

# MINUTES

## ORDINARY MEETING OF COUNCIL

**Tuesday, 8 December 2015**

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

COUNCIL:

Cr. D. Lyons <i>Mayor</i>	(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)
Cr. T. Ansett ( <i>Windermere</i> )	(Heritage, Rural Communities)
Cr. L. Ellis ( <i>Coryule</i> )	(Coastal Communities, Infrastructure, Parks and Gardens, Climate Change)
Cr. J. Farrell ( <i>Beangala</i> )	(Community Safety, Youth, Women in Community Life, Finance)
Cr. K. Fisher ( <i>Corio</i> )	(Community Development, Tourism)
Cr. B. Harwood ( <i>Kardinia</i> )	(Enterprise Geelong, Primary Industries)
Cr. M. Heagney ( <i>Brownbill</i> )	(Central Geelong, Planning)
Cr. J. Irvine ( <i>Austin</i> )	(Sport and Recreation)
Cr. E. Kontelj ( <i>Cowie</i> )	(Aboriginal Affairs, Multicultural Affairs, Finance)
Cr. R. Macdonald ( <i>Cheetham</i> )	(Major Projects, Knowledge Economy & Education, Veteran Affairs)
Cr. P. Murrhly ( <i>Kildare</i> )	
Cr. R. Nelson ( <i>Deakin</i> )	(Major Events)
Cr. A. Richards ( <i>Buckley</i> )	(Environment & Sustainability, Transport, Arts & Culture, Climate Change)

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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, 8 DECEMBER 2015  
COMMENCING AT 7.00P.M.**

**PRESENT:** Crs D Lyons (Mayor), T Ansett, L Ellis, J Farrell, K Fisher, B Harwood, M Heagney, J Irvine, E Kontelj, R Macdonald, P Murrhly, R Nelson, A Richards

**Also present:** K Spiller (Chief Executive Officer), D Frost (General Manager Strategy & Performance), P Bettess (General Manager Planning and Tourism), W Tieppo (General Manager City Services), L Quinn (Acting General Manager Community Life), P Jane (Acting General Manager Investment and Attraction), R Bourke (Co ordinator Governance and Legal Services) J Merlo (Senior Media Officer)

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

**ACKNOWLEDGEMENTS:**

Council acknowledges Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:**

**Cr Fisher moved, Cr Farrell seconded –**

**That Leave of Absence be granted to Cr Macdonald from 9 December to 7 January 2015, inclusive, and Cr Lyons (Mayor) from 12 December 2015 to 18 January 2016, inclusive.**

**Carried.**

**CONFIRMATION OF MINUTES:**

**Cr Harwood moved, Cr Irvine seconded -**

**That the Minutes of the Ordinary Meeting held on 17 November 2015 be confirmed and signed.**

**Carried.**

**DECLARATIONS OF CONFLICTS OF INTEREST:**

*Cr Heagney declared an Indirect Interest by Close Association in Agenda Item 6 – Managing Future Growth – Further Investigation Areas, in that her husband is considering a business with one of the property owners.*

*Cr Macdonald declared an Indirect Financial Interest in Agenda Item 7 – Adoption of Amendment C324 – 357 & 359 Pakington Street, Newtown – Chilwell Village Shopping Centre, in that he has an interest in a property in the immediate area impacted by this Amendment.*

## **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.*

**Con Alevras** asked at the February 2007 Council meeting on the adoption of the current Ocean Grove local structure plan and following detailed review of formal submissions Council sought to define a population limit and therefore growth to the north west of the town in order to sustain a range of services. The key directions and strategies included nominating a settlement boundary and clearly identifying a longer term boundary. Accordingly, with the commencement of the request for formal submissions why is Council predicating the deletion of the long term settlement boundary including the wording “protect long term growth option” that affects our land on the west side of Grubb Road? This was a Council initiative in 2007 supported by stakeholders and there were no calls in 2015 for its removal other than this report.

*Cr Farrell responded she had been involved in the Ocean Grove Structure Plan since 2007 and indicated she had met with Con and his consultants as well as other developers and their consultants. As you would know, the State Policy has changed since 2007 and this Structure Plan goes out as a draft addressing these changes. You will have an opportunity through this process to provide a submission. Exhibition will be longer than normal and will come back to Council for discussion and then is likely to go onto an Independent Planning Panel.*

**Fiona Threlfall** asked if Councillors are aware that currently there is no netball amenity of any kind at our Club, as concluded in the G21 and AFL Barwon regional strategy in April 2015?

The girls of all ages from both clubs currently change in out-dated public toilets or in an open marquee with insufficient privacy which is set up and packed up for each game. This is also used for office and admin purposes on game days. Our all-abilities team will also be able to use the new facility.

*Cr Irvine responded that he appreciated and was aware of the lack of facilities and would do whatever he could to support the application to have it rectified.*

**Fiona Threlfall** (on behalf of Sue Cormack) also asked if Councillors were aware that the Club is 100% committed in establishing female AFL football teams for 2016, catering for 8-12 and 13-18 years age groups? This is a key strategic initiative for the club, and I am pleased to say that planning is progressing very well. All teams for both clubs will be able to fully utilise the new facility for change rooms and toilets, and also for medical care in case of injury.

*Cr Irvine advised he understood the participation and growing support of establishing female AFL football teams and indicated his appreciation for the Club's efforts in this regard.*

**Rob Threlfall** asked are aware that the Club has always contributed funds to infrastructure developments at Drew and Walker Ovals, and this project is no exception with the Club guaranteeing a commitment of \$100,000 to the Wedge project.

*The Mayor responded no Councillor can give support until Council discussed through the budget process.*

**Mik Aidt** addressed Council as follows:

- 1) Firstly I'd like to acknowledge and thank you Council and Future Proofing Geelong for supporting the Act on Climate Festival, which took place on 20-23 November in Geelong. Surely, Council would be aware that world leaders currently are discussing climate change and emissions targets in Paris, and that these international negotiations most likely will turn out to be inadequate if we want to avoid messing up this planet's climate systems. Which is why action to limit carbon emissions at local and municipal level now becomes even more important than ever now. My question is concerning how Council invests its funds, and whether its finances are invested in fossil fuel projects. I am not sure if Council is aware that at least 15 Australian local councils including City of Melbourne have decided to stop risking their ratepayer funds and reserves by removing any exposure they have to fossil fuel projects? Or whether Council is actually aware what exposure City of Greater Geelong's funds have to fossil fuels? Has Council started a process of considering doing the same as these 15 other local councils? And if not, how can local environmental and climate action groups help Council to make this happen?

*Cr Richards responded it was an interesting issue for this Council and for Victoria, Australia and the world. Council officers are aware of this issue and as the Environment and Sustainability Portfolio Holder I have had preliminary discussions about the way forward. At this point in time, Cr Richards suggested a report be brought back to Council for consideration.*

- 2) Compact of Mayors ([www.compactofmayors.org](http://www.compactofmayors.org)) is the world's largest cooperative effort among cities to fight climate change. City of Sydney, City of Melbourne, City of Adelaide, City of Perth, Lismore City Council and Byron Shire Council are among the members of Compact of Mayors. Is Geelong part of this network of over 170 cities? If not, then why not? Could a process be started to make a consideration about this? How can local environmental and climate action groups assist Council to sign Geelong up for this significant initiative?

*The Mayor responded that the City of Greater Geelong had not been invited to be a member of Compact of Mayors but would endeavour to investigate.*

*Cr Richards indicated he has held preliminary talks with the Compact of Mayors and given that many of those people in that space were involved in Paris, communication has been put on hold. Council already comply with Compact of Mayors, however we need to work out costs going forward to be directly involved.*

*Cr Irvine added no doubt Council is concerned about climate change and global warming, and would be happy to come along and get involved.*

**Peter Billings** asked the following in regard to the Ocean Grove Structure Plan Review:

- 1) Why does Council persist in maintaining such a curiously negative attitude to the designation of this land for future residential development?
- 2) Why is Council adamant in maintaining such a mystifying and bizarre position, which wants to remove the long term settlement boundary and the protection of the long term growth option?

*Cr Farrell responded that Council has a view of going out with an informal discussion to the community, details of which are brought back for discussion before us tonight. It has provided an opportunity for developers like yourself to have further discussion about the boundary. State planning has changed considerably. There will be a further opportunity to submit during the official draft exhibition and again at the independent planning panel.*

**John Leen** asked that in relation to his submission when Amendment C280 was first advertised, along with our adjoining neighbours, our submission addressed that we were not opposed to C270 but we requested a high solid paling fence across the rear of our property's northern boundary?

*Cr Macdonald responded that Council will be considering Amendment C280 this evening at which time I believe your question will be satisfactorily answered.*

**Bronwyn Bingham** asked what is happening in the Marshall Precinct area over the last ten years?

*Cr Richards responded that the issue was not new to him and he understood the problem. Cr Richards suggested that contact be made after Christmas to meet with yourself and other residents to further discuss the issue.*

**Tim Smyth** asked:

- 1) What has been done in the past twelve months to reduce carbon emission in Geelong?
- 2) What are the plans for the next 24 months to reduce carbon emissions?
- 3) How much is the budget allocation for carbon reduction for CoGG in the next 12 months?

*Cr Richards responded he would provide a written response outlining Council's commitment to reduce carbon emissions.*

**PETITIONS:** Nil

## **ELECTION OF DEPUTY MAYOR**

*In accordance with 11C(2) of the City of Greater Geelong Act 1993, Council must elect a Deputy Mayor upon the office becoming vacant.*

*Accordingly, nominations are called for the position of Deputy Mayor until 21 October 2016.*

**Cr Irvine moved, Cr Heagney seconded –**

**That Council elect a Deputy Mayor until 21 October 2016.**

**Carried.**

**Cr Murrphy moved, Cr Ellis seconded -**

**That Cr Harwood be nominated as Deputy Mayor until 21 October 2016.**

**Carried Unanimously.**

*As there were no further nominations Cr Harwood was duly elected.*

**Cr Heagney moved, Cr Irvine seconded -**

**That Cr Harwood assume the role of Acting Mayor during Leave of Absence of the Cr Lyons (Mayor) for the period 12 December 2015 to 18 January 2016.**

**Carried.**

## **2. ADOPTION OF AMENDMENT C280 – ASH ROAD (WEST) LEOPOLD**

**Portfolio:** Planning – Cr Heagney  
**Source:** Planning and Tourism - City Development  
**General Manager:** Peter Bettess  
**Index Reference:** Council Reports 2015  
**Application:** Amendment C280

### **Purpose**

This report considers the Independent Panel Report and Recommendations on Amendment C280 and recommends adoption of the Amendment with changes.

### **Summary**

- Amendment C280 will facilitate the residential development of an area of Leopold identified for urban growth on the west side of Ash Road.
- Public exhibition of the Amendment in October and November 2014 resulted in 22 submissions.
- Council resolved on 10 February 2015 to:
  - Make changes to the Amendment to address some of the submissions including changing the size and location of open space; reconfiguring the northern drainage basin and adding extra land to allow Walkers Road to become the main connector road; and
  - Refer submissions to an Independent Panel appointed by the Minister for Planning.
- The Panel Hearing was held on 17 and 18 March 2015.
- The Panel concluded that:
  - The amendment is strategically supported.
  - The development will require coordination and cooperation between the land owners and that this needs to be reached between landowners on the layout and shared infrastructure funding before the amendment progresses.
  - The timing of collection of the Community Infrastructure Levy should be consistent across developments in a growth area and in Geelong this to be collected at the time of certification of the subdivision.
  - It is not appropriate to include local roads in the Shared Infrastructure Funding Plan as sought by some submissions.
  - A paling fence between the subject land and rural living properties to the south is not warranted to be provided by the Amendment.
- There is no pedestrian connection between the existing residential areas to the north and the subject land and the Panel recommends that Council should act to designate this on the amendment documents and to acquire a property on Hazelwood Crescent to facilitate connectivity.

- Individual Section 173 Agreements with eight of the affected property owners to formalise development contributions arrangements have been prepared and signed off by 6 of the 8 owners. Two owners have advised they will not enter into Agreement at this time. Contributions from the balance of the landowners will be captured at the subdivision stage of their land.
- The Panel's recommendations are generally supported and the Amendment can now be adopted as outlined in this report.

**Cr Macdonald moved, Cr Heagney seconded -**

**That Council:**

- 1) adopt Amendment C280 on the form outlined in Appendix 4 of this report with the addition to clause 2.0 of DPO Schedule 33 of a requirement that any permit for sub-division of the land at 160-172 Ash Road contain a condition requiring the installation of a 1.8 metre high, solid timber paling fence along its southern boundary;**
- 2) submit the adopted Amendment with the prescribed information to the Minister for Planning requesting approval;**
- 3) signs and seals the section 173 agreements with the 8 Individual landowners affected by this amendment to formalize development contribution arrangements (Appendix 5 is a model template of these Agreements);**
- 4) explores options for providing a pedestrian connection between Hazelwood Crescent and the Ash Road (West) rezoning area, Leopold.**

*Cr Nelson left the meeting room at 8.12pm*

*Cr Nelson re-entered the meeting room at 8.14pm*

**Carried.**

### ***Background***

Amendment C280 resulted from an application made by St Quentin Consulting on behalf of Paisley Manor Pty Ltd, owner of 80-108 Ash Road Leopold to rezone 10 properties totalling 25 hectares from Farming Zone to General Residential Zone Schedule 1 together with an accompanying development Plan Overlay. The subject land is west of Ash Road, east of the Estuary Estate on the southern edge of Leopold.

Appendix 1 shows the subject land and existing zones. The land is used for residential, rural living and agricultural purposes and has been substantially cleared of vegetation. Appendix 2 is an aerial photo of the subject land and surrounding area.

As part of the processing of this application there were discussions and negotiations with the applicant and landowners about the outline development plan and delivery by the developer(s) of the necessary community infrastructure in a timely manner. In this area these arrangements have been complicated by the 10 individual property owners and the need to fairly and equitably apportion developer contributions costs among the individual landowners.

Identified shared infrastructure requirements include:

- Provision of 2 stormwater retarding basins
- Provision of 2 local parks
- A shared pathway open space reserve and buffer along the southern boundary of the area

- Upgrade of the Ash Road and Bellarine Highway intersection to extend the right hand turn queuing lane
- \$900 per dwelling community infrastructure levy.

A Draft Shared Infrastructure Funding Plan (SIFP), which was prepared by the applicant in consultation with Council, sets out the shared developer contribution arrangements in an equitable manner. The SIFP, along with an accompanying model template Section 173 Agreement to formalise these arrangements, were exhibited as part of the amendment documentation.

Amendment C280 was exhibited between 9 October and 10 November 2014. Council received 22 submissions in response of which 6 were from public authorities offering no objection, 6 from residents of the adjoining residential and rural living areas raising amenity and health issues, and 9 from landowners in the rezoning area supporting the rezoning of the land but raising concerns about the form of the DPO, SIFP and outline development plan. One nearby landowner objected to the rezoning of all but the applicant's land

The issues raised in the submissions were considered by Council at its meeting on 10 February 2015. Council resolved to make changes to the Amendment to address some of the submissions including changing the size and location of open space; reconfiguring the northern drainage basin and adding extra land to allow Walkers Road to become the main connector road.

Council resolved to refer all submissions to an Independent Panel appointed by the Minister for Planning.

A Directions Hearing was conducted in Geelong on 25 February 2015 followed by the Panel Hearing on 17 and 18 March 2015.

### ***Discussion***

A two person Panel, chaired by Lester Townsend, conducted the hearing. The Panel submitted its report to Council on 1 June 2015.

The Panel has observed the following about Amendment C280:

- The amendment is strategically supported.
- The development of the land is not critical to land supply in the Geelong Region and if not developed for many years there would be no great impact on the community.
- Development will require coordination and cooperation between the land owners. The disagreement between landowners about how the land is to be developed is an obstacle to a high quality living environment for future residents.
- Given the disagreement between landowners, and according to submissions, a degree of distrust, the Panel considers it would be premature to rezone the land, as rezoning may simply raise owners expectations further and frustrate a cooperative approach, and may lead to ad hoc approach to development.
- Agreement needs to be reached between landowners on the layout and shared infrastructure funding before the amendment progresses.
- The timing of collection of the Community Infrastructure Levy should be consistent across developments in a growth area and in the case of Geelong the Panel understands this to be collection at the time of certification of the subdivision.

- The Panel concludes that it is not appropriate to include local roads in the Shared Infrastructure Funding Plan as sought by some submissions.
- The Panel concluded that a paling fence between the subject land and rural living properties to the south is not warranted to be provided by the Amendment.
- Council and VicRoads should investigate the existing operation of the Ash Road/Bellarine Highway intersection. Council needs to review the appropriate share of costs for alterations to the intersection that should be attributed to this development.
- There is no pedestrian connection between the existing residential areas to the north and the subject land. Providing a pedestrian connection would assist future residents as it would provide a more direct walking route to shops, schools and community facilities, and benefit existing residents by providing better access to open space areas proposed on the subject land and in the Estuary Estate. Council should act to designate this on the amendment documents and to acquire a property on Hazelwood Crescent to facilitate connectivity.

Appendix 3 is the Executive Summary of the Panel's report.

The key issues raised during the Panel Hearing, the Panel's recommendations and Council officers' response are outlined below using the headings from the Panel Report.

## **Chapter 2 Strategic Justification and interface issues**

### **2.1 Strategic Justification**

The Panel considered the policy context for the Amendment including the nomination of the area for future residential growth in the Leopold Structure Plan for the nine years. The Panel has concluded that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

#### Council Officer Response

The findings of the Panel on the strategic merits of the Amendment are consistent with the policy position of Council and supported.

### **2.2 Pedestrian Connections**

The issue of pedestrian connection to the surrounding area was raised in the Hearing. The Panel noted that the existing subdivisions to the north of the subject land made no provision for the extension of the urban area of Leopold southward. There is a line of back fences from Ash Road to Melaluka Road, 1.2 kilometres long, creating poor pedestrian connectivity between the subject land, Estuary Estate and existing areas of Leopold.

Providing a connection to the north would assist future residents by providing a more direct walking and cycling route to shops, schools and community facilities, and benefit existing residents by providing better access to the open space areas proposed on the subject land and that already provided in the Estuary Estate. Overall it would remove a significant barrier to community integration in Leopold.

At the Hearing Officers supported the proposition that the opportunity for improved pedestrian links should be part of the ODP and that Council should be striving for better connections and integration of existing and newly establishing areas.

On this conclusion the Panel has recommended that Council act to make provision for a pedestrian connection to the north of the site and act to acquire a property on Hazelwood Crescent to facilitate this.

### Council Officer Response

The findings of the Panel are supported. While acknowledging the challenges in securing a public pedestrian link, it is important that every effort is made to avoid many of the previous poor subdivision connection outcomes across the municipality.

To demonstrate a clear intent of Council to pursue acquisition of a private property on Hazelwood Crescent in order to provide a link, it is proposed that Council resolve to explore available options.

The recommendation of the Panel is also supported with the proposed changes to the Amendment included in the DPO33 for adoption in Appendix 4.

### **2.3 External Roads**

The right turn land on the west approach of the highway intersection with Ash Road has insufficient storage capacity to cater for the increased traffic volumes arising from this development. The full costs for the upgrade are to be funded by this development and have been included in the SIFP.

The Panel's observation from one evening peak hour highlighted an existing problem at the intersection and comment was that a critical issue is the amount of money the developer of this proposal should be required to pay for the upgrade, given that it serves the existing residents and will be also required to serve the growth area to the east of Ash Road.

### Council Officer Response

Officers explored the issue of the funding of the intersection upgrade with VicRoads. The very clear advice from VicRoads was that the current right turn queues at present do not regularly extend beyond the right turn lane and that given there is no queuing issue road improvements are not required to be undertaken.

SIDRA analysis (Signalised & un-signalised Intersection Design and Research Aid) undertaken for the application shows the post development operation will result in the traffic queuing beyond the existing right turn lane.

In order to maintain the road efficiency the existing right turn lane must be lengthened to store the proposed development traffic. As this is a result of the proposed development, it will be at the cost of the developers to upgrade the existing right turn lane into Ash Road.

### **2.4 Fencing along the Southern Boundary**

Submitters requested the installation of solid timber paling fences along the southern boundary of the shared pathway/buffer reserve to increase security and privacy and manage dust and rubbish during construction of the subdivision.

The Panel concluded that there is no need for a high, solid paling fence along the southern boundary between the open space reserve on the subject land and the adjoining properties. The Panel observed that in effect the development will introduce a second road frontage to the adjoining land (though the lots would not have access rights across the open space). Fencing typical of rural residential road frontages is appropriate.

### Council Officer Response

The finding of the Panel is supported.

## **2.5 Construction Management**

The Panel noted that construction management is an important issue for the surrounding landowners but concurred with Council that it is most appropriately addressed as part of permit conditions rather than in the DPO.

The Panel considered the submission from the former Department of Environment and Primary Industries (DEPI) about the need for contingencies during the construction of drainage infrastructure for floodwater treatment where flooding occurs prior to all infrastructure being connected. This being of particular concern as the overflow water will discharge to Reedy Lake/Lake Connewarre which is a RAMSAR site. The Panel agreed with Council to change the DPO to address flooding contingencies during construction of the drainage infrastructure.

### Council Officer Response

The findings of the Panel are supported.

## **2.6 Mosquito Breeding**

The Panel considered the concerns of 2 submitters on the need to control mosquito breeding potential in the drainage basins and the risk this may pose to public health. Changes to the DPO to include a requirement for the design and construction of drainage basins to include measures to discourage mosquito breeding proposed by Council were endorsed by the Panel.

### Council Officer Response

The findings of the Panel are supported.

## **Chapter 3 Internal Layout**

### **3.2 Coordinated development**

The issue of coordinated development was the most significant issue identified by the Panel and this warrants additional coverage in this Report.

The Panel observed that the most significant submissions were from the land owners whose land will be rezoned and that as a group they *"display internal divisions and mistrust"* that this disagreement between landowners about how the land is to be developed is an obstacle to a high quality living environment for future residents. A key concern for the Panel was that the development will require coordination and cooperation between the land owners and that unless they reach agreement this area of Leopold will not be developed for the foreseeable future. The Panel went further to observe that Council has been trying to resolve the different opinions between landowners and that it would be unwise for Council to become the meat in the sandwich in drawn out disputes between different land owners. In this context, the Panel recommends that before adopting the Amendment, Council enter into a S173 Agreement with landowners on shared infrastructure funding based on an agreement between the landowners on the Outline Development Plan and cooperation on development. If agreement is not reached in a timely fashion, the Panel recommends Council should abandon the Amendment. The Panel also recommended that Council could consider adopting the Amendment in parts if all owners north or south of Walkers Road reach agreement.

### Council Officer Response

The Panel has teased out a disagreement and dysfunction between the landowners and their inability to cooperate on this development. For development to work in the area the Panel has identified that the landowners need to work together and reach agreement as necessary infrastructure is split across several land ownerships. The Panel has noted that Council has no obligation to be a mediator or broker in this process, something which Council has tried to do on this project.

Whilst there are other areas with significant land available for growth (referred to by the Panel), this location is the next large growth area in Leopold. This is the strategic direction of growth in Leopold, which is a growth suburb, and Council should continue to progress this Amendment to see this land come to the market as soon as possible. Officers have continued to progress the Amendment forward by meeting with landowners, completing the final Draft SIFP, preparing the S173 Agreements and sending to the landowners for signing. This progression has been based on the post-exhibition changes to the Outline Development Plan that Council put to the Panel, and which were endorsed.

### **3.3 Drainage and open space**

The Panel heard a submission about the siting and size of the southern drainage basin and whether it was unnecessarily oversized. The Panel concluded that the precise size of the retarding basin should be determined as part of the detailed design process and that there is sufficient land to contain a basin.

The Panel heard submissions about the amount, size and location of open space proposed in the subject area, including disagreement about the location of the northern open space area and concerns that this space disproportionately affects smaller landholders, favouring the proponent with the largest land parcel.

The Panel concluded that the land north of Walkers Road should be developed in a coordinated manner and not as isolated projects. The landowners need to agree to a mutually accepted position on the layout of the development. While the Panel considers there are benefits in co-locating the open space with the northern drainage basin the more northern location proposed by Council (post exhibition) will result in a slightly better overall distribution of open space.

The Panel agreed with Council to reduce the width of the southern pathway/buffer reserve to 10 metres; to delete the pocket park for a River Red Gum that has been removed; to reduce the size of the southern co-located open space and retention basin to 1.085 ha.

### Council Officer Response

The findings of the Panel are supported.

### **3.4 The Subdivision Collector Road (extended Walkers Road)**

The Panel also considered the issue of whether the connector road (an upgraded and extended Walkers Road) should be included in the SIFP as a shared infrastructure item. The Panel concluded that this is an issue of equity between the parties, and one that needs to be resolved between the landowners, with them reaching an agreement between themselves on the development and the apportionment of the costs of the development.

To achieve the space required to the extend and upgrade Walkers Road from a 15 metre wide reservation to a collector road and to establish an efficient intersection with Ash Road, the Panel has recommended the inclusion of the full cost of acquisition of 132 Ash Road in the SIFP. The Panel has also recommended that the DPO include a strategy for the upgrade and extension of Walkers Road (supporting Council's post-exhibition change) and to show the properties at 130 and 132 Ash Road as being excluded from the developable area.

#### Council Officer Response

Officers concur with the Panel conclusion that the collector road should be funded by the developer and not a shared cost across the whole rezoning area. It is the responsibility of developers to 'develop' their estates and these sorts of local roads are part of that development.

Officers support the Panel's recommendations to include the full cost of the acquisition of 132 Ash Road in the SIFP, and for the accompanying changes to the DPO.

### **3.5 Changes to the Detailed Design**

In considering detailed design issues for roads adjacent to public open space, the Panel supports the reduction in the width of roads adjoining the southern public open space and the landscape buffer and both of the drainage reserves to 13 metres. Further, the Panel supports Council's post-exhibition change to clarify the number of street frontages for public open space, recommending a slight revision to the the language expressing this in the DPO.

#### Council Officer Response

Officers support these recommendations.

## **Chapter 4 Contributions, offsets and clarifications**

### **4.1 Flora assessment**

Council and the applicant endorsed DEPI's submission that the *Flora and Fauna Assessment and Net Gain Analysis Ash Road, Leopold* needs to be revised to conform to current standards, and the Panel recommended this be undertaken before finalising the amendment documents and agreements for shared infrastructure funding.

#### Council Officer Response

The need to update the Report is endorsed, however it has not been necessary to complete this work prior to the finalisation of the SIFP as the shared infrastructure items do not include any protection reserves etc for native vegetation. Updating of this work can be completed prior to the amendment being approved.

### **4.2 Shared Infrastructure Funding**

The Panel also considered the submissions that sought changes to the items that have been included and excluded from the SIFP including road construction costs, planning costs and the land valuations. The Panel has concluded that it is not appropriate to include local roads in the SIFP, that it is appropriate to include planning costs in the SIFP and that the proposed approach to valuations and indexation is appropriate. The Panel has recommended that the DPO schedule reflects the executed S173 and SIFP.

#### Council Officer Response

Officers concur with these Panel conclusions and recommendations.

### **4.3 Timing of payment of the Community Infrastructure Levy**

The Panel considered submissions that argued for the \$900 per lot community infrastructure contribution in the SIFP to be paid at the building permit stage consistent with other urban growth areas. In contrast, Council argued for the contribution to be paid at the time of subdivision in lump sum amounts as it provides for certainty of funding and avoids the drip-feed of hundreds of \$900 amounts over several years.

The Panel concluded that the timing of the collection of the levy should be consistent across growth areas and in Geelong, they understand this to be at the time of certification of the subdivision.

#### **Council Officer Response**

The Panel findings are supported.

Appendix 4 is Amendment C280 recommended for adoption (including the changes to the DPO Schedule referred to in the Panel's recommendations and Council's post-exhibition changes). A change has also been made to delete the requirement for a permit to include a condition requiring a CHMP for 21-29 Walkers Road as this is required under separate legislation and must be submitted as part of a subdivision permit application.

Individual Section 173 Agreements with 8 affected property owners to formalise developer contribution arrangements have been prepared. The 8 owners have signed the Agreement; and 2 owners have advised they will not sign the Agreement at this time. Appendix 5 is a model template of these Agreements with the individual owners.

It is envisaged that developer contributions will be able to be collected from owners/developers who have not yet signed the agreement through planning permit conditions at the subdivision stage.

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

The proposed rezoning and subsequent residential development is not expected to result in any adverse environmental impacts.

The Development Plan Overlay schedule includes requirements relating to protection of remnant vegetation and management of stormwater to prevent downstream pollution.

Developers will need to seek the required approvals from the Commonwealth Government under the provisions of the EPBC Act as Reedy Lake and Lake Connewarre (RAMSAR sites) are the receiving waters for this development.

#### ***Financial Implications***

The draft Shared Infrastructure Funding Plan (SIFP) identifies all the capital financial requirements for the provision of infrastructure across the Ash Road west growth area. The draft SIFP details the specifics of the development contributions to relevant infrastructure and spread across all properties affected by the amendment. In exceptional circumstance if developers are unable to deliver the works in-kind, development contributions will be collected by Council and works delivered by Council.

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

The Amendment is consistent with the State Planning Policy implementing the objectives and strategies of Clause 11 Settlement, (in particular Urban Growth Clause 11.02, Open Space Clause 11.03 and Regional Development Clause 11.05), Clause

12.01 Biodiversity, Clause 15 Built Environment & Heritage, Clause 16 Housing and Clause 19 Infrastructure.

The Amendment also is consistent with the Local Planning Policy Framework; in particular Clause 21.06 Settlement & Housing identifies Leopold as one of the City's designated primary urban growth areas. Clause 21.14 The Bellarine Peninsula sets out objectives and strategies for development of the Peninsula and each of the towns as contained in the adopted Structure Plans. The proposed rezoning is consistent with the adopted 2013 Leopold Structure Plan and as such is consistent with Clause 21.14 of the LPPF, both advocating that the area be rezoned for conventional residential development.

The Amendment is also consistent with a range of other environmental, infrastructure, developer contributions and open space policies contained in the MSS.

#### ***Alignment to City Plan***

The Amendment supports the Growing our Economy and Sustainable Built and Natural Environment strategic directions of City Plan, particularly as it is facilitating sustainable development in accordance with an adopted township Structure Plan.

#### ***Officer Direct or Indirect Interest***

No Council officers have any direct or indirect interest, in accordance with Section 80(c) of the Local Government Act to which this Amendment relates.

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

The Amendment is accompanied by a Shared Infrastructure Funding Plan that will either have developers build and provide the infrastructure as the area develops or if all endeavours to achieve this are exhausted, provide the equivalent funds to Council to provide and construct at a later time. There is a risk that developers may not deliver the infrastructure and that Council will need to undertake this.

