



SINCOCK
PLANNING

PLANNING REPORT
REZONING AND TWO LOT SUBDIVISION (BOUNDARY REALIGNMENT)

AT

65 & 105 CREAMERY ROAD BELL POST HILL

SINCOCK
PLANNING

Page 1 of 14
ABN 42 061 616 044

PO Box 284 Geelong 3220
Ph/Fax: 03 5224 1467 Mob: 0407 344 369
Email: toni.sincock@bigpond.com

PART A – PLANNING SCHEME AMENDMENT

1. Introduction

Sincock Planning have been engaged to prepare a report to accompany an application for a combined rezoning and planning permit application.

The site is currently in the Farming Zone and comprises a single title of land with frontage to Creamery Road and Goodman Road, an unconstructed road to the west. The land adjoins a single parcel of land in the Special use Zone Schedule 15 which is developed and used by Covenant College as an education centre. Covenant College is a Christian school providing education from Kindergarten to Year 12 including trades skills through the VET program in agriculture, horticulture and animal care.

The amendment seeks to rezone part of the land to Special Use Zone Schedule 15. The rezoning does not necessitate any changes to policy.

An application is also made for a two lot subdivision (boundary realignment) and the planning permit matters are dealt with at Part B of this report.

Covenant College has grown from its original four rooms with 33 students on the site in 1983 to the current facility with 650 students in P-12 and 50 in kindergarten.

In 2015 8 acres of land was purchased and rezoned to accommodate the growth of the school and this land was consolidated into the existing school title. The application now proposes the purchase of a further 8 acres to accommodate the forecast long term growth of the school.

Covenant College has secured federal funding through a grant to purchase the land, and the sunset clause on that purchase requires that a permit be issued for the subdivision by December 2018.

The application follows pre-application meetings with the City of Greater Geelong in 2017 and 2018.

2. Proposal

The application seeks to amend Planning Scheme Map No. 25 & 32 to the Greater Geelong Planning Scheme by applying the Special Use Zone Schedule 15.

The land is required to be rezoned to enable the land to be subdivide (boundary realignment) and for the future expansion of the Covenant College as the land cannot be subdivided due to the current constraints of the Farming Zone.

The proposal provides the following:

- Two lot subdivision (boundary realignment) with an area of 3.237ha (8 acres)

3. Site and locality

The subject site is located on the north side of Creamery Road Bell post Hill. The site comprises two abutting parcels of land at 65 & 105 Creamery Road.

65 Creamery Road is a 21.27ha parcel of farming zoned land that is vacant farm land and currently forms part of the proposed western growth area. The site has secondary road frontage to Goodman Road to the west which is an unconstructed road and has an irregular shape due to historic subdivision/excision/boundary realignment permits.

105 Creamery Road is an irregular parcel of land with frontage to Creamery Road that straddles a small farming zoned lot that is used in a rural residential manner. The site is developed and used as an education centre by Covenant College and provides education for Kindergarten through to Year 12. Covenant College has a Christian ethos and established on this site in 1983 with 33 students, and has now grown to 700 students (including the kindergarten children).

The site has vehicular access from Creamery Road along both sections of the frontage, with the primary entry being located at the eastern end of the property frontage, identified by brick piers and black metal gates, exit approximately 300m to the west and separate entry/exit to the western end of the property where the farming activities occur.

Myers Reserve is located to the north of the site and this comprises a range of sporting facilities and open space associated with football, netball and bowls including junior and senior teams.

85 - 95 Creamery Road is straddled by the subject site, and is developed with two dwellings, each of which has separate vehicle access although sharing a crossover from Creamery Road at the eastern end of the property. The land is used in a rural residential manner.

To the south the land is in the farming zone and comprises four lots, all of which have Ballarat Road frontage, and the two larger lots also have Creamery Road frontage. The two small lots on Ballarat Road are developed with dwellings and outbuilding, used in a rural residential manner whilst the remaining land has no buildings.

