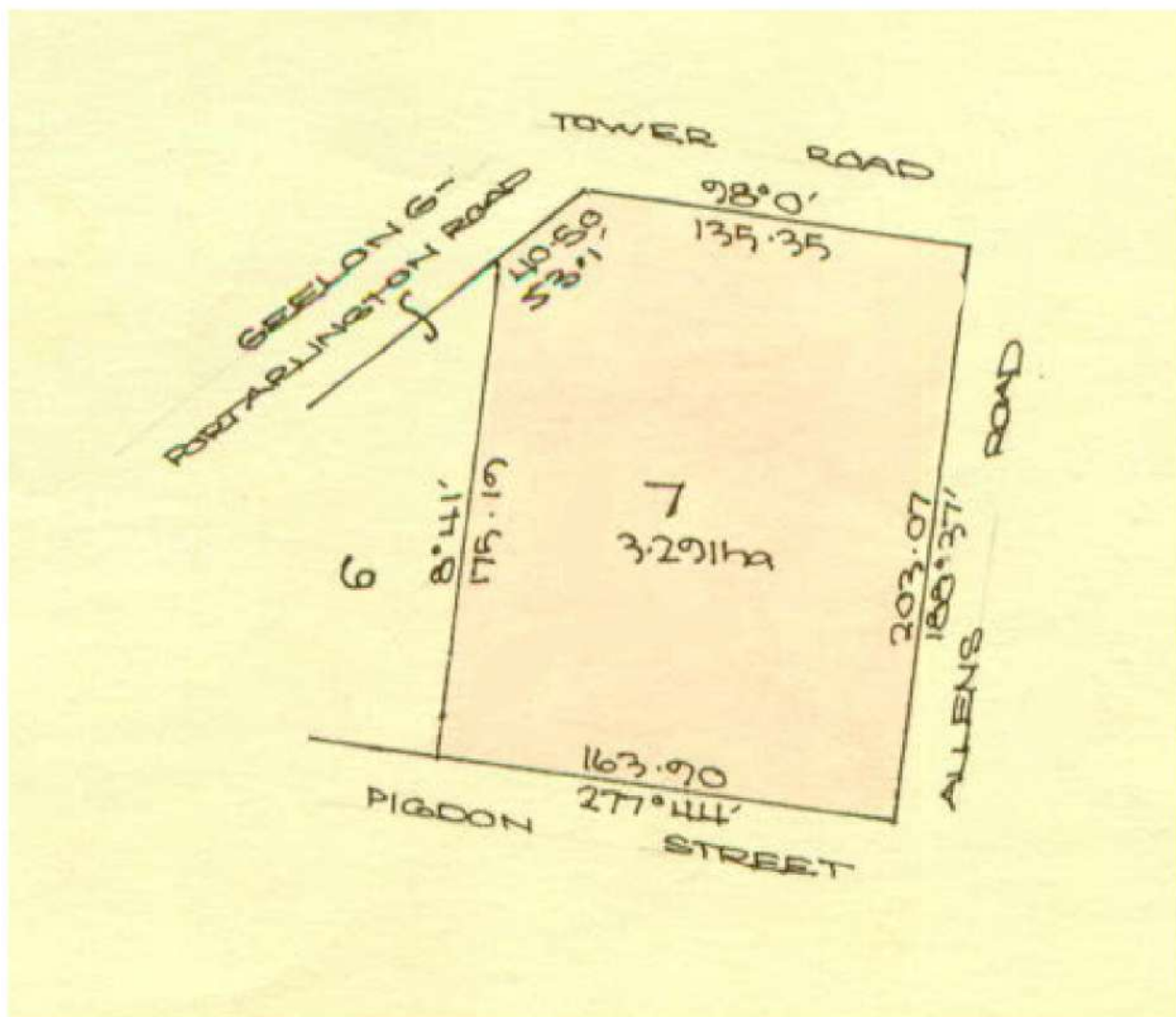
Tel: 62 2826
Ref: JXS:IN
D9-503

RECEIVED
LANDS
28th Dec 1982

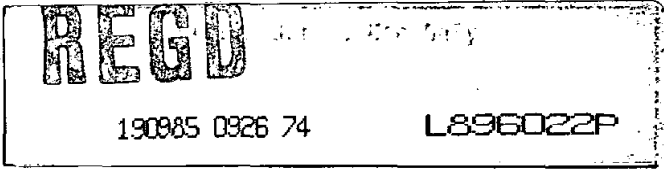
TITLE PLAN		EDITION 1	TP 838988H
Location of Land Parish: BELLARINE Township: PORTARLINGTON Section: Crown Allotment: 7 Crown Portion: Last Plan Reference: Derived From: VOL 9022 FOL 939 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 08/02/2000
 VERIFIED: AK