#### ***Social Considerations***

The Leopold Structure Plan, which supports this Amendment, has addressed the social implications of identifying areas for future growth.

Development of the subject land will add to the Leopold Strategic Footpath Network, provide local open space and is proximate to the sub-regional sporting facilities developed in the Estuary Estate.

A community infrastructure contribution of \$900 per residential lot will also be gained with allocation to infrastructure in the Leopold area.

#### ***Human Rights Charter***

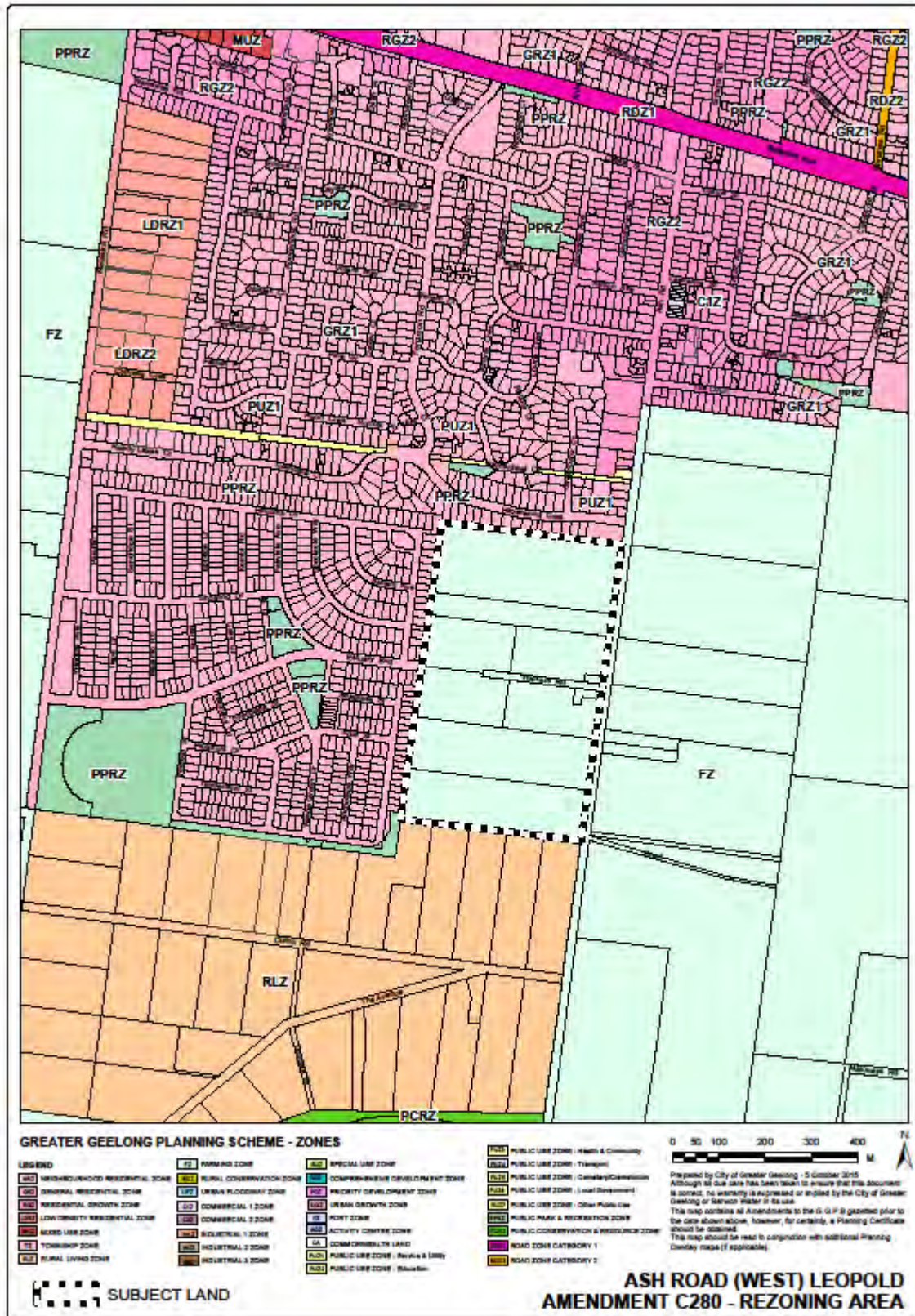
Amendment C280 does not impact on any basic rights, freedoms and responsibilities set out in the Charter. Planning legislation ensures an open community consultation process enabling people to freely express their views and if necessary obtain a fair hearing before an Independent Panel.

#### ***Consultation and Communication***

The Amendment has been exhibited in accordance with the provisions of the Planning and Environment Act 1987. All submitters were provided with an opportunity to be heard by the Independent Panel appointed by the Minister for Planning.

**APPENDIX 1 – SUBJECT LAND**





APPENDIX 2 – AERIAL IMAGE



## APPENDIX 3 – EXECUTIVE SUMMARY FROM PANEL REPORT

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Greater Geelong Planning Scheme Amendment C280 | Panel Report | 1 June 2015

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### Executive Summary

The Amendment will facilitate the residential development of an area of Leopold identified for urban growth.

The most significant submissions are from the land owners whose land will be rezoned. Council has been trying to resolve different opinions between various land owners.

It is understandable that Council has tried to resolve differences between the land owners, but in reality the distinction between the 'proponent' and other land owners is artificial. It is more appropriate to characterise all the land owners as the proponent, as development of the land will necessary include all the land or the majority of it.

As a group the land owners display internal divisions and mistrust, and Council would be unwise to take this process any further until the relevant parties reach agreement. If parties dispute our interpretation of their relationships they can simply demonstrate their cooperative approach to Council and all agree on an ODP and Shared Infrastructure Funding Plan. Council has no obligation to act as a mediator or broker in this process.

Development will require cooperation between the land owners and unless the land owners reach agreement this area of Leopold will not see development for the foreseeable future. Council should be wary of becoming the 'meat in the sandwich' in a drawn out dispute between the different land owners.

Based on the reasons set out in this Report, we recommend:

1. Before adopting Greater Geelong Planning Scheme Amendment C280 Council enter into a section 173 agreement with all owners (or all the owners north or south of Walkers Road) on shared infrastructure funding. This agreement should be based on an agreement between the land owners on the Outline Development Plan and cooperation on development. If agreement is not reached in a timely fashion Council should abandon the Amendment. Council could consider adopting the Amendment in parts if all owners north or south of Walkers Road reach agreement.
2. Before finalising the Amendment documentation and agreements for shared infrastructure funding:
  - Council review the appropriate share of costs for alterations to the Bellarine Highway/Ash Road intersection that should be attributed to the subject land
  - Require the proponent to revise the Flora and Fauna Assessment, and Net Gain Analysis to conform to current standards
  - Include the full cost of acquisition of the property at 132 Ash Road in the Shared Infrastructure Funding Plan to allow sufficient land for the Walkers Road upgrade and intersection.
3. Subject to the above recommendations, Greater Geelong Planning Scheme Amendment C280 be adopted as exhibited subject to the following changes:
  - 3.1 Update the Leopold Structure Plan in the Greater Geelong Planning Scheme to show a 'strategic footpath' from the subject land to the existing residential area to the north.
  - 3.2 Change the Development Plan Overlay Schedule 33 to:

- a. require a pedestrian link to the north of the site – this link will require acquisition of an existing residential property
- b. address flooding contingencies during construction of the drainage infrastructure
- c. include a requirement for the design and construction of the drainage basins to include measures to discourage mosquito breeding
- d. reduce the size of the southern co-located public open space and retention basin to 1.085 ha
- e. reduce the width of the southern pathway/buffer reserve to 10 metres
- f. delete the small park for the protection of a River Red Gum Tree
- g. locate a 0.92 ha area of open space in the north-east of the subject land unless an alternative open space location is agreed by all land owners north of Walkers Road and Council.
- h. require a strategy for the upgrade and extension of Walkers Road
- i. show properties at 130 and 132 Ash Road as not included in the developable area
- j. reduce the width of roads adjoining the southern public open space and landscape buffer and both drainage reserves to 13 metres
- k. include revised language on street frontages adjacent to open space (including drainage reserves) to require road frontage to three boundaries except where open space is located adjacent to an existing rear or side boundary, in which case the open space may have frontage to two streets
- l. reflect the executed version of the Shared Infrastructure Funding Plan and associated agreement.

In addition to the above recommendations, we recommend:

- 4 Council and VicRoads undertake further investigations at the Bellarine Highway/Ash Road intersection to determine.
  - whether the current right turn queues regularly extend beyond the right turn lane
  - whether road improvements should be undertaken immediately.
- 5 Council act to acquire a property on Hazelwood Crescent to facilitate pedestrian connectivity between the subject land and the existing urban area.

**APPENDIX 4 – AMENDMENT FOR ADOPTION**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C280**

**INSTRUCTION SHEET**

The planning authority for this amendment is Greater Geelong Planning Scheme

The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 2 attached maps.

***Zoning Maps***

1. Planning Scheme Map No.69 is amended in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C280".

***Overlay Maps***

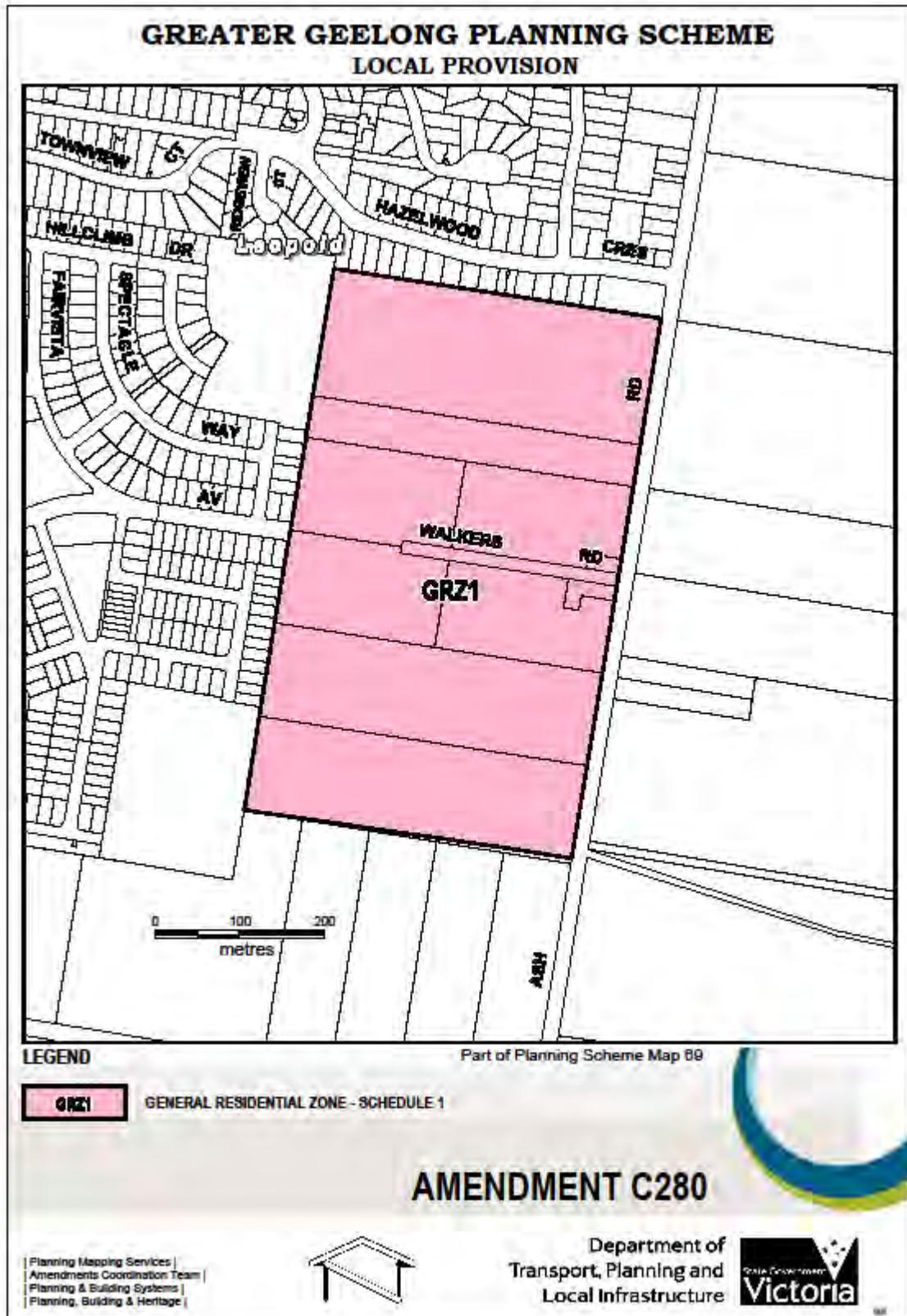
2. Planning Scheme Map No. 69DPO is amended in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C280".

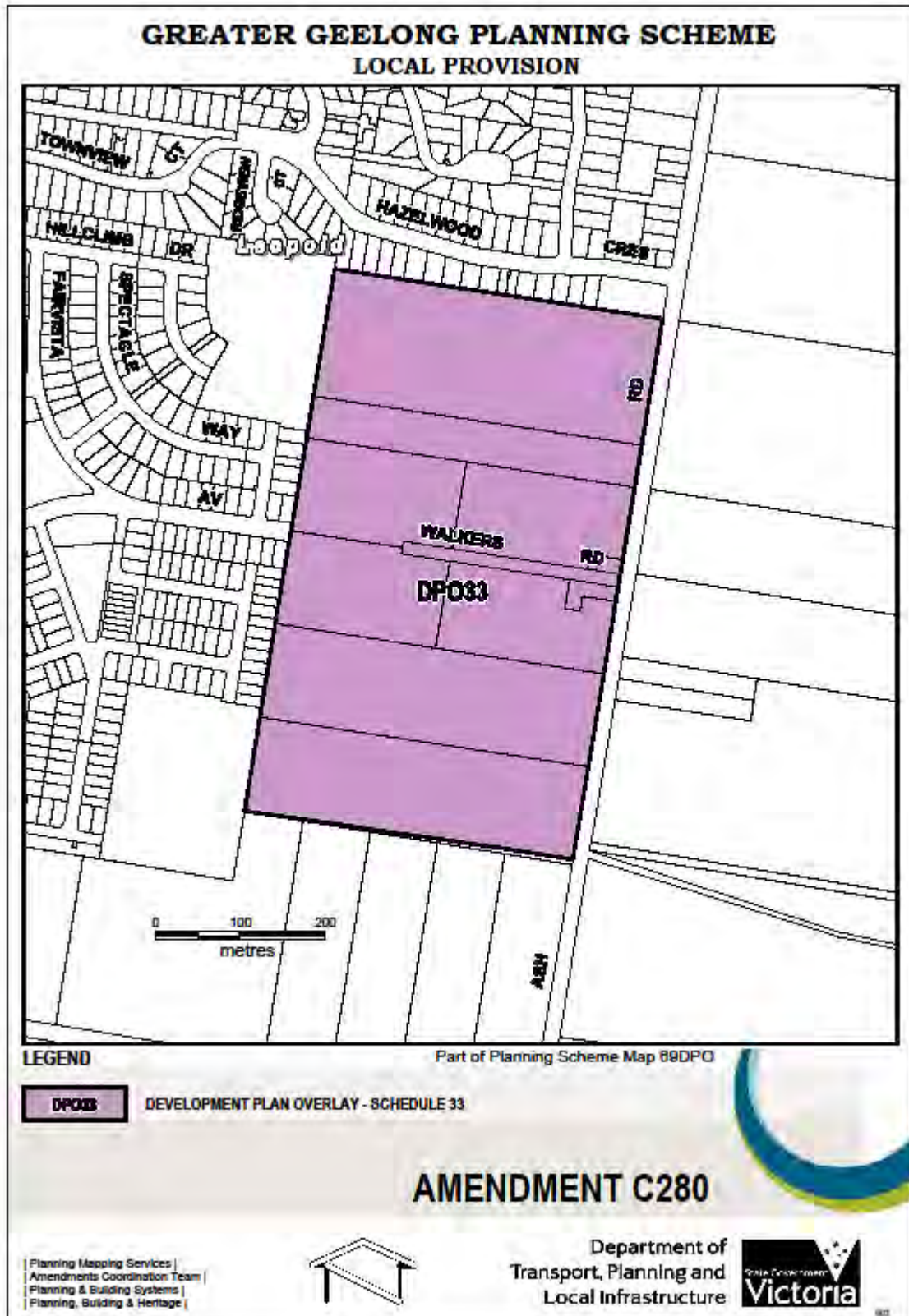
***Planning Scheme Ordinance***

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – following Clause 43.04, insert a new Schedule 33 in the form of the attached document.

**End of document**





GREATER GEELONG PLANNING SCHEME

~~1.0~~  
C-

**SCHEDULE 33 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO33**

**ASH ROAD WEST, LEOPOLD**

This Schedule applies to the area on the west side of Ash Road.

The aim of this Schedule is to ensure that development occurs in accordance with broad development principles as shown in the Ash Road West Outline Development Plan 2015 and to ensure delivery of essential community infrastructure as set out in the Ash Road Final Shared Infrastructure Funding Plan.

~~1.0~~  
C-

**Requirement before a permit is granted**

A permit may be granted before a development plan has been approved for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot;
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes;
- Extensions, additions or modifications to any existing buildings and works or development.

~~2.0~~  
C-

**Conditions and requirements for permits**

A permit must contain conditions or requirements which give effect to the provisions and requirements of the approved ~~d~~Development ~~p~~Plan and ~~the~~ Ash Road Final Shared Infrastructure Funding Plan.

~~A permit for subdivision as it relates to 21-29 Walkers Road must contain a condition for the preparation of a Cultural Heritage Management Plan.~~

A permit for subdivision must include conditions relating to:

- The outcomes of the assessment of the proposed action against matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999*, in particular the Growling Grass Frog and the wetland of international significance (Port Phillip Bay and Bellarine Peninsula).

~~A permit for subdivision must contain a condition which requires the owner to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide development contributions for:~~

- ~~▪ Road works;~~
- ~~▪ Drainage works;~~
- ~~▪ Public open space; and~~
- ~~▪ Community infrastructure;~~

~~as outlined in the approved Development Plan and Ash Road Shared Infrastructure Funding Plan.~~

~~3.0~~  
C-

**Requirements for development plan**

Separate development plans may be prepared and approved for land to the north and south of Walkers Road.

The Development Plan can be implemented in stages.

GREATER GEELONG PLANNING SCHEME

The Development Plan may be amended with the approval of the responsible authority.

The Development Plan must be generally in accordance with the Ash Road West Outline Development Plan as shown in clause 4.0 and include the following:

An **Urban Design Masterplan** that includes:

- The location of all proposed land uses including roads, public open space, drainage reserves, and other known authority reserves;
- Contours of land at 0.5m intervals;
- The general subdivision layout including location and distribution of lots showing a variety of lot sizes and densities to encourage a range of housing types. The layout is to maximise solar efficiency to as many lots as possible;
- Lots to have a frontage to Ash Road to avoid rear fences fronting Ash Road;
- A walking and cycling network which will provide:
  - a continuous 2.5 metre wide shared pedestrian and cycle path along the Ash Road frontage
  - an appropriate interface to rural living lots located to the south of the site, designed to operate as a recreational link for pedestrians and cyclists;
- Public open space areas, including ~~drainage~~~~the basin~~ reserves, to have road frontage to with street frontages on at least three boundaries except— Where open spaces are located adjacent to an existing rear or side boundary ~~ies not fronting a street, in which case the open space may have frontage to two roads~~~~areas including the basin reserves may provide not less than two street frontages~~. Where possible, open space should not be bordered by back fences;
- Opportunities to locate any medium density development adjacent to open space areas; and
- A requirement that the development of the land directly abutting the established residential properties to the north is designed to include a public pedestrian connection, if a lot on Hazelwoor Crescent between Ridgeview Court and Ash Road has been identified for this connection by Council prior to certification of the relevant stage of subdivision, or as otherwise agreed by Council and the proponent.
- The stages by which the development of the land is to proceed.

A **Road Network and Traffic Management Plan** that includes:-

- An internal road network that provides a high level of access within the development for all vehicular and non-vehicular traffic and which responds to the topography of the site;
- Upgrade of the existing section of Walkers Road to the same standard and cross section as Estuary Boulevard;
- Extension of Walkers Road westward to seamlessly link with Estuary Boulevard to the west;
- The strategy for delivering an upgraded and extended Walkers Road to a collector road standard in the first stage development plan.
- Identification of upgrades to the external road network to the satisfaction of the responsible authority including:
  - Upgrade to the Ash Road / Bellarine Highway intersection to meet VicRoads standards
  - Upgrade of Ash Road to urban standard
- Traffic Management controls for the internal road network.

GREATER GEELONG PLANNING SCHEME

- Road reserves adjacent to the southern buffer open space and the southern co-located open space/drainage reserve may be reduced to no less than 13 metres wide, provided services are not located within the adjoining open space.
- Details of the Ash Road/Walkers Road upgraded intersection treatment and intersection treatments for any new roads connecting directly into Ash Road.

The Road Network and Traffic Management Plan must be accompanied by a Road Safety Audit prepared by an appropriately qualified person and must address any safety issues raised by the Audit.

An **Integrated Water Management Plan** that takes an integrated approach to stormwater and drainage management, is designed with reference to the whole of the catchment and includes:

- Reference to:
  - WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005;
  - Clause 56-07 of the Greater Geelong Planning Scheme;
  - City of Greater Geelong Stormwater Management Plan, 2002;
  - The Infrastructure Design Manual and associated Design Notes.
- A Drainage Feasibility Study which analyses the sub-catchment with appropriate hydrological and hydraulic modelling, to determine urban stormwater management strategies to the satisfaction of the Responsible Authority. Strategies shall be based on limiting flows and runoff volumes to the downstream drainage system, drainage lines, waterways and water bodies to ensure no adverse impact.
- Details of the management and control of stormwater during the construction phase of the development and contingency measures for floodwater treatment where any flooding occurs prior to the connection of all infrastructure.
- Measures to be incorporated into the design and construction of the drainage basins to discourage mosquito breeding.
- A Water Sensitive Urban Design that:
  - Demonstrates the methods of collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner including as appropriate, provision of detention and water quality treatment.
  - Utilises the MUSIC (Model for Stormwater Improvement Conceptualisation) program to measure the benefits and performance outcomes incorporated into the plan.
  - Provides for the safe overflows paths for the 1% ARI and considers the impact of the >1% ARI event.
  - Includes relevant outcomes of the assessment of the proposed action against matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999*, in particular the Growling Grass Frog and the wetland of international significance (Port Phillip Bay and Bellarine Peninsula).

An **Open Space and Landscape Masterplan** that includes:

- An open space contribution (in cash or land or a combination of cash and land) to a minimum of 10% of the developable residential land. Land credited as Public Open Space must be unencumbered and useable. Encumbered land shall not be credited as Public Open Space. (The northern basin reserve is an entirely encumbered reserve, whilst the area of the southern basin reserve above the 1:100 year event can be credited as public open space.)

GREATER GEELONG PLANNING SCHEME

- A 2.5 metre wide concrete shared pedestrian/cycle path within a minimum 10 metre wide reserve along the southern boundary of the site, connecting to the path in the Estuary Estate.
- A Landscape Masterplan for all areas of Public Open Space (including linear linkages and WSUD basins) detailing proposed planting and the location of proposed improvements;
- Plans for all open space areas showing the location of proposed improvements including playgrounds, pedestrian and cycle paths, earthworks, seats, bollards, fencing, landscaping, irrigation systems, drinking fountains, drainage lines and detention basins.
- The extensive use, where possible, of local indigenous plant species throughout the development site; and
- The Open Space and Landscape Masterplan is to ensure that areas set aside for useable public open space are clearly visible and accessible, providing safe and convenient land to serve the recreational needs of current and future residents in the locality. Passive surveillance to such areas shall accord with Crime Prevention Through Environmental Design (CPTED) principles.

A **Biodiversity Assessment** that includes the application requirements of Clause 52.17 and the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013).

An **Environmental Assessment** that must include:

- Assessment of the land by a suitably qualified environmental professional detailing the level and location of any soil 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 Environment Protection Act 1970; or
  - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the sensitive use.

A **Final Shared Infrastructure Funding Plan** (to be identified as the Ash Road Final Shared Infrastructure Funding Plan) which updates as necessary the Draft Shared Infrastructure Funding Plan.

GREATER GEELONG PLANNING SCHEME

**4.0 Ash Road West Outline Development Plan**

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C--

GREATER GEELONG PLANNING SCHEME



GREATER GEELONG PLANNING SCHEME



**APPENDIX 5 – SECTION 173 AGREEMENT TEMPLATE**



**Maddocks**

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Melbourne Victoria 3000 Australia  
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DX 259 Melbourne

Date / /2015

**Agreement under section 173  
of the Planning and Environment Act 1987**

**Subject Land:** (insert land address), Leopold

**Purpose of Agreement:** Ash Road, Leopold  
Infrastructure Contributions

City of Greater Geelong  
and

(insert name)

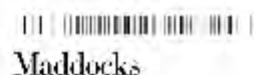


Maddocks

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## Agreement under section 173 of the Planning and Environment Act 1987

Dated        /        /

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### Parties

Name	City of Greater Geelong
Address	City Hall, 30 Gheringhap Street, Geelong, Victoria
Short name	Council

Name	(insert name)
Address	(insert address)
Short name	Owner

---

### Background

- A. Council is the responsible authority pursuant to the Act for the Planning Scheme. Council is also the planning authority for Amendment C280 to the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Subject Land is within an area that is being developed for urban purposes. Amendment C280 proposes to:
  - C.1 rezone the Subject Land from Farming Zone to General Residential Zone Schedule 1 under the Planning Scheme; and
  - C.2 apply a Development Plan Overlay to the Subject Land.
- D. The Draft Shared Infrastructure Funding Plan and the Final Shared Infrastructure Funding Plan require Infrastructure Contributions to be made to Council in respect of each Lot on the Charge Area Map including the Subject Land for the purposes of augmenting infrastructure in the vicinity of the Subject Land.
- E. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.
- F. The parties enter into this Agreement to:
  - F.1 implement the Final Shared Infrastructure Funding Plan;
  - F.2 record the terms and conditions on which Council and the Owner have agreed for the Owner to pay the Infrastructure Contribution and facilitate delivery of the Infrastructure Projects; and



F.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

**The Parties agree**

---

**1. Definitions**

In this Agreement unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Adjustment Index** means the method of adjustment specified in the Final Shared Infrastructure Plan.

**Agreement** means this agreement.

**Amendment C280** means Amendment C280 to the Planning Scheme prepared by Council in its capacity as the Planning Authority.

**Approved Development Plan** means a development plan approved by Council in accordance with a Development Plan Overlay Schedule 33 applying to the Subject Land.

**Charge Area** means the area identified and delineated on the Charge Area Map and that is subject to an Infrastructure Contribution under the Final Shared Infrastructure Funding Plan.

**Charge Area Map** means the charge area map included in the Shared Infrastructure Funding Plan which identifies and delineates the Lots in each Charge Area.

**Draft Shared Infrastructure Funding Plan** means the shared infrastructure plan identified as 'Ash Road Draft Shared Infrastructure Funding Plan' prepared by Urban Enterprise and exhibited with Amendment C280 and incorporating modifications as required by Council as a result of consideration of submissions as part of Amendment C280.

**Final Shared Infrastructure Funding Plan** means the shared infrastructure plan identified as 'Ash Road Final Shared Infrastructure Funding Plan' prepared by Urban Enterprise and approved by Council as part of the Approved Development Plan applying to the Subject Land.

**Infrastructure Contribution** means the contribution specified in Schedule 2 required to be made in respect of each hectare of NDA of the Subject Land and adjusted in accordance with clause 3.3.

**Infrastructure Contribution Liability** means the Owner's liability for the Infrastructure Contribution in respect of the Subject Land under this Agreement.

**Infrastructure Project** means the shared infrastructure projects identified and included in the Final Shared Infrastructure Funding Plan.

**Lot** means a lot on the Charge Area Map.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**NDA** means the Net Developable Area of the Subject Land as reflected in the Approved Development Plan for the Subject Land.



**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land and includes any Mortgagee-in-possession.

**Party or parties** means the Owner and Council under this Agreement as appropriate.

**Plan of Subdivision** means a plan of subdivision of the Subject Land which is not a procedural plan but a plan that upon registration creates an additional lot which can be disposed of separately and is intended to be used for a dwelling or can be re-subdivided.

**Planning Scheme** means the Greater Geelong Planning Scheme and any other planning scheme that applies to the Subject Land.

**Project Land** means the land required for an Infrastructure Project.

**Registrar of Titles** means the Victorian Registrar of Titles.

**Residential Lot** means a lot which in the opinion of Council is of a size and dimension such that it is intended to be developed as a housing lot without further subdivision.

**Schedule** means a schedule to this Agreement.

**Specified Value** means the amount specified in the Final Shared Infrastructure Funding Plan as being

- the capital cost of an Infrastructure Project; or
- the land value of the Project Land -

as the case may be subject to annual adjustment or indexation in the manner set out in the Final Shared Infrastructure Funding Plan.

**Statement of Compliance** means a statement of compliance issued by Council under the *Subdivision Act 1988*.

**Statement of Practical Completion** means a statement signed by Council's authorised representative stating that the Infrastructure Project has been practically completed to the satisfaction of Council.

**Subject Land** means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

---

## 2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If the Owner comprises more than one party, then this Agreement binds them jointly and each of them severally.



- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

---

**3. Obligations of the Owner**

**3.1 Final Shared Infrastructure Funding Plan**

The Owner covenants and agrees that subject to this Agreement, the Owner must pay the Infrastructure Contribution to Council and comply with and implement the Final Shared Infrastructure Funding Plan to the satisfaction of Council.

**3.2 Infrastructure Contribution Liability**

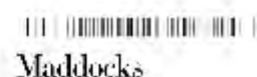
Prior to the issue of Statement of Compliance in respect of any Plan of Subdivision, the Owner must:

- 3.2.1 subject to the consent of Council which may include a requirement to enter into a further agreement, construct one or more of the Infrastructure Projects to the satisfaction of Council in return for a credit against the Owner's Infrastructure Contribution Liability; or
- 3.2.2 pay the Infrastructure Contribution to Council in cash subject to clause 3.3 and clause 3.4; or
- 3.2.3 subject to the consent of Council which may include a requirement to enter into a further agreement, undertake a combination of the obligations in clause 3.2.1 and clause 3.2.2.

**3.3 Amount of Infrastructure Contribution**

The Owner agrees that, upon approval by Council of the Final Shared Infrastructure Funding Plan:

- 3.3.1 the levies in the Final Shared Infrastructure Funding Plan will be deemed to be the Infrastructure Contribution for the Subject Land for the purposes of clause 3.1 and clause 3.2; and
- 3.3.2 the amounts specified in Schedule 2 will be deemed to be adjusted to reflect the levies specified in the Final Shared Infrastructure Funding Plan.