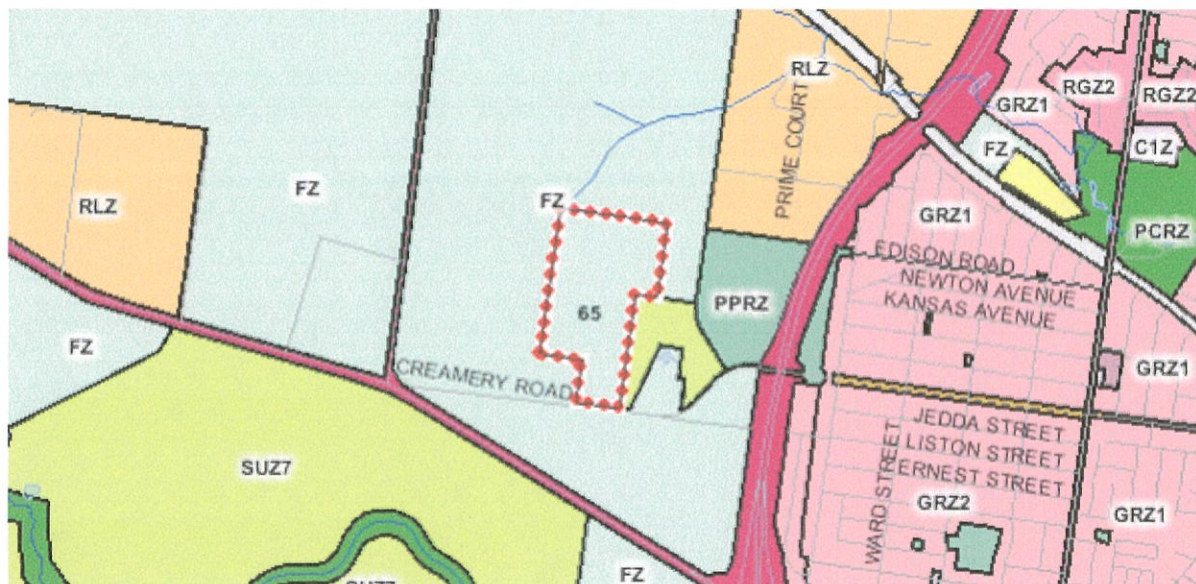
The Geelong Ring Road is located approximately 200m east of the site and the suburban estate of Bell Post Hill is located to the immediate east of the Ring Road.

To the west, at the corner of Creamery Road and Geelong Ballan Road is the Macedonian Orthodox Community and a number of dwellings, whilst the Batesford Roadhouse and Bell Park Sports Club are located on Ballarat Road.

4. Current Planning Scheme Provisions

4.1 Zoning

The property is within the Farming Zone as shown on Planning Scheme Map No. 25 & 32.



The context of the site and the relationship to Covenant College is shown on the map above. The School is a lime green colour to the east of the farming zoned parcel.

4.2 Overlays

The property is not affected by any overlays.

4.3 State Planning Policy Framework (SPPF)

The following provides a summary of the applicable policies contained within the State Planning Policy Framework as relevant to the planning scheme amendment application:

11.07 Regional Victoria

Objective

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

11.09 Geelong (G21)

11.09-2 Knowledge and innovation

Objective

- To build and support diversity, knowledge and innovation.

Strategies

- Support diversity and innovation through a range of affordable education, housing types, service provision, technology, employment and social opportunities.
- Create a resilient and robust region that seeks, and is open to, new opportunities and lifelong learning.
- Support growth of education and research hubs at Waurm Ponds and Central Geelong with Deakin, CSIRO, The Gordon and Barwon Health.
- Provide a range of housing types with a mix of infill and greenfield options.

19.02 Community Infrastructure

19.02-2 Education facilities

Objective

- To assist the integration of education facilities with local and regional communities.

