

# MINUTES

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## COMMUNITY FOCUS COUNCIL MEETING

TUESDAY 10 SEPTEMBER 2019

7.00PM

ARMSTRONG CREEK COMMUNITY CENTRE  
46-70 CENTRAL BOULEVARD  
ARMSTRONG CREEK

**COUNCIL:**

Cr B Harwood (Kardinia Ward)  
Mayor

Cr S Asher (Bellarine Ward)  
Cr J Mason (Bellarine Ward)  
Cr T Sullivan (Bellarine Ward)  
Cr E Kontelj (Brownbill Ward)  
Cr S Mansfield (Brownbill Ward)  
Cr P Murrthy (Brownbill Ward)  
Cr R Nelson (Kardinia Ward)  
Cr P Murnane (Kardinia Ward)  
Cr A Aitken (Windermere Ward)  
Cr K Grzybek (Windermere Ward)

*Cr Sullivan re-entered the meeting room at 7.56pm.*

### **3. AMENDMENT C401 – COMMUNITY CARE ACCOMMODATION, 120 RUSSELLS ROAD MT DUNEED – RESOLUTION TO EXHIBIT**

**Source:** Planning, Design & Development – Strategic Implementation  
**Director:** Gareth Smith  
**Portfolio:** Sustainable Development

#### **Purpose**

1. To seek a Council resolution to prepare and exhibit Amendment C401 subject to authorisation by the Minister for Planning.

#### **Background**

2. On 13 May 2019, St Quentin Consulting on behalf of Foundation 61 Inc. lodged a planning scheme amendment that seeks to allow a Community Care Accommodation facility at 120 Russells Road, Mount Duneed.
3. The amendment proposes to use an Incorporated Document and Planning Scheme Clause 51.01 Specific Sites and Exclusion. The incorporated document will allow the facility to be constructed and used on site as well as the removal of native vegetation and would be in lieu of a planning permit.
4. The proposal is for a single storey building which could accommodate up to 8 residents and associated support staff.
5. The site at 120 Russells Road, Mount Duneed is an 8,094m<sup>2</sup> parcel of land situated within the Farming Zone with the surrounding land to the east, west and south being the Mount Duneed Recreational Reserve.
6. The amendment is required as the proposed use of the land for a Community Care Accommodation Facility is currently prohibited within the Farming Zone. The most appropriate Land Use Term to describe the proposal within the Victorian Planning Provision is Community Care Accommodation.

#### **Key Matters**

7. The City had been reviewing a planning permit application for the proposal for several months. However, the State Government's Amendment VC152 (26 October 2018) introduced a new Planning Scheme Land Use Term for "Community Care Accommodation".
8. This means Community Care Accommodation is now prohibited in the Farming Zone and a planning scheme amendment is required.
9. Foundation 61 is a not for profit organisation that runs a men's rehabilitation centre at Williams Rd, Mount Duneed in Surf Coast Shire.
10. Some residents and user groups of the Mt Duneed Recreation Reserve have expressed concern at the proposal. The City held a meeting with the residents and Foundation 61 to share information on the proposal and the concerns.

11. The City believes the proposal warrants support to proceed to public exhibition due to the net social and health benefits that the facility can offer vulnerable members of the community.

**Cr Murnane moved, Cr Nelson seconded -**

12. **That Council support the preparation and exhibition of Amendment C401 to the Greater Geelong Planning Scheme to:**
- 12.1 **Include 120 Russells Road Mount Duneed into Column 1 of the Schedule to Clause 51.01 Specific Sites and Exclusions;**
  - 12.2 **Include the name of the incorporated document being 'Community Care Accommodation at 120 Russells Road Mount Duneed, August 2019' into Column 2 of the Schedule to Clause 51.01 Specific Sites and Exclusions;**
  - 12.3 **Include the name of the Incorporated Document being the 'Community Care Accommodation at 120 Russells Road Mount Duneed, August 2019' into Column 1 of the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme;**
  - 12.4 **Implement a Specific Controls Overlay – Schedule 1; and**
  - 12.5 **Request the Minister for Planning to authorise the preparation and exhibition of Amendment C401.**

**Carried.**

**Attachment 1**

***Financial Implications***

1. There are no significant financial implications to Council.

***Community Engagement***

2. If Council resolves to support the exhibition, nearby landowners and occupiers, prescribed Ministers and other relevant agencies will be directly notified during the statutory exhibition period. The broader community will be notified through notices in local newspapers and the City's website.