**3.4 Indexation of Infrastructure Contribution**

The Parties agree that the amount of the Infrastructure Contribution will be adjusted each year by applying the Adjustment Index in the manner set out in the Final Shared Infrastructure Plan.

**3.5 Credit or reimbursement for Infrastructure Project**

The Parties agree that entitlement to a credit or payment in respect of the Specified Value of an Infrastructure Project arises after the issue of a Statement of Practical Completion in respect of the Infrastructure Project.

**3.6 Credit or reimbursement for Project Land**

3.6.1 The Parties agree that entitlement to a credit or payment in respect of the Specified Value of the Project Land arises after the Project Land has been transferred to or vested in Council;

3.6.2 The Parties agree that all land transferred to or vested in Council or any other authority specified in Final Shared Infrastructure Funding Plan must be:

- (a) free of all encumbrances and graded except as agreed by Council; and
- (b) sown to grass to the satisfaction of Council;

**3.7 Payment of Claims**

3.7.1 The Parties agree that when an entitlement arises under clause 3.5 or 3.6 an amount up to the maximum of the Specified Value is to be provided to the Owner as a credit, or if the value of all credits provided to the Owner will exceed that Owner's Infrastructure Contributions Liability, then as a cash payment upon the latter of the:

- (a) the issue of a Statement of Practical Completion in respect of the final Infrastructure Project(s) which Council has agreed the Owner may construct; or
- (b) issue of a Statement of Compliance for the final stage of subdivision in the development of the Subject Land.

3.7.2 The Parties agree that where a monetary payment is to be paid to the Owner it will be paid;

- (a) within 120 days of the issue of a Certificate of Title or registration of a plan of subdivision showing that the Project Land has been registered in the name of or vested in Council; or
- (b) in such other manner as is specified in any future Section 173 Agreement as required under clause 3.9.

**3.8 Facilitation of Infrastructure Projects**

The Owner covenants and agrees that:

3.8.1 it is the Owner's responsibility to facilitate the delivery of all Infrastructure Projects required to service the development of the Subject Land;



- 3.8.2 in exceptional circumstances, and provided the Owner has demonstrated to Council's satisfaction that it has made all reasonable endeavours to facilitate delivery of the Infrastructure Projects, Council will initiate the delivery of the Infrastructure Projects based on the criteria in clause 3.8.3 and clause 3.8.4;
- 3.8.3 Council will only facilitate an Infrastructure Project at a time when Council determines there are sufficient funds in Council's infrastructure contributions account, collected under the Final Shared Infrastructure Funding Plan, to meet the cost of delivering the Infrastructure Project(s); and
- 3.8.4 Council's delivery of any Infrastructure Project will be subject to:
  - (a) Council's normal budgetary cycles;
  - (b) normal legislative processes and timeframes for any acquisition of land that may be required to facilitate the Infrastructure Project; and
  - (c) all costs and scope beyond those specified in the Final Shared Infrastructure Funding Plan relating to an Infrastructure Project being met by the Owner.

**3.9 Further section 173 agreement**

The Owner acknowledges that the Owner may be required to enter into a further agreement under section 173 of the Act with Council as a condition of Council consenting to the Owner delivering an Infrastructure Project as envisaged in clause 3.2 of this Agreement.

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**4. Acknowledgements of Council**

Council acknowledges that Council will:

- 4.1 apply any amount received under this Agreement for the purpose of the Infrastructure Projects as detailed in the Final Shared Infrastructure Funding Plan;
- 4.2 apply any remaining funds after the delivery of the Infrastructure Projects as detailed in the Final Shared Infrastructure Funding Plan to other infrastructure projects in or around the area of the approved Development Plan, at the complete discretion of Council.

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**5. Further obligations of the Parties**

**5.1 Notice and registration**

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

**5.2 Further actions**

The Owner:

- 5.2.1 must do all things necessary to give effect to this Agreement;
- 5.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including:
  - (a) sign any further agreement, acknowledgment or document; and



- (b) obtain all necessary consents to enable the recording to be made.

**5.3 Council's costs to be paid**

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the execution and registration of this Agreement which are and until paid will remain a debt due to Council by the Owner.

**5.4 Interest for overdue moneys**

5.4.1 Any amount due under this Agreement but unpaid by the due date incurs interest at the rate prescribed under section 227A of the *Local Government Act 1989* and any payment made shall be first directed to payment of interest and then the principal amount owing.

5.4.2 Notwithstanding anything contained in this Agreement, no interest will begin to accrue unless the person obliged to make a payment has been specifically notified in writing by the other party of the event which gives rise to the obligation to make the payment.

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**6. Agreement under section 173 of the Act**

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed.

---

**7. Owner's warranties**

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

---

**8. Successors in title**

Until such time as a memorandum of this Agreement is recorded on the Certificate of Title of the Subject Land, the Owner must require successors in title to:

- 8.1 give effect to this Agreement; and
- 8.2 enter into a deed agreeing to be bound by the terms of this Agreement.

---

**9. General matters**

**9.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:



- 9.1.1 personally on the person;
- 9.1.2 by leaving it at the person's current address for service;
- 9.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 9.1.4 by facsimile to the person's current number for service; or
- 9.1.5 by email to the person's current email address for service.

**9.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**9.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**9.4 No fettering of Council's powers**

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**9.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**9.6 Governing law**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

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**10. GST**

**10.1 GST Act**

In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in that Act.

**10.2 Exclusive of GST**

Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

**10.3 Recipient must pay**

If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 10.4 the recipient will pay to the supplier an amount equal to the GST payable on



the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

**10.4 Tax invoice**

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 10.3.

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**11. Commencement of Agreement**

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

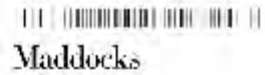
---

**12. Ending of Agreement**

12.1 On the issue of a Statement of Compliance for a Plan of Subdivision for Residential Lots created over the Subject Land or earlier by agreement with Council, the Agreement ends in respect of that part of the Subject Land in the Plan of Subdivision in accordance with section 177 of the Act provided that at all times, the Agreement must remain registered on the balance of the Subject Land.

12.2 Once this Agreement ends as to part of the Subject Land in accordance with clause 12.1 Council will, within a reasonable time, following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register as to that part of the Subject Land.

12.3 On completion of all the Owner's obligations in accordance with this Agreement, Council must as soon as practicable following the ending of this Agreement and at the request and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register.



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## **Schedule 1**

### **Subject Land**

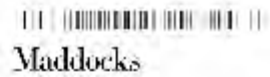
Address: (insert land address), Leopold, Victoria

Land known as (insert lot details)

Title Details:

Certificate of Title Volume (insert number) Folio (insert number)

Property (insert number) in the Final Shared Infrastructure Plan



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## Schedule 2

### Infrastructure Contribution

Summary	Charge Area 1
Total Area (in hectares, ha)	(Insert area)
Net Developable Area (NDA), ha	(Insert area)
Total Infrastructure Contribution	\$(insert amount)
Contribution per hectare (\$/ha)	\$217,203.73



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## Signing Page

**Signed, sealed and delivered** as a deed by the Parties.

**SIGNED SEALED AND DELIVERED**  
on behalf of the **GREATER GEELONG**  
**CITY COUNCIL** by Peter Bettess,  
General Manager Planning & Tourism  
pursuant to an instrument of delegation  
authorised by Council resolution, in the presence  
of:

.....  
P Bettess

.....  
Witness

**Signed Sealed and Delivered** by (insert  
name) in the presence of:

)  
)  
) .....

.....  
Witness

**Signed Sealed and Delivered** by (insert  
name) in the presence of:

)  
)  
) .....

.....  
Witness

.....

### **3. OCEAN GROVE STRUCTURE PLAN REVIEW 2015**

<b>Portfolio:</b>	<b>Planning – Cr Heagney</b>
<b>Source:</b>	<b>Planning Strategy and Urban Growth</b>
<b>General Manager:</b>	<b>Peter Bettess</b>
<b>Index Reference:</b>	<b>Project: Ocean Grove Structure Plan Review 2015</b>

#### **Purpose**

The purpose of the report is to detail the findings of the review of the Ocean Grove Structure Plan 2007 (Amended 2008) and to request that Council adopt the draft Structure Plan 2015.

#### **Summary**

- The adopted Ocean Grove Structure Plan 2007 (Amended 2008) requires a basic review to be undertaken every 5 years to assess development trends and lot supply.
- The Structure Plan review commenced in late 2014. Informal stakeholder consultation was undertaken in May 2015 as part of the review process, which received a high level of interest and engagement.
- The draft Structure Plan builds on the township vision originally developed as part of the Bellarine Peninsula Strategic Plan 2006 - 2016 and updates the adopted Plan with changes to the State and Local Planning Policy Framework as well as Council studies.
- The draft Structure Plan contains key directions about urban growth, settlement and housing, infrastructure, natural environment, economic development and employment and rural areas.
- Given Ocean Grove's district role on the Bellarine and its status as an urban growth location, it is under pressure to accommodate further urban development.
- Analysis of lot supply data for the municipality, the Bellarine and the town reveals that there are sufficient residential land stocks to meet the forecast population growth over the short to medium term. Consequently, from a land supply perspective the draft Structure Plan does not need to consider additional growth areas.
- Key changes to note in the draft Structure Plan include the deletion of the indicative long-term settlement boundary from the Structure Plan map including the wording "protect long-term growth option" that affects land outside the existing settlement boundary west of Grubb Road; the realignment of the eastern settlement boundary along Banks Road and the proposed implementation and review of planning controls to guide future land use and development, particularly for commercial areas and older parts of the town.
- It is recommended that Council adopt the draft Ocean Grove Structure Plan 2015 and commence a planning scheme amendment to incorporate the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme.

**Cr Farrell moved, Cr Heagney seconded -**

**That Council:**

- 1) adopt the draft Ocean Grove Structure Plan 2015; and**
- 2) resolves to prepare and exhibit a planning scheme amendment to include the necessary elements of the Structure Plan within the Greater Geelong Planning Scheme, subject to authorisation.**

**Carried.**

***Background***

The current Ocean Grove Structure Plan was adopted by Council in 2007 and subsequently amended in 2008.

The adopted Structure Plan required that the take-up of land and redevelopment within the town be monitored regularly and that a basic review of development and lot supply should be undertaken every 5 years. It also stated that should a basic review reveal that lot supply has fallen to a rate of less than 10 years for the town, a full review of the Structure Plan should be undertaken including an investigation of additional growth areas. The G21 Residential Land Supply Monitoring Project for Geelong (June 2015) prepared by Spatial Economics confirms that for the municipality, region and town there is adequate land supply in excess of 10 years.

The review has built upon the adopted Plan and updated relevant sections as a consequence of changes since 2007. This includes updated State and Local Planning policies including the new regional plan, the G21 Regional Growth Plan 2013, population growth, lot supply and dwelling/lot construction rates, the location of the settlement boundary and indicative long-term settlement boundary, environmental and social considerations and the need for future infrastructure and service provision within the town.

The draft Structure Plan has been prepared in consultation with internal and external stakeholders with some additional specialist input including the preparation of an activity centre framework plan for the future Grubb Road activity centre and restricted retail precinct in the north-east growth area.

The draft Structure Plan has been largely modelled on the City of Greater Geelong's Structure Plan framework to ensure consistency with other Council produced structure plans. The plan includes discussion on policy context, urban growth (demographics and lot supply), settlement and housing (urban environment) infrastructure (services, access and movement and community infrastructure), natural environment (flooding, climate change and key environmental features), economic development and employment (retail analysis, industrial analysis and tourism), and rural areas.

Since the adoption of the current Structure Plan, the town has seen significant changes including investment in community infrastructure; rezoning of land in the north-east growth area and subsequent subdivision and development; preparation of Council strategies and policies including the Ocean Grove Town Centre Urban Design Framework 2014; and implementation of Increased Housing Diversity Areas around the Town Centre and Marketplace neighbourhood activity centre.

One of the key issues considered in the draft Structure Plan relates to the relevance of the long-term growth direction of the town, principally relating to land west of Grubb Road between the existing settlement boundary and the indicative long-term settlement boundary shown on the Structure Plan map. Land in this area was kept outside the existing settlement boundary and included in the Structure Plan for consideration as a 'very long term potential future growth' option requiring a major investigation into its suitability for urban development. Consideration of this area for urban development is not required as part of the 2015 Structure Plan review process for reasons that will be outlined in the discussion section below.

A copy of the adopted Structure Plan map is included at **Appendix 1**.

### ***Discussion***

#### **Structure Plan review**

The Structure Plan review process commenced in late 2014. An important step in the process was engagement with key stakeholders. Initial engagement commenced in December 2014 with internal Council departments and key external stakeholders such as Barwon Water, VicRoads, Department of Education and Training et al. This provided a high level background to key infrastructure and land use/development issues in the town.

By reviewing the adopted Structure Plan, the following key matters were identified:

#### **Land Supply**

The State Planning Policy Framework requires municipalities to ensure a sufficient supply of land is available to accommodate a projected population growth over at least a 15 year period and, provide clear direction on locations where growth should occur. Structure planning for towns must consider residential land supply on a *municipal basis*, rather than a town-by-town basis. This is a key difference between the drafting exercise of the adopted Structure Plan and the draft Structure Plan 2015.

To assist Council in its assessment of land supply matters, the G21 Residential Land Supply Monitoring Project for Geelong (June 2015) provides a municipal wide analysis, including a township perspective.

From a land supply and demand basis, there is no requirement for additional broadhectare (greenfield land) residential stocks across the municipality. There is approximately 24 to 25 years of zoned broadhectare land supply. In terms of future broadhectare land supply stocks (unzoned or precinct structure plan required), there is an additional 13 years of supply to cater for projected demand across the municipality.

On a more localised scale, the Bellarine Peninsula requires no further broadhectare residential land stocks. There is 14 years of zoned broadhectare land supply. In terms of future broadhectare land supply stocks (unzoned), there is an additional 10 years of supply to cater for projected demand across the Bellarine.

Broadhectare residential land stocks within Ocean Grove are approximately 3,193 lots. In addition to existing broadhectare land, there are approximately 423 minor infill lots across the town and 436 future residential lots at the recently rezoned land at Trethowan Avenue/Ocean Grand Drive. The north-east growth area, east of Grubb Road, comprises significant broadhectare land supply in the town.

Notwithstanding Ocean Grove being the principal town on the Bellarine and its status as an urban growth location, the adequacy of land stocks are sufficient for the foreseeable future and importantly, will accommodate the projected population growth over the lifetime of the Structure Plan.

## **Existing and Long-term Settlement Boundaries**

The adopted Structure Plan planned for significant population growth up to the year 2020 and beyond. The Structure Plan planned for a 4% population growth over the lifetime of the Structure Plan up to 2020.

The adopted Structure Plan identified two settlement boundaries - an existing settlement boundary and an indicative long-term settlement boundary (See **Appendix 1**). The role of each boundary is explained below:

- A boundary (existing settlement boundary) for the lifetime of the Structure Plan to the year 2020 to accommodate a total population of approximately 21,000 and a future residential land supply of at least 10 years.
- A potential (indicative) long-term settlement boundary for the period beyond 2020 or when land supply falls below 10 years to ensure future development and location of services does not result in poor planning outcomes in the long term.

The role of the existing settlement boundary is to accommodate the majority of population growth within the north-east growth area. The role of the indicative long-term settlement boundary is to plan for the very long term potential growth of the town. However, the adopted Structure Plan was explicit in so far as stating that this area of land (west of Grubb Road) within the long term settlement boundary would require major consideration and examination of transport, infrastructure, social and community impacts to determine whether or not it is appropriate for urban development.

The draft Structure Plan 2015 does not consider that land west of Grubb Road, within the indicative long-term settlement boundary, is required for urban development over the lifetime of the plan nor is a major investigation required into its land capability. The inclusion of an indicative long-term settlement boundary on the Structure Plan map provides uncertainty and is not a practice that is supported by Council officers, Independent Panels appointed by the Minister for Planning to consider other structure plans on the Peninsula and also, State Government policy and guidance.

State Government policy and guidance, including Planning Practice Note 36 (PPN36) Implementing Coastal Settlement Boundaries provides a useful strategic planning framework for structure planning on the peninsula. A key parameter of PPN36 is to "identify areas suitable for future urban development inside the settlement boundary." PPN36 considers a coastal settlement boundary as a single settlement boundary, with a fixed outer boundary of urban development, and representing the future growth expectations for a settlement over a minimum 10 year planning horizon.

Forecast population growth over the lifetime of the draft Structure Plan will result in a township population of approximately 16,105 by 2030 (.id population forecast). Whilst focusing on a township basis to provide context to the adopted Structure Plan's high growth rate aspirations by 2020, the forecast population by 2020 according to .id will be less than the projected 21,000 population by 2020, which was expected to be largely accommodated in the north-east growth area.

The ultimate growth of the town is not a question that requires final resolution by the draft Structure Plan. However, given the extent of land supply within the nominated settlement boundary, the need to consolidate development within settlement boundaries, the need to protect rural land and the need to protect the rural landscape and town identities on the Bellarine Peninsula, and also landscape and environmental features, land outside the nominated settlement boundary is not supported for urban growth as part of this Structure Plan. Consistency with Council's approach to the preparation of other Structure Plan's on the Bellarine Peninsula is also an important factor.

Consequently, the draft Structure Plan proposes to remove the long-term settlement boundary from the Structure Plan map including the wording “protect long term growth option”. (See **Appendix 1** for reference to existing Structure Plan directions. See **Appendix 2** for draft Structure map directions.)

### **Settlement boundary at Banks Road**

The adopted Structure Plan identified land at the north-east corner of Banks Road and Shell Road as a possible location for an environmentally sensitive, master planned eco-tourist facility given its unique views of the coast, significant wetlands and proximity to the urban edge. The Structure Plan referred to this land as a “*special investigation area*”. A portion of the total site was included within the settlement boundary with the indication that the boundaries may require further refinement. It was acknowledged that a land use rezoning would be required to support such a facility. The current zoning is Farming (See **Appendix 2**).

No rezoning or development proposals for an eco-tourist facility have been put before Council since inclusion of the land in the settlement boundary.

The Farming Zone provisions have recently changed and provide for a more liberal approach to uses in rural areas. It is considered that the Farming Zone and other provisions in the Planning Scheme, including the proposed policy review for managing development in rural areas, provide a suitable basis to assess a future eco-tourist use on this site without the need for the land to be included in the settlement boundary.

Banks Road is considered a logical and robust eastern settlement boundary for the town. The draft Structure Plan proposes that the settlement boundary be realigned with the Banks Road reservation, retaining land east of Banks Road in the Farming Zone.

### **Future Grubb Road Activity Centre and Restricted Retail Precinct**

The north-east growth area contains both Commercial 1 and Commercial 2 Zone land. This land was rezoned as part of the broader residential growth area to facilitate the needs of the future population and broader town. The land in question is significant in size and will accommodate extensive commercial development over a long term period. Whilst Council requires a development plan to be prepared for the Commercial 1 Zone, Commercial 2 Zone (and Industrial 3 Zone) land in this area, further guidance in terms of urban design is required to ensure a quality design outcome is achieved.

As part of the Structure Plan review process, an urban design exercise was undertaken for the Commercial 1 Zone (activity centre) and the Commercial 2 Zone (restricted retail precinct). This resulted in the preparation of an activity centre framework plan to guide the future design and development of the two precincts. The process included design workshops with key stakeholders including the landowner. A number of key directions have been included in the draft Structure Plan to provide a strategic basis to support the urban design principles outlined the framework plan.

The draft Structure Plan recommends that the guidance provided in the activity centre framework plan should be included within a schedule to the Design and Development Overlay to enable Council to maintain a consistent approach to the assessment of future development applications for both precincts. The inclusion of a new schedule to the Design and Development Overlay in the Greater Geelong Planning Scheme will also ensure that key issues such as sensitive interfaces, creation of an attractive main street feel, and provision of appropriate pedestrian and cyclist connections with the broader growth area addressed.

## **Ocean Grove Town Centre Urban Design Framework (UDF)**

The UDF was adopted by Council in 2014 and stemmed from key directions included in the adopted Structure Plan. The UDF is a key framework tool used to guide the revitalisation of the Town Centre. The draft Structure Plan supports the key implementation projects identified in the UDF including a number of land use rezonings required to achieve the objectives of improving the commercial viability and attractiveness of the Town centre and facilitate the upgrading of key intersections.

### **Vegetation and Landscape Character**

Ocean Grove is renowned for its coastal character which is largely contributed to by existing vegetation cover, topography and views. Significant landscapes permeate the town and its surroundings. Through redevelopment, the character of the town, particularly in the older parts south of Thacker Street, is being affected. Loss of vegetation through redevelopment is a significant factor. There are also provisions within the Greater Geelong Planning Scheme that allow for the removal of vegetation where they are deemed to be of a bushfire hazard nature.

The draft Structure Plan recommends that further work be undertaken to assess the quality of vegetation in the older parts of the town to determine whether there is justification to apply planning controls for their protection and/or their contribution to the landscape character (See **Appendix 2**). This can be achieved using a number of planning overlays, including the Significant Landscape Overlay or the Vegetation Protection Overlay. Subject to the findings of the further work, a separate planning scheme amendment process would be required to implement any new planning controls. This would be subject to further consultation with the broader community.

A review of existing controls is also supported by the draft Structure Plan. This includes a review of Schedule 7 to the Significant Landscape Overlay to determine the effectiveness of permit triggers for removal of vegetation, the effectiveness of site coverage ratios to support greater vegetation coverage through new development, and the use of building materials that impact on the removal of vegetation.

### **Education**

The identification of a primary school site in the north-east growth area has been a long-standing principle in the Ocean Grove Structure Plan. However, since the preparation of the adopted Structure Plan, the Department of Education and Training (DET) advised that there was no requirement for a new primary school in Ocean Grove and consequently, landowners in the north-east growth area prepared development plans which did not set aside land for a school.

As part of the Structure Plan review, DET provided an updated position in relation to education service infrastructure in the town. DET advised that generally the need to provide an entire new school is triggered by a plan to develop 3000 new dwellings. Provisional demands under this can generally be accommodated by upgrades to existing schools.

DET advised that the current analysis for the town is showing the respective networks are expected to approach current capacity due to population growth. Despite any previous advice from the DET, it advised that any planning of significant additional housing development should include the identification of potential site(s) for future additional government primary schools, to ensure that future demand for local government school provision can be met.

The draft Structure Plan will continue to acknowledge the need for a new primary school in the town based on the advice of DET. Council will continue to work with the State Government to review and assess provision of education service infrastructure in line with population requirements and the ability of existing infrastructure to accommodate future demand. The draft Structure Plan will contain annotation of highlighting the need for a future investigation of a school site within the north-east growth area.

### **Public Consultation**

An informal public consultation event was held in May 2015 at the Boorai Children's Integrated Centre, Ocean Grove. Notices were placed in multiple newspapers in the weeks preceding the event. The notices informed the community about the upcoming informal consultation event and that there would be an opportunity to make submissions to the review process. Council's Facebook page and The Ocean Grove Voice' Facebook page were additional mediums used to inform the public. A consultation brochure, feedback form and consultation posters were prepared to inform the community. The event was well attended with over 50 people reviewing the consultation information. Council officers were available to answer questions and discuss any concerns.

The engagement process with the community largely focused on what has happened since 2007, what are the current known issues and what are the community's view for the future of the town. It should be noted that community feedback was not sought on the draft Structure Plan. This will be undertaken as part of the future planning scheme amendment process.

The review process received a high level of interest from the local media, which included numerous articles about key issues facing the town. Council officers also presented to a large audience at the Ocean Grove Community Association AGM in June 2015.

A total of 34 submissions were received through the informal consultation process. Submissions were received from residents of Ocean Grove and also, key landowners within and outside the existing settlement boundary. A number of submitters provided addendums to their original submissions. These primarily stemmed from key landowners in the town.

Numerous meetings were held with key landowners about future growth options for the town. These will be discussed in this section.

All submissions received have informed the preparation of the draft Structure Plan. While recurring key themes/key submissions are discussed below, reference to the draft Structure Plan should be made for consideration of more detailed matters.

Approximately 50% of the submissions (16) used the feedback survey forms. The summary below highlights the recurring matters contained in feedback surveys and individual submissions.

**Key attributes-** natural coastal environment, beaches, native vegetation, views, neighbourhood character, village atmosphere and lifestyle.

**Key Issues-** traffic congestion/management, protection and provision of vegetation, maintaining coastal feel, investment in footpaths, investment in bike paths, housing mix/affordability, lack of public transport, need for additional education infrastructure, lack of playgrounds, maintaining rural living break, need to plan for tourist influx, lack of development opportunities within the town.

**Further growth-** further growth was supported by a large number of submissions with a comparative amount of submitters not supporting growth. It should be noted that those submitters who supported growth also sought protection of vegetation, had issues with traffic, lack of footpaths and bicycle paths, wanted to protect coastal feel and retain the rural living break.

A number of individual submitters requested that land west of Grubb Road, west of the Ocean Grove Nature Reserve, land between the Bellarine Highway and the northern settlement boundary and land west of Banks Road be considered for future urban development.

**Relevancy of existing Structure Plan Directions-** for those that responded, it was generally an even split between those that felt the key directions were still relevant or not relevant. An equal number of submissions felt the directions were still to be delivered. These included such matters as accommodating future growth, tree planting, education service infrastructure, delivery of footpaths and shared paths.

**Improvements to the Structure Plan and new Key Directions-** a recurring issue related to the provision/upgrading of footpaths and bicycle paths. Other issues were largely individual and covered a broad range of matters such as increasing landscaping/trees, particularly in newer areas, improving playground and park quality, protecting the Ocean Grove Nature Reserve and coastal dune vegetation.

**Other-** A range of other issues were raised by submitters, including such matters as the need for a cultural centre, the retention of land west of Grubb Road up to Rhinds Road in Wallington as a green corridor, retention of the Oakdene winery as a tourist node and consideration of the impact of growth in Armstrong Creek on the town.

A number of key issues raised in submissions are discussed below. **Appendix 3** includes a location map showing the general location of areas proposed for future growth by submitters.

### **Land west of Grubb Road**

A consortium of landowners, including a key landowner in the north-east growth area, made submissions about the future urban development of this area. Submissions focused on the retention of the indicative long-term settlement boundary in either a matching alignment, realignment up to the Rural Living Zone land at Wallington and the deletion of the existing settlement replacing it with the long-term settlement boundary.

Key matters raised in the submissions included the lack of significant development constraints in the general area west of Grubb Road; existing viability of the Farming Zone land; that the area should be seen as an infill opportunity; that Council's population projections do not reflect what will be seen in the future and won't meet demand; that development in this area would provide for improved infrastructure building on existing; and housing variety and completion. An addendum submission was also received which focused on the release of the latest municipal lot supply work undertaken by Spatial Economics. The addendum submission sought to challenge the accuracy of this work in terms of its limitations in analysis of demand and supply.

Given the inclusion of the indicative long-term settlement boundary on the existing Structure Plan map, it is understandable that landowners in this area seek to pursue its role as a future urban growth area. However, the 2007 Structure Plan is quite explicit about the need to undertake a major investigation of opportunities and constraints in this area to determine its suitability for urban development and inclusion within the nominated settlement boundary. This matter remains outstanding.

In light of State, Regional and local policy, an important role of the draft Structure Plan has been to consider the merit of retaining an indicative long-term settlement boundary on the Structure Plan map. The consideration focused on the justification for its presence in so far available land supply, known constraints which have not been properly considered to justify including such a settlement boundary, the potential coalescence of settlements through development in this area and the role of the area in terms of providing a rural backdrop for the broader town.

Whilst noting that land in this area will be constrained by landscape and environmental factors, the adopted Structure Plan did not undertake a basic opportunities and constraints analysis of land west of Grubb Road. This lack of detailed analysis into the suitability of the area for future urban development but inclusion of an indicative long-term settlement boundary on the Structure Plan map sends an unclear message about the direction of future growth in the town.

Council has been criticised in the past by Independent Panels appointed by the Minister for Planning about providing unclear direction about future growth. An example being the implementation of the St Leonards Structure Plan 2006, which sought to protect land outside the nominated settlement boundary for future urban growth. The Independent Panel advised that as a matter of principle future growth areas should be included within the settlement boundaries of coastal settlements and that this is particularly so where the land has been identified as suitable for development and there is reasonable prospect of it being developed within the short to medium term. The Panel considered that the land supply in St Leonards would likely to be low at the time of the next review of the Structure Plan and allowing for the time required to go through a rezoning process and subdivision permits would mean that land supply would further decrease, resulting in potential implications for choice, competition and cost to the residential market. The Panel therefore recommended that the inclusion of the land within the settlement boundary would alleviate these concerns.

In contrast to the matters discussed above, Ocean Grove has sufficient land supply for the lifetime of the Structure Plan; land west of Grubb Road has not undergone a major investigation to determine whether it is suitable for future urban development; and that land does not have a reasonable prospect of being developed within the short to medium term.

For the reasons outlined previously in this report, land west of Grubb Road is not required for urban development as part of the draft Structure Plan.

#### **Land between the Bellarine Hwy and the northern settlement boundary**

A submission was received from a key landowner in the north-east growth area seeking discussion in the draft Structure Plan about future growth options (medium term option) north of the existing northern settlement boundary up to the Bellarine Highway. The principal justification for the extension of the town up to the highway was to create an ultimate settlement boundary and provide an attractive/desirable 'finish' to the northern settlement boundary.

The submission included high level advice from Barwon Water and VicRoads and analysis of lot supply data. The conceptual plans put forward included a dwelling yield of approximately 1100 dwellings on a variety of lot types (standard residential to rural living lots) including public open space, neighbourhood activity centre, possible school site and associated roads/drainage infrastructure. The built form transition from the Bellarine Highway southwards includes rural living, low density and general residential land use.

In essence, the proposed settlement boundary extension would be significant resulting in a potential additional population in excess of 2,500 people.

Council officers note the approved development plans for the north-east growth area and the proposed interface treatment (subdivision to create low density style lots abutting the Farming Zone land) between the future residential development area and the Farming Zone adjoining the northern settlement boundary.

The draft Structure Plan's approach for this area is to retain it as a non-urban break and to provide a relatively rural edge to the town. More broadly, there is a desire to retain a green corridor adjoining the highway throughout the Bellarine in order to maintain a rural feel.

The draft Structure Plan does not consider it necessary to identify future medium to long term growth options outside of the nominated settlement boundary. Consistent with the above principle for land use adjoining the highway and State Government guidance on implementing a coastal settlement boundary, this land should remain in the Farming Zone. It should also be noted that the adopted Structure Plan did not contemplate this area of land as a future growth option through its opportunities and constraints analysis.

