

Planning Panels Victoria

Greater Geelong Planning Scheme Amendment C434ggee Geelong Saleyards

Panel Report

Planning and Environment Act 1987

31 January 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

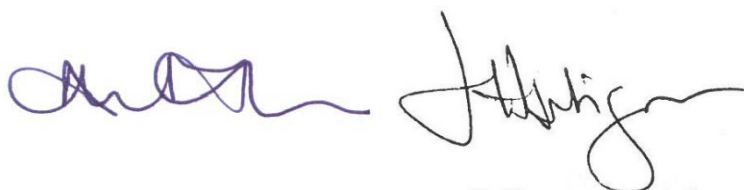
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Geelong Planning Scheme Amendment C434ggee

Geelong Saleyards

31 January 2023

The image shows two handwritten signatures in blue ink. The signature on the left is for Alison McFarlane, and the signature on the right is for John Hartigan. Both signatures are fluid and cursive.

Alison McFarlane, Chair

John Hartigan, Member

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Glossary and abbreviations

CDP	<i>Saleyards Comprehensive Development Plan, May 2022</i>
CDZ4	Comprehensive Development Zone Schedule 4
Council	Greater Geelong City Council
DCP	Development Contributions Plan
DCP Guidelines	<i>Development Contributions Guidelines, March 2007</i>
DELWP	Department of Environment, Land, Water and Planning
EAO	Environmental Audit Overlay
ESD	Environmentally Sustainable Development
Framework Plan	Plan 1 Future Urban Structure in the Comprehensive Development Plan
Leaf	Leaf Corporation
MSS	Municipal Strategic Statement

MPS	Municipal Planning Strategy
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
Precinct	Saleyards Precinct identified in Figure 1 comprising 125-135 Weddell Road (part), 8-14 Thompson Road, 6A Thompson Road and 2-6 Thompson Road (part), North Geelong
Precinct Infrastructure Plan	Table 1 of the <i>Saleyards Comprehensive Development Plan</i> , May 2022
SIFP	Shared Infrastructure Funding Plan
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Greater Geelong Planning Scheme Amendment C434ggee
Common name	Geelong Saleyards
Brief description	Implementation of the <i>Saleyards Precinct Plan, 2021</i> by rezoning land to Comprehensive Development Zone Schedule 4 and incorporating the <i>Saleyards Comprehensive Development Plan, May 2022</i>
Subject land	<ul style="list-style-type: none"> - 125-135 Weddell Road (part), North Geelong - 8-14 Thompson Road, North Geelong - 6A Thompson Road, North Geelong - 2-6 Thompson Road (part), North Geelong
Planning Authority	City of Greater Geelong
Authorisation	29 April 2022
Exhibition	16 June to 25 July 2022
Submissions	Number of Submissions: 15 Opposed or requested changes: 13

Panel process

The Panel	Alison McFarlane (Chair), John Hartigan
Directions Hearing	Video conference, 28 October 2022
Panel Hearing	City of Greater Geelong, 28 November 2022 and Video conference, 29-30 November 2022
Site inspections	Accompanied, 11 November 2022
Parties to the Hearing	<p>City of Greater Geelong represented by Terry Montebello of Maddocks who called expert evidence on:</p> <ul style="list-style-type: none"> - urban design from Amanda Roberts of LatStudios <p>Leaf Corporation represented by Nick Tweedie SC and Jordan Wright of Counsel, instructed by Rigby Cook Lawyers who called expert evidence on:</p> <ul style="list-style-type: none"> - planning from William Bromhead of Ratio Consultants - economics from Chris McNeill of Ethos Urban - traffic and infrastructure from Jason Walsh of Traffix Group
Citation	Greater Geelong PSA C434ggee (2023) PPV
Date of this report	31 January 2023

Executive summary

The Geelong Saleyards operated from Weddell Road, North Geelong from 1869 until 2018, but now sits idle. The site is favourably located near the Pakington Street activity centre, central Geelong and North Geelong Railway Station and has been strategically identified as a 'key development site' for significant infill housing.

The City of Greater Geelong (Council) prepared the *Saleyards Precinct Plan*, June 2021 to guide the redevelopment of the saleyards site and adjoining land formerly occupied by Target Australia's head office. Greater Geelong Planning Scheme Amendment C434ggee (the Amendment) seeks to implement the precinct plan by rezoning land from Industrial Zone 1 to Comprehensive Development Zone Schedule 4 and incorporating the *Saleyards Comprehensive Development Plan*, May 2022 (CDP). The fully developed precinct is proposed to accommodate between 1,000 and 1,300 residents in a compact urban village of predominantly 4 to 6 storey buildings.

In response to public exhibition, Council received a total of 15 submissions. Key issues raised in submissions focussed on three key issues: building height, developer contributions and traffic.

Overall, there is strong strategic justification for the Amendment. Infill development is a core element of Greater Geelong's strategy to accommodate growth. Opportunities for infill development should be capitalised upon where they are available. The Amendment provides the framework for this opportunity to be realised.

On the specific issues raised in submissions, the Panel concludes:

Building heights

- The CDP would be strengthened by clearly expressing the preferred character for the precinct in the vision and objectives.
- The preferred maximum building heights of 4 to 6 storeys are appropriate, as is a maximum building height of 10 storeys. This should be expressed in the CDP.
- Specifying a maximum building height serves to limit the broad discretion that was available under the exhibited provisions. It does not alter the preferred height outcome sought for the site.
- Requirements for buildings above proposed preferred maximum building do not meet the tests for mandatory provisions. The proposed requirements should be redrafted as decision guidelines in the CDP.
- Overshadowing controls should operate in the Central Park and Mixed Use Plaza between 11.00am and 2.00pm at the winter solstice. It is appropriate that a guideline seek to minimise overshadowing on other public realm areas.

Developer contributions

- The open space contribution rate for the precinct should be 10 per cent, consistent with the default that applies to residential development across Greater Geelong.
- The agreed 5 per cent affordable housing contribution will deliver on State and local policy objectives for housing.
- The nexus and need have been established for only some of the projects in the Precinct Infrastructure Plan. Local infrastructure projects that should be deleted include the pedestrian refuges at Hepner Place, northern end of Weddell Road and Backwell Street, the pathway on the east side of Weddell Road, the pathway on Victoria Street and the

pathway and upgrade to the Ballarat Road bus stop. The Thompson Road and Weddell Road intersection upgrades, the bus stop on Weddell Road and the potential relocation of the bus stop on Thompson Road will benefit the whole precinct and should be listed as shared items in the Precinct Infrastructure Plan.

Traffic

- The road network surrounding the Saleyards Precinct has sufficient capacity to accommodate the traffic generated by the redevelopment and the CDP provides good pedestrian and cycling connectivity within the site and into the surrounding area. Car parking will be assessed as part of a future planning permit application.
- The final design and potential signalisation of the intersection on Thompson Road providing access to precinct should be assessed at the planning permit application stage.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C434ggee be adopted as exhibited subject to the following:

1. **Delete Clause 21.06-8 (Implementation).**
2. **Amend Clause 02.04-3 to include the Saleyards Precinct Key Development Area in the 'Housing and Settlement Framework Plan' map and 'Key Development Areas' map consistent with the version exhibited as Clause 21.06-8.**
3. **Amend the Comprehensive Development Zone Schedule 4, as shown in Appendix E, to:**
 - a) **Modify Plan 1 to:**
 - show the 'possible future link' to Hepner Place as a walking/cycling link and relocate it east to align with the 'green link' extension of Park Street
 - show the area where noise attenuation measures must be implemented as shown in Figure 5.
 - b) **Under Clause 3.0 'Subdivision' delete the application requirements and decision guidelines relating to affordable housing.**
 - c) **Under Clause 4.0 'Buildings and work':**
 - In 'Requirements' insert:
"Buildings must not exceed 34 metres or 10 storeys (whichever is the lesser)"
 - In 'Application requirements' replace affordable housing application requirements with:
"An affordable housing delivery strategy which sets out:
 - *How affordable housing is to be delivered in accordance with Guidelines G6, G7 and G8 of Incorporated CDP, including the identification of intended partners, timeframes, built form and response to each of the matters set out by the Minister pursuant to section 3AA(2) of the Planning and Environment Act 1987.*
 - *The method of implementing the strategy, such as by an agreement under Section 173 of the Planning and Environment Act 1987.*
 - *Locations for the affordable housing to be delivered.*
 - *A summary of the range of housing types, densities and sizes.*
 - *Staging requirements and ensuring that affordable housing is provided in a timely manner as development occurs."*

- d) Make other changes as agreed by Council and Leaf Corporation in the Day 4 version (Document 24).
4. Amend the Schedule to Clause 72.04 (Document Incorporated in this Planning Scheme) to update the date of the Saleyards Comprehensive Development Plan.
5. Amend the Schedule to Clause 72.08 (Background Documents) to delete *“Providing social housing as essential infrastructure in Geelong’s Saleyards precinct, March 2022”*.
6. Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to:
- a) Modify Plan 1 Saleyards Precinct Framework Plan to:
 - show the ‘possible future link’ to Hepner Place as a walking/cycling link and relocate it east to align with the ‘green link’ extension of Park Street.
 - show the area where noise attenuation measures must be implemented as shown in Figure 5
 - b) Under ‘Vision’:
 - insert:

“The precinct will be a compact urban village comprised predominantly of buildings of modest building height that contribute to the open feel of streets.”
 - replace the third paragraph with:

“The interface of the precinct with industrial land will be managed through noise attenuation measures and requirements for specific building materials, such as double glazing.”
 - c) Under ‘Built Form, Building Design and Siting’:
 - delete Requirement 5.
 - replace Requirement 6 with:

“Buildings must not exceed 34 metres or 10 storeys (whichever is the lesser).”
 - insert the content from Requirement 9 as a guideline.
 - insert the content from Requirement 10 as a guideline.
 - replace Guideline 6 with:

“An application for development of land for dwelling including a dwelling where it is provided as part of a mixed-use development should provide affordable housing in accordance with G7 and G8.

This does not apply to:

 - a. *where any other provision of the Greater Geelong Planning Scheme, or the Planning and Environment Act 1987 (or any other Act), requires an affordable housing contribution to be made in respect of the proposed development.*
 - b. *to land in respect of which an agreement with the responsible authority has already been entered into for the provision of affordable housing;*
 - c. *to the development of land for which a contribution to affordable housing has already been provided to the satisfaction of the responsible authority consistent with G6 – G8;*
 - d. *to the development of land for less than three dwellings; and*
 - e. *to an application for buildings or works to an existing dwelling, provided the number of dwellings is not increased.”*

- replace Guideline 7 with:
 - “Affordable housing should be provided through one of the following:*
 - a. as a transfer of dwellings to an affordable housing association under the Housing Act 1983 or the City of Greater Geelong Affordable Housing Trust at the rate of 5% of the total number of dwellings proposed on the land in the application, for zero consideration (Primary Obligation)*
 - b. a monetary contribution to the City of Greater Geelong Affordable Housing Trust which is of equal value (as independently assessed) to the Primary Obligation*
 - c. through a combination of the options a and b above*
 - d. in any other way as agreed between the permit applicant and the responsible authority.”*
 - replace Guideline 8 with:
 - “Affordable housing delivered in accordance with this CDP should meet all the following:*
 - a. be delivered within the land to which the planning permit application applies or if agreed by the responsible authority within another part of the precinct to which this CDP applies*
 - b. be functionally and physically indistinguishable from other dwellings within the development*
 - c. be distributed across the development*
 - d. provide a mix of housing types to respond to local housing needs.”*
 - insert the following new guideline:
 - “Development that exceeds the preferred maximum building height should:*
 - represent high quality architecture, urban design and landscaping*
 - not result in an unreasonable loss of amenity to the public realm or open space which is privately owned but publicly accessible through overshadowing visual bulk*
 - should avoid a sense of enclosure at street level.”*
 - replace Guideline 9 with:
 - “Development should achieve a minimum dwelling density of 60 dwellings per net developable hectare.”*
 - insert the following additional text in Guideline 12:
 - “Development should be configured to minimise the impact of overshadowing on the public realm (such as overshadowing on the southern footpath of the east-west street) where no overshadowing standard is provided in this CDP.”*
 - replace Guideline 15 with:
 - “Development above 4 storeys should be recessive and incorporate measures to minimise its visual prominence from the public realm. Development should use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.”*
 - delete Guideline 23.
- d) Under ‘Development abutting open space as shown on Plan 1’:
- replace Requirement 11 with:

“At the winter solstice (June 21), no shadow is to be cast over Central Park by any building form above or behind a hypothetical 11.5 metre high built form set back 6 metres north of the northern boundary of the Central Park (inclusive of a 3 metre wide shared path) between 11:00am and 2:00pm. This Requirement is shown in Image 1 – Overshadowing of Central Park northern boundary.”

- replace Requirement 12 with:
“At the winter solstice (June 21) between 11:00am and 2:00pm, no shadow is to be cast by built form over the Mixed Use Plaza.”
- e) Under ‘Infrastructure delivery’:
- delete item ‘g’ from Requirement 24.
- f) Under ‘Development staging’:
- delete item ‘h’ from Requirement 25.
- g) Under ‘Precinct Infrastructure Plan’, modify Table 1 to:
- delete item OS-01 – Open space – Central park
 - delete RD_02 – Road – pedestrian crossing upgrade
 - delete RD_03 – Road – pedestrian crossing upgrade
 - delete RD_04 – Road – pedestrian crossing upgrade
 - delete TR_02 – Trails – shared user path
 - delete TR_03 – Trails – footpaths
 - delete TR_04 – Trails – footpaths
 - delete Public transport – bus stop upgrades – northern side of Ballarat Road.
 - list Road – Thompson Road intersection as a shared item
 - list Road – Weddell Road intersection as a shared item
 - list Public Transport – Bus stop relocation on Thompson Road as a shared item
 - list Public Transport – Bus stop on Weddell Road as a shared item
 - replace the description “East/West Road” with “East/West Street with green link” and replace “East/West Road through the Saleyards Development, including shared user path and green link” with “East/West Street through the eastern part of the precinct, including shared user path and green link.
- h) Under ‘Street cross sections and plan’:
- amend the cross sections for ‘Park Street’ and ‘Local Street’ to increase the carriageway width from 7.0 metres to 7.3 metres.
 - delete the building forms from the road cross sections.
- i) Make other changes as agreed by Council and Leaf Corporation as shown in the Day 4 version (Document 24).

1 Introduction

1.1 The Amendment

(i) The subject land

Greater Geelong Planning Scheme Amendment C434ggee (the Amendment) applies to the Saleyards Precinct (precinct) shown in Figure 1, comprised of the following properties:

- 125-135 Weddell Road (part), North Geelong
- 8-14 Thompson Road, North Geelong
- 6A Thompson Road, North Geelong
- 2-6 Thompson Road (part), North Geelong.

Figure 1 Amendment land



Source Evidence Statement of William Bromhead

(ii) Amendment description

The Amendment seeks to facilitate the use and redevelopment of the precinct primarily for residential as well as a limited mix of other uses generally in accordance with the *Saleyards Comprehensive Development Plan, May 2022 (CDP)*.

Specifically, the Amendment proposes to make the following changes to the Greater Geelong Planning Scheme (Planning Scheme):

- rezone the land at 125-135 Weddell Road (part), 8-14 Thompson Road, 6A Thompson Road and 2-6 Thompson Road (part), North Geelong from the Industrial 1 Zone to the Comprehensive Development Zone Schedule 4 (CDZ4)
- amend the schedule to the Heritage Overlay (HO1915) to remove the exemption for prohibited uses
- delete the Design and Development Overlay Schedule 20 (Industrial 1, 2 and 3 Zones) as it applies to the land
- apply the Environmental Audit Overlay (EAO) to the land 125-135 Weddell Road (part), 8-14-6A Thompson Road and 2-6 Thompson Road (part), North Geelong
- amend Clause 21.06-8 (Implementation) to include the Saleyards Precinct Key Development Area in the Housing and Settlement Framework Plan and Key Development Area Maps
- amend schedule to Clause 53.01 (Public open space contribution and subdivision) to include an amount of contribution for the land proposed to be rezoned to CDZ4
- amend the schedule to Clause 72.04 (Incorporated documents) to list the CDP
- amend the schedule to Clause 72.08 (Background documents) to include *Saleyards Precinct Plan, 2021, Providing social housing as essential infrastructure in Geelong's Saleyards precinct, March 2022* and *Geelong Saleyards Precinct Surface Water Management Strategy, April 2021*.

The CDP and CDZ4 are informed by the *Saleyards Precinct Plan, June 2021* (Precinct Plan). They both contain *Plan 1 Saleyards Precinct Framework Plan* (Framework Plan) (Figure 2) which shows the proposed urban structure of the precinct.

The vision for the precinct as expressed in the exhibited CDP is:

The precinct will be a high quality and sustainable addition to the local urban fabric. When the precinct is fully complete it will provide more than four hectares of publicly accessible open space and will accommodate approximately 1,000 – 1,300 residents.

The high density residential precinct will provide diverse housing that will help meet existing and future local housing demand. It will include a component of affordable housing.

The interface with industrial land will be managed through noise attenuation fence design and requirements for specific building materials, such as double glazing.

The movement network and building design will prioritise the pedestrian and cycling experience.

The site will provide a significant addition to the adjacent network of public open spaces providing places for relaxation and recreation. Street trees and landscaping in public spaces will contribute to the leafy green feel of the precinct.

A mixed-use area will provide approximately 1800 square metres of retail on the ground floor and be adjacent to an urban plaza space. The plaza will be located on the southern side of the street to utilise the northerly aspect for alfresco dining.

The precinct will showcase environmentally sustainable design features and retention of heritage fabric will provide opportunities for interpretation and adaptive reuse of materials.

The CDP contains objectives, requirements and guidelines to achieve the vision. The CDP provides:

Requirements - All requirements must be complied with. Requirements outline matters that must be taken into account in the planning and design of a development.

Guidelines - All guidelines should be complied with. Guidelines outline matters that should be taken into account in the planning and design of a development.

Figure 2 Plan 1 Saleyards Precinct Framework Plan



1.2 Background

Council provided a detailed background to the Amendment and chronology of events in its Part A submission. The Panel has summarised this in Appendix C.

1.3 Procedural issues

Public notice

On 27 September 2022 Council considered the submissions to the Amendment pursuant to section 23 of the *Planning and Environment Act 1987* (PE Act). Council resolved as follows:

That Council having considered all submissions on Amendment C434ggee Geelong Saleyards resolved to:

1. Request the Minister for Planning to appoint an independent Panel under Part 5 of the PE Act to consider submissions relating to the Amendment.
2. Refer all submissions to the Panel.
3. Submit to the Panel its response to the submissions generally as outlined in this report.
4. Advise the Panel that Council supports high density development within this precinct of up to 10 storeys, subject to appropriate design and siting outcomes and all applications above 6 storeys requiring a planning notice process.

The Panel directed Council to explain its resolved position in its Directions Hearing letter dated 7 October 2022.

In response to this Direction, Council advised further public notice of the Amendment was not required because its resolution does not seek to allow something not already permissible under the exhibited planning provisions. Council circulated its response to the Panel's Direction to all submitters.

The Panel invited a representative of the Department of Environment, Land, Water and Planning to attend the Directions Hearing to provide commentary on this issue, as it considered necessary. Mr Kim McGough, Manager, Regional Planning Services, Barwon South West Region, attended the Directions Hearing.

The Panel sought the view of parties and DELWP on whether further notice of the Amendment should be given in response to Council's resolution of 27 September 2022. All agreed with Council's position.

The Panel confirmed it would not make Directions requiring further notice of the Amendment prior to the Hearing.

Withdrawal of requests to be heard

Fire Rescue Victoria submitted a request to be heard. This request was withdrawn during the Directions Hearing.

Submitter 5 also submitted a request to be heard. This request was withdrawn prior to the commencement of the Hearing.

1.4 Submissions

In response to public exhibition, Council received a total of 15 submissions. Key issues raised in submissions focussed on three key issues: building height, developer contributions and traffic. The key issues were:

Building height

- the scale of the development within the precinct and its impact on the neighbourhood character

Developer contributions

- whether the requirements for social housing are appropriate
- whether social housing may cause negative impacts on surrounding residents
- public open space contribution
- shared infrastructure contributions

Traffic

- traffic impacts and the suitability of Weddell Road to accommodate additional traffic
- pedestrian and cycling connectivity through and around the precinct
- the design of internal road widths and the ability to cater for emergency vehicle access

Other issues raised include:

- whether the introduction of sensitive land uses (such as residential) to an area with operating industrial and live music venues give rise to concerns of noise attenuation and land use conflict
- the extent of the proposed EAO and whether the requirement for a preliminary risk screen assessment in the CDZ4 duplicates the EAO requirements
- waste management
- flooding.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic issues
- Building form, building height and siting
- Infrastructure contributions
- Movement
- Other issues
- Form and content of the Amendment.

1.6 Limitations

Property value is not a relevant planning matter for consideration of the Panel and has not been addressed further in this Report.

Submitter 12 suggested the precinct would be a suitable site for an indoor sports arena. This is not the proposal put forward by the Amendment and has not been considered by the Panel.

Submitter 11 proposed the precinct be expanded to include all of the land at 2-6 Thompson Road, currently developed with Sphinx Entertainment Centre. This is not the proposal put forward by the Amendment and has not been considered in any detail by the Panel.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix A highlights key imperatives of relevant provisions and policies.

Table 1 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.03-1 (Settlement)
Planning Policy Framework	- Clause 11.01-1S (Settlement) - Clause 11.01-1R (Settlement – Geelong C21) - Clause 11.01-1L-01 (Settlement – Greater Geelong) - Clause 11.02-1S (Supply of urban land) - Clause 13 (Environmental risks and amenity) - Clause 13.05 (Noise) - Clause 13.07-1S (Land use compatibility) - Clause 15 (Built environment and heritage) - Clause 16 (Housing) - Clause 16.01-1S (Housing supply) - Clause 16.01-2S (Housing affordability)
Other planning strategies and policies	- Plan Melbourne Direction 2.1, Policy 2.1.2, Direction 2.2, Policies 2.2.2, 2.2.3, Direction 2.3, Policy 2.3.3 - G21 Regional Growth Plan 2013 - <i>Saleyards Precinct Plan</i> , June 2021
Planning scheme provisions	- Comprehensive Development Zone - Environmental Audit Overlay - Heritage Overlay
Ministerial directions	- Ministerial Direction 1 (Potentially Contaminated Land) - Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 15 (The Planning Scheme Amendment Process) - Ministerial Direction 19 (Preparation and content of amendments that may significantly impact the environment)
Planning practice notes	- <i>Planning Practice Note 30: Potentially Contaminated Land</i> , July 2021 - <i>Planning Practice Note 46: Strategic Assessment Guidelines</i> , August 2018 - <i>Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes</i> , September 2018 - <i>Planning Practice Note 60: Height and setbacks controls for activity centres</i> , September 2018 - <i>Planning Practice Note 90: Planning for Housing</i> , December 2019

2.2 Strategic justification

(i) Evidence and submissions

Council and Leaf Corporation submitted the Amendment is consistent with the Municipal Planning Strategy (MPS), Planning Policy Framework (PPF) and G21 Regional Growth Plan. Mr Bromhead summarised this as follows:

The Greater Geelong Planning Policy Framework strongly supports urban consolidation in locations with access to key services and amenities. The PPF seeks to capitalise on opportunities to provide for urban consolidation through urban renewal and infill development.

Importantly, I note that PPF seeks to direct most of its housing needs to urban Geelong, which includes urban infill areas, and that there is a need to ensure sufficient land is available to meet forecast demand.

The Saleyards precinct and Leaf landholdings therefore are afforded explicit policy support to capitalise on the inherent opportunities to provide an integrated high-density residential outcome in this location proximate to good services and amenities.

Council noted the exhibited Amendment proposed to recognise the Saleyards Precinct Key Development Area in the *Housing and Settlement Framework Plan map* and *Key Development Areas map* at Clause 21.06-8 (Implementation). Post exhibition, the Planning Scheme was translated into the PPF format by way of Greater Geelong Planning Scheme Amendment VC417 in July 2022. The exhibited policy needs to be updated to aligned with the PPF structure. Council further noted the Key Development Areas map was omitted from the new MPS in error. Council is working with DELWP to reintroduce the map at Clause 02.04-3.

(ii) Discussion

There is strong strategic justification for the Amendment. Infill development is a core element of Greater Geelong's strategy to accommodate growth. Opportunities for infill development should be capitalised on where they are available.

As a significant infill site, it is appropriate the Housing and Settlement Framework Plan map and Key Development Areas map are updated to recognise the precinct as a 'Key Development Area'. This policy recognition frames the CDZ4 and CDP to be introduced to facilitate development of the site.

(iii) Conclusions and recommendations

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

Delete Clause 21.06-8 (Implementation).

Amend Clause 02.04-3 to include the Saleyards Precinct Key Development Area in the 'Housing and Settlement Framework Plan' map and 'Key Development Areas' map consistent with the version exhibited as Clause 21.06-8.

3 Building form, building height and siting

3.1 Building heights and setbacks

(i) The issues

The issues are:

- whether the building heights are appropriate
- whether a maximum building height should be set
- whether mandatory requirements should apply where a development exceeds the preferred building height
- how preferred and maximum building heights should be given effect in the CDP and CDZ4.

(ii) Background

CDZ4

The exhibited CDZ4 and Day 4 provisions relating to building heights and setbacks are set out in Table 2.

