

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 22 April 2014

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 7.00p.m.

COUNCIL:

Cr. D. Lyons
Mayor

(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)

Cr. T. Ansett (*Windermere*)

(Heritage, Rural Communities)

Cr. L. Ellis (*Coryule*)

(Coastal Communities, Infrastructure, Parks and Gardens)

Cr. J. Farrell (*Beangala*)

(Community Safety, Youth, Women in Community Life)

Cr. K. Fisher (*Corio*)

(Community Development, Aboriginal Affairs)

Cr. B. Harwood (*Kardinia*)

(Enterprise Geelong, Primary Industries)

Cr. M. Heagney (*Brownbill*)

(Central Geelong, Planning)

Cr. J. Irvine (*Austin*)

(Sport and Recreation)

Cr. E. Kontelj (*Cowie*)

(Aboriginal Affairs, Multicultural Affairs, Finance)

Cr. Dr. S. Kontelj (*Kildare*)

(Finance)

Cr. R. Macdonald (*Cheetham*)

(Major Projects, Knowledge Economy & Education)

Cr. R. Nelson (*Deakin*)

(Major Events, Tourism)

Cr. A. Richards (*Buckley*)

(Environment & Sustainability, Transport, Arts & Culture)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET, GEELONG
TUESDAY, 22 APRIL 2014
COMMENCING AT 7.00 P.M.**

PRESENT: Cr B Harwood (Acting Mayor), Crs T Ansett, L Ellis, J Farrell, K Fisher, M Heagney, J Irvine, E Kontelj, S Kontelj, R Macdonald, R Nelson, A Richards

Also present: D Frost (Acting Chief Executive Officer), M Kelly (Acting General Manager Corporate Services), J Van Slageren (Acting General Manager Economic Development, Planning and Tourism), G Van Driel (General Manager City Services), K Pritchard (Acting General Manager Community Services, P Jane (Acting General Manager Projects, Recreation and Central Geelong), R Bourke (Co ordinator Governance & Legal Services), D Chiller (Co ordinator Communication and Marketing), A Paterson (EO – Mayor)

OPENING: The Acting Mayor declared the meeting open at 7.00pm

ACKNOWLEDGEMENTS:

The Acting Mayor acknowledged that we are here today on the land of the Wathaurong People and we pay our respects to Aboriginal elders past and present.

APOLOGIES: Cr D Lyons (Mayor)

LEAVE OF ABSENCE:

Cr Irvine moved, Cr Macdonald seconded -

That Leave of Absence be granted to Cr D Lyons from 2 – 20 June 2014.

Carried.

CONFIRMATION OF MINUTES:

Cr Farrell moved, Cr Ansett seconded -

That the Minutes of the Ordinary Meeting held on 8 April 2014 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr S Kontelj declared an Indirect Interest in Agenda Item 1 – Hamlyn Reserve Mobile Phone Antenna in that his niece owns a property across the road from the tower and signed a petition opposing the tower.

Cr E Kontelj declared an Indirect Interest in Agenda Item 1 – Hamlyn Reserve Mobile Phone Antenna in that one of the interested parties in this matter has a close association with the company Cr Kontelj is employed with.

Cr E Kontelj declared an Indirect Interest by a Conflicting Duty in Agenda Item 4 – Armstrong Creek Town Centre Precinct Structure Plan in that one of the interested parties in this matter has a close association with the company Cr Kontelj is employed with.

Cr Heagney declared an Indirect Financial Interest in Agenda Item 15 – Avalon Airport Agreement in that Cr Heagney's company QA Electrical is undertaking work at Avalon.

QUESTION TIME:

Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise Councillor or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.

Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.

Dr Maria Neagle asked the following in relation to the Hamlyn Reserve Mobile Phone Antenna:

- 1) Are you aware that the community continues to be steadfastly opposed to the proposed Telstra tower development in Hamlyn Park Reserve?
- 2) Are Councillors aware that in following due process, community representatives attended a VCAT hearing on 17 March at which time VCAT upheld their decision to issue a planning permit to Telstra?
- 3) Are you aware that as a community group we have prepared an 11 page objectors submission in response to the public submission process that was delivered to the Mayor and Councillors?
- 4) Finally, are Councillors aware that the community sincerely appreciates the opportunity you have given us to share our position with the Mayor and Councillors, through the public submission process?

Cr Harwood responded that the questions would be addressed during debate of the item later this evening and added the comments are noted by Council officers and Councillors. He also congratulated the group for the respectful way in which they conducted themselves during the process.

David King presented the following questions on behalf of R & C Johnson in relation to Amendment C267 – Armstrong Creek Town Centre Precinct Structure Plan and Development Contributions Plan:

- 1) Are Councillors aware that recommendations 14 and 15 on page 70 are not in accordance with that of the Independent Panel's recommendations?
- 2) Are Councillors aware that clarification was sought from the Independent Panel and that the clarification received from Planning Panels Victoria is not contained in the officer's report in tonight's agenda?
- 3) Are Councillors aware that this intersection is designed to cater for around 29,000 vmpd whilst the land owner will only generate approximately 2000-3000 vmpd from their development once fully completed?
- 4) Are Councillors aware that roads with traffic volumes in excess of 7000 vmpd are defined in Clause 56 of the Planning Scheme as Arterial Roads; and as such would normally be a fully funded DCP? This intersection has an estimated 29,000 vmpd).
- 5) Are Councillors aware that this intersection is on the boundary of two separate precincts and will carry the greatest volume of traffic into the ACTC but the construction is the responsibility of just one landowner in one precinct?
- 6) Are Councillors aware that the cost burden of this intersection on one landowner is unjust, inequitable and puts this land owner at a disadvantage over other land owners in the town centre, and as such, is inconsistent with the objectives of planning as stated in the Planning and Environment Act 1987?

Cr Harwood responded the questions would be taken on notice for a written response. As the item is listed for discussion later this evening some of these issues will be addressed at that time.

Lesley Harper asked:

Council minutes for the April 8 meeting stated that "Cr Harwood and Cr Heagney presented petitions from residents asking Council to revise the C300 zoning for the whole of Belmont that is proposed to be zoned Residential Growth Zone 2 and General Residential Zone 2 - to instead be zoned Neighbourhood Residential Zone 2 to match the proposed zoning for Newtown Hill and Drumcondra." This is inaccurate as the petition presented by Geelong's Western Resident Action Group to Councillor Heagney specifically requested NRZ2 for Geelong West, rather than the current RGZ2 and GRZ1 classifications, and included over a thousand signatures. Will Council please ensure that the Minutes be altered to include the correct information?

Cr Harwood took the question on notice.

Reece Booth outlined several heritage/tourism related projects which he viewed would be beneficial to the City.

Cr Harwood took the comments on notice for a written response.

Colin Wallace asked the following:

Bearing in mind that Engineering Services is within City Services, was Dean Frost, who is not an engineer, the General Manager of City Services or the Acting General Manager of City Services during the period from April 2009 to February 2010?

Cr Harwood took the question on notice.

Michael Tate asked the following questions in relation to Amendment C300:

- 1) The first part of our questions are to Cr S Kontelj – could you please detail the specific mis-information and scaremongering you refer to in your letter?
- 2) Are you accusing our group Geelong's Western Residents Action Group as the source of this supposed mis-information and scaremongering?
- 3) As the bulk of these letters were circulated in Geelong West, and more specifically in the heritage overlay areas of Geelong West, an area which is not even your ward, did you have Cr Heagney's endorsement to undertake this mailer?
- 4) If so, why is Cr Heagney not mentioned anywhere in this letter, and why is she not a co-signatory?
- 5) If not why was this letter circulated in another Councillor's ward?
- 6) To Council, does the City of Greater Geelong support and endorse this letter and its content from Cr S Kontelj?

Finally, can I ask why Crs Heagney, E Kontelj, S Kontelj and Harwood have not even acknowledged the request to meet with the Geelong's Western Residents Action Group which was emailed to them on 25 March? That would have been a more appropriate forum to have a discussion about any concerns that the Council has, rather than to adopt the approach that has been taken here?

Cr S Kontelj responded he would take the questions on notice and added he was not aware of any request to meet, however was more than happy to meet regarding this issue.

Cr Heagney responded that she too was unaware of the 25 March emailed request, but was also happy to meet.

Cr Heagney added that the photo that is being used was superimposed, the building is not an accurate representation of what can happen under C300.

Cr Harwood advised Councillors are restricted as to what they can say and are awaiting the Panel submission at the moment and report to come to Council for reading and more discussion.

Cr E Kontelj also apologised, but did not recall receiving any email. He also would be happy to meet.

Colin Nightingale asked the following in relation to Amendment C300:

Cr Heagney, at the Council meeting on 9 April, whilst presenting GWRAG's petition, you stated that our supporting materials and petition were misleading. We believe our information was correct. Under the revised RGZ2, three storey dwellings at a height of 10.5 metres are possible, even probable. Under GRZ1, three storey dwellings with flat roofs are possible, as the 9 metre height is not mandated and so could be raised with a Council permit, if necessary. As per Cr Kontelj's letter, he clearly states that: *"by moving to the General Residential Zone in these areas we are effectively maintaining the status quo and to a certain degree are applying a more conservative zone than the existing Residential 1 zone. Medium density developments (units, townhouses, apartments) are already permissible in the Residential 1 zone provided they meet the requirements of Rescode and other planning controls (e.g. heritage overlays). The three storey units on Villamanta Street in Geelong West are an example of the type of density of development that can already occur under the current residential zone.*

This is of little solace to residents living under a heritage overlay on the other side of Villamanta Street, as their architectural context has been almost totally destroyed.

This would be different under NRZ2, where the 8 metre height maximum is mandated, and tighter controls are in place.

Moreover the three storey apartments in the photograph are in Brownbill Ward at 50 Eastern Beach Road. There are two heritage places to the city side of the apartments at 48 and 46. On the Botanical Gardens side, there is a heritage structure at numbers 52 and 54 and two Heritage Places at number 56. These buildings/structure are heritage places in the City Fringe Heritage Area.

So, there is no guarantee that this situation will not occur throughout Geelong West under RGZ2 or GRZ1, whereby three storey apartments/town houses are erected in Heritage Overlay areas.

My question to Crs Heagney and Kontelj is, "In the light of this information, will you retract your statements that GWRAG's information was misleading for people signing our petition and GWRAG is involved in an act of scaremongering?"

Cr Heagney responded that the pictures are not the ones she was referring to and was not prepared to retract the statement.

Justin Teague asked:

- 1) Consultation – regarding sale of Ocean Grove Netball Reserve – what can Council do to ensure consultation measures are adequate?
- 2) Given limited availability of flat, usable, open parkland in Ocean Grove, forsaking economic rationale, what reasoning does Council have for selling this rare Environmental Good in the town?
- 3) How are reasons for sale validated by the entire community when consultation has been inadequate?

Cr Farrell responded that consultation has been through Council, the Panel is yet to form their decision to allow the rezone. A report will come back to Council for further discussion.

Cr Farrell added that Council has fulfilled all statutory requirements around consultation.

PETITIONS:

Cr Heagney presented a petition containing 164 signatures from residents in relation to C300 Zoning of Geelong West and Manifold Heights.

Cr S Kontelj declared an Indirect Interest in Agenda Item 1 – Hamlyn Reserve Mobile Phone Antenna in that his niece owns a property across the road from the tower and signed a petition opposing the tower and left the meeting room at 7.40pm prior to discussion.

Cr E Kontelj declared an Indirect Interest in Agenda Item 1 – Hamlyn Reserve Mobile Phone Antenna in that one of the interested parties in this matter has a close association with the company Cr Kontelj is employed with and left the meeting room at 7.40pm prior to discussion.

1. HAMLYN RESERVE MOBILE PHONE ANTENNA

Portfolio:	Infrastructure, Parks & Gardens – Cr Ellis
Source	Projects, Recreation and Central Geelong - Sport and Recreation
General Manager:	Dean Frost
Index Reference	Property: ID# 277626. 34-66 Calvert Street, Hamlyn Heights

Purpose

The purpose of this report is to present a summary of public submissions received in relation to a proposed lease of land to Telstra for the development of a communications facility and associated equipment at Hamlyn Reserve at 34-66 Calvert St Hamlyn Heights.

The report also seeks Council's decision to enter into a lease with Telstra for this proposed facility.

Summary

- On 5 September 2013, a Council Development Hearings Panel issued a Notice of Decision to grant a planning permit to Telstra for the development of mobile phone equipment including cabinets, an antenna tower and sports lighting at Hamlyn Reserve.
- Following the Notice of Decision, an appeal was lodged by local residents with VCAT. The hearing was conducted on 17 March 2014 and the decision on 25 March 2014 directed Council to issue a planning permit for this facility.
- Aligned with the resident appeal, Councillor Richards presented a Notice of Motion to Council which initiated a five week public submission process to seek further community feedback on the proposed lease of land at Hamlyn Reserve. Six hundred and thirty one (631) objections to the lease were received through this process.
- The development of telecommunications infrastructure at Hamlyn Reserve is consistent with numerous other facilities located within Council reserves throughout the Municipality. These installations form part of a modern communications network that relies on infrastructure located in close proximity to population centres in order to provide an effective service to these populations.
- Council officers have, under delegation, provided landowner consent to lodge a planning permit application following consultation with the Bell Park Sports and Recreation Club and negotiations with Telstra regarding the installation of sports lighting to the reserve.

- Advice from Council's Property Legal Advisor is that a decision to refuse a lease may result in Telstra commencing legal proceedings against Council as it is unreasonable to refuse a lease at this late stage given the previous negotiations, consents, Development Hearings Panel and VCAT proceeding undertaken to date.

Cr Ellis moved, Cr Fisher seconded -

That Council:

- 1) Enter into a lease with Telstra for the development and use of this facility; and**
- 2) Note the summary of public submissions received in relation to a proposed lease of land to Telstra for the development of a communications facility and associated equipment at Hamlyn Reserve, 34-66 Calvert Street, Hamlyn Heights.**

Lost.

Background

In February 2012, Telstra approached Council seeking approval to install a mobile phone antenna within the Hamlyn Heights area to improve service coverage in this locality.

The proposed facility includes a concrete monopole tower with antennas mounted on top to an overall height of 35.3m. Installation of new telecommunications facilities with a height greater than 5m requires a planning permit under the *Telecommunications Act 1997*.

In order to proceed with the planning permit application, Telstra was required to obtain the land owner's consent. This consent was provided by the Sport and Recreation Department on 16 November 2012 following negotiations with Telstra and the tenant, Bell Park Sport and Recreation Club.

Telstra identified two alternate sites at Hurst Reserve and Herne Hill Reserve, which Council's Sport and Recreation Department rejected as they were considered too small, providing an insufficient buffer to surrounding residences.

Hamlyn Reserve was considered to be the most suitable location due to its level of existing development, large physical area and capacity to site the antenna central to the reserve, with a significant buffer to surrounding residences. This location also provided an opportunity to co-locate improved sports lighting in conjunction with the Telco infrastructure.

In negotiating the land owner's consent required to proceed with this planning permit application, the Sport and Recreation Department sought a community benefit from Telstra, who have committed to undertaking a sport lighting design for Hamlyn Reserve, as well as supplying and installing new lighting fixtures on the tower. The value of these works has been estimated at around \$30,000, in addition to the \$13,000 annual rental income from the proposed lease.

The proposed facility includes an antenna to 35.3m, mounted on a 30m pole above sports lights at 27m, which is a standard height for sport lighting within Council reserves.

Council has 16 existing mobile phone antennas located within recreation reserves across the municipality. The combined rental income from these facilities is \$289,095. Examples of Public Open Space reserves with telecommunications antenna towers located within their boundaries include:

- Anakie
- Bell Post Hill
- Clifton Springs
- Corio
- East Geelong
- Geelong Waterfront
- Highton
- Lara
- Mt Duneed
- Ocean Grove
- Wallington
- Wandana Heights
- Waurin Ponds

Discussion

The public submissions period ran for five (5) weeks and concluded on 14 February 2014.

Six hundred and thirty one (631) objections were received, comprising of 495 form letters, 124 individual responses and a petition containing 12 signatures from teachers at the nearby Western Heights College.

One (1) submission was received from an individual in support of the lease and the Bell Park Sport and Recreation Club confirmed their support for the proposed lease.

A summary of objections received through the public submissions process and relevant VCAT findings is outlined in Appendix 1-1.

Environmental Implications

The telecommunications facility is designed to operate within Australian Communications and Media Authority (ACMA) mandated standards. The ACMA sets standards that limit human exposure to Electromagnetic energy (EME). There are numerous VCAT decisions which have found that health issues are not a relevant planning consideration if the operation of the phone tower complies with the relevant standard.

In *Heland v Kingston CC* [2005] VCAT 2927 (8 March 2005), Deputy President Gibson stated:

"With respect to the concern about electromagnetic radiation being a health hazard, again the Tribunal has rejected this ground in a number of cases...Any telecommunications facility of the type proposed will be required to meet relevant standards and the responsible authority has ensured this by the inclusion of condition 4 which requires:

The telecommunications facility hereby permitted must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Australian Standard AS/NZS 2772.1:1999".

Financial Implications

The proposed lease for this facility will generate an annual income of \$13,000. Furthermore, Telstra have agreed to undertake a lighting design and supply and install new lighting fixtures for use of the tenant sporting club. These asset and services are estimated to have a value of approximately \$30,000.

Council currently has 16 Telecommunications facility leases within recreation reserves. These generate a combined annual income of \$289,095.

Policy/Legal/Statutory Implications

Land owner's consent was required, sought and obtained by Telstra prior to the submission of a planning permit application for this proposal.

In providing land owner's consent, Council's Sport and Recreation Department liaised with the Bell Park Sport and Recreation Club and successfully negotiated for Telstra to commission a sports lighting plan for the reserve as well as the supply and installation of new lighting fixtures on the antenna tower.

Given the land owner's consent has been negotiated and provided in good faith, the Planning Permit has been approved by Council's Development Hearings Panel and VCAT has upheld the Panel's decision, it would be unreasonable to refuse a lease at this late juncture. If a lease were refused it is likely that Telstra would initiate legal proceedings against Council.

Advice from Council's Property Legal Advisor is that there is a principle called 'promissory estoppel' which basically states that even though there isn't a signed lease in place, one party has held out or done things (ie like negotiating and providing a land owner's consent and the terms and conditions on which the proposed lease would be granted) which indicates that a lease will be granted and the other party (Telstra) has done things (ie applied for a planning permit, attended VCAT proceedings, incurred costs etc) on the 'promise' that a lease will be granted. On this principle, the 'landlord' could not turn around and say that because a lease document hasn't been signed (formalised) that there is no lease in place.

It is important to note that the objections received through this public submissions process have relevance to all Council open space and sporting reserves.

A decision to refuse a lease based on these objections creates a significant precedent for the future implementation of current and emerging communications technologies throughout the Municipality. A decision to refuse a lease could trigger retrospective complaints from residents related to previously approved installations. This may result in the need to undertake a review of existing Council sites which currently accommodate telecommunications facilities and possibly lead to removing any existing infrastructure that may reasonably be subject to the same objections as those expressed through the Hamlyn Park public submissions process.

Alignment to City Plan

The proposed lease to Telstra for a new mobile phone antenna and cabinetry aligns with the following City Plan priorities:

Community Wellbeing: Connected, creative and strong communities.

Growing our Economy: Support existing businesses and encourage new and emerging growth sectors.

Facilitate major infrastructure and investment to enable economic growth.

Modern communications systems rely on a connected and integrated communications network with infrastructure strategically located to provide maximum service coverage for the population.

Telstra advises that telecommunication networks are experiencing substantial increases in their loads, particularly data, as people and businesses increasingly utilise social media and the internet via smart phones and tablet devices.

The existing telecommunications infrastructure in the Hamlyn Heights area is near capacity and will exceed capacity within two months. Local residents and businesses will soon experience relatively slow data speeds, and calls will drop out or connections will be unavailable. Telstra has received a high level of complaints for the past five years about the service level in Hamlyn Heights, with many lodged in the past six months. The network will soon be unable to provide a contemporary level of service.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest in matters for consideration.

Risk Assessment

A decision to approve a lease may upset those residents that lodged an objection during the public submissions period.

A decision not to approve lease may lead to legal action by Telstra which may result in the ultimate construction of this facility.

Social Considerations

The recent public submission process may have created an expectation among those who submitted objections that this lease would not be approved. However, providing for a modern communications network will provide benefits to many more individuals and businesses within the area than the relative few objectors.

Human Rights Charter

There are no Human Rights Charter implications associated with this report.

Consultation and Communication

Following the Development Hearings Panel Notice of Decision to grant a permit, Council undertook a public submissions process to seek further community feedback in relation to the proposed lease for this facility.

The public submissions period commenced on Monday 13th of January 2014 and ran for 5 weeks, concluding on Friday 14th of February 2014. Public notices advertising the submissions process were placed in the Geelong Advertiser and City News from the weekend of 11th and 12th January and each subsequent weekend up to and including the 8th and 9th of February. The public submissions process was also advertised online, with an outline of the issue, site plan and a feedback form created on the 'Have Your Say' page of the Geelong Australia website.

A local resident who has coordinated the submission of form-letters claims to have submitted in excess of 600 form-letter responses. Council can only confirm receipt of 495 form-letters.

Council officers have replied to all individuals who provided a response during this process to thank them for their submission and to advise Council's pending consideration of this matter. Council's decision in this matter should now be communicated via the Geelong Australia website and a press release prepared.

Appendix 1-1

Objection	Response	Comments	VCAT Finding
Visual intrusion of the structure within the parkland – Loss of amenity	The telecommunications facility is sited within an existing sporting ground. The proposal seeks to replace an existing 15m high lighting pole with a new pole which will mount an antenna at 30m and sports lighting at 27m. This will remove the need for another vertical structure within the reserve. It is acknowledged the facility has an overall height of 34.3m which will be significantly higher than the existing poles within the ground. However, the tower is considered to be appropriately sited given it is located centrally within an existing sporting ground. The pole will be constructed of concrete and include upgradeable sporting lights. The proposal will be co-located with other utilities and structures within the sporting ground which will assist with its visual compatibility. The facility will also be located greater than 100m from surrounding dwellings and community centres thereby reducing the visual impact.	The higher sports lighting will reduce spillover of light into adjacent properties. Standard sports lighting is commonly mounted at a height of 25 – 30m high within recreation reserves. The following are a few examples of the heights of sports lighting for comparison purposes: • Waurin Ponds Baseball – 33m • Osborne Park – 30m • Thomson Reserve - • Richmond Crescent Oval – 25m	The VCAT decision in this matter included the following findings: <i>The landscape is not a highly sensitive one that contains views, vistas or structures of high significance. It is in fact generally a robust, unremarkable and utilitarian landscape seen in many municipal reserves.</i>
Incompatible use/character with the recreation values of the reserve	There are numerous examples of reserves within the City of Greater Geelong which have telecommunications equipment located in conjunction with sports lighting within sporting reserves.	The co-location of sports field lighting on this pole is a compatible use that will provide an improved lighting outcome for the tenant sporting club and result in less spill-over of light into surrounding properties.	<i>The monopole would be located so it would not constrain or prevent any part of the recreation reserve being used for its primary purpose.</i>

Objection	Response	Comments	VCAT Finding
Not part of the Master Plan for Hamlyn reserve	The need for improved mobile communications coverage in this area had not been identified by Telco's at the time of the Hamlyn Reserve Master Planning process.	The identification of kiosks, power upgrades and substations are not normally captured within Master Plans.	<i>The Masterplan is silent about telecommunications facilities within the reserve, hence it cannot be said to not comply.</i>
Lack of broad community consultation prior to the initial planning permit application	Notification of the application occurred with letters sent to all adjoining owners and occupiers (including opposite) and the display of 5 signs on site (to capture regular users of the park). This is considered to be consistent with Section 52 of the Planning and Environment Act 1987.	As a result of the planning permit public notification process, 12 objections and one 1 petition containing 353 signatures were submitted and considered by the Development Hearings Panel on 5 September 2013. The findings of this panel was that the objections raised did not provide sufficient reason to refuse the application which was found to accord with the relevant State and Local Planning Policy Framework, the Particular Provision relating to the facility and the Public Park and Recreation Zone of the Greater Geelong Planning Scheme.	<i>With regard to community consultation the Applicants made no submissions that any parties have been excluded from participation in this review, or that further determinative issues would have been put forward had other parties participated.</i>
Perceived negative impacts on the Tom McKean walking trail	The tower is located over 10m away from the path and is adjacent to the football oval, in an already developed setting. The tower is replacing an existing light tower and will have no impact on users of the walking trail other than improving mobile phone signal strength in this area.	The Trail itself follows a disused railway line and traverses major roads including Thompson Rd and Ballarat Rd. It connects industrial land in North Geelong through to an old cement works site in Fyansford. The trail is largely bounded by rear fences.	<i>With regard to impact on users of the rail trail, people walking along the former rail bed would see little of the monopole as it would be screened by the adjacent trees and buildings. People walking south along the adjacent asphalt path would see the monopole. I consider that its height would be above the normal angle of view of most people so they would see only the lower part of the structure. I also consider that it would be one</i>

Objection	Response	Comments	VCAT Finding
			<i>element in a very open landscape. I do not consider that it would be so large to be dominant or intrusive.</i>
Better located in a less populated space	The antenna needs to be located central to the area for which it is providing mobile network coverage.	The location chosen for this facility was determined in negotiation with Council's Recreation and Open Space officers, who considered and rejected alternate proposed sites at Hurst Reserve and Herne Hill Reserve. These two sites were considered to be too small, which provided less buffer to surrounding residences and they did not have the same level of development as Hamlyn Reserve which has existing sports lighting structures. The selected Hamlyn Reserve site is considered to be the most suitable location as it is central to a large reserve with an existing level of compatible development including buildings, carparks, fencing, paths and sports lighting. The antenna site is further than 100m from surrounding dwellings.	<i>I am satisfied that the proposed upgrade is an urgent issue in this area, the monopole has to be 30 metres and this location is one of a few options that are suitable in this locality. In my view, planning policy unambiguously supports the provision and upgrade of telecommunications to ensure that residents and businesses have access to an acceptable level of service so they can participate in social and economic life.</i>
Perceived health impacts from electromagnetic radiation	The telecommunications facility is designed to operate within Australian Communications and Media Authority (ACMA) mandated standards. The ACMA sets standards that limit human exposure to Electromagnetic energy (EME). The facility is considered to have the highest level of EME at a distance of 109m away from the proposed telecommunications facility and will have a level of 1.14% of the standard. The predicted EME is 0.045% of the Standard between 0m and 50m from the site,	The proposal is within the allowable standards set. There are numerous VCAT decisions which have found that health issues are not a relevant planning consideration if the operation of the phone tower complies with the relevant standard. In <i>Heland v Kingston CC</i> [2005] VCAT 2927 (8 March 2005), Deputy President Gibson stated: <i>With respect to the concern about electromagnetic radiation being a health hazard, again the Tribunal has rejected this ground in a number of cases... Any</i>	In December 2013 the Tribunal struck out grounds lodged by the Applicants regarding the alleged effects of electromagnetic radiation on public health. The Tribunal ruled that the hearing would be confined to <i>Legitimate planning issues such as the visual impact of the proposed telecommunications facility and the location of the</i>

Objection	Response	Comments	VCAT Finding
	1.075% between 50m to 100m of the site and 0.1% between 400m – 500m from the site.	<i>telecommunications facility of the type proposed will be required to meet relevant standards and the responsible authority has ensured this by the inclusion of condition 4 which requires: The telecommunications facility hereby permitted must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Australian Standard AS/NZS 2772.1:1999.</i>	<i>development of the facility in and adjacent to a public park.</i>
Shade on the netball courts	Shadow from the tower will not impact on the netball courts to any significant extent.	There may be potential for minor shadow in the very early morning during summer months, but this will not be any more significant than the shadow which will be projected from the netball courts own light towers.	Not considered

Crs S & E Kontelj re-entered the meeting room at 7.51pm

2. COMBINED AMENDMENT C283 DRYSDALE URBAN DESIGN FRAMEWORK/PERMIT 1060/2013 MCHARRYS BUSLINES – CONSIDERATION OF SUBMISSIONS

Portfolio:	Planning - Cr Heagney
Source	Strategic Implementation
General Manager:	Peter Bettess
Index Reference	Subject – Council Reports 2014 - Application C283

Purpose

The purpose of this report is to enable Council to consider submissions to combined Planning Scheme Amendment C283 Drysdale Urban Design Framework and Planning Permit Application 1060/2013 for McHarrys Buslines, 97-105 Murradoc Rd, Drysdale.

Summary

- Combined Amendment C283 and Permit 1060/2013 proposes to introduce a number of Ordinance and Zone changes to the Planning Scheme to reflect the recommendations of the adopted Drysdale Urban Design Framework (UDF) and enable McHarrys to establish a bus depot at 97-105 Murradoc Rd, Drysdale.
- The Drysdale UDF applies to the Drysdale town centre and immediately surrounding land. The Amendment updates the Municipal Strategic Statement, introduces Commercial 1 & 2 zones in Murradoc Road and Collins Street and applies new Design and Development Overlays over the town centre commercial areas to reflect the recommendations of the UDF.
- Permit 1060/2013 which accompanies the amendment would enable McHarrys to establish a new bus depot on a 1.2 hectare property (to be rezoned Commercial 2) at 97-105 Murradoc Road, Drysdale. This property is occupied by a detached house and some scattered vegetation.
- Amendment C283 was placed on public exhibition from 23 January 2014 until 24 February 2014. A total of nine submissions have been received of which six either support or offer no objection and three of which object to parts of the amendment and/or draft permit.
- Two submissions (one objecting) have been made about the provisions of the new Design and Development Overlays, in particular DDO33 as it applies to land at 26-32 Murradoc Road on which a new Coles supermarket is being proposed. These Overlays have received wide community acceptance and this report argues there is no justification for changes to be made to the exhibited provisions.
- There is one supporting submission and two objecting submissions to the McHarrys bus depot which essentially request that no permit issue. However given that the proposed Commercial 2 zoning of this part of Murradoc Road is consistent with the recommendations of the UDF, refusal of the permit would be difficult to justify. One of these submitters also objects to the proposed Commercial 2 zoning in Murradoc Road.
- In such circumstances where submissions are unable to be resolved, Council must refer them to an Independent Panel to be appointed by the Minister for Planning.

Cr Heagney moved, Cr Macdonald seconded -

That Council having considered all submissions to Amendment C283 to the Greater Geelong Planning Scheme resolves to:

- 1) Request the Minister for Planning appoint an Independent Panel under part 8 of the Planning and Environment Act 1987.**
- 2) Refer all submissions to the Panel; and**
- 3) Submit to the Panel its response to the submissions generally as outlined in this report.**

Carried.

Background

This proposal is a combined Amendment and Planning Permit application pursuant to section 96A of the Planning and Environment Act.

Amendment C283 has been initiated by Council and proposes to make changes to the following zone, overlay and ordinance provisions of the Greater Geelong Planning Scheme.

1. Update to the Municipal Strategic Statement to:
 - Amend clause 21.14 *The Bellarine Peninsula* by changing the Drysdale/Clifton Springs Structure Plan map at sub-clause 21.14-10, including the Drysdale UDF as a reference document, together with related ordinance changes.
2. Amend the Planning Scheme maps to:
 - Rezone land at 8-14 and 20-22 Collins Street and 19-23 Murradoc Road, Drysdale from Residential 1 Zone and Commercial 2 zones to Commercial 1 zone.
 - Extend the existing business area along Murradoc Road up to the Drysdale Bypass by rezoning land from Rural Living and Farming zones to Commercial 2 zone.
3. Amend the Planning Scheme overlay maps and associated schedules to:
 - Insert new Design and Development Overlay map and associated Schedule 32 to apply to the Commercial 2 Zone.
 - Insert new Design and Development Overlay map and associated Schedule 33 to apply to the Commercial 1 Zone.

Draft Permit 1060/2013 resulted from an application by McHarrys Buslines to construct buildings and works and create new road access in association with a proposed new bus depot at 97-105 Murradoc Road, Drysdale.

Amendment C283 will give effect to the objectives and guidelines contained within the Drysdale Urban Design Framework. In order for the new objectives and guidelines to have statutory weight in the consideration of planning permits and rezoning requests, it is necessary for the Drysdale Urban Design Framework to be included in the Greater Geelong Planning Scheme. The accompanying zone and overlay changes give effect to the recommendations contained within the Urban Design Framework.

The Amendment applies to all the land within the Drysdale Urban Design Framework study area boundary as shown in **Appendix 1**. **Appendix 2** is a copy of the overall framework plan from the UDF. **Appendix 3** shows land subject to proposed rezonings and **Appendix 4** shows land over which the new Design and Development Overlays are intended to apply.

The site of the proposed McHarrys bus depot at 97-105 Murradoc Road is shown by an asterisk in **Appendix 1**. This land, which is currently zoned Rural Living forms part of the area at the eastern end of Murradoc Road proposed to be included in a Commercial 2 zone, extending as far east as the Drysdale Bypass.

Appendix 5 is a plan showing an indicative layout of the buildings and works being proposed for the new depot.

Discussion

Amendment C283 was placed on public exhibition from 23 January 2014 until 24 February 2014. Notices were placed in the Geelong Advertiser, The Independent and the Springdale Messenger. They were also sent to all owners and occupiers of land affected by the proposed zone changes and new overlays together with any affected surrounding owners and occupiers.

As a result of the exhibition of the Amendment /draft permit the Council received a total of nine submissions. Six submissions either support or offer no objection and three object to parts of the amendment and/or the draft permit. **Appendix 6** is a schedule which summarises all submissions received.

The following section of the report discusses the main points raised in the submissions.

Submissions to Proposed new DDO's 32 & 33

Two submissions have been received which relate to the provisions of DDO33 and in particular its application to 26-32 Murradoc Road, the site of the proposed Coles supermarket (to be subject of combined Amendment C297/permit 765/2013 to be considered for exhibition at the Council meeting on 8 April 2014)

Coles supports the application of the new supermarket site in the UDF but believes a proposed north south road affecting the site as shown in the UDF should be deleted.

Algo Properties (owners of the proposed Jetty Rd neighbourhood shopping centre) supports the application of the new DDO's 32 & 33 to guide future development. However it requests that DDO33 be further strengthened as detailed in **Appendix 6** to ensure elements of the adopted UDF are complied with.

Officer Response

DDO's 32 & 33 set out the design objectives to be achieved in the Drysdale Town Centre and commercial areas along Murradoc Road and operate by applying a permit trigger for new buildings and works.

Some 300 owners and occupiers were directly notified about these new provisions. A response of only two submissions seeking a change affecting the proposed Coles supermarket site would indicate widespread general support for the new provisions.

The Drysdale UDF is a conceptual and aspirational planning document prepared with widespread community consultation and support. Whilst it is important that the design and built form objectives are incorporated into the new developments whenever possible, it is recognised that over time some site-specific factors may mitigate against implementation of all the UDF recommendations.

The DDO's are not intended to rigidly apply any of the design concepts contained in the UDF; rather, they are to be applied wherever possible having regard to the whole range of specific circumstances which may apply at the time of any development proposal.

For these reasons, the proposals being put forward by Algo Properties which would have the effect of strengthening the urban design requirements contained in the UDF which apply to the proposed Coles supermarket site cannot be supported.

All detailed design issues, including whether or not a new north south road should form part of the new supermarket proposal, can be addressed as part of the combined Amendment C297 permit 765/2013 referred to earlier.

It is not proposed to make any changes to the adopted UDF, as requested by Coles, as part of this amendment.

Submissions to Murradoc Road Proposed Rezoning and McHarrys Bus Depot

One submission supports McHarrys because it is consistent with the goals of the UDF.

The owners of land situated at 95 Murradoc Road (adjoining the western boundary of McHarrys site) have strongly objected to both the rezoning of their property and adjoining land to Commercial 2 zone and the proposed bus depot permit. They consider the proposals will seriously impact on their residential amenity particularly from a noise and visual viewpoint, will seriously affect their property value and exacerbate the existing traffic problems in Murradoc Road. They submit that any new commercial zone should be located on the east side of the Drysdale Bypass Road and that there are far more suitable locations within the township for a bus depot to be located. These points are further detailed in **Appendix 6**.

An existing business owner in the Murradoc Road commercial strip has also objected to the bus depot because it will exacerbate traffic problems in Murradoc Road.

Officer Response

Over the past 18 months, with the assistance of Council officers, McHarrys Buslines has been seeking a site within Drysdale township to establish a bus depot for its future operational expansion. McHarrys Buslines is the public transport provider for the Bellarine Peninsula.

The land which McHarrys has subsequently purchased for its future bus depot falls within the area recommended for rezoning to Business 4 (now Commercial 2) Zone in the Drysdale UDF.

Separate specialist reports addressing stormwater, traffic and flora and fauna issues were submitted as part of the McHarrys permit application. These reports were jointly financed by the Council and McHarrys because they dealt with both the wider area being rezoned as part of the UDF recommendations (financed by Council) and site specific issues resulting from the bus depot development at 95-105 Murradoc Road (financed by McHarrys).

Under the provisions of the proposed new Commercial 2 zone being applied to the extended Murradoc Road business area, no permit will be required for the use of the subject land for a bus depot (nested under Store, then Warehouse – section 1 use).

However, a permit is required, pursuant to Clause 34.02-4 to construct a building or to carry out works, although any such application is exempt from the normal notification requirements on the subject land.

Exhibition of the development plans for the McHarrys site with the amendment documentation has provided nearby owners with an opportunity to make a submission in the full knowledge of the intended future proposals on the land.

From a strategic planning viewpoint, the adopted Drysdale Urban Design Framework provides a strong policy basis for the rezoning of the land along Murradoc Road, up to the Drysdale Bypass route, to Commercial 2 zone. The alternative location suggested in one submission - that the future commercial area should be situated east of the Bypass - cannot be supported. Apart from being outside the Settlement Boundary of the town as shown on the adopted Drysdale/Clifton Springs Structure Plan, such a proposal would be inconsistent with the overall Bellarine Peninsula planning philosophy of restricting urban development to within townships to prevent sprawl into surrounding farming areas.

It is acknowledged that potential exists for the owners of the property adjoining to the west of the proposed bus depot to be affected by some adverse amenity impacts. The 10 metres wide landscape buffer strip along the western boundary of the proposed bus depot should, in a relatively short time, provide a good visual barrier. The issue of the noise of buses starting early in the morning and arriving back late at night appears more difficult to address, particularly as the submitters house (bedroom) is only 20 metres from the common property boundary.

The EPA recommends that consideration be given to including a permit condition requiring McHarrys to install acoustic fencing to protect the existing neighbouring dwelling.

In response to the submission from the neighbouring residents, McHarrys have initiated the preparation of a noise impact assessment report. This report will determine potential noise levels and measures which need to be undertaken to ameliorate impacts. McHarrys are prepared to accept additional conditions being applied to their permit as recommended by this assessment. It is proposed that this report be completed prior to the Panel hearing so that its outcomes can be assessed by the Panel.

VicRoads has been consulted as part of the preparation of the UDF, the preparation of Amendment C283 and the McHarry's permit application. VicRoads has offered no objection to the Amendment and the permit includes access conditions as required by VicRoads. McHarrys traffic consultants have concluded that Murradoc Road will be able to accommodate the additional traffic generated by buses and staff (drivers).

Environmental Implications

The future implementation of the UDF and DDO provisions is not expected to result in any adverse environmental impacts. The UDF supports the development of water sensitive urban design treatments to improve the quality of storm water runoff being generated from new development in the industrial precinct along Murradoc Road. This should help to improve the water quality at Lake Lorne.

Financial Implications

The eventual implementation of the UDF is likely to require Council funding contributions for several projects identified within the UDF including streetscape works, the re-development of the town square and public buildings. The UDF projects will need to be fully costed and may result in future budget bids to Council and to external funding agencies. There are also aspects of the plan that could be delivered through developer contributions.

Referral of Amendment C283 and the accompanying permit to a Panel will have no financial implications for Council.

Policy/Legal/Statutory Implications

Amendment C283 complements a range of State and Council planning policies. In particular, Council's adopted Drysdale Clifton Springs Structure Plan, as referred to in Clause 21.14 specifically recommends that an Urban Design Framework for the town centre be prepared. Clause 21.14 also includes a number of objectives that relate specifically to the recommendations of the UDF and this amendment.

Alignment to City Plan

Amendment C283 supports the Growing our Economy strategic direction of City Plan, in particular the priority of supporting the growth of new and existing businesses. It also supports the Sustainable Built and Natural Environment strategic direction with its emphasis on sustainable development and urban design.

Officer Direct or Indirect Interest

In accordance with section 80C of the *Local Government Act* Peter Bettess, General Manager, Planning and Tourism declares an indirect financial interest in that he owns Woolworths and Wesfarmers shares.

Risk Assessment

No risks have been any identified in preparing and exhibiting Amendment C283 and accompanying permit and referring the submissions to an Independent Panel.

Social Considerations

Amendment C283 implements the UDF which will deliver long term social benefits to the Drysdale community. These include increased retail choice and offer through expansion of the shopping centre and industrial precincts and providing improved streetscapes, traffic and pedestrian access throughout the town centre. The UDF proposes creation of a new civic precinct including a town square so that it becomes a focus for social interaction within the town.

Human Rights Charter

Amendment C283 does not impact on any basic rights, freedoms and responsibilities set out in the charter. Planning legislation ensures an open community consultation process enabling people to freely express their views and obtain a fair hearing before an Independent Panel.

Consultation and Communication

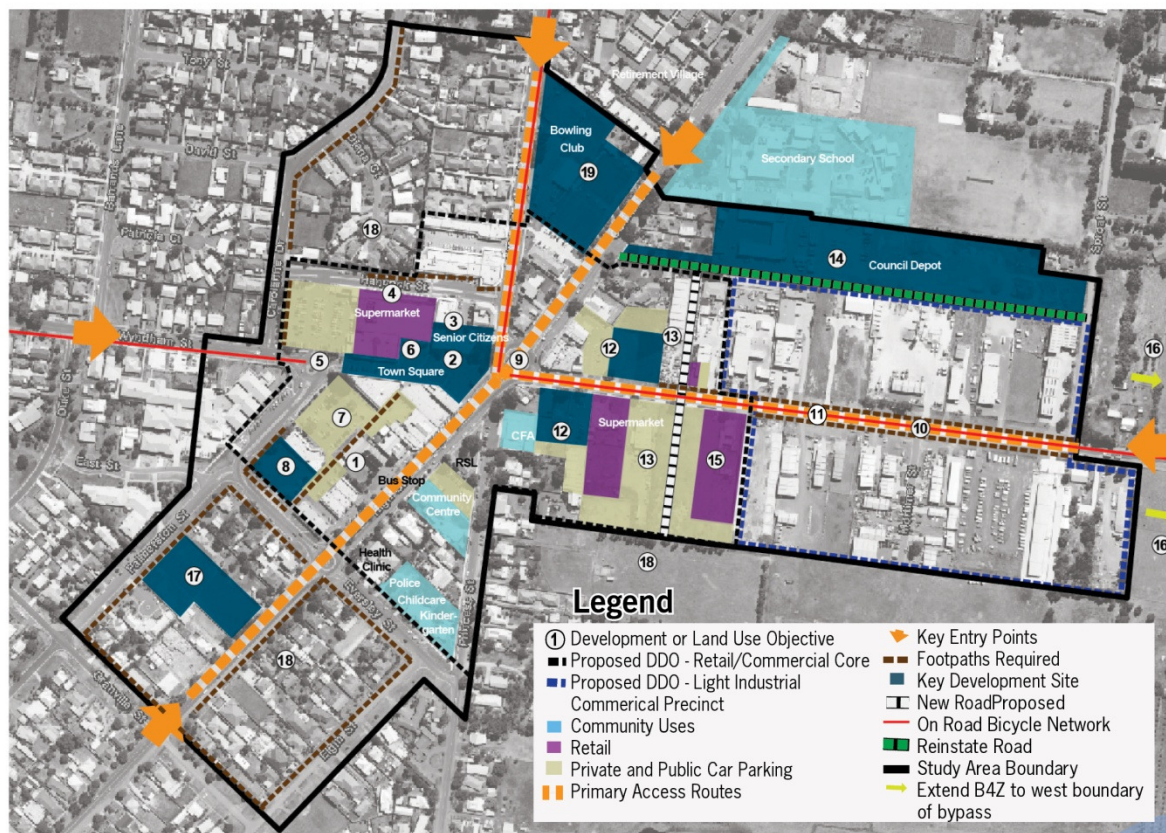
The Drysdale UDF was subject to an extensive consultation process.

The combined Permit/Amendment C283 was subject to full public notification in accordance with the provisions of the Planning and Environment Act. All owners and occupiers affected by the new DDO's or any change of zoning were provided with direct public notification.