### **Land west of the Ocean Grove Nature Reserve**

A landowner west of the Nature Reserve made a submission requesting that the indicative long term settlement boundary be retained as an example of excellent long-term planning practice, to achieve the directions and infrastructure objectives of the town and to enable a future rezoning request of the land from Farming Zone to a Low Density zoning to cater for market demand.

The extent of the settlement boundary in this area has been historically dictated to by the Nature Reserve. The settlement boundary is generally adjoined by low density residential land within the Belle Vue, Goandra and Woodlands estates. These land uses provide a transition between more urban areas to the south of Thacker Street. The purpose of this boundary is to ensure that urban development does not encroach on the environmental sensitivities of the Nature Reserve and the overall objectives of achieving a sense of containment. Further, the rezoning of land for a low density/rural residential zone is a land use principle generally not supported by Council policy.

Given the known constraints in this area which include landscape, bushfire and environmental factors, in addition to the issue of sufficient available land supply and the proposed removal of the long-term settlement boundary from the Structure Plan map, there is no requirement to consider the land in question for future residential purposes as part of this Structure Plan. It should be noted that the adopted Structure Plan did not consider this area suitable for future urban development.

### **Land at the north-east corner of Banks Road and Shell Road**

Landowners in this area defined by Creswell Road to the north, Shell Road to the south and the cadastral title line above the escarpment to the east requested that the land be identified for future residential development. The total area of land is some 150 hectares. No reference in the submission was made to the use of the land (part of) for a future eco-tourist facility, as per the discussion in the adopted Structure Plan.

Given the extent of land supply in the town, the current Farming Zone provisions and original identification of the land (part of) as a special investigation area for an eco-tourist facility and also the sensitivities of the land and surrounding area, it is not considered suitable for residential development nor inclusion within the settlement boundary as part of this Structure Plan. As discussed earlier in this report, the draft Structure Plan proposes to establish Banks Road as the eastern settlement boundary in this part of the town.

### **Lack of footpath/bicycle paths**

A considerable number of submissions discussed the lack of footpaths around the town and the broader issues of pedestrian/cyclist safety particularly at key road intersections. These issues were raised during the informal consultation event and at subsequent community meetings.

Given the historical subdivision of the older parts of the town, footpaths are not common place. Council acknowledges the concerns of the community and is currently in the process of engaging with residents about the provision of new footpath infrastructure. A commonly used approach to answering this problem is through a collaborative process where both parties, Council and residents, contribute towards the cost of new footpath infrastructure. This framework is called a Special Rate and Charge Scheme and there are a number of ongoing schemes or schemes being negotiated in such areas as Thacker Street and Baker Street. In addition to the use of Special Rate and Charge Schemes, Council is also preparing a Principal Pedestrian Network (PPN) plan for Ocean Grove.

The PPN will allow residents to access key destinations via a network of connected paths. Through a PPN network residents might not have a footpath in their street but will be able to access a network of footpaths that services a wider area within a very short walk. In addition to a connected network of footpaths, the PPN includes rest points, wayfinding signage and amenity improvements such as trees and lighting. The project will focus on options for how the identified network of paths can be delivered in a timeframe that balances Council and community expectations. It is expected that this piece of work will be open for public comment in the later part of 2015.

In terms of cycling infrastructure, the G21 Principal Bicycle Network identifies a number of priority projects for Ocean Grove. These include both on-road and off road paths that will create new connections around the town and to other townships. Through new development in the north-east growth area and future development of the recently rezoned land at Trethowan Av/Ocean Grand Dr, new cycling infrastructure will be provided ensuring access for all road users in this developing part of the town.

The issue of pedestrian/cyclist safety at key intersections is an ongoing issue and is a matter that needs to be addressed in conjunction with VicRoads. The key junctions around the town include the roundabout intersection at Grubb Rd/Shell Rd which has very poor pedestrian/cyclist amenity.

The draft Structure Plan advocates for improved pedestrian/cyclist network and safety through improvement to the existing network and provision of new infrastructure.

### **Traffic**

Traffic congestion around the town, particularly in the Town Centre is a problem. With the growing population it is likely that without improvements to the road network, traffic related issues will continue to worsen.

The Ocean Grove Town Centre Urban Design Framework undertook a SmartRoads assessment for the Town Centre area. The purpose of this exercise was to consider all road user groups (pedestrian, cyclists, freight and cars) and assign the priority of each to the various routes within the Town Centre. The draft Structure Plan 2015 supports the expansion of this piece of work to cover the broader town. This will establish a clear road network hierarchy for the town providing priority routes for key road users at certain times of the day.

The draft Structure Plan also continues to support the future duplication of Grubb Road. This will be a VicRoads project however no timescales have been provided for its commencement. Land has been reserved along the eastern boundary of Grubb Road to enable future duplication. Development within the north-east growth has been planned to accommodate the future road reserve widening.

Other road infrastructure improvements include the installation of signals at the entrance to the BASC on Shell Road, which is proving to be a very successful outcome for both vehicle and pedestrian users. State Government funding for the upgrade to the Marlin Dr/Tuckfield St intersection has been committed. Ongoing improvements to the local road network by Council are programmed over the coming years.

The Ocean Grove Town Centre Urban Design Framework also supports upgrades to the road network including the re-design of the Hodgson Street intersection, improvements to the Orton St/Presidents Av intersection and the long term diversion of the arterial road through the Town Centre via The Terrace.

The draft Structure Plan supports improvements to the road network to alleviate traffic and safety issues.

### **Education**

Beyond the initial engagement with the Department of Education and Training, a submission was received from another key education service provider in the town.

The submitter advised that it supports a mid-size school model in the range of 350 to 450 students and not a potential large scale/super school model experienced across some areas of metropolitan Melbourne. The submitter notes that it has achieved a good balance between buildings and outdoor play space. Located within a large integrated education and sporting precinct, there are existing traffic related issues that through intensification of land uses would exacerbate issues.

The submitter requested that the Council lobby DET to review the provision of a new primary school to service the key northern growth area community and ensure a balanced approach to education planning across the entire community. The submitter requests that this position be reinforced in the draft Structure Plan.

The submitter sees a future school in the north-east growth area as inevitable. Failure to plan for a new school in the growth area the submitter suggests will have significant impact on existing primary schools, requiring them to absorb significant enrolment numbers to service this growth, with it being the most severely impacted.

The comments received by the submitter are important to note for both Council and the State Government in terms of acknowledging potential service infrastructure issues in the future.

### ***Environmental Implications***

Environmental implications have been considered as part of the Structure Plan review. Key environmental features within and around the town have been reviewed and considered in terms of future land use and development and associated impacts. Further investigation work is also supported by the Structure Plan including assessing vegetation in older parts of the town that contribute to the overall landscape and neighbourhood character. The current growth direction for the town focuses on the north-east growth area. The 2007 Structure Plan directed growth away from the environmentally sensitive areas such as the coastline, Barwon Estuary and Lake Victoria environs and also, the Ocean Grove Nature Reserve. The draft Structure Plan continues to support this key land use direction.

The draft Structure Plan also proposes to remove the indicative long-term settlement boundary west of Grubb Road. The draft Structure Plan also proposes to realign the eastern settlement boundary to Banks Road, which removes the potential for encroachment on the Lake Victoria environs.

***Financial Implications***

There will be no significant financial implications on Council as part of the future planning scheme amendment process. All future statutory processes will be covered by respective departmental budgets.

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

The Structure Plan review has been undertaken generally in line with Council's recurring 5 year review cycle of structure plans. The draft Structure Plan has been updated to reflect relevant State, Regional and Local planning policy. To give the draft Structure Plan statutory weight, a planning scheme amendment will be initiated to implement the necessary key elements in the Greater Geelong Planning Scheme.

***Alignment to City Plan***

This report aligns with the directions of the Sustainable and Built Environments theme in City Plan.

***Officer Direct or Indirect Interest***

No Council officers involved in the development of the draft Structure Plan review and preparation of the report have a direct or indirect interest in the issue, in accordance with Section 80(c) of the Local Government Act, to which this report relates.

***Risk Assessment***

There is risk in not updating the Structure Plan given there have been several changes to State and Local Policy since 2007. The recommendations will result in changes to Clause 21.14 Bellarine Peninsula where it relates to township.

***Social Considerations***

The process of implementing the key elements of the draft Structure Plan will be carried out via a planning scheme amendment. This process affords key stakeholders, key landowners and residents a formal opportunity to comment on the proposed changes and potential adverse social impacts on the town.

***Human Rights Charter***

We have taken into consideration the human rights relative to the subject matter of this report, including rate-payers property rights and the right to a fair hearing.

***Consultation and Communication***

In addition to the informal community consultation undertaken as part of the drafting of the 2015 Structure Plan, a planning scheme amendment will be required to implement the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme. As part of the amendment process, a statutory consultation period of a minimum 30 calendar days will be undertaken. This will enable the community and other key stakeholders a further opportunity to comment on the adopted Structure Plan and if necessary, where objections cannot be resolved, be heard before an Independent Panel.

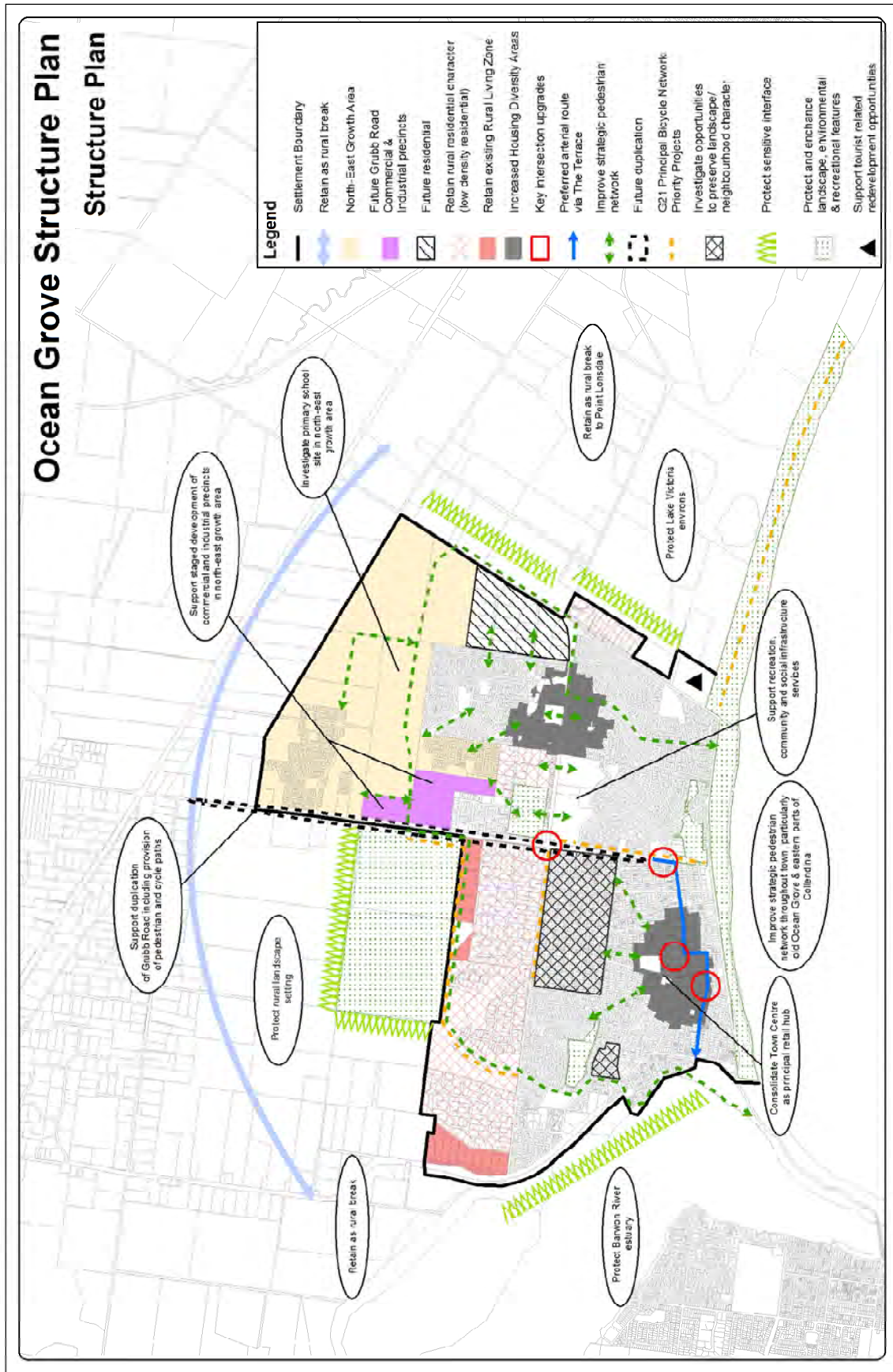
**Appendix 1 2007 Ocean Structure Plan map**

**figure 2:**

**ocean grove  
 structure plan**



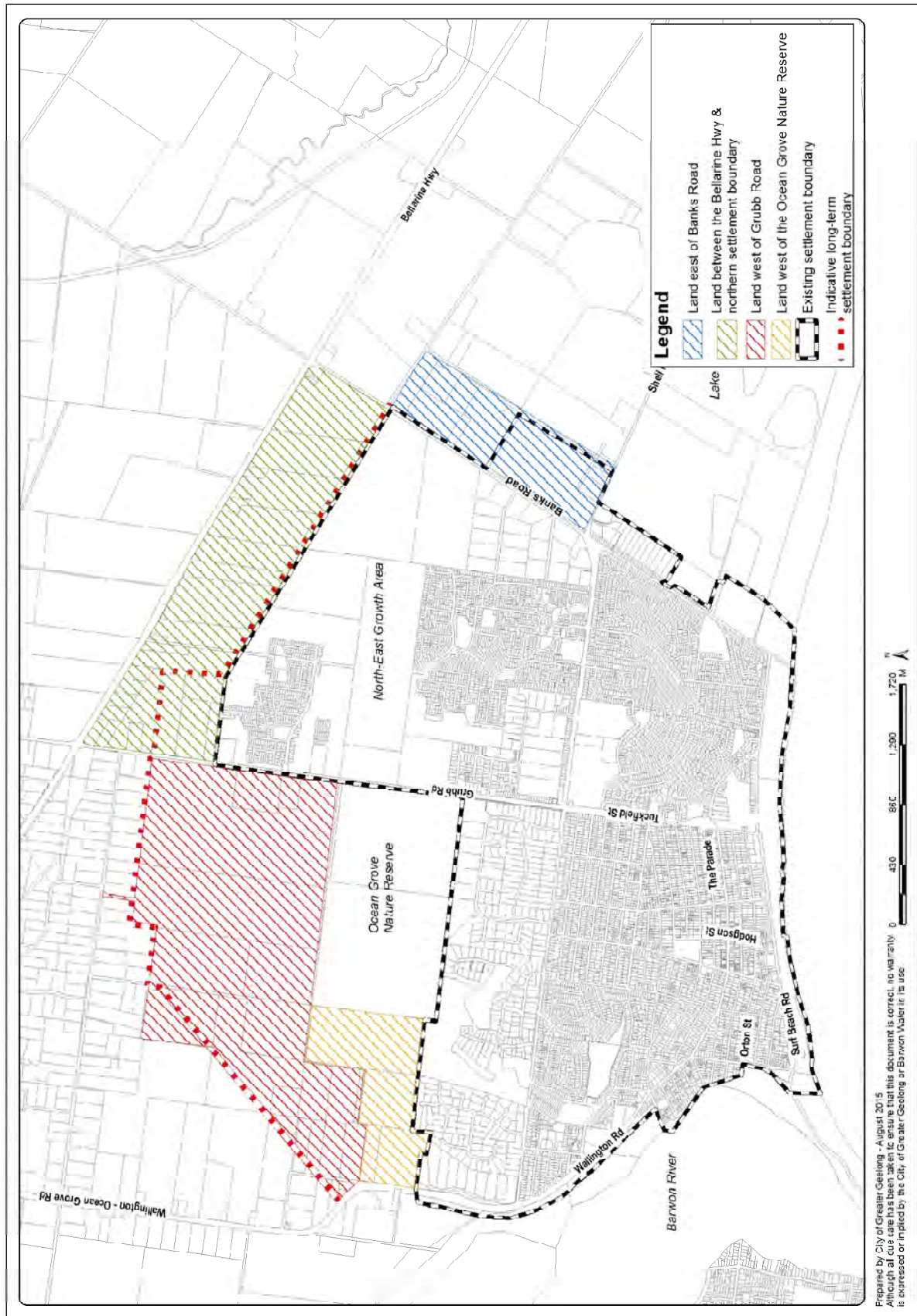
**Appendix 2 2015 draft Structure Plan map**



**Map No.4**

Prepared by City of Greater Geelong - August 2015  
 Although all care has been taken to ensure that this document is correct, no warranty is expressed or implied by the City of Greater Geelong or Barwon Water in its use.

**Appendix 3 Location map showing areas submitted for future growth**



#### **4. MANAGING DEVELOPMENT IN RURAL AREAS - PLANNING POLICY REVIEW**

<b>Portfolio:</b>	<b>Planning – Cr Heagney</b>
<b>Source:</b>	<b>Planning and Tourism - Planning Strategy</b>
<b>General Manager:</b>	<b>Peter Bettess</b>
<b>Index Reference:</b>	<b>Project - Non rural uses in rural areas policy review</b>

##### **Purpose**

This report seeks approval from Council to adopt the findings and recommendations of the *Managing Development in Rural Areas Planning Policy Review* and to give them statutory effect by including them in the Greater Geelong Planning Scheme.

##### **Summary**

- In 2013 the State Government changed the rules on the types of development that can occur in rural areas.
- The reformed rural zones have generally relaxed the number of uses that can be considered in the Farming and Rural Conservation zones. Changes relate to some accommodation, retail, industry, schools and community uses. Prior to the zone changes many of these uses were prohibited.
- Council needs to respond to changes made by the State Government as there is a policy gap and Statutory Planning require guidance to assess planning permit applications.
- It is recommended to amend the Greater Geelong Planning Scheme *Clause 22.06: Tourism and Function Centre Development in Rural Areas*. Much of the existing Clause 22.06 is proposed to be retained, including the overall objectives to protect productive agricultural land. It is considered important, however, to continue to recognise that there are opportunities to enhance the tourism industry in rural areas where compatible with agricultural activity and rural landscape character.
- Tourism development forecasts prepared by Urban Enterprises for both the *Greater Geelong and the Bellarine Tourism Development Strategy* and *Non Rural Uses in Rural Areas Policy Review* show projected growth in the Geelong rural tourism sector to 2030. This includes demand of between 330 to 550 accommodation rooms or caravan sites in rural Geelong.
- The requirement in Clause 22.06 that uses “will be ancillary to and associated with an existing farming activity on the property” should be retained. The *Victorian Competition and Efficiency Commission’s enquiry into Victoria’s tourism industry* supported the unlocking of tourism development, particularly in rural areas of Victoria where limited tourism and population growth is occurring. This is not the case in Geelong where the tourism sector continues to grow and significant demand is projected to 2030. Removing the requirement would risk allowing uncontrolled development, resulting in over development that impacts on rural landscape character and the role of non urban settlement breaks. The recommended approach promotes the adopted Council policy in the *Rural Land Use Strategy (2007)* and the *Bellarine Peninsula Localised Planning Statement (2014)*.
- Some flexibility is recommended for Clause 22.06 to allow a consideration test for when some uses may be considered by Council outside of the ‘associated with’ test. This recognises that there may be some locations that would support additional tourist development, or the impacts on the rural area are diminished.

- Design controls are recommended to manage camping and caravan parks to ensure they cater for the tourism market only. Camping and caravan parks that result in long term or permanent housing accommodation risk resulting in quasi urban extension or urban extensions by stealth. Council should write to the State Government to outline its concerns on the definition of camping and caravan parks in the Victorian Planning Provisions.
- It is recommended that a new Local Planning Policy be prepared for the Greater Geelong Planning Scheme for *Discretionary Uses in Rural Areas*, which discourages the encroachment of non-agricultural uses into rural areas, other than tourism or accommodation land uses. These uses should be directed to urban areas where there is an appropriate level of municipal infrastructure services and better transport connectivity, as supported by State and local policy.
- Community engagement was held from 10 July until 7 August 2015 and feedback was sought on the issues around managing growth in rural areas. The response rate was low, but overall the responses were generally supportive of the Council position. Victorian Farmers Federation expressed a strong concern for allowing even more flexibility in rural areas.
- It is noted that the Minister for Planning and Minister for Regional Development have set up an *Animal Industry Advisory Committee* to examine how the planning system can better support Victorian farmers. This process will focus on the definition of intense animal husbandry. The Department of Environment, Land, Water and Planning has advised that Council should continue with this local policy review.

**Cr Heagney moved, Cr Ellis seconded -**

**That Council:**

- 1) **adopt the recommendations of the *Managing Development in Rural Areas Planning Policy Review – Final Report*, (Appendix 3) including changes to the Local Planning policy of the Greater Geelong Planning Scheme:**
  - a) **amend Clause 22.06: Tourism and Function Centre Development in Rural Areas (Appendix 1); and**
  - b) **prepare a new Clause 22.64: Discretionary Uses in Rural Areas (Appendix 2).**
- 2) **seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement the recommendations of the review into the Greater Geelong Planning Scheme; and**
- 3) **write to the Minister of Planning to outline its concerns on the definition of camping and caravan parks in the Victorian Planning Provisions.**

**Carried.**

### ***Background***

In 2013 the State Government changed the rules on the types of development that can occur in rural areas through *Victoria Planning Provisions and Planning Schemes by Amendment VC103* (5 September 2013).

Principally the reforms sought to provide flexibility for farmers and land owners, support business, encourage tourism and provide greater flexibility of land uses. The reformed rural zones have generally relaxed the number of uses that can be considered in the rural zones and reduced many of the conditions that have previously been required to be met.

Changes relate to some accommodation, retail, industry, schools and community uses. Prior to the zone changes many of these uses were prohibited (see Table 1.). These uses are still not able to occur as of right, but it is now possible to apply to Council for a planning permit to be considered on its merits.

Table 1. Discretionary land uses that are no longer prohibited in the Farming and Rural Conservation zones.

Land Use	FZ	RCZ
Camping & caravan park	✓	✗
Group accommodation	✓ <sup>1</sup>	✓
Residential hotel	✓ <sup>1</sup>	✓
Restaurant	✓ <sup>1</sup>	✓
Landscape gardening supplies	✓	✓
Trade supplies	✓	✗
Market	✓	✗
Industry	✓	✗
Warehouse	✓	✗†
Primary & secondary school	✓	✓
Place of assembly	✓ <sup>2</sup>	✗

<sup>1</sup> Was prohibited, but there was the potential to consider if also associated with a rural use on the site.

<sup>2</sup> Was prohibited, but there was the potential to consider if the function was used a maximum of 10 days in a year.

† Prohibited, other than freezing and cool storage

Council needs to respond to the changes made by the State Government under VC103 because they impact on how the zones are applied and managed through the Greater Geelong Planning Scheme. A key challenge is to ensure that discretionary uses can be effectively managed to avoid the proliferation of accommodation buildings and development that could substantially impact on rural landscape character and the productive capacity of the land.

The Planning Scheme currently manages tourism development in rural areas through a Local Planning Policy (LPP) for *Tourism Development in Rural Areas* (Clause 22.06). Due to changes brought about by Amendment VC103 there is the potential for a number of permit applications to be received for the new discretionary uses. At present there is a gap in the LPP to guide this decision making process.

The scope for the review included:

- Preparation of a policy position for the non-agricultural land uses that have been made discretionary in the rural zones, having regard to the differences between rural areas in the north and on the Bellarine Peninsula.
- To determine the current and future needs of tourist accommodation in rural areas based on research and analysis of trends and likely demands.
- Development of appropriate planning controls and application requirements, including locational and siting design criteria for discretionary land uses.
- Preparation or amendment of the LPP to implement the findings of the review.
- Consult with stakeholders during the project.

The following was not included in the review:

- Changes to the policy for managing the construction of houses and residential subdivision in rural areas.
- The Rural Living Zone.

### The Rural Land Use Strategy

The *Rural Land Use Strategy (2007)* recognises that rural areas are highly valued by the Geelong community and help with the continued economic prosperity, liveability and amenity of the whole municipality. Geelong's rural areas cover a range of agricultural practices and production, as well as having a diversity of natural, environmental and scenic assets of significance. Compared to other areas of rural Victoria agriculture is generally smaller scale and on smaller landholdings; particularly on the Bellarine.

Many people wish to live in and visit the rural area where they can appreciate these features. Tourism continues to be an important aspect of the Geelong economy and continues to grow. The right type of accommodation is therefore needed to support the tourism experience. This is important to encourage people to stay for more than just a day trip.

The RLUS sets the vision and directions for rural land use management and are implemented by the Planning Scheme. The strategy recognises the importance of managing development to avoid a proliferation of buildings or overdevelopment. This could lead to the breakup of land and threaten the ability to be able to use it for farming. It could also impact on rural landscape character and the importance of non urban breaks between settlements.

The principles in the RLUs are also recognised in the *Bellarine Peninsula Localised Planning Statement (LPS)*, which was adopted by Council in 2014. This document also outlines the pressure for growth and change that is being experienced by the Bellarine Peninsula and sets strategies to ensure the key attributes of the area are preserved.

The strategy and key directions of the Rural Land Use Strategy are not being reviewed.

### ***Discussion***

#### Consultant advice

To support Council in the analysis of LPP Urban Enterprise (UE) consultants were commissioned to provide expert advice and background research on:

1. The analysis of existing and future economic conditions for tourism accommodation in Greater Geelong rural areas;
2. In principle advice on the types of industry uses suitable for rural areas; and
3. Recommend high level siting and design planning guidance for discretionary uses.

UE delivered a completed report in June 2015 *Non Rural Uses in rural Areas Policy Review* and is summarised in the *Managing Development in Rural Areas Planning Policy Review – Final Report (Appendix 3)*. Urban Enterprise was also commissioned by Tourism Greater Geelong and the Bellarine to prepare the Tourism Development Strategy for the region.

#### Overview of changes to the LPP.

It is recommended that the Local Planning Policy be amended as follows, as provided in:

- Amend Clause 22.06: Tourism and Function Centre Development in Rural Areas (**Appendix 1**)
- Prepare a new Clause 22.64: Discretionary Uses in Rural Areas (**Appendix 2**)
- **Appendix 3** the *Managing Development in Rural Areas Planning Policy Review – Final Report* provides a detailed summary of the policy options considered for the amended 22.06 and new Clause 22; including a tracked change version of Clause 22.06.

Much of the existing Clause 22.06 policy is to be retained, including the overall objectives to protect productive agricultural land. It is important to continue to recognise that there are opportunities to enhance the tourism industry in rural areas.

*Managing demand and growth in Rural Areas.*

In 2012 Victorian Competition and Efficiency Commission's enquiry into Victoria's tourism industry promoted the unlocking of tourism development in Victorian and led to VC103. However, this is considered more appropriate to rural areas that are more isolated and have limited tourism and population growth occurring. This is not the case for Geelong where the tourism sector continues to grow and significant demand is projected to 2030. There is also anecdotal evidence of demand through pre-application enquires through Statutory planning since the 2013 changes.

The Reformed Zones Ministerial Advisory Committee, in their Rural Zones Report for VC103, made recommendations that the 'associated with' test should be retained for accommodation uses. This recommendation was not accepted by the previous State Planning Minister. However, the present Planning Minister may have a different opinion on how flexible rural zones should be. This is in the context of the Minister for Planning and Minister for Regional Development setting up an *Animal Industry Advisory Committee* to examine how the planning system can better support Victorian farmers. This process will focus on the definition of intense animal husbandry. The Department of Environment, Land, Water and Planning has advised that Council should continue with this local policy review.

A key consideration is how to manage the growth of tourism demand, particularly in response to the changes that were brought about by VC103. Most of this tourism growth is directed to Central Geelong and other townships where there is existing capacity and a settlement strategy that caters for future growth. However, tourism development forecasts from UE show that there is a demand of between 330 to 550 accommodation rooms or caravan sites in rural Geelong to 2030.

For Geelong the existing Clause 22.06 requires that tourism uses "will be ancillary to and associated with an existing farming activity on the property", for example accommodation at a winery. This is based on the RLUS and community expectations. For Geelong this policy requirement continues to be an important mechanism for managing development in rural areas and should be retained. Removing the requirement would risk allowing uncontrolled and over development, which could lead to the fragmentation of land and the ability to use it for farming. While this does not meet with the expectations of VC103, Geelong is considered to be unique and warrants the continuance of this policy position.

The 'associated with' test recognises Council's existing policy in the RLUS and LPS. Virtually no objections were received from community against this approach. Further, Victoria Farmers Federation has expressed a strong concern for allowing even more flexibility in rural areas. This could lead to loss of agricultural land, fragmentation of existing holdings, threats to the Right to Farm, lack of infrastructure to support tourist development and development in inappropriate areas.

The amended policy position also recognises the advice from UE that highlighted there is currently a limited diversity of accommodation typologies available in rural areas. Currently the focus is on the family market based on camping and caravan parks. There is a need to expand on this market to improve the accommodation offer to increase overnight stays and attract people from further afield.

Some flexibility is recommended for Clause 22.06 to allow a consideration test for when some uses may be considered by Council outside of the 'associated with' test. This recognises that there may be some locations that would support additional tourist development, or the impacts on the rural area are diminished. For instance, in strategic tourist sites on identified tourist areas, or where there is already a cluster of some tourist development. It also considers the establishment of one off developments if the circumstances of the use provide justification to support the use in a rural area over an urban location. All other requirements of the policy will still need to be met, such as appropriate siting and design.

During the internal workshops the identification of specific clusters for development was raised. This concentrates development in one area by rezoning land as Rural Activity. It can also take demand away from other areas. This approach has been taken by both the Bass Strait in the *Bass Strait Rural Land Use Strategy* and Corangamite in Amendment C30.

At Bass Strait and Corangamite the establishment of Rural Activity clusters is seeking to promote economic growth and attract tourism investment. As noted earlier, this is not an issue for Geelong. If Council provided clusters for development it is likely that there would still be demand in other rural areas, which could perpetuate growth pressures on the rural area. Further, to identify sites and recommend clusters would be a significant change of policy for Council. This would also be prescriptive and it is considered appropriate to allow an element of flexibility in the policy approach noted above to allow case by case assessments to be made.

#### *Camping and caravan parks*

Clause 22.06 sets out design controls to manage camping and caravan parks to ensure they cater for the tourism market only. Camping and caravan parks that result in long term or permanent housing accommodation risk resulting in quasi urban extension or urban extensions by stealth. Not only does this risk the City's settlement strategy it can also lead to social problems due to the sites catering for low income and disadvantaged members of the community that are isolated from services.