Table 2 Exhibited and Day 4 CDZ4 provisions for building heights and setbacks

Exhibited	
A permit to construct a building or to construct or carry out works must be generally in accordance with the Saleyards Comprehensive Development Plan, May 2022, noting that all requirements must be met.	
Council –Day 4 provision	Leaf – Day 4 provision
<p>Clause 4.0 Requirement</p> <p>A permit to construct a building or to construct or carry out works must be generally in accordance with the Incorporated CDP and include conditions:</p> <ul style="list-style-type: none"> - necessary to ensure that any requirements specified in the Incorporated CDP are met; and - which give effect to any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the PE Act as appropriate. <p>A permit cannot be granted to construct a building which a building height that exceeds 34 metres or 10 storeys (whichever is lesser).</p> <p>A permit to construct a building or to construct or carry out works must contain conditions or requirements which give effect to the requirements of the Shared Infrastructure Funding Plan which applies to the land under an agreement made under section 173 of the Act as appropriate.</p> <p>A permit which exceeds a preferred maximum building height as set out in the Incorporated CDP by one storey or more must meet all of the following requirements:</p> <ul style="list-style-type: none"> - The development must materially exceed the minimum environmentally sustainable development standard set out in the Incorporated CDP. - The development must demonstrate high quality architecture and urban design. - The building height must not exceed 34 metres or 10 	<p>Clause 4.0 Requirement</p> <p>A permit to construct a building or to construct or carry out works must be generally in accordance with the Incorporated CDP and may include conditions:</p> <ul style="list-style-type: none"> - necessary to ensure that any requirements specified in the Incorporated CDP are met; and - which give effect to any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the PE Act as appropriate. <p>A permit cannot be granted to construct a building with a building height that exceeds 34 metres or 10 storeys (whichever is lesser).</p> <p>Clause 4.0 Decision Guidelines</p> <p>In addition to the above, in considering whether to grant a permit for a development that exceeds a preferred maximum building height as set out in the Incorporated CDP, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> - whether the building has been designed to exceed best practice environmentally sustainable development standards. - whether the building represents high quality architecture and urban design; - whether the permit applicant is prepared to make a contribution to the provision of affordable housing which is greater than the amount referred to in the

Exhibited

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>storeys (whichever is lesser)</p> <ul style="list-style-type: none"> - The development must not result in an unreasonable loss of amenity to through overshadowing, overlooking and visual bulk; and - The development must provide a significant community benefit comprising: <ul style="list-style-type: none"> - affordable housing which is greater than the amount referred to in the Incorporated CDP; and/or - a higher contribution to public open space than the requirement in clause 53.01 or an area that functions as open space which is privately owned but publicly accessible. | <p>Incorporated CDP; and/or</p> <ul style="list-style-type: none"> - whether the permit applicant is prepared to make a higher contribution to public open space than the requirement in clause 53.01. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

CDP

The exhibited and Day 4 CDP provisions relating to height and setback are set out in Table 3.

Table 3: Exhibited Comprehensive Development Plan building height and setback extracts

Exhibited	Day 4 version
Requirement 6	
<p>Where a proposal exceeds a preferred maximum building height or does not meet a preferred minimum setback, the proposal must meet the following criteria:</p> <ol style="list-style-type: none"> a. Exceeds the minimum Green Star rating for Environmentally Sustainable Development. b. Demonstrates exceptional quality of architectural and urban design. c. Achieves a community benefit, such as affordable housing, public realm enhancements and/or open space in addition to the minimum requirements, of at least equal value to the development benefit gained by exceeding the preferred maximum building height or reducing the preferred minimum setback. d. Does not result in an unreasonable loss of amenity to the public realm through overshadowing and visual bulk. e. Does not result in an unreasonable loss of amenity to other buildings and private open space through overshadowing, overlooking and visual bulk. 	<p>Council: Delete Requirement 6 and insert in CDZ4</p> <p>Leaf: Replace exhibited with: Buildings must not exceed 34 metres or 10 storeys (whichever is the lesser).</p>
Guideline 11 Preferred maximum building height	
<p>Buildings should not exceed the following heights:</p> <ol style="list-style-type: none"> a. 22 metres or 6 storeys (whichever is lesser) if located adjacent to or opposite Thompson Road, the Central park, Mixed Use area Plaza, Western Plaza, Northern or Southern Open Space as shown on Plan 1 – Future Urban Structure, or the golf course adjacent to the southern boundary of the Precinct b. 15 metres or 4 storeys (whichever is lesser) in all other areas (excluding within open space). <p><i>Note: Buildings must also comply with the 'Development abutting open space' requirements of this document.</i></p>	<p>Council: No change.</p> <p>Leaf: No change.</p>
Guideline 12 Preferred minimum setbacks	
<p>Except within the Mixed Use area or laneway frontages,</p>	<p>Council:</p>

Exhibited	Day 4 version
<p>buildings should meet the following minimum setbacks:</p> <ol style="list-style-type: none"> Any part of a building up to 15 metres above natural ground level: 3 metres Any part of a building more than 15 metres above natural ground level: 7 metres <p><i>Note: Buildings must also comply with the 'Development abutting open space' requirements of this document.</i></p>	<p>Add 'Development should be configured to minimise the impact of overshadowing on the public realms (such as overshadowing on the southern footpath of the east west street) where no overshadowing standard is provided in this CDP'</p> <p>Leaf: No change.</p>

(iii) Evidence and submissions

Appropriate heights

Some community submitters opposed the proposed 4 to 6 storey building heights for reasons including the height would “*not complement the surrounding area*”, new development “*would be an eyesore those who own homes in the premium living Geelong Gold Club Residential Estate*” and the area will become “*like a ghetto*”.

Council called Ms Roberts to given urban design evidence. Ms Robert’s opinion was buildings above the preferred maximum of 4 to 6 storeys would be acceptable. She said:

As the heights proposed are discretionary, we should assume that some built form of greater heights may be proposed. I do not consider this to necessarily be detrimental to the character of the new neighbourhood with the following conditions: that the larger buildings comply with the overshadowing controls of the public realm, that the height does not result in a streetscape ratio that is more enclosed than 1:1 (where the height of the building exceeds the width of the street/building separation), the architectural expression is of a high quality, the front setbacks (where applicable) contain excellent landscaping outcomes including deep root zone planting for healthy canopy trees, the density of 60 dwellings/hectare is generally met and, if my recommendation is adopted, the building achieves a very high environmental standard.

Leaf submitted it is critical for the CDP and CDZ4 to expressly support development up to 10 storeys in height to recognise the contribution the site will make to Geelong’s strategic objectives for infill development.

Mr Bromhead, called by Leaf to provide town planning evidence, considered the “*revised position of Council in respect of preferred maximum building heights to be appropriate*”. In addition to the policy support for urban infill, Mr Bromhead identified the significant size of the precinct and its lack of sensitive interfaces as adding further justification for the building heights.

Mandatory requirements for buildings exceeding the preferred maximum height

Council and Leaf agreed a maximum building height of 10 storeys should apply to the precinct. Council said mandatory requirements should be imposed on development above seven storeys. Leaf disagreed.

Council submitted mandatory requirements for high quality architecture and urban design, and protection of amenity should not be regarded as extraordinary in any way. The two substantive provisions are the requirements to exceed the minimum environmentally sustainable development standard and to provide a higher contribution to public open space.¹

¹ Council deleted ‘affordable housing’ from the list of criteria applying to buildings over 6 storeys in its Day 3 and 4 versions of CDZ4.

Council explained that where a proposal seeks to exceed the preferred building height, there ought to be a benefit to both the developer and the community. The provision of open space is directly related to high density housing. Council considered Leaf's criticism of its approach to be "*without substance*" and cited examples of similar provisions in the Yarra², Port Phillip³ and Melbourne⁴ Planning Schemes which all contain a 'public benefit' provision where certain thresholds are exceeded.

Leaf submitted:

The effect of those mandatory criteria is that a developer would essentially be required to 'purchase' extra height above the preferred maximums. This would be so in circumstances where Council's position is that (provided other built form objectives and other relevant planning considerations are satisfied) development up to 10 storeys is an acceptable planning outcome. This is the necessary implication of the Council resolution and its support for a mandatory maximum of 10 storeys.

In Mr Bromhead's opinion, the use of mandatory criteria in assessing building heights above preferred maximums was "*unnecessary*". He relied upon Planning Practice Note 60 (Height and setback controls for activity centres) which states:

The application of discretionary controls, combined with clear design objectives and decision guidelines is the preferred form of height and setback controls.

Discretionary controls are more likely to facilitate appropriate built form outcomes rather than mandatory controls by providing more flexibility to accommodate individual or unique circumstances. Innovative or exemplary design is not of itself reasonable justification to exceed discretionary building height and setback requirements. When appropriate height and setback controls are identified, they should be included on the relevant planning scheme as discretionary controls with clear design objectives and decision guidelines.

Mr Bromhead considered the mandatory criteria should be made discretionary or removed. He had difficulty with the drafting of the mandatory criteria, noting:

Some of the mandatory criteria to achieve buildings of up to 10 storeys are subjective and difficult to quantify and potentially create an unreasonable burden on the developer for example the use of the phrase 'significant' community benefit.

In response to Leaf's criticism on the use of "materially better than" or "significant" in the ESD requirement, Council submitted:

Submitter #7 cannot on the one hand seek discretion and then when discretion is provided, complain that the discretion is too vague. Discretion is often vague. It allows for negotiation and even for horse trading. The key is that the objective has to be reasonably clear.

Council disagreed with Leaf's proposal to redraft the height exceedance criteria as policy guidelines because this would "*significantly weaken the preferred height provisions and how they operate*".

Statutory implementation

In closing, Council submitted it did not want to reference the 10 storeys in the CDP. It is dealt with in the CDZ4 to set a hard cap which is "*its only purpose*".

² Yarra Planning Scheme Clause 21.05-2 (Urban design), Strategy 17.2, specifies benefits to be achieved where preferred height is exceeded on strategic redevelopment sites or within an activity centre.

³ Port Phillip Planning Scheme Capacity City Zone Schedule 1 (Fishermans Bend Urban Renewal Area), purpose 4 "*to provide public benefit in the form of Social housing where development exceeds the nominated dwelling density*".

⁴ Melbourne Planning Scheme Capital City Zone Schedule 1 (Outside the retail core), Clause 3.0 (Buildings and works), provides an application to provide detailed of the public benefit to be provided where a floor area ratio of 18:1 is proposed to be exceeded.

Council submitted a change to the Amendment to make the preferred maximum height 10 storeys *“is a very substantial change to the Amendment”*. Council explained planning for a 4 to 6 storey area is a different challenge to planning for a 4 to 10 storey area, and the community would legitimately be concerned if the preferred height was increased. Furthermore, if 10 storeys is referenced in the CDP, *“there will be no prospect of arguing inconsistency with the CDP”* meaning public notice of an application would not be required.

Leaf submitted:

The purpose of the CDP is to set mandatory requirements and discretionary guidelines for development in the Precinct. It will be the document against which all developments in the Precinct are assessed – and for which all developments must be ‘generally in accordance’. For that reason, it is important that the CDP properly guide the responsible authority’s assessment of future development applications, including by expressly stating what is to be *considered acceptable* by way of maximum height.

Leaf explained there is nothing that can be done in CDZ or CDP that creates a category of application where third party notice and review rights are ensured. Council’s approach to *“somehow engineer a set of circumstances where a development was not generally consistent with CDP”* is inappropriate. A determination of ‘general consistency’ requires a holistic approach and cannot be ruled out on a particular cohort of applications.

Leaf also noted a permit can only be granted for development that is generally in accordance with the CDP, because of the specific drafting proposed in the CDZ4 as follows:

A permit to construct a building or to construct or carry out works must be generally in accordance with the Saleyards Comprehensive Development Plan, May 2022, noting that all requirements must be met.

(iv) Discussion

Preferred heights

The built form outcome anticipated for the precinct is one of a compact urban village of modest heights (4-6 storeys), with ground and upper-level setbacks. Consistent with Ms Roberts’ evidence, the Panel is satisfied the preferred maximum building heights (exhibited as G11) are appropriate.

It is surprising to the Panel that neither the purpose of the exhibited CDZ4 or vision and objectives of the exhibited CDP clearly express the preferred character outcome sought for the precinct. A vision and objectives frame the subsequent requirements and guidelines. That said, drafting has been improved through the inclusion of the following objective into CDZ4, as agreed by Council and Leaf:

To establish a high quality, sustainable urban village with predominantly residential development supplemented by associated commercial and community services in a high-density environment.

This objective would be assisted by a clear expression of preferred ‘look and feel’ or character of the precinct in the CDP vision. The drafting proposed by Leaf is not supported because it expresses the requirements and guidelines to achieve a vision, rather than a vision itself. Drawing from the Precinct Plan and Ms Roberts’ evidence which both emphasise the relationship between building height and open character of streets, the Panel considers the vision for the ‘look and feel’ of the precinct should be:

- The precinct will be a compact urban village comprised predominantly of buildings of modest building height that contribute to the open feel of streets.

Maximum height and mandatory requirements for buildings exceeding the preferred maximum height

The Panel agrees that a maximum building height of 10 storeys is broadly responsive to the site context and the strategic outcomes sought to be delivered by its designation as a Key Development Area. Specifying a maximum built height serves to limit the broad discretion that is available under the exhibited provision. The Panel emphasises that 10 storeys is not the preferred height outcome for the whole site, but one that may be appropriate on select parcels where certain requirements and guidelines are met.

Ms Roberts' evidence is instructive on the matters that are most critical to a merit-based assessment of buildings above the preferred height. The Panel agrees with Ms Roberts that the relevant considerations are:

- overshadowing of the public realm
- impact on sense of enclosure at street level
- quality of architecture
- quality of landscaping.

The Panel disagrees with Council and Ms Roberts that ESD is a relevant criterion for determining whether preferred height should be exceeded. Clause 15.01-2L provides ESD policy for all residential development across Greater Geelong, the objective of which is to achieve "*best practice in ESD from the design stage through to the construction stage*". It would be unfair and inequitable to apply a higher standard to this precinct, particularly given the preferred height is a discretionary provision.

The Panel disagrees that the affordable housing contribution should be increased where preferred height is exceeded because that contribution is voluntary (see Chapter 4.4).

The Panel also disagrees that an open space contribution should increase where preferred height is exceeded. Any increased open space requirement should be a product of an increased dwelling density, rather than building height.

Turning to whether the exceedance criteria should be mandatory, the Panel agrees with Mr Bromhead that many of the criteria are subjective and difficult to quantify. There is clear guidance for drafting mandatory provision in *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes*, September 2018. This states that mandatory provisions should:

- be clear in intent to users
- be able to achieve consistent and predictable results
- be as measurable as possible using a quantifiable measure.

This is not the case for the exceedance criteria proposed by Council. For example, there is no measurement tool for determining architecture and urban design quality or quantifying 'lost' amenity. On this basis, the criteria for exceeding preferred building height should be drafted as guidelines within the CDP.

It is unnecessary to replicate these guidelines as 'decision guidelines' in CD4 given there is an overarching decision guideline '*whether the proposal is generally consistent with the CDP*'.

Statutory implementation

The Practitioner's Guide provides limited guidance on the CDZ, other than recognising it in the suite of special purpose zones that may be used where the "*strategic intent of a site is unknown or*

the application of a combination of zones, overlays and local policies is not able to achieve the desired planning outcomes”.

The purpose of the CDZ is to *“provide for a range of uses and the development of land in accordance with a comprehensive development plan”*. For the CDP to be *comprehensive* it must be sufficiently clear on what is sought to be achieved (vision and guidelines) and how it will be achieved (requirements and guidelines). In the Panel’s view, the ‘how’ is an expression of what to do, and what not to do. *Comprehensive* also suggests that the CDP should stand alone and not rely on other documents to aid its understanding.

It appears to the Panel that Council’s reluctance to reference 10 storeys as a mandatory maximum height in the CDP was heavily influenced by its desire to give public notice of future permit applications above seven storeys. This approach operates against the sensible drafting of the CDP. Clearly, if a maximum building height is set for the precinct, it should be reflected in the CDP and not rely on crossing reference of height requirements in the CDZ4.

(v) Conclusions and recommendations

The Panel concludes:

- The preferred maximum building heights of 4–6 storeys are appropriate.
- The mandatory maximum building of 10 storeys is appropriate.
- The preferred character of the precinct should be expressed in the CDP vision and objectives.
- The criteria proposed to apply where a development exceeds the preferred building heights are not appropriate should be expressed in the CDP as guidelines.
- The maximum building height requirement should be included in the CDP.

The Panel recommends:

Amend the Comprehensive Development Zone Schedule 4, as shown in Appendix E, to:

- **include the following requirement under ‘Clause 4.0’:**
“Buildings must not exceed 34 metres or 10 storeys (whichever is the lesser)”.

Amend the Comprehensive Development Plan, as shown in Appendix F, to:

- **Under ‘Vision’ replace the third paragraph with:**
“The precinct will be a compact urban village comprised predominantly of buildings of modest building height that contribute to the open feel of streets.”
- **Under ‘Built Form, Building Design and Siting’ replace Requirement 6 with:**
“Buildings must not exceed 34 metres or 10 storeys (whichever is the lesser)”.
- **Under ‘Built Form, Building Design and Siting’ insert the following new guideline:**
“Development that exceeds the preferred maximum building height should:
 - *represent high quality architecture, urban design and landscaping.*
 - *not result in an unreasonable loss of amenity to the public realm or open space which is privately owned but publicly accessible through overshadowing visual bulk*
 - *should avoid a sense of enclosure at street level.”*

3.2 Solar access to open space

(i) The issue

The issue is:

- what are the appropriate requirements and guidelines to protect solar access to public open space?

(ii) Background

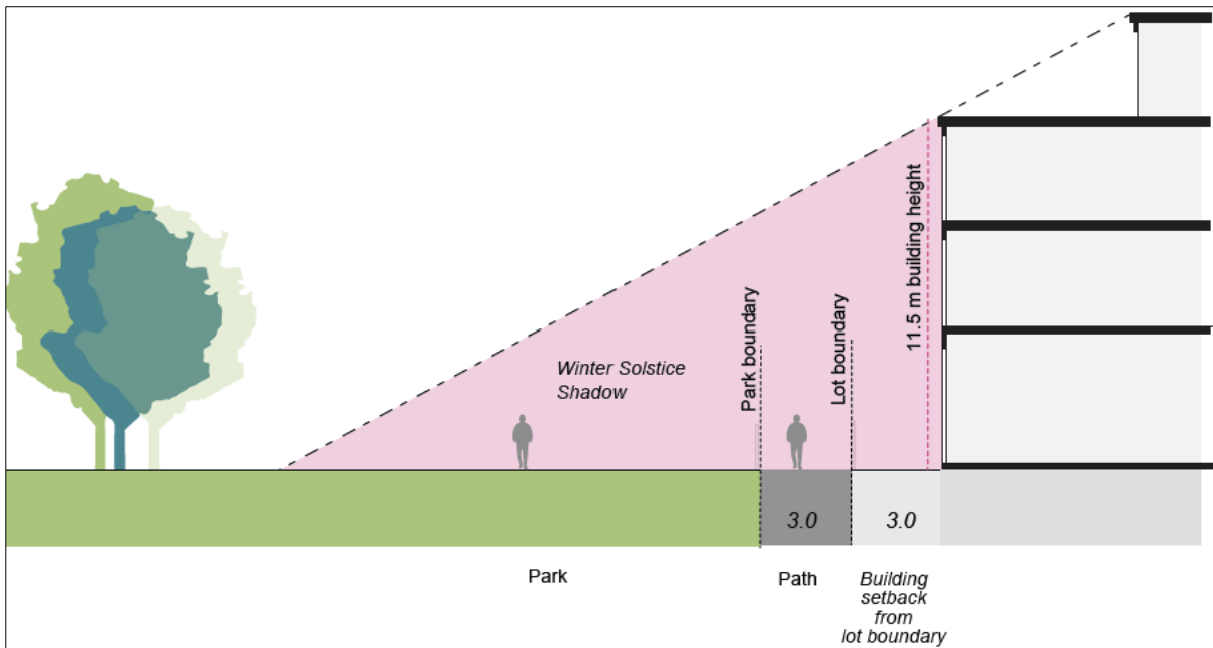
The exhibited and Day 4 CDP provisions related to solar access to open space are set out in Table 4.

Table 4: Exhibited Comprehensive Development Plan solar access to open space provisions

Exhibited	Day 4 version
Requirement 11	
<p>Central Park</p> <p>a. At the equinox (September 22), no additional shadow is to be cast over the north boundary of the Central park by any built form above a hypothetical 11.5 metre high built form set back 6 metres north of the northern boundary of the Central park (inclusive of a 3 metre wide shared path) between 10:00am and 3:00pm.</p> <p>b. At the winter solstice (June 21), no additional shadow is to be cast over the north boundary of the Central park by any built form above a hypothetical 11.5 metre high built form set back 6 metres north of the northern boundary of the Central park (inclusive of a 3 metre wide shared path) between 11:00am and 2:00pm. This requirement is shown in Image 1 – Overshadowing of Central park northern boundary.</p> <p>c. To further reduce overshadowing of the Central park at the winter solstice (June 21), built form opposite the centre of the north boundary of the Central park must be of lower scale, and must not exceed 8 metres in height above natural ground level and must provide a minimum separation distance of 9 metres between adjacent built form to the east and west. The built form within this separation distance must also be setback 9 metres from the northern boundary of the Central park. This requirement is demonstrated on Plan 2 – Lower scale built form opposite centre of Central park north boundary.</p>	<p>Council and Leaf agreed:</p> <p>At the winter solstice (June 21), no shadow is to be cast over the north boundary of the Central Park by any built form above or behind a hypothetical 11.5 metre high built form set back 6 metres north of the northern boundary of the Central Park (inclusive of a 3 metre wide shared path) between 11:00am and 2:00pm. This Requirement is shown in Image 1 – Overshadowing of Central Park northern boundary.</p>
Requirement 12	
<p>Mixed use area plaza</p> <p>a. At the equinox (September 22), no additional shadow is to be cast over the north boundary of the mixed use area plaza by any built form above a hypothetical 15 metre high built form set back 26.4 metres north of the northern boundary of the plaza between 10:00am and 3:00pm.</p> <p>b. At the winter solstice (June 21), no additional shadow is to be cast over the north boundary of the mixed use area plaza by any built form above a hypothetical 15 metre high built form set back 26.4 metres north of the northern boundary of the plaza between</p>	<p>Council:</p> <p>At the winter solstice (June 21) between 11:00am and 2:00pm, no shadow is to be cast by built form over the Mixed Use Plaza.</p> <p>Leaf:</p> <p>Not relevant to Leaf land.</p>

Exhibited	Day 4 version
11:00am and 2:00pm.	
Guideline 12 Preferred minimum setbacks	
Development should be configured to minimise the impact of overshadowing on the public realm (such as overshadowing on the southern footpath of the east west street) where no overshadowing standards provided in this CDP.	Council: No change Leaf: Delete first paragraph
Except within the area shown as Mixed Use Area in Plan 1, or on land with a frontage to a laneway, buildings should meet the following minimum setbacks:	
<ul style="list-style-type: none"> a. Any part of a building up to 15 metres above natural ground level: 3 metres b. Any part of a building more than 15 metres above natural ground level: 7 metres 	

Figure 3 Overshadowing of Central Park north boundary



(iii) Evidence and submissions

Requirement 11

Council acknowledged the exhibited drafting of R11 was complex. This was simplified in the Day 1 version of the CDP as follows:

At no given time may more than 30 per cent of Central Park be overshadowed by built form.

Leaf considered the simplified approach risked unintended consequences, and pointed to Ms Roberts’ evidence which concluded:

- it is inappropriate to specify a percentage of Central Park that is not to be overshadowed
- the control should relate to the winter solstice and the hours of 11am to 2pm.

Leaf identified further issues with the Day 1 drafting, including:

- it may severely limit development to an unreasonable extent

- the rationale for the 30 per cent is unclear
- there is insufficient strategic justification for introduction of a mandatory control.

That said, Leaf submitted it had “*no issue with a mandatory requirement to consider the impact of development on overshadowing of the Central Park between the hours of 11am and 2pm on the winter solstice (21 June)*”.

In the Day 4 version of the CDP, Council and Leaf agreed to modify R11 as follows:

At the winter solstice (June 21), no shadow is to be cast over the north boundary of the Central Park by any built form above or behind a hypothetical 11.5 metre high built form set back 6 metres north of the northern boundary of the Central Park (inclusive of a 3 metre wide shared path) between 11:00am and 2:00pm. This Requirement is shown in Image 1⁵—Overshadowing of Central Park northern boundary.

Requirement 12

Noting that it did not have a direct interest in the requirement applying to the mixed use plaza, Leaf did not oppose Day 4 changes to R12 proposed by Council (refer Table 4).

Guideline 12

Leaf proposed the overshadowing guideline be deleted from G12 so only the numerical building setback provisions remain (refer Table 4).

Council opposed this change.

(iv) Discussion

Central Park is a focus for community life within the precinct. Protecting this area from unreasonable overshadowing is critical to its enjoyment and use by future residents. The Panel agrees the revised drafting of R11 as agreed by Council and Leaf broadly supports this intention.

The Panel considers the drafting would be aided by deleting “*over the north boundary of the*” from the revised provision to make clear that overshadowing of the park proper, rather than the northern boundary, is the focus of the requirement.

Consistent with the discussion in Chapter 3.1, protecting the amenity of the public realm by managing built form is a key consideration for determining the acceptability of building exceeding preferred building heights. On this basis, the Panel prefers G12 as drafted by Council.

(v) Conclusions and recommendations

The Panel concludes:

- R11 should be simplified to protect solar access to Central Park between 11.00am and 2.00pm at the winter solstice, generally in the form agreed by Council and Leaf.
- R12 should be simplified to protect solar access to the Mixed Use Plaza between 11.00am and 2.00pm at the winter solstice, in the form proposed by Council.
- It is appropriate for G12 to include a guideline to minimise overshadowing on the public realm.

The Panel recommends:

⁵ Image 1 is reproduced in Figure 3

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F to:

- **Replace Requirement 11 with:**
“At the winter solstice (21 June), no shadow is to be cast over Central Park by any building form above or behind a hypothetical 11.5-metre-high built form set back 6 metres north of the northern boundary of the Central Park (inclusive of a 3-metre-wide shared path) between 11:00am and 2:00pm. This Requirement is shown in Image 1 – Overshadowing of Central Park northern boundary.”
- **Replace Requirement 12 with:**
“At the winter solstice (21 June) between 11:00am and 2:00pm, no shadow is to be cast by built form over the Mixed Use Plaza”.
- **Insert the following additional text in Guideline 12:**
“Development should be configured to minimise the impact of overshadowing on the public realm (such as overshadowing on the southern footpath of the east west street) where no overshadowing standard is provided in this CDP”.

4 Infrastructure contributions

4.1 Approach to development contributions

(i) The issue

The issue is whether the approach to development contributions is appropriate.

(ii) Background

Two mechanisms are proposed for the collection of development contributions. These are:

- the schedule to Clause 53.01 (Public Open Space Contribution and Subdivision)
- the Precinct Infrastructure Plan at Table 1 of the CDP (Precinct Infrastructure Plan), which in turn references a Shared Infrastructure Funding Plan (SIFP).

The CDP provides:

The Precinct Infrastructure Plan sets out the infrastructure and services required to meet the needs of proposed development within the precinct. The infrastructure items and services are to be provided through a number of mechanisms including:

- development works by developers.
- agreement under section 173 of the PE Act
- utility service provider requirements
- the SIFP
- capital works projects by Council
- works-in-kind projects undertaken by developers on behalf of Council.