Appendix 1: Drysdale Urban Design Framework Study area



Appendix 2 – Drysdale UDF overall Framework Map

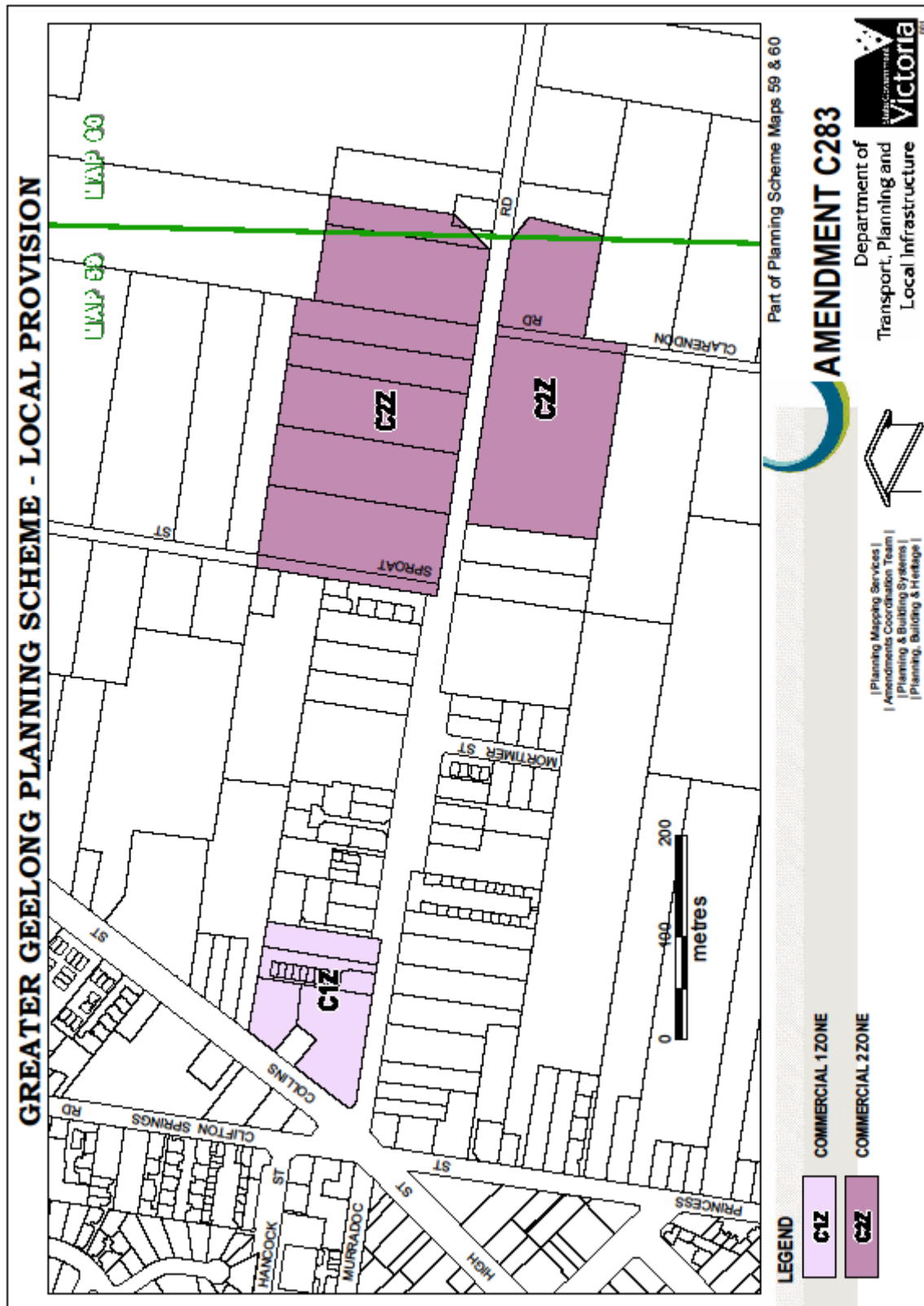


Drysdale

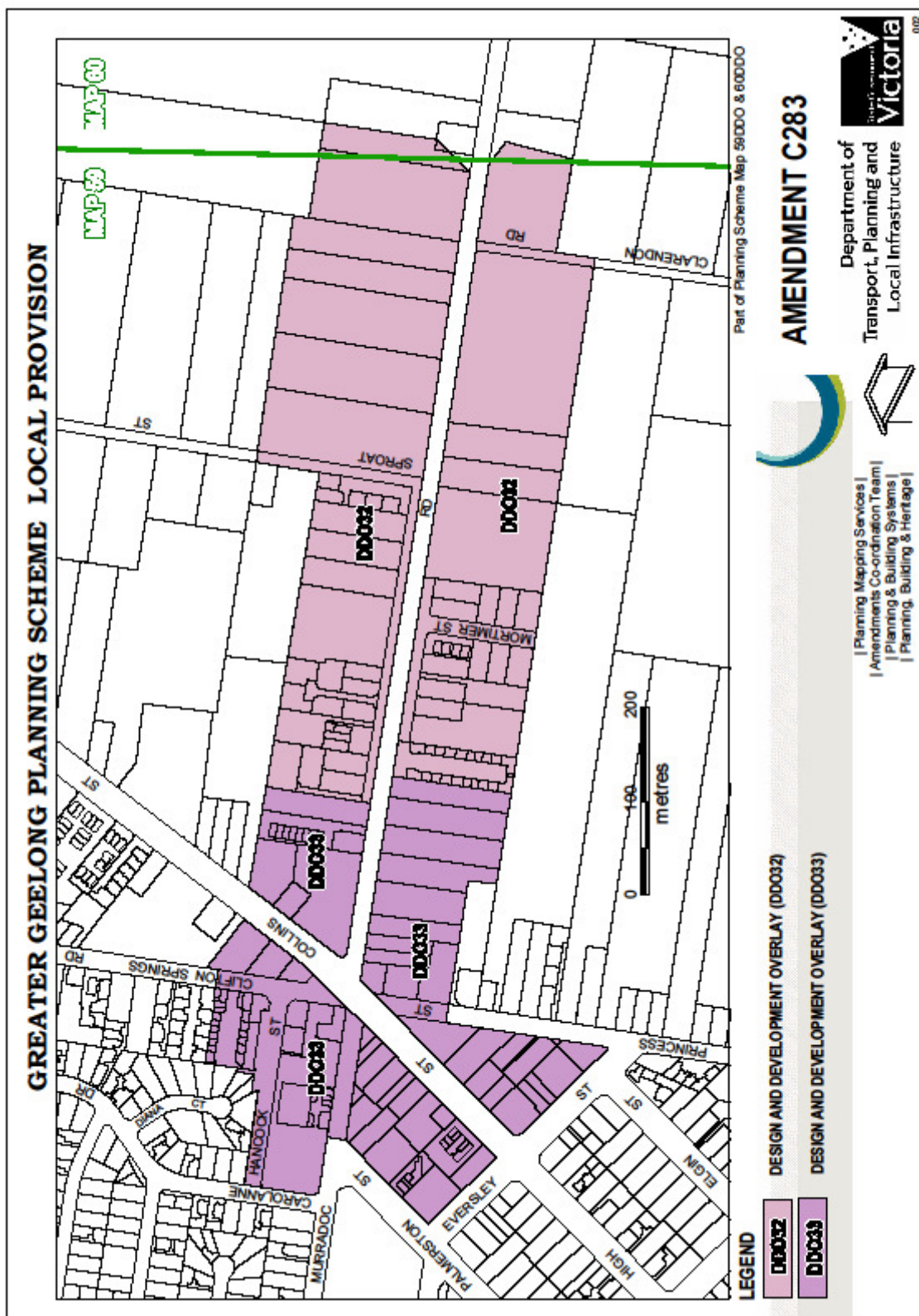
Urban Design Framework

No.	Objective	
1	Maintain the heritage and village characteristics of High Street while allowing an increase in height and built form up to 3 storeys. Encourage more active uses at ground level including shops and cafes with office and residential uses at the first and second levels.	9 Replace the round-about with a signalised intersection.
2	Redevelop the town square to become a focal point and meeting place for the town incorporating landscaping, seating, public art, play space and a public event space.	10 Improve the functionality and appearance of the light industrial/commercial precinct along Murradoc Road.
3	Redevelop the Senior Citizens building into a community building that integrates with and opens up to the town square.	11 Improve the Murradoc Road streetscape with the introduction of a service road and centre median strip that allows for street planting. Prepare a Streetscape Master Plan.
4	Redevelop the north façade of the existing supermarket to incorporate shops and offices to activate Hancock Street and replace the blank wall of the supermarket.	12 Expand the retail core to incorporate the western end of Murradoc Road including the Aldi Supermarket site. Encourage new retail development fronting Murradoc Road including shops and cafes.
5	Reconfigure the western end of Wyndham Street to improve car park access, provide additional parking spaces and provide a public event space.	13 Encourage the development of a north-south road connection.
6	Opportunity for retail expansion with improved access, activity and connection to the town square.	14 Investigate the relocation of the Council depot and future redevelopment opportunities.
7	Develop a more formal pedestrian link through the car park area located off Palmerston Street.	15 Support the development of large format retail on this site (supermarket).
8	Encourage development that activates street frontages with development up to 3 storeys. Encourage shared car parking and vehicle access opportunities.	16 Support the rezoning of land at the eastern end of Murradoc Road adjoining the Drysdale Bypass to a Business 4 Zone
		17 Maximise opportunities to deliver community facilities and services while respecting residential interfaces.
		18 Encourage the development of medium density housing around the town centre.
		19 Discourage the use of the site for a supermarket.

Appendix 3 – Proposed Rezonings



Appendix 4 – Proposed Overlays



Appendix 5 – Bus Depot Layout



Appendix 6 - Summary of Submissions for Amendment No C283

No	Name	Address	Suburb	Summary of Submission
1	EPA Victoria	GPO Box 4395	MELBOURNE VIC 3001	No concerns with the amendment. Recommends Council consider additional permit conditions to address odour, dust and noise issues, installation of sediment traps for any contaminated stormwater or wastes. Recommends consideration be given to condition to install acoustic fencing along the western boundary to protect the existing neighbouring dwelling.
2.	Mr D White White Fisheries	1/35 – 39 Murradoc Road	DRYSDALE VIC 3222.	Objects to bus depot. No economic benefit to existing businesses. Buses will exacerbate traffic issues and turn customers away. Coles will further add to the problem. VicRoads is out of touch.
3.	E & R Hoyer	95 Murradoc Road	DRYSDALE VIC 3222	Strongly opposed to rezoning of this area from Rural Living to Commercial 2 and proposed bus depot which are neither warranted nor needed. The value of their property will be seriously reduced by these proposals. Their property is the asset base for their future retirement. This is a rural living area they and other residents have chosen to live in. Better sites exist around Drysdale e.g. Grubb Road or east of the Bypass. Poor planning to convert access to tourist towns into a commercial strip. Bus depot should be located away from residential areas. Buses will exacerbate the dangerous traffic conditions which already exist in Murradoc Road and the roundabout in town, being increased with new supermarkets. Issue made more difficult because the Bypass has not been constructed. Commercial developers should not be hemmed in by the Ring Road but planned to go to the east of the Ring Road. A bus depot will seriously impact on their residential amenity from early morning until late at night with buses passing within 20 metres of their bedroom. Proposal will generate increased activity to a residential area, does not respect neighbourhood character or protect views and will require increased fencing costs.
4.	CFA	P O Box 586	NORTH GEELONG VIC 3215	No Objection

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5.	Coles Supermarket	P O Box 2000	GLEN IRIS VIC 3146	Supports. Amendment facilitates new supermarket in Murradoc Road. Does not support new north south road affecting its site as shown in the UDF.
6.	Tract Consultants on behalf of Algo Properties, owners of Jetty Rd Neighbourhood Centre	P O Box 1716	GEELONG VIC 3220	Supports overall intent of new DDO's but has some objections to the proposed DDO's and submits DDO33 is insufficiently clear, and should include a plan, the exemption from notice and review should be modified and further decision guidelines added. These changes would have the effect of strengthening the urban design requirements on the Coles site and improve traffic flow in Drysdale.
7.	VicRoads	P O Box 775	GEELONG VIC 3220	No Objection
8.	Barwon Water	P O Box 659	GEELONG VIC 3220	No Objection. Water supply is currently available to the area to be rezoned to Commercial 2 along Murradoc Road. Reticulated sewerage services, at the developers cost, could be provided to service this area.
9.	Ms A Brackley	Springdale 17 – 21 High Street	DRYSDALE VIC 3222.	Supports McHarrys. Consistent with the goals of the UDF, ring road and additional cycle and footpaths.

3. AMENDMENT C297 AND PERMIT 765/2013 – PROPOSED COLES SUPERMARKET ON MURRADOC ROAD, DRYSDALE

Portfolio:	Planning - Cr Heagney
Source	Planning and Tourism - Strategic Implementation
General Manager:	Peter Bettess
Index Reference	Council Reports 2014

Purpose

This report seeks Council approval to exhibit a combined planning scheme amendment and permit to facilitate the development of a supermarket on Murradoc Road, Drysdale.

Summary

- A planning scheme amendment request and planning permit application was made by ERM Australia on behalf of Coles Group Property for land at 24-32 Murradoc Road, Drysdale.
- The amendment proposes to rezone 32 Murradoc Road from the Commercial 2 Zone to the Commercial 1 Zone. The remainder of the subject land is presently in the Commercial 1 Zone.
- The permit application (765/2013) is for buildings and works to construct a supermarket, the display of identification signage, a reduction of car parking requirements, the alteration of access to a road in a Road Zone Category 1 and to create a carriageway easement.
- The proposed supermarket has a total floor area of 3,892 sq metres, is of contemporary design and provides good connectivity with the adjacent ALDI store. Vehicle access is from Murradoc Road and a dedicated pedestrian path will connect the newly developing residential estate to the south, through the site, to Murradoc Road.
- The proposal is supported by Council's adopted Drysdale Urban Design Framework August 2012, which identifies the site for a supermarket.
- Relevant to the consideration of this application is the likely opening date of the supermarket and how this would impact on the nearby Jetty Road Neighbourhood Activity Centre, where a 3,200 sq metre Woolworths supermarket is to be constructed and operational by April 2015.
- The economic assessment submitted as part of the Amendment request concluded that the economic and social benefits from the Coles supermarket significantly outweigh any impacts on commercial competitors. The assessment however failed to factor-in the new Jetty Road Centre (instead expecting it to be developed over the medium to long term).
- Council officers commissioned consultant Tim Nott to provide an independent review of the likely economic impact of the proposal.
- The review clearly demonstrates that if the two supermarkets are developed as planned, the food and grocery segment throughout the trade area is likely to experience a very low level of turnover. Mr Nott finds that there is likely to be room for two supermarkets by the mid-2020s, in line with expected population growth.
- Mr Nott estimates that the Jetty Road NAC would suffer a significant loss of around 16% in total retail sales compared with what is currently anticipated.

- It would appear that both Coles and Woolworths are well aware of the likely economic challenges over the coming 10 year period, but still committed to establishing new supermarkets in the locality as soon as possible.
- The net community benefit of the proposed Coles, particularly in strengthening the role of the Drysdale Town Centre and improving the level of competition in the local food and grocery sector, is considered to outweigh the short to medium term negative impact on the Jetty Road NAC and potential reorganisation of retail space in the trade area.
- It is recommended that the Amendment be placed on public exhibition to allow interested parties, including other business owners and operators in the trade area, an opportunity to make submissions.

Cr Heagney moved, Cr Macdonald seconded -

That Council resolves to:

- 1) **support the preparation and exhibition of Amendment C297 to the Greater Geelong Planning Scheme to rezone the land at 32 Murradoc Road, Drysdale, from the Commercial 2 Zone to the Commercial 1 Zone;**
- 2) **consider the application for a planning permit for a Coles supermarket on the land at 24-26, 28-30 and 32 Murradoc Road, Drysdale, concurrently with the preparation of the Amendment in accordance with the *Planning and Environment Act*, and that draft Planning Permit 765/2013 be prepared and exhibited with the Amendment, subject to resolution of the detail of the permit conditions; and**
- 3) **request the Minister for Planning to authorise the preparation and exhibition of Amendment C297 and Planning Permit 765/2013.**

Carried.

Background

On 28 June 2013 a combined Planning Scheme Amendment request and Planning Permit application was lodged by Environmental Resources Management (ERM) Australia on behalf of Coles Property Group, pursuant to Section 96A of the *Planning and Environment Act 1987*.

It is proposed to rezone the land at 32 Murradoc Road, Drysdale, from the Commercial 2 Zone to the Commercial 1 Zone and obtain a planning permit (765/2013) to construct a full-line supermarket on 24-26, 28-30 and 32 Murradoc Road, Drysdale. These three contiguous land parcels are currently vacant and sit between an ALDI store and an industrial storage building built to the common boundary with high concrete walls extending along its length. The properties are owned by Coles.

An aerial map of the subject land is shown at **Appendix 1** and a current zoning map is shown at **Appendix 2**. The proposed rezoning map is shown at **Appendix 3**.

In addition to the buildings and works, the permit is to allow the display of identification signage, a reduction of car parking requirements, the alteration of access to a road in a Road Zone Category 1 and to create a carriageway easement.

The site plan (**Appendix 4**) shows that the proposed Coles supermarket, including a Liquorland, will have a total floor area of 3,892 square metres supported by 146 car parking spaces. The car parking layout is integrated with the adjacent ALDI store, as are entry/exit arrangements off Murradoc Road. A 2 metre wide dedicated pedestrian boardwalk is located parallel to the supermarket and parking areas to provide direct thru-access from Murradoc Road to the newly developing residential estate to the south. The path will also provide for the conveyance of overland stormwater flows under the boardwalk.

The building is of contemporary design as shown in perspective drawings at **Appendix 5**.

The rezoning request and permit application was supported by a planning report (ERM), economic impact assessment (MacroPlan Dimasi) and traffic assessment (Cardno) as well as site, development and landscaping plans. Following internal review by various Council departments, a number of changes were made to the plans and the addition of a stormwater management report (Cardno) was submitted in November 2013.

The application lodged in June 2013 followed a number of meetings between Council officers and representatives of Coles about the preferred design and layout for the supermarket.

Discussion

Strategic planning merits

In August 2012 Council adopted the Drysdale Urban Design Framework (UDF). The framework seeks to improve the functionality of the Drysdale Town Centre by providing guidance on future growth and development, built form, streetscapes, traffic and pedestrian movements, car parking and land use.

Planning Scheme Amendment C283 to implement the key recommendations of the Drysdale UDF was recently on exhibition. The overall framework plan is shown at **Appendix 6**. The plan identifies the subject land for retail, with objective No. 15 stating “*Support the development of large format retail on this site (supermarket)*”.

Added to this is the fact that two-thirds of the subject land is currently zoned Commercial 1 Zone (C1Z). The purpose of the C1Z is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The use of the land for a supermarket in the C1Z is an ‘as-of-right’ use in the Greater Geelong Planning Scheme. The remainder of the subject land (to be rezoned) is a natural extension and end-point to the C1Z.

In this context, the proposal has overwhelming policy support. The Coles supermarket will consolidate the role of the Drysdale Town Centre and is consistent with the City’s retail strategy and activity centre hierarchy. The development will assist in the ongoing revitalisation of Murradoc Road within the core business district and “book-end” the convenience retail options for shoppers.

There are however concerns about the timing of the proposal in relation to the recently approved Jetty Road Neighbourhood Activity Centre (NAC). The Drysdale UDF Part B. (Background Report) notes that: “*The immediate demand for an alternative supermarket has now been met by the development of the Aldi supermarket along Murradoc Road and the approval of a new full line supermarket within the Jetty Road Growth area. However in the long term (10+ years) as the population of Drysdale and the surrounding catchment grows there is likely to be demand for a fourth supermarket*”.

A planning permit was issued on 22 January 2013 to develop land at 148-166 Jetty Road, Drysdale for a 3,200 sq metre supermarket and eleven specialty shops. The land is owned by Woolworths and Council officers have been advised that construction will commence in May/June 2014 and the anticipated opening date for the supermarket is April/May 2015.

The planning report submitted in support of the Jetty Road NAC outlined the extensive planning history of the Jetty Road Growth Area, commencing with Council adopting the Jetty Road Urban Growth Plan in June 2007. The growth area will ultimately accommodate a population of more than 8,000 people. The plan was implemented into the Greater Geelong Planning Scheme via Amendment C129 and then Amendment C188 further rezoned land to the Business 1 Zone for a NAC with provision for 6,000 sq metres of retail floor space. The NAC land was subsequently subject to a master planning phase, which was approved by Council in July 2011.

Irrespective of the policy arguments for and against the early establishment of the Jetty Road NAC, the fact remains that there is a valid planning permit allowing the buildings and works to construct a supermarket, with construction imminent.

What is relevant is the consideration of the economic impacts of the proposed Coles supermarket on the Drysdale Town Centre and other affected centres – primarily the Jetty Road NAC, and contribution to net community benefit.

Economic impact assessment

An economic impact assessment was submitted in support of the amendment request, dated February 2013 and prepared by MacroPlan Dimasi. The assessment identified the main trading area as the northern half of the Bellarine, including the townships of Drysdale, Clifton Springs, Portarlington, St Leonards and Indented Head.

The MacroPlan Dimasi assessment concludes that the economic and social benefits that are likely to arise from the proposed Coles Drysdale significantly outweigh any impacts that may occur to commercial competitors.

The assessment however failed to properly consider impacts on the nearby Jetty Road NAC, which includes a 3,200 sq metre Woolworths supermarket with construction to commence this year. The assessment stated: *“Whilst there is a supermarket proposed to establish within this growth area over time, on current development patterns a supermarket anchored centre in this growth area is some time off. A major supermarket generally requires around 3,000 households before it is developed. With the current growth rate of the Jetty Road growth area it may be at least 10 years until the Jetty Road area has sufficient residents to establish its own supermarket anchored centre”*.

Clause 22.03 of Council’s Municipal Strategic Statement provides assessment criteria for retail planning applications. It is policy that an economic impact assessment provides an assessment of any likely impact on existing or planned (i.e. approved) retail facilities.

In response to officer concerns about the proposed timing of the Coles application, an independent review of the MacroPlan Dimasi assessment and Clause 22.03 was commissioned from Mr Tim Nott. Mr Nott specialises in economic analysis and strategy and is familiar with retail economics on the Bellarine, having provided Council with advice on structure planning including preparation of the Drysdale Clifton Springs Structure Plan.

The review clearly demonstrates that if the two supermarkets are developed as planned, the food and grocery segment throughout the trade area is likely to experience a very low level of turnover. Mr Nott finds that there is likely to be room for two supermarkets by the mid-2020s, in line with expected population growth.

In his summary, Mr Nott states that:

- *I have prepared an alternative impact assessment in this report. I have assumed that the Jetty Road NAC and the proposed Coles development would have their first full year of operation in 2016 and I have provided detail about the likely impact on individual centres in the local and regional network.*
- *The present retail supply and demand situation in the Drysdale trade area indicates that there is now demand for a new full line supermarket. This would be satisfied to a very large extent by the planned NAC at Jetty Road. The planned Woolworths supermarket at Jetty Road, at 3,200 square metres, would be the largest supermarket in the trade area (without the proposed Coles development). The developers anticipate that this supermarket will open in mid-2015. Because the Jetty Road Growth Area is far from fully established, in order to be viable, the supermarket would need to serve the whole of the Drysdale trade area, effectively competing at the same level as the Drysdale town centre.*
- *If both the Coles development and the Jetty Road NAC were opened at around the same time, the food and grocery segment in the Drysdale trade area would suffer from very low sales per square metre by comparison with typical levels for major supermarkets. This would be likely to cause significant reorganisation of retail space in the trade area, with potential closures of food and grocery stores, particularly in Drysdale.*
- *The Coles proposal does not appear likely to challenge the role of existing centres in the trade area or elsewhere. The proposal will affect retail sales in surrounding centres, particularly Portarlington, Leopold and St Leonards. However, I estimate that in each case the loss of sales would be less than 5% of total sales, which is well within the 10%-15% loss that is usually considered significant.*
- *The impact of the Coles proposal on existing food and grocery facilities in Drysdale itself would be severe with potential for a loss of 35% in sales (and 22% of retail sales for the centre as a whole). However, including the Coles development as part of the mix, the retail sales in the centre would rise from \$64 million per year to \$89 million. The role of Drysdale as a large town centre would be maintained even though there may be some individual store closures.*
- *I estimate that the Jetty Road NAC would suffer a loss of around 16% in total retail sales compared with what is currently anticipated. This is significant and could mean that the investment as currently planned would not proceed.*
- *In my view the net gain in ongoing jobs as a result of the Coles proposal would be around 15, with total full time equivalent jobs of 134. The remaining jobs would effectively be transferred from other food and grocery providers in the district.*
- *To mitigate the impact of the Coles development, it may be possible to stage the growth of the activity centre serving the Jetty Road Growth Area, starting with a local centre and developing a supermarket facility in increments to match the growing neighbourhood demand. This would at least provide some service for Jetty Road residents.*
- *The retail assessment presented here updates that provided for the Drysdale Clifton Springs Structure Plan in 2008. However, the two are broadly consistent; that is, there is only sufficient demand for one additional full-line supermarket in the Drysdale trade area in the short to medium term.*

Mt Nott provides an estimate of the impact on existing retail centres, noting the impact will be felt most by the centres that have large food and grocery offerings and which are closest to Drysdale.

The findings are presented on the following table:

Impact of Coles Drysdale on retail sales in surrounding activity centres, 2016 (\$2013)

Centre	Sales at existing centres without Coles development	Share of sales at Coles Drysdale that otherwise have gone to this centre	Change of sales at each centre	Sales to existing retailers with Coles development	Proportional impact on total retail sales of centre	Notional transfer of eft jobs to Coles development
	\$m	%	\$m		%	no.
Drysdale	\$64.3	37%	-\$13.9	\$50.4	-22%	-50
Jetty Road NAC	\$38.8	17%	-\$6.3	\$32.4	-16%	-23
Portarlington	\$35.8	2%	-\$0.7	\$35.0	-2%	-3
St Leonards	\$15.0	1%	-\$0.3	\$14.8	-2%	-1
Leopold	\$138.5	16%	-\$6.0	\$132.5	-4%	-21
Newcomb	\$135.8	7%	-\$2.5	\$133.3	-2%	-9
Geelong City Centre	\$646.4	7%	-\$2.7	\$643.7	0%	-10
Belmont	\$107.6	2%	-\$0.8	\$106.8	-1%	-3
Waurin Ponds	\$285.7	4%	-\$1.6	\$284.1	-1%	-6
Other Geelong		7%	-\$2.6			-9
Total		100%	-\$37.5			-134

The review also outlines the net community benefits of the Coles proposal as follows:

“The Coles proposal will reduce the level of escape spending from the Drysdale trade area, meaning that local residents will not have to travel so far, so often for their shopping. This will result in travel time savings, reduce energy use and create more local jobs. However, most of these benefits would be achieved by the planned expansion of retail floor space at Jetty Road.

The proposed Coles development will improve the level of competition in the local food and grocery sector since there is presently no Coles within the trade area (although there is a Coles at Leopold nearby).

The proposed development would strengthen the Drysdale town centre, making that centre more attractive to shoppers and reinforcing the hierarchy of centres in the trade area.

Should the Jetty Road NAC be significantly delayed (because, for example, the investors feel that the NAC is not in a good location to attract a substantial share of its trade from beyond the growth area) then the Coles development would satisfy the demand that is undoubtedly present and growing.”

Ultimately the review finds that with the addition of the Coles, the Drysdale commercial centre as a whole would expand its sales from a notional \$64 million to \$89 million in 2016, although this may result in the closure of other food and grocery traders. Council officers note that the only independent ‘fruit and vegetable’ retailer in town closed some 12 months ago, while other small traders – two convenience stores, a bakery and a boutique butcher, offer a very limited range of products.

To the extent that existing operators are “overtrading” (namely the Woolworths on Wyndham Street and possibly the ALDI store), Mr Nott says that a reduction in the extra sales would be offset by a benefit from the introduction of more competition and greater choice in the local market, particularly in the food and grocery sector.

Mr Nott finds that the trading impact on Jetty Road would be entirely negative – suggesting the Coles development is in a better position to capture the spending of the trade area because of its more central location and larger size. Council officers however consider the Jetty Road NAC to be easily accessible with less vehicle congestion, offering an attractive alternative to residents in Clifton Springs and parts of Drysdale in particular.

The prospect of the Jetty Road NAC effectively competing at the same level as the Drysdale Town Centre, inclusive of the largest supermarket in the trade area (should the Coles not go ahead), is also likely to have negative impacts to town centre traders.

Therefore the net community benefit of the proposed Coles supermarket in strengthening the role of the Town Centre is considered to outweigh the short to medium term negative impacts on the Jetty Road NAC.

Mr Nott’s review has been passed on to Coles so that MacroPlan Dimasi can revise their original economic impact assessment as part of the exhibition documents for Amendment C297.

Jetty Road Activity Centre Proprietors

On 20 February 2014 Council received an email from John Cicero of Best Hooper Solicitors, acting on behalf of the registered proprietors of land comprising the Bayview Activity Centre (i.e. the Jetty Road NAC). The email confirms that the first stage of the Activity Centre is scheduled to commence in March 2014 and comprises of a full line supermarket of 3,200 sq metres plus 11 specialty shops.

Best Hooper has reviewed the economic impact assessment from MacroPlan Dimasi and Mr Nott’s independent review. Best Hooper submits that the Council should not proceed with the Amendment. A copy of the email is shown in **Appendix 7**.

Council officers do not support the abandonment of the Amendment. Officers consider the Amendment should proceed to exhibition to allow any interested party an opportunity to make a submission – and have that submission considered by Council and potentially an Independent Planning Panel.

Built form and design

As noted above, there were several discussions between representatives of Coles and Council officers prior to the lodging of the application in June 2013. The design has been further revised post-lodgement.

The permit application (765/2013) is for buildings and works to construct a supermarket, the display of identification signage, a reduction of car parking requirements, the alteration of access to a road in a Road Zone Category 1 and to create a carriageway easement.

The design is considered to be generally in accordance with the adopted Drysdale UDF August 2012. The UDF (Part A) includes guidelines for the ‘Business Corridor’ along Murradoc Road – which includes the subject land. Key objectives and guidelines relevant to the site include to setback buildings a minimum of 12 metres from Murradoc Road to allow for future road widening and to encourage the development of a full line supermarket along Murradoc Road close to the town centre core.

The proposed design incorporates the following features:

- The construction of a full line Coles branded supermarket of 3,892 square metres inclusive of a Liquorland.
- An integrated car parking layout and access arrangements with the adjoining ALDI store, including the creation of a carriageway easement.
- A dedicated north-south 2 metre wide unencumbered boardwalk to provide convenient pedestrian and cycle access from Murradoc Road, through the Coles site, to the newly developing residential estate to the rear.
- A contemporary building design achieving a maximum height of 8.96 metres with clear glazing and entry façade fronting Murradoc Road and glazing along the western elevation (fronting the pedestrian walkway).
- A site stormwater management plan that captures and treats runoff and 100 year ARI overland flows by using a bio-retention lineal treatment system under the boardwalk.
- A 12 metre wide open landscaped setback from Murradoc Road consistent with the neighbouring ALDI store and Drysdale UDF guideline.
- Sheer concrete eastern boundary wall and loading bay to visually offset the existing industrial warehouse building on the adjoining property to the east and minimise amenity impacts.
- Landscaping and lighting to ensure the site provides adequate safety, surveillance and visual amenity.

The proposed design does not include a new north-south road from Murradoc Road to the developing Central Walk residential estate. The Drysdale UDF encourages the development of this connection. Due to the constraints of the site a road (or more realistically – a laneway) was not pursued. It is considered that a safe and attractive pedestrian connection, together with future road connections from the land to the south of the Coles site to Mortimer Street and Princess Street, will similarly improve access opportunities.

The Planning Permit to be prepared for exhibition will include conditions to address issues relating to built form, drainage, lighting, noise, access and car parking, loading, landscaping and signage.

Environmental Implications

There are no environmental implications as a result of the Amendment.

Financial Implications

No impact to budget.

Policy/Legal/Statutory Implications

Zone provisions

Two-thirds of the subject land is currently zoned Commercial 1 Zone (C1Z). The purpose of the C1Z is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The use of the land for a supermarket in the C1Z is an 'as-of-right' use in the Greater Geelong Planning Scheme. A permit is required for buildings and works.

The remainder of the land is in the Commercial 2 Zone (C2Z). The purpose of the C2Z includes encouraging commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

The use of the land for a supermarket in the C2Z is considered to be prohibited in the Greater Geelong Planning Scheme. The Section 2 Use condition for a 'Supermarket' states: *"The leasable floor area must not exceed 1800 square metres if located on land outside an urban growth boundary and in metropolitan Melbourne"*.

Unfortunately, the condition is open to misinterpretation and officers have been informed by the Department of Transport, Planning and Local Infrastructure that a forthcoming Ministerial amendment will correct the wording. The intention of the condition is that supermarkets in the C2Z greater than 1800 sq metres are prohibited in non-metro Melbourne planning schemes.

The anomaly in this particular instance however is that while the leasable floor area is greater than 1800 sq metres (3,892 sq metres is proposed), the floor area located on land zoned C2Z is under 1800 sq metres. It is considered the intention of the condition is to prohibit supermarkets greater than 1800 sq metres irrespective of whether the building is in two zones.

A permit is also required for buildings and works in the C2Z.

Regardless of the interpretation of the C2Z, an amendment to rezone 32 Murradoc Road to the C1Z, combined with a permit to construct the Coles supermarket, most appropriately meets the objective of the *Planning and Environment Act* to provide for the fair, orderly, economic and sustainable use, and development of land.

Clause 21.07 Economic Development

The strategy notes that the City of Greater Geelong Retail Activity Centre Hierarchy has been established to articulate the role and function fulfilled by centres of different sizes. A key objective is to facilitate the development of vibrant and viable retail activity centres in accordance with the retail hierarchy.

The proposed Coles supermarket will strengthen the role and function of the Drysdale Town Centre. Town Centres are identified in the Hierarchy as the focus for convenience shopping and community facilities serving the surrounding township and rural hinterland. Neighbourhood centres play an important role in providing for the regular shopping needs of residents of their respective surrounding catchments.

Clause 21.14 The Bellarine Peninsula

Drysdale/Clifton Springs is recognised as a hub for development and service provision on the Bellarine. One of the strategies for Drysdale/Clifton Springs is to reinforce the Drysdale Town Centre as the primary retail centre including the development of an additional supermarket. The clause, under 'further work', identifies the bowling club site for a supermarket however this location was not considered suitable in the Drysdale Urban Design Framework 2012.

Another strategy is to support the development of the Jetty Road Urban Growth Area. A number of stages for residential subdivision have been approved and constructed or are under construction. Likewise, land has been rezoned to the Commercial 1 Zone for a neighbourhood activity centre.

Clause 22.03 Assessment Criteria For Retail Planning Applications

This local policy sets out retail assessment criteria which are to be used as a basis for considering applications for new or expanded retail floor space. The information submitted to support the Amendment and Permit, particularly with an updated economic impact assessment that captures the Jetty Road NAC, is considered appropriate.

Alignment to City Plan

The Amendment supports the 'Growing our Economy' strategic direction of City Plan, subject to a comprehensive assessment of the economic impacts and contribution to net community benefit and consideration of submissions from affected parties.

Officer Direct or Indirect Interest

In accordance with Section 80C of the *Local Government Act* Peter Bettess, General Manager, Planning and Tourism, declares an indirect financial interest in that he owns Woolworths and Wesfarmers shares.

Risk Assessment

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

Social Considerations

The proposed Coles supermarket is considered to result in a net community benefit by improving retail competition – particularly in the fresh food and groceries sector, reducing escape expenditure and securing additional employment opportunities for local residents.

Human Rights Charter

The Amendment will not impact on any basic rights, freedoms and responsibilities as set out in the Charter. Planning legislation ensures an open community consultation process occurs, enabling people to freely express their views and if necessary obtain a fair hearing before an Independent Panel.

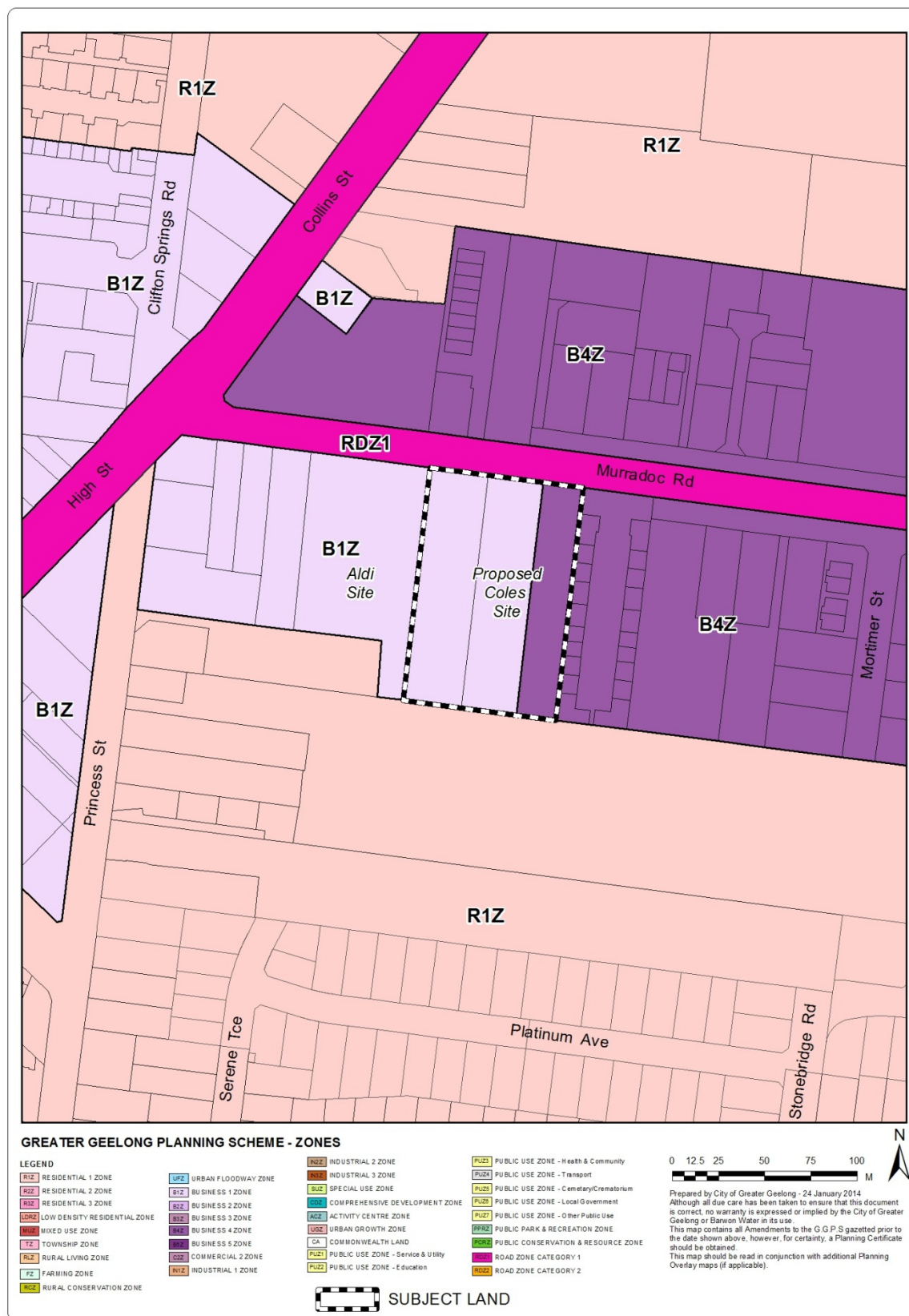
Consultation and Communication

The Amendment will be exhibited in accordance with the notice provisions of the *Planning and Environment Act 1987*.

Appendix 1 - Aerial Map



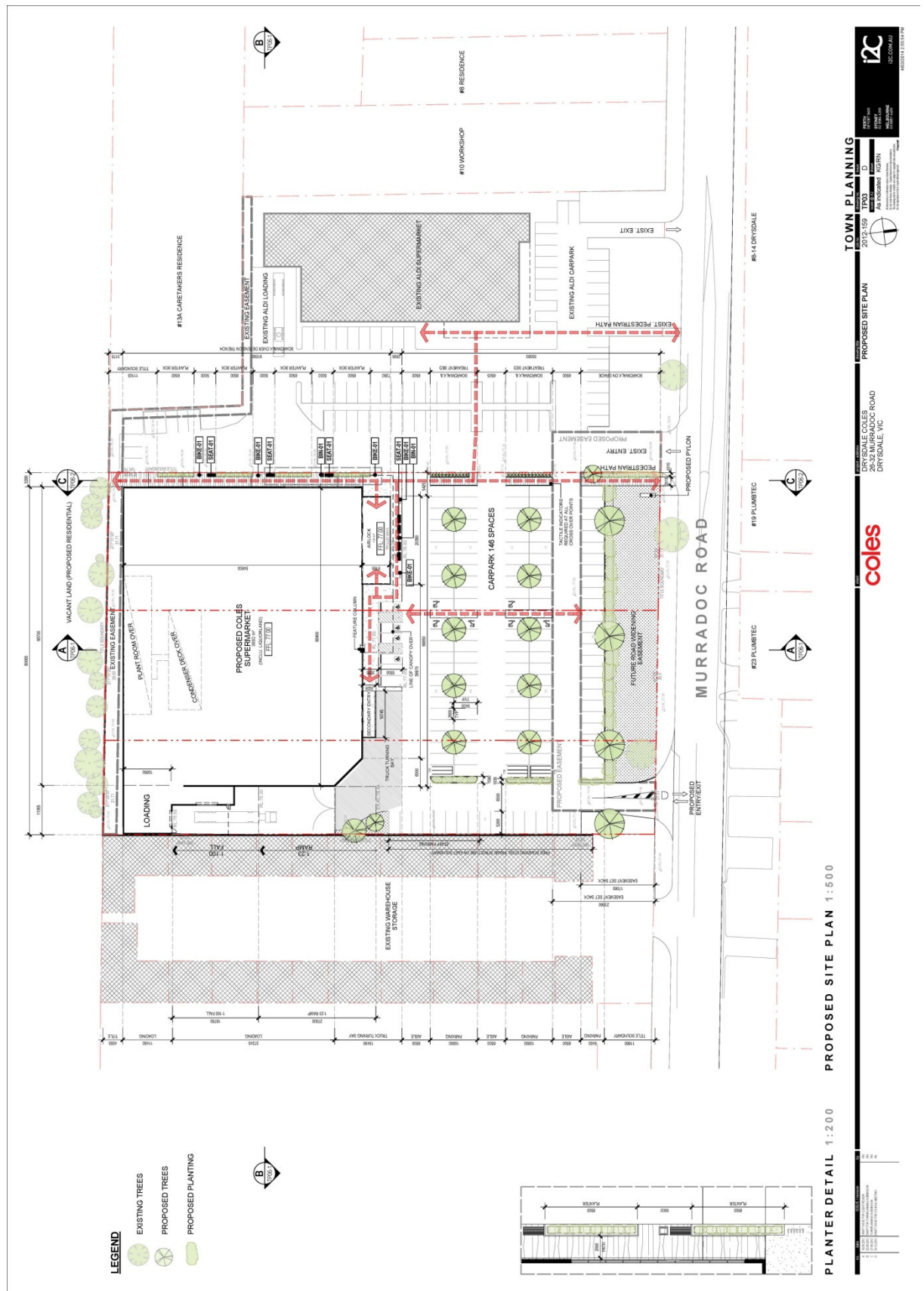
Appendix 2 - Existing Zoning Map



Appendix 3 - Proposed Rezoning Map



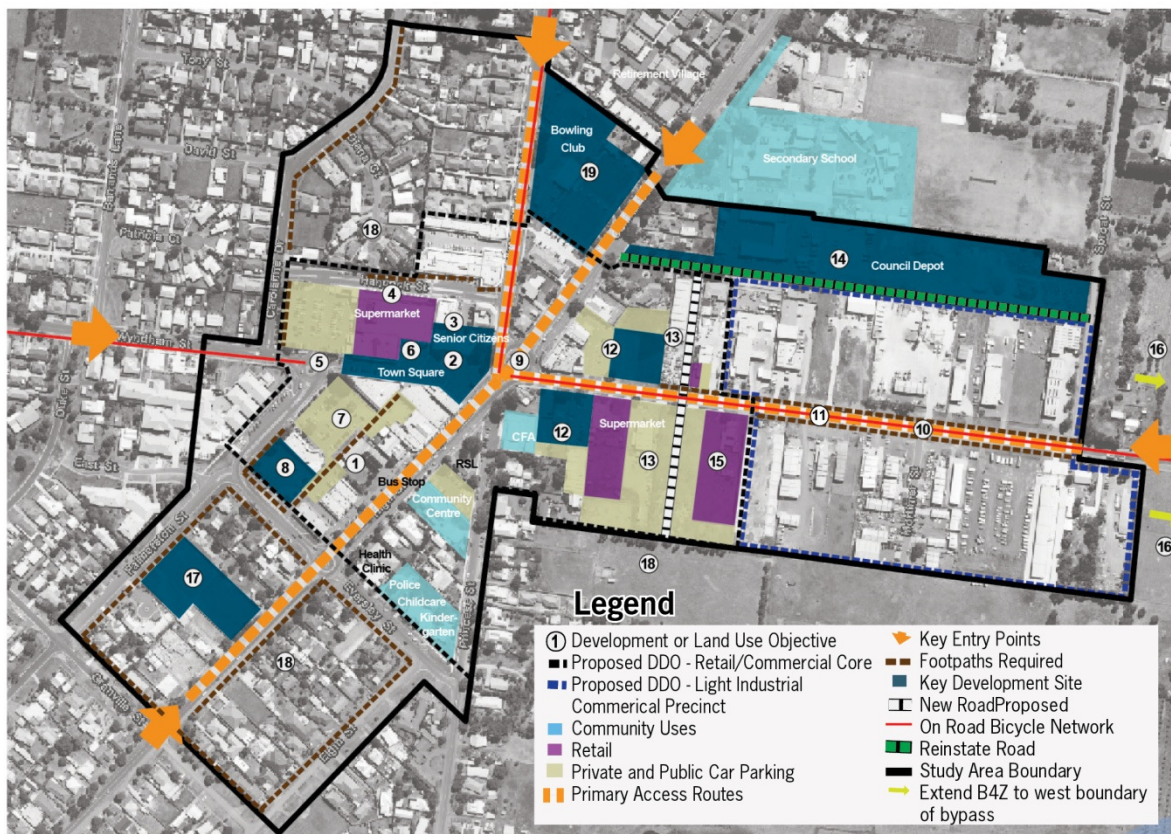
Appendix 4 - Proposed supermarket site plan



Appendix 5 - Proposed supermarket perspective drawings



Appendix 6 - Exhibited Drysdale Urban Design Framework



Drysdale

Urban Design Framework

No.	Objective
1	Maintain the heritage and village characteristics of High Street while allowing an increase in height and built form up to 3 storeys. Encourage more active uses at ground level including shops and cafes with office and residential uses at the first and second levels.
2	Redevelop the town square to become a focal point and meeting place for the town incorporating landscaping, seating, public art, play space and a public event space.
3	Redevelop the Senior Citizens building into a community building that integrates with and opens up to the town square.
4	Redevelop the north façade of the existing supermarket to incorporate shops and offices to activate Hancock Street and replace the blank wall of the supermarket.
5	Reconfigure the western end of Wyndham Street to improve car park access, provide additional parking spaces and provide a public event space.
6	Opportunity for retail expansion with improved access, activity and connection to the town square.
7	Develop a more formal pedestrian link through the car park area located off Palmerston Street.
8	Encourage development that activates street frontages with development up to 3 storeys. Encourage shared car parking and vehicle access opportunities.

