

*Planning and Environment Act 1987*

**Panel Report**

# Greater Geelong Planning Scheme Amendments C327 and C352

**31 May 2017**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendments C327 and C352

Portarlinton Structure Plan, Indented Head Structure Plan and Olive Grove

31 May 2017



Con Tsotsoros, Chair



Chris Harty, Member

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## List of Abbreviations

DDO	Design and Development Overlay
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
GRZ	General Residential Zone
MSS	Municipal Strategic Statement
RGZ	Residential Growth Zone
SLO	Significant Landscape Overlay

Note: Any number following a zone or overlay code refers to the schedule number

## Overview

### Amendments C327 and C352

<b>Planning Authority</b>	City of Greater Geelong
<b>C327 Proponent</b>	Subject land owners except for 151-179 Geelong-Portarlington Road
<b>The Amendments</b>	Greater Geelong Planning Scheme Amendment C327 Greater Geelong Planning Scheme Amendment C352
<b>Exhibition</b>	17 November to 19 December 2016

### Amendment C327 Summary

<b>Brief description</b>	Proposes planning provisions to facilitate future residential development on land known as 'Olive Grove' in Portarlington
<b>Subject land</b>	Proposes to rezone an area bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, Portarlington from Farming Zone to General Residential Zone Schedule 1 and to apply Design and Development Overlay Schedule 14 and a new Development Plan Overlay Schedule 35
<b>Submissions</b>	<p>Submissions received from:</p> <ol style="list-style-type: none"> <li>1. Barwon Water</li> <li>2. Luke Bird</li> <li>3. Shane and Edwina Bird</li> <li>4. Judith Bracken</li> <li>5. Julie Brand</li> <li>6. Martina Brown</li> <li>7. Corangamite Catchment Management Authority</li> <li>8. Lemmie and Neil Cover</li> <li>9. Elizabeth Cox</li> <li>10. Shane Crammond</li> <li>11. Gloria Croft</li> <li>12. Department of Economic Development, Jobs, Transport and Resources</li> <li>13. Department of Environment, Land, Water and Planning</li> <li>14. Environment Protection Authority</li> <li>15. Geoff Henderson</li> <li>16. Proponent</li> <li>17. Marita and Peter Lock</li> <li>18. Gale and James Ogle</li> <li>19. Ron Prestidge</li> <li>20. Donald Saunders</li> <li>21. Jeanne Stratford</li> </ol>

### Amendment C352 Summary

<b>Brief description</b>	Proposes planning provisions that implement the Portarlington Structure Plan 2016 and Indented Head Structure Plan 2016
<b>Subject land</b>	Land within the Portarlington and Indented Head settlement boundaries
<b>Submissions</b>	<p>Submissions received from:</p> <ol style="list-style-type: none"> <li>1. Gray Barton</li> <li>2. Barwon Water</li> <li>3. John Bugge</li> <li>4. Department of Economic Development, Jobs, Transport and Resources</li> <li>5. Environment Protection Authority</li> <li>6. Kira Fitzpatrick</li> <li>7. Patricia Hayes and Falkner Heinsch</li> <li>8. Peninsula Lifestyle</li> <li>9. Ingrid Novosel</li> <li>10. Vicki Perrett</li> <li>11. Ian Stewart</li> <li>12. Alexandra Whittle</li> <li>13. Jennifer Wills</li> <li>14. Vicki Cahill</li> <li>15. Kalijo Nominees Pty Ltd</li> <li>16. Lou Maglio [late]</li> <li>17. Portarlington Golf Club [late]</li> </ol>

### Amendments C327 and C352 Panel Process

<b>The Panel</b>	Con Tsotsoros (Chair) and Chris Harty
<b>Panel appointment</b>	17 February 2017
<b>Directions Hearing</b>	City of Greater Geelong offices, Geelong, 6 March 2017
<b>Panel Hearing</b>	City of Greater Geelong offices, Geelong, 5 and 6 April 2017
<b>Site Inspections</b>	Unaccompanied, 6 March 2017

## Amendments C327 and C352 Panel Process

### Appearances

- City of Greater Geelong represented by Mr Stuart Thiele (C327) and Mr Barry Gough (C352)
- Amendment C327 Proponent represented by Mr Jason Black of Insight Planning Consultants
- Ms Elizabeth Cox represented by Mr Rafik Fahmy
- Mr Geoffrey Henderson represented by Ms Judith Bracken
- Ms Judith Bracken
- Mr James and Ms Gale Ogle represented by Ms Gale Ogle
- Mr Shane and Ms Edwina Bird represented by Ms Edwina Bird
- Ms Julie Brand
- Mr Gray Barton
- Peninsula Lifestyle represented by Ms Kirsten Kilpatrick of Tract Consultants
- Ms Patricia Hayes
- Ms Vicki Cahill represented by Ms Sarah Wright of Spiire Australia Pty Ltd
- Portarlington Golf Club represented by Ms Laura Murray of APP

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**Date of this Report** 31 May 2017

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## Executive Summary

Greater Geelong Planning Scheme Amendment C352 proposes to implement the Portarlington Structure Plan 2016 and Indented Head Structure Plan 2016. Amendment C327 proposes to rezone land on Geelong-Portarlington Road, Portarlington, known as 'Olive Grove' and apply overlays to enable a future residential development.

### The Structure Plans

The Amendments were exhibited concurrently from 17 November to 19 December 2016 and 21 submissions were received for Amendment C327 and 17 submissions were received for Amendment C352.

Key issues raised in submissions included whether the settlement boundary should be expanded, urban/rural interface, agricultural impacts, visual impact on landscape values and Bellarine Hills, development density, construction impacts, environmental matters, transport, infrastructure and drafting and detailing associated with planning provisions and the Structure Plans.

The Panel considered all written submissions made in response to the exhibition of the Amendment as well as further submissions and other information presented to it during and after the Hearing, and observations from its town inspections.

The Panel commends Council for its comprehensive strategic work which supports both Amendments and for its flexibility when responding to issues raised in submissions.

The Panel finds that Amendments C327 and C352 are supported by, and implement, the relevant sections of the State and Local Planning Policy Framework; are consistent with the relevant Ministerial Directions and Planning Practice Notes; are well founded and strategically justified; and are supported by residential land demand and supply forecasts. The Amendments should proceed subject to addressing more specific issues raised in submissions as discussed in this report.

### Amendment C352

The Panel concludes that there is insufficient strategic justification to change Portarlington and Indented Head settlement boundaries. The Panel therefore does not support the request by some submitters to include additional land within either settlement area through Amendment C352.

The proposed strategy for reasonable sharing of views in Portarlington is supported by the Portarlington Structure Plan 2016 and should not be changed. Zones and overlays will manage heights in Portarlington and no further changes are justified. Aged care living should be noted for 33-41 Mercer Street in the Portarlington Structure Plan 2016, but Clause 21.14 should not identify its rezoning for residential use. The Amendment appropriately responds to 1-5 and 30-42 Geelong Road, Portarlington and no change is recommended.

The Panel supports recognising the full extent of the Portarlington Golf Club land and noting an opportunity for short term accommodation associated with golfing activities in Clause 21.14 and making any related changes to the Portarlington Structure Plan.

The Panel has recommended some minor clerical changes to Clause 21.14.

## **Amendment C327**

Amendment C327 appropriately responds to planning matters, however, it agrees with Council's post-exhibition changes which respond to issues, clarify intent and improve the operation of planning provisions.

The proposed provisions, including post-exhibition changes, would guide future development to appropriately respond to visual impact; environmental, transport and infrastructure matters; the rural interface including adjacent agricultural land uses; and to managing noise and dust during the construction phase.

The Panel has recommended some minor clerical changes to Development Plan Overlay Schedule 35, as shown in Appendix B.

### **(i) Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendments C327 and C352 be adopted as exhibited subject to the following:

1. **Amend Clause 21.14 to:**
  - a) **show the full extent of the Portarlington Golf Club land by including 162-180 Hood Road (located east of Oxley Street), Portarlington**
  - b) **note on the Portarlington Golf Club land an opportunity for short term tourist accommodation associated with the existing club house facilities**
  - c) **move the reference to Point Richards Flora and Fauna Reserve from the second dot point under 21.14-2 'Indented Head' to 'Portarlington'.**
2. **Amend Development Plan Overlay Schedule 35, under Clause 3.0 (Requirements for development plan), as shown in Appendix B, to:**

#### **URBAN DESIGN MASTERPLAN**

- a) **amend the second dot point to:**

*A general subdivision layout including streets, drainage reserves, open space, distribution of land uses, landscaping of streets and reserves, and interface treatment with adjoining roads, with dwellings on lots abutting Batman and Allens Roads generally fronting those roads.*
- b) **add a new second dot point:**

*A subdivision design that ensures that:*

  - *There are no new intersections with Geelong-Portarlington Road and no direct vehicular access from any lot to Geelong-Portarlington Road.*
  - *A 3 metre wide vegetation reserve abutting Geelong-Portarlington Road is provided along the frontage of the development.*
  - *Residential development addresses Geelong-Portarlington Road by use of service roads or internal roads to enable dwellings to front Geelong-Portarlington Road, but with no direct access from any lot to Geelong-Portarlington Road.*

c) amend the fifth dot point to:

*Provision for public open space of not less than 10% of the development area, within walking distance (400 metres) of each household. Encumbered land shall not be credited as public open space, including land required for drainage basins. Open space is to be located and designed to maximise casual surveillance including lots that positively address adjoining public open space reserves. Public open space is to include the highest point of the site, adjacent to the intersection of Batman and Allens Roads, to help ensure that built development does not intrude on the nearby ridgeline as viewed from the Point Richards area.*

**LANDSCAPE MASTER PLAN**

d) amend the third dot point to:

*Retention of significant vegetation, including Drooping Sheoke (*Allocasuarina verticillata*), which is of Regional Conservation Significance and has been recorded on the site, except where a qualified arborist recommends removal based on their health and condition.*

e) amend the eighth dot point to:

*A concept plan for all areas that interface with adjoining road reserves, with landscaping to soften the interface between new residential development and existing rural areas, while specifying that the siting and species used do not substantially impede coastal views from existing dwellings on adjacent land.*

**ROAD NETWORK AND TRAFFIC MANAGEMENT PLAN**

f) delete the fourth sub-dot point in the first dot point in relation to the Road Network and Traffic Management Plan.

**(ii) Further recommendations**

The Panel recommends changes to the Portarlington Structure Plan and Indented Head Structure Plans. These changes do not need to be made before implementing Amendments C327 and C352, and Council should decide on the appropriate timing.

The Panel further recommends:

**Amend the Portarlington Structure Plan 2016 to:**

- a) replace reference to the 2008 G21 Integrated Public Transport Strategy with the 2014 G21 Region Public Transport Strategy.
- b) note support for aged care living at 33-41 Mercer Street, Portarlington.
- c) show the full extent of the Portarlington Golf Club land.
- d) note on the Portarlington Golf Club land an opportunity for short term tourist accommodation associated with the existing club house facilities.

**Amend the Indented Head Structure Plan 2016 to:**

- a) replace reference to the 2008 G21 Integrated Public Transport Strategy with the 2014 G21 Region Public Transport Strategy.

# 1 Introduction

## 1.1 The subject land

Portarlington and Indented Head are located approximately 30 and 36 kilometres respectively east of Geelong. A 1.5 hour ferry service connects Portarlington with Melbourne's Docklands.

Amendment C352 applies to the townships of Portarlington and Indented Head. Specifically, it applies to land identified within the Study Area Boundary and Settlement Boundary, as shown in Figure 1.

Amendment C327 applies to land in Portarlington bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, otherwise known as 'Olive Grove'. The Olive Grove land is located within the Portarlington Settlement Boundary, as shown in Figure 1.

