

PANEL SUBMISSION

GREATER GEELONG PLANNING SCHEME AMENDMENT C401

COMMUNITY CARE ACCOMMODATION FACILITY,
120 RUSSELLS ROAD, MOUNT DUNEED

Part A Submission to the Independent Panel

Panel: Sarah Carlisle (Chair)

Bill Forrest

Date: Monday 11 May 2020

Presented by: Stuart Thiele, Strategic Planner on behalf of City of
Greater Geelong

Contents

INTRODUCTION	5
THE AMENDMENT	7
THE MAIN ISSUES	7
SUMMARY OF COUNCIL'S SUBMISSION	7
BACKGROUND	8
SUBJECT SITE AND CONTEXT	8
EXISTING ZONING AND OVERLAYS	9
PLANNING PERMIT APPLICATION	10
SCHEME AMENDMENT APPLICATION AND SUPPORTING DOCUMENTS	10
STRATEGIC CONTEXT AND ASSESSMENT	17
CONSIDERATION OF AMENDMENT AGAINST PLANNING POLICY FRAMEWORK	17
CONSIDERATION OF AMENDMENT AGAINST LOCAL PLANNING POLICY FRAMEWORK	18
PARTICULAR PROVISIONS	19
CURRENT OR RECENT PLANNING SCHEME AMENDMENTS	20
CURRENT PERMIT APPLICATIONS	21
SURF COAST DISTINCTIVE AREA AND LANDSCAPE PROGRAM	21
CONDITION OF AUTHORISATION	21
MOUNT DUNEED RECREATION RESERVE	23
LOCATION AND SIZE	23
MANAGEMENT ARRANGEMENTS	23
EXISTING AND PROPOSED USES	24
CONSERVATION VALUES	24
ANALYSIS OF FUTURE DEMANDS	27
EXHIBITION AND SUBMISSIONS	28
COUNCIL RESOLUTION TO PREPARE AND EXHIBIT AN AMENDMENT	28
MINISTERIAL AUTHORISATION	28
EXHIBITION	28
SUBMISSIONS RECEIVED	28
COUNCIL RESOLUTION REGARDING THE SUBMISSIONS	29
MAIN ISSUES RAISED IN SUBMISSIONS	30
APPROPRIATENESS OF LOCATION	30
SAFETY OF RESERVE USERS AND LOCAL RESIDENTS	30
IMPACT ON/RELATIONSHIP TO MOUNT DUNEED RECREATION RESERVE	31
LAND SWAP SUGGESTION	32
FACILITY MANAGEMENT AND FUTURE CHANGES	32
VEGETATION REMOVAL	33
TRAFFIC	34

VISUAL IMPACT.....	34
IMPACT ON HISTORIC VALUES	34
SUPPORTING SUBMISSIONS.....	35
CHANGES TO THE AMENDMENT IN RESPONSE TO SUBMISSIONS	36
INCORPORATED DOCUMENT.....	36
AMENDMENT MAP – SPECIAL CONTROLS OVERLAY MAP	37
SCHEDULE TO CLAUSE 45.12	37
EXPLANATORY REPORT	37
OTHER RELEVANT MATERIAL TO BE RELIED UPON	38
CONCLUSION.....	38
APPENDICES.....	39
APPENDIX 1 – AUTHORISATION FOR C401 FROM THE MINISTER’S DELEGATE	39
APPENDIX 2 – RECOMMENDED CHANGES TO EXHIBITED INCORPORATED DOCUMENT.....	41
APPENDIX 3 – RECOMMENDED CHANGE TO EXPLANATORY REPORT	59

INTRODUCTION

1. This submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel's support for Amendment C401. Amendment C401 was prepared by St Quentin on behalf of Foundation 61.
2. This Part A submission has been prepared in response to the Panel Directions issued on 23 April 2020 which state:

Council must circulate a Part A submission to parties on the distribution list by 4.00pm on Monday 11 May 2020 that includes:

- a) *A summary of the strategic context, including:*
 - (i) *relevant planning policies and controls*
 - (ii) *other amendments that may be under preparation or recently approved that may impact on the Amendment*
 - (iii) *other current permit applications that may impact on the Amendment or the use and development of the land as a drug and alcohol rehabilitation facility*
- b) *A summary of the conditions of authorisation, and how those conditions have been met*
- c) *Information about the Mt Duneed Recreation Reserve, including:*
 - (i) *a map showing the full extent of the Recreation Reserve in relation to the site*
 - (ii) *an explanation of the management arrangements for the Reserve*
 - (iii) *an explanation of the existing and proposed uses of the Reserve*
 - (iv) *an explanation of the conservation values of the Reserve*
 - (v) *an explanation of any analysis undertaken by Council in relation to future demands on the Reserve generated by residential development in Armstrong Creek and Mt Duneed*
- d) *A map showing the location of submitters by submitter number. This map must not show submitter names and must not be placed on the internet or replicated in any report*
- e) *A summary of the main issues raised in submissions*

- f) Any changes Council proposes to make to the Amendment in response to submissions, including a marked up version of the Incorporated Document and the Amendment documents*
 - g) Any other strategic material that Council intends to rely upon in support of the Amendment that has not yet been provided, or that might assist the Panel in its consideration of the Amendment.*
3. The structure of this Part A submission generally follows the above Panel Direction. A further “Part B” submission will be circulated to all parties on the distribution list by Friday 15 May 2020 and presented at the Panel Hearing starting on Monday 18 May 2020. The Panel Directions require Council’s Part B submission to include:
- a) Council’s response to the issues raised in submissions, including a detailed response to the issues relating to potential conflicts between the proposed use and development on the site and current and future uses of the Mt Duneed Recreation Reserve*
 - b) Council’s response to expert evidence*
 - c) An assessment of the proposal against the requirements of Clause 52.17, the Environmental Significance Overlay and the Vegetation Protection Overlay*
 - d) Council’s response to the revised native vegetation report and any response from DELWP in relation to the revised report*
 - e) An explanation of what, if any, role Council considers the Mt Duneed Recreation Reserve may play in accommodating vegetation offsets that may be required in response to the removal of native vegetation on the site*
 - f) An explanation of the traffic engineering justification for the proposed reduction in onsite car parking shown on the revised site plan (from 24 spaces on the exhibited plan to 12 spaces on the revised plan)*
 - g) Any further changes Council proposes to make to the Amendment in response to expert evidence or submissions*

h) Council's final position on the Amendment.

The amendment

4. The land subject to the amendment ("the subject land") is 120 Russells Road, Mount Duneed. The site is owned by the Uniting Church in Australia Property Trust (Victoria).
5. The Amendment proposes to apply a Specific Controls Overlay to 120 Russells Road, Mount Duneed to allow development of a Community Care Accommodation facility and associated vegetation removal. The Amendment also proposes to insert an Incorporated Document titled *Community Care Accommodation Facility 120 Russells Road Mount Duneed, August 2019* into the Schedule to Clause 45.12.

The main issues

6. The main issues raised in submissions were the appropriateness of the location for the facility, safety of users of Mount Duneed Recreation Reserve and local residents, impact on and relationship with the Reserve, facility management and future changes, vegetation removal, traffic, visual impact and impact on historic values.

Summary of Council's submission

7. The structure of this submission is to initially take the Panel through the site context, background and describe in more detail what is proposed. The submission then provides strategic context and assessment of the amendment. A section provides information on the Mount Duneed Recreation Reserve, as requested in the Panel Directions. The formal exhibition process is outlined and a summary of the main issues raised in submissions is provided. Changes proposed to the amendment in response to submissions are then detailed.

BACKGROUND

Subject site and context

8. The subject site is a vacant 8094 m² parcel of land at 120 Russells Road, Mount Duneed. The site is abutted by the Mount Duneed Recreational Reserve to the east, west and south (see Figure 1 below). The immediately surrounding area is characterised by small farming properties and rural small holdings, mostly of between 10 and 20 hectares.
9. Russells Road is a rural cul-de-sac. The subject land is located 1.2 km east of Ghazeeopore Road. The Geelong Pistol Club is located approximately 360 metres east of the subject land and the Mount Duneed Primary School approximately 600 metres east of the subject land. Each of these are located on the other (eastern) side of the crest of the Mount Duneed volcanic cone from the subject land.
10. The subject land is approximately 6 km by road from the Wauran Ponds Shopping Centre (a sub-regional activity centre in Greater Geelong) and the Wauran Ponds Police Station. The site is approximately 13 km by road from central Geelong.