9	Replace the round-about with a signalised intersection.
10	Improve the functionality and appearance of the light industrial/commercial precinct along Murradoc Road.
11	Improve the Murradoc Road streetscape with the introduction of a service road and centre median strip that allows for street planting. Prepare a Streetscape Master Plan.
12	Expand the retail core to incorporate the western end of Murradoc Road including the Aldi Supermarket site. Encourage new retail development fronting Murradoc Road including shops and cafes.
13	Encourage the development of a north-south road connection.
14	Investigate the relocation of the Council depot and future redevelopment opportunities.
15	Support the development of large format retail on this site (supermarket).
16	Support the rezoning of land at the eastern end of Murradoc Road adjoining the Drysdale Bypass to a Business 4 Zone
17	Maximise opportunities to deliver community facilities and services while respecting residential interfaces.
18	Encourage the development of medium density housing around the town centre.
19	Discourage the use of the site for a supermarket.

Appendix 7 - Best Hooper Solicitors email 20 February 2014

Dear Sir/Madam,

We act on behalf of Dalgo Pty Ltd and Libnom Pty Ltd which companies are the registered proprietors of the land comprising the Bayview Activity Centre ("the Activity Centre").

The first stage of this Activity Centre is to comprise of a full line supermarket of 3200m² plus, 11 speciality shops comprising approximately 1244m².

Construction of the first stage of the Activity Centre is scheduled to commence in March 2014.

We understand that Council will, at its meeting, most likely to occur, on 8 April 2014, consider a request to seek authorisation for Amendment C297 to the Greater Geelong Planning Scheme ("the Amendment") and to exhibit the Amendment, assuming that authorisation is granted. As we understand it, the Amendment is required to facilitate the development of a full line Coles Supermarket on land adjoining the existing ALDI Store in Drysdale ("the Coles site").

We have been provided with documentation in relation to the Amendment, including an economic impact assessment report from MacroPlan Dimasi ("Macro Plan"). We have also been provided with a copy of a report, commissioned by the Council, from Tim Nott, to review the matter generally and to make specific comment on the economic impact assessment of Marco Plan.

Our reading of Mr Nott's report would support the proposition that Council should not resolve to proceed with the Amendment which our clients oppose. We have set out below a summary of the grounds upon which our clients rely in support of their position.

1. There is no evidence that has been submitted which make the case for the need for a supermarket at the Coles site in the short to medium term. Mr Nott's assessment confirms that this.
2. Indeed, past analysis on the need of the fourth supermarket in Drysdale (allowing for the supermarket proposed at the Activity Centre) does not identify a need for any such supermarket until sometime after 2024.
3. The economic impact statement that accompanied the rezoning request and application for planning permit is fundamentally flawed as it proceeds on the basis that there will be no supermarket in the Activity Centre for at least 10 years. Accordingly, the economic impact assessment report filed in support of the application cannot be relied upon. Again, Mr Nott's assessment supports this submission.
4. If a proper analysis were done the economic impact upon other trade area retailers would be at a level which would be deemed to be unacceptable. Again, the unacceptability of the economic impact is confirmed by Mr Nott.
5. Our clients have provided to the Council a preliminary assessment by Mr Ian Schimmin of Urbis, which supports the above submission.
6. A substantial investment has been made by the community in the Jetty Road Growth Area. That significant amount of investment has been predicated on assumptions including that a supermarket would be able to be established within the Activity Centre without the economic impact that would be occasioned if a third supermarket in the Drysdale Township was permitted prematurely. Such decisions have been made on the basis of strategic

planning that has occurred to date and it would be contrary to that strategic planning to allow a fourth supermarket as proposed by Amendment C297 at this stage.

Traffic and Connectivity

7. The UDF provides strong guidance in relation to the future development of the Coles site, including the provision of a new north-south road connection.
8. In the plans submitted with the rezoning request, no such connection has been provided, which, it is submitted, will undermine the outcome sought under the UDF.
9. The north-south road between Murradoc Road and the Central Walk Estate is to provide an appropriate pedestrian and vehicle connectivity for residents within that estate and further to the south.
10. The absence of this road has also resulted in car parking being located primarily to the front of the Coles site, instead of within the site as, it is submitted, is intended by the UDF.
11. The Coles site has poor pedestrian connectivity with the existing Town Centre, and until substantial improvements are made to that connectivity, including the roundabout at the intersection of High and Murradoc Roads, this poor pedestrian connectivity will continue.
12. There is nothing in the application for permit that addresses the issue of connectivity to the existing Town Centre.

Car parking

13. No case has been made for requiring a lesser provision of car parking spaces than the statutory rate of 5 spaces per 100m².

Urban Design

14. The UDF provides strong guidance for the future development of the Coles site, including locating car parking to the side or rear of the development, active frontages and perimeter block development.
15. The layout of the proposed supermarket fails in each of these respects.
16. The introduction of a new north-south road between Murradoc and the Central Walk Estate would at least advance those objectives by allowing the supermarket building to be moved closer to Murradoc Road and provide an active frontage with specialty retail shops and by locating a car park along the western side of the Coles site adjacent to the new road.
17. Our clients' submit that the Council should not be proceeding with the Amendment.

Regards

John Cicero

Principal

Sent by:

Jessica Farrugia

Legal Secretary

On behalf of **John Cicero**, Principal

Best Hooper Solicitors

563 Little Lonsdale Street, Melbourne VIC 3000

4. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN C267 ADOPTION OF AMENDMENT

Portfolio:	Planning – Cr Heagney
	Infrastructure – Cr Ellis
Source	Planning & Tourism
General Manager:	Peter Bettess
Index Reference	Armstrong Creek

Purpose

This report considers the Independent Panel Report to Greater Geelong Planning Scheme - Amendment C267 and recommends adoption of the Amendment.

Summary

- The amendment applies to land referred to as the Armstrong Creek Town Centre Precinct. The land is approximately 92 hectares and bounded by Boundary Road to the north, Surf Coast Highway to the west, Barwarre Road to the east and Burvilles Road to the south.
- The amendment proposes changes to the Greater Geelong Planning Scheme to facilitate development of the Armstrong Creek Town Centre. These changes include a new schedule to the Urban Growth Zone and incorporation of a Precinct Structure Plan which provides explicit planning direction, urban design and sustainability guidelines, a Development Contributions Plan and Native Vegetation Precinct Plan to guide future development.
- Public exhibition of Amendment C267 commenced on 6th June 2013 and concluded on the 8th July 2013.
- A total of 23 submissions were received to the exhibited amendment. These submissions were from landowners within the precinct, parties with an interest in the precinct, landowners from adjacent precincts, other individuals and government agencies.
- The issues raised in submissions included infrastructure planning, specific requests for further discretion in the planning controls and the Sustainability and Design Guidelines, changes to the Development Contributions Plan, modification to the planned local traffic network, drainage / stormwater management both internal and external to the precinct, and other requests for modification to the exhibited amendment package.
- Council resolved on 27 August 2013 to refer the submissions to an Independent Planning Panel appointed by the Minister for Planning.
- An Independent Panel was appointed to consider submissions. A Panel hearing was held between 6 – 15 November 2013, with a Report completed and provided to Council on the 17 January 2014. Council was represented at Panel by Maddocks Lawyers.
- The Panel report was released to the general public by Planning Panels Victoria on 17 February 2014.

- The Panel concluded that the Amendment has strong strategic planning justification. The Panel made findings about design and development, retailing, transport and movement, native vegetation and greenways, development contributions and other general matters. In total the Panel made 21 recommendations requesting specific modifications to the Amendment.
- The Panel Report supports a range of Council directions, however it does detail a number of recommendations that are strongly disputed. These include, but are not limit to:
 - Removal of retail (shop) floor space caps from the schedule to the Commercial 1 Zone.
 - Allowance of a right turn access point from Surf Coast Highway in and out of Parking Street B.
 - Deletion of the Transit Corridor from the Development Contributions Plan (DCP).
 - Nomination of the transit corridor as an investigation area with an applied zoning of Farm Zone (FZ).
 - Relegation of all mandatory provision within the Precinct Structure Plan (PSP) to discretionary.
- Council officers recommend that Amendment 267 be adopted as outlined in this report.

Cr Richards moved, Cr Farrell seconded -

That Council having considered the Independent Panel Report to Amendment C267 to the Greater Geelong Planning Scheme, resolves to:

- 1) adopt Amendment C267 in the form as outlined in Appendix 5 of this report;**
- 2) submit the adopted Amendment with the prescribed information to the Minister for Planning requesting approval.**

Procedural Motion:

Cr Heagney moved, Cr Ansett seconded -

That the report be deferred.

Carried.

Division Requested:

For: Crs Ansett, S Kontelj, Nelson, Harwood, Macdonald, Heagney, Irvine
Against: Crs Ellis, Fisher, Richards, Farrell

Cr E Kontelj re-entered the meeting room at 8.00pm

5. AMENDMENT C310 - IMPLEMENTATION OF NEW ZONES TO THE ARMSTRONG CREEK URBAN GROWTH AREA

Portfolio:	Planning - Cr Heagney
Source	Planning & Tourism
General Manager:	Peter Bettess
Index Reference	Armstrong Creek

Purpose

The purpose of this report is to seek Council's support for the application of the new zones to development within the Armstrong Creek Urban Growth Area.

Summary

- This report is to recommend that Council request the Minister for Planning act as planning authority and prepare and finalise Amendment C310 to the Greater Geelong Planning Scheme.
- This amendment applies to the Armstrong Creek Urban Growth Area and, more particularly, the Precinct Structure Plan areas known as the North East Industrial Precinct (NEIP), Armstrong Creek East Precinct (ACEP) and Armstrong Creek West Precinct (ACWP).
- The amendment introduces the new Residential and Commercial zones in accordance with the requirements of Planning Scheme Amendments VC100 and VC8.
- Amendment C310 proposes a direct translation of the existing zones as they apply to the Armstrong Creek Urban Growth Area.
- The Amendment requires the updating of three (3) Schedules to the Urban Growth Zone, that nominate applied zones for these precincts, and the insertion of Schedule 3 to the General Residential Zone
- It is proposed that the Minister for Planning will be the Planning Authority for the amendment and approve the amendment under Section 20(4) of the *Planning and Environment Act 1987*.
- It is recommended that Council support the proposal and the Minister for Planning as the Planning Authority.

Cr Heagney moved Cr Richards seconded -

That Council resolve to:

- 1) Support the application of the zones to the Armstrong Creek Urban Growth Area**
- 2) Request the Minister for Planning act as the planning authority for Amendment C310 to the Greater Geelong Planning Scheme and to approve the amendment under Section 20(4) of the Planning and Environment Act 1997.**

Carried.

Background

On the 1st July 2013, the Minister for Planning introduced a suite of new planning zones along with the mandate that Council's introduce the new zones into their respective planning schemes within 12 months.

To enable this, Victorian Council's have been required to review their existing policies and strategic work, or undertake significant additional work, to inform decisions about the way the zones would be applied.

For the purposes of new zones, the City of Greater Geelong took an approach that excluded the easily defined urban growth area of Armstrong Creek from the larger body of strategic work that has been required to facilitate the introduction of the new zones across a municipality as large and diverse in its land-uses as the City of Greater Geelong.

As a result, this amendment focuses only on the application of the zones within the Armstrong Creek Urban Growth Area.

The amendment represents a 'direct translation' between existing and new zones and looks to introduce the following:

- General Residential Zone (GRZ) as a replacement for the Residential 1 Zone,
- Commercial 1 Zone (C1Z) as a replacement for the Business 1 Zone and,
- Commercial 2 Zone (C2Z) as a replacement for the Business 4 Zone.

Discussion

As noted above, Amendment C310 to the Greater Geelong Planning Scheme seeks to translate the new zone provisions into the Armstrong Creek Urban Growth Area (ACUGA) only.

The ACUGA has clearly defined planning principles including density requirements. These principles, which are implemented through the Precinct Structure Plans, mandate a mix of housing densities throughout the growth area thereby ensuring that the state defined minimum, of 15 dwellings per hectare, is achieved.

For the purposes of implementation of the zones, the need to separate the Armstrong Creek Urban Growth Area from the balance of the municipality is borne of the differences in the planning scheme implementation of Precinct Structure Plans.

A Precinct Structure Plan (PSP) is the key document that guides the structure of all new urban development within nominated growth areas. The PSP provides detail on land uses and nominates the location of key community infrastructure such as active and passive recreation, education and community facilities and retail centres.

The PSP is enabled through the application of 'applied zones' in the schedules to the Precinct Structure Plans. This means that the entire ACUGA is zoned Urban Growth Zone (UGZ) with development proceeding upon incorporation of a PSP into the Planning Scheme.

Once a PSP is incorporated into the planning scheme planning permits can be issued without the requirement for advertising as long as the application is considered by Council to be 'generally in accordance' with the outcomes nominated in the PSP.

As a result, the primary benefit of a PSP is that it gives certainty and confidence to Council, developers, investors and the community regarding development expectations.

The Metropolitan Planning Authority (MPA) facilitated a Ministerial Amendment for each of the metropolitan growth area Council's to apply the new zones. Whilst the MPA is not a component of urban growth area planning within Geelong, it is considered that this approach is appropriate for the application of this amendment.

Attached at **Appendix 1** are the proposed modifications to the relevant Schedules.

Environmental Implications

The amendment is generally policy neutral and does not propose any changes to the Precinct Structure Plans currently incorporated in the Greater Geelong Planning Scheme. Environmental issues were considered by Council during the preparation and incorporation of the Armstrong Creek East, Armstrong Creek North East Industrial and Armstrong Creek West Precinct Structure Plans.

Financial Implications

There are no financial implications directly related to this amendment.

No impact to budget.

Policy/Legal/Statutory Implications

The amendment makes proper use of the Victoria Planning Provisions by updating the relevant schedules to the Urban Growth Zone and General Residential Zone to reflect the new zones.

Alignment to City Plan

The Armstrong Creek Growth Area is nominated as a funding priority in the 2013-2017 City Plan. The amendment does not seek to modify any provisions in the Greater Geelong Planning Scheme that would result in modification to Council's intention to deliver a well planned and well resourced community within Armstrong Creek.

Officer Direct or Indirect Interest

In accordance with Section 80C of the *Local Government Act* no Council officers involved in this amendment have a direct or indirect interest.

Risk Assessment

The translation of the new zones into the relevant Precinct Structure Plan schedules within the Armstrong Creek Urban Growth Area does not represent any major risk to Council.

Social Considerations

The new zones will allow Council to continue to implement the vision for the Armstrong Creek community with regard to provision of services and infrastructure that are required to meet their needs.

Human Rights Charter

Officers have taken into consideration the Human Rights Charter relative to the subject matter of this report.

Consultation and Communication

This report is seeking Council approval of the Minister for Planning as the planning authority for this amendment. The Minister for Planning will determine any communication requirements for this amendment.

GREATER GEELONG PLANNING SCHEME

AMENDMENT C310

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The amendment has been made at the request of the City of Greater Geelong.

Land affected by the amendment

The amendment applies to the Armstrong Creek Urban Growth Area and, more particularly, the Precinct Structure Plan areas known as the North East Industrial Precinct (NEIP), Armstrong Creek East Precinct (ACEP) and Armstrong Creek West Precinct (ACWP).

Collectively, the three PSP's nominated above correspond to the work to date on the incorporation of components of the Armstrong Creek Urban Growth Area into the Greater Geelong Planning Scheme and represent an area of approximately 984 hectares currently available for urban development.

What the amendment does

The amendment introduces the new Residential and Commercial zones in accordance with the requirements of Planning Scheme Amendments VC100 and VC8

The amendment will:

- Introduce the General Residential Zone (GRZ) into the Greater Geelong Planning Scheme.
- Apply the General Residential Zone (GRZ) to Residential 1 zoned land within the Armstrong Creek Urban Growth Area.
- Insert Schedule 3 to the General Residential Zone (GRZ) into the Greater Geelong Planning Scheme.
- Apply the Commercial 1 Zone (C1Z) to Business 1 zoned land within the Armstrong Creek Urban Growth Area.
- Apply the Commercial 2 Zone (C2Z) to Business 4 zoned land within the Armstrong Creek Urban Growth Area.
- Amend the Urban Growth Zone Schedule 1 – North East Industrial Precinct to reflect zone changes.
- Amend the Urban Growth Zone Schedule 2 – Armstrong Creek East Precinct to reflect zone changes.
- Amend the Urban Growth Zone Schedule 3 – Armstrong Creek West Precinct to reflect zone changes.

Strategic assessment of the amendment

Why is the amendment required?

On the 1st of July 2013, the Minister for Planning introduced a suite of reformed planning zones along with the mandate that Council's introduce the new zones into their respective planning schemes within 12 months.

To enable this, Council's have been required to review their existing policies and strategic work, or undertake significant additional work, to inform decisions about the way the revised zones would be applied.

For the purposes of new zones, the City of Greater Geelong took an approach that excluded the easily defined urban growth area of Armstrong Creek from the larger body of strategic work that has been required to facilitate the introduction of the reformed zones across a municipality as large and diverse in its land-uses as the City of Greater Geelong.

As a result, this amendment focuses only on the application of the new zones within the Armstrong Creek Urban Growth Area.

The amendment represents a 'direct translation' between existing and new zones and looks to introduce the General Residential Zone (GRZ) as a replacement for the Residential 1 Zone, the Commercial 1 Zone (C1Z) as a replacement for the Business 1 Zone and the Commercial 2 Zone (C2Z) as a replacement for the Business 4 Zone.

How does the amendment implement the objectives of planning in Victoria?

The amendment appropriately implements the objectives of planning in Victoria in accordance with those detailed in Section 4 of the *Planning and Environment Act 1987*

How does the amendment address any environmental, social and economic effects?

The existing and future development of the Armstrong Creek Urban Growth Area will not be affected by the introduction of the new zones. The new zones will aid the economic development of the ACUGA through the introduction of a suite of Section 1 uses whilst not compromising establishing retail and commercial hierarchies.

Does the amendment address relevant bushfire risk?

The amendment is consistent with the Bushfire Mapping prepared by the Department of Transport, Planning and Local Infrastructure.

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

The amendment complies with the following relevant Ministerial Directions:

Section 7(5) – Ministerial Direction - The form and content of planning schemes

This amendment is consistent with the Ministerial Direction on the form and content of planning schemes.

Section 12(2)(a) – Ministerial Direction 11 – Strategic Assessment of Amendments

The amendment has been reviewed in accordance with the Ministerial Direction with the specific requirements of the Direction addressed in this Explanatory Report.

Section 12(2)(a) – Ministerial Direction 12 – Urban Growth Areas

The amendment has been prepared giving due consideration to the requirements of the Ministerial Direction on Urban Growth Areas.

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

The amendment is generally policy neutral and is required to update the schedules to the Urban Growth Zone and include a Schedule to the General Residential Zone in response to the new zones.

Clause 11 – Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 11.02-2 – Planning for Growth Areas

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.

Clause 17.01 – Commercial

To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendments are generally policy neutral and are required to update the schedules to the Urban Growth Zone as a response to the new zones.

Detailed Precinct Structure planning, and assessment against the LPPF and MSS, has already been undertaken during the preparation, exhibition and incorporation of the Armstrong Creek East, Armstrong Creek West and North East Industrial Precinct Structure Plans.

As a result, the zone translation will not compromise the vision or implementation of these plans.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions through the translation of the reformed zones into the Greater Geelong Planning Scheme for the Armstrong Creek Urban Growth Area.

How does the amendment address the views of any relevant agency?

The replacement of current zones with the new zones is generally policy neutral and a State Government requirement. Significant consultation with relevant agencies was undertaken by the Reformed Zones Advisory Committee.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The incorporated Precinct Structure Plans have all been prepared and adopted in accordance with the requirements of the Transport Integration Act. The application of the new zones will not have an adverse impact on the delivery of the Precinct Structure Plans and, therefore, not significantly impact either the existing or proposed transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendments will not adversely affect the resource and administrative costs of the Responsible Authority.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Greater Geelong
100 Brougham Street
GEELONG VIC 3220

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C310

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Zones – Clause 32.08 insert Schedule 3 in the form of the attached document.
2. In Zones – Clause 37.07, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
3. In Zones – Clause 37.07, replace Schedule 2 with a new Schedule 2 in the form of the attached document.
4. In Zones – Clause 37.07, replace Schedule 3 with a new Schedule 3 in the form of the attached document.

End of document

04/07/2013
Proposed
C310

SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ3**.

ARMSTRONG CREEK URBAN GROWTH AREA

1.0

Permit requirement for construction or extension of one dwelling on a lot

04/07/2013
Proposed
C310

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

A permit is not required for the construction or carrying out of buildings and works associated with a display home on a lot over 300 square metres.

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code (GAA . August 2011).

2.0

Requirements of Clause 54 and Clause 55

04/07/2013
Proposed
C310

	Standard	Requirement
Minimum street setback	A3 and B6	<u>None specified</u>
Site coverage	A5 and B8	<u>None specified</u>
Permeability	A6 and B9	<u>None specified</u>
Landscaping	B13	<u>None specified</u>
Side and rear setbacks	A10 and B17	<u>None specified</u>
Walls on boundaries	A11 and B18	<u>None specified</u>
Private open space	A17	<u>None specified</u>
	B28	<u>None specified</u>
Front fence height	A20 and B32	<u>None specified</u>

3.0

Maximum building height requirement for a dwelling or residential building

04/07/2013
Proposed
C310

None specified

4.0

Application requirements

07/07/2013
[Proposed
C310](#)

[None specified](#)

5.0

Decision guidelines

07/07/2013
[Proposed
C310](#)

[None specified](#)

Shown on the planning scheme map as **UGZ1**.

Armstrong Creek North East Industrial Precinct, Precinct Structure Plan (May 2010)

The Plan

03/06/2010
G207
Proposed
C310

Map 1 shows the future urban structure proposed in the incorporated *Armstrong Creek North East Industrial Precinct, Precinct Structure Plan* (May 2010).

Map 1 – Armstrong Creek North East Industrial Precinct Urban Structure Plan

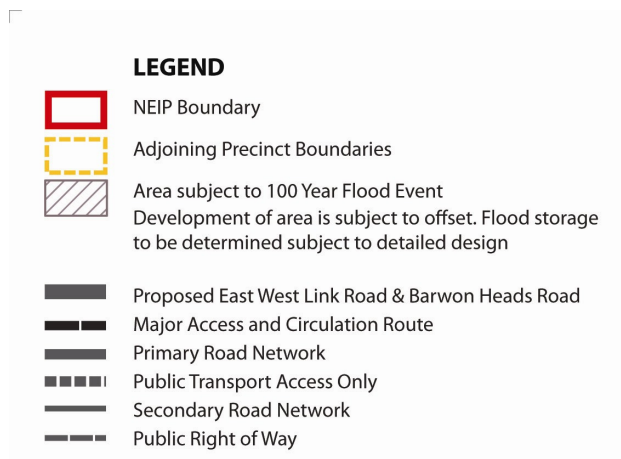
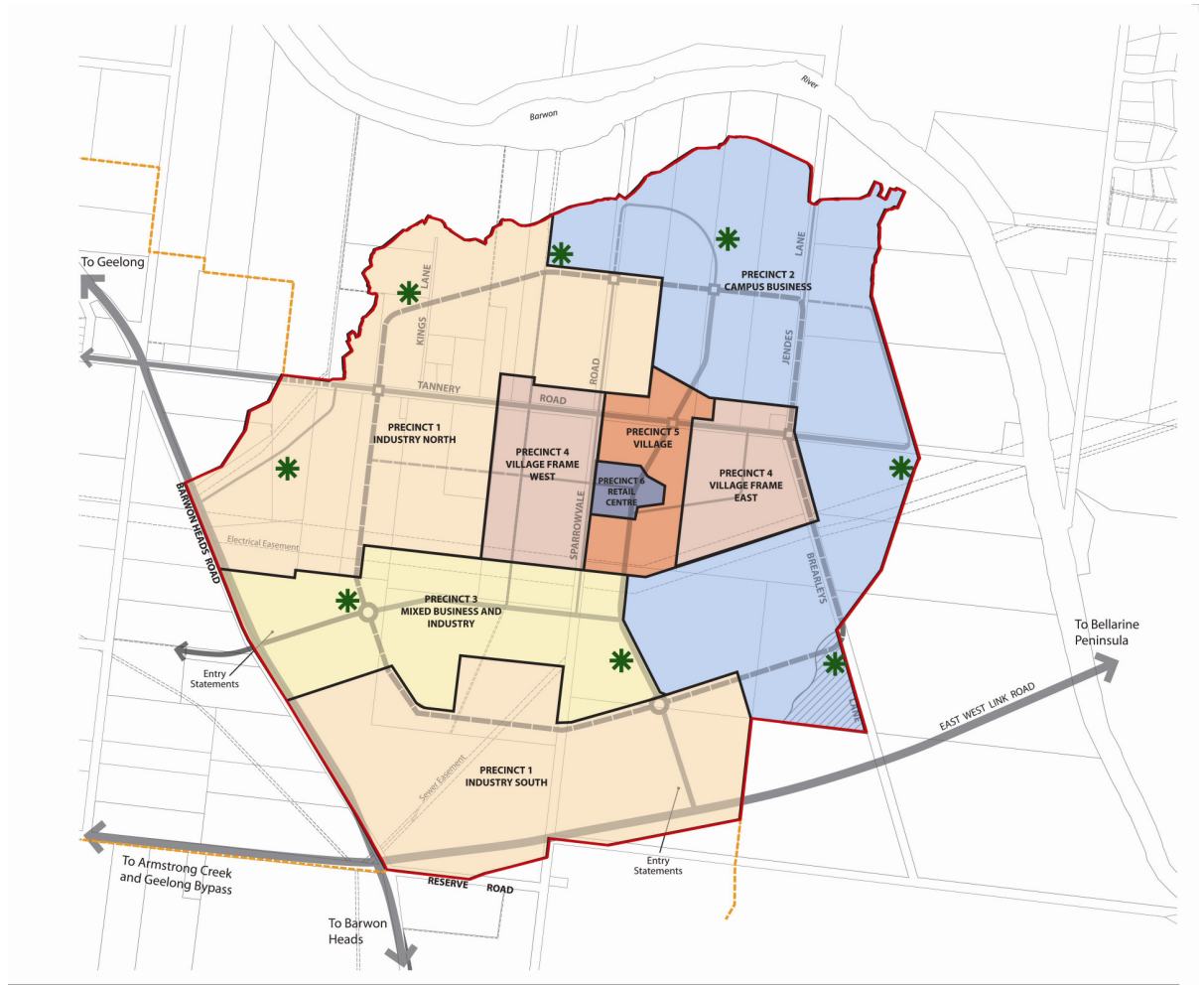


Use and development

03/06/2010
C207
Proposed
C310

The use and development provisions specified in this schedule apply to land as shown in Map 2 of this schedule.

Map 2 – Armstrong Creek North East Industrial Precinct Urban Structure Plan – Character Precinct names



2.1 Applied Zone Provisions

03/06/2010
C207
Proposed
C310

The provisions of the following zones in this scheme apply to land by reference to Map 2 of this schedule

Note: If any land shown in Map 2 is not zoned Urban Growth Zone, the provisions of this schedule do not apply.

Table 1: Applied zone provisions

Land shown on map 2 of this schedule	Applied zone
Precinct 1	Clause 33.01 - Industrial 1 Zone
Precinct 2	Clause 33.01 - Industrial 1 Zone
Precinct 3	Clause 34.04 - Business 4 Zone Commercial 2 Zone
Precinct 4	Clause 32.04 - Mixed Use Zone
Precinct 5	Clause 32.04 - Mixed Use Zone
Precinct 6	Clause 34.01 - Business 1 Zone Commercial 1 Zone

[The precise boundary of the Commercial 1 Zone will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority.](#)

[The precise boundary of the Commercial 2 Zone will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority.](#)

[The precise boundary of the Industrial 1 Zone will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority.](#)

[The precise boundary of the Mixed Use Zone will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority.](#)

2.2 Specific provisions – Use of land

03/06/2010
C207
Proposed
C310

Any condition opposite the use must be met. If the condition is not met, the applied zone provisions apply except where the use is expressly prohibited in the table below.

Precincts 1 and 2 - Industrial 1 Zone

Use	Condition
Accommodation (other than Residential Hotel)	Prohibited in Precinct 1 and 2.
Child care centre	Permit Required. Prohibited unless the use is located in a local node in which case a permit is required.
~~Conference centre~~	~~Permit required.~~ ~~Must be located in Precinct 2.~~

Use	Condition
Convenience shop	Permit required. Prohibited unless the use is located in a local node.
Food and drink premises	Permit required. Prohibited unless the use is located in a local node.
<u>Function Centre</u>	<u>Permit required.</u> <u>Must be located in Precinct 2.</u>
Industry	Permit required. Despite the provisions of the Industrial 1 zone may locate within 30metres of an education facility or child care centre provided the use meets the requirements of clause 52.10
Office	Permit required. There is no floor space limit on each use or in aggregate
<u>Residential Hotel</u>	<u>Permit required.</u> <u>Must be located in Precinct 2.</u>
Restricted retail premises	Permit required in Precinct 1. There is no floor space limit on each use or in aggregate in Precinct 1. Prohibited in Precinct 2.
<u>Serviced apartments</u>	<u>Permit required.</u> <u>Must be located in Precinct 2.</u>
Shipping container storage	Permit required in Precinct 1. Must meet the requirements of Clause 52.33. Shipping containers must not be visible from the street or public open space. Prohibited in Precinct 2.
<u>Shop (other than Convenience Shop)</u>	<u>Prohibited in Precinct 1 & 2</u>
Trade supplies	No permit required in Precinct 1. Prohibited in Precinct 2.
Warehouse <u>(other than Shipping Container Storage)</u>	Permit required. Despite the provisions of the Industrial 1 zone may locate within 30metres of an education facility or child care centre provided the use meets the requirements of clause 52.10

Precinct 3 - Business 4 Zone-Commercial 2 Zone

Use	Condition
<u>Accommodation (other than Dwelling)</u>	<u>Prohibited in Precinct 3.</u>
Child Care centre	No permit required. Must be located in a local node.
Convenience shop	No permit required. Must be located in a local node.

Use	Condition
Dwelling	Permit required. Must be within 200m of Precincts 4 or 5. Any frontage at ground floor level must not exceed 2 metres.
~~Equestrian Supplies~~	~~No permit is required for occupation with a leasable floor area of less than 500sqm. Ground level frontage must not exceed 10metres to Keystone or Gateway Avenue~~
Food and drink premises	No permit required. Must be located in a local node.
Industry	Permit required. Despite the provisions of the Business 4 Zone may locate within 30metres of an education facility or child care centre provided the use meets the requirements of clause 52.10
~~Lighting Shop~~	~~No permit is required for occupation with a leasable floor area of less than 500sqm. Ground level frontage must not exceed 10metres to Keystone or Gateway Avenue~~
Manufacturing Sales	No permit required. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Office	Permit required. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue. There is no floor space limit on each use or in aggregate
~~Party Supplies~~	~~No permit is required for occupation with a leasable floor area of less than 500sqm. Ground level frontage must not exceed 10metres to Keystone or Gateway Avenue~~
~~Restricted Retail~~	~~No permit required for occupation with a leasable floor area of less than 1000sqm. Ground level frontage must not exceed 10metres to Keystone or Gateway Avenue~~
Trade Supplies	No permit required. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Warehouse	No permit required. Despite the provisions of the ~~Business 4~~ <u>Commercial 2</u> -zone may locate within 30 metres of an education facility or child care centre provided the use meets the requirements of clause 52.10

Precincts 4 and 5 - Mixed Use Zone

Use	Condition
<u>Accommodation (other than Dwelling, Group Accommodation and Residential hotel)</u>	<u>Prohibited in Precincts 4 and 5.</u>

Use	Condition
Dwelling	No permit required. Any frontage at ground floor level must not exceed 2 metres.
Group accommodation	Permit required. Any frontage at ground floor level must not exceed 8 metres.
Residential aged care facility	Prohibited.
Residential hotel	Permit required
Shop (except for Bottle shop, Convenience shop and Restricted retail premises)	Prohibited
Trade Supplies	No permit required. Any frontage at ground floor level must not exceed 6 metres.

Precinct 6 - ~~Business 1 Zone~~Commercial 1 Zone

Use	Condition
Shop	No permit required. Maximum floorspace must not exceed 2800sqm leasable floor area.
Trade Supplies	No permit is required provided that the floor area of each use does not exceed 100sqm and ground floor frontage does not exceed 6m.
Manufacturing sales	No permit is required provided that the floor area of each use does not exceed 100sqm and ground floor frontage does not exceed 6m.

2.3

Specific provisions – Resolution of doubt

03/06/2010
C207

Where the provisions specified in this schedule are uncertain, a permit may be granted for any use or development for any land included in Map 2 above, if the responsible authority is satisfied that the use and development of the land is in accordance with the incorporated Armstrong Creek North East Industrial Precinct, Precinct Structure Plan, May 2010.

2.4

Specific provisions – Provision of reticulated recycled water

03/06/2010
C207

All newly created lots and buildings must be connected to a reticulated recycled water supply system for toilet flushing and garden watering. Where a reticulated recycled water supply system is not available to the building, a building must be connected to a rain water tank with a minimum capacity of 2500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority.

2.5

Exemptions from permit requirements

03/06/2010
C207

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

- The installation of an automatic teller machine in Precinct 5 as identified in Map 2 of this schedule.

- An alteration to an existing building facade in Precinct 5 as identified in Map 2 of this schedule, provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 percent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

3.0

03/06/2010
C207

Application requirements

An application to use land must be accompanied by a written statement confirming the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out on the land.
- The likely effects, if any on adjoining land, including noise levels, air-borne emissions, emissions to land or water, traffic, including the hours of delivery and dispatch of goods or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- How the application applies with the relevant requirements within the North East Industrial Precinct, Precinct Structure Plan.
- A report and investigation into potential contamination issues prepared by a suitably qualified consultant to the satisfaction of the Responsible Authority where applicable.
- If an industry or warehouse:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a Works Approval, or Waste Discharge Licence is required from the Environmental Protection Agency.
 - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
 - How the application applies with the relevant requirements within the North East Industrial Precinct, Precinct Structure Plan.

An application to construct a building or construct or carry out works must be accompanied by 3 copies of plans drawn to scale and a written statement providing the following information, as appropriate:

- How the application applies with the relevant requirements within the North East Industrial Precinct, Precinct Structure Plan.
- A report and investigation into potential contamination issues prepared by a suitably qualified consultant to the satisfaction of the Responsible Authority where applicable.
- the site context, including details of adjacent development;
- The boundaries and dimensions of the site and any site features.
- site plan, elevations and floor plans
- Adjoining roads.
- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- Driveways and vehicle parking and loading areas.
- Any vegetation to be removed or retained.
- A landscape plan which provides details of the proposed landscaping of the site including details of existing and proposed vegetation and any hard landscaping.
- External storage and waste treatment areas.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed and a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

An application for subdivision must be accompanied by a three copies of a plan drawn to scale and a written statement addressing the following information, as appropriate:

- How the application applies with the relevant requirements within the North East Industrial Precinct, Precinct Structure Plan.
- A report and investigation into potential contamination issues prepared by a suitably qualified consultant to the satisfaction of the Responsible Authority where applicable.
- the dimensions and area of all lots and any balance lot;
- dimensions of all roads and access ways
- any areas of shared parking and details of the basis on which parking is to be shared
- easements for services and utilities;
- public open space and other reserves
- any vegetation to be removed or retained
- servicing details
- staging
- details of any proposed agreements or other management arrangements where the land is proposed to form part of an owners corporation.
- an indication of the proposed uses where known.

4.0 Conditions and requirements for permits

27/10/2011
C189

Any permit must contain conditions and requirements as appropriate which give effect to any relevant part of the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan, May 2010.

4.1

27/10/2011
C189
Proposed
C310

Conditions for subdivision or building and works permits where land is required for public open space, road widening and drainage

Public open space

Land identified as public open space in the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan and specified in Figure 11 – NEIP Open Space Plan and in Appendix 7 – NEIP Property Specific Passive Open Space Contributions Summary in the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan or any applicable Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless funded by the applicable Development Contributions Plan.

Public open space must be provided in accordance with Figure 11 – NEIP Open Space Plan and in Appendix 7 – NEIP Property Specific Passive Open Space Contributions Summary in the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan, prior to the issue of a Statement of Compliance (or other similar agreement). These contributions are subject to an equalisation for unencumbered open space.

Any public open space provided at the applicants request in addition to that reflected in Figure 11 – NEIP Open Space Plan and in Appendix 7 – NEIP Property Specific Passive Open Space Contributions Summary in the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

Road widening

Apart from land affected by a Public Acquisition Overlay, land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be referred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by an applicable Development Contributions Plan

Drainage

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Figure 13 – Water Sensitive Urban Design Plan and Figure 14 – Outfall Plan of the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan.

Requirements for Native Vegetation

Prior to the removal, destruction or lopping of any native vegetation including dead native vegetation an Offset Plan concerning the land must be prepared in accordance with Tables 6, 7 and 8 of the incorporated *Armstrong Creek North East Industrial Precinct Native Vegetation Precinct Plan May 2010* (NVPP) to the satisfaction of the Department of [Sustainability and Environment](#) and [Primary Industries](#) and the responsible authority.

Any permit application for land containing native vegetation identified by the NVPP, or land that is identified within the NVPP as an offset site must be referred to the Department of [Sustainability and Environment](#) and [Primary Industries](#).

5.0

03/06/2010
C207

Advertising signs

The following table specifies which category of Advertising control applies to each precinct as listed in Clause 52.05

PRECINCT	CATEGORY
Precinct 1 Precinct 2 Precinct 3	Category 2 – Office and industrial
Precinct 4 Precinct 5 Precinct 6	Category 1 – Business Areas

6.0

03/06/2010
C207

Decision guidelines

Before deciding on an application to subdivide, use and/or develop land the responsible authority must consider, as appropriate:

- Whether the application is consistent with the Armstrong Creek Urban Growth Plan, City of Greater Geelong, 2010.
- Whether the application is consistent with the Armstrong Creek North East Industrial Precinct, Precinct Structure Plan, May 2010.
- Whether the application is consistent with the Armstrong Creek North East Industrial Precinct Native Vegetation Precinct Plan, May 2010.
- Whether the application is consistent with the Armstrong Creek North East Industrial Precinct Development Contributions Plan, May 2010.
- Whether the application is consistent with the Armstrong Creek North East Industrial Precinct Growling Grass Frog Conservation Management Plan, May 2010.
- The effect that existing or designated uses on adjoining or nearby land may have on the proposed use.

- Whether the design has active frontages and promotes surveillance
- The design of the frontage façade, key interface and elevation treatments and boundaries to public open space to achieve a high quality urban design outcome.
- The effect that the proposed use may have on the amenity of the neighbourhood.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- The matters listed in Clause 65 as appropriate.
- Whether the application adequately responds to contamination issues.

7.0

03/06/2010
C207

References

Phase 1 Contamination and Geotechnical Technical Background Report, 25 August 2008 (Golder Associates)

Keystone Business Park - Economics Needs Assessment, 19 August 2009 (Conics)

Keystone Business Park Precinct Structure Plan Technical Background Report: Flora and Fauna values within the adjacent Barwon River floodplain, September 2009 (Ecology Partners)

Keystone Business Park Precinct Structure Plan Technical Background Report: Flora and Fauna, August 2008 (Ecology Partners)

Keystone Business Park, Marshall Precinct Structure Plan (Heritage Assessment), May 2009 (Terraculture Heritage Consultants)

East West Link Road Briefing Paper Assessment of Proposed Final Alignment, 23 April 2009 (Coomes Consulting Group)

East West Link Road Briefing Paper Technical Background Reports, April 2009 (Coomes Consulting Group)

Keystone Business Park Precinct Structure Plan Essential Services Servicing Report Version 2.6, 3 September 2009 (TGM Group)

Keystone Business Park Precinct Structure Plan Transport Impact Assessment GM17831, 31 August 2009 (GTA Consultants)

Transport and Road Network Feasibility Stage Road Safety Audit, September 2009 (CPG Australia)

Drainage Technical Report North East Industrial PSP, August 2009 (Water Technology)

Review of Drainage Technical Report Version V2 Final, 3 October 2009 (Neil M Craigie).

12/07/2012
C214
Proposed
C310

SCHEDULE 2 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ2**.