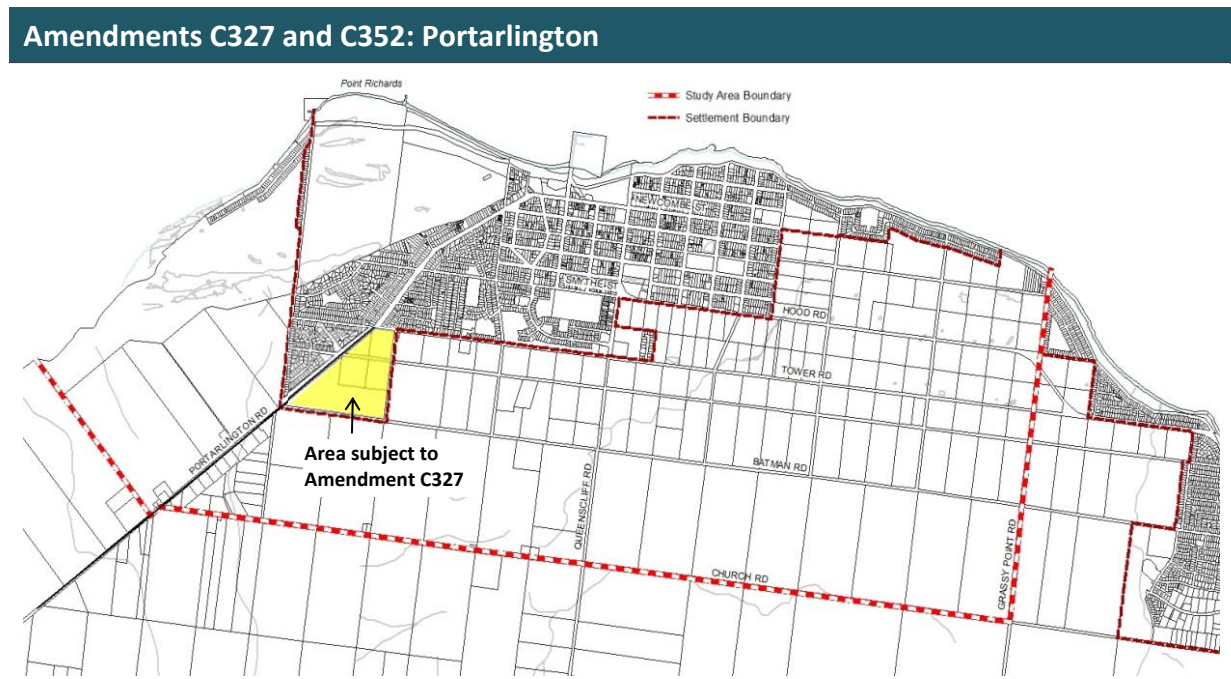


Figure 1 Amendment C352: Portarlington subject land

## Amendment C352: Indented Head

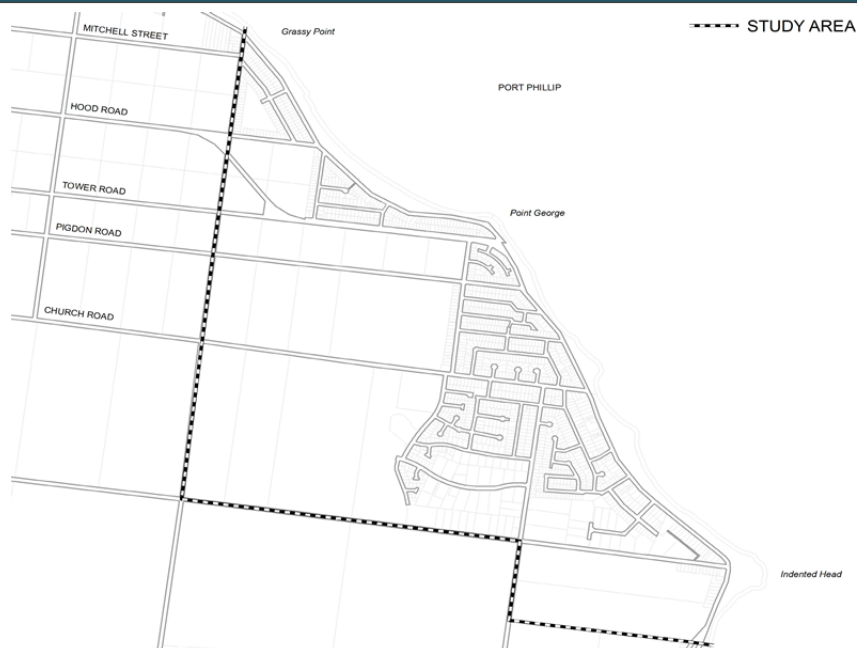


Figure 2 Amendment C352: Indented Head subject land

## 1.2 The Amendments

### Amendment C327

Amendment C327 proposes to:

- rezone the subject land in Portarlington from Farming Zone to General Residential Zone Schedule 1 (GRZ1)
- apply a new Development Plan Overlay Schedule 35 (DPO35) to the subject land
- apply Design and Development Overlay 14 (DDO14) to the subject land.

The Amendment is supported by a section 173 agreement for development contributions towards community facilities in Portarlington or sub-regional facilities in a nearby town.

### Amendment C352

Amendment C352 proposes to implement the Portarlington Structure Plan 2016 and Indented Head Structure Plan 2016 by amending Clause 21.14 (Bellarine Peninsula) to:

- include revised strategies and maps
- include the need for a strategic assessment to identify aged care needs in the Bellarine Peninsula
- reference Portarlington Structure Plan 2016 and Indented Head Structure Plan 2016.

## 1.3 Background

Council's Part A submission provides a comprehensive chronological background, including milestones is shown in Table 1.

Table 1 Background

April & November 2013	G21 Regional Growth Plan and its Implementation Plan finalised respectively
Early 2015	Council commenced reviewing 2008 Portarlington Structure Plan
Mid 2015	Council commenced reviewing 2007 Indented Head Structure Plan
June 2015	G21 Region (Geelong) Residential Land Supply Monitoring Project completed
September 2015	Bellarine Localised Planning Statement completed
October to November 2015	Council informally consulted with stakeholders when reviewing the Portarlington and Indented Head Structure Plans
May 2016	Council adopted Portarlington Structure Plan 2016 and Indented Head Structure Plan 2016
June 2016	Greater Geelong Amendment C321 Panel recommended that the Portarlington Structure Plan revise planning direction for 30-42 Geelong Road Portarlington
31 August 2016	Council abandoned Amendment C321 Council re-adopted Portarlington Structure Plan 2016 with changes consistent with the C321 Panel recommendations
17 October 2016	The Department of Environment, Land, Water and Planning (DELWP), under delegation from the Minister for Planning authorised Amendments C327 and C352
17 November to 19 December 2016	Amendments C327 and C352 were exhibited
22 March 2017	At its meeting, Council considered all submissions and resolved to request the appointment of an independent panel

#### 1.4 Procedural matter

Mr Chris Mackenzie of Planning Appeals, on behalf of Mr Tony Tiricola, directly contacted Planning Panels Victoria before the Hearing with a copy of a 'late submission', however, did not concurrently send it to Council for its consideration and referral to the Panel. The Panel decided to exercise its power under the *Planning and Environment Act 1987* to consider this information. It provided Mr Tiricola with an opportunity to provide any further written information and Council with an opportunity to respond. The Panel has considered Mr Tiricola's matter and notes that it aligns with issues raised in submissions.

#### 1.5 Issues dealt with in this report

The Panel considered all written submissions made in response to the exhibition of the Amendment as well as further submissions and other information presented to it during and after the Hearing, and observations from its Portarlington and Indented Head inspections.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in this report. All submissions and

materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Amendment C352
  - Settlement boundaries
  - Portarlington
  - Indented Head
- Amendment C327
  - Urban / Rural interface and agricultural impacts
  - Visual impact on landscape values and Bellarine Hills
  - Development density
  - Construction impacts
  - Environmental matters
  - Transport and infrastructure
    - Common drafting matters

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of each respective Explanatory Report. The Panel has reviewed Council’s response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies in Chapter 3.

### 2.1 Policy framework

Amendment C134 amended the State Planning Policy Framework on 31 March 2017, which included restructuring and changes to clause numbers. Each Explanatory Report refers to policy clauses relevant to Amendments C327 and C352 before Amendment C134 was introduced. Table 2 shows relevant policy clauses included those referred to the new State Planning Policy Framework clause numbers which correspond to previous clause numbers in the Explanatory Reports.

Table 2 Policy Framework

C327	C352	State Planning Policy Framework
		<b>Clauses</b>
		<b>11 Settlement</b>
		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.
	✓	<b>11.02 Urban growth</b>
✓		<b>11.02-1 Supply of urban land</b>
		<b>Objective:</b> To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
✓	✓	<b>11.05 Planning for distinctive areas and landscape</b>
✓	✓	<b>11.05-1 Coastal settlement</b>
		<b>Objective:</b> To plan for sustainable coastal development.
		<b>Strategies:</b>
		- Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.
		- Avoid linear urban sprawl along the coastal edge and ribbon development within rural landscapes and protect areas between settlements for non-urban use.
✓	✓	<b>11.05-2 Distinctive areas of state significance</b>
		<b>Objective:</b> 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.
		<b>Policy guidelines:</b>
		<i>Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015)</i>
✓	✓	<b>11.09 Geelong (G21)</b>
		In considering the policy objectives and strategies for the Geelong G21 region, planning must consider as relevant, the G21 Regional Growth Plan (Geelong Region Alliance, 2013).
✓		<b>11.09-3 Connected communities</b>

C327	C352	<p><b>Objective:</b> To create unique and connected communities.  <b>Strategies:</b></p> <ul style="list-style-type: none"> <li>- Provide for settlement breaks between towns to maintain their unique identities.</li> <li>- Require a settlement boundary for all towns.</li> </ul>
		<p><b>Local Planning Policy Framework</b></p> <p><b>Clauses</b></p> <p><b>21 Municipal Strategic Statement</b></p> <p><b>21.05 Natural environment</b></p> <p><b>21.05-7 Flooding</b></p> <p><b>Objective:</b> To minimise the potential for damage and risks to public safety and property from flooding.  <b>Strategy:</b> Discourage land use and development in floodplains where flood function may be impaired.</p> <p><b>21.06 Settlement and housing</b></p> <p><b>21.06-2 Urban growth</b></p> <p><b>Objective:</b> To limit urban sprawl by directing urban growth to designated urban growth areas.  <b>Strategies:</b></p> <ul style="list-style-type: none"> <li>- Direct the majority of new greenfield residential development to the designated primary urban growth areas at Armstrong Creek, Ocean Grove, Drysdale/Clifton Springs, Lara and Leopold.</li> <li>- Ensure development occurs within designated settlement boundaries.</li> </ul> <p><b>21.14 The Bellarine Peninsula</b></p> <p><b>21.14-2 Objectives</b></p> <p><b>Objective:</b> To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.  <b>Strategies:</b></p> <ul style="list-style-type: none"> <li>- Ensure that development responds to the identity and character of the individual township in which it is located.</li> <li>- Protect rural and coastal environments from inappropriate urban encroachment.</li> <li>- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.</li> <li>- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks.</li> <li>- Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.</li> </ul> <p><b>Portarlington and Indented Head:</b>  Encourage development which respects the coastal landscape setting of Portarlington by:</p> <ul style="list-style-type: none"> <li>- Providing reasonable sharing of views of the coast and foreshore.</li> <li>- Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.</li> <li>- Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.</li> </ul> <p><b>21.14-5 Portarlington Structure Plan map</b></p> <p><b>21.14-6 Indented Head Structure Plan map</b></p>

## 2.2 Relevant planning strategies and policies

### (i) Geelong G21 Regional Growth Plan

Geelong G21 Regional Growth Plan, April 2013 (G21 Plan) is one of eight regional growth plans that provide broad direction for land use and development across regional Victoria. It applies to the Borough of Queenscliffe, City of Greater Geelong, Colac Otway Shire, Golden Plains Shire (southern portion only) and Surf Coast Shire.

