



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 22 August 2017

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 6.30p.m.

ADMINISTRATORS:

Dr Kathy Alexander (Chair)
Laurinda Gardner
Peter Dorling

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Peter Dorling (Administrator) declared an Indirect Interest in Agenda Item 1, Barwon Heads Structure Plan 2017, in that he had a past interest in previous Structure Plan for Barwon Heads and left the meeting room at 6.58p.m. prior to discussion of the item.

1. BARWON HEADS STRUCTURE PLAN 2017

Source: Planning and Development - Planning Strategy
Acting Director: Geoff Lawler
Index Reference: Barwon Heads Structure Plan Review 2016

Purpose

To set out the findings and recommendations of the update to the Barwon Heads Structure Plan 2010 and to request that Council adopt the Draft Barwon Heads Structure Plan 2017 (Draft SP) and to give them statutory effect through a planning scheme amendment.

Background

The Barwon Heads Structure Plan was adopted by Council in 2007 and incorporated in the Planning Scheme in 2010. The update to the Structure Plan was initiated in April 2016. The comprehensive update has considered a range of factors around the changing needs of the town and recent changes to state and local policy. This includes changing demographics, development pressures across the township, housing diversity, residential character, climate change, flooding, the natural environment, transport and infrastructure.

Key Issues

- Preparation of the Structure Plan has been accompanied by comprehensive community engagement. The Help Shape the Place community engagement in October and November 2017 had around 120 people attend workshops and drop in sessions, as well as 130 submissions being received. Engagement on the Draft Structure Plan in May and June 2017 resulted in 1,050 submissions.
- Three requests have been received to rezone Farming Zone land outside of the settlement boundary. The Draft Structure Plan does not recommend the westward expansion of the Settlement Boundary.
- The Structure Plan has been informed by a Residential and Landscape Character Assessment that recognises that Barwon Heads has a unique coastal design character. The following changes are recommended:
 1. Rezone Residential Growth Zone to General Residential – Schedule 1.
 2. The Increased Housing Diversity Area (IHDA) to be retained; although removed from land south of Bridge Road and Apply a new Design and Development Overlay – the Barwon Heads IHDA area be applied.
 3. Rezone General Residential Area to Neighbourhood Residential Area and apply a new Design and Development Overlay – Barwon Heads Incremental Change Area be applied.
- The Structure Plan recommends that land in the Warrenbeen Court Area be rezoned to Neighbourhood Residential Zone with a schedule that limits development to one dwelling per lot with a minimum site size of 4,000m². Apply an Environmental Significance Overlay to the Warrenbeen Court Area and part of the Farming Zone north of Taits Road and seek interim planning controls from the Minister of Planning.

- The Structure Plan recommends retaining the Comprehensive Development Zoning for 13th Beach Resort.
- Other significant issues that are discussed in the Structure Plan include parking and transport, flooding, stormwater and climate change and the significance of the surrounding environment, landscape character and biodiversity.
- The Draft Structure Plan recommends that there be no set review period for the Structure Plan.

K Alexander moved, L Gardner seconded -

That Council:

- 1) adopts the Draft Barwon Heads Structure Plan 2017, including the Structure Plan map as shown in Attachment 2;**
- 2) resolves to prepare and exhibit a planning scheme amendment to include the necessary elements of the Structure Plan within the Greater Geelong Planning Scheme, subject to authorisation;**
- 3) requests the Minister for Planning to exercise powers under Section 20(4) of the Planning and Environment Act 1987 by applying an interim Environmental Significance Overlay schedule while the formal Planning Scheme Amendment is prepared and considered.**

Carried.

Peter Dorling re-entered the meeting room at 7.02p.m.

Attachment 1

Discussion

Introduction

The update of the Barwon Heads Structure Plan (BHSPU) commenced in April 2016. The Draft Structure Plan 2016 (Draft SP) has been modelled on the City of Greater Geelong's Structure Plan framework to ensure consistency with other Council produced structure plans. The plan includes discussion on policy context, urban growth (demographics and lot supply), settlement and housing (urban environment) infrastructure (services, access and movement and community infrastructure), natural environment (flooding, climate change and key environmental features), economic development and employment (retail analysis, industrial analysis and tourism), and rural areas.

Community Engagement

Comprehensive community engagement has been a key aspect of the BHSPU process. This was in part a response to a residual general lack of trust of Council within the Barwon Heads community resulting from past structure plan consultation processes and that landowners requesting to develop outside of the settlement boundary indicating that there is a silent majority of people who support the extension to the boundary that do not make submissions. To maximise and encourage community participation throughout the BHSPU process Council commissioned the independent consultation company Campbell & Jones to prepare an engagement and communications plan and to subsequently assist with its implementation. The brief clearly sets out the need for Campbell & Jones to consider innovative techniques to ensure that views across the entire community could be achieved.

A submission received by Council on the Draft SP made by a proponent of a landowner who is seeking to develop outside of the settlement boundary has suggested that the consultation process was insufficient and Council should undertake a Citizens Jury process. Given the comprehensive consultation process that has been put in place as set out below this is not considered necessary. Council has dedicated substantial resources and funding to this process. In addition, the landowners themselves have not presented evidence in a submission to support their position of a silent majority and Council continues to receive a large number of submissions that support retention of the settlement boundary.

Internal and stakeholder referrals

Engagement commenced in March 2015 with referrals sent to internal Council departments and external stakeholders and service providers such as Barwon Water, VicRoads, the Department of Environment Land Water and Planning and Barwon Coast Committee of Management. This provided high level background to key infrastructure and land use/ development issues in the town that was incorporated into an Issues Paper and Issues Paper Summary.

Methods used to engage with the community

The community has been continually kept informed of the progress of the project through project bulletin updates. The updates have provided details of the project timing, invitations to get involved in project engagement and reporting on outcomes from the engagement. A number of mechanisms have been used to reach out across the community:

- Consultation database: Those wishing to be involved in the BHSPU process were recorded on a database and have been sent project bulletins and invites to be involved in consultation via email and letters.

