

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 14 October 2014

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 7.00p.m.

COUNCIL:

Cr. D. Lyons <i>Mayor</i>	(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)
Cr. T. Ansett (<i>Windermere</i>)	(Heritage, Rural Communities)
Cr. L. Ellis (<i>Coryule</i>)	(Coastal Communities, Infrastructure, Parks and Gardens)
Cr. J. Farrell (<i>Beangala</i>)	(Community Safety, Youth, Women in Community Life)
Cr. K. Fisher (<i>Corio</i>)	(Community Development, Aboriginal Affairs)
Cr. B. Harwood (<i>Kardinia</i>)	(Enterprise Geelong, Primary Industries)
Cr. M. Heagney (<i>Brownbill</i>)	(Central Geelong, Planning)
Cr. J. Irvine (<i>Austin</i>)	(Sport and Recreation)
Cr. E. Kontelj (<i>Cowie</i>)	(Aboriginal Affairs, Multicultural Affairs, Finance)
Cr. Dr. S. Kontelj (<i>Kildare</i>)	(Finance)
Cr. R. Macdonald (<i>Cheetham</i>)	(Major Projects, Knowledge Economy & Education)
Cr. R. Nelson (<i>Deakin</i>)	(Major Events, Tourism)
Cr. A. Richards (<i>Buckley</i>)	(Environment & Sustainability, Transport, Arts & Culture)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET, GEELONG
TUESDAY, 14 OCTOBER 2014
COMMENCING AT 7.00 P.M.**

PRESENT: Crs D Lyons (Mayor), T Ansett, L Ellis, J Farrell, K Fisher, B Harwood, M Heagney *(7.15pm), J Irvine, E Kontelj, S Kontelj*(7.09pm), R Macdonald, R Nelson, A Richards

Also present: G Miles (Chief Executive Officer), M Kelly (Acting General Manager Corporate Services), P Bettess (General Manager Planning and Tourism), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), D Frost (General Manager Projects, Recreation and Central Geelong), J Brown (Manager Administration and Governance), J Merlo (Senior Media Officer), A Paterson (EO – Mayor)

OPENING: The Mayor declared the meeting open at 7.00pm

ACKNOWLEDGEMENTS:

Council acknowledges Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

APOLOGIES: Nil.

LEAVE OF ABSENCE:

Cr E Kontelj moved, Cr Ellis seconded -

That Leave of Absence be granted for Cr Nelson from 4 – 30 November 2014, inclusive.

Carried.

CONFIRMATION OF MINUTES:

Cr E Kontelj moved, Cr Ellis seconded -

That the Minutes of the Ordinary Meeting held on 23 September 2014 be confirmed and signed.

Carried.

PRESENTATION:

Cr Richards presented the Mayor with a print titled, "Watching the Sun and Listening to the Waves", from the Chinese Painting and Calligraphy Association.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Nelson declared an Indirect Interest by Close Association in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that the developers are personally known to him.

Cr S Kontelj declared an Indirect Interest by Close Association in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that the developer(s) are known to him.

Cr E Kontelj declared an Indirect Interest by Close Association in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that the developer is a significant customer of his employer.

Cr Heagney declared an Indirect Interest by a Conflicting Duty in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that she is on the Geelong Cemeteries Trust.

QUESTION TIME:

Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise Councillor or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.

Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.

**Cr S Kontelj entered the meeting room at 7.08pm*

Andrew Kelly asked the following questions in respect of Amendment C276:

- 1) I firstly refer to the traffic documentation relied upon by Council to support this amendment. This traffic report is void of any Traffic Impact Assessment which calculates or even tries to predict anticipated traffic levels as a result of the 430 new units of land in the area. The report, based on a one hour midday inspection of the area in July 2013 by its own admission also references limited traffic volume data from March 2013 – all of which is redundant now given the current volumes of new traffic which has been introduced by the Coles shopping centre, the Waurin Ponds train station and the soon to be opened section 4C of the ringroad linking Anglesea Road to Surf Coast Highway and intersecting with Ghazeepore Road. Throw in the level crossing and there is a traffic storm converging on the neighbourhood which is almost certain to endanger lives and increase the risk of catastrophic injury. Is it acceptable for Councillors to have to rely on such flawed information when assessing amendments which impact so negatively on the current neighbourhood and amenities?
- 2) Amendment C276 recommends rezoning in order to fit a subdivision of some 430 blocks – many as small as 300m². Directly opposite this site, to the north of Hams Road is the closest estate to that proposed – Grange Park Estate. This estate consists some 140 lots – each averaging over 1500m² – with covenants that prohibit subdivision, exposed water tanks, exposed clothes lines, tiled roofs or multiple dwellings.

The roads are our footpaths – the place we walk dogs and prams, teach our kids to ride their bikes and often catch up with neighbours for a chin wag. Subdivision applications are consistently rejected, as are applications for other uses such as a childcare centre. With a plethora of mixed density residential options available in the immediate proximity of this land (at the northern end of Grange Park Drive, east of Rossack Drive, immediately adjacent the train station and the 22,000 lost for 65,000 people within the Armstrong Creek urban Growth Zone – and given the Greater Geelong Planning Scheme’s own objective is to ensure new development responds to the existing neighbourhood character, is it not better, and fairer, to align any future plans for the site with the existing neighbourhood character and amenity?

Peter Bettess responded the Amendment was exhibited for 30 days providing an opportunity to submit comments for consideration. The next stage for Council will be whether it refers submissions to an Independent Panel set up by the Minister for Planning. A report is being presented to Council on 28 October to consider submissions.

Cr Richards added that Peter Bettess and I will be attending the public meeting on Friday to get feedback from the community around this rezoning process.

**Cr Heagney entered the meeting room at 7.15pm*

Lukas McVey and **Wendy McKinlay** submitted questions prior to the meeting, but as they were not present at the meeting, a written response will be provided.