G21 Plan Map 2 identifies Portarlington as a 'Town, village, hamlet' and does not nominate Indented Head with a role and function. It sets the following directions for the Bellarine Peninsula:

- **Residential growth:** *Take up of existing areas identified in Structure Plans/UGPs.*
- **Relationship with & future role of other settlements:** *Limit growth in adjoining coastal settlements of Barwon Heads, Indented Head, St Leonards, Portarlington, Queenscliff and Point Lonsdale to existing settlement boundaries as per Structure Plans and Coastal Spaces Strategy.*

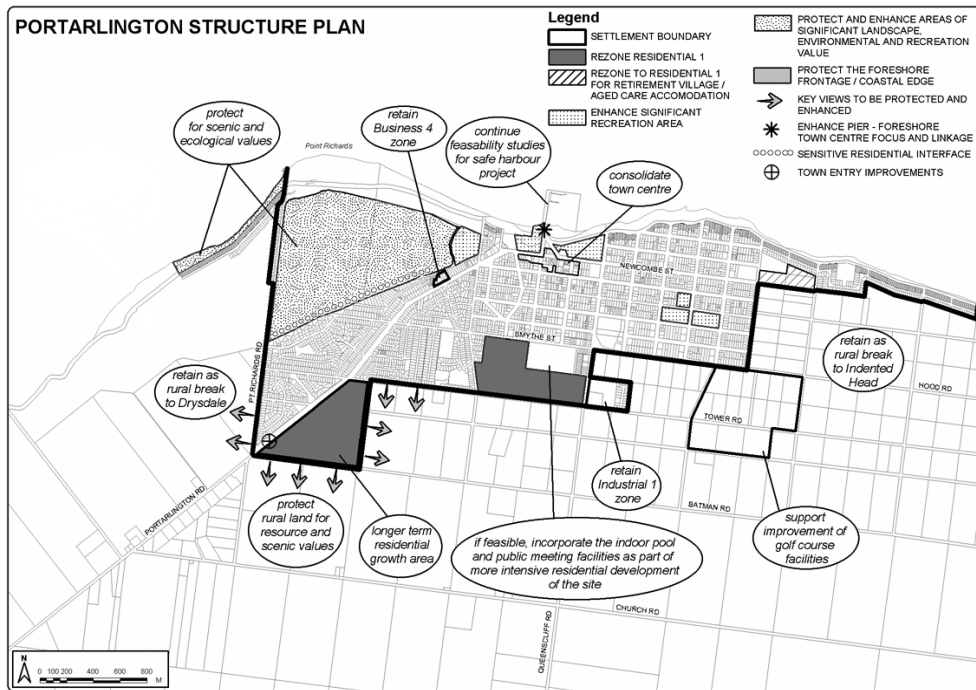
### (ii) Portarlington and Indented Head Structure Plans

Amendment C352 proposes to implement the Portarlington and Indented Head Structure Plans which were adopted by Council in May 2016. The 2006 Structure Plans resulted from a review of the 2007/8 versions and both versions are shown in Figure 3.

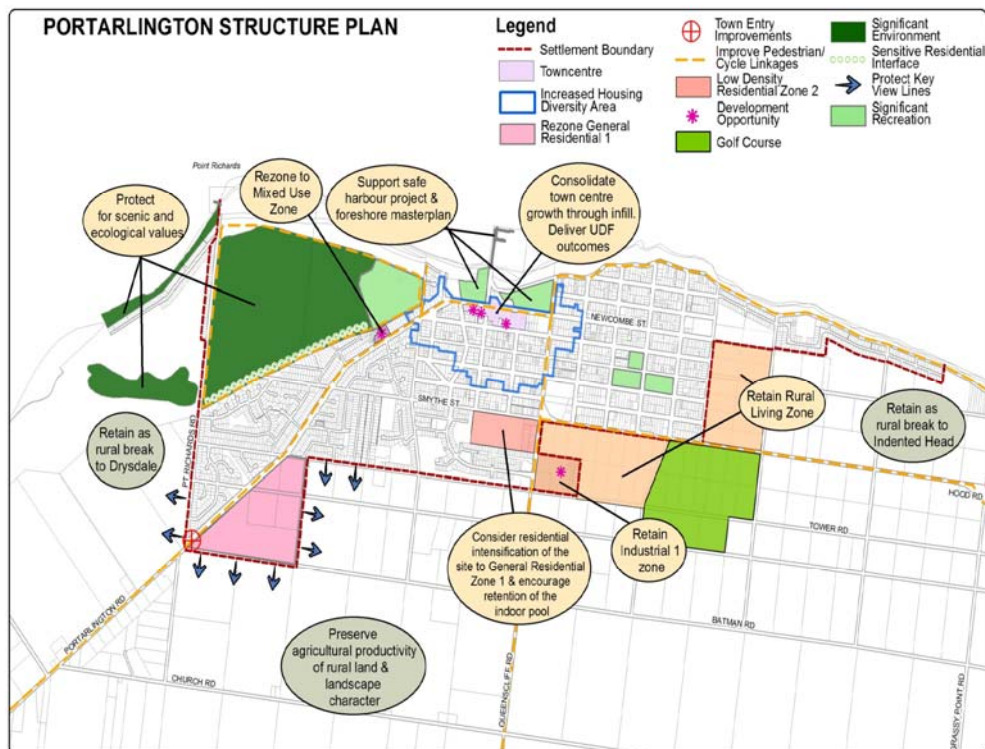
The 2016 Structure Plans continue to apply the same settlement boundaries for each town. The Portarlington Structure Plan 2016 continues to direct the Olive Grove land to be rezoned for standard residential purposes (GRZ1).

Portarlington

2007/8 Structure Plan

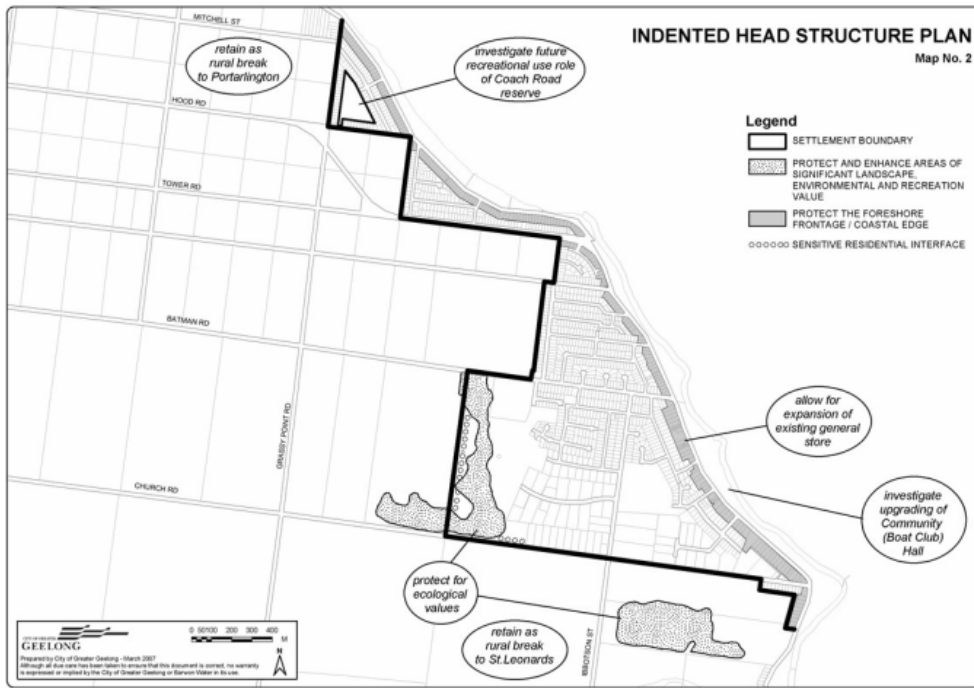


2016 Structure Plan



Indented Head

2007/8 Structure Plan



2016 Structure Plan

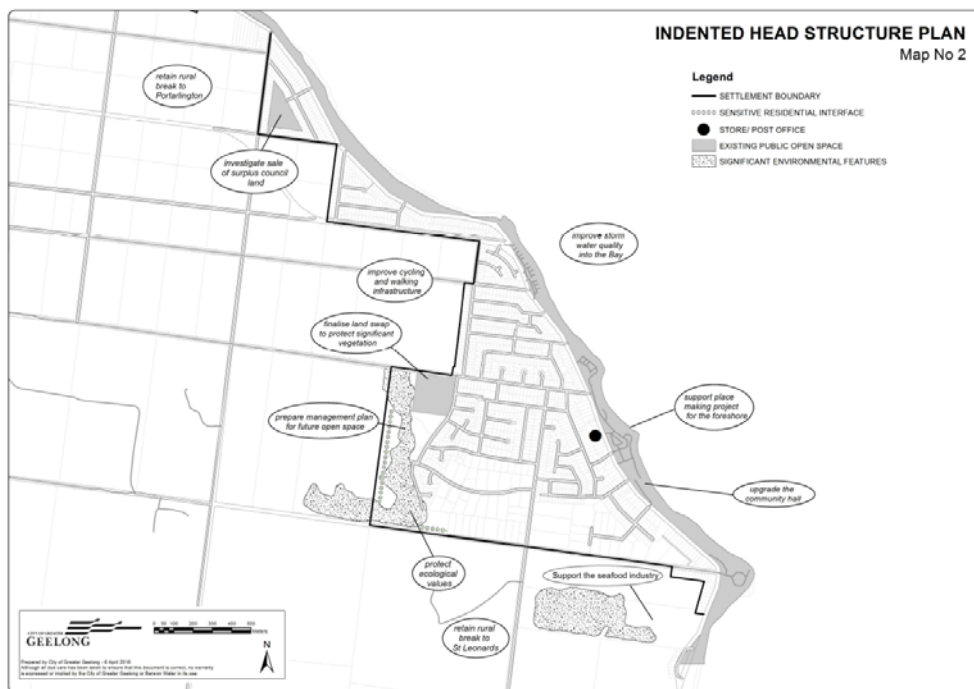


Figure 3 Previous and current Portarlington and Indented Head Structure Plans

## 2.3 Planning scheme provisions

Amendment C327 proposes to rezone the Olive Grove land to GRZ1 and apply DDO14 and DPO35. The purposes of the parent zones and overlays are shown in Table 3.

Table 3 Zones and overlays purposes

Zones	Overlays	
General Residential	Design and Development	Development Plan
<b>Common purpose</b>		
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.		
<b>Other purposes</b>		
<ul style="list-style-type: none"> <li>- To encourage development that respects the neighbourhood character of the area.</li> <li>- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</li> <li>- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</li> </ul>	<ul style="list-style-type: none"> <li>- To identify areas which are affected by specific requirements relating to the design and built form of new development.</li> </ul>	<ul style="list-style-type: none"> <li>- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</li> <li>- To exempt an application from notice and review if it is generally in accordance with a development plan.</li> </ul>

## 2.4 Ministerial Directions and Practice Notes

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

- Ministerial Direction No 11 (Strategic Assessment of Amendments)
- Ministerial Direction No 17 (Localised Planning Statements)
- The Form and Content of Planning Schemes (s7(5)).

The Amendments are consistent with these Ministerial Directions.

Planning Practice Note 46 (Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments), June 2015 provides further guidance to preparing and assessing planning scheme amendments.

## 3 Strategic justification

### 3.1 Submissions

Council submitted that Amendments C327 and C352 are consistent with the relevant objectives and strategies of the State and local planning policy framework (as outlined in Chapter 2). It added that Amendment C327 is consistent with both the 2008 and 2016 Portarlington Structure Plans.

Council noted that Amendments C327 and C352 do not seek to expand Portarlington or Indented Head settlement boundaries to enable future opportunities to rezone land for additional residential land. It submitted that rezoning the Olive Grove land for future residential development is strategically justified with respect to land demand and supply. Council referred to the Portarlington Structure Plan 2016 which calculated future lot supply capacity by analysing:

- historical lot construction trends: average 32.6 constructions each year from 2006/07 to 2014/15
- historical building approval rates: average 46.1 approvals each year from 2004/5 to 2013/14.

Council noted that only 75 per cent of new dwellings are in broad acre subdivisions. When taking all the above into account, Council concluded:

- there is currently eight years land supply (six years by the time the lots are available in about two years)
- the Olive Grove land would contribute at least a further eight years' supply.

Council included more detailed figures in its Part B Submission based on data in Table 14, Portarlington Structure Plan 2016 and G21 Land Supply Monitoring Tool (Spatial Economics), as shown in Table 4.

Table 4 Estimated land supply (years) based on average lot creation

	2015	2017	2019
Broadhectare	10	8	6
Broadhectare + vacant urban lots (100%)	19.5	17.5	15.5
Broadhectare + vacant urban lots (75%)	17	15	13
Broadhectare + vacant urban lots (50%)	15	13	11
Broadhectare + vacant urban lots (25%)	12.5	10.5	8.5

Eight submitters considered there was insufficient demand for residential land in Portarlington to justify Amendment C327. At the Hearing, a submitter presented local real estate information to demonstrate the extent of properties and dwellings available for sale.

## 3.2 Discussion

When assessing whether Amendments C327 and C352 are strategically justified, the Panel considered:

- whether there is adequate planning policy support for:
  - Amendment C352 which proposes changes to implement the Portarlington and Indented Head Structure Plans
  - Amendment C327 which proposes changes to enable the Olive Grove land for future residential development
- whether residential land demand and supply forecasts support rezoning the Olive Grove land (C327).

The Amendments strategically align with State, regional and local planning policy, the 2016 Structure Plans and with each other.