Figure 1 – Location

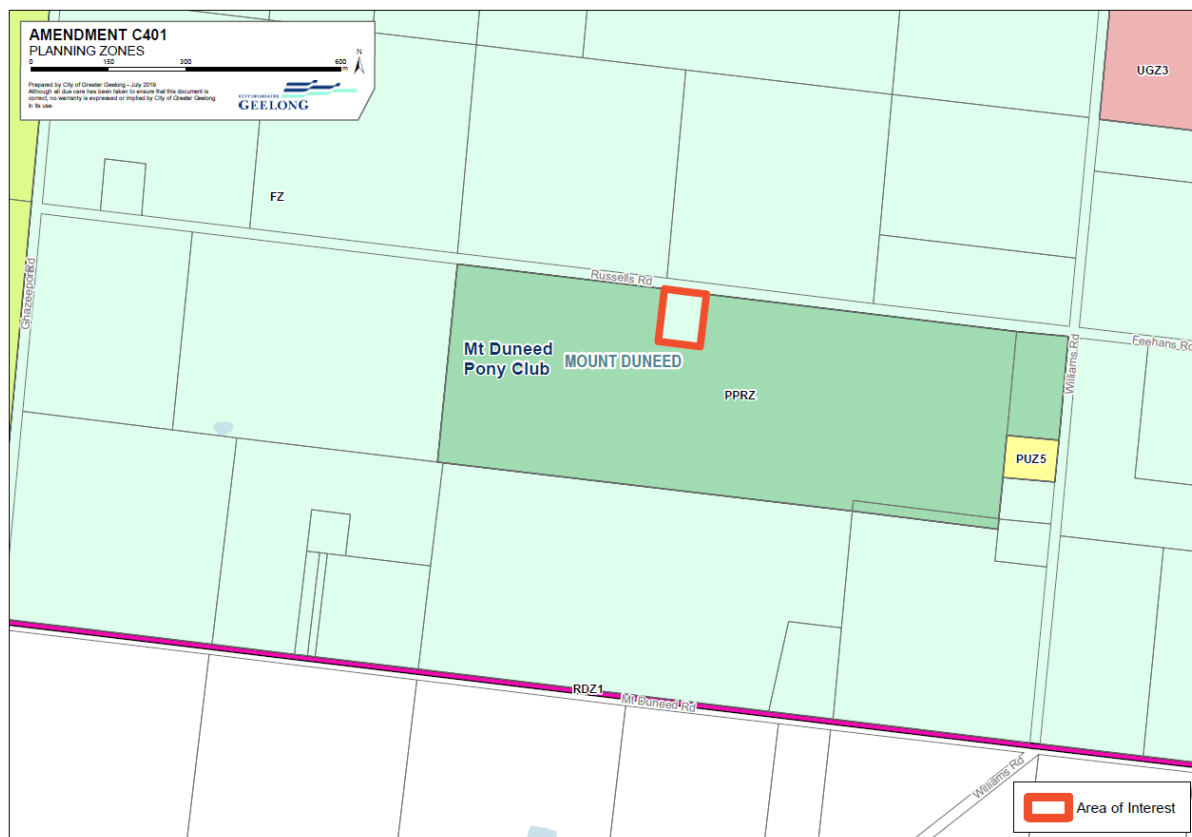


120 Russells Road, Mount Duneed outlined in red. Mount Duneed Recreation Reserve outlined in blue.

Existing zoning and overlays

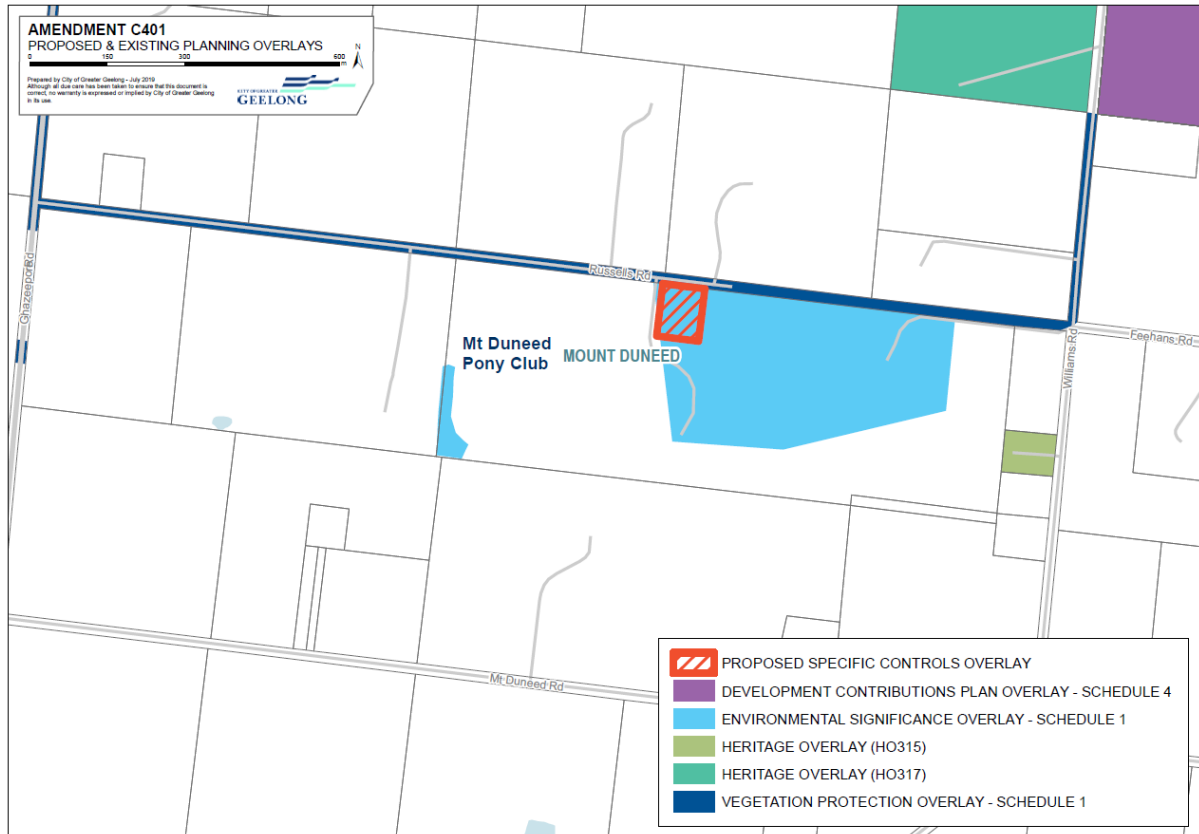
11. The subject land, along with land immediately to the north, is within the Farming Zone (see Figure 2 below). The Mount Duneed Recreation Reserve is zoned Public Park and Recreation Zone.

Figure 2 – Existing Zoning



12. An Environmental Significant Overlay – Schedule 1 applies to most of the site, along with land to the south and east within the Recreational Reserve (see Figure 3 below). A Vegetation Protection Overlay – Schedule 1 applies to Russells Road.

Figure 3 – Existing Overlays



Planning Permit application

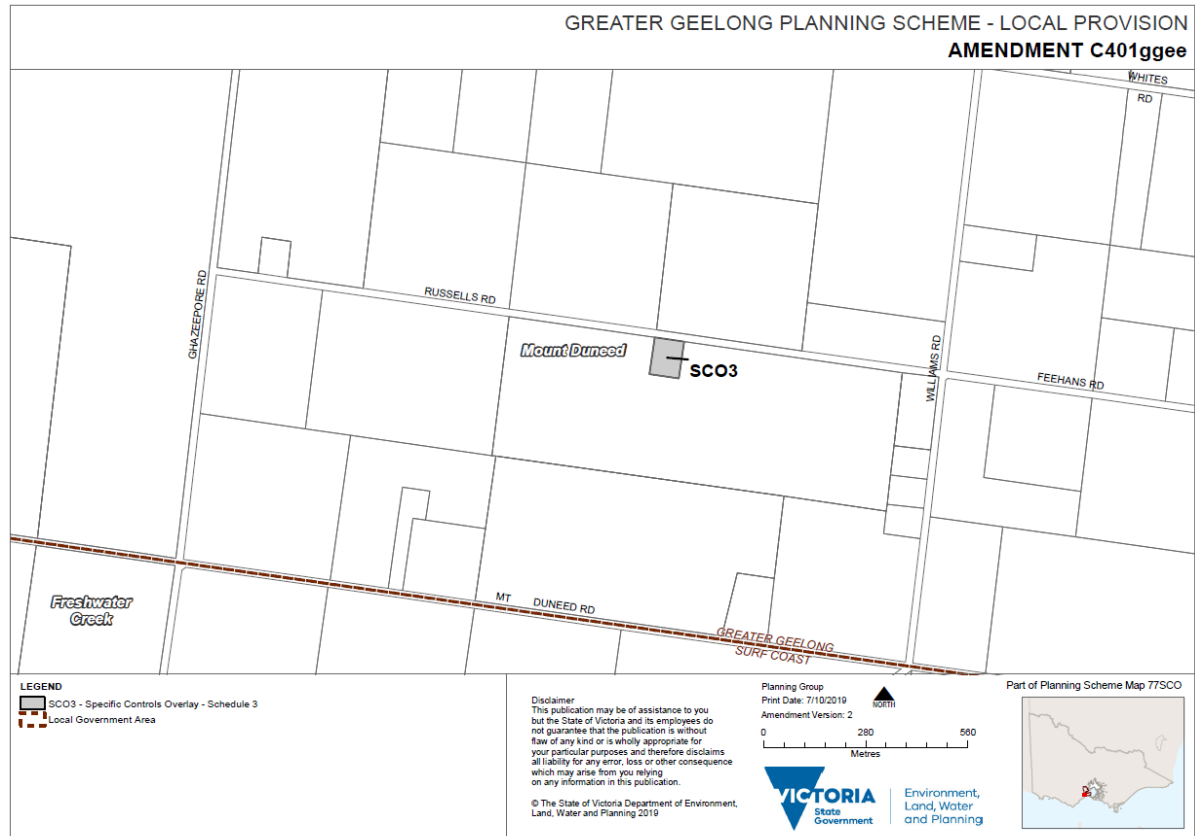
13. In March 2019, a Planning Permit application (PP 190/2019) was lodged for a residential alcohol and drug rehabilitation facility and vegetation removal at 120 Russells Road, Mount Duneed.
14. The planning permit application was subsequently withdrawn as the proposal falls within the land use term Community Care Accommodation, introduced into planning schemes by the State Government’s Amendment VC 152 in October 2018. Community Care Accommodation is prohibited in the Farming Zone.

Scheme amendment application and supporting documents

15. In May 2019, St Quentin Consulting on behalf of Foundation 61 Inc. lodged a proposed planning scheme amendment to allow a Community Care Accommodation facility and associated vegetation removal at 120 Russells Road.

16. The Amendment proposes to apply a Specific Controls Overlay to 120 Russells Road, Mount Duneed to allow development of a Community Care Accommodation facility and associated vegetation removal (see Figure 4 below).