- Talking Heads Magazine: Regular project updates and invitations for engagement have been included in this magazine, which is distributed to all Barwon Heads households on the first Saturday of every month.
- Other Media: Adverts for key engagement dates were included in the City News adverts for the Geelong Advertiser and Geelong Independent as well as the Bellarine Times. During the two key engagement periods media releases were prepared and also included on the Council's social media via Geelong Australia webpage.
- Council's website: A BHSPU information webpage has been available on Geelong Australia. Project updates and all engagement documents and background reports have been provided on the website.
- Other representatives: Other groups within the town have their own distribution networks. This includes the Barwon Heads Association, Save Barwon Heads Association and the Barwon Heads Sustainability Group. Key documentation has been included on the webpages of these groups and distributed through their networks. Notices were also placed in key businesses within the town.
- Direct contact to community networks: Emails and letters were sent directly to a range of over 50 groups with the community to recruit groups and their members for community engagement and community leadership. This included groups involved in recreation, community interest and residents groups, government agencies and political representatives, health and education, environment and sustainability groups, landowners and developers and traders.
- Warrenbeen Court Area and land north of Tait's Road – Direct Contact (see detailed discussion on Page 11).
- Help Shape the Place engagement

This was the first major opportunity for the community to get involved. The 40 page Issues Paper noted above provided background information to the community. The engagement involved:

Help Shape the Place Workshop: The workshop was held on Wednesday 26 October and was open to anyone in the community. The workshop was facilitated by Campbell & Jones and over 60 attendees worked in groups to discuss planning issues and solutions facing Barwon Heads.

Help Shape the Place Drop in Sessions: Two drop-in sessions were held on Thursday 27 October 2016. The sessions built on the workshops and the community were able to 'drop in' and ask questions of Council officers. A further 60 people attended the sessions.

Submissions: Any member of the community was able to make written submission on the Structure Plan, either at the engagement sessions or by email, post or online. Council received over 130 written submissions.

In facilitating the Help Shape the Place engagement activities Campbell & Jones and Council were also supported by Hansen Partnerships who were preparing the Barwon Heads Residential and Landscape Character Assessment.

- **Draft Structure Plan Engagement**

A Draft Structure Plan was released by Council on 23 May 2017. Members of the public were able to make a submission on the draft until 23 June via the online form, by email or post. A 'drop in' information session was held on Wednesday 7 June.

Almost 1,050 submissions were received. Most of these (970) were provided by the Save Barwon Heads Alliance who set up an online response portal that was independent of Council. Primarily the online response form focussed on a respondent to choose pre-written arguments in support of Council retaining the settlement boundary. The supporting arguments related to urban growth, amenity, retaining the seaside feel, tourism, environment, climate change and risk. Respondents were also able to provide other comments. It is noted that of the 970 responses received 66% reside in Barwon Heads and 78% in the Greater Geelong area.

Of the 67 submissions that were received by Council directly, 20% did not provide an address or were located outside of Greater Geelong. All methods of consultation had some multiple responses within a household.

Key Themes from Consultation and the review of the Structure Plan

The Draft SP largely retains the key principles and directions from the 2008 Structure Plan (refer Attachment 3). As a part of the BHSPU and engagement process, a number of key issues were identified and are set out below. The Draft SP and recommended planning controls as well as a summary of submissions received on the Draft SP have been made available on the Geelong Australia website by visiting the 'Barwon Heads Structure Plan Update' page.

Settlement Boundary

Submissions have been received from the landowners identified in Table 1. Council also received a further 14 submissions that object to the recommendation in the Draft SP to not allow the westward extension of the settlement boundary.

Table 1. Rezoning requests outside of the settlement boundary

Rezoning Request	Suggested lots (If known)
Residential Rezoning requests outside of the settlement boundary	
Land on the south side of Barwon Heads Road, west of existing Residential zone (<i>1900 – 1920 Barwon Heads Road</i>)	250 – 300
All rural land west of the existing settlement boundary on the north side of Barwon Heads Road to the flood levee (<i>representing owners of 135 Taits Road, 137 Taits Road and 1941 – 1949 Barwon Heads Road</i>)	Unknown
2 X submissions for land on the north side of Taits Road, west of existing Residential zone (<i>122-138 Taits Road</i>)	Unknown

A summary of the reasons provided to support the change to the boundary include:

- Do not support Council's assessment of coastal settlement policy, including the State and Local Planning Policy Frameworks of the Greater Geelong Planning Scheme (GGPS), the Victorian Coastal Policy Statement and the Bellarine Peninsula Localised Planning Statement;

- Do not agree on Council's position that housing provision should be considered on a municipal basis and other strategies under Clause 11.02-1 of the Greater Geelong Planning Scheme that require planning for urban growth to consider opportunities to consolidate, redevelop and intensify existing urban areas. All towns should provide for some growth;
- Council is too reliant on community opposition and should balance the present and future interests of all Victorians under objective 1(g) of the Planning and Environment Act 1987;
- There is currently not enough affordable or diversity of housing in the township. Development will increase housing options and will provide an injection of improved design, jobs and investment;
- C159 and the Panel set out that limited development is feasible if it provides a net environmental benefit for the Murtnaghurt Lagoon and channel;
- Development can be designed to preserve the natural environment and the wetlands, including separation distances to environmental values – resulting in net environmental impacts;
- Development can be designed to mitigate issues of development regarding concerns raised by Council for environmental impacts, flooding and climate change amenity impacts to the existing townships and the provision of infrastructure. These issues should not preclude development. The proponents for 1900 Barwon Heads Road have submitted specialist reports to support this position;
- Development will enable the delivery of increased community infrastructure and landscaping, including sporting ovals and pedestrian connections, as well as retirement living to meet the needs of the ageing population identified in the Draft SP;
- Inconsistency for sensitivities of wetlands when other development has been allowed in the eastern side of the township near the Barwon River;
- Land is not viable for farming purposes;
- There is a need for tourist accommodation in the town;
- Issues around Council's consultation process (discussed above).