688869-10



Lodged at the Titles Office by:

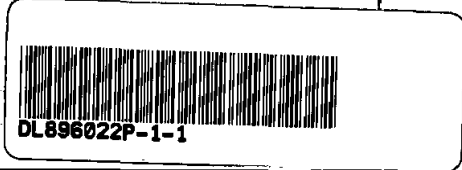
STATE BANK OF VICTORIA
LEGAL DEPARTMENT
CODE NUMBER: 0022N

VICTORIA

MORTGAGE

The Mortgagor being registered or entitled to be registered as the proprietor of the estate and interest hereinafter described in the Mortgaged Property hereinafter described subject to the encumbrances affecting the Mortgaged Property including any created by dealings lodged prior to the lodging of this instrument for the purpose of securing to the Mortgagee the payment and satisfaction of all moneys and liabilities described as the Money Hereby Secured in the Memorandum of Common Provisions hereinafter described HEREBY MORTGAGES to the Mortgagee that estate and interest in the Mortgaged Property and covenants with the Mortgagee as set out herein.

ESTATE OR INTEREST BEING MORTGAGED
All the estate and interest of the Mortgagor and all the estate and interest which the Mortgagor is able to transfer or dispose of in the Mortgaged Property.
MORTGAGED PROPERTY
Volume 9022 Folio 939.
THE MORTGAGOR
ROBERT BARRY MITCHELL and BARBARA ANN MITCHELL both of Lot 7 Tower Road, Portarlington.
THE MORTGAGEE
THE COMMISSIONERS OF THE STATE BANK OF VICTORIA of 385 Bourke Street, Melbourne ("the Bank")
COVENANTS
The Mortgagor COVENANTS with the Bank as follows:- 1. To pay the Money Hereby Secured to the Bank as and when demanded.



Office Use Only
Approval No.M2.1/5/1984..

A memorandum of the within instrument has been entered in the Register Book.



Handwritten circled '03' and signature

SEP-18-85 541841 78061

VICTORIA BANK CODE

REGISTRATION Bank
CO A 101 ***111-00
25/9/85

COVENANTS (continued)

The provisions contained in Memorandum of Common Provisions retained by the Registrar of Titles in Number AA1 are incorporated in this Mortgage.

Where there is any inconsistency between the said Memorandum of Common Provisions and the provisions of this Mortgage the terms of this Mortgage shall prevail.

Dated the TWENTY day of SEPT 1987

SIGNED SEALED and DELIVERED in Victoria by the Mortgagor in the presence of: *WITNESS

Steven Taskin

) *Robert Bruce Kildel*
) *B. MITCHELL TO SIGN HERE

SIGNED SEALED and DELIVERED in Victoria by the Mortgagor in the presence of:

Steven Taskin

) *Barbara A Mitchell*
) *B. MITCHELL TO SIGN HERE

THE COMMON SEAL of the Mortgagor was hereunto affixed in accordance with its Articles of Association in the presence of:

)
)
)
)

Director

Secretary

Executed by THE COMMISSIONERS OF THE STATE BANK OF VICTORIA by being SIGNED SEALED and DELIVERED in Victoria by its Attorney under Power of Attorney dated the Fifteenth day of July 1983 a certified copy of which is filed in the Permanent Order Book No. 276 at Page No. 293 in the presence of:

)
)
)
)
)
)
)
)
)
)

William John Gunn

WILLIAM JOHN GUNN

ACTING SECRETARY (DOCUMENTATION)

Steven Taskin



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 09022 FOLIO 940

Security no : 124058963826N
Produced 04/02/2016 04:19 pm

LAND DESCRIPTION

Crown Allotment 8 Township of Portarlington Parish of Bellarine.
Created by Application No. 056596 13/01/1978