The infrastructure items required by the Precinct Infrastructure Plan are reproduced in Table 5. 'Shared' items are all contained in the *Saleyards Precinct Share Infrastructure Funding Plan, May 2022 (SIFP)* and it is expected delivery costs will be shared across all landowners in the precinct. 'Local' items are to be delivered by individual landowners.

Table 5 Precinct Infrastructure Plan items

PIP ref ⁶	Ref in SIFP	Category (reference)	Description	Delivery lead
PIP1	RD_01	Road – pedestrian crossing upgrade	Wombat Crossing, Weddell Road	Shared
PIP2	RD_02	Road – pedestrian crossing upgrade	Pedestrian refuge at Hepner Place	Shared
PIP3	RD_03	Road – pedestrian crossing upgrade	Pedestrian refuge at Weddell Road	Shared
PIP4	RD_04	Road – pedestrian crossing upgrade	Pedestrian refuge at Backwell Street	Shared
PIP5	N/A	Road – east/west road	Through Saleyards development, included shared user path and green link	Local
PIP6	N/A	Road – Thompson Road intersection	Main intersection access	Local

⁶ PIP reference number allocated by Panel for ease of cross referencing throughout this report.

PIP ref ⁶	Ref in SIFP	Category (reference)	Description	Delivery lead
PIP7	N/A	Road – Weddell Road intersection	Main intersection access	Local
PIP8	DR_01	Drainage – northern drainage basin	Construction of drainage asset	Shared
PIP9	DR_02	Drainage – southern drainage basin	Construction of drainage asset	Shared
PIP10	N/A	Public transport – bus stop relocation	Potential bus stop relocation Thompson Road	Local
PIP11	N/A	Public transport – bus stop upgrades	Upgrade to Weddell Road and northern side of Ballarat Road	Local
PIP12	TR_01	Trails – shared user path	Western side of Weddell Road between Ballarat Road and Victoria Street	Shared
PIP13	TR_02	Trails – shared user path	South side of Victoria Street between Weddell Road and North Geelong Station ⁷	Shared
PIP14	TR_03	Trails – footpaths	Eastern side of Weddell Road between 138 Weddell Road and Victoria Street	Shared
PIP15	TR_04	Trails – footpaths	Northern side of Ballarat Road from Thompson Road to the bus stop	Shared
PIP16	OS_01	Open space – Central Park	Landscape and embellishment works	Shared
PIP17	N/A	Open space – linear pocket paths	Two liner pocket paths	Local
PIP18	N/A	Open space – east/west green link	Green link through precinct	Local
PIP19	N/A	Open space – bluestone pedestrian priority road	Passive open space with heritage bluestone	Local
PIP20	N/A	Other – acoustic wall	Construction of acoustic wall	Local
PIP21	N/A	Other – plaza	Delivery of mixed use plaza	Local
PIP22	N/A	Other – plaza	Delivery of western plaza	Local

The SIFP was prepared to guide the delivery of shared infrastructure by:

- Identifying the land parcels which are to be developed and quantifying the area and likely development yield of each parcel
- Identifying shared infrastructure required to support development
- Identifying the specifications, costs and justification for each item
- Apportioning costs to the precinct catchment, and calculating levies payable to ensure delivery of shared infrastructure
- Identifying any additional infrastructure items that are to be provided by specific landowners

⁷ Exhibited as between Thompson Road and Weddell Road, corrected by Council during Hearing

- Describing the mechanisms by which the SIFP will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation)
- Providing clear principles regarding the obligation of developers to deliver and facilitate works.

The locations of shared infrastructure projects listed in Table 5 are shown on Figure 4.

Figure 4 Shared Infrastructure Funding Plan items



(iii) Evidence and submissions

Council explained the system of development contributions put forward for the precinct is an agreement between Council and each landowner. Council submitted:

As the contributions system is not under a formal Development Contributions Plan (DCP) and part of the amendment, there is nothing for the Panel to formally consider in this case save to note that the contributions system for infrastructure is being addressed informally by a voluntary agreement.

The concerns expressed by Leaf have been considered by Council but have not been accepted. Thus the various projects are proposed to remain in the Saleyards SIFP.

Leaf noted Council's approach was not the *"typical way in which infrastructure contributions are dealt with"* and *"is not an expression of unlimited generosity"*. Ordinarily contributions would be made by way of a DCP *"prepared with the necessary rigour to meet the stringent requirements for such plans"*. Leaf submitted:

Council could have chosen that pathway, in which case the DCP would be part of the amendment, would be supported by evidence, and the appropriateness of the contribution items would be tested and assessed by the Panel.

But Council has instead chosen the unusual mechanism of seeking voluntary agreements pursuant to section 173 agreements with the individual landowners within the precinct.

The consequence of the approach chosen by Council is that the SIFP itself does not form part of the Amendment, and technically falls outside the assessment of the Panel. This does not, however, mean that the Panel is not required to consider the infrastructure contributions that are being sought or make findings about them.

Leaf did not challenge the mechanism that Council seeks to use and instead focussed on the substance of the infrastructure items. It noted the foundation for the SIFP arises from Precinct Infrastructure Plan and CDZ4. Without these triggers *"there would be no planning basis for the SIFP to be used at all"*. Leaf submitted:

It is inappropriate for Council to seek to sidestep assessment of the various infrastructure items it seeks to have developers provide or contribute towards. Council is obligated, as planning authority, to justify each of the items in Table 1 of the CDP – which clearly forms part of the Amendment.

Specifically, for the Panel to recommend that the CDP proceed, it has to be satisfied that there is a strategic basis for each of the infrastructure items listed in Table 1 of the CDP. If the Panel is satisfied that there is insufficient nexus between any of those items, and development of the Precinct, or if it considers that adjustments need to be made to status of any of those items as shared or local items, it is within the Panel's scope to make recommendations accordingly – and it should do so.

Leaf submitted section 62(6) of the PE Act limits how development contributions may be required by a condition of a planning permit. Conditions must relate to an approved DCP or ICP, or give effect to a requirement in a planning scheme. In response, Council submitted the limitations set out in section 62(6) of the PE Act do not apply because section 62(5)(b) is in play. Leaf submitted section 62(5)(b) was not relevant because a voluntary agreement had not been reached.

In relation to its methodology for infrastructure contributions, Council advised use of an agreement rather than a DCP *"is a stock (and not usual) methodology particularly given the low number of landowners"*. It referred to the *Development Contributions Guidelines, March 2007* (DCP Guidelines) which provide:

When can a voluntary agreement be used?

A voluntary agreement in relation to infrastructure provision can be initiated when:

- the council considers a planning scheme amendment request; and
- the consider considers a planning permit application.

A voluntary agreement for the provision of infrastructure is appropriate where the parties agree to a mutually acceptable outcome. An acceptable agreement is more likely to be achieved when the circumstances involve a large individual development or a small number of landowners.

In its closing submission, Council confirmed the Amendment would not be adopted until an agreement(s) is in place.

(iv) Discussion

Council proposes two methods to collect contributions for infrastructure. The first method is formalised in the Planning Scheme by Clause 53.01. The second method is voluntary and relies on the mutual agreement of Council and Leaf. The use of a voluntary agreement over a Development Contributions Plan Overlay (DCPO) offers simplicity, efficiency and flexibility for sites with confined ownership. Nonetheless, it relies on agreement between parties. Where agreement cannot be reached, the voluntary method is problematic. This was evidenced by Council's submissions to the effect the Amendment would not be adopted until an agreement is reached, and that items not referenced in the Precinct Infrastructure Plan would still be required under the SIFP.

Council and Leaf did not agree on the Panel's role in reviewing the Precinct Infrastructure Plan items in dispute. On the one hand, Council said there was nothing for the Panel to formally consider save to note that the contributions system for infrastructure is being addressed informally by a voluntary agreement. On the other hand, Leaf said the Precinct Infrastructure Plan clearly forms part of CDP and the Amendment, and for it to proceed, the Panel must be satisfied there is a strategic basis for each item.

It seems to the Panel, in this instance, Council desires the 'formality' of including the Precinct Infrastructure Plan items in the Planning Scheme by way of the CDP but is not willing to have those items tested through the Panel process. That is not a fair approach.

The Panel agrees with Leaf that as the Precinct Infrastructure Plan forms part of the Amendment through the CDP, it is appropriate for the Panel to review the items in contention. For practical reasons, the Panel has approached its consideration of the SIFP items in dispute through a DCP frame. It is essential and logical that the shared infrastructure items listed in the SIFP be consistent with those listed in the CDP.

The Panel makes no findings on the practice of specifying development contributions in a special purpose zone. However, the Panel notes the DCP Guidelines and Clause 19.03-1S only anticipate use of the DCPO and Infrastructure Contributions Plan Overlay within a planning scheme to levy development for contributions. At a minimum, this is the best practice approach. It is a matter for Department of Transport and Planning (DTP) to determine if other scheme tools can and should be used to formalise development contributions requirements. However, any requirement specified in a zone, overlay or incorporated document (if that is allowed) must be subject to the same rigorous standards of preparation and assessment as the DCPO or ICPO.

The Panel observes *Ministerial Direction 15: The Planning Scheme Amendment Process* sets times for completing steps in the planning scheme amendment process to ensure the planning system works efficiently and facilitates timely and accountable decision making. The direction requires a planning authority to make a decision to abandon or adopt an amendment within 40 business days of the date it received the Panel's report. This time imperative reveals the criticality of reaching a mutual agreement (if that is the preferred approach) before an Amendment is substantially advanced.

(v) Conclusions

The Panel concludes:

- It is preferable to apply a Development Contributions Plan Overlay to secure infrastructure contributions where items in a proposed voluntary agreement are contested.

4.2 Open space

(i) The issues

The issues are:

- should the schedule to Clause 53.01 be amended to specify a 10 per cent unencumbered open space contribution for land included in CDZ4?
- should landscape and embellishment works for the Central Park be included in the Precinct Infrastructure Plan of the CDP as a shared open space item?
- should the green links shown on the framework plan be classified as ‘open space’ or ‘roads’ in the Precinct Infrastructure Plan?

(ii) Background

The Framework Plan (Figure 2) shows the proposed location of open space areas across the precinct.

Two elements of the Amendment require contributions to be made for open space provision as follows:

- the schedule to Clause 53.01 (Public Open Space Contribution and Subdivision)
- the Precinct Infrastructure Plan in the CDP.

Clause 53.01 requires a person who proposes to subdivide land must make a contribution for public open space in an amount specified in the schedule to the clause. If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*. The Amendment proposes to amend the Schedule to Clause 53.01 to list the ‘Geelong Saleyards Comprehensive Development Plan area’ (land shown as CDZ4 on the Planning Scheme maps) with a specified public space contribution rate of 10 per cent.

There are four open space items listed in the Precinct Infrastructure Plan (Table 5). These are:

- PIP16/OS-01 Central Park landscape and embellishment works (shared)
- PIP17 linear pocket paths (local)
- PIP18 east-west green link (local)
- PIP19 bluestone pedestrian priority road (local).

(iii) Evidence and submissions

Council advised the 10 per cent open space contributions required under Clause 53.01 would be made either as land for the public open spaces as shown on the Framework Plan in the CDP or as a monetary contribution where a site has no public open space shown on the plan. It noted that the system under Clause 53.01 ensures that each landowner contributes the same amount for public open space and in the context of this relatively small precinct, there is no need for an equalisation process which is usually associated with larger areas typically involving precinct structure plans.

Council noted in PSP areas, which this is not, the 10 per cent requirement is unencumbered land and PSP areas almost always have around 20 to 30 per cent of encumbered land available as further open space. With the drainage areas north and south of the precinct, the provision of open space is comparable to the provision of open space in PSP areas. Council added that as a compact urban village accommodating “at least” 1,000 to 1,300 residents, there will be a strong need for not only green open space but also publicly accessible areas that function as open space.

Council submitted:

Additional funds from the open space contributions will be used as Council uses all funds contributed to the POS fund; namely for the purchase or improvement of public open space. It is important to remember that open space contributions are paid into a central open space fund and not into area or precinct funds. For instance, major ovals and sporting facilities are funded by the open space contributions fund. Part of the contributions paid under the POS levy will be used for those broader open space network improvements, purchase of land, upgrades and the like.

...

The key thing to note is that the 10 per cent requirement is not high for a new precinct and especially for an intensively developed precinct.

In its closing submissions, Council stated that the only public open space in the CDP area is Central Park. It argued that green links are not open space; they are roads landscaped to function as green links. This is shown in the various road cross sections in the CDP.

Council submitted there is no open space on the Leaf land shown on the Framework Plan and Leaf's obligation will be to pay the 10 per cent (Clause 53.01) contribution and its portion of the open space embellishments required under Table 1. Council confirmed the Clause 53.01 contribution will be used to acquire or improve land generally in the municipality for open space and will not be used to embellish Central Park. It noted that the 10 per cent contribution rate is the same rate set out in the Clause 53.01 Schedule for developments of 10 or more lots.

Council submitted that "*this is not double dipping*". It would be double dipping if part of the 10 per cent contribution was being applied to Central Park but that is not being done.

In response to the Panel's further directions, Council confirmed the linear pocket parks referred to in the Precinct Infrastructure Plan are not pocket parks or public open spaces, but merely roadways. Consequently, Council proposed that the descriptions of the linear pocket parks be modified in the Precinct Infrastructure Plan and moved from the "*open space*" to the "*roads*" category. Council advised that the land budget in the SIFP should also be amended accordingly as set out in the tabled Excel Spreadsheet.

Leaf submitted that there was no strategic basis provided for requiring a 10 per cent public open space contribution, in addition to contributions required under Table 1. It argued that it was not appropriate for Council to ask developers to pay twice for public open space. Open space contributions should be required under either the SIFP or under the schedule to Clause 53.01 but not both mechanisms.

Leaf submitted that:

In terms of open space proposed for the Precinct, the Day 1 Framework Plan includes:

- (a) the Central Park (0.4503ha) – listed as a shared item in Table 1 of the CDP;
- (b) the Northern open space (drainage basin, wetlands, potential open space) (1.7669ha) – listed as a shared item in Table 1;
- (c) the Southern open space (drainage basin, wetlands, potential open space) (1.1992ha) – listed as a shared item in Table 1; and
- (d) four green links/linear pocket parks – all of which are listed as local items in Table 1.

...

According to the detailed Land Budget Table in the SIFP, those items total 1.0668ha out of the net developable area of 4.7039ha for the Leaf Land (which is the same as the total property area for the Leaf Land). This means that Council's expectation is that Leaf contributes 22.6% of its land towards public infrastructure and public open space.

This will occur in two ways:

- (a) Leaf's contribution towards shared infrastructure items – including the three main open spaces – pursuant to the SIFP approach proposed by Council; and
- (b) Leaf's provision of the relevant local infrastructure items – including the linear pocket parks – pursuant to conditions on permit.

Given those contributions, and the significance of them in terms of land area and cost, it is wholly inappropriate for Council to *also* require Leaf to contribute 10% in land or cash equivalent) towards public open space. That is clearly double dipping.

Leaf added:

Practically, in Leaf's submission, there are two ways to deal with this issue. Either:

- (a) the Leaf Land is identified in the schedule to Clause 53.01 as requiring a 0% contribution rate, to reflect the fact that contributions are to be provided through the CDP/CDZ4 and SIFP mechanism; or
- (b) the relevant public open space items (both local and shared) are removed from Table 1 in the CDP (and the draft SIFP), and a 10 per cent contribution rate is applied to the Precinct through the schedule to Clause 53.01.

Any other outcome would be inequitable.

In oral submissions, Leaf added that there was a third option being a hybrid approach with Leaf contributing its share through the CDP/SIFP mechanism plus the 5 per cent default contribution under the schedule to Clause 53.01.

In response to the Panel's further directions, Leaf observed the exhibited and Day 1 versions of the Framework Plan indicated the location of the linear parks as "green links – street scaping". They not part of the road network or shown as "public roads" which has a specific and discrete annotation shown by grey arrows, nor are they annotated as being part of "Park Street", a "Local Street", or the "East West Street". Leaf submitted that by inference, the linear parks *"are not intended to be or operate as public roads as defined in the Framework Plan"*.

Leaf noted the description of the green links in Precinct Infrastructure Plan matches the location of the two "green links" shown on the Framework Plan. Clearly Council's intention is to require the developer of the Leaf land to provide those linear pocket parks as a condition of permit.

It added that the purpose of the CDP is to implement the Precinct Plan and a review of the Precinct Plan puts beyond doubt that the two linear parks have always been part of the open space of the precinct and not intended to be local streets. Leaf contended that Council is now seeking to change the status of those two spaces:

..... to retain a justification for requiring the developer of the Leaf Land to contribute those spaces as 'green links' – at the developer's cost – while *also* requiring the developer to contribute to public open space in two other ways: *first*, by the contribution to the Central Park and the northern and southern open spaces pursuant to the 'voluntary' s 173 agreement to implement the SIFP; and *second*, by requiring the developer to make an additional 10% contribution to public open space on subdivision of the Leaf Land, pursuant to Clause 53.01 of the Planning Scheme.

Given, the purpose of the two linear pockets parks expressed in the exhibited material, it seems certain that, whether called 'local streets' or not, Council will require the developer of the Leaf Land, as a condition of permit, to also provide those two spaces, at the developer's cost, as green links that as a matter of fact will operate as part of the open space network. That is a third layer of obligation to contribute to public open space, which, given Council's contention now that those space are 'roads', would seemingly not be credited towards a developer's contribution under Clause 53.01.

Clearly, in Leaf's submission, what is proposed by Council is wholly inequitable, and it is untenable for Council to seek to make the changes it has now proposed.

Leaf submitted there is no strategic justification for Council to make the changes described in the letter dated 7 December 2022; those changes are inconsistent with the CDP, the SIFP and the Precinct Plan; and the Panel should make recommendations to the effect that the approach proposed by Council in relation to public open space is inequitable 'double dipping'; and either

- the Leaf Land should have a 0% contribution rate applied to it under the schedule to Clause 53.01; or
- all of the open space items (local and shared) are deleted from Table 1 to the CDP, and the SFIP, and a contribution rate of 10 per cent is applied through the schedule to Clause 53.01.

Mr Bromhead for Leaf considered that a 10 per cent public open space contribution had not been justified and the contribution should revert to the standard 5 per cent rate. He stated:

It is unclear to me from the documentation provided that the landowners of these parcels are not being charged twice, through separate mechanisms (Clause 53.01 and the SIFP) for the same infrastructure.

Mr McNeill for Leaf considered that the Saleyards SIFP and the draft section 173 agreement do not appear to deal with public open space in terms of an equalisation calculation to deal with a situation where an owner may be an over-provider or under-provider of open space.

The City of Greater Geelong Property, Procurement and Assets Division (Submitter 9) submitted that given the significant amount of public open space already contributed by the Council to the site, it considers that the public open space obligations have been met and no further contribution was necessary from future developers.

(iv) Discussion

Clause 53.01

The substantive issue is whether the public open space contribution for the precinct should be set at 10 per cent and the schedule to Clause 53.01 amended accordingly.

The Panel agrees the contribution rate for the precinct should be 10 per cent to recognise the precinct will be developed to a relatively high intensity and generate a demand for both passive and active public open space. This rate is the norm for precinct structure plan areas and not unusual for relatively large urban development sites. Further, 10 per cent is the default rate applying to developments of more than 10 lots across Greater Geelong. Reverting to the standard 5 per rate under Clause 53.01 as proposed by Mr Bromhead would set the contribution too low given the size and intensity of development proposed.

Voluntary agreement

The second issue is whether the Central Park embellishment works should be included in Table 1 and the SIFP. The Panel agrees with Leaf that there is no justification for this requirement. Contributions collected under Clause 53.01 can meet the cost of improvements to public open space and there is no reason why that could not be the case for this precinct.

The question then becomes whether:

- the item for a shared contribution to the cost of embellishments to Central Park be deleted from the Precinct Infrastructure Plan (and the SIFP) and the cost of the embellishments works funded at the discretion of the Council from the POS contributions made under Clause 53.01, or

- the item be retained in the Precinct Infrastructure Plan (and the SIFP) and the monetary contribution made by a developer to the cost of that item under a section 173 Agreement be credited to the developer as part of their 10 per cent contribution under Clause 53.01.

The Panel prefers the first option because it makes use of the appropriate VPP tool and is more transparent than a voluntary agreement.

Green links

The final matter for consideration is how to deal with the green links. In the Panel's view, the green links shown on the Framework Plan fall into two categories. The link that runs parallel to the East/West Street is shown on the cross section for that street. The Panel agrees with Council that this green link is part of the road reserve and should not be credited as public open space.

The north/south green links are not next to streets or shown on road cross sections in the CDP. The Panel agrees with Leaf that these links are not roads and are clearly open space links though narrow in nature and of limited size. They should be credited as part of a developer's contribution under Clause 53.01.

(v) Conclusions and recommendations

The Panel concludes:

- The unencumbered open space contribution rate should be set at 10 per cent
- OS-01 Central Park embellishment works should be deleted from the Precinct Infrastructure Plan.
- The green links shown on the Framework Plan fall into two categories:
 - the east/west link is part of the East/West Road reserve as shown on the relevant road cross section and should not be credited open space
 - the other north/south green links are not roads and should be credited as public open space as part of a developer's Clause 53.01 contribution.
- The description of the east/west green link in the Precinct Infrastructure Plan should be amended and combined with the description of the east/west street.

The Panel recommends:

Delete item OS-01 Central Park embellishment works from the Comprehensive Development Plan Table 1 – Precinct Infrastructure Plan as shown in Appendix F.

Amend the description of the east/west green link in the Comprehensive Development Plan Table 1 – Precinct Infrastructure Plan, as shown in Appendix F, as follows:

- **replace the description "East/West Road" with "East/West Street with green link" and replace "East/West Road through the Saleyards Development, including shared user path and green link" with "East/West Street through the eastern part of the precinct, including shared user path and green link".**

4.3 Shared infrastructure contributions for trails and roads

(i) The issues

The issues are whether:

- the infrastructure items in the CDP are justified

- the infrastructure items in the CDP should be provided as shared or local items.

(ii) Background

There are twelve roads, trails and public transport items listed in the Precinct Infrastructure Plan (Table 5). These are:

- PIP1/RD_01 Road - Weddell Road wombat crossing (shared)
- PIP2/RD_02 Road – Hepner Place pedestrian refuge (shared)
- PIP3/RD_03 Road – Weddell Road pedestrian refuge (shared)
- PIP4/RD_04 Road – Backwell Street pedestrian refuge (shared)
- PIP6 Road – Thompson Road main intersection (local)
- PIP7 Road – Weddell Road main intersection (local)
- PIP10 Public transport – potential bus stop relocation Thompson Road (local)
- PIP11 Public transport – upgrade to bus stop on Weddell Road and Ballarat Road (local)
- PIP12/TR_01 Trails – shared path on western side of Weddell Road (shared)
- PIP13/TR_02 Trails – shared path on south side of Victoria Street (shared)
- PIP14/TR_03 Trails – footpath eastern side of Weddell Road (shared)
- PIP15/TR_04 Trails – footpath on northern side of Ballarat Road between Thompson Road and bus stop (shared).

(iii) Evidence and submissions

Leaf submitted there was no or insufficient nexus between the development and RD_02, RD_03, RD_04, TR_02, TR_03, TR_04 and the bus stop upgrade on Ballarat Road (part PIP11). It also submitted delivery of the access intersections on Thompson Road (PIP6) and Weddell Road (PIP7) should be shared delivery items, as should the bus stop relocation on Thompson Road (PIP10) and the bus stop upgrade on Weddell Road (part PIP11).

Council submitted:

- the concerns expressed by Leaf were not accepted and all projects are to remain in the Precinct Infrastructure Plan and SIFP
- although outside the Saleyards Precinct, the shared infrastructure items RD_02, RD_03, RD_04, TR_1, TR_02, TR_03 and TR_04 are required to improve pedestrian and cycling connectivity particularly to the North Geelong Railway Station and the existing open space network
- these infrastructure items would not be required but for the significant redevelopment of the Saleyards Precinct and, accordingly, it is fair and reasonable to include them in the Precinct Infrastructure Plan
- even if they are not included in the Precinct Infrastructure Plan, they will be required by the SIFP which must be agreed before the Amendment is adopted by Council.

Mr Walsh, called by Leaf, did not support all items listed in Precinct Infrastructure Plan. He considered that pedestrians refuge items RD_02, RD_03 and RD_04 and shared path items TR_02, TR_03 and TR_04 should be deleted. He also considered that the shared user path TR_01 on the western side of the Weddell Road would deliver benefits for the wider community and its delivery should be changed to a more equitable arrangement where the Amendment would fund works along the frontage of the precinct and Council would fund the remainder of the path.

Mr Walsh recommended the following projects should be shared items and included in the SIFP rather than being fully funded by a landowner:

- delivery of a main intersection access from Thompson Road (PIP6)
- delivery of a main intersection access from Weddell Road (PIP7)
- potential bus stop relocation – Thompson Road (PIP10)
- upgrade of the bus stop on Weddell Road (part PIP11).

Mr McNeill's evidence noted RD_02, RD_03, RD_04, TR_01, TR_02, TR_03 and TR_04 are located outside the Amendment area. In his opinion, a nexus between the items and the development of the precinct had not been demonstrated and they should be deleted from the Precinct Infrastructure Plan. Mr McNeill said if a nexus could be demonstrated, funding of the items should only be provided based on a projected share of use by future residents.

In response, Council submitted that there is a reasonable nexus between the infrastructure and the precinct, the usage is overwhelmingly by the precinct and any other usage is incidental. It argued:

The connection of what will be a new residential precinct to both services and to adjacent residential precinct[s] is a responsibility of the precinct. It is not a *nice to have* as it was put. It is *basic and essential* from a policy perspective that appropriate linkages be provided between different parts of the residential area and services, other residential areas, transport, activity centres and the like.

Leaf disputed whether the shared path along Victoria Street to the North Geelong Railway Station (TR_02) had been properly evaluated given the location of existing electricity poles. In response, Council stated the SIFP contains a detailed costing, a detailed plan which shows all obstructions as well as services and utilities and the electricity poles were not regarded as an obstruction.

(iv) Discussion

The Panel does not support Council's base assumption that use of the shared infrastructure items is overwhelming by the precinct and other usage is incidental. For example, the bus stop on the north side of Ballarat Road (part of PIP11, PIP15) would appear to benefit a much broader established residential community, including occupants of the nearby Geelong Golf Course estate and residential areas on the south side of Ballarat Road.