Figure 4 – Proposed Special Controls Overlay

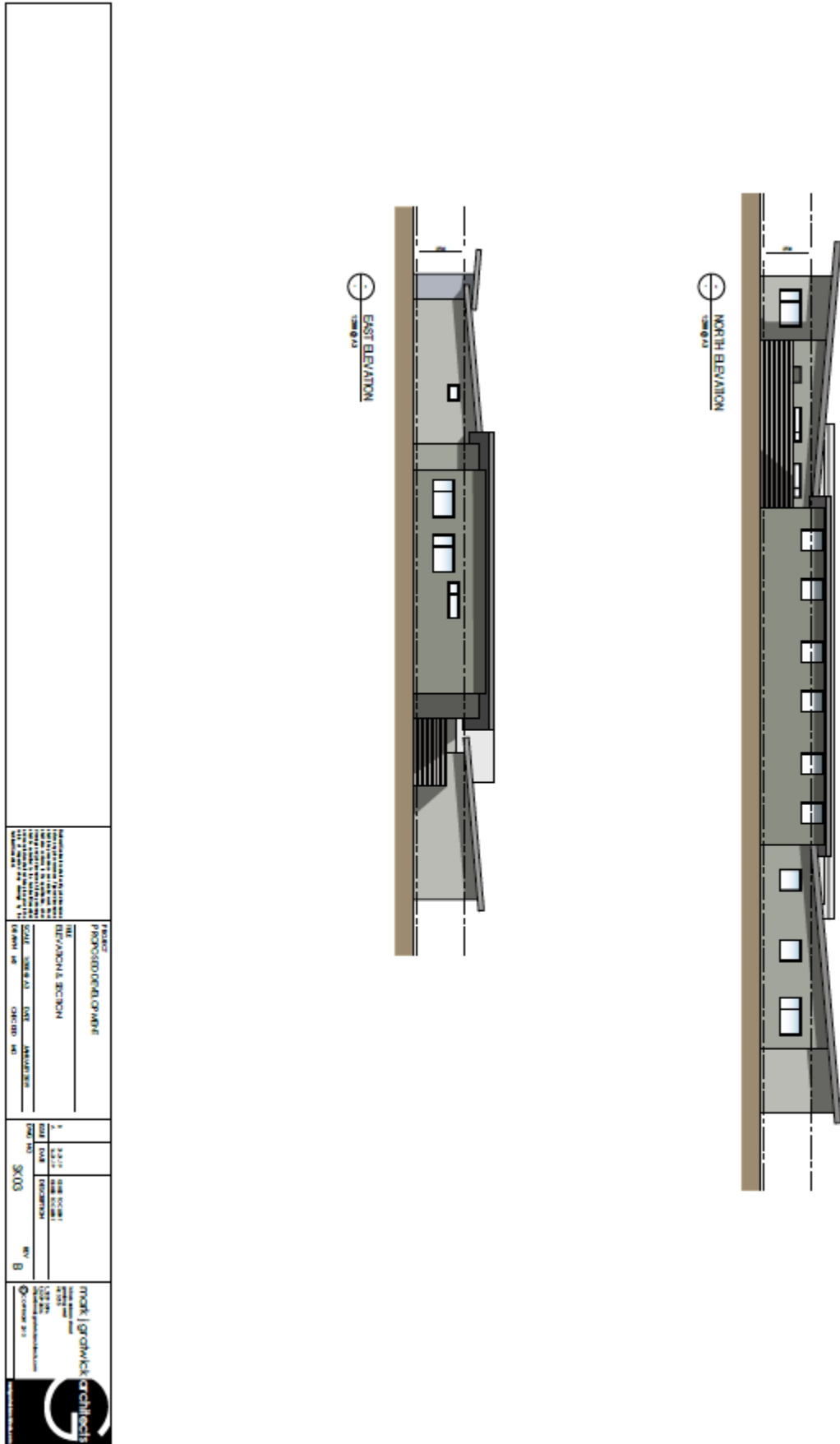


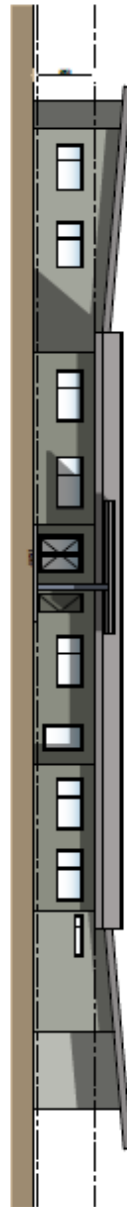
17. The Amendment proposes to insert an Incorporated Document titled *Community Care Accommodation Facility 120 Russells Road Mount Duneed, August 2019* into the Schedule to Clause 45.12. The Incorporated Document, exhibited as part of the amendment, included a site plan, floor plans and elevations of the proposed development (see Figures 5 to 7 below).

Figure 6 – Floor plans (in exhibited Incorporated Document)

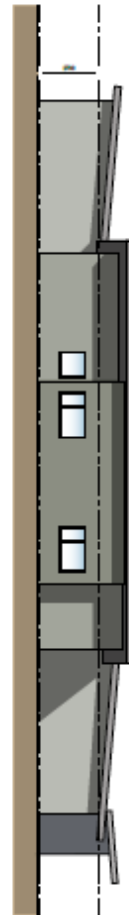


Figure 7 – Elevations (in exhibited Incorporated Document)





SOUTH ELEVATION
1:100



WEST ELEVATION
1:100



SECTION AA
1:100

<p>PROPOSED DEVELOPMENT</p> <p>WOMENS REHABILITATION CENTRE</p> <p>1615 GEELONG ROAD, GEELONG VIC 3216</p> <p>SCALE: GENERAL - DATE: 10/01/2018</p> <p>SCALE: ARCHITECTURAL - DATE: 10/01/2018</p>		<p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p> <p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p>		<p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p> <p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p>		<p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p> <p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p>	
<p>PROJECT: WOMENS REHABILITATION CENTRE</p> <p>CLIENT: GEELONG CITY COUNCIL</p> <p>ARCHITECT: MARK GYORVICH ARCHITECTS</p> <p>1615 GEELONG ROAD, GEELONG VIC 3216</p> <p>PH: 03 524 1111</p> <p>WWW.MARKGYORVICHARCHITECTS.COM.AU</p>		<p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p> <p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p>		<p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p> <p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p>		<p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p> <p>DATE: 10/01/2018</p> <p>SCALE: 1:100</p>	

18. The Amendment also proposes to amend the Schedule to Clause 72.03 to include the new Map 77SCO and to include the Incorporated Document in the List of Incorporated Documents in the Schedule to Clause 72.04.
19. The application was accompanied by a range of additional information and technical reports, which Council exhibited as supporting documents to the amendment:
 - Ecological assessment (Okologie Consulting, 20 November 2018)
 - Land capability assessment (St Quentin, October 2018)
 - Native vegetation removal application (Okologie Consulting, 26 February 2019)
 - Traffic and transport assessment (Cardno, 8 February 2019)
 - Arboricultural assessment (Tree Diagnostics, August 2018)
 - Bushfire hazard assessment (Okologie Consulting, 22 February 2019)
 - Cultural heritage management plan (Ochre Imprints, 4 September 2018)
 - Demand for residential rehabilitation services in Geelong; and Service model – proposed Foundation 61 women’s service (Thompson Goodall Associates, 23 January 2019)
 - Feature survey (site analysis) (Simon Anderson Consultants, April 2018)
20. Subsequent to exhibition of the amendment, revisions have been made to some of these plans and documents and additional documents provided by the applicant. These will be discussed as relevant in both this Part A submission and in Council’s Part B submission.

STRATEGIC CONTEXT AND ASSESSMENT

Consideration of amendment against Planning Policy Framework

21. The Amendment supports State Policies from the Planning Policy Framework as follows.
22. **Clause 12.01-2S - Native Vegetation Management**: The proposal seeks to remove 0.223 hectares of native vegetation. While 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. Provision of an offset to compensate for the removal of this vegetation is consistent with a strategy under this clause.
23. **Clause 12.05-2S – Landscapes**: The proposed development of the site can meet the objective and relevant strategies under this clause. It is considered that the proposed built form of the building, its materials and its location, together with the proposed landscaping on the site, will not have a detrimental impact upon the landscape of the area.
24. **Clause 13.02-1 Bushfire Planning**: While the subject site is not situated within a Bushfire Management Overlay, the site is within a designated bushfire prone area. The Incorporated Document nominates a BAL19 to the construction of the Community Care Accommodation building to address the requirements of this clause. Conditions recommended by the Country Fire Authority (CFA) in a referral response prior to authorisation were included in the Incorporated Document. In its submission on the amendment, the CFA advised that it had reviewed and had no issues with the amendment.
25. **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.
26. **Clause 15.01-6S Design for rural areas**: The siting and design of the proposed building is considered to respect the existing rural character of the area, both that of rural properties to the north of the site and of the adjacent Mount Duneed Recreation Reserve to the east, west and south of the site.

27. **Clause 15.03-1S Heritage Conservation:** The proposal is considered to appropriately conserve a place of heritage significance. Heritage Victoria have included the Mount Duneed Wesleyan Methodist Church as an inventory item H7721-0534 of the Heritage Victoria Database. Because of the requirement to conserve this historical area of the site, the construction of the building, driveway and car park area are proposed outside the heritage inventory site extent. As development will be outside the heritage inventory site extent, it is unlikely that approval from Heritage Victoria will be needed.
28. **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.
29. **Clause 16.01-6S Community care accommodation:** The proposal is considered to address the objective of this clause *to the establishment of community care accommodation and support their location being kept confidential*. While the amendment has been subject to normal public exhibition due to the site's location within a Farming Zone, the site is generally consistent with the objective of the location of community care accommodation being kept confidential given its location towards the end of a road within a semi-rural setting.

Consideration of amendment against Local Planning Policy Framework

30. The Amendment supports the Local Planning Policy Framework as follows.
31. **Clause 22.05 Agriculture, Rural Dwellings and Subdivision:** This clause technically relates to dwellings rather than to the land use of community care accommodation. Nonetheless, the proposed development is considered to be consistent with the objectives and policy in this clause. While the subject site is situated within the Farming Zone, the site is constrained by its size, heritage inventory listing and location discontinuous with other Farming Zone land. It is therefore not considered to be conducive to agricultural production, although some limited agricultural activities may take place in the form of a garden and orchard. It is considered that the proposed use and development will not compromise existing agricultural activity on adjoining land or compromise the farmed rural landscape.
32. **Clause 22.64 Discretionary uses in Rural Areas:** This clause technically does not apply to accommodation land uses. Nonetheless, the proposed development is considered to be generally consistent with the policy in the clause.
33. The proposed use of the land for a Community Care Accommodation Facility will not result in the loss of productive agricultural land or compromise agricultural activity on adjoining land.

34. The building will be designed and sited so as to not be visually dominant and will respect the rural landscape character of the area. The single storey low set building will blend in to the landscape and the roadside vegetation along Russells Road will be retained except for the portion of vegetation required to be removed for the construction of the vehicle crossover into the site. Existing views from properties along the north side of Russells Road are not considered to be impacted upon, noting the building's setback and proposed landscaping.

