

**Greater Geelong Planning Scheme Amendment C436ggee
and Planning Permit Application PP573- 2021
Stage 5, Balmoral Quay, Rippleside**

Panel Report

Planning and Environment Act 1987

10 April 2024

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 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 may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

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 C436ggee and Planning Permit Application PP573- 2021

Stage 5, Balmoral Quay, Rippleside

10 April 2024



Sarah Raso, Chair



Rebecca Finn, Member



Peter Edwards, Member

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Glossary and abbreviations

AHD	Australian Height Datum
Amended Plans	Proponent’s Day 1 Updated Architectural Plans
Amendment	Greater Geelong Planning Scheme Amendment C436ggee
amendment land	1, 11, 23, 40 and 60 Harbourside Drive, and 1 to 20 Lumb Place, Rippleside
CDZ	Comprehensive Development Zone
CDZ2	Comprehensive Development Zone Schedule 2
Council	City of Greater Geelong
D	Document
Development Plan	Rippleside Comprehensive Development Plan, February 2020
DTP	Department of Transport and Planning
existing Permit	Planning Permit 647/2004
GRZ1	General Residential Zone, Schedule 1
PE Act	<i>Planning and Environment Act 1987</i>
Permit	Planning Permit PP573-2021
Permit Application	Planning Permit Application PP573-2021
Proponent	Balmoral Quay Pty Ltd
Reserve	Part of the subject land which is under the ownership of Barwon Water
RSA	Road Safety Audit

Settlement Strategy

The City of Greater Geelong Settlement Strategy

subject land

1 and 11 Harbourside Drive, Rippleside

Urban Design Guidelines

Rippleside Urban Design Guidelines, June 2020

VCAT

Victorian, Civil and Administrative Tribunal

Amendment summary

Amendment	Greater Geelong Planning Scheme Amendment C436ggee and Planning Permit Application PP573- 2021
Permit	Planning Permit Application PP573- 2021
Common name	Stage 5, Balmoral Quay, Rippleside
Brief description	Combined planning scheme amendment and planning permit application to facilitate: <ul style="list-style-type: none"> - Stage 5 of the Balmoral Quay development at 1 and 11 Harbourside Drive, Rippleside - increase the maximum building height from 13.5 to 27 metres AHD - increase the number of dwellings permissible without a permit to 194
Land	1, 11, 23, 40 and 60 Harbourside Drive, and 1 to 20 Lumb Place, Rippleside
The Proponent	Balmoral Quay Pty Ltd
Planning Authority	Greater Geelong City Council
Authorisation	25 July 2023
Exhibition	17 August to 25 September 2023
Submissions	Number of Submissions: 173 including 1 petition filed on behalf of 419 persons

Panel process

The Panel	Sarah Raso (Chair), Rebecca Finn, Peter Edwards
Supported by	Georgia Brodrick, Project Officer, Office of Planning Panels Victoria
Directions Hearing	In person and by video conference from 1 Spring Street, Melbourne on 22 January 2024
Panel Hearing	In person and by video conference from 137-149 Mercer Street, Geelong from 19 to 22 February 2024
Site inspections	Unaccompanied, 6 February 2024

Parties to the Hearing

Greater Geelong City Council, represented by Lana Krausus, Senior Strategic Planner and assisted by Tim Web, Team Leader Statutory Planning at City of Greater Geelong, who called the following expert evidence:

- Jason Walsh of Traffix Group in traffic and car parking

Balmoral Quay Pty Ltd, represented by John Cicero of Best Hooper Lawyers who called the following expert evidence:

- Craig Czarny of Hansen Partnership in urban design
- Hilary Marshall of Ratio in traffic and car parking
- Kel Twite of UpCo in planning

Sam Smith and Stage 5 is too big for Rippleside, represented by Jack Chiodo of Jackson Lane Legal who called the following expert evidence:

- Rob Milner of Milner Planning Advisory Town Planning in planning

Peter Goss

Geoff Heriot

Julian Hannah-Smith

Rosemary Kiss

Helen Lyth

Joy Phillips

Keith Fagg OAM

Citation

Greater Geelong PSA C436ggee [2024] PPV

Date of this report

10 April 2024

Executive summary

Balmoral Quay is a 2.7-hectare parcel of land in Rippleside, two kilometres north-west of the Geelong city centre. It sits on the water's edge to the east of the existing Rippleside residential neighbourhood. The Balmoral Quay development has sought to regenerate land previously used for ship building and maintenance related activities. The five-stage development has been ongoing since approximately 2006 in accordance with:

- an existing permit issued in 2005
- the Rippleside Comprehensive Development Plan
- the Rippleside Urban Design Guidelines.

Stages one and two have been completed and subdivided. Stages three and four are due to be completed in early 2024. Stage five is subject to this combined amendment and planning permit application.

Greater Geelong Planning Scheme Amendment C436ggee and Planning Permit Application PP573-2021 (Permit Application) represent a combined application lodged pursuant to section 96A of the *Planning and Environment Act 1987* for land located at 1, 11, 23, 40 and 60 Harbourside Drive, and 1 to 20 Lumb Place, Rippleside.

The Amendment seeks to revise the:

- Rippleside Comprehensive Development Plan and the Rippleside Urban Design Guidelines to:
 - vary the maximum height of development on the stage five land from 13.5 to 27 metres AHD (or 28.2 metres AHD to the top of services)
 - update policy references, maps, and figures
- Comprehensive Development Zone Schedule 2 to refer to a maximum of 194 dwellings before a permit is required to use the land for a dwelling.

The Permit Application seeks permission for buildings and works associated with the construction of a seven-storey mixed-use building (including basement) comprising 84 dwellings and an associated reduction in the statutory car parking requirements.

The Amendment and Permit Application were exhibited from 24 August to 25 September 2023. 173 submissions were received. Key issues raised included:

- height and built form
- off-site amenity impacts including overshadowing
- loss of views
- access, traffic and car parking.

Clause 71.02-3 of the Planning Scheme requires an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development. In this case, the Panel is satisfied that subject to its recommendations, the proposed development can co-exist within the surrounding established residential area, and that the new housing opportunities will be a positive outcome. The amendments to the Comprehensive Development Zone and the incorporated documents are well founded and reflect the prevailing state and local strategic objectives to provide increased housing opportunities in infill locations such as this.

The Panel finds that subject to its recommended conditions the planning permit should be issued. It represents an acceptable town planning outcome that has sought to balance the competing

policy objectives relating to urban design, view sharing, planning, and traffic and will result in a built form outcome that will sit comfortably within its physical and strategic planning context.

The Amendment is well founded, strategically supported, and should be approved.

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Greater Geelong Planning Scheme Amendment C436ggee as exhibited subject to:**
 - a) **revising the Comprehensive Development Zone Schedule 2, as shown in Appendix D:1**
 - b) **revising the Rippleside Comprehensive Development Plan to update the “Key” to confirm the height limits that apply to all built form on the subject land are mandatory**
 - c) **revising the Rippleside Urban Design Guidelines as provided in Document 81 subject to the following additional changes:**
 - **Delete the concept sketch extracted in Figure 11 of this Report.**
 - **Delete the view line diagram extracted in Figure 15 of this Report.**
 - **Move the view line diagram extracted in Figure 14 of this Report from Section F7 to Section G2.**
 - **Replace Guidelines G2.1 and G2.2 with:**
 - Provide for framed views of Corio Bay from residential properties opposite the site from the west.**
 - **Include any consequential amendments to images, plans, indicative diagrams, or provisions which require updating as a result of the Panel’s recommendations to the proposed building envelope and built form layout, or which are generally inconsistent or contradict the proposal.**
- 2. Grant Planning Permit PP573-2021 subject to the conditions shown in Appendix D:2.**

1 Introduction

1.1 The Panel

The Panel was appointed under delegation from the Minister for Planning on 14 December 2023 under the provisions of Section 153 of the *Planning and Environment Act 1987* (PE Act). The Panel is to consider the Amendment and Permit Application and to hear submissions and evidence in relation to them.

The members of the Panel are:

- Sarah Raso, Chair
- Rebecca Finn, Member
- Peter Edwards, Member.

The Panel was assisted by Georgia Brodrick, Project Officer of Planning Panels Victoria.

1.2 The site and surrounds

The Amendment applies to 1, 11, 23, 40 and 60 Harbourside Drive, and 1 to 20 Lumb Place, Ripplside (amendment land) as shown in Figure 1.

Figure 1 Amendment land



Source: Explanatory Report, D23

The Permit Application applies to 1 – 11 Harbourside Drive, Ripplside (subject land) as shown in Figure 2.

Figure 2 Subject land



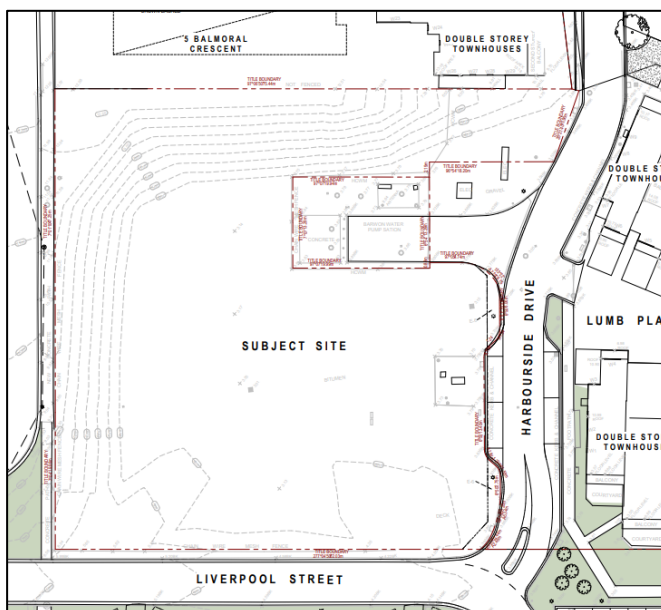
Source: Ms Marshall Statement of Evidence, D52

The amendment land, which includes the subject land, is located on the west side of Port Phillip Bay, approximately two kilometres north of the Geelong City Centre.

The subject land is:

- known Lot 5 of Plan of Subdivision PS814484L and has road frontages to Balmoral Crescent, Yacht Approach (extending off Liverpool Street) and Harbourside Drive which includes kerb outstands and indented on-street car parking
- undeveloped, being the final lot in the Balmoral Quay redevelopment
- relatively flat but with significant cut with batter slopes on the north and west ranging from around six to eight metres below nature ground level from Balmoral Crescent. See Figure 3.

Figure 3 Existing conditions plan extract - subject land



Source: Architectural Plan, D13

To the east of the subject land sits stages one to four of the Balmoral Quay development. Further east is the Balmoral Quay Marina and Port Phillip Bay. A public shared path has been constructed along the shoreline and runs between Rippleside Park and St Helens Reserve.

To the south is Rippleside Park which includes a BBQ area, playground, café, large open spaces and Rippleside Beach (to the south-east).

To the norths a three-unit development accessed from Balmoral Crescent. The westernmost dwelling is three storeys and the eastern most is two storeys. The other dwellings along Balmoral Crescent are typically one to two storeys.

To the west are one to two storey dwellings along Balmoral Crescent and extending down Walker and Liverpool Streets. The dwellings along Walker Street are included in the Heritage Overlay (HO1630).

1.3 Background

(i) Site history

The Greater Geelong Planning Scheme (Planning Scheme) was first amended to facilitate the redevelopment of the amendment land through Amendment C2 (gazetted 8 March 2001).

The Explanatory Report for Amendment C2 explained why the amendment was required:

The amendment is required to enable the development of a new substantially residential precinct with low key office, restaurant and retail components on the former Rippleside Shipyards site. It will enable development to occur in accordance with a Comprehensive Development Plan and Urban Design Guidelines incorporated into the planning scheme.

The changes proposed in the amendment were previously exhibited in Amendment R245 to the former Greater Geelong Planning Scheme. Upon approval of the new Greater Geelong Planning Scheme, the former scheme and amendment R245 lapsed. The Minister for Planning appointed an independent panel to consider the submissions received in respect of Amendment R245. The panel supported the proposal subject to various modifications to the exhibited amendment.

Amendment C2 introduced a series of planning controls and incorporated documents to guide the redevelopment of the amendment land, including the:

- Comprehensive Development Zone, Schedule 2 (CDZ2)
- Environmental Audit Overlay
- Rippleside Comprehensive Development Plan, February 2000 (Development Plan)
- Rippleside Urban Design Guidelines, June 2000 (Urban Design Guidelines).

Since the gazettal of Amendment C2, there have been several planning permits issued for the amendment land, including the master permit, Planning Permit 647/2004 (existing Permit), issued in 2005, that allows:

Use of the land for a convenience shop, restricted recreation facility, marina and more than 98 dwellings, construction of buildings and works, including buildings that exceed the heights shown on the comprehensive development plan, and variation of loading bay requirements generally in accordance with the endorsed plans.

The redevelopment of the amendment land has been ongoing since approximately 2016 in five stages as shown in Figure 4. Stages 1 and 2 have been completed and subdivided. Stages 3 and 4 are due to be completed in March 2024. Stage 5 is subject to the current Amendment and Permit Application and affects the subject land.

Figure 4 Staging Plan

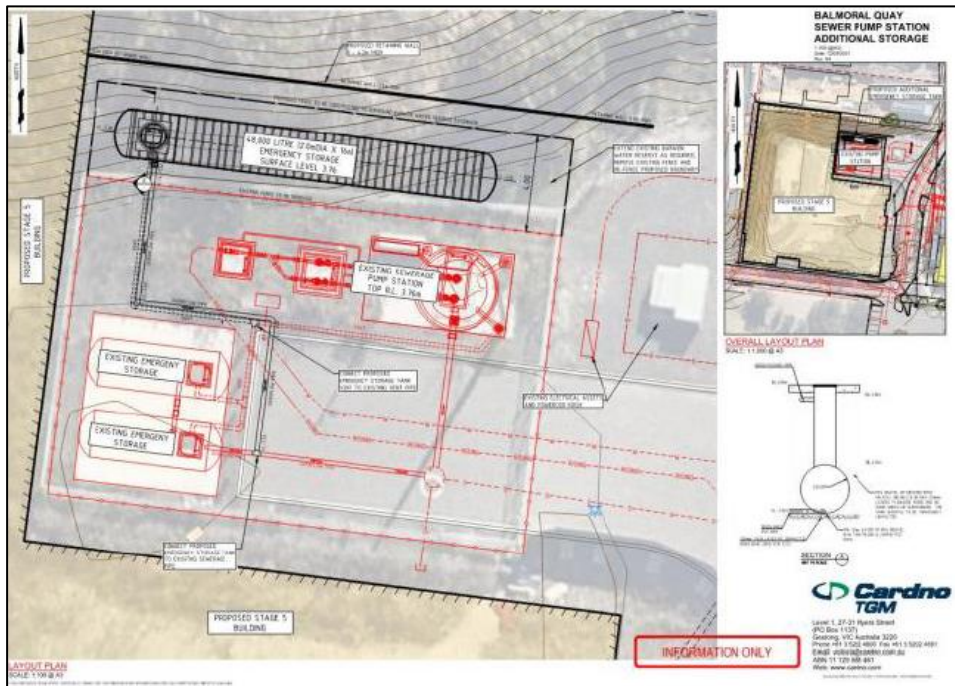


Source: D64

Under the existing Permit, 39 dwellings were approved for Stage five, with a further 104 dwellings approved and delivered under stages one to four.

The subject land includes land which is now under the ownership of Barwon Water (approximately 18 per cent of the total site). Barwon Water required this area to accommodate its sewer pumping station associated easements and access rights. These works were required by Barwon Water to progress construction of the initial stages of the development. See Figure 5.

Figure 5 Indicative layout of Barwon Water sewer pump design



Source: Proponent Submission, D64

(ii) Chronology of events

Greater Geelong City Council (Council) provided a detailed background to the Amendment and Permit Application in its Part A submission, including a chronology of events which the Panel has summarised in Table 1.

Table 1 Chronology of events

Date	Event
Site history	
May 1999	Greater Geelong Amendment R245 exhibited which sought to rezone the amendment land
May 2000	Panel Report issued for Amendment R245
13 September 2000	Council adopted Amendment C2 (formerly R245 which lapsed upon approval of New Format Planning Scheme)
8 March 2001	Amendment C2 gazetted. It: <ul style="list-style-type: none"> - rezoned the amendment land from Special Use Zone, Port Area to CDZ2 - applied the Environmental Audit Overlay - incorporated the Development Plan and the Urban Design Guidelines into the Planning Scheme
28 February 2005	Existing Permit issued at the direction of the Victorian, Civil and Administrative Tribunal (VCAT) for the amendment land allowing use for convenience shop, restricted recreation facility, marina, 98 dwellings and buildings and works
Amendment and Permit Application	
24 November 2020	Proponent submitted pre-application documents to Council
22 January 2021	Council provided initial pre-application advice
21 May 2021	Amendment and Permit Application lodged with Council
22 June 2021	Council sought further information and Proponent provided 3D model and advice in relation to the Section 173 Agreements
August to September 2021	Referrals to internal and external departments undertaken, including the Environment Protection Authority, Department of Transport and Planning, Barwon Water and the Wadawurrung Traditional Owners Aboriginal Corporation
8 October 2021	Council sought further information and raised the following preliminary issues: <ul style="list-style-type: none"> - building height increase - interface with Rippleside Park and Yacht Approach (including visual bulk and winter shadowing of Rippleside Park) - interface with Balmoral Crescent and adjoining residential area, including the Drumcondra and Rippleside Heritage Area - reduced car parking and enhanced sustainable modes (such as electric vehicle charging points)

Date	Event
	- land use and connection with the pier/waterside functions
15 July 2022	Proponent responded to request for further information and submitted revised architectural plans
September to October 2022	Second round of internal and external referrals of revised application
22 November 2022	Council resolved to support preparation and exhibition of the Amendment and Permit Application
December 2022 to March 2023	Council prepared final version of the Amendment documents and the draft planning permit
16 March 2023	Council requested Minister's authorisation
25 July 2023	Minister's delegate authorised preparation and exhibition of Amendment and Permit Application
24 August to 25 September 2023	Exhibition of Amendment and Permit Application
12 December 2023	Council resolved to refer submissions to a Panel
Panel Process	
22 January 2024	Directions Hearing
19 to 22 February 2024	Panel Hearing

(iii) Summary of changes to the Amendment and Permit Application since exhibition

The Proponent provided a 'Day 1' package of the Amendment and Permit Application documentation on 15 February 2024, along with an email identifying the key changes since the matter was publicly exhibited, which is summarised as follows:

- updated architectural plans¹ (Amended Plans) and summary of changes² - the changes reflected the recommendations arising from Ms Marshall and Mr Czarny's traffic and urban design evidence, and included:
 - carpark entry from Balmoral Crescent setback seven metres from the western boundary and access increased to 6.2 metres wide (including consequential amendments)
 - apartment 3.01 setback from the western property boundary with open balcony.
- updated development summary³ which detailed the consequential update to the typology of apartment 3.01 which changed from a three bedroom to a two bedroom apartment as a result of Mr Czarny's recommendation
- Day 1 version of the CDZ2⁴ to reflect Mr Twite's recommendations in his planning evidence
- Day 1 version of the Permit⁵ to reflect Mr Twite recommendations in his evidence and to reflect the updated architectural plans

¹ D68a

² D68c

³ D68b

⁴ D68d

- Day 1 version of the Urban Design Guidelines⁶.

1.4 Documents relied upon

As noted, the Amendment and Permit Application documents have evolved since exhibition and there were several iterations of documents tabled during the Panel process. The Panel has based its preferred drafting of the:

- Permit on the 'Proponent – updated Day 1 version Planning Permit'⁷
- CDZ1 on the 'Proponent – Day 1 version CDZ2'⁸
- Urban Design Guidelines on the 'Proponent – updated Day 1 Urban Design Guidelines'⁹
- Development Plan on the exhibited version of the Rippleside Comprehensive Development Plan, February 2020¹⁰.

1.5 The Panel's approach

Key issues raised in submissions were:

- height and built form
- off-site amenity impacts including overshadowing
- loss of views
- access, traffic and car parking
- loss of views
- lack of policy support
- heritage impacts
- wind impacts
- insufficient consideration of people with limited mobility.

The Panel has assessed the Amendment and Permit Application 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 and Permit Application, 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:

- Strategic issues
- Design response and amenity
- Traffic, car parking and movement
- Amendment and permit drafting.