Armstrong Creek East Precinct Structure Plan (May 2010, Amended November 2011)

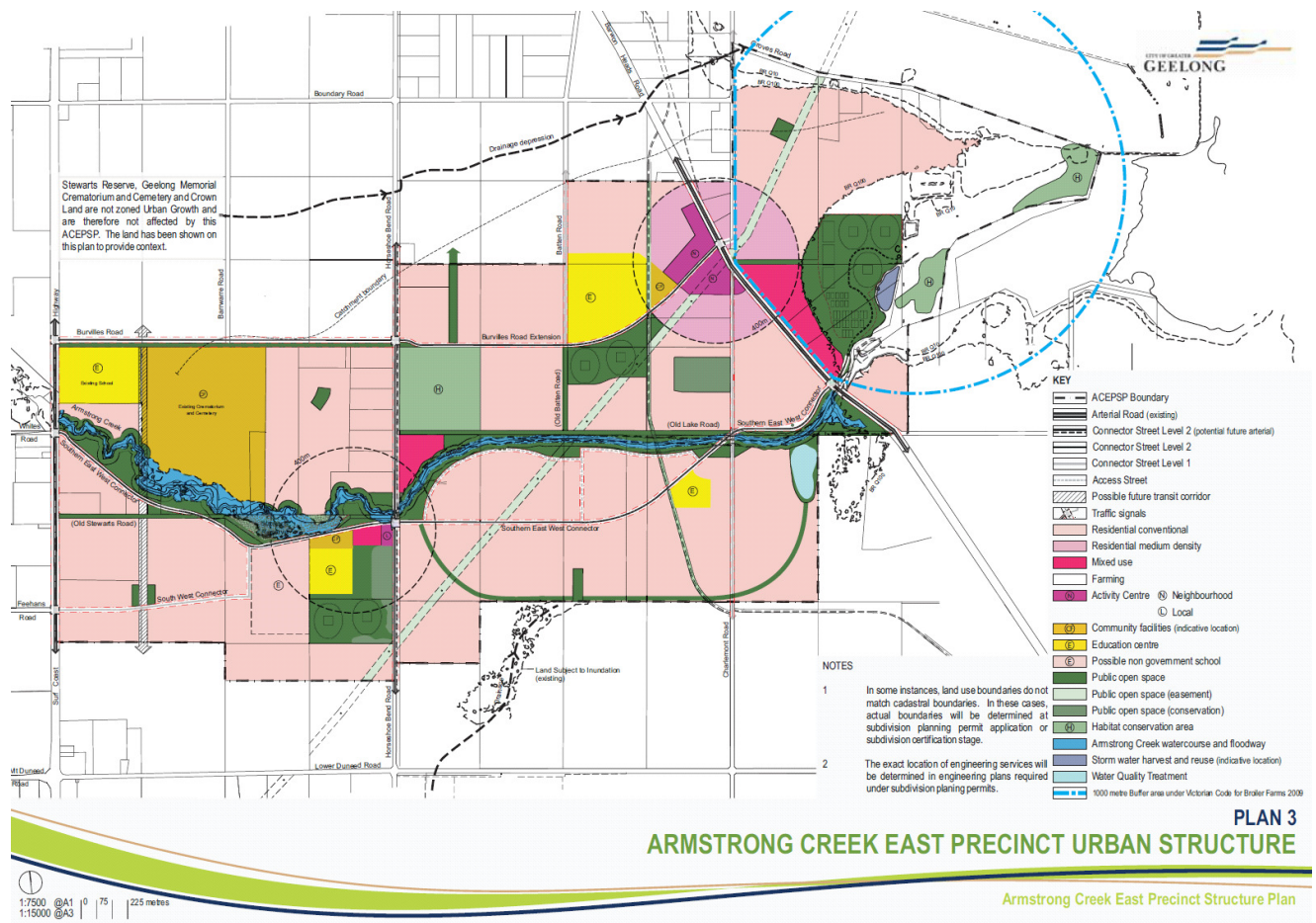
1.0

The Plan

12/07/2012
C214

Map 1 shows the future urban structure proposed in the incorporated *Armstrong Creek East Precinct Structure Plan* (May 2010, Amended November 2011).

Map 1 – Armstrong Creek East Precinct Urban Structure Plan



2.0

Use and development

03/06/2010
C206

2.1

The land

03/06/2010
C206

The provisions specified in this schedule only apply to land in the Armstrong Creek East Precinct (Map 1) that is zoned UGZ.

2.2

Applied zone provisions

03/06/2010
C206
Proposed
C310

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building and construction and carrying out of works, by reference to Map 1 of this schedule.

Table 1: Applied zone provisions

Land Shown On Map 1 Of This Schedule	Applied Zone Provisions
Residential conventional	Clause 32.01 - ~~Residential 1 Zone~~ General Residential Zone
Residential medium density	Clause 32.01 - ~~Residential 1 Zone~~ General Residential Zone
Mixed use	Clause 32.04 - Mixed Use Zone
Activity Centre - Neighbourhood Activity	Clause 34.01 - ~~Business 1 Zone~~ Commercial 1 Zone
Activity Centre - Local Activity	Clause 34.01 - ~~Business 1 Zone~~ Commercial 1 Zone
Community facilities	Clause 32.04 - Mixed Use Zone
Education centre	Clause 32.01 - ~~Residential 1 Zone~~ General Residential Zone
Public open space - Unencumbered	Clause 36.02 - Public Park and Recreation Zone
Public open space - encumbered	Clause 36.02 - Public Park and Recreation Zone
Habitat conservation area	Clause 35.06 - Rural Conservation Zone
Armstrong Creek watercourse and floodway	Clause 36.02 - Public Park and Recreation Zone
Storm water harvest and reuse	Clause 36.02 - Public Park and Recreation Zone
Farming	Clause 35.07 - Farming Zone
Retarding Basin	Clause 36.02 - Public Park and Recreation Zone

The precise boundary of the Commercial 1 Zone will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority.

The precise boundary of the Public Park and Recreation Zone will be determined by the Landscape Masterplan, approved as a condition of permit for subdivision.

2.3 Specific provisions – Use of land

03/06/2010
C206

The following provisions apply to the use of land.

Table 2: Use

Use	Condition
Display Home on land shown as residential or mixed use in Map 1 of this schedule	Despite any requirement under Clause 52.06, car parking must be provided to the satisfaction of the responsible authority.

Use	Condition
Dwelling (other than a dwelling used in conjunction with agriculture)	Must not be located within the broiler farm buffer area as shown on Plan 3 of the incorporated <i>Armstrong Creek East Precinct Structure Plan</i> while the land at 76-88 Groves Road continues to be used as a broiler farm.
Dwelling (used in conjunction with agriculture)	If located within the broiler farm buffer area as shown on Plan 3 of the incorporated <i>Armstrong Creek East Precinct Structure Plan</i> a permit is required.

2.403/06/2010
C206**Specific provisions - Buildings and works**

A permit is not required for the construction or carrying out of buildings and works associated with a display home on a lot over 300 square metres.

2.503/06/2010
C206**Specific provisions - Resolution of doubt**

If any doubt arises as to whether a provision specified in this schedule applies to land, a permit may be granted for any use or development if the responsible authority is satisfied that the use or development is in accordance with the incorporated *Armstrong Creek East Precinct Structure Plan*.

2.603/06/2010
C206**Specific provisions – Provision of reticulated recycled water**

All newly created lots and buildings must be connected to a reticulated recycled water supply system for toilet flushing and garden watering. Where a reticulated recycled water supply system is not available to the building, a building must be connected to a rain water tank with a minimum capacity of 2500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority.

3.003/06/2010
C206**Application requirements**

An application for use, buildings and works, or subdivision must be accompanied by a site assessment of the potential for contaminated land as a result of the previous land uses in areas proposed for a sensitive use (residential use, child care centre, pre-school centre or primary school). If the responsible authority is satisfied that this requirement is not relevant to the assessment of the application, it may waive or reduce the requirement.

Activity Centres

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the neighbourhood activity centre in the incorporated *Armstrong Creek East Precinct Structure Plan* until an urban design framework for the neighbourhood activity centre has been prepared to the satisfaction of the responsible authority.

Unless the responsible authority agrees, the urban design framework must address all of the land in the neighbourhood activity centre and be generally in accordance with the incorporated *Armstrong Creek East Precinct Structure Plan* and must address and respond to Section 4.5 of the incorporated *Armstrong Creek East Precinct Structure Plan* and any other relevant part of the incorporated *Armstrong Creek East Precinct Structure Plan* as appropriate.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to approval of an urban design framework if, in the opinion of the responsible authority, the grant of the permit will assist in achieving the objectives and the planning and design guidelines for the activity centre set out in the incorporated precinct structure plan.

The urban design framework may be amended to the satisfaction of the responsible authority.

Mixed Use Area East of Barwon Heads Road

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the mixed use area east of Barwon Heads Road in the incorporated *Armstrong Creek East Precinct Structure Plan* until an urban design framework for the mixed use area east of Barwon Heads Road has been prepared to the satisfaction of the responsible authority.

Unless the Responsible Authority agrees, the urban design framework must address all of the land in the mixed use area east of Barwon Heads Road and be generally in accordance with the incorporated *Armstrong Creek East Precinct Structure Plan* and must address and respond to Section 4.5 of the incorporated *Armstrong Creek East Precinct Structure Plan* and any other relevant part of the incorporated *Armstrong Creek East Precinct Structure Plan* as appropriate.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to approval of an urban design framework if, in the opinion of the responsible authority, the grant of the permit will assist in achieving the objectives and the planning and design guidelines for the mixed use area east of Barwon Heads Road set out in the incorporated precinct structure plan.

The urban design framework may be amended to the satisfaction of the responsible authority.

Subdivision

An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. In addition, the site analysis and design response must show or address the following to the satisfaction of the responsible authority.

- Integration with the existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape character.
- The staging of the development.
- Where appropriate, the location of proposed planned community infrastructure, public open space areas and their recreation function.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of springs on the development and the impact of the development on drainage.
- An application for a residential subdivision of 10 lots or more must be accompanied by:
 - a written statement that explains how the subdivision meets the objectives and planning and design guidelines for the Image and Character and Subdivision and Housing elements of the incorporated *Armstrong Creek East Precinct Structure Plan*.
 - subdivision and housing guidelines.

If the responsible authority is satisfied that an application requirement is not relevant to the assessment of an application, the responsible authority may waive any of the above requirements.

4.0

Conditions and requirements for permits

12/07/2012
C214

Any permit must contain conditions and requirements as appropriate which give effect to any relevant part of the incorporated *Armstrong Creek East Precinct Structure Plan*.

4.1

03/06/2010
C206
Proposed
C310

Conditions for subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage.

Public open space and community facilities

Land identified as public open space or community facilities in the incorporated *Armstrong Creek East Precinct Structure Plan* and specified on Plan 3 - Urban Structure Plan and in Table 1 -Land Use Budget in the incorporated *Armstrong Creek East Precinct Structure Plan* or any applicable Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless funded by the applicable Development Contributions Plan.

Public open space must be provided in accordance with Plan 3 - Urban Structure Plan and Appendix 1 - Detailed Land Use Budget by Property in the incorporated *Armstrong Creek East Precinct Structure Plan*, prior to the issue of a Statement of Compliance (or as otherwise agreed with the responsible authority). These contributions are subject to an equalisation for unencumbered open space.

Any public open space provided at the applicants request in addition to that reflected in Plan 3 - Urban Structure Plan and Appendix 1 - Detailed Land Use Budget by Property in the incorporated *Armstrong Creek East Precinct Structure Plan*, must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

Road widening

Apart from land affected by a Public Acquisition Overlay, land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be referred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by an applicable Development Contributions Plan.

Drainage

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 26 of the incorporated *Armstrong Creek East Precinct Structure Plan*.

Flood Mitigation

Any permit application for land that is shown to be subject to flooding in a 1 in 100 year event as detailed on Plan 18 (Flood boundary for existing conditions Q100) in the incorporated *Armstrong Creek East Precinct Structure Plan* must be referred to the relevant Catchment Management Authority.

Requirements for Native Vegetation

Prior to the removal, destruction or lopping of any native vegetation including dead native vegetation an Offset Plan concerning the land must be prepared in accordance with Tables 5 and 6 of the incorporated *Armstrong Creek East Native Vegetation Precinct Plan* (NVPP) to the satisfaction of the Department of ~~Sustainability and~~ Environment and Primary Industries and the responsible authority.

Any permit application for land containing native vegetation identified by the NVPP, or land that is identified within the NVPP as an offset site must be referred to the Department of [Sustainability and Environment](#) and [Primary Industries](#).

5.0

03/06/2010
C206

Advertising signs

The advertising category is the category which is applicable for the relevant applied zone.

Despite the provisions of Clause 52.05, a permit may be granted to display an advertising sign that promotes the sale of land or dwellings, whether or not the advertising sign is located on the land for sale.

6.0

12/07/2012
[C244](#)
[Proposed](#)
[C310](#)

Decision guidelines

Before deciding on an application to subdivide, use and/or develop land the responsible authority must consider, as appropriate:

- Whether the application is consistent with the *Armstrong Creek Urban Growth Plan*, City of Greater Geelong, 2010 [8 \(amended May 2010 & September 2012\)](#).
- Whether the application is consistent with the incorporated *Armstrong Creek East Native Vegetation Precinct Plan*, May 2010.
- Whether the application is consistent with the incorporated *Armstrong Creek East Precinct Structure Plan*, May 2010 [\(amended November 2011\)](#) including any approved Urban Design Frameworks.
- Whether the application is consistent with the incorporated *Armstrong Creek East Precinct Development Contributions Plan*, Version 4.1 Alternate Version November 2011

7.0

03/06/2010
C206

References

Detailed Ecological Assessment Armstrong Creek East Precinct, SMEC, 18 October 2009

Armstrong Creek Eastern Precinct Traffic Impact Assessment, Cardno Grogan Richards, 14 October 2009

Stormwater Management Strategy for the Armstrong Creek East Precinct: Analysis of Integrated Stormwater Management Strategies Final Report, Bonacci Water, October 2009

Armstrong Creek, East Precinct Neighbourhood Activity Centre, Pitney Bowes, September 2009

Armstrong Creek East Precinct Heritage Background Study and Implications for Development, Andrew Long + Associates, 22 September 2009

Armstrong Creek East Precinct Infrastructure Servicing Report, SMEC Urban, October 2009

07/03/2013
C240
Proposed
C310

SCHEDULE 3 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ3**.

Armstrong Creek West Precinct Structure Plan September 2012

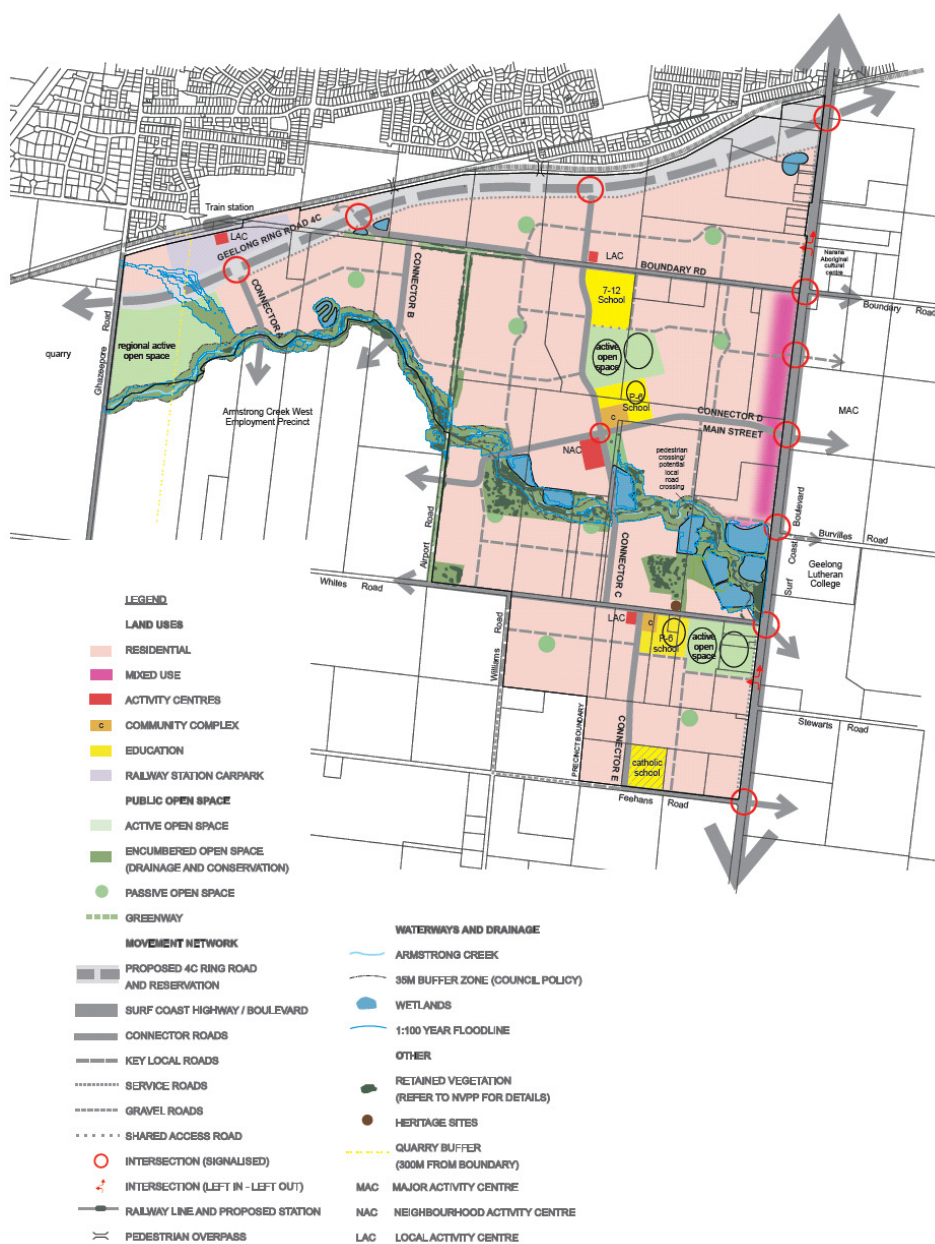
1.0

The Plan

07/03/2013
C240

Map 1 shows the future urban structure outlined in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012)

Map 1 – Armstrong Creek West Precinct Structure Plan



2.0 Use and development

07/03/2013
C240

2.1 The land

07/03/2013
C240

The provisions specified in this schedule only apply to land in the Armstrong Creek West Precinct (Map 1) that is zoned UGZ.

2.2 Applied zone provisions

07/03/2013

[C240](#)
[Proposed](#)
[C310](#)

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building and construction and carrying out of works, by reference to Map 1 of this schedule.

Table 1: Applied zone provisions

Land shown on map 1 of this schedule	Applied zone provisions
Residential	Clause 32.01 - ~~Residential 1 Zone~~ General Residential Zone
Mixed use	Clause 32.04 - Mixed Use Zone
Activity Centre - Neighbourhood Activity (NAC)	Clause 34.01 - ~~Business 1 Zone~~ Commercial 1 Zone
Activity Centre - Local Activity (LAC)	Clause 34.01 - ~~Business 1 Zone~~ Commercial 1 Zone
Community complex	Clause 32.04 - Mixed Use Zone
Education	Clause 32.01 - ~~Residential 1 Zone~~ Commercial 1 Zone
Active open space	Clause 36.02 - Public Park and Recreation Zone
Passive open space	Clause 36.02 - Public Park and Recreation Zone
Encumbered open space (drainage and conservation)	Clause 36.02 - Public Park and Recreation Zone
Armstrong Creek watercourse and floodway	Clause 36.02 - Public Park and Recreation Zone
Wetlands	Clause 36.02 - Public Park and Recreation Zone

The precise boundary of the ~~Business-Commercial~~ [1 Zone](#) for local activity centres will be determined by the designation of land in a relevant plan of subdivision as a local centre to the satisfaction of the Responsible Authority.

The precise boundary of the ~~Business-Commercial~~ [1 Zone](#) for neighbourhood activity centres will be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the Responsible Authority and as informed by the Urban Design Framework approved by the Responsible Authority.

The precise boundary of the Mixed Use Zone will be determined by the designation of land in a relevant plan of subdivision as a mixed use area to the satisfaction of the Responsible Authority and as informed by the Urban Design Framework approved by the Responsible Authority.

The precise boundary of the Public Park and Recreation Zone will be determined by the Landscape Masterplan, approved as a condition of permit for subdivision.

2.3 Specific provisions – Use of land

07/03/2013
C240

The following provisions apply to the use of land.

Table 2: Use

Use	Condition
Display Home on land shown as residential or mixed use in Map 1 of this schedule	Despite any requirement under Clause 52.06, car parking must be provided to the satisfaction of the Responsible Authority.
Restaurant/Food and Drink Premises (Cafe) Real Estate Agency Office (temporary)	The land identified within the Mixed Use area as 'potential restaurant/café and/or 'temporary real estate office' on Plan 10 in the <i>Armstrong Creek West Precinct Structure Plan (September 2012)</i> may, subject to a permit, be used and developed for the purposes of restaurant, café and/or temporary real estate agency office.

2.4 Specific provisions – Buildings and works

07/03/2013
C240

~~A permit is not required for the construction or carrying out of buildings and works associated with a display home on a lot over 300 square metres.~~

~~A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code (forming part of the *Armstrong Creek West Precinct Structure Plan (September 2012)*).~~

2.5 Specific provisions - Resolution of doubt

07/03/2013
C240

If any doubt arises as to whether a provision specified in this schedule applies to land, a permit may be granted for any use or development if the Responsible Authority is satisfied that the use or development is generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan (September 2012)*.

2.6 Specific provisions – Provision of reticulated recycled water

07/03/2013
C240

All newly created lots and buildings must be connected to a reticulated recycled water supply system for toilet flushing and garden watering. Where a reticulated recycled water supply system is not available to the building, a building must be connected to a rain water tank with a minimum capacity of 2500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the Responsible Authority.

3.0 Application requirements

07/03/2013
C240

An application for use, buildings and works, or subdivision must take into consideration the Phase 1 Report on Contamination and Geotechnical Opportunities and Constraints undertaken by Golder Associates (9 November 2010) for the *Armstrong Creek West Precinct*.

An application for use, buildings and works, or subdivision in areas identified in the Golder Associates report as specific areas requiring further assessment must be accompanied by an Environmental Assessment in areas proposed for a sensitive use (public open space, residential use, child care centre, pre-school centre or primary school), to the satisfaction of the Responsible Authority. If the Responsible Authority is satisfied that this requirement is not relevant to the assessment of the application, it may waive or reduce the requirement.

An Environmental Assessment must include assessment of the land by a suitably qualified environmental professional detailing the level and location of any contamination. This

assessment is to be peer reviewed by a suitably qualified environmental professional approved by Council. If the Responsible Authority is satisfied that significant levels of contamination have been found:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environmental Protection Act 1970*, or
- An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of the *Environmental Protection Act 1970* that the environmental condition of the land are suitable for the sensitive use.

Activity Centres

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within land identified as the Armstrong Creek West Precinct Neighbourhood Activity Centre and land identified as the Armstrong Creek West Precinct Train Station Local Activity Centre in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012), until an urban design framework has been prepared for these centres to the satisfaction of the Responsible Authority.

Unless the Responsible Authority agrees otherwise, the urban design framework must address all of the land in the Armstrong Creek West Precinct Neighbourhood Activity Centre and the Armstrong Creek West Precinct Train Station Local Activity Centre and must be generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan* and must address and respond to Section 4.5 and Appendix 6 of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) and any other relevant part of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) as appropriate.

A permit may be granted for the use or subdivision of land, to construct a building or construct and carry out works prior to approval of an urban design framework for the Armstrong Creek West Precinct Neighbourhood Activity Centre and the Armstrong Creek West Precinct Train Station Local Activity Centre if, in the opinion of the Responsible Authority, the granting of the permit will assist in achieving the objectives, the relevant planning and design guidelines and provisions of Appendix 6 for the Neighbourhood Activity Centre set out in the incorporated Armstrong Creek West Precinct Structure Plan.

The urban design framework may be amended to the satisfaction of the Responsible Authority.

Mixed Use Area West of Surf Coast Highway

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the mixed use area west of Surf Coast Highway in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) until an urban design framework for the mixed use area has been prepared to the satisfaction of the Responsible Authority.

The urban design framework for the mixed use area west of the Surf Coast Highway must be generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) and must address and respond to Section 4.5 of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) and any other relevant part of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) as appropriate.

A permit may be granted for the use or subdivision of land or to construct a building or construct and carry out works prior to approval of an urban design framework if, in the opinion of the Responsible Authority, the grant of the permit will assist in achieving the objectives and the planning and design guidelines for the mixed use area west of Surf Coast Highway set out in the incorporated precinct structure plan.

The urban design framework may be amended to the satisfaction of the Responsible Authority.

Subdivision

Site analysis

An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. The site analysis must address or provide the following to the satisfaction of the Responsible Authority:

- A summary of relevant background technical reports previously prepared for the *Armstrong Creek West Precinct*.
- A consolidated site analysis plan in digital and hard copy format that depicts all relevant site analysis information.

Design response

The design response must address or provide the following to the satisfaction of the Responsible Authority:

- A written statement that explains how the subdivision meets the objectives and planning and design guidelines for the *Image and Character* and *Subdivision and Housing* elements of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012).
- A Density Strategy which applies to the entire land holdings of an applicant and demonstrates that the proposed subdivision achieves the density targets set out in the *Armstrong Creek West Precinct Structure Plan*. The Density Strategy should include a table which identifies the net developable residential area, the number of lots proposed, the average lot size as well as the overall density achieved. The Density Strategy should also consider and respond to any already approved Density Strategies as part of other subdivisions within the *Armstrong Creek West Precinct Structure Plan* (September 2012) area.
- Integration with the existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape character.
- The staging of the development.
- Where appropriate, the location of proposed planned community infrastructure, public open space areas and their recreation function.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of springs on the development and the impact of the development on drainage.
- An assessment against the 'three step approach' (avoid, minimise and offset) pursuant to the Native Vegetation Management Framework for all vegetation identified as 'practical retention trees' in Appendix B of the *Armstrong Creek West Native Vegetation Precinct Plan*.

If the Responsible Authority is satisfied that an application requirement is not relevant to the assessment of an application, the Responsible Authority may waive any of the above requirements.

An application must be accompanied by a Precinct Infrastructure Plan which addresses the following:

- the provision, staging and timing of stormwater drainage works.
- what land may be affected or required for the provision of infrastructure works.
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.

- the landscaping of any land.
- the provision of public open space and land for any community facilities.
- what, if any, infrastructure set out in the *Armstrong Creek West Development Contributions Plan* is sought to be provided as “works in lieu” subject to the consent of the collecting agency.
- any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

4.0

Notice of an application

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Notice of any application for a permit affecting land identified by the *Armstrong Creek West Native Vegetation Precinct Plan* as an offset site must be given to the Department of ~~Sustainability and Environment~~ and Primary Industries pursuant to Section 52(1)(d) of the *Planning and Environment Act 1987*.

5.0

Referral of an application

07/03/2013
C240
Proposed
C310

An application for the removal of vegetation identified as ‘retained vegetation’ in the *Armstrong Creek West Native Vegetation Precinct Plan* must be referred to the Department of ~~Sustainability and Environment~~ and Primary Industries pursuant to Section 55 of the *Planning and Environment Act*.

Any application relating to land that is shown to be subject to flooding in a 1 in 100 year event as detailed on Plan 19 (Flood boundary for existing conditions Q100) in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012) must be referred to the relevant Catchment Management Authority.

6.0

Conditions and requirements for permits

07/03/2013
C240

General Requirements

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Armstrong Creek West Precinct Structure Plan* (September 2012) and the *Armstrong Creek West Native Vegetation Precinct Plan* are implemented as part of the planning permit or the plans endorsed under the planning permit.

Requirements for Neighbourhood Activity Centre and Mixed Use Area along Surf Coast Highway

The subdivision, development or use of the Neighbourhood Activity Centre or Mixed Use Area along Surf Coast Highway must be generally in accordance with the relevant Urban Design Framework approved by the Responsible Authority.

Requirements for implementation of Environmental Assessments

If a statement by an environmental auditor is provided rather than a certificate of environmental audit, and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, those conditions must be inserted as conditions of permit and must be implemented to the satisfaction of the Responsible Authority.

Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the Responsible Authority, which identifies the lots that will include a restriction which reads “The construction or extension of a dwelling on lots identified on this plan must be assessed for compliance against the Small Lot Housing Code ~~(forming part of the Armstrong Creek West Precinct Structure Plan)~~”. This restriction must also be shown on the plan of subdivision submitted for certification to the satisfaction of the Responsible Authority.

6.1

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C240

Conditions for subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage

Public open space and community facilities

Land identified as public open space or community facilities in the incorporated *Armstrong Creek West Precinct Structure Plan* and specified on Plan 3 - Urban Structure Plan and in Table 1 -Land Use Budget in the incorporated *Armstrong Creek West Development Contributions Plan* must be transferred to or vested in Council at no cost to Council unless funded by the Development Contributions Plan.

Public open space must be provided in accordance with Plan 6 Public Open Space in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012), prior to the issue of a Statement of Compliance for the relevant stage (or as otherwise agreed with the Responsible Authority). These contributions are subject to an equalisation for unencumbered open space.

Any public open space provided at the applicants request and approved by the Responsible Authority, in addition to that reflected in Plan 3 - Urban Structure Plan and Appendix 1 - Detailed Land Use Budget by Property in the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012), must be transferred to or vested in Council at no cost to Council and is not subject to compensation or equalisation.

Road widening

Apart from land affected by a Public Acquisition Overlay, land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must transferred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by the *Armstrong Creek West Development Contributions Plan*.

Drainage

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 19 of the incorporated *Armstrong Creek West Precinct Structure Plan* (September 2012).

7.0

07/03/2013
C240

Advertising signs

The advertising category is the category which is applicable for the relevant applied zone.

Despite the provisions of Clause 52.05, a permit may be granted to display an advertising sign that promotes the sale of land or dwellings, whether or not the advertising sign is located on the land for sale.

Education promotion signs

Despite the provisions of Clause 52.05, a permit may be granted, for a period of no more than 5 years, to display an advertising sign that promotes an education centre on land identified as education on Map 1 to this Schedule.

8.0

07/03/2013
C240

Decision guidelines

Before deciding on an application to subdivide, use and/or develop land the Responsible Authority must consider, as appropriate:

- Whether the application is generally in accordance with the *Armstrong Creek Urban Growth Plan Framework*, City of Greater Geelong, November ~~2008~~ [2010](#), Amended [May 2010 and](#) September 2012.
- Whether the application is generally in accordance with the incorporated *Armstrong Creek West Precinct Structure Plan*, September 2012 including any approved Urban Design Frameworks.
- Whether the application is generally in accordance with the incorporated *Armstrong Creek West Native Vegetation Precinct Plan*, November 2012.
- Whether the application is generally in accordance with the incorporated *Armstrong Creek West Development Contributions Plan*, February 2013.

9.0

07/03/2013
~~C240~~
[Proposed](#)
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References

Armstrong Creek West Precinct Phase 1 Assessment Report on Contamination and Geotechnical Opportunities and Constraints, 9 November 2010

~~*Small Lot Housing Code Standards*, GAA, August 2011~~

6. AMENDMENT C259 - HORSESHOE BEND PRECINCT STRUCTURE PLAN

Portfolio:	Planning - Cr Heagney
Source	Planning & Tourism
General Manager:	Peter Bettess
Index Reference	C259 - Armstrong Creek Horseshoe Bend

Purpose

The public exhibition period for Amendment C259 concluded on January 17 2014 with a total of 42 submissions received. The purpose of this report is to present a summary of the issues raised in submissions and seek a Council Resolution to request that the Minister for Planning appoint an independent Panel.

Summary

- This report considers submissions to *Greater Geelong Planning Scheme – Amendment C259 Horseshoe Bend Precinct Structure Plan*.
- The amendment has been initiated by Council.
- The amendment seeks to incorporate the *Horseshoe Bend Precinct Structure Plan*, *Horseshoe Bend Development Contributions Plan* and *Horseshoe Bend Native Vegetation Precinct Structure Plan* into the Greater Geelong Planning Scheme. The Horseshoe Bend Urban Structure Plan is included at **Appendix 1** of this report.
- The amendment was exhibited between 5 December 2013 and 17 January 2014.
- A total of 42 submissions to the amendment were received. A summary of submissions, and Council officer responses, is included at **Appendix 2** of this report.
- These submissions cover a broad array of issues, of both a major and minor nature. The significant issues have been discussed in some detail within this report and include, but are not limited to:
 - Housing Density
 - Powercor sub-station location
 - Application of Public Acquisition Overlay for proposed Sparrovale wetlands, Powercor sub-station and transit corridor
 - Barwon Water Sewer easement
 - Development Contributions
 - Sparrovale wetlands implementation costs
 - Greenways
- In accordance with the *Planning & Environment Act 1987*, Council must either modify the Amendment documents in accordance with submissions, refer submissions to an independent Panel appointed by the Minister for Planning or abandon the amendment as a whole, or in part.
- Council officers have met with submitters and have not been able to resolve all submissions. As a result, it is recommended that Council request the Minister for Planning appoint an independent Panel to hear submissions and that Council refer all submissions to the Panel for review and consideration.

Cr Heagney moved, Cr Richards, seconded -

That Council, having considered all submissions to Amendment C259, resolves to:

- 1) Request the Minister for Planning appoint an independent Panel under Part 8 of the *Planning & Environment Act 1987* to consider submissions relating to the Amendment;**
- 2) Refer all submissions to the Panel; and,**
- 3) Submit to the Panel its response to the submissions as outlined in this report and in Appendix 2 – Summary and Consideration of Submissions.**

Carried.

Background

The Horseshoe Bend Precinct Structure Plan has been prepared by St Quentin Consulting on behalf of the Horseshoe Bend landholders group. The Horseshoe Bend Precinct is the fifth of seven precincts that make up the Armstrong Creek Urban Growth Area (ACUGA). To date, Council has incorporated three precincts into the Greater Geelong Planning Scheme – Armstrong Creek East, North East Industrial Precinct and Armstrong Creek West.

The fourth precinct, the Armstrong Creek Town Centre (ACTC), is currently the subject of a Panel Report with the intention to incorporate the document into the Greater Geelong Planning Scheme towards the end of 2014.

The Horseshoe Bend Precinct is the largest residential precinct within the ACUGA and applies to 88 properties ranging in size from .024 hectares to 35.63 hectares.

As noted above, a total of 42 submissions have been received, with the breakdown of origin as per below:

- 30 submissions have been received from landholders both within and external to the Horseshoe Bend Precinct Structure Plan area
- 12 submissions have been received from state government agencies and servicing authorities.

Discussion

Amendment C259 proposes to incorporate the Horseshoe Bend Precinct Structure Plan, Horseshoe Bend Development Contributions Plan and Horseshoe Bend Native Vegetation Precinct Plan into the Greater Geelong Planning Scheme.

The Horseshoe Bend Precinct Structure Plan details the forward planning that will guide the future urban development of approximately 638 hectares of currently rural land. The precinct is bounded by Reserve Road to the north, an irregular eastern boundary comprising Sparrovale Road, Charlemont Road and Batten Road, Burvilles and Boundary roads to the south and the Surf Coast Highway and Geelong Railway line to the west and north-west.

The Amendment was formally exhibited between 5 December 2013 and 17 January 2014. A total of 42 submissions were received from landholders, developers, servicing authorities and other government and non-government agencies.

A detailed summary of submissions and Council officer's responses is included in **Appendix 2** of this report.

Key issues raised by submissions

Housing Density

A number of the smaller landholders within the PSP area submitted on the issue of the lower housing density nominated for their landholdings. The submitters believe that the reduction in nominated density for their landholdings, from the conventional rate of 15 dwellings per net developable hectare to 12 dwellings per net developable hectare, ultimately makes their land less valuable and less likely to be developed.

In response to these concerns, Council notes that the nomination of 12 dwellings per net developable hectare is a minimum only and the subject of further detailed design when a sub-precinct plan (as required by the PSP) is prepared and endorsed by Council.

In better understanding Council's nomination of 12 dwellings per hectare, it must be noted that the land parcels contained within the sub-precincts are significantly constrained by title size, shape and land-specific encumbrances. Council officers were concerned, during the preparation of the PSP that the ability to achieve the conventional residential density of 15 dwellings per hectare is limited, subject to more detailed site assessment and design than a PSP provides.

Should 15 dwellings per hectare be nominated as a minimum for these parcels there is a very real possibility that the parcels cannot be developed.

Requirement for the Powercor Substation

The requirement for a Powercor substation was identified and endorsed by both Powercor and Council, as a component of the Integrated Infrastructure Delivery Plan (IIDP) for the ACUGA (2009).

The site was located having regard to current and future servicing requirements for the wider Armstrong Creek Urban Growth Area.

A number of submissions request that the PSP be amended to show the proposed Powercor sub-station in an alternate location that is less visually sensitive. In addition, a number of submissions nominate the Geelong Cemetery and Crematorium or a site on the north side of Boundary Road but closer to the Surfcoast Highway as more appropriate for the Powercor facility.

In response, the location of the sub-station has been determined based on Powercor's network planning and servicing requirements and, as such, relocation of the sub-station significantly compromises cost-effective servicing of the ACUGA.

Application of Public Acquisition Overlay on Sparrovale wetlands, Powercor sub-station site and the transit corridor

The issue of the application of a Public Acquisition Overlay (PAO), rather than funding through the Development Contributions Plan (DCP) or via individual purchase agreements, has been raised in submissions. For the purpose of the discussion, each of the PAO requests are dealt with separately below:

Sparrovale wetlands

The securing of the properties at 1-87 Groves Road, Armstrong Creek and 109-215 Sparrovale Road, Charlemont (more commonly known as the Sparrovale and Cold Winds properties) is necessary to facilitate the stormwater management needs for the Horseshoe Bend Precinct. Whilst the precinct Stormwater Management Plan acknowledges that there is limited development potential possible in advance of the Sparrovale wetland being brought on-line, ultimately the facility is critical to unlocking development of all the urban land within the precinct.

As a result of the nexus between development of the precinct and the wetlands, the purchase of the land is an appropriate item to be included in the Horseshoe Bend Development Contributions Plan. The cost of acquisition will be equally apportioned between all the Horseshoe Bend landholders.

Submitters have requested the application of a PAO across the two properties to facilitate the timely acquisition of this land as nominated in DCP items DI_LA_22 and DI_LA_23.

Council officers believe that the acquisition of the properties, as detailed in the exhibited DCP, is the most appropriate method of securing the land for its role in the management of stormwater in the Horseshoe Bend precinct and does not necessitate the implementation of a PAO.

Powercor sub-station

Despite being raised as a possibility during the preparation of the PSP, relevant officers of Powercor would not agree to the application of a PAO on the sub-station site. It is understood that the acquisition of the site for the Powercor substation will necessitate a private purchase agreement between the landholder and Powercor.

Transit Corridor

Despite the importance of the transit corridor in securing an alignment for a major piece of transport infrastructure through the growth area, there has been no Federal or State Government funding commitment.

A number of submitters have requested the application of a PAO with the State Government nominated as the acquiring authority.

To date, the alignment has been secured through Development Contributions Plans for both the Armstrong Creek East and Armstrong Creek Town Centre (draft) precinct structure plans and similar corridors have also been secured in other DCP's across metropolitan Melbourne.

The funding of this corridor through the DCP is also supported by the State Governments Development Contributions Guidelines (2003) and the Ministerial Direction on Development Contributions.

Development Contributions - General

A number of submissions raise questions about the type and extent of infrastructure items nominated in the Horseshoe Bend Development Contributions Plan. These items include the athletics facility, indoor recreation centre, regional playground and lawn bowling greens.

Most of the items being questioned in the submissions have been accepted and incorporated as DCP funded infrastructure within existing PSP areas in the ACUGA.

The exception is the Athletics facility, which is unique to this precinct and has been described in detail during past panels as part of the distribution of regional facilities in home-of sites around the growth area. Funding of these facilities is an outcome of their location and the inclusion of the Athletics facilities in the Horseshoe Bend Precinct is simply an outcome of its nominated site on Boundary Road.

Other precincts within the ACUGA have included similar unique facilities for other sporting codes such as, soccer/hockey within the Armstrong Creek West regional active open space and AFL, netball and soccer in the Armstrong Creek East regional active open space. This model has been presented to several Panels confirming the implementation of the ACIIDP and the delivery of critical sporting facilities that service the ACUGA.

Development Contributions – Sparrovale wetlands

Several submitters from the development industry have raised concerns about the Development Contributions Plan, including the capital costs associated with the environmental implementation of the proposed Sparrovale wetlands (referenced in the DCP as project DI_DR_13 – *Sparrovale Wetlands – Management Plan and Implementation Works*).

The DCP includes the costs of both the engineering works to facilitate the delivery of the wetlands in project DI-RD-12 – *Sparrovale Wetlands Construction* whilst DI_DR_13 includes the costs associated with transitioning this degraded farm land area into a sustainable wetlands system.

The Sparrovale wetland will be the largest single drainage/environmental asset that has ever been delivered within the Geelong Region and the need to include the project within the DCP for the Horseshoe Bend Precinct is clearly justified and has a direct nexus with the catchment it serves.

The wetlands environmental implementation works are also proposed to be staged over a 10 year period, to reflect the realistic requirements of implementing such a unique and complex environmental system, in parallel with the progressive subdivision development of the Horseshoe Bend Precinct.

Council officers strongly support the inclusion of the project and believe that without these funds, the project would present a significant financial risk to Council associated with the delivery of Sparrovale wetlands project.

Greenways

The greenway concept was developed as a response to a number of areas of native vegetation that were nominated as having high conservation significance, during the earliest planning for the ACUGA, and reinforced during detailed ecological assessment for the PSP. Outside of the Armstrong Creek corridor, some of the best examples of this vegetation were located along existing local roads. The importance of the vegetation was acknowledged via the application of Vegetation Protection Overlays (VPO) in the Greater Geelong Planning Scheme. As a result, every effort was needed to ensure long-term protection of this vegetation in support a of quality urban design outcome.

The vision for the Armstrong Creek Urban Growth Area highlighted the importance of the Greenways concept which has been actively, and successfully, defended by Council. The greenway concept has resulted in the preservation of large areas of remnant native vegetation and will ultimately deliver a high quality pedestrian and cycling network that connects every precinct within the Armstrong Creek Urban Growth Area.

A number of submissions suggest that the greenways are an unfair impost on the development community as a result of the additional costs associated with the construction of a local road that enables the greenways to be closed to vehicular traffic.

Council officers disagree with the submissions and will continue to defend the role of greenways throughout the growth area.

Sewer Easements

There is a disused Barwon Water sewer easement running in a north-south direction on the east side of Barwon Heads Road. A number of submissions questioned why this easement was not shown in the PSP and the area of the easement not removed from the total developable area.

Previous discussions with officers from Barwon Water, during the development of the IIDP, confirmed that the easement, and the infrastructure contained in it, is redundant. Barwon Water agree that, if all risks associated with the easement are accepted by landholders the easement would be relinquished by Barwon Water. Assuming that the pipe infrastructure within the easement can be rendered innocuous the land may be developable.

It is the Council officers position that this land should be nominated as encumbered and any development potential be confirmed during detailed design.

Other items

The summary of issues and responses noted above is a snapshot of a number of issues that have been raised in multiple submissions. A detailed table of submissions and responses is attached at **Appendix 2** which will form the basis for Council's presentation to the Independent Panel. This table contains a summary and response to every issue raised in the 42 submissions Council received by the conclusion of the exhibition phase of the amendment.

Environmental Implications

This amendment gives effect to the Armstrong Creek Urban Growth Plan. The planning for the Horseshoe Bend Precinct has addressed potential environmental implications of the development including retention of remnant native vegetation, through the incorporation of the Horseshoe Bend Native Vegetation Precinct Plan, and the purchase and development of the Sparrovale wetlands for the purposes of stormwater and environmental management. In addition, the Horseshoe Bend Precinct Structure Plan nominates large areas of passive and active open space for the benefit of the Armstrong Creek community.

Financial Implications

The amendment will require the engagement of legal counsel, various expert witnesses and other supporting consultants to represent Council's interests during the Panel Hearing.

Funds have been allocated in the 2013-2014 budget to fund the external consultants during the Panel Hearing and amendment implementation phase.

The Horseshoe Bend Development Contributions Plan identifies all the capital financial requirements for the provision of infrastructure across the Horseshoe Bend Precinct. The Horseshoe Bend Development Contributions Plan details the specifics of the developer contribution to relevant infrastructure.

Future budget proposal.

With Council responsibility for the management of the DCP there will be decisions required across this precinct and other precincts within the Armstrong Creek Urban Growth Area, regarding managing the income stream from contributions under the DCP and the provision of required infrastructure. These will be matters which will be assessed via a multi-division committee with recommendations coming to Council as part of the annual consideration of the budget.

A limited number of DCP projects will require co-funding by Council, including a multipurpose stadium and minor road and traffic projects. These costs have been identified in Council's long term financial plan and will be refined (if required) once the DCP has been approved.

Policy/Legal/Statutory Implications

The planning scheme amendment to incorporate the Precinct Structure Plan for the Horseshoe Bend precinct into the Greater Geelong Planning Scheme is in accord with the broader structure for the Armstrong Creek Urban growth area as established under Greater Geelong Planning Scheme Amendment C138 – Armstrong Creek Urban Growth Plan. Amendment C170 implemented the rezoning of the entire Armstrong Creek Urban Growth Area from Farming Zone to Urban Growth Zone.

The Horseshoe Bend Precinct Structure Plan and Development Contributions Plan are in line with the Council's adopted position on the Armstrong Creek Integrated Infrastructure Delivery Plan (IIDP).

The amendment is also considered to meet the relevant requirements of both State Government and Council.

Alignment to City Plan

The Armstrong Creek Urban Growth Area is one of Council's priority projects.