***Social Equity Considerations***

3. The amendment addresses social equity by providing opportunities for vulnerable members of the community to seek treatment for drug and alcohol related issues.

***Policy/Legal/Statutory Implications***

Planning Scheme Policy

4. The amendment is consistent with the following clauses of the Greater Geelong Planning Scheme
5. **12.01-2S - Native Vegetation Management** –Whilst the objective seeks to ensure there is no net loss to biodiversity because of the removal, destruction or lopping of native vegetation, given the constraints of the site the removal of vegetation proposed is appropriate. The proposal seeks to remove 0.223 hectares of native vegetation in addition to an area of planted vegetation which has been granted approval by Council to be removed as the planted vegetation has occurred due to the lack of definitive fencing along the eastern title boundary of the site.
6. **12.05-2S – Landscapes** – The existing vegetation within the reserve as well as the amount of vegetation within the road reserve contributes to the landscape character and identity of the area and the proposed development of the site can meet this objective. As previously mentioned, some vegetation will be required to be removed to facilitate the proposal however vegetation that is removed is proposed to be offset. The proposed built form of the building, its materials and siting together with the proposed landscaping on the site is not considered to have an impact upon the significant landscape.
7. **Clause 13.02-1 Bushfire Planning** - Whilst the subject site is not situated within a Bushfire Management Overlay, the site is within a bushfire prone area and therefore the Incorporated Document nominates a BAL12.5 to the construction of the Community Care Accommodation building to address the Bushfire Planning Provision at Clause 13.02-1 of the Greater Geelong Planning Scheme to satisfy the Country Fire Authority.
8. **Clause 15.01-2S Building Design** – The proposed built form will positively contribute to the local context and enhance the public realm through a single storey design which has suitable articulation, appropriate setbacks from the boundaries of the site and contemporary materials.
9. **Clause 15.01-6S Design for Rural Areas** – The siting and design of the proposed building is considered to respect the existing characteristics of the rural properties to the north of the site. The proposal is not considered to impact the existing recreational reserve land to the east, west and south of the site.

10. **Clause 15.03-1S Heritage Conservation** – The proposal is considered to appropriately conserve a place of heritage significance as Heritage Victoria have included the Mount Duneed Wesleyan Methodist Church as an inventory item H7721-0534 on the Heritage Victoria Database. Because of the requirement to conserve this historical area of the site, the construction of the building, driveway and carpark area is outside the site extent of the previous church, no approvals are needed from Heritage Victoria.
11. **Clause 15.03-2S Aboriginal Cultural Heritage** – A voluntary Cultural Heritage Management Plan has been prepared and approved by the registered Aboriginal Party for the proposed development on the site.
12. **Clause 16.01-6S Community Care Accommodation** – This clause includes an objective which seeks the location of community care accommodation being kept confidential. This location of the subject site towards the end of a road within a semi-rural setting will assist in meeting this objective.
13. **Clause 22.05 Agriculture, Rural Dwellings and Subdivision** – Whilst the subject site is situated within the Farming Zone it is constrained and not conducive to farming activities due to the former church building, its size and proximity to the adjoining recreational reserve. The proposed use on the subject site is unlikely to impact the existing farming activities to the north given the setback of the proposed building and its intended use.
14. **Clause 22.64 Discretionary Uses in Rural Areas** – The proposed use of the land for a Community Care Accommodation Facility is appropriate for this subject site despite the policy discouraging discretionary non-agricultural uses in rural areas that could be reasonably located in an urban zone. The proposed use of the site is appropriate in a semi-rural environment and the rural landscape character of the area is compromised by three boundaries of the site bordering the Mount Duneed Recreational Reserve.