Regarding lot land supply and demand, the Panel does not dispute local real estate information. It represents part of a static profile of existing circumstances. However, the extent of available future lot supply and demand and degree to which the Olive Grove land will contribute towards it requires a more structured methodology. The Panel accepts Council's lot supply and demand analysis which was founded on a robust methodology and reliable sources.

## 3.3 Conclusion

The Panel concludes that Amendments C327 and C352:

- are supported by, and implement, the relevant sections of the State and Local Planning Policy Framework
- are consistent with the relevant Ministerial Directions and Practice Notes
- are well founded and strategically justified
- are supported by residential land demand and supply forecasts
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 4 Amendment C352

### 4.1 Settlement boundaries

#### (i) The issue

The issue is whether the Portarlington and Indented Heads settlement boundaries should be extended to include additional land.

#### (ii) Submissions

Submissions were received from several submitters to extend the relevant settlement boundary to include 67-133 Point Richards Road, Bellarine, 33-41 Mercer Street and 4 Grassy Point Road, Portarlington and 81-99 Ibbotson Road, Indented Head.

Reasons for extending the boundary to include specific land included:

- lot size is relatively small to remain in the Farming Zone
- existing subdivision layout does not align with the Farming Zone
- surrounding residential lot layout enables connections to the land
- land unsuitable for productive agriculture or conservation
- would not compromise the non-urban break between coastal settlements
- insignificant expansion of settlement area
- would contribute to additional land supply and lot flexibility
- encroachment towards an existing industry (abalone farm) would not affect its operation.

Council did not support extending the existing Portarlington and Indented Heads settlement boundaries. It submitted that this response was consistent with Planning Practice Note 36 (Implementing Coastal Boundary Settlement) because it was a coastal settlement boundary subject to a strategic process which identified and implemented a boundary into the Greater Geelong Planning Scheme. Such an approach is supported by Planning Practice Note 36 and Clause 11.05-1 which states:

- *Encourage urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl.*
- *Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.*
- *Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.*

Council responded with specific reasons why it did not support including these properties in the settlement area through Amendment C352. It highlighted that some of these properties were considered during the structure planning process where it concluded that they should not be included in the settlement area.

### **(iii) Discussion**

The Portarlington and Indented Head settlement boundaries have been in place for consecutive structure plans since 2008. State policy including Clause 11.09, the G21 Regional Growth Plan, local planning policy and Planning Practice Note 36 clearly direct urban development within defined settlement boundaries. As urban development is not supported outside these settlement boundaries, they would need to be expanded to align with all tiers of policy. The Panel considered all submissions seeking to include land within the settlement area and assessed them with the Structure Plans, existing policy and land supply and demand figures to inform itself about whether there is strategic support to extend the Portarlington and Indented Head settlement boundaries.

While there is generally insufficient strategic justification to extend any the settlement boundaries, the Panel makes specific comment about 67-133 Point Richards Road, Bellarine. The subject land's condition and its environmental attributes associated with its saline wetlands and low lying nature makes it subject to inundation and inappropriate for future development. The Panel considers that encouraging development at this location is at odds with State policy at Clause 13.01-1 due to its low-lying nature and susceptibility for inundation from coastal processes. The policy requires planning for possible sea level rise of 0.8 metres by 2100. It also requires planning for not less than 0.8 metre sea level rise by 2100 for new greenfield development outside of town boundaries. The Inundation Summary Report referred to the Panel by Council indicates that parts of the land between Point Richards Road and Ramblers Road is at risk from coastal inundation and is therefore not appropriate for future development. Even if the Panel had considered that there is sufficient support to extend the Portarlington settlement boundary, it would not have supported future development at this location.

### **(iv) Conclusion**

The Panel concludes:

- There is insufficient strategic justification to extend the Portarlington and Indented Head settlement boundaries.

## **4.2 Portarlington**

### **4.2.1 Building heights and views**

#### **(i) The issues**

The issues are:

- whether building heights should be reduced to no greater than two storeys
- whether there should be more restrictive provisions to enable a greater sharing of views from across Portarlington to selected parts of the town.

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

Mr Bugge raised the issue of building heights in excess of two storeys. Although there was little detail in his submission, Mr Bugge's submission indicated no 'high rise' and two storey development only in Portarlington.

Council did not support the change because building heights are controlled by zones and overlays and not the Portarlington Structure Plan 2016.

With reasonable sharing of views, Council referred to the current strategy relating to reasonable sharing of views under Clause 21.14-2:

*Encourage development which respects the coastal landscape setting of Portarlington by:*

- *Providing reasonable sharing of views of the coast and foreshore.*

Amendment C352 proposes to change the strategy by adding the underlined words:

*Encourage development which respects the coastal landscape setting of Portarlington by:*

- *Providing reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay.*

Ms Fitzpatrick was concerned that the change “takes away the protection of all views, to a protection of views within a defined list.” She considered it important that everyone should share views throughout the town.

Ms Fitzpatrick suggested the following variation in wording to reflect on the possible intent of Amendment C352 to increase the protection of views by providing for reasonable sharing of views both generally and specifically by reference to overlays:

*Encourage development which respects the coastal landscape setting of Portarlington by:*

- *Providing reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay.*

Council did not support Ms Fitzpatrick’s amended wording because it perceives that reasonable sharing of views ought to be given greater weight where identified in particular overlays.

### **(iii) Discussion**

#### **Building height**

The Portarlington Structure Plan 2016 recognises Portarlington as a seaside town with a low density suburban character and predominantly one and two storey dwellings with backyards. Most the residential areas of the town are in one of the following zones:

- GRZ1 for greenfield development areas. GRZ1 contains no building height limits and defaults to the recently changed mandatory maximum building height limit of 11 metres (or three storeys).<sup>1</sup>
- General Residential Zone Schedule 2 (GRZ2) for established residential areas. The GRZ2 contains a mandatory maximum 9 metre building height limit.
- Residential Growth Zone Schedule 3 (RGZ3) for an area around the town centre. The RGZ3 contains a mandatory maximum 10.5 metre building height limit.

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<sup>1</sup> Gazetted through Amendment VC110.

The Panel agrees with Council that the zone and overlay provisions regulate building heights. The General Residential Zone has a default mandatory building height that can be varied through a schedule while DDO14 requires a permit for a building height taller than 7.5 metres so that the reasonable sharing of views can be assessed by Council through an application process.

The Panel agrees with Council's submission on this matter and considers there is insufficient basis to apply a mandatory two-storey maximum building height limit. The strategic outcomes under policy in Clause 21.14 provide clear direction for:

- the hub of development on the Bellarine Peninsula to be directed to towns such as Ocean Grove, Drysdale/Clifton Springs and Leopold rather than settlements such as Portarlington
- development in Portarlington to respond to its individual identity, character and coastal landscape which is fundamentally two storeys in nature with potential for improving housing diversity and infill in the *Increased Housing Diversity Areas* in the area around the town centre.

The Panel notes that since exhibiting the Amendments, the residential zones were changed on 27 March 2017<sup>2</sup>. This includes a new default mandatory maximum building height of 11 metres (three storeys). While this change appears to align with what Amendment C327 seeks to implement, Council and the Proponent should review any potential impacts in more detail.

### **View sharing**

The Portarlington Structure Plan 2016 states:

*Clause 21.14 The Bellarine of the Greater Geelong Planning Scheme contains a strategy that requires development to respect the coastal landscape setting of Portarlington by providing for the reasonable sharing of views of the coast and foreshore. The strategy was included in Clause 21.14 to recognise the DDO14, DDO19 and DDO21 overlays. In a decision by the Victorian Civil and Administrative Tribunal in 2013 relating to a planning permit for 11 Hawthorn Street, Portarlington (P3541/2012)<sup>3</sup> it was determined that the sharing of views under Clause 21.14 applied across the entire residential area of Portarlington. This is not the intention of Clause 21.14. Clause 21.14 should therefore be amended to provide a link to the overlays.*

The Portarlington Structure Plan 2016 and Clause 21.14-2 provide sufficient strategic guidance for sharing of views in Portarlington when managing them through DDO14, DDO19 and DDO21.

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<sup>2</sup> Amendment VC10.

<sup>3</sup> *Turner v Greater Geelong CC & Anor* [2013] VCAT 1306.

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

The Panel concludes:

- There is insufficient justification to restrict building heights limits in Portarlington beyond those proposed by the Amendment.
- Zone and overlay provisions are appropriate for managing building heights in Portarlington.
- The proposed strategy for reasonable sharing of views in Portarlington is supported by the Portarlington Structure Plan 2016 and should not be changed.

#### **4.2.2 33-41 Mercer Street, Portarlington**

The Portarlington Retirement Village is located at 6-18 Oxley Street and 23-31 Mercer Street. 33-41 Mercer Street directly abuts the Portarlington Retirement Village to the north. The existing retirement village is in GRZ1 and within the Portarlington settlement boundary. It is a rectangular parcel of land comprising approximately 2.02 hectares with an existing dwelling. It is currently in the Rural Living Zone and affected in part by the Special Building Overlay.

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

The Panel has already concluded that the Portarlington and Indented Head settlement boundaries should not be extended. This sub-chapter discusses other associated matters.

The issue is:

- whether the policy in Clause 21.14 should be amended to support 33-41 Mercer Street, Portarlington being rezoned to a residential zone so that it can be used for retirement/aged care.

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

Ms Kilpatrick of Tract Consultants, on behalf of Peninsula Lifestyle Pty Ltd, submitted that 33-41 Mercer Street should be included within the Portarlington settlement boundary. She requested that Clause 21.14 be amended to reference the land being rezoned to an appropriate residential zone to support future retirement/aged care.

The Portarlington Retirement Village is currently under development in accordance with a planning permit granted in 2009.<sup>4</sup> The Retirement Village is also constrained by a section 173 agreement<sup>5</sup>, which restricts the use of the land for retirement living in accordance with the *Retirement Villages Act 1986*.

Ms Kilpatrick acknowledged the Rural Living Zone enables a permit application for what Peninsula Lifestyle Pty Ltd is seeking but submitted that it is not supportive of such uses given the emphasis of the zone purposes on residential use in a rural environment.

She added that the Portarlington Structure Plan 2016 does not address a strategic opportunity to facilitate the future growth of the Portarlington Retirement Village. The

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<sup>4</sup> The Portarlington Retirement Village was approved under a combined Planning Scheme Amendment C93 and Planning Permit 413/2004.

<sup>5</sup> Section 173 of the *Planning and Environment Act 1987*.

subject land abuts the developing retirement village and would help meet Portarlington's retirement living needs. She argued that Council's concern about extending the settlement boundary for residential purposes could be addressed by noting on the Portarlington Structure Plan 2016 that the land must be used for retirement living/aged care accommodation.

Ms Kilpatrick submitted that there is strong strategic justification to support extending the settlement boundary for the Portarlington Retirement Village:

- *It will achieve the objectives of Planning in Victoria by facilitating the fair, orderly, economic and sustainable use and development of land and to balance the present and future interests of all Victorians.*
- *The Portarlington Retirement Village expansion will result in net-community benefit ensuring adequate land is provided for future aged care living.*
- *This development will provide key social benefits to the community by extending the housing choices and promoting people to age in place and remain in their local community. The aged care living options is currently limited in Portarlington and important this is strategically identified in the structure planning process.*
- *This proposed site is a key strategic location suitable for such development. It is compatible with adjoining land uses with the approved Portarlington Retirement Village directly to the north and will enhance social cohesiveness and sense of community for retirement living in Portarlington.*

Council submitted that the existing retirement village is currently at an early development stage and has significant scope to expand. The facilities are primarily designed for healthy, active retirees, without the range of facilities for residents to age in place and subsequently transition to supported accommodation within the village. As such, the facility appears to fit the description of a 'gated community' for over 50 year olds. Council considered that the net community benefit of retaining the existing settlement boundary outweighed any benefit from extending the settlement boundary for the retirement village. Council submitted that extending the settlement boundary would increase expectations from other land owners in the Rural Living Zone seeking a similar outcome.

### **(iii) Discussion**

The Rural Living Zone enables a permit application for a retirement village and aged care living. The Panel does not accept that the Rural Living Zone purpose make it difficult to obtain a permit and this diminishes the basis for rezoning and extending the settlement boundary.

Retirement and aged care living is considered a form of residential use and given the land's physical context in this part of Portarlington, such an application would represent a form of residential use in a rural environment. It would also represent a proposal that has a close association with the adjacent retirement village.

The Panel notes that while Council remains unsupportive of any change in the settlement boundary, there would be support for a notation on the structure plan that supported any

permit application for retirement/aged care living on the land at 33-41 Mercer Street, Portarlington. The Panel supports this position and considers it would provide sufficient support for progressing aged care living on the land that can operate in conjunction with the Portarlington Retirement Village to enable ageing in place for a net community benefit outcome for the town.