Jim Haigh asked questions in respect of Amendment C276 and Council’s consideration of the existing Boral mining lease, environmental concerns and emergency vehicle access.

Cr Richards responded that Council’s Planning Officers are aware of this issue and will be discussed at the next Councillor Briefing on 21 October.

Cr Richards added concerns in relation to the Amendment will be addressed at a public meeting being held on Friday.

Mik Aidt thanked the Councillors for asking for submissions and giving us this opportunity to express our concerns. Thank you for undertaking your research into the controversial onshore gas mining issue, and of evaluating the concerns that have been expressed by the community. What we have seen is that in times when revenue is weak, governments apparently can’t resist the royalties from the fossil fuel industry. What they fail to take into account are the longer term consequences for future generations – the expense when citizens begin to sue for their ill health, for instance. My question is: Does a vote for this recommendation mean that we can all celebrate and declare the City of Greater Geelong “Gasfield Free” – just as 25 other Victorian communities have done (including Moriac)? Or does a vote against this recommendation mean that you have declared Geelong open for gas mining?

Cr Richards responded that the question before us tonight is about gas fracking not about climate change, etc. This Council does not control any process to allow fracking to go ahead in the City of Greater Geelong. Council’s role is one of advocacy.

Adrian Schonfelder asked the following questions:

What is Geelong Council doing to advocate for Bay West as a new port for Victoria? Given the unemployment rate in Geelong, and especially the youth unemployment rate, shouldn't the Council be pushing for Bay West?

The Mayor responded that Council is open to discussion in respect to the floating of Labor's Bay West plan and supportive of the creation of more jobs in this region.

Has Council considered the option of Pt Henry Pier being used as a cruise ship terminal and ferrying passengers to attractions by coach instead of building an expensive new pier?

Dean Frost responded the Point Henry Pier was not considered in the business case that was developed during 2011 as it was being used to support activities of Alcoa. We have had subsequent conversations with the Port of Geelong who own the pier and their view is that long time use of their pier will remain industrial.

Yarra Street Pier will provide a facility not only for cruise ships berthing but marina protection and the expansion of the Royal Geelong Yacht Club. It also provides a possibility to secure more water based events. Council is looking to use this project as an element to revitalise Central Geelong and the ability for passengers to embark from ships throughout the day into the heart of the City is important.

Evan Hardie asked the following in respect to Sale of Land – Draper Street:

- 1) What action has Council taken or is proposing to take prior to the rezoning, sale and/or gifting of land to provide replacement public open space in this area of old Ocean Grove that preserves general public access and use rights, as has always applied to this recreation reserve land, to ensure compliance with Section 20(4) of the Subdivision Act 1988, irrespective of whether this land has been declared 'surplus' or not?

Peter Bettess responded that the Council resolved when considering Amendment C299 to rezone the land as Residential. If the rezoning is approved by the Planning Minister, Section 20(4) of the Subdivision Act is irrelevant.

- 2) How can Council substantiate their claim to the Independent Panel Hearing of 16 April 2014 that this land was never 'public open space' or a 'reserve'?

Peter Bettess responded the land was zoned Residential in the Geelong Planning Scheme until 2000. The land was zoned Public Park and Recreation by the Planning Minister when the new Greater Geelong Planning Scheme was approved in 2000. The Council in Amendment C299 proposes to return the land to its original zoning. The land was never shown as a reserve for public open space in a plan of subdivision. It is freehold land acquired, gifted and purchased by the Council.

Further submitted questions were taken on notice for a written response.

Jennifer Bantow asked what happened to that strategy plan about 2008 which said there should be an amphitheatre effect keeping the wool stores scale on the waterfront rising to the McKillop Street ridge with high rise in the western wedge?

Our wool-stores precinct which includes the Westfield buildings, the National Wool Museum and the three Deakin buildings is the only one of its kind in the country.

I'm concerned that we have this wonderful basis but there appears to be developments which are a bit ad hoc. At times there seems to be contradictory policies in the planning scheme (ie high rise vs heritage area overlay)?

What are we building on? What is the overall vision? Does Council have a document which is always referred to as the basic starting point, to see if whatever development is being considered fits the vision?

The Mayor responded that with the adoption of the Central Geelong Action Plan this Council is moving forward in the right direction. Council is strong with its heritage background and is proceeding in a very good direction in regard to rezoning and planning. The Mayor further acknowledged Ms Bantow's statements.

PETITIONS:

Cr Nelson presented a petition for the urgent upgrade to the toilet facilities at the Queens Park Golf Pavilion.

The Mayor presented a petition containing approximately 1170 signatures from residents of Geelong urging Council to take a clear stand on gas mining in our area by calling for a total ban on fracking.

Cr Nelson declared an Indirect Interest by Close Association in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that the developers are personally known to him, and left the meeting room prior to discussion at 7.43pm.

Cr S Kontelj declared an Indirect Interest by Close Association in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that the developer(s) are known to him, and left the meeting room prior to discussion at 7.43pm.

Cr E Kontelj declared an Indirect Interest by Close Association in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that the developer is a significant customer of his employer, and left the meeting room prior to discussion at 7.43pm.

Cr Heagney declared an Indirect Interest by a Conflicting Duty in Agenda Item 2 – Amendment C259 – Horseshoe Bend Precinct Structure Plan Adoption in that she is on the Geelong Cemeteries Trust, and left the meeting room prior to discussion at 7.43pm.

2. AMENDMENT C259 - HORSESHOE BEND PRECINCT STRUCTURE PLAN ADOPTION

Portfolio: Planning - Cr Heagney
Source: Planning & Tourism - Planning Strategy & Urban Growth
General Manager: Peter Bettess
Index Reference: Amendment C259

Purpose

Council is being asked to resolve to adopt the Horseshoe Bend Precinct Structure Plan and request that the Minister for Planning approve the amendment and incorporate the Horseshoe Bend Precinct Structure Plan, and associated documents, into the Greater Geelong Planning Scheme.