Recommended Council position on the settlement boundary

It is recommended that the settlement boundary for Barwon Heads not be expanded. In the first instance it is considered that there is a lack of policy support 'in principle' to extend the settlement boundary. To support this position Council has received significant community opposition to development through two community engagement processes. Due to the lack of 'in-principle' support for development, Council has not undertaken a detailed feasibility assessment of individual sites. High level advice has been received from referral agencies on aspects such as drainage, environment and climate change and other servicing requirements. It is considered that urban development outside of the settlement boundary would irrevocably erode the "village" atmosphere of the town and undermine the vision of the town, which aspires to be a place, where human impact is managed to support the fragile natural surroundings. These issues are discussed further below.

No policy support. In accordance with PPN36 a settlement boundary can be reviewed and must have regard to changed circumstances and other relevant matters. It is considered that since the last Structure Plan review the arguments that Council made against the extension to the settlement boundary have not changed and in fact have been strengthened.

A key State strategy is the Victorian Coastal Strategy (VCS). The VCS notes that development should occur in areas identified for growth. Development will only be considered where located within existing, modified and resilient environments, where the demand for development is evident and any impacts can be managed sustainably. In the first instance significant environmental and cultural values should be protected.

Both the G21 Regional Growth Plan and Clause 21.06 of the GGPS do not identify Barwon Heads as a town for growth. Further the State and Local Planning Policy Frameworks at *Clause 11.02-1 Supply of Urban Land* seeks to plan for population growth over a 15 year period. Residential land supply is required to be considered on a municipal basis, rather than a town-by-town basis. An analysis of residential supply has shown that there is a significant supply of land that goes well beyond the 15 year period for the Greater Geelong Municipal area, as well as the Bellarine Peninsula Region.

In the context of the adequate supply of land at the municipal level this does not automatically result in no growth whatsoever for a town not identified for growth. On the contrary the G21 plan notes that modest growth can occur, but this must be considered in the context of other policies, such as 21.06 which primarily directs growth to the growth area locations and at the same time promotes urban consolidation in line with the Housing Diversity Strategy 2008. Ultimately modest growth does not necessarily mean outward expansion and Barwon Heads should be considered in terms of its locational context. PPN36 is also relevant in that Council must consider the principle of development constraints. For Barwon Heads there are substantial amounts of growth occurring in the nearby growth area locations of Armstrong Creek and to the north of Ocean Grove. Clearly Barwon Heads cannot be looked at in isolation and Ocean Grove, which is located only 5km from Barwon Heads, is directly linked as a housing market. A housing market can consider key functional linkages between places where people live and work and is not necessarily defined by one township only. This is relevant for Barwon Heads in that as a standalone suburb the town does not have the range of services available to make it self-sufficient.

It is also considered unlikely that extending the settlement boundary will have a marked impact on affordability. As noted above the market for properties is larger than just Barwon Heads. Plus it is debateable that for a small town, new land is going to be priced at a lower point than what is the current market price for Barwon Heads. Across Victoria land in new development areas is often released in a limited or phased manner to keep prices higher at market levels or above. The proponents for landowners have noted that the delivery of housing could be drip fed over a number of years, which would support this argument.

The town centre and the surrounding 400 metre walkable catchment is currently located within an Increased Housing Diversity Area (IHDA), which is supported by the Housing Diversity Strategy 2008 and is part of Council's broader settlement strategy policy. There remains an expectation that there will be a level of development that is facilitated in Barwon Heads in the IHDA as well as through incremental change in surrounding residential areas.

The State Planning Policy Framework (SPPF) for the Bellarine Peninsula has been strengthened by the adoption of the Bellarine Peninsula Localised Planning Statement in 2014. This further enhances the importance of the ecology of the Bellarine Peninsula and the need to protect it from inappropriate urban encroachment.

Undesirable precedent. Any arguments put forward that support development of certain portions of land west of the settlement boundary would also not be supported by Council policy. This would create a precedent for land be developed west of the settlement boundary and would seriously affect the ability to hold this policy position.

Community support.

It is acknowledged that the Panel Report for C159 encouraged Council to reconsider its opposition to development of land at 1900 Barwon Heads Road where limited development can achieve a net environmental benefit. However the panel is clear that this is to be determined by the Council and the Barwon Heads Community. Further, the opposition by the community is not something that the Panel considered it was able to dismiss. The current Structure Plan update process has shown through two community engagement processes that the significant opposition by the community remains. The proposed development for 1900 Barwon Heads Road is also more substantial in terms of the number of houses and land area proposed for residential uses under the 2010 Structure Plan. It is therefore not considered that the scale of development proposed constitutes 'limited' development.

Detailed Land Development

As noted earlier there is no policy support for the development of land outside of the Settlement Boundary therefore a detailed assessment of land development feasibility has not been undertaken.

The proponents for 1900 Barwon Heads Road have submitted reports that were used during preparation of the 2010 Structure Plan that they consider support the development of land outside of the Settlement Boundary. This includes a Drainage and Services Report (2009), a Coastal Vulnerability, Flooding and Stormwater Assessment (2009) and updated biodiversity advice (June 2017). The reports provided are not detailed assessments and are high level at this stage. No similar information has been provided from the landowners north of Barwon Heads Road.

Referral advice from internal and external experts that has been provided to Council does not support the western expansion of development outside of the settlement boundary. Council's Environmental Planning Unit and Engineering Services do not support the proposal to extend the settlement boundary and the Department of Environment Land Water and Planning (DELWP) have also raised concerns. Of the greatest concern is the impact to the internationally recognised Ramsar Wetlands at Murtnaghurt Lagoon and overflow channel that connects the lagoon to Lake Connewarre via the Barwon River. The ecological, biodiversity and ecological importance of the area are well established through numerous studies. The impacts are not restricted to the wetlands themselves, but also from off site impacts of development such as through the development process and subsequent stormwater drainage or indirect impacts of domestic animals and the like. A need to provide buffers to the wetlands is also identified.

Experience from other developments in the City highlights that Council needs to adopt the 'precautionary principle' as outlined in Clause 12 of the GGPS. DELWP have advised that experience from Armstrong Creek has identified that increasing freshwater inflows into a saline wetland system can lead to degradation of the wetland by changing the vegetation community and not allowing the system to dry out as it would occur in the natural system. Further, Council's Engineering Services have noted that there are already stormwater drainage problems in Barwon Heads township and an extension to the settlement would likely exacerbate these impacts. Council also does not accept the use of pumped main drainage systems in this type of broad hectare location due to the ongoing maintenance costs resulting from the low lying nature of the land and salinity levels from ground water.