While Council characterised the evidence of Mr Walsh and Mr McNeill as opinion and not evidence based on analysis, the Panel considers it ought to be given some weight given it is the only evidence before it.

The Panel agrees with Mr Walsh and Mr McNeill that the nexus between the development and the need for three pedestrian crossing upgrades (RD_02, RD_03 and RD_04) has not been established. They may well be desirable to improve pedestrian circulation and access to the public transport network but that is the case whether or not the precinct is redeveloped. Any heightened need for crossings generated by development of the precinct is considered negligible, relative to the current need. Council should consider funding these upgrades.

The proposed shared paths TR_02, TR_03 and TR_04 are not justified as shared items. The Panel accepts Council's advice that TR_02 has been costed and is feasible to construct, but that does not demonstrate need and nexus. These three shared path items should be deleted from the Precinct Infrastructure Plan and SIFP.

The shared path TR_01 on the west side of Weddell Road should be retained in the Precinct Infrastructure Plan as exhibited, not just for the section abutting the precinct as requested by Leaf. The full length of the pathway is required to achieve the necessary connection between the precinct and North Geelong Railway Station. A nexus to the precinct is clear and the Panel is satisfied that sufficient need and benefit to the precinct is evident for this item to remain a shared item over its full length.

The main access intersections on Thompson Road and Weddell Road should be re-categorised as shared items. The intersections will benefit all residents of the precinct, not just those living in closest proximity to Thompson Road or Weddell Road. There is likely to be a cost differential between the two intersection treatments, and it is fair to apportion this across the precinct.

Similarly, the upgrade to the bus stop on Weddell Road and the potential relocation of the stop on Thompson Road will be to the benefit of all residents and should be shared items.

The other items in the CDP Table 1 where not contested except for the description of the open space items which are discussed in Chapter 4.1.

(v) Conclusions and recommendations

The Panel concludes:

- The nexus between the development and pedestrian crossing upgrades RD_02, RD_03 and RD_04 has not been established and they should be deleted from the Precinct Infrastructure Plan.
- The nexus between the development of the shared user paths projects TR-02, TR_03 and TR_04 has not been established they should be deleted from the Precinct Infrastructure Plan.
- There is a need for and nexus between the development and shared user path TR_01 and it should be retained as a shared item in the Precinct Infrastructure Plan.
- The Thompson Road and Weddell Road intersection upgrades, the bus stop on Weddell Road and the potential relocation of the bus stop on Thompson Road will benefit the whole precinct and should be listed as a shared item in the Precinct Infrastructure Plan.
- While the SIFP is not part of the Amendment, it should be changed for consistency with the Precinct Infrastructure Plan, as amended, in the CDP.

The Panel recommends:

Amend the Comprehensive Development Plan, as shown in Appendix F, to remove the following items from Table 1 – Precinct Infrastructure Plan:

- RD_02 - Road – pedestrian crossing upgrade
- RD_03 - Road – pedestrian crossing upgrade
- RD_04 - Road – pedestrian crossing upgrade
- TR_02 - Trails – shared user path
- TR_03 - Trails – footpaths
- TR_04 - Trails – footpaths
- Public transport – bus stop upgrades – northern side of Ballarat Road.

Amend the Comprehensive Development Plan, as shown in Appendix F, to change the designation of the following items in Table 1 – Precinct Infrastructure Plan from local to shared items:

- Road – Thompson Road intersection

- **Road – Weddell Road intersection**
- **Public Transport – Bus stop relocation on Thompson Road**
- **Public Transport – Bus stop on Weddell Road.**

4.4 Affordable housing contribution

(i) The issue

The issues are whether:

- provisions for affordable housing the CDP and CDZ4 are appropriate
- *Supporting Housing as Essential Infrastructure in Geelong’s Saleyards Precinct*, March 2022 should be a background document
- affordable housing will have a negative impact on the amenity of surrounding areas.

(ii) Background

Table 6 Exhibited and Day 4 provisions for affordable housing

Exhibited	Day 4 version
CDZ4	
<p>Clause 3.0 Subdivision and Clause 4.0 Buildings and works Application requirements</p> <p>An affordable housing delivery strategy to the satisfaction of the responsible authority, which sets out:</p> <ul style="list-style-type: none"> - How affordable housing is to be achieved in accordance with the Saleyards Comprehensive Development Plan, May 2022, including the identification of intended partners, timeframes, built form and response to each of the matters set out by the Minister pursuant to section 3AA(2) of the <i>Planning and Environment Act 1987</i>. - The method of implementing the strategy, such as by an agreement under Section 173 of the <i>Planning and Environment Act 1987</i>. - Locations for the social and affordable housing to be delivered. - A summary of the range of housing types, densities and sizes. - Staging requirements and ensuring that social and affordable housing are provided in a timely manner as development occurs. <p>Decision guidelines</p> <ul style="list-style-type: none"> - Whether a proposal for one or more dwellings or other accommodation Includes social and affordable housing (Clause 4.0 only). - Whether the proposal includes a satisfactory amount of affordable housing. - How social and affordable housing is dispersed across development and in relation to the Saleyards Comprehensive Development Plan, May 2022 	<p>Council and Leaf agreed:</p> <p>Clause 3.0 Subdivision</p> <p>Deleted</p> <p>Clause 4.0 Buildings and works Application requirements</p> <p>An affordable housing delivery strategy which sets out:</p> <ul style="list-style-type: none"> - How affordable housing is to be delivered in accordance with Guidelines G6, G7 and G8 of Incorporated CDP, including the identification of intended partners, timeframes, built form and response to each of the matters set out by the Minister pursuant to section 3AA(2) of the <i>Planning and Environment Act 1987</i>. - The method of implementing the strategy, such as by an agreement under Section 173 of the <i>Planning and Environment Act 1987</i>. - Locations for the affordable housing to be delivered. - A summary of the range of housing types, densities and sizes. - Staging requirements and ensuring that affordable housing are provided in a timely manner as development occurs. <p>Decision guidelines:</p> <p>As exhibited</p>
CDP	
<p>G6</p> <p>An application for subdivision of land, or development of land for residential, commercial or mixed-use purposes,</p>	<p>Council and Leaf agreed:</p> <p>G6</p> <p>An application for development of land for dwelling</p>

Exhibited	Day 4 version
<p>should provide social and affordable housing. This does not apply to:</p> <ol style="list-style-type: none"> Subdivision of land into less than three lots and it is unlikely that each lot will be further subdivided. Subdivision or development of land for which an Affordable Housing Contribution has already been provided to the satisfaction of the Responsible Authority. Development of land for less than three dwellings. Buildings or works to an existing dwelling, provided the number of dwellings is not increased. <p>G7</p> <p>Encourage the provision of an Affordable Housing Contribution to be made by the landowner as a transfer of dwellings to a registered community housing provider or the City of Greater Geelong Affordable Housing Trust, at the rate of 0.036 square metres (gross floor area) of social housing floorspace for each square metre of commercially saleable or leasable floorspace (gross floor area) in the building(s) in question, with these social housing dwellings being delivered at zero consideration.</p> <p>Alternatively an Affordable Housing Contribution could be provided as one of the following options:</p> <ol style="list-style-type: none"> The transfer of cash into the City of Greater Geelong Affordable Housing Trust at the rate of \$264 (indexed annually to movements in unit dwelling prices in Geelong) for each square metre of commercially saleable or leasable floorspace. The transfer of a different quantum of social housing floorspace with the same independently assessed market value as (a). Provision of a cash payment of equal value as (a) into the City of Greater Geelong Affordable Housing Trust. Any combination of transferred dwellings and cash payments into the City of Greater Geelong Affordable Housing Trust provided the value of this is no less than the previous options. <p>G8</p> <p>Affordable housing, including social housing delivered should be:</p> <ol style="list-style-type: none"> Delivered within the site of the applicable Planning Permit. Functionally and physically indistinguishable from other dwellings within the development. Distributed across the Planning Permit area and provide a mix of housing types to respond to local housing needs. 	<p>including a dwelling where it is provided as part of a mixed use development should provide affordable housing in accordance with G7 and G8.</p> <p>This does not apply to:</p> <ol style="list-style-type: none"> where any other provision of the Greater Geelong Planning Scheme, or the Planning and Environment Act 1987 (or any other Act), requires an affordable housing contribution to be made in respect of the proposed development. to land in respect of which an agreement with the responsible authority has already been entered into for the provision of affordable housing; to the development of land for which a contribution to affordable housing has already been provided to the satisfaction of the responsible authority consistent with G6 – G8; to the development of land for less than three dwellings; and to an application for buildings or works to an existing dwelling, provided the number of dwellings is not increased. <p>G7</p> <p>Affordable housing should be provided as follows:</p> <ol style="list-style-type: none"> as a transfer of dwellings to an affordable housing association under the Housing Act 1983 or the City of Greater Geelong Affordable Housing Trust at the rate of 5% of the total number of dwellings proposed on the land in the application, for zero consideration (Primary Obligation); or a monetary contribution to the City of Greater Geelong Affordable Housing Trust which is of equal value (as independently assessed) to the Primary Obligation; or through a combination of the options a and b above; or in any other way as agreed between the permit applicant and the responsible authority. <p>G8</p> <p>Affordable housing delivered in accordance with this CDP should:</p> <ol style="list-style-type: none"> be delivered within the land to which the planning permit application applies or if agreed by the responsible authority within another part of the precinct to which this CDP applies; be functionally and physically indistinguishable from other dwellings within the development; Be distributed across the development; and provide a mix of housing types to respond to local housing needs.

(iii) Evidence and submissions

Council submitted the provision of social and affordable housing within the precinct is strategically justified and consistent with:

the objectives of Planning in Victoria;

Clause 02.03-6 (Housing) of the Scheme that seeks to increase the level of affordable and social housing in Greater Geelong;

Cause 16.01-1S (Housing supply) that seeks ensure an appropriate quantity, quality and type of housing is provided, including social housing;

Clause 16.01-2S (Housing affordability) that seeks to deliver more affordable housing closer to jobs, transport and services;

Council's Settlement Strategy (August 2020) that seeks to (amongst other things) increase the level of affordable and social housing in Greater Geelong;

Council's Social Housing Plan 2020 – 2041, which has an overarching purpose of facilitating increased supply of social housing;

the findings of SGS Economics and Planning in *Providing social housing as essential infrastructure in Geelong's Saleyards precinct, March 2022*

the comments made by various Panels⁸ that there is strong strategic support for the provision of affordable housing as Victoria has a severe shortage of both social and affordable housing and urgent action is needed to increase the supply.

Council and Leaf confirmed that they had reached agreement on an appropriate way to address affordable housing in the CDP and CDZ4 (refer Table 6). The agreement is for a discretionary 5 per cent contribution (in dwellings or equivalent monetary contribution) with a flexible approach to how that contribution is made. Council and Leaf sought the Panel's support for this approach.

Council noted affordable housing contributions considered by other panels and advisory committees range from 5 to 15 per cent. The agreement between Council and Leaf sits comfortably within this range.

Leaf noted one consequence of the amended approach to affordable housing is that it is no longer appropriate for the proposed background document *Supporting Housing as Essential Infrastructure in Geelong's Saleyards Precinct, March 2022* to form part of the Amendment.

Submitter 4 raised concerns about the negative impacts of social housing on surrounding residents. In response, Council submitted "*there is no evidence to support that the introduction of social and affordable housing within the Saleyards Precinct will give rise to crime and social issues*".

(iv) Discussion

The Panel commends Council and Leaf on reaching agreement on the affordable housing provisions. This will deliver on policy objectives for affordable housing as expressed in the PE Act and State and local policy. While there is no State guidance on the appropriate quantum of contribution, the Panel notes the proposed 5 per cent is within the range accepted for previous developments in other municipalities.

As there is not a direct relationship between the agreed approach and *Supporting Housing as Essential Infrastructure in Geelong's Saleyards Precinct, March 2022* document, it is not appropriate for this document to be listed as a background document in the Planning Scheme. This is consistent with guidance provided in the Practitioner's Guide which states '*A background document many explain why particularly requirements are in the planning scheme, substantiate a specific issue or provide background to a provision*'.

⁸ See, Manningham C127mann (PSA) [2021] PPV 100, Yarra C269yara (PSA) [2022] PPV 2, Hobsons Bay C114hbay (PSA& AC) [2022] PPV 10, Melbourne C309 (PSA) [2019] PPV 55.

The Panel agrees with Council's response to Submission 4 that there is no evidence supporting the assertion that affordable housing will increase crime and other social issues.

(v) Conclusions and recommendations

The Panel concludes:

- The agreed provisions for affordable housing the CDP and CDZ4 are appropriate.
- *Supporting Housing as Essential Infrastructure in Geelong's Saleyards Precinct, March 2022* should not be a background document.
- There is no evidence to substantiate that affordable housing will have a negative impact on the amenity of surrounding areas.

The Panel recommends:

Amend Comprehensive Development Zone Schedule 4, as shown in Appendix E, to:

- **Under Clause 3.0 'Subdivision' delete the application requirements and decision guidelines relating to affordable housing.**
- **Under Clause 4.0 'Buildings and works' replace the application requirements relating to affordable housing with:**

An affordable housing delivery strategy which sets out:

- ***How affordable housing is to be delivered in accordance with Guidelines 6, 7 and 8 of Incorporated CDP, including the identification of intended partners, timeframes, built form and response to each of the matters set out by the Minister pursuant to section 3AA(2) of the Planning and Environment Act 1987.***
- ***The method of implementing the strategy, such as by an agreement under Section 173 of the Planning and Environment Act 1987.***
- ***Locations for the affordable housing to be delivered.***
- ***A summary of the range of housing types, densities and sizes.***
- ***Staging requirements and ensuring that affordable housing is provided in a timely manner as development occurs.***

Amend the Schedule to Clause 72.08 (Background Documents) to delete "Providing social housing as essential infrastructure in Geelong's Saleyards precinct, March 2022".

Amend the Comprehensive Development Plan, as shown in Appendix F, to replace Guideline 6 with:

An application for development of land for dwelling including a dwelling where it is provided as part of a mixed-use development should provide affordable housing in accordance with G7 and G8.

This does not apply to:

- where any other provision of the Greater Geelong Planning Scheme, or the Planning and Environment Act 1987 (or any other Act), requires an affordable housing contribution to be made in respect of the proposed development.***
- to land in respect of which an agreement with the responsible authority has already been entered into for the provision of affordable housing;***

- c. to the development of land for which a contribution to affordable housing has already been provided to the satisfaction of the responsible authority consistent with Guideline 6, 7 and 8;*
- d. to the development of land for less than three dwellings; and*
- e. to an application for buildings or works to an existing dwelling, provided the number of dwellings is not increased.*

Amend the Comprehensive Development Plan, as shown in Appendix F, to replace Guideline 7 with:

Affordable housing should be provided through one of the following:

- a. as a transfer of dwellings to an affordable housing association under the Housing Act 1983 or the City of Greater Geelong Affordable Housing Trust at the rate of 5 per cent of the total number of dwellings proposed on the land in the application, for zero consideration (Primary Obligation)*
- b. a monetary contribution to the City of Greater Geelong Affordable Housing Trust which is of equal value (as independently assessed) to the Primary Obligation*
- c. a combination of the options a and b above*
- d. in any other way as agreed between the permit applicant and the responsible authority.*

Amend the Comprehensive Development Plan, as shown in Appendix F, to replace Guideline 8 with:

Affordable housing delivered in accordance with this CDP should meet all the following:

- a. be delivered within the land to which the planning permit application applies or if agreed by the responsible authority within another part of the precinct to which this CDP applies*
- b. be functionally and physically indistinguishable from other dwellings within the development*
- c. be distributed across the development*
- d. provide a mix of housing types to respond to local housing needs.*

5 Movement

5.1 Traffic

(i) The issues

The issues are whether:

- the intersection on Thompson Road providing access to the Saleyards Precinct should be signalised
- Weddell Road is suitable for additional traffic
- the speed limit on Weddell Road should be reduced to 40 kilometres per hour and traffic calming measures introduced
- sufficient parking will be provided to cater for development of the Precinct.

(ii) Evidence and submissions

Department of Transport advised it required the Thompson Road access to the site to be signalised, and for the cost of works to be met by the development.

Community submitters variously questioned whether:

- the traffic report was accurate
- Weddell Road could accommodate additional traffic
- increased traffic on Weddell Road would impact on amenity
- the speed limit on Weddell should be reduced to 40 kilometres per hour or other traffic calming measures introduced
- sufficient parking would be provided
- traffic impacts on Thompson Road were acceptable.

Council submitted:

- concerns about traffic impacts are to be expected but there is no evidence to suggest that the increase in traffic volumes on the surrounding road network will result in unacceptable traffic conditions
- it is unnecessary to reduce the speed limit along Weddell Road. The proposed intersection on Weddell Road to provide access to the precinct is likely to include traffic calming measures. These issues will be considered at the planning permit application stage.
- the provision of parking will be assessed against Clause 52.06 of the Planning Scheme which sets out statutory parking rates and decision guidelines for applications to reduce car parking requirements during the planning permit application stage
- the traffic report prepared by ESR Transport Planning was peer reviewed and supported by the Council's traffic engineers. The report is reliable and suitable to inform the preparation of the Amendment.

Council noted Mr Walsh's evidence opined the level of traffic along Thompson Road will be roughly equivalent to the level of traffic generated by the former use of the site as the Target Head Office. Mr Walsh considered that similar access arrangements to Thompson Road as per the existing conditions (which includes an auxiliary right turn lane but no left turn deceleration lane) should provide appropriate access.

Council submitted it is unnecessary to require a signalised intersection on Thompson Road as part of the Amendment, noting the matter can be considered fully during the planning permit stage. It noted that should signalisation of the intersection be required, it would be a local infrastructure item and not included in the SIFP.

Mr Walsh recommended the 'Park Street' and 'Local Street' cross sections in the CDP be amended to provide for a 7.3 metre carriageway rather than 7.0 metres. He noted that no change was required to the overall width of the road reservations.

Mr Bromhead stated that the reference to a variety of building forms on the road cross sections in the Day 1 CDP should be removed given that other parts of the CDP deal with building heights and setbacks.

Council advised that it accepts the recommendations of Mr Walsh and Mr Bromhead in relation to road design and cross sections.

Leaf noted that Council had accepted the recommendations of Mr Walsh and Mr Bromhead and submitted that these matters can also be accepted by the Panel.

(iii) Discussion

It is understandable the redevelopment of the precinct for predominantly residential use at a relatively high intensity has prompted community concern about traffic impacts on Thompson Road and Weddell Road, and associated amenity impacts on existing residential areas.

The Panel notes Mr Walsh's evidence that traffic generated by the precinct will be of a similar order to the traffic generated by the site's previous use as the Target Head Office. The precinct will be used predominantly for residential use and will not therefore generate anywhere near the level of heavy vehicle traffic that would have occurred during the site's previous use as a saleyards.

The Panel is satisfied that the surrounding road network, including Weddell Road as a 'C' category road, has sufficient capacity to accommodate the traffic that will be generated by the redevelopment. Management of the road speed limit is beyond the scope of the Amendment, although may be considered by Council in the future if needed.

No issues were raised regarding the proposed internal road network except for the notation on the Framework Plan showing a future link to Hepner Place. This issue is discussed in Chapter 5.2 below.

The Panel does not consider the provision of car parking to be an issue. Car parking provided as part of the redevelopment will be assessed against Clause 52.06 of the Planning Scheme at the planning permit application stage.

Notwithstanding both the traffic report and Mr Walsh's evidence that signalisation of the Thompson Road intersection is not required, the Panel agrees with Council that this is a matter that could be considered as part of the planning permit application stage. In the light of the request by Department of Transport, it would be appropriate that the design of the Thompson Road intersection, including whether it should be signalised, should be determined based on a traffic assessment as part of a planning permit application for, in particular, redevelopment of the western part of the Saleyards Precinct (the former Target Head Office site). The question of whether the delivery of the Thompson Road intersection, including potentially its signalisation, should be a local or shared item in the Precinct Infrastructure Plan and the SIFP is discussed in Chapter 4.3.

The Panel agrees that the road cross sections in the exhibited Amendment version of the CDP should be amended as recommended by Mr Walsh and Mr Bromhead and accepted by Council.

(iv) Conclusions and recommendations

The Panel concludes:

- The surrounding road network will have sufficient capacity to accommodate the traffic generated by the redevelopment of the precinct.
- A reduction in the speed limit on Weddell Road to 40 kilometres per hour is beyond the scope of the Amendment, although may be considered by Council in the future if needed.
- The final design and potential signalisation of the intersection on Thompson Road providing access to Saleyards Precinct should be assessed at the planning permit application stage.
- It is appropriate to assess car parking provision as part of a future planning permit application.

The Panel recommends:

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to:

- **amend the cross sections for 'Park Street' and 'Local Street' to increase the carriageway width from 7.0 metres to 7.3 metres**
- **delete the building forms from the road cross sections.**

5.2 Pedestrian and cycling connectivity

(i) The issue

The issue is whether pedestrian and cycling connectivity through and around the precinct is appropriate.

(ii) Evidence and submissions

Department of Transport recommended that the east west Strategic Cycling Corridor currently identified through the property identified as 11-43 Ballarat Road be relocated to the proposed shared path through the Saleyards Precinct. It also recommended separate cycling lanes be provided on Council managed roads and that consideration be given to improving pedestrian connectivity to the bus stops and the North Geelong Railway Station.

Submitter 5 submitted that the surrounding area is not currently friendly for pedestrians and cyclists.

In his evidence statement, Mr Walsh noted that the Framework Plan includes a local north-south street described as a 'possible future link' to the industrial zoned Hepner Place. In his view, a vehicle link to Hepner Place would provide limited benefit. He recommended the deletion of this link at the local street on the north side of the East/West Street. He did support the provision of a pedestrian link to Hepner Place but suggested that the link could be provided at the end of the 'green link' extension of Park Street if Hepner Place is developed or rezoned.

In response to submissions, Council submitted that the Saleyards CDP includes various requirements and guidelines relating to walking and cycling including Requirement 22 that directs the provision of a shared pedestrian and cycling path running east-west through the precinct to

provide direct access for pedestrians and cyclists from Thompson Road to Weddell Road. Council noted this link would enable the relocation of the east-west Strategic Cycling Corridor if necessary.

Council noted that the Saleyards CDP seeks to prioritise pedestrian and cycle movements and improve pedestrian and cyclist safety. It added the SIFP includes a number of infrastructure items which will improve the environment for pedestrians and cyclists and provide better connections to the North Geelong Train Station. It concluded that the arrangements for pedestrian and cycling connectivity were adequate.

With regard to the 'possible future link' to the Hepner Place industrial area, Council agreed that this link could be a pedestrian/cycle link rather than a public road for vehicles. It submitted the Framework Plan could be amended to make it clear that the 'possible future link' is a pedestrian/cycle link. This will enhance permeability of the precinct and provide opportunities to connect with the industrial area to the north as an area of employment or even if it is rezoned in the future. Council added that this future pedestrian/cycle link would not affect the redevelopment of 8 – 14 Thompson Road because any development is likely to include several north-south links given the depth and width of the site.

(iii) Discussion

The Panel considers that the CDP provides good pedestrian and cycling connectivity within the site and into the surrounding area. The Panel notes that the CDP and SIFP include infrastructure items to improve pedestrian access to bus stops near the Precinct and to the North Geelong Railway Station along with measures to improve cycling infrastructure in proximity to the Precinct.

The proposed pedestrian and cycling infrastructure items external to the Precinct are supported by the Panel and in its view should be implemented. There is a question, however, as to the source of funds for these items. This issue is discussed in Chapter 4.3.

The CDP provides for a direct east-west pedestrian/cycling link through the Precinct between Weddell and Thompson Roads. It seems obvious to the Panel that the alignment of Council's east-west Strategic Cycling Corridor currently running through the property identified as 11-43 Ballarat Road should be changed to the east-west pedestrian link through the Saleyards Precinct.

The Panel agrees with the advice of Mr Walsh that the 'possible future link' to Hepner Place shown on the Framework Plan should be described as a future pedestrian/cycling link, not a vehicular link, and its indicative location moved to align with the north-south green link which is a continuation of Park Street.

(iv) Conclusions and recommendations

The Panel concludes:

- The CDP provides good pedestrian and cycling connectivity within the site and into the surrounding area.
- The Framework Plan should be amended to show the 'possible future link' to Hepner Place as a pedestrian/cycling link located further east to align with the 'green link' extension of Park Street.

The Panel recommends:

Amend the Comprehensive Development Zone Schedule 4, as shown in Appendix E, and the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to:

- **Amend the Plan 1 Saleyards Precinct Framework Plan to show the ‘possible future link’ to Hepner Place as a walking/cycling link and relocate it east to align with the ‘green link’ extension of Park Street.**

5.3 Emergency vehicle access

(i) The issues

The issue is whether the design of internal roads will cater adequately for emergency vehicle access.

(ii) Evidence and submissions

Fire Rescue Victoria (FRV) submitted:

- the internal road designs and construction should meet the minimum requirements for emergency vehicle access including requirements for roads abutting development of 3 or more storeys
- depending on the width of proposed roads, parking restrictions may be required to ensure minimum clearance widths for emergency vehicles
- any roads to be relied on for emergency access should be constructed prior to development commencing.

FRV set out the minimum requirements for road design and construction and stated that it understood that the road network had most likely been planned on the road network requirements but in its opinion and with past experience, FRV believed that road networks in new estates are ‘too narrow’.

Council noted⁹ that Submitter 14 recommended minimum requirements for road design and constructed for emergency vehicles. In response to a question from the Panel, it noted that development of the site must meet the standards set out in Clauses 54 and 56 of the Greater Geelong Planning Scheme. Council stated that it was comfortable that the proposed road pavement widths were suitable for the movement of all vehicles including emergency and service vehicles.

In response to a question from the Panel, Mr Walsh stated that he had read the submissions made by Submitter 14. He noted that his proposed road width of 7.3 metres, which has been accepted by Council, was consistent with Clause 56 of the GGPS and would allow for the movement of emergency vehicles.

(iii) Discussion

Submitter 14 withdrew its request to be heard at the Hearing. The Panel was therefore not able to clarify the concerns expressed by Submitter 14.

The Panel notes the views of Council and the oral evidence of Mr Walsh that the standards set out in the GGPS provide for emergency vehicle access.