⁵ D68e

⁶ D68f

⁷ D89a

⁸ D68d

⁹ D81

¹⁰ D28

2 The Amendment and Permit Application

2.1 The Amendment

The Amendment applies to the amendment land and seeks to amend the:

- Development Plan and the Urban Design Guidelines to vary the maximum height of development on the subject land from 13.5 to 27 metres Australian Height Datum (AHD) (or 28.2 metres AHD to the top of services), amongst other consequential changes (including updating policy references, maps, and figures)
- CDZ2 to refer to a maximum of 194 dwellings before a permit is required to use the land for a dwelling.

Specifically, the Amendment proposes to:

- amend Clause 72.04 to replace the Urban Design Guidelines and the Development Plan with the Rippleside Urban Design Guidelines, March 2023 and the Rippleside Comprehensive Development Plan, March 2023
- amend the CDZ2 to update the references to the new Urban Design Guidelines and Development Plan and to refer to a maximum of 194 dwellings before a permit is required to use the land.

Table 2 sets out a summary of the proposed amendments.

Council prepared and is the planning authority for the Amendment.

The Amendment has been made at the request of Balmoral Quay Pty Ltd (Proponent).

Table 2 Proposed amendments

Provision	Existing	Proposed (as exhibited)
CDZ2	<p><u>Purpose:</u></p> <ul style="list-style-type: none"> - To provide for development that is sympathetic to the surrounding residential and recreational environment, utilising the waterfront location and harbour infrastructure <p><u>Section 1.0 Table of Uses:</u></p> <p>allow up to 98 dwellings or otherwise the use became 'section 2' use</p>	<p><u>Purpose:</u></p> <ul style="list-style-type: none"> - To provide for development that is both sympathetic to the surrounding residential and recreational environment, utilising the waterfront location and harbour infrastructure, and also contributes towards residential density and housing diversity. <p><u>Section 1.0 Table of Uses:</u></p> <ul style="list-style-type: none"> - allow up to 194 dwellings - other drafting changes to bring the zone in line with current drafting standards <p><u>Section 3.0 Subdivision:</u></p> <ul style="list-style-type: none"> - further drafting to bring the CDZ2 in line with current drafting standards - incorporation of decision guidelines when the responsible authority is considering an application for subdivision <p><u>Section 4.0 Buildings and Works:</u></p> <ul style="list-style-type: none"> - further drafting to bring the CDZ2 in line with current drafting standards

Provision	Existing	Proposed (as exhibited)
		<ul style="list-style-type: none"> - urban design guidelines sub-heading removed as it is already a requirement in the preceding paragraphs - application requirements updated in line with current drafting standards, also with the addition of traffic and delivery matters and Clause 58 - decision guidelines updated and rationalised, with the deletion of the ‘lapsing of schedule’ and ‘incorporated document’ reference - deletion of a decision guideline relating to the Siting and Design Guidelines For Structures Along The Victorian Coast
Development Plan	<p>Shows the subject land:</p> <ul style="list-style-type: none"> - being indicatively developed with a snaking Z-shaped built form, with the various wings noted as either ‘residential over parking’ or ‘office’ - containing pedestrian spaces and private open space surrounding and between the building wings - subject to a height to 13.5 metres AHD, with some elements subject to lesser heights of 13.4 metres AHD, 12.7 metres AHD and 11.8 metres AHD - having a built form setback between 4.5 metres and 3 metres to the northern boundary, 5 metres to the western boundary and between 6 metres and 5.2 metres to the southern boundary 	<p>Shows the subject land:</p> <ul style="list-style-type: none"> - being indicatively developed in a L-shaped built form along the western and southern boundaries with built form noted as either ‘residential over parking’ or ‘retail premises’ - containing the existing Barwon Water Pump Station - containing pedestrian spaces and private open space surrounding the building - subject to a height to 27.0 metres AHD - having a built form setback between 5.3 metres and 11.3 metres to the northern boundary, between 6.9 metres and 9.3 metres to the western boundary and between 2.8 metres and 19.8 metres to the southern boundary - generally updated to reflect the completed stages 1-4 and generally aligns with the planning permit application plans insofar as stage 5 is concerned
Urban Design Guidelines		<p>Key changes:</p> <ul style="list-style-type: none"> - general updates to bring the document in line with current authority and policy references - new economic and urban efficiency strategic objectives, recreational needs strategic objectives, land use strategic objectives, waterside recreation strategic objective, built form strategic objective and framework response - deletion of ‘office’ reference in ‘land use pattern’ in framework response and removal of references to commercial activity throughout the map sheets

Provision	Existing	Proposed (as exhibited)
		<ul style="list-style-type: none"> - deletion of 'A visual marker is used to announce the Village Centre and public uses' under the 'built form' framework response - the plans on pages 20-23, 47 have been updated to reflect the proposed stage 5 development and completed stages 1-4 - the public spaces guidelines updated - residential amenity pages have been updated to reference Clauses 55 and 58 - the maps on pages 32 and 33 be deleted - the daylight reference has been updated - the public realm hierarchy map deleted

2.2 The Permit Application

The Permit Application relates to the subject land and seeks approval for:

- buildings and works for the purpose of a seven storey building containing 84 dwellings, office, and retail premises
- reduction in the car parking requirements of Clause 52.06.

Specifically, the Permit Application seeks permission for:

- 84 dwellings
- 34.7 square metres of office
- a 77.8 square metre shop
- 134 car parking spaces
- 115 bicycle parking spaces.

Draft Planning Permit PP573-2021 (Permit) has been prepared to authorise the proposed development.

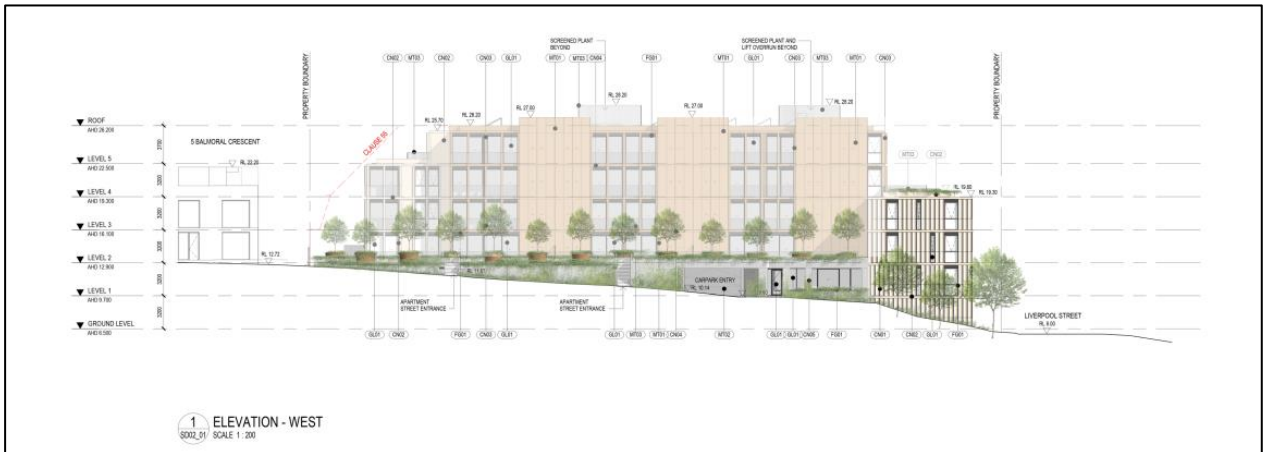
Under the existing Permit 39 dwellings were approved for 'Stage 5' with a further 104 dwellings approved and delivered under stages 1-4 of the development. The Permit Application seeks approval for 84 dwellings, constituting an uplift of 45 dwellings.

The development is proposed to be a maximum height of:

- 26.2 metres AHD to the roof
- 27.0 metres AHD to the top of parapet
- 28.2 metres to the top of plant screens.

To the west (Balmoral Crescent side), the development is proposed to generally present as three to five storeys, with a four storey, vertically modulated element and a recessive part basement car park part dwelling area. See Figure 6.

Figure 6 West elevation



Source: D68a

To the south (Yacht Approach), the development is proposed to present as a four to five storey podium with two recessive storeys above. See Figure 7.

Figure 7 South elevation



Source: D68a

To the east (Harbourside Drive), the development has been modulated to present a series of three, four and five storey forms, with two to four storey upper storeys above. See Figure 8.

Figure 8 East elevation



Source: D68a

To the north the building is proposed to present generally as a three to four storey form due to the fall of the land to the east, with the upper levels setback from the northern interface. See Figure 9.

Figure 9 North elevation



Source: D68a

3 Strategic issues

3.1 Planning context

Many submissions questioned the strategic basis of the Amendment. The key issue to be resolved is whether the Amendment is well founded and strategically justified.

The Panel has summarised the relevant planning context in Table 3. Appendix C highlights key imperatives of relevant provisions and policies.

Table 3 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 2
Planning Policy Framework	<ul style="list-style-type: none"> - Clauses 11.01-1S (Settlement), 11.01-1R (Settlement – Geelong G21), 11.01-1L-01 (Settlement – Geelong Greater Geelong), 11.02-1S (Supply of urban land) - Clauses 12.01-1S (Protection of biodiversity), Clause 12.02-1S (Protection of the marine and coastal environment), 12.02-1L (Protection of coastal areas), 12.05-1S (environmentally sensitive areas), 12.05-2S (Landscapes) - Clauses 13.04-1S (Contaminated and potentially contaminated land), Clause 13.05-1S (Noise management) - Clause 14.02-2S (Water quality) - Clauses 15.01-1S (Urban design), 15.01-2S (Building design), 15.01-2L (Environmentally sustainable development), 15.01-4S (Healthy neighbourhoods), 15.01-5S (Neighbourhood character), 15.01-5L – (Neighbourhood character) - Clauses 16.01-1S (Housing supply), 16.01-1R (Infill housing - Geelong G21), 16.01-2S (Housing affordability) - Clauses 18.01-1S (Land use and transport integration), 18.01-3S (Sustainable and safe transport), 18.02-1S (Walking), 18.02-2S (Cycling), 18.02-3S (Public transport), 18.02-4S (Roads)
Other planning strategies and policies	<ul style="list-style-type: none"> - Plan Melbourne Direction 4, Policies 4.1, 4.2 - G21 Regional Growth Plan - Geelong Transport Strategy - Study of Open Space Networks - The City of Greater Geelong Settlement Strategy (Settlement Strategy) - City of Greater Geelong Housing Diversity Strategy (Housing Diversity Strategy) - Siting and Design Guidelines for Structures Along the Victorian Coast
Planning scheme provisions	<ul style="list-style-type: none"> - Comprehensive Development Zone - General Residential Zone, Schedule 1 - Environmental Audit Overlay

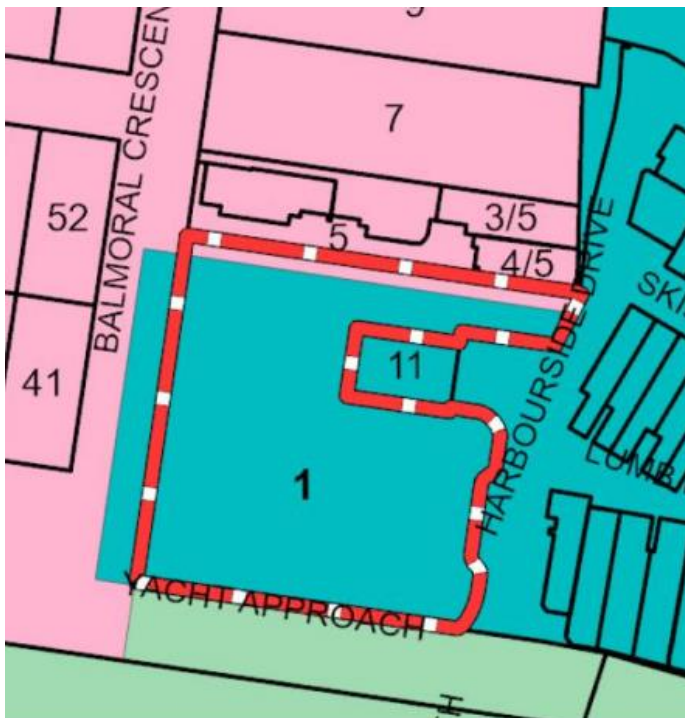
	- Clause 58 (Apartment developments)
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

3.2 Planning controls

The subject land is:

- subject to the CDZ2
- subject to the General Residential Zone Schedule 1 (GRZ1) for approximately 3.8 metres along its northern boundary
- affected by an Environmental Audit Overlay - a Statement of Environmental Audit has been issued for the amendment land (including the subject land)
- within a mapped area of Aboriginal cultural heritage - a Cultural Heritage Management Plan, prepared by Ecological Australia (dated 2 May 2022) has been approved.

Figure 10 Zoning



The CDZ2 requires at Clause 4.0 that:

- all buildings and works be 'generally in accordance with' the Development Plan and Urban Design (UD) Guidelines;
- all buildings and works 'must be undertaken in accordance with' the UD Guidelines; and
- without a permit, the height of any building must not exceed the height shown on the Development Plan;

3.3 Evidence and submissions

The Panel had regard to the planning evidence noted in Table 4, as well as relevant submissions.

Table 4 Planning evidence

Party	Expert	Firm
Proponent	Craig Czarny	Hansen
	Kel Twite	UpCo
Submitters 138 and 173	Rob Milner	Milner Advisory

(i) Council

Council submitted:

- the Amendment enjoyed strong strategic support, even though the subject land was not formally identified through policy as an increased housing diversity area
- the Planning Policy Framework contained broad policy support in encouraging housing supply and urban consolidation.

Council referenced community concern around scale and bulk and acknowledged that the proposal is different to that which was envisioned in the original Urban Design Guidelines and Development Plan. Council's overarching argument was that the subject land offers a significant opportunity to respond to the significant demand for housing and housing diversity in Geelong. It referenced multiple times the specific advantages of this site for infill development in a highly desirable location with excellent access to services, infrastructure, and open space.

(ii) The Proponent

The Proponent submitted the starting point for the Panel's consideration is that the existing planning controls currently contemplate a building that might exceed the maximum building height permitted (namely 13.5 metres AHD). It submitted:

- the amendment land which includes the subject land, has the benefit of the existing Permit which remains live, and which approves a four-storey (higher than 13.5 metres) development on the subject land
- it follows that there was an acceptance in 2005 when the existing Permit issued that the height specified under the Development Plan could be exceeded
- the urban renewal of the subject land and its surrounds has clearly progressed significantly since the four-storey building was approved
- broad strategic objectives in the Planning Scheme call for sustainable infill development and urban consolidation, in particular, to meet future community needs
- the subject land is exactly the type of site which is envisaged by policy to carry additional residential density.

It submitted:

The significant body of work recently undertaken as part of the Bellarine Distinctive Areas and Landscape process also sees the 'locking down' of township boundaries, further emphasising the strategic preference for encouragement of increased housing opportunities in areas where it can be accommodated, close to necessary community services and infrastructure, which the Subject Site clearly is.

In referencing Council's Settlement Strategy, the Proponent submitted it represents the municipality's recognition of the necessity to favour infill development and increased housing opportunities when appropriate. It submitted:

- while the planning provisions for the subject land, in particular the Urban Design Guidelines, have remained static, planning policy has evolved
- the thrust of the evolution is that policy (the Settlement Strategy) now seeks to rely more heavily on infill development in established areas
- in the context of Geelong this means that infill development in established areas must increase from 35 per cent to 50 per cent.

The Proponent submitted:

C436 seeks to capitalise on a significant opportunity to provide increased housing on a site which is entirely capable of carrying it, in a location which boasts attributes which support urban consolidation. C436 seeks to build upon the broad strategic objectives of Council to provide infill development in suitable locations, which the Subject Site is, including by virtue of its proximity to community infrastructure and services and the Geelong CBD. In doing so, C436 seeks to update planning scheme provisions and associated documents which are some 24 years old (namely the provisions of the Comprehensive Development Zone and the Urban Design Guidelines) bring them more consistent with the prevailing strategic objectives both at a state and local level to provide increased housing opportunities in infill locations such as this.

Mr Twite, for the Proponent, said that subject to his recommendations being adopted (all which were accepted by the Proponent), the Amendment *"is an acceptable planning outcome and is strategically justified..."*. He said the *"majority of the drafting changes to the CDZ2, Development Plan and Urban Design Guidelines are administrative from a technical perspective and bring the CDZ2 and incorporated documents in line with today's drafting standards."* For example, he noted:

- the land use terms in the table of uses in the proposed CDZ2 have been aligned with Clause 73.03 of the Planning Scheme
- responsible authority references have been updated
- the Development Plan has been logically updated to show the completed stages 1-4
- the CDZ2 and the Urban Design Guidelines have been modified with the addition of references to Clause 58.

Mr Twite highlighted the further layer of changes to the CDZ2, the Development Plan and the Urban Design Guidelines which *"reflect the passage of time since the amendment was originally approved in 2000."* This includes additional economic, urban efficiency, recreational, land use, waterside recreation and built form strategic objectives within the Urban Design Guidelines, in line with the objectives of the Victorian Planning Provisions.

More generally, Mr Twite said:

- the new key planning themes have strengthened urban consolidation policies, encouraging growth in established areas well serviced by public transport, infrastructure and services
- there is a policy focus on limiting further residential expansion in the Bellarine Peninsula putting extra pressure on existing urban areas and a greater responsibility on infill sites
- Council's Housing Strategy strengthened the vision and objectives of the Victoria Planning Provisions in that urban consolidation is further encouraged given the anticipated growth in the region (noting Clause 02.03-1 forecasts a demand for an additional 73,400 dwellings by 2036)

- while the Planning Scheme is silent in terms of identifying the subject land as an increased housing diversity area, this should not preclude or undermine the site's ability to contribute to housing supply.

In relation to the Barwon Water Pump Station the Proponent submitted:

- the existence of the pump station on the land previously set aside in full for 'Stage 5' of the development constitutes a significant change to the physical context of the subject land and is one catalyst for the Amendment and the Permit Application
- the location of the pump station has had the effect of removing approximately 18 per cent of the developable area and remains a key reason for the variation in typology sought.

(iii) Submitters

Submitters 138 and 173 submitted the Amendment lacks strategic justification and any justification is based on the notion that the Permit Application represents an acceptable outcome. It was submitted:

The fact that the Amendment appears to have started life as a pre-application for a planning permit application is indicative that the overall proposal has been advanced in the wrong order.

The proposed changes to the Development Plan and UD Guidelines are tailored to facilitate the Application, rather than based on the rigorous strategic analysis that would generally be expected for an amendment to the Scheme.

Submitters 138 and 173 submitted local policy within the Planning Scheme establishes a framework that carefully seeks to direct higher density outcomes to specific areas, including:

- 'medium and high density housing' to the 'Key Development Areas'¹¹;
- 'high density housing' to activity centres and 'medium density housing' to residential areas with 'more intense development located closest to the core of activity centres'¹².

It was noted the subject land is not within either of these areas.

Mr Milner gave evidence on behalf of submitters 138 and 173 and said the Amendment is "*ill conceived and strategically unjustified*". He provided a comprehensive analysis of the Planning Policy Framework and the Municipal Strategic Statement / Municipal Planning Strategy between 2000 and 2024 to identify any major shifts in the scope and content of policy that might have a bearing on the intensity of development. From this he drew the following conclusions:

- Urban consolidation, infill, medium density development, greater diversity and improved affordability of housing have been consistent themes of settlement and housing policy for the Rippleside locality.
- Regardless of C436ggee the density of development and mix of housing associated with the redevelopment of Rippleside has been consistent with the prevailing policy expectations for medium density development and has made a substantial contribution of new infill housing as expected by the Greater Geelong Settlement Strategy.
- Rippleside is located external to a recognised *Increased Housing Diversity Area*, but its redevelopment has reflected a scale and typology of development greater than to be expected within such a policy area.

¹¹ Clause 16.01-1L-01

¹² Clause 16.01-1L-02

- The urban design and built form planning controls for the foreshore and coast, including new guidelines, have consistently cautioned and expressed concern about taller and intrusive residential built form.
- Rippleside is a special and sensitive coastal location with a distinctive character, views and amenity, warranting careful management. Its specialness and sensitivity is attributed to the manner in which the land 'pushes out' into Corio Bay and lies lower, making it a distinctive and different part of the foreshore. As now developed there is no comparable development on the bay that is so proximate to the waterline.

In relation to the pump station, submitters 138 and 173 acknowledged the pump station does create a need for a re-design, however, they did not accept the proposed height increases were warranted as a result of this. They submitted the need for this infrastructure should have been foreseen when the Development Plan was first prepared.

In relation to the drafting of various documents, submitters 138 and 173 submitted the Amendment, at least insofar as the exhibited documents, *"tinkers around the edges of the existing UD Guidelines, making select and spot changes throughout"* resulting in a document which Mr Milner said was *"internally inconsistent"*.