#### ***Alignment to Council Plan***

15. The Amendment supports strategic priority of improved health and safety of our community in the *Council Plan 2018-2022*.

#### ***Conflict of Interest***

16. No City officers involved in the preparation of this report have any direct or indirect interest in this matter.

#### ***Risk Assessment***

17. There are no notable risks associated with implementing the recommendations contained in this report.

#### ***Environmental Implications***

18. The Arborist Report for the site states that vegetation on the site is dominated by large, Monterey Pines (*Pinus radiata*) which have little or no retention value and don't require a permit for removal.
19. Dense thickets of Kangaroo Thorn (*Acacia paradoxa*) are present and appear to be a haven for rabbits, of which the removal of the thickets would facilitate control or eradication of rabbits.

20. Despite the recommendation for the retention and protection of two trees the useful life expectancy of the Drooping She-oaks (*Allocasuarina verticillata*) is 5-10 years and 10-20 years, therefore the removal of these trees is acceptable where an appropriate landscape plan is provided.

## Attachment 2

### Background

1. The Amendment applies to a vacant parcel of land at 120 Russells Road Mount Duneed (**Attachment 3**).
2. The former land use of the subject site was the Mount Duneed Wesleyan Methodist Church which is believed to have been destroyed by fire and the remains of this building are situated in the north-west part of the site.
3. A voluntary Cultural Heritage Management Plan was prepared, and no Aboriginal cultural heritage was identified in the activity area during the preparation of the CHMP.
4. The subject site is within a Bushfire Prone Area and not a Bushfire Management Overlay. The Bushfire Hazard Assessment identified that the closest classifiable vegetation type is grassland with the remainder of the assessment area (<150m) being modified vegetation and low-threat vegetation. A BAL12.5 defendable space and construction is to be followed which should be considered suitable by the Country Fire Authority.
5. The subject site is situated within the Farming Zone (Refer to **Attachment 4**) and covered by an Environmental Significant Overlay – Schedule 1, with the surrounding land to the east, west and south being the Mount Duneed Recreational Reserve zoned Public Park and Recreation Zone. Russells Road also contains a Vegetation Protection Overlay – Schedule 1 (Refer to **Attachment 5**).
6. The Amendment is required to allow the proposed Community Care Accommodation to be constructed and used on this Farming Zone lot as the current Farming Zone prohibits Community Care Accommodation.
7. The Land Use Term for Community Care Accommodation pursuant to Clause 73.03 is *'Land used to provide accommodation and care services. It includes permanent, temporary and emergency accommodation. It may include supervisory staff and support services for residents and visitors.'*
8. Apart from the use of the land being prohibited in the Farming Zone, this amendment has been brought before Council because of changes to the Greater Geelong Planning Scheme under VC152 (26 October 2018).
9. The incorporated document provides for the use and development of a Community Care Accommodation without requiring the rezoning of the land to facilitate the outcome.
10. The proposed facility is to be run by Foundation 61 (a not for profit organisation) as a women's alcohol and drug rehabilitation facility separate from the current men's facility run by the organisation in Williams Road Mt Duneed further south of the subject site within the Surf Coast Shire.
11. There is an unmet demand and need for a women's only residential alcohol and drug rehabilitation facility in the Greater Geelong region as outlined in the *Demand and Service Model* prepared by Thomson Goodall Associates Pty Ltd contained within the supporting documentation.
12. The semi-rural setting of subject site may provide for increased success rates for residents of the Community Care Accommodation Facility as opposed to an urban environment. The semi-rural setting of the site provides an advantage of being remote from distractions and psychological separation from their area they have been using alcohol and drugs but also having relatively convenient access to urban facilities.