Summary

- The amendment applies to land known as the Horseshoe Bend Precinct in the Armstrong Creek Urban Growth Area. The precinct is generally bounded by Reserve Road to the north, the Barwon River floodplain to the east, Burvilles Road to the south and Surf Coast Highway and Barwarre Road to the west.
- Approval of the Horseshoe Bend Precinct will result in the development of the fifth of the seven precincts that make up the Armstrong Creek Urban Growth Area.
- The amendment proposes to:
 - include the Horseshoe Bend Precinct Structure Plan (PSP) in the Greater Geelong Planning Scheme as an incorporated document,
 - apply a Development Contributions Plan Overlay (DCPO) to the Precinct, and include the Horseshoe Bend Development Contributions Plan (DCP) as an incorporated document in the Greater Geelong Planning Scheme,
 - include the Horseshoe Bend Native Vegetation Precinct Plan (NVPP) in the Greater Geelong Planning Scheme as an incorporated document,

- apply a Public Acquisition Overlay (PAO), in VicRoads name, to land set aside for the Armstrong Creek East West Link Road and allow modification to the existing PAO along Barwon Heads Road to allow for ultimate road widening.
- The Horseshoe Bend Precinct developer and landowner consortium have, in close consultation with Council officers, prepared a PSP, NVPP and DCP. The DCP ensures that levies are collected to enable infrastructure associated with the implementation of the PSP, and that these items are equitably funded.
- The DCP rate for the Precinct is \$267,831 per hectare (residential) and \$166,209 per hectare (commercial). Figures are in July 2012 dollars.
- The Horseshoe Bend PSP, DCP and NVPP were formally exhibited between the 5th December 2013 and the 17th January 2014.
- At the conclusion of the exhibition period a total of 42 submissions had been received. These submissions represented the interests of individual landholders, developers, State Government agencies and servicing authorities.
- The submissions covered a broad array of issues, of both a major and minor nature. The significant issues included, but were not limited to:
 - Nomination of Housing Density
 - Location of the Powercor sub-station
 - Application of a Public Acquisition Overlay for proposed Sparrovale wetlands, Powercor sub-station and transit corridor
 - Barwon Water Sewer easement
 - Development Contributions
 - Sparrovale wetlands implementation costs
 - Greenways
- As Council officers were unable to resolve all of these issues Council resolved, at their meeting of 22nd April 2014, to request the Minister for Planning appoint an independent Panel.
- A Panel Hearing was conducted on the 10-12 June 2014 at the offices of Planning Panels Victoria in Melbourne and on June 18 in the Council Chamber at the City of Greater Geelong Town Hall.
- An independent Panel Report was issued by Panels Victoria on 29 July 2014.
- The purpose of this report is to discuss the content of the Panel Report, recommend that Council adopt Amendment C259 and request that the Minister for Planning approve the amendment to incorporate the Horseshoe Bend PSP, DCP and NVPP into the Greater Geelong Planning Scheme.

Cr Macdonald moved, Cr Richards seconded -

That Council, having considered the independent Panel Report to Amendment C259 to the Greater Geelong Planning Scheme, resolves to:

- 1) adopt Amendment C259 in the form as outlined in Appendix 2 of this report;**
- 2) submit the adopted Amendment with the prescribed information to the Minister for Planning requesting approval.**

Carried.

Background

Council resolved, at its meeting of 22 April 2014, to request that the Minister for Planning appoint an independent Panel to review and consider all submissions to the Horseshoe Bend PSP.

The Minister for Planning appointed a Panel of three independent members with a wide range of expertise particularly relating to the main themes of submissions.

The Panel Hearing was conducted over a period of four (4) days commencing on June 10 2014 and concluding on June 18 2014.

A total of eight (8) submitters made formal presentations to the Panel. The Panel also considered all the written submissions.

Discussion

Amendment C259 proposes to incorporate the Horseshoe Bend Precinct Structure Plan (HBSP), Horseshoe Bend Development Contributions Plan (HBDCP) and Horseshoe Bend Native Vegetation Precinct Plan (HBNVPP) into the Greater Geelong Planning Scheme.

The HBSP details the forward planning that will guide the future urban development of approximately 638 hectares of currently rural land located in the heart of the Armstrong Creek Urban Growth Area (ACUGA).

A plan of the HBSP area is attached at Appendix 1. The precinct is bounded by Reserve Road to the north, an irregular eastern boundary comprising Sparrovale Road, Charlemont Road and Batten Road, Burvilles and Boundary Roads to the south and the Surf Coast Highway and Geelong Railway line to the west and north-west.

The amendment was formally exhibited between 5th December 2013 and 17th January 2014. A total of 42 submissions were received from landholders, developers, servicing authorities and government and non government agencies.

An independent Panel was appointed, by the Minister for Planning, with the Hearing held between 10th – 18th June 2014.

Prior to commencement of the Panel Hearing, Council officers continued to negotiate with submitters in an attempt to reach agreement on issues raised in submissions. As a result of these discussions the number of submitters, and consequently issues, referred directly to Panel was significantly reduced.

The Panel were keen to ensure that they fully understood which issues had been resolved through negotiation and which issues remained outstanding. To this end, the Panel issued a Direction requiring that Council officers provide a '*Statement of Agreed and Not Agreed Matters*' to be signed off by Council officers and the relevant submitter prior to commencement of the Panel Hearing. The document was then required to be tabled on the morning of Day 1.

To enable preparation of the Panel requested statement, Council officers directly contacted each of the 42 submitters. Each submitter was provided with a written summary of their submission and the Council response to each of the issues raised. The submitter was then asked to nominate whether they felt that the issue had been resolved or whether it remained in contention.