Other submitters who raised planning issues considered the proposed built form and heights of buildings were not strategically justified or in keeping with the character of the area.

3.4 Discussion

This is an unusual case in the sense that a planning scheme amendment is usually required to facilitate something that can't already occur. In this case, under the existing planning controls for the subject land, there is the opportunity to apply for a permit for what is before this Panel – a planning scheme amendment isn't necessarily required.

However, the Amendment has been pursued for valid and good reasons.

These include the long passage of time between today and when the existing provisions (the CDZ2, Development Plan and Urban Design Guidelines) were approved and the consequential need to update and refresh these provisions. Importantly, there is a renewed emphasis at both state and regional levels that residential development must stop growing out and land already earmarked for urban development should be better utilised. The subject land, while still undeveloped, has a unique opportunity to "do more" to advance the policies presently found in the Planning Scheme.

While the Planning Scheme does not specifically identify the subject land as an area for increased housing opportunity, the location of the subject land is well suited for higher density housing. It is near a major road and, with access to the Geelong Central Business District, public transport, and cycling and walking paths. The apartment typology will ensure there are increased housing choices for a wider range of household types and income levels within a well serviced and established residential setting.

Planning policy has evolved significantly over the last 20 years and policy today clearly seeks to promote urban consolidation and infill development in established areas. Specifically:

- the Purpose and Vision and the Planning Policy Framework within the Planning Scheme have been amended since 2000 to further support urban consolidation within established areas (along within identified future growth areas in Northern and Western Geelong)

- the Planning Scheme’s vision has been refined through extensive strategic work to restrict growth on Bellarine Peninsula, thereby increasing the need for housing to be accommodated elsewhere
- policy, including the Settlement Strategy, has been strengthened to direct additional housing demand to existing urban or identified growth areas.

The subject land is exactly the type of site which is envisaged by policy to carry additional residential density. While Mr Milner considers the land is already meeting this expectation, the Panel disagrees and considers it can do more.

Clause 71.02-3 of the Planning Scheme requires an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development. In this case, the Panel is satisfied that subject to its recommendations, the proposed development can co-exist within the surrounding established residential area, and that the new housing opportunities will be a positive outcome.

The Panel does not agree with criticisms made in relation to the combined process and the contention that *“the justification for the Amendment appears to be based on the notion that the Application represents an acceptable outcome”*¹³. The Panel agrees with Mr Twite that the Amendment appropriately seeks to update the existing CDZ2 and incorporated documents to facilitate the proposed higher density housing. The suitability of the specific height and density of the proposed development is discussed later in this report.

In terms of the pump station, the Panel agrees with the submitters that the pump station does not in itself provide justification for the increase in height. However, whether the pump station should have been foreseen and accounted for in the Development Plan does not materially impact the Panel’s consideration, in particular around a net community benefit analysis which is the overarching approach taken.

The Panel agrees with parties that there are drafting issues with the Amendment documentation, in particular the Urban Design Guidelines, and further refinement is necessary. This is dealt with later in the report.

3.5 Findings

The Panel finds:

- The Amendment is well founded and strategically justified and is supported by, and implements, the State and Local Planning Policy Framework and strategic imperatives.
- The subject land provides significant opportunity for development. Infill sites such as this must do some of the ‘heavy lifting’ to offset the appetite for development in growth areas.
- It is appropriate to update the Development Plan and Urban Design Guidelines generally as proposed to facilitate higher density housing through a larger and taller building.
- The Amendment should be adopted, and the Permit should be issued, subject to further recommendations.

¹³ D85

4 Design response and amenity

4.1 Background

The Panel had regard to the urban design and planning evidence noted in Table 5, as well as relevant submissions.

Table 5 Urban design and planning evidence

Party	Expert	Firm
Proponent	Craig Czarny	Hansen
	Kel Twite	UpCo
Submitters 138 and 173	Rob Milner	Milner Advisory

4.2 Height and scale

(i) The issue

The issue is whether the height and bulk of the proposed building is appropriate and will result in an acceptable built form outcome.

(ii) Background

The proposed building is designed to take advantage of the significant slope across the subject land (ranging from approximately 9 metres across the northern boundary and 6.5 metres along its western boundary). The height of the proposed building varies considerably along each of the four elevations due to the significant grade change. As detailed in Chapter 2.2, the Amended Plans show:

- a southern elevation of four to five storeys with a two storey upper-level setback
- a western elevation of three to five storeys
- an eastern elevation of four to five storeys with a two storey upper-level setback
- a northern elevation of three to four storeys.

The Amendment seeks to increase the maximum height of built form on the subject land by increasing the height limit as shown in the Development Plan from 13.5 to 27 metres AHD (or 28.2 metres AHD to top of services).

(iii) Evidence and submissions

Many submitters were concerned with the proposed development's height and scale in conjunction with the increased height limits proposed through the Amendment documents. Most submitters were unsupportive of the proposal because of its departure from the original height limits proposed in the Development Plan. Many were concerned by the subject land's high visibility from public areas (including Corio Bay) and considered this type of development is more suited to a central business district location.

Submitters 138 and 173 raised issues with both the height and breadth of the buildings, particularly as it presents to Balmoral Crescent. It was submitted the proposed building:

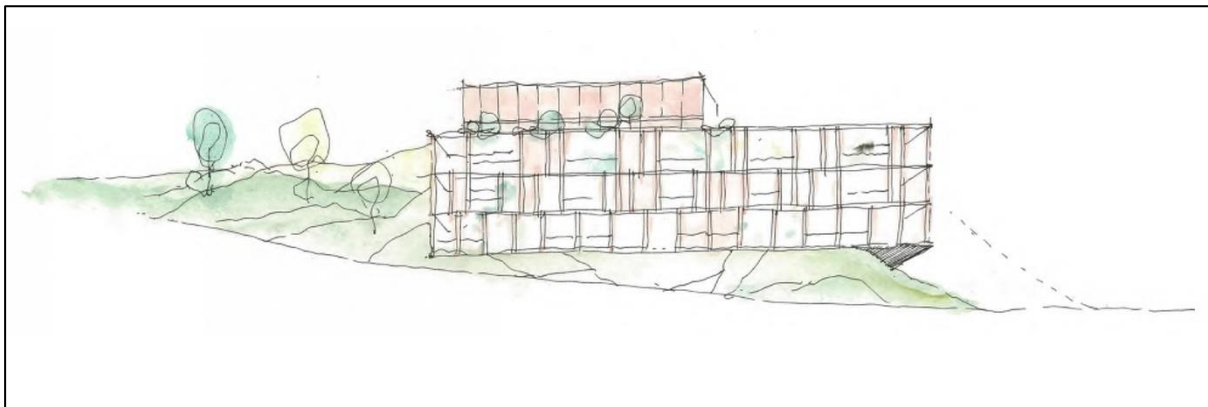
- failed to respond to the natural topography of the land and the prevailing building heights of the surrounding area
- was overly prevalent when viewed from the bay and bay trail and when viewed from Rippleside Park, presenting as an expansive and excessive elevation.

Mr Milner for Submitters 138 and 173 said:

- the proposed height and mass was not in accordance with the guidelines proposed to be retained in the Urban Design Guidelines
- the building should better respond to the built form character of existing buildings in Balmoral Crescent
- the scale and mass of development would be *“alien to the character, grain, rhythm and scale of development in Balmoral Crescent, the broader neighbourhood and even the recent redevelopment of Rippleside”*.

Mr Milner was critical of the exhibited Urban Design Guidelines and the proposed changes and identified various inconsistencies. One inconsistency was the new architectural image (reproduced in Figure 11 below) inserted into the guidelines. He said it showed a smaller building than that proposed with a different number of levels and set into a different surrounding context.

Figure 11 Concept sketch from Urban Design Guidelines



Mr Milner also drew the Panel’s attention to in the Urban Design Guidelines principle 18 which provides for:

Step built form down towards the foreshore and incorporate variations in height to provide view corridors towards the water.

He said the proposal in both a conceptual form and in detail fails the intent of this provision.

Submitter 35 said the proposed development was *“blatantly far too large and inappropriate for the Rippleside area”* and *“the sheer scale of the proposed building is grossly out of character with this neighbourhood, being much taller and bulkier than any current building in the precinct.”*

Submitter 78 emphasised the proposed building’s *“massive bulk”* and *“excessive height”* that would lead to *“an architecturally unsightly and domineering building which has absolutely nothing to recommend it.”*¹⁴

Submitter 89 contended that those traveling along Liverpool Street would be faced by *“a wall of buildings to the east, at least 5 storeys along the roadway, when they move east towards Corio Bay.”*

¹⁴ D73, p9

Council acknowledged the scale and height of the proposed building “*would cause concern within the community*”, given this kind of “*built form outcome is only present in Central Geelong*”.

However, Council:

- submitted “*the demand for infill housing in appropriate and desirable locations such as this is resulting in continuous change for the Geelong community*”
- referenced other nearby and relevant examples such as the Geelong Saleyards which has a preferred height of six storeys and permits up to ten storeys
- noted the evolving development context since the Development Plan and Urban Design Guidelines were approved where a development of this scale may have been out-of-character, however the evolving expectations and character of the area mean it is not an unsuitable outcome.

Council submitted:

- the subject land being “*substantially lower than the residential dwellings on Balmoral Crescent is somewhat ‘nestled’ into its surroundings*”
- although the development will be viewed at its full scale of seven storeys from Rippleside Park, “*it’s unlikely that the form will appear completely out-of-context as it would if the site and surrounds were all flat*”
- the embankment and adjoining three storey developments provide a greater opportunity for increased height that will reasonably respond to the context of the area without being “*monolithic or dominating*”.

The Proponent submitted:

- the appropriateness of the building height sought under the amended Development Plan and throughout the other strategic documents should be considered in the context of the approved development to the north of the Subject Site (5 Balmoral Crescent; next door to the site)
- this northern land is located within the General Residential Zone and constructed at a height which sits only four metres (or one storey) below the proposed development.

Mr Czarny:

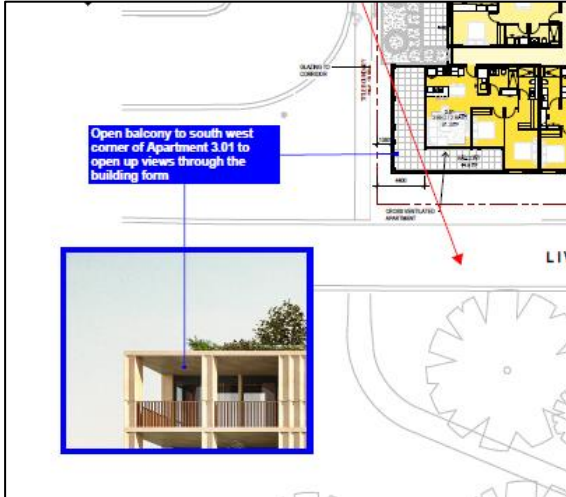
- said although the proposed building is close to double that identified in the Development Plan, the recently constructed and approved townhouses to the north of the subject land at 5 and 7 Balmoral Crescent are not significantly lower than what is proposed
- emphasised that the proposed profile is not uniform but substantially setback, stepped and articulated in its transitions
- accepted the “*elevated form will be apparent in the view*” but that “*its upper reaches are rebated from sensitive interfaces to avoid presentation of visual bulk and mass*”
- said it was not necessary to comply with the height in the Development Plan given the existing Permit authorises an alternative profile.

While Mr Czarny had no issue with the height increase, he considered there would be merit in recessing the south-west podium (Apartment 3.01) to enable wider views to Corio Bay from Balmoral Crescent and to improve the streetscape presentation. He suggested this could be achieved by eroding or opening up the south-west corner of Apartment 3.01. The Proponent produced an updated Level 3 Plan¹⁵ to demonstrate this change whereby the built form to the

¹⁵ D57b

south-west corner of Apartment 301 was replaced with an open balcony to allow for views through the built form. This change constitutes a 4.4 metre setback from the western property boundary compared to the original setback of 1.38 metres. See Figure 12 and Figure 13.

Figure 12 Alternative design – floor plan



Source: Section from D57b

Figure 13 Alternative design - elevation



Source: Section from D57b [includes Apartment Level and number]

When reviewing the updated Level 3 Plan, Mr Czarny said in evidence in chief that this was “a solution” but that there were many ways to “skin a cat”. He suggested other ways might be to pull the western edge of the building back further or remove some of the balcony columns and balcony roof. He also referred to a discussion he had with the architects where he questioned the rationale of the protruding south-western corner of the building, which sits over six metres further west than the building’s predominant western façade. Although he said that he did not

understand the rationale for this protrusion originally, he could accept the design response following their discussion.

Mr Czarny considered the streetscape presentation along Balmoral Crescent, Liverpool Street and Harbourside Drive appropriate. In general terms, he concluded:

“The street profile and setback condition ensure visual interest with a balanced arrangement of solid and transparent elements, a high degree of glazing, balconies and articulation enabling surveillance across public space and sound architectural expression well divided into parts and rhythmic in its presentation. It represents an excellent streetscape design and form.”

Mr Czarny:

- acknowledged the community concern in relation to the southern building profile to Ripplside Park
- said the two storey upper-level setback will ensure the upper form will be visually and spatially recessive with attention drawn to the articulate southern street form
- said the visual impact of the building will not be overwhelming.

In response to a Panel question about the acceptability of the proposed preferred height control, Mr Czarny said the building was at the “*threshold of acceptability*” in terms of proposed height, and therefore mandatory height controls would be appropriate. The Proponent accepted this recommendation.

Mr Czarny also recommended the inclusion of a permit condition to confirm the project architects and landscape architects are retained, thus ensuring high quality design and consistency.

Mr Twite suggested a one storey difference in height between the building on 5 Balmoral Crescent and the proposed building a “*reasonable transition*” particularly within the CDZ.

(iv) Discussion

The Panel has acknowledged in Chapter 3.4 the unprecedented demand for housing across Victoria and the changing nature of urban living which presents important opportunities for infill sites to do some of the ‘heavy lifting’. The Panel therefore supports the proposal being more ambitious in terms of scale and height than what was contemplated 20 years ago when the original Development Plan and Urban Design Guidelines were drafted.

Council and the Proponent referenced the unique topographical context of the subject land which will allow a larger building to sit on the subject land more comfortably than it would on a flat site. The Panel acknowledges the building is significantly bigger and taller than what was originally envisioned but agrees the topography will assist in de-emphasising its scale and height. This results in the proposed development essentially being only one storey higher than its neighbour at 5 Balmoral Crescent.

While many of the submitters reference scale and height as negatives, the Panel generally agrees with Mr Czarny that the overall scale and height are appropriate. The proposed building, while taller and bigger than previously contemplated is of a high architectural quality with appropriate building articulation, variation, modulation and setbacks, well set into its context.

Overall, the Panel supports a larger building, both in terms of height and scale, for the following reasons:

- the overall height of seven storeys will comfortably sit within the surrounding context, particularly given the topography of the land which provides a greater opportunity for increased height
- the proposed height does not result in any off-site amenity impacts or overshadowing impacts to surrounding properties or the Rippleside Park (discussed further in Chapter 4.3)
- the proposal will largely present as a four to five storey form and will not be visually overwhelming
- the design includes visually recessive upper levels which are well set back from sensitive interfaces to avoid a presentation of visual bulk and mass.

The Panel agrees with Mr Czarny that the height limit should be expressed as a mandatory provision within the Amendment documents rather than discretionary (noting there was no opposition to this from any party including the Proponent).

In terms of the specific streetscape presentations, while the presentation of a four to seven storey profile to Rippleside Park will be apparent, it will sit comfortably within the tree line given the substantial upper-level setbacks with the focus drawn to the articulated four to five storey southern street wall. Park users will benefit from the surveillance and activation this building will bring to the park edge.

While there is a four storey street wall on the south eastern corner of the building on Harbourside Drive, the upper levels are all well set back. Furthermore, the presence of the Barwon Water facility means that there is a significant portion of the Harbourside Drive streetscape that does not include built form at all.

The Balmoral Crescent streetscape will largely present as three to five storeys behind a raised landscape bed with a well-articulated setback from the property boundary, while the south-western corner protrudes out beyond the prevailing western façade alignment. While the Panel does not take issue with the overall height of the proposed building from this elevation, it has some concerns about the bulk and protrusion of the south podium wing extension, which was raised by Submitter 89 and which Mr Czarny also reflected upon during his evidence. Mr Czarny recommended the erosion of the south-west corner of the southern podium wing extension at Apartment 3.01 by opening up views and in doing so, reduce bulk.

The Panel has considered the Amended Plans which incorporate Mr Czarny's recessed Apartment 3.01. However, after hearing concerns around bulk from Mr Milner and other submitters, the Panel is of the view that the erosion of Apartment 3.01 alone does not go far enough to open up views or reduce bulk. To open up views more effectively and reduce bulk on the south-western corner of the southern wing extension the Panel considers a similar erosion of Apartments 1.01 and 2.01 would produce a superior outcome. Specifically, the change would incorporate a 'lighter' and less bulky corner with views through the corner of the building. This revision will also:

- create a more articulated western elevation of the southern wing extension, one that is primarily balcony and floor-to-ceiling windows
- further de-emphasise the "*wall of buildings*" as described by Submitter 89
- present an opportunity to better locate corner balconies to take advantage of multiple solar aspects.

While southern views to Geelong are desirable, the southern aspect is the least comfortable from a climate perspective and providing an expanded balcony with a western aspect will offer more

flexibility to the resident. The Panel also encourages balcony columns, roof and balustrading to be designed in a way that further reduces bulk and opens up views.

The Panel supports Mr Czarny's recommendation for "*delivery through novation*" and the Proponent's proposed permit condition in D89a reflect this. A building as large as this one is reliant on a very skilled architect to ensure the subtle nuances of articulation, rhythm, and modulation are successful. The Panel would encourage Council to advocate for the same architect to carry through the design into construction or someone of an equally high standing in the industry.

In terms of Mr Milner's criticism of the image reproduced in Figure 11 above, the Panel agrees this is inconsistent and misleading with what is proposed and should be deleted from the Urban Design Guidelines.

(v) Findings

The Panel finds:

- The proposed building, while larger than what was originally contemplated, is a high quality architectural response with appropriate building articulation, variation, modulation and setbacks.
- The overall height of seven storeys is appropriate and can comfortably sit within the surrounding context, particularly given the topography of the subject land.
- Mr Czarny's recommendation to erode the south-western corner of the building at Apartment 3.01 should also be applied to Apartments 1.01 and 2.01 to further reduce bulk and open up views.
- It is appropriate to update the Comprehensive Development Zone Schedule 2 to refer to all height limits for the subject land as mandatory.
- Delivery through novation is a critical component to ensure a skilled and well-regarded architect and landscape architect deliver a high-quality architectural outcome.
- The Urban Design Guidelines should be revised to:
 - delete the concept sketch extracted in Figure 11 of this Report
 - include any consequential amendments to images, plans, indicative diagrams, or provisions which require updating as a result of the Panel's recommendations to the proposed building envelope and built form layout.

4.3 Overshadowing

(i) The issues

The issues are whether:

- overshadowing of Rippleside Park is acceptable
- overshadowing of neighbouring residential properties is acceptable
- the appropriate overshadowing measures has been adopted.

(ii) Evidence and submissions

Overshadowing was a key concern for many submitters, in particular, overshadowing of Rippleside Park. Most submitters were concerned with the potential loss of amenity caused by overshadowing of Rippleside Park including impacts on the BBQ area and outdoor gym, with many submitting the proposed height of the building as the central issue. Others were concerned with

the overshadowing of neighbouring residential properties. Mr Milner agreed with many resident submitters that *“the height and positioning of the proposed building would detrimentally overshadow the adjacent park.”*

Council noted its Open Space team initially shared this concern and wanted to ensure any impacts would not detrimentally affect key areas of the park or key park infrastructure. It sought:

- changes to the design to reduce shadowing impacts
- further shadow diagrams, taken at the winter solstice (where overshadowing to the park would be at its worst) to determine whether the overshadowing would be acceptable.

Council’s Open Space team determined that overshadowing of the park would be at its worst at 9am on the winter solstice and would reduce over the course of the day, with *“a manageable impact on the park infrastructure (BBQ and Fitness areas) which retain sunlight until 2pm and 3pm”*¹⁶.

Council submitted the same assessment taken on the equinox showed shadows that *“are similar to the development approved under the existing planning permit”* and do not affect park infrastructure.