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
DAVID JOHN HUGHES
LORRAINE HUGHES both of 137 PROSPECT HILL RD CANTERBURY 3126
W749799S 28/04/2000

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP307956K FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 62-80 PIGDON STREET PORTARLINGTON VIC 3223

DOCUMENT END

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958



W749799S

n T1
Office

280400 1430 45 180



Lodged by:

Name: CLANCY & TRIADO

Phone: 03 9813 1111

Address: 8 Prospect Hill Road
Camberwell

Ref:

Customer Code: 628Y

MADE AVAILABLE / CHANGE CONTROL
Land Titles Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)

CERTIFICATE OF TITLE VOLUME 9022 FOLIO 940

Estate and Interest: (e.g. "all my estate in fee simple")

all my estate and interest in fee simple



DW749799S-1-7

Consideration:

ONE HUNDRED AND EIGHTY THOUSAND DOLLARS (\$180,000.00)

Transferor: (full name)

GRAEME ALLAN BROWN

Transferee: (full name and address including postcode)

DAVID JOHN HUGHES AND LORRAINE HUGHES of 137 PROSPECT HILL ROAD, CANTERBURY,
3126 as joint tenants

Directing Party: (full name)

Dated: 05 APR 2000

Execution and attestation

Signed by the transferor in the presence of:

Nick Kati

Graeme A Brown

Signed by the transferees in the presence of:

Jane Forthright

Lorraine Hughes

Approval No: 963984A

ORDER TO REGISTER
Please register and issue title to

T1



Signed

Cust. Code:

6460 -

STAMP DUTY USE ONLY

Original Transfer of Land
Stamped with: \$6,460.00
Trn: 738138 27-APR-2000
Stamp Duty Victoria, LACO



Law Perfect Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED

Co 8 S 00

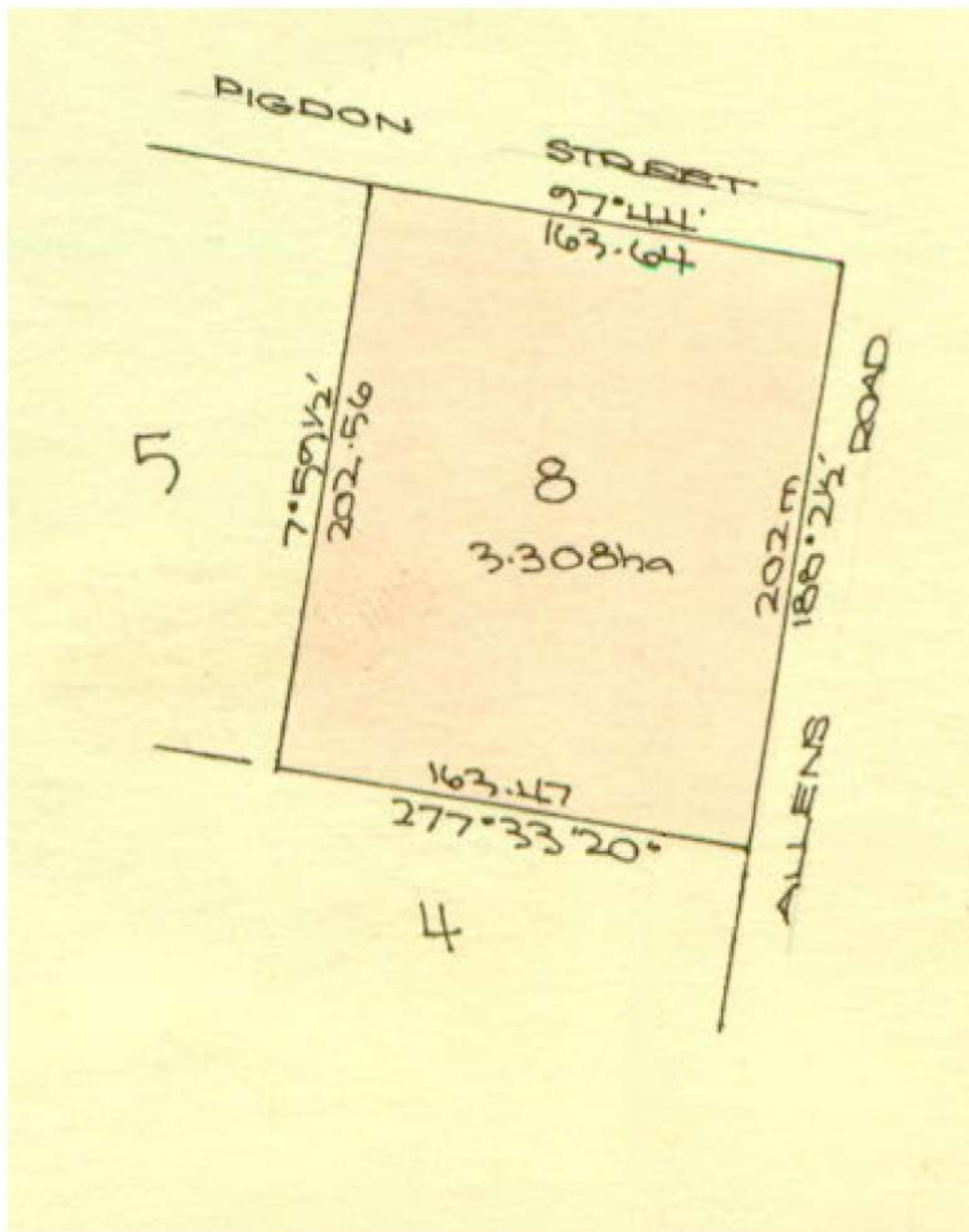
TITLE PLAN	EDITION 1	TP 307956K
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<p>Location of Land</p> <p>Parish: BELLARINE Township: PORTARLINGTON Section: Crown Allotment: 8 Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 9022 FOL 940 Depth Limitation: NIL</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 08/02/2000
 VERIFIED: AK