Restricting the establishment of camping and caravan parks for permanent residency is a complex issue as this is controlled by the legislation set out in the Residential Tenancies Act, 1997. Under S518 of the act it is not possible to limit the duration of residency in a caravan park via a planning scheme or permit. Based on research of Planning Panel and other VCAT decisions, particularly for Mornington Shire, it is possible to control design and how the camping and caravan parks are designed. This is the basis for the policy developed.

It is recommended that Council write to the State Government to outline its concerns with the definition of camping and caravan parks in the Victorian Planning Provisions. As a result of the Residential Tenancies Act councils are unable to differentiate between permanent camping and tourist camping.

#### *Summary of other changes to Clause 22.06:*

- Continue to avoid uses that are sensitive to noise, dust and odour impacts that are produced from farming; as well as not allowing uses that themselves could impact on the operation of farming.
- Manage the scale of development and ensure that development does not resemble a scale that would be expected in an urban area.
- Clarify how to manage the design, appearance and location of buildings so these blend into the rural landscape.

- Provide advice on the type of design that would be expected for a residential hotel and group accommodation in a rural area (i.e. avoid large footprint buildings).
- Make sure the right level of services are provided and that roads are capable of handling traffic volumes for a development.
- Provide application requirements for development, including specific management plans that may be required for uses such as camping grounds and function centres and other accommodation.
- Restructure of the policy for clarity and better ease of use.

#### New Clause for Discretionary Uses in Rural Areas

State and local policy generally does not provide for non-agricultural uses in rural areas. In particular Clause 21.07-5 (Rural Areas) of the LPPF seeks to minimise non agricultural uses in rural areas. These uses should be directed to urban areas where there is an appropriate level of municipal infrastructure services and good transport connectivity. To ensure that development is planned in the right locations an adequate supply of land is zoned for industrial, commercial and community purposes in urban areas. This is part of the Council settlement strategy.

It is considered that the encroachment of non-agricultural uses into rural areas should be discouraged. Further, non-agricultural uses that would attract significant numbers of visitors, accommodate large numbers of people or generate significant volumes of traffic and car parking demand are generally incompatible with farming activities and are not appropriate in the rural area.

It is acknowledged that there may be some circumstances where a use may be more suited to the rural area than an urban location. For example:

- Materials recycling or green waste recycling;
- Aquaculture processing uses close to aquaculture extraction;
- A rural produce market;
- An adventure school that requires large areas of open land;
- Some rural industry uses; and
- Sports and leisure uses that may be nature based or forestry related

To reflect this the policy recognises that there may be unique circumstances when a use may be appropriate in a rural area and supports the local rural population, provided that it can be demonstrated that options to consider the use in an urban location have been exhausted. Similar to Clause 22.06 the use would need to show that it would not impact on the productive capacity of rural land, existing agricultural activity or rural landscape character. The policy does not apply to agricultural, tourism or accommodation land uses.

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

The review retains support for the preservation of the productive capacity of land. It also recognises the need to protect rural landscape character and the diversity of natural, environmental and scenic assets of significance.

#### ***Financial Implications***

This review recommends that Council prepare a planning scheme amendment to incorporate Local Planning Policy into the Greater Geelong Planning Scheme. The costs associated with this amendment process will be met by Council through the existing planning scheme amendment budget allocation.

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

The review and recommended Local Planning Policy is consistent with the Rural Land Use Strategy (2007).

It is also consistent with the State Planning Policy implementing the objectives and strategies of Clause 11 *Settlement*, 12 *Environmental and landscape values*, 13 *Environmental Risks*, 14. *Natural Resource Management*, 17 *Economic Development and 19 Community Infrastructure*.

The amendment is also consistent with the Local Planning Policy Framework; in particular *Clause 21.05 Natural Environment*, which protects coastal development. *Clause 21.07 Economic Development and Employment* seeks to protect productive agricultural land and minimise non farming land uses. It is acknowledged that some tourism development can be supported where this contributes to the economy and it respects rural landscape character.

### ***Alignment to City Plan***

The review supports the *Growing our Economy and Sustainable Built and Natural Environment* strategic directions of City Plan. The recommendations of the review seek to retain rural productivity and to support and grow the tourism economy provided that the impacts are appropriately managed and rural landscape character can be maintain.

### ***Officer Direct or Indirect Interest***

No Council officers have any direct or indirect interest, in accordance with section 80(c) of the Local Government Act 1989, in the matter to which this report relates.

### ***Risk Assessment***

There are minimal risks to Council in adopting the recommendations of this review and implementing them through a planning scheme amendment process. The community and stakeholders will be given an opportunity to comment on the proposed Local Planning Policy changes as part of the planning scheme amendment process.

### ***Social Considerations***

Social considerations were considered as part of the Rural Land Use Strategy when this was prepared in 2007. The recommended policy approach seeks to retain farmers ability to use land for productive purposes. It also promotes the security of the local food and produce market.

### ***Human Rights Charter***

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

### ***Consultation and Communication***

Key stakeholders were engaged throughout the project. This included internal engagement and workshops with other relevant Council Departments, including Statutory Planning, Strategic Implementation, Enterprise Geelong and Tourism Greater Geelong and the Bellarine.

To test the policy positions, consultation on the principles of the policy was held from 10 July until 7 August 2015. The engagement sought input from the community on the issues around managing growth in rural areas that were formulated from the issues identified from council and UE research. Engagement involved:

- Advertisements placed in Geelong and Bellarine newspapers. Consultation brochures were made available at the Customer Service Centres for Corio, 100 Brougham Street Geelong, Drysdale and Ocean Grove; and the Lara Community Centre.
- Direct consultation to a range of stakeholders, including farming groups, tourism business operators and community groups, Geelong G21 Agri Business Forum and the City of Greater Geelong Farming Advisory Committee.
- Placed on the Geelong Australia website with access to an online form to submit comments.

The response rate was low with only 12 responses received. Website statistics revealed that over 100 people accessed the consultation website.

- Overall the responses were generally supportive of the Council position, although there were a number of concerns raised by respondents.
- Only the response from St Quentin was fundamentally opposed to the Council approach in that it is too restrictive of development. Some expressed concerns that the approach may allow for too much development or flexibility.
- Some, including Victoria Farmers Federation expressed a strong concern for allowing even more flexibility in rural areas and the potential impacts on the right to farm and the threat to agricultural operations.

**Appendix 3** the *Managing Development in Rural Areas Planning Policy Review – Final Report* has included a summary of the responses received.

Further consultation will occur during the Planning Scheme Amendment process.

## **APPENDIX 1. Amended Clause 22.06: Tourism and Function Centre Development in Rural Areas.**

### **22.06 TOURISM AND FUNCTION CENTRE DEVELOPMENT IN RURAL AREAS**

28/01/2010  
C129(Part 1)

This policy applies to all land zoned Farming and Rural Conservation.

#### **Policy Basis**

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality. Tourism is a key part of the economy of Greater Geelong, in particular on the Bellarine Peninsula.

Growth of the tourism economy is expected across Geelong to 2030. Most of this tourism growth is directed to Central Geelong and other townships where there is existing capacity and a settlement strategy that caters for future growth.

There are opportunities to enhance the tourism industry in rural areas through well designed developments that are associated with the farming or rural use of the land. Tourism development forecasts show that there is a demand of between 330 to 550 accommodation rooms or caravan sites in rural Geelong to 2030. Camping and caravan parks currently are traditionally the most common form of accommodation in the rural areas of Geelong with a focus on the family market. There is a need to expand the type of accommodation provided in rural areas to improve the market offer and encourage longer stays. This includes farm stays, accommodation associated with wineries and golf courses, nature based accommodation and integrated resort accommodation that is dispersed across the rural area.

Tourism development within the rural areas must be carefully managed and designed so that it does not compromise the rural landscape character or existing agricultural activities that are part of the economy and tourism attraction of the area.

In some circumstances function centres and restaurants may also be considered as tourism ventures, particularly when co-located or associated with other tourism activity. Camping and caravan parks that result in long term or permanent housing accommodation risk resulting ad hoc urban extensions. This undermines the settlement strategy and can also lead to poor social outcomes and community connectivity. Camping and caravan parks should be designed to cater for the tourism market.

#### **Objective**

- To support tourism development in rural areas that contributes to the growth of the tourism market.
- To expand the diversity of accommodation typologies available across the rural area to address an identified demand and disperse growth.
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To ensure the scale of development will complement and respect the rural landscape character of the area;
- To ensure development will not result in the urbanisation of the area;
- To ensure a mix of accommodation options are provided in camping and caravan parks.

#### **Policy**

It is policy that the responsible authority will support the use and development of rural land for tourism and function centre uses where:

#### **Preferred location**

- The use will be associated with an existing agricultural activity on the property.
- Uses not associated with agriculture may be supported by the responsible authority where the following are met:

- It is demonstrated that the circumstances of the use are unique and support site selection in a rural location over an urban location.
- The site is strategically located with respect to an identified tourist route, such as the tourist route identified in the Bellarine Peninsula Localised Planning Statement or along the Bellarine Highway. Preference will be given to areas where there is already a cluster of non-rural activities and additional development will not result in urbanisation.
- The use and its associated development would not unreasonably visually compromise a non-urban break between settlements, a significant view or area identified for landscape significance or environmental significance.
- Where appropriate, the use will address a regionally recognised demand identified in a tourism development strategy.
- Tourist accommodation provides a connection or access to a tourist facility, tourist attraction or outdoor recreation.

#### **Impacts on agricultural productivity**

- The use and development will not be out of balance with, nor change the character and nature of the primary rural land use, or result in an unreasonable loss of productive agricultural land.
- The proportion of the property used for tourism and ancillary infrastructure is minimised, and is directed to the area of lowest agricultural quality or where the natural landscape has been modified.
- Existing agricultural activity on adjoining land will not be compromised.

#### **Design and siting**

- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through appropriate design, landscaping, materials and colours.
- Buildings incorporate a high design standard with environmentally sustainable design features.
- The design of a residential hotel and group accommodation avoids large, single footprint buildings and is distinguishable from a typical residential building.

#### **Amenity**

- Neighbouring properties are protected from unacceptable disturbance associated with the hours of operation, number of patrons, or vehicular movements resulting from the use.

#### **Traffic and Services**

- Adequate area is set aside for on site car parking and landscaping.
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.

#### **Camping and caravan park design**

In addition to the above policy, a camping and caravan park must also meet the following:

- A camping and caravan park will include a mix of tourist accommodation site types and visitor facilities including:
  - Sites for caravans, motor homes or tents;
  - Sites with unregisterable movable dwellings;
  - Sites for caravans with rigid annexes;
  - Sites with cabins;
  - Lodge accommodation;
  - Ablution blocks;
  - Communal and recreation facilities; or
  - Facilities that allow for public pre-booked or walk up bookings.
- The layout and design of the camping and caravan park will have the appearance of a camping and caravan park rather than a residential village or subdivision (restricted access, permanent constructed roads, larger building footprints, higher building densities, the provision of

individual carports/ garages, building design that resembles a holiday cabin rather than a permanent residence).

### **Application Requirements**

An application should be accompanied by the following information to the satisfaction of the responsible authority, as appropriate:

- A description of the proposal, including a site context report; hours and days of operation; number of staff and visitors or patrons; type and number of accommodation buildings, units or camping sites; or a description of how a camping and caravan park is to be established and operate as a tourist park,
- A land management plan outlining measures to address agricultural production and environmental protection, including pest plants and animals and erosion of the land; as well as fencing off remnant vegetation, revegetating strategic areas to develop wildlife corridors and along waterways.
- A management plan outlining, the following as appropriate:
  - The mechanisms to be put in place to ensure onsite and offsite amenity is maintained on an ongoing basis, including onsite caretaker arrangements;
  - Onsite and offsite traffic management
  - Litter and waste effluent management;
  - Staffing and staff training procedures;
  - Requirement and procedure to inform adjoining residents of when a function or event is to be held; or
  - The requirement for the provision of an onsite manager for the duration of a function or event and the complaints procedure;
- A landscape plan, including a landscape character assessment for site and building design with an outline of the impact on the rural landscape.
- An acoustic report outlining noise impacts and noise mitigation measures, including set up and set down for functions and events.
- A traffic report.

### **Decision guidelines**

Before deciding an application the responsible authority must consider, as appropriate:

- If the use is ancillary to or associated with an existing farming activity on the site
- If a rural location is required in favour of an urban location
- The proximity and access to tourism features and infrastructure.
- Potential impacts on the rural landscape character of the area.
- How the land use is consistent with tourism strategies for the area and promotes the regional tourism economy and expands accommodation typologies.
- The mix and type of accommodation provided.
- The potential impact the use will have on neighbouring properties, including agricultural operations.
- If the proposal will maintain and/or improve the productive capacity or environmental condition of the site.

### **References**

*City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.*

*Managing Development in Rural Area, Planning Policy Review, City of Greater Geelong, 2015.*

## **APPENDIX 2. New Section 22.64. Discretionary uses in Rural Areas.**

### **22.64 DISCRETIONARY USES IN RURAL AREAS**

This policy applies to the consideration of use and development applications within the Farming and Rural Conservation Zones. This policy does not apply to agricultural, tourism, function centre or accommodation land uses.

#### **Policy Basis**

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality.

Non agricultural uses in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the rural landscape character of the rural area is preserved.

Non-agricultural uses that would attract a significant numbers of visitors, accommodate large numbers of people or generate significant volumes of traffic and car parking demand are generally incompatible with farming activities and are not appropriate in the rural area. These uses should be directed to urban areas where there is an appropriate level of municipal infrastructure services and good transport connectivity. To ensure that development is planned in the right locations an adequate supply of land is zoned for industrial, commercial and community purposes in urban areas. The encroachment of non-agricultural uses into rural areas is discouraged and should only be considered when the use or development cannot be catered for in an urban area and there are unique circumstances to justify a rural location.

#### **Objective**

- To discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone.
- To discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community.
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To maintain the unique rural landscape character of rural areas.

#### **Policy**

It is policy that the responsible authority would only support an application for a discretionary non-agricultural use where the following can be met:

- The use requires a rural location and it can be demonstrated that all urban location options have been fully exhausted.
- The use is of an appropriate scale to support the local rural population.
- The use will not result in an unreasonable loss of productive agricultural land.
- Existing agricultural activity on adjoining land will not be compromised.
- The scale of the development will complement and respect the rural landscape character.
- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through appropriate design, landscaping, materials and colours.
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.

- The environmental condition of the land could be enhanced by fencing off remnant vegetation and revegetating strategic areas to develop wildlife corridors and along waterways.

### **References**

*City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.*

*Managing Development in Rural Area, Planning Policy Review, City of Greater Geelong, 2015.*

**APPENDIX 3 –Managing Development in Rural Areas Planning Policy Review –  
Final Report (2015)**



Managing Development in Rural Areas

# PLANNING POLICY REVIEW

Final Report – September 2015



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# EXECUTIVE SUMMARY

## Introduction

In 2013 the State Government changed the rules on the types of development that can occur in rural areas through *Victoria Planning Provisions and Planning Schemes by Amendment VC103* (5 September 2013). Principally the reforms sought to provide flexibility for farmers and land owners, support business, encourage tourism and provide greater flexibility of land uses. A number of changes were made to both the Farming (FZ) and Rural Conservation (RCZ) zones.

This review focuses on the types of land uses that are applied through the zones and whether they are as of right, only allowed through a permit application (discretionary), or prohibited. Prior to the zone changes many of these uses were prohibited (Table 1). These uses are still not able to occur as of right, but it is now possible to apply to Council for a planning permit to be considered on its merits.

The *Greater Geelong Planning Scheme* currently manages tourism development in rural areas through a Local Planning Policy (LPP) for *Tourism Development in Rural Areas* (Clause 22.06). Due to changes brought about by Amendment VC103 there is the potential for a number of permit applications to be received for the new discretionary uses. At present there is a gap in the LPP to guide this decision making process. Council should prepare new local policy(ies) and review existing policies to address the changes introduced by VC103. **The scope of the review is provided on Pg 2.** The scope does not consider any changes to the policy for managing the construction of houses and residential subdivision in rural areas, or review policy for the Rural Living Zone.

Table 1. Discretionary land uses that are no longer prohibited in the FZ and RCZ.

Land Use	FZ	RCZ
Camping & caravan park	✓	✗
Group accommodation	✓ <sup>1</sup>	✓
Residential hotel	✓ <sup>1</sup>	✓
Restaurant	✓ <sup>1</sup>	✓
Landscape gardening supplies	✓	✓
Trade supplies	✓	✗
Market	✓	✗
Industry	✓	✗
Warehouse	✓	✗ <sup>†</sup>
Primary & secondary school	✓	✓
Place of assembly	✓ <sup>2</sup>	✗

<sup>1</sup> Was prohibited, but there was the potential to consider if also associated with a rural use on the site.

<sup>2</sup> Was prohibited, but there was the potential to consider if the function was used a maximum of 10 days in a year.

<sup>†</sup> Prohibited, other than freezing and cool storage

## The Rural Land Use Strategy

The *Rural Land Use Strategy (2007)* sets the vision and directions for rural land use management and are implemented by the Planning Scheme. The strategy recognises the importance of managing development to avoid a proliferation of buildings or overdevelopment. This could lead to the breakup of land and threaten the ability to be able to use it for farming. It could also impact on rural landscape character and the importance of non urban breaks between settlements.

Many people wish to live in and visit the rural area where they can appreciate the features of the area. Tourism continues to be an important aspect of the Geelong economy and continues to grow. The right type of accommodation is therefore needed to support the tourism experience. This is important to encourage people to stay for more than just a day trip.

The strategy and key directions of the Rural Land Use Strategy are not being reviewed.

### **Background Advice – Urban Enterprise**

To support Council in the analysis of LPP to address the VC103 changes Urban Enterprise (UE) were commissioned to provide expert advice and background research. A summary of the UE findings are provided below.

1. The analysis of existing and future economic conditions for tourism accommodation in Greater Geelong rural areas.

UE identified a growth projection for tourism across Geelong to 2030. This will in turn influence growth and need in tourism development and accommodation. UE provided a low to high projection estimation of tourist accommodation need to 2030. This was determined through a gap analysis and based on assumptions made by calculating needs for all of Geelong (urban and rural) and using a methodology of rural demand indicators to assess the amount of growth that could be attributed to rural areas.

Visitation to Geelong and the Bellarine is expected to grow significantly over the next 15 years. To cater for this growth and the existing demand, Urban Enterprise undertook tourism development forecasts for accommodation to 2030. These show a demand in rural areas of between 330 to 550 accommodation sites/units on the Bellarine and 2 to 4 rooms in northern Geelong (Table 6). This represents around 22% of accommodation growth across the region.

UE provided guidance on the typologies of accommodation mix anticipated in specific rural areas based on gaps in the market and industry consultation. This also takes consideration of development viability (i.e. expected room needs) and benchmarking with other similar markets.

**A summary of findings for the Tourism Profile is set out on pg 14 of this report.**

2. In principle advice on the types of industry uses suitable for rural areas.

Due to industrial and warehouse proposals being changed from prohibited to discretionary in the rural area advice was sought from UE on the types of applications that may now be expected in these areas and whether there is any demand in the business community. UE analysed business start up data in rural areas and historic permit information; as well as consulted with the business industry. The key findings were:

- There has been minimal commercial and industrial development in rural zones over the past 15 years. Commercial uses are generally connected to the agricultural industry. The lack of development reflects the zone provision constraints prior to VC103.
- Aquaculture is considered an emerging industry in the region with three permits for new aquaculture facilities granted.

UE were not able to provide any evidence of specific needs in rural areas. UE did provide some high level recommendations for Council to consider such as the drivers for business development in rural areas; and potential location based recommendations and implications (pg 19).

3. Recommend high level siting and design planning guidance for discretionary uses.

UE were asked to provide options on high level siting design criteria to assist the preparation of LPP for discretionary uses, including for:

- accommodation (camping and caravan park, group accommodation, residential hotel);
- tourism activities (place of assembly, including function centre, conference centre, art gallery and museum, and restaurant); and
- commercial (industry, warehouse, landscape garden supplies, market).

UE were able to outline an extensive range of criteria that could be considered by Council and has been used to benchmark and inform the LPP detailed in Section 5 (**See Appendix 2**). Key themes for the advice includes:

- Location and context
- Design and built form
- Access
- Additional detail for camping and caravan parks including: facilities; topography, drainage, soils and vegetation; coastal or fire constraints; visual impact; internal design; amenity; and services.

### **Consultation**

To test the policy positions, consultation on the principles of the policy was held from 10 July until 7 August 2015. The engagement sought input from the community on the issues around managing growth in rural areas that were formulated from the issues identified from council and UE research.

The response rate was low with only 12 responses received. Website statistics revealed that over 100 people accessed the consultation website.

- Overall the responses were generally supportive of the Council position, although there were a number of concerns raised by respondents.
- Only the response from St Quentin was fundamentally opposed to the Council approach in that it is too restrictive of development.
- Some, including Victoria Farmers Federation expressed a strong concern for allowing even more flexibility in rural areas and the potential impacts on the right to farm and the threat to agricultural operations.

### **Overview of changes to the LPP.**

**Local Planning Policy be amended as follows:**

- **Amend Clause 22.06: Tourism and Function Centre Development in Rural Areas**
- **Prepare a new Clause 22 Policy: Discretionary Uses in Rural Areas**

## Summary of amendments to Clause 22.06

### Clause 22.06: Tourism and Function Centre Development in Rural Areas

#### Retain basis of existing policy

- Much of the existing policy directions are to be retained, including the overall objectives to protect productive agricultural land and rural landscape character, including maintaining non-urban settlement breaks.
- Continue to support tourism development, but continue to require that most development only occurs when the property also has an existing agricultural use on the site (an 'in conjunction' / 'associated with' test). For example at a winery.
  - Some flexibility is proposed for the policy to allow consideration or sequential test for when some uses may be considered by Council outside of the 'in conjunction' / 'associated with' test.
- Continue to avoid uses that are sensitive to noise, dust and odour impacts that are produced from farming; as well as not allowing uses that themselves could impact on the operation of farming.

#### New and amended policy

- Restructure of the policy for clarity and better ease of use.
  - Amend policy basis to reflect changes to the remainder Clause 22.06.
  - Add to Objectives.
  - Layout changed to be similar to existing Clause 22.01, including the addition of sub headings to direct user to the relevant parts of the policy.
  - Remove unnecessary text or create consistency of terminology.
- Encourage expansion of the types of tourist accommodation available in rural areas to meet what is needed by the tourism market.
- Manage the scale of development and ensure that development does not resemble a scale that would be expected in an urban area.
- Clarify how to manage the design, appearance and location of buildings so these blend into the rural landscape.
  - Provide advice on the type of design that would be expected for a residential hotel and group accommodation in a rural area (i.e. avoid large footprint buildings).
- Make sure the right level of services are provided and that roads are capable of handling traffic volumes for a development.
- Include design and location measures that discourage permanent resident camping and caravan parks in the rural area.
- Provide application requirements for development, including specific management plans that may be required for uses such as camping grounds and function centres and other accommodation.

A track changes version of the amended Clause 22.06 is included in Annex 4

### Managing demand and growth in Rural Areas.

In 2012 Victorian Competition and Efficiency Commission's enquiry into Victoria's tourism industry promoted the unlocking of tourism development in Victorian and led to VC103. However, this is considered more appropriate to rural areas that are more isolated and have limited tourism and population growth occurring. This is not the case for Geelong where the tourism sector continues to grow and significant demand is projected to 2030.

A key consideration is how to manage the growth of tourism demand, particularly in response to the changes that were brought about by VC103. Most of this tourism growth is directed to Central Geelong and other townships where there is existing capacity and a settlement strategy that caters for future growth.

For Geelong the existing Clause 22.06 requires that tourism uses “will be ancillary to and associated with an existing farming activity on the property”; for example accommodation at a winery. This is based on the RLUS and community expectations. For Geelong this policy requirement continues to be an important mechanism for managing development in rural areas and should be retained. Removing the requirement would risk allowing uncontrolled and over development, which could lead to the fragmentation of land and the ability to use it for farming. While this does not meet with the expectations of VC103, Geelong is considered to be unique and warrants the continuance of this policy position. The ‘associated with’ test recognises Council’s existing policy in the RLUS and LPS.

Some flexibility is recommended for Clause 22.06 to allow a consideration test for when some uses may be considered by Council outside of the ‘associated with’ test. This recognises that there may be some locations that would support additional tourist development, or the impacts on the rural area are diminished. For instance, in strategic tourist sites on identified tourist areas, or where there is already a cluster of some tourist development. It also considers the establishment of one off developments if the circumstances of the use provide justification to support the use in a rural area over an urban location. All other requirements of the policy will still need to be met, such as appropriate siting and design.

The amended policy position also recognises the advice from UE that highlighted there is currently a limited diversity of accommodation typologies available in rural areas. Currently the focus is on the family market based on camping and caravan parks. There is a need to expand on this market to improve the accommodation offer to increase overnight stays and attract people from further afield.

### **Camping and caravan parks**

Clause 22.06 sets out design controls to manage camping and caravan parks to ensure they cater for the tourism market only. Camping and caravan parks that result in long term or permanent housing accommodation risk resulting in quasi urban extension or urban extensions by stealth. Not only does this risk the City’s settlement strategy it can also lead to social problems due to the sites catering for low income and disadvantaged members of the community that are isolated from services.

Based on research of Planning Panel and other VCAT decisions, particularly for Mornington Shire, it is possible to control design and how the camping and caravan parks are designed. **Advice on expected design for camping and caravan parks is provided on pg 37.**

## New clause for discretionary uses in rural areas

### Clause 22 Policy: Discretionary Uses in Rural Areas

#### Summary of policy

- Discourage uses such as industry, trade supplies retail, markets, schools and most community uses that could reasonably be provided in urban areas; and
- Discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community.
  - These should generally occur in an urban area where there is better transport accessibility and connection to services and other community facilities.
  - An adequate supply of land is already planned for these uses through urban zones.
- Allow an exception for uses that cannot be catered for in an urban area and there are unique circumstances as well as:
  - Development is of a scale to support the local population
  - Development will not result in an unreasonable loss of productive agricultural land
  - Existing agricultural activity on adjoining land will not be compromised.
  - The scale of development complements and respects the rural landscape character. Development is not visually dominant and impacts can be mitigated.
  - The site is appropriately serviced by roads and other infrastructure.

**The policy does not apply to agriculture, tourism or accommodation uses.**

State and local policy generally does not provide for non-agricultural uses in rural areas. In particular Clause 21.07-5 (Rural Areas) of the LPPF seeks to minimise non agricultural uses in rural areas. These uses should be directed to urban areas where there is an appropriate level of municipal infrastructure services and good transport connectivity. To ensure that development is planned in the right locations an adequate supply of land is zoned for industrial, commercial and community purposes in urban areas. This is part of the Council settlement strategy. The encroachment of non-agricultural uses into rural areas should be discouraged.

It is acknowledged that there may be some circumstances where a use may be more suited to the rural area than an urban location. This is reflected in the policy where the use supports the local rural population and it can be demonstrated that options to consider the use in an urban location have been exhausted. Similar to Clause 22.06 the use would need to show that it would not impact on the productive capacity of rural land, existing agricultural activity or rural landscape character. The policy does not apply to agricultural, tourism or accommodation land uses.

# 1. INTRODUCTION

In 2013 the State Government changed the rules on the types of development that can occur in rural areas through *Victoria Planning Provisions and Planning Schemes by Amendment VC103* (5 September 2013). The changes were made to the rural zones to allow for:

- more flexibility for farmers and land owners;
- greater support for business,
- encouragement for tourism; and
- greater flexibility of land uses.

A number of changes were made to both the Farming (FZ) and Rural Conservation (RCZ) zones (Figure 1). This review focuses on the types of land uses that are applied through the zones and whether they are as of right, only allowed through a permit application (discretionary), or prohibited. Under VC103 a number of uses were changed from being prohibited to discretionary this changed the nature of what can potentially occur in these zones. Discretionary use changes relate to some accommodation, retail, industry, schools and community uses.

A detailed summary of the changes made to the zones is provided in Section 2.

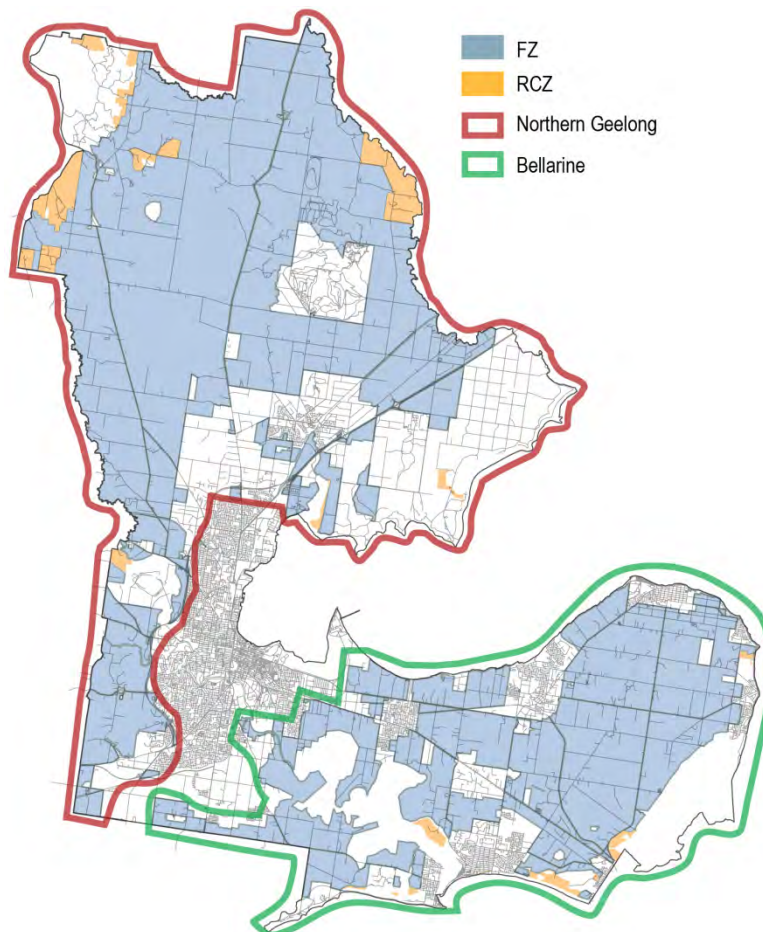


Figure 1. The Farming and Rural Conservation zones for the Geelong rural area.

## **The need for a review**

The Local Planning Policy Framework (LPPF) of the Greater Geelong Planning Scheme sets out a series of Local Planning Policies (LPP) that give Council the ability to state its intentions on a planning issue or a specific area. The LPPs guide decision making on planning permit applications and help the community understand how Council will consider a proposal. The Planning Scheme includes a LPP for *Tourism Development in Rural Areas* (Clause 22.06). Due to changes brought about by Amendment VC103 there is the potential for a number of permit applications to be received for the new discretionary uses. At present there is a gap in the LPP to guide this decision making process. Council should prepare new local policy(ies) and review existing policies to address the changes introduced by VC103.