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

The Panel concludes:

- The Portarlington Structure Plan 2016 and Map should be amended to include a note supporting the use of the land at 33-41 Mercer Street, Portarlington for aged care living.
- Clause 21.14 should not be amended to support 33-41 Mercer Street, Portarlington being rezoned to a residential zone.

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

The Panel does not recommend any change to the Amendment but further recommends:

**Amend the Portarlington Structure Plan to:**

- a) **note support for aged care living at 33-41 Mercer Street, Portarlington.**

### **4.2.3 30-42 Geelong Road, Portarlington**

#### **(i) Background**

The Portarlington Structure Plan 2016:

- describes the subject land as one of two secondary commercial centres in the town (the other being located at 1-5 Geelong Road)
- identifies the subject land as a prominent location on a primary entry road to Portarlington
- identifies the subject land, along with three other sites in the town centre, as a *'development opportunity'*
- describes the subject land as a mix of light industry/service commercial, retail and vacant land in the Commercial 2 Zone.

The land was subject to a combined planning scheme amendment and planning permit process (Amendment C321 and Planning Permit 1234/2014) seeking to rezone it from Commercial 2 Zone to the Mixed Use Zone and develop a four storey, 55 dwelling apartment building with 569 square metres of commercial floor space. The C321 Panel recommended the Amendment be abandoned because it found the rezoning to be inappropriate. Council accepted the recommendation.

#### **(ii) The issue**

The issue is:

- whether the Portarlington Structure Plan 2016 should be changed to identify 30-42 Geelong Road, Portarlington for future residential rezoning.

**(iii) Submissions**

Mr Barton and Ms Hayes submitted that the subject site's 'development opportunity' designation is inappropriate because it is vague, creates uncertainty about its future use and development and does not align with the findings of the C321 Panel. Both relied on the C321 Panel's rejection of the land as a 'gateway' site into Portarlington.

Council submitted that identifying specific sites as a development opportunity does not have the effect of rezoning them. It added that the Portarlington Structure Plan 2016 appropriately reflects the findings and commentary of the C321 Panel and establishes a framework to consider and apply future zoning and other planning provisions into the planning scheme. Council noted that this process would provide an opportunity for public input.

**(iv) Discussion**

The Panel forms no view on whether the subject land is a 'gateway' site but notes that it is located on the main road through Portarlington and therefore exposed to main road traffic. The Panel acknowledges that the subject land is relatively underdeveloped Commercial 2 Zone land that could benefit from improvements to its appearance.

The Portarlington Structure Plan 2016 provides some guidance on the subject land:

*... Redevelopment could provide renewal and investment opportunity to the area. Any future rezoning would need to make an assessment as to the appropriate zone and planning controls for the area in the context the low scale coastal character of Portarlington, having regard to:*

- *Responding to the Council's Housing Diversity Strategy 2007 noting that the site is located outside of the Increased Housing Diversity Area;*
- *Potential impact of any development on the town centre and the intent to consolidate commercial activity within the existing town centre (see Section 7.6);*
- *Council's tourism strategies;*
- *Design and built form including potential height controls, view sharing, car parking impacts and the recognition of the site as a prominent entry point to Portarlington;*
- *Access to Geelong Road and the potential for any development to provide pedestrian access through to the adjoining recreation reserve;*
- *Impact on the operation of existing businesses; and*
- *Potential land contamination.*

Despite the concerns of the submitters, the Panel is satisfied the Portarlington Structure Plan 2016 sets a framework for considering any future zoning and other associated planning tools can be undertaken. Despite the Structure Plan not being 'up-front' with regards to future zoning, use and development outcomes for the land, the Panel considers the Structure Plan has taken on board the intent of the C321 Panel's findings but in a manner that keeps future options open and subject to further strategic work in the future. The Panel is also cognisant of the opportunity for further community input into any such future strategic review of land use and development opportunities for the land, which it considers is wholly appropriate.

**(v) Conclusions**

The Panel concludes:

- The Portarlington Structure Plan 2016 appropriately identifies 30-42 Geelong Road, Portarlington for future mixed use development and should not be changed.

**4.2.4 1-5 Geelong Road, Portarlington****(i) The issue**

The issue is:

- whether the Portarlington Structure Plan should indicate that 1-5 Geelong Road, Portarlington be rezoned for residential purposes.

**(ii) Submissions**

Spiire Australia Pty Ltd, on behalf of Mr Lou Maglio, lodged a late submission seeking the Structure Plan 2016 to recognise 1-5 Geelong Road, Portarlington being rezoned from the Commercial 1 Zone to the RGZ3. The land is located on the south-west corner of Geelong-Portarlington Road and Sproat Street with a building formerly occupied by a supermarket. The submission outlined the landholder's intention to develop land for residential purposes. It added that rezoning to a residential zone would avoid the Commercial 1 Zone's restriction on accommodation at ground floor level. The submission considered the RGZ3 as the most appropriate zone given the majority of the adjoining land is in this zoning and with only a small abuttal to land in the GRZ2.

Accordingly, the submission sought to change the Structure Plan to acknowledge that the land is not confined to its current role as a secondary commercial centre in Portarlington and that it has the opportunity for rezoning and redevelopment for residential purposes.

Council responded that residential use and development is discretionary under the Commercial 1 Zone and the ground floor frontage can be varied through a planning permit application. Council acknowledged that any proposed future rezoning would need to be supported by an appropriate level of strategic justification.

**(iii) Discussion**

The Panel does not envisage a need to amend the Structure Plan for this land to give it recognition for redevelopment for residential purposes, given the discretionary standing of accommodation under the Commercial 1 Zone.

The Structure Plan 2016 identifies the land as one of two secondary commercial sites in the town. It identifies that the site is not anticipated to be subject to significant change, other than improvement to the buildings and surrounding streetscape appearance. Apart from the submission, there was insufficient information to support the request. The Panel considers that Structure Plan 2016 should not be changed to identify the land's future rezoning. The Commercial 1 Zone purposes provide sufficient scope to consider development for commercial and residential uses.

**(iv) Conclusions**

The Panel concludes:

- There is insufficient strategic justification to rezone 1-5 Geelong Road, Portarlington to a residential zone.
- The Structure Plan 2016 should not be amended to identify the land for a future rezoning.

**4.2.5 Portarlington Golf Club**

The Portarlington Golf Club is located on land at the southeast corner of Hood Road and Simpson Street, outside of the Portarlington settlement boundary.

**(i) The issues**

The issues are whether Clause 21.14 and the Portarlington Structure Plan should be amended to:

- show the full extent of the Portarlington Golf Club land
- note support for golf course facility improvements
- note an opportunity for short term accommodation on the Golf Club land.

**(ii) Submissions**

Ms Laura Murray, Town Planner from APP Corporation Pty Ltd on behalf of the Portarlington Golf Club Inc made submissions seeking to change Structure Plan Map 2 and Clause 21.14 to:

- identify the full extent of the Golf Club land by including 162-180 Hood Road which is located east of Oxley Street and zoned Special Use Zone Schedule 3 (Private Golf Courses).
- note future golf course facility improvements which were previously noted in the 2008 Structure Plan
- identify an opportunity for short term accommodation on the Golf Club land, like the note for the Curlewis Golf Club in the Drysdale-Clifton Springs Structure Plan.

Council responded that the extent of the Golf Club land is incorrectly shown on the Structure Plan map. 162-180 Hood Road was rezoned after the Portarlington Structure Plan 2008 was prepared. Council supported the Structure Plan map being amended to show the correct extent of the Golf Club land.

Council submitted that it was unnecessary to note future golf course facility improvements because improvements have been implemented. It added that the Golf Club can apply for a planning permit for alterations or improvements to its facilities through the current zoning without needing a note.

Council agreed that there is strategic justification for tourism accommodation in the Bellarine Peninsula area and noted that there is limited suitable tourism accommodation in Portarlington. It supported short term accommodation for the Golf Club's facility users but did not support for long term accommodation. Accordingly, it submitted that the following note be added to the Structure Plan map:

*Opportunity for short term tourist accommodation to be developed in conjunction with the existing club house facilities.*

**(iii) Discussion**

The Panel agrees with Council's submission and response to the issues associated with the Portarlington Golf Club.

The Panel supports the Portarlington Structure Plan including 162-180 Hood Street as part of the Portarlington Golf Club land so that it can identify its actual extent.

The Panel does not support noting Golf Course facility improvements because the Golf Club did not present specific improvements that would justify such a note. The Panel agrees with Council that future improvements could be considered through a planning permit application process.

The Panel supports tourist accommodation on the Golf Club land in conjunction with club house facilities and therefore agrees with Council's proposed note "*opportunity for short term tourist accommodation to be developed in conjunction with the existing club house facilities*". While the Golf Club land is located outside of the Portarlington settlement boundary, any future tourist accommodation should not be transformed into dwellings for permanent residents.

**(iv) Conclusions**

The Panel concludes:

- Clause 21.14 and the Portarlington Structure Plan should be amended to:
  - show the full extent of the Portarlington Golf Club land to also include a portion of land located east of Oxley Street (162-180 Hood Street) that is included in Special Use Zone Schedule 3.
  - add a notation on the Golf Club land identifying short term accommodation opportunity that is linked with the Portarlington Golf club facilities.
- The amendment of the Portarlington Structure Plan map to reinstate the notation "*support improvement of golf course facilities*" is unnecessary.

**(v) Recommendations**

The Panel recommends:

**Amend Clause 21.14 to:**

- a) show the full extent of the Portarlington Golf Club land to include 162-180 Hood Road (located east of Oxley Street).**
- b) note on the Portarlington Golf Club land an opportunity for short term tourist accommodation associated with the existing club house facilities.**

The Panel further recommends:

**Amend the Portarlington Structure Plan 2016 to:**

- a) show the full extent of the Portarlington Golf Club land**
- b) note on the Portarlington Golf Club land an opportunity for short term tourist accommodation in conjunction with the existing club house facilities.**

## **4.3 Indented Head**

### **4.3.1 Environment and infrastructure**

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

The issue is:

- whether policy provisions and the 2016 Indented Head Structure Plan should be amended to address environmental matters raised in submissions.

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

Several submitters sought to:

- remove references to the Point Richards Flora and Fauna Reserve and Salt Lagoon Wildlife Reserve
- add references to environmental values west of Annemarie and Seascape Drives within Clause 21.14-2
- improve pedestrian and cycling infrastructure in Indented Head
- investigate the need for traffic control devices on collector roads
- investigate, in consultation with Bellarine Bayside Committee of Management, how to reduce stormwater run-off from the creek near David Street entering Port Phillip Bay
- revise detailed references to the Aquaculture operation
- improve off-street additional sporting facilities on the western side of the settlement and increased off-street recreational facilities for young people.

Ms Ingrid Novosel submitted that the second dot point in the Clause 21.14-2 policy relating to Indented Head should be deleted because it references the Point Richards Flora and Fauna Reserve which is located in Portarlington.

Council responded that submissions on environment and infrastructure were about operational, and not strategic, matters therefore it was not necessary to change the Structure Plan.

#### **(iii) Discussion and Conclusion**

The Panel generally agrees with Council's submission on this matter. However, the policy reference to the Point Richards Flora and Fauna Reserve in the second dot point in Clause 21.14-2 under Indented Head should be deleted. This area is clearly located in Portarlington so it is appropriate to move the policy into the relevant policy dealing with Portarlington.

#### **(iv) Recommendation**

The Panel recommends:

**Amend Clause 21.14 to:**

- a) move the reference to Point Richards Flora and Fauna Reserve from the second dot point under 21.14-2 'Indented Head' to 'Portarlington'.**

## 5 Amendment C327

Amendment C327 proposes to rezone land in Portarlington bound by Batman Road to the south, Allens Road to the east, Tower Road to the north and Geelong-Portarlington Road to the west from Farming Zone to GRZ1. As outlined in Chapter 1, the land is located within the Portarlington settlement boundary and is commonly known as the 'Olive Grove' land.

### 5.1 Urban/rural interface and agriculture impacts

#### (i) The issues

The proposal to rezone the Olive Grove land from farming to residential purposes has raised issues regarding:

- the interface between rural and urban (residential) land uses
- loss of agricultural land
- the impact of the Olive Grove land development on adjacent agricultural land uses.