⁹ Document 15, para 67

(iv) Conclusion

The Panel concludes:

- The design and construction of internal roads will be required to meet the standards set out in the Planning Scheme and are adequate for emergency vehicle access.

6 Other issues

6.1 Land use compatibility and noise

(i) The issue

The issues are whether:

- sensitive land uses will be compatible with existing industrial uses and live music venues
- provisions in the CDP and CDZ4 to protect future sensitive land uses from external noise sources are necessary and appropriate.

(ii) Background

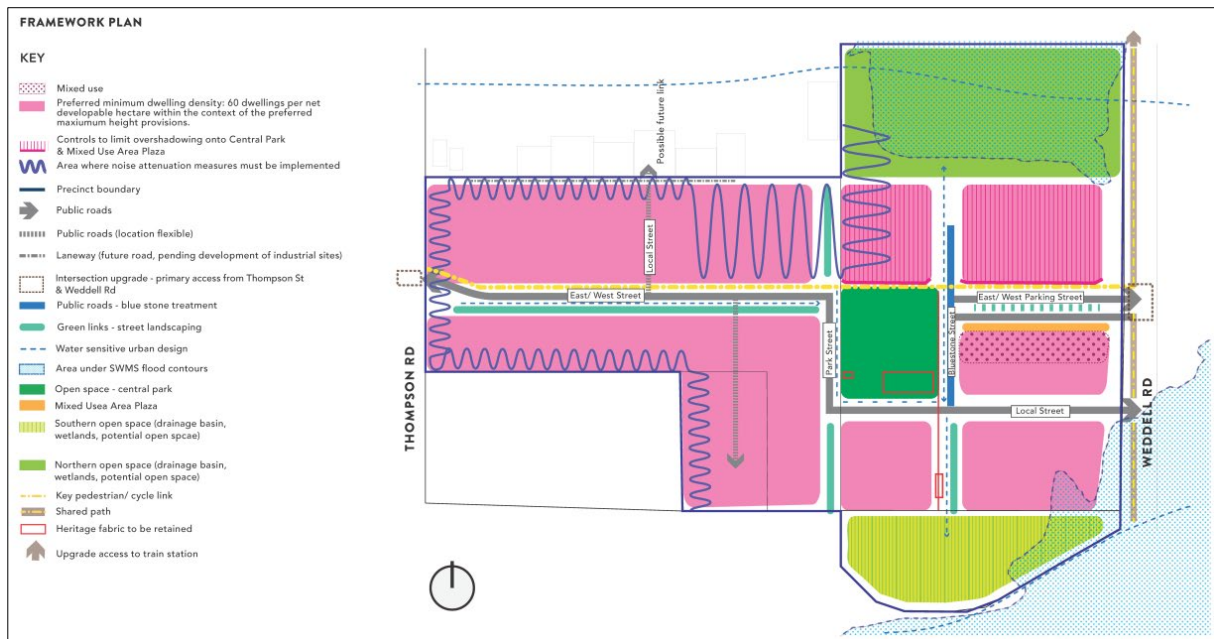
Noise is addressed in the CDP and CDZ4 as follows:

Table 7 Noise provisions in exhibited and Day 1 version of the CDP and CDZ4

Reference	Exhibited provision	Day 1 provision
CDP		
Map 1	Identifies 'noise attenuation areas' generally along the northern, Thompson Road and southern boundary. It also identified areas where a two metre high noise attenuation barrier is required.	Framework Plan (Figure 5) to remove reference to a 2 metre high noise attenuation barrier and replaced with "Area where noise attenuation measures must be implemented". The noise attenuation area modified with a zig zag non-specific line identifying the need to consider noise attenuation rather than the specific areas currently identified.
Vision	The interface with industrial land will be managed through noise attenuation fence design and requirements for specific building materials, such as double glazing.	The interface of the precinct with industrial land will be managed through noise attenuation measures and requirements for specific building materials, such as double glazing.
Requirement 10	Acoustic attenuation measures must be provided to any noise sensitive accommodation to reduce noise levels in accordance with the following: <ol style="list-style-type: none"> Environment Protection Regulations under the Environment Protection Act 2017 Noise Limit Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority, March 2021). 	As exhibited.

Reference	Exhibited provision	Day 1 provision
Guideline 23	When assessing noise effects on sensitive land uses, regard should be given to the benchmark noise level impacts described in <i>Geelong Saleyards Precinct Plan Acoustic Report</i> , Renzo Tonin and Associates, May 2022	Deleted.
Requirement 24	Development must provide and meet the cost of the following infrastructure: ... g. Noise attenuation barrier as shown on Plan 1 Framework Plan – Future Urban Structure.	Development must provide and meet the total cost of providing the following infrastructure. Where there is an agreement in place which provides for the implementation of a Shared Infrastructure Funding Plan the infrastructure listed in that Shared Infrastructure Funding Plan is to be provided in accordance with that agreement. ... g. Noise attenuation barrier as shown on Plan 1.
Requirement 25	Development staging must provide for the timely and coordinated provision and delivery of: ... Noise attenuation barrier as shown on Plan 1 Framework Plan – Future Urban Structure.	Deleted.
CDZ4		
Clause 4.0	Requires a permit to use or develop land to be generally consistent with the CDP. Also requires an application for use or development to address the likely effects, if any, on adjoining land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare.	As exhibited, with additional application requirement: - An acoustic report from a qualified professional which considers the need for acoustic measures for any sensitive use in or near an area identified as Noise Attenuation Area in Plan 1 Framework Plan to the Saleyards Comprehensive Development Plan. The report should have regard to the Geelong Saleyards Precinct Plan Acoustic Report (Renzo Tonin & Associates May 2022).

Figure 5 Revised Plan 1 Saleyards Precinct Framework Plan identifying where noise attenuation measures must be implemented



(iii) Evidence and submissions

Council submitted its approach properly responds to the “*agent of change*” principle and will not result in unacceptable land use conflict. The CDP and CDZ4 will protect both the function and operation of existing land uses, and the future amenity of sensitive uses to be established in the precinct.

Council advised noise sensitive areas were identified in an acoustic assessment and environmental land use buffer assessment. R10 requires acoustic attenuation measures to be applied in accordance with EPA regulations and the *Noise Limit Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority, March 2021)*.

EPA submitted noise impacts, if not managed carefully, may have the potential to impact amenity and human health for sensitive uses as they are introduced on the site. EPA recommended the following changes to the Amendment:

- a new provision at section 4.0 of the CDZ4 for an Acoustic Design Response report
- a new permit condition/requirement to give effect to the Acoustic Design Response report, where land has been identified as a lot that requires mitigation measures against noise impacts
- inclusion of an additional requirement to verify post-construction, that buildings which will accommodate noise-sensitive uses have been constructed in accordance with the recommendations of any acoustic assessment
- updates to the Saleyards CDP to reflect the above recommendations.

Department of Transport submitted acoustic treatments should be provided by the developer, at no cost to the department.

Submitter 10 sought confirmation on the noise barriers proposed between the precinct and existing industrial uses in Hepner Place.

Submitter 11 requested the removal of the requirement for a 2 metre high noise attenuation barrier from the CDP and CDZ4. The submitter proposed this be replaced with a discretionary provision allowing a noise attenuation response based on the individual planning merits of future planning permit applications, rather than “*presumed outcomes*”.

Leaf’s original submission to Council stated the CDP and CDZ4 duplicates existing provisions in the Planning Scheme applicable to noise associated with live music venues and industry. Leaf proposed various changes to the CDP to address its concerns.¹⁰ In summary, the changes it sought were:

- delete the reference to a noise attenuating fence in the vision statement
- reposition the content of R10 as a guideline
- delete G23
- delete R24
- delete R25.

In his evidence, Mr Bromhead agreed revising Map 1 to replace the reference to the 2 metre high noise attenuation barrier with “*areas where noise attenuation measures must be implemented*” was an improvement. However, Mr Bromhead considered the requirement would be better expressed as a ‘should’ rather than ‘must’, noting the revised CDZ4 controls now include the requirement for the submission of an acoustic report at the time of an application being made.

Mr Bromhead cited the provisions of Clause 13.05-1S (Noise management) relevant to the Amendment, as follows:

Strategy: Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines: The noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.

Policy documents: Environment Protection Regulations under the *Environment Protection Act 2017*.

With respect to the Sphinx Hotel, Mr Bromhead noted Clause 53.06 (Live Music Entertainment Venues) applies to a noise sensitive residential use that is within 50 metres of a live music entertainment venue. It states that a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
- Outdoor live music entertainment venue to below 45dB(A), assessed as an L_{eq} over 15 minutes.

Mr Bromhead considered that the matters set out in Clause 13.05-1S do not need to be repeated in either the CDP or CDZ4. He considered R10 is an example of repetition.

¹⁰ Document 19, proposed edits to vision, R10, G23, R24 and R25

In relation to the application requirement for an acoustic report introduced into the Day 1 version of CDZ4 (see Table 7), Mr Bromhead considered it was unnecessary to reference a specific noise attenuation area given *“this can be investigated and assessed at the time of an application”*.

Following the conclusion of the public hearing, only R10 of the CDZ4 remained in dispute between Council and Leaf (see Appendix G).

(iv) Discussion

The Panel is satisfied future sensitive uses are compatible with established industrial and entertainment uses, and any potential conflicts can be appropriately managed by the Amendment and existing provisions in the Planning Scheme.

As the agent of change, the onus rests with the future developer/s to deliver a development that is consistent with the noise requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*. Various techniques may be employed to meet these requirements, including siting and design or urban design and land use separation. On this basis, it is appropriate that the CDP and CDZ4 provide the flexibility to manage noise attenuation beyond the acoustic wall solution originally specified.

It is appropriate that the Framework Plan in the CDP and CDZ4 identifies noise sensitive areas, as they currently exist, consistent with the findings of the *Geelong Saleyards Precinct Plan Acoustic Report*, Renzo Tonin and Associates, May 2022. Attenuating noise exposure in these areas is foundational to the acceptability of future development. For this reason, the R10 should remain as a requirement as exhibited, and not a guideline as proposed by Leaf.

The Panel recognises the noise sensitive areas identified in the Framework Plan may alter over time as circumstances change. Drafting of the application requirement in CDZ4 is responsive to a scenario where existing industrial and live music venues transition to other uses.

(v) Conclusions and recommendations

The Panel concludes:

- Noise exposure can be managed through appropriate site layout, design and construction techniques so that future sensitive land uses will be compatible with existing industrial uses and live music venues.
- Attenuating noise exposure in areas abutting existing industrial and live venue uses is foundational to the acceptability of future development and is an appropriate requirement of the CDP.

The Panel recommends:

Amend the Comprehensive Development Zone Schedule 4, as shown in Appendix E, to:

- **modify Plan 1 Saleyards Comprehensive Development Plan to show the area where noise attenuation measures must be implemented as shown in Figure 5.**

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to:

- **modify Plan 1 Saleyards Comprehensive Development Plan to show the area where noise attenuation measures must be implemented as shown in Figure 5**

- replace the third paragraph of the 'Vision' with "*The interface of the precinct with industrial land will be managed through noise attenuation measures and requirements for specific building materials, such as double glazing.*"
- insert the content from Requirement 10 as a guideline
- delete Guideline 23
- delete item 'g' from Requirement 24
- delete item 'h' Requirement 25.

6.2 Environmental audit

(i) The issues

The issues are whether:

- it is appropriate to apply the EAO to the whole precinct
- the requirement for a preliminary risk screen assessment in CDZ4 duplicates the EAO requirements.

(ii) Background

The exhibited CDZ4 includes the following provisions at Clause 2.0:

Environmental Audit

A permit to use land for a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) must not be granted until one of the following requirements is met:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use.
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use.

The preliminary risk screen assessment and environmental audit statement must address potential microbial contamination risk, including Q Fever, of the former Geelong Saleyards land (Lot 2 LP 206464 and CA 73K).

Any recommendations in an environmental audit statement required under this provision must:

- Be complied with to ensure the land is suitable for the purposes specified in the statement.
- For the use of land, be complied with to ensure the land is suitable for the purposes specified before the use commences.
- Be included as a permit condition, which may include the management of contamination before, during and after the use commences.

The CDZ4 contains a similar requirement for subdivision at Clause 3.0 and buildings and works at Clause 4.0.

(iii) Evidence and submissions

EPA recommended the following changes to strengthen and refine the Amendment:

- Consider removing the trigger for a PRSA or audit in CDZ4 as this is a duplication of the requirement in the EAO;
- Strengthen the requirement for compliance with audit conditions in CDZ4 by adding wording from the example conditions in 'Requirements where an environmental audit is a condition of permit' (p. 12) in Planning Practice Note 30.

Council's Assets and Property Department submitted application of the EAO may defer remediation of the land to future purchasers/developers and may affect the sale price of the Council owned part of the precinct.

Submitter 11 submitted the EAO was not required across the whole precinct.

Leaf did not take specific issue with CDZ4 provisions in relation to environmental assessments, although noted that drafting is unnecessary in circumstances when the EAO is applied to land.

Council submitted that applying the EAO to the entire precinct provides consistency across the development sites, ensuring all potentially contaminated land is captured and is justified given the previous land use. The CDZ4 trigger is specifically intended to address microbial contamination risk of Q fever¹¹, which is not captured by the EAO requirements and as such is not a duplication. Proposed conditions to strengthen compliance with audit conditions could be included in planning permit and are not suitable to be included in CDZ4.

(iv) Discussion

The Panel agrees it is appropriate to apply the EAO to the whole of the precinct. In the absence of submissions to the contrary from EPA, the Panel accepts Council's advice that the audit provisions in CDZ4 are targeted to assessment of the microbial contamination risk of Q fever and will not duplicate the function of the EAO.

(v) Conclusions

The Panel concludes:

- It is appropriate to apply the EAO to the whole precinct.
- The preliminary risk screen assessment requirement is targeted to Q fever and does not duplicate EAO requirements.

6.3 Waste management

(i) The issue

The issue is whether future waste management arrangements will impact on the amenity of the area.

(ii) Background

Requirement 7 of the exhibited CDP addresses waste management as follows:

Loading, storage, refuse areas and building services including domestic services, utilities and waste management facilities must be concealed and integrated into building design and not visible from public areas.

Council and Leaf agreed to change this requirement to a guideline.

(iii) Evidence and submissions

Submitter 15 questioned how the future storage and emptying of up to 2,600 bins would be achieved and if this would impact the desired amenity of the area.

¹¹ Q fever is an infection caused by the bacteria *Coxiella burnetii*, which usually spreads to people from animals or their infected surroundings (www.health.gov.au)

Council submitted waste management would be addressed through the planning permit process, typically through the requirement for a waste management plan.

(iv) Discussion

The Panel agrees that waste management issues are best addressed during the planning permit process. The guideline, as agreed by Council and Leaf, will appropriately guide waste management arrangements and ensure waste storage does not impact on visual amenity.

(v) Conclusion

The Panel concludes:

- The CDP guideline for waste management is appropriate and will assist in ensuring waste storage and disposal does not impact on the amenity of the area.

6.4 Flooding

(i) The issue

The issue is whether the development will increase flood risk.

(ii) Background

Requirement 23 of the exhibited CDP provides:

Drainage must be provided generally in accordance with the objectives of the Geelong Saleyards Precinct Surface Water Management Strategy (BMT, April 2021), unless otherwise approved by the responsible authority.

The Day 1 version of the CDP recast the exhibited R23 as a guideline, and inserted the following new requirement:

Stormwater drainage for the precinct must be provided so as to comply with the following stormwater pollutant objectives and pollutant reduction targets.

- With regard to existing site floor conditions, assess site flood risk, both local catchment and regional, for the ultimate development state indicated by the precinct plan.
- Assess the potential impact of the site development on the receiving catchment (that is to the Rippleside outlet)
- Identify a pre-concept drainage plan to manage stormwater (quality) runoff from the site.
- Includes provision for conveyance of stormwater runoff of the 20 per cent to 10 per cent Annual Exceedance Probability Event within the underground drainage system.
- Includes provision for major flooding being that in excess of the 10 per cent Annual Exceedance Probability Event, along major roadways and open space.
- For overland flow (that is major flooding), the applicable floodway safety criteria (Melbourne Water, 2017) are:
- Roadways: average depth less than or equal to 300 millimetres and average velocity depth product less than or equal to 0.35.
- Drainage reserve (open space): actual depth less than or equal to 400 millimetres and average velocity depth product less than or equal to 0.35.

Pollutant	Criteria
Total suspended solids	80% reduction
Total Phosphorus	45% reduction
Total Nitrogen	45% reduction

Gross pollutants (5mm or larger)	70% reduction
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These changes were agreed by Council and Leaf.

(iii) Evidence and submissions

Submitter 15 submitted the proposed development will substantially increase the risk of flooding in the PPRZ area, drainage reserves and possibly downstream to Drumcondra and Corio Bay.

Council submitted the stormwater management and drainage would be addressed through a range of measures, including:

- the requirements and guidelines in the CDP and the provisions CDZ4, including the obligation to deliver a drainage network
- under the provisions of the Special Building Overlay that applies to part of the land.

(iv) Discussion

Detailed stormwater and drainage issues will be addressed through the planning permit process. The CDP and CDZ4 provide the appropriate framework for these detailed considerations.

(v) Conclusion

The Panel concludes:

- Stormwater management and drainage will be addressed by the CDP, CDZ4 and the existing Planning Scheme to ensure the development does not increase flood risk.

7 Form and content of the Amendment

7.1 Comprehensive Development Plan

7.1.1 Agreed changes

Various changes to the exhibited CDP were proposed by Leaf and Submitter 2. The Day 4 version of the CDP (Document 24) provides a record of the agreed changes. Appendix G summaries the provisions in dispute.

The Panel supports the changes agreed by Council and Leaf and recommends:

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to make changes agreed by Council and Leaf Corporation as shown in the Day 4 version (Document 24).

7.1.2 Future Urban Structure

(i) Framework Plan

Submitter 11 proposed the following changes to the Framework Plan:

- expansion of the precinct boundary to include the land at 2-6 Thompson Road
- creation of a new framework key and nomination of the western portion of the subject land as *“tourist resort and entertainment complex”*
- extension of the nominated key pedestrian/cycle link to the subject land.

The Panel considers there is no strategic justification the changes proposed by the submitter. The Framework Plan should not be changed in response to this submission.

It follows that the additional changes to R2, G2, G3, G5 and R10 proposed by this submitter are not strategically justified and the Amendment should not be changed in response to this submission.

7.1.3 Built Form

(i) Requirement 5

R5 as exhibited proposed:

Applications for dwellings or residential buildings must include adaptable internal dwelling design.

In the Day 4 version of the CDP, Council proposed R5 be revised as:

60 per cent of dwellings in any application that includes residential development must achieve accessibility standard C18 at Clause 58.05-1.

Leaf proposed R5 be revised as:

50 per cent of dwellings in any application that includes residential development must achieve accessibility standard C18 at Clause 58.05-1.

The Panel considers there is no strategic justification for imposing a higher accessibility standard on dwellings in the precinct than the default under Clause 58.05-1. As Clause 58.05-1 will apply to all apartment developments, it is unnecessary to include a specific accessibility standard in the CDP.

The Panel recommends:

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to delete Requirement 5.

(ii) Requirement 9

R9 as exhibited proposed:

The minimum floor level of all buildings within the 'Area under SWMS flood contours' (1% Annual Exceedance Probability Flood Extent) shown on Plan 1 – Future Urban Structure must be no lower than minimum development levels determined in the *Geelong Saleyards Precinct Surface Water Management Strategy* (BMT, April 2021), unless otherwise agreed to by the responsible authority.

In the Day 4 version of the CDP, Council proposed R9 be retained as exhibited.

Leaf proposed R9 be demoted to a guideline.

Drafting requirements for mandatory provisions is discussed in Chapter 3.1. The Panel observes R9 is drafted in a manner that offers flexibility. The Panel agrees with Leaf that it is better placed as a guideline within the CDP.

The Panel recommends:

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to insert the content from Requirement 9 as a guideline.

(iii) Guideline 9

G9 as exhibited proposed:

Preferred minimum dwelling density
Buildings should achieve a preferred minimum density of 60 dwellings per net developable hectare.

In the Day 4 version of the CDP, Council proposed G9 be retained as exhibited.

Leaf proposed G9 be revised as:

Preferred minimum dwelling density
Developments that include dwellings should demonstrate that they can assist to achieve a minimum dwelling density of 60 dwellings per net developable hectare across the precinct.

The Panel considers drafting proposed by Leaf is unnecessarily complex. The simpler drafting proposed by Council is commensurate with Clause 11.03-2S which provides "*Encourage average overall residential densities in growth areas of a minimum 15 dwellings per net developable hectare...*".

The Panel agrees with Leaf that the preferred density should relate to 'development' rather than 'buildings'.

The Panel recommends:

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to replace Guideline 6 with "*Development should achieve a minimum dwelling density of 60 dwellings per net developable hectare*".

(iv) Guideline 15

G15 as exhibited proposed:

Additional stories above four storeys should be recessive in scale and massing.

In the Day 4 version of the CDP, Council proposed G15 be revised as:

Development should:

- above 4 storeys should be recessive and incorporate measures to minimise its visual prominence from the public realm.
- use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.

Leaf proposed C9 be revised as:

Development should:

- incorporate measures to minimise its visual prominence from the public realm.
- use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.

The Panel considers drafting proposed by Council retains the focus on the exhibited provision.

The Panel recommends:

Amend the Saleyards Precinct Comprehensive Development Plan, as shown in Appendix F, to replace Guideline 15 with:

“Development above 4 storeys should be recessive and incorporate measures to minimise its visual prominence from the public realm.

Development should use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.”

7.1.4 Integrated water management and sustainability

(i) Guideline 64

G64 as exhibited proposed:

5 per cent of car parking spaces in apartments or mixed use developments should be reserved for electric vehicles.

In the Day 4 version of the CDP, Council proposed G64 be revised as:

25 per cent of car parking spaces in apartments or mixed use developments should be reserved for electric vehicles.

Leaf proposed G64 be retained as exhibited.

The Panel does not support an increase to the exhibited electric vehicle parking space rate. No evidence or submissions were made to the Panel justifying the increase. The Panel notes the overall environmental performance of the site will be assessed against Clause 15.01-2S and Clause 15.01-2L.

7.1.5 Incorporation of the Comprehensive Development Plan into the Planning Scheme

The CDP must be listed in the schedule to Clause 72.04 to be Incorporated into the Planning Scheme. The exhibited schedule to Clause 72.04 listed the following document:

Saleyards Comprehensive Development Plan, May 2022

The exhibited schedule will require updating to reference the revised version of the CDP.

The Panel recommends:

Amend the Schedule to Clause 72.04 (Document Incorporated in this Planning Scheme) to update the date of the Saleyards Comprehensive Development Plan.

7.2 Comprehensive Development Zone Schedule 4

7.2.1 Agreed changes

Various changes to the exhibited CDZ4 were proposed by Leaf and Submitter 2. The Day 4 version of the CDP (Document 24) provides a record of the agreed changes.

The Panel supports the changes agreed by Council and Leaf and recommends:

Amend the Saleyards Precinct Comprehensive Development Zone Schedule 4, as shown in Appendix E, to make changes agreed by Council and Leaf Corporation as shown in the Day 4 version (Document 24).

7.2.2 Proposed tourist and entertainment complex

Various changes to the exhibited CDZ4 were proposed by Submitter 11 to support its proposal to designate part of the land at 2-6 Thompson Road as a tourist resort and entertainment complex. These requested changes include:

- Expansion of the precinct boundary to include the land at 2-6 Thompson Road
- Creation of a new framework key and nomination of the western portion of the subject land as “tourist resort and entertainment complex”
- Extension of the nominated key pedestrian/cycle link to the subject land.
- Insertion of the following sentence in the Purpose:

“To encourage tourist accommodation and development associated with the existing tourist resort and entertainment complex”.
- Revising the table of uses to
 - Remove Hotel from Section 3 to Section 2, including a condition that the use “must be located within the tourist resort and entertainment complex”
 - Remove Cinema-based entertainment facility from Section 3 to Section 2, including a condition that the use “must be located within the tourist resort and entertainment complex”.
- Insertion of application requirements under Section 2.0 (Use of Land) and 4.0 (Buildings and Works) to include a requirement for a reverse amenity assessment, providing noise and other amenity mitigation requirements for sensitive land uses located near the tourist resort and entertainment complex
- Insertion of decision guidelines under Section 2.0 (Use of Land) and 4.0 (Buildings and Works) to include a consideration of reverse amenity impacts on the tourist resort and entertainment complex.
- Section 5.0 Signs revised to Include land nominated as “tourist resort and entertainment complex” to be Category 1 – Commercial Areas.

In Chapter 7.1 the Panel concluded there was no strategic justification for this proposal. It follows that the Panel does not support the changes requested by this submitter.

Leaf and other submitters. The following addresses the requested changes not discussed in previous chapters of this Report.