In relation to impacts on neighbouring properties, Council submitted:

- overshadowing of adjacent existing dwellings at the equinox in the standard assessment window of 9am to 3pm is compliant
- the neighbouring property at 41 Liverpool Street was also free from shadow before 10am on the winter solstice (despite the winter solstice test not being a requirement of the Planning Scheme)
- this was acceptable as it is outside the assessment timeframes for overshadowing considerations.

Council noted that overshadowing to existing apartments in Stages 1 to 4 is compliant with the standards of the Planning Scheme.

The Proponent submitted:

- the proposed built form changes arising under the Permit Application perform well at the equinox, generally casting shadow over Yacht Approach and a narrow portion of the parkland area
- the equinox test is the appropriate shadow test to adopt, rather than the winter solstice test
- even if the winter solstice test was applied the shadow diagrams show that shadow would be cast over the BBQ area (which shadows itself in any event as a result of its pergola structure) and exercise equipment, with the shadow moving reasonably fast at this time.

Mr Twite said the massing of the proposed building will not *“unreasonably overshadow the secluded private open space of nearby dwellings”*. In relation to overshadowing of Rippleside Park he:

- confirmed the Planning Scheme does not identify any specific test as to whether the equinox or solstice is appropriate for overshadowing measures

¹⁶ D51 p28

- determined that *given this and considering the size and layout of Rippleside Park the winter test is unreasonable*
- highlighted the range of spaces in the park, given its size, which will not be affected by overshadowing.

Mr Czarny considered the equinox to be the appropriate test in this location, given the absence of any specific direction in the Planning Scheme and the significant area of existing open space beyond that which will be overshadowed. Mr Czarny said the shadowing is “*broadly equivalent*” to that cast by the building currently approved and the shadowed area sits within a part of the park which is already partially shaded from vegetation. He did not consider overshadowing of the park to be problematic under the proposed scheme.

For clarity, Council included a “worst-case” diagram of the impacts of overshadowing at 9am on the winter solstice, which depicts a much larger area of shadow across adjacent existing dwellings and the park, however this degree of overshadowing is not present at the equinox.

(iii) Discussion

The absence of direction in the Planning Scheme as to whether the equinox or solstice is the appropriate measure has led to some debate about overshadowing impacts. According to Council, Mr Twite and Mr Czarny the equinox is the more typical measure of overshadowing impacts, and that the standard hours to consider the impacts are between 9am and 3pm.

The impacts of overshadowing on both neighbouring properties and the park, including the BBQ area and the outdoor gym are more severe on the solstice, however the Panel is inclined to agree that the use of the equinox as the measure of overshadowing impacts is more typical in an environment such as this. The Panel acknowledges Mr Czarny’s comment in cross examination that in a park of this size and scale (10 hectares) it is feasible for a park user to move to find a sunny spot. That option may not be available in a small urban open space where the solstice may be a more appropriate measure in that instance.

When considering the impacts of overshadowing on the equinox between the hours of 9am and 3pm, the shadow diagrams included in the Amended Plans package confirms that no existing dwelling will be overshadowed and only Yacht Approach and the very northern edge of the Park will be impacted.

(iv) Findings

The Panel finds:

- The equinox is the appropriate measure of overshadowing impact given there is no clear direction in the Planning Scheme.
- The standard hours for measuring overshadowing impacts are between 9am and 3pm.
- There are limited overshadowing impacts to Rippleside Park when using the equinox and standard hours as the measure.
- There are no overshadowing impacts to adjacent existing dwellings when using the equinox and standard hours as the measure.

4.4 View sharing

(i) The issues

The issues are whether:

- the Urban Design Guidelines anticipated protecting views over the subject land
- views have been appropriately considered and maintained as part of the development proposal.

(ii) Evidence and submissions

Maintaining views to the bay over the subject land was a key concern for many submitters.

Submitter 89 referred to the loss of foreground water views which, it was submitted, would be “obliterated” by a wall of buildings and suggested that “rather than view-sharing, the developer has transferred views from existing properties to Balmoral Quay”. Similarly, Submitter 59 referred to “an irretrievable loss of view lines.”

Submitters 138 and 173 submitted:

- the heights contained on the Development Plan and existing development scheme would result in some loss of views, this was largely limited to views of the old shipyard and foreshore
- a largely uninterrupted view of the horizon and bay would have remained above the previously approved building height from second storey dwellings on the west of Balmoral Crescent
- the proposed development would result in a substantial loss of this bay and horizon view as confirmed in the view analysis plans included within the exhibited material¹⁷
- the loss of views resulting from the proposal has now tipped the balance away from what can be considered to be an acceptable outcome
- while the Urban Design Guidelines are ambiguous, they seek to provide consideration to views from the properties more broadly to the west, and not just to immediately abutting properties as was contended by Mr Czarny (see Figure 14).

Mr Milner referred to the home at 52 Walker Street and said the owners had recently undertaken significant refurbishments and extensions which took advantage of the views east to Corio Bay because they “were reasonably assured, having regard to the RCDP, RUDG and the planning permits that had issued” that their views to the horizon from their upper level would be retained.

Mr Milner took the Panel to the Tribunal decision in *Trendcorp Pty Ltd v Greater Geelong City Council* [2005] VCAT 370 (which considered the approved development on the subject land) and said:

- the Tribunal in that case was considering views from a then single storey dwelling that did not take advantage of views
- since then, the home has been considerably remodelled to orient towards the view.

Mr Milner was critical of the proposed development and said it would not meet the requirement of the Urban Design Guidelines which seeks to provide view corridors towards the water.¹⁸ He

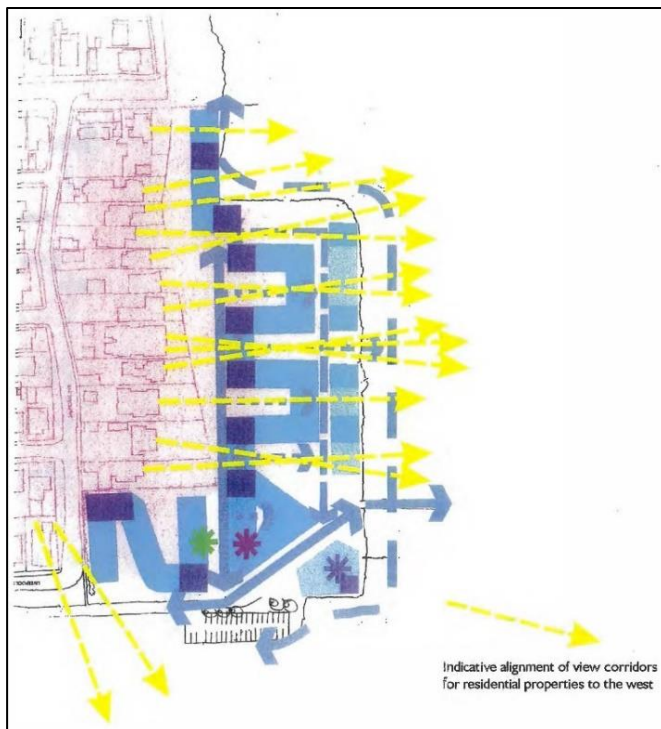
¹⁷ D59a

¹⁸ D47s

continued *“the quality views and associated amenity of the coastline, horizon, city and bay enjoyed by near neighbours would be wholly or partially blocked from most vantage points and windows. Any genuine sense of view sharing for some affected properties would be lost.”*

Council supported the sharing of views as proposed and referring to the view corridor diagram from the Urban Design Guidelines (see Figure 14). It submitted this diagram contemplates views will be maintained *“around”* the subject land, and that there was no anticipation of views being provided *“over”* the subject land.

Figure 14 Extract of view line diagram



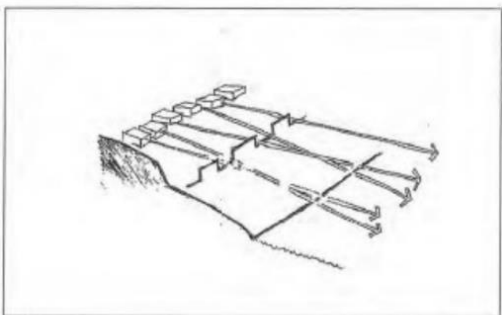
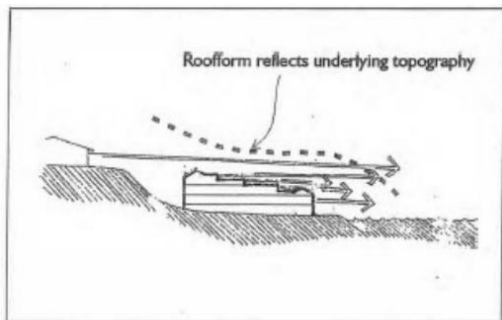
Source: D29

Council submitted:

- the increase in height of the proposed buildings when compared to the height envisaged in the Urban Design Guidelines would still be acceptable in terms of view lines as described in the diagram
- other diagrams (See Figure 15) in the Urban Design Guidelines further emphasise the requirement to provide view corridors between buildings
- views from dwellings on the west side of Balmoral Crescent were not contemplated for retention in the Urban Design Guidelines
- the approved development on the subject land would impact views from properties on the western side of Balmoral Crescent
- the taller building as proposed would block views to the sky but not to the coastline or bay
- *“there are no other mechanisms within the Planning Scheme that contemplate or require the protection of views”*.

Council acknowledged that open views from 52 Walker Street (on the western side of Balmoral Crescent) would be lost, but views between buildings (that is between 5 Balmoral Street and the proposed building) will be retained as is required by the Urban Design Guidelines.

Figure 15 Extract of view line diagram



Step buildings down towards waterfront and provide visual slots between buildings to achieve an equitable sharing of views

Source: D29

The Proponent also referenced the view corridor diagram (Figure 14) from the Urban Design Guidelines and submitted:

- it identifies a view line from only one property west of Balmoral Crescent and this indicative view line is not directed east but predominantly south
- the Urban Design Guidelines do not show a view line over the subject land.

In referring to the view analysis plans¹⁹ which sought to demonstrate the impacts on views of the proposed development when compared to the approved development, the Proponent submitted the:

- existing horizon views south along Balmoral Crescent (from the northern edge of the subject land) east along Liverpool Street would be blocked by both the approved and proposed buildings, but the approved building would allow for more of a sky view
- existing horizon view east along Liverpool Street would be blocked by both the approved and proposed buildings, but the approved building would allow for more of a sky view
- existing horizon view south-east of the 41 Liverpool Street balcony would be blocked by both the approved and proposed buildings, but the approved building would allow for more of a sky view
- existing horizon view south-east from 5 Balmoral Crescent would be blocked by the approved building, but the proposed building would allow for a more open view due to the building being set back from the Barwon Water pump station
- existing horizon view east from 52 Walker Street would not be blocked by the approved building, but would be blocked by the proposed building except for a view corridor

¹⁹ D59a

between 5 Balmoral Crescent and the northern façade of the proposed building of approximately 10 metres at its narrowest point.

The Proponent relied on analysis of the Tribunal decision (*Trendcorp Pty Ltd v City of Greater Geelong CC* [2005] VCAT 370) which said “*the views from properties on the west side of Balmoral Crescent were primarily fortuitous having regard to their second tier back location from park and clifftop*”. The Proponent also took the Panel to several Tribunal decisions which established the long standing legal principles that there is no legal right to a view.

Mr Czarny also acknowledged the earlier Tribunal decision where it said:

We are not persuaded that the guidelines have been drafted to maintain these fortuitous views. Indeed, having regard to the built form block diagram at page 23 of the guidelines, we believe higher built form could reasonably be expected at this corner.

Mr Czarny:

- agreed with the Proponent’s analysis that views from 5 Balmoral Crescent will be maintained to the east and south-east in the gap between 5 Balmoral Crescent and the proposed building
- considered that views from 52 Walker Street will be hampered but “*an eastern aspect will be maintained between 5 Balmoral Crescent and the proposal northern 3 storey wing*”.

Mr Czarny however expressed concern in relation to the views from the elevated parts of Balmoral Crescent which he considered would be lost if the proposed building proceeds. Consequently, he recommended that the south-west street wall corner above Level 3 (or 15.8 metres AHD) of the proposed building could be setback to expand the view towards the bay and the Geelong city centre. He suggested this could be achieved by “*eroding, opening or setting back the south podium wing extension at the corner (Apartment 3.01)*” (as already discussed in Chapter 4.2 of this Report).

Mr Czarny said that with this adjustment to the building design he was satisfied that view sharing could be achieved, although he acknowledged that the Urban Design Guidelines would need to be updated to remove the reference to “*unlimited aspect*” at Guideline 2.

(iii) Discussion

The Panel first recognises that although some views will be lost, there is no mechanism in the Planning Scheme to protect views.

The Panel also appreciates that much of the debate around views and view sharing stems from a lack of clarity in the Urban Design Guidelines around which views were anticipated to be maintained. The Panel concurs with many submitters that some of the language and diagrams in the guidelines are ambiguous.

For example, Figure 15 referenced above shows two arguably contradictory diagrams - one diagram shows views over rooftops and the other shows views between buildings. Both diagrams then differ from Figure 14 which shows the location of specific view lines. Equally, references in the Urban Design Guidelines such as “*allowing views of the majority of Corio Bay from the eastern*

*face of the dwellings of the residential properties above the site*²⁰ is inconsistent with the concept of *“framed water views”*²¹.

However, despite the inconsistencies, the Panel considers that the changes sought by both the Amendment and Permit Application will not result in an unreasonable obstruction of views to the bay from either the public or private realm. The Panel considers Figure 14 is more useful in the current context given it identifies specific view lines sought to be maintained. It only identifies a view line from one property which sits on the western side of Balmoral Crescent, being 41 Liverpool Street. However, this indicative view line is not directed east, but predominantly to the south and only clips the south-west corner of the subject land. While the easterly views from 41 Liverpool Street will be impacted by the proposal, the southerly views across Rippleside Park will not be lost. The other view lines sought to be protected relate to the properties located to the north of the subject land and none of those view corridors extend over the subject land.

The Panel has also had regard to findings from the Tribunal in Trendcorp where it said that views from the west side of Balmoral were *“primarily fortuitous”* due to the second-tier nature of their location. It also notes that whilst the CDZ2 requires any buildings and works to be generally in accordance with the Urban Design Guidelines, the guidelines are not rules or regulations. As their introduction suggests, the purpose of the guidelines is to guide the development of the subject land and to assist the decision maker in determining the application. Overall, the proposed building envelope has been appropriately shaped to enable views from private and public vantage points. This is a reasonable response to the objective, principles and guidelines found in the Urban Design Guidelines.

The Panel accepts that southern views from 52 Walker Street will be substantially impacted but notes some ‘fortuitous’ views will be retained. This includes the approximately 10 metre slot between 5 Balmoral Crescent and the northern façade of the proposed building due to the Barwon Water pumping station. Equally, views from 5 Balmoral Crescent will be maintained to the east and south east given the gap between their south windows and the proposal’s northern face.

The Panel has recommended changes to the south-western corner of the proposed building in Chapter 4.2, primarily to reduce bulk, but which will also open up views down Balmoral Crescent particularly from 52 Walker Street and 1 Liverpool Street.

In terms of the inconsistencies within the Urban Design Guidelines, the Panel considers the view line diagrams extracted in Figure 15 should be deleted for the reasons discussed above. The view line diagram in Figure 14 sits within Section F7 Implications: Buildings which appears to be the wrong section for such a diagram. This should be moved to Section G2 Interface Issues: Views in pace of the view line diagram to be deleted.

Mr Czarny acknowledged that Guidelines G2.1 should be updated to remove the reference to *“unlimited aspect”* and the Proponent has done this through D81 whereby the guideline now reads:

Provide for views of Corio Bay from the eastern face of the residential properties abutting the site to the west.

²⁰ Guideline G2.1, D47s

²¹ Guideline G2.3, D47s

The Panel considers:

- this could be reworded again given a key view line to be protected also includes views from the southern face of 41 Liverpool Street
- use of the word “abut” (which is replacing the original word “adjoin”) is still misleading and suggests the properties are touching, or side by side, rather than opposite
- the text should be amended to reference “framed” views given this is the outcome sought through Figure 14 and Guidelines G2.2.

The Panel therefore recommends Guidelines G2.1 and G2.2 are replaced with the following:

Provide for [framed](#) views of Corio Bay from ~~the eastern face of the~~ residential properties [opposite](#) ~~abutting~~ the site to the west.

The Panel considers this change better reflects the overall intent of the guidelines and the views which are sought to be protected.

(iv) Findings

The Panel finds:

- There is no mechanism in the Planning Scheme to protect views and there is no legal right to a view.
- The Urban Design Guidelines and their provisions around views are ambiguous and should be updated to avoid confusion.
- The Urban Design Guidelines do not anticipate protecting views over the subject land.
- The proposed building envelope has been appropriately shaped to enable views from private and public vantage points.
- Recommended changes as outlined in Chapter 4.2, while aimed at reducing bulk, will also open up views down Balmoral Crescent.

5 Traffic, car parking and movement

5.1 Background

The Panel had regard to the traffic, access and parking evidence noted in Table 6, as well as relevant submissions.

Table 6 Traffic, access and parking evidence

Party	Expert	Firm
Council	Jason Walsh	Traffix Group
Proponent	Hilary Marshall	Ratio Consultants

5.2 Traffic conclave

A traffic conclave was held before the start of the Hearing. The conclave was attended by both traffic experts and a conclave report was tabled²².

5.3 Road network operations

(i) The issues

The issues are whether:

- increased traffic on the surrounding road network is acceptable
- the proposal has appropriately addressed existing and future traffic volumes
- traffic survey data should have been updated.

(ii) Background

Ms Marshall and Mr Walsh both concluded future development traffic could be adequately accommodated on the surrounding road network with both undertaking detailed traffic modelling to support their findings. However, due to various permit amendments and loss of developable land due to the Barwon Water pump station, each expert considered a different number of original dwellings and proposed additional dwellings for the current application (see Table 7).

This variation does not materially affect the outcome or validity of their findings, as both experts considered the traffic impacts associated with Stage 5 consisting of 84 dwellings (plus, the retail tenancy and marina office).

²² D67

Table 7 **Number of dwellings**

Stage	Proponent ²³	Marshall	Walsh
Stage 5 – original number of dwellings	39	36 ²⁴	51 ²⁵
– additional dwellings	45	48	33
– permit application	84	84	84
Stages 1 - 4	104	104	104

Ms Marshall and Mr Walsh both concluded the development was acceptable from a traffic and car parking perspective (with some minor design modifications). No contradictory evidence was called.

(iii) Evidence and submissions

Many submitters were concerned the development, which increases the number of proposed dwellings, would place a significant burden on the surrounding road network leading to:

- localised traffic congestion with the local road network being unable to accommodate additional traffic
- reduced amenity and safety.

Others submitted updated traffic modelling should have been undertaken considering the development now proposes an additional 45 dwellings.

Submitters 138 and 178 considered the new vehicle crossing onto Balmoral Crescent would increase traffic on Balmoral Crescent and other local streets – something that was not generally contemplated as part of the original Development Plan, where all of Balmoral Quay access was from Harbourside Drive.

Council submitted:

- the increased traffic could be catered for in the existing road network, and whilst the Development will increase traffic, this is within the capacity of the road network
- whilst the traffic counts relied on were ‘old’ [2014] they were still representative as little development had occurred in the area since
- even with a conservative traffic increase, the local roads could accommodate up to 2,500 vehicles per day.

Ms Marshall and Mr Walsh agreed:

- the existing road network has capacity to absorb the additional traffic
- there are no reported crashes on the local road network near the subject land
- the minor variation in adopted traffic generation rates between experts would have a negligible traffic impact (Ms Marshall assumed 5 vehicle trips per day per dwelling whilst Mr Walsh assumed 6 vehicle trips).

The experts modelled two scenarios which considered the environmental capacity of the surrounding road network, to determine the amount of traffic generated by:

²³ Existing Permit; D64

²⁴ D52

²⁵ D50

- the development approved under the existing Permit (for Stages 1 to 5)
- the additional 45 dwellings over and above the existing Permit.

The projected traffic generation for Stages 1- 5 is shown in Table 8 utilising Mr Walsh’s higher traffic generation rate, which was conservative as it generated higher traffic flows onto the road network.

Table 8 Balmoral Quay Stages 1- 5 Traffic Generation

Use	Daily (vehicles per day)	Peak Hour
Stage 5 – 84 dwellings	504	50
– Marina	34	9
– Shop	2	1
Sub total	540	60
Stages 1 – 4 (104 dwellings)	624	62
Total	1,164	122

Source: Mr Walsh evidence, D50

The experts then determined the likely traffic distribution across the road network with Mr Walsh providing a more detailed assessment as shown in Table 9.