The scope for the review includes:

- Consideration for how the discretionary uses can be effectively managed to avoid the proliferation of accommodation buildings and development that could substantially impact on rural character and the productive capacity of the land. The review will assess the outcomes of Amendment VC103 and recommend what amendments and/ or further policy is needed.
- Preparation of a policy position for the non-rural land uses that have been made discretionary in the rural zones, having regard to the differences between rural areas in the north and on the Bellarine Peninsula.
- Determination of the current and future needs of tourist accommodation in rural areas based on research and analysis of trends and likely demands.
- Development of appropriate planning controls and application requirements, including locational and siting design criteria for discretionary land uses.
- Preparation of LPP/ amended LPP to implement the findings of the review.
- Consultation with stakeholders during the project, including Councillor and stakeholder engagement.

What is not included in the review:

- The review does not consider the subdivision or development of land for residential purposes. This is managed through *Clause 22.05: Agriculture, Rural Dwellings and subdivision*.
- The Rural Living Zone makes up part of the rural area, but is not included in this review; neither is the related *Clause 22.04 Discretionary Uses in Rural Living and Low Density Residential Areas*.
- Changes to the way agricultural uses are allowed for and applied under the FZ and RCZ.
- Changes or a review of the existing Rural Land Use Strategy(2007)

## 2. POLICY BASIS

### Introduction

The following section provides a summary of the State and local policy that is relevant to the current review and has an influence on the amendment to LPP.

### Amendment VC103

The reformed rural zones were introduced into the Victoria Planning Provisions and planning schemes by Amendment VC103, gazetted on 5 September 2013.

The reformed rural zones have generally relaxed the number of uses that can be considered in the rural zones and reduced many of the conditions previously required to be met. Principle changes are to:

- **provide flexibility for farmers** by allowing for the sale of farm produce without the need for a planning permit and removing restrictions on the sale of processed produce. For example, an olive farmer can sell bottled olive oil to complement the sale of fresh olives;
- **support business** by removing the prohibitions on complementary business uses, such as landscape gardening supplies;
- **encourage tourism** by reducing or removing permit limitations in the Farming Zone and Rural Conservation Zone relating to tourism uses, enabling applications to be considered on their merits; and
- **provide greater flexibility** for councils to consider previously prohibited land uses, reflecting the government's election commitment to permit schools in urban fringe and rural areas.

Changes to the existing Farming Zone include:

- a new purpose statement promoting the retention of employment and population to support existing rural communities;
- reducing the restrictions for alterations and extensions to dwellings and farm buildings;
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved;
- making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses;
- removing the prohibition on group accommodation, landscape gardening supplies, market, trade supplies, warehouse, industry and primary and secondary schools;
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit;
- removing the 'in conjunction' within agriculture requirement which restricts uses such as group accommodation, residential hotel and restaurant;
- removing other conditions which restrict uses such as group accommodation, place of assembly, store and transfer station; and
- removing permit requirements for uses such as primary produce sales, rural industry and rural store.

A number of the changes to the Farming Zone have been also carried over to the Rural Conservation Zone; although the changes to the land uses are less extensive. Key changes that have not been carried over include:

- Removing the permit requirements for Primary Produce Sales, Rural Industry and Rural Store; and

- Camping and caravan park, Industry, Warehouses and Leisure and Recreation uses have not been made discretionary uses and remain prohibited.

A summary of the key changes that have been made discretionary under VC103 in the FZ and RCZ are outlined in Table 1.

Table 1: Land uses made discretionary in the FZ and RCZ.

Use	Farming Zone	Rural Conservation Zone.
<b>Accommodation – Permit required (previously prohibited)</b>		
Camping & caravan park	✓	x
Group accommodation <sup>1</sup>	✓	✓
Residential hotel <sup>1</sup>	✓	✓
<b>Retail Premises - (previously prohibited)</b>		
Landscape gardening supplies.	✓	✓
Trade supplies	✓	x
Restaurant <sup>1</sup>	✓	✓
Market – <i>unless a community market</i>	✓	x
<b>Industry – Permit required (previously prohibited other than transfer station)</b>		
Industry	✓	x
<b>Warehouse - Permit required (previously prohibited)</b>		
Warehouse	✓	Freezing and cool storage only
<b>Education Centre - Permit required (previously prohibited)</b>		
Primary school, secondary school	✓	✓
<b>Place of assembly – Permit required (other than amusement parlour, night club, carnival &amp; circus).</b>		
Place of assembly <sup>2</sup>	✓	x
<b>Leisure and Recreation – Permit required (previously prohibited)</b>		
Motor sport.	✓	x
<b>Not specifically listed/ other use - Permit required (Previously prohibited).</b>		
Earth and energy resources	✓	✓
Pleasure boat facility	✓	✓
Transport terminal	✓	x
Display home	✓	✓
Helicopter landing	✓	✓
Hospital	✓	✓
Natural systems	✓	✓
Research centre	✓	✓
Service station	✓	✓
Saleyard	✓	✓
Veterinary centres	✓	✓

Notes:

1. Was prohibited, but there was the potential to consider if also associated with a rural use on the site.
2. Was prohibited, but there was the potential to consider if the facility was used a maximum of 10 days in a year.

## **Rural Land Use Strategy (2007). (RLUS)**

Rural areas are highly valued by the Geelong community and help with the continued economic prosperity, liveability and amenity of the whole municipality.

The RLUS sets out that there is around 55,000 hectares of land farmed at a commercial level across Geelong by around 300 producers. Geelong's rural areas cover a range of agricultural practices, such as animal grazing and production, dairy and poultry; vegetable, grain and flower growing; intensive horticulture in greenhouses and hydroponics; viticulture; and horse and dog breeding. Compared to other areas of rural Victoria agriculture is generally smaller scale and on smaller landholdings; particularly on the Bellarine.

Most of the rural land around the municipality is of Class 3, or moderate agricultural quality. Better quality land of class 2 (high agricultural quality) can be found on the northern side of the Bellarine Peninsula, and around Lara.

Geelong has a diversity of natural, environmental and scenic assets of significance, with:

- over 100 waterways and wetlands, some of which are recognised internationally;
- rocky reefs, sandy beaches and steep cliff faces in coastal areas;
- the Brisbane Ranges National Park and You Yangs Regional Park; and
- unspoilt rural areas, with their long sweeping views of rural land use against a backdrop of coastal areas.

Many people wish to live in and visit the rural area where they can appreciate these features.

The RLUS emphasises that the city's "unspoilt" rural areas can be quickly eroded by poor, out of character tourism developments. It seeks to ensure that the predominant use of the land be retained for agriculture. Preserving and enhancing the productive capacity of the land, the rural farmed landscape and environmental condition of rural areas are key aspects of the policy. Maintaining a distinct separation between urban and rural areas with clearly defined urban areas is of particular importance.

The strategy recognises that other uses need to be accommodated in rural areas through the application of definitive policy and locational and siting criteria. Tourism is recognised as an important part of the Geelong economy, which has a strong interrelationship to rural character, amenity and the coastal environment. The current policy provides for tourism and accommodation uses to be ancillary to or associated with farming activities. Large scale tourism is only supported through a planning scheme amendment process for uses that are not suited to an urban area, there is an identified regional demand and a number of other requirements are met.

The RLUS was implemented in the local planning policy through amendment C129 (Part 1) and is primarily recognised through the following clauses:

1. Municipal Strategic Statement – Clause 21.07-05 – Rural areas.  
Clause 21.07-06 – Tourism in rural areas
2. Local Planning Policies: Clause 22.04 – Discretionary uses in rural living and low density residential areas.  
Clause 22.05 – Agriculture, rural dwellings and subdivision.  
Clause 22.06 – Tourism development in rural areas.  
Clause 22.07 – Racing dog keeping and racing dog training.

## **The Bellarine Peninsula Localised Planning Statement (LPS) (September 2014)**

The LPS was adopted by Council in September 2014, but is yet to be formally incorporated into the Greater Geelong Planning Scheme by the Planning Minister.

The LPS recognises the Bellarine Peninsula as a highly valued area with a strong economic base linked to agribusiness and lifestyle that, combined with the proximity to Melbourne, is coming under more pressure for growth and change. Key objectives and strategies of the LPS are to:

- protect and enhance the rural and coastal environment and scenic qualities of key landscape features and maintain non-urban breaks;
- support the ongoing use of rural land for agriculture and to preserve the open farmed landscape, including discouraging intensive agriculture activities or industry that would have an adverse impact on the rural landscape;
- preserve and maintain the ecology of environmentally significant coast, wetland and vegetated areas; and
- support and encourage diverse and sustainable tourism as a key economic activity in rural areas where it complements and respects the farmed rural landscape, does not impact on existing farming activities and contributes to the local economy.

## **Victorian Coastal Strategy 2014**

The Victorian Coastal Strategy 2014 (VCS) provides critical policy direction for development in coastal areas. The Strategy is implemented through the 'Hierarchy of Principles' and is included in the State Planning Policy Framework to guide planning and decision making:

4. Ensure the protection of significant environmental and cultural values;
5. Undertake integrated planning and provide clear direction for the future;
6. Ensure the sustainable use of natural coastal resources; and
7. Ensure development on the coast is located within existing, modified and resilient environments where the demand for development and any impacts and managed sustainably (only when the above principles have been considered and addressed).

The VCS considers the consequences of changes to rural zones. The need for quality tourist development matched to demand and market need is acknowledged, however, strong policy support still exists for maintaining non-urban breaks between coastal settlements, avoiding linear urban sprawl along the coastal edge and into the hinterland; and ensuring best practice sustainable building and design.

Decision criteria for siting new tourism developments include the following:

1. Coastal recreation and tourism developments are sustainable and equitable, and respond to an identified demand
2. Private land is the preferred location for new tourism developments on the coast
3. Plans for visitor and tourist developments outside settlements must take into account:
  - a. Significant landscapes, ensuring that developments do not compromise the broader 'open space' characteristics of the coast;
  - b. Protection of non-urban breaks between settlements and their significant values including areas of environmental and heritage sensitivity;
  - c. Ensuring that tourism developments do not become new settlements or create linear coastal development;
  - d. Impact on agricultural productivity of the area;
  - e. Sensitive areas to be protected from damage and the introduction of pests and weeds;
  - f. Best practice ecologically sustainable building and design standards to address overall impacts including waste, access, services, traffic (including cumulative impacts) and economic benefits.

Direction is provided for Councils and regional bodies to undertake strategic planning to identify opportunities and preferred locations for such visitor and tourist facilities and infrastructure. This includes planning for a range of markets including emerging mass type/scale as well as more 'boutique' eco-tourism opportunities.

## Planning Scheme Policy – State and Local

A summary of the key policy directions of the Greater Geelong Planning Scheme are set out in tables 2 – 4, including the SPPF, LPPF and rural zone purpose statement.

Table 2. State Planning Policy Framework (SPPF)

<p><b>11. Settlement</b></p> <p><b>11.05 Regional Development.</b></p> <ul style="list-style-type: none"> <li>• 11.05-03. <u>Rural Productivity</u>. To manage land use change and development in rural areas to promote agriculture and rural production. (Prevent inappropriate urban)</li> <li>• 11.05-05. <u>Coastal Settlement</u>. Avoid linear urban sprawl. Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.</li> </ul> <p><b>11.07 Geelong (G21) regional growth.</b></p> <ul style="list-style-type: none"> <li>• 11.07-3. <u>Connected Communities</u>. Maintain settlement breaks between towns and a significant break with Melbourne.</li> <li>• 11.07-05. <u>Agricultural Productivity</u>. To secure food, water and energy resources. Support new opportunities for farming and protect and enhance farming and natural assets. Protect critical agricultural land by focussing development to existing township areas and directing growth to towns which provide rural services.</li> <li>• 11.07-07. <u>A diversified economy</u>. To build the region's economy. Support diversity in the region's economy that builds on its competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.</li> </ul>
<p><b>12. Environmental and landscape values</b></p> <p><b>12.02 Coastal Areas</b></p> <ul style="list-style-type: none"> <li>• 12.02-1. <u>Protection of coastal areas</u>. To recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.</li> <li>• 12.02-2. <u>Appropriate development of coastal areas</u>. To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.</li> <li>• 12.02-4. <u>Coastal tourism</u>. To encourage suitably located and designed coastal and marine tourism opportunities. Ensure tourism developments demonstrate a tourist accommodation need and support a nature based approach within non-urban areas. Ensure developments are of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural visual, environmental and coastal character.</li> </ul> <p><b>12.04 Significant environments and landscapes</b></p> <ul style="list-style-type: none"> <li>• 12.04-2 <u>Landscapes</u>. To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.</li> </ul>
<p><b>13. Environmental Risks</b></p> <p><b>13.04 Noise and air.</b></p> <ul style="list-style-type: none"> <li>• 13.03-1 and 13.03-2. <u>Noise abatement. Air quality</u>. To assist the control of noise effects on sensitive land uses. To assist the protection and improvement of air quality.</li> </ul>
<p><b>14. Natural Resource Management</b></p> <p><b>14.01 Agriculture</b></p> <ul style="list-style-type: none"> <li>• 14.01-1. <u>Protection of agricultural land</u>. To protect productive farmland which is of strategic significance in the local or regional context. Protect from unplanned loss. Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.</li> <li>• In considering a proposal to subdivide or develop agricultural land, the following factors must be</li> </ul>

considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
  - The compatibility between the proposed or likely development and the existing uses of the surrounding land.
  - Assessment of the land capability.
- 14.01-2. Sustainable agricultural land use. To encourage sustainable agricultural land use. Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.

## **17. Economic Development**

### **17.01 Commercial**

- 17.01-1. Business. Locate commercial facilities in existing or planned activity centres.

### **17.02 Industry**

- 17.02-1. Industrial land development. To ensure availability of land for industry.
- 17.02-1. Design of industrial development. Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards. Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

### **17.03 Tourism**

#### 17.03-1. Facilitating tourism.

- To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.
- Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport and are compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

## **19. Community Infrastructure**

### **19.01 Community Infrastructure**

#### 19.01-2. Education facilities

- Locate primary education facilities to maximise access by walking and cycling.
- Locate secondary and tertiary education facilities in areas which are highly accessible to public transport.
- In planning for the location of education facilities, consideration should be given to demographic trends, the existing and future demand requirements and the integration of facilities into communities.
- Ensure areas near to education facilities, adjoining streets and accessways are designed to encourage safe bicycle and pedestrian access.
- Develop libraries as community based learning centres.
- 19.02-3. Cultural facilities. Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres, at Principal and Major Activity Centres.

Table 3. Municipal Strategic Statement and Local Planning Policy Context. Key policy relating to this review are underlined for emphasis.

<p><b>21.05: Natural Environment</b></p> <p><b>21.05-4. Coastal Environments.</b></p> <ul style="list-style-type: none"> <li>• Focus urban coastal development within existing urban settlements.</li> <li>• Prevent lineal urban sprawl along the coast.</li> </ul>
<p><b>21.07: Economic Development and Employment</b></p> <p><b>21.07-2. Industry.</b></p> <ul style="list-style-type: none"> <li>• Focus new industrial development around major transport routes and infrastructure assets.</li> <li>• Ensure all industrial development is appropriately serviced by road, drainage, water, sewerage and telecommunications infrastructure</li> <li>• Direct materials recycling industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.</li> </ul>
<p><b>21.07-3 Retail</b></p> <ul style="list-style-type: none"> <li>• To facilitate the development of vibrant and viable retail activity centres in accordance with the Geelong Retail Activity Centre Hierarchy included at Clause 21.07-8. (<i>Influence</i>)</li> <li>• To ensure all major retail developments, and out of centre developments, provide a clear net community benefit. (<i>Objective</i>)</li> <li>• Direct restricted retail (bulky goods) use and development to Central Geelong, the nominated homemaker precinct at Waurm Ponds, the Corio homemaker precinct subject to appropriate re-zoning and other homemaker precincts and activity centres as detailed in Clause 21.07-8. (<i>Strategy</i>)</li> </ul>
<p><b>21.07-4. Economic growth sectors.</b></p> <ul style="list-style-type: none"> <li>• Support the development of seafood and aquaculture industries in appropriate locations, particularly in North Geelong, Portarlington and Avalon.</li> <li>• <u>Support the development of food, horticulture and viticulture industries in appropriate locations, particularly on the Bellarine Peninsula.</u></li> </ul>
<p><b>21.07-5. Rural Areas</b></p> <p>Objectives</p> <ul style="list-style-type: none"> <li>• To support the use of the northern, western and southern rural areas for productive agriculture.</li> <li>• To ensure that rural areas provide an attractive setting through the preservation of a farmed rural landscape.</li> <li>• To protect and enhance the Bellarine Peninsula as a productive rural area with highly significant landscapes based on farming and environmental features.</li> </ul> <p>Strategies</p> <ul style="list-style-type: none"> <li>• <u>Maintain rural land in large and productive parcels</u>, in accordance with the schedules to the farming zones.</li> <li>• <u>Minimise non farming land uses</u> in rural areas.</li> <li>• Ensure that any <u>non farming land uses will not compromise farming activity</u> in the area.</li> <li>• Ensure development in rural areas <u>respects the farmed landscape character</u>, particularly significant landscapes identified through the Coastal Spaces Landscape Assessment Study.</li> <li>• Ensure that new dwellings do not compromise the productive potential of land and are associated with the productive agricultural use of the land.</li> <li>• Encourage agricultural development with export potential and specifically encourage aquaculture</li> </ul>

and horticulture activities in the rural areas around Avalon Airport.

**21.07-6 Tourism in rural areas**

Objectives

- To support tourism development in rural areas that respects the open farmed landscape of the area, and contributes to the economy.

Strategies

- Within the Bellarine Peninsula rural areas, support appropriately scaled, high quality, landscape responsive tourism uses that are subservient and complimentary to their rural landscape and environmental setting and are associated with agricultural activity on the land.
- In all other rural areas support tourism uses and developments in the Farming Zone that are associated with agricultural activity on the land.
- Support a limited number of larger scale rural based tourism development within rural areas that require rezoning.
- Direct major accommodation facilities to urban areas.

**21.14. The Bellarine Peninsula**

Objectives

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.

Strategies

- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks or longer term growth opportunities.
- Direct bulky goods retailing and industrial development to existing and future areas as identified in Structure Plan maps included in this clause.

Table 4 Purpose of the Farming Zone and Rural Conservation Zone.

<p><b>Farming Zone</b></p> <p>Purpose</p> <ul style="list-style-type: none"> <li>• To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>• To provide for the use of land for agriculture.</li> <li>• To encourage the retention of productive agricultural land.</li> <li>• To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</li> <li>• To encourage the retention of employment and population to support rural communities.</li> <li>• To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</li> </ul>
<p><b>Rural Conservation Zone</b></p> <p>Purpose</p> <ul style="list-style-type: none"> <li>• To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>• To conserve the values specified in a schedule to this zone.</li> <li>• To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.</li> </ul>

- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

### General comments on SPPF

- There were no changes made to the SPPF under VC103 that would have an implication for the Greater Geelong rural area.
- The recommendations made in *Rural Zones Report, Reformed Zones Ministerial Advisory Committee* prior to VC103 sought a strategy be added to Clause 11.05-1 for 'regional settlement networks' to 'Retain population and employment in rural areas to support rural communities.' The final planning scheme adopted by the Planning Minister did not include this statement in the SPPF; however was incorporated into the Farming Zone purpose statement.

The purpose statement for the Farming Zone seeks to require the retention of employment and population to support rural communities. This is likely to have greater relevance to more isolated rural areas in Victoria. Most rural areas in Geelong would be no more than 30 minutes drive of the Geelong urban area and townships. Some areas of Geelong are planned to support large increases of housing as well as employment growth in identified growth areas over the next 25 years. This includes the Bellarine Peninsula townships or Ocean Grove, Drysdale/ Clifton Springs and Leopold. As such there is not the loss of population that is occurring in the more isolated rural areas across Victoria where VC103 is seeking to retain and promote employment growth. This change to the purpose statement is therefore not considered to have an influence on Geelong and the current review.

- The protection of coastal landscapes and biodiversity is well established through the MSS and SPPF and informed by the Victorian Coastal Strategy.

### Tourism uses and rural areas

- There is a clear policy direction set out in the MSS for supporting tourism uses in rural areas through Clause 21.07-6, which addresses tourism development for both the 'Bellarine Peninsula rural areas' and 'other rural areas'.
- A distinction is made in the policy between the 'Bellarine Peninsula rural areas' and 'other rural areas'. Essentially the policy requires landscape characteristics on the Bellarine Peninsula to be taken into account. This should be broadened to includes the assessment of landscape characteristics in all rural areas. There should be no distinction in the MSS as landscapes that are important in other areas (i.e. You Yangs, Brisbane Ranges).

These changes, including changes for consistency are set out in the tracked changes version of Clause 21.07 in Appendix 1.

### Place of assembly

There are no direct policies relating to places of assembly for rural areas. Under the SPPF (19.02) the policy is to create opportunities for communities to access social and cultural infrastructure. All social and cultural infrastructure is generally directed to activity centres or should be located where there are identified gaps and need.

### **Industry land and warehouses.**

There is limited or no policy outcomes for the provision of standalone industry land within rural areas; either in support or not. Only Clause 21.07-4 which relates to the development of primary industry including seafood and aquaculture; as well as food, horticulture and viticulture.

Overall the focus for industry strategy and policy is to provide adequate supply that is appropriately located and essentially directed to industrial areas where the conflicts and amenity impacts can be managed.

### **Retail / trade supplies / landscape gardening supplies**

There is no specific policy to support standalone retail units in rural areas. The strategy and policy generally directs retail to Central Geelong and other centres to reflect the centre hierarchy. Under Clause 21.07-3 out of centre developments are to provide a clear net community benefit and bulky goods are to be directed to Central Geelong or nominated homemaker precincts.

Clause 21.14 for the Bellarine Peninsula directs bulky retail and industrial land uses to the key areas as identified in structure plans.

### **Leisure and recreation**

There are no direct policies relating to leisure and recreation for rural areas (other than conservation areas/ national parks etc).

Under the SPPF (11.03) and the MSS (21.08) the policy is essentially to ensure that for open space provision, a diverse and integrated network of open space is available to cater for all within the community and address areas of undersupply.

### **Education**

Providing for education facilities in rural areas appears to be at odds with the SPPF for education, where this seeks to locate facilities near to pedestrian and cycling networks and have consideration of demographics and future demand.

## 3. BACKGROUND ADVICE – URBAN ENTERPRISE

### Introduction

Urban Enterprise (UE) were commissioned by Council to provide expert advice and background research to support the preparation of planning policy to address the VC103 changes. Advice was sought on the following three deliverable areas:

1. Analysis of existing and future economic conditions for tourism accommodation in Greater Geelong rural areas;
2. Provide in principle advice on the types of industry uses suitable for rural areas; and
3. Recommend high level siting and design planning guidance for discretionary uses.

Urban Enterprise were also commissioned by Tourism Greater Geelong and The Bellarine (TGG&B) to review the Great Ocean Road Destination Management Plan and prepare a *Tourism Development Strategy (TDS)* for the Greater Geelong and the Bellarine Region (City of Greater Geelong, Borough of Queenscliffe and part of Golden Plains Shire). With UE undertaking both projects this allowed the projects to be run concurrently with background information and consultation being able to draw on both projects to thereby result in a better outcome.

The methodology employed by UE included consultation and workshops to allow them to better understand rural development drivers and opportunities. The following consultation was employed:

- CoGG Strategic and Statutory Planning Teams and Enterprise Geelong Officers;
- Tourism Greater Geelong and Bellarine;
- Key commercial and tourism business operators and investors operating in Geelong's rural areas

UE delivered a completed report in June 2015 *Non Rural Uses in rural Areas Policy Review*. A summary of each of the outputs is provided below. These have been used to develop the policy outcomes set out in Section 5.

### **Output 1. Analysis of existing and future economic conditions for tourism accommodation in Greater Geelong rural areas;**

UE were required to research and analyse the trends and likely demand for tourism accommodation uses in rural areas; having regard to current demand and the future potential demand within urban or township areas and using the *Great Ocean Road Destination Management Plan* as a starting point.

The detail contained within the Great Ocean Road Destination Management Plan is too high level and broad brush to provide useful data for the rural policy review. Likewise, the emerging TDS breaks the tourism markets into six sub regions across the three local authorities. This is not specific enough to allow Council to distinguish between urban and rural tourism markets and specific types of accommodation in those areas UE were asked to:

- Quantify whether there is a shortfall or latent demand for tourism accommodation uses by type.
- Quantify the amount and type of accommodation needed to meet future demand for tourism activities in rural areas.
- Provide location specific data and a comparison between northern rural and southern/ Bellarine rural areas of the city.
- Provide justification of accommodation uses needed in rural areas (as a preference to urban or township areas).

During the course of the project it was found that there is a lack of data available to a specific local level to quantify the extent of latent demand. In part this was due to there being a limited base to start off with in terms of an existing market. Previous development was also noted as being potentially constrained by PreVC103 restrictions in rural areas. There is doubt about the ability to single out constraints of the previous zone given that there has been the opportunity to establish accommodation 'in conjunction' with agriculture (including wineries). There is likely to be a range of reasons that may influence development including commercial viability and influence of seasonality, a lack of a local market being located a distance from major centres and the influence of similar competition markets and desirability (i.e. Mornington). Future development is predicted to change the desirability for investment.

UE identified a growth projection for tourism across Geelong to 2030, this will in turn influence growth and need in tourism development and accommodation. UE provided a low to high projection estimation of tourist accommodation need to 2030. This was determined through a gap analysis and based on assumptions made by calculating needs for all of Geelong (urban and rural) and using a methodology of rural demand indicators to assess the amount of growth that could be attributed to rural areas.

UE also provided guidance on the typologies of accommodation mix anticipated in specific rural areas based on gaps in the market and industry consultation. This also takes consideration of development viability (i.e. expected room needs) and benchmarking with other similar markets.

Overall the lack of specific latent demand and location data has influenced how the LPP can be formulated and this is further outlined in Section 4. A summary of the UE findings are set out below.

### Summary of findings for the Tourism Profile

The Greater Geelong and Bellarine Peninsula Region is an important and unique tourism destination, attracting a diverse type of visitors across Victoria, interstate and international markets. Accordingly the tourism sector is an important contributor to Greater Geelong economy. The natural and rural amenity of the City is a key driver for tourism. The rural areas provide tourism experiences in natural settings, food and wine and accommodation that leverages off both the natural systems and agribusiness strengths of the City.

Overall the Greater Geelong and the Bellarine Region attracts around 5 million visitors annually; and Greater Geelong over three quarters of this visitation (4,226,368). Table 5 provides an estimation for the number and type of visitors annually to the Bellarine Peninsula and Northern Geelong areas (including urban)<sup>1</sup>. This equates to 37% and 4% of the visitation to Greater Geelong.

Table 5. Visitation to Northern Geelong and Bellarine 2014

	Bellarine Peninsula	Northern Geelong
<b>Number of Visitors Staying in Holiday Homes</b>	459,375	-
<b>Number of Visitors Staying in Paid Accommodation</b>	440,177	2,669
<b>Number of Visitors Staying with Friends and Family</b>	155,824	18,620
<b>Total Number of Overnight Visitors</b>	1,055,376	21,289
<b>Total Number of Daytrip Visitors</b>	494,278	135,988
<b>Total Number of Visitors</b>	<b>1,549,654</b>	<b>157,277</b>

<sup>1</sup> Visitation has been estimated by the Urban Enterprise Population and Visitor Estimator model (PAVE).

Key aspects of the tourism profile for Greater Geelong include:

- In 2014 there were 4,308 jobs due to the direct impact of tourist spending, which contributes 4.5% of the total employment for Geelong.
- The Geelong urban area drives more than one half of total visitation to the region, however, most of these visitors are day-trippers.
- Visitation to Geelong is strongly weighted to visiting friends and family and business compared to the Bellarine Peninsula which has a higher proportion of people visiting for holiday leisure.
- The Bellarine Peninsula attracts significantly more overnight visitors, or around two thirds of overnight visitors to the region.
- A large proportion of overnight visitation is generated by people staying in holiday homes or staying with friends and family.
- Wineries are the most significant tourism attraction in rural areas. There are 17 wineries in the rural areas which provide some form of tourism facilities (cellar door, restaurant, accommodation and/or function centre). 11 wineries provide a restaurant and or function centre. Only two wineries currently provide accommodation.
- Other tourism attractions or facilities include Fairy Park Anakie, Jirrahlingha Koala Sanctuary, A Maze n Games, the BARN function centre and Hotshots Paintball Anakie.
- Some major tourism uses are located within rural areas, but not in a farming or rural conservation zone. This includes Adventure Park Geelong (CDZ3), Thirteenth Beach Golf Course (CDZ1) and Flying Brick Cidery (RLZ).
- There is minimal provision of tourist accommodation in rural areas with the Big 4 Bellarine Holiday Park, Marcus Hill the only significant accommodation establishment<sup>2</sup>. Existing accommodation supply in rural areas include 6 self contained rooms, 66 cabins and 70 camping/ caravan sites.
- There are a limited number of farm gates with Tuckerberry Hill berry farm, Advanced Mussels and Drysdale Cheese being the major experiences.
- Camping grounds also operate on Crown Land in Portarlington, Indented Head and St Leonards, which are managed by the Bellarine Bayside Foreshore Committee of Management; and at Barwon Heads and Ocean Grove, which are managed by the Barwon Coast Committee of Management.
- Demand for accommodation in rural areas is expected to be driven by:
  - The emerging tourist product offer in the rural areas including a number of large tourism facilities which drive visitor dispersal from townships;
  - Increasing popularity of rural based activities (e.g. nature-based, outdoor recreation, food and wine experiences); and
  - Shifting accommodation preferences of key visitor markets for rural settings and immersive nature experiences.

### **Location drivers for rural tourism development**

- Views (particularly ocean views).
- Rural setting and character
- Linkage with a rural industry or natural system (e.g. winery, mussel farm or koala sanctuary)
- Highway location (particularly Bellarine Highway)
- Large space requirements

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<sup>2</sup> Swan Bay Caravan Park, Collendina Caravan Park and Pelican Shores Estate are located in the Farming Zone, but offer little or no short term holiday accommodation. Pelican Shores is effectively a residential subdivision.

## Future accommodation Estimates

Visitation to Geelong and the Bellarine is expected to grow significantly over the next 15 years. To cater for this growth and the existing demand, Urban Enterprise undertook tourism development forecasts for accommodation to 2030. These show a demand of between 330 to 550 accommodation sites/units on the Bellarine and 2 to 4 rooms in northern Geelong (Table 6) in rural areas. This represents around 22% of accommodation growth across the region. Table 7 sets out where there are gaps and opportunities for accommodation typologies across the rural area. This provides an indicative scale for the accommodation typology, The appropriate scale and design will need to be considered through the planning permit process.