13. In addition to the use of the land for a Community Care Accommodation the proposal will include buildings and works and the removal of native vegetation.
14. The proposed works to occur on the site will consist of the construction of a new vehicle crossover along the eastern front boundary of the subject which leads to a 4-metre-wide driveway. There is a small vehicle passing area and a 6 x 8 metre shed associated with a proposed produce garden. The driveway leads to 12-metre-wide car parking and vehicle turning area at the rear of the site.
15. The main building consists of a single storey skillion roofed building which contains several bedrooms, offices, main lounge areas a courtyard and a gym, arts and craft room and a meeting / classroom. The building will be setback a suitable distance from each of the boundaries of the site particularly from the front boundary abutting Russells Road.
16. The proposed building is considered to provide a suitable buffer from the recreational reserve and the design and landscaping of the site is separate from the activities occurring within the reserve. A copy of the proposed plans for the building are in **Attachment 6**.
17. As per the information from the applicant, residents are not permitted to leave the site unless under supervision.
18. The application was referred to internal City departments and external government agencies for comment. Comments received have been considered in this report and will inform conditions to be placed on the proposed Incorporated Document. This document will act in a similar fashion to a planning permit.

### **Discussion**

#### **Key Issues**

19. Some of the potential key issues as part of the proposal include:

#### The suitability of the proposed use adjacent to a recreational reserve.

20. The proposed use of the land will be separate from the recreational reserve and the activities associated on the subject site will be contained within the subject site itself.
21. The location of the proposed facility within a semi-rural setting is considered to provide for positive social outcomes and empowering people who need assistance. The residents attend the facility voluntarily and there is no court ordered mandate forcing residents to the facility.
22. The proposed number of residents at the site is no more than 8 with approximately 3 support staff. This is not considered to be an excessive number that would impact upon the amenity of the area.

#### The suitability of the proposed use in the Farming Zone.

23. The mechanism for using a Site-Specific Exclusion for the proposal is the most appropriate given the land has not been used for agricultural activities for its existence and the size and location of the land are not considered to be suitable for agricultural activities to occur. This technique will mean the land stays in the Farming Zone but the proposal is permitted subject to an Incorporated Document.

24. Whilst the subject site is situated within the Farming Zone and the land to the north of the site is also situated within the Farming Zone the proposed use of the land is not considered to have an impact upon any existing farming operations occurring on land to the north.
25. The semi-rural nature of the land is considered to benefit the residents of the Community Care Accommodation Facility as opposed to the location of a Drug and Alcohol Rehabilitation Facility that is located within an urban area. This formed part of a VCAT decision to refuse to grant a planning permit for a similar type facility as outlined within *Better Living and Education v Yarra Ranges SC [2015] VCAT 86 (5 February 2015)*.
26. In *Association for Better Living and Education v Yarra Ranges SC [2015] VCAT 86 (5 February 2015)* the tribunal affirmed the decision of the Responsible Authority to refuse a rehabilitation centre to cater for 80 patients.
27. A 2.72-hectare parcel of land zoned Low-Density Residential Zone situated approximately 750 metres from the Warburton CBD with much of the Tribunal's decision focused on the site's location within an established residential.
28. Support for the proposed use of land for drug and alcohol rehabilitation facilities within semi-rural areas has been identified within two VCAT decisions being *Australian Community Support Organisation Ltd v Moira SC (No.2) [2017] VCAT 1133 (28 July 2017)* and *Odyssey House Victoria v Benalla Rural CC & Ors [2003] VCAT 15 (9 January 2003)*.
29. In *Australian Community Support Organisation Ltd v Moira SC (No.2) [2017] VCAT 1133 (28 July 2017)* the Tribunal set aside the Responsible Authority's decision and issued a permit for residential rehabilitation. The proposal sought buildings and works as well as the use of land for a residential alcohol and drug rehabilitation centre in the Farming Zone.
30. In *Odyssey House Victoria v Benalla Rural CC & Ors [2003] VCAT 15 (9 January 2003)* the Tribunal set aside the Responsible Authority's decision and issued a permit for a Drug and Alcohol Residential Rehabilitation centre.
31. Part of the reason for the Tribunal supporting the proposed use was that (para 58) *a facility such as this needs to exude a degree of detachment and would not be suited to a downtown location in either Melbourne or Benalla. It seems to us therefore that a location 12 minutes' drive from town and in a not entirely isolated but yet pleasant rural setting such as Moylullah is entirely appropriate.*