Both experts agreed the entire development’s (Stages 1 - 5) (incorporating the additional dwellings proposed on the subject land) traffic could be accommodated on the surrounding road network; noting that the environmental capacity of nearby streets would not be exceeded.

Table 9 Balmoral Quay Stages 1- 5 Traffic Distribution

Road	Daily Traffic (vehicles per day) (vpd)			Environment Capacity	Road Classification
	Existing	Additional	Total		
Balmoral Crescent	758 ¹	582 ³	1,340	2,000 – 3,000	Local Access Street
Liverpool Street	728 ¹	582 ³	1,310	3,000 – 7,000	Secondary Distributor
Yacht Approach	858 ²	187 ⁴	1,045	1,000 – 2,000	Local Access Street
Harbourside Drive	624	187 ⁴	811	1,000 – 2,000	Local Access Street

¹ Existing 2014 traffic survey data

² Yacht Approach estimated daily traffic – assumed public carpark generates 234 vehicles per day + Harbourside Drive 624 vehicles per day = 858 vehicles per day

³ Assumes Balmoral Quay Stages 1- 5 traffic is evenly distributed between Balmoral Cres and Liverpool Street (50 per cent x 1,164 = 582 vehicles per day)

⁴ Stage 5 30 per cent of its residential car park uses Harbourside Drive (i.e. 30 per cent x 504 + Marina and shop (34 +2) = 187 vehicles per day)

Ms Marshall explained the additional 48 dwellings over and above the existing Permit would result in a further 240 vehicles per day (48 x 5 vehicle trips per dwelling, 24 vehicles in the peak hour assuming 10 per cent of traffic travels in the peak hour). She said this was a low level of traffic, from a transport engineering perspective, and would not have a detrimental effect on the surrounding road network. Mr Walsh used a slightly higher rate for his calculations however both experts agreed that this would not materially change the assessment.

Ms Marshall explained Liverpool Street could accommodate more traffic and have a higher environmental capacity because it:

- originally provided primary access to the Rippleside shipyards
- is essentially an industrial sized road to accommodate larger trucks and vehicles
- has a wider cross section (11.4-metre-wide roadway), compared with other nearby local roads (for example Balmoral Crescent is 8.9 metres; Harbourside Drive is 6.6 metres plus indented parking spaces)
- has a higher order function of distributing local traffic from other nearby streets to the arterial road network.

Both experts acknowledged recent traffic survey data would be desirable but due to the Christmas school holidays when they prepared their assessments, undertaking traffic surveys at that time would not have been representative of typical operating conditions and was not undertaken.

Whilst Council's traffic surveys were undertaken in 2014, the experts considered this data was representative because:

- the subject land sits within a relatively isolated pocket of existing residential development
- there has only been minor infill and small-scale development in the surrounding area.

(iv) Discussion

The Panel acknowledges community apprehension surrounding the likely traffic impacts of the proposed development. It is a larger scale of development compared to the prevailing detached single dwelling and small-scale unit form.

From a traffic operations perspective, the Amendment seeks an additional 45 dwellings over and above the existing Permit. The traffic experts demonstrated the traffic associated with these additional dwellings (270 vehicles per day - 45 dwellings x 6 vehicles movements per day) and 27 vehicles movements in the peak hour (10 per cent of 270)²⁶ would be comfortably accommodated on the surrounding road network. The Panel notes that 27 vehicles movements in the peak hour is, on average, approximately 1 vehicle every 2 minutes. This is not anticipated to have any material impact on residents continuing to move around and utilise the surrounding road network.

In response to community concern, revised modelling was undertaken for the entire development (Stages 1 – 5). The traffic experts confirmed the additional traffic can be reasonably accommodated on the surrounding road network with the development projected traffic volumes falling within or below the environmental capacity of nearby streets. As such, it is expected there will be no significant congestion, delays or degradation of road safety or amenity.

Whilst recent traffic survey data would be desirable, the Panel's own observations during site inspections support the experts' findings that there has been little development within the Rippleside residential environs which would have led to a significant traffic increase from the 2014 data. On balance, even if traffic had increased over that time, it is likely that the environmental capacity of the local street network would not be exceeded.

²⁶ The Panel has used Mr Walsh's more conservative daily rate of six vehicle movements per day and the Proponent identifying the proposal would generate an additional 45 dwellings.

(v) Findings

The Panel finds:

- The surrounding road network can accommodate the increased traffic.
- The revised traffic modelling is appropriate.
- Updated survey data was not critical to determine the development's traffic impacts.

5.4 Access

(i) The issues

The issues are whether the:

- proposed driveway from Balmoral Crescent is appropriate and safe
- Harbourside Drive car park security gate should be recessed so that a vehicle propped to enter the subject land does not block the footpath.

(ii) Background

Vehicular access to the subject land is proposed at two locations:

- a two-way fully directional crossover to Balmoral Crescent providing access to Level 1 and ground level parking areas (servicing 71 residential car spaces)
- a two-way fully directional crossover to Harbourside Drive providing access to the lower ground level parking area (servicing 63 car spaces, comprising 31 resident spaces and 32 marina/commercial/visitor spaces).

Pedestrian sight line splays measuring 2.5 metres along the accessway and two metres along the subject land's frontage are shown on the exit side of both vehicular access points in accordance with *Australian/New Zealand Standards AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking*.

Both vehicular access points are at least 5.5 metres wide (Harbourside Drive vehicle crossing is 6.1 metres wide) allowing for simultaneous two-way movements.

(iii) Evidence and submissions

Balmoral Crescent access

Submitters identified concerns with the new crossover proposed from Balmoral Crescent (refer to Figure 16). It was submitted:

- the driveway is located near the 90-degree bend of Balmoral Crescent and Liverpool Street where visibility is restricted, and motorists 'cut the corner' and speed
- the proposed driveway would further compromise safety, in particular when a vehicle queues to enter the driveway and may not be seen by approaching motorists on Liverpool Street resulting in the potential for rear end collisions
- the Balmoral Crescent footpath is well utilised and is the principal route for local residents to access Rippleside Park – it is unsafe having a busy driveway on the route as vehicles exiting the development may not see approaching pedestrians on the footpath.

Figure 16 Balmoral Crescent/Liverpool Street intersection



Source: D65

Council submitted:

- resident concerns could be mitigated by encouraging motorists to travel more slowly and, to prevent corner cutting by installing a raised central median through the bend²⁷
- with these works installed, it was satisfied with the proposed driveway location.

At the traffic conclave, Ms Marshall and Mr Walsh agreed:

- access from Balmoral Drive should be widened to a minimum of 6.1 metres and the security door set back by at least 5.5 metres to allow for a vehicle to store on-site before entry
- in relation to the Balmoral Crescent/Liverpool Street corner, when travelling south to west there is signage recommending a 15 kilometre per hour speed around the corner, however there is no such signage on the west to north approach its provision would be highly desirable
- the requirement²⁸ for a functional layout plan of the 90-degree curve with a new island installed would address existing road safety issues however there is limited opportunity for road widening in this location and a permit condition requiring a Road Safety Audit (RSA) would be more appropriate
- the RSA should identify the likely need for signage, line marking and/or kerb improvements and the recommendations used to inform the preparation of a functional layout plan approved by Council and constructed at the Proponent's cost.

Mr Walsh acknowledged the location of the proposed driveway from Balmoral Crescent would result in restricted sight distance to the south-west along Liverpool Street with the main obstruction being the fence and vegetation on the corner property of the bend (41 Liverpool Street).

²⁷ See condition 16 of Council's Day 1 Planning Permit, D12

²⁸ Ibid

Mr Walsh said:

- the sight distance from the proposed Balmoral Crescent driveway location to Liverpool Street is around 30 metres
- AS/NZS 2890.1-2004 (Off-street car parking) specifies a desirable and minimum distance of 55 metres and 35 metres respectively, based on a frontage road speed of 40 kilometres per hour
- it is likely most motorists travelling through the bend from west to north would be travelling at a speed less than of 40 kilometres per hour
- whilst not essential, a safer outcome would be to:
 - shift the driveway further south to improve visibility for eastbound motorists along Liverpool Street
 - restrict access to left in left out but acknowledged this may redistribute traffic onto other local streets.

Whilst acknowledging the sight distance constraints, Ms Marshall:

- did not consider restricting access to left in left out was necessary, noting that vehicle speeds through the bend are likely to be well below 40 kilometres per hour
- 15 kilometre per hour advisory speed signs could be installed on the approach to the bend²⁹.

Submitters 138 and 178 said providing vehicle access from Balmoral Crescent was flawed. It was submitted:

- Mr Walsh's suggestion for left in left out would be a 'safer outcome' but the redistribution of traffic across local streets north of Liverpool Street was not supported
- Council's suggestion for a raised central median through the bend does not appear to be achievable based on the traffic expert's assessment.

The Proponent supported Ms Marshall's and the traffic conclave findings and:

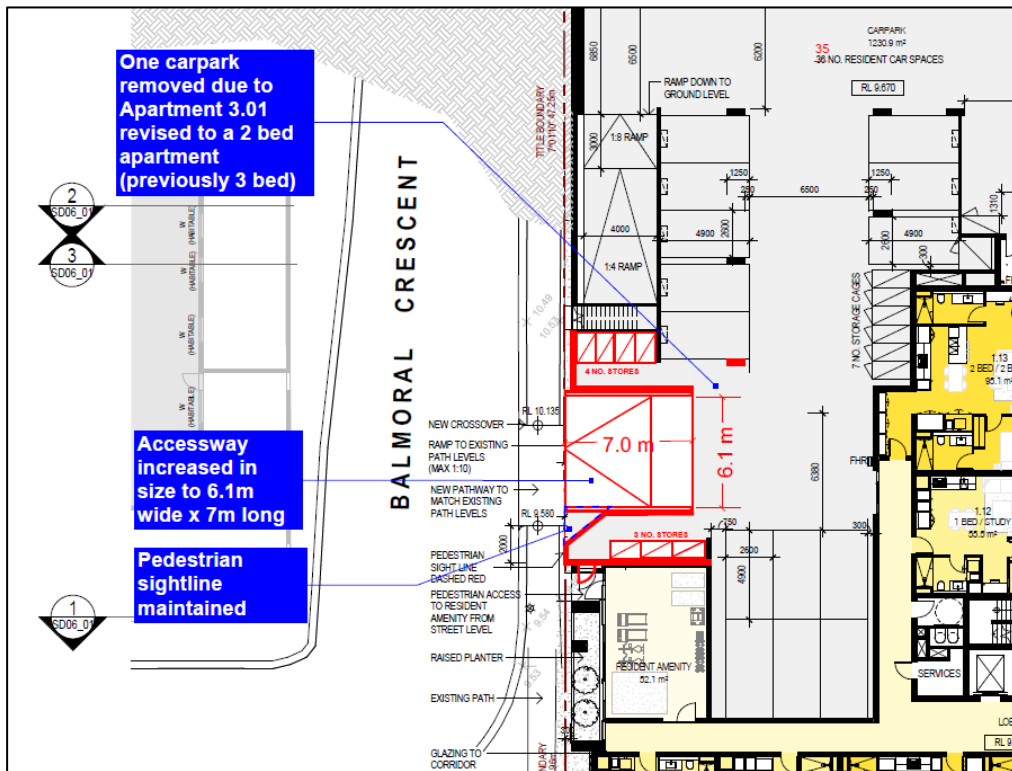
- provided a revised Balmoral Crescent driveway arrangement with the security gate setback seven metres³⁰. This was subsequently endorsed by the traffic experts and supported by Council (refer to Figure 17)
- prepared revised permit conditions to require a RSA³¹.

²⁹ Ms Marshall said the advisory speed sign in Liverpool Street was missing, however, Panel site inspections observed this sign albeit some 2.5+ metres above the roadway

³⁰ D57a

³¹ D89

Figure 17 Ms Marshall’s revised Balmoral Crescent access arrangement



Source D57a

The intent of the revised permit conditions requiring a RSA were supported by Council subject to minor wording amendments³² (refer to Figure 18) (Council suggested changes shown in red).

Figure 18 Council proposed changes to Road Safety Permit condition (shown in red)

1. Prior to commencement of the development, a Road Safety Audit (RSA) must be undertaken at the cost of the owner and to the satisfaction of the responsible authority, of the proposed access to the development from Balmoral Crescent and of the 90 degree curve between Liverpool Street and Balmoral Crescent.
2. Any recommendations arising out of that RSA **and agreed by the responsibility authority** must be implemented at the cost of the owner and to the satisfaction of the responsible authority prior to occupation of the development
3. The road safety audit must be undertaken by a suitably qualified and independent road safety auditor in accordance with Austroads Guide to Road Safety Part 6, and to the satisfaction of the responsible authority.

Source D90

Harbourside Drive access

At the traffic conclave, both traffic experts agreed access from Harbourside Drive should be modified to show a security gate and intercom, if the access is intended to be restricted.

³² D90

Mr Walsh recommended the security gate be setback 5.5 metres (minimum) to ensure a vehicle propped to enter the subject land would not block the footpath. Council supported this.

Ms Marshall considered the security gate into the car park should not be set back because:

- all vehicles would likely arrive from the south and turn left into the subject land
- this would still allow a vehicle behind to overtake on the right (if safe to do so) thereby minimising traffic disruption
- no loss of on-site car parking which may occur with the security gate being setback
- pedestrian movement would predominately occur south of the driveway, minimising the likelihood of any conflict or delay with vehicles entering the car park.

(iv) Discussion

The community is understandably concerned with existing safety issues at the Balmoral Crescent bend potentially becoming worse by:

- introducing a new driveway which approaching motorists on Liverpool Street cannot see until they are approximately 30 metres away
- pedestrian safety issues having to cross another vehicle crossing.

The Panel acknowledges there are ongoing safety concerns and concurs with the traffic experts that a RSA to review this area, including the proposed driveway location to identify potential safety improvements (including the kerb modifications as initially suggested by Council) is an appropriate way forward.

The Panel supports Council's suggested amendment to the proposed RSA permit condition that any recommendations from the audit must also be endorsed by Council. As the majority of works are likely to occur on the road reserve, which is ultimately Council's responsibility, Council's agreement is appropriate.

The Panel is cognisant that both traffic experts agreed the Balmoral Crescent driveway location is satisfactory. In terms of safety and amenity, significant improvements are realised with the localised widening of the driveway together with shifting the security gate well into the subject land so vehicles should not need to prop on Balmoral Crescent or block the footpath. The Proponent and Council supported these changes and so does the Panel. This change was accurately shown in the Amended Plans produced and relied upon by the Proponent³³ and which are referenced in condition 1 of the Panel's preferred version of the Permit.

Whilst residents were concerned for pedestrian safety along their principal footpath route to and from Rippleside Park, designed visibility for motorists exiting the car park to observe approaching pedestrians meets relevant standards³⁴ as confirmed by the traffic experts.

The Panel is satisfied that pedestrian safety would not be unduly compromised with this new crossing point.

³³ D68a

³⁴ Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking

In relation to the Harbourside Drive car park security gate location, the Panel agrees:

- with Ms Marshall's analysis that there would be little adverse impact on safety or amenity should the gate remain in its current location, and its setback is not justified
- access from Harbourside Drive should be modified to show a security gate and intercom system for residential and marina visitors³⁵.

(v) Findings

The Panel finds:

- Access arrangements from Balmoral Drive as shown in the Amended Plans is appropriate (widened to 6.2 metres and the security gate and set back by seven metres to allow for a vehicle to store on site before entry).
- The proposed location of the Balmoral Crescent Driveway is acceptable; however, a Road Safety Audit should be undertaken to identify potential safety improvements if required.
- The proposed Harbourside Drive car park security gate location is acceptable however the driveway should be modified to accommodate a security gate and intercom system for residential and marina visitors³⁶.

5.5 Car parking

(i) The issues

The issues are whether the proposed development:

- provides sufficient car parking
- adversely impacts on-street parking on the surrounding road network, including public car parks.

(ii) Background

The car parking requirements for the proposed development are outlined under Clause 52.06 of the Planning Scheme. The development is required to provide 122 on-site spaces, comprising 102 spaces for residents, 16 spaces for residential visitors, 3 spaces for the shop tenancy, and 1 space for the office tenancy as summarised in Table 10.

³⁵ This change is reflected in the proposed permit condition 1(o) in D89a and 1(n) in the Panel's recommended permit conditions (Appendix D:2).

³⁶ Ibid.

Table 10 Car parking assessment

Use	Size/no.	Statutory rate	Parking (spaces)	
			required	empirical/provided
Residential	66 dwellings	1 space per 1 or 2 bedrooms	66	66
	18 dwellings	2 space per 3 or more bedrooms	36	36
	84 dwellings	1 space per 5 dwellings for visitors	16	8 ¹
shop	78 sqm	4 spaces / 100 sqm LFA	3	1
office	35 sqm	3.5 spaces / 100 sqm LFA	1	1
Sub total			122	112
Marina		not specified	32	8 - 19 ²
Total			154	120 -131
Car parking to be provided on-site				136
Surplus				5 to 16

¹ Mr Walsh and Ms Marshall empirical peak visitor demand were essentially the same ranging from 0.07 to 0.1 space per apartment occurring weekday evenings and weekend days

² Mr Walsh adopted rate of 0.5 spaces per berth based on Australian Standards for Marinas (AS 3962-2020), Ms Marshall used 0.6 spaces per berth from the Road and Traffic Authority Guide to Traffic Generating Developments (2002)

(iii) Evidence and submissions

Parking was a major concern for submitters. Key themes raised in submissions included:

- insufficient car parking, in particular the sharing of visitor and marina spaces³⁷
- parking demand in the area will increase where there is already limited available on-street parking
- difficulty navigating the road network, accessing driveways and difficulty parking nearby to their destination due to a lack of on-street parking
- localised parking congestion with construction workers parking on nearby streets
- existing residents are parking in the public car park at the end of Yacht Approach (principally due to lack of parking within Stages 1- 4).

Council submitted:

- it was generally comfortable with the proposed car parking supply
- the waiver of visitor/marina car parking was reasonable
- existing parking issues, particularly around construction worker parking is temporary in nature
- there is potential for an increase in the development’s on-street parking demand but it would be appropriate to ascertain conditions once dwellings are occupied and then review and consider mitigation measures (i.e. timed parking, no stopping signage)
- car parking rates (for residential dwellings) were consistent with Planning Scheme requirements and Council could not ‘force’ a developer to provide over and above those rates.

³⁷ The previous approvals for Stages 1-4 require the provision of 32 marina spaces within Stage 5.

In relation to the marina car parking supply, the Proponent advised that a separate contract had been made with the State Government regarding the foreshore and marina development. To future proof the development, the Proponent had elected to provide the full quantum of public marina car parking (32 spaces) even though there is currently very little demand.

Submitters 138 and 178 submitted the marina and residential visitor car parking spaces should not be shared as this would result in additional demand for on-street parking.

At the traffic conclave, both traffic experts agreed:

- the car parking supplied is appropriate and there is sufficient on-site parking to support the anticipated demand
- a low level use of on-street parking is acceptable, noting that Council can impose parking restrictions if necessary
- the marina car parking rate of 1 space per berth is excessive and the sharing of marina and visitor car parking is an efficient and appropriate use of parking resources
- the waiver of car parking associated with the marina and visitor parking is appropriate
- potentially a further reduction could be considered to accommodate the carpark security gate being relocated into the site.

Ms Marshall and Mr Walsh's agreed (refer to

Table 10):

- there is a statutory parking demand of 122 spaces but taking into account that 32 marina spaces needed results in an overall demand for 154 spaces
- a car park waiver is appropriate using an empirical assessment identifying
 - demand for 8 visitor spaces
 - a range of 8 to 19 spaces for the marina
- additional shop parking (2 spaces) could be readily absorbed on-street
- on-street surveys identified spare capacity in the vicinity of the subject land.

In applying an empirical rate for the sharing of marina and visitor car parking, Ms Marshall explained that consideration should be given to the expected fluctuations in car parking demand associated with visitor and marina parking demand to understand if the sharing of car parking spaces is appropriate. In her opinion, the peak marina car parking demand would occur during summer daylight hours when car parking demand is likely to be significantly lower. Ms Marshall noted the sharing of car parking spaces is consistent with the Urban Design Guidelines (G6 objective).

(iv) Discussion

Car parking, or lack thereof, was a major theme in submissions.

The Panel acknowledges the challenges faced by residents arising from construction works occurring for several years on the Amendment land, including tradespeople and deliveries taking up nearby on-street and public car parking spaces. However, this is a short-term impact and beyond the remit of Panel process. Having said that, Council is aware of these difficulties and could consider additional parking management strategies to assist residents.