The Panel assessed all outstanding issues and submissions made during the exhibition period. A detailed discussion of key matters is included later in this report.

In summary, the Panel concluded that:

- The Amendment is supported by, and implements the relevant sections of the State and Local Planning Policy Framework;
- The proposed for urban development in the Horseshoe Bend Precinct is strategically justified and generally consistent with the provisions of the adopted ACUGP;
- The proposed HBSP provides a sound basis to guide future urban development within the Precinct; and
- It is not appropriate to exclude particular land parcels from the Precinct Structure Plan as requested in a number of submissions.

To better understand the basis behind the Panel recommendations the following summary details the submitter issue, Council response to the issue and the Panel recommendation(s).

Issue 1: Housing density and diversity

A number of the landholders within the HBSP area submitted on the issue of a lower housing density being nominated for their landholdings. The submitters believe that the reduction in nominated density for their landholdings, from the 'conventional' rate of 15 dwellings per net developable hectare to 12 dwellings per net developable hectare ultimately makes their land less valuable and less likely to be developed.

Council response

Council noted that the nomination of 12 dwellings per hectare is a minimum only and the subject of further detailed design when a sub-precinct plan (as required by the PSP) is prepared by landholders and endorsed by Council.

Council's nomination of 12 dwellings per hectare is also directly related to constraints associated with smaller landparcels including size, shape and land specific encumbrances. Council is concerned that mandating a 15 dwelling per net developable hectare minimum of these landparcels may result in development of the sub-precincts being delayed or rendered economically unviable.

Panel conclusion and recommendations

'The Panel endorses the proposals for housing density and diversity incorporated in the HBSP and revised in Document 25.

Given the particular constraints applying to some properties, especially within sub-precinct C, the Panel considers that Council exercise some discretion in considering subdivision applications for individual properties that do not meet the specified minimum density, provided that the approval process for the relevant sub-precinct Development Plan has demonstrated that the best efforts have been made to achieve the specified minimum densities on a sub-precinct wide basis' (Page 12).

Council Response to Panel conclusion and recommendations

Agreed. Assuming that satisfactory design rigour has been applied to the development of sub-precinct plans for sub-precinct B and C, Council officers will utilise discretion when considering applications that do not specifically meet the housing density targets nominated in the HBSP.

Issue 2: Activity Centres

A couple of submitters raised concerns relating to the location of the Neighbourhood Activity Centre (NAC) and the Local Activity Centres (LAC) in so far as the location differed from the location nominated on the Armstrong Creek Urban Growth Plan

(ACUGP). In addition, one submission argued for the nominated maximum floorspace for the NAC to be increased from the current figure of 7,000 square metres to 8,800 square metres.

Council response

Deviation from the Armstrong Creek Urban Growth Plan consists of the NAC moving entirely to the eastern side of Horseshoe Bend Road as a component of a hub that also contains the school site and the regional active open space. This adjustment was based on detailed site assessment and the locational requirements of the facilities.

It must also be noted that the Armstrong Creek Urban Growth Plan provided the strategic basis upon which the more detailed master planning required of a PSP could be undertaken. As a result, there was always envisaged to be modification to the ACUGP as an outcome of further detailed design and refinement.

With regard to the issue of increasing the maximum floorspace for the NAC from 7,000 to 8,800 square metres Council has clearly initiated a defined retail hierarchy across the ACUGA through the application of floorspace limits. Council officers believe that without the ability to limit retail floorspace in both the NAC and LAC's there is an immediate threat to the economic viability and early provision of the Armstrong Creek Town Centre.

Panel conclusions and recommendations

'The Panel supports the proposed shifts in the location of the NAC and north-western LAC. The Panel considers that the planning principles being adopted for development of the NAC and LAC are appropriate and should result in the provision of effective and attractive hubs for the local community.

The imposition of floor space caps for Activity Centres can be argued to be inconsistent with the intent of current Government policy. However the Panel is satisfied that in relation to this Amendment, such floor space limits can be justified at least as an interim measure in the light of the localised role of the centres in question and the need to establish the proposed activity centre hierarchy within the ACUGA' (Page 14).

Council response to Panel conclusions and recommendations

Agreed. No further modification to the PSP or associated documentation is required.

Issue 3: Open Space

The Catholic Education Office submitted to Panel that the central area of active open space, shown on the eastern side of Horseshoe Bend Road and surrounded by Sub-Precinct B, should be relocated to the western side of Horseshoe Bend Road to directly abut the northern boundary of the Catholic school site.

In their presentation to Panel, the Catholic Education Office revealed that a review of the total land required for school provision on their site results in 5.7 hectares of land that is surplus to their requirements. The CEO envisaged that, should the proposal to relocate the active open space be adopted, Council will be required to purchase their surplus land in addition to another 2.5 hectares from surrounding landholders.

Council response

The active open space within the HBSP has been evenly distributed across the precinct to ensure that principles of equal access and walkability are met. Should the active open space be relocated there is a significant risk that the facilities become less accessible to the surrounding residential area it has been located to serve.

The Catholic School proposal also represents a topographical challenge, and a resultant unforeseen cost impost in establishing the open space, as the land falls significantly towards the north. This results in the requirement for significant cut and fill and the potential to need more land than currently budgeted for to provide accessible open space.

Council also believe that the development of the active open space, in the location shown on the exhibited HBSP, would ensure excellent accessibility to students attending the Catholic School.

Panel conclusions and recommendations

'.....What is clear is that as yet, no detailed comparative estimate has been prepared of the full cost of developing the proposed active open space on the site proposed by the CEO rather than that preferred by Council and identified in the exhibited HBSP.

In the absence of such a full cost estimate, and given the competing views expressed by Council and the CEO, the Panel is not satisfied that a convincing case has been made for the relocation of the active open space reserve.....