In particular, the Horseshoe Bend Precinct Structure Plan will ensure that the project is continuing to meet the needs of the community and the growth of the economy. In addition, a number of Council's sustainability principles will also be met.

Officer Direct or Indirect Interest

In accordance with Section 80C of the *Local Government Act* no Council officers involved in this report have a direct or indirect interest.

Risk Assessment

Issues raised in submissions are not considered to represent a major risk to the progress of the planning scheme amendment. It is considered that there are no major risks to Council in referring this planning scheme amendment to an Independent Panel for review.

Social Considerations

The Horseshoe Bend Precinct Structure Plan will ensure a considered and well planned approach to the development of additional residential communities within the Armstrong Creek Urban Growth Area. It will also ensure, through the application of the DCP, that the infrastructure required to service the community meets their needs and expectations.

Human Rights Charter

Officers have taken into consideration the Human Rights Charter relative to the subject matter of this report. This includes 'ratepayer's property rights and a right to a fair hearing'

Consultation and Communication

Formal exhibition of Amendment C259 occurred between 5 December 2013 and 17 January 2014 via the following:

- Notices sent to affected landholders and occupiers.
- Notices published in the Geelong Advertiser and Geelong Independent notifying readers of details of the amendment.
- Notice published in the Victorian Government Gazette.
- Notices sent to Government Departments and Statutory Authorities.
- Notices sent to relevant State Government Ministers in accordance with the requirements of the *Planning and Environment Act 1987*.
- Documents available for viewing at Council Customer Service Centres.
- Documents available for viewing on the Council and State Government websites

LEGEND

LAND USES

- RESIDENTIAL
- ACTIVITY SUBTYPE
- NEIGHBOURHOOD (1/2/3/4)
- COMMUNITY FACILITY
- EDUCATION CENTRE
- PROPOSED NON-GOVERNMENT SCHOOL
- NOT IN DEVELOPABLE AREA
- SUB STATION
- PUBLIC OPEN SPACES
- ACTIVE OPEN SPACE
- PASSIVE OPEN SPACE
- ENCUMBERED OPEN SPACE (PARKING)
- ENCUMBERED OPEN SPACE (CONCENTRATION)
- ENCUMBERED OPEN SPACE (CONSERVATION - POTENTIAL OFFSET SITE)
- GREENWAY
- WATERWAYS AND DRAINAGE
- WETLAND / BASIN / CHANNA
- 1:100 YEAR FLOODLINE

MOVEMENT NETWORK

- PROPOSED GEELONG RING ROAD (EXTENSION AND RESERVATION WITHIN REPERCUSSION)
- ARTERIAL ROAD (EXISTING)
- CONNECTOR STREETS
- KEY / LOCAL STREETS
- TRANSIT CORRIDOR
- SERVICE / FRONTAGE ROADS

OTHER

- PRECINCT BOUNDARY
- SUB-PRECINCT B
- SUB-PRECINCT C

HORSESHOE BEND PRECINCT

PREPARED BY ST CATHARINE CONSULTING FOR THE GEELONG RING ROAD PROJECT (2015)

SCALE: 1:10,000

0 10 20 30 40 50 METRES

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Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
1	Wathaurung Aboriginal Corporation		RAP Manager	Mr John Young	1(a)	Council must insist on the latest information on the Victorian Aboriginal Heritage Register being included in any due diligence assessment submitted for sites within the HBPSP. This is due to the recording of Aboriginal Places and the requirement for a 50 metre area of cultural heritage sensitivity around the site. New site identification may result in heritage impacts on sites not previously identified.	Support Council officers will ensure that, upon receipt of an application for a planning permit for subdivision, the most recent information on recorded Aboriginal Places has been sourced.
					1(b)	The boundary of the Phase 1 Assessment differs slightly in the north-eastern margins from that shown in the Planning Scheme Amendment C259.	Noted Discussions with a representative from the Wadawurrung indicated that the error may be a discrepancy between mapping datasets used to generate the plan.
2	Tsao	Christine	Mrs		2 (a)	A number of requests for further clarification on the impact of Amendment C259 on the submitters home, including: - how will this affect my home? - will there be issues with power, water, drainage, loud machinery noise, excess amounts of dust, etc.? - What is the time frame for the project/how long will the project take? - what were the original plans before the amendments? - will there be any changes if we were to disagree with the amendments?	Noted Council Officers have met with the submitter and responded to each of these questions.
3	EPA Victoria			Eve Graham		No changes requested.	Noted
4	South Grovedale Community Action Group		Chair	Margarita Kumnick	4 (a)	Text referring to the <i>Geelong Ring Road Extension</i> be deleted from all the plans and be replaced with the wording <i>Armstrong Creek East West Link Road</i> .	Support Text will be modified to read <i>Armstrong Creek East-West Link Road</i> as part of the final amendment package.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
5	Pearce	Dot & Ken			5 (a)	Text referring to the <i>Geelong Ring Road Extension</i> be deleted from all the plans and be replaced with the wording <i>Armstrong Creek East West Link Road</i> .	Support Text will be modified to read <i>Armstrong Creek East-West Link Road</i> as part of the final amendment package.
6	Gladwell	Lee & Ray			6 (a)	Text referring to the <i>Geelong Ring Road Extension</i> be deleted from all the plans and be replaced with the wording <i>Armstrong Creek East West Link Road</i> .	Support Text will be modified to read <i>Armstrong Creek East-West Link Road</i> as part of the final amendment package.
7	Barwon Water		Manager Asset Planning	Peter Morgan	7 (a)	Plan 3 - needs to contain Barwon Waters Air Treatment Facility. The nominated location needs to be shown as PUZ1 - Services and Utility.	Support As the Air Treatment Facility will be constructed on land owned by Barwon Water, and therefore not subject to purchase negotiations with another party, Council do not object to zoning the Air Treatment Facility PUZ1 as a component of Amendment C259.
					7 (b)	The sewer plan (Plan 13) is not an accurate reflection of the assets required for the HB Precinct. The main outfall sewer is to be duplicated which results in an additional 10 metre wide easement which brings the total easement width to 16 metres.	Support Council officers believe that the plans, and land budget, within the Horseshoe Bend PSP accurately reflect the 16 metres required for the sewer easement.
					7 (c)	The reference to rainwater tanks is not necessary as all houses within the precinct will have access to recycled water.	Not Supported The use of rainwater tanks is discretionary as nominated in <i>4.8.3 Planning and Design Guidelines: Drainage and Floodplain Management</i> and should be maintained as an option for residents of the Armstrong Creek Urban Growth Area.
					7 (d)	Table 8 is to be updated to nominate funding responsibility as Barwon Water/Developer.	Support Text in Table 8 will be modified accordingly as part of the final amendment package.
					7 (e)	The Air Treatment Facility land needs to be removed from the Net Developable Area.	Support The Net Developable Area will be modified to remove the land area nominated for the Air Treatment Facility as part of the final amendment package.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
8	Wilkie	Petra			8 (a)	Text referring to the <i>Geelong Ring Road Extension</i> be deleted from all the plans and be replaced with the wording <i>Armstrong Creek East West Link Road</i> .	Support Text will be modified to read <i>Armstrong Creek East-West Link Road</i> as part of the final amendment package.
9	Bolger	Sharon			9 (a)	Subject land is located within sub-precinct C. Disappointed at the nomination of 12 dwellings per hectare and believe this will have an impact of the sale value of the property.	Not Supported The nominated 12 dwellings per hectare is a minimum target density only. Given that a plan detailing the overall development of the sub-precinct must be prepared and endorsed by Council prior to development occurring there is the possibility that the overall sub-precinct density may be higher than 12. If landholders choose to remain on the property for a period of time they are entitled to do so. Remaining within the precinct boundary would not inhibit the potential for the land to be developed at a future time.
					9 (b)	The yearly Council rates will rise to a level that forces the sale of the property and the concern that the reduction in density will reduce the ability to sell the property for what the submitter believes it is worth.	Noted It is recommended that the submitter speaks to Council's Rates Department to discuss this issue.
					9 (c)	Seeking exemption of the property from the development so that house and land value can be maintained.	Not Supported The exclusion of properties from the PSP will ultimately affect the total area available for development and reduce opportunities for landholders who may wish to develop their land at a future time. In addition, any reduction in developable land will have the effect of increasing the overall development contributions contributed to works within the Horseshoe Bend Precinct.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					9 (d)	If removal from the HB precinct is not an option, the submitter wants the density for the sub-precinct increased from 12 to 15 dwellings per hectare.	Not Supported The nominated 12 dwellings per hectare is a minimum target density only. Given that a plan detailing the overall development of the sub-precinct must be prepared and endorsed by Council prior to development occurring there is the possibility that the overall sub-precinct density may be higher than 12. If landholders choose to remain on the property for a period of time they are entitled to do so. Remaining within the precinct boundary would not inhibit the potential for the land to be developed at a future time.
10	Johnson	Ross & Cath			10 (a)	The proposed duplicated Boundary Road should be included as a DCP item with the cost of the infrastructure charged in accordance with projected share of usage.	Not Supported Boundary Road is nominated as a Connector Road and, as such, should not be funded by the DCP. Council officers have interpreted the use of the word 'duplicated' in this submission as meaning the re-construction of Boundary Road between Surfcoast Highway and Barwarre Road as a result of the protection of significant vegetation and the creation of a pedestrian/cycling link in the Boundary Road Greenway.
					10 (b)	The PSP should be amended to remove the requirement for the provision that Boundary Road be a four lane road east of Horseshoe Bend Road as there is no support or justification for this standard of road.	Not Supported Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.
					10 (c)	The PSP should be amended to show the proposed Powercor substation in an alternate location that is less visually sensitive.	Not Supported The Powercor substation location has been determined in accordance with both Powercor operational requirements and future distribution network design
					10 (d)	The sub-station should be located within the Geelong Cemetery and Crematorium or on the North side of Boundary Road opposite the new emergency services area within the ACTC.	Not Supported The Geelong Cemetery and Crematorium site is too far south to meet the distribution of sub-station requirements nominated by Powercor.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					10 (e)	A PAO should be applied to the Powercor substation site.	Support Powercor have not consented to the application of a PAO to the substation site. Despite this, Council supports the submitters recommendation that a PAO is an appropriate tool to acquire this site in the short-term. This is on the assumption that Powercor are nominated as an 'acquiring authority' in relevant legislation.
					10 (f)	A DDO should be applied to control the urban and landscape design outcomes.	Support (in part) Council is sympathetic to the need to have appropriate design and landscaping controls for the development of such a high profile site. Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility. The application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.
					10 (g)	If a PAO is not applied through this amendment the PSP should include text that ensures that if Powercor do not acquire the site within a reasonable period the site can be developed for residential purposes.	Not Supported The sub-station site has been nominated as part of a wider network plan to service the Armstrong Creek Urban Growth Area. As such, the site needs to remain nominated for Powercor use to ensure that the network can meet upcoming demands at the necessary time.
					10 (h)	The Council's generic approach to greenways unreasonably increases the cost of the subdivision of land abutting the greenway and reduces the area available for development. The submission requests that Council should apply a site specific design response along the Boundary Road and Barwarre Road greenways in lieu of the exhibited greenway proposal.	Not Supported Council has maintained a consistent position on the provision of greenways across the Armstrong Creek Urban Growth Area (ACUGA) and has protected large areas of significant native vegetation from removal. In addition, the greenway corridors will ultimately provide high quality active transport opportunities across the growth area and contribute to the implementation of a true agenda for environmental sustainability for the ACUGA. The introduction of significant design flexibility for greenways has the potential to create development uncertainty, increase time for review and approval of designs, impact the calculation of net developable area and result in an ad-hoc design response along greenways which may deter active transport users.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Sub Number	Changes Requested	Response
					10 (i)	A PAO should be applied to the provision of the Transit corridor (DI_LA_08).	Not Supported Council has actively advocated for a PAO on the transit corridor, however, there remains no State or Federal Government commitment on acquisition of the land. As the securing of the transit corridor is a critical land use planning requirement, acquisition to date has been funded through both the Armstrong Creek East and Armstrong Creek Town Centre Development Contributions Plans. This is also consistent with DCP Guidelines, Ministerial Direction and similar DCP's in metropolitan Melbourne. The inclusion of transit corridor funding in the Horseshoe Bend PSP/DCP ensures the corridor is secured and a consistent funding strategy has been employed.
					10 (j)	If a PAO is not applied then the PSP should include text that ensures that the land reverts to residential use if not acquired by the State within a reasonable timeframe.	Not Supported The transit corridor is funded through the Development Contributions Plan with affected landowners compensated for the land at the time of development. Council do not support the provision of a 'sunset clause' which will compromise the ultimate delivery of this major piece of infrastructure.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					10 (k)	The following items within the DCP do not fall within the Ministerial Direction on items that can be funded by a DCP: - the athletics facility - the indoor recreation centre/multipurpose stadium - the regional playground - the lawn bowling greens These facilities should be nominated as funded by the CIL or by means of relevant Commonwealth and State grants and rate income.	Not Supported All but one of the items listed in the submission have been incorporated within other DCP's across the Armstrong Creek Urban Growth Area including the Armstrong Creek East and West residential precincts. The exception is the Athletics facility which is unique to this precinct and has been described in detail during past panels as part of the distribution of regional facilities in home-of sites around the growth area. Funding of these facilities is an outcome of their location and the inclusion of the Athletics facilities in the Horseshoe Bend Precinct is simply an outcome of its nominated site on Boundary Road. Other precincts within the ACUGA have included similar unique facilities for other sporting codes such as, soccer/hockey within the Armstrong Creek West regional active open space and AFL, netball and soccer in the Armstrong Creek East regional active open space. This model has been presented to several Panels confirming the implementation of the ACIDP and the delivery of critical sporting facilities that service the ACUGA. This facility is also considered embellishment of open space in accordance with Minister's guidelines and precedents set within other Armstrong Creek projects and metropolitan Melbourne DCP's.
11	Graham	Paul & Rae- Ellen			11 (a)	The submitter intended to develop their property for residential purposes but are now disappointed to be shown are entirely within the northern area of active open space.	Noted
					11 (b)	The draft Horseshoe Bend PSP varies from the Armstrong Creek urban Growth Area Framework Plan particularly the northern NAC which has been shifted further north than originally intended. The east-west connector has been deviated north to feed the relocated NAC which creates an odd road network which is not legible further west because of the disjuncture crossing the western north-south connector road.	Not Supported The adjustment to the location of the regional active open space within the Horseshoe Bend Precinct has been based on detailed site assessment and locational requirements of the facility. As a high level strategic planning exercise, the integrated infrastructure delivery plan and subsequent framework plan provided the basis upon which more detailed master planning during the Precinct Structure Plan process has been undertaken.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					11 (c)	The lack of road network legibility in the east-west direction creates difficulties for pedestrians and cyclists moving in an east-west route it also skews population catchment to the north.	Noted The development of the Horseshoe Bend Precinct will create high-quality north-south and east-west corridors for active transport which includes the establishment of greenways along Boundary Road and Barrewarre Road and an extensive shared path network which will ultimately connect to the Sparrovale wetlands in the far east and the Armstrong Creek Town Centre. Further connections will be provided to ensure a permeable network for all modes of transport into the Armstrong Creek East Precinct and north into the Marshall and North-East industrial precincts.
					11 (d)	By shifting the NAC further south a portion of land on the submitters landholding becomes available for residential development.	Noted The size and nature of the regional active open space and surrounding education precinct would make it difficult to free up any of this submitters land for related development.
					11 (e)	The Essential Economics report shows a version of the Horseshoe Bend PSP that has a more legible road network and a recreation facility only partially located on the submitters land.	Noted The exhibition document reflects Council's current position on the preferred location of this facility.
					11 (f)	The Armstrong Creek Team should reconsider the location of the NAC and road network and consider relocating them further south (as shown on the Framework Plan) to enable the submitter to develop part of their land (including the retention of the capital investment intensive dwelling).	Not Supported As discussed, in other responses to Submission 11, Council is supportive of the exhibited NAC location and the integrated nature of the activity centre hub. This NAC hub includes significant land uses such as the active recreation reserve, primary and secondary education and retail.
12	Chapman	Colin & Kelly			12 (a)	A wetland/basin drainage easement has been included on the submitters land thereby reducing the total developable land by 0.810 hectares which reduces the total possible dwellings from 26 to 16.	Noted The basin has been nominated in accordance with the overall HB precinct stormwater management plan.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					12 (b)	There is an old sewer easement running through the property which has not been including on the plan thereby again overestimating the total number of dwellings in the PSP projections.	Noted Council is aware of the location of the old sewer easement traversing many properties through this precinct. In discussions with Barwon Water it was a clear expectation that this old abandoned sewer easement would have the ability to be developed for residential purposes conditional upon appropriate backfill and stabilisation of the old asset. In saying this Council is supportive of the idea of the land being identified as encumbered and removed from the net developable area, subject to site based assessment and removal of the encumbrance of each particular landowner.
					12 (c)	The old sewer easement contains an asbestos based pipe that is 1.2 metres in diameter at 3.5 metres deep. The total reservation width is 16 metres and has never been picked up in any Council surveys. The Barwon Water easement further reduces the developable land and the total number of dwellings from 16 to approximately 8.	Noted Council is aware of the location of the old sewer easement traversing many properties through this precinct. In discussions with Barwon Water it was a clear expectation that this old abandoned sewer easement would have the ability to be developed for residential purposes conditional upon appropriate backfill and stabilisation of the old asset. In saying this Council is supportive of the idea of the land being identified as encumbered and removed from the net developable area and subject to site based assessment and removal of the encumbrance of each particular landowner.
					12 (d)	The reduction in developable area will make the property unattractive to developers, financially unviable and rendering the property unsellable.	Noted The identification of existing encumbrances on these titles is a detailed design issue and not one that can be easily dealt with at the strategic masterplan level of a PSP. The PSP nominates that a master planning exercise for the sub-precinct is required which will consider existing constraints on the land.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					12 (e)	The submitter wishes their property to be removed from the PSP and taken out of the net developable area.	Not Supported The nominated 12 dwellings per hectare is a minimum target density only. Given that a plan detailing the overall development of the sub-precinct must be prepared and endorsed by Council prior to development occurring there is the possibility that the overall sub-precinct density may be higher than 12. If landholders choose to remain on the property for a period of time they are entitled to do so. Remaining within the precinct boundary would not inhibit the potential for the land to be developed at a future time.
13	Bowler	Jeremy and Robert		695 Barwon Heads Road	13 (a)	The PSP plan does not show the old sewer easement.	Noted Council is aware of the location of the old sewer easement traversing many properties through this precinct. In discussions with Barwon Water it was a clear expectation that this old abandoned sewer easement would have the ability to be developed for residential purposes conditional upon appropriate backfill and stabilisation of the old asset. In saying this Council is supportive of the idea of the land being identified as encumbered and removed from the net developable area, subject to site based assessment and removal of the encumbrance of each particular landowner.
					13 (b)	Developers will be unlikely to be interested in purchasing land when so little of the land can be used for house blocks as a result of the two sewer easements and the northern portion of the subject site which is subject to inundation.	Noted The issue of purchase of the landholding would be the subject of negotiations between the landholder and prospective purchaser and not one that Council would be party to.
					13 (c)	If a developer does not purchase the lot:	Noted
					13 (d)	Can the submitter develop the lot themselves?	Noted Yes, the submitter can develop the lot but only upon the submission and approval of a master plan for the entire sub-precinct (as nominated in the PSP).

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					13 (e)	Could the Council cede back the land containing the disused sewer thereby making the land more attractive to a developer?	Noted The easement is vested with Barwon Water. Discussions about transfer of land need to be held between the landholder and Barwon Water officers. That being said, discussions between Council and Barwon Water have identified Barwon Water's willingness to transfer land back to landholders on the condition that the risks and responsibilities for managing the pipe infrastructure are accepted by the landholder.
					13 (f)	Would the Council remove the old sewer before ceding back the land?	Noted As noted above, the responsibility for the pipe infrastructure will be borne by the landholder.
					13 (g)	If the property is not purchased by a developer how does Council see the land developing?	Noted The manner in which the land is developed, post the incorporation of the PSP, will be determined by market force.
					13 (h)	An alternative would be to remove the block from the HBPSP - how would this affect the answers to the above questions?	Not Supported It is inappropriate and inconsistent planning to have individual titles removed from the Precinct Structure Plan. If landholders choose to remain on the property for a period of time they are entitled to do so. Remaining within the precinct boundary would not inhibit the potential for the land to be developed at a future time.
					13 (i)	The fact that the old easement does not appear on Council records may also have meant our rates have been overcharged over recent years	Noted Council officers recommend the submitter discuss rating issues with Council's Rates department.
					13 (j)	The submitter requests the exclusion of their property from the Horseshoe Bend PSP and the net developable area.	Not Supported It is inappropriate and inconsistent planning to have individual titles removed from the Precinct Structure Plan. If landholders choose to remain on the property for a period of time they are entitled to do so. Remaining within the precinct boundary would not inhibit the potential for the land to be developed at a future time.
14	Balog	A & I			14 (a)	During periods of heavy rainfall inundation of Sparrovale Farm and the Robinson Property spreads almost to Groves Road.	Noted

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					14 (b)	Flooding of the road has an impact on the broiler farm currently operating from the submitters site with the prevention of truck movements bringing chickens and feed into and out of the site.	Noted The flood management strategy for the proposed Sparrovale wetlands will not exacerbate any flooding conditions associated with the operation of the broiler farm. The design and nature of the facility is to ensure that it operates with no net impact on surrounding landowners and this includes augmentation of outlet control to the Barwon River and Connewarre Wetlands.
					14 (c)	Schedule 4 to the UGZ should be amended to state that until Sparrovale wetlands are established no permit may be granted to construct a building or to construct and carry out works in connection with development of land in the Horseshoe Bend precinct.	Not Supported Council understands the concern of the submitter, however, there is some capacity within the catchment to allow residential development West of Barwon Heads Road without adverse impacts on downstream landowners. The PSP and Urban Growth Zone Schedule makes clear that any works on the Barwon Heads Road culverts to improve or increase capacity on downstream properties must trigger the delivery of the Sparrovale wetlands.
					14 (d)	For development to proceed before the stormwater management system is in place there can be no certainty that there will not be significant adverse impacts as a result.	Noted The Precinct structure plan has been subject to a detailed stormwater management strategy and concept designs for facilities such as the Sparrovale Wetlands to ensure no adverse impacts on existing land uses .
15	Smith and others	Gary			15 (a)	Page 23 penultimate dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (b)	Page 24 last dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (c)	Page 27 last dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (d)	Reflect the maximum shop floor space in the PSP to reflect the Activity Centre Analysis (prepared by Essential Economics dated July 2011)	Not supported - in part Further information regarding the detail of the submission is required

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					15 (e)	Page 57 first dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (f)	Page 57 third dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (g)	Page 57 sixth dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (h)	Page 58 second dot point - replace must with should	Not supported - in part Further information regarding the detail of the submission is required
					15 (i)	Minor discrepancies regarding the total combined numbers of dwellings for properties 21, 26 and 35 at Appendix 2.	Support (conditional) Council will consult the HSB Landowners group and ensure an updated table is provided reflecting accurate contributions from all parties.
					15 (j)	Further consideration is requested for the nominated 'practical retention' trees and grassland vegetation within the submitters land	Noted Further detail is required to enable Council officers and DEPI to assess the requested changes.
					15 (k)	The Schedule to the C1Z should be amended to reflect the maximum floor space for the NAC as 8,800 m2 (identified in the Activity Centre Analysis by Essential Economics dated July 2011)	Not Supported The floor-space cap for the Neighbourhood Activity Centre is consistent with the Armstrong Creek Urban Growth Plan and in line with the hierarchy established across the growth area.
					15 (l)	Why are property parcels 25 and 35 are not included at Table 13.	Noted Council officers will ensure that Table 13 is modified to reflect submitter concerns.
					15 (m)	The submission on the cultural heritage value of the dwelling at 150-230 Horseshoe Bend Road included in the report prepared by Archaeology at Tardis Pty Ltd is insufficient	Support (in part) Council is sympathetic to the submitters concern, however, any consent to remove this dwelling should be left to a detailed planning permit stage.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					15 (n)	Supports the Stormwater Management Strategy	Noted
					15 (o)	Supports the Traffic Impact Assessment	Noted
16	McInnes	Dale & Tracey			16 (a)	Object to the nominated density of 12 dwellings per net developable hectare and want it increased to 15 dwellings per net developable hectare.	Not Supported It must be noted that the nominated 12 dwellings per hectare is a minimum and that a plan showing the development of the sub-precinct must be prepared and endorsed by Council prior to development occurring. Council officers will consider detailed plans that nominate a higher density should that be an outcome during detailed design.
17	Armstrong Creek Pty Ltd				17 (a)	Opposes the location of the PRV on the corner of Boundary and Horseshoe Bend Road as its proposed location will be on a main intersection on a potential entry statement and will reduce the amenity for residents of the development and presentation of the entire HBP given its proposed high visibility location.	Support - in part Council is supportive of the submitters position and acknowledges that the location of a PRV on this high-profile corner would not present an ideal urban design outcome. Council officers will work with the submitter & Barwon Water to ensure the siting of this facility doesn't compromise the urban design outcome desired for this site.
					17 (b)	Believes that the PRV location has been chosen due to a lack of familiarity with the plans for the HBP and poor planning rather than a requirement for it to be located in the area suggested.	Noted The PRV locations have been nominated by Barwon Water who are responsible for the provision of major assets across the ACUGA in accordance with demand.
					17 (c)	The PSP should be amended to remove the requirement that Boundary Road be a four lane road east of Horseshoe Bend Road. The imposition of a four lane road in this vicinity is inconsistent with the vision and amenity for the area (walkability) and with the expert traffic reports provided.	Not Supported The provision of a high quality high order collector road between Surf Coast Highway and Barwon Heads Road is to ensure consistency between these two major arterial roads. In addition, Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					17 (d)	Sparrovale should be acquired through a Public Acquisition Overlay (PAO) to make it available in the short term. Without this development will be delayed until Sparrovale is secured.	Not Support Council officers believe that the acquisition of the properties, as detailed in the exhibited DCP, is the most appropriate method of securing the land for its role in the management of stormwater in the Horseshoe Bend precinct and does not necessitate the implementation of a PAO.
					17 (e)	If a PAO is not achievable then flexibility needs to be built into the plan by Council or the relevant authority funding the acquisition of designated detention basin land until Sparrovale becomes available. This should not financially penalise the developers.	Not Supported The plan provides appropriate support for in sequence development , however, the plan also acknowledges that any out of sequence development would incur additional servicing costs.
					17 (f)	The 10 year Sparrovale Management Plan in the DCP is excessive and should be removed as a DCP item.	Not Supported The Sparrovale wetland is critical to the development of the Horseshoe Bend Precinct. As a result, Council will not modify its position on the nature and scope of this funding as it is directly linked to ensuring the transition of this degraded farmland to a sustainable wetland system.
					17 (g)	Council should fund the recurrent management of the drainage system (as does Melbourne Water in metropolitan Melbourne) as they are the ultimate beneficiary of the revenue/rates generated by this item.	Not Supported Council will manage Sparrovale wetlands in perpetuity and fund appropriate ongoing maintenance costs. That being said, it should be acknowledged that the capital delivery of this facility is not to be achieved in the short-term and Council is required to deliver works over a long period of time including the transition of this degraded farm into a functioning sustainable wetland system. The very nature of environmental projects require long periods of time for establishment and settlement including a precinct that will be under a constant state of development for many years to come.
					17 (h)	The use of the DCP for maintenance costs does not justify a departure from the principles of the Water Act that such contributions must be fair and reasonable.	Noted

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					17 (i)	If the costs are not removed as a DCP item they should be greatly reduced along with the maintenance term.	Not Supported Council will manage Sparrovale wetlands in perpetuity and fund appropriate ongoing maintenance costs. That being said, it should be acknowledged that the capital delivery of this facility is not to be achieved in the short-term and Council is required to deliver works over a long period of time including the transition of this degraded farm into a functioning sustainable wetland system. The very nature of environmental projects require long periods of time for establishment and settlement including a precinct that will be under a constant state of development for many years to come.
					17 (j)	If the costs are not removed as a DCP item they should be apportioned amongst all users including those in precincts outside the HBP as the entire Armstrong Creek will utilise Sparrovale.	Not Supported The Sparrovale Wetlands are required to service the HSB catchment as the primary downstream facility to servicing all development. As a result, Sparrovale Wetlands are directly linked to the precinct for the purposes of a DCP Nexus.
					17 (k)	The land designated as a drainage corridor through the submitters land should be nominated as unencumbered (and part of the landowners public open space contribution) where the land is not solely performing a drainage function e.g. land that can be landscaped or provide community amenity.	Not Supported The land nominated through the submitter's property is clearly flood prone land and requires a overland flow pass of major 1 in one hundred storm events. On this basis it is not eligible for unencumbered contributions to open space.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					17 (l)	There are a number of DCP items that should be removed because they do not fall within the Ministerial Direction's definition of items that can be funded by the DIL and should be reclassified as funded by the CIL: Athletics Facility Indoor Recreational Centre Multipurpose Stadium Regional Playground Lawn Bowling Greens	Not Supported All but one of the items listed in the submission have been incorporated within other DCP's across the Armstrong Creek Urban Growth Area including the Armstrong Creek East and West residential precincts. The exception is the Athletics facility which is unique to this precinct and has been described in detail during past panels as part of the distribution of regional facilities in home-of sites around the growth area. Funding of these facilities is an outcome of their location and the inclusion of the Athletics facilities in the Horseshoe Bend Precinct is simply an outcome of its nominated site on Boundary Road. Other precincts within the ACUGA have included similar unique facilities for other sporting codes such as, soccer/hockey within the Armstrong Creek West regional active open space and AFL, netball and soccer in the Armstrong Creek East regional active open space. This model has been presented to several Panels confirming the implementation of the ACIDP and the delivery of critical sporting facilities that service the ACUGA. This facility is also considered embellishment of open space in accordance with Minister's guidelines and precedents set within other Armstrong Creek projects and metropolitan Melbourne DCP's.
					17 (m)	Transit corridor land should be funded by a PAO not by the DCP.	Not Supported Although council has been a strong supporter of the transit corridor being implemented through a PAO there has been no government commitment to acquire such land. As such the corridor has been funded through the Armstrong Creek East and town centre precincts as part of the development contributions plan. This precinct has implemented a consistent policy position on the funding of this corridor.
					17 (n)	Land acquisition costs for the Geelong Ring Road should be removed from the DCP and funded by PTV. It is inappropriate that the State fund all costs associated with the Geelong Ring Road external to the ACUGA but look to the DCP within the ACUGA.	Noted No costs are included in the DCP for the Geelong Ring Road (east-west link road land).

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					17 (o)	The Main Water Supply Network Plan (Plan 14) shows the water supply proceeding along Horseshoe Bend Road and then across the submitters property. The submitter contends that the water supply should follow Horseshoe Bend Road and then Boundary Road.	Noted The issue of the ultimate alignment of Barwon Water assets will be the subject of detailed design discussions between the landholder, Barwon Water and Council. It may be that an alternative location is possible for the nominated pipework with roadways and easements that align with subdivision outcomes being the most likely outcome.
					17 (p)	The Main Stormwater Drainage Plan (Plan 18) shows the stormwater down Boundary Road and then across the submitters property. The submitter contends that the stormwater should proceed down Boundary Road to the detention basin on the corner of Boundary Road and Barwon Heads Road.	Noted The issue of the ultimate alignment of Barwon Water assets will be the subject of detailed design discussions between the landholder, Barwon Water and Council. It may be that an alternative location is possible for the nominated pipework with roadways and easements that align with subdivision outcomes being the most likely outcome.
					17 (q)	More detail is required for DCP items and justification for items to ensure transparency and accountability along with the requirement that additional items or increase in scope cannot be imposed post the approval of the HBSP.	Not Supported The DCP, Precinct Structure Plan and background technical reports provide clear justification, concept designs, detailed costing estimates and other supporting information to inform the delivery of these facilities and their validity for inclusion in the DCP.
18	PTV/DTPLI				18 (a)	All references to the transit corridor should be modified to remove heavy rail until the ultimate mode is determined.	Support
					18 (b)	It is unclear from the plan if the main east-west connector is planned to be grade separated in the event of the ultimate provision of heavy rail. By lowering the road by 4-5 metres it would be possible to build a road-under-rail grade separation relatively cost effectively. Land use planning should therefore allow the ramping of the road to go under the transit corridor and the PSP land budget should be amended to reflect this.	Noted The East West Road (nominated in the PSP as Geelong Ring Road section 4D) has been designed to accommodate the East Road going under the future transit corridor to ensure this conflict is grade separated long-term. Land has been allocated for both the ring road and the transit corridor to allow this grade separation to be delivered.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					18 (c)	The plan does not identify which intersections are to be signalised or detail any other signalised road crossings. The plan appears to include long stretches of Barwon Heads Road without controlled pedestrian crossings including: 1 km between Boundary Road and the east-west connector .8 km between Boundary Road and Burvilles Road .7 km between east-west connector road and Reserve Road These sections will require mid-block bus stops and will require pedestrian crossings to allow travel in both directions.	Not Supported The road network has been established utilising the existing grid and reliance on the arterial road network and as such the majority of active transport corridors link towards these signalised intersections. The establishment of mid-block bus stops would need to be augmented by PTV through the provision of pedestrian lights for these potential bus stop locations. It is also difficult to determine the location of bus stops during the life of the growth area as implementation of the bus servicing is often erratic and staged in a way that makes it difficult to deliver pedestrian signals with confidence.
					18 (d)	As a first priority, a protected pedestrian crossing should be planned at or near the intersection point for Charlemont Road, Batten Road and Barwon Heads Road.	Not Supported The road network has been established utilising the existing grid and reliance on the arterial road network and as such the majority of active transport corridors link towards these signalised intersections. The establishment of mid-block bus stops would need to be augmented by PTV through the provision of pedestrian lights for these potential bus stop locations. It is also difficult to determine the location of bus stops during the life of the growth area as implementation of the bus servicing is often erratic and staged in a way that makes it difficult to deliver pedestrian signals with confidence.
					18 (e)	Options for other protected pedestrian crossings should be considered with funding in the DCP.	Not Supported - ref to 18C The road network has been established utilised the strong grid and reliance on the arterial road network and as such the majority of active transport corridors link towards these signalised intersections. Any establishment of bus routes mid block of this would need to be augmented by PTV through pedestrian lights to reflect these important bus stop locations. It is also very difficult to determine the location of bus stops during the life of the growth area as implementation of the bus servicing is often erratic and staged in a way that would be difficult to deliver pedestrian signals with confidence.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					18 (f)	All references to the Director of Public Transport should be updated to Public Transport Victoria (PTV).	Support References will be changed prior to Panel.
					18 (g)	The Public Transport Network should be updated to reflect PTV's planned bus routes. A marked up plan has been included as part of the submission.	Support The plan will be modified prior to Panel.
					18 (h)	Include the following reference to the new Grovedale Station in Section 1.2.2 <i>Existing Public Transport</i> : <i>The Government has announced funding to begin construction on the new \$25.9m V/Line Station at Grovedale. Work on the station is due to start shortly and the station is scheduled for completion in late 2014. The station will include a car park with 200 spaces and a bus interchange and taxi rank.</i>	Support The text will be modified as per the submission prior to Panel.
					18 (i)	Amend the first paragraph in Section 1.2.6 <i>Other Existing Features</i> to: <i>The existing Melbourne - Warrnambool rail corridor forms part of the northern boundary of the PSP. The HBP makes planning provision for a new public transport corridor, designed to allow for ultimate delivery of rail, through the precinct from the existing rail corridor at the northern boundary through to the Armstrong Creek Town Centre precinct and further south to the Surf Coast.</i>	Support The text will be modified as per the submission prior to Panel.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					18 (j)	Amend the 3rd bullet point in Section 3.1.5 <i>Better Transport Options</i> to read: <i>A dedicated sub-regional transit corridor reservation designed to allow ultimate provision of rail, with proposed convenient access in the Armstrong Creek Town Centre and linking to Geelong and Melbourne.</i>	Support The text will be modified as per the submission prior to Panel.
					18 (k)	Amend the 4th bullet point in Section 3.1.5 to delete 'V-Line' as services on Barwon Heads Road are not a V-Line service.	Support The text will be modified as per the submission prior to Panel.
					18 (l)	Add the following dot point in planning and design guidelines in Section 4.2.3 <i>Planning and Design Guidelines: Subdivisions and Housing:</i> Within 400m street walking distances of an existing or planned public transport stop.	Support The text will be modified as per the submission prior to Panel.
					18 (m)	Add the following dot point for the 'main street' structure in Section 4.5.3 <i>Planning and Design Guidelines: Employment and Activity Centres:</i> Convenient access for public transport.	Support The text will be modified as per the submission prior to Panel.
					18 (n)	In Section 4.6.3 <i>Planning and Design Guidelines: Transport and Movement</i> amend the 5th bullet to include a reference to public transport as follows: '....to support transport movement links (that is <i>public transport</i> , walking cycling and vehicular links.	Support The text will be modified as per the submission prior to Panel.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					18 (o)	PTV supports the inclusion of land for the transit corridor within the DCP for Horseshoe Bend Precinct. This is consistent with the Ministerial Direction on the preparation and content of DCP's and has occurred in the Armstrong Creek East DCP as well as DCP's in Melbourne's growth areas (Epping North, Cooper Street Industrial Area etc.)	Support The text will be modified as per the submission prior to Panel.
					18 (p)	The proposed intersection design shown in Figure Z15 is not supported on safety grounds. It is recommended that a concept design road safety audit be undertaken to assist in determining the most appropriate treatment to achieve intersection priority for cyclists.	Not Supported This concept was developed in the Armstrong Creek West residential precinct as part of management of the Boundary Road dedicated cycle path. The detailed concept was discussed and developed with traffic engineering advice and consultation with various parties to ensure the functionality of these local road intersections maximises the fluency of cycle routes, minimises impacts to cycle sightlines, improves safety of motorists and the ability to store vehicles at these intersections whilst turning and maintains the fluency and alignment of these parts.
					18 (q)	The cross sections for Boundary and Burvilles Road include 3.0m wide off-road shared paths. These paths should be signed and marked for cyclists only.	Not Supported These shared paths, like many paths in the Geelong region, will cater for both cyclists and pedestrians and, due to their long and uninterrupted nature, will provide plenty of opportunities for cyclists and pedestrians to co-locate. Existing high-quality examples of these types of shared paths include the Barwon River trails north and south of the Barwon River that provide high quality shared environment to cyclists and pedestrians.
					18 (r)	If pedestrian crossings are proposed from abutting properties on the north side of Boundary Road or the south side of Burvilles Road separated footpaths should also be included.	Noted This will be discussed with the submitters to determine if the addition of an extra footpath is appropriate in these locations.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					18 (s)	Figure K shows an off-road shared path for the ultimate Reserve Road cross section. It is recommended that this path also be provided in the interim and the DCP be amended accordingly.	Not Supported This path is included in the Marshall precinct and therefore outside the scope of the Horseshoe Bend Precinct.
					18 (t)	It is recommended that Plan 11 should be amended to connect the off-road paths along Barwarre Road and Connector E to the shared path along the Bellarine Link.	Support
					18 (u)	The 1m verge between the shared path and traffic lane shown on Figure Z1 is too narrow for signs and bus shelters and would not allow space for indented bus bays.	Not Supported The nomination of a 1 m verge for clearance for car doors and movement along these paths is deemed appropriate and has been developed through consultation with traffic consultants and internal Council engineering staff.
					18 (v)	It is not clear from Plan 10B what is intended for the section of Reserve Road between Surfcoast Highway and Horseshoe Bend Road.	Noted
19	DFC Armstrong Creek				19 (a)	DFC strongly opposes the Barwarre Road and Boundary Road Greenway and should be removed from the PSP.	Not Supported Council has maintained a consistent position on the provision of greenways across the Armstrong Creek Urban Growth Area (ACUGA) and has protected large areas of high quality vegetation from removal. In addition, the greenway corridors will ultimately provide high quality active transport opportunities across the growth area and contribute to the implementation of a true agenda for environmental sustainability for the ACUGA. The introduction of significant design flexibility for greenways has the potential to create development uncertainty, increase time for review and approval of designs, impact the calculation of net developable area and result in an ad-hoc design response along greenways which may deter active transport users.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					19 (b)	The land valuation methodology should be adjusted to provide for a site specific valuation for the community centre sites.	Not Supported The land valuation methodology across Armstrong Creek has applied a consistent model of before and after site-based valuation. In the event that these parcels are further subdivided, a before and after assessment will consider the title area which needs to be acquired.
					19 (c)	The amendment should be adjusted to provide flexibility to accommodate the proposed relocation of DCP item DI_DR_09 to Hooper's Paddock.	Not Supported There is no justification for the proposed flexibility for this DCP item. It is important to note that Hoopers Paddock is confirmed in the Armstrong East Precinct Structure Plan as an area of high environmental conservation significance.
					19 (d)	DFC seek refinements to the NVPP.	Noted Further detail of the proposed changes is required before Council can comment on this issue.
					19 (e)	DI_RD_09 costings should be adjusted to include the provision of signals at an estimated cost of \$500,000 so that it is consistent with the treatment of similar sub-arterial and connector street intersections in the DCP.	Not Supported This DCP project represents a major collector road intersection with a future sub-arterial and major traffic volume Road and as such has been funded in full in accordance with Council's consistent policy on intersection funding across the Armstrong Creek growth area. This also includes intersection funding across other DCP's to the municipality.
					19 (f)	DFC want the cross sections modified to show the extent of interim cross sections to be constructed by DFC.	Not Supported The existing Precinct Structure Plan shows a cross-section for both interim and ultimate road works. The interim cross sections reflect Councils expectation for the standard of road construction required as part of early subdivision development. Issues of extent and responsibility for construction are not issues that are addressed in precinct structure plans. Landholders are actively encouraged to negotiate these outcomes with adjoining developments to ensure orderly delivery of infrastructure.
					19 (g)	DFC want DCP intersection costings refined to make clear the extent of works to be undertaken by the abutting developers.	Not Supported There is significant supporting information relating to the design, scope of works, estimated costs and other background information to justify and demonstrate the need and extent of these works for future delivery.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					19 (h)	DFC want additional pipe infrastructure for drainage outfalls internal and external to their landholdings included in the DCP costings.	Not Supported These works are local drainage works and do not warrant inclusion in the DCP.
					19 (i)	DFC seek confirmation that the extent of shared paths shown in PSP Figure E are all included within the cost of works shown in DCP project DI_OS_03.	Support It is confirmed that the shared path within Figure E, Southern Active Open Space, are included within the development Contributions Plan. Specifically, these are included in DCP project DI – OS – 03. This is consistent across all active open space reserves with the remainder of the precinct share path network being funded by DCP projects DI – TR – 1 and 2.
					19 (j)	DFC wants a modification to the PSP road network shown through their landholdings.	Support The submitter seeks removal of a local road to the north of the southern active open space running west of Horseshoe Bend Road. Council is sympathetic to this request and believes that a detailed subdivision response and localised traffic management assessment could confirm the appropriate location of local roads such as this. It should also be noted that it does not remove the importance of road frontage to open space and drainage reserves as part of active frontage requirements and passive surveillance.
20	Trifilo	Mrs D and Mr D			20 (a)	The time allowed to comment on the amendment was too limited due to the closure of consultants offices for the Christmas break.	Noted Council officers nominated an extended exhibition period as acknowledgement of the time of year the exhibition occurred. Officers took into consideration the Christmas closures of consultant offices as part of this decision.
					20 (b)	The amendment will cause significant financial hardship to the submitters as a result of the proposed Geelong Ring Road extension cutting through their property and the resultant loss of the house on the subject land.	Noted Geelong Ring Road section 4C and the proposed section 4D East West Road have been established for a number of years through the Armstrong Creek Urban Growth Area planning processes.

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Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					20 (c)	The submitters want the proposed ring road extension moved further south.	Not Supported The road within the Horseshoe Bend PSP has been designed to match the alignment of Baanip Boulevard on the west side of the Surfcoast Highway. Movement of the alignment to the south was considered as part of the 4C Advisory Committee but discounted as a result of significant impacts on existing vegetation and major infrastructure.
21	Robinson	Bill and Jo			21 (a)	Submission argues that waters from the development will increase the volume of water flowing onto the submitters property.	Noted The land is to be acquired as part of the DCP and as such no adverse impacts for flooding will occur on the property prior to the purchase of the site for its future role in Sparrovale wetlands. Council are supportive of the need for a Public Acquisition Overlay across 1-87 Groves Road and 103-215 Sparrovale Road (otherwise known as the Sparrovale and Cold Winds properties). Initial attempts at negotiation with landowners have raised concerns about the ability to efficiently acquire the site in a timely manner, and Council officers believe the application of a PAO would be appropriate to avoid short-term delays in securing this land.
22	Barwon Health	Mr Scott Randall			22 (a)	Barwon Health, as the owners of Alan David Lodge, are happy with the location of shops, passive and active open space.	Noted
					22 (b)	The footpaths may need to be wider, smoother and without steps to accommodate buggies, wheelchairs and walkers between Alan David Lodge and the shops and community facility.	Noted These concerns will be addressed as part of the detailed design associated with an application for a planning permit for subdivision.
					22 (c)	Street lighting needs to be LED and a clear light to provide the best available light for people that may be visually impaired.	Noted These concerns will be addressed as part of the detailed design associated with an application for a planning permit for subdivision.