The Panel accepts some residents may regularly utilising the nearby on-street and off-street car park particularly for two car households that have only a single space garage. The Panel's site inspection observations, and the traffic evidence suggests there is spare capacity on the surrounding street network and the adjacent public carpark for residents and visitors to find parking, though not necessarily directly in front of their properties. On-street parking and nearby car parks are a public resource and Council is in the best position to manage these resources through appropriate enforcement and signage if parking difficulties persist.

In relation to the Stage 5 development, the fundamental issue is the sharing of carparking spaces between visitors and the marina. The Panel agrees that the efficient utilisation of car parking spaces is appropriate and a good use of parking resources. This is also articulated in:

- Clause 52.06-7 where a car parking demand assessment will be carried out considering a variety of issues including:
 - the variation of car parking use over time
 - empirical assessment and case studies
- the Urban Design Guidelines.

Considering the above, the Panel accepts the combined visitor/marina car parking demand would be in the order of 16 to 29 spaces (empirical visitor demand 8 spaces, plus empirical marina demand of 8 to 19 spaces) whereas 32 spaces would be available for these combined uses.

The remaining Stage 5 parking supply and management is reasonable, in particular, the small number of shop customers that may utilise the on-street parking supply.

The Panel is satisfied that car parking has been adequately addressed, and Council can implement additional parking management strategies should the need arise in the future.

(v) Findings

The Panel finds:

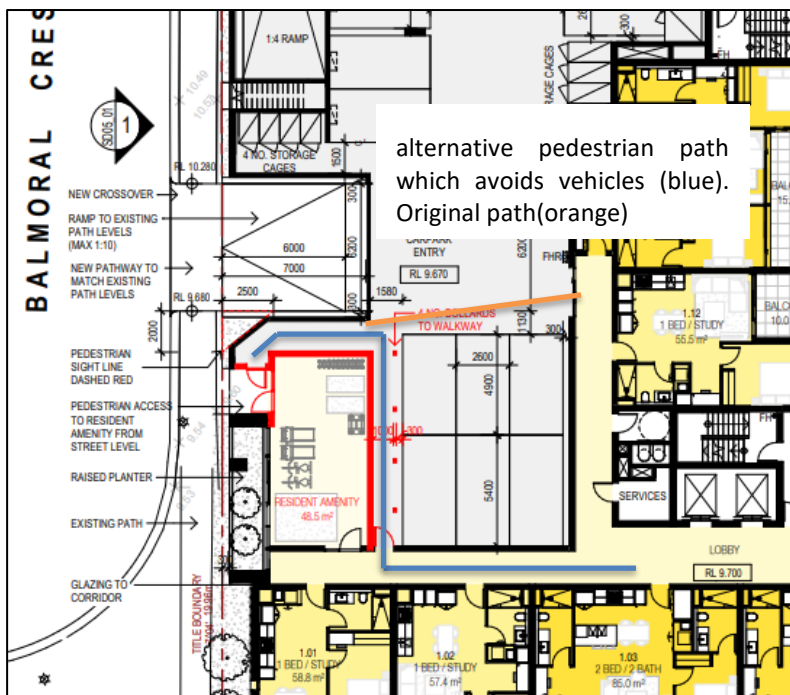
- The development provides sufficient car parking and should not adversely impact on-street parking on the surrounding road network, including public car parks.
- Council can implement parking management strategies in the future if required.

5.6 Minor design modifications

At the traffic conclave, Ms Marshall and Mr Walsh agreed the pedestrian access arrangements at the Balmoral Crescent access could be improved, such that pedestrians within the car park and also using Balmoral Crescent for access would be better facilitated by not having to cross the main entry to get to the lift core.

The Proponent prepared a concept plan (refer to Figure 19) to illustrate how this might be achieved which both traffic experts supported.

Figure 19 Revised Pedestrian access Balmoral Crescent

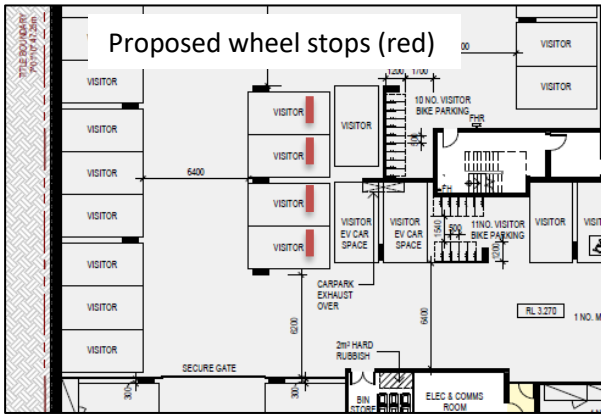


Source: D70

The Panel identified several minor improvements which both traffic experts agreed as appropriate, including:

- car park:
 - four visitor car parking spaces should have wheel stops to ensure parked vehicles do not encroach into neighbouring bays or potentially striking parked cars (refer to Figure 20)

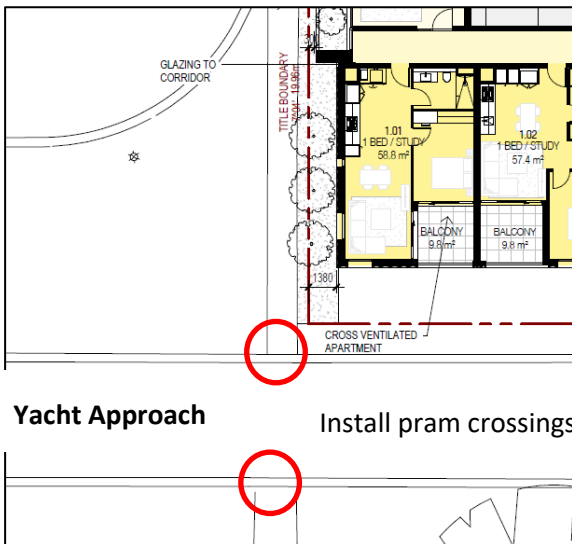
Figure 20 Lower Ground Level car park – proposed wheel stops



Source: D13 Full Plans – Lower Ground Level Plan

- convex mirror on the approaches to the single lane two-way ramp between ground level and level 1 car parks. This would enable approaching motorists to see if a vehicle is on the ramp and to prop allowing the motorist on the ramp to exit. This would avoid a situation where both opposing vehicles are on the ramp, necessitating one motorist having to reverse back along the ramp
- footpath connectivity:
 - Balmoral Crescent footpath at Yacht Approach - replace kerb upstands with pram crossings to improve access for mobility impaired and pedestrians with prams and strollers (refer to Figure 21)

Figure 21 Balmoral Crescent/Yacht Approach proposed pram crossings to replace kerbing

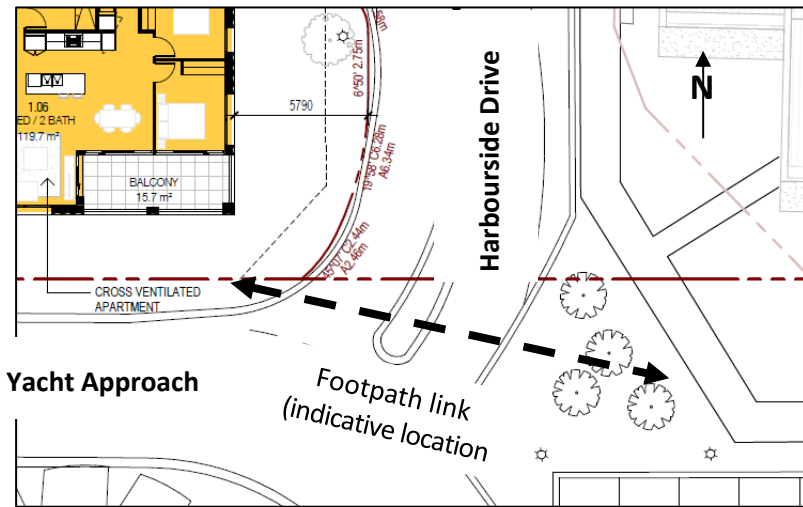


Yacht Approach Install pram crossings

Source: Document 13 Full Plans – Ground Level Plan

- Harbourside Drive - introduce a footpath link across Harbourside Drive to connect into the existing footpath on the east side of the roadway (refer to Figure 22).

Figure 22 Harbourside Drive – proposed pedestrian link



Source: D13 Architectural Plans – Ground Level Plan

(i) Findings

The Panel finds:

- Planning Permit PP573-2021 should require:
 - improved pedestrian access arrangements for pedestrians within the Balmoral Crescent car park
 - wheel stops for car spaces where appropriate
 - convex mirrors at the top and bottom of the internal car park ramp
 - replacement of the kerb upstands with pram crossings on the Balmoral Crescent and Rippleside Park footpaths at Yacht Approach
 - a footpath and associated pram crossings across Harbourside Drive at Yacht Approach to join the existing footpath on the east side of Harbourside Drive.

6 Resolution of the Amendment and Permit

6.1 The Panel's approach

This chapter focuses on drafting matters including comments received from parties in their tracked documents and during discussion at the Hearing. The Panel made directions which enabled:

- the Proponent to provide its final preferred version of the Amendment documents and permit conditions
- drafting discussion at the Hearing
- the opportunity for a party to provide comments on the Proponent's preferred versions of documents
- the Proponent to provide its final response to drafting changes requested by parties.

6.2 Comprehensive Development Zone Schedule 2

The Panel has used the Proponent's Day 1 version of the CDZ2³⁸ as a base for its recommendation. This version incorporates the addition of a decision guideline requiring the proposal to be considered against the Siting and Design Guidelines for Structures Along The Victorian Coast (2020), a matter raised by Mr Milner.

The key change the Panel recommends is to update the Height Control provision to ensure the height limits which apply to the subject land cannot be exceeded.

Appendix D:1 provides the Panel's recommended change to the CDZ2.

6.3 Comprehensive Development Plan

The Panel has used the exhibited version of the Development Plan³⁹ as a base for its recommendation. The Panel recommends the Development Plan be adopted as exhibited subject to the "Key" being updated to confirm the height limits that apply to all built form on the subject land are mandatory.

6.4 Urban Design Guidelines

The Panel notes the criticism received by submitter parties concerning the process of updating the Urban Design Guidelines on multiple occasions throughout the Hearing process. However, the Panel made directions which enabled:

- the Proponent and Council to provide its preferred version of the Urban Design Guidelines before the Hearing commenced (the Day 1 versions)
- drafting discussions at the Hearing
- the opportunity for the Proponent to provide updated versions of the Urban Design Guidelines throughout the Hearing process to respond to evidence and submissions
- the opportunity for a party to provide comments on the Proponent's preferred version
- the Proponent to provide its final response to drafting changes requested by parties.

³⁸ D68d

³⁹ D28

It is not unusual for documents to be refined, changed or added to through the Hearing process, in response to the evidence and submissions. The Panel considers its adopted process was collaborative and useful to its deliberations.

The parties contended further refinement and clarity should be provided around development expectations to ensure development of the subject land is appropriate and acceptable. The exhibited Urban Design Guidelines was based on the 2000 Urban Design Guidelines and contained fundamental inconsistencies in light of the guidance it is now seeking to provide some 24 years later for a development that is different in many ways. There was significant discussion at the Hearing about the form of the Urban Design Guidelines and the Panel appreciates the work by the Proponent and other parties during the Hearing process in providing helpful input on the provisions to be included.

The Panel has used the Proponents' Updated Day 1 version of the Urban Design Guidelines as the base version for its recommendations⁴⁰. This version incorporates the changes recommended by Mr Czarny with respect to Sections A2.5, F4, F7, G2 and G3 concerning refinements to matters of built form, interfaces and views for consistency. The Panel supports all these changes.

Mr Milner took issue with:

- the deletion of the reference to two to four storey town house development and its replacement with a reference to five to seven storey-built form
- the deletion of the reference deterring the use of Balmoral Crescent as an access point to the subject land.

For the reasons set out in Chapter 3 and Chapter 5.4, the Panel supports these deletions.

The key changes the Panel recommends beyond those which were incorporated throughout the Hearing process include:

- the deletion of the concept sketch extracted in Figure 11 because it is inconsistent and misleading in terms of what is proposed
- the deletion of the view line diagrams extracted in Figure 15 which contradict other diagrams to be retained
- moving the view line diagram extracted in Figure 14 from Section F7 to Section G2
- replacing Guidelines G2.1 and G2.2 with:
 - Provide for framed views of Corio Bay from residential properties opposite the site from the west.
- consequential amendments to images, plans, indicative diagrams or provisions which require updating as a result of the Panel's recommendations to the proposed building envelope and built form layout, or which are generally inconsistent or contradict the proposal.

6.5 The Permit

The Panel has used the Proponents' Updated Day 1 version Planning Permit as a base for its recommendations⁴¹. This version of the Permit included changes discussed throughout the

⁴⁰ D81

⁴¹ D89a

hearing, including reference to the Amended Plans and the inclusion of the following requirements in condition 1:

- a minimum footpath width along Harbourside Drive of 1.4 metres and designed to ensure accessibility as recommended by Mr Walsh
- an intercom/card reader system or the like to allow residential visitors and marina berth visitor access, located in a central median from the Harbourside Drive access as recommended by Mr Walsh
- details of balcony screens off habitable rooms to ensure Standard D15 is met as recommended by Mr Twite
- a notation showing corridor windows are operable to ensure compliance with Standard D19 as recommended by Mr Twite
- dimensioned cross sections ensuring a minimum 2.7 metre floor-to-ceiling height in habitable rooms, except where services are located within a kitchen as recommended by Mr Twite.

The Proponents' Updated Day 1 version Planning Permit also included:

- Mr Czarny's recommendations relating to the ongoing involvement of the project architects and landscape architects
- a revision to ensure the endorsed landscape plan is generally in accordance with the exhibited Landscape Plan
- an RSA condition as recommended by the Ms Marshall and Mr Walsh
- Barwon Water and PowerCor conditions which were inadvertently omitted from the exhibited permit.

The key changes the Panel recommends beyond those which were incorporated throughout the Hearing process include changes which require:

- the setback of Apartments 1.01 and 2.01 by 4.4 metres from the western property boundary to replicate Apartment 3.01 above, with the balcony's setback by 1.38 metres from the western property boundary, ensuring the built form on the south-western corner is replaced with a balcony which allows for views through the built form in a south-easterly direction
- an amendment to the RSA audit condition to ensure any recommendations from the audit are endorsed by Council
- improved pedestrian access arrangements so that pedestrians within the Balmoral Crescent car park and pedestrians using the Balmoral Crescent driveway for access do not have to cross the main entry to get to the lift core
- wheel stops on the four visitor car spaces which are perpendicular to the visitor electric vehicle car space and visitor car space (north-east of internal security gate – lower ground level)
- convex mirrors at the top and bottom of the internal car park ramp to ensure approaching vehicles can see a vehicle using the ramp
- a footpath and associated pram crossings across Harbourside Drive at Yacht Approach to join the existing footpath on the east side of Harbourside Drive
- the replacement of kerb upstands with pram crossings at the Balmoral Crescent and Rippleside Park footpath at Yacht Approach.

The Panel has also reviewed the permit conditions having regard to Writing Planning Permits (Department of Transport and Planning, May 2023) and made some drafting suggestions. This

includes updating the social housing condition which is to be required through a section 173 agreement to ensure it is enforceable, and to reflect discussions between the Proponent and the Panel on the final hearing day.

Writing Planning Permits states:

Writing effective conditions

General principles for drafting conditions are:

- Ensure the condition is within power.
- Use plain English.
- Use the active voice, not the passive voice.
- Use simple words and avoid problematic expressions.
- Use technical expressions carefully and purposefully.

Writing Planning Permits provides examples of expressions to be generally avoided or used carefully:

- replace 'prior to' with 'before' – it is not plain English
- never use 'shall' – it is not plain English and ambiguous because it is not clear if the obligation is mandatory or discretionary: Alternative: must / are to
- replace 'should' with 'must' – it is unclear whether the obligation is mandatory or discretionary: Alternative: 'must' where an obligation is to be applied.

Appendix D:2 provides the Panel's recommended changes to the Permit.

6.6 Recommendations

The Panel recommends:

Adopt Greater Geelong Planning Scheme Amendment C436ggee as exhibited subject to:

- a) **revising the Comprehensive Development Zone Schedule 2 as shown in Appendix D:1**
- b) **revising the Rippleside Comprehensive Development Plan to update the "Key" to confirm the height limits that apply to all built form on the subject land are mandatory**
- c) **revising the Rippleside Urban Design Guidelines as provided in Document 81 subject to the following additional changes:**
 - **Delete the concept sketch extracted in Figure 11 of this Report.**
 - **Delete the view line diagram extracted in Figure 15 of this Report.**
 - **Move the view line diagram extracted in Figure 14 of this Report from Section F7 to Section G2.**
 - **Replace Guidelines G2.1 and G2.2 with:**

Provide for framed views of Corio Bay from residential properties opposite the site from the west.
 - **Include any consequential amendments to images, plans, indicative diagrams, or provisions which require updating as a result of the Panel's recommendations to the proposed building envelope and built form layout, or which are generally inconsistent or contradict the proposal.**

Grant Planning Permit PP573-2021 subject to the conditions shown in Appendix D:2.

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Wendy Abikhair	32	Gavin Edwards
2	Adrian Anthonisz	33	Ahmed & Deb Elzahbi
3	Giulia Baggio	34	Heather Fagg
4	Deidre Barry	35	Keith Fagg OAM
5	Sinead Barry	36	Elizabeth Farrow
6	Chris Benning	37	April Fay
7	Mat Bojmic	38	Cal Ferguson
8	Debra Bonney	39	Ben Ferguson
9	Geoffrey Boothroyd	40	John Ferguson
10	Joanne Boothroyd	41	Withdrawn
11	Stuart Brown	42	Stephen Filby
12	Jacqueline Bull	43	Amanda Fraser
13	G Burrafato	44	Frank & Belinda Frok
14	Rovert Campbell	45	Samantha Furneaux
15	Marie Cassar	46	Richard Furneaux
16	Terri Cavallo	47	Dorothy Gibson
17	CFA	48	Michael Gibson
18	Helen Clarke	49	Withdrawn
19	Nicola Coates	50	Maurice & Linda Godear
20	Jayne Collins	51	Dianna Goodman
21	Committee for Geelong	52	Withdrawn
22	Madelyne Cook	53	Jason Gorell
23	Rowan Costin	54	Peter and Jenny Goss
24	Jo Cross	55	Chatar Goyal
25	Nat Cucinotta	56	Withdrawn
26	Wilhelmina Cummins	57	Kim Graves
27	Leonie Curtis	58	Susan Hall
28	Rosemary Darragh	59	Julie Hannan-Smith
29	Leanne Darvill	60	Narelle Harry
30	Michael Deam	61	Margaret Harry
31	Department of Transport and Planning	62	Dr Geoff Heriot

No.	Submitter	No.	Submitter
63	Michelle Hoang	97	Barbara McKane
64	Peter Horan	98	Carolyn & Gregory McKenzie
65	Justine Horan	99	Tracey McKenzie
66	Michelle Horvat	100	Brett McKinnon
67	Julie Humphreys	101	Raelene McKinnon
68	Peter Irving	102	Lorraine McManus
69	Helen Jager	103	Suzane McNamara
70	Peter Jager	104	Jennifer Meehan
71	Isabella Jordan	105	John Meehan
72	Benjamin Jordan	106	Maureen Menner
73	Peter Kavenagh	107	John Mills
74	Heather Kelly	108	Tim Milsome
75	Rowan Kent	109	Alexander Modica
76	Belinda King	110	Maddison Modica
77	Michelle King	111	Marie Myhrman-Howson
78	Rosemary Kiss	112	Michelle Neilson
79	Terrence and Ana Koerntjes	113	Glenn Neilson
80	Marjanca Kontlj	114	Robert Neville
81	Ross Kroger	115	Glenda Oakley
82	Timothy Kurelja	116	Richard Oakley
83	Elyssa Kurelja	117	Aaron Oberg
84	Michael Lalor	118	Bernadette and Bernard O'Dea
85	William Lodge	119	Denis Peacock
86	Gail Lowe	120	John Perks
87	David Lowe	121	Jennifer Perks
88	Lorraine Lyons	122	David Perks
89	Helen Lyth	123	Cathy Perry
90	Brenda Maclean	124	Joy Phillips
91	Jeff Mahoney	125	Ryan Plunkett
92	Brian Marshman	126	Paul Posterino
93	Dianne Martin	127	Powercor Australia Ltd
94	Una McAlinden	128	Kathryn Powys
95	Ian McIntosh	129	Simon Powys