LENGTHS ARE IN METRES

Metres = 0.3048 x Feet
 Metres = 0.201168 x Links



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 09566 FOLIO 327

Security no : 124058963729T
Produced 04/02/2016 04:15 pm

LAND DESCRIPTION

Lot 1 on Title Plan 113231N.
PARENT TITLE Volume 09022 Folio 938
Created by instrument L115178V 27/06/1984

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
JAMES DONALD OGLE
GALE ESTELLE OGLE both of 151-179 GEELONG ROAD PORTARLINGTON VIC 3223
AJ943282C 02/10/2012

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP113231N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 151-179 GEELONG ROAD PORTARLINGTON VIC 3223

DOCUMENT END

TRANSFER OF LAND
Section 45 Transfer of Land Act 1958
Lodged by:

Name: Ristevski Lawyers
Phone: 03 5251 3453
Address: P.O. Box 99, DRYSDALE 3222
Ref: 117596
Customer Code: 1476Q

Privacy Col.
The informati
Registrar of T:
for the purpos
registers and i

AJ943282C

02/10/2012 \$127.90 45NM :d



MADE AVAILABLE/CHANGE CONTROL

Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: *(volume and folio reference)*
Certificate of Title Volume 9566 Folio 327

Estate and Interest: *(e.g. "all my estate in fee simple")*
All Our Estate In Fee Simple

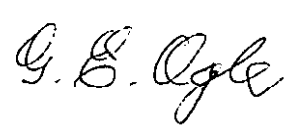
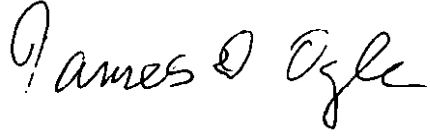
Consideration:
Natural Love and Affection

Transferor: *(full name)*
JAMES DONALD OGLE and GALE ESTELLE OGLE

Transferee: *(full name and address including postcode)*
JAMES DONALD OGLE and GALE ESTELLE OGLE Both of 151-179 Geelong Road, Portarlington 3223 in the State of Victoria as joint proprietors

Directing Party: *(full name)*
NIL

Dated: 26-9-12
Execution and Attestation
Signed by the said Transferors
in the presence of:

 
Signed by the said Transferees
in the presence of:

Approval No. 919122A
T1
Page 1 of 1

ORDER TO REGISTER
Please register and issue title to

Signed _____ Cust. Code: _____

Stamp Duty Exempt Transfer
Stamp Duty Exempt Transfer
Exempt Section 54
Doc ID 2914405, 27 Sep 2012
SRO Victoria Duty, PADO