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					22 (d)	Clear and close access to public transport is needed.	Support Development should be within walking distance to public transport as part of the ultimate road network. It should also be noted that due to the long-term and staged nature of the road network many bus services will not be available until critical connections are established. In advance of this occurring, the Alan David lodge has access to an existing bus service on Surf Coast Highway.
23	Westcott	Paul and Renee			23 (a)	The submission objects to the land being included within the PAO as they have further plans for the property.	Not Supported
24	Starr	John and Amanda			24 (a)	The submitter seeks further information on the impact of the HBPSP on current and future rate valuations	Noted Council officers recommend that the submitter speak with Council's Rates Department about this issue.
					24 (b)	What will be the likely disruption to living standards now and into the future e.g. road traffic, service interruptions etc.	Noted It is difficult to estimate the effect of extended periods of construction during development of the precinct. There will certainly be disruption associated with the delivery of the precinct.
					24 (c)	Is there a different zoning that would be more appealing to lifestyle, small business or development considerations.	Noted The zones applied during the PSP process have been determined to be the most appropriate in achieving the desired development outcome for the precinct.
25	Krishna Parikh and Sue Abdullah		Drs		25 (a)	Submitters object to the reduction in density from 15 dwellings per net developable hectare to 12 dwellings per net developable hectare because it impacts the ability to sell the property at a fair value.	Not Supported The nominated 12 dwellings per hectare is a minimum target density only. Given that a plan detailing the overall development of the sub-precinct must be prepared and endorsed by Council prior to development occurring there is the possibility that the overall sub-precinct density may be higher than 12.
					25 (b)	As a small property the submission contends that the price achieved when bought by a developer does not reflect the true value of the property because the dwelling is not a consideration.	Noted

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					25 (c)	Increased rates may force existing residents out before land values can rise to a level that reimburses the land holder fairly.	Noted It is recommended that the submitter speaks with the Rates Department about these issues.
					25 (d)	The submitter contends that removal of their property from the HBSPSP land area may offer the opportunity for them to maintain their current lifestyle and eventually sell to a private purchaser.	Not Supported It is inappropriate and inconsistent planning to have individual titles removed from the Precinct Structure Plan. If landholders choose to remain on the property for a period of time they are entitled to do so. Remaining within the precinct boundary would not inhibit the potential for the land to be developed at a future time.
26	Tolley	Dr Peter and Mrs Anne			26 (a)	The submitter objects to their property being nominated as 12 dwellings per net developable hectare and not 15 and request that the plan be amended to show their property as achieving a minimum of 15 dwellings per net developable hectare.	Not Supported The nominated 12 dwellings per hectare is a minimum target density only. Given that a plan detailing the overall development of the sub-precinct must be prepared and endorsed by Council prior to development occurring there is the possibility that the overall sub-precinct density may be higher than 12.
27	Armstrong Creek Development Corporation			Wendy Scroggie	27 (a)	Clarification on the proposed widths of Batten Road cross section is being sought as it differs from the cross section nominated in the incorporated ACEPSP.	Support The nominated Batten Road cross-section for the HSB precinct is proposed to be altered in the existing Precinct Structure Plan for the Armstrong Creek East precinct, thereby ensuring consistency. This could be undertaken as part of a negotiated agreement with landowners impacted or alternately the Panel may make a recommendation to alter the Armstrong Creek East PSP to reflect the revised cross section.
					27 (b)	The submitter seeks to understand how the HB cross section will impact on the southern section of Batten Road (contained within the ACEPSP) and any transition proposals.	Support The nominated Batten Road cross-section for the HSB precinct is proposed to be altered in the existing Precinct Structure Plan for the Armstrong Creek East precinct, thereby ensuring consistency. This could be undertaken as part of a negotiated agreement with landowners impacted or alternately the Panel may make a recommendation to alter the Armstrong Creek East PSP to reflect the revised cross section.

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					27 (c)	If the proposed Batten Road cross section in the HBPSP is adopted how will the approved ACEPSP be amended?	Support The nominated Batten Road cross-section for the HSB precinct is proposed to be altered in the existing Precinct Structure Plan for the Armstrong Creek East precinct, thereby ensuring consistency. This could be undertaken as part of a negotiated agreement with landowners impacted or alternately the Panel may make a recommendation to alter the Armstrong Creek East PSP to reflect the revised cross section.
					27 (d)	The proposed densities in each of the sub-precincts in the HBPSP are inconsistent and significantly lower than those in the ACEPSP and ACWPSP and the objectives of the Armstrong Creek Growth Plan. They should be reconsidered to provide consistency across the growth corridor.	Not Supported The density strategy for the HSB Precinct is consistent with the Armstrong Creek East and West precincts and ensures delivery of medium density housing around the Neighbourhood Activity Centre and around the periphery of the Armstrong Creek Town Centre.
28	CCMA				28 (a)	At this time the CCMA does not consider it suitable to delete portions of the flooding overlays at this location as the works have not been completed to represent what the proposal seeks to achieve.	Noted A subsequent meeting and email (dated 25 February 2014) has confirmed that the CCMA are satisfied that Council's internal processes will ensure that land subject to the flooding overlays will be identified and that applications will be referred to the CCMA for comment.
					28 (b)	The CCMA cannot consent to a planning scheme amendment representing changed flow conditions until we confirm that they exist.	Noted A subsequent meeting and email (dated 25 February 2014) has confirmed that the CCMA are satisfied that Council's internal processes will ensure that land subject to the flooding overlays will be identified and that applications will be referred to the CCMA for comment.
					28 (c)	The CCMA is happy to support the remainder of the proposed amendment providing the FO and LSIO deletions are deleted.	Noted
29	Pilling	Di			29 (a)	Will our property be bought by Council or Vic roads?	Noted The responsibility for the acquisition of the property is with Vicroads.

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					29 (b)	Will this planning scheme amendment affect us?	Noted Yes. Amendment C259 nominates the submitters property as land subject to a PAO for the purposes of the east-west link road.
					29 (c)	Will our property lose value as a result of this amendment?	Noted The issue of property value is not a planning consideration for the purposes of the PSP. The exception is where land is to be acquired for purposes nominated in the Horseshoe Bend DCP.
30	Hoare	Mathew			30 (a)	The PSP should be amended to remove the requirement for the provision that Boundary Road be a four lane road east of Horseshoe Bend Road as there is no support or justification for this standard of road.	Not Supported Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.
					30 (b)	The PSP should be amended to show the proposed Powercor substation in an alternate location that is less visually sensitive.	Not Supported The Powercor substation location has been determined in accordance with both Powercor operational requirements and future distribution network design
					30 (c)	The sub-station should be located within the Geelong Cemetery and Crematorium or on the North side of Boundary Road opposite the new emergency services area within the ACTC.	Not Supported The Geelong Cemetery and Crematorium site is too far south to meet the distribution of sub-station requirements nominated by Powercor.
					30 (d)	A PAO should be applied to the Powercor substation site.	Support Powercor have not consented to the application of a PAO to the sub-station site. Despite this, Council supports the submitters recommendation that a PAO is an appropriate tool to acquire this site in the short-term. This is on the assumption that Powercor are nominated as an 'acquiring authority' in relevant legislation.

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					30 (e)	A DDO should be applied to control the urban and landscape design outcomes.	Support (in part) Council is sympathetic to the need to have appropriate design and landscaping controls for the development of such a high profile site. Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility. The application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.
					30 (f)	If a PAO is not applied through this amendment the PSP should include text that ensures that if Powercor do not acquire the site within a reasonable period the site can be developed for residential purposes.	Not Supported The sub-station site has been nominated as part of a wider network plan to service the Armstrong Creek Urban Growth Area. As such, the site needs to remain nominated for Powercor use to ensure that the network can meet upcoming demands at the necessary time.
					30 (g)	The Council's generic approach to greenways unreasonably increases the cost of the subdivision of land abutting the greenway and reduces the area available for development. The submission requests that Council should apply a site specific design response along the Boundary Road and Barwarre Road greenways in lieu of the exhibited greenway proposal.	Not Supported Council has maintained a consistent position on the provision of greenways across the Armstrong Creek Urban Growth Area (ACUGA) and has protected large areas of significant native vegetation from removal. In addition, the greenway corridors will ultimately provide high quality active transport opportunities across the growth area and contribute to the implementation of a true agenda for environmental sustainability for the ACUGA. The introduction of significant design flexibility for greenways has the potential to create development uncertainty, increase time for review and approval of designs, impact the calculation of net developable area and result in an ad-hoc design response along greenways which may deter active transport users.

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					30 (i)	If a PAO is not applied then the PSP should include text that ensures that the land reverts to residential use if not acquired by the State within a reasonable timeframe.	Not Supported The transit corridor is funded through the Development Contributions Plan with affected landowners compensated for the land at the time of development. Council do not support the provision of a 'sunset clause' which will compromise the ultimate delivery of this major piece of infrastructure.

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31	Walker	David			31 (a)	The proposed duplicated Boundary Road should be included as a DCP item with the cost of the infrastructure charged in accordance with projected share of usage.	Noted
					31 (b)	The PSP should be amended to remove the requirement for the provision that Boundary Road be a four lane road east of Horseshoe Bend Road as there is no support or justification for this standard of road.	Not Supported Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.
					31 (c)	The PSP should be amended to show the proposed Powercor substation in an alternate location that is less visually sensitive.	Not Supported The Powercor substation location has been determined in accordance with both Powercor operational requirements and future distribution network design

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					31 (e)	A PAO should be applied to the Powercor substation site.	Support Powercor have not consented to the application of a PAO to the sub-station site. Despite this, Council supports the submitters recommendation that a PAO is an appropriate tool to acquire this site in the short-term. This is on the assumption that Powercor are nominated as an 'acquiring authority' in relevant legislation.
					31 (f)	A DDO should be applied to control the urban and landscape design outcomes.	Support (in part) Council is sympathetic to the need to have appropriate design and landscaping controls for the development of such a high profile site. Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility. The application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.
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34	439 BRD Pty Ltd				34 (a)	The PSP should be amended to remove the requirement for the provision that Boundary Road be a four lane road east of Horseshoe Bend Road as there is no support or justification for this standard of road.	Not Supported Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.
					34 (b)	The PSP should be amended to show the proposed Powercor substation in an alternate location that is less visually sensitive.	Not Supported The Powercor substation location has been determined in accordance with both Powercor operational requirements and future distribution network design
					34 (c)	The sub-station should be located within the Geelong Cemetery and Crematorium or on the North side of Boundary Road opposite the new emergency services area within the ACTC.	Not Supported The Geelong Cemetery and Crematorium site is too far south to meet the distribution of sub-station requirements nominated by Powercor.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					34 (d)	A PAO should be applied to the Powercor substation site.	Support Powercor have not consented to the application of a PAO to the substation site. Despite this, Council supports the submitters recommendation that a PAO is an appropriate tool to acquire this site in the short-term. This is on the assumption that Powercor are nominated as an 'acquiring authority' in relevant legislation.
					34 (e)	A DDO should be applied to control the urban and landscape design outcomes.	Support (in part) Council is sympathetic to the need to have appropriate design and landscaping controls for the development of such a high profile site. Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility. The application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.
					34 (f)	If a PAO is not applied through this amendment the PSP should include text that ensures that if Powercor do not acquire the site within a reasonable period the site can be developed for residential purposes.	Not Supported The sub-station site has been nominated as part of a wider network plan to service the Armstrong Creek Urban Growth Area. As such, the site needs to remain nominated for Powercor use to ensure that the network can meet upcoming demands at the necessary time.
					34 (g)	The Council's generic approach to greenways unreasonably increases the cost of the subdivision of land abutting the greenway and reduces the area available for development. The submission requests that Council should apply a site specific design response along the Boundary Road and Barwarre Road greenways in lieu of the exhibited greenway proposal.	Not Supported Council has maintained a consistent position on the provision of greenways across the Armstrong Creek Urban Growth Area (ACUGA) and has protected large areas of significant native vegetation from removal. In addition, the greenway corridors will ultimately provide high quality active transport opportunities across the growth area and contribute to the implementation of a true agenda for environmental sustainability for the ACUGA. The introduction of significant design flexibility for greenways has the potential to create development uncertainty, increase time for review and approval of designs, impact the calculation of net developable area and result in an ad-hoc design response along greenways which may deter active transport users.

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					34 (h)	A PAO should be applied to the provision of the Transit corridor (DI_LA_08).	Not Supported Council has actively advocated for a PAO on the transit corridor, however, there remains no State or Federal Government commitment on acquisition of the land. As the securing of the transit corridor is a critical land use planning requirement, acquisition to date has been funded through both the Armstrong Creek East and Armstrong Creek Town Centre Development Contributions Plans. This is also consistent with DCP Guidelines, Ministerial Direction and similar DCP's in metropolitan Melbourne. The inclusion of transit corridor funding in the Horseshoe Bend PSP/DCP ensures the corridor is secured and a consistent funding strategy has been employed.
					34 (i)	If a PAO is not applied then the PSP should include text that ensures that the land reverts to residential use if not acquired by the State within a reasonable timeframe.	Not Supported The transit corridor is funded through the Development Contributions Plan with affected landowners compensated for the land at the time of development. Council do not support the provision of a 'sunset clause' which will compromise the ultimate delivery of this major piece of infrastructure.

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35	Fleetwood	Lyn			35 (a)	The PSP should be amended to remove the requirement for the provision that Boundary Road be a four lane road east of Horseshoe Bend Road as there is no support or justification for this standard of road.	Not Supported Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.
					35 (b)	The PSP should be amended to show the proposed Powercor substation in an alternate location that is less visually sensitive.	Not Supported The Powercor substation location has been determined in accordance with both Powercor operational requirements and future distribution network design
					35 (c)	The sub-station should be located within the Geelong Cemetery and Crematorium or on the North side of Boundary Road opposite the new emergency services area within the ACTC.	Not Supported The Geelong Cemetery and Crematorium site is too far south to meet the distribution of sub-station requirements nominated by Powercor.

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					35 (e)	A DDO should be applied to control the urban and landscape design outcomes.	Support (in part) Council is sympathetic to the need to have appropriate design and landscaping controls for the development of such a high profile site. Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility. The application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.
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					36 (i)	If a PAO is not applied then the PSP should include text that ensures that the land reverts to residential use if not acquired by the State within a reasonable timeframe.	Not Supported The transit corridor is funded through the Development Contributions Plan with affected landowners compensated for the land at the time of development. Council do not support the provision of a 'sunset clause' which will compromise the ultimate delivery of this major piece of infrastructure.

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37	DEPI				37 (a)	The exhibited version of the HB NVPP will need to be updated to reflect the change in state government policy relating to the clearing of native vegetation.	Support
					37 (b)	DEPI does not object to the deletion of the ESO in the areas shown in exhibited documents.	Support
					37 (c)	The implementation of the Sparrovale wetland is important in protecting the Ramsar listed Hospital swamp from inappropriate storm water quality and volume.	Noted

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
38	Horseshoe Bend Landowners Group				38 (a)	The Greenway proposed along Barwarre Road and sections of Boundary Road should be removed from the PSP	Not Supported Council has maintained a consistent position on the provision of greenways across the Armstrong Creek Urban Growth Area (ACUGA) and has protected large areas of significant native vegetation from removal. In addition, the greenway corridors will ultimately provide high quality active transport opportunities across the growth area and contribute to the implementation of a true agenda for environmental sustainability for the ACUGA.
					38 (b)	The following items should be removed from the DCP because they do not fall within the Ministerial Direction on items that may be funded by the CIL: - Athletics Facility - Indoor Recreation Facility - Regional Playground - Lawn Bowling Greens	Not Supported All but one of the items listed in the submission have been incorporated within other DCP's across the Armstrong Creek Urban Growth Area including the Armstrong Creek East and West residential precincts. The exception is the Athletics facility which is unique to this precinct and has been described in detail during past panels as part of the distribution of regional facilities in home-of sites around the growth area. Funding of these facilities is an outcome of their location and the inclusion of the Athletics facilities in the Horseshoe Bend Precinct is simply an outcome of its nominated site on Boundary Road. Other precincts within the ACUGA have included similar unique facilities for other sporting codes such as, soccer/hockey within the Armstrong Creek West regional active open space and AFL, netball and soccer in the Armstrong Creek East regional active open space. This model has been presented to several Panels confirming the implementation of the ACIIDP and the delivery of critical sporting facilities that service the ACUGA. This facility is also considered embellishment of open space in accordance with Minister's guidelines and precedents set within other Armstrong Creek projects and metropolitan Melbourne DCP's.
					38 (c)	The 10 year Sparrovale management plan should be removed from the DCP and the costs borne by Council as the drainage authority.	Not Supported The wetlands environmental implementation works reflect the realistic requirements of implementing such a unique and complex environmental system in currently significantly degraded farmland. Without these funds Council would consider it inappropriate to progress the amendment.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					38 (d)	Council should negotiate the cost of acquiring the Cold Winds and Sparrovale properties and amend the DCP accordingly.	Not Supported The purchase costs will be borne by the DCP as a direct nexus is firmly established between the requirement for the wetlands and the Horseshoe Bend Precinct.
					38 (e)	The Transit Corridor should be removed from the DCP and PTV fund the acquisition through the application of a PAO on the land.	Not Supported Council has actively advocated for a PAO on the transit corridor, however, there remains no State or Federal Government commitment on acquisition of the land. As the securing of the transit corridor is a critical land use planning requirement, acquisition to date has been funded through both the Armstrong Creek East and Armstrong Creek Town Centre Development Contributions Plans. This is also consistent with DCP Guidelines, Ministerial Direction and similar DCP's in metropolitan Melbourne. The inclusion of transit corridor funding in the Horseshoe Bend PSP/DCP ensures the corridor is secured and a consistent funding strategy has been employed.
					38 (f)	The Powercor substation should be removed from the PSP and located on the Geelong Cemetery site.	Not Supported The Geelong Cemetery and Crematorium site is too far south to meet the distribution of sub-station requirements nominated by Powercor.
					38 (g)	A PAO should be applied to the Powercor site.	Support Powercor have not consented to the application of a PAO to the sub-station site. Despite this, Council supports the submitters recommendation that a PAO is an appropriate tool to acquire this site in the short-term. This is on the assumption that Powercor are nominated as an 'acquiring authority' in relevant legislation.
					38 (h)	A DDO should be applied to the Powercor site.	Support (in part) Council is sympathetic to the need to have appropriate design and landscaping controls for the development of such a high profile site. Council believes that other opportunities for control such as a Section 173 agreement will provide an appropriate level of support to inform the future design of this facility. The application of a DDO to the site places significant onus on Council in reviewing an application against controls and on Powercor who are rarely required to apply for a planning permit for their facilities.

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					38 (i)	There appears to be an error in the depiction of the recycled water assets in Plan 15 of the PSP. This should be investigated and Plan 15 updated as appropriate.	Noted This error will be checked and documents updated accordingly.
					38 (j)	The PSP should be amended to remove the requirement for the provision of Boundary Road as four lanes east of Horseshoe Bend Road.	Not Supported Boundary Road, between Horseshoe Bend Road and Barwon Heads Road, will ultimately be a four lane road as a result of line marking and movement of kerb and channel and not as a result of any increase in road standard or reserve width.
					38 (k)	The intersection of Surf Coast Highway and Boundary Road is incorrectly costed in the DCP which will lead to a shortfall in costs to be financed outside the DCP.	Noted Additional analysis will be undertaken to ensure that all costings are accurate.
					38 (l)	The PSP needs to be refined to make clear the extent of the interim cross sections for Horseshoe Bend Road, Boundary Road and Burvilles Road. The present scope of works for interim cross sections is excessive and are opposed.	Not Supported The existing Precinct Structure Plan shows a cross-section for both interim and ultimate road works. The interim cross sections reflect Councils expectation for the standard of road construction required as part of early subdivision development. Issues of extent and responsibility for construction are not issues that are addressed in precinct structure plans. Landholders are actively encouraged to negotiate these outcomes with adjoining developments to ensure orderly delivery of infrastructure.
					38 (m)	Further specifications for each DCP project are required.	Not Supported There is significant supporting information relating to the design, scope of works, estimated costs and other background information to justify and demonstrate the need and extent of these works for future delivery.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

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					38 (n)	Measures to avoid scope creep in the implementation of the DCP should be introduced.	Not Supported The issue of Scope Creep is often a result of the long term nature of delivery of infrastructure projects within developing communities. Often, these changes are necessary as a result of legislative changes prior to project delivery. These risks are borne by both the development community and Council (as the nominated deliverer of infrastructure) and are difficult to completely protect against over a lengthy project timeline.
39	Vic roads				39 (a)	Vic roads agree to be the acquiring authority for the Armstrong Creek East West Link Road between Surfcoast Highway and Drews Road.	Noted
					39 (b)	Vic Roads will agree to be the acquiring authority for the east-west link road between Drews Road and 200 Reserve Road if Council enters into a binding agreement to address any claim for compensation, hardship or financial loss prior to the land being required for arterial road purposes.	Support
					39 (c)	Vic roads agree to be the acquiring authority for the east-west link road between 200 Reserve Road and Barwon Heads Road.	Noted
					39 (d)	The exhibited PAO for Barwon Heads Road is adequate except for intersections where additional widening will be required.	Noted Meetings have been held with Vicroads to discuss areas of concern and adjustments will be made where necessary.
					39 (e)	Access streets should be shown intersecting with the frontage road rather than Surfcoast Highway.	Noted
					39 (f)	Change dot point 8 in <i>Image and Character</i> from 'Figure ?' to 'Figure M'.	Support Text will be modified in accordance with the submission.

Armstrong Creek Horseshoe Bend PSP C259 Summary of Submissions

Submission Number	Last Name/Company	First Name	Title	Attn:	Submission Number	Changes Requested	Response
					39 (g)	Reference to noise attenuation in dot point 10 in <i>Image and Character</i> should be modified to read as follows: <i>Developers of land adjacent the ACEWLR must consider the impact of noise and provide sufficient noise attenuation so that traffic noise is limited to the levels in Vic Roads Noise Reduction Policy.</i>	Not Supported The current wording is consistent with the approved, and incorporated, Armstrong Creek West Precinct Structure Plan.
					39 (h)	The option of a 'service road' as access control to arterial roads should be removed from the document.	Support Text and plans will be modified accordingly.
					39 (i)	Plans 10A and 10B should be altered/annotated to reflect the four intersections between the railway line and Boundary Road connecting to frontage roads rather than directly with Torquay Road.	Support Plans will be modified to reflect connection to a frontage road rather than directly to Torquay Road.
					39 (j)	Plan 10B should be altered to reflect removal of the intersection between Connector G and Torquay Road when the ACEWLR is constructed.	Support Plans will be modified accordingly.
					39 (k)	The Connector E intersection with ACEWLR may be too close to the ultimate Torquay Road ramps. Further investigation is required.	Noted The intersection spacing will be the subject of further detailed design.
					39 (l)	The access street intersection with Barwon Heads Road (between Connector A and Boundary Road) should be left-in/left-out only. Plan 10A and Plan 10B should be annotated to show this.	Support Plans will be modified accordingly.

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					39 (m)	The Surfcoast Highway typical cross section (Figure M in Appendix 8) does not show the walking/cycling path nominated on the Walking/Cycling Link Plan. The cross section should be amended to reflect the path.	Support Plans will be modified to make the path clear on the cross section.
					39 (n)	The following dot point should be added under planning and design guidelines that MUST be met in Section 4.7.3 <i>Utilities :</i> <i>On Surfcoast Highway and Barwon Heads Road, any new longitudinal utility services should be located clear of the future widened roadways. This may require the service to be located outside the existing road reserve.</i>	Support Council officers also support the including of the wording from the Armstrong Creek Town Centre PSP: <i>Ensure all road designs that have an interim role are designed to easily facilitate the delivery of the ultimate cross section and that underground infrastructure such as drainage and utilities are provided in their ultimate location</i>
					39 (o)	The outer separator widths shown on the Surfcoast Highway and Barwon Heads Road cross sections may need to be increased if extensive landscaping treatments are desired.	Noted
					39 (p)	The concept intersection layout (drawing CG111786 T13 P4) does not accord with the actual layout of the Baanip Boulevard approach as it is currently being constructed. As a result, the cost estimate in the DCP may underestimate the actual cost of the works and should be reviewed.	Support This intersection is currently being re-designed in consultation with VicRoads officers and the Horseshoe Bend Landowners Group.
					39 (q)	Clarification is required on the difference between the cost estimate for the intersection of Reserve Road and Barwon Heads Road. The project cost on Page 21 of the DCP as \$1,664,382 but the road engineering supporting cost documentation lists the project as \$3,328,764.	Noted This cost is evenly distributed between Horseshoe Bend and the NEIP precincts - the \$3,328,764 represents total project cost with the \$1,664,382 being the HB Precinct contribution.

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40	Powercor				40 (a)	Powercor would prefer the substation land to be rezoned to SUZ for utility purposes.	Not supported As Powercor will need to negotiate the purchase of the land for the substation, Council believe that the landholder is entitled to the value of the site as residential and not, potentially, have it devalued through rezoning. That being said, Council officers agree that a rezoning could occur once the land is within Powercor ownership.
41	Catholic Education Office				41 (a)	The CEO want the active open space, currently located on the eastern side of Horseshoe Bend Road, co-located with the school site.	Not supported The active open space has been evenly distributed across the precinct to ensure that the principles of equal access and walkability are met. In addition, the Catholic School site presents a topographical challenge for the design of accessible open space with the land falling significantly to the north.
					41 (b)	The CEO request that wording be included in the DCPO that specifically excludes them from development contributions	Not supported A Ministerial Direction was issued on 25 January 2012 which exempts non-government schools from development contributions. As a result, there is no need to specifically nominate the non-government school in the DCPO Schedule.
					41 (c)	The CEO request that no use permit be required for non-government schools.	Not supported Council do not support the removal of the need for use permits for non-government schools.
42	Country Fire Authority				42 (a)	No changes requested.	

7. GEELONG MUNICIPAL EARLY YEARS PLAN 2013-2017

Portfolio:	Community Development - Cr Fisher
Source	Community Services – Family Services
General Manager:	Jenny McMahon
Index Reference	Municipal Early Years Plan

Purpose

The purpose of this report is for Council to formally adopt the Municipal Early Years Plan (MEYP) 2013-2017 (see Appendix 1 – *previously distributed with briefing papers*).

Summary

- The purpose of the Municipal Early Years 2013-2017 is to provide a clear strategic direction for the City of Geelong to improve the early development, health, and wellbeing of young children over the next four years.
- The Municipal Early Years 2013-2017 - '*A Place for Us*', sets out a range of key objectives and action strategies to address relevant local needs and priorities associated with improving support for young children and families throughout the municipality
- The draft Municipal Early Years Plan was released for public consultation from 29 January to 28 February 2014.
- During the consultation period, one submission was received which supported the content of the Plan, and no changes were requested.

Cr Fisher moved, Cr Richards seconded -

That Council adopt the Municipal Early Years Plan 2013-2017 and approve for publication.

Cr Macdonald left the meeting room at 8.05pm

Cr Macdonald re-entered the meeting room at 8.06pm

Carried.

Background

The 2013-2017 Municipal Early Years Plan builds on the foundations of Council's previous plan '*Communities for Children*' and also related State and Federal Government policy and planning priorities.

The Municipal Early Years Plan is a local area plan designed to provide a strategic direction and framework for the development and coordination of early childhood programs, activities and other local community development processes that impact on children aged from 0 – 8 years.

Council, at its meeting on 28 January 2014, approved the draft Municipal Early Years Plan 2013-2017 to be released for public comment for a period of four weeks. The public comment period closed on 28 February 2014.

Discussion

Over the past decade, the attention of all Australia's Governments, Commonwealth, State/territory, and local, has increasingly focused on the importance of young children.

This focus has arisen because of the clear evidence of the profound significance of the early years of a child's life for their future wellbeing; increases in poor outcomes for some children in key developmental areas and growing inequalities in outcomes among groups of children; impacts on family functioning from social changes and difficulties for children's and family support services in meeting needs; and the increasing reliance of families on early childhood services to enable parents to participate in the workforce.

Local government across Victoria is acknowledged as the leader in local area early childhood planning. The new Victorian Early Years Strategic Plan 2014-2020 recently released by the Victorian State Government specifically identifies the important role of MEYP's and the intention to strengthen the status of Municipal Early Years Plans....

"strengthen planning by formalising the status of Municipal Early Years Plans with the Department of Education and Early Childhood Development and the Municipal Association of Victoria, including joint agreement about the role of councils in early childhood service delivery and infrastructure planning."

The 2013-2017 Municipal Early Years Plan has been developed following consultation with relevant stakeholder groups including children, parents, service providers, and Council officers from across various Council Departments.

The 2013-2017 Municipal Early Years Plan reflects the many changes that have occurred within the broader landscape of local, State and Federal policy and programming since Council's first MEYP was developed.

The 2013-2017 MEYP has been formulated around six key themes:

1. Safeguarding the best interests of all young children
2. Building community
3. Services working together
4. Celebrating diversity
5. Promoting a healthy community
6. Planning for now and in the future

The six themes align with the four key principles of the UN Convention on the Rights of the Child, the foundations for building a Child Friendly City, and key government and community, policy and program priorities. The Municipal Early Years Plan also aligns with the Council City Plan 2013-2017 and Municipal Health and Wellbeing Plan 2013-2017.

It is expected that key actions and priorities outlined within the plan will become part of departmental business plans and will be reported to Council on an annual basis. It is also anticipated that the plan will be adopted by other community partner organisations in relation to their own strategic planning priorities and directions.

During the public comment period, copies of the draft plan were made available at all City of Greater Geelong Customer Service Centres and via Geelong Australia website.

One submission was received during this period from the Geelong Kindergarten Association, seeking clarifications in response to a number of questions and matters referred to within the content of the draft plan. The matters were subsequently addressed to the satisfaction of the Geelong Kindergarten Association and no changes were requested to the content of the plan.

With the conclusion of the public comment period, it is recommended that Council formally adopt the Municipal Early Years Plan 2013-2017 and approve the plan for publication.

Environmental Implications

Increasing evidence identifies a wide range of environmental factors influence and directly impact on children's early development, health and well-being. These factors can have both immediate and cumulative affects on children, with increasing evidence that links children's health conditions to adverse environmental factors.

Environmental considerations are therefore critical and integral to Council's MEYP and development of future environmental management strategies and controls.

Financial Implications

Any financial implications arising from the Geelong Municipal Early Years Plan will be referred for consideration to future budgets.

Policy/Legal/Statutory Implications

The preamble to the *Convention on the Rights of the Child* (CRC) recognises the family "...as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities in the community".

The CRC also recognises that the role of parents is not one to be carried out solely as an individual responsibility, and requires governments to take all appropriate measures to "... render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities".

The development of the Municipal Early Years Plan is not a statutory requirement. However, the MEYP is intended to be closely integrated with the corporate planning processes of Local Government.

Local government's planning role is legislated in the Local Government Act (1989), Planning and Environment Act (1987) and the Health Act (1958). Corporate Plans, Municipal Public Health Plans, and the Municipal Strategic Statement are required by statute. Early childhood development clearly fits within a social health framework and therefore it is intended that the MEYP is closely integrated with Council's Municipal Public Health Plan.

There are strong policy and potential funding implications associated with the creation of a MEYP for Geelong. Increasingly Victorian State Government funding initiatives for early childhood support are being integrated with key priorities identified within local government Municipal Early Years Plans.

The endorsement of the MEYP therefore strengthens Council's position to potentially attract additional funding and resources for the future, along with establishing a cohesive planning and policy framework for further development and planning of early children's services.

Alignment to City Plan

The development of a new MEYP has been identified as a key strategic priority within Council's City Plan 2013-2017. The MEYP is also acknowledged as an important strategic planning and policy framework by both State and Federal Governments.

The 2013-2017 MEYP also aligns closely with the following Council policy and planning frameworks:

- Community Consultation Policy
- Municipal Public Health and Wellbeing Plan 2013-2017
- Multicultural Action Plan 2011-2014
- Disability Action Plan 2009 -2013
- Karreenga Aboriginal Action Plan 2012 - 2015

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any direct or indirect interest relative to the advice provided in the report.

Risk Assessment

Council has a shared responsibility with the Victorian State and Australian Governments to ensure that locally accessible family and children's services are provided which support families in the care, protection, development and well being of young children.

Early childhood research clearly indicates that the quality of service provision is integral to ensuring positive outcomes for children. Where children are subject to a range of risk factors that are not addressed through the provision of appropriate support and intervention, the subsequent impact on their health, development and quality of life can have significant, long-term costs that are detrimental to individuals, families and the community as a whole.

Development of the MEYP has identified a wide range of critical challenges in strengthening local support for children and families especially in relation to improving outcomes for vulnerable children and providing affordable and accessible support for parents and families.

The MEYP provides a coherent framework within which the various issues, challenges and potential risks for children, families and local service providers can be progressively addressed and mitigated.

Failure to endorse and implement the MEYP will perpetuate current service fragmentation, disadvantage opportunities to attract additional funding and resources, and reduce the capacity of the local community to adequately and effectively support children and families.

Social Considerations

The provision of strong and effective support to children and families in the early years of children's development and family formation is widely recognised as having significant positive benefits and implications for children, families, and the community.

Evidence clearly indicates that preventative support and intervention in the early stages of child development and family formation can significantly reduce the incidence of more complex problems arising in the later stages of children's lives. The provision of effective support to families with young children inevitably has broader social benefits in contributing to strengthening the capacity of local communities.

The results from the 2012 Australian Early Development Index Project (AEDI) indicate that while most children throughout Geelong are performing well against the developmental indicators, 18.8 per cent of children are performing poorly and identified as vulnerable or at significant risk on one or more of the development domains. In some Geelong communities the rate of vulnerability is as high as 49 per cent or over twice the national average.

Consequently, continuing focus on improving support to strengthen the outcomes for young children is warranted.

Human Rights Charter

The 2013-2017 MEYP is informed by key policies, reforms and initiatives, internationally, nationally and locally. From an international perspective, this includes a commitment to uphold children's rights, drawing on the UN Convention of the Rights of the Child. It also includes awareness of international enterprises, such as the Child Friendly Initiative, which is seen as the embodiment of the Convention at a local level.

Consultation and Communication

The Municipal Early Years Plan 2013-2017 will be published and distributed to relevant local organisations and stakeholder groups. Copies of the document will also be made available via the Geelong Australia website and at Customer Service Centres in the required format.

During the public exhibition period, copies of the draft plan were made available at all City of Greater Geelong Customer Service Centres and online, with the consultation period then being promoted in the following ways:

- Media release
- City News
- 'Have Your Say' sections of the Geelong Australia website
- Greater Geelong Childhood and Education e-bulletin

8. CENTRAL GEELONG MARKETING COMMITTEE - ANNUAL ACTIVITIES REPORT 2012-2013

Portfolio:	Central Geelong – Cr Heagney
Source	Projects, Recreation and Central Geelong / Events, Central Geelong & Waterfront
General Manager:	Dean Frost
Index Reference	Subject: Marketing & Communications – Central Geelong Marketing / Committee Management Subject: Council Governance / Boards / Central Geelong Marketing Committee

Purpose

To provide a report on activities undertaken by Central Geelong Marketing Committee 2012-13 and a review of the Committee's terms of reference.

Summary

- This report provides an overview of Central Geelong Marketing Committee (CGMC) activities for the period June 2012 to July 2013, being the second year of the third five year term of the special rate. In March 2011, Council resolved to continue the Central Geelong Marketing Committee special rate for a further five year term until 2016.
- The objective of Central Geelong Marketing (CGM) is to market and promote Central Geelong in a coordinated and integrated manner aimed at enhancing its economic and social viability and its general amenity, making it an exciting, and vibrant focus for the whole of the Geelong region.
- The Central Geelong Marketing Committee has reviewed its current Terms of Reference and has endorsed some minor administrative amendments to its Terms of Reference for consideration.

Cr Heagney moved, Cr Irvine seconded -

That Council notes the Central Geelong Marketing Committee Annual Activities Report 2012-13 and accepts the changes to the Central Geelong Marketing Committee Terms of Reference.

Carried.

Background

The Special Rate in Central Geelong has been in operation since 2001 via three five year terms. This Committee has delegated authority to administer the proceeds of a five year special rate on non-residential properties for marketing and promoting Central Geelong.

The Special Rate in 2012-2013 raised \$671,000 from 1441 businesses. Additional income from farmers' market stallholder fees and partnerships took total income for 2012-13 to \$692,000. The Committee is responsible for organising activities such as the Central Geelong Sidewalk Sales, the Central Geelong School Holiday Program, the Central Geelong Magic Meter Elves, May Magic, Tastes of Central Geelong and the Christmas in Central Geelong promotion and ran the Central Geelong Farmers Market until June 2013.

The estimated economic benefit of the flagship activities listed above to Central Geelong Business Operators in 2012-2013 has grown substantially and has been measured to be in excess of \$5 million in 2012-13.

In addition, CGM provides a range of business development activities including a professional development and training program for business operators, conducts regular networking opportunities, has developed and maintains a website www.centralgeelong.com.au which provides an online business directory for all businesses within the special rate area.

The committee delivers a consolidated advertising campaign to promote the range of businesses on offer in Central Geelong throughout the Geelong region and surrounding areas. Social media and digital communications are recognised as key areas of future growth with the introduction of Central Geelong Marketing's Facebook and twitter pages.

The Central Geelong Marketing Committee special rate is one of the largest operating within Australia and received Mainstreet Australia awards in 2012 for 'Council that best supports a special rate' and Best Activity/ Initiative with a special rate above \$100,000 for the inaugural Tastes of Central Geelong event.

Discussion

The Central Geelong Marketing Committee met 11 times in the period between 1 July 2012 and 30 June 2013. All were ordinary meetings. Issues relating to strategic planning, finance and administration were dealt with at full committee level. To ensure objectives were met, specific programs and activities were driven through sub-committees for Marketing and Evaluation and overseen by the full committee.

Strategic Framework 2012-2015

In April of each year, the Committee meets to review the three year rolling Strategic Framework and to establish the next Annual Activities Plan.

The Central Geelong Marketing Committee Strategic Framework focuses on three key questions and addresses the challenges and opportunities within each key focus area.

- Where we are going? – Our Vision;
- What we are doing? - Our Key Focus Areas;
- What are we attempting to achieve – Our Key Outcomes

This was developed into the Central Geelong Marketing Committee Strategic Framework 2012-15. A broad outline of this framework follows:

CGM's Vision - 'Central Geelong – a vibrant place of choice'

Key Focus Area 1 – More People – Growing the number of customers, workers, residents, students and visitors experiencing and enjoying Central Geelong through

- Marketing
- Promotions
- Events
- Communications

Key Focus Area 2 – More business – Creating business opportunity through

- Business Presentation
- Business Capability
- Networking
- Business Attraction
- Marketing opportunities to business operators

Key Focus Area 3 – More support – Growing CGM's capability to provide effective leadership through a coordinated approach to robust strategic planning, the delivery of valued programs, effective communication and advocacy through

- Stakeholder communications
- Research
- Strategic Influence
- Strategic Planning
- Governance
- Increasing financial and in-kind support
- Marketing to raise key stakeholders appreciation of CGM activities.

Annual Activities Plan 2012-2013

The annual activities plan for 2012-2013 consisted of 72 specific programs within the key focus areas with more than 300+ delivered activities.

These programs were developed into a program of events and activities which have been delivered according to the agreed Annual Activities Plan.

Key Focus Area 1 - More People: Growing the number of customers, workers, residents and visitors experiencing Central Geelong

Marketing – raise the community's appreciation of Central Geelong

- *Consolidated Marketing* – development of a consolidated advertising program via print and electronic media to raise the awareness of Central Geelong and the range of businesses on offer. In excess of 120 advertisements throughout 2012-13.
- *Central Geelong Television Commercial* – A television commercial for Central Geelong was produced in 2012-13 and screened in cinemas in Geelong, Werribee and regional centres, and on regional television. The commercial is also Youtube with links appearing on the Central Geelong website and aligned websites for events, activities and businesses.
- *Promotion of www.centralgeelong.com.au* – ongoing development of the Central Geelong website, inclusion in all advertising and monitoring usage and relevance of information. Statistics relating to unique users, bounce rates and click thrus tracked to demonstrate

- *Sponsorship of the Central Geelong Shuttle* – CGM funded the provision of the Central Geelong Shuttle for key events including the Sidewalk Sales and Seniors Week.
- *Central Geelong Parking Initiatives* – the continued update, printing and distribution of the Central Geelong Parking Map to assist visitors, workers and business operators. Maps available on-line, distributed to business operators and made available electronically for event organisers and distributed to all business operators to assist Central Geelong workers locate all-day parking options.

Promotions - Undertake promotions that attract people to Central Geelong and raise the profile of Central Geelong businesses.

- *Central Geelong Sidewalk Sales* – this flagship event was developed further in 2012-13 with 170 participating businesses and expansion of the entertainment component to include the Pamper Marquee. Pedestrian counts undertaken estimated over 28,000 people attended the Sidewalk Sales in 2012. Estimated economic benefit from this one day activity in 2012-2013 event was \$1.5 million.
- *Central Geelong School Holiday Program* – Three programs ran in 2012-13 – winter, spring and autumn. The school holiday fun program has seen an increase in activities being undertaken in Central Geelong businesses and includes a range of free and paid activities to attract families into Central Geelong each school holidays. Over 5880 families registered with approximately 18,000 participants per year. The program is highly sought after with activities requiring bookings filling within days of program release. CGM has delivered additional free activities that do not require bookings to meet demand. The estimated economic benefit from the July 2012, September 2012 and March 2013 program was \$647,000 up from \$432,000 in 2011-12.
- *Central Geelong Magic Meter Elves* - the Magic Meter Elves continued to grow in popularity in 2012 and provided 48,000 minutes of free parking. The team of 8 elves greeted approximately 20,000 shoppers and traders. 85% of Central Geelong businesses surveyed said the elves were effective in promoting Central Geelong in the lead up to Christmas.
- *Christmas in Central Geelong* – 2012 saw 3465 up from 3185 participants in 2011 with over \$170,000 in estimated economic benefit from attendance at CGM delivered events. 90,000 brochures distributed to all homes in the region, customer services and visitor information centres and businesses in Central Geelong. Increased decorations at eye level included parking meter stickers, up-lights and window decals.
- *Sponsorship of the Park and Ride service* – to support through financial and in-kind sponsorship the provision of Park and Ride services to provide Central Geelong workers and visitors alternative parking options. 2012-13 was the second of a three year commitment to the Central Geelong Park & Ride service by CGM. Central Geelong Marketing has promoted the Park & Ride services extensively to businesses and their employees via its newsletters, website and networking events.
- *Tastes of Central Geelong* – the second annual 21 day food event for Central Geelong saw 108 activities in 2012 (85 in 2011) activities over 21 days with 7400 participants (up from 5400 in 2011). 100% of participants surveyed wanted the event to return in 2013-14. Estimated economic benefit to Central Geelong businesses was \$428,000 up from \$330,000 in 2011.

- *May Magic in Central Geelong* – A month long proof of purchase promotion with a new car as the major prize. Significant sponsorship obtained including print and electronic media, vehicle partner and redemption locations partners. 3400 entries with surveys with 88% saying they encouraged their customers to enter. Sponsorship value for this promotion exceeded \$50,000. Electronic entry options for 2013 reduced double up of entries.

Events - Develop, support and/or implement events that grow Central Geelong's reputation as a leading business and cultural precinct

- *Central Geelong Farmers Market* – The Central Geelong Farmers Market was reviewed during the 2012-13 financial year in light of the increased number of farmers markets in the Geelong region and feedback from stallholders and general public. Site logistics was an issue for many stallholders. Following the review, discussions commenced with the Geelong Central Rotary Club to merge the Steampacket Market and the Central Geelong Farmers Market. An agreement was formed in May 2013 and the Central Geelong Farmers Market ceased its operations following the May 2013 market. The new Geelong Waterfront Makers and Growers Market launched in July 2013 and CGM will provide sponsorship and marketing assistance to the Geelong Central Rotary Club in return for sponsorship benefits.
- *Sponsorship* – Central Geelong Marketing supported the QVM Night Markets in Johnstone Park both financially and in-kind. CGM also supported GPAC Family Magic, The Pier Festival, Open House Geelong, Street Are Alive, Geelong Revival, Geelong Food and Wine Festival and participated in the Poppykettle Festival and Gala Day.
- *Central Geelong Promotional Team*: Uniformed staff promoted Central Geelong Marketing activities and the range of Central Geelong businesses at CGM delivered events and at sponsored activities.