Strategies

- Locate primary education facilities to maximise access by walking and cycling.
- Locate secondary and tertiary education facilities in designated education precincts and areas which are highly accessible to public transport.
- Locate tertiary education facilities within or adjacent to activity centres.
- In planning for the location of education facilities, consideration should be given to demographic trends, the existing and future demand requirements and the integration of facilities into communities.
- Ensure areas near to education facilities, adjoining streets and accessways are designed to encourage safe bicycle and pedestrian access.
- Develop libraries as community based learning centres.

4.4 Local Planning Policy Framework (LPPF)

21.05-2 Waterways

Objectives

- To protect, maintain and enhance waterways, rivers, wetlands and groundwater.
- To protect connectivity between waterways and wetlands.
- To reduce the amount of runoff from urban development and improve the quality of stormwater runoff entering waterways, estuarine and marine waters.

Strategy

- Effectively manage stormwater runoff from development.

21.07 Economic development and employment

Objectives

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

Strategies

- Support industry development in the following strategic growth sectors:
 - Knowledge, Innovation and Research.
 - Advanced Manufacturing.
 - Health.
 - Tourism.
 - Small, Micro and Home Based Business.
 - Food and Horticulture.

5. Proposed Planning Scheme Provisions

The planning scheme amendment is consistent with the current policy provisions and as such does not require any changes to policy.

The proposal seeks to amend the zone from the Farming Zone to the Special Use Zone Schedule 15.

5.1 Proposed Zoning

The purpose of the Special Use Zone Schedule 15 is:

- To provide for areas to be used by private educational and religious institutions.

- To ensure that use and development of these facilities takes place in an orderly and proper manner and does not cause loss of amenity in the surrounding area or neighbourhood.

We submit that the Special Use Zone Schedule 15 is the most appropriate zone to reflect the long term use and development of the land and is necessary as the subdivision is proposed to realign the boundaries, not create any new lots, and as such the land should remain in a single zone.

The planning scheme amendment is sought to enable the land to be subdivided and consolidated with the Covenant College land to the east.

6. Strategic Planning Assessment

This section of the report provides the strategic planning assessment of the proposal against the policy framework, any reference or incorporated documents and discusses the need for the planning scheme amendment.

6.1 Need for the Amendment

A planning scheme amendment is quite simply required to enable the land to be subdivided (boundary realignment) such that the Covenant College school land remains under a single title and is provided with sufficient land to accommodate the long term growth of the school on its current site.

The school land is limited, and the future growth of Geelong has the potential to allocate land for other purposes on the subject site that could constrain the potential for the school to exist and function on the subject site if no further growth potential were available.

6.2 Suitability of the Site

The state and local planning policy framework both are somewhat neutral on this particular matter, as the land is relatively unconstrained farm land that is not strategically important and more importantly, is contained within precinct A of the Western Geelong growth Area Draft Framework Plan as likely to be developed at an early stage relative to other precincts in the Growth Area.

Identifying and nominating the land for the purpose of the school expansion is critical for the ongoing operations of the school, and more so for the long term growth of the school given the existing and future demand for places. The identification of land for the school does not prejudice the future growth area, but provides certainty for the school community that subsequently provides certainty for the redevelopment of the growth area, establishing the definitive boundaries of the school, and enabling long term growth plans to be prepared for alternate uses on the school boundary.

The site is effectively surrounded by land owned by four parties, one of which owns the site and one of which is Council, owner of the reserve to the north-east. Consent has been obtained from both of the remaining owners, confirming that they do not object to the proposed future expansion of the school and designation of the land for this purpose by the proposed rezoning.

A small parcel of rural zoned land is lost by the proposal, however this is earmarked for future residential growth already, and the agricultural capacity of the 3.8ha parcel of land is minimal given its current use and the small dimensions of the parcel.

PART B – PLANNING PERMIT APPLICATION

7. Introduction

This application for planning permit is based on the Planning Scheme amended in accordance with the Amendment request at Part A of this report.