No.	Submitter	No.	Submitter
96	Sally McIntyre	130	Robert Quayle
131	David Blackhall	153	Lucky Thapliyal
132	Christie Rentsch	154	The Property Council of Australia
133	Mark Rivers	155	Max Tilley
134	Jacqueline Rivers	156	Gail Trahair
135	Angus Ross	157	Balmoral Quay Pty Ltd
136	Caleb Schultink	158	Isobel Van Doornik
137	Tracey Simic	159	David Walker
138	Sam Smith	160	David Wetherall
139	Shirley Smith	161	David White
140	Gary Smith	162	Paul Willard
141	Lorraine Smith	163	Michael Williams
142	Heather Snook	164	Stephen Williams
143	Gary Snow	165	Hannah Woods
144	Andrea Snow	166	Lynette Wright
145	Edward & Lois Soper	167	Myfanwy Wyllie
146	Hazel Speirs	168	Mun Yee
147	Lorraine Squires	169	Brenda Yenik
148	Warren Squires	170	Lance Yenik
149	Karen Stagnitti	171	Leslie Young
150	Ben Swinton	172	Margaret Young
151	Pauline Tai	173	Sam Smith and others (Petition)
152	Gerard Teo		

Appendix B Document List

No	Date	Description	Presented by
1	12 Dec 2023	Request to appoint Panel	Greater Geelong City Council (Council)
2	12 Dec 2023	Permit Application Form	Council
3	12 Dec 2023	Title Lot S5 PS814484L	Council
4	12 Dec 2023	Title Reserve 1 PS814484L	Council
5	12 Dec 2023	Section 96A Town Planning Report	Council
6	12 Dec 2023	Acoustic Report	Council
7	12 Dec 2023	Ecological Advice	Council
8	12 Dec 2023	Economic Analysis	Council
9	12 Dec 2023	Environment Protection Authority Statement of Environmental Audit	Council
10	12 Dec 2023	Sustainability Management Plan	Council
11	12 Dec 2023	Traffic and Transport Assessment	Council
12	12 Dec 2023	Draft Planning Permit PP573-2021 - Exhibition Version	Council
13	12 Dec 2023	Architectural Plans	Council
14	12 Dec 2023	Geotechnical Assessment	Council
15	12 Dec 2023	Landscape Concept Plan	Council
16	12 Dec 2023	Waste Management Plan	Council
17	12 Dec 2023	Clause 58 Assessment 1 Harbourside Drive, Rippleside	Council
18	12 Dec 2023	BESS Report	Council
19	12 Dec 2023	Pedestrian Wind Environment Statement	Council
20	12 Dec 2023	Planning Report	Council
21	12 Dec 2023	Cultural Heritage Management Plan	Council
22	12 Dec 2023	Statement of Environmental Audit	Council
23	12 Dec 2023	Explanatory Report	Council
24	12 Dec 2023	Authorisation of Amendment	Council
25	12 Dec 2023	S173 agreement – affordable housing	Council
26	12 Dec 2023	Instruction Sheet	Council
27	12 Dec 2023	Comprehensive Development Zone Schedule 2	Council
28	12 Dec 2023	Rippleside Comprehensive Development Plan, March 2023	Council
29	12 Dec 2023	Rippleside Urban Design Guidelines, March 2023	Council

No	Date	Description	Presented by
30	12 Dec 2023	Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme	Council
31	12 Dec 2023	Council Agenda - 22 November 2022 Authorisation to Exhibit	Council
32	12 Dec 2023	Council Summary of Resolutions – 12 December 2023	Council
33	12 Dec 2023	Council Meeting Agenda – Council Report 12 December 2023 – consideration of submissions	Council
34	18 Dec 2023	Directions Hearing Letter	Planning Panels Victoria (PPV)
35	11 Jan 2024	Supplementary submission	Submitter 161
36	23 Jan 2024	Directions and Hearing Timetable	PPV
37	25 Jan 2024	Request to withdraw request to be heard and objection to C436ggee	Submitter 41
38	29 Jan 2024	Request to withdraw request to be heard and objection to C436ggee	Submitter 49
39	30 Jan 2024	Email advising Panel of missing pages in Development Plans, enclosing: a) Pages 98-100 of Development Plans which include western and eastern elevations and east/west sections 1, 2 and 3	Balmoral Quay Pty Ltd (Proponent)
40	31 Jan 2024	Request to withdraw request to receive Hearing timetable and objection to C436ggee	Submitter 56
41	31 Jan 2024	Letter from Tan Partners	Submitter 56
42	1 Feb 2024	Request to withdraw request to be heard and objection to C436ggee	Submitter 52
43	1 Feb 2024	Site inspection request	Submitter 59
44	2 Feb 2024	Site inspection request enclosing map locations	Submitters 138 and 173
45	5 Feb 2024	Part A submission	Council
46	5 Feb 2024	Email notifying Panel of withdrawn submissions	Council
47	5 Feb 2024	Documents requested by Panel under Direction 8e: a) Original Permit Endorsed Plans - PP 647 2004 - Plans numbered 1 to 60 b) Original Permit Endorsed Plans - PP 647 2004 - Plans numbered 61 to 117 c) Original Planning Permit - PP647 2004 – VCAT d) PP-1046-2014-C - Endorsed Plans - Stg 1 Subdivision e) PP1046-2014-C - Planning Permit - Stg 1 Subdivision f) PP-857-2016 - Endorsed Plans - Stage 2 Subdivision g) PP-857-2016 - Planning Permit - Stage 2 Subdivision	Council

No	Date	Description	Presented by
		h) Amendment A - Endorsed Plans - PP647-2004-A - Pages 1-60	
		i) Amendment A - Endorsed Plans PP-647-2004-A - (Numbered 61 to 94)	
		j) Amendment A - Endorsed Plans - PP-647-2004-A - (Numbered 94 to 118)	
		k) Amendment A - Planning Permit PP-647-2004-A – EoT	
		l) Amendment A - Secondary Consent - Stg 1 - PP-647-2004 A	
		m) Amendment A - Secondary Consent - Stg 1 Block B - PP-647-2004-A	
		n) Amendment A - Secondary Consent Plans - PP-647-2004-A - 03.08.2020	
		o) Amendment C - Endorsed Plans - PP-647-2004 C - Stg 2 13.08.2020	
		p) Amendment C - Planning Permit - PP-647-2004 C – EoT	
		q) Amendment C - Secondary Consent - PP-647-2004-C - Stage 3 and 4 - 01.06.2022	
		r) Rippleside Comprehensive Development Plan Feb 2000	
		s) Rippleside Urban Design Guidelines June 2000	
		t) VCAT order P2386-2004 – Original Permit – PP-647-2004	
48	5 Feb 2024	Site Inspection request	Submitter 59
49	7 Feb 2024	Hearing Timetable and Distribution list – Version 2	PPV
50	7 Feb 2024	Expert Report - Jason Walsh of Traffix Group	Council
51	7 Feb 2024	Expert Report – Craig Czarny of Hansen Partnership	Balmoral Quay Pty Ltd (Proponent)
52	7 Feb 2024	Expert Report – Hilary Marshall of Ration Consultants	Proponent
53	7 Feb 2024	Expert Report – Kel Twite of Urban Planning Collective	Proponent
54	8 Feb 2024	Email notifying Panel and Parties of inconsistencies in exhibited documentation	Council
55	8 Feb 2024	Letter to Panels requesting an extension of time to provide expert evidence	Submitter 138 and Submitter 173
56	8 Feb 2024	Email to Panel detailing inconsistencies between the exhibited documentation, enclosing: <ul style="list-style-type: none"> a) Council version - Schedule 2 to Clause 37.02 Comprehensive Development Zone – Exhibition b) Department version - Schedule 2 to Clause 37.02 Comprehensive Development Zone - Exhibition 	Council

No	Date	Description	Presented by
57	8 Feb 2024	Email detailing alternative design proposals from expert witnesses, enclosing: <ul style="list-style-type: none"> a) Ms Marshall – alternative design to accessway b) Mr Czarny – alternative design to southwest corner of Apartment 3.01 	Proponent
58	9 Feb 2024	Further Panel Directions	PPV
59	9 Feb 2024	Response to Panel’s further directions, enclosing materials referenced by K Twite: <ul style="list-style-type: none"> a) View line analysis updated with levels to AHD b) marked up architectural sheets SD05_01 and SD05_02, prepared by SJB Architects, to show heights and setbacks in metres c) marked up architectural sheets SD02_06 prepared by SJB Architects, to show heights and setbacks in metres d) letter from Council dated 12 May 2014 confirming the date of commencement of the development e) annotated version of the Urban Design Guidelines prepared by Urbis f) Panel Report in respect to Amendment R245 g) VCAT decision in Trendcorp Pty Ltd v Greater Geelong CC [2005] VCAT 370 h) Copy of the ‘Building H’ plans prepared by Orbit 	Proponent
60	9 Feb 2024	Response to Panels further directions, enclosing letters of instruction: <ul style="list-style-type: none"> a) Letter to C Czarny b) Letter to H Marshall c) Letter to K Twite 	Proponent
61	13 Feb 2024	Expert Report – Rob Milner of Milner Planning Advisory	Submitters 138 and 173
62	13 Feb 2024	Documents referenced in Mr Milner’s statement: <ul style="list-style-type: none"> a) City of Greater Geelong Settlement Strategy, August 2020 b) Clause 21.13 from ‘NPS1’ version of the Greater Geelong Planning Scheme (27 July 2000) c) Clause 21.30 from the ‘NPS1’ version of the Greater Geelong Planning Scheme (27 July 2000) d) Siting and Design Guidelines for Structures on Victorian Coast, May 2020 	Submitters 138 and 173
63	15 Feb 2024	Document referenced in Mr Czarny’s statement, requested by Panel:	Proponent

No	Date	Description	Presented by
		a) Urban Context Report, April 2021	
64	15 Feb 2024	Main Submission, enclosing: <ul style="list-style-type: none"> a) Healy v Surf Coast SC [2005] VCAT 990 b) Morphy v Surf Coast SC [2022] VCAT 470 c) Tashounidis v Flinders SC, Deligiannis & Ors [1988] VicAATRp 2 d) Taylor v Surf Coast SC [2021] VCAT 37 e) Wright v Greater Geelong CC [2013] VCAT 2092 	Proponent
65	15 Feb 2024	Part B submission	Council
66	15 Feb 2024	Council 'Day 1' version of amendment documentation, enclosing: <ul style="list-style-type: none"> a) Day 1 Version – Clause 37.02s02 CDZ Schedule 2 b) Day 1 Version – Full Plans c) Day 1 Version – Planning Permit Track changes post exhibition d) Day 1 Version – Rippleside Urban Design Guidelines 	Council
67	15 Feb 2024	Statement of agreed opinions and facts on Traffic, prepared by Ms Marshall and Mr Walsh	Proponent
68	15 Feb 2024	Proponent 'Day 1' version of amendment and planning permit documentation, enclosing: <ul style="list-style-type: none"> a) Day 1 – Architectural Plans b) Day 1 – Development Summary c) Day 1 – Statement of Changes d) Day 1 version – Clause 37.02 CDZ Schedule 2 e) Day 1 version – Planning Permit f) Day 1 version – Track changes Urban Design Guidelines 	Proponent
69	16 Feb 2024	Hearing Timetable and Distribution List (Version 3)	PPV
70	19 Feb 2024	Pedestrian access to Balmoral Crescent	Proponent
71	19 Feb 2024	Hearing Submission	Submitter 89
72	19 Feb 2024	Hearing Submissions	Submitter 35
73	19 Feb 2024	Hearing Submission	Submitter 78
74	19 Feb 2024	Hearing Submission	Submitter 59
75	19 Feb 2024	Supplementary Submission	Submitter 20
76	20 Feb 2024	Hearing Submission, enclosing Hearing PowerPoint presentation	Submitter 62
77	20 Feb 2024	Planning Permit PP-647-2004 Amendment E PP and Cover Letter Liverpool Street, Rippleside	Council

No	Date	Description	Presented by
78	20 Feb 2024	Hearing Presentation	Submitter 124
79	20 Feb 2024	Request to withdraw objection to Planning Permit Application PP-573-2023	Submitter 54
80	20 Feb 2024	Hearing Submission, enclosing Tan Letter	Submitter 54
81	20 Feb 2024	Updated 'Day 1' version of Urban Design Guidelines	Proponent
82	20 Feb 2024	Request to withdraw from Panel Hearing	Submitter 146
83	20 Feb 2024	Plans in respect to land at Balmoral Crescent, enclosing: a) Plans - 5 Balmoral Crescent b) Plans - 7 Balmoral Crescent	Proponent
84	20 Feb 2024	Hearing Timetable (Version 4)	PPV
85	21 Feb 2024	Hearing Submission	Submitters 138 and 173
86	21 Feb 2024	Additional Hearing Submission notes	Submitter 59
87	22 Feb 2024	Internal traffic engineering comments	Council
88	22 Feb 2024	Hearing Presentation	Submitter 54
89	22 Feb 2024	Email from Proponent, enclosing: a) Updated 'Day 1' version of Planning Permit	Proponent
90	22 Feb 2024	Email outlining changes proposed to road safety order condition in Planning Permit	Council

Appendix C Planning Context

C: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.

Relevant clauses

11 Settlement

11.01 Victoria

11.01-1S Settlement

Objective

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

11.01-1R – Settlement Geelong G21

Strategies

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

...

11.01-1L-01 – Settlement - Greater Geelong

Strategies

...

Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong creek and the Northern and Western Geelong Growth Areas.

...

11.02 Managing Growth

11.02-1S – Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institution and other community uses.

Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

...

15 Built Environment and Heritage

15.01 Built Environment

15.01-1S Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identify.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features,

surrounding landscapes and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

...

15.01-2S Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance for new development.

...

15.01-2L – Environmentally sustainable development

Objective

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

General Strategies

Facilitate development that minimises environmental impacts.

...

15.01-4S Healthy neighbourhoods

Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as part of daily life.

...

15.01-5S Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

...

15.01-5L Neighbourhood character

Objectives

To manage the impact of urban change on existing neighbourhoods.

To protect areas with a significant garden character.

Strategies

Support medium density housing that respects the existing neighbourhood character in the General Residential Zone areas.

...

16 Housing

16.01 Residential Development

16.01-1S Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

...

16.01-2S – Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services

Strategies

Improve housing affordability by:

- Ensure land supply continues to be sufficient to meet demand
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.

Municipal Strategic Framework and Local Planning Policies

Summary of relevant clauses(summary)

02 Municipal Planning Strategy

02.02 Vision

Highlights key land use and development aspirations for Geelong to facilitate sustainable development that supports population growth and protects the natural environment and an inclusive, diverse, healthy and socially connected community.

02.03-1 Settlement

Includes key strategies with respect to settlement that outlines the predicted growth of Geelong that will create a demand in excess of 73,000 new dwellings that are to be delivered via a combination of greenfield and infill development, with the share of infill development to increase over time. Selective infill development is supported in areas with good access to infrastructure and services. Further medium and high density housing is required to achieve a high level of amenity for future residents while being appropriate for the site and neighbourhood.

02.03-5 Built environment and sustainability

Outlines directions that seek to ensure that development enhances Geelong's sense of place and identity, support the design and provision of health, walkable neighbourhoods, encourages environmentally

sustainable design in all development and provide high quality urban design and landscaping.

02.03-6 Housing

Outlines areas for increased housing diversity and also directs the facilitation of infill development to increase its housing supply contribution and increase housing diversity in established communities.

C:2 Other relevant planning strategies and policies

i) G21 Regional Growth Plan

The G21 Regional Growth Plan provides broad direction for land use and development across the Greater Geelong region over the next 40 years and reinforces the importance of Central Geelong as a vibrant and active regional city and Victoria's second largest city.

Council submitted that the Amendment supports the G21 Regional Growth Plan because:

- it caters for additional population volumes
- supports density within desirable locations.

ii) The City of Greater Geelong Settlement Strategy

The City of Greater Geelong Settlement Strategy provides recommendations designed to help provide housing for a growing population, while protecting Geelong's unique lifestyle and environmental values.

Council submitted that the Amendment supports the Greater Geelong Settlement Strategy Plan because:

- it supports the increases of housing supply of infill development to 50 percent by 2047
- ensures housing diversity is achieved

C:3 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction No. 1 (Potentially Contaminated Land)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction No. 15 (Planning Scheme Amendment Process)
- Ministerial Direction No. 19 (EPA advice).

That discussion is not repeated here.

Planning Practice Notes

Planning Practice Note 46: Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment.

Appendix D Panel recommended CDZ2 and planning permit conditions

D:1 Comprehensive Development Zone Schedule 2

This version of the Comprehensive Development Zone Schedule 2 is tracked against the Proponent’s Day 1 version of the CDZ2⁴².

[Tracked Added](#)

~~Tracked Deleted~~

SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ2**.

RIPPLESIDE COMPREHENSIVE DEVELOPMENT PLAN

Land

This Schedule applies to land generally bounded by Liverpool Street, Balmoral Crescent, Victoria Street and Corio Bay, Rippleside as defined by the Rippleside Comprehensive Development Plan.

Purpose

To facilitate the use, development and design of an urban environment that complements and enhances the area and provides linkages with the surrounding residential, community and open space networks.

To provide for residential, recreational and boating facilities and activities in conjunction with small-scale commercial and tourism development.

To provide for the integrated subdivision and redevelopment of the Rippleside Shipyards generally in accordance with the Rippleside Comprehensive Development Plan.

To provide for development that is both sympathetic to the surrounding residential and recreational environment, utilising the waterfront location and harbour infrastructure, and also contributes towards residential density and housing diversity.

1.0 Table of uses

Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Convenience shop	Must be located generally in accordance with the Rippleside Comprehensive Development Plan.
Dwelling	Must be generally in accordance with the Rippleside Comprehensive Development Plan.

⁴² D68d

Residential building	The total number of dwellings must not exceed 194.
Food and drink premises (other than Hotel)	Must not exceed two in number. The combined floor area available to patrons must not exceed 200sqm. Must be generally in accordance with the Rippleside Comprehensive Development Plan.
Home based business	
Office	The total floor area must not exceed 1000sqm. Must be generally in accordance with the Rippleside Comprehensive Development Plan.
Shop (other than Convenience shop)	Must only be for the sale or hire of marine related goods and services. The gross leasable floor area must not exceed 140sqm. Must be generally in accordance with the Rippleside Comprehensive Development Plan.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Any use not listed in Section 1 or Section 3	

Section 3 - Prohibited

Use
Adult sex product shop
Agriculture
Brothel
Hotel
Industry (other than directly associated with the construction, repair and maintenance of boats)
Warehouse
Major sports and recreation facility
Place of assembly
Service station
Shop – if the Section 1 condition is not met

2.0 Use of land

None specified.

3.0 Subdivision

Any subdivision must be generally in accordance with the incorporated Rippleside Comprehensive Development Plan and Rippleside Urban Design Guidelines.

Applications must meet the following requirements:

- Each lot must be provided with a reticulated supply of water and effluent disposal.
- Each lot must be provided with a reticulated supply of electricity located underground unless special and unusual circumstances exist.
- Each lot must have access to a road constructed to the satisfaction of the responsible authority in accordance with its engineering guidelines.

Subdivision may be undertaken in stages to the satisfaction of the responsible authority.

The subdivision of the land is conditional upon the owner entering into an agreement with the responsible authority and any other relevant statutory authority pursuant to Section 173 of the Act. An agreement must contain the following covenants:

That the owner at its own cost shall:

- Provide road, drainage or other infrastructure to the land as may be required by the responsible authority and any other statutory authority.
- Provide a pedestrian link at least 10 metres in width to link Rippleside and St Helens Park. Such pedestrian link shall be provided either:
 - wholly within the owner's land along the eastern boundary;
 - partly within the owner's land and partly within Corio Bay;
 - wholly within Corio Bay immediately abutting the site; and
 - must be completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for the subdivision or any stage of the subdivision.

Such agreement must be prepared at the cost of the owner.

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 incorporated Rippleside Comprehensive Development Plan.
- The effect of the proposed subdivision on:
 - The spacing of buildings.
 - Delivery of diverse housing types.
- 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 Building and works

Requirements

All buildings and works must be generally in accordance with the incorporated Rippleside Comprehensive Development Plan and Rippleside Urban Design Guidelines to the satisfaction of the responsible authority.