Key Focus Area 2- More Business: Growing the capability of Central Geelong's businesses

Business Presentation - Foster improved business presentation and appearance;

- *Visual Merchandising Toolkits* – continued production and distribution of toolkits to assist Central Geelong retail and professional service businesses present their premises more effectively. Distribution at VM workshops and to all participants in the Gordon window theming program.
- *Business Numbers* – a program to make street numbers more visible in Central Geelong was again offered to all business operators. To date, over 280 Central Geelong businesses have requested & received a professional printed and installed sign indicating street name and number.

Business Capability - Support improved business capability through education, training and the dissemination of relevant information

- *Innovative Training Opportunities* – CGM offered a joint training program with Tourism Geelong and Bellarine Tourism to run throughout 2012-13. A varied range of topics were offered in 25 sessions to assist Central Geelong business operators including marketing to your database, event leverage, e-business, barista training, developing marketing plans, negotiating your lease with your landlord, building your nest egg and other topics. A training program flyer was produced and distributed to all business operators with regular reminders via email and newsletters. Businesses owners were able to attend themselves as well as sending staff.

Networking - Foster effective networking between Central Geelong businesses, business organisations and key agencies

- *Networking Events* - Central Geelong hosted quarterly networking events in 2012-2013 with over 700 Central Geelong business operators attending. These networking events provide an opportunity for business operators to network with other central Geelong businesses and to promote their products and services to Central Geelong workers. These networking events attract a broad range of business operators from all business types including retail, professional services, and hospitality. In-kind sponsorship for these events obtained from venue providers, cinema, and door prize providers.
- *New Business Welcome Kits* – Central Geelong produces and distributes a new business welcome kit when new businesses are identified in Central Geelong. Kits include information on how to benefit from Central Geelong Marketing's range of programs and activities and information on how to access the dedicated Central Geelong website and update information in the online business directory.

Business Attraction - Attract new business to Central Geelong

- *Information Kit for potential new businesses* - CGM produces information kits for potential new businesses that are available for distribution by real estate agents and prospective new businesses.

Key Focus Area 3- More Support. Growing CGM's capability to provide effective leadership through robust strategic planning, the delivery of valued programs and effective communication.

Stakeholder Communication – Develop a high level of awareness and understanding amongst key stakeholders through effective communication;

- *Central Focus Newsletter*: Quarterly newsletters provided to all Central Geelong business operators informing them of the activities of the committee. Sent to all Business Operators in Central Geelong via a mix of mail and email.
- *Information Updates* – CGM continued to inform business operators of items that may be of interest to their business, such as notification of applications for planning permits, consultation opportunities for businesses, upcoming events etc. Updates are electronic via email.
- *Website updates* – centralgeelong.com.au continues to be a key tool for CGM. All Central Geelong Business Operators receive a free listing within the business directory that can be linked to their own website. Key features also include a special offers page, events calendar, business development, marketing and training opportunities. Information is updated regularly to ensure all information is current and informative. All advertising includes website address. Window decals for www.centralgeelong.com.au are provided within all new business kits.
- *Tenancy Database* – CGM maintains a database of business operators in Central Geelong to ensure accurate and effective information flow to stakeholders. This is regularly updated to ensure accuracy through tenancy audits. It provides an effective communication tool to the appropriate decision maker at each business within Central Geelong and provides increasingly accurate information within the Central Geelong Business Directory.

Research – Gather and disseminate relevant information about Central Geelong

- *Evaluation* – Evaluation of specific activities undertaken with general public via face to face and electronic survey methods. Feedback sought from participating businesses for specific events. Pedestrian counting undertaken at Farmers Market and Sidewalk Sales. Electronic survey undertaken for stakeholder feedback.
- *Review of Best Practice within Australia & Overseas* – regular review of Mainstreet and activity centre best practice is undertaken through association with other similar bodies. Member of Mainstreet Australia. Seek information from UK and US peer organisations. Opportunities to speak at workshops, forums and conferences undertaken to promote the activities of CGM to peer organisations. and ensure Central Geelong is seen as a leader in this field. CGM presented at Mainstreet Australia National Conference at Federation Square in March 2013.

Strategic Influence – Influence the agenda for economic development, tourism, events and infrastructure relevant to Central Geelong

- *Make submissions on policies or strategies relevant to Central Geelong* – CGM provided feedback & submissions on relevant policies or strategies in 2012-2013 including Vision2 and the Central Geelong Task Force.
- *Contribution to Councillor Newsletter* – CGM has provided consistent feedback to Councillors via the Councillor newsletter regarding activities and events funded from the special rate program.

Strategic Planning – Develop, implement and evaluate an effective strategic plan

- *Strategic Plan* – A rolling strategic framework for the third five year term of the special rate was developed.
- *Annual Activities Plan* – A one year activity plan was established to meet the priorities of the strategic plan.
- *Marketing Plan* – An annual marketing plan was established to meet the priorities of the annual activities plan.

Governance - Ensure the ongoing and effective administration of CGM

- *Staffing* – CGM was supported in 2012-2013 by an Executive Officer (PT), Assistant Executive Officer (FT), Administration Officer (PT) & two Project Officers (PT) with a total EFT of 2.8.
- *Office administration* - General office requirements including access to telephones, photocopiers, fax, PC's and office items and stationery.
- *Training & development* - Staff training and development included regular attendance at Mainstreet Australia workshops, LG Pro activities and internal COGG training as required.

CGM fully expended its budget within the 2012-13 financial year with some activities associated with the 2013 Tastes of Central Geelong event (July 2013) included within the 2012-13 expenses within the following broad areas.

Marketing & Promotions (including project delivery)	\$538,000
Evaluation	\$14,000
Administration	<u>\$140,000</u>
TOTAL	\$692,000

Environmental Implications

There are no environmental considerations associated with the special rate program.

Financial Implications

There are no financial implications associated with this report.

The flagship Central Geelong Marketing activities of Central Geelong Farmers Market, Sidewalk Sales, Christmas in Central Geelong, May Magic, Tastes of Central Geelong and the School Holiday Fun Program and supported events and activities bring an estimated economic benefit of over \$5 million to Central Geelong business operators which is more than seven times the monies generated from the special rate.

Central Geelong Marketing, through its consolidated approach is able to leverage its programs to obtain significant financial and in-kind support and bulk purchasing discounts that greatly increases the benefits obtained with the special rate funds. This is estimated at over \$100,000 in 2012-13.

Policy/Legal/Statutory Implications

There are no Policy/Legal/Statutory implications associated with this report. All activities undertaken were within the Committee's terms of reference as specified by Council.

Alignment to City Plan

In the City Plan 2013-2017, Council has identified Growing Our Economy as one of its four key strategic objectives. City Plan tells us that one of the important priorities in this area is to see a successful and vibrant city centre; to support existing businesses and encourage new and emerging growth sectors and that Geelong is a leading city for tourism, arts, culture and events. The Central Geelong Special Rate and the role of Central Geelong Marketing Committee as a s86 Committee of Council is identified as a key strategy that will assist Council in delivering Growing Our Economy priorities.

Officer Direct or Indirect Interest

Nil.

Risk Assessment

There are no risk assessment implications associated with this report.

Social Considerations

The activities and programs that result from the special rate add significantly to the vibrancy and exciting experience of Central Geelong.

There are no social considerations associated with the on-going special rate.

The ongoing success of Central Geelong as the “heart” of the region is an essential element of broader community benefit.

Human Rights Charter

This report has no impact on human rights.

Consultation and Communication

The Committee regularly communicates with business operators and property owners in the Central Geelong area via newsletters, regular emails, a dedicated website, workshops, networking, surveys and personal visits. The Committee also seeks feedback from business operators and activity participants on a regular basis and use this information in the planning of future activities and programs.

9. NAMING RIGHTS ON COUNCIL'S SPORTS GROUNDS

Portfolio:	Sport & Recreation – Cr Irvine
Source	Projects, Recreation & Central Geelong – Sport & Recreation
General Manager:	Dean Frost
Index Reference	Subject: Sports Standards and Guidelines

Purpose

To determine the conditions for the temporary renaming of sports grounds within Council reserves.

Summary

- A number of sporting clubs have requested permission to provide temporary naming rights for sports grounds within Council owned/managed reserves as a benefit for club sponsors.
- While the Geographic Place Names Act 1998 provides guidance on the procedure for the permanent naming of reserves, Council's Place Names Policy is silent on the temporary renaming of sports grounds. The Place Names Policy states that Council may establish procedures relating to the place naming related to the sponsorship of sporting or cultural facilities.
- Guidelines for Geographic Names 2010, provided for in the *Geographic Place Names Act 1998*, state that Councils should not name places after commercial entities. Council policy and the Guidelines for Geographic Names 2010 are silent on the temporary renaming of sports grounds within a reserve.
- Temporary renaming of sports grounds is currently managed by Council on a case-by-case basis.
- Guidelines are required for the temporary renaming of sports grounds to ensure fair and equitable consideration is given to all relevant proposals.

Cr Irvine moved, Cr Ansett seconded -

That Council endorse the following conditions to be included in the Recreation Reserve Advertising Signage Policy relating to the temporary renaming of sports grounds in connection to sporting club sponsorship agreements:

- 1) Naming rights are limited to sports grounds only;**
- 2) The Naming Rights Sponsor should be the Club's top tier sponsor;**
- 3) The term of the sponsorship is limited to the term of the club's licence/lease agreement over the sports ground;**
- 4) The proposed name of the sports ground should not be offensive or discriminatory in any way;**
- 5) Funds raised are allocated to sports development or facility development, and are specifically not permitted to be allocated to player payments;**
- 6) All tenants that use the renamed sports ground during the period of the sponsorship share in the proceeds;**
- 7) The proposed sponsor is not associated with alcohol, cigarettes (including tobacco products) or gambling;**

- 8) The sports ground is only referred to by the approved ‘sponsored name’ in club, association, competition or league promotions and marketing only;**
- 9) Any signage installed must meet Councils Recreation Reserve Advertising Signage Policy and be approved by Council; and**
- 10) The terms of the temporary renaming of a sports ground may be reviewed by Council at any time.**

Carried.

Background

A number of sporting clubs have requested permission to provide temporary naming rights for sports grounds within Council owned/managed reserves as a sponsorship benefit for club sponsors. Council currently manages requests for temporary renaming of sports grounds on a case-by-case basis.

A request for the temporary renaming of a sports ground is generally sought as a means of generating operational income for a sporting club.

For the purposes of the temporary renaming of sports grounds, “temporary” refers to the length of tenure of a club at a Council managed sports ground, which is generally for a six month period. Sports that are programmed over a 12 month period are generally required to make consecutive ground bookings.

Council has an existing Place Names Policy. While the permanent renaming of reserves based on a commercial sponsorship arrangement is not permitted, the policy is silent on requests for temporary naming rights in sponsorship agreements between sporting clubs and commercial enterprises. Reserve naming rights remain vested with Council as the asset owner and manager. As such, sporting clubs are not entitled to enter into commercial agreements to alter venue names or install signage pertaining to the naming of a reserve or sports ground without the formal written permission of Council.

Discussion

Pursuant to the Geographic Place Names Act 1998, Council is a Naming Authority, and as such, is required to name all geographic features, localities and public roads in the municipal district.

Guidelines for Geographic Names 2010, provided for in the *Geographic Place Names Act 1998*, are mandatory for naming authorities in Victoria. The guidelines have been developed through detailed consultation with municipal councils, government departments and emergency response and public service providers. The guidelines are based on national standards and policies and provide a strong basis for standardised and unambiguous naming procedures across the state.

The Guidelines for Geographic Names state that naming authorities should not name places after commercial businesses, trade names and non-profit organisations. This guidance is particularly pertinent to prohibiting the permanent naming of a reserve or sports ground in connection with a commercial sponsorship agreement.

Council’s Place Names Policy is silent on requests for temporary naming rights in sponsorship agreements between local clubs and commercial enterprises. Sporting reserve naming rights remain vested with Council as the owner and manager.

Sporting clubs are not entitled to enter into commercial agreements for the naming of a reserve or sports grounds without the formal written permission of council. The Place Names Policy states that Council may establish procedures for place naming related to sponsorship and cultural facilities.

A number of sporting clubs have requested permission to provide temporary naming rights for sports grounds within Council owned/managed reserves as a sponsorship benefit for club sponsors. Council currently manages requests for temporary renaming of sports grounds on a case-by-case basis as a formal procedure has not been adopted.

Allowing sports ground naming rights to be offered to club sponsors will provide sporting clubs with additional opportunities to generate income. It is proposed that clubs that raise funds in such commercial relationships would be required to assist all sections of the relevant sporting club with sports development, junior programs and/or capital improvements. Use of sponsorship funds for operational expenditure/player payments will not be supported.

There are few Council's that have a clear policy position on the "temporary" naming of sports grounds by tenant sporting clubs. There are a number of Councils that do permit temporary arrangements.

As part of the development of this report, contact was made with officers from Surf Coast Shire, Colac Otway Shire, Wyndham City, Melton Shire, City of Hobsons Bay and City of Port Phillip. The majority of Councils consulted had, or have had, an example of a commercial arrangement which involved the temporary naming of a sports ground. All examples related to Australian Rules Football.

Most Councils consulted had a policy regarding "naming" but generally temporary commercial sponsorship arrangements of active sporting reserves were not covered and are generally managed on an ad hoc basis. Two of the Councils consulted did not permit commercial arrangements. The following table is a summary of the examples at different local government authorities.

Local Government Authority	Example within the municipality	Comments
Surf Coast Shire Council	Alcoa Oval - Ellimatta Reserve	Council endorsed the naming of an oval at Ellimatta Reserve, Anglesea as "Alcoa Oval" in connection with a naming rights sponsorship between Alcoa and the Anglesea Football & Netball Club.
Hobsons Bay City Council	Burbank Oval (Williamstown Cricket Ground)	Generally allow but the sportsground is only referred to by the approved 'sponsored name' in club, association, competition or league promotions and marketing. Council name for the reserve was used in all other public documents e.g. Council reports, engineering / road plans, directories, web-sites etc
Wyndham City Council	Avalon Airport Oval - Chirnside Park	Generally allow but the sportsground is only referred to by the approved 'sponsored name' in club, association, competition or league promotions and marketing. Council name for the reserve was used in all other public documents e.g. Council reports, engineering / road plans, directories, web-sites etc
Melton City Council	No known example	Oval named based on the suburb. Do not encourage commercial relationships.

Colac Otway Shire	Wheadons Transport Central Reserve, Colac	Colac Otway Shire deals with temporary naming request on a case by case basis. In the example Council required Central Reserve to be in the title. Funds raised through the commercial arrangement were required to go to facility development and contributions and specifically not player payments
City of Casey	No Example	Do not accept the naming of places/features after corporate names or service clubs. As a general rule will not name places/features after living persons.

Most Councils allow the temporary naming of sports grounds to be used in the publication of the sponsors name in club/competition fixturing. In all cases, where an example existed, the Council name for the reserve was used in all other public documents e.g. Council reports, engineering / road plans, directories and websites.

To strengthen Councils current policy position on this issue, based on legislative requirements and consistency with other local government authorities and policy positions, the following provisions should be included in Recreation Reserve Advertising Signage Policy to provide guidance for the temporary naming of sports grounds:

- Naming rights are limited to sports grounds only and not the reserve, pavilion or any other public building/facility;
- A sponsorship arrangement between a sporting club and a commercial entity must be for \$50,000 or greater* per year to be significant enough for temporary renaming to be considered. Pro rata amounts per season will not be considered.
- The term of the sponsorship (i.e. naming) agreement is limited to the term of the club's licence/lease agreement over the sports ground. Agreements over multiple seasons are allowed at the discretion of Council;
- The proposed name of the sports ground should not be offensive or discriminatory in any way;
- Funds raised through the commercial arrangement are allocated to sports development or facility development, and are specifically not permitted to be allocated to player payments;
- All tenants that use the renamed sports ground during period of the sponsorship (generally the season) share in the proceeds of the commercial arrangement;
- The proposed sponsor is not associated with alcohol, cigarettes (including tobacco products) or gambling;
- The sports ground is only referred to by the approved 'sponsored name' in club, association, competition or league promotions and marketing. Council's name for the reserve is to be used in all other public documents e.g. Council reports, engineering / road plans, directories, websites etc;
- Any signage installed in relation to the temporary renaming of the sports ground must meet Councils Recreation Reserve Advertising Signage Policy and be approved by Council; and

- The terms of the temporary renaming of a sports ground may be reviewed by Council at any time.

* The minimum sponsorship amount reflects the approximate annual Council expenditure per ground on maintenance activities. Council also maintains other infrastructure within reserves, including pavilions, hard court surfaces, playgrounds, public toilets, landscaping and open space areas. This level of funding is deemed appropriate to ensure that the offering is only considered as a premium sponsorship level and ensure that competing clubs do not undervalue this offering. It is also noted that this is one of a range of sponsorship opportunities available to sporting clubs and should be considered as a premium in the suite.

Environmental Implications

There are no environmental implications associated with this report.

Financial Implications

There are no direct financial implications for Council.

Allowing sports field naming rights to be offered to club sponsors will provide sporting clubs with additional opportunities to generate income. The funds raised in such commercial relationships are to assist all sections of the relevant sporting club with sports development, junior programs and/or capital improvements.

These funds are not available from Council and represent a significant boost in income that cannot be generated through other traditional avenues of sponsorship.

Policy/Legal/Statutory Implications

Pursuant to the Geographic Place names Act 1998, Council is a Naming Authority, and as such, is required to name all Geographic features, localities and public roads in the municipal district.

Guidelines for Geographic Names 2010, provided for in the *Geographic Place Names Act 1998*, are mandatory for naming authorities in Victoria. The guidelines have been developed through detailed consultation with municipal councils, government departments and emergency response and public service providers. The guidelines are based on national standards and policies and provide a strong basis for standardised and unambiguous naming procedures across the state.

Changes to place names have implications for emergency services, as emergency responses are directed by address and location name. When the place name is misrepresented by an informal or temporary arrangement, emergency services personnel may find it difficult to find the location of the emergency. This has the potential to impact on emergency response times and effectiveness, and therefore renaming of reserves is generally only supported when deemed absolutely necessary.

Council policies that relate to the temporary naming of sports grounds include:

- Place Names Policy – regards the naming of places as required under the Geographic Place Names Act 1998. The relationship of this policy to the temporary naming of sports grounds is limited, as no sports grounds that are proposed to be renamed on a temporary basis would be registered as a geographic place name under the Act.

The policy is silent on the temporary renaming of sports grounds in association with naming rights sponsorship arrangements.

- The Place Names Policy states that Council may establish procedures for place naming relating to sponsorship of sporting or cultural facilities.
- Recreation Reserve Advertising Signage Policy – regards advertising/sponsorship signage within Council sporting reserves. This policy does not directly impact on the ability of Council to permit the temporary renaming of sports grounds. Any signage associated with a naming rights sponsor would be required to meet the requirements of the Recreation Reserve Advertising Signage Policy. The policy is silent on the temporary renaming of sports grounds in association with naming rights sponsorship arrangements.
- Plaques and Memorials Policy – any plaques associated with a naming rights sponsorship agreement would be required to comply with the Plaques and Memorials Policy.
- Sponsorship of Council Assets, Services and Activities Policy – is not relevant to this report, as sporting clubs, community groups or Incorporated Associations who hold a lease, licence or user agreement to occupy or use City facilities are excluded from the scope of the policy and managed under the Recreation Reserve Advertising Signage Policy.

Naming of Kardinia Park Stadium

Kardinia Park Stadium has been registered as a feature under the Guidelines for Geographic Names. The stadium can be registered as a feature due to its nature as an easily distinguishable, unique place within the landscape.

In line with the guidelines, the base name of Kardinia Park is registered with VICNAMES for the Stadium's lifespan. The naming rights sponsors name will only be "recorded" in VICNAMES for the duration of the sponsorship contract. Base names are generally only applied for the purposes of private sponsorship contracts to features that attract high visitor numbers.

The status of 'recorded' is applied to features for which private entities have naming rights, which implies that they fall outside the scope the Guidelines for Geographic Names 2010 and cannot be registered. They are included in VICNAMES in the interests of public safety and information.

Alignment to City Plan

Participation in sport and recreation has long been recognised as an important contributor to improved health and community well being. Benefits of physical exercise and recreation are well documented and include improved health and fitness, and decreased rates of disease.

Sporting clubs provide opportunities for active sport and recreation, encouraging healthy lifestyle amongst participants and improve the health and well-being of the wider community. Sponsorship income assists sporting clubs in reducing costs to the community for providing physical activity opportunities.

Officer Direct or Indirect Interest

No Council staff or persons engaged in the writing of this report have a direct or indirect interest in the matters considered within the report.

Risk Assessment

As Emergency Services are often directed to sites by name, it is important that any temporary naming is the sports ground only and not the reserve.

The 'sponsored name' is only to be used in club, association, competition or league promotions and marketing only.

The Council name for the reserve is to be used in all other public documents e.g. Council reports, engineering / road plans, directories, web-sites.

Social Considerations

In addition to the previously listed health benefits of physical activity, sporting clubs provide participants with opportunities to develop social skills and increase levels community connectedness and self-esteem. Sporting clubs are hubs for community interaction and reinforce healthy behaviours amongst their participants and the wider community.

Human Rights Charter

This report has no Human Rights Charter implications for Council or the community.

Consultation and Communication

For internal discussion only.

10. RESERVE NAMING - NEWTOWN

Portfolio:	Environment and Sustainability – Cr Richards
Source:	Environment and Waste Services
General Manager:	Gary Van Driel
Index Reference:	Subject: Council Reports 2014
	Subject: Greenhouse Mitigation / Reduction
	Property: 51 Marnock Road, Newtown

Purpose

The purpose of this report is to gain Council approval to name the unnamed reserve that is located between the southern boundary of the Balyang Par 3 Golf Course and Riversdale Rd in Newtown.

Summary

- In June 2011 the Reserve was landscaped and now provides increased access, new habitat for native fauna and primarily acts as a carbon sink to partly offset Council's greenhouse emissions.
- The Reserve is currently unnamed, it is proposed to name it 'Phoenix Reserve'.
- The proposed name reflects the historical significance of the site and its associations and contribution to the development of the wool industry in Geelong.
- The proposed naming was advertised in The Independent newspaper on 31 January 2014 and the Geelong Advertiser newspaper on 1 February 2014 and two submissions were received.

Cr Richards moved, Cr Macdonald seconded -

That Council approves the naming of the Reserve that is located between the southern boundary of the Balyang Par 3 Golf Course and Riversdale Rd in Newtown to 'Phoenix Reserve'.

Carried.

Background

A key action within the City of Greater Geelong's Greenhouse Response 2008-2011 was to establish a tree planting site to offset Council's carbon emissions. In June 2011 the 1.5 hectare parcel of land that is located between the southern boundary of the Balyang Par 3 Golf Course and Riversdale Rd in Newtown was landscaped with paths and fencing and has been revegetated using native species. The Reserve now provides a new community space, new habitat for native fauna and is acting as a carbon sink. The Reserve now provides important wildlife habitat and a recreational linkage from the Barwon River and Balyang Sanctuary.

Prior to the recent works being undertaken the parcel of land had remained disused after a history associated with industries including landfill, quarrying and wool scouring. At the end of World War One, wool scouring played a major role in the historical use of the site and significantly contributed to Geelong's woollen industry through until the 1970's.

It is proposed the Reserve be named Phoenix Reserve to reflect the historical significance of the site and its associations and contribution with the development of the wool industry in Geelong. The Reserve and immediate surrounding land contains buildings which relate to the former Phoenix Wool Scouring Works which was the first business in Victoria to make a separate industry of this kind of work. The former Phoenix Wool Scouring Works therefore is considered a valuable and intact survivor of an important phase in the development of Geelong's Woollen Industry.

Discussion

The suggested name for the Reserve is unique and there is no duplicate name within the City of Greater Geelong or adjoining municipalities. The suggested name meets the requirements of the Geographic Place Names Act 1998 and the Guidelines for Geographic Names 2010.

In accordance with the City's Community Consultation Policy, the suggested name was advertised in The Independent newspaper on 31 January 2014 and 7 February 2014 and the Geelong Advertiser newspaper on 1 February 2014. The Corangamite Catchment Management Authority (CCMA), Department of Environment and Primary Industries (DEPI) and the Wathaurung Aboriginal Corporation were notified at this time. Council received two submissions from Geelong residents regarding this naming.

One submission was in favour of the proposed name i.e. Phoenix Reserve and the other submission suggested the site be named in memory of a World War One veteran from the Newtown area. This resident was informed that Council has an established ANZAC register of suitable road names that they could contribute to. The resident was satisfied with this response and supported the suggested naming.

As the Reserve is currently unnamed it is recommended that it be named Phoenix Reserve to compliment the historical significance of the site.

Environmental Implications

There are no environmental implications arising from this report.

Financial Implications

The Environment and Waste Services Department is responsible for the Reserve signage and associated advertising costs during the public consultation phase.

Current approved budget.

To undertake design and installation of signage at the site, \$8,000 has been allocated from the Environment and Waste Services budget.

Policy/Legal/Statutory Implications

This proposal is in accordance with The Local Government Act 1989, Geographic Place Names Act 1998 and The Guidelines for Geographic Names 2010.

The proposal was advertised in The Independent newspaper on 31 January and 7 February 2014 and the Geelong Advertiser newspaper on 1 February 2014.

Alignment to City Plan

The revegetation project and associated naming of the Reserve aligns to key priorities listed under the Community Wellbeing and Sustainable Built and Natural Environment sections of the City Plan, in particular:

- Healthy Environments
- Enhance and Protect Natural Areas and Ecosystem Health
- Minimise Our Environmental Footprint

Officer Direct or Indirect Interest

There is no officer conflict of interest related to this project.

Risk Assessment

Should an emergency situation occur within this reserve, Council's proposal to name the Reserve will minimise the risk of emergency services not being able to locate the emergency.

Social Considerations

The naming of this Reserve will assist in the identification of the Reserve for the general public and any utility services.

Future visitors to the Reserve will be informed of the historical significance of the site via signage that will be installed this financial year.

Human Rights Charter

The cultural rights of the traditional owners of the land, the Wathaurung have been taken into consideration in the preparation of the proposal for naming the Reserve. The Wathaurung Aboriginal Corporation were invited to consider the proposal and agreed to the new name.

Consultation and Communication

The proposed naming of this Reserve was advertised in The Independent newspaper on 31 January 2014 and 7 February 2014 and the Geelong Advertiser newspaper on 1 February 2014 and on the Geelong Australia website.

Subject to Council approval, a submission will be sent to The Registrar of Geographical Names for approval. Once approval is received, the relevant authorities will be notified of the new name.



Reserve to be Named

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



11. CPL 275.1 FLOOD WARNING POLICY REVIEW

Portfolio:	Community Safety – Cr Farrell
Source	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference	Emergency Planning - Flood Warning

Purpose

This report seeks Council approval of Council Policy CPL 275.1 Flood Warning following a standard review process.

Summary

- The review date for Council Policy on Flood Warnings expired in December 2013.
- A review of the policy has been carried out and minor updates of the most relevant reference documents and reference to a new state wide Emergency Alert (EA) system were included.

Cr Farrell moved, Cr Fisher seconded -

That the report be deferred.

Carried.

12. MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING

Portfolio:	Governance - Cr Lyons (Mayor)
Source	Corporate Services - Administration & Governance
A/General Manager:	Michael Kelly
Index Reference	Customer: MAV

Purpose

To submit motions for the 2014 Municipal Association of Victoria State Council meeting to be held 16 May. Notices of motion must be received by the MAV no later than 18 April 2014.

Summary

- The Municipal Association of Victoria (MAV) State Council meeting will be held on 16 May 2014 and Councils have been requested to submit motions for consideration.
- Decisions made at the meeting constitute policy direction of the MAV for the immediate future.
- Issues proposed by the City of Greater Geelong are set out in this Report.
- The State Council meeting is primarily for Council appointed representatives and Cr Richards will be attending on behalf of the City of Greater Geelong.

Cr Richards moved, Cr Farrell seconded -

That the motion “To Seek Amendment of Food Premise Registration Requirements Under the Food Act” (Appendix 1) be submitted to the MAV State Council.

Carried.

Background

At the State Council Meeting, there is an opportunity for Councils to submit motions for consideration. If supported, the motions form part of the policy direction of the Association. The MAV requested input from Councils, with a closing date of 18 April 2014.

Discussion

Motions must be of state-wide significance to Local Government and must be accompanied by background information which provides the rationale behind the motion.

Environmental Implications

Nil

Financial Implications

There are no financial implications in presenting motions to the MAV. However, if some of the proposals achieve success, financial benefits may result.

Policy/Legal/Statutory Implications

If supported at State Council, the issues raised by Council will have the backing of the MAV whose role includes lobbying other levels of government to promote the views of Local Government.

Alignment to City Plan

Aligns to How we do business in City Plan.

Officer Direct or Indirect Interest

No officers involved in the preparation of this report have any direct or indirect interest

Risk Assessment

There are no risks associated with endorsement of these proposals by the MAV.

Social Considerations

Nil.

Human Rights Charter

No Human Rights are impacted by the contents of this report.

Consultation and Communication

The issues will be canvassed with other Councils through State Council, and if endorsed, will be pursued with the State or Federal Government by the MAV

MAV State Council Meeting – 16 May 2014

To submit a motion for consideration by State Council on 16 May 2014, please complete this form and email to [State Council](#), **no later than 18 April 2014**. Please note, deadlines are strictly observed.

MOTION TO SEEK AMENDMENT OF FOOD PREMISE REGISTRATION REQUIREMENTS UNDER THE FOOD ACT

Submitted by: *City of Greater Geelong*

MOTION:

That the MAV seek clarification from the Department of Health in regard to the registration of food premises provisions under the Food Act, in particular with respect to section 40C (1) (b) which provides that the registration period is for 1 year after it was last granted or renewed. Secondly that the MAV advocate for the removal of the ambiguity of this section which has recently given rise to an interpretation that the period is for 1 year after payment is made (no matter how late)

RATIONALE:

Previously the legislation requiring registration of food premises required all premises to be renewed no later than the 31st December each year. Amendments over the years have since been made to allow Council's to vary the registration period to an alternative date or stagger registration of premises throughout the year. In both cases this expiry date is one determined by Councils. The intention of this legislation is to effectively provide a consistent approach to the annual registration requirements so that all proprietors have registration due by a set date.

Recently, a legal challenge has been made to this legislation by a proprietor who appeared to be operating some four months past the understood expiry date of the Council namely the 31st December. In this case the Magistrate held that the one year period is from the date the application for renewal of registration was paid even if this was substantially past the previous expiry date.

The impact of this decision can have profound affect on the enforcement of premises trading without registration and each proprietor could have different registration expiry dates. Further legal interpretation has also appeared to support the Magistrates view in regard to the legislation.

The original intent of this legislation was one based on an expiry date determined by Council not based on when payment is made. It would appear there is an anomaly in interpretation that would not only need clarification but may also need further amendment to provide for a consistent enforceable approach throughout Victoria

Note: Motions must be submitted by **one council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion. All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. **The motion and rationale should be no longer than one page.***

13. PROCUREMENT POLICY

Portfolio:	Governance – Cr Lyons (Mayor)
Source	Corporate Services – Administration and Governance
A/General Manager:	Michael Kelly
Index Reference	Procurement

Purpose

The Local Government Act 1989 (LGA) requires Council to annually review its policy and amend as appropriate.

Summary

- The *Local Government Act 1989 (LGA)* requires Council to review each financial year, the current procurement policy and amend as appropriate.
- Proposed amendments to the policy take into consideration the Victorian Local Government Best Practice Procurement Guidelines 2013, industry trends and recommendations arising from the recent CT Management Review.
- The proposed amendments reflect further Department improvements including the development of an organisational wide procurement strategy, refer appendix 1.
- A copy of the current procurement policy must be available for inspection by the public –
 - (a) at the Council office; and
 - (b) on the Council's Internet website.

Cr Farrell moved, Cr Nelson seconded -

That Council approves the proposed amendments to the Procurement Policy.

Carried.

Background

The *LGA* requires Council to review each financial year their current procurement policy and amend as appropriate.

Discussion

The procurement policy provides a framework for the purchase of goods, works and services that emphasises value for money while conducting business in a fair and equitable manner.

The purpose of the policy is to:

- Provide guidance, consistency and control over procurement activities
- Demonstrate accountability to rate payers
- Provide guidance on ethical behaviour in public sector purchasing
- Demonstrate best practice elements in purchasing
- Increase probity of obtaining the right outcome when purchasing goods and services.

This year's review has taken into consideration the recent CT Management review, developments in the industry and alignment of some terminology with the Victorian Local Government Best Practice Procurement Guidelines 2013.

Two amendments worthy of note are the development of a Council Procurement Strategy a copy of which is attached at appendix 1 and the introduction of best and final offer as a procurement option.

The procurement strategy has been developed to support to delivery of Council's strategic directions and achieve value for money outcomes. There are eight strategic elements within the strategy which the procurement department will incorporate within their annual business plan. These elements focus on technology, process and governance, people and skills, strategy and organisation, leadership and influence, sourcing and collaboration, supplier management and sustainability.

One of CT Management's recommendations was introduce a best and final offer stage into our tendering process. It was considered this stage would ensure commerciality was incorporated into decision making and that further savings may be realised.

A best and final offer process is utilised during a tender process which allows Council to invite shortlisted tenderers to submit their best and last technical and priced offer on the basis of the tender requirements.

The main advantage of utilising a best and final offer process is that it allows Council the opportunity to extract further value out of the competitive tender process. Anecdotal evidence provided to Council suggests further savings off the tenderers submitted tender price, may be realised through the use of a best and final offer process.

In summary the principle aspects of the best and final offer process are outlined below:

The evaluation panel having undertaken our initial assessment and scoring of submissions will invite shortlisted tenderers to participate in the best and final offer process. The process will allow Council to explore:

- Issues where a tenderers submission does not fully meet Council's needs. This discussion cannot give rise to materially changing the scope of the project as this would likely invoke a retendering scenario
- How the tenderer could improve the competitiveness of their submission, and
- How Council can improve our value for money objective.

This stage would involve representation from respective shortlisted tenderers with the view to some potential amendment to their technical and commercial terms. Upon completion of this stage the evaluation panel will review the initial scores of these tenderers and recommend to Council acceptance of the proposed winning tender.

Council will not apply this option to all tenders, rather select type of tenders where it would be prudent to incorporate this stage.

Council's tender documentation has been revised to reserve our right to negotiate by this method.

The weighting criteria applied to supporting local business is operating satisfactorily and no change is proposed. Council's spend with local businesses remains high and compares very favourably with similar size regional Councils.

Environmental Implications

The policy states that sustained value must be demonstrated in Council's purchasing, including the built and natural environment.

Financial Implications

Application of this policy will reaffirm Council's objective of value for money outcomes.

Policy/Legal/Statutory Implications

The review of this policy accords with section 186a of the *LGA*.

Alignment to City Plan

How We Do Business

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has either a direct or indirect interest.

Risk Assessment

The policy requires that risk management is applied at all stages of procurement activities.

Social Considerations

The policy encourages the design and use of products and services which have minimal impact on the environment and community wellbeing.

Human Rights Charter

Council's tendering processes provide for community consultation as appropriate.

Consultation and Communication

Once endorsed by Council, the policy will be uploaded to the internet as a public policy and a copy of the policy made available at Council.

COUNCIL POLICY

Procurement Policy	Document No:	CPL565.3
	Approval Date:	22 April 2014
	Approved By:	Council
	Review Date:	1 July 2015
Responsible Officer: Manager, Administration and Governance	Version No	04
Authorising Officer: Chief Executive Officer		

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The City of Greater Geelong acknowledges the assistance of the MAV and Landell Consulting Pty Ltd through the provision of a Model Procurement Policy.

1 Principles

1.1 Background

Greater Geelong City Council:

- Recognises that:
 - Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives.
 - The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities;
 - guidelines giving effect to those principles;
 - a system of delegations (i.e. the authorisation of officers to approve a range of functions in the procurement process);
 - procurement processes, with appropriate procedures covering minor simple procurement to high value complex procurement; and
 - a professional approach to all tenders undertaken.
- Requires that Councils procurement activities:
 - support Council's corporate strategies, aims and objectives;
 - take a long term strategic view of procurement needs while continually assessing, reviewing and auditing procedures, strategy and objectives;
 - provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - achieve value for money and quality in the acquisition of goods, services and works;
 - ensure that risk is identified, assessed and managed at all stages of the procurement process;

- use strategic procurement practices and innovative procurement solutions, in particular making use of collaboration and partnership opportunities;
- comply with legislation (including Risk Management, Occupational Health and Safety and Competition and Consumer Legislation), Council policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Human Rights Charter, Council standards and best practice;
- support business in the local community where possible; and
- support skills and training of apprentices where possible.

1.2 Scope

This Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

This section of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council officers and temporary employees, contractors and consultants while engaged by Council.

1.3 Purpose

The purpose of this Policy is to:

- provide policy and guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.4 Treatment of GST

All monetary values related to this policy **exclude GST** except, where specifically stated otherwise.

1.5 Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of the party (e.g. discounts, rebates, profits, methodologies and process information). It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
Conditions of Tendering	Rules governing the content and submission of tenders and the conduct of the tendering process.
Contract Management ⁱ	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff (Council Representative / Contracts Officer/ Superintendent)	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
Conflict of Interest	Refer to section 77A of the Act.
Delegation	A power handed down by the Council or Chief Executive Officer in an instrument to enable a delegate to act on Council's behalf.
Emergency	Sudden or unexpected occurrence requiring immediate action.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of electronic systems to acquire goods services and works.
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the goods, services and works which generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.
Probity ⁱⁱ	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the word "probity" is often used in a general sense to mean "good process." A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.

Probity Advisor	Commonly an observer in dealings with tenderers and the evaluation panel at presentations and interviews. The probity advisors would be available to answer questions and provide advice to the evaluation team and/or steering committee.
Probity Auditor	Primarily reviews all processes and documentation throughout the procurement process and provides a report on their findings at the conclusion of the process.
Panel Contract Arrangements	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Procurement ⁱⁱⁱ	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Sustainability ^{iv}	Activities that meet the needs for goods, works and services in a way that achieves value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society and the economy, while minimising damage to the environment.
Tender Process	The process of inviting parties to submit a tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Thresholds	The value above which a procurement, unless exempt, is subject to the mandatory procurement processes.
Quotation Process	The process of inviting parties to submit a quotation followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value for Money	Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: • contribution to the advancement of the Council's priorities; • non-cost factors such as fitness for purpose, quality, service and support, project delivery, risk, economic contribution to the Geelong region, financial capacity; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity^v

2.1.1 Requirement

The Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

2.1.2 Conduct of Councillors and Council Staff

2.1.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are ethical and will:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of competing companies information, such as pricing , specifications, quotation, tender, bid, or any other commercial or proprietary information;
- present a high standard of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them, and
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities.

2.1.2.2 Members of Professional Bodies

Councillors and Council Staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

2.1.3 Tender and Quotation Processes

All tender and quotation processes shall be conducted in accordance with the requirements of this policy, the Procurement and Contracts Manual and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

2.1.4 Conflict of Interest

Councillors and Council Staff shall at all times avoid situations in which private interest's, conflict or might reasonably be deemed to have the potential to conflict, with their Council duties.

Councillors and Council Staff shall not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a direct or indirect interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and Council Staff involved, to promptly declare a direct or indirect, actual or potential, conflict of interest to Council.

2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained in selecting contractors and suppliers so that it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices (other than the price of the successful tenderers own fixed price lump sum contract), discounts, rebates, profit, manufacturing and product information.

2.1.6 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with this Procurement Policy and related Council policies and procedures.

Additionally:

- all Council Staff are required to comply with the Code of Conduct for Council Staff, accordingly they must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them; and
- all procurement activities are to leave an audit trail for monitoring and reporting purposes.
- Councillors must not direct or influence a member of Council staff in the exercise of any power in the performance of any duty or function.

2.1.7 Gifts and Hospitality

All Councillors and Council Staff are to adhere to Council's Gifts and Hospitality Policy.

2.1.8 Disclosure of Information

Information received by the Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location.

Councillors and Council Staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt or clarify on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised.

Tenderers are however advised that a report on a tender process may be presented at an open meeting of Council, and some information arising from the tender will be publicly available.

2.2 Governance^{vi}

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditable procurement decisions. ensure that the Councils procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of goods, works and services required by Council;
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
 - encourages competition; and
 - ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

2.2.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- the Act;
- Council's policies and procedures;
- Council's Procurement and Contracts Manual;
- Councillor and Staff Code of Conduct; and
- other relevant legislative and policy requirements, such as, but not limited to the Competition and Consumer Act, Charter of Human Rights and Responsibilities Act, Goods Act and the Environment Protection Act, National Competition and Competitive Neutrality.

2.2.3 Methods

The Council's standard methods for purchasing goods, services and works shall be by:

- purchasing card;
- purchase order following a quotation process;

- under contract following a tender or quotation process; or
- under purchasing schemes including collaborative purchasing arrangements with other councils and commercial schemes such as provided by Procurement Australia, Municipal Association of Victoria Procurement, Supply Clusters of Australia, State Purchase Contracts, Whole of Victorian Government Contracts and the Construction Suppliers Register.

Typically a multi-stage tender process may commence with a registration/expression of interest stage followed by a tender process involving the organisations selected as a result of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- Council wishes to consider ahead of the formal tender process such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- Council wishes to determine the level of interest of suppliers or vendors in tendering for the provision of goods, services or works;
- it is necessary to pre-qualify suppliers and goods to need defined standards; and
- Council is required to gain a greater understanding of its needs, the availability of relevant goods and services and the likely costs.

2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Where the tender sum exceeds budget allocation, Council will review scope of project or submit a report for expenditure variation to budget.

Council Staff must not authorise the expenditure of funds in excess of their financial delegations.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.2.5 Probity Advisor/Auditor

Council will consider the appointment of a probity advisor or probity auditor for tender requests based on the nature and complexity of the proposed procurement.

2.3 Procurement Thresholds and Competition

2.3.1 Requirement

Council's procurement thresholds will be amended from time to time to alter minimum spend competition thresholds, but at all times clear guidelines will be provided. These will be decided based on the size and complexity of the proposed procurement activities.

2.3.2 Minimum Spend Competition Thresholds

2.3.2.1 Tenders

Purchase of all goods, services and works for which the estimated expenditure exceeds the compulsory tender thresholds pursuant to Section 186 of the Act, must be undertaken by public tender unless approved exemptions are available. There is no specific time limit applicable to the length of a contract which is subject to the thresholds. Council will determine the optimum period for the contract, on the basis of value for money and the efficiency and effectiveness of the procurement and then assess the value of the contract.

Council may undertake a public tender where the value of goods, works and services does not reach the threshold sums. These may be situations where a public tender is preferred or prudent, managing risk considerations are paramount, or there is a desire for greater transparency of the procurement.

As a general rule Council will not accept late tenders, the exception being where it can be substantiated that:

- there was a Council related system failure/interruptions in the case of submission of a electronic tender, or
- access was denied or hindered in relation to the physical tender box.

The Manager Administration and Governance can accept a late tender where it can be determined the above circumstances prevailed at the time of attempted lodgement.

If the nature of a proposed procurement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is less than the compulsory tender thresholds.

Where significant amounts are spent in aggregate on one supplier, or for one service, over time, Council will assess whether greater savings can be achieved by tendering. For this purpose at least two financial accounting periods of category expenditure will be analysed with each category being individually assessed based on its own unique characteristics.

2.3.2.2 Best and Final Offer

Council may, if it receives sufficient Tenders which (in its absolute discretion) it considers acceptable, select two or more Tenderers (**Short-Listed Tenderers**) to negotiate (and if desired by the relevant Tenderer, revise) their Tender and provide to the Principal a best and final offer in relation to all or certain aspects of their Tender.