Particular provisions

35. Clause 35.07-1 Farming Zone – Table of uses prohibits, as a Section 3 use, accommodation other than certain categories. Community care accommodation is not among those categories and hence it is prohibited within the zone. This amendment proposes a Specific Controls Overlay that would facilitate the development of community care accommodation on the subject land without changing its zoning.
36. The development facilitated by the amendment is considered consistent with the purposes of the Farming Zone in Clause 35.07, in that it will not result in the loss of productive agricultural land and will not adversely affect the use of adjacent land for agriculture.
37. The amendment uses a Specific Controls Overlay and Incorporated Document to facilitate the proposed development, rather than a planning permit. Accordingly, the decision guidelines in Clause 35.07-6 technically do not apply. Nonetheless, the development is considered appropriate on the subject land in light of the decision guidelines. Assessment has indicated the adequate land capability of the site for the proposed development. The site is considered suitable for the proposed use and development. The proposed development will not adversely impact agricultural use of adjoining land. Native vegetation removal has been minimised; that which will need to be removed will be offset. The siting and design of the development avoids adverse environmental and visual impacts.
38. Under Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation. This requirement applies to some native vegetation to be removed. Accordingly, the Incorporated Document provides for this native vegetation removal.
39. Under the Table of Exemptions at Clause 52.17-7, an exemption from requiring a planning permit applies to:
- Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.*

This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.

40. A patch of vegetation planted as a revegetation project straddles the eastern boundary of the subject land, being partly within the subject land and partly within the Mount Duneed Recreation Reserve. This vegetation was planted by the Mount Duneed Recreation Reserve Environment Group (under the Geelong Environment Council Inc), who received funding in 2003 from the City of Greater Geelong's Adopt a Park program. The City's Sport & Recreation Planning unit has given permission for the removal of this planted vegetation from the subject land, subject to the proposed development being approved. The City has undertaken to conduct revegetation works in the Reserve adjoining the development site to offset this loss of vegetation.
41. As the City, the agency that provided funding for the planting, has given written permission for the removal of the planted vegetation from the subject land, it is exempt from requiring a permit.

Current or recent planning scheme amendments

42. Amendment C395 seeks to implement the City's Settlement Strategy into the Greater Geelong Planning Scheme. Not relevant to this amendment, it also seeks to implement the Northern and Western Geelong Growth Areas Framework Plan into the planning scheme.
43. Amendment C395 proposes a Housing and Settlement Framework Plan map at Clause 21.06. In a post-exhibition modification proposed by Council in its Part B Panel Submission on the amendment, this map proposes an indicative settlement boundary for urban Geelong. The subject land lies outside of the proposed indicative settlement boundary. A logical inclusions process is foreshadowed for the Armstrong Creek area that may see minor changes to the Urban Growth Area. Nonetheless, it is not anticipated that logical inclusions arising from this process, if any, would extend to include 120 Russells Road.
44. Effectively, Amendment C395 indicates continuing rural use of the area including and in the vicinity of the subject land. The proposed use and development facilitated by Amendment C401 is considered appropriate in the context of ongoing rural use and zoning.

45. Amendment C388, gazetted on 17 October 2019, introduced an Environmentally Sustainable Development (ESD) policy at Clause 22.71. The ESD policy is not applicable to this amendment as it facilitates the proposed development by the mechanism of an Incorporated Document rather than a permit. In any case, the ESD Policy does not apply to permit applications lodged prior to the gazettal of Amendment C388. The proposed building will achieve a 6 star energy rating in accordance with the BCA.
46. No other current or recent planning scheme amendments are relevant to this amendment.

Current permit applications

47. There are no current or recent planning permit applications in the vicinity of the subject land that have any bearing on this amendment or the development it proposes.

Surf Coast Distinctive Area and Landscape Program

48. The subject land falls within the Surf Coast Distinctive Area and Landscape (DAL). This DAL was declared by the Governor in Council on 17 September 2019. The DAL is located mostly within the Surf Coast Shire but includes land within Mount Duneed and Armstrong Creek outside of the Urban Growth Zone.
49. The Department of Environment, Land, Water and Planning (DELWP) is developing a draft Statement of Planning Policy (SPP) for the Surf Coast DAL. This draft SPP has not been released for public engagement.
50. There has been no change to the Greater Geelong Planning Scheme as a result of the DAL declaration. Planning permits in the DAL will continue to be assessed under existing planning scheme provisions.
51. Notwithstanding that a draft SPP has not been released, it is not considered that the development facilitated by this amendment will adversely affect any identified landscape values in the area, including views to Mount Duneed.

Condition of authorisation

52. The Minister's delegate authorised the amendment preparation and exhibition by letter dated 24 September 2019. A copy of this authorisation letter is at **Appendix 1**.
53. Authorisation for the council as planning authority to prepare the amendment was subject to one condition:

As the land may have been used for agricultural activities in the past, the council should satisfy itself that the land is not contaminated and is suitable for the proposed use.

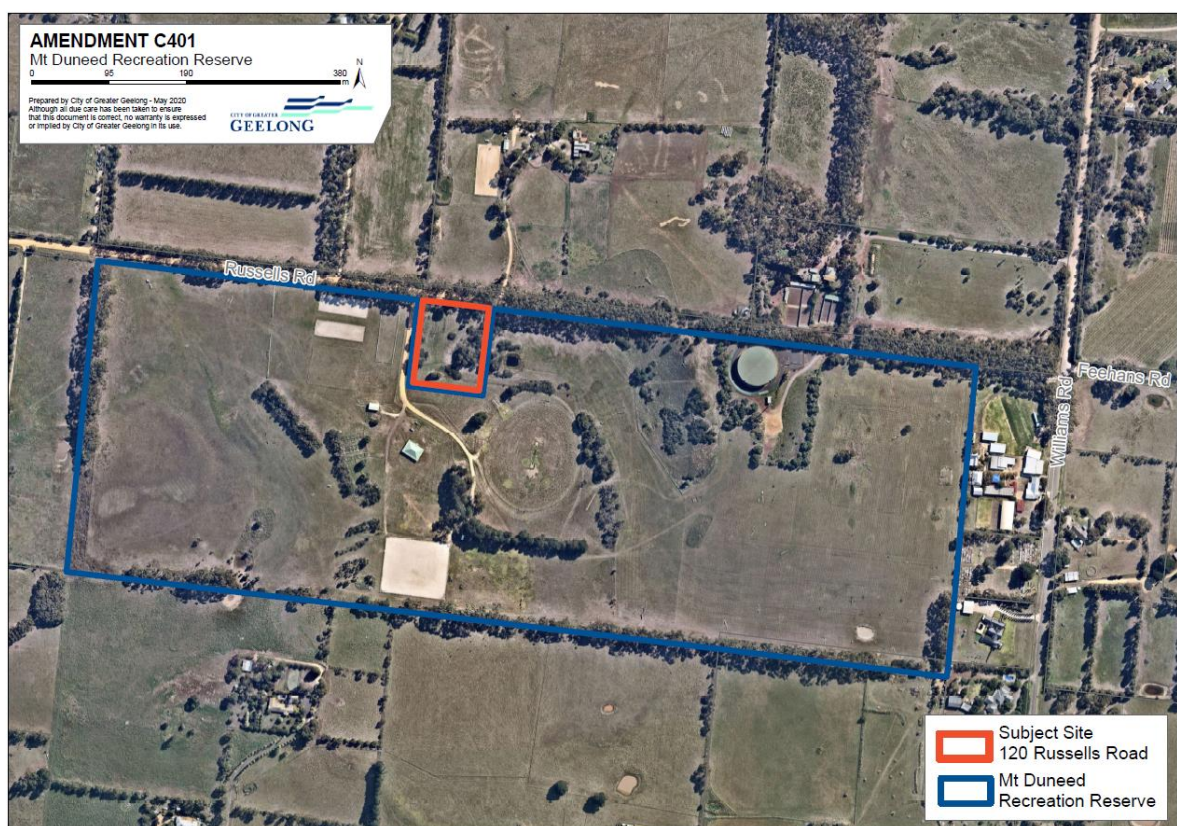
54. The subject land was used for the Wesleyan Methodist church from 1857 and destroyed by fire in 1944. At some time after this the subject land appears to have been put to pastoral use, with a cattle yard and ramp constructed within it. The cattle yard was located in the north-western portion of the site. Its former location is within the heritage inventory area site extent and as such will not be affected by proposed development.
55. Given the available information on the historic use of the land, it is not considered that the site falls within the definition of potentially contaminated land in Ministerial Direction No.1 Potentially Contaminated Land. Nonetheless, the amendment generally follows Option 2 in that Ministerial Direction for a planning authority to satisfy itself that environmental conditions of the land are or will be suitable for a sensitive use.
56. An environmental audit requirement has been included in the Incorporated Document. It requires, prior to the commencement of works, a Site Assessment that:
 - assesses the potential level and nature of contamination on the land
 - provides clear advice on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of all, or part, of the land is recommended (having regard to the Potentially Contaminated Land General Practice Note June 2005)
 - recommends actions for any contaminated land.

MOUNT DUNEED RECREATION RESERVE

Location and size

57. The Mount Duneed Recreation Reserve is located on Russells Road, Mount Duneed (See Figure 8 below). The Reserve has an area of approximately 41 hectares. Public access to the Reserve is from Russells Road via a driveway into the Reserve adjacent to the western boundary of 120 Russells Road. The Reserve abuts the western, southern and eastern boundaries of 120 Russells Road.

Figure 8 – Mount Duneed Recreation Reserve



Management arrangements

58. The Reserve is Crown Land managed by the City of Greater Geelong. The City of Greater Geelong has been appointed as the Committee of Management for the Reserve pursuant to the *Crown Land (Reserves) Act 1978*. A small portion of the Reserve is leased to Telstra for a telecommunications facility.

Existing and proposed uses

59. The Reserve is used by the Mount Duneed Pony Club, Mount Duneed Adult Riding Club and the Highton Cricket Club. The Reserve is primarily used for equestrian purposes, with dressage and showjumping facilities and cross country course. The Reserve also contains a pavilion/club rooms and a fenced unirrigated hard wicket cricket oval with training nets. The Reserve is also used informally for passive uses such as dog walking.
60. On the north-eastern portion of the Reserve, at or near the top Mount Duneed volcanic cone, are located a Barwon Water recycled water storage tank and a Telstra telecommunications tower. These are accessed by a driveway from Williams Road.
61. No additional uses of the Reserve are currently proposed.