THE BACK OF THIS FORM MUST NOT BE USED
Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

TITLE PLAN		EDITION 1	TP 113231N
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<p>Location of Land</p> <p>Parish: BELLARINE Township: PORTARLINGTON Section: Crown Allotment: 6 (PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 9566 FOL 327 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p>Description of Land / Easement Information</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 18/08/1999 VERIFIED: BC</p>
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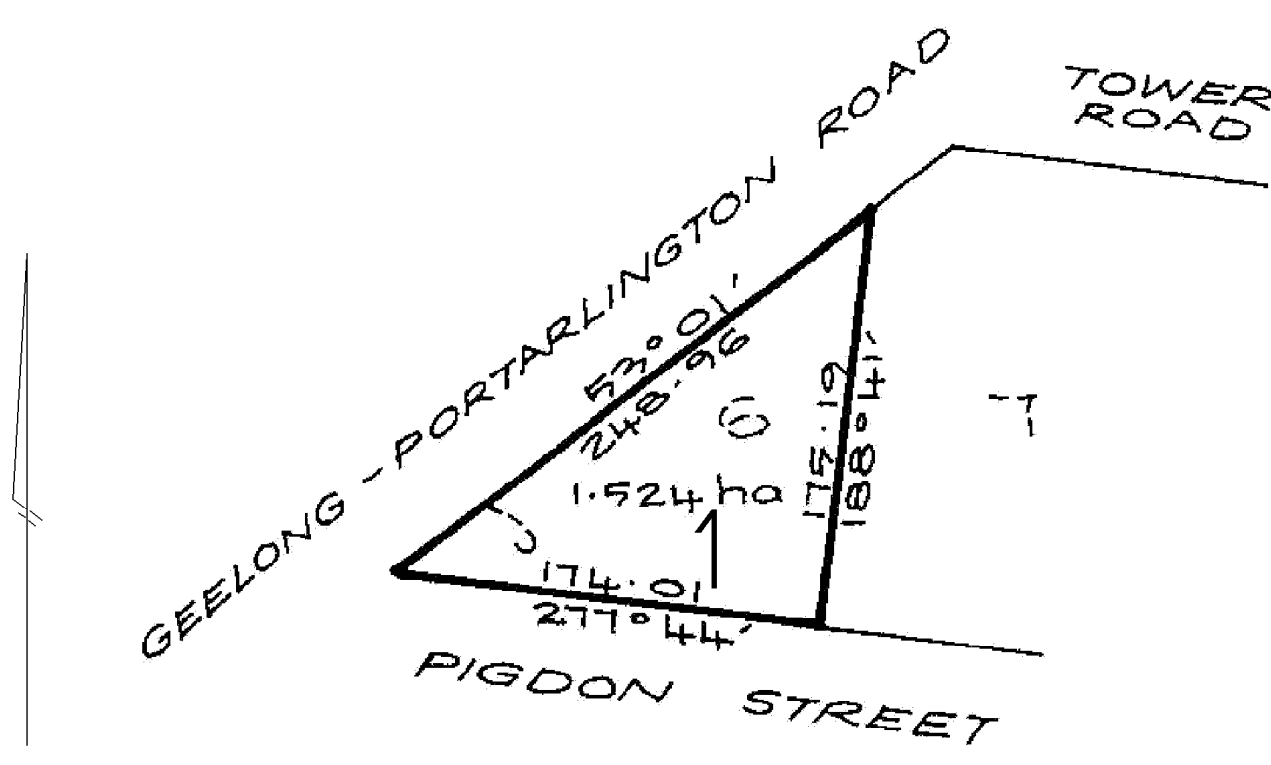


TABLE OF PARCEL IDENTIFIERS
<p>WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</p>
<p>PARCEL 1 = CA 6 (PT)</p>

Appendix B

Site and Context Plan

SITE & CONTEXT PLAN

GEELONG - PORTARLINGTON ROAD

PORTARLINGTON



Hellier McFarland

Development Consultants Town Planners Land Surveyors

342 Hawthorn Rd, Caulfield South, VIC 3162

Tel: 03 9532 9951 Fax: 03 9532 9941

www.hmf.com.au | info@hmf.com.au

LEGEND

 SETTLEMENT BOUNDARY - PORTARLINGTON STRUCTURE PLAN