Tourism growth is estimated as low, medium or high:

- Low – This method is based on historical growth rates of 1.2% pa, which is approximately 20% growth to 2030. Historical growth rates are considered to be relatively low
- Medium – This method utilises Tourism Victoria’s forecasts for Victoria. The expected growth of international visitation is 4.7% pa and domestic growth of 1.3% pa, which is approximately 25% growth to 2030.
- High – This method assumes that as the population grows, Geelong and the Bellarine’s market share would remain the same and would therefore grow in line with population growth of 33% to 2030.

Table 6. Rural accommodation needs to 2030 for Bellarine and Northern Geelong.

	Bellarine			Northern Geelong		
	Low	Med	High	Low	Med	High
<b>Visitor growth 2015-2030</b>	88,080	110,697	147,210	535	671	892
<b>Supportable Rooms (at 60% occupancy<sup>3</sup>)</b>	<b>665</b>	<b>+824</b>	<b>+1,096</b>	<b>+4</b>	<b>+5</b>	<b>+7</b>
<b>Rural rooms (at 50%<sup>4</sup>)</b>	<b>330</b>	<b>+400</b>	<b>+550</b>	<b>+2</b>	<b>+3</b>	<b>+4</b>

The future growth rates will be impacted by demand and business viability as well as planning and servicing requirements:

- Demand would be influenced by seasonality of the tourism market, a lack of a local market or desirability in the market in terms of competing markets (i.e. Mornington).
- Planning requirements in terms of conforming to rural character and landscaping costs, or the type of land use and development restrictions that are in place for the zones.
- Cost of servicing (i.e. sewerage treatment, upgrading roads), land banking, commercial rate requirements and operating costs can also have an impact.





<sup>3</sup> Average length of stay per visitor of 3.3 nights; average of 1.7 visitors per room; and average room occupancy of 60% across the year.

<sup>4</sup> Based on the key indicators for rural accommodation demand identified and the accommodation gap analysis undertaken for the Tourism Development Strategy, the portion of growth anticipated to occur in rural areas is approximately 50% of all future accommodation growth.

Table 7. Gaps and opportunities to expand accommodation typologies for the rural tourism accommodation market.

Type	Description	Need additional establishments to 2030)	(#	Indicative capacity (per establishment)
<b>Caravan and Camping Ground/Tourist Park</b>	There is already a large provision of this accommodation type across the region, however, the Geelong and Bellarine TDS identified an opportunity for an additional quality or branded tourist park in the northern Bellarine.	1-2		40-80 cabins / 60-120 sites
<b>Integrated Resort</b>	An integrated tourist resort which includes quality hotel style or self-contained accommodation as well as a number of other uses such as restaurant, conference centre, recreation, and spa and wellness. The only example of this on the Bellarine would be the 13th Beach Golf Resort or the BIG 4 Beacon Resort (Queenscliff).	1		80 - 120 rooms
<b>Quality Farm Stay</b>	Given the agricultural strengths of the region, quality farmstay accommodation is a key gap. The growing food and wine tourism market in the Bellarine is well matched with this accommodation type.	2-4		3-5 rooms
<b>Golf Course</b>	Golf is an emerging, high yielding market for the region and there is opportunity for other golf clubs to develop accommodation (only Thirteenth Beach Golf Club currently offers accommodation).	1		30 rooms
<b>Wineries</b>	There are a number of large, well known wineries which already have significant tourism uses (e.g. cellar door, restaurant, events and functions). The development of ancillary accommodation would be a natural step in their growing tourism position.	2-4		5-25 rooms
<b>Nature-based</b>	There are areas of the City with significant landscape and environmental value that would be suited to nature-based accommodation in nearby rural or rural conservation zones provided impacts can be appropriately managed or mitigated: -Brisbane Ranges; -You Yangs; -Lake Conneware; -Swan Bay; and -Appropriate coastal locations.	2-4		10-20 rooms

Table 8. Examples of Group Accommodation and Residential Hotel Typologies

Hotel	Description	Rooms
<p>Lindenderry, Red Hill</p> 	<p><b>Winery Accommodation</b></p> <p>Set within a winery, the facility includes a regionally renowned restaurant, function spaces, and recreational facilities.</p>	40
<p>The Lake House, Daylesford</p> 	<p><b>Residential Hotel set into the rural landscape</b></p> <p>Built around the regionally renowned restaurant, the Lake House includes a day spa and other recreational facilities.</p>	35
<p>RACV Resort, Inverloch</p> 	<p><b>Integrated Resort</b></p> <p>Provides a mixture of accommodation options including hotel rooms, villas, and camping sites. Provides a range of other facilities including conference centre, recreation and spa.</p>	98*
<p>The Odd Frog, Bright</p> 	<p><b>Nature Based Group Accommodation</b></p> <p>Five architecturally designed studios set amongst 10 acres of native bushland.</p>	5

## Output 2. Provide in principle advice on the types of industry uses suitable for rural areas.

High level advice was sought from UE to identify whether there were any specific types of industrial and warehouse uses that may, in principle, be suited to rural areas or have circumstances that would deem them appropriate in a rural location rather than an urban location. Examples may include a green waste recycling/ green waste to energy facility, or marine/ aquaculture processing. Due to industrial and warehouse proposals being previously prohibited in the rural area, officers were interested in obtaining advice on the types of applications that may now be expected and whether there is any demand in the business community. Overall this would assist officers in determining what, if any, policy may need to be developed to manage these types of uses.

UE analysed business start up data in rural areas and historic permit information, as well as consulted with the business industry. The key findings were:

- There has been minimal commercial and industrial development in rural zones over the past 15 years. Commercial uses are generally connected to the agricultural industry. The lack of development reflects the zone provision constraints prior to VC103.
- Aquaculture is considered an emerging industry in the region with three permits for new aquaculture facilities granted.

- Tourism related development attracted the highest number of permits demonstrating the growing tourism profile of the region *[analysed in output 1]*.

Overall UE were not able to provide any evidence of specific needs in rural areas. UE did provide some high level recommendations for Council to consider such as the drivers for business development in rural areas; and potential location based recommendations and implications. These are set out below. How this influences policy is discussed further in Section 4. It is noted that UE provided a location distinction between the Bellarine Peninsula and Northern Geelong; however this distinction is not carried over to the policy.

### **Key drivers for business development in rural areas**

Based on the analysis of businesses in rural areas, development trends, and discussions with businesses, the key drivers of business development in rural areas includes the following:

- **Coastal location.** Aquaculture is identified as an emerging industry in the region.
- **Land value.** Compared with Commercial and Industrial land, land in rural zones is generally cheaper.
- **Distance from sensitive uses.** Agricultural or industrial processing may require buffers from residential and often sensitive uses (e.g. broiler farm).
- **Highway exposure.** Key transport routes can provide significant exposure for retail and wholesale businesses.
- **Rural retail.** Retail which services a rural community such as agricultural or trade supplies does not necessarily need to be within a town centre. Locations on major transport routes and on the periphery of townships may be attractive locations for such businesses.
- **Large sites.** The availability of larger sites in rural areas compared with urban areas.
- **Existing land ownership.** Many businesses develop in the rural areas due to existing land ownership.

### **Location based findings and implications**

#### **Bellarine Peninsula**

There is a significant body of existing planning policy to protect the Bellarine from non-rural development, maintain non-urban breaks, encourage agricultural use of land, and preserve its appeal and economic value as a tourism destination, particularly within areas which are identified as significant landscapes in the Bellarine Localised Planning Statement and the Greater Geelong Planning Scheme.

#### *Bellarine Peninsula 'suitable' uses*

There are some specific economic development opportunities which are unique to the Bellarine and may be in principle supported with careful management of siting and design of buildings, as outlined below.

#### Shed based agriculture

Shed-based agriculture, particularly aquaculture, has been identified as a growth industry for the Geelong regional economy. Although there has been minimal development of the industry over the past decade there are some minor signs of industry growth.<sup>5</sup> In addition to the economic and employment benefits, the aquaculture industry also has potential to add to the tourism appeal of the region by building on its food reputation. These activities should be encouraged; however, the design and siting of buildings should not adversely affect the rural landscape character of the Bellarine.

#### Landscape gardening supplies, manufacturing sales, markets

There are a limited number of retail uses which have become permissible following VC103 including landscape gardening supplies, trade supplies, manufacturing sales, and markets (restaurants are considered in the Tourism Section). Some retail uses can potentially contribute to the rural character of the region and its tourism appeal, for example:

- Landscape garden supplies (in the form of a garden nursery);
- Manufacturing sales (e.g. sale of agricultural products); and
- Markets.

These uses may be suited, in principle, in the Bellarine rural areas if it is demonstrated that they are servicing a tourist market and contributing to the tourism profile of the region. Careful siting and design of any buildings will be required so the rural landscape character is not adversely impacted.

#### *Bellarine Peninsula* 'unsuitable' uses

Uses which have a significant landscape impact, not connected to a rural industry, and are more appropriate in an urban area should be discouraged, particularly within areas which are included in a Significant Landscape Overlay.

#### Industry and intensive agriculture

Industry uses or intensive agriculture (e.g. broiler farm, abattoir) which potentially have adverse amenity and landscape impacts should be discouraged on the Bellarine. Strict locational guidelines may include the following:

- Demonstrate there is demand for the industrial activity (e.g. transfer station, materials recycling) which cannot be met in the urban areas or elsewhere in the wider region outside of the Bellarine;

#### Trade supplies, warehouse and storage

Other retail uses such as trade supplies or warehouse and storage uses are better suited to urban areas. Strict locational guidelines may include:

- Demonstrate that there is a viable market [in the rural population] for the goods/services (e.g. passing trade, rural residents);
- Demonstrate that a large site is required which is not available/or suitable in a urban location;
- Is easily accessible to or located along a major road or highway; and
- Does not promote urban encroachment into rural areas.

#### Northern Geelong

Geelong's rural areas (outside of the Bellarine Peninsula) will continue to be maintained for agricultural use and non-urban breaks between settlements. There are also some significant landscape features which will continue to be protected from inappropriate development including the You Yangs and Brisbane Ranges.

Although agriculture will continue to be the major land use in the rural areas, there may be opportunity for other economic uses of land which:

- Is in small lots and/or of low agricultural productive capacity;
- Easily accessible from major roads and highways; and
- In close proximity to existing urban areas.

These uses may include:

- Rural industries and intensive agriculture which have amenity impacts and are not suited to an urban area or the Bellarine Peninsula such as intensive animal industries (broiler farms and abattoirs);

- Industry uses which are dependant or related to agriculture e.g. agricultural materials processing and value adding activities.
- Tourism uses which are linked to wineries, agricultural enterprises, and eco-tourism opportunities within proximity to the You Yangs and Brisbane Ranges.

The area surrounding the Avalon precinct may provide unique economic opportunities linked to the export potential of Avalon Airport. Further strategic work is required to establish the future role of the precinct, economic opportunities, and infrastructure requirements to unlock these opportunities (e.g. master planning process).

### **Output 3. High level siting and design planning guidance.**

UE were asked to provide options on high level siting design criteria to assist Council officers in the preparation of policy for discretionary uses, including for:

- accommodation (camping and caravan park, group accommodation, residential hotel);
- tourism activities (place of assembly, including function centre, conference centre, art gallery and museum, and restaurant); and
- commercial (industry, warehouse, landscape garden supplies, market).

UE were asked to analyse best practice of other tourism and rural policies and practices in other local authority areas as well as providing advice based on landscape assessment. UE were able to provide an extensive range of criteria that could be considered by Council; both general criteria and use specific criteria (See Appendix 2). This has been used to benchmark and inform the LPP detailed in Section 5. Key themes for the advice includes:

- Location and context
- Design and built form
- Access
- Additional detail for camping and caravan parks including: facilities; topography, drainage, soils and vegetation; coastal or fire constraints; visual impact; internal design; amenity; and services.

## 4. COMMUNITY ENGAGEMENT

### About the engagement

A period of community engagement was held from 10 July until 7 August 2015.

The engagement sought input from the community on the issues around managing growth in rural areas that were formulated from the issues identified from council and UE research. To facilitate discussion and responses an engagement brochure and response form was prepared. This outlined Council's intention to amend *Clause 22.06 Tourism Development in Rural Areas* of the Planning Scheme and to introduce a new policy for *Discretionary Uses in Rural Areas*.

### Community notification

The community was notified of the consultation via the following mechanisms:

- Advertisements placed in the Geelong Independent (10 July 2015); Geelong Advertiser (11 July 2015); Bellarine Times (16 July 2015); and The Echo (16 July 2015).
- Copies made available at the Customer Service Centres for Corio, 100 Brougham Street Geelong, Drysdale and Ocean Grove.
- Direct consultation to a range of stakeholders, including farming groups, tourism business operators and community groups.
- Distributed to members of the Geelong G21 Agri Business Forum.
- Made available to the CoGG Farming Advisory Committee.
- Placed on the Geelong Australia website with access to an online form to submit comments.

The community was able to submit comments via an online form, by post, by email or by hand to Customer Service Centres.

### Responses summary

- A total of 12 responses were received.
- Website statistics revealed that over 100 people accessed the consultation website.
- Four submissions were submitted online, with the remaining eight being sent by post or email.

Of the submissions received only half answered the question as to whether they agreed with the approach taken by Council to manage development in rural areas. These responses were split at four agreeing to the approach and three not agreeing; although one of the respondents who did not agree, did so on matters not relating to this review.

Overall the responses were generally supportive of the Council position, although there were a number of concerns raised by respondents. Only one was fundamentally opposed to the Council approach. Some expressed concerns that the approach may allow for too much potential development or flexibility provided. A number of comments or responses were made that are not relevant to this review.

A summary of the responses is provided below. The response from each individual respondent is summarised in Appendix 3.

### In support of the Council's position.

Most responses that supported the Council approach reiterated policy mechanisms that were included in the consultation brochure, including support for:

- Maintaining the green and open spaces of rural areas.

- Maintaining undeveloped natural places, such as the wetlands, coastal areas, You Yangs and Brisbane Ranges, visual connectivity to Corio Bay and natural beauty of the Bellarine.
- Encouraging retention of the farming potential of the land and values of the soil, flora and fauna of the land.
- Not allowing uses incompatible with the rural area.
- Ensuring that development is linked to or 'in conjunction' with the rural use of the land.
- A need to maintain undeveloped breaks between urban areas.
- A need to ensure buildings are not built to dominate or stand out, the scale be consistent with size of landholdings and the type of farming.
- Restrict development inconsistent with community values.

There was also support for a balanced approach to be taken by Council. One respondent expressed a need for a balanced approach that does not focus on rural preservation for the sake of rural preservation and allows a diverse rural economy of services and opportunities. It was also pointed out that reinvention has been necessary in order for farmers to survive, supporting a need to move to viticulture and the tourism industry with subsequently the need for tourism accommodation.

#### Officer response

This is consistent with the Council approach which recognises a need to support an appropriate level of tourism development provided that the impacts on the rural area are carefully managed.

### **Concerns or issues with the approach taken by Council.**

#### Too restrictive for development

- One respondent did not agree with Council's intention to retain the 'in-conjunction with a rural use on the site' test. The submitter considered it to be contrary to the strategic intent of the rural zone reforms by the [former] State Government into the Victorian Competition and Efficiency Commission's enquiry into Victoria's tourism industry. Developments should be considered on their merits and not through blanket restrictions.

#### Officer response

The 'in conjunction' test recognises Council's existing policy in the RLUS. The Efficiency Commissions enquiry seeks to unlock private investment in rural areas, particularly in rural areas of Victoria where limited tourism and population growth is occurring. This is not the case in Geelong where the tourism sector continues to grow and demand is projected to 2030 as highlighted by the work undertaken by Urban Enterprises for the Tourism Greater Geelong and the Bellarine Tourism Development Strategy and for the current review.

It is noted that the Reformed Zones Ministerial Advisory Committee in their Rural Zones Report made recommendations that the 'in conjunction' test should be retained for accommodation uses for similar reasons put forward by CoGG.

Some flexibility is proposed for Clause 22.06 to allow a location based sequential test for when some uses may be considered by Council outside of the 'in conjunction' test.

Overall, it is considered necessary to retain the principles of the in conjunction test in order to allow for the careful management of tourism demand and reflect the individual circumstances of Geelong.

- One respondent did not agree that there should be the potential to do things in the Rural zones; and not be able to do these in Rural Living areas.

#### Officer response

There is a separate policy that controls this, Clause 22.04 Discretionary Uses in Rural Living and Low Density Residential Areas and is not under review.

### Too much flexibility and development.

- A number of responses were received that expressed concern over the intensification of development in rural areas and the approach taken by the State. One respondent noted that there had been a number of reviews in the rural area over the last decade.

#### Officer response

These changes have been brought about by State requirements and the review is seeking to provide guidance on how to manage that change.

- Some responses, including the Victorian Farmers Federation, expressed concern that the changes made by the State would result in increased issues around competing land uses and could risk future agriculture and land fragmentation. This is particularly an issue on the Bellarine Peninsula where the most productive land is available in Geelong and also supports the regional economy. Conflict or sensitivity can arise from a wide range of agricultural processes for example noise, dust, smells, use of herbicides, smoke from burning and use of trucks and machinery - sometimes at night. Environmental conditions can also exacerbate nuisance, for instance during times of drought through increased dust and potential fires. Impacts arising from uses such as animal husbandry have recently been highlighted in the media and have created conflicts with nearby urban development and tourism uses.

#### Officer response

This is acknowledged and is supported by the approach taken by Council to retain the "in conjunction" test for managing growth (see above) as well as continuing to protect agricultural productivity through the policy. The recommended approach also seeks to manage demand and includes policy to avoid sensitive uses and uses that could impact on agricultural activities (retained from the existing Clause 22.06).

It is noted that the Minister for Planning and Minister for Regional Development have set up an *Animal Industry Advisory Committee* to examine how the planning system can better support Victorian farmers. This process will focus on the definition of intense animal husbandry. The Department of Environment, Land, Water and Planning has advised that Council should continue with this local policy review.

- Tourism development should be centred on existing towns in coastal areas where there is appropriate existing infrastructure.

#### Officer response

A statement to this effect has been added to the policy basis. The policy also requires that tourism uses will need to provide access to all necessary servicing infrastructure and roads capable of accommodating anticipated traffic levels. If not, developers will need to meet the costs to enable this.

### Comments on the changing nature of rural areas

- Some existing owners and agricultural land uses were concerned that the move away from traditional farming to smaller hobby or lifestyle farms at around 30ha/ 80 acres in size is not only changing the nature of farming, but also driving up the value of the land and rates (and therefore viability). Some investors were purchasing properties with no intent to farm and instead land banking the properties in anticipation of future land value increases from development/ potential subdivision and perceived land rights.

#### Officer response

This policy will not change the minimum requirements for subdivision or dwellings in the rural area. Clear and consistent planning policy will provide certainty to the landowner, developers and the community about the future development of rural areas.

### Other comments on how rural development is managed in rural areas

- An existing caravan park owner acknowledged the need to curtail permanent residency for caravan parks, but there needs to be an open mind to allowing submissions for new caravan parks and extensions.

Officer response

Genuine applications for tourism and camping parks would be considered by Council, provided that the requirements of the policy are met. The policy seeks to discourage permanent parks and residential villages through design mechanisms.

- Prohibit the removal of trees that are part of the rural scene.

Officer response

The impacts of tree removal will be a factor in determining the appropriateness of the design, location and appearance of a building.

- Should not inconvenience neighbours with noise that detracts from enjoying the peace and quiet of rural living.

Officer response

Rural areas are not always quiet areas and normal agricultural practices that create noise should be allowed to continue. As noted above policy is included to avoid sensitive uses and uses that could impact on agricultural activities.

- Increased tourism should only be encouraged in already zoned urban areas.

Officer response

The policy supports the clustering of tourism uses in some circumstances provided that this does not result in urbanisation. It is not possible to direct all tourism development to urban areas as this would be contrary to State and local policy.

- Wish to be able to keep operating a farmgate.

Officer response

Small scale farmgate (primary produce sales) and rural stores are allowed under the zone without the need for a permit. The new local policy will not impact on this.

- To foster a more sustainable lifestyle Council should implement measures to phase out the farming of livestock and instead stimulate the farming of grains and return some farmland to wildlife conservation.

Officer response

Agriculture includes both crop raising and animal husbandry. Both are permitted under the Farming zone and Council has no ability to control this under the Victorian Planning Provisions. Where possible Clause 22.06 promotes the fencing off of remnant vegetation, wildlife corridors and wetlands.

- Did not consider the review to have wide distribution.

Officer response

The nature of the consultation is outlined above and represents a more than adequate level of notification to the public consistent with previous engagement strategies. There will be further consultation undertaken as a part of the Planning Scheme Amendment process.

**Issues raised outside of the scope of this review.**

- Closing the saleyards shows a lack of concern to farmers.
- Council should spend a fairer proportion of its budget on rural infrastructure rather than focussing on the CBD and nearby residential areas.
- Response referring to the provision of water in the Rural Activity Zone 2.  
*RAZ2 applies to Golden Plains and not CoGG.*
- Do not support the building of a service station off the round-a-bout near Drysdale/ Clifton Springs.

- Include the Tourism development Strategy [Tourism Greater Geelong and the Bellarine] within the City Plan.  
*Note that Council has been working with TGG&B in preparing the background economic analysis for the policy review.*
- Develop a Regional Marketing Strategy for agricultural opportunities, similar to Mornington.
- Broaden visitor activities and encourage 'value add' tours with local products.
- Bus services improved to locals and tourists.
- More consideration should be given to local Wathaurong people.
- A number of comments were made around residential development.  
*There is a separate policy to control residential development, Clause 22.05 Agriculture, Rural Dwellings and Subdivision.*

## **Internal Engagement**

A working group was set up to inform all stages of the review and has involved other relevant Council Departments, including Statutory Planning, Strategic Implementation, Enterprise Geelong and tourism Greater Geelong and the Bellarine.

## **Engagement outcome.**

The engagement responses have been taken into account in informing the draft LPPs.

## 5. PREPARATION OF THE LOCAL PLANNING POLICY.

### Introduction

For each aspect of the amended or new LPP a discussion is provided that sets an explanation of the change and the other options considered. The information contained in the grey boxes outlines the change that has occurred.

### Overview of changes to the LPP.

**Local Planning Policy be amended as follows:**

- **Amend Clause 22.06: Tourism and Function Centre Development in Rural Areas**
- **Prepare a new Clause 22 Policy: Discretionary Uses in Rural Areas**

It is considered necessary to create a new policy for discretionary uses in rural areas rather than add this to the existing Clause 22.06. The new policy addresses non agricultural discretionary uses (other than tourism) that have been added through VC103. The general principle under the policy is to discourage these uses. This is different to Clause 22.06 where the principle is that the nominated tourism uses are supported, provided that these are carefully managed and sited properly.

## Summary of amendments to Clause 22.06 Tourism and Function Centre Development in Rural Areas.

### Retain basis of existing policy

- Much of the existing policy directions are to be retained, including the overall objectives to protect productive agricultural land and rural landscape character, including maintaining non-urban settlement breaks.
- Continue to support tourism development, but continue to require that most development only occurs when the property also has an existing agricultural use on the site (an 'in conjunction' / 'associated with' test). For example at a winery.
  - Some flexibility is proposed for the policy to allow consideration or sequential test for when some uses may be considered by Council outside of the 'in conjunction' / 'associated with' test.
- Continue to avoid uses that are sensitive to noise, dust and odour impacts that are produced from farming; as well as not allowing uses that themselves could impact on the operation of farming.

### New and amended policy

- Restructure of the policy for clarity and better ease of use.
  - Amend policy basis to reflect changes to the remainder Clause 22.06.
  - Add to Objectives.
  - Layout changed to be similar to existing Clause 22.01, including the addition of sub headings to direct user to the relevant parts of the policy.
  - Remove unnecessary text or create consistency of terminology.
- Encourage expansion of the types of tourist accommodation available in rural areas to meet what is needed by the tourism market.
- Manage the scale of development and ensure that development does not resemble a scale that would be expected in an urban area.
- Clarify how to manage the design, appearance and location of buildings so these blend into the rural landscape.
  - Provide advice on the type of design that would be expected for a residential hotel and group accommodation in a rural area (i.e. avoid large footprint buildings).
- Make sure the right level of services are provided and that roads are capable of handling traffic volumes for a development.
- Include design and location measures that discourage permanent resident camping and caravan parks in the rural area.
- Provide application requirements for development, including specific management plans that may be required for uses such as camping grounds and function centres and other accommodation.

A Track Changes version of the amended Clause 22.06 is included in Annex 4

## Managing Demand

- **The following Objective be added to Clause 22.06:**  
“To expand the diversity of accommodation typologies available across the rural area to address an identified demand and disperse growth.”
- **Add context and update the policy basis for Clause 22.06.**
- **A reference document be prepared to support Clause 22.06: “Tourism Demand and Design Typology in Geelong Rural Areas.”**

As outlined in Section 1 there is a need to provide for tourism growth and demand while at the same time ensuring that the principles in the RLUS, including community expectations, can be met to ensure continued economic prosperity, liveability and amenity. With more flexibility in the types of land uses that may be permitted in the rural areas there could be significant implications if development is not managed carefully. It is also necessary to ensure that good and (economically) sustainable businesses are attracted to Geelong. A proliferation of underperforming tourism uses would not have a beneficial impact for Geelong and could also result in pressures to convert existing structures to urban uses.

Identifying the actual demand and need for tourism uses is an important starting point and this was highlighted by Corangamite Shire in relation to Planning Scheme Amendment C30. The amendment implements the Tourism Opportunities Studies by identifying 20 sites for tourist use and development to be applied to the Rural Activity Zone and Special Use Zone. The amendment seeks to encourage tourism development and growth for Corangamite and in some cases clusters of development. The appropriateness of tourism clusters are discussed on page 33. The recent case at Surf Coast Planning for Application 14/0111 highlights that it is important for Council to have empirical figures showing tourism demand, both for the formulation of LPP and to guide planning permit decision making.

As noted in Section 3, UE provided Council with advice on the overall demand for tourism growth to 2030 as well as guidance on gaps of typologies for tourism accommodation. The tourism development forecasts indicate a need of between 330 and 550 accommodation rooms or caravan sites in rural Geelong to 2030. This has been included as a part of the policy basis to Clause 22.06 as context and to provide a baseline for the scale of development intensity that may be appropriate. The Surf Coast decision involved a caravan park for 700 cabins/ sites (later amended to around half). That application was refused on the basis that it would exceed the demand for accommodation need for camping and caravan parks in Surf Coast and could not only inhibit the growth of the accommodation market elsewhere, but also clearly be of an excessive scale. It is conceivable that a similar situation could arise in Geelong.

Context for the number of accommodation rooms and sites has been added to the policy basis of Clause 22.06. It is also important to acknowledge in the policy basis that it is Council policy for most of this development to be directed to urban areas and townships where there are appropriate services and infrastructure to cater for it. The need of 330 to 550 makes up only a small proportion of the overall growth needed in Geelong.

The policy basis also recognises the advice from UE that highlighted there is currently a limited diversity of accommodation typologies available in rural areas (as well as urban) and currently this focuses on the family market based on camping and caravan parks. There is a definite need to expand on this market to improve the offer and with the purpose of increasing overnight stays, to ultimately attract people from further afield.

An objective has been added to Clause 22.06 to encourage expansion in the diversity of accommodation typologies available in Geelong rural areas and to not concentrate growth in one specific area. This also recognises that development scale would need to be based on identified demand, either in response to the evidence provided by UE, or additional analysis that has been submitted by a development proponent.

To support the policy basis and objective, a supporting reference document has been produced that outlines the analysis and advice provided by UE and sets out how the demand figures have been arrived at (as outlined in Section 3). It also sets out the tourism profile for Geelong and the drivers that determine the expected growth. The reference document provides advice on the size of facility that would be expected in a rural area and what would be expected for economic viability as well as areas where some location gaps have been identified. The reference document can be used to assist the assessment of applications and provide guidance for determining the types of development that may be supported by Council.

Option not recommended - To remove the “associated with” test based on identified demand.

As outlined in Section 3, UE found it difficult to provide Council with latent demand and area specific projections for rural accommodation as requested in the brief. The initial intention was to test whether a viable alternative to the “associated with” policy requirement would be to have an assessment linked to a specific identified demand in tourism need. This may then allow an in principle consideration for where demand is appropriate across the rural area. This has not been possible and in any case it may have been unreliable and complex to try and plan for tourism similar to housing numbers. Projecting tourism growth offers an indication of future growth, setting out specific figures may not be satisfactorily robust.

Option not recommended - Provide for and promote clusters of development.

During the internal workshops it was raised as an issue the need to specifically identify locations for additional development through mapping. This concentrates development in one area by rezoning land as Rural Activity, which then takes demand or development pressure away from other rural land areas. This approach has been taken by both the Bass Strait in the *Bass Strait Rural Land Use Strategy* and Corangamite in C30. However, the effectiveness of this approach is likely to have reduced now as a result of VC103. At Bass Strait the rezone of clusters to Rural Activity (planning scheme amendment still pending) would allow for some uses not permitted under the PreVC103 zones. Under the present zones these uses can now be applied for through a permit anyhow. Strong policy positions would need to be in place to direct development away from Farming and Rural Conservation zone areas in favour of Rural Activity Zone areas.

For Corangamite Council, and to an extent Bass Coast Council, the establishment of Rural Activity clusters is also seeking to promote economic growth and attract tourism investment. This is not such an issue at CoGG as there is identified demand and growth. If Council provided clusters for development it is likely that there would still be demand in other rural areas, which could perpetuate demand and increased pressures on the rural area.

To identify sites and recommend clusters would be a significant change of policy for Council. A detailed assessment would be required, where sites would be identified by Council as well as through consultation. It is also considered that this would be too prescriptive and to actually identify these areas would require significant time and resources. There needs to be an element of flexibility in the policy to allow case by case assessments to be made.

An exception has been added to Clause 22.06 and is discussed below, which allows for some clustering based on policy considerations.

**Require uses to be associated with existing rural use on the site.**

**Clause 22.06 retains the need for a use to be associated with existing agricultural activity on the site. Some exceptions should be supported in appropriate locations:**

**“Preferred location**

- The use will be associated with an existing agricultural activity on the property.
- Uses not associated with agriculture may be supported by the responsible authority where the following are met:
  - It is demonstrated that the circumstances of the use are unique and support site selection in a rural location over an urban location.
  - The site is strategically located with respect to an identified tourist route, such as the tourist route identified in the Bellarine Peninsula Localised Planning Statement or along the Bellarine Highway. Preference will be given to areas where there is already a cluster of non-rural activities and additional development will not result in urbanisation.
  - The use and its associated development would not unreasonably visually compromise a non-urban break between settlements, a significant view or area identified for landscape significance or environmental significance.
  - Where appropriate, the use will address a regionally recognised demand identified in a tourism development strategy.”