#### The removal of vegetation from the site.

32. The applicant has applied for the removal of some vegetation on the site to facilitate the proposed development. The removal of vegetation required to be removed from the site is acceptable in this instance subject to appropriate conditions for the offset of this removal.

#### Fencing around the site.

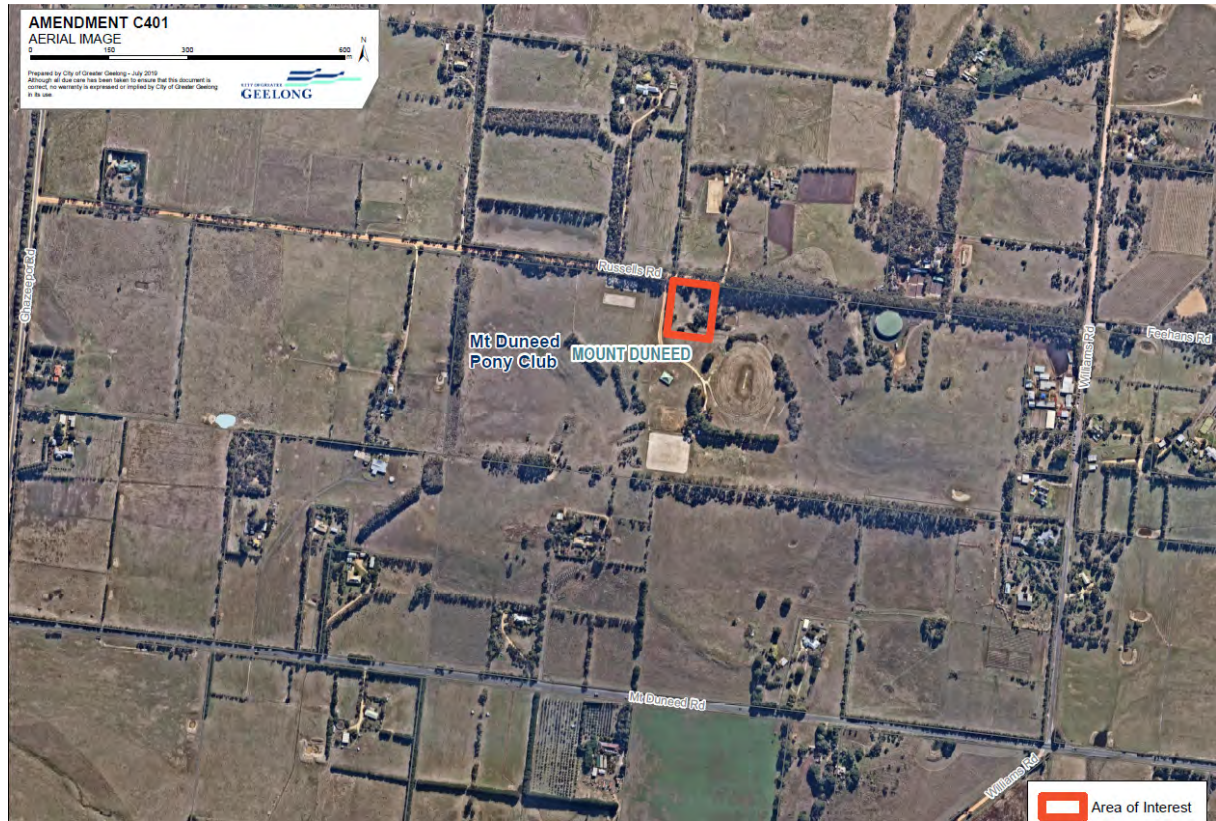
33. A revised landscape plan will detail the fencing and landscaping of the boundaries of the subject site. Fencing is required to be in consideration of the referral from Council's Recreation and Open Space Department that any fencing be rural in nature.