Conservation values

62. The City of Greater Geelong has identified biodiversity sites within the Mount Duneed Recreation Reserve as part of the preparation of the City's Biodiversity Strategy, anticipated to be completed during 2020. A map showing these sites is at Figure 9 below.
63. The biodiversity sites occur in three portions of the Reserve. A cluster of three sites is in the southwestern portion of the Reserve, over 230 m from 120 Russells Road. A single site is located just over 20 m east of 120 Russells Road. A cluster of fifteen sites is located on the steep western slopes of the Mount Duneed volcanic cone, about 135 m east of 120 Russells Road at its nearest point.
64. The City's assessment has identified the Ecological Vegetation Class (EVC) for each biodiversity site. All of the EVCs identified are classified as Endangered within the Victorian Volcanic Plains bioregion within which the Reserve is located.
65. Some of the biodiversity sites in the southwestern and northeastern portions of the site are subject to listing under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC) and/or the *Flora and Fauna Guarantee Act 1988* (FFG).
66. The individual site just to the east of 120 Russells Road is not subject to listing under the EPBC or FFG. It is an artificial waterbody but provides good quality habitat.

67. The tables below indicate the EVC and any EPBC or FFG listing for each of the biodiversity sites shown on the map at Figure 9.

South western portion of Reserve:

Site Number	EVC name	EPBC listed	FFG listed
1002581	647 Plains Sedgy Wetland	No	No
1002583	132_61 Heavier soils Plains Grassland	Yes	No
1002584	647 Plains Sedgy Wetland	Yes	No

Approximately 20 metres east of 120 Russells Road:

Site Number	EVC name	EPBC listed	FFG listed
1002591	647 Plains Sedgy Wetland	No	No

Northeastern portion of Reserve:

Site Number	EVC name	EPBC listed	FFG listed
1002077	132_61 Heavier soils Plains Grassland	Yes	Yes
1002078	175 Grassy Woodland	No	No
1002079	175 Grassy Woodland	No	No
1002080	175 Grassy Woodland	No	No
1002081	132_61 Heavier soils Plains Grassland	No	Yes
1002082	175 Grassy Woodland	No	No
1002083	132_61 Heavier soils Plains Grassland	No	Yes
1002084	132_61 Heavier soils Plains Grassland	Yes	Yes
1002085	132_61 Heavier soils Plains Grassland	No	No
1002086	175 Grassy Woodland	No	No
1002087	175 Grassy Woodland	No	No
1002088	132_61 Heavier soils Plains Grassland	No	Yes
1002089	132_61 Heavier soils Plains Grassland	Yes	Yes
1002090	132_61 Heavier soils Plains Grassland	No	Yes
1002091	132_61 Heavier soils Plains Grassland	Yes	Yes

Figure 9 – Mount Duneed Recreation Reserve conservation values



Mt Duneed Reserve Conservation Areas - May 2020

Although all due care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong, Barwon Water or the State of Victoria in its use.



06/05/2020 4:56 pm

Prepared by the City of Greater Geelong - PLACES

MGA Zone 55

Scale 1 : 3500

Analysis of future demands

68. The Reserve lies outside of the Armstrong Creek Urban Growth Area and is not specifically referred to in the Armstrong Creek Social Infrastructure Integrated Development Plan.
69. Council's draft Social Infrastructure Plan provides some overarching strategic guidance for the future use and management of all Reserves, but no specific actions have been identified for the Mount Duneed Recreation Reserve at this stage.

EXHIBITION AND SUBMISSIONS

Council resolution to prepare and exhibit an Amendment

70. At its meeting of 10 September 2019, Council resolved to support preparation and exhibition of Amendment C401.

Ministerial Authorisation

71. The Minister's delegate authorised the amendment preparation and exhibition on 24 September 2019 – see **Appendix 1**.

Exhibition

72. The amendment was exhibited from 17 October to 25 November 2019.
73. Letters were mailed to owners and occupiers of properties in the area and to the Mount Duneed Pony Club and Highton Cricket Club. Letters were also sent to relevant government and service authorities and prescribed Ministers.
74. Notices were published in the Geelong Independent on 18 October 2019, the Geelong Advertiser on 19 October 2019, the Bellarine Times on 31 October 2019 and the Government Gazette on 24 October 2019.

Submissions received

75. As a result of exhibition of the amendment a total of 38 submissions were received. Of these 31 submissions objected to the amendment, four submissions supported the amendment, one requested changes to the amendment and two expressed no objection.
76. The Department of Environment, Land, Water and Planning (DELWP) submission, among other matters, requested that the Incorporated Document be modified to specify the location and extent of native vegetation to be removed and include a requirement that appropriately specified offsets are provided prior to vegetation being removed.
77. A petition with 130 signatures regarding the proposed facility was presented to Council at its meeting of 10 December 2019. 16 of those signing the petition also lodged objecting submissions. The petition read as follows:

This type of facility is prohibited under the Planning Scheme. This is not a suitable location as any future development for community use and the open and scenic values of Mount Duneed Reserve will be affected and important indigenous vegetation will be destroyed. It could attract an undesirable element inhibiting the enjoyment of the Reserve by the general public.

We request that the City of Greater Geelong abandon Planning Scheme Amendment C401 and investigate incorporating 120 Russells Road into the Reserve, protecting the natural and scenic values so that the open space will be retained and can continue to be enjoyed by the public in future years.

Council resolution regarding the submissions

78. On 24 March 2020 Council considered a report on the submissions and made the following resolution:

That Council having considered all submissions summarised in Attachment 9 to this report to Amendment C401 to the Greater Geelong Planning Scheme resolves to:

- *Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act, 1987;*
- *Refer all submissions summarised in Attachment 9 of this report to the Panel; and*
- *Submit to the Panel its response to the submissions generally as outlined in this report.*

MAIN ISSUES RAISED IN SUBMISSIONS

79. The main issues raised in submissions are summarised below. Council's response to issues raised in submissions will be provided in its Part B Panel submission.

Appropriateness of location

80. Nearly all objecting submissions contend that the subject site is an inappropriate location for the proposed facility. Reasons cited for the location being inappropriate include:

- the facility is too close to the adjacent Mount Duneed Recreation Reserve and its various uses including pony club, adult horse riding and cricket;
- the facility should not be located in the Farming Zone;
- the site is too remote from public transport, medical facilities, emergency services and schools;
- the site is too close to the Mount Duneed Primary School;
- the facility does not need to be in a rural area;
- the facility should be located in an urban area;
- the facility is too close to a residential area;
- the facility should be in a less dense, less family-oriented area;
- proximity to a gun club may cause problems;
- inconsistency with the character and semi-rural nature of the area.

Safety of Reserve users and local residents

81. 27 of the 31 objecting submissions expressed concern for the safety of local residents and/or users of the Mount Duneed Recreation Reserve due to the nature of the proposed use, the residents and their visitors. It is clear from submissions that these fears are sincerely and strongly held.

82. Submissions expressed concern for the safety of Reserve users, emphasising the numbers of children and women who use the Reserve and contending that their safety cannot be guaranteed. Some submitters indicated that should the proposed facility be developed on the site, they would no longer feel safe for them or their children to use the Reserve.

83. Submissions expressed concern that residents of the facility will access the adjacent Reserve and that children may be exposed to drug affected behaviour. Concern was also expressed regarding visitors to the site, including hostile partners who may try to gain access to the facility. Several submissions contended that the facility will attract unsavoury people to the area and the Reserve, resulting in antisocial behaviour. Submitters raised the potential for abusive or violent interactions between visitors and Reserve users. One submitter contended that the facility will generate visitors and onlookers to pony club events who have not completed a Working with Children check. Another submitter noted that drug dealing activities already take place at the Reserve.
84. Concern was also expressed regarding property crime and vandalism. Reserve users noted previous vandalism problems at the Reserve and that valuable equipment is stored at the Reserve. Risks to the safety of horses, cars and valuables were cited.
85. The relative seclusion of the area was cited as a security concern. It was contended that police or ambulance services would not be able to respond quickly to any incident at or near the facility.
86. To the contrary, one supporting submission noted that the men's facility run by the same organisation proposing the facility on the subject site is well run and secluded, and contended that there is minimal risk to the community from the proposed facility.

Impact on/relationship to Mount Duneed Recreation Reserve

87. Some submissions expressed concern at the potential impact of the proposal on the current use of the Mount Duneed Recreation Reserve. Four submissions raised the potential for conflict between residential use of the subject land and equestrian use of the Reserve, in particular noise from equestrian competitions which can involve early starts and overnight camping. The risk of horses to facility residents who access the Reserve was also cited.
88. Several submissions contended that the site is effectively, and has been perceived to be, part of the adjacent Mount Duneed Recreation Reserve. One stated that the subject site is an intrinsic part of the Reserve in all but Title. Other submissions referred to the proposal as being located within the Reserve or intruding into the Reserve.

89. Some submissions raised the history of the subject site in support of the site being considered part of the Reserve. It is argued that the public have not been excluded from the site and that it has long been maintained by Council. One submission argued that “squatters’ rights” should apply. Submissions called for the land to be acquired by Council, absorbed into the Recreation Reserve or set aside as a Conservation Reserve. Separately, the petition presented to Council in December 2019 called for Council to investigate incorporating the site into the Reserve.
90. Several submissions referred to revegetation works carried out by local residents/volunteers, that include the subject site. Submissions also objected to removal of trees in this revegetation area.

Land swap suggestion

91. One submission requested that Council examine feasibility of a land swap within the general area to allow development to proceed while protecting the native grassland patch on the subject site.

Facility management and future changes

92. Some submissions questioned the proponent’s management capability. Submissions contended that:
- the proponent does not have the capacity to strictly enforce rules;
 - drug and alcohol rehabilitation facilities need to be run, managed or backed by large organisations with a history of continuity, whereas the proponent is not backed by a large organisation that can continue to provide the services contemplated;
 - the men’s facility in Surf Coast Shire operated by the proponent is not strictly controlled;
 - a submitter who is a neighbour of the men’s facility has interacted with the facility’s residents;
 - residents of the men’s facility are often outside unsupervised and at times there is no staff member present to speak.
93. The future of the facility was raised in several submissions. Succession plans for the facility were questioned. Submissions expressed concern at the potential for expansion and/or significant changes under a different operator in the future. Another submission expressed concern that the facility could close within a year.