The construction or carrying out of buildings and works is conditional upon the owner of the land entering into an agreement with the responsible authority and any other relevant statutory authority pursuant to Section 173 of the Act. An agreement must contain the following covenants:

That the owner at its own cost shall:

- Provide road, drainage or other infrastructure to the land as may be required by the responsible authority and other relevant statutory authority;
- Provide a pedestrian link at least 10 metres in width to link Rippleside and St Helens Park to the satisfaction of the responsible authority prior to the issue of Statement of Compliance for any stage of subdivision. Such pedestrian link be provided either:
 - wholly within the owner's land along the eastern boundary;
 - partly within the owner's land and partly within Corio Bay;
 - wholly within Corio Bay immediately abutting the site.

Such agreement must be prepared at the cost of the owner.

Works may be undertaken in stages to the satisfaction of the responsible authority.

Site History

Prior to the commencement of any demolition works, a site interpretation proposal must be prepared to the satisfaction of the responsible authority. This interpretation proposal must make reference to the history of the site as the Geelong Harbour Trust's Rippleside Workshops.

All existing structures and buildings must be recorded through the preparation of an archival quality photographic record together with the collation of original architecture and engineering drawings where available to the satisfaction of the responsible authority. Such documents must be lodged with the Geelong Historical Records Centre.

The existing entrance gates must be incorporated into the redevelopment of the site.

Height Control

Except with a permit, the height of any building must not exceed the height above the Australian Height Datum for any particular site as shown on the Rippleside Comprehensive Development Plan incorporated into this Planning Scheme—[except for the height limits noted as 27.0 metres, 19.8 metres and 22.5 metres which must not be exceeded.](#)

Pedestrian Waterside Link

A permit accompanied by detailed plans for the design and construction of the pedestrian waterside link satisfactory to the Department of Energy, Environment and Climate Action must be issued by the responsible authority prior to construction of any buildings or works on the site.

The proponent/developer of the land must enter into an agreement with the responsible authority pursuant to Section 173 of the Act in which appropriate covenants for the provision and maintenance of the pedestrian waterside link will be contained. The covenants must require the pedestrian waterside link to be designated as a reserve with a minimum width of 10 metres, incorporating a pedestrian and bicycle path.

A staging plan for the detailed design and construction of the pedestrian waterside link must be submitted to and approved by the responsible authority, before the construction of any buildings or works on the site.

All stages of the construction of the pedestrian waterside link must be completed to the satisfaction of the responsible authority in accordance with the approved staging plan.

Environmental and Site Works

Prior to the commencement of the construction of a building or the construction or the carrying out of works, an environmental management plan must be prepared to the satisfaction of the responsible authority. The environment management plan must contain appropriate provisions for the environmental management of the development of the land to the satisfaction of the responsible authority, including:

- Management of land disturbance;
- Storage, minimisation, handling and disposal of waste, dangerous substances and industrial infrastructure on the land;
- Noise and dust management;
- Landscaping and planting proposals; and
- Contingency and emergency response plan.

All buildings and works must be carried out in accordance with the environmental management plan to the satisfaction of the responsible authority.

Prior to the commencement of works to the escarpment on the land, a detailed geological survey must be undertaken to the satisfaction of the responsible authority, which identifies methods of protecting the escarpment or any areas of geological vulnerability.

Any rock revetment must be built to the satisfaction of the responsible authority, and maintenance agreements must be entered into to address the ongoing maintenance of the rock wall, including sea grasses.

The responsible authority must not issue a planning permit for buildings and works unless it is satisfied that:

- Any necessary sub-ground infrastructure works, contamination clean-up works and geological assessments; and
- Any necessary hard stand and building infrastructure removal, will or has been carried out to its satisfaction.

Application Requirements

The following application requirements apply to an application for a permit for the use, to construct a building or to carry out works or subdivide the land 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 site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale which show:
 - the boundaries and dimensions of the site.
 - adjoining roads.
 - the location, height and purpose of buildings and works on adjoining land.
 - relevant ground levels.
 - Setbacks to property boundaries.
 - the layout of existing and proposed uses.
 - all driveway, carparking and loading areas.
 - proposed landscape areas.
 - all external storage and waste treatment areas.
 - The location of easements and services.
- 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.
- Scaled elevation drawings to identify the colour and materials of all buildings and works.

- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, its source, the surfaces to be constructed, site works specification and method of preparing, draining, watering, maintaining and monitoring the landscape areas.
- A written response to the vision, objectives, requirements and guidelines contained in the incorporated Rippleside Comprehensive Development Plan and Rippleside Urban Design Guidelines.
- For a residential development of four storeys or less, an assessment against the relevant provisions of Clause 54 and Clause 55.
- For apartment development of five or more storeys, an urban context report and design response, and assessment against the relevant provisions of Clause 58.
- An engineering report assessing the stability of the cliff face and providing evidence or solutions to ensure its ongoing stability. These recommendations must be incorporated into the buildings and works undertaken on the land.
- A detailed traffic plan and accompanying report. The plan must show as appropriate:
 - the location and number of spaces to be provided for each respective component of the proposed development.
 - the proposed traffic management and control works considered necessary in adjoining and nearby roads when the development or any stage is completed.
 - means of ingress and egress from the site and internal circulation details.
 - proposed road surfaces and design measures to be employed to ensure that vehicular roads are shared with pedestrians and do not dominate the village environment.
 - the ability for various uses within the site, eg. office and commercial to be able to share car spaces.

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 must be considered, as appropriate, by the responsible authority:

- The views of the Department of Energy, Environment and Climate Action.
- The views on the traffic plan by the Department of Transport and Planning.
- The views of Barwon Water.
- The ability of the proposal to achieve the outcomes of the incorporated Rippleside Comprehensive Development Plan.
- The consistency of the proposal with the incorporated Rippleside Urban Design Guidelines.
- The consistency of the proposal with the Siting And Design Guidelines For Structures Along The Victorian Coast
- The stability of the cliff face and whether the development and works being undertaken endanger the ongoing stability of the cliff.
- The ability of the proposal to provide satisfactory pedestrian access links to adjoining parks and foreshore areas.
- The provision of acceptable design of public areas including use of street furniture, lighting and landscaping.
- Whether sufficient information is provided in the traffic plan and accompanying report to adequately deal with all on and off-site traffic related issues including:
 - the location of any proposed off-street parking area;
 - points of access to and from the land and whether they are suitably located;
 - the layout of the car parking areas within the site and access arrangements to them;
 - the impact of traffic generated by the proposal and whether it is likely to require special management and control works in the neighbourhood; and

- the provision of adequate loading facilities.
- Whether satisfactory arrangements for the treatment and disposal of stormwater drainage to a legal point of discharge have been made.
- Whether there are acceptable arrangements to be put in place for the maintenance and upkeep of all public access areas.
- Whether the development is consistent with Clauses 54, 55 or 58, as relevant.
- Whether the entering into all necessary agreements with service authorities has been appropriately arranged.

5.0 Signs

None specified.

D:2 Planning Permit PP573-2021

This version of the Planning Permit is tracked against the Proponents' Updated Day 1 version Planning Permit⁴³.

[Tracked Added](#)

~~Tracked Deleted~~

ADDRESS OF THE LAND: 1 AND 11 HARBOURSIDE DRIVE, RIPPLESIDE

THE PERMIT ALLOWS: BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF AN APARTMENT DEVELOPMENT AND REDUCTION IN CAR PARKING REQUIREMENTS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. ~~Prior to~~ ~~Before~~ the ~~commencement of the~~ development ~~starts~~, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by SJB Architecture Pty Ltd, dated 13 February 2024 (Revision 14), but modified to show:
 - a) Inclusion of all existing assets within the Balmoral Crescent road reserve where it abuts the subject site, including accurate locations of the two at-grade concrete splitter islands in Liverpool Street and Balmoral Crescent (i.e. each side of the 90 degree curve).
 - b) Provision of a carpark allocation plan nominating the required carparking for each dwelling and any proposed management strategy for tandem parking.
 - c) Articulation of the east facing blank wall adjacent to the Barwon Water pump station.
 - d) The south and west elevations without the cross sections or previous building envelopes.
 - e) A revised landscape plan that updates the Compliance Summary table on page 12 of the Landscape Concept Plan to reflect three Type B canopy trees.
 - f) The species of the canopy trees to be identified to ensure compliance with Standard D4, Clause 58.02-4 of the Greater Geelong Planning Scheme, which requires 8 metres minimum canopy diameter and height at maturity.
 - g) The recommendations outlined in Figures 3, 4, 5, 6 and 7 of the Pedestrian Wind Environment Statement prepared by Windtech, dated 7 July 2022, incorporated on the plans in accordance with condition 19 of this permit.
 - h) Maintenance access for Level 4 southern landscaped roof and Level 5 northern landscaped roof.
 - i) Locations of mechanical services and plant equipment.

⁴³ D89a

- j) Removal of the pump station boundary re-alignment as shown on the floor plans SD02_02.
- k) Details of storage areas in the kitchen/bathroom and bedrooms in accordance with Standard D21, Clause 58.05-4.
- l) Details of the stormwater catchment plan, such as raingarden, detailed at condition 3(a).
- m) A minimum footpath width along Harbourside Drive of 1.4 metres and designed to ensure accessibility.
- n) An intercom/card reader system or the like to allow residential visitors and marina berth visitor access, located in a central median from the Harbourside Drive access.
- o) Details of balcony screens off habitable rooms to ensure Standard D15 is met.
- p) A notation showing corridor windows are operable to ensure compliance with Standard D19
- q) Dimensioned cross sections ensuring a minimum 2.7m floor to ceiling height in habitable rooms, except where services are located within a kitchen.
- r) The setback of Apartments 1.01 and 2.01 by 4.4 metres from the western property boundary to replicate Apartment 3.01 above, with the balcony's setback by 1.38 metres from the western property boundary, ensuring the built form on the south-western corner is replaced with a balcony which allows for views through the built form in a south-easterly direction.
- s) Improved pedestrian access arrangements so that pedestrians within the Balmoral Crescent car park and pedestrians using the Balmoral Crescent driveway for access do not have to cross the main entry to get to the lift core.
- t) Wheel stops on the four visitor car spaces which are perpendicular to the visitor electric vehicle car space and visitor car space (north east of internal security gate – lower ground level).
- u) Convex mirrors at the top and bottom of the internal car park ramp to ensure approaching vehicles can see a vehicle using the ramp.
- v) The replacement of kerb upstands with pram crossings on the Balmoral Crescent and Rippleside Park footpaths at Yacht Approach.
- w) A footpath and associated pram crossings across Harbourside Drive at Yacht Approach to join the existing footpath on the east side of Harbourside Drive.

Altering of Plans

2. The development as shown on the endorsed plan(s) must not be altered without the written consent of the responsible authority.

Ongoing architect involvement

3. As part of the ongoing consultant team, SJB Architecture Pty Ltd, or other suitably qualified architectural firm to the satisfaction of the responsible authority must be engaged to:
 - a) Oversee design and construction of the development; and
 - b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the responsible authority.

ESD

4. ~~Prior to~~ Before ~~the endorsement of~~ plans are endorsed, a Sustainability Management Plan (SMP) must be submitted to and approved to the satisfaction by the responsible authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the report by Acor dated 15/07/2022 and received by Council on 16/07/2022, but modified to include ~~the following changes~~:
 - a) The stormwater catchment plan highlighted based on the treatment method such as raingarden.
5. Where alternative ESD initiatives are proposed to those specified in conditions above, the responsible authority may vary the requirements of these conditions at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.
6. All works must be undertaken in accordance with the endorsed SMP and stormwater management plan to the satisfaction of the responsible authority. No alterations to these plans may occur without the written consent of the responsible authority.
7. ~~Prior to~~ Before ~~the commencement of~~ occupation ~~of any part of~~ the development, a report from the author of the endorsed SMP, or similarly qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm through supporting evidence that all measures specified in the endorsed SMP have been implemented in accordance with the approved plan, including but limited to:
 - a) Commitment for Gas-free development (except café).

General Amenity

8. The amenity of the area must not be detrimentally affected by the development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;to the satisfaction of the responsible authority.

Waste

9. All solid waste stored on site must be regularly disposed of so as not to cause nuisance to any persons on adjoining properties to the satisfaction of the responsible authority.

Concealing of Equipment

10. ~~With the exception of~~ Except for solar panels, guttering, rainheads and downpipes, all pipes, fixtures, fittings, vents, plant and equipment servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Walls on Boundary

11. All external walls on or facing property boundaries must be cleaned and finished to the satisfaction of the responsible authority.

Screening

12. ~~Prior to~~ Before ~~the~~ occupation of the development, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the responsible authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the responsible authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the responsible authority.

Outdoor Lighting

13. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the responsible authority.

Site Stormwater Management Strategy

14. Unless otherwise approved in writing by the responsible authority, ~~Prior to~~ before ~~the commencement of~~ works start, a Site Stormwater Management Strategy (SSMS) for the overall development must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The SSMS must contain (but not be limited to) the following:
 - a) Details of the management of internal and external flows during and after the construction period.
 - b) How the site stormwater runoff is to be discharged for rainfall events up to and including connection into the early stages of the development downstream drainage network ~~prior~~ before to discharge into Corio Bay.

~~All to the satisfaction of the responsible authority.~~

Drainage & Vehicular Access

15. ~~Prior to~~ Before ~~the~~ occupation of the dwellings, the developer must to the satisfaction of the responsible authority:
 - a) Construct the site stormwater system including connection for the development into the existing drainage for the development, or other nominated point/s as approved by the responsible authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
 - b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
 - c) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street.

~~All to the satisfaction of the responsible authority.~~

Car Parking

16. ~~Prior to~~ Before ~~the~~ occupation of the dwellings, the car park including accessways must be constructed, surfaced with an all-weather sealed coat and line marked in accordance with the endorsed plans to the satisfaction of the responsible authority.

Road Safety Audit

17. ~~Prior to~~ Before ~~commencement of~~ the development starts, a Road Safety Audit (RSA) must be undertaken, at the cost of the owner and to the satisfaction of the responsible authority of the proposed access to the development from Balmoral Crescent.
18. Any recommendations arising out of that RSA and agreed by the responsibility authority must be implemented at the cost of the owner and to the satisfaction of the responsible authority ~~prior~~ before to occupation of the development.
19. The road safety audit must be undertaken by a suitably qualified road safety auditor in accordance with Austroads Guide to Road Safety Part 6, and to the satisfaction of the responsible authority.

Development in Accordance with Acoustic Report

20. The recommendations and actions contained in the Acoustic Report prepared by Renzo Tonin & Associates, dated 29 July 2020, must be implemented to the satisfaction of the responsible authority.
21. After occupancy, the permit holder must submit a report prepared by a suitably qualified acoustic engineer which addresses the recommendations in the Acoustic Report prepared by Renzo Tonin & Associates, dated 29 July 2020, and provide any necessary recommendations to achieve compliance where noncompliance is identified or address any other issues as appropriate. Any recommendations of the assessment deemed must be implemented within a timeframe specified by the responsible authority and to the satisfaction of the responsible authority.

Waste Management

22. Waste storage and disposal areas must be constructed in accordance with the Waste Management Plan provided by Leigh Design, dated 29 June 2022, to the satisfaction of the responsible authority.

Development in Accordance with the Pedestrian Wind Environment Statement

23. The recommendations and actions contained in the Pedestrian Wind Environment Statement prepared by Windtech, dated 7 July 2022, must be implemented to the satisfaction of the responsible authority. Should a subsequent wind assessment be undertaken, and alternative recommendations made, the updated Wind Assessment must be submitted to the responsible authority for approval, and the relevant recommendations and actions must be implemented to the satisfaction of the responsible authority.

Detailed Landscape Plans

24. ~~Prior to~~ Before the ~~commencement of works~~ development starts, a detailed Landscape Plan must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Tract Consultants dated 19 December 2022 (Revision 04) and must be prepared by a person suitably qualified in landscape design and must adhere to the City of Greater Geelong Landscape Standards Manual. Any plan must include the following:
- a) The name of project and the Planning Permit Number.
 - b) Scale and dimensions.
 - c) Removal of *Myoporum parvifolium* from the planting palette.
 - d) Removal of *Eucalyptus sideroxylon* & *Eucalyptus ovata* from the indicative planting schedule.
 - e) Remove notation of new trees to be planted within public park.
 - f) The layout of proposed new planting (where applicable) in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts).
 - g) Details of all other infrastructure within the reserve (e.g. underground services, street lights, stormwater pits, fire plugs etc.).
 - h) Pedestrian linkages inclusive of proposed landscape treatments.
 - i) Proposed treatments within street closures.
 - j) Buffer zones (i.e. rural interfaces and main roads).
 - k) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and confirmation trees are clear stemmed to 3 metres in height when mature and quantities for each species.
 - l) All proposed groundcover and shrub planting with a minimum container size of 150mm and not exceeding 400mm in height at maturity.
 - m) The maintenance schedule for all proposed planting.
25. As part of the ongoing consultant team, Tract Consultants, or other suitably qualified landscape architectural firm to the satisfaction of the responsible authority must be engaged to:
- a) Oversee design and delivery of the landscaping works; and
 - b) Ensure the design quality and appearance of the landscaping works is realised as shown in the endorsed Landscape Plan or otherwise to the satisfaction of the responsible authority.

Completion of Landscaping Works

26. Unless otherwise agreed in writing, ~~Prior to~~ before the occupation of the dwellings, the landscaping as shown on the endorsed Detailed Landscape Plans must be completed to the satisfaction of the Responsible Authority.

Completion of Streetscape Works

27. Unless otherwise agreed in writing, ~~Prior to~~ before occupation of the ~~development~~ dwellings, the streetscape works shown on the endorsed Detailed Streetscape Plans must be completed to the satisfaction of the responsible authority.

28. Where streetscape works shown on the endorsed Detailed Streetscape Plans are not completed ~~prior to~~ before occupation of the development, the applicant must submit a cost estimate for all outstanding works for approval by the responsible authority. Once the cost estimates have been approved, a bond or bank guarantees to the value of 125 per cent of the cost of works must be submitted to the responsible authority.
29. Where a bond or bank guarantee has been accepted for incomplete streetscape works, the outstanding works must be completed to the satisfaction of the responsible authority within 1 year of occupation of the development, unless otherwise agreed by the responsible authority.
30. A practical completion inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given. The incomplete works bond will be returned once practical completion has been awarded.

Maintenance of Streetscape Works

31. All streetscape works must be maintained to the satisfaction of the responsible authority for a period of two (2) years from the date of practical completion. During this period, any dead, diseased or damaged plants must be repaired or replaced as required.
32. Where the streetscape works are bonded, the maintenance period will commence from the date that the works are awarded practical completion by the responsible authority.
33. A maintenance bond to the value of 125 per cent of the cost of works must be submitted to the responsible authority ~~prior~~ before ~~to~~ practical completion of landscaping works being awarded and will be retained until such time that the works have been completed to the satisfaction of the responsible authority.
34. Works that have achieved practical completion will be audited throughout the maintenance period. Works being inappropriately maintained or established will not be accepted and will remain on maintenance until such time that the responsible authority deem it acceptable.
35. A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given. The maintenance bond will be returned on the responsible authority being satisfied on completion of the landscaping works.

Social Housing Contribution

~~1. Unless otherwise agreed in writing, prior to the occupation of the dwellings, a social housing contribution to deliver social and affordable housing in accordance with any signed Section 173 Agreement that is registered on Title, must be made to the satisfaction of the responsible authority.~~

36. Before the occupation of any dwelling, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The agreement must be generally in accordance with the draft Section 173 Agreement exhibited through combined Greater Geelong Planning Scheme Amendment C436ggee and Planning Permit Application PP573- 2021 and provide for or the provision of a social housing contribution.

The owner of the land must pay all the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

BARWON WATER

General

37. The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and sewerage services to the proposal.

Potable Water

38. The provision and installation of a potable water supply to the development.
39. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

Sewer

40. The provision and installation of a sewerage service to the development.
41. The provision of a new sewer connection(s) point is required. The sewer connection point is to be constructed by a Barwon Water Accredited Contractor and connection is to be via a suitable maintenance structure only. Where an Owners Corporation is not applicable, a separate sewer connection point is required for each allotment.
42. New or re-aligned internal private sewer drains are required. Upon completion of this work a sewer drainage plan is to be submitted to Barwon Water by a licensed plumber that complies with Victorian Building Authority requirements. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a modification to consent" is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan. Where an Owners Corporation is not applicable, individual allotment house connection drains are to be provided for and extend into each allotment.

POWERCOR

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

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

44. The applicant ~~shall~~ must ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: where electrical works are required to achieve VSOR compliance, a registered electrical contractor must be reengaged to undertake such works.

Expiry of permit

45. This permit will expire if one of the following circumstances applies:

- a) The development is not ~~commenced~~ started within ~~two (2)~~ years of the date of this permit.
- b) The development is not completed within ~~four (4)~~ years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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

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