Traffic Movements / Conflict between vehicles and horses.

34. The amount of traffic proposed as part of the development is acceptable given the low vehicle numbers associated with the site. Russells Road is a public road and whilst most of the traffic along this section of the road is associated with the use of the recreational reserve, the increase in traffic because of the proposed facility is acceptable.

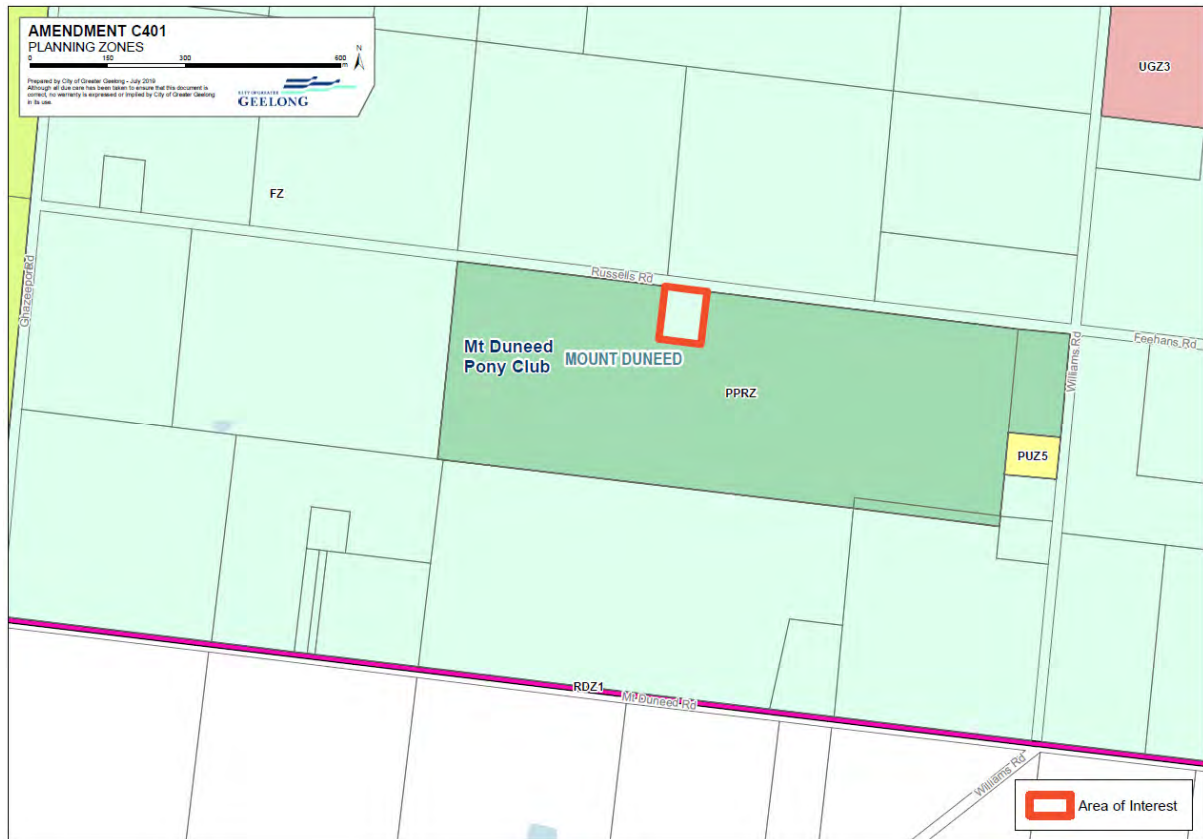