The proponent for 1900 Barwon Heads Road notes that the proposal will provide community benefits; including the potential for an aged care facility, open space reserve and community oval and a shared path network. The need for expanded community services and land would essentially be driven by the population growth that would result from an expanded settlement boundary, which Council policy does not support. Potential pedestrian connections would have a benefit for the community. Aged care facilities are not supported outside of the settlement boundary.

Residential Character

The recommendation to not extend the settlement boundary will have an influence on how development occurs within in the township and there has been significant residential infill in Barwon Heads over recent years. It is not possible or appropriate to stop all growth and Barwon Heads is required to provide a 'modest' level of growth in line with the G21 Regional Growth Plan. To inform future infill development in Barwon Heads a Residential and Landscape Character Assessment 2017 (Character Assessment) was undertaken by Hansen Consultants to inform the Structure Plan.

Feedback from the community during the Have Your Say engagement was that infill development has been detrimental to the village character of the town and there is concern over the use of the Residential Growth Zone near to the town centre. Most community members supported or understood the need for a diversity of dwellings within Barwon Heads, consistent with existing policies, but are concerned that the scale / form of development allowable under the current controls is out of character. The broad sentiment expressed was that some control was needed, but that this needed to be reasonable and not too onerous. Building height, site cover and building bulk, the need for vegetation/ landscaping and the retention of informal landscapes were seen as key opportunities for introducing planning controls. The extent of the residential growth zone was also an area of concern.

The final Character Assessment notes that Barwon Heads has a unique coastal character that is recognised by its setting and function as a coastal Victorian 'village'. The Character Assessment confirms that there has been significant infill occurring in Barwon Heads over recent years, however, contrary to the perceived community impression, most dwellings (75%) that are being constructed are not increasing densities, but the replacement of a smaller single dwelling with a larger footprint dwelling. The residential and landscape character of Barwon Heads is mixed. Despite the mixed character noted above, Barwon Heads has seen incremental erosion of its 'coastal character' over the last few decades and this trend will continue without the application of controls to manage built form.

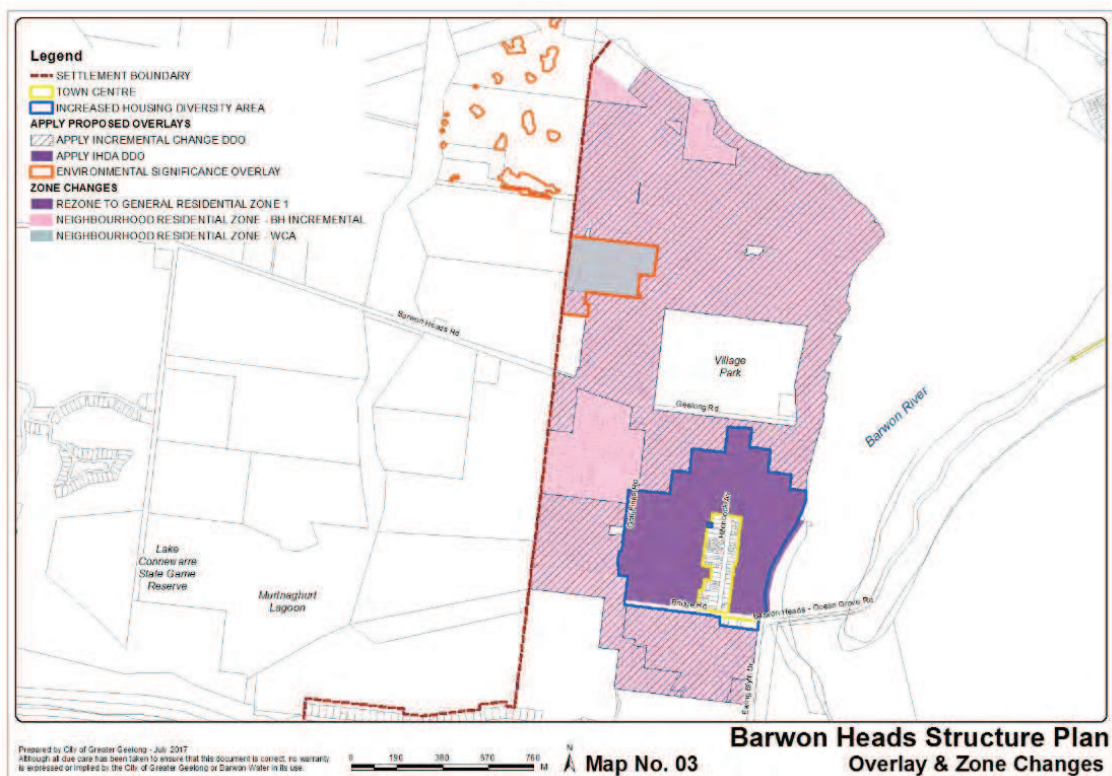
As a result of the Have Your Say engagement and the recommendations of the Character Assessment the following recommendations were released as the Draft SP and planning controls for consultation in May 2017:

- Rezone Residential Growth Zone to General Residential – Schedule 1.
- The Increased Housing Diversity Area (IHDA) to be retained; although removed from land south of Bridge Road and apply new Design and Development Overlay – the Barwon Heads IHDA area.
- General Residential Area to be rezoned to Neighbourhood Residential Area and apply new Design and Development Overlay – Barwon Heads Incremental Change Area.

The design response to recognise the unique coastal design character of Barwon Heads and appropriate zone includes (refer to the map below and Attachment 2):

- A planning permit needed for a single dwelling where certain provisions are not met and a permit needed for the construction of more than one dwelling on a lot;

- Provide space around buildings and separation between buildings, landscaped front gardens and retention/planting of indigenous vegetation;
- Appropriate consideration of building materials and high quality non- suburban design styles will be considered through Decision Guidelines when a permit is required;
- Height of buildings will depend on design and being able to meet the preferred coastal design character outcomes;
- The IHDA Design and Development Overlay encourages a need for smaller dwellings, provided it is the right type and design of dwelling and is in the right design context and scale;
- Planning permit applications for single dwellings to be exempt from advertising and third party appeal rights;
- The choice of residential zones recognises recent State changes to the residential zones; and
- Management of the public realm should recognise existing street trees and the informal landscaping of streets.