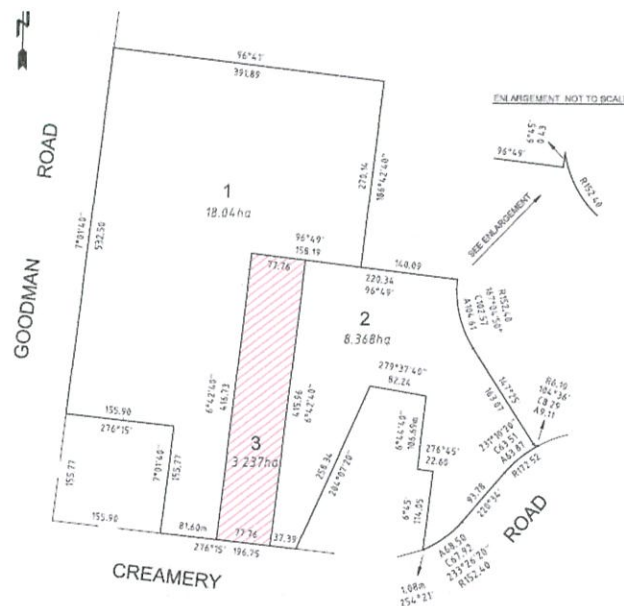
The application assumes that the subject land is located partly within the Farming Zone and partly within the Special Use Zone Schedule 15 and is not subject to any Overlays. Section 96A(3) of the Planning and Environment Act 1987 allows an application to be made for a permit under this section even if it could not be granted under the existing Planning Scheme.

The following discussion outlines the basis of the Application for Planning Permit.

7.1 Proposal

The application proposes the subdivision of the land (boundary realignment) to accord with the proposed zone boundary, transferring 3.237ha of land from 65 Creamery Road to 105 Creamery Road.

The plan below identifies the area of the proposed subdivision, with the hatched land shown on Lot 3 to be consolidated with the land shown as Lot 2.



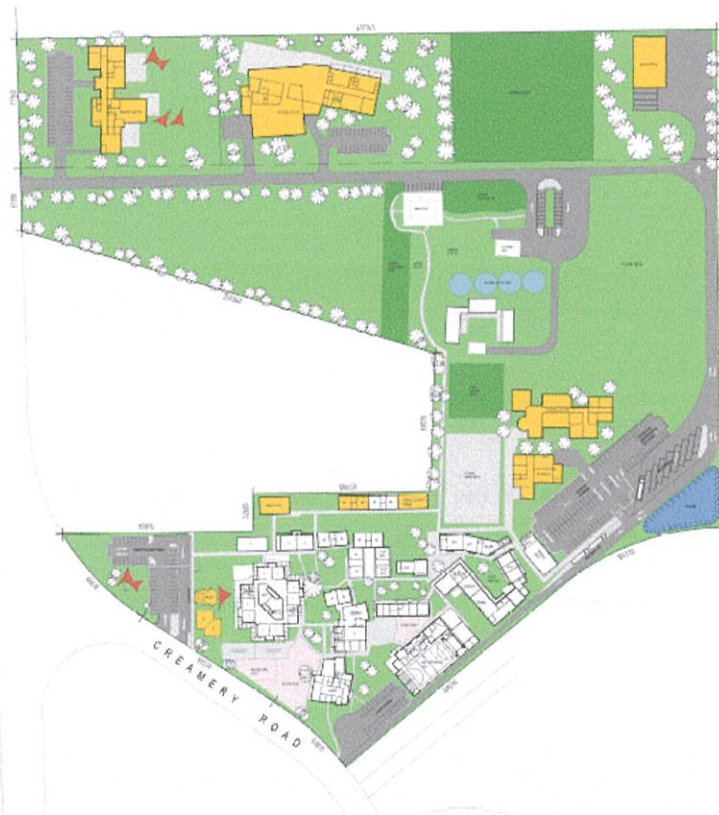
The land at 65 Creamery Road has an area of 21.277ha and will be reduced to an area of 18.04ha, whilst 105 Creamery Road (Covenant College) will have a total area of 11.6ha.