#### (ii) Submissions

##### Rural interface issues

Mr Neil and Mrs Lemmie Cover and Ms Elizabeth Cox own farming properties on the eastern side of Allens Road. They submitted that rezoning the Olive Grove land to enable residential development would adversely impact adjoining rural land. Specifically, they were concerned about visual impact, increased traffic, noise and effects on livestock and animals from dogs in adjoining residential areas. They considered dwellings of up to 7.5 to 10 metres on the Olive Grove land to be too tall because it may impact existing coastal views from their properties.

The submitters did not support residential lots fronting Allens Road or driveways accessing it. Instead, they sought large lots with 'green belts' and minimal rural fencing instead of solid fencing. Ms Cox submitted that development should be well set back from Allens Road to creating a buffer with rural appeal but without tall trees that would impede their views. Ms Cox requested that the developer provide noise and privacy fencing along abutting rural properties.

Council and the Proponent responded that the Olive Grove land has been located within the Portarlington settlement boundary for many years and there is sufficient strategic justification to rezone the land for future residential development. They advised that the planning provisions framework proposed for the Olive Grove land applies multiple levels of controls for managing the rural/residential interface and view sharing. The Proponent considered the requirements contained in the framework to be extensive, perhaps excessive, for the type of residential development proposed.

Council referred to DDO14, which currently applies to other areas in Portarlington and is proposed to be applied to the Olive Grove land. It would require a permit for dwellings over 7.5 metres in height and would require a view impact analysis be submitted if there was a likely impact on views. Decision guidelines for permits include the impact of proposed buildings and works on the view from another property and the opportunity for a reasonable

sharing of views. Council advised the Panel that it was considered that this would include views from properties outside of the DDO14.

Council referred to DPO35 which is proposed for the Olive Grove land. DPO35 partly addresses the interface between proposed residential and adjacent rural land by requiring that the development plan incorporate:

- an urban design masterplan that includes:
  - a general subdivision layout including streets, drainage reserves, open space, distribution of land uses, landscaping of streets and reserves, and interface treatment with adjoining roads
  - larger lots on higher portions of the land to minimise visual impacts.
- a landscape masterplan that includes a concept plan for all areas that interface with adjoining road reserves, with landscaping to soften the interface between new residential development and existing rural areas
- a road network and traffic management plan that includes the construction of perimeter roads to an appropriate standard as required.

Council explained that the various plans required by the DPO35 would be subject to its approval therefore issues such as access, landscaping, lot frontage and view lines would be assessed accordingly.

Council submitted that it would be beneficial to give clearer direction in DPO35 on interface treatment with Batman and Allens Road. It added that it would be a preferable urban design outcome for most dwellings on lots abutting Batman and Allens Road to front and address those perimeter roads instead of having extensive lengths of rear fences along the road boundaries. Council considered that locating public open space along portions of Batman and Allens Road would contribute towards achieving an appropriate interface.

Accordingly, Council reworded the urban design masterplan requirement to read:

*A general subdivision layout including streets, drainage reserves, open space, distribution of land uses, landscaping of streets and reserves, and interface treatment with adjoining roads, with dwellings on lots abutting Batman and Allens Roads generally fronting those roads.*

[added words underlined]

Given the potential impact of landscaping on views from dwellings on rural land adjacent to the Amendment area, Council considered it appropriate to amend the landscape masterplan requirement about the landscape softening the interface to read:

*A concept plan for all areas that interface with adjoining road reserves, with landscaping to soften the interface between new residential development and existing rural areas, while not unduly impeding coastal views from dwellings on adjacent rural land.*

[added words underlined]

With respect to the other suggested change, the Panel questioned Council about the interpretation of the word “unduly”. In its right of reply, Council offered the following wording as an alternative to minimise problems with interpreting a vague term:

*A concept plan for all areas that interface with adjoining road reserves, with landscaping to soften the interface between new residential development and existing rural areas, while specifying that the siting and species used do not substantially impede coastal views from existing dwellings on adjacent land.*

[added words underlined]

With respect to the submission's argument that the developer should provide noise/privacy fencing surrounding abutting rural properties, Council advised that it is not a developer responsibility to provide privacy fencing on nearby land, opposite a development site but separated by a road. It further commented that, the residential development facilitated by the Amendment will not generate noise that would require acoustic treatment such as noise walls.

### **Loss of agricultural land**

Mr Shane and Mrs Edwina Bird, Ms Gloria Croft and Mr Geoff Henderson were concerned that rezoning the Olive Grove land would result in the loss of agricultural land. Mrs Bird indicated that farmland in this northern part of the Bellarine Peninsula is classified as Class 2 or high quality agricultural land in the Greater Geelong Rural Land Use Strategy, and that the area is therefore highly productive. Her submission indicated that the Amendment is inconsistent with the objective of Clause 22.05 (Agriculture, Rural Dwellings and Subdivision) to limit development of new dwellings on prime or high quality agricultural land.

Ms Croft submitted that Portarlington-Bellarine area should maintain a green belt of productive farming that continues to contribute to a healthy environment and lifestyle for existing permanent residents of the area. Mr Henderson submitted that the Amendment would result in the loss of unique agricultural land close to Portarlington. He considered the land to be ideal for vineyards which would be a tourism asset for the township.

Council and the Proponent submitted that the Olive Grove land had been identified for future urban growth (not farmland) for over 20 years. It was identified in the 1993 Portarlington/Indented Head Structure Plan as an area within the limit to urban expansion for Portarlington. The land was identified within the settlement boundary in the 2008 Portarlington Structure Plan, which is incorporated in Clause 21.14-5 of the Greater Geelong Planning Scheme.

Council submitted that the proposed rezoning aligns with the Portarlington Structure Plan 2016. It added that rezoning the land would not set a precedent for rezoning other Farming Zone land because:

- there was no other Farming Zone land located within the Portarlington settlement boundary
- Council did not support extending the Portarlington settlement boundary to include additional land.

Submitters believed that the 2007 Rural Land Use Strategy mapping indicates that Bellarine Hills has high agricultural quality land. Council advised that the mapping scale is too broad to identify particular locations as high quality agricultural land. Rather, the purpose of the Strategy is to highlight areas where further detailed strategic planning is required before converting agricultural land and to manage the expansion of towns on the Bellarine

Peninsula with clear settlement boundaries. It added that the Portarlington Structure Plan review was that type of strategic planning, which identified the Olive Grove land as part of the urban area of Portarlington.

### **Impact on adjacent agricultural use**

Regarding impacts on adjacent agricultural land use, Mrs Bird submitted that residential development would create land use conflicts and hamper the ongoing agricultural use of their land. She submitted that the proximity between residential development and working farmland may lead to land use conflict and future resident complaints, resulting in farming operations to cease, be restricted or operate under stress. Mrs Bird was concerned that future resident complaints about noise and odour from her farming activity may inhibit its operation. Council responded that there were no record of complaints arising from existing residential areas that adjoin farming zoned areas of land around Portarlington.

Mrs Bird was also concerned about vandalism, disturbances and damage to livestock, paddocks, fencing and machinery. The submission cited prominent right-to-farm cases from Echuca and Alexandra and indicated that the submitters did not wish to be subject to such land use conflict.

Council and the Proponent submitted that Farming Zone land is located adjacent to residential zoned land along the Portarlington settlement boundary, along Point Richards Road, Tower Road and northeast of the township. The Proponent explained that this has existed since at least 2008 therefore the relationship between residential and farming land forms part of the character of the area.

Council and the Proponent considered that separation distances associated with extensive animal husbandry or grazing activity were inadequately specified in the planning scheme. They added that a planning permit would be required to intensify farming activity and Council would consider buffer separation as part of the application process.

Council submitted the landscape masterplan required by DPO35 needs to:

- include a concept plan for all areas that interface with adjoining road reserves
- use landscaping to soften the interface between new residential development and existing rural areas.

Council explained that any future development would need to protect the ridgeline from visual intrusion. It recommended that DPO35 specify that an open space area be located at the southeast corner of the site to achieve greater separation between the submitters' farm and the nearest new dwellings.

In response to other matters, Council submitted:

*Vandalism and trespass are police matters. Passive surveillance from new dwellings addressing Batman and Allens Road near the submitters' property might assist in reducing any potential for vandalism and trespass, but as outlined above, it is recommended that open space be located at the south-east corner of the Amendment land.*

**(iii) Discussion**

The Portarlington Structure Plan 2016 and previous iterations have long identified that Olive Grove land for future residential development. There has therefore been expectations that existing agriculture activity would cease at that point and that the existing residential/rural interface would shift further south and east.

The interface between rural and residential land uses can be problematic, particularly where agricultural activity can affect the amenity of future residents. However, the Panel considers that DPO35 adequately responds to such matters and is likely to result in a better rural residential interface than the existing Portarlington interface. The future Olive Grove land development and rural interface is therefore likely to continue this record.

The Amendment proposes to introduce a planning provisions framework that will require detailed planning when designing and laying out the future subdivision and development. This involves preparing and approving a development plan, which will be informed by a series of plans including an urban design masterplan, visual assessment and landscape masterplan. The Amendment also proposes to apply the existing DDO14 which would require a permit application for a dwelling to consider, among other things, the reasonable sharing of views. The Panel acknowledges that a fine balance needs to be struck between providing landscaping to buffer and screen residential and rural land uses while providing for a reasonable sharing of views from those properties that are adjacent to, and obtain views over the Olive Grove land.

The Portarlington Structure Plan 2006 identifies issues relating to visual sensitivity and provides guidance on what any rezoning and future development of the land needs to address. Amendment C327 responds to these issues by introducing DPO35 and by applying DDO14. The Panel agrees with the Proponent's submission that these provisions in both overlays are exhaustive and would ensure that the Olive Grove land is developed in a suitable and sustainable manner. The Amendment therefore provides measures to protect view lines and potential impact on view lines would be considered by Council through future planning processes.

The Panel agrees with Council's suggested changes to DPO35 relating to interface treatment and management. The increased emphasis on managing the rural interface is an appropriate response and will help manage the visual and amenity impacts of residential development on adjacent rural land.

**(iv) Conclusions**

The Panel concludes:

- The future residential/rural interface resulting from the future development of the Olive Grove land is unlikely to adversely impact adjoining rural landholders.
- The proposed rezoning of the Olive Grove land will not result in unacceptable loss of agricultural land given it has been long identified as future residential land that is located within the Portarlington settlement boundary.
- The residential use and development of the Olive Grove land arising from rezoning will not result in unacceptable impacts on adjacent agricultural land use.

- Council's post-exhibition changes to DPO35 relating to interface treatment and management would help manage this matter.

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

The Panel recommends:

**Amend Development Plan Overlay Schedule 35, under Clause 3.0 (Requirements for development plan), as shown in Appendix B, to:**

- a) amend the second dot point under 'Urban Design Master Plan' to:

*A general subdivision layout including streets, drainage reserves, open space, distribution of land uses, landscaping of streets and reserves, and interface treatment with adjoining roads, with dwellings on lots abutting Batman and Allens Roads generally fronting those roads.*

- b) amend the eighth dot point under 'Landscape Master Plan' to:

*A concept plan for all areas that interface with adjoining road reserves, with landscaping to soften the interface between new residential development and existing rural areas, while specifying that the siting and species used do not substantially impede coastal views from existing dwellings on adjacent land.*

## **5.2 Visual impact on landscape values and Bellarine Hills**

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

Many objecting submissions were concerned about the impact the Olive Grove land development would have on the visual and landscape values to the Bellarine Hills backdrop to Portarlington. The issue is whether the Amendment will result in adverse impacts on the visual and landscape values of Portarlington.

### **(ii) Submissions**

Ms Judith Bracken, Ms Martina Brown and Mr James and Mrs Gale Ogle submissions raised concerned about impacts on the view of the Bellarine hills as the backdrop to Portarlington. Their concerned extended to the loss of Portarlington's entry which they valued and considered attractive. Ms Bracken sought to retain the olive trees on the Olive Grove land.

Mr Luke Bird, Mr and Mrs Bird, Mr and Mrs Cover, Ms Croft, Mr and Mrs Ogle submitted there would be adverse impacts on landscape values. Ms Stratford was concerned about losing views from Tower Road towards the Olive Grove land.

Council and the Proponent acknowledged that landscape change and visual impact from the Olive Grove land development is inevitable. They both highlighted that the land has been identified in the Portarlington Structure Plan 2016 and older versions as land within the town's settlement boundary and identified for rezoning and change.