There was generally positive feedback received during the consultation on the Draft SP and the recommended planning controls and zone changes. Building height was again the predominant issue that was raised by the community and primarily to restrict height to no more than 2 storeys across the township, including the General Residential Zone. Since the building heights are set as mandatory controls by the State Government under changes made through VC109 there were requests that the entire Barwon Heads residential areas should be rezoned to Neighbourhood Residential Zone (which has a two storey mandatory height limit). There were also a number of submissions received that did not support Council's recommendation to exempt advertising and third party appeal rights for permit applications for single dwellings.

The retention of the IHDA and zoning of residential land as the General Residential Zone recognises Council's broad policy to promote density and change near town centres and the need to encourage increased diversity of housing of the right type, which would include one and two bed units along with older persons housing to recognise the ageing population of the community. It is recommended that the location of the IHDA south of Bridge Road be reduced to support the Hansen recommendations and recognise the unique character and topography of this area. Council has received support from several landowners in the this area and no objections. It is not, however, recommended that the IHDA be extended north to Geelong Road and west to Golf Links Road, which was an option for consideration through consultation on the Draft SP. The community has generally sought that Council reduce the size of the IHDA area and no submissions were received to support the extension.

The approach recommended is a balanced approach that allows for some growth to occur within the Barwon Heads township, while ensuring that this occurs in the right coastal design context for Barwon Heads and the controls are not overly prohibitive. This is supported by the Character Assessment and the height limits for the General Residential Zone are uniform across the State as a mandatory maximum of 11m (3 storeys). The requirement for a relax in the third party rights recognises this balanced approach by not being overly onerous for applicants or on Council resources. If the application involves a multi unit development or there is another overlay in place, for example a heritage application, then there will be opportunity for the community to be involved.

Submissions on the Draft SP have requested that Council implement interim height controls to remove the ability for developers to 'hurry along' a development ahead of Council's recommended zone changes and implementation of planning controls. Interim Planning Controls can only be applied by the Minister of Planning at the request of Council. Interim controls are generally only applied when there is a clearly identified risk, such as the demolition of a heritage building or removal of significant vegetation. Council recommendations are seeking to apply zone changes to the residential zones. Height within the subsequent Neighbourhood Residential and General Residential Zones are determined by the mandatory height requirements of the zones. Therefore it is not considered appropriate for Council to request interim changes to the zones ahead of the proper planning scheme process for the zone changes, which will involve a formal exhibition stage and likely Planning Panels Victoria Hearing.

Parking and transport

The scale of traffic flows through the town and the amount of car parking supply is continuously raised as an issue requiring attention by residents and traders and is one of the major challenges for Barwon Heads. Primarily the feedback received through the community engagement relates to a lack of parking, congestion and slow traffic times through the town that are particularly bad during the holiday season, many weekends, public holidays and school holidays, a need to improve safety and the need for more pedestrian and cycling connections. There were similar comments raised during both consultation exercises. Other feedback received from residents indicated an acceptance of the parking situation and that there is a need for people to consider walking or cycling more often. Often there is an expectation for people being able to park directly outside a shop or service. This is not realistic year round, comparable to many areas across Geelong.

To address parking and traffic issues Council Commissioned GTA to undertake traffic and parking studies in 2003 and an update in 2010. Subsequently a series of actions have been implemented through these studies. Outside of the holiday peak times volumes on the arterial and collector roads are generally within the capacity of these roads. The main 'arterial road' through the township is Barwon Heads Road, Golf Links Road, Bridge Road and across the Barwon Heads Bridge that is managed by VicRoads. Council must work within the limitations which this road alignment, and its management, presents in relation to traffic movements and associated issues for the wider township. Council's Engineering Team have advised that further speed reductions on certain roads in the town will inevitably transfer those problems to other roads. Further, a blanket reducing of speeds across Barwon Heads would likely have a detrimental impact on the overall traffic flows in the town, which could lead to considerable objections from the community (and there have been objections raised in regards to additional pedestrian crossings installed in 2016).

Parking provision is a complex issue, as the significant problems in the holiday peak of around two months skews the impacts and makes it difficult to plan for and to justify further provision of budgets for Council. Further, there are many different views across the community as to what solutions would be appropriate for Barwon Heads. Ultimately Council's Engineering team do not at this stage recommend any significant changes to the parking regime and infrastructure that is available to Barwon Heads. This is continually monitored by the Engineering team who respond to customer requests or complaints where necessary. A number of options have been outlined in the Draft SP that may be considered for implementation in the future by Council if budgets are available and there is community support. This includes residents permit parking or paid metres in the town centre, park and ride or extension to the community bus, council purchase and development of off-street car parks (although this is likely to be cost prohibitive) or a Special Rates and Charges Scheme to fund car parking, parking infrastructure or pedestrian and cycling connections (part or completely funded by the local community).

Council has received submissions requesting that an additional traffic and parking assessment should be undertaken. This is not supported as considerable resources have been put into implementing improvements for the town and as noted earlier Council does undertake its own monitoring of parking and traffic and future options for improvements are outlined in the plan. It is also noted that the Structure Plan is a land use plan and not a traffic plan.

In promoting an improved pedestrian and cycling network the G21 Principal Bicycle Network, Greater Geelong Cycling Strategy and the Barwon Heads Walks Project are used to assist the prioritisation of paths infrastructure where appropriate and Council budgets are available. The informal streets provide an important character element for the town and should generally be protected as recommended by the Character Assessment. There will sometimes be a need to provide footpaths to improve pedestrian connections and active travel around the town; although these are prioritised in high movement areas and/or the most direct route or where identified in an relevant Council plan or strategy.