The plan of subdivision prepared by AGS identifies the two proposed lots and this is shown on the following page (not to scale).



A conceptual masterplan was prepared at the request of Council Officers to identify possible future development of the property. It is schematic and in no way is intended to be used as a blueprint for future development applications.

A fundamental change to this plan is likely to result based on the preliminary engineering design which seeks to incorporate a water storage facility at the northern end of the acquired parcel to be acquired to accommodate stormwater from future building development. This detail will be derived out of any future development application and will be submitted for approval for future buildings and works.



8 Zoning

The subject site (post rezoning) will be partially located with the Farming Zone and the Special Use Zone Schedule 15 as shown on Planning Scheme Map No's. 25 & 32.

Both zones require a planning permit for subdivision, and as the land is in more than one zone and Clause 64.03 is applicable.

Clause 64.03 Subdivision of land in more than one zone, states:

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- *The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.*
- *The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:*
 - *To comply with the requirements of the Urban Floodway Zone.*
 - *To provide access to a road.*
- *The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.*

Comment

The rezoning of the land results in the land being contained in two zones, the purpose of which is to consolidate the land with the existing school title, providing certainty and consistency in how development applications are dealt with.

Amendment VC62 introduced Clause 64.03 in essentially the same format that it now exists, the purpose of which was to enable land that is in more than zone to be subdivided to follow the zone boundaries through the normal planning permit process. Advisory Note 22 detailed the changes to the provisions and identified an example which this clause might be used, the example reflecting similar characteristics of the subject site (land partly in the FZ with a minimum 40ha subdivision area), the primary difference being that the subject land in this instance is not proposed to be subdivided and create any new lots, but realign the title boundaries to retain the same number of lots that currently exist.

This provision has been used in the past to enable the expansion of Covenant College, and the same approach is to be used in this instance.

The proposal meets the requirements for Clause 64.03 as the land:

- is contained within two zones;
- the realignment of boundaries (subdivision) does not create any lots that extend into more than one zone; and
- the remaining lot, being the realigned title at 105 Creamery Road, has no applicable minimum lot area specified in the scheme. No new (additional) lots are created that require consideration pursuant to this point.

The intent of this clause is to provide for the exact scenario being sought in this instance, being to reduce the area of the farming zone lot below the minimum area to enable the land within the SUZ15 to be contained within a single title.

The realignment of the title boundaries provides for comfort and assurance to the school community that the Covenant College can continue to expand and provide the necessary space for the projected long term growth of the school.

The subdivision and purchase of the land by Covenant College is subject to a Federal Grant that requires a planning permit to be issued and the land rezoned. The land is nominated as being within the western growth area of Greater Geelong, and the long term prospect is for residential development including residential subdivision and associated community and retail services as will be defined further through the planning scheme amendment process. The identification of this land for the Covenant College long term growth appropriately consolidates the land into a single title and provides certainty for all parties in any future planning scheme amendment and subdivision process.

The Tribunal has regularly found that the basis of planning decisions is the achievement of acceptable planning outcomes in the context of State and local policy, and other provisions in the relevant planning scheme, as applied in the local setting. Net community benefit should also be considered, and the proposed subdivision results in net community benefit by the early designation of the land for the purpose of Private School education, as such clearly demarcating the boundary of any future residential development and clearly articulating the long term intended use of the land.

The community in the immediate area support the proposal, and this is evidenced by the letters of support that are submitted with the application from the adjoining and surrounding landowners.

In the Victorian Supreme Court decision of *Knox City Council v Tulcan Pty Ltd* No. 9067 of 2003, Justice Osborn confirmed at page 6 that the ultimate test to be met for a planning permit proposal is that it would result in "...a reasonably acceptable outcome". Planning decisions are not based on the achievement of the best achievable planning outcome, and in this instance a fundamental planning flaw needs to be identified to warrant refusal of the application. The subdivision has no impact on the existing use of adjoining land, and it is clear that the community believe that this proposal represents an acceptable planning outcome having regard to the provisions of the scheme and the intended future growth potential of the surrounding area.