The Panel does not support any change to the location of active open spaces as set out exhibited {sic.}Precinct Structure Plan' (Page 16).

Council response to Panel conclusions and recommendations

Agreed. The HBSP will be modified to reflect the reduction in the size of the catholic school site but no changes will be made to the proposed location of the central active open space.

Issue: Transport Planning – East West Link Road

A number of submitters objected to the nomination in plans of the Geelong Ring Road extension in the exhibition version of the PSP plans and documents. .

One submitter requested that the Armstrong Creek East West Link Road alignment should be moved further south to avoid impact on their landholding.

Council response

Council agreed that the documents would be modified to replace 'Geelong Ring Road Extension' with 'Armstrong Creek East West Link Road' as part of the final amendment package prior to submission to the Minister for Planning.

With regard to the alignment of the Armstrong Creek East West Link Road, the alignment has been established for a number of years through the Armstrong Creek Urban Growth Area planning processes. The road, when constructed, will also be required to link to Baanip Boulevard, which is currently under construction on the western side of the Surfcoast Highway. Movement of the alignment further south will make this direct connection impossible and result in a costly financial impact on existing and planned major services along the Surfcoast Highway.

Issue 4: Transport Planning

4(a) Road Network within Horseshoe Bend

A number of submissions questioned the nominated road reservation width for Boundary Road and stated that there was no justification for the ultimate cross section of Boundary Road, as nominated in the HBSP. The ultimate cross section for Boundary Road has made allowance for a four lane road which submitters argue is not justified by the supporting traffic modelling.

Council response

The reservation width, and ultimately the four lane set out of Boundary Road, is considered necessary as Boundary Road is one of only two collector roads that will provide east-west connectivity across the Armstrong Creek Urban Growth Area. The ultimate set out of Boundary Road only requires an additional two metres within the road reservation, with the ultimate change from two lanes to four lanes as a result of linemarking and the movement of kerb and channel.

4(b) Transit corridor

Some submitters raised the issue of funding of the transit corridor, which is nominated as a north-south connection through the Armstrong Creek Urban Growth Area, through the HBDCP.

The transit corridor moves through the Horseshoe Bend, Armstrong Creek Town Centre and Armstrong Creek East Precinct Structure Plan areas and is already nominated as a cost in the Development Contributions Plans of each of these precincts.

Council response

It is Council's preference that the State takes over the funding responsibility of this key piece of public transport infrastructure. As no such funding arrangement has been able to be secured, the Council has been forced into a position of alternate funding through Development Contributions Plans. This mechanism has been employed to ensure that the opportunity to provide for public transport through the ACUGA, and ultimately further south to Torquay is not lost.

4(c) Shared path network

The suitability of both pedestrian and cycling use of pathways and the inclusion of signalised pedestrian crossings within the HBSP were both issues raised in submissions.

Council response

The proposed design of shared pathways complies with the relevant Australian Standards. The locations of pathways have been clearly determined to be in alignment with the strong grid network of roads across the ACUGA which results in major road crossings for pedestrians and cyclists occurring at signalised intersections.

With regard to the issue of provision of signalised pedestrian crossings, Council believe that the location of these crossings is difficult to determine at the precinct planning level. Detailed design of subdivision layouts will assist in correct placement of proposed signalised pedestrian crossings should they be required at development stage.

Panel conclusions and recommendations

'The Panel endorses the key elements of the transport planning for Horseshoe Bend as representing a sound and sustainable response to meeting the future movement needs of the population of Horseshoe Bend and the Armstrong Creek Urban Growth Area.

The Panel supports:

- *Amendment of the PAO for the East-West Link Road to reflect the final boundaries of the road reservation agreed between VicRoads, Council and landowners;*
- *Council's decision to adopt a uniform four lane reservation for Boundary Road;*

- *Amendment of the exhibited DCP to remove the local access road within the DFC landholding as agreed between Council and DFC during the course of the Hearing;*
- *The inclusion of the proposed transit corridor within the HBSP and HBDCP; and*
- *The Council's proposals for the shared path network in the Horseshoe Bend as set out in the HBSP' (Page 21).*

Council response to Panel conclusions and recommendations

Agreed. No modification to documents is required.

Issue 5: Drainage

The development of the HBSP area is, to a large extent, predicated upon the purchase and development of two low lying properties which are outside the eastern boundary of the HBSP area.

The acquisition and development of the proposed wetlands will result in additional land for urban development within the HBSP and create both an environmental and community asset for the HBP.

A number of submitters, realising the importance of the wetland in the development of the HBSP, suggested that a Public Acquisition Overlay (PAO) be applied to the site with Council nominated as the acquiring authority. And, whilst there was general acceptance that the acquisition of the wetland be funded by the HBDCP, submissions questioned the application of a cost in the DCP for a 10 year management/development and maintenance plan for the wetland.

In addition, one submitter raised concern about the potential for flooding of his property and the subsequent impact upon the viability of his business.

Council response

Council acknowledges that the development of a maximum area of 25% of the HBSP area is dependent upon the purchase of the two properties in question but believe that a PAO is only required if the land is to be compulsorily acquired. Council's preference is to negotiate purchase first and only consider a PAO should negotiations fail.

The 10 year implementation/management plan reflects the realistic requirements of implementation of such a unique and complex environmental system in significantly degraded farmland. Council have engaged both stormwater and environmental experts to peer review and proposal and, whilst it is acknowledged that there may be limited possible savings, the plan has been found to be sound in its assumptions.

Panel conclusions and recommendations

'The Panel supports Council's proposal for development of the Sparrovale wetlands as the central element of the drainage infrastructure for Horseshoe Bend Precinct Structure Plan.

The proposed wetlands – located outside Horseshoe Bend Precinct – will provide environmental and recreational benefits to the community, in addition to managing stormwater, while freeing up additional land in the Precinct for development.