Vegetation removal

94. 14 of 31 objecting submitters, including the Geelong Environment Council and the Geelong Field Naturalists Club, expressed concern about the removal of vegetation proposed by the amendment. DELWP requested changes to the Incorporated Document and indicated that as the amendment has the effect of removing the permit requirement to remove native vegetation, this component should be assessed as part of the amendment process.
95. Concerns raised in objecting submissions included:
- the loss of trees, including two Sheoaks, a *Bursaria* and introduced *Pinus Radiata*;
 - the loss of grassy woodland vegetation patches;
 - regional significance of grassy woodland patches on the site;
 - removal of grasslands from the site would diminish the integrity of the larger grassland patch on adjacent land to the east;
 - values of particular flora species on the site, including Chocolate Lilies, Milkmaids, Prickfoot, Slender Speedwell, Milky Beauty-heads, Yellow Rush Lilies and Sundews;
 - five wildflower species have been identified on the site that were not recorded in an ecological assessment prepared for the amendment;
 - the “avoid, minimise or offset” principle in Clause 52.17 of the Scheme should be applied to protect the vegetation on the site;
 - loss of *Pinus Radiata* that are a food source for Yellow-tailed Black Cockatoos;
 - loss of fauna habitat for a wide range of other birds and other species;
 - removal of roadside vegetation; and
 - removal of vegetation previously planted on the site by volunteers.
96. The DELWP submission included the following points:
- The Incorporated Document speaks only generally about vegetation that may be removed and fails to include an offset requirement.
 - The Incorporated Document should be modified to be specific about the location and extent of native vegetation to be removed and include a requirement that appropriately specified offsets are provided prior to vegetation being removed.

- As the amendment has the effect of removing the permit requirement to remove native vegetation associated with the development, this component should be assessed as part of the amendment process.
- The ecological assessment and native vegetation removal application reports by Okologie Consulting appear to have been prepared without understanding structure of the amendment and refer to need for planning permits.
- The proposal must consider whether the proposal has been sited or designed to avoid and minimise impacts on native vegetation, and whether feasible opportunities exist to further avoid and minimise such impacts. Revised locations for the access, shed and effluent disposal area should be considered before the Incorporated Document is approved.
- Feasible alternative designs or siting are likely to be possible with reduced or no impacts to the patches of native vegetation.
- The Okologie Consulting reports do not address decision guidelines for Environmental Significance Overlay Schedule 1.

Traffic

97. Several objecting submissions expressed concerns with traffic generated by the proposed facility. Submitters contended increased traffic will endanger pedestrians, horses and riders using Russells Road. Concern was expressed regarding maintenance implications of additional traffic on an unsealed road, and at the facility's location near the main entrance to the Mount Duneed Recreation Reserve from Russells Road.

Visual impact

98. Eleven submissions raised concerns with adverse visual impact of the facility or contended it would detrimentally affect the amenity of the area and Reserve. Submissions contended the facility would represent an urban site in a rural landscape and that it would be inconsistent with the landscape values of the area and Reserve. One submission cited the visual impact on the entrance to the Reserve.

Impact on historic values

99. Two submissions suggested that the history of the site, including church ruins, would be destroyed. Three submissions raised the possibility of burials on the site.

Supporting submissions

100. Four submissions supported the Amendment. Supporting submitters contended that:

- the facility would meet a local need and benefit the community;
- the facility would complement the effective men's facility operated by the proponent; and
- the site is well located for the facility, being in a relatively remote rural area yet accessible for staff, clients and families.

CHANGES TO THE AMENDMENT IN RESPONSE TO SUBMISSIONS

101. Council recommends various changes to the Amendment in response to issues raised in submissions. Other minor changes have also been identified to ensure Amendment documents are correct and appropriately worded and numbered. The recommended changes to each of the Amendment documents are outlined below, with revised documents provided in **Appendix 2** and **Appendix 3**.

Incorporated Document

102. Further requirements are recommended for the Facility Management Plan at Clause 4.5.1 of the Incorporated Document. These requirements will further ensure that the risk of any adverse outcomes is minimised. Additional requirements are recommended based partly on planning permit conditions applied by VCAT in its decision on *Myers Planning Group Pty Ltd v Warrnambool CC [2019] VCAT 1153* to address similar concerns.
103. The applicant has submitted a revised site plan that shows a reduced car parking area that will allow retention of two Sheoaks that had been identified for removal on the exhibited site plan. This revision is appropriate and the revised site plan should be included in the Incorporated Document.
104. The exhibited Incorporated Document included Clause 5.0 Landscape Plan, requiring a landscape plan and specifying details to be shown on that plan. The proponent has submitted a landscape plan to the satisfaction of the City. Accordingly, it is recommended that this Landscape Plan be included in Attachment 2 of the Incorporated Document and that the exhibited Clause 5.0 be deleted.
105. DELWP's submission requested that the Incorporated Document be modified to specify the location and extent of native vegetation to be removed and include a requirement to provide appropriate offsets prior to vegetation removal. This request is supported and Council recommends these changes be made to the Incorporated Document.
106. Some changes are required to Clauses 4.5.1 and 5.13.1 of the Incorporated Document to remove or replace references to a permit. The Incorporated Document acts similarly to, and removes the need for, a planning permit.
107. Clause 5.6.1 should be rewritten to list the requirements in dot point format.

108. The Specific Controls Overlay map from this amendment should replace the zoning map at Attachment 1 of the Incorporated Document, in accordance with the wording at Clause 3.1 of the Incorporated Document.
109. The recommended changes outlined above have been included in the revised Incorporated Document at **Appendix 2**. However, at the time of preparing this Part A Panel Submission, the Specific Controls Overlay map has not been updated with the revised SCO number (SCO8 rather than SCO3). This should be a further change to the Incorporated Document should the Panel support the amendment.

Amendment map – Specific Controls Overlay map

110. As a number of Specific Controls Overlays have recently been included in the Greater Geelong Planning Scheme, the SCO number needs to be revised (from SCO3 to SCO8).
111. At the time of preparing this Part A Panel Submission, the Specific Controls Overlay map has not been updated with the revised SCO number. This should be a further change to the Incorporated Document should the Panel support the amendment.

Schedule to Clause 45.12

112. As a number of Specific Controls Overlays have recently been included in the Greater Geelong Planning Scheme, the exhibited Schedule to Clause 45.12 will need to be updated to include those SCOs and to revise the SCO number from SCO3 to SCO8. This change will be made in the Amendment Tracking System prior to Council adoption should the Panel support the amendment.

Explanatory Report

113. To correct an error and maintain consistency with the Incorporated Document, it is necessary to modify the exhibited Explanatory Report's section on Clause 13.02-1 to refer to BAL 19 rather than BAL 12.5. An excerpt (Page 3) of the Explanatory Report showing this change is at **Appendix 3**.

OTHER RELEVANT MATERIAL TO BE RELIED UPON

114. Council's Part B Panel submission will briefly refer to three VCAT decisions on similar drug and alcohol rehabilitation facilities in semi-rural areas:

- *Myers Planning Group Pty Ltd v Warrnambool CC [2019] VCAT 1153*
- *Australian Community Support Organisation Ltd v Moira SC (No.2) [2017] VCAT 1133*
- *Odyssey House Victoria v Benalla Rural CC & Ors [2003] VCAT 15* – land in the (then) Rural Zone

CONCLUSION

115. We submit that the site's location, in the Farming Zone but in relatively close proximity to urban Geelong, is considered appropriate for the use of community care accommodation. After considering the issue raised in all submissions, Council recommends that the amendment be supported subject to various changes to the Amendment to address issues raised in submissions and other minor matters identified

APPENDICES

Appendix 1 – Authorisation for C401 from the Minister’s delegate



Department of Environment,
Land, Water and Planning

30-38 Lt Malop Street
Geelong, Victoria 3220
Telephone: 03 5226 4840
DX 216048
www.delwp.vic.gov.au

Mr Martin Cutter
Chief Executive Officer
Greater Geelong City Council
Email address: sthiele@geelongcity.vic.gov.au

Dear Mr Cutter

PROPOSED GREATER GEELONG PLANNING SCHEME AMENDMENT C401GGEE

I refer to the council’s application for authorisation to prepare an amendment to the Greater Geelong Planning Scheme. The amendment proposes to introduce an Incorporated Document and apply the Special Controls Overlay to facilitate the use and development of a Community Care Accommodation Facility at 120 Russells Road, Mount Duneed.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise the council as planning authority to prepare the amendment subject to the following condition:

- As the land may have been used for agricultural activities in the past, the council should satisfy itself that the land is not contaminated and is suitable for the proposed use.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes the council:

- giving notice of the amendment within 40 business days of receiving authorisation; and before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before the council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



If you have any further queries in relation to this matter, please contact Mark Gregory, Senior Planner, Department of Environment, Land, Water and Planning, on (03) 5226 4606 or email mark.gregory@delwp.vic.gov.au.

Yours sincerely,



Kim McGough

Manager - Barwon South West Regional Planning Services

24/09/2019

Appendix 2 – Recommended changes to exhibited Incorporated Document

[Note: All text is shown. Only the new or revised maps or plans being inserted are shown, not those remaining or being deleted]

**GREATER GEELONG PLANNING SCHEME
Community Care Accommodation Facility, 120 Russells Road,
Mount Duneed**

Incorporated Document

August 2019

1. INTRODUCTION:

- 1.1. This document is an incorporated document in the Greater Geelong Planning Scheme (planning scheme) and is made pursuant to section (6)(2)(j) of the Planning and Environment Act 1987.
- 1.2. The land identified in Clause 3 of this document may be used and developed in accordance with the specific controls listed in Clause 4 of this document.
- 1.3. The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2. PURPOSE:

- 2.1 The purpose of the control in Clause 4 is to facilitate the use and development and the removal of vegetation on the land described in Clause 3 for a Community Care Accommodation Facility (Residential Drug and Alcohol Facility).
- 2.2 The project includes but is not limited to:
 - provide for the use and development and the removal of vegetation for the purposes of a Community Care Accommodation Facility (Residential Drug and Alcohol Facility) generally in accordance with the plans within **Attachment 2**.
 - provide for the use and development of a Community Care Accommodation Facility (Residential Drug and Alcohol Facility) on a parcel of land within the Farming Zone which currently prohibits Community Care Accommodation.

3. LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

- 3.1 The control in this document applies to the land as shown on Map 77 Specific Controls Overlay (SCO3) forming part of the Greater Geelong Planning Scheme. The address of the land is 120 Russells Road Mount Duneed, Crown Allotment L2 Section 21 Parish of Duneed (referred to hereafter as 'the land') as shown in Attachment 1.