Without limiting the general nature of the previous paragraph, the stage of the tender process contemplated by this clause (**BAFO Stage**) may involve:

- The Short-Listed Tenderers refining their Tenders, including by investigating any value management proposals put forward by the relevant Short-Listed Tenderer.
- Council and the Short-Listed Tenderers negotiating the Contract Documents including by:
 - each Short-Listed Tenderer withdrawing some or all of its Qualifications;
 - each Short-Listed Tenderer modifying some or all of its Qualifications; or

- Council accepting in whole or in part some of all of a Short-Listed Tenderer's Qualifications.
- If the relevant Short-Listed Tenderer desires to do so, the Short-Listed Tenderers re-submitting their Tenders to Council.
- Each Short-Listed Tenderer confirming to Council in writing that the offer contained in their Tender (or, if relevant, revised Tender), is binding and will be open for acceptance by Council for up to 90 days from the date of such written confirmation; and
- Council determining which, if either, of the Tenders it will accept.

Council is under no obligation to give Tenderers the opportunity to submit a best and final offer in the BAFO Stage.

2.3.2.3 Quotations

For purchases of goods, services and works having a total valuation of less than compulsory tender thresholds Council will maintain a formalised system of procurement requirements.

Council's procurement guidelines will address, but not limited to the following:

- financial thresholds;
- reporting requirements;
- the type and number of quotations required;
- Advertising
 - Quotations may be advertised at the Council Staff member's discretion. This may occur when a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.
- Insufficient quotations
 - The situation may arise where insufficient quotations are received to satisfy the above requirements.

This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded and an appropriate comment recorded.

2.3.2.4 Purchasing Cards

A select number of purchasing cards are available for the low cost and of high volume purchases of goods and services. They must be used in accordance with Council's Purchasing Card policy and are not to be used for personal use.

2.3.2.5 Petty Cash

A petty cash system operates to reimburse legitimate, urgent and operational business expenses incurred by Council staff in the conduct of Council activities.

The maximum claim for petty cash is \$50 and must be authorised by the requesting officer's supervisor.

2.3.2.6 Agency

Council may use the services of a third party agent to undertake a tender on its behalf. Where this engagement is determined Council will:

- endorse the tender and contract specifications, conditions and other contract documentation before public tenders are called;
- ensure proper procurement processes and procedures are in place;
- make a decision to either accept one of the tenders or reject all tenders as allowed by the Act, including reviewing the evaluation panels' assessment of submissions and recommendation to select one tender or a panel of tenderers; and
- exercise discretion in accepting one of the tenders and merely rely on the work undertaken by the agent.

2.3.2.7 Emergencies

Council will enter into a contract, the value of which reaches the threshold amounts, for the provision of goods, services or works without first putting that contract to public tender, if it is resolved that the contract must be entered into because of an emergency.

2.3.2.8 Ministerial Exemption

The Minister for Local Government may exercise his or her discretionary power to approve an arrangement for the purposes of the Act, a contract that Council wishes to enter into without first exposing that contract to public tender. Ministerial exemptions will only be sought in exceptional circumstances.

2.4 Delegation of Authority^{vii}

2.4.1 Requirement

Delegations define the limitations within which Council Staff are permitted to work. Delegation of procurement authority allows specified Council Staff to approve certain purchases, quotations, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for Contract Management activities.

2.4.2 Delegations

2.4.2.1 Council Staff

Council maintains a documented record of authorised procurement delegations, identifying Council officers authorised to make such procurement commitments in respect of goods, services and works on behalf of Council, including but not limited to the following^{viii}:

- power to authorise and issue order forms for goods and services;
- power to enter into contracts within approved budget;
- sign letters of acceptance on behalf of Council to enter into contracts; and

- contract term extensions and contract variations.

The requisition and authorisation of purchases cannot be processed by the same officer.

2.4.2.2 Delegations Reserved for the Council

Tender recommendations where the expenditure is over the Chief Executive Officer's delegation must be approved by Council:

2.5 Internal Controls

The Council will establish and maintain procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

2.6 Commercial Information

Procurement activities will be carried out in a way that supports Council Staff in meeting their obligations to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

2.7 Risk Management

2.7.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Councils capability to prevent, withstand and recover from interruption to the supply of goods services and works.

Risk management will be carried out in accordance with the stated requirements in the Risk Management Policy and the Guidelines for OH&S Management of Contractors and any Federal or State regulatory requirements.

2.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before commencement;

- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

2.7.3 OH&S and Other Mandatory Requirements

Council undertakes due diligence activities on all suppliers to ensure compliance to legislative and business requirements. Council requires all contractors, service providers and volunteers to comply with all OH&S legislative requirements. These are mandatory requirements and non compliance will disqualify prospective suppliers. Suppliers must provide evidence of insurances in providing goods, services or works.

2.7.4 Disability Considerations

The legislative requirements of the Disability Act 2006 and Regulations 2007 and Council's Disability Action Plan, are considered to ensure that procurement processes and decisions do not directly and indirectly discriminate against people with a disability.

2.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the appropriate member of Council Staff listed in the Delegations section or above. A request for such an approval should be supported with procurement and legal advice as relevant.

All contractors must obey and ensure that its employees, sub-contractors and agents obey any Acts, regulations, local laws and by-laws in any way applicable to the performance of a contract. All contractors must also comply with the terms of any relevant Commonwealth and State industrial instruments in respect to its employees and ensure that any agents and sub-contractors of the contractor also comply with these obligations.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and thus must be authorised by the appropriate member of Council Staff.

2.9 Endorsement

Council Staff must not endorse any products or services.

2.10 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the potential for legal action.

2.11 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract;

- ensuring adherence with Council's Risk Management framework and compliance with applicable Occupational Health and Safety procedures; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.

Contracts are to be proactively managed by the member of Council Staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

2.12 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system to acquire goods, services and works.

By utilising e-procurement the aim is to:

- reduce transaction costs
- make processes more efficient;
- improve management information and visibility of spend;
- increasing control and consistency of processes; and
- improve spend compliance.

3 Demonstrate Sustained Value

3.1 Integration with Council Strategy

The Council procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to:

- Community Wellbeing
- Growing the Economy
- Sustainable Built and Natural Environment
- How We do Business.

3.2 Achieving Value for Money

3.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. Lowest price is not necessarily an indicator of value for money and cost is not the only factor for assessing value for money. Other factors such as technical capability to meet specification, risk management, environment and occupational health and safety, financial capacity, economic contribution to the Geelong region, sustainability, quality, customer service, resource management, continuous improvement, fitness for purpose and social considerations may be considered in assessing competing companies' submissions.

3.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout;
- effective use of competition;
- using schedule of rates and panel contract arrangements where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- more emphasis placed on procurement planning process;
- developing a more cost efficient tender process including appropriate use of e-solutions;
- Council Staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements;
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired;
- undertaking analysis of Council's category spending patterns; and
- ensuring procurement effort corresponds with risk and expected return.

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity as reasonably practicable;
- encourages the use of standard products;
- encourages sustainability; and
- eliminates unnecessarily stringent requirements.

3.3 Performance Measure and Continuous Improvement

Council will establish an appropriate management and reporting systems to monitor performance against targets and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally.

Procurement will use the performance measurements developed to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate relevant programmes to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4 Sustainable Procurement

Council is committed to reducing its environment impacts and operating in a socially, financially and environmentally responsible manner.

Council will encourage the design and use of products and services which have minimal impact on the environment and human health. This includes, but is not limited to:

- Recycling
- Waste Management
- Emissions Management
- Habitat Destruction
- Toxicity
- Soil Degradation
- Water Conservation
- Energy Management, and
- Green Building Design

Council shall encourage suppliers to adopt good environmental practices.

Council will actively promote green procurement throughout its supply chain and where possible consider selection which has minimum environmental impact.

3.5 Support of Local Business and Apprentices

Council is committed to buying from local businesses where such purchases may be justified on Value for Money grounds, while remaining compliant with the Competition and Consumer Act 2010 and other fair trading legislation requirements.

Wherever practicable, Council will give effective and substantial preference to contracts for the purchases of goods, machinery or material manufactured or produced in Australia or New Zealand.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Geelong Region.

Council will also seek from prospective suppliers/contractors, where applicable, what economic contribution they will make to the Geelong region. A weighting percentage up to a maximum value of 10% will be assigned to this criteria element. The percentage applied to any procurement will be determined by the quotation or tender evaluation panel.

Such examples may include:

- (1) Engaging and contracting with local suppliers
- (2) Engaging local sub contractors
- (3) Suppliers/contractors participation in any apprenticeship schemes or employment of apprentices
- (4) Contributing to the financial, social and environmental well being of the region
- (5) Enable the business expansion, growth and servicing of local business and contractors.
- (6) Existing local business

3.5.1. Collaboration with the Industry Capability Network (ICN)

Council has committed to further engaging with local suppliers through a collaboration with the ICN. Wherever practicable, Council will utilise ICN's network to alert local suppliers of relevant work opportunities with Council.

3.5.2. Project Delivery

The engagement/employment of apprentices or trainees will form part of the project delivery criteria in determining the awarding of a contract for construction projects. Tenderers must provide details of direct and indirect employment of apprentices or trainees to be engaged during the course of a project.

4 Apply a Consistent and Standard Approach

4.1 Standard Processes

The Council will provide effective commercial arrangements covering standard products and standard service provisions across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via a combination of the following areas:

- use of Council's Preferred Supplier System;
- pricing where relevant;
- processes, Procedures and techniques;
- tools and business systems e.g. e-tendering, e-quotation sourcing arrangements;
- reporting requirements; and
- application of standard contract terms and conditions.

4.2 Performance Indicators and Management Information

A list of indicators will be developed to measure procurement performance. They will include criteria such as:

- the proportion of spend against corporate contracts;
- user and supplier satisfaction levels measuring the success of procurement initiatives e.g. procurement cards; and
- the proportion of Eco-friendly spend.

Council will also use external sources of management information to assist with the procurement decision making process.

5 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers.

5.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- managing existing suppliers, to ensure the benefits are delivered;
- maintaining approved preferred supplier lists and compliance with Council's requirements for insurances, OH&S etc; and
- developing new suppliers and improving the capability of existing suppliers where appropriate.

5.2 Supply Market Development

A wide range of suppliers will be encouraged to compete for Council work.

5.3 Relationship Management

Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- size of spend across the Council;
- criticality of goods / services supplier, to the delivery of the authorities services;
- availability of substitutes; and
- market share and strategic share of suppliers.

5.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will be developed and updated to provide:

- information about Council and how to become an approved supplier;
- guidelines for doing business with Council;
- standard documentation used in the procurement process; and
- links to other relevant sites.

6 Continual Improvement

Council will focus on developing and maintaining effective working relationships with external and internal stakeholders, to assist in delivery of Council's strategic objectives.

Council's procurement strategy aims to support Council's objectives by implementing continuous improvement and value for money opportunities in the following areas:

- Technology
- Process and Governance
- People and Skills
- Strategy and Organisation
- Leadership and Influence
- Sourcing and Collaboration
- Supplier Management
- Sustainability

REFERENCES:

- Procurement and Contracts Manual
- Councillors - Code of Conduct Policy
- Confidential Information Policy
- Fraud Control Policy
- Gifts & Hospitality Policy
- Goods & Services Tax Policy
- Occupational Health & Safety Policy
- Risk Management Policy
- Staff Code of Conduct Policy
- Council Purchasing Card Policy
- Environment Management Strategy Sustainable Water Use Plan
- Local Government Act 1989
- Competition and Consumer Act 2010
- Human Rights and Responsibilities Act 2006
- Disability Act 2006 & Regulations 2007

Acknowledgements

- i Ian McPhee, Auditor-General for Australia, "Contract Management in the Public Sector – an ANAO Better Practice. Perspective" Paper delivered at the Australian Government Procurement Conference
- ii Landell Consulting definition
- iii From MAV Procurement Policy Workshop slides – April 2009
- iv Adapted from the definition attributed to the World Commission on Environment and Development
- v Draws from Procurement Policy information provided from several Victorian Councils, as well as comments received during the MAV Procurement Policy Workshops in April 09.
- vi Based on MAV workshop slides – April 09 complemented from information provided from several Victorian Councils.
- vii Based on Procurement Policy information received from several Victorian Councils
- viii Indicative amounts, individual councils will insert their own values.

14. COLAC ROAD, HIGHTON - PROPOSED PATHWAY - SRC 335 - DECLARATION OF CHARGE

Portfolio:	Infrastructure – Cr Ellis
Source	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference	Special Rates and Charges; Colac Road

Purpose

This report seeks a resolution by Council to declare the charges for the construction of a pathway along the north side of Colac Road between the Ring Road and South Valley Road, Highton. (See plan – Appendix 4).

Summary

- Since 2010, Council has considered the provision of the continuation of a footpath to provide the pedestrian link between South Valley Road and the Ring Road in Highton. In addition to this work, kerb and channel and road widening work is proposed to complete the 'missing pieces' and finalise the project. VicRoads has provided \$238,100 towards funding the section of pathway fronting its land as part of the State Governments Bicycle Path program.
- It is proposed to construct the pathway 2.0 metres wide to provide an off road shared pathway along the north side of Colac Road. Since standard footpaths are 1.5 metres wide, Council will directly fund the extra 0.5 metres width of pathway.
- There are twelve (12) properties abutting the proposed pathway works including the VicRoads parcel at 174-212 Colac Road. Because VicRoads has made a direct contribution to the project, it is not considered part of the Special Charge Scheme. The property at 158 Colac Road is also not in the scheme due to a recent bus stop and pathway section constructed as part of the permit conditions attached to the new shopping centre on the south side of Colac Road.
- Council considered separate report on 28 January 2014 and resolved to advertise an intention to declare the scheme.
- The scheme was advertised on 8 February 2014 and no submissions have been received. A Submissions Panel hearing is therefore not required.
- The scheme has been prepared in accordance with the Special Rate and Charges provisions of the Local Government Act 1989 along with Council's Special Rates and Charges Policy.

Cr Ellis moved, Cr Nelson seconded -

That Council:

1) Resolves to declare the Special Charge Scheme as follows:

- a) A special charge be declared for a period of four (4) years until the work has been completed and the scheme finalised.**
- b) The special charge be declared for the purpose of defraying any expenses incurred by Council in relation to the construction of pathway between the Ring Road and South Valley Road, Highton which project:**

- b1) Will provide proper pedestrian access, improved pedestrian safety and enhancement to the general amenity for each of the properties included in the scheme;**
 - b2) Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and**
 - b3) arises out of Council's function of planning for and providing infrastructure for property owners.**
- c) The total cost of project, be recorded as \$286,851(Schedule A).**
- d) It be recorded that, for the purposes of Section 163 (2A) of the Local Government Act 1989 (The Act), the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula ($R \times C = S$), the:**
 - d1) 'benefit ratio' (R) being calculated at 0.455 represents the special benefits to all persons liable to pay the special charge;**
 - d2) 'total cost' (C) of performing the function described in part 1 (b) of this resolution based on estimated cost be recorded as \$92,660; and**
 - d3) 'maximum levy' (S) be recorded as \$42,118**
- e) the following be specified as the area for which the special rate is so declared:**
 - e1) the area within municipal district of Council highlighted in the plan attached to this Resolution ("the area").**
- f) the following be specified as the land in relation to which the special charge so declared:**
 - f1) land within the area shown on the plan.**
- g) the following be specified as the criteria which form the basis of the special charge so declared:**
 - g1) ownership of any land described in Part 1(e) of this Resolution.**
- h) the following be specified as the manner in which the special charge so declared will be assessed and levied:**
 - h1) Each lot has been allocated a single access unit;**
 - h2) The total cost is divided equally on a frontage share basis;**
 - h3) The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to section 163(4) of the Act.**
- i) having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Act, it be recorded that;**
 - i1) the owners of the land described in column 3 of Schedule C to the resolution are estimated liable for the respective amounts set out in column 6 of Schedule C; and**
 - i2) such owners may, subject to any further resolution of Council pay the special charge in the following manner;**

- i2a) the charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the Act and may be paid in sixteen (16) quarterly instalments from that date;**
 - i2b) interest will not be charged for six months after the issue of the notice provided the person liable makes timely payment in accordance with any repayment arrangements that may be agreed on by Council; and**
 - i2c) In accordance with Section 172 of the Act, the interest rate payable on the special charge which has not been paid by the specific date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 (2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of this section).**
- 2) Council's Chief Executive Officer be authorised to levy the Special Charge in accordance with Section 163 (4) of the Act.**

Carried.

Background

The current redevelopment of the Waurin Ponds Shopping Centre and the Cities Leisure facilities has seen a noticeable increase in the number of pedestrians walking along Colac Road.

This project involves the construction of the remaining section of pathway between the Ring Road and South Valley Road, Highton. As part of this project, it is considered advantageous to construct the missing sections of kerb and channel on the north side of Colac Road to improve road safety and drainage.

In late 2010, this pathway scheme proposal was introduced to the affected property owners abutting the proposed pathway works. There was no response from property owners at the time.

A scheme initiation letter was sent to all affected property owners on 20 November 2013. This letter included estimated charges and detailed information on Special Charge Schemes. No queries were received from property owners at this time.

Council made its Intention to Declare a Special Charge Scheme on 28 January 2014 and no submissions were received during the subsequent submissions period. A submissions panel hearing is therefore not required in this case.

Discussion

The scope of work includes the construction of 340 metres of 2.0 metre wide shared pathway and 90 metres of kerb and channel. The kerb and channel works include road shoulder widening to match the existing pavement on the north side of Colac Road.

Late last year, a section of pathway was completed on the north side of Colac Road, fronting the property at 158 Colac Road. This section was constructed as part of the Waurin Ponds Shopping Centre redevelopment and subsequently resulted in the property at 158 Colac Road being excluded from the scheme.

On 7 November 2013, VicRoads confirmed that it will be contributing \$238,100 towards the project. VicRoads owns the property at 174-212 Colac Road, Highton which has a frontage of 189 metres to Colac Road. The funding provided therefore is more than adequate to cover the cost of its pathway and also excludes the property from the scheme.

The remaining VicRoads funds have been distributed to offset the costs of the Special Charge Scheme in accordance with Council policy. The funds are adequate to cover the costs of kerb and channel and offset the pathway construction costs for the remaining property owners in the scheme.

Environmental Implications

The provision of a sealed pathway surface provides a permanent and safe means of access. During the course of construction and the manufacture and procurement of materials, energy is expended resulting in some greenhouse gas emissions. This ceases when construction is complete.

The project does not create waste with the exception of some excavated material.

The proposal does not affect any natural habitats.

Financial Implications

The project is a one off capital cost and there will be minimal ongoing maintenance costs. If approved, the scheme could proceed this financial year.

Financial details are as follows:

Maximum scheme levy to Property Owners (income)	\$42,118.18
Scheme levy to Council	\$50,541.82
Direct Funding by Council to widen the path to 2.0 metres	\$33,000.00
Direct funding by VicRoads	\$238,100.00
Total Project Cost	\$363,760.00

From the above table, the net financial contribution by Council is \$83,542.

Policy/Legal/Statutory Implications

The scheme has been prepared in accordance with the Special Rate and Charge provisions of the Local Government Act 1989 along with Council's Special Rates and Charges Policy. The project does not impinge on any Human Rights Charter issues.

Alignment to City Plan

This report aligns with the City Plan as follows:

Sustainably Built and Natural Environment

- Support our Community to live sustainably – Encourage increased use of alternatives to car transport and seek efficient traffic movement throughout the municipality.
- Advocate for and promote sustainable design and development – Promoting sustainable design and retrofitting.
- Acknowledge the community's desire to have their say and be involved in planning for the future of Greater Geelong.

Officer Direct or Indirect Interest

No Council Officer involved with this process has any direct or indirect interest in the properties.

Risk Assessment

Provision of a sealed pathway will provide safer walking and cycling conditions for pedestrians and cyclists by minimising the risk of personal injuries through conflict with vehicles and the elimination of uneven and slippery surfaces. The additional drainage infrastructure will minimise the hazards associated with water over pathways. There are no identified risks for Council in declaring the scheme.

Social Considerations

The provision of properly sealed and drained pathways is aligned to Council's City Plan as described above and provides improved connectivity and safety for pedestrians and cyclists.

Human Rights Charter

In developing this report to Council, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any adverse human rights issues.

It is further considered that the construction of the pathway upholds the right to freedom of movement (Section 12 of the Human rights Charter) by enhancing a person's ability to move freely within the area they choose to live.

Consultation and Communication

Community consultation for the pathway construction Special Charge Scheme has been carried out as follows:

19 November 2010 – Introductory letter to property owners

22 November 2013 – Initiation letter including Special Charge Scheme brochure and estimated charges to property owners.

3 February 2014 – Letters to property owners advising Council's Intention to Declare a Special Charge Scheme.

8 February 2014 - Media Notice of Council's intention.

**Appendix 1
Page 1**

SCHEDULE ‘A’

The works for the construction of pathway in Colac Road Highton which consist of excavation, pathway, reinstatement of nature strip, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

**COST ESTIMATE FOR CONSTRUCTION OF PATHWAY –
COLAC ROAD HIGHTON**

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.00	GENERAL				
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		ITEM		\$23,000.00
1.02	Traffic management costs.		ITEM		\$3,750.00
1.03	Setting out of works.		ITEM		\$600.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement.	166.4	m3	\$60.00	\$9,984.00
2.02	Placement and consolidation of engineered fill with approved materials in preparation for new works.	33	m3	\$60.00	\$1,980.00
2.03	Trimming and disposal of trees.		ITEM	\$1,000.00	\$1,000.00
2.04	Remove and dispose of existing drainage wing wall.		ITEM	\$300.00	\$300.00
3.00	SERVICE AUTHORITIES				
3.01	Raise existing fire plug	2	ITEM	\$1,150.00	\$2,300.00
3.02	Raise water meter	1	ITEM	\$600.00	\$600.00
3.03	Raise S/V surround	1	ITEM	\$67.00	\$67.00
3.04	Raise Telstra pit to match design level	1	ITEM	\$1,500.00	\$1,500.00
4.00	DRAINAGE PIPES				
4.01	300mm dia RC pipe, supplied, laid and jointed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	39	m	\$120.00	\$4,680.00
4.02	BOX CULVERTS 1200 x 300 RC box culverts, supplied, laid and jointed including excavation, placement of approved fine crushed rock bedding and backfilling with approved material.	10.98	m	\$500.00	\$5,490.00
4.03	1200 x 900 RC box culverts, supplied, laid and jointed including excavation, placement of approved fine crushed rock bedding and backfilling with approved material.	7.32	m	\$1,030.00	\$7,539.60
4.04	PITS : SEP 900mm x 600mm side entry pit, less than 1.5m deep with gatic type cover, supplied and placed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	2	No.	\$1,400.00	\$2,800.00

Appendix 1
Page 2

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
4.05	PITS : JP 900mm x 600mm junction pit, less than 1.5m deep with Gatic type cover, supplied and placed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	2	No.	\$1,600.00	\$3,200.00
4.06	Tap into box culverts, lay 300 dia. drainage pipe into culvert with flush end and mortar joint.	2	No.	\$700.00	\$1,400.00
4.07	Modify existing pit to match finished surface level and supply and fit Gatic type cover.	2	No.	\$770.00	\$1,540.00
4.08	Modify existing depressed grated pit to junction pit. Supply and fit Gatic type cover to match finished surface level.	1	No.	\$1,000.00	\$1,000.00
5.00	CONCRETE WORKS:				
	KERBING				
5.01	Concrete pram crossing 2.0m wide, including fine crushed rock bedding.	5	No.	\$250.00	\$1,250.00
	PAVING				
5.02	75mm concrete paving with SL62 mesh including crushed rock bedding and reinstate nature strip. (Based on 2 metre wide path)	1060	m2	\$127.00	\$134,620.00
5.03	125mm concrete paving with SL62 mesh including crushed rock bedding and reinstate nature strip. (At driveways)	57.5	m2	\$135.00	\$7,762.50
6.00	LANDSCAPING				
6.01	Top soiling and seeding nature strips.	150	m2	\$8.00	\$1,200.00
6.02	Construction of fence with 2.4 metre long x 1.2 metre high wire panels (A.R.C. or similar) to match fence at Medical Centre entrance. Install between path and existing retaining wall.	64.6	m	\$160.00	\$10,336.00
7.00	SIGNING, LINE-MARKING AND FENCING				
7.01	Re-locate existing sign to central road island on frangible wooden posts.		ITEM	\$1,100.00	\$1,100.00
SUB-TOTAL : A					\$228,999.00
8.00	PROVISIONAL ITEMS				
8.01	Re-locate Telstra in section fronting No. 132-138 to allow retaining wall to be constructed.		ITEM		\$5,000.00
8.02	Tactile Ground Surface Indicator Tiles supplied and placed.	4.5	m ²	\$250.00	\$1,125.00
SUB-TOTAL : B					\$6,125.00
SUB-TOTAL : C (=A+B)					\$235,124.00
10% CONTINGENCY : D					\$23,512.00
DESIGN					\$11,756.00
SRC ADMINISTRATION					\$16,459.00
CONSTRUCTION COST ESTIMATE : E (=C+D)					\$286,851.00

**Appendix 1
Page 3**

**COST ESTIMATE FOR CONSTRUCTION OF KERB AND CHANNEL
COLAC ROAD HIGHTON**

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.00	GENERAL				
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		ITEM		\$8,000.00
1.02	Traffic management costs.		ITEM		\$11,250.00
1.03	Setting out of works.		ITEM		\$400.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement.	41.6	m3	\$60.00	\$2,496.00
2.02	Saw-cutting of asphalt paving.	100	m	\$50.00	\$5,000.00
2.03	Saw-cut of concrete kerb and channel	2	ITEM	\$80.00	\$160.00
3.00	PAVEMENT WORKS				
3.01	40mm compacted depth 10mm nominal size type N Asphalt spread and compacted including emulsion prime & grit using a paver.	171.4	m2	\$27.00	\$4,627.80
3.02	Prepare existing pavement for sealing using profiler.		ITEM	\$4,400.00	\$4,400.00
3.03	Supply, place and compaction of 20mm Class 2 FCR in pavement area in front of kerb and channel to 300mm deep including, 40mm compacted depth 10mm nominal size type N Asphalt spread and compacted including emulsion prime & grit.	35.6	m2	\$160.00	\$5,696.00
4.00	DRAINAGE PIPES				
4.01	100mm dia Sub-Soil drains including excavation, supply, placement and provision of approved backfill.	100	m	\$48.00	\$4,800.00
5.00	CONCRETE WORKS				
5.01	SM2 Semi-mountable kerb and channel 600mm wide, including fine crushed rock bedding.	94	m	\$124.00	\$11,656.00
5.02	Remove existing concrete kerb and construct SM2 Semi-mountable kerb and channel 600mm wide and reinstate nature strip.	9	m	\$156.00	\$1,404.00
5.03	Concrete layback for vehicle crossing 4m wide, including bedding & formwork.	2	No.	\$400.00	\$800.00
5.04	Concrete layback for vehicle crossing 6.5m wide, including bedding & formwork.	1	No.	\$650.00	\$650.00
6.00	LANDSCAPING				
6.01	Top soiling and seeding nature strips.	150	m2	\$8.00	\$1,200.00
7.00	SIGNING, LINE-MARKING AND FENCING				
7.01	Line-marking		ITEM	\$500.00	\$500.00
SUB-TOTAL :					\$63,040
10% CONTINGENCY					\$6,304
DESIGN					\$3,152
SRC ADMINISTRATION					\$4,413
CONSTRUCTION COST ESTIMATE					\$76,909

Appendix 2

Benefit Ratio – Schedule ‘B’

A Purpose	To construct a footpath in Colac Road, Warne Ponds to provide all weather pedestrian access for property owners and the wider community.		
B Coherence	The works will provide a physical pathway connection between the Ring road and South Valley Road and will provide a special benefit to adjoining and remote properties.		
C Total Cost C	Total Estimated cost of works - footpath construction \$286,851.00 Direct contribution by Vic Roads to fund pathway works adjoining their property. \$161,191.00 Direct contribution by Council to fund the additional width of pathway \$33,000.00 TOTAL COST \$92,660.00		
D Identify Special Beneficiaries	10 properties with frontages to the proposed pathway are considered to receive access benefits. The Vic Roads land at 174-212 receives a benefit but is out of the scheme due to direct funding by Vic Roads. The property at 158 Colac Road is also not included in the scheme due to a recently completed pathway along its entire frontage.		
E Properties to include	We will consider the total benefits to each property in terms of Benefit Units (BU). The construction of the pathway is considered to provide special benefit to the abutting properties in terms of access. There are 10 properties receiving a full benefit from the scheme at a total of 1BU each.		
F Estimate of Total Special Benefits	The 10 properties receiving benefit from the scheme give a total Benefit Unit of 10 BU Properties Included TSB (in) = 10 BU There are two properties excluded from the scheme Properties out of scheme TSB (out) = 2 BU		
G Estimate of Total Community Benefit -TCB	It is considered that people in the community will receive a benefit from the works as the pathway is used to access other areas. It is estimated that 50% of the use of the pathway will be from pedestrians from other areas considering potential destinations such as the Warne Ponds shopping precinct, Deakin University and the aquatic centre. This equates to an estimated 10BU TCB = 10 BU		
H Calculate "Benefit Ratio" - R	Benefits Ratio = $\frac{\text{TSB (in)}}{\text{TSB (in) + TSB (out) + TCB}}$ = $\frac{10}{10 + 2 + 10}$ 0.455		
I Maximum Total Levy (S)	Maximum Total Levy S = R x C \$42,118.18 Council Contribution to Special Charge Scheme \$50,541.82		

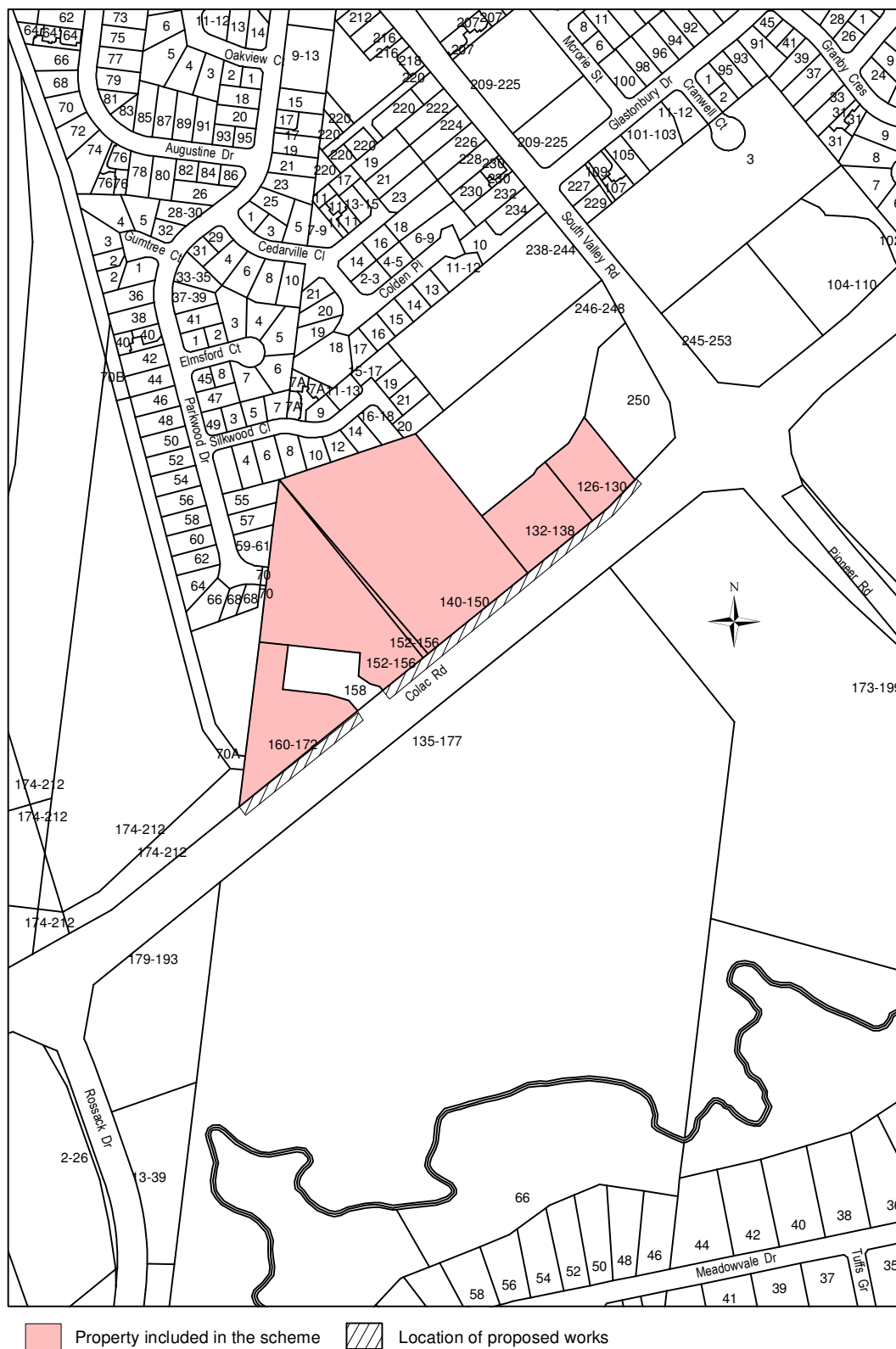
Appendix 3

SCHEDULE 'C' SPECIAL CHARGE SCHEME FOR PATHWAY CONSTRUCTION COLAC ROAD, HIGHTON

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN5	COLUMN6
Prop Key	Address	Legal Details	Total Frontage (m)	Apportionable frontage	Pathway cost (\$)
224141	140-150 Colac Road, Highton VIC 3216	Lot 2 TP 851204	110.9	110.90	\$13,625.35
298209	152-156 Colac Road, Highton VIC 3216	Lot 1 PS 331074, Lot 1 TP 851204	50.41	10.00	\$1,228.62
334219	160-172 Colac Road, Highton VIC 3216	1/2 Share of PC 370739	131.7	56.50	\$6,941.68
343603	Suite No. 1/160-172 Colac Road, Highton VIC 3216	1/2 Share of PC 370739	131.7	56.50	\$6,941.68
325304	Shop No. 1/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325305	Shop No. 2/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325306	Shop No. 3/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325312	Shop No. 5/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325313	Shop No. 4/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1, 425.19
302381	126-130 Colac Road, Highton VIC 3216	Lot 3 PS 404306	50.91	50.91	\$6,254.88
				342.81	\$42,118.18

Appendix 4

PLAN



Attachment 1

PROCESS CHART

**SPECIAL CHARGE PROJECTS –
(Section 163 – Local Government Act 1989)**

COLAC ROAD, HIGHTON

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of property owners and feed back from the community. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs.
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. 28 January 2014
<i>Advertisement</i>	✓	The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. 8 February 2014
<i>Submissions</i>	N/A	From the time of advertising property owners have 28 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme.
<i>Submissions Review Panel Hearing</i>	N/A	A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme.
<i>Declaration Report</i>	✓	Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme.
<i>Appeal</i>		Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties.
<i>Construction</i>		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
<i>Final Cost Report</i>		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

15. AVALON AIRPORT AGREEMENT

Portfolio:	Finance - Cr Lyons (Mayor), Cr S Kontelj, Cr E Kontelj
Source	Corporate Services - Financial Services
A/General Manager:	Michael Kelly
Index Reference	Subject: EMT and Avalon Airport

Cr Nelson moved, Cr Fisher seconded -

That in accordance with Section 89 (2)(d) of the Local Government Act 1989, this contractual matter be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

ASSEMBLY OF COUNCILLORS RECORD

Portfolio: Governance – Cr Lyons (Mayor)
Source: Corporate Services
Act/General Manager: Michael Kelly

Summary

- Section 80A (2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.
- A record of Assembly of Councillors meeting(s) is attached as an Appendix to this report.

Cr Irvine moved, Cr Heagney seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 22 April 2014)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Budget Briefing 7 April 2014	Crs Lyons, Ansett, Ellis, Harwood, Farrell, Fisher, Heagney, Irvine, E. Kontelj, S Kontelj, Nelson, Richards, Macdonald	S Griffin (CEO) M Kelly (A/GM) J McMahon (GM) P Bettess (GM) G Van Driel (GM) D Frost (GM) C Kirby (CO ORD) J Bannister (CO ORD)	• Matters arising from prior Budget Briefing • Funding Requests • Fees and Charges • Other Matters	Nil.
Budget Briefing 14 April 2014	Crs Lyons, Ansett, Ellis, Farrell, Fisher, Heagney, Irvine, E. Kontelj, S Kontelj, Nelson, Richards, Macdonald	S Griffin (CEO) M Kelly (A/GM) J McMahon (GM) P Bettess (GM) G Van Driel (GM) D Frost (GM) K Hamilton (CO ORD) C Kirby (CO ORD) J Bannister (CO ORD)	• Matters arising from prior Budget Briefing • Review of Community Priorities 2013-2014 • Affordability Update • Draft No 2 Budget - Program	Cr Farrell declared a Direct Interest in relation to the VLGA, however there was no discussion.
Councillor Briefing 15 April 2014	Crs Lyons, Ansett, Ellis, Farrell, Fisher, Harwood, Heagney, Irvine, S Kontelj, E Kontelj, Macdonald, Nelson, Richards	S Griffin (CEO) J McMahon (GM) P Bettess (GM) G Van Driel (GM) D Frost (GM) M Kelly (A/GM) S Bentley (MGR) R Anderson (CO ORD) J Brown (MGR) D O'Brien (OFF) R Bourke (CO ORD) A Paterson (MAYORAL ADVISOR)	• Presentation – Review of the General Local Law 2005 • Procurement Policy • Council Funding Priorities 2014 • Amendment C259 Horseshoe Bend precinct Structure Plan – Consideration of Submissions • Amendment C267 Armstrong Creek Town Centre Precinct Structure Plan Approval • Amendment C310 Implementation of new Residential Zones within the Armstrong Creek Urban Growth Area • Combined Amendment C283 Drysdale Urban Design Framework/Permit 1060/2013 • McHarry's Buslines – Consideration of Submissions	Crs S & E Kontelj declared an Indirect Interest in the Hamlyn Reserve Mobile Phone Antenna Report and left the meeting room prior to discussion. Crs Heagney and S & E Kontelj declared an Indirect Interest in the Council Funding Priorities Report and left the meeting room prior to discussion.

			• Amendment C297 and Permit 765/2013 – Proposed Coles Supermarket on Murradoc Road, Drysdale • Avalon Airport Agreement (Confidential) • Municipal Association of Victoria State Council Meeting • Central Geelong Marketing Committee – Annual Activities Report 2012-2013 • Hamlyn Reserve Mobile Phone Antenna • Naming Rights on Council's Sports Grounds • Geelong Municipal Early Years Plan 2013-2017 • Colac Road, Highton ARC335 – Proposed Footpath – Declaration of Charge • Reserve Naming – Newtown • CPL275.1 Flood Warning Policy Review • Update Actions (Draft) Karreenga Aboriginal Action Plan	
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PLANNING DELEGATIONS

Portfolio:	Planning - Cr Heagney
Source:	Planning & Tourism - City Development
General Manager:	Peter Bettess
Index Reference:	Delegation

Summary

- Section 98 of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987 empower Council to delegate its powers, duties and functions under relevant legislation to members of Council staff.
- Council may also delegate to committees comprising Councillors and staff or a combination of both, pursuant to sections 86 and 87 of the Local Government Act and section 188 of the Planning and Environment Act.
- At its meeting on 13 March 2007 Council established a Planning Committee and a Development Hearings Panel with delegated powers to determine upon any development applications which have been the subject of an objection or in circumstances where officers have recommended refusal of the application.
- At its meeting on 23 September 2008 Council adopted a recommendation to allow Officers (restricted to Manager, Coordinator and Team Leader level) the ability to consider and approve applications with five or less objections.
- The appendix to this report contains a schedule of all applications determined under these delegations.

Cr Ansett moved, Cr Ellis seconded -

That the information be received.

Carried.

Monthly Decisions Report - March 2014

App No	Location	Application Type	Decision Date	Description	Authority Description
1014/2013	4 Milan Street, BELL PARK VIC 3215	Construction of Two (2) Additional Dwellings and Three (3) Lot Subdivision	21-Mar-2014	NOD - Grant a Planning Permit	Development Hearings Panel
1167/2013	187 Swanston Street, SOUTH GEELONG VIC 3220	Retention of an Existing Dwelling and the Construction of Two (2) Double Storey Dwellings	7-Mar-2014	Refusal to Grant a Planning Permit	Development Hearings Panel
1313/2013	129 Fyans Street, SOUTH GEELONG VIC 3220	Building & Works associated with the Construction of a Store (Self-Storage Facility), Advertising Signage, Reduction in Carparking Requirements & a Waiver of Loading / Unloading Facility	7-Mar-2014	NOD - Grant a Planning Permit	Development Hearings Panel
914/2013	22-30 Austin Street, LEOPOLD VIC 3224	Creation of carriageway easement over Vol. 9931 Fol. 264 and two (2) lot subdivision	19-Mar-2014	Planning Committee Permit Issued	Planning Committee
1043/2013	91 Dare Street, OCEAN GROVE VIC 3226	Construction of Two Double Storey Dwellings and Two Lot Subdivision	12-Mar-14	NOD - Delegate	Delegates Authority - Objectors 1
1305/2013	1/141 Aberdeen Street, NEWTOWN VIC 3220	Construction of a Second Dwelling and Partial Demolition & Buildings and Works to the Existing Dwelling, Demolition of a Carport and Outbuilding, Create and Alter Access to a Road Zone Category 1 and Subdivide the Land into Two (2) Lots.	27-Mar-14	NOD - Delegate	Delegates Authority - Objectors 1
1317/2013	6 McNeill Court, EAST GEELONG VIC 3219	Proposed (4) Four Dwellings and (4) Four Lot Subdivision	04-Mar-14	NOD - Delegate	Delegates Authority - Objectors 2
1331/2013	1251-1269 Bellarine Highway, WALLINGTON VIC 3222	Use and Development of the Land for Rural Industry (Cidery), Restaurant and a Place of Assembly (Function Centre) and to Use the Land to Sell or Consume Liquor (Beer and Wine Producers Licence) and the Display of Internal & External Illuminated Business Identification Signage.	07-Mar-14	NOD - Delegate	Delegates Authority - Objectors 2
1431/2013	106 Liston Street, BELL POST HILL VIC 3215	Construction of Two (2) Dwellings and a Two (2) Lot Subdivision	17-Mar-14	NOD - Delegate	Delegates Authority - Objectors 1
1493/2013	50 McIntosh Road, LITTLE RIVER VIC 3211	Use and Development of a Dwelling and Associated Outbuilding Including Use of Part of the Land as a Store	13-Mar-14	NOD - Delegate	Delegates Authority - Objectors 1

Monthly Decisions Report - March 2014

App No	Location	Application Type	Decision Date	Description	Authority Description
1511/2013	129 McKillop Street, GEELONG VIC 3220	Use of the Land for a Medical Centre (Psychologist), Partial Demolition, Buildings and Works, Construction of a Vehicle Crossing and Reduction in Car Parking Spaces Requirement	28-Mar-14	NOD - Delegate	Delegates Authority - Objectors 1
48/2014	182 Bellerine Street, GEELONG VIC 3220	Change of Use to Medical Centre, Buildings and Works in Association with Disabled Access, and Reduction of Car Parking Requirement	25-Mar-14	NOD - Delegate	Delegates Authority - Objectors 4
527/2013	47 O'Connell Street, GEELONG WEST VIC 3218	Demolition of an Existing Dwelling and associated Outbuildings affected by a Heritage Overlay and Construction of Four (4) Dwellings and Four (4) Lot Subdivision	14-Mar-14	NOD - Delegate	Delegates Authority - Objectors 2
654/2012	12 Blyth Street, BREAMLEA VIC 3227	Construction of an Outbuilding Associated with the Existing Dwelling and Removal of Vegetation	12-Mar-14	NOD - Delegate	Delegates Authority - Objectors 1
749/2013	60 St Albans Road, THOMSON VIC 3219	Buildings and Works Associated with a Shop	13-Mar-14	NOD - Delegate	Delegates Authority - Objectors 2
795/2013	PARENT - 9-13 Collins Street, GEELONG WEST VIC 3218	Construction of Eight (8) Dwellings and Eight (8) Lot Subdivision and Reduction in the Required Car Parking Provision	04-Mar-14	NOD - Delegate	Delegates Authority - Objectors 4
8/2014	103 Shannon Avenue, MANIFOLD HEIGHTS VIC 3218	Change of Use to Restricted Recreation Facility (Gymnasium) and the display of Business Identification Signage	25-Mar-14	NOD - Delegate	Delegates Authority - Objectors 4

CLOSE OF MEETING

Cr Macdonald moved, Cr Fisher seconded –

That the meeting be closed to the public.

Carried.

The Meeting was closed to the public at 8.37pm

A record of the proceedings of this section of the meeting is contained in a Confidential Minute Book.

The Meeting was opened to the public at 8.47pm

As there was no further business the meeting closed at 8.47pm. Tuesday, 22 April 2014.

Signed: _____
Chairperson

Date of Confirmation: _____