Appendix A Submitters to the Amendment

No	Submitter
1	Department of Transport
2	Sam Elliott
3	Environment Protection Authority Victoria
4	Jackie Laynes
5	Leo Murphy
6	Heather Prince
7	Leaf Corporation
8	Dawn Rigg
9	City of Greater Geelong, Property and Procurement and Assets Department
10	Gary Tigani
11	Dun-Ra Investments Pty Ltd
12	Wadawurrung Traditional Owners Aboriginal Corporation Wadawurrung Traditional Owners Aboriginal Corporation
13	Glen Wolfenden
14	Fire Rescue Victoria
15	Rob and Lyn Nyssen

Appendix B Document list

No.	Date	Description	Provided by
1	21/10/22	Initial Submission with Attachment	Council
2	26/10/22	Panel letter to DELWP	Planning Panels Victoria (PPV)
3	28/10/22	Panel Directions, Distribution List and Timetable Version 1	PPV
4	3/11/22	Distribution List Version 2	PPV
5	4/11/22	Distribution List Version 3	PPV
6	4/11/22	- Day 1 Panel Version Saleyards Comprehensive Development Plan, 3 November 2022 - Day 1 Panel Version Schedule 4 to the Comprehensive Development Zone	Council
7	9/11/22	Site visit itinerary	Council
8	11/11/22	Panel Directions and Timetable Version 2	PPV
9	14/11/22	Council Part A Submission	Council
10	21/11/22	Evidence Amanda Roberts Lat Studios	Council
5	4/11/22	Distribution List Version 3	PPV
6	4/11/22	- Day 1 Panel Version Saleyards Comprehensive Development Plan, 3 November 2022 - Day 1 Panel Version Schedule 4 to the Comprehensive Development Zone	Council
7	9/11/22	Site visit itinerary	Council
8	11/11/22	Panel Directions and Timetable Version 2	PPV
9	14/11/22	Council Part A Submission	Council
10	21/11/22	Evidence Amanda Roberts Lat Studios	Council
11	21/11/22	Evidence William Bromhead, Ratio Consultants Pty Ltd	Leaf Corporation
12	21/11/22	Evidence Christopher McNeill, Ethos Urban Pty Ltd	Leaf Corporation
13	21/11/22	Evidence Jason Walsh, Traffix Group Pty Ltd	Leaf Corporation
14	22/11/22	Timetable Version 3	PPV
15	24/11/22	Council Part B Submission with attachments: - Day 2 Panel Version Saleyards Comprehensive Development Plan, 3 November 2022 - Day 2 Panel Version Schedule 4 to the Comprehensive Development Zone	Council
16	25/11/22	Timetable Version 4	PPV
17	28/11/22	Evidence Amanda Roberts Lat Studios Appendix C	Council

No.	Date	Description	Provided by
18	28/11/22	Evidence Amanda Roberts Lat Studios Appendix C	Council
19	29/11/22	Leaf Corporation Submissions with attachments: <ul style="list-style-type: none"> - Saleyards Comprehensive Development Plan Leaf Corporation proposed drafting - Saleyards Comprehensive Development Zone Leaf Corporation proposed drafting 	Leaf Corporation
20	29/11/22	Council Day 3 Changes Summary	Council
21	30/11/22	Development Contributions Guidelines, 16 June 2003 – as amended March 2007	Council
22	30/11/22	Council Closing Submission with attachment: <ul style="list-style-type: none"> - Council Day 3 Changes Summary Final 	Council
23	5/12/22	Panel Further Directions	PPV
24	7/12/22	Council response to Panel Further Directions with attachments <ul style="list-style-type: none"> - Day 4 version of CDZ4 (including Day 3 changes and Leaf agreed and disagreed changes) - Day 4 version of CDP (including Day 3 changes and Leaf agreed and disagreed changes) - Excel amended land budget for the Shared Infrastructure Funding Plan 	Council
25	13/12/22	Leaf Corporation Further Submissions	Leaf Corporation
26	15/12/22	Email in response to Leaf Corporation Further Submissions	Council

Appendix C Background and chronology of events

Date	Event
2007	<i>Housing Diversity Strategy, 2007</i> adopted by Council.
February 2018	Arborist Assessment completed.
28 August 2018	Council resolved to support: <ul style="list-style-type: none"> - a mixed use development incorporating residential development - consultation with the community and affected landowners to inform the directions of the redevelopment of the Saleyards Precinct.
3 September 2019	Council conducts Stage 1 consultation on the Saleyards Precinct Plan.
25 February 2020	Council endorsed the <i>Social Housing Plan 2020 – 2041</i> .
June to July 2020	Council conducts Stage 2 consultation on the Saleyards Precinct Plan.
25 August 2020	Council adopts the <i>Greater Geelong Settlement Strategy, 2020</i> .
26 February 2021	<i>Geelong Saleyards Precinct - Environmental Land Use Buffer Assessment</i> completed by Landserv Environment.
April 2021	<i>Geelong Saleyards Precinct – Surface Water Management Strategy</i> completed by BMT.
19 August 2021	<i>Geelong Saleyards Further environmental Site Assessment and Remediation Estimate</i> completed by Tetra Tech Coffey.
March 2022	<i>Providing social housing as essential infrastructure in Geelong’s Saleyards precinct</i> completed by SGS Economics & Planning.
20 March 2022	<i>Geelong Saleyards Precinct Plan – Movement and Access Strategy</i> completed by ESR Transport Planning.
March 2022	<i>Saleyards Precinct Shared Infrastructure Funding Plan</i> completed by Council officers.
20 March 2022	<i>Geelong Saleyards Precinct – Acoustic Report</i> completed by Renzo Tonin & Associates.
22 June 2022	Council adopted the <i>Saleyards Precinct Plan</i> and resolves to request authorisation from the Minister for Planning to prepare and exhibit the Amendment.
July 2021 to April 2022	Council officers drafted proposed planning controls and policy, the <i>Saleyards Comprehensive Development Plan</i> , the SIFP and the associated section 173 agreement template.
29 April 2022	Council received authorisation to prepare the Amendment, subject to conditions.
May 2022	Council amended Amendment documentation to comply with the conditions of authorisation.
16 June to 25 July 2022	Amendment exhibited. 15 submissions received.
27 September 2022	Council considered submissions and resolved to request appointment of Panel.

Appendix D Planning context

D:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing for the redevelopment and use of precinct primarily for higher density housing, with a high level of amenity, particularly in the form of open space and pedestrian/cycling connections with the surrounding area, including public transport
- ensuring environmental risk are managed and the land is suitable for residential and open space use
- encouraging infill development in an established urban area which will increase housing diversity
- requiring the preservation and interpretation of heritage elements within the former Geelong Saleyards site.
- Supporting the provision of affordable housing.

Clause 2 (Municipal Planning Strategy)

The Amendment supports and implements the following strategic directions in the MPS:

- Clause 02.03-1 (Settlement) supporting targeted infill development in areas with access to infrastructure, goods and services. It calls for medium and high density housing to deliver high quality design and achieve a high level of amenity for future residents while being appropriate for the site and neighbourhood.
- Clause 02.03-2 (Environmental and landscape values) seeking to protect and enhance the nature environment and provide for more sustainable development.
- Clause 02.03-3 (Environment risks and amenity) seeking to (amongst other things) protect the function of flood plains and minimise the potential for damage and risks to public safety and property from flooding.
- Clause 02.03-5 (Built environment and sustainability) seeking to balance growth in the municipality while maintaining its identity by identifying areas for varying levels of change and by balancing the need for conservation and renewal.
- Clause 02.03-6 (Housing) seeking to accommodate housing supply and providing for a range of housing types and diversity.
- Clause 02.03-9 (Infrastructure) recognising the need to provide or upgrade infrastructure that enhances safety, accessibility and inclusion for all members of the community including social infrastructure that responds to Geelong's ageing population, and the provision of a comprehensive, safe and accessible open space network.

Clause 11 (Settlement)

The Amendment supports the following strategies of Clause 11.01-1S (Settlement):

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Geelong.
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.

The Amendment supports the following strategies of Clause 11.01-1R (Settlement – Geelong G21):

- Support the role of Central Geelong as a major regional city and revitalise and strengthen its role as Victoria's second city.

The Amendment supports the following strategies of Clause 11.01-1L (Settlement – Greater Geelong):

- Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas).
- Ensure urban development occurs within designated settlement boundaries.

Clause 13 (Environmental risks and amenity)

The Amendment supports the strategies of Clause 13.04-1S (Contaminated and potentially contaminated land) by applying an Environmental Audit Overlay to the precinct.

The Amendment supports the following strategies of Clause 13.07-1S (Land use compatibility):

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Clause 15 (Built environment and heritage)

Clause 15 (Built Environment and Heritage) provides that *“planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context”*. The Amendment supports Clause 15 by introducing planning controls which seek to ensure development responds appropriately to the heritage values of the former Geelong Saleyards and its site context.

The Amendment supports the following strategies of Clause 15.01-1S (Urban design):

- Create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

The Amendment supports the overarching objective of Clause 15.03-1S (Heritage Conservation) which is to ensure the conservation of places of heritage significance and the following strategies:

- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

The Amendment supports the objective and strategies of Clause 15.01-4S (Healthy neighbourhoods) to achieve neighbourhoods that foster healthy and active living and community wellbeing.

Clause 16 (Housing)

Clause 16 (Housing) emphasises the importance of providing housing diversity and ensuring the efficient provision of supporting infrastructure. The Amendment accommodates future housing growth at an appropriate scale and facilitate the delivery of affordable and social housing.

Clause 19.02-6S (Open space) seeks to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The Amendment supports this objective and the following strategies:

Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.

- Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.
- Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.
- Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.
- Develop open space to maintain wildlife corridors and greenhouse sinks.
- Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.

Clause 19 (Infrastructure)

The Amendment supports the objective of Clause 19.03-2S (Infrastructure design and provision) which seeks to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

D:2 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

i) Zones

The purpose of the CDZ is:

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

ii) Overlays

The land is subject to Heritage Overlay. The purposes of the Heritage Overlay are:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Amendment proposes to apply the EAO over the land. The purpose of the EAO is:

- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

D:3 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Other Ministerial Directions relevant to the Amendment are:

- Ministerial Direction 1 (Potentially Contaminated Land)
- Ministerial Direction 15 (The Planning Scheme Amendment Process)
- Ministerial Direction 19 (Preparation and content of amendments that may significantly impact the environment)

Planning Practice Notes

Planning Practice Notes relevant to the Amendment are:

- *Planning Practice Note 30: Potentially Contaminated Land*, July 2021
- *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018
- *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes*, September 2018
- *Planning Practice Note 60: Height and setbacks controls for activity centres*, September 2018
- *Planning Practice Note 90: Planning for Housing*, December 2019

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix E Panel preferred version of Comprehensive Development Zone Schedule 4

SCHEDULE 4 TO CLAUSE 27.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ4**.

SALEYARDS PRECINCT PLAN

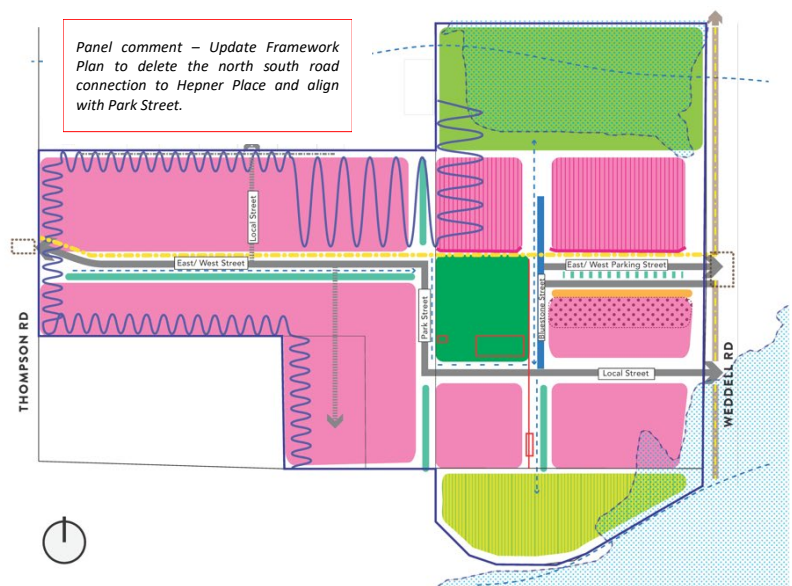
This schedule applies to land identified in the *Saleyards Comprehensive Development Plan, May 2022* (CDP) incorporated in this scheme. *Panel note – date of plan to be updated.*

Plan 1

FRAMEWORK PLAN

KEY

- Mixed use
- Preferred minimum dwelling density: 60 dwellings per net developable hectare within the context of the preferred maximum height provisions.
- Controls to limit overshadowing onto Central Park & Mixed Use Area Plaza
- Area where noise attenuation measures must be implemented
- Precinct boundary
- Public roads
- Public roads (location flexible)
- Laneway (future road, pending development of industrial sites)
- Intersection upgrade - primary access from Thompson St & Weddell Rd
- Public roads - blue stone treatment
- Green links - street landscaping
- Water sensitive urban design
- Area under SWMS flood contours
- Open space - central park
- Mixed Use Area Plaza
- Southern open space (drainage basin, wetlands, potential open space)
- Northern open space (drainage basin, wetlands, potential open space)
- Key pedestrian/ cycle link
- Shared path
- Heritage fabric to be retained
- Upgrade access to train station



This plan is a reproduction of Plan 1 - Future Urban Structure as contained within the CDP.

Purpose

To provide for the integrated planning, development and subdivision of the land primarily for higher density housing.

To create a high amenity, walkable residential environment through the provision of high quality public spaces, community facilities and a limited range of commercial uses.

To ensure a diversity of housing types and built form is achieved throughout the precinct, including social and affordable housing.

To encourage best practice environmentally sustainable design, stormwater management and water quality treatment.

To manage the interface between future residential and adjoining non-residential uses.

1.0

Table of uses

Section 1 – Permit not required

Use	Conditions
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence.

	At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2
Dwelling (other than Bed and breakfast)	Within the Mixed use area on Plan 1 any frontage at ground floor level must not exceed 2 metres.
Food and drink premises (other than Hotel)	The leasable floor area must not exceed 150 square metres. Must be located at ground floor or first floor level within the Mixed use area on Plan 1. Must not include a drive-through facility.
Home based business Informal outdoor recreation	
Office	The leasable floor area must not exceed 250 square metres. Within the Mixed use area on Plan 1 any frontage at ground floor level must not exceed 2 metres.
Residential building (other than Residential hotel and Motel)	Within the Mixed use area on Plan 1 any frontage at ground floor level must not exceed 2 metres.
Rooming house	Must meet the requirements of Clause 52.23-2.
Shop (other than Adult sex product shop, Department store and Restricted Retail premises)	The leasable floor area must not exceed 150 square metres. Must be located at ground floor or first floor level in the Mixed use area on Plan 1. The combined leasable floor area of all shops must not exceed 1,800 square metres.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 – Permit required

Use	Conditions
Accommodation (other than Camping and caravan park, Community care accommodation, Corrective institution, Dwelling, Host farm, Residential building and Rooming house) Agriculture (other than Animal husbandry, Apiculture, Crop raising and Timber production) Art gallery Child care centre	
Education centre (other than Child care centre, Kindergarten and Employment training centre)	The leasable floor area must not exceed 250 square metres. Within the Mixed use area on Plan 1 any frontage at ground floor level must not exceed 2 metres.
Employment training centre Kindergarten Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing)	

track)	
Museum	
Place of assembly (other than Carnival, Cinema-based entertainment facility, Circus, Drive-in theatre, Exhibition centre and Function centre)	
Plant nursery	Must be located in the public open space areas on Plan 1.
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Adult sex bookshop
Animal husbandry (other than Apiculture)
Aquaculture
Brothel
Camping and caravan park
Car park
Cemetery
Crematorium
Cinema-based entertainment facility
Corrective institution
Crop raising
Department store
Drive-in theatre
Energy generation facility
Exhibition centre (other than Art gallery and Museum)
Freeway service centre
Function centre
Hospital
Host farm
Hotel
Industry
Major sports and recreation facility
Motor racing track
Restricted retail premises
Recreational boat facility
Research centre
Retail premises (other than Food and drink premises, Market, Plant nursery, Postal agency and Shop)
Saleyard
Service station
Timber production
Transport terminal
Utility installation (other than Minor utility installation and Telecommunications facility)
Warehouse
Winery

2.0 Use of land

Requirements

A permit to use land must be generally in accordance with the CDP and may include conditions to ensure that requirements specified in the CDP are met.

Environmental Audit

A permit to use land for a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) must not be granted until the following requirements are met:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or proposed use.
- If a preliminary risk screen assessment statement stating that an environmental audit is not required is not issued, then an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* is required stating that the land is suitable for the use or proposed use.
- The preliminary risk screen assessment and any environmental audit statement (if required) must address potential microbial contamination risk, including Q Fever, of the former Geelong Saleyards on the land (Lot 2 LP 206464 and CA 73K).
- If an environmental audit statement is required under this provision, the use and development of the land must be in accordance with the recommendations in the environmental audit. If the recommendations of the environmental audit contains requirements of a continuing nature, then prior to the development of the land commencing, the owner of the land must enter into an agreement under Section 173 of the *Planning and Environment Act 1987*, at the cost of the owner, which ensures that the requirements of the environment audit statement must continue to be met.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the type of activities which will be carried out.
- The likely effects, if any, on adjoining land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If for Accommodation:
 - The likely effects on the local and regional traffic network;
 - The works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained; and
 - The proposed method of funding the required works, services or facilities.
- An economic impact assessment identifying the economic impacts of the additional floor space.

Exemption from Notice and Review

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the with the CDP.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with the CDP.
- The interface with adjoining zones, especially the relationship with non-residential areas.
- The effect that existing uses may have on the proposed use.
- Whether the use generally serves local community needs.
- Whether an Accommodation or Office use at the ground floor within the Mixed use area on Plan 1 will compromise the objectives of the CDP.
- Whether shop floorspace that will have a significant impact on a nearby centre.
- Whether the use will prejudice the future development of the precinct.
- The proposed hours of operation, noise and any other likely off-site amenity impacts.
- The scale and intensity of the use.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- The effect of the findings of an environmental audit.

3.0

Subdivision

Requirements

A permit to subdivide land must be generally in accordance with the CDP and may include any conditions that:

- Are necessary to ensure the requirements specified in the CDP are met.
- Give effect to any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987* as appropriate.

Environmental Audit

A permit to subdivide land which may then be used for a sensitive use must not be granted until the following requirement is met:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use.
- If a preliminary risk screen assessment statement stating that an environmental audit is not required is not issued, then an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 is required stating that the land is suitable for the sensitive use.
- The preliminary risk screen assessment and any environmental audit statement (if required) must address potential microbial contamination risk, including Q Fever, of the former Geelong Saleyards on the land (Lot 2 LP 206464 and CA 73K).
- If an environmental audit statement is required under this provision, the use and development of the land must be in accordance with the recommendations in the environmental audit. If the recommendations of the environmental audit contains requirements of a continuing nature, then prior to the development of the land commencing, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987, at the cost of the owner, which ensures that the requirements of the environmental audit statement must continue to be met.

Application requirement

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A response to the vision, objectives, requirements and guidelines outlined in the CDP.
- A plan showing the location of public reserves or other land proposed to be provided to or vested in a Minister, municipal council or public authority.
- A plan showing the proposed subdivision in the context of Plan 1.
- A Drainage Strategy that addresses any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the Planning and Environment Act 1987 and the stormwater pollutant objectives and pollutant reduction targets set out in R23 of the CDP.
- A Stormwater Management Plan that demonstrates the development can be drained in accordance with the stormwater pollutant objectives and pollutant reduction targets set out in R23 of the Incorporated CDP.
- A detailed Erosion and Sediment Control Plan to manage impacts during the construction phase.
- Applications for subdivision and buildings and works should include the following, as appropriate:
 - Surface collection inlets, to be designed and located along major roadways to collect stormwater during rainfall events that exceed the capacity of streetscape bioretention swales.
 - Sub-surface piped drainage that aligns with the precinct concept layout, is sympathetic to the natural/existing site elevations, caters for the minor storm event (20% to 10% AEP) and minimises surface inundation.
 - Provision for the conveyance of major flows via roadways and easements, in alignment with Plan 1 – Future Urban Structure, that meet floodway safety criteria.
 - Site filling that sees ground levels above the 1% Annual Exceedance Probability flood level plus 300 millimetres freeboard for minimum development levels in accordance with drainage planning guidelines (Melbourne Water, 2017).
- A Public Infrastructure Plan that addresses the following:
 - Identifies the land that may be affected by or required for the provision of infrastructure works;
 - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
 - The infrastructure set out any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987* sought to be provided as "works in lieu" subject to the consent of the collecting agency;
 - The provision of public open space; and
 - Any other matter relevant to the provision of public infrastructure required by the responsible authority.
- A site and context description and design response as required in Clause 56.
- A detailed Erosion and Sediment Control Plan to manage impacts during the construction phase.
- A Transport Impact Assessment Report that provides a comprehensive assessment of the impact on the surrounding transport networks and all intersections treatments in and out of the precinct.

Exemption from Notice and Review

An application for the subdivision of land is exempt from the notice requirements of Section 52(1) (a) (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the CDP.

Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with the CDP.
- The effect of the proposed subdivision on:
 - The spacing of buildings.
 - Delivery of diverse housing types.
 - Delivery of dwelling density targets.
- The effect the subdivision will have on the potential of the precinct to accommodate future uses and redevelopment of the precinct.
- The appropriateness of the location and function of public reserves, road reserves and other public spaces.
- How any proposed public roads integrate with the surrounding road network.
- The effect of the findings of an environmental audit, including whether the staging of development appropriately reflects the ability of the land to be used for the intended purpose.

4.0 Buildings and Works

A permit is not required to construct or extend a front fence within 3 metres of a street unless:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A permit is not required to construct a building or construct or carry out works for the following:

- Structural changes to a single dwelling on a lot, provided the size of the dwelling is not increased and the number of dwellings is not increased.
- Construct or extend an outbuilding (other than a garage or carport) for a single dwelling on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- For land shown in a Mixed use area on Plan 1
 - Alter an existing building facade provided:
 - The extent of entries or windows with clear glazing at ground level is not reduced.
 - The alteration does not include the installation of an external roller shutter.
 - Install an automatic teller machine.
 - Construct an awning that projects over a road if it is authorised by the relevant public land manager.

Requirements

A permit to construct a building or to construct or carry out works must be generally in accordance with the CDP and may include conditions:

- necessary to ensure that any requirements specified in the CDP are met; and

- which give effect to any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987* as appropriate.

A building must not exceed a height of 34 metres or 10 storeys, whichever is the lesser.

Environmental Audit

A permit to construct a building or construct or carry out works, in association with a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground), must not be granted until the following requirements are met:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use, or
- If a preliminary risk screen assessment stating that an environmental audit is not required is not issued, then an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or proposed use.

The preliminary risk screen assessment and any environmental audit statement (if required) must address potential microbial contamination risk, including Q Fever, of the former Geelong Saleyards land (Lot 2 LP 206464 and CA 73K).

If an environmental audit statement is required under this provision, the use and development of the land must be in accordance with the recommendations in the environmental audit. If the recommendations of the environmental audit contains requirements of a continuing nature, then prior to the development of the land commencing, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987, at the cost of the owner, which ensures that the requirements of the environmental audit statement must continue to be met.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A response to the vision, objectives, requirements and guidelines outlined in the CDP.
- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For other development:
 - A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - Adjacent buildings and uses.
 - The siting, layout and use of proposed buildings and works.
 - The building form, height and scale.
 - Setbacks to property boundaries.
 - All proposed access and pedestrian areas.
 - All proposed driveway, car parking and loading areas.
 - Existing vegetation and proposed landscape areas.
 - The location of easements and services.

- A Drainage Strategy that addresses the CDP and any Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987*.
- A Stormwater Management Plan that demonstrates the development can be drained in accordance with the objectives of the CDP.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Development with 10 or more dwellings or 5,000 square metres or more of floor space should submit evidence as part of the permit application that the project has been designed so as to exceed best practice environmentally sustainable development standards.
- An acoustic report from a qualified professional which considers the need for acoustic measures for any sensitive use in or near an area identified as Noise Attenuation Area in Plan 1. The report should have regard to the Geelong Saleyards Precinct Plan Acoustic Report (Renzo Tonin & Associates May 2022).
- An affordable housing delivery strategy which sets out:
 - How affordable housing is to be delivered in accordance with Guidelines G6, G7 and G8 (*Panel note – reference numbers to be updated*) of the CDP, including the identification of intended partners, timeframes, built form and response to each of the matters set out by the Minister pursuant to section 3AA(2) of the *Planning and Environment Act 1987*.
 - The method of implementing the strategy, such as by an agreement under Section 173 of the *Planning and Environment Act 1987*.
 - Locations for the affordable housing to be delivered.
 - A summary of the range of housing types, densities and sizes.
 - Staging requirements and ensuring that affordable housing are provided in a timely manner as development occurs.

Exemption from Notice and Review

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the CDP.

Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally consistent with the CDP.
- Whether an application for development of five storeys or less, excluding a basement, meets the requirements of Clause 54 or Clause 55.
- Whether a proposal for one or more dwellings or other accommodation:
 - Supports a variety of housing typologies that provide for a variety of life stages and needs.
 - Includes universal design and access.
 - Includes social and affordable housing.
- Whether the proposal includes a satisfactory amount of affordable housing.
- How social and affordable housing is dispersed across development and in relation to the CDP.
- Whether a proposal that does not achieve the preferred minimum dwelling density is an underdevelopment.

- The effect of the findings of an environmental audit, including whether the staging of development appropriately reflects the ability of the land to be used for the intended purpose.
- The effect of traffic to be generated by the development on the capacity of the local and regional traffic network.
- How the design of ground level building facades contribute to a pedestrian friendly, visually interesting streetscape.
- The streetscape, including the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The location of storage for rubbish and materials for recycling.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The acoustic environment of any proposed sensitive use.
- Whether landscaping includes adequate canopy coverage to reduce urban heat island impacts.

5.0 Signs

None specified.

Appendix F Panel preferred version of Comprehensive Development Plan

How to read this document

The Saleyards Comprehensive Development Plan (CDP) is a long term plan to facilitate the redevelopment of the Saleyards Precinct and must be read in conjunction with the provisions within Clause 37.02 Comprehensive Development Zone (CDZ) and Schedule 4 (CDZ4) within the Greater Geelong Planning Scheme (Planning Scheme).

The CDP is incorporated into the Planning Scheme, and as such, it forms part of the Planning Scheme. It implements the Saleyards Precinct Plan (City of Greater Geelong, June 2021), which was adopted by Council on 22 June 2021.

The way in which the various elements of the CDP are to be applied is as follows:

Vision and Objectives: A planning permit must implement the outcomes of the CDP, as expressed in the Vision and Objectives in Part 1 of this CDP.

Future Urban Structure: Future development of the site shall be generally in accordance with the Future Urban Structure of the site as shown on Plan 1, to the satisfaction of the responsible authority. Minor variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are achieved.

Requirements: All requirements must be complied with.

Guidelines: Guidelines outline matters that should be taken into account in the planning and design of a development. All guidelines should be complied with.

Outcomes

The precinct will be a high quality and sustainable addition to the local urban fabric. It will provide more than four hectares of publicly accessible open space and will accommodate 1,000 – 1,300 residents.

The high density residential precinct will provide diverse forms of housing that will help meet existing and future local housing demand. The Precinct will also include a component of affordable housing.

The interface of the precinct with industrial land will be managed through noise attenuation measures and requirements for specific building materials, such as double glazing.

The movement network and building design will prioritise the pedestrian and cycling experience.

The precinct will provide a significant addition to the adjacent network of public open spaces providing places for relaxation and recreation. Street trees and landscaping in public spaces supplemented by landscaping on private land will contribute to the leafy green feel of the precinct.

A mixed-use area will provide approximately 1,800 square metres of retail on the ground floor and be adjacent to an urban plaza space. The plaza will be located on the southern side of the street to utilise the northerly aspect to encourage outdoor dining.