The Panel finds that the drainage costs included in the Horseshoe Bend Development Contributions Plan (including the 10 year development/maintenance costs), with the minor reductions proposed by Council, are reasonable.

Land acquisition by negotiation for the proposed wetlands was concluded to be an acceptable approach.

The Panel accepts the advice of Council's experts that Mr Balog's property is unlikely to be adversely affected by the proposed development of the Sparrovale wetlands and encourages Council to liaise further with Mr Balog to provide him with suitable assurances.

The Panel accepts the Horseshoe Bend Stormwater Management Strategy including purchase by Council of the Sparrovale lands and development of the proposed Sparrovale wetlands' (Page 25).

Council response to Panel conclusions and recommendations

Council officers will continue to work towards resolution of the purchase of the farmland nominated for development of the wetland complex. Small changes have also been made to the wetland establishment costs in accordance with the expert evidence and peer review of the management plan.

Issue 6: Native Vegetation and Greenways

The extent of vegetation nominated for retention, particularly along greenways, was raised in a number of submissions with subsequent requests for modification to the both the HBSP and HBNVPP.

In addition, the State Government introduced reformed native vegetation provisions into Victoria Planning Provisions on 20 December 2013 which will result in a translation of the exhibited HBNVPP to ensure compliance with the new guidelines.

Council response

Council officers continued to negotiate with affected landholders up until commencement of the Panel Hearing. These negotiations resulted in Council proposing to introduce greater design flexibility in subdivision responses to nominated greenways and a reduction in proposed greenway nominated along the southern portion of Barwarre Road.

Council also engaged an external consultant to translate the exhibited NVPP to ensure compliance with the new State Government guidelines relating to native vegetation.

Panel conclusions and recommendations

The Panel concludes that with updating, the HBNVPP is appropriate for the Precinct.

The Panel accepts the HBSP greenway guidelines, adjustments to the extent of the greenway on Barwarre Road, and minor changes regarding lot access adjacent to greenways, as modified by Council in discussions with landowners' (Page 27).

Council response to Panel conclusions and recommendations

Agreed. The HBNVPP has been translated as part of the final Horseshoe Bend amendment package and the HBSP has been modified to reflect the agreed changes in the southern portion of the Barwarre Road greenway.

Issue 7: Electricity Substation

A number of submissions requested the relocation of the nominated Powercor sub-station, which is shown on the north-west corner of Boundary Road and Barwarre Road. It was suggested by submitters that the sub-station should be relocated to the Geelong Cemetery or on the north side of Boundary Road (opposite the new emergency services area within the ACTC).

In addition, submitters stated that a Public Acquisition Overlay (PAO) should be applied to the site, to ensure that the site is purchased by Powercor in a timely manner, and a Design and Development Overlay (DDO) applied to control the urban and landscape design outcomes.

Submitters have also demanded that Council undertake a siting review to consider possible alternative sites that might not result in the same visual impact as that perceived with the current site.

Council response

The Powercor sub-station location was determined during the development of the Integrated Infrastructure Delivery Plan (IIDP) as part of the earliest stages of planning for the ACUGA. The location has been selected to meet servicing requirements of the ACUGA in accordance with both Powercor operational requirements and future distribution network design.

Council recognises the need to have both design and landscaping controls for the development of such a high profile site. Unfortunately, the application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.

Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility.

With regard to the PAO, Powercor have not consented to the application of a PAO and have consistently argued that they do not have the powers of an acquiring authority. Despite this, the site needs to remain nominated for Powercor use to ensure that the network can meet upcoming demands at the necessary time.

Panel conclusions and recommendations

'.....the Panel does not support any change to the HBSPS either to alter the proposed substation site or to remove the identification of the site and substitute a generalised reference in the text of the HBSPS.

The Panel supports the view (expressed by all parties, including Council, Powercor and submitters) that it is important to ensure that the design and landscaping of the substation meets best practice standards and minimises any adverse effects on the amenity of adjacent areas. The Panel recommends that Council seek to reach agreement with Powercor on suitable design and landscaping guidelines which would provide some assurance to the local community regarding the visual impacts of the proposed sub-station when it is finally constructed. Such guidelines should desirably be included in the PSP. While not a formal recommendation in the context of this report, the Panel urges Council to undertake this negotiation as soon as practicably possible' (Page 30).

Issue 8: Urban Growth Zone

The Catholic Education Office (CEO) sought, both through submission and presentation to Panel, modification to some of the provisions in Schedule 4 to the Urban Growth Zone. Specifically, the CEO argued that a use permit should not be required for non-government schools although the CEO acknowledge that a Buildings and Works permit would still be required.

Council Response

Council do not support the removal of the requirement for use permits for non-government schools. The types of conditions that may be placed upon a use permit include regulation of the hours of operation activities that may occur on the site, lighting, main broadcast systems and the transport arrangements for students. The absence of the ability to adequately assess and regulate the potential impact of the school on the existing or proposed residential amenity of the surrounding area has the potential to create conflict.

Panel conclusions and recommendations

‘.....In the Panel’s view it is unfortunate that there is scope for inconsistency between councils in the way in which controls are exercised on the development of non-government schools. However the responsibility for such decisions currently lies with local planning authorities. As a consequence, each council must determine what it believes is the most appropriate way to implement controls designed to manage any local impacts associated with the development and operation of such schools.

The Panel has therefore concluded that there be no change to the exhibited Amendment for non-government schools in relation to ‘use’ and ‘buildings and works’ permit’ (Page 32).

Issue 9: Development Contributions Plan

A number of submitters to the exhibition of the HBSP raised issues relating to the exhibited HBDCP and either removal or reduction in the funding of some of the nominated infrastructure items.