The Olive Grove land is adjacent to land that is included in the Significant Landscape Overlay Schedule 13 (SLO13) and although submitters such as Mrs Bird questioned the efficacy of developing land adjacent to areas affected by this overlay, the Olive Grove land is not included in the overlay. Council submitted the SLO13 area affects land outside the

Portarlington settlement boundary. It explained that this demarcates between developable urban land within the town's settlement boundary and land in the SLO13 outside the boundary.

Council and the Proponent referred to planning provisions proposed for the Olive Grove land including DPO35 which requires a lot layout that responds to the topography of the land and generally provides for larger lots on the higher portions of the land to minimise visual impact of development. A visual assessment is required to:

- demonstrate protection of the ridgeline to the south of the area from the visual intrusion of development, as viewed from the Point Richards area
- show that the development will not have any greater visual impact than existing development on the foothills surrounding the town.

Council and the Proponent considered that these provisions would help achieve a form of development that will generally avoid unacceptable visual impacts. Council submitted that DPO35 should be changed to specify an open space area be located at the highest point of the Olive Grove land in the south-west corner to protect the ridgeline from visual intrusion.

Regarding the existing olive trees, Council submitted they are not protected under any Vegetation Protection Overlay or by the native vegetation clearing regulations under Clause 52.17 of the planning scheme. However, the landscape master plan requires that they be used in the street network and public open space areas where their condition warrants retention and are compatible with utilities, infrastructure and open space layout.

### **(iii) Discussion**

The Amendment recognises the visual sensitivity of the Olive Grove land and its role in contributing to the landscape backdrop to Portarlington. DPO35 and DDO14 provide a framework for detailed planning and assessment. Providing open space on the highest point of the land together with a lot size range which responds to topography provides an appropriate planning response for managing future planning and development.

The combination of the location of the Olive Grove land within the town settlement boundary, the strategic direction for residential rezoning and the absence of the Significant Landscape Overlay or Vegetation Protection Overlay demonstrate what the planning scheme seeks for this area.

The Portarlington Structure Plan 2016 has strategically determined the future outcome for this land and the locality and appropriately responds to potential impact on the visual backdrop of Portarlington.

### **(iv) Conclusions**

The Panel concludes that the Amendment is unlikely to adversely impact on the visual landscape quality or backdrop of Portarlington.

**(v) Recommendations**

The Panel recommends:

**Amend Development Plan Overlay Schedule 35, under Clause 3.0 (Requirements for development plan), as shown in Appendix B, to:**

**a) amend the fifth dot point under 'Urban Design Master Plan' to:**

*Provision for public open space of not less than 10% of the development area, within walking distance (400 metres) of each household. Encumbered land shall not be credited as public open space, including land required for drainage basins. Open space is to be located and designed to maximise casual surveillance including lots that positively address adjoining public open space reserves. Public open space is to include the highest point of the site, adjacent to the intersection of Batman and Allens Roads, to help ensure that built development does not intrude on the nearby ridgeline as viewed from the Point Richards area.*

### **5.3 Development density**

**(i) The issue**

The issue is whether future development density envisaged by the Amendment is appropriate when taking into account the Olive Grove land's slope, aspect and southern aspect towards the coast and township.

**(ii) Submissions**

Ms Cox, Mr and Mrs Cover, Ms Stratford and Ms Croft sought to reduce development density by requiring a minimum 4,000 square metre lot size.

Council and the Proponent disagreed with these submissions because it would contradict the strategic direction for urban residential development sought by the Portarlington Structure Plan 2016.

The Proponent submitted that DPO35 requires an urban design masterplan which shows lot layout, incorporates a variety of lot sizes to encourage a range of housing types, maximises solar access, responds to land topography and generally provides larger lots on higher portions of the land to minimise visual impact of development. The Proponent added that the combination of the public open space areas for the highest corner of the land and a wetland located centrally along the Geelong-Portarlington Road frontage and some protection of the existing Drooping Sheoke (*Allocasuarina verticillata*) trees in the north-west corner will contribute to reducing the overall density.

**(iii) Discussion**

The Panel agrees with Council and the Proponent on this matter and considers the combination of open space areas, wetlands and lot size range would result in development with development density that responds to the Olive Grove land conditions and broader Portarlington township.

**(iv) Conclusions**

The Panel concludes that the future development density envisaged by the Amendment is appropriate for the Olive Grove land and Portarlington.

**5.4 Construction impacts**

**(i) The issue**

The issue is whether the Amendment appropriately responds to managing dust and noise from the Olive Grove land during its construction phase to minimise amenity impacts on adjoining properties.

**(ii) Submissions**

Ms Cox and Mrs Bird were concerned about how dust and noise from the Olive Grove land during its construction would impact on the amenity of adjoining properties. Council responded that dust would be managed through planning permit conditions and that noise is not expected to be greater than what normally occurs during the construction of other residential developments.

**(iii) Discussion**

The Panel does not consider dust and noise emission would be significant to create longer term adverse amenity impacts. Short-term impacts can be managed through permit conditions and enforcement.

**(iv) Conclusions**

The Panel concludes:

- The Amendment appropriately responds to managing dust and noise from the Olive Grove land during its construction phase to minimise amenity impacts on adjoining properties.

**5.5 Environmental matters**

**(i) The issue**

The issue is:

- whether the Amendment appropriately responds to stormwater runoff, local wildlife and potentially land contamination.

**(ii) Submissions**

Mr Henderson and Ms Bracken were concerned about the effects of additional stormwater on the water quality of the wetlands associated with the Point Richards Flora and Fauna Reserve located to the north of the Olive Grove land.

Council responded that the preliminary documentation supporting the rezoning request from the Proponent adequately demonstrated that stormwater peak flows from the Olive Grove land would not increase beyond pre-development levels. The issue will be the impact

from additional total stormwater runoff on the hydrological balance and ecology of the wetlands.

Council submitted that DPO35 requires an integrated water management plan which includes an ecological assessment of increased stormwater runoff to demonstrate acceptable impact on the Point Richards wetlands.

Ms Cox was concerned about impacts on local wildlife. Council responded that the Olive Grove land is cleared land with open paddocks, an olive tree grove and a vineyard. It submitted that it is unlikely to have significant habitats value and advised that remnant patches of Drooping Sheoke native vegetation located towards the north-west corner of the land is proposed to be retained.

Mr and Mrs Cover queried the 2004 Preliminary Site Investigation report's recommendation relating to land contamination and questioned whether the Olive Grove land was appropriate for residential use. Council submitted that this report was prepared to support an earlier request for rezoning of the Olive Grove land (Amendment C121). It was prepared to investigate land contamination matters on the land. Council explained that DPO35 requires an updated site investigation report which clearly advises whether the environmental condition of the land is suitable for residential purposes.

DELWP suggested changing DPO35 under 'Landscape Master Plan' (third dot point) to read:

*Retention of significant vegetation, including Drooping Sheoke (Allocasuarina verticillata), which is of Regional Conservation Significance and has been recorded on the site.*

Council agreed with what DELWP sought but revised the wording to reflect the opportunity to assess the condition and appropriateness of retaining the Sheoke trees:

*Retention of significant vegetation, including Drooping Sheoke (Allocasuarina verticillata), which is of Regional Conservation Significance and has been recorded on the site, except where a qualified arborist recommends removal based on their health and condition.*

### **(iii) Discussion**

The Panel considers the Amendment appropriately addresses environmental issues associated with the Olive Grove land. The Point Richards Flora and Fauna Reserve wetlands and those located west of Point Richards Road are estuarine or saline wetlands that can be impacted by freshwater flows from stormwater runoff. The Panel supports DPO35 requiring a stormwater management plan so that quantity and timing of flows and the quality of stormwater flows do not adversely impact the ecological condition or function of the Point Richards wetlands.

The Panel agrees with Council that:

- local wildlife is unlikely to be directly impacted by the future development
- potentially land contamination can be appropriately managed through planning provisions proposed by the Amendment.

The Panel supports Council's version of the Drooping Sheokes related provision proposed for DPO35.

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

The Panel concludes:

- The Amendment appropriately responds to stormwater runoff, local wildlife and potentially land contamination.

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

The Panel recommends:

**Amend Development Plan Overlay Schedule 35, under Clause 3.0 (Requirements for development plan), as shown in Appendix B, to:**

**a) amend the third dot point under 'Landscape Master Plan' to:**

***Retention of significant vegetation, including Drooping Sheoke (Allocasuarina verticillata), which is of Regional Conservation Significance and has been recorded on the site, except where a qualified arborist recommends removal based on their health and condition.***

## **5.6 Transport and infrastructure**

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

The issue is:

- whether the Amendment would enable development that appropriately manages traffic and infrastructure related matters.

### **(ii) Submissions**

Ms Brand, Mr Peter and Mrs Marita Lock, Mr Ron Prestidge and Mr Donald Saunders were concerned about reduced traffic safety in the general area and at three intersections on the Geelong-Portarlington Road resulting from the Olive Grove land development.

Council and the Proponent responded that DPO35 requires a road network and traffic management plan that includes:

- a concept design road safety audit for the section of Geelong-Portarlington Road abutting the site, including the proposed intersection layouts and internal road network.
- upgrading three intersections at Geelong-Portarlington Road (Batman/Point Richards Roads, Tower Road and Pigdon Street) to the satisfaction of VicRoads.
- proposed locations of pedestrian crossings on Geelong-Portarlington Road.

Council and the Proponent submitted that the coordinated Economic Development, Jobs, Transport and Resources (DEDJTR) submission, which includes VicRoads, did not object to the Amendment which suggests that it did not have serious concerns about traffic safety resulting from the future development.

Mr Henderson was concerned about insufficient infrastructure capacity while Mr and Mrs Cover did not consider there was sufficient public transport to support the additional population. Council noted that DEDJTR did not object to the Amendment with respect to

public transport and that the Portarlington Structure Plan 2016 stated that most journeys to work by Portarlington residents are by private car.

Council and the Proponent referred to the exhibited section 173 agreement which requires a contribution towards infrastructure either in Portarlington or in another nearby town that provides services to the additional population arising from the Amendment.

DEDJTR's submission requested that the following provisions be added to DPO35 in the section 3 requirements for an urban design masterplan:

*A subdivision design that ensures that:*

- *Access to the site is provided via the existing road network of Batman Road, Pigdon Street and Tower Road.*
- *A 3.0 m wide vegetation reserve abutting Geelong-Portarlington Road is provided along the frontage of the development.*
- *Residential development addresses Geelong-Portarlington Road by use of service roads or internal roads to enable dwellings to front Geelong-Portarlington Road, but with no direct access from any lot to Geelong-Portarlington Road.*

Council advised the Panel that it supported the proposed additional provision with changes to the first dot point to read:

*There are no new intersections with Geelong-Portarlington Road and no direct vehicular access from any lot to Geelong-Portarlington Road.*

The third dot point requests that wording already used in the provision relating to requirements of a road network and traffic management plan be applied in the requirements for an urban design masterplan. Council advised that to avoid unnecessary duplication, the equivalent dot point should be deleted.

### **(iii) Discussion**

The Panel considers that the Amendment appropriately responds to traffic safety, transport and infrastructure. The DEDJTR (including VicRoads) submission provides some assurance that potential impacts on traffic safety, transport and other infrastructure will be acceptable. The Panel supports Council's version of DEDJTR's suggested provisions.

### **(iv) Conclusions**

The Panel concludes that the Amendment would enable development that appropriately manages traffic and infrastructure matters.

**(v) Recommendations**

The Panel recommends:

**Amend Development Plan Overlay Schedule 35, under Clause 3.0 (Requirements for development plan), as shown in Appendix B, to:**

**a) add a new second dot point under 'Urban Design Master Plan' to:**

***A subdivision design that ensures that:***

- ***There are no new intersections with Geelong-Portarlington Road and no direct vehicular access from any lot to Geelong-Portarlington Road.***
- ***A 3 metre wide vegetation reserve abutting Geelong-Portarlington Road is provided along the frontage of the development.***
- ***Residential development addresses Geelong-Portarlington Road by use of service roads or internal roads to enable dwellings to front Geelong-Portarlington Road, but with no direct access from any lot to Geelong-Portarlington Road.***

**b) delete the fourth sub-dot point in the first dot point under 'Road Network and Traffic Management Plan'.**

## 6 Common drafting matters

### (i) The issue

The issue is:

- whether there are drafting matters with DPO35 and the Portarlington and Indented Heads Structure Plans that require further changes.

### (ii) Submissions

#### **Department of Economic Development, Jobs, Transport and Resources**

DEDJTR sought to change the Portarlington and Indented Head Structure Plans to replace reference to the 2008 G21 Integrated Public Transport Strategy with the 2014 G21 Region Public Transport Strategy. DEDJTR advised that this strategy provides principles and directions for supporting the growth of regional town centres, including public transport, and should be referenced in both Structure Plans.