Flooding and Stormwater

Barwon Heads is susceptible to flooding due to the low lying nature of the town and since it originally made up part of the floodplain for the Barwon River. The majority of the town is well protected from Riverine Flooding by the levee bank to the east, however, the town experiences relatively serious and frequent drainage related or 'stormwater' flooding. To address the stormwater flooding Council has put in place a Special Building Overlay in areas designated flood prone land and has also installed a pumping station in Clifford Parade to cater for more frequent, lower intensity rain events; although this will not eliminate flooding.

The issue of stormwater has the potential to be exacerbated through the pressures from infill development in the town centre, particularly in the context of a Residential Growth Zone being in place within 400m of the Town Centre. It would be impossible to eliminate all flooding by increasing capacity of the underground drain network. Outcomes from this structure plan seek to address the extent of the impacts of stormwater flooding impacts by putting in place the following measures:

- The recommended zone changes from Residential Growth Zone to General Residential – Schedule 1 in the IHDA area;
- The Design and Development overlay that change the zone schedule to decrease site coverage to 40% in the proposed Neighbourhood Residential Zone;
- New development will be required to include measures to restrict stormwater discharge to acceptable level, with major development being informed by a detailed stormwater management plan;
- A future updated Flood Management Plan may recommend the need for planning controls to be put in place to address localised stormwater flooding.

Council's Climate Adaptation Strategy 2011 has led to the preparation of a 3rd Pass Local Coastal Hazard Assessment (LCHA). The mapping shows that there are some small areas on the coastal edge of the existing town that may be subject to climate change risk to 2070 and 2100 resulting from storm tide events on top of the sea level rise scenarios. The impact of coastal inundation by the year 2100 will require careful coastal planning in the future. Council is currently working with the Borough of Queenscliffe to determine appropriate planning mechanisms to include in the Planning Scheme resulting from the LCHA.

Environment

The natural environment of Barwon Heads plays an important role for the township and is highly valued by the community as evidenced through both engagement processes. It provides intrinsic habitat and biodiversity values that are environmentally significant; not just to the State, but also nationally and internationally. The Structure Plan continues to recognise this environmental context of Barwon Heads.

Submissions have been received requesting that Council implement additional environmental and conservation zone overlays in the private land adjoining the wetlands to protect the wetland ecosystems and the need for appropriate protective buffers. Council's Environment Team have advised that the Council's Biodiversity Strategy is out of date. A future review of the Strategy will consider whether biodiversity is adequately protected across Greater Geelong and whether additional planning controls are needed. Any recommendations of the study would need to be implemented through a planning scheme amendment process.

Warrenbeen Court Area and Tait's Road west of Settlement Boundary

The Warrenbeen Court area includes Warrenbeen Court and a small part of Saratoga Avenue. It is a residential area that is located within a unique vegetation and landscape setting. Tait's Road west of the settlement boundary is located within the Farming Zone. Council commissioned Ecology Heritage Partners to conduct a significant tree assessment within private land at Warrenbeen Court completed in October 2016 and for land in rural areas north of Tait's Road completed in February 2017. Remnant indigenous vegetation in both areas are representative of the Ecological Vegetation Class: Coastal Alkaline Scrub (EVC 858). The area contains indigenous vegetation of State significance, listed as threatened under the Flora and Fauna Guarantee Act 1988 and Endangered within the Otway Plain bioregion.

The study area contains Coastal Moonah woodland community (*Melaleuca lanceolata*) (Coastal Moonah) ranging from poor to good condition. Condition is a representation of the overall vegetation community structure. The presence of poor condition, or relatively poor condition, Moonah woodland is an indication of poor management of the understorey. Further degradation of understorey vegetation throughout the study area remains a high risk and the study recommends that Council protect and improve the diversity of remnant vegetation through planning controls.

Within Warrenbeen Court there are covenant restrictions listed against the titles to benefit other landowners of the area. The covenants seek to protect vegetation on the land through the following restrictions on development:

1. *The owners...shall not allow the erection of more than one dwelling on any single lot or further subdivision of any lot.* [COVENANT X290849N of 01/02/2001 – expires on 31 December 2020]
2. *The owners...shall not develop the land other than in accordance with an approved neighbourhood design plan pursuant to planning permit No.1057/97.*[COVENANT PS412071E of 20/09/1999 – no expiry date. It may be removed (or replaced) only “by agreement of all interested parties”]

To recognise the existing protection in the area and the recommendations of the Ecology Heritage Studies two changes are recommended:

1. Rezone land at the Warrenbeen Court Area from General Residential Zone – Schedule 2 to Neighbourhood Residential Zone with a schedule requiring a minimum lot size of 4,000m² and limiting development to one dwelling per lot.
2. For both the Warrenbeen Court Area and the Tait Road area apply an Environmental Significance Overlay (ESO). The ESO would protect the trees and their ecological values and habitats (community). The overlay would also require a permit for most building works.

Landowners in the area have been directly notified by letter as part of the Have Your Say and Draft SP engagements. During the Draft SP engagement a proposed ESO was available. Engagement on the Draft SP has resulted in four neighbour objections being received. In summary the objections include that there is an expectation of development when the covenant restrictions are removed; there are already exemptions for removal of trees through bushfire exemptions; a Vegetation Protection Overlay (VPO) would be more appropriate; and there are issues with the cost of maintenance in the rural areas.

A Supreme Court of Victoria decision (VSC 677) in November 2016 has highlighted that there is a need to prepare planning controls to protect vegetation in the area. The decision involves a dispute between two neighbours in Warrenbeen Court over construction of buildings outside of the building envelopes. The Supreme Court has ruled that there is no longer any legal protection of vegetation in the area excepting in cases where building is proposed outside of the permitted envelope. Whilst the Court recognises the purpose of the covenant as being protection of the vegetation, absent of a breach of the covenant there are no vegetation controls. The decision also confirms that there are two covenants in place and the covenant that restricts development within the building envelopes remains in perpetuity. Therefore the expectation that the land can be developed is incorrect. The whole uniqueness of the area is dependent on the retention of large allotments and retention of vegetation is the primary component of the character. The ability to subdivide or undertake further development would seriously risk this. Further the Neighbourhood Residential Zone has been recommended for the surrounding residential areas and the proposed Warrenbeen Court Area zone is consistent with this.