More specifically, the following items were raised in submissions:

- the inclusion of the athletics facility, indoor recreation centre/multipurpose stadium, regional playground and lawn bowls greens in the DCP;
- The 10 year cost for the establishment and maintenance of the Sparrovale Wetlands;
- The inclusion of the purchase of the transit corridor in the DCP rather than the corridor being funded through a PAO with the nomination of State government as the acquiring authority;
- Reduction in the extent of the nominated Boundary Road reservation;
- Inclusion of the duplication of Boundary Road, where Boundary Road is nominated as a greenway, as a cost in the HBDCP and,
- General suggestions about reduction or increase in the number and funding allocations of items nominated in the HBDCP.

Council response

As noted in the Panel Report, *‘....During the course of the Hearing there were ongoing negotiations between the Council and major landowners. As a result of those negotiations the extent of disagreement between Council and the landowners in relation to the HBDCP was significantly reduced’ (Page 34).* Despite these negotiations, a number of issues were still discussed at the Panel Hearing or reviewed by Panel in their assessment of submissions.

With regard to the disputed facilities within the HBDCP Council’s position is that all but one of the items listed in submissions have been incorporated within other DCP’s across the ACUGA including the Armstrong Creek East and West residential precincts.

The exception is the Athletics facility which is unique to the Horseshoe Bend precinct and has been described in detail during past Panels as part of the distribution of regional facilities in home-of sites around the growth area. Funding of these facilities is an outcome of their location and the inclusion of the Athletics facilities in the HBSP is simply an outcome of its nominated site on Boundary Road.

Other precincts within the ACUGA have included similar facilities for other sporting codes such as, soccer/hockey within the Armstrong Creek West regional active open space and AFL, Netball and Soccer in the Armstrong creek East regional active open space.

On the issue of the 10 year establishment and maintenance costs for the Sparrovale wetlands Council will manage the wetlands in perpetuity and fund appropriate ongoing maintenance costs. That being said, it should be acknowledged that the capital delivery of this facility is not to be achieved in the short-term and Council is required to deliver works over a long period of time including the transition of this degraded farmland into a functioning sustainable wetland system.

The very nature of environmental projects is that they require long periods of time for establishment and settlement. This is particularly important in a precinct that will be under a constant state of development for many years to come.

The requirement for the DCP to fund the acquisition of the Transit Corridor is as a result of a lack of State Government commitment to the acquisition of the transit corridor land. Funding for acquisition of the transit corridor has previously been approved in the Armstrong Creek East PSP, and the soon to be approved Armstrong Creek Town Centre PSP. The funding of acquisition of the transit corridor in the HBDCP further implements the consistent funding policy position across the ACUGA.

The Boundary Road reservation has been set aside to allow for an ultimate four lane cross section. As discussed previously in this report, the transition from the interim to ultimate cross section involves linemarking and a movement in kerb and channel. As a result, the actual additional land for the road is minimised to two metres.

A late submission to Panel raised the issue of equitable funding of construction costs of a Boundary Road intersection with the Armstrong Creek Town Centre. Council's position on this issue is that the same principles in terms of funding of connector roads have been applied to the ACUGA in its entirety. Should this submitter be successful in arguing that the intersection construction costs should be funded by the DCP the underlying principles utilised by Council in apportioning costs across the ACUGA would be open for debate, at considerable cost.

Panel conclusions and recommendations

'During the course of the Hearing, Council agreed to make a number of changes to the HBDCP.....a reduction of \$280,000 in the provision for the cost of establishment of the Sparrovale wetlands.....a reduction of \$800,000 in the cost of active open space and community centres and additional provision of \$600,000 for Stage 1 of the Surf Coast Highway/Boundary Road intersection. Council has further agreed to review the provision in the HBDCP for the construction of the intersection of Surf Coast Highway, the East-West Link Road and Collector G, and of some drainage works within Horseshoe Bend' (Page 45).

Conclusion

Given that Council officers continued to negotiate with submitters both prior to and during the Panel Hearing, Council was able to provide the Panel with a revised version of the exhibition documents which had been modified to reflect agreements that had been reached with submitters. These documents were handed to Panel on the final day of the Hearing and are referred to as Document 25.

As per the discussion above, it is recommended that development within the Horseshoe Bend Precinct be facilitated through the approval of the Horseshoe Bend PSP, NVPP and DCP.

Environmental Implications

Amendment C259 gives effect to the Armstrong Creek Urban Growth Plan. The planning for the Horseshoe Bend Precinct has addressed potential environmental implications of the development including retention of remnant native vegetation, through the incorporation of the Horseshoe Bend Native Vegetation Precinct Plan, and the purchase and development of the Sparrovale wetland for the purposes of stormwater and environmental management. In addition, the Horseshoe Bend Precinct Structure Plan nominates larger areas of passive and active open space for the benefit of the Armstrong Creek community.

Financial Implications

The Horseshoe Bend Development Contributions Plan identifies all the capital financial requirements for the provision of infrastructure across the Horseshoe Bend Precinct. The Horseshoe Bend Development Contributions Plan details the specifics of the developer contribution to relevant infrastructure.

With Council responsibility for the management of the DCP there will be decisions required across this precinct and other precincts within the Armstrong Creek Urban Growth Area, regarding managing the income stream from contributions under the DCP and the provision of required infrastructure. These will be matters which will be assessed via a multi-division committee with recommendations coming to Council as part of the annual consideration of the budget.

Two DCP projects will require co-funding by Council, including a multipurpose stadium (\$1.40M) and land for future road widening (\$0.96M). These costs have been identified in Council's long term financial plan and will be refined (if required) once the DCP has been approved.

Policy/Legal/Statutory Implications

The planning scheme amendment to incorporate the Horseshoe Bend Precinct Structure Plan into the Greater Geelong Planning Scheme accords with the broader structure of the Armstrong Creek Urban Growth Area as established under Greater Geelong Planning Scheme Amendment C138 – Armstrong Creek Urban Growth Plan.