The land is currently identified as being within Stage 1 of the growth area and is noted as being relatively unconstrained land, suggesting that it could be developed very early in the process, and as such the subdivision and clear delineation of the land for private Education should appropriately occur now, not when the surrounding land is developed.

Future built form will be subject to separate planning permit processes, at which time the siting, parking, access, drainage matters can all be considered. A schematic plan providing for future growth has been submitted with the application, however this is schematic and the future development plans will need to consider stormwater drainage (retention) and a range of other built form matters before any planning permit can be issued for development. These processes will result in community consultation through the public notification process whereby the surrounding owners will be given further opportunity to comment on specific development proposals.

As there is no new infrastructure, no vegetation removal and no structures proposed, there are no environmental impacts and no change to the current rural aspect over the land.

9. Clause 65 Decision Guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.

The application is consistent with all of the matters set out in Section 60 of the Act. Section 60 requires consideration to be given to the objectives of planning in Victoria, and we submit that again the application is consistent.

In particular, the objectives of planning in Victoria are, at Section 4(1)(a):

- *to provide for the fair, orderly, economic and sustainable use, and development of land;*

The subdivision results in the clear identification and nomination of the land for long term development of Covenant College, providing clarity around the likely nature of development and delineating land for private education purposes prior to the surrounding land being rezoned for residential purposes. This provides certainty for all parties and results in orderly planning outcomes.

The proposal is consistent with the state and local policy framework and the land can be subdivided pursuant to Clause 64.03.

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

As discussed earlier in this submission.

- The purpose of the zone, overlay or other provision.

As discussed earlier in this submission.

- Any matter required to be considered in the zone, overlay or other provision.

As discussed earlier in this submission.

- The orderly planning of the area.

The proposal is consistent with all clauses of the planning scheme and seeks to subdivide the land to provide certainty for Covenant College in the future, whilst also providing certainty for the future development of the growth area, with the land already being nominated within stage 1 given the lack of constraints of the land.

- The effect on the amenity of the area.

Amenity impacts will not result from the proposed realignment, and future amenity impacts will be assessed when specific buildings and works applications are made.

- The proximity of the land to any public land.

The site of the proposed rezoning is separated from any public land by the farming zoned land to the north (also part of the proposal) and as such no future school buildings will be erected closer to the Myers Reserve than is currently possible with the current lot layout. No future development will impact the use and enjoyment of that reserve.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- N/A

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

Any planning permit issued will require the stormwater on site to be collected and appropriately managed such that it will not have any detrimental impact on neighbouring properties. Preliminary engineering design has determined that a water storage facility will likely be required at the northern end of the site and the detailed design will be resolved when a buildings and works application is made in the future.

- The extent and character of native vegetation and the likelihood of its destruction.
- N/A

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- N/A

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- N/A

10. Conclusion

The combined application for Planning Scheme Amendment and Planning Permit will facilitate a natural extension to the Special Use Zone Schedule 15 and provide for the long term growth of Covenant College, providing security and longevity of the school on the Creamery Road site.

The small scale of the subdivision has no impact on the existing or long term growth plans, with a minor adjustment to the existing title boundaries proposed.

The proposal supports the strategic direction outlined in the policies of the Greater Geelong Planning Scheme and provides an opportunity for employment and does not prejudice the long term future growth plans of the Western Geelong Growth Area. Rezoning and realigning the boundaries between the lots is important for Covenant College, but also provides greater assurances for the development of the growth area land in the future, with the knowledge that the long term plans for the school have been accommodated on appropriately zoned land.

Land use conflicts will not exist, with the new zone boundary being slightly adjusted, and only impacting the adjoining land owner to the south who has confirmed in writing that they do not object to the proposal.

The proposal provides certainty to adjoining property owners by obtaining approval for both components of the planning scheme amendment and planning permit, and accordingly it is requested that the City of Greater Geelong support the application.

SINCOCK PLANNING