A VPO is not considered to provide adequate protection of the Coastal Moonah Woodland community. Under a VPO only specific trees are protected, but not necessarily the vegetation community, including the understorey; nor are the trees protected from building or construction works, which have the ability to negatively impact on the vegetation community. Maintenance issues associated with vegetation can potentially be addressed through a planning permit on an ongoing basis.

Clause 52.48 Bushfire Protection – Vegetation Clearance Exemptions

Clause 52.48 results in exempting the requirements of obtaining a planning permit resulting from a prohibition of the removal, destruction or lopping of vegetation. Council considered a Report and wrote to the Minister for Planning in early 2016 to request the Minister investigate the blanket application of this provision as it is seeing vegetation removed in urban areas with no identified fire threat.

The Minister advised in writing in June 2016 that DELWP (the department) is currently investigating a proposed update to the clause based on a more risk based approach and the matter will be considered 'in due course'. No response has yet been received by the Minister. This is a similar approach to the Ocean Grove significant tree assessment and recommended planning controls.

Interim Controls – Warrenbeen Court

It is recommended Council apply for interim controls for the Environmental Significance Overlay while the amendment is being considered. Without interim controls there could be a loss of vegetation as there are currently no planning controls in place. This has become more pertinent as the Supreme Court decision noted above has confirmed that there is effectively no vegetation protection outside of the building platforms. Further, submissions that have been received have indicated a wish to develop the area. There have also been comments made from landowners that the land could be 'moonscaped'.

Interim controls are routinely applied where heritage overlays are proposed and there have been instances where Councils have applied them to vegetation. This includes the recent application of interim planning controls in Ocean Grove resulting from the Ocean Grove Significant Tree Project.

Additional Vegetation Protection

In addition to the vegetation protection noted above, submissions have been received during the Draft SP engagement that consider that Council should be putting in place greater protections for vegetation on public and private land within Barwon Heads. It is noted that Council is currently undertaking additional tree assessments on public land and road reserves in Barwon Heads and across the Bellarine Peninsula. Once this work has been completed and there are available resources, a planning scheme amendment process to incorporate these into the GGPS with community engagement is likely to be instigated. Warrenbeen Court has for a number of years been identified as an EVC that needs to protect vegetation and the area is unique due to its large property sizes. The DDOs that are noted earlier have made recommendations that require additional indigenous canopy trees be retained and protected on site. It is not considered necessary that additional protections be required for private land within Barwon Heads.

13th Beach Resort

During the preparation of the 2010 Structure Plan Council sought to rezone Stage C of the land as Rural Conservation Land. The Panel's report on the subsequent Planning Scheme Amendment C159 supported the retention of the Comprehensive Development Zone (CDZ) given its ability to provide the greatest level of control over future site outcomes and the potential to deliver net environmental benefits to Murtnaghurt Lagoon. The panel noted, however, that the zoning of the land would not necessarily be retained in perpetuity if not acted on in the short term could revisit the land zoning. The site is recommended to remain in the CDZ for the following reasons:

- The redevelopment provides an opportunity to deliver net environmental benefits for the community;
- Economic conditions that would have allowed for redevelopment in a short timeframe have changed;
- This is a nationally recognised golf course that is identified in the Tourism Greater Geelong and the Bellarine Tourism Development Strategy as a key tourism facility for the City;
- The Farming Zone has changed since 2010 and allows for a wider range of land uses;
- A golf course of this nature can provide a high level of visual and landscape amenity;
- There was limited support for the change by the community through engagement; and
- A key requirement is that no residential development should occur on the site.

Other issues.

- A submission was received regarding the development potential of farming zoned land to the north of Barwon Heads at 44 River Parade and 14 Eddystone Court. These areas are located within the settlement boundary, however, are included in the Farming Zone. Further investigations have indicated that this appears to be an anomaly. The two parcels of land were originally linked to the area of land associated by a historical Section 173 agreement. Each parcel is associated with a larger parcel of farming land to the west that is outside of the settlement boundary. The site is also a triangle of land wedged between the Moonah Park at the edge of the settlement boundary. 44 Eddystone Court is also identified as Flood Prone Land. Overall the land is likely to be constrained and it is recommended that the settlement boundary be changed to exclude the land from the settlement area.
- A submission was received requesting the rezone the Jirrahlinga Koala and wildlife Sanctuary to Special Use Zone to uphold the environmental and land use values. The sanctuary is located within the Farming Zone and has existing use rights to operate. Further the land use is privately owned and the submission has not come from the landowners. A rezone is not considered necessary and the use is buffered from residential uses by virtue of being located in the Farming Zone.
- The old kindergarten building in Clifford Avenue is owned by Council and is currently vacant. Council is yet to resolve a way forward for how the site can be used.
- It is not necessary for this Structure Plan to designate future areas for educational purposes, nor consider availability of land for additional educational facilities. An additional Catholic primary school in Barwon Heads is also not required.

- The draft Retail Strategy suggests that to support Barwon Heads there is a floorspace need of 7,200m², which means there is currently an excess of land required at 9,800m². Taking account of population projections to 2031 it is projected that there is adequate land in Barwon Heads to support the township with the 9,300m² floorspace required (with no extension to the settlement boundary);

A submission was received requesting that Commercial 1 Zone land at 1-3 Clifford Parade and 8-10 Bridge Road be rezoned to Mixed Use Zone. A rezone is not supported. Projections in the draft Retail Strategy that note an excess of 500m² of retail land is considered to be insignificant and this is not an absolute figure. Further, the two areas of land that have been requested for rezoning comprise of a total of 3,645m²;

- The emerging Open Space Strategy does not identify a need for additional open space or land acquisitions to meet the needs of the community. There is a need to improve accessibility to recreation facilities and networks around the town;
- Council continues to support the development of a Round the Heads Trail although the project timeline is currently unknown. Some sections of the trail are already in place. To proceed to detailed design would require permanent or part closure of a section of the Lake Connewarre State Game Reserve, potential acquisition or negotiation of private land and available budget. Submissions have been received that object to the trail due to potential implications on the surrounding wetlands and birdlife. Detailed design planning of the trail would need to consider environmental impacts and would involve community consultation;
- Review period of the Structure Plan. Council received submissions that both supported and opposed the timeframe for review of the Structure Plan. Council's approach it is that a full review of the Structure Plan would only occur if there is significant change to State or Local Policy. It is costly and time consuming for Council to be undertaking reviews of Structure Plans every five years for a plan with a 15 year planning horizon and clear policy direction. This is particularly relevant when the town is not identified as a growth area. Further, this does not provide any certainty to the community. Council is currently preparing a Settlement Strategy at the municipal level and in the future land supply may be considered at broader level rather than on a settlement by settlement basis.