Council supported this change.

#### **Proponent**

The Proponent submitted that if the DPO35 provisions are too prescriptive then it is likely to become challenging to balance all these matters when preparing the development plan. Specifically, it considered DEDJTR's request to specify a three-metre wide vegetation reserve along Geelong–Portarlington Road under 'Urban Design Masterplan' to be excessive. The Proponent considered that the road reserve width of approximately 40 metres provides ample area for tree planting and other DPO35 requirements would restrict direct access to the road from the future development.

Another example is specifying that public open space be located in the south-east corner of the site. The Proponent considered that retaining the existing Drooping Sheoke trees may introduce opportunity for multiple open spaces in different locations. However, there was the view that the degree of prescription in DPO35 would limited opportunities to investigate such options.

### (iii) Discussion

The Panel notes that the Proponent did not oppose DPO35 but merely expressed concern about its drafting.

DPO35 needs to strike the balance between being flexible enough to respond to future unknown circumstances while being clear enough to unambiguously guide and direct how the Olive Grove land should be developed. The Panel agrees with the Proponent that provisions should not be overly prescriptive.

The Panel considers that DPO35 strikes that balance and has been appropriately drafted to guide how the Olive Grove land should be developed to manage potential impacts raised in submissions to the Amendment.

The Panel agrees with DEDJTR's submission that the Portarlington and Indented Head Structure Plans should be amended to refer to the 2014 G21 Region Public Transport Strategy.

**(iv) Conclusion**

The Panel concludes:

- There are no substantive drafting issues with DPO35 that require further changes.
- The Portarlington and Indented Head Structure Plans should be changed to refer to the 2014 G21 Region Public Transport Strategy.

**(v) Recommendation**

The Panel does not recommend any change to the Amendment but further recommends:

**Amend the Portarlington and Indented Head Structure Plans 2016 to:**

- a) **replace reference to the 2008 G21 Integrated Public Transport Strategy with the 2014 G21 Region Public Transport Strategy.**

## Appendix A Document list

No.	Description	Presented by
<b>5 April 2017</b>		
1a	Submission –Amendment C352 Part A	Council
1b	Submission –Amendment C327 Part A	Council
2	Submission – Amendment C352 Part B	Council
3	Submission – Amendment C327 Part B	Council
4	Map – Submitters	Council
5a	Letter – Authorisation for Amendment C352	Council
5b	Letter – Authorisation for Amendment C327	Council
<b>6 April 2017</b>		
6	Submission – Proponent	Mr Black
7	Submission – Elizabeth Cox	Mr Fahmy
8	Submission – Mr and Mrs Ogle	Mrs Ogle
9	Submission – Mr and Mrs Bird	Mrs Bird
10	Submission – Mr and Mrs Barton	Mr Barton
11	Submission – Peninsula Lifestyle	Ms Kilpatrick
12	Panel Report – Greater Geelong Planning Scheme Amendment C93	Ms Kilpatrick
13	Submission – Kalijo Nominees Pty Ltd	Mr Marshall
14	Submission	Ms Hayes
15	Submission – Vicki Cahill	Ms Wright
16	Plan – 81-99 Ibbotson Street, Indented Head Concept	Ms Wright
17	Extracts – Comparison of G21 Region residential land supply map with Indented Head Structure Plan	Ms Wright
18	Map – Settlement Boundary Measure	Ms Wright
19	Submission – Portarlington Golf Club	Ms Murray
20	Maps – C352 Ramblers Road contours and flood levels	Council
21	Victorian Coastal Hazard Guide	Council
22	Email referring to Council’s Our Coast webpage	Council
23	Submission	Ms Brand

## **Appendix B Panel recommended version of Development Plan Overlay Schedule 35**

**SCHEDULE 35 TO THE DEVELOPMENT PLAN OVERLAY**

DD/MM/YYYY

C327

Shown on the planning scheme map as **DPO-35**

**LAND BOUNDED BY GEELONG-PORTARLINGTON ROAD, BATMAN ROAD, ALLENS ROAD & TOWER ROAD, PORTARTLINGTON**

This schedule applies to land bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, Portarlington. A Development Plan is required to guide use and development of the area. The objective of this Schedule is to provide for the fully integrated and properly coordinated and planned residential development of the area.

### 1.0 Requirements before a permit is granted

DD/MM/YYYY

C327

Prior to the approval of a Development Plan, the responsible authority may grant a permit for the following:

- The construction of one dwelling and associated outbuildings on an existing lot, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- Extensions or alterations to existing buildings and associated works.

### 2.0 Conditions and requirements for permits

DD/MM/YYYY

C327

Except for a permit issued under Clause 1.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.

### 3.0 Requirements for development plan

DD/MM/YYYY

C327

The Development Plan must be prepared for the whole of the area covered by this Schedule, and must include the following:

An **Urban Design Masterplan** that includes:

- Slope analysis including land contours at 0.5 metre intervals.
- A general subdivision layout including streets, drainage reserves, open space, distribution of land uses, landscaping of streets and reserves, and interface treatment with adjoining roads, with dwellings on lots abutting Batman and Allens Roads generally fronting those roads.
- A subdivision design that ensures that:
  - There are no new intersections with Geelong-Portarlington Road and no direct vehicular access from any lot to Geelong-Portarlington Road.
  - A 3.0 metre wide vegetation reserve abutting Geelong-Portarlington Road is provided along the frontage of the development.
  - Residential development addresses Geelong-Portarlington Road by use of service roads or internal roads to enable dwellings to front Geelong-Portarlington Road, but with no direct access from any lot to Geelong-Portarlington Road.
- Lot layout which incorporates a variety of lot sizes to encourage a range of housing types, maximises solar access, responds to the topography of the land and generally

provides larger lots on higher portions of the land to minimise visual impact of development.

- Provision for public open space of not less than 10% of the development area, within walking distance (400 metres) of each household. Encumbered land shall not be credited as ~~p~~Public ~~o~~Open ~~s~~Space, including land required for drainage basins. Open space is to be located and designed to maximise casual surveillance including lots that positively address adjoining public open space reserves. Public open space is to include the highest point of the site, adjacent to the intersection of Batman and Allens Roads, to help ensure that built development does not intrude on the nearby ridgeline as viewed from the Point Richards area.
- Details of the interface treatment applied to the Geelong-Portarlington Road frontage, with residential development to address Geelong-Portarlington Road.
- Physical infrastructure proposed in the **Urban Design Masterplan** must meet Council standards or if not defined, be subject to the approval of Council and be generally in accordance with the following:
  - City of Greater Geelong Infrastructure Development Guidelines (IDG) 2010.
  - City of Greater Geelong adopted Infrastructure Design Manual (IDM) 2010.

A **Visual Assessment**, based on the development that would ensue from the general subdivision layout in the Urban Design Masterplan, that:

- Demonstrates the protection of the ridgeline to the south of the area from the visual intrusion of development, as viewed from the Point Richards area.
- Shows that the development will not have any greater visual impact than the existing development on the foothills surrounding the town.

A **Staging and Infrastructure Delivery Plan** that shows the indicative staging of development and timing and delivery of key infrastructure including drainage, open space, road upgrades and intersection treatments.

A **Landscape Master Plan**, including:

- Predominantly indigenous and native landscape species that are suitable for planting in a residential area.
- The location of trees to be removed.
- Retention of significant vegetation, including Drooping Sheoke (*Allocasuarina verticillata*), which is of Regional Conservation Significance and has been recorded on the site.
- Street trees in keeping with the size and scale of each street, passive solar orientation and integration with adjoining and surrounding street networks.
- Use of existing olive trees in streets and public open space, where their condition warrants retention and where compatible with utilities, infrastructure and open space layout.
- A concept plan for landscaping of the proposed open space areas.
- A landscape boulevard along Geelong-Portarlington Road.
- A concept plan for all areas that interface with adjoining road reserves, with landscaping to soften the interface between new residential development and existing rural areas, while ~~not~~ specifying that the siting and species used do not substantially ~~unduly~~ impeding coastal views from existing dwellings on adjacent rural land.
- The location and design of entry treatments adjacent to Geelong-Portarlington Road to provide an attractive gateway/entrance to Portarlington.

A **Road Network and Traffic Management Plan** that includes:

- An internal road network that provides a high level of access and connectivity within the development and to adjoining residential areas for all vehicular traffic and non-vehicular traffic. This shall include:
  - Road reserve widths.
  - Cross-sections, including where relevant, verge widths, nature strips, kerb and channel, pavement widths and pathways.
  - An overall plan which facilitates ease of movement for all forms of transport (walking, cycling and vehicular), provides good pedestrian access to bus stops on Geelong-Portarlington Road and provides for footpaths in streets in accordance with Council requirements.
  - ~~A subdivision design that ensures that residential development addresses Geelong-Portarlington Road by use of service roads or internal roads to enable dwellings to front Geelong-Portarlington Road, but with no direct access from any lot to Geelong-Portarlington Road.~~
- The construction of perimeter roads to an appropriate standard as required.
- A concept design road safety audit for the section of Geelong-Portarlington Road abutting the site, including the proposed intersection layouts and internal road network.
- Upgrading of the three intersections with Geelong-Portarlington Road (being Batman and Tower Roads and Pigdon Street) to the satisfaction of VicRoads.
- Proposed locations of pedestrian crossings on Geelong-Portarlington Road.
- Investigation of potential construction of a 1.5 metre wide pedestrian pathway on one side of Geelong-Portarlington Road between Tower Road and Smythe Street.

An **Integrated Water Management Plan** that takes an integrated approach to flooding, stormwater and drainage management, is designed with reference to the whole of the catchment and includes:

- Provision for the collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner within the subdivision layout, consistent with applicable guidelines and standards and including the implementation of best practice water quality measures.
- Reference to:
  - Australian Rainfall and Runoff;
  - WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005.
  - Clause 56.07 of the Greater Geelong Planning Scheme.
  - City of Greater Geelong Stormwater Management Plan 2002.
  - The Infrastructure Design Manual and associated Design Notes.
- Ecological assessment of the impacts of increased cumulative stormwater runoff on wetlands within the Point Richards Flora and Fauna Reserve and west of Point Richards Road, undertaken by or with the participation of a suitably qualified and experienced aquatic ecologist, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning that:
  - Incorporates baseline monitoring of Growling Grass Frog population parameters including disease and pest monitoring and selected ecological parameters (e.g. terrestrial habitat availability surveys).
  - Has regard to the impacts on significant fauna species present in the Point Richards Flora and Fauna Reserve, including the Growling Grass Frog.

- Informs the stormwater quality treatment measures to be undertaken on-site to ensure the water quality being discharged does not impact on threatened species including the Growling Grass Frog.
- Demonstrates that there will be no unacceptable impact on the wetlands.
  
- A Drainage Strategy and design report that:
  - Outlines design objectives including a requirement to limit downstream flows to existing predevelopment flow rates and overall flow volumes or provide for developer contributions to upgrade downstream stormwater infrastructure to the satisfaction of the responsible authority.
  - Identifies all land to be set aside for drainage purposes, detailing the approximate size and location of all drainage reserves and system components, including retarding basins to meet peak discharge limits and WSUD features to meet Urban Stormwater – Best-Practice Management Guidelines.
  - Incorporates on-site stormwater drainage design and management to alleviate the potential to transfer disease (including Chytridomycosis) and invasive fauna and flora species downstream.
  - Provides details of short and long term maintenance requirements and responsibilities for the wetlands, detention basins and any aesthetic lakes.
  - Provides for safe overflow paths for the critical 1% AEP event and considers the impact of the >1% AEP event.
  - Considers the management of stormwater during the construction phase, particularly sediment control, and details contingency measures for floodwater treatment where any flooding occurs prior to the connection of all infrastructure.
  - Identifies measures to treat stormwater to meet best practice pollutant removal targets before it is discharged downstream including the removal of nutrients, litter, hydrocarbons and sediment.

A **Biodiversity Assessment** that includes the application requirements of Clause 52.17 and the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013).

A **Site Investigation Assessment** that:

- Takes into account the *Preliminary Site Investigation, 27 Hectare Parcel of Land at Pigdon Street, Portarlington, Victoria, Peter J Ramsay & Associates, October 2004*, and provides updated information where appropriate.
- Assesses the potential level and nature of contamination on the land.
- Provides clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.
- Recommends remediation actions for any contaminated land.