4. CONTROL

Exemption from planning scheme requirements

- 4.1 This document is an incorporated document in the Schedule to Clause 45.12 Specific Controls Overlay and the Schedule to Clause 72.04 of the Greater Geelong Planning Scheme (the Scheme).
- 4.2 Despite any provision to the contrary in the Scheme, pursuant to Clause 45.12 of the Scheme the land identified in this incorporated document may be used and developed for Community Care Accommodation in accordance with the specific controls contained in this document.

Conditions

4.3 The use and development permitted by this document must be undertaken in accordance with the following conditions:

4.4 Endorsed Plans

4.4.1 The use and development must be undertaken in accordance with the plans in Attachment 2 which may be altered with the written consent of the Responsible Authority.

4.5 Facility Management Plan

4.5.1 Prior to commencement of the use hereby approved, a Facility Management Plan must be submitted to and approved by the Responsible Authority. ~~When approved the plan will be endorsed and will then form part of the permit.~~ The plan must not be modified without the written consent of the Responsible Authority. The plan must provide details of, but is not limited to:

- a) Protocols to ensure the orderly arrival and departure of residents, staff and visitors;
 - b) Contact details of a Facility Manager responsible for ensuring that the use does not have a detrimental impact on the amenity of the area;
 - c) Staffing arrangements that ensures on-site supervision and support of residents at all times;
 - d) Protocols for dealing with any incidents associated with the use that may have a detrimental impact on the amenity of the area;
 - e) A requirement that the Facility Manager must take immediate ameliorative action in response to any incident associated with the use that may have a detrimental impact on the amenity of the area;
 - f) Establish and maintain a complaints register to record details of any and all complaints received by the Facility Manager from neighbours, and the action taken by the Facility Manager to address the complaint;
 - g) Maintenance of the grounds and upkeep of the buildings;
 - h) An Emergency Management Plan detailing how the proponent will prepare for and respond to emergency situations including, among other matters, a protocol with the CFA, Victoria Police and Ambulance Victoria;
- i) A risk management plan which:
 - i) identifies the safety and security risks involved in operation of the facility;
 - ii) assesses the severity and degree of likelihood of any relevant incident or event occurring; and
 - iii) sets out the measures that the facility operator will take to address and, in so far as possible, minimise each identified risk;
 - j) Provision for dealing with clients who indicate a wish to leave the facility before the end of their scheduled program, including measures to ensure their departure from the facility is planned;

- k) Resident rules that prohibit access to any private properties adjoining Russells Road; and
- l) keep a written logbook of all attendees (including residential clients and visitors) to the facility, with the logbook to include details consisting of the names of people, dates and times of attendance and departure to and from the centre; the logbook must be made available for inspection by the Responsible Authority at any time upon request;

all to the satisfaction of the Responsible Authority.

4.5.2 The facility operator must ensure that the use hereby approved does not cause detriment to the amenity of the area and must ensure that the premises is operated in accordance with the approved Facility Management Plan, to the satisfaction of the Responsible Authority.

4.6 Maximum Resident Capacity

4.6.1 Unless otherwise approved in writing by the Responsible Authority, not more than eight (8) adult residents may occupy the premises at any one time, to the satisfaction of the Responsible Authority.

4.7 Maximum staff

4.7.1 Unless otherwise approved in writing by the Responsible Authority, not more than 5 staff may be present on the premises at any one time, to the satisfaction of the Responsible Authority.

4.8 Visiting Hours

4.8.1 Unless otherwise approved in writing by the Responsible Authority, visiting hours may only occur during the following times:

- a) Saturdays 1:00PM-6:00PM
- b) Sundays 1:00PM-6:00PM

4.9 General Amenity

4.9.1 The amenity of the area must not be detrimentally affected by the permitted use through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building works or materials;
- c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin;

All to the satisfaction of the Responsible Authority.

~~5.0 Landscape Plan~~

~~5.0.1 Prior to the works commencing, three (3) copies of a landscape plan prepared by a suitably qualified or experienced, person to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:~~

- ~~a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;~~

- ~~b) Details of surface finishes of pathways and driveways;~~
 - ~~c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;~~
 - ~~d) Landscaping and planting within all open areas of the site;~~
 - ~~f) The use of indigenous plants of the Geelong Region, Zone 8.~~
 - ~~g) Offset the driveway and carpark off the boundary alignment in order to retain trees (where appropriate) and plant trees to provide a landscape buffer to the reserve and to improve landscape amenity.~~
- ~~When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.~~

5.1 Cultural Heritage Management Plan

- 5.1.1 All works must be in accordance with any conditions set out within the approved Cultural Heritage Management Plan no. 15818.

5.2 Engineering

- 5.2.1 The site must be drained to the satisfaction of the Responsible Authority and no concentrated storm water may drain or discharge from the land to adjoining properties.

- 5.2.2 Prior to the new use commencing, the developer must:

- a) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
- b) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;
- c) Construct and drain the car park and accessways and common access road within the development in accordance with the endorsed plans.
- d) Complete the landscaping in accordance with the endorsed plans.

All to the satisfaction of the Responsible Authority.

Notes

1. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
2. A Vehicle Crossing Permit must be obtained prior to commencement of works.

5.3 Stormwater Management

- 5.3.1 The site stormwater system must be designed and installed such that the site stormwater discharge is not increased by the proposed development. An appropriate on-site detention system designed in accordance with the Infrastructure Design Manual may be required all to the Satisfaction of the Responsible Authority

5.4 Recreation and Open Space

5.4.1 There must be no access through or storage on the adjoining council reserve known as/located at Mt Duneed Recreational Reserve at any time during the construction period.

5.4.2 Nominate on the landscape plan the effluent discharge location.

5.6 Environmental Audit

5.6.1 Unless otherwise approved in writing by the Responsible Authority, prior to the commence of works a Site Investigation Assessment must be submitted to Council that:

- a) assesses the potential level and nature of contamination on the land;
- b) Provides clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE;
- c) Recommends remediation actions for any contaminated land.

5.7 Environmental Health

5.7.1 An approved septic tank system as defined by the Environment Protection Act 1970 must be installed in accordance with the land capability assessment report or to the satisfaction of the Responsible Authority. All wastewater must be treated and disposed of within the curtilage of the property.

5.8 Powercor

5.8.1 The applicant shall provide an electricity supply to the development in accordance with the Distributor's requirements and standards.

5.8.2 The applicant shall establish easements, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes

1. Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
2. Existing easements may need to be amended to meet the Distributor's requirements
3. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

4. It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

5. <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>
6. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
7. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
8. Apply for a site visit and permit to work assessment. This can be done via the Powercor website.
9. Keep the easement land clear of any buildings or structures whatsoever.

5.9 CFA

Amended Emergency Management Plan

5.9.1 Unless otherwise approved in writing by the CFA, the applicant is required to provide an amended Bushfire Emergency Management Plan for the site which includes:

- a) Details on the type and nature of the various Risks/Emergencies
- b) The Fire Danger Rating triggers for the closure of the facility for Bushfire risk.
- c) Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.
- d) Details of the location/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practicable).
- e) Transport arrangements for staff and visitors
- f) The need for any additional arrangements for persons with special needs.
- g) Training of staff, visitors and overnight guests on emergency procedures.
- h) The nature and frequency of emergency procedure exercises.
- i) Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:
 - Management and oversight of emergency procedures.
 - Training of employees in emergency procedures.
 - Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.
 - Accounting for all persons during the emergency procedures.
 - Monitoring and review of the Emergency Plans at least annually.

Notes:

Addition changes to the Bushfire Emergency Plan could include: -

1. Page 5 FDR Response table notes that for Code Red and Extreme days guests will be relocated to a place of lesser risk, yet page 7 Evac Action Statement notes guests will be taken off site for Code red only?
2. Page 5 FDR Response table Code Red and Extreme requires a note indicating that duration of relocation will be from no later than 10:00 AM until the FDR drops later that afternoon/evening to that of Severe or below.
3. Page 6 - Bushfire Advice Warnings – Notes guests to contact management for advice on warnings. Needs to be revised that **"Management are advising guests of actions to be taken"**.

4. Page 7 Evacuation Procedures – Notes that Planned evacuation site is Mt Duneed Recreation Reserve. Alternate location Torquay Secondary College White St Torquay. **CFA considers that the Recreation Reserve is not an appropriate evacuation location for bushfire.** Primary response should be to shelter in place. People should only leave the shelter of the site buildings if the integrity of the building is compromised by fire (Rec Reserve may be a suitable location in this event).

5.10 Bushfire/Structural Fire Mitigation Measures

- 5.10.1 Unless otherwise approved in writing by the CFA or the Responsible Authority in consultation with the CFA, the building is required to be constructed to a Bushfire Attack Level of BAL 19.
- 5.10.2 The whole of the subject site should be maintained as “defendable space” to the following prescription:
 - a) Grass must be short cropped and maintained during the declared fire danger period.
 - b) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - c) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - d) Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - e) Shrubs must not be located under the canopy of trees.
 - f) Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - g) Trees must not overhang or touch any elements of the building.
 - h) The canopy of trees must be separated by at least 5 metres.
 - i) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- 5.10.3 Unless otherwise approved in writing by the CFA or the Responsible Authority in consultation with the CFA, landscaping and planting out of vegetation on the site should be in accordance with CFA publication Landscaping for Bushfire – Garden Design and Plant Selection.
- 5.10.4 Unless otherwise approved in writing by the CFA or the Responsible Authority in consultation with the CFA, a below ground operable hydrant must be provided at or near the proposed driveway on Russells Rd. The maximum distance between the hydrant and the rear of the building envelope must be no more than 120 metres. The street hydrant shall be identified as per the Fire Services Guideline – Identification of Street Hydrants for Fire Fighting Purposes.
- 5.10.5 Unless otherwise approved in writing by the CFA or the Responsible Authority in consultation with the CFA, the proposed driveway and accessway must meet the following requirements:
 - a) Curves must have a minimum inner radius of 10m.
 - b) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - c) Have a minimum trafficable width of 3.5m of all weather construction.
 - d) Be clear of encroachments for at least 0.5m on each side and 4m above the accessway

- e) Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- f) Incorporate a turning area for fire fighting vehicles close to the building.

5.10.6 Unless otherwise approved in writing by the CFA or the Responsible Authority in consultation with the CFA, domestic sprinklers should be installed within the proposed building. Sprinkler installation to be installed to the relevant Australian Standards and Building Regulations.