Financial Implications

There will be no significant financial implications on Council as part of the future planning scheme amendment process. All future statutory processes will be covered by respective departmental budgets.

Stakeholder Consultation and Communication

In addition to the informal community consultation outlined in this report, the planning scheme amendment process will include a statutory consultation period (minimum 30 days). Where submissions cannot be resolved, an Independent Panel will be requested.

Policy/Legal/Statutory Implications

The Project has considered the relevant State and local planning considerations. To give proposed controls statutory weight, a planning scheme amendment will be initiated to implement them in the Greater Geelong Planning Scheme.

Alignment to City Plan

This report aligns with the directions of the Sustainable Built and Natural Environments theme in City Plan.

The report aligns with the Greater Geelong community vision to create a clever and creative city-region for a community that is connected, sustainable and resilient, prosperous and designed for people.

Conflict of Interest

No Council officers involved in the development of the Barwon Heads Structure Plan 2017 and preparation of the report have a direct or indirect interest in the issue, in accordance with Section 80C of the Local Government Act, to which this report relates.

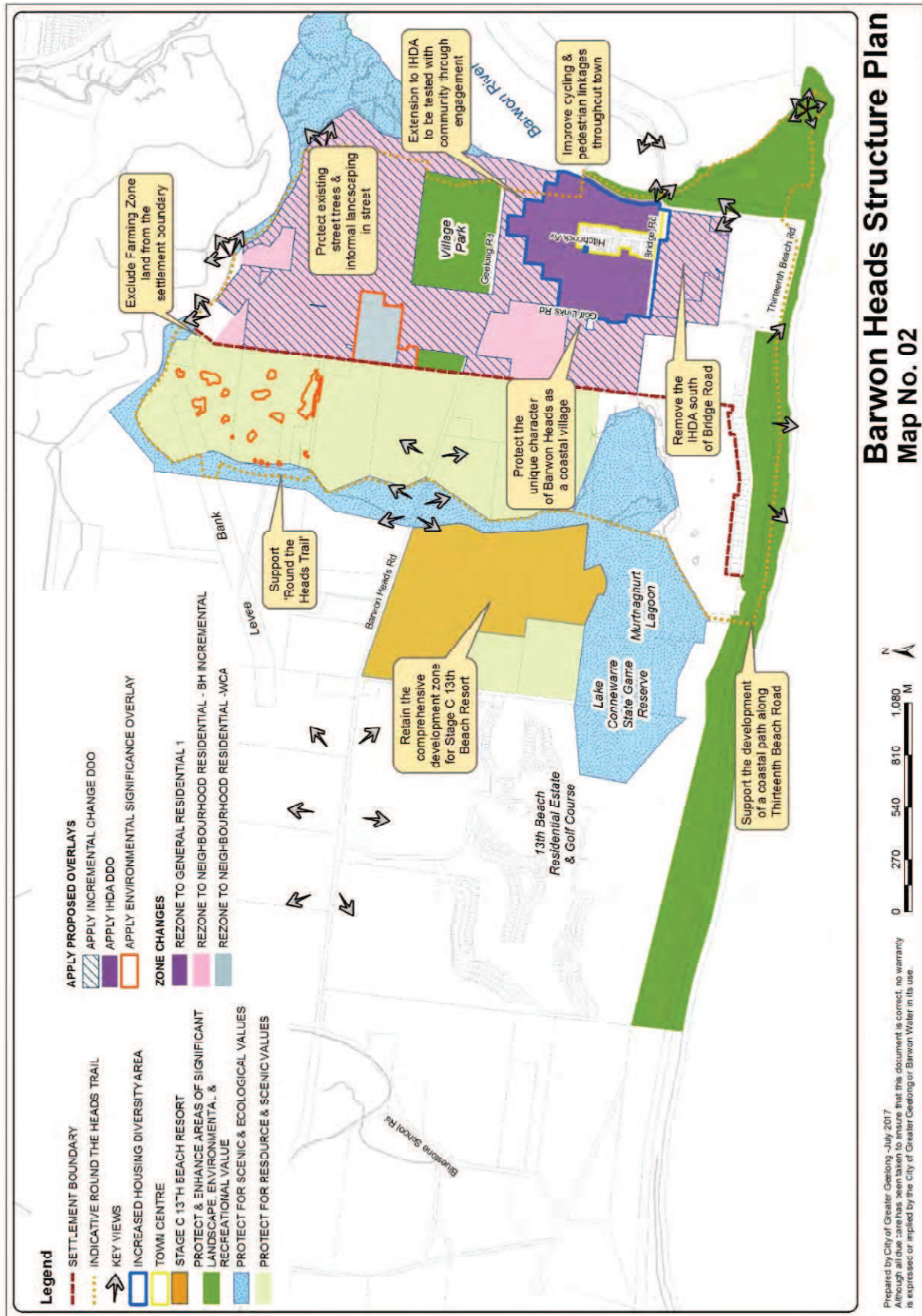
Risk Assessment

There is a risk in not updating the Structure Plan given there have been several changes to State and Local Policy since 2007. The recommendations will result in changes to Clause 21.14 Bellarine Peninsula where it relates to Barwon Heads.

Environmental Implications

Environmental implications have been considered as part of the Structure Plan update and Council's Environment and Waste Team and the Department for Environmental Land Water and Planning have provided a referral response to the Structure Plan. Key environmental features within and around the town have been reviewed and considered in terms of future land use and development and associated impacts.

Attachment 2: Draft Barwon Heads Structure Plan Map 2017



Attachment 3: Barwon Heads Structure Plan Map 2010