The precinct will incorporate environmentally sustainable design features and the retention of heritage fabric will provide opportunities for interpretation and adaptive reuse of materials.

Vision

The precinct will be a high quality and sustainable addition to the local urban fabric. It will provide more than four hectares of publicly accessible open space and will accommodate 1,000 - 1300 residents.

The high density residential precinct will provide diverse forms of housing that will help meet existing and future local housing demand. It will include a component of affordable housing.

The precinct will be a compact urban village comprised predominantly of buildings of modest building height that contribute to the open feel of streets.

The interface of the precinct with industrial land will be managed through noise attenuation measures and requirements for specific building materials, such as double glazing.

The movement network and building design will prioritise the pedestrian and cycling experience.

The precinct will provide a significant addition to the adjacent network of public open spaces providing places for relaxation and recreation. Street trees and landscaping in public spaces supplemented by landscaping on private land will contribute to the leafy green feel of the precinct.

A mixed-use area will provide approximately 1,800 square metres of retail on the ground floor and be adjacent to an urban plaza space. The plaza will be located on the southern side of the street to utilise the northerly aspect to encourage outdoor dining.

The precinct will incorporate environmentally sustainable design features and the retention of heritage fabric will provide opportunities for interpretation and adaptive reuse of materials.

Objectives

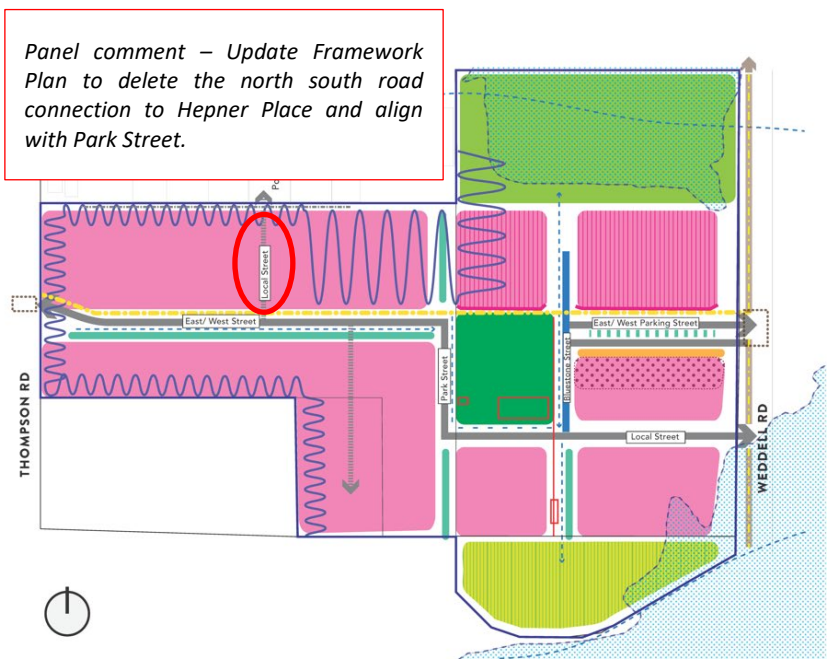
- O1 To establish a high quality, sustainable urban village with predominantly residential development supplemented by associated commercial and community services in a high density environment
- O2 To provide high quality public open space that links to the surrounding open space network.
- O3 To respect the heritage values of the former Geelong Saleyards.
- O4 To provide for appropriate connections to surrounding streets.
- O5 To provide for pedestrian and bicycle networks through the precinct.
- O6 To create a community node of Weddell Road with a range of uses for the precinct.
- O7 To provide for higher density housing a diverse range of households, including affordable housing.
- O8 To achieve a diversity in building types and architectural expression.
- O9 To encourage best practice environmentally sustainable design.
- O10 To ensure the orderly and integrated development of the precinct.
- O11 To provide high quality streetscapes.

Plan 1 – Future Urban Structure

FRAMEWORK PLAN

KEY

- Mixed use
- Preferred minimum dwelling density: 60 dwellings per net developable hectare within the context of the preferred maximum height provisions.
- Controls to limit overshadowing onto Central Park & Mixed Use Area Plaza
- Area where noise attenuation measures must be implemented
- Precinct boundary
- Public roads
- Public roads (location flexible)
- Laneway (future road, pending development of industrial sites)
- Intersection upgrade - primary access from Thompson St & Weddell Rd
- Public roads - blue stone treatment
- Green links - street landscaping
- Water sensitive urban design
- Area under SWMS flood contours
- Open space - central park
- Mixed Use Area Plaza
- Southern open space (drainage basin, wetlands, potential open space)
- Northern open space (drainage basin, wetlands, potential open space)
- Key pedestrian/cycle link
- Shared path
- Heritage fabric to be retained
- Upgrade access to train station



Implementation

Land Use

- R Land uses must be located in appropriate locations, generally in accordance with Plan 1.
- R Non-residential land uses must be compatible with the intended residential use of the precinct.
- G Non-residential uses within the precinct should not have a significant negative economic impact on any nearby centre.
- G Land uses outside the Mixed Use area shown on Plan 1 should be primarily residential.
- G Non-residential uses outside the Mixed Use area should be located along the East-West Parking Street shown on Plan 1.
- G Land uses at ground level in the Mixed Use area shown on Plan 1 should be those uses that promote on-street activity such as outdoor dining.
- G Accommodation and office uses should be located at upper levels (above ground floor) within the area shown on Plan 1 as Mixed Use area.
- G Land uses should not include a drive through facility.

Built form

All development

- R Development (including subdivision) must be generally in accordance with Plan 1.
- R Buildings must not exceed 34 metres or 10 storeys (whichever is the lesser).
- R Acoustic attenuation measures must be provided to any noise sensitive accommodation to reduce noise levels in accordance with the following:
 - a. Environment Protection Regulations under the *Environment Protection Act 2017*
 - b. Noise Limit Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority, March 2021).
- G Loading, storage, refuse areas and building services including domestic services, utilities and waste management facilities should be concealed and/or integrated into building design and not visible from public areas.
- G As far as practicable, built form and development should be oriented toward and overlook adjoining public and private roads and open space.
- G The minimum floor level of all buildings within the 'Area under SWMS flood contours' (1% Annual Exceedance Probability Flood Extent) shown on Plan 1 should be no lower than minimum development levels determined in the *Geelong Saleyards Precinct Surface Water Management Strategy (BMT, April 2021)*, unless otherwise agreed to by the responsible authority.
- G An application for development of land for dwelling including a dwelling where it is provided as part of a mixed use development should provide affordable housing in accordance with G7 and G8 (*Panel note – reference numbers to be updated*).

This does not apply to:

 - a. where any other provision of the Greater Geelong Planning Scheme, or the Planning and Environment Act 1987 (or any other Act), requires an affordable housing contribution to be made in respect of the proposed development.
 - b. to land in respect of which an agreement with the responsible authority has already been entered into for the provision of affordable housing;
 - c. to the development of land for which a contribution to affordable housing has already been provided to the satisfaction of the responsible authority consistent with G6, G7 and G8 (*Panel note – reference numbers to be updated*);
 - d. to the development of land for less than three dwellings; and

- e. to an application for buildings or works to an existing dwelling, provided the number of dwellings is not increased.
- G Affordable housing should be provided through one of the following:
 - a. as a transfer of dwellings to an affordable housing association under the Housing Act 1983 or the City of Greater Geelong Affordable Housing Trust at the rate of 5% of the total number of dwellings proposed on the land in the application, for zero consideration (Primary Obligation)
 - b. a monetary contribution to the City of Greater Geelong Affordable Housing Trust which is of equal value (as independently assessed) to the Primary Obligation
 - c. through a combination of the options a and b above
 - d. in any other way as agreed between the permit applicant and the responsible authority.
- G Affordable housing delivered in accordance with this CDP should meet all the following:
 - a. be delivered within the land to which the planning permit application applies or if agreed by the responsible authority within another part of the precinct to which this CDP applies
 - b. be functionally and physically indistinguishable from other dwellings within the development
 - c. be distributed across the development
 - d. provide a mix of housing types to respond to local housing needs.
- G Preferred minimum dwelling density

Development should achieve a minimum dwelling density of 60 dwellings per net developable hectare.
- G Developments that include multiple dwellings should include a diversity of dwelling sizes (such as a mix of one, two or three bedrooms) across a range of typologies including apartments and townhouses.
- G Preferred maximum building heights

Buildings should not exceed the following building heights:

 - a. 22 metres or 6 storeys (whichever is lesser) if located directly adjacent to Thompson Road, Central Park, Mixed Use Area Plaza, the Northern and Southern Open Space all as shown on Plan 1 – Future Urban Structure, or the golf course adjacent to the southern boundary of the Precinct
 - b. 15 metres or 4 storeys (whichever is lesser) in all other areas.
- G Preferred minimum setbacks

Development should be configured to minimise the impact of overshadowing on the public realm (such as overshadowing on the southern footpath of the east-west street) where no overshadowing standard is provided in this CDP.

Development should minimise the impact of overshadowing on the public realm (such as overshadowing on the southern footpath of the east west street).

Except within the area shown as Mixed Use Area on Plan 1, or on land with a frontage to a laneway, buildings should meet the following minimum setbacks:

 - a. Any part of a building up to 15 metres above natural ground level: 3 metres
 - b. Any part of a building more than 15 metres above natural ground level: 7 metres
- G A mix of building types should be provided that demonstrate a diversity of architectural styles, materials and form within each street and street block.
- G Articulation should be provided to break up continuous built form and visual bulk, such as through building separation, landscaping, fenestration, balconies, recessions and protrusions and materials.
- G Development above four storeys should be recessive and incorporate measures to minimise its visual prominence from the public realm.

Development should use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.

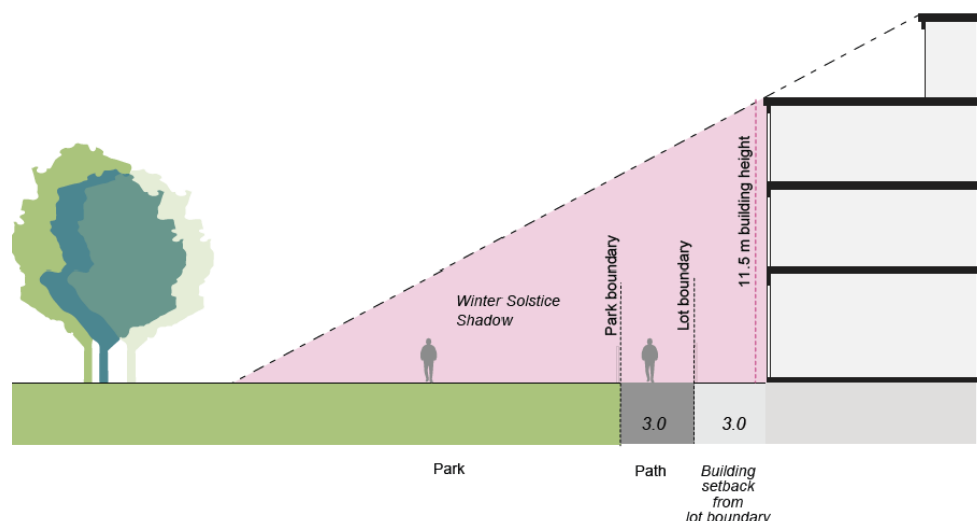
- G Prominent facades of all buildings visible from streets and open space should comprise a variety of materials and textures.
- G Buildings which have more than one street frontage or which also adjoin open space should, where applicable, provide a sense of address to any street frontages and open space.
- G Active frontages at street level should be provided in mixed-use development.
- G Vehicle access should be provided by rear loaded, or basement carparking, particularly for land which has a frontage to an East-West Street or a local street, to minimise the visual impact of vehicle entrances and conflict with pedestrians.
- G Built form should maximise safety and utilise Crime Prevention Through Environmental Design (CPTED) principles.
- G All buildings and works within the Heritage Overlay should demonstrate how the relevant Conservation Policies of the Geelong Sale Yards Weddell Road, North Geelong Conservation Management Plan (Rowe and Jacobs, 2007) have been achieved.

Mixed use area shown on Plan 1

- G Buildings should be built to any street frontage (zero setback).
- G Buildings which have a frontage to the public realm should incorporate a high standard of urban design treatment and activation.
 - Encourage development that provides articulation of all visible building frontages.
 - Discourage blank building walls along street frontages or where visible from streets and other public spaces.
- G The frontage at ground level to office or accommodation above ground floor should not exceed 2 metres,
- G The total combined amount of leasable floor space for shops within the Mixed Use area should not exceed 1,800 square metres at ground level.
- G Buildings should include fine grain detail including door openings not less than 12 metres apart and windows, as well as projections and recessions and use of different materials.
- G Elevations that are blank and clad in a single material visible from the public realm should be avoided.
- G Buildings should include awnings and shade canopies to provide weather protection.
- G Buildings should provide for shops and food and drink premises at ground floor level, with active frontages to the plaza and streets to the east and west, including space for outdoor dining.

Development abutting open space as shown on Plan 1

- R Central park
 - At the winter solstice (June 21), no shadow is to be cast over Central by any building form above or behind a hypothetical 11.5 metre high built form set back 6 metres north of the northern boundary of the Central Park (inclusive of a 3 metre wide shared path) between 11:00am and 2:00pm. This Requirement is shown in Image 1 – Overshadowing of Central Park northern boundary.



- R At the winter solstice (June 21) between 11:00am and 2:00pm, no additional shadow is to be cast by built form over the Mixed Use Plaza.
- G Buildings should take advantage of views to open space.

Landscape and Open Space

Landscape and trees

- R Provide shade, shelter, greenery, seating, and outdoor dining opportunities in the Mixed Use Area Plaza shown on Plan 1.
- G Trees more than 5 metres in height and in generally good condition should be retained on public and private land where possible and be incorporated into the landscape design for any of their shade, amenity, character, habitat and conservation values.
- G Planting in roads, streets and laneways should achieve a minimum of 25 per cent canopy coverage and a minimum of 40 per cent canopy coverage in publicly accessible parking areas and open space.
- G New street trees and trees in open space should be:
 - a. Species that provide canopy cover wherever space allows.
 - b. Sized appropriately for nature strips and adjacent built form.
 - c. Provided in locations and of a size that is consistent with any guidance provided on the relevant street cross sections and plan within this Comprehensive Development Plan.
- G Where appropriate, landscape design should integrate the design of the front gardens with the design of the street.
- G Landscaping should be appropriate to the site and current and future climate conditions.
- G Water sensitive urban design features should be incorporated into public landscapes.
- G Design of public open space should ensure universal access.
- G High quality landscaping should be provided for all public realm areas, including key pedestrian and cycling routes and key entry points, using a variety of hard and soft landscaping materials for shade and visual interest.

Open Space

- R Provide the open space shown as Central Park generally in accordance with Plan 1 and Table 2 – Summary land use budget.
- R Provide for the incorporation and interpretation of heritage elements in open space, including fabric identified to be retained in the Saleyards Precinct Plan (City of Greater Geelong, June 2021).
- G Linear green links/spaces should be provided generally in accordance with Plan 1 and Table 2 – Summary land use budget.

- G All public open space and green links should be a useable size and configuration.

Integrated transport

Transport

- R A staggered main east-west street must be provided generally in accordance with Plan 1, to avoid that street being a direct through road.
- R One vehicular access off Thompson Road and two access points on Weddell Road must be provided generally in accordance with Plan 1.
- R There must be no vehicle access to lots from Thompson Road or Weddell Road.
- R There must be no vehicle access across the Mixed use area plaza as shown on Plan 1 or from the adjacent road reserve to the east or west.
- G Intersection treatment at the Thompson Road access point to the precinct should safely manage anticipated vehicular traffic and improve pedestrian and cyclist safety and amenity.
- G Safe sight lines should be provided to and from the proposed Thompson Road intersection.
- G The design of streets and public areas should be generally in accordance with the street cross sections and plans as shown in Figures [insert] (*Panel note – reference numbers to be updated*).
- G Communal car share spaces associated with a car share scheme should be provided as part of any application to reduce car parking requirements.
- G An internal road network with a high level of access for all non-vehicular traffic and adequate access for vehicular traffic should be provided.
- G Any application to reduce carparking requirements in the Mixed Use area as shown in Plan 1 should be considered on a precinct-wide basis and any car parking which is provided must be provided as a shared parking area within the Mixed Use area.
- G Street design should comply with Crime Prevention Through Environmental Design principles and incorporate appropriate lighting.
- G Streets should be designed to provide views to parkland within the site including at termination points.
- G Vehicle traffic speeds should be minimised through narrow traffic lanes and large canopy tree planting.

Walking and cycling

- R Pedestrian connections must be provided from within the Precinct to bus stops in Thompson Road.
- R Key junctions must be designed to prioritise pedestrian and cycle movements.
- R A shared pedestrian/cycle path must be provided along the main East/West Street and north side of the Central park.
- G Pedestrian paths should be provided generally in accordance with consistent with the street cross sections and plans as shown in Figures [insert] (*Panel note – reference numbers to be updated*) or as otherwise agreed with the responsible authority.
- G Road reserves should be scaled and detailed to promote pedestrian and cyclist safety and movement.
- G Pedestrian and cyclist priority should be provided through continuous footpaths at accessible grades and shared pedestrian/cycle ways.

Integrated water management and sustainability

- R Stormwater drainage for the precinct must be provided so as to comply with the following stormwater pollutant objectives and pollutant reduction targets.
- With regard to existing site floor conditions, assess site flood risk, both local catchment and regional, for the ultimate development state indicated by the precinct plan.

- Assess the potential impact of the site development on the receiving catchment (that is to the Rippleside outlet)
- Identify a pre-concept drainage plan to manage stormwater (quality) runoff from the site.
 - Includes provision for conveyance of stormwater runoff of the 20 per cent to 10 per cent Annual Exceedance Probability Event within the underground drainage system.
 - Includes provision for major flooding being that in excess of the 10 per cent Annual Exceedance Probability Event, along major roadways and open space.
 - For overland flow (that is major flooding), the applicable floodway safety criteria (Melbourne Water, 2017) are:
 - Roadways: average depth less than or equal to 300 millimetres and average velocity depth product less than or equal to 0.35.
 - Drainage reserve (open space): actual depth less than or equal to 400 millimetres and average velocity depth product less than or equal to 0.35.

Table x:

Pollutant	Criteria
Total suspended solids	80% reduction
Total Phosphorus	45% reduction
Total Nitrogen	45% reduction
Gross pollutants (5mm or larger)	70% reduction

- G All development, including subdivision, should have regard to the Geelong Saleyards Precinct Surface Water Management Strategy (BMT, April 2021).
- G The drainage basins and wetlands as shown on Plan 1 should be constructed and established in accordance with:
- a. Biofiltration systems in Development Services Schemes Guideline (Melbourne Water, September 2020).
 - b. Wetland design manual (Melbourne Water, 2017).
 - c. Construction and establishment guidelines: swales, bioretention systems and wetlands guideline (Water by Design, 2010b).
- G A range of Water Sensitive Urban Design initiatives to limit runoff from roofs, structures and impermeable surfaces should be provided as appropriate.
- G Development should not unreasonably overshadow existing or proposed rooftop solar energy systems.
- G 25 per cent of car parking spaces in apartments or mixed-use developments should be provided with electric vehicle charging facilities and be reserved for electric vehicles.
- G 5 per cent of car parking spaces in apartments or mixed-use developments should be reserved for small and/or shared vehicles.
- G All development should incorporate building or landscape elements that reduce the impact of the urban heat island effect across 70 per cent of the site area.

Infrastructure and staging

Infrastructure delivery

- R Development must provide the following infrastructure:
- a. All items listed in Table 1 – Precinct Infrastructure Plan.
 - b. Local streets.
 - c. Landscaping, and where reasonably required by the municipal council, fencing of abutting streets and roads.

- d. Intersection works and appropriate traffic management measures along arterial roads, connector streets and local streets.
 - e. Local pedestrian and shared bicycle paths along local roads and connector streets, utilities easements, local streets, waterways and within local parks including intersections and crossing points.
 - f. Public bicycle parking.
 - g. Appropriately scaled lighting along all roads, shared bicycle and pedestrian paths and traversing the open space network.
 - h. Local drainage system and water quality systems.
- G Utility services should be placed in locations that will maximise tree planting opportunities.

Development staging

- R Development staging must provide, to the satisfaction of the responsible authority, and as appropriate given the development proposed, for the timely and coordinated provision and delivery of:
- a. The infrastructure items listed in Table 1 – Precinct Infrastructure Plan.
 - b. Drainage infrastructure.
 - c. Major utility service assets.
 - d. Road reservations, public open space and construction.
 - e. Street links between properties, constructed to the property boundary.
 - f. Connection of the pedestrian and bicycle network to key destinations within and outside the precinct from the early stages of development.
 - g. Infrastructure identified in an agreement implementing a Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987*.
- R Staging will be determined largely by the development proposals on land and the availability of infrastructure services. Each development stage should (where appropriate):
- a. Contribute to the delivery the infrastructure listed in Table 1 – Precinct Infrastructure Plan.
 - b. Give effect to any agreement to implement a Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987*.
 - c. Integrate with adjoining developments, including the timely provision of road and walking/cycling path connections, to a practical extent.
 - d. Provide for public open space in the early stages of development.
 - e. Provide sealed road access to each new allotment and constructed to an appropriate standard.
 - f. Deliver any utility service assets, including confirmation of the agreed approach and timing by the relevant service provider.

Precinct infrastructure plan

The Precinct Infrastructure Plan – Table 1 identifies the infrastructure and services required to meet the needs of proposed development within the precinct. The infrastructure items and services are to be provided through a number of mechanisms including:

- Development works by developers.
- Agreement under section 173 of the *Planning and Environment Act 1987*.
- Utility service provider requirements.
- A Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987*.
- Capital works projects by Council.
- Works-in-kind projects undertaken by developers on behalf of Council.

Table 1 identifies the infrastructure project, whether the project is a local or shared item, the timing/trigger for delivery and whether the project is included in a Shared Infrastructure Funding Plan that applies to the land under an agreement made under section 173 of the *Planning and Environment Act 1987*.

Table 1

TITLE AND DESCRIPTION	DELIVERY LEAD	TIMING TRIGGER
Road		
Pedestrian Crossing upgrade Wombat Crossing (with curb outstands) to be placed mid-way along Weddell Road	Shared	To be delivered in early stages of the eastern side development area fronting onto Weddell Road or as determined by Council
East/West Street with green link East/West Street through the eastern part of the precinct, including shared user path and green link	Local	As required by the development at the permit application stage as determined by Council
Thompson Road intersection Delivery of a main intersection access from Thompson Road	Shared	As required by the development at the permit application stage as determined by Council
Weddell Road intersection Delivery of main intersection access from Weddell Road	Shared	As required by the development at the permit application stage as determined by Council
Drainage		
Northern drainage basin Construction of the northern drainage asset	Shared	At the first stage requiring the items delivery or as determined by Council
Southern drainage basin Construction of the southern drainage asset	Shared	At the first stage requiring the items delivery or as determined by Council
Public transport		
Bus stop relocation Potential bus stop relocation Thompson Road	Shared	As determined by Council and Department of Transport at permit application stage
Bus stop upgrade Upgrade to Weddell Road bus stop	Shared	As determined by Council and Department of Transport at permit application stage
Trails		
Shared user path Shared user path and landscaping on the western side of Weddell Road	Shared	To be delivered in early stages of the eastern development area fronting onto Weddell Road or as determined by Council
Open space		
Bluestone Pedestrian Priority Road Passive open space with heritage bluestone encumbrance	Local	As required by the development at permit application stage as determined by Council
Other		

Plaza Delivery of Mixed Use Plaza	Local	As required by the development at permit application stage as determined by Council
Plaza Delivery of Western Plaza	Local	As required by the development at permit application stage as determined by Council

Table 2 Summary land use budget

Description	Hectares	% of Total	% of Net Developable Area
Total precinct area	12.51		
Unencumbered open space			
Central Park (minus heritage elements)	0.45	3.6	5.0
Encumbered open space			
Heritage elements in Central Park	0.05	0.5	0.6
Drainage			
Drainage	2.96	23.7	32.8
Net Developable Area	9.04	72.2	

Street cross sections and plan

Figure 2: East West Street with swale
Panel note: Building profiles to be deleted from image

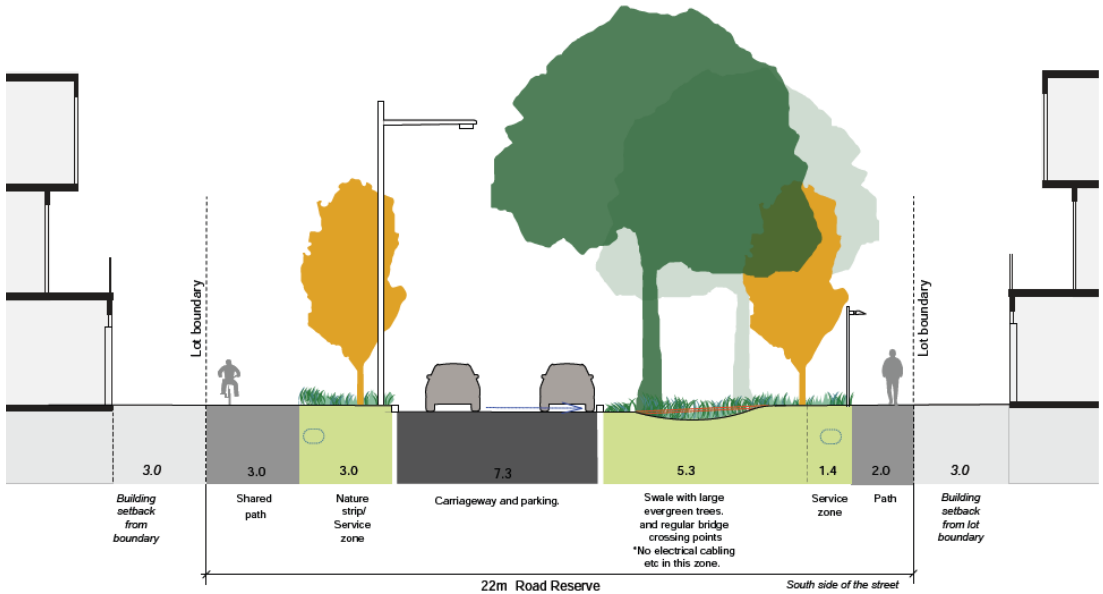


Figure 3: East West Street with raingardens dispersed at each street corner and centre of block