Bushfire Notes

1. *This property is in a designated bushfire prone area.*
2. *Special bushfire construction requirements apply at the Building Permit stage.*
3. *Any building should consider AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).*

5.11 Barwon Water

5.11.1 The developer will be required to apply to Barwon Water for connection during the permit phase. Specific servicing comments below:

- a) **Water** – Water is available at the front (northwest) corner of the lot in Russells Road. The main is only a small diameter (DN63mm) and as such pressure and flow is likely to be limited. Due to this, there is a chance that onsite tanks may be required to buffer supply, Barwon Water would assess this on application. In addition, should a fire service be required for the site, they will likely require a self-reliant solution (i.e. tanks and pumps). Exact supply availability to be determined on application.
- b) **Sewer** – Reticulated Sewer is not available to this property.

Note:

Water is available at the site however there is limited capacity. The applicant should approach Barwon Water to discuss specific servicing requirements as part of the connection process.

5.12 Heritage Victoria

5.12.1 Any works located within the Heritage Inventory area of the site will need a permit from Heritage Victoria.

5.13 Native vegetation removal

5.13.1 Unless otherwise approved by the Responsible Authority, prior to the removal of any native vegetation:

- a) An offset must be provided for the removal of that native vegetation in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, December 2017), as specified: a general offset of 0.063 general habitat units located within the Corangamite Catchment Management Authority boundary or Greater Geelong municipal district with a minimum strategic biodiversity score of at least 0.542.
- b) Evidence that the required offset(s) has been secured must be provided to the Secretary to DELWP.

5.143 Expiry

5.143.1 ~~This permit~~The control in this incorporated document ~~will expires~~ if ~~one~~any of the following circumstances ~~applies~~:

- a) The use and/or development allowed by the control is not commenced ~~within two (2) years of the date of this permit~~by 16 October 2022.
- b) The development allowed by the control is not completed ~~within four (4) years of the date of this permit~~by 16 October 2024.

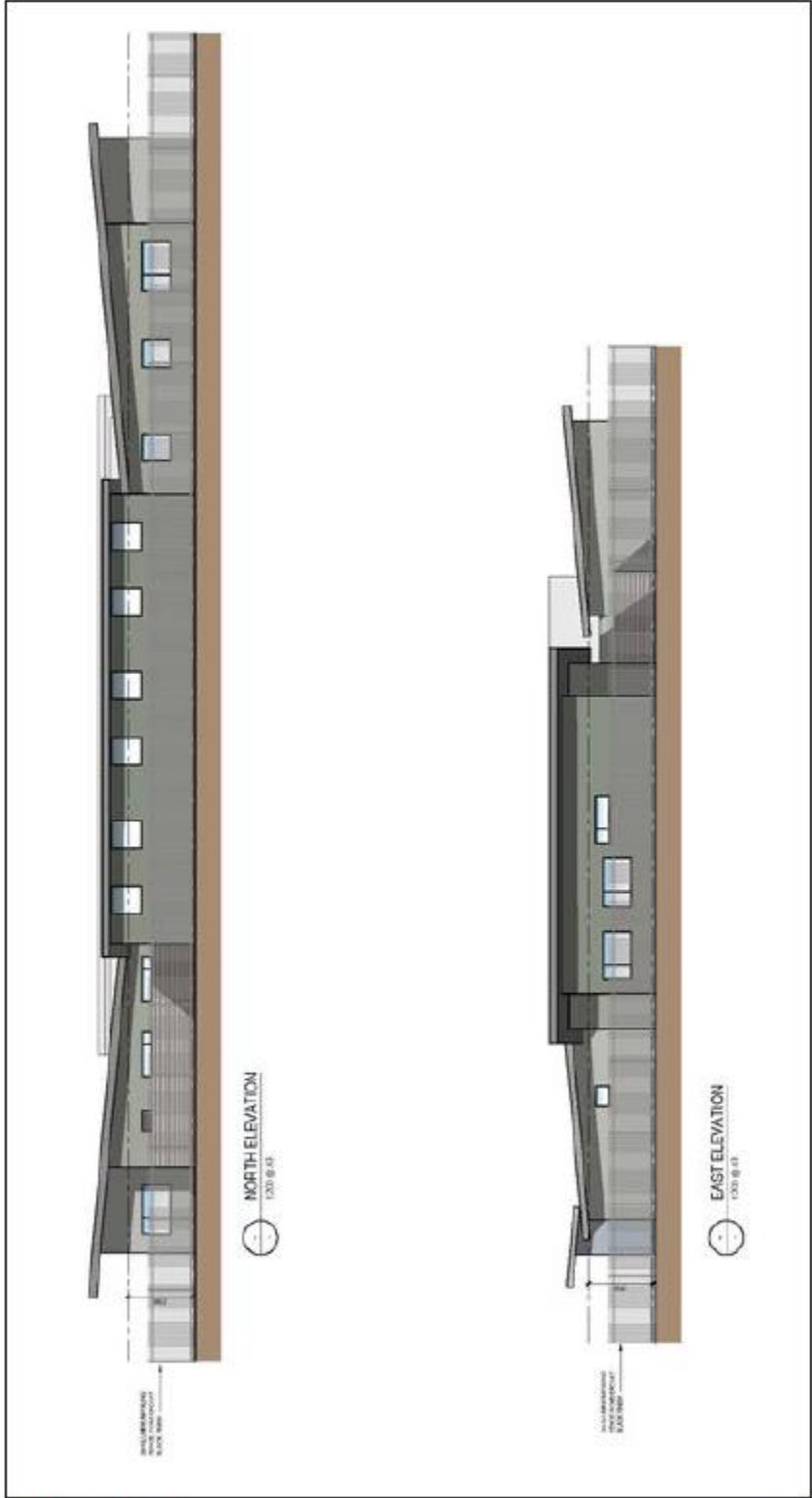
The Responsible Authority may extend the periods referred to if a request is made in writing before the ~~permit~~control expires; or

- a) within six (6) months after the ~~permit~~control expires where the use or development has not yet started; or
- b) within twelve (12) months after the ~~permit~~control expires, where the development allowed by the ~~permit~~control has lawfully commenced before the ~~permit expiry~~control expires.

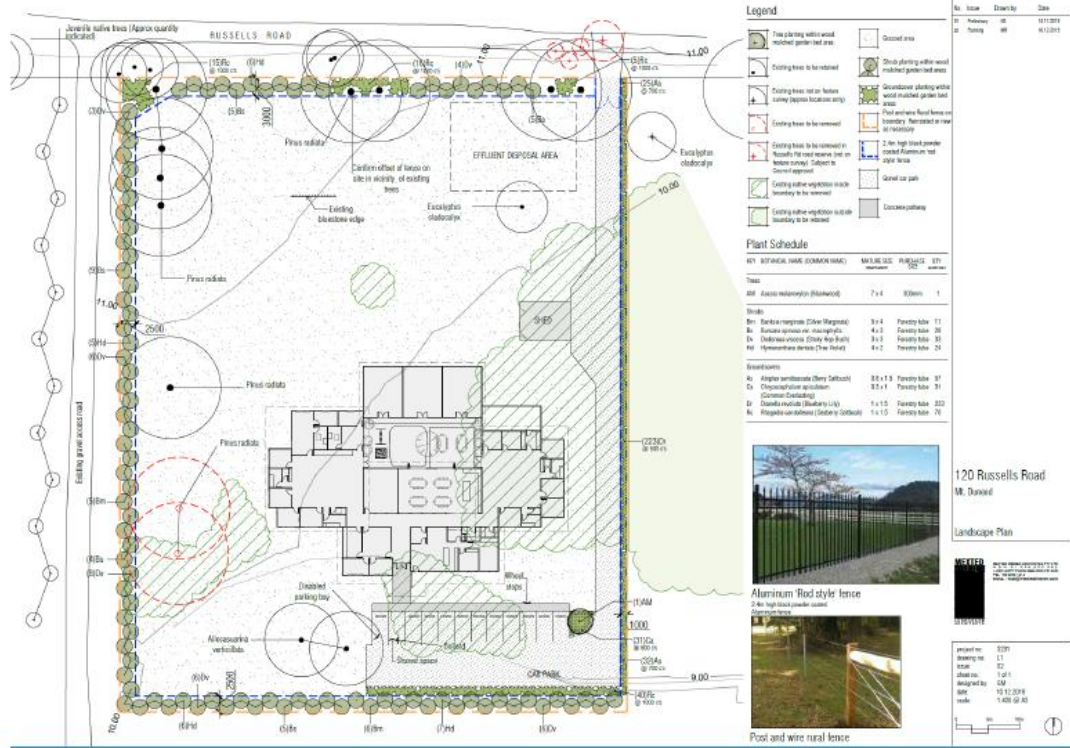
Zone-Special Controls Overlay **AA**map













Appendix 3 – Recommended change to Explanatory Report

Does the Amendment address relevant bushfire risk?

The subject site is within a Bushfire Prone Area. The amendment has addressed bushfire risk through the consideration of a Bushfire Hazard Assessment (BHA) and advice from the Country Fire Authority (CFA). It has also considered the relevant planning policies within the Greater Geelong Planning Scheme.

The CFA supports the amendment. The CFA response includes recommendations and due to the nature of the proposed life risk, it was recommended that the BAL of the building be increased to BAL 19 to provide some increased resilience against bushfire. The recommendations of the CFA have been included within the conditions of the Incorporated Document.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Ministerial Direction on the Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987.

Ministerial Direction No. 1 – Potentially Contaminated Land

The amendment is consistent with the Ministerial Direction No. 1 – Potentially Contaminated land. The land has not been used for agriculture many decades given the use of the land for a church. Ministerial Direction No. 1 Potentially Contaminated Land has not been considered and therefore a condition is recommended for a site within the Incorporated Document which requires the submission of a Site Investigation Assessment that:

- Assesses the potential level and nature of contamination on the land.
- Provides clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- Recommends remediation actions for any contaminated land.

Ministerial Direction No. 12 Strategic Assessment of Amendments

The amendment has been prepared in accordance with Ministerial Direction No. 12 Strategic Assessment of Amendments.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment supports the following State Policies from the Planning Policy Framework.

Clause 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.

Clause 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.

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 BAL ~~42-519~~ to the construction of the Community Care Accommodation