**Attachment 3**

**Aerial Image**



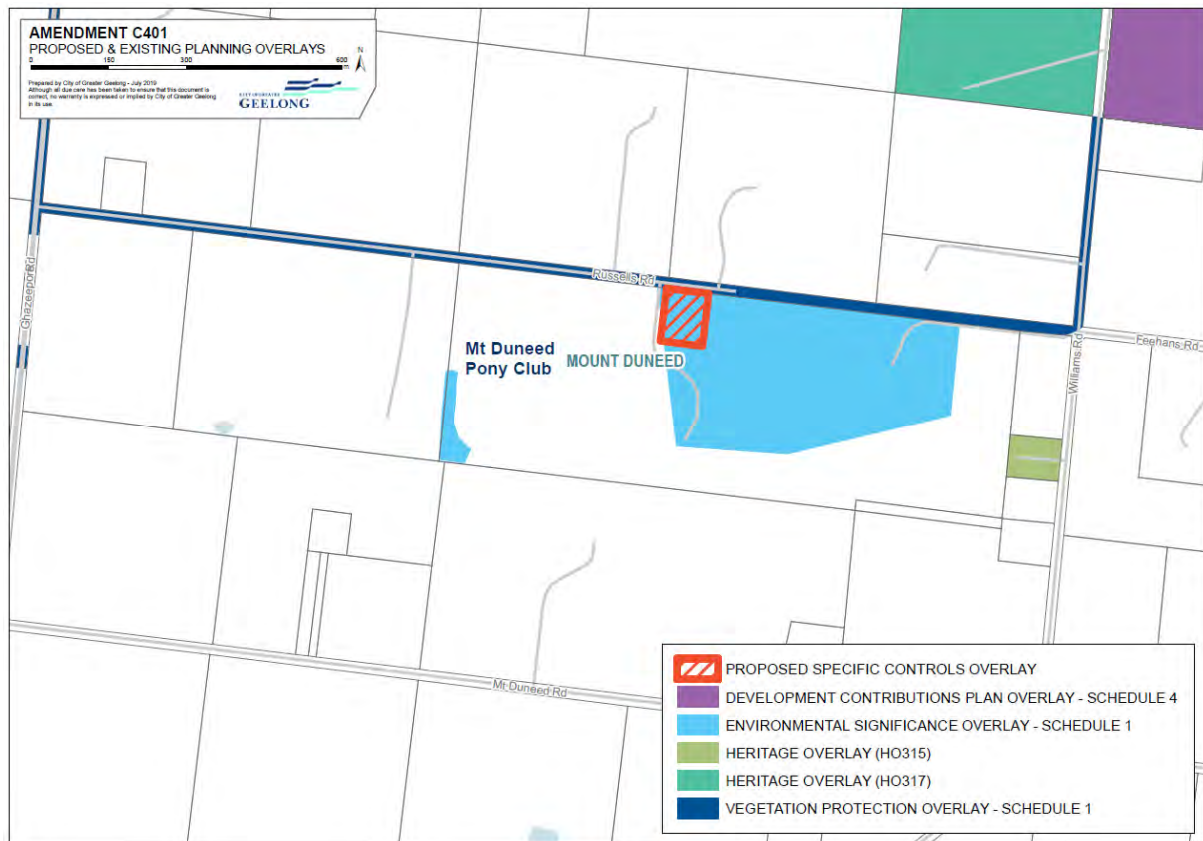
**Attachment 4**

**Zone Map**

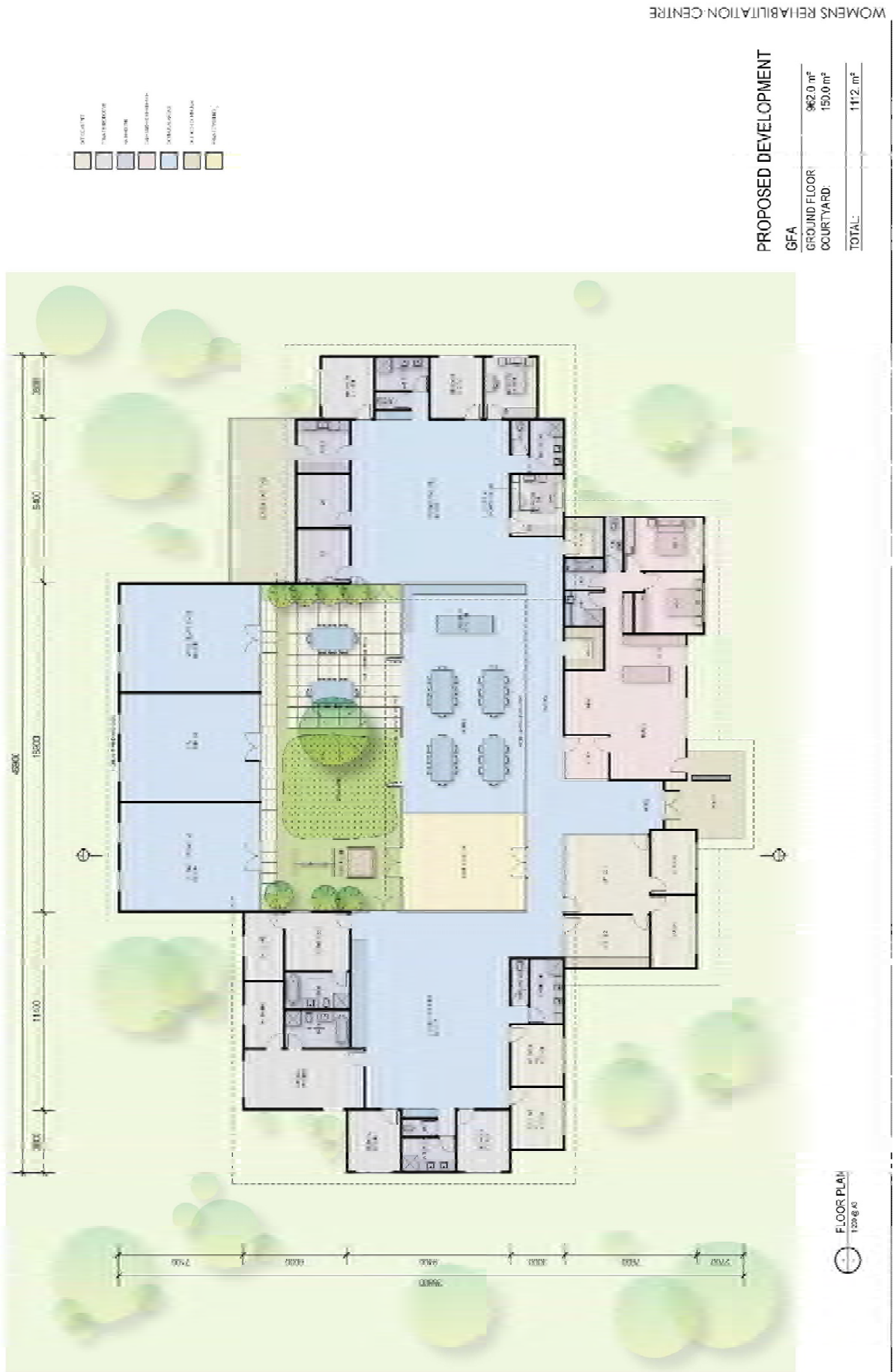


**Attachment 5**

**Overlay Map**







WOMENS REHABILITATION CENTRE