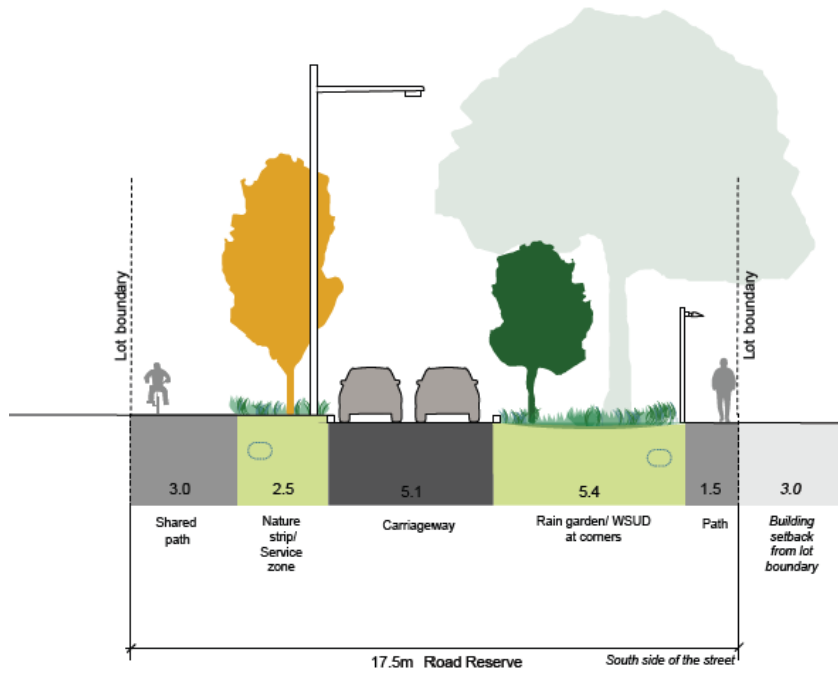


Figure 4: East West Street with raingardens dispersed at east street corner and centre of block

Panel note: Building profiles to be deleted from image

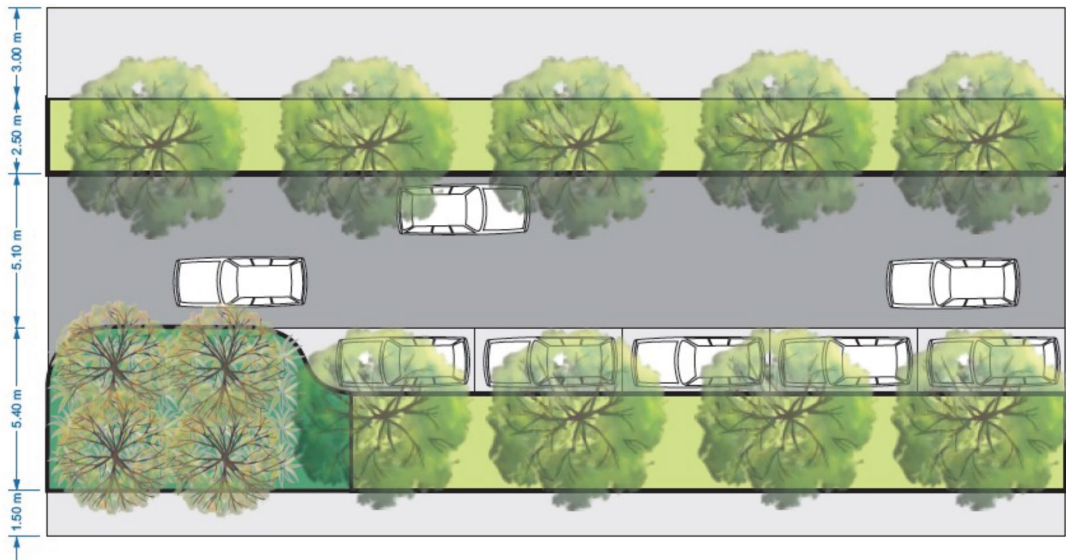


Figure 5: Park Street (west side of Central Park)

Panel note: Building profiles to be deleted from image, cross section to increase the carriageway width from 7.0 metres to 7.3 metres



Figure 6: Local Street (south side of Central Park)

Panel note: Building profiles to be deleted from image, cross section to increase the carriageway width from 7.0 metres to 7.3 metres

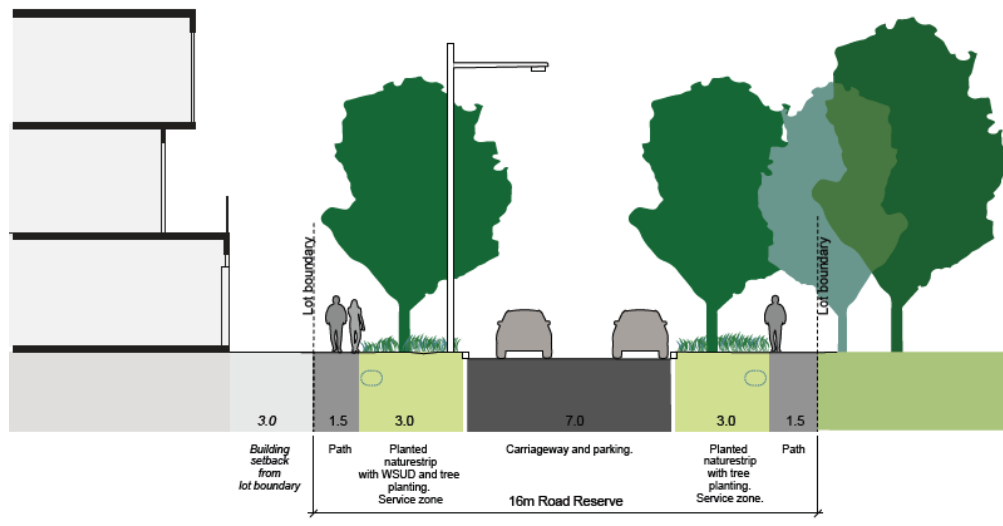


Figure 7 Bluestone Street

Panel note: Building profiles to be deleted from image

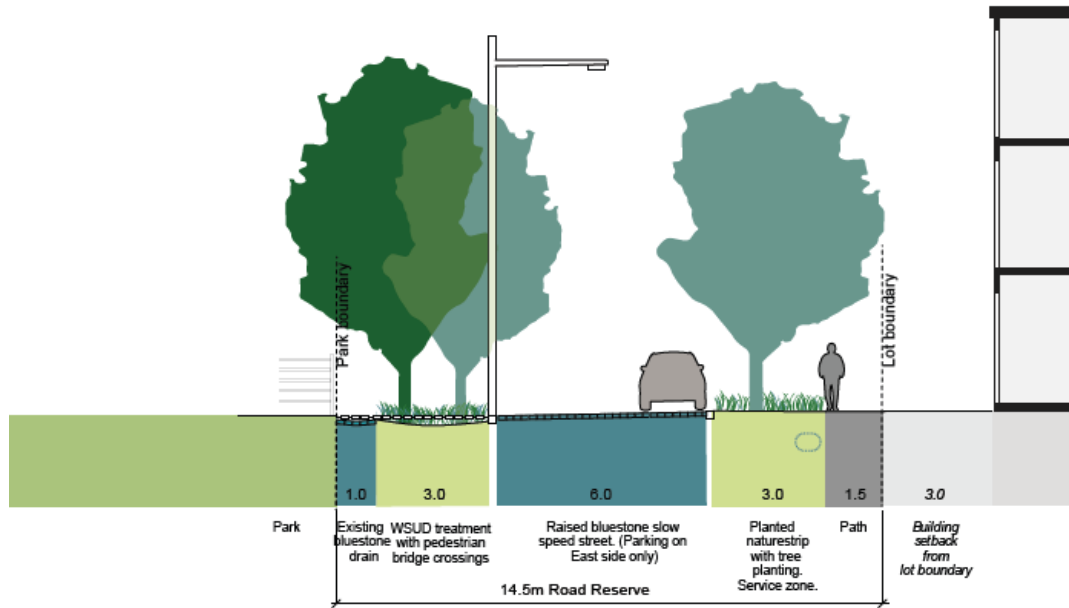


Figure 8 East West Parking Street

Panel note: Building profiles to be deleted from image

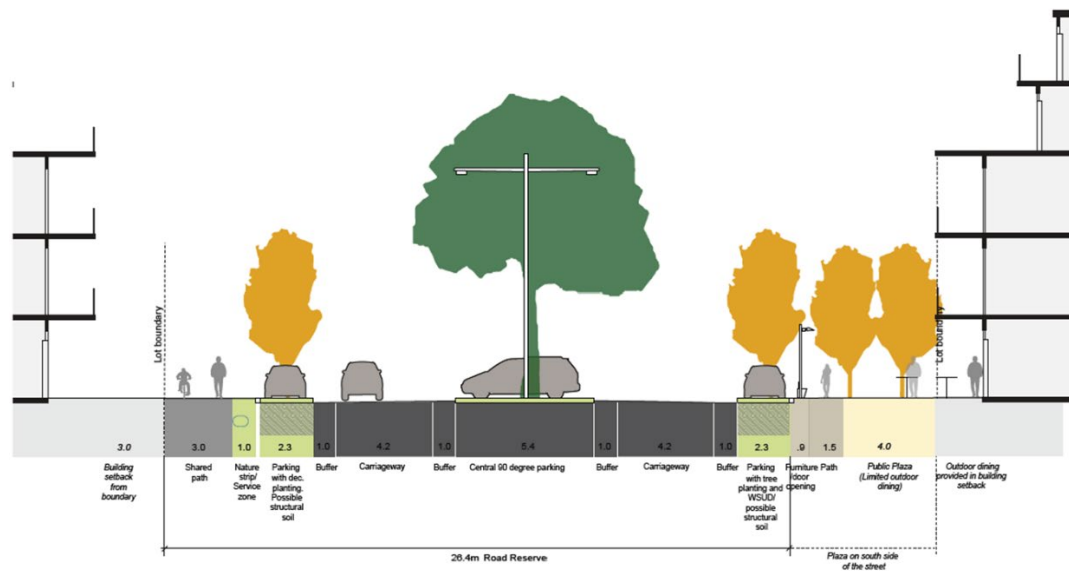


Figure 9 Local streets with green links

Panel note: Building profiles to be deleted from image

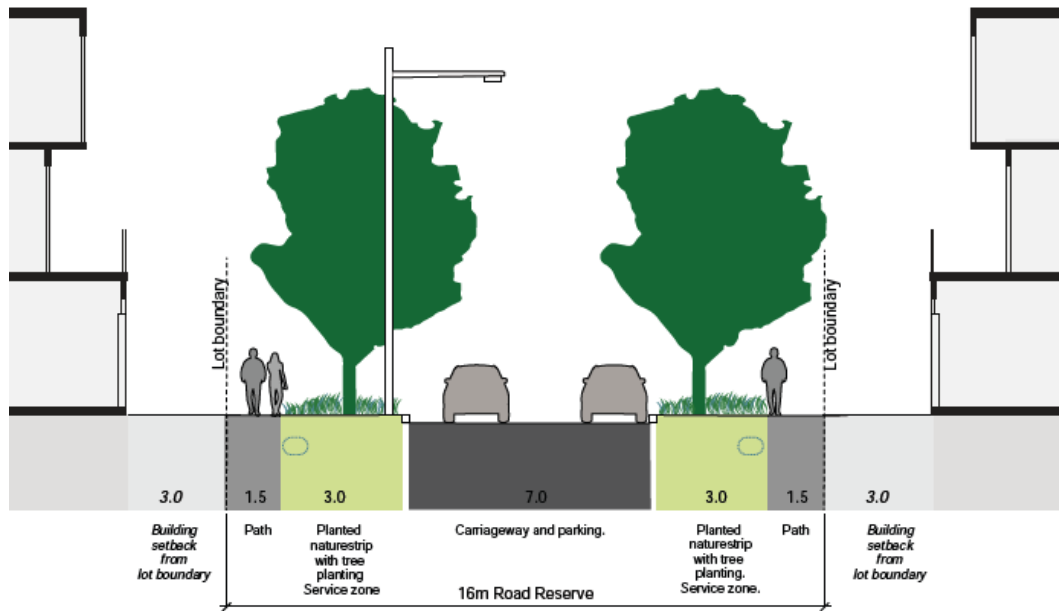


Figure 10 Laneway with garaging on one side only

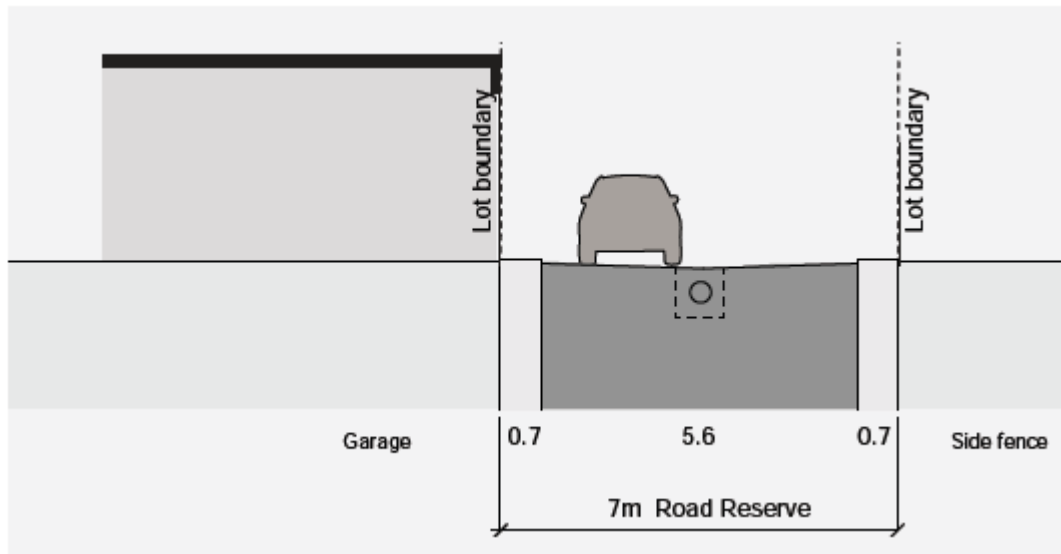
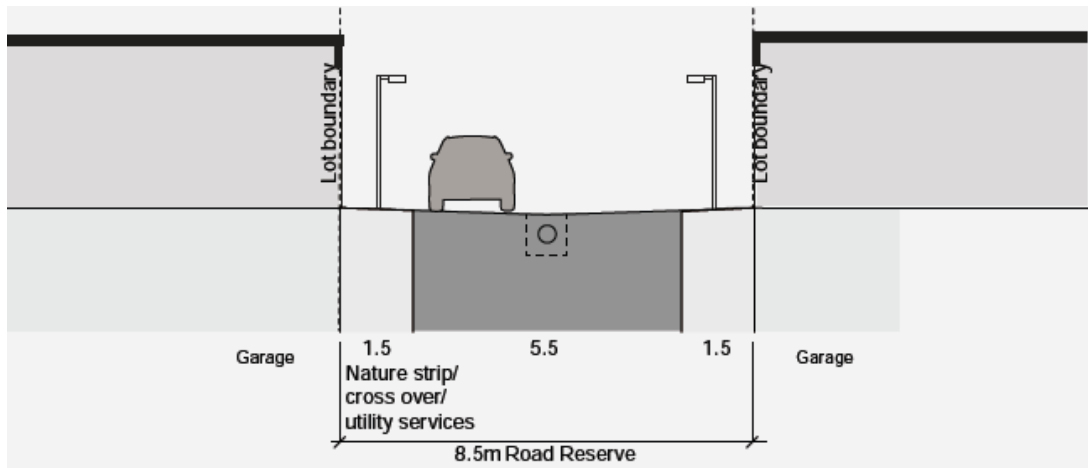


Figure 11 Laneway with garaging on both sides



BACKGROUND DOCUMENTS

Geelong Saleyards Precinct Surface Water Management Strategy (BMT, April 2021).

Saleyards Precinct Plan (City of Greater Geelong, June 2021)

Appendix G Comprehensive Development Plan provisions in dispute at conclusion of Hearing

Panel preferred version shown as **bold**.

CDP Ref	Exhibited	Final (Day 4) proposed changes
Vision		
N/A	The precinct will provide diverse forms of housing that will help meet existing and future local housing demand. It will include a component of affordable housing.	<p>Council: No change</p> <p>Leaf: The high density residential precinct will provide diverse forms of housing that will help meet existing and future local housing demand. Building heights will range between 4-6 storeys as a preferred maximum building but up to 10 storeys as a maximum height. The precinct will also include a component of affordable housing.</p> <p>Panel: The precinct will be a compact urban village comprised predominantly of buildings of modest building height that contribute to the open feel of streets.</p>
Plan 1 Future Urban Structure		
N/A	Plan 1	<p>Council: No change other than Day 4 agreed changes.</p> <p>Leaf proposed Amend to show the “local street” connecting to Hepner Place in alignment with the north-south green link (at the eastern end of Hepner Place).</p>
Built form, building design and siting		
R5	Applications for dwellings or residential buildings must include adaptable internal dwelling design.	<p>Council: 60% of dwellings in any application that includes residential development must achieve accessibility standard D18 at clause 58.05-1.</p>

CDP Ref	Exhibited	Final (Day 4) proposed changes
		<p>Leaf Corporation:</p> <p>50% of dwellings in any application that includes residential development must achieve accessibility standard D18 at Clause 58.05-1.</p> <p>Panel:</p> <p>Delete, will apply under Clause 58.05.</p>
R6	<p>Where a proposal exceeds a preferred maximum building height or does not meet a preferred minimum setback, the proposal must meet the following criteria:</p> <ol style="list-style-type: none"> Exceeds the minimum Green Star rating for Environmentally Sustainable Development. Demonstrates exceptional quality of architectural and urban design. Achieves a community benefit, such as affordable housing, public realm enhancements and/or open space in addition to the minimum requirements, of at least equal value to the development benefit gained by exceeding the preferred maximum building height or reducing the preferred minimum setback. Does not result in an unreasonable loss of amenity to the public realm through overshadowing and visual bulk. <p>Does not result in an unreasonable loss of amenity to other buildings and private open space through overshadowing, overlooking and visual bulk.</p>	<p>Council:</p> <p>Delete from CDP and insert in CDZ4.</p> <p>Leaf Corporation:</p> <p>Buildings must not exceed 34 metres of 10 storeys (whichever is the lesser).</p> <p>Panel:</p> <p>Insert:</p> <p>Development that exceeds the preferred maximum building height should:</p> <ul style="list-style-type: none"> - represent high quality architecture, urban design and landscaping. - not result in an unreasonable loss of amenity to the public realm or open space which is privately owned but publicly accessible through overshadowing visual bulk - should avoid a sense of enclosure at street level.
R9	<p>The minimum floor level of all buildings within the 'Area under SWMS flood contours' (1% Annual Exceedance Probability Flood Extent) shown on Plan 1 – Future Urban Structure must be no lower than minimum development levels determined in the <i>Geelong Saleyards Precinct Surface Water Management Strategy</i> (BMT, April 2021), unless otherwise agreed to by the responsible authority.</p>	<p>Council:</p> <p>No change</p> <p>Leaf Corporation:</p> <p>Delete as requirement, move to guideline.</p>
R10	<p>Acoustic attenuation measures must be provided to any noise sensitive accommodation to reduce noise levels in accordance with the following:</p> <ol style="list-style-type: none"> Environment Protection Regulations under the Environment 	<p>Council:</p> <p>No change</p>

CDP Ref	Exhibited	Final (Day 4) proposed changes
	<p>Protection Act 2017</p> <p>b. Noise Limit Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority, March 2021).</p>	<p>Leaf Corporation:</p> <p>Delete as requirement, move to guideline.</p>
G9	<p>Preferred minimum dwelling density</p> <p>Buildings should achieve a preferred minimum dwelling density of 60 dwellings per net developable hectare.</p>	<p>Council:</p> <p>No change</p> <p>Leaf:</p> <p>Developments that include dwellings should demonstrate that they can assist to achieve a minimum dwelling density of 60 dwellings per net developable hectare across the precinct.</p> <p>Panel:</p> <p>Development should achieve a minimum dwelling density of 60 dwellings per net developable hectare.</p>
G12	<p>Preferred minimum setbacks</p> <p>Except within the Mixed Use area or laneway frontages, buildings should meet the following minimum setbacks:</p> <p>a. Any part of a building up to 15 metres above natural ground level: 3 metres</p> <p>b. Any part of a building more than 15 metres above natural ground level: 7 metres</p> <p>Note: Buildings must also comply with the 'Development abutting open space' requirements of this document.</p>	<p>Council:</p> <p>Preferred minimum setbacks</p> <p>Development should be configured to minimise the impact of overshadowing on the public realm (such as overshadowing on the southern footpath of the east west street) where no overshadowing standard is provided in this CDP.</p> <p>Except within the area shown as Mixed Use Area in Plan 1, or on land with a frontage to a laneway, buildings should meet the following minimum setbacks:</p> <p>a. Any part of a building up to 15 metres above natural ground level: 3 metres</p> <p>b. Any part of a building more than 15 metres above natural ground level: 7 metres</p> <p>Leaf:</p> <p>No change</p>
G15	<p>Additional storeys above four storeys should be recessive in scale and massing.</p>	<p>Council:</p> <p>Development above four storeys should be recessive and incorporate measures</p>

CDP Ref	Exhibited	Final (Day 4) proposed changes
Integrated water management and sustainability		
G64	5 per cent of car parking spaces in apartments or mixed-use developments should be reserved for electric vehicles.	<p>to minimise its visual prominence from the public realm.</p> <p>Development should use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.</p> <p>Leaf:</p> <p>Development should be recessive and incorporate measures to minimise its visual prominence from the public realm.</p> <p>Use massing or articulation or changes of surface treatment, or a combination of these, to relate building height to the scale of its surrounds, and to diminish visual bulk.</p>
Infrastructure and staging		
R24	<p>Development must provide and meet the total cost of delivering the following infrastructure, unless provided for in a Shared Infrastructure Funding Plan:</p> <ol style="list-style-type: none"> All items listed in Table 1 – Precinct Infrastructure Plan. Local streets. Landscaping, and where reasonably required by the municipal council, fencing of abutting streets and roads. Intersection works and appropriate traffic management measures along arterial roads, connector streets and local streets. 	<p>Council:</p> <p>25 per cent of car parking spaces in apartments or mixed-use developments should be reserved for electric vehicles.</p> <p>Leaf:</p> <p>A proportion of car parking spaces in apartments or mixed-use developments should be reserved for electric vehicles.</p> <p>Panel:</p> <p>As exhibited.</p> <p>Council:</p> <p>Development must provide and meet the total cost of providing the following infrastructure:</p> <ol style="list-style-type: none"> All items listed in Table 1 – Precinct Infrastructure Plan which are not part of the Shared Infrastructure Funding Plan. Local streets. Landscaping, and where reasonably required by the municipal council, fencing of abutting streets and roads. Intersection works and appropriate traffic management measures along

CDP Ref	Exhibited	Final (Day 4) proposed changes
	<ul style="list-style-type: none"> e. Local pedestrian and shared bicycle paths along local roads and connector streets, utilities easements, local streets, waterways and within local parks including intersections and crossing points. f. Bicycle parking. g. Appropriately scaled lighting along all roads, shared bicycle and pedestrian paths and traversing the open space network. h. Local drainage system and water quality systems. i. Noise attenuation barrier as shown on Plan 1 – Future Urban Structure. 	<p>arterial roads, connector streets and local streets.</p> <ul style="list-style-type: none"> e. Local pedestrian and shared bicycle paths along local roads and connector streets, utilities easements, local streets, waterways and within local parks including intersections and crossing points. f. Bicycle parking. g. Appropriately scaled lighting along all roads, shared bicycle and pedestrian paths and traversing the open space network. h. Local drainage system and water quality systems.
		<p>Add new R##</p> <p>Where there is an agreement in place which provides for the implementation of a Shared Infrastructure Funding Plan the infrastructure listed in that Shared Infrastructure Funding Plan is to be provided in accordance with that agreement.</p>
		<p>Leaf:</p> <p>Development must make a fair and equitable contribution to the total cost of providing the following infrastructure:</p> <ul style="list-style-type: none"> a. All items listed in Table 1 – Precinct Infrastructure Plan which are not part of the Shared Infrastructure Funding Plan. b. Drainage infrastructure. c. Local streets. d. Landscaping, and where reasonably required by the municipal council, fencing of abutting streets and roads. e. Intersection works and appropriate traffic management measures along arterial roads, connector streets and local streets. f. Local pedestrian and shared bicycle paths along local roads and connector streets, utilities easements, local streets, waterways and within local parks including intersections and crossing points. g. Bicycle parking. h. Appropriately scaled lighting along all roads, shared bicycle and

CDP Ref	Exhibited	Final (Day 4) proposed changes
pedestrian paths and traversing the open space network.		
i. Local drainage system and water quality systems		
Table 1 Precinct Infrastructure Plan		
Road	Pedestrian Crossing Upgrade 3 x pedestrian refuge islands to be place at Hepner Place, at the northern end of Weddell Road and Backwell Street. Shared item	Council: No change Leaf: Delete
Road	Thompson Road Intersection Delivery of a main intersection access from Thompson Road. Local item	Council: No change Leaf Shared item
Road	Weddell Road Intersection Delivery of a main intersection access from Weddell Road. Local item	Council: No change Leaf Shared item
Public transport	Bus stop relocation Potential bus stop relocation Thompson Road Local item	Council: No change Leaf Shared item
Public transport	Bus stop upgrade Upgrade to bus stops on Weddell Road and north side of Ballarat Road Local item	Council: No change Leaf Upgrade to bus stops on Weddell Road. Shared item
Trails	Shared user path Shared user path on the western side of Weddell Road between Ballarat Road	Council: No change

CDP Ref	Exhibited	Final (Day 4) proposed changes
	and Victoria Street, and Landscaping Shared item	Leaf: Shared user path on the western side of Weddell Road for the extent of the precinct frontage, and Landscaping
Trails	Shared user path Shared user path on the south wide of Victoria Street between Weddell Road and Thompson Road, and Landscaping Shared item	Council: Shared user path on the south side of Victoria Street between Weddell Road and the Geelong North Railway Station, and Landscaping Leaf: Delete
Trails	Footpath Pedestrian path upgrade on eastern side of Weddell Road between 138 Weddell Road and Victoria Street Shared item	Council: No change Leaf: Delete
Trails	Footpath Pedestrian path upgrade on the northern side of Ballarat Road from Thompson Road to the bus stop Shared item	Council: No change Leaf: Delete