The Horseshoe Bend Precinct Structure Plan and Development Contributions Plan have been prepared having regard to the Council's adopted position on the Armstrong Creek Integrated Infrastructure Delivery Plan (IIDP).

The amendment is also considered to meet the relevant requirements of both State Government and Council.

Alignment to City Plan

The Armstrong creek Urban Growth Area is one of Council's priority projects. The Horseshoe Bend Precinct Structure Plan will ensure that the project is continuing to meet the needs of the community and the growth of the economy. In addition, a number of Council's sustainability principles will also be met.

Officer Direct or Indirect Interest

In accordance with Section 80C of the *Local Government Act* no Council officers involved in the preparation of the Horseshoe Bend Precinct Structure Plan, or this Council report, have a direct or indirect interest.

Risk Assessment

As the ultimate development of the HBPSP is predicated upon the purchase and establishment of the Sparrovale wetlands it is considered a significant risk to Council should early acquisition not be pursued. Council is the development agency for all of the items nominated in the HBDCP and it is more than likely that forward funding of the purchase of the two properties that make up the wetlands will be required.

Social Considerations

The Horseshoe Bend Precinct Structure Plan will ensure a considered and well planned approach to the development of additional residential communities within the Armstrong Creek Urban Growth Area. It will also ensure, through the application of the DCP, that the infrastructure required to service the community meets their needs and expectations.

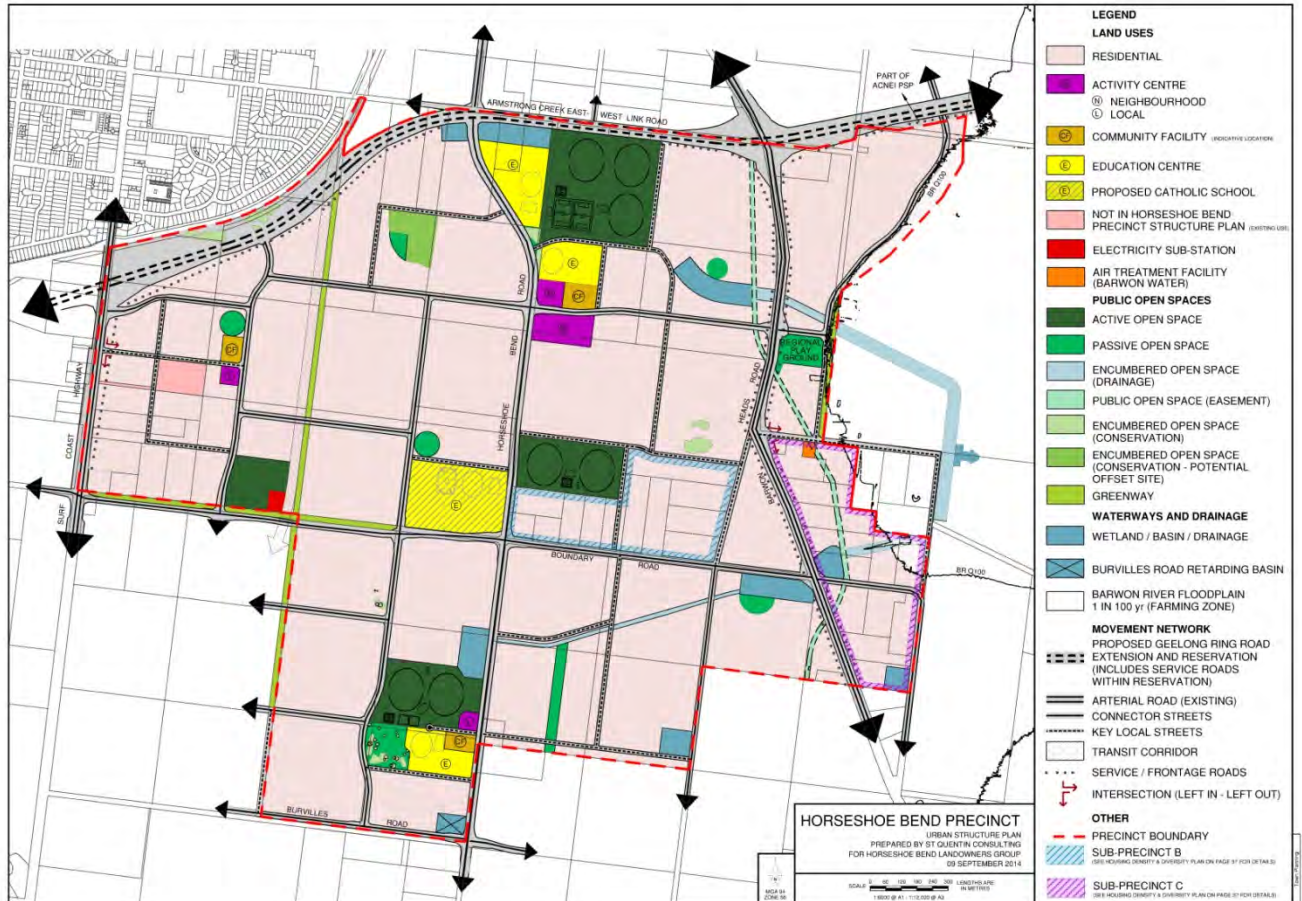
Human Rights Charter

Council officers have taken into consideration the Human Rights Charter relative to the subject matter of this report. This includes 'ratepayers' property rights and a right to a fair hearing.

Consultation and Communication

All submitters to the exhibition and Panel Hearing for the HBPSP have been directly informed of the findings of the Panel.

Appendix 1
Horseshoe Bend Urban Structure Plan



Appendix 2

**C259 - Horseshoe Bend Precinct Structure Plan and associated amendment
documentation**

(Appendix 2 available in the Councillor's Lounge)