The [previous] State government specifically removed the ‘in-conjunction’ / ‘associated with’ requirement for the zone under VC103. The basis for this was the *Victorian Competition and Efficiency Commission’s enquiry into Victoria’s tourism industry*, which recommended a need to unlock private investment in rural areas.

The existing Clause 22.06 requires that uses “*will be ancillary to and associated with an existing farming activity on the property*”. For Geelong this policy requirement continues to be an important mechanism for managing development in rural areas and should be retained. Removing the requirement would risk allowing over development, which could lead to the fragmentation of land and the ability to use it for farming. It could also lead to uncontrolled development in rural areas, which could impact on rural landscape character. It is considered that the situation in Geelong is unique and the retention of this policy can be justified based on the following:

- Existing policy and the Rural Land Use Strategy. The principle is carried over from the existing Clause 22.06. The ‘in conjunction’ test recognises Council’s existing policy in the RLUS. This position is adopted by Council and is a key principle for how Council manages its rural area. To change this would require endorsement by Council and a need to review the RLUS.
- Demand for Growth in Geelong. The Efficiency Commission enquiry supported the unlocking of tourism development, particularly in rural areas of Victoria where limited tourism and population growth is occurring. This is not the case in Geelong where the tourism sector continues to grow and significant demand is projected to 2030 as is highlighted by the advice provided by Urban Enterprise (UE) in Section 3. Further, there have been a number of pre application enquires for a range of developments since the 2013 changes showing anecdotal evidence of demand. Some of these are for developments that would not suit rural areas. Not continuing the policy position could reduce the ability to withstand these developments.
- Reformed Zones Ministerial Advisory Committee, in their Rural Zones Report made recommendations that the ‘in conjunction’ test should be retained for accommodation uses. The reasons for this recommendation were similar to the current argument put forward and the risk of impacts on rural productivity and amenity. Although this recommendation was not accepted by the previous State Planning Minister the Government has now changed. The present Planning Minister may have a different opinion on how flexible rural zones should be. This is in the context of the Planning Minister announcing in August the need for a review of rural

development in the Farming Zone and the need to protect the right to farm by setting up the *Animal Industry Advisory Committee*.

- Community support. Virtually no submissions were received from the community engagement that did not support this policy position for the rural area.
- Victorian Farmers Federation. Consultation received from the Victorian Farmers Federation, amongst other respondents outlined a strong concern for allowing even more flexibility in rural areas and the potential impacts on the right to farm. They outlined examples of farms and agricultural activity in Victoria where reverse sensitivity had become a threat to agricultural operations due to sensitive non rural uses being located near by. Again this is highlighted by the review to the rural zones by the Planning Minister mentioned above.

Some flexibility is recommended for Clause 22.06 to allow consideration or sequential test for when some uses may be considered by Council outside of the 'in conjunction' test. This recognises that there may be some locations that would support additional tourist development, or the impacts on the rural area are diminished. It also allow consideration for the establishment of unique, one off developments if the circumstances of the use provide justification to support the use in a rural area over an urban location. It will be up to the applicant to make a case for this on a case by case basis. It also allows consideration of one off large scale developments, provided that there is strategic regional support for this - consistent with the existing Clause 22.06 and LPPF. The link to strategic routes and the regional support for the use has been carried over from the large scale tourism development section. Each use under this exception would still need to meet the other requirements of the policy, including the design and siting requirements. The sequential test is explicit in that the development cannot be of a scale that would be urban development or there will be an impact on the non urban break between settlements or other important environmental and natural features.

Option not recommended - exception for unviable rural land.

An option was considered for adding an exception to the 'in conjunction' test that would allow development where it is demonstrated that the land is no longer conducive to agricultural use. Feedback from the internal workshops indicated that this could be problematic as this exception could open up an argument across the whole rural area about viability and may make it difficult to refuse on rural character grounds only. This can be assessed against the policy relating to impacts on agricultural productivity.

Other changes

- The principle "associated" with agriculture is introduced by Clause 21.07-6 in the LPP. "Ancillary" is only added through Clause 22.06, but is not included in Clause 21.07-6. Both terms result in a need for a connection or 'in-conjunction' with the agriculture use, however ancillary suggests the ancillary use is not the dominant use. It is not considered necessary to require the use to be both "associated with" and "ancillary to", so "ancillary" has been removed.

**Accommodation link to tourism uses.**

**The following policy be added to Clause 22.06:**

**"Preferred location**

Tourist accommodation provides a connection or access to a tourist facility, tourist attraction or outdoor recreation.."

It is important that tourist accommodation is connected to tourism infrastructure, to justify the need for the accommodation and to ensure it is not being constructed for other purposes.

## Urbanisation.

### **The following Objective be added to Clause 22.06:**

“To ensure development will not result in the urbanisation of the area”.

This statement was included in the existing Clause 22.06 in relation to large scale tourism developments. It is appropriate that this apply as an overall objective for all tourism uses. Particularly given the added risk that there could be increased demand for development on the cheaper rural land near to urban areas, including the potential for urban extensions outside the settlement boundary. Therefore the objective seeks to ensure that the scale of development is appropriate to the rural area and will not impact on rural landscape character.

## Traffic and Services

### **The following policy be added to Clause 22.06:**

#### **“Traffic and services**

- Adequate area is set aside for on site car parking and landscaping;
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road;
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.”

Analysis was undertaken of a range of LPP for the management of development in rural and green wedge zones for other local authority areas by Council and UE (see Section 3). Nearly all included a policy around the provision of adequate services and road infrastructure. Essentially this seeks to direct growth to areas that has infrastructure to cater for that growth and to ensure that future financial pressures are not placed on Council when development is allowed.

The policy allows consideration of the scale and frequency of access, which will vary depending on the scale and intensity of the use and the number of visitors to the site. This is further exacerbated in areas with a cluster of tourism development.

The last bullet was included in the existing Clause 22.06 in relation to large scale tourism developments. For the reasons noted above, it is prudent to require this for all developments.

## Design and siting

### **The following Objective be added to Clause 22.06:**

“To ensure the scale of development will complement and respect the rural landscape character of the area.”

### **The following policy be added to Clause 22.06:**

#### **“Design and siting**

- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through appropriate design, landscaping, materials and colours.
- Buildings incorporate a high design standard with environmentally sustainable design features.
- The design of a residential hotel and group accommodation avoids large, single footprint buildings and is designed to be distinguishable from a typical residential building.”

As was noted in Section 4, UE provided comprehensive advice on a range of siting and design principles for council to consider for policy. This is principle is based rather than providing specific

design outcomes in diagrammatic format. An analysis of this advice has been undertaken and the key messages have been included as objective and policies.

The objective has been modified and moved from an existing policy statement in Clause 22.06. This headline issue is considered to be one of the key objectives and drivers for the management of development in rural areas and should be recognised as such.

Both the objective and the policy seek to provide for development that is at an appropriate scale to ensure that development does not dominant the visual amenity, landscape character and characteristics of the natural environment. It is necessary to include these requirements, as the nature of some tourism development that may be promoted in rural areas could result in much larger buildings than residential. It is also important to ensure that there is no overdevelopment on the landscape character and of land which acts as a non-urban break. The policy allows for all developments to be considered on their merits case by case relating to the type of development proposed. A range of measures should be used to avoid or mitigate impacts based on siting, design, landscaping, materials and colours.

Further guidance is provided in the Farming Zone relating to decision guidelines for design and siting issues.

Discussion around residential hotel and group accommodation is provided on page 43 .

Option not recommended - development to be a certain distance off front roads, such as a minimum of 100m.

The LPS sets out that most buildings on the Bellarine are set well back from a road and this contributes to the rural character. The Schedule to the Farming Zone provides for 100m setbacks for a Road Zone Category 1; and 40m setbacks for Road Zone Category 2. Due to the potential scale of some tourism developments, it was considered whether it may be appropriate to require 100m setbacks for all developments. Increasing the distance that a building is located off the road would not necessarily make a difference in terms of broader amenity outcomes. The policy measures recommended will better achieve this outcome and do not preclude adequate set backs to be recommended through the planning permit process.

## Camping and caravans parks.

- **The following Objective be added to Clause 22.06:**  
“To ensure a mix of accommodation options are provided in camping and caravan parks.”
- **The following policy be added to Clause 22.06:**  
**“Camping and caravan park design**  
In addition to the above policy, a camping and caravan park must also meet the following:
  - A camping and caravan park will include a mix of tourist accommodation site types and visitor facilities including:
    - Sites for caravans, motor homes or tents;
    - Sites with unregistrable movable dwellings;
    - Sites for caravans with rigid annexes;
    - Sites with cabins;
    - Lodge accommodation;
    - Ablution blocks;
    - Communal and recreation facilities; or
    - Facilities that allow for public pre-booked or walk up bookings.
  - The layout and design of the camping and caravan park will have the appearance of a camping and caravan park rather than a residential village or subdivision (restricted access, permanent constructed roads, larger building footprints, higher building densities, the provision of individual carports/ garages, building design that resembles a holiday cabin rather than a permanent residence).”
- **Information be included in the application requirements relating to the submission of a management plan.**
- **Add context and update the policy basis for Clause 22.06 based on the above.**
- **Provide application requirements that address needs for camping and caravan parks.**
- **Provide supporting advice for how the design for camping and caravan parks may be considered by Council in a reference document to support Clause 22.06.**

Camping and caravans were previously prohibited under the PreVC103 Rural Zones. They are prohibited in the Rural Conservation Zones, so the comments below only apply to the Farming Zone.

One of the major issues around managing the establishment of camping and caravan parks is the potential for parks to be developed as permanent residences, including low cost housing options. This is a particular issue within rural areas where land values are low. Depending on the scale of the development, the result can be the construction of a park that is quasi-residential in a rural area or near to existing urban areas which is effectively an extension to the urban area (and clear contravention of SPPF and LPPF policy). This has implications in terms of how the facilities are serviced being outside of the urban areas and there can be social implications due to the sites catering for low income and disadvantaged members of the community. In some circumstances the parks are being established under the guise of a tourism development, but in reality is a residential development by stealth.

This has previously been an issue at CoGG with examples such as the Pelican Shores park in Leopold, which is established and advertised as an over 50s retirement village. The park is effectively a small housing development in the rural area that provides permanent structures. The Swan Bay Caravan Park does not provide for permanent use. However, the cabins are sold to private owners only, with no walk-up rentals and could potentially be used permanently. It is an example of a site is

100% cabins, with no open sites for tents or caravans and no restrictions on owners. The cabins resemble the type of design that would be expected in a tourism camping and caravan park.

Restricting the establishment of camping and caravan parks for permanent residency is a complex issue as this is controlled by the legislation set out in the Residential Tenancies Act, 1997. Under S518 of the act it is not possible to limit the duration of residency in a caravan park of a planning scheme or permit. As a result it is ultra vires to include conditions that directly restrict permanent residency. This makes it difficult in areas such as Geelong and Mornington where there is demand for both accommodation and low cost permanent housing (Residential Village). A Residential Village is prohibited in the Farming Zone. This position was confirmed by a legal opinion obtained by Surf Coast Council in their Council report assessment of Planning Application 14/0111 for the 26 August 2014 meeting.

A number of cases have been heard by Planning Panels Victoria and VCAT over the last decade. These are primarily in relation to the Green Wedge Zone, but the principles can equally be applied to the Farming Zone. A number of these have involved Mornington Peninsula Shire who have struggled with managing the issue. One issue that has been raised is over the difference between a Residential Village and a Camping and Caravan Park.

The Panel that considered Amendment C133 to the Mornington Peninsula Planning Scheme (2010), the panel summarised a number of decisions relating to Camping & Caravan Parks outside urban areas:

*"...where a development can be classified as a 'Residential Village' under the planning scheme, its development is inappropriate and prohibited. The Tribunal's most recent consideration of these issues in Ewing found that whether a specific proposal should be approved depends on the particular site context and design and layout of the proposal having regard to the zone objectives, decision guidelines and any relevant policy.*

In *Wilbow Corporation v Kingston CC (2005)*, the Tribunal found that a site with between 80 to 90 percent of the cabins being used on a permanent basis would fit the definition of a "residential village". It was also an important factor to the Tribunal's determination that the site was not in a tourist location and there was no mix of cabins, caravans or tents.

In *National Lifestyle Villages Pty Ltd v Wyndham City Council [2006]* the Tribunal considered what would reasonably be considered to determine residential villages compared to a camping and caravan park and can be summarised as:

- a. Permanency of residence. 'Intended to be occupied' on permanent basis.
- b. Accommodation standard and size. Higher standard likely for residential village.
- c. Moveability of accommodation units: units which are permanent and fixed, and not movable, are more likely to be a residential village.
- d. The nature of communal facilities. If communal facilities are oriented towards ablution and cooking more likely to be camping and caravan park.

In *Ewing & Anor v Mornington Peninsula SC (2010)*, the Tribunal noted that the Council's local policy recognises that it is important to distinguish between developments which meet tourism and recreation needs, and those that would essentially establish new residential settlements.

#### Comment

The key initial test is to determine whether a proposed development site is a Residential Village or a Camping and Caravan Park. In non tourist areas where there is no tourist demand this tends to be an easier task as, unless the site is clearly laid out as a camping ground design (with a number of tent and caravan sites), in all likelihood the site is for permanent residents.

However, based on tribunal decisions and advice from Mornington Peninsula officers, this is not always easy to determine, especially when a site is located in a tourist area such as Mornington or [it is assumed] on the Bellarine. In non tourist areas there is little demand for tourist camping and caravan parks and therefore it is easy to make a distinction. However, this distinction becomes blurred in tourist areas making it more difficult to refuse.

It is clear that Council cannot directly control camping and caravan parks based on permanency of residents. It can however control how camping and caravan parks are designed. This is the basis for the policy developed. It also recognises policy that was accepted by the Planning Panel for Mornington Peninsula for C133, tribunal outcomes noted above and other councils Local Planning Policy. Further explanation of the options considered for policy is included below.

The issue of camping and caravan parks being used for permanent living is beyond the scope of this review due to the provision of the Residential Tenancies Act. It is recommended that Council write to the State Government to request a change to the definition of camping and caravan parks in the VPPS to prevent their use as permanent residences.

#### Include an objective to deter long term housing development.

This recognises the key overall intent for managing the development of camping and caravan parks. This is based on a policy statement that was accepted by the panel for Mornington C133.

#### Option part included - Provide for and a mix of tourism facilities and manage layout design

Under Amendment C133 Mornington provide a policy statement to control the percentage of accommodation sites for cabins, movable dwellings, permanent on-site caravans, or the like at 15% or less. This was to try to differentiate between a genuine 'tourist' camping park site and a residential village. This did not receive support from the Panel who considered the figure to be arbitrary. The panel also noted that rather than a 15% target this can be achieved by appropriately designed and sited proposals which incorporate landscaping plans.

Providing a specific figure would be unlikely to be supported by Panel so providing a figure is not recommended.

A more appropriate mechanism is to require that a mix of accommodation site types and visitor facilities are included in the camping and caravan park design. This does not result in a rigid requirement and still allows for flexibility in design. The policy recommended is based on a similar policy that was accepted by the Panel for Mornington C133. For Geelong this includes a range of accommodation facilities and sites that visitors would expect to be provided at a tourist park as well as other service, recreation and communal facilities, including:

- Sites for caravans, motor homes or tents;
- Sites with unregistrable<sup>6</sup> movable dwellings;
- Sites for caravans with rigid annexes;
- Sites with cabins;
- Lodge accommodation;
- Ablution blocks;
- Communal and recreation facilities; or
- Facilities that allow for public pre-booked or walk up bookings.

The layout and design of a tourist camping and caravan park will have a different site design and layout to a park that caters to long-term visitors and long-term residents. A permanent park may have the appearance of a residential subdivision, with permanent roads, a predominance of fixed and semi permanent structures and greater building footprints/ building density. This is highlighted by UE in their advice provided to Council and is shown below when comparing Collendina Caravan Park (permanent) with Bellarine Big 4 (tourist).

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<sup>6</sup> Note. Unregistrable Moveable dwelling is defined in the Residential Tenancies Act, 1997 and includes a moveable dwelling or caravan that is not registered under the Road Safety Act and can be constructed on a chassis or in prefabricated sections.



Figure 2. Comparison of Collendina Caravan Park (permanent) with Bellarine Big 4 (tourist park)

Buildings that have the appearance of a residential dwelling with features such as garages and permanent landscaping are not supported. Structures should be designed with the appearance of holiday cabins (figure 3 below) rather than a permanent residence involving a residential village or subdivision. Features of a permanent residence may include restricted access, larger building footprints, the provision of individual carports/ garages or building design that resembles a holiday cabin rather than a permanent residence.



Figure 3. Example of a design expected for a tourist cabin in a camping and caravan park.

An application requirements section has been added to Clause 22.06. This includes a general statement for the requirements of all development proposals as well as some specifics for caravan and camping parks to allow the assessment of the design and suitability as a tourist park, as outlined below:

*“A description of the proposal, including a site context report; hours and days of operation; number of staff and visitors or patrons; type and number of accommodation buildings, units or camping sites; or a description of how a camping and caravan park is to be established and operate as a tourist park”*

Submit a management plan with an application.

A requirement for a management plan has been added to the application requirements section and may be required for a development application, including a camping and caravan park. Requirements

of the management plan include dealing with onsite and offsite amenity, traffic management, litter and waste effluent management, staffing and the need for an onsite caretaker.

Option not recommended : Conditions of permit / Section 173 agreements.

In the past conditions requiring Section 173 agreements have been placed on permits to require that park buildings are not used on a permanent basis. This may be in contravention of the Residential Tenancies Act and likely to be ultra vires.

At the Swan Bay Caravan Park, which is 100% cabin structures the facility is managed as privately owned units with no individual subletting through bookings or walk ups. As such this operates as a private park and is also a risk for future permanent accommodation. As noted earlier, restricting the number of facilities through a standard is a difficult proposition. A option would be to require a Section 173 agreement to not preclude a prohibition on subletting of cabins etc. What this would achieve is, rather than prohibiting residential tenancy, it is to not allow camp owners from precluding individual cabin owners being able to rent out their cabins on a temporary basis. This option is likely to be convoluted as well as being complicated to explain to an applicant. It may also be difficult to get an applicant to sign such an agreement.

Option not recommended - Other standards.

A number of other standards were recommended by Mornington Peninsula Shire as outlined in the table below - along with a summary of the Council justification and subsequent panel response. It is not generally considered appropriate to provide absolute and arbitrary standards at Geelong unless there is strong justification to support it. Further, even if significant justification and background work was undertaken there may not be support from the Panel; particularly having regard to the panel response in the Table 9 below.

Table 9. Standards recommended by Mornington Peninsula Shire.

<b>Standard</b>	<b>Council justification</b>	<b>Panel Response</b>
40ha minimum lot size on which a permit for a caravan and camping park can be established.	Consistent with other accommodation in GWZ. Protect landscape and limit concentration.	Arbitrary. No strategic justification work done to determine what optimum size.
Site to be 2km from an urban growth boundary	Protect inter-urban breaks.	Arbitrary and no strategic justification work. Plus some value in locating near townships.
Accommodation sites to be 100 sites or lots.	Data showing large proportion of facilities have around 100 sites. Nature of the Peninsula is suited to this scale.	Flawed argument and arbitrary with no strategic justification done.
Average gross floor area of all cabins, movable dwellings, permanent on - site caravans, or the like, should be 60m <sup>2</sup> or less.	Appropriate size holiday accommodation that allows for two bedrooms.	Arbitrary and no strategic justification done. Does not appear to meet accommodation trends and needs (i.e. families).
<i>Percentage for cabins, movable dwellings, permanent on - site caravans, or the like, should be 15% or less</i>	<i>To define a camping and caravan park. Based on one recent permit in Mt Eliza.</i>	<i>Arbitrary and no strategic justification done.</i>

Option not recommended - Control density in terms of sites per hectare

Density could also be controlled by numbers of sites per hectare. This would again require some assessment to be made. It is noted in the *Mornington Wine Company Pty Ltd v Mornington Peninsula SC [2006]* that the Tribunal did refer to a site at 10 sites per hectare would be appropriate in the context of that decision where compared to an urban camping facility in Dromana at 37 per hectare. This is essentially a consideration of scale in a rural setting and how the vegetated setting would be maintained rather than being stated as a clear cut minimum. It can only be considered as guidance for density.

Option not recommended - Control the type of facilities in a cabin.

In the *Mornington Wine Company Pty Ltd v Mornington Peninsula SC [2006]* decision, the panel noted that tenancy may be able to be managed through the control of modifications to the cabins. This included a permit condition that "The cabins shall not be used as self contained residences and shall not include one or more of the following: a kitchen sink; bath or shower; closet pan and washbasin." It is noted that this decision was made in 2006 at a time prior to legislation in the Residential Tenancies Act to restrict tenancy. It is not clear whether this would now be considered ultra vires.

Further, this type of condition may be opposed by camping ground representatives as the current market for the types of facilities seek self contained cabins, including those that can be used by families.

Option not recommended - Addressing cumulative impacts or proliferation of facilities by controlling the number of facilities.

This would be by providing a limit on how many caravan and camping grounds can be located in a specific area. This would be arbitrary and difficult to quantify and is controlled by the other policies such as development not resulting in urbanisation and controls on rural landscape character.

Mornington included a statement that camping and caravan parks must be sparsely distributed across the rural area. This was not supported by the Panel.

**Group accommodation and residential hotel.**

**The following policy be added to Clause 22.06:**

**"Design and siting**

- The design of a residential hotel and group accommodation avoids large, single footprint buildings and is distinguishable from a typical residential building."

Group accommodation is defined as "*Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence*".

A residential hotel is defined as "*Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling*".

Group accommodation and a residential hotel were prohibited in the PreVC103 Farming Zone unless undertaken 'in-conjunction' with a farming use. Policy relating to siting and design for all development was discussed on page 37 above. It is considered that further policy is necessary to manage the scale of these types of developments. Large scale group accommodation and residential hotel facilities with significant bulk and scale are not considered appropriate in the rural area or commensurate with rural character. These facilities could have the appearance of a large multistorey hotel that is only appropriate in a town centre. Hotels and hostels of this nature are prohibited in the Farming and rural Conservation zones. A residential hotel has the potential for greater implications as the definition allows for significant ancillary facilities to be constructed with hotels over 20 units.

The policy seeks to reduce the impact on landscape character and keep visual impact to a minimum in order to withstand urban 'hotel' style developments. For group accommodation, the definition does control the type of building that can be constructed and adding a separate policy is not necessary.

Separate unit buildings could be at risk of being used as permanent residences in a rural area, which would be contrary to policy. However, unlike camping and caravan parks the definition controls the type of tenancy. If these structures are designed to be similar to a residential dwelling, this may make it difficult for Council to continue the policy for not supporting second, or multi, residential buildings on rural sites. This is an important policy to protect rural land from fragmentation. As such, it is recommended that residential hotels and group accommodation are designed in a style distinguishable from a typical residential building, to remove a justification argument that could be put forward that accommodation buildings are essentially dwellings.

#### Option not recommended - Restricting the number of units.

Similar to the discussion for caravan parks and camping grounds, providing a figure for restriction on the number of buildings would be somewhat arbitrary and would need to be supported by evidence of ideal site size. This may also vary depending on the location and character setting.

#### Option not recommended - Restricting height

Currently there is no restriction on height in the rural area. Height is considered under the decision guidelines for design and siting considerations. It is noted that large sheds etc are synonymous with rural character; albeit agricultural production. To provide for height controls would potentially require a DDO be applied across the rural area, or possibly as a schedule to the rural area. To impose a height restriction based on one or only a limited number of uses is not necessary. There would need to be strong support to back this through research and it is unlikely that there is any uniqueness for an individual use such as group accommodation. On the Bellarine Peninsula, Significant Landscape Overlays allow for building height to be considered in many areas.

### **Place of assembly**

- **Function centres are considered to be tourism uses and are included within Clause 22.06.**
- **Places of assembly, other than function centres, are considered under the new clause for discretionary uses in rural areas - on page 49.**

Under the PreVC103 Farming Zone a planning permit for a place of assembly could be applied for, provided that the use would occur no more than 10 days in a calendar year; otherwise the use was prohibited.

Other than a carnival and circus, a place of assembly remains prohibited in the Rural Conservation Zone.

- The definition for a place of assembly includes a function centre and the associated uses of a reception centre and conference centre. Due to the linkages of function centres with tourism, the use is discussed individually to all other places of assembly. Function centres are considered to be tourism uses and are included within Clause 22.06.
- Other places of assembly that are permit required include Place of worship, Restricted place of worship, Hall, Exhibition Centre, Library or Drive in Theatre and Cinema. An Amusement parlour, cinema based entertainment facility and nightclub are specifically prohibited from the zone. Places of assembly, other than function centres, are considered under the new clause for discretionary uses in rural areas, on page 49.
- Carnival and circus uses are managed by other mechanisms.

## Function Centre and restaurant

- **The following policy be added to Clause 22.06:**
  - “**Amenity**  
Neighbouring properties are protected from unacceptable disturbance associated with the hours of operation, number of patrons, or vehicular movements resulting from the use.”
- **Information to be included in the application requirements relating to the submission of a management plan.**
- **Add context and update the policy basis for Clause 22.06 to recognise function centres and restaurants as a tourism use when co-located with other tourism.**
- **Provide application requirements that address needs for function centres and restaurants.**

## Function centre

There has been and continues to be demand for function centre uses in rural areas. Broadly the impacts of the use are similar to what was discussed earlier for other accommodation uses. However, there can be additional impacts on adjoining rural amenity and productivity associated with a function centre. The type of functions that generally are held in rural areas include weddings and other celebrations. These by their nature concentrate impacts of noise from music, patrons arriving and departing as well as concentrated traffic movements. Such impacts can go on into the night and as well as create impacts during set up and set down. The impacts affect residents in adjoining farm dwellings as well as by disturbing livestock and farm operations. Conditions can be placed on planning permits, but ongoing enforcement and management can prove difficult. A policy to protect neighbouring properties from unacceptable disturbance from hours of operation, number of patrons, or vehicular movements has been added to Clause 22.06 to provide a basis for permit conditions.

In many instances a function centre use is co located with other tourism uses such as a winery and cellar door, a restaurant or other tourism use. However, on their own the VCAT decision in *Pullin V Greater Geelong City Council* set out that a function centre does not offer a 'tourist experience' or is the form of 'tourist development'. A function centre is an 'event venue' with the focus on the event. It is not considered necessary to include this as policy however.

### Application requirements

To assess the impacts associated with function centres an application requirements section has been added to Clause 22.06. This includes a general statement for the requirements of all development proposals as well as some specific requirements for function centres parks to allow the assessment of the impacts of the operation, including opening times, staff and visitor numbers:

*“A description of the proposal, including a site context report; hours and days of operation; number of staff and visitors or patrons; type and number of accommodation buildings...”*

A requirement for a management plan has been added to the application requirements. Requirements of the management plan include dealing with onsite and offsite amenity, traffic management, litter and waste effluent management, staffing and the need for an onsite caretaker. Specific to a function centre the management plan may also need to consider whether adjoining neighbours are to be informed of event days, the need for an onsite manager and complaints procedure and whether there should be limits on a permit.

Application requirements have also been included for an acoustic report and traffic report where necessary.

It will be up to the individual planning permit applications for the appropriate conditions to be determined, based on information submitted in the application.

Option not recommended – restrict the number of patrons

It was considered whether a policy should be added to require a permit to include a condition to restrict the number of patrons, to a maximum of 150. This was based on discussion included in the Pullin decision. Following internal workshops this policy was removed. 150 is an arbitrary figure and the capacity would depend on individual circumstances. As noted above, the application requirements and other policy will determine the appropriate scale of a function centre.

**Restaurants (Food and Drink)**

A restaurant comes under the broader nesting of a food and drink premises of the retail premises nesting group. It is a stand-alone use as food and drink is otherwise prohibited in rural areas. The issues for a restaurant are similar to those discussed for a function centre above.

In most cases a restaurant is likely to be undertaken in conjunction with other uses, such as a winery or function centre to create a hub of uses. Stand alone restaurants should be directed to urban areas.

**Host farm**

A host farm is defined as *“An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes”*.

There are problems with the definition as it is subjective and does not define what form the accommodation may take (i.e. is this similar to a B&B, or are separate accommodation buildings can be constructed).

In the Pre VC103 Zones, the use was a Section 2 use and it appears that no applications were applied for this type of use. A host farm is, by its definition, directly linked to the farming use of the site and therefore assumed to be associated with agriculture.

No specific policy is necessary for the use and should be considered under the policy in terms of tourism and accommodation uses.

**Summary of other notable changes**

<b>Change</b>	<b>Comment</b>
Objective: “To support tourism development in rural areas that contributes to the growth of the tourism market.”	Retained in part from Clause 22.06. Change from contributing to the economy to the growth of the tourism market.
Objective: “To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.”	Moved in part from policy. Is a key objective for the rural area.
Deleted policy: “The primary land use will remain rural/ farming in nature.	This has in part been incorporated into the amended policy for: “The mix of uses will not be out of balance with, nor change the character and nature of the <u>primary rural land use</u> , or result in an unreasonable loss of productive agricultural land” There is also overlap with the objective to preserve productive agricultural productivity.

Amended policy: “The proportion of the property used for tourism and ancillary infrastructure is minimised, and is directed to the area of lowest agricultural quality <u>or where the natural landscape has been modified</u> ”	Based on advice provided by UE.
Relocate: “The productive capacity of the land is to be preserved and where possible enhanced. This should be achieved through addressing issues such as pest plants and animals and erosion of the land, and can be demonstrated through the development and implementation of a management plan.”	First sentence moved to an objective. Remainder of the policy has been incorporated as an application requirement for a land management plan.
Delete/ relocate: “The environmental condition of the land will be enhanced. This could be achieved by fencing off remnant vegetation, revegetating strategic areas such as between remnant stands to develop wildlife corridors and along waterways.	Much of this policy has been deleted on the advice of the internal working group. Part of the policy has been incorporated as an application requirement for a land management plan.
The specific policy for large scale tourism has been removed.	Due to uses being prohibited under the PreVC103 zones, the large scale tourism section provided advice to when Council would consider a planning scheme amendment to facilitate development under Clause 22.06. Due to the changes to the zones and the amended Clause 22.06 this is no longer considered necessary and appropriate content has been incorporated into Clause 22.06. There remains a policy in the LPPF.
Application requirements to the satisfaction of the responsible authority added for: <ul style="list-style-type: none"> <li>• Detailed project description</li> <li>• Land management plan</li> <li>• [Operational] Management plan</li> <li>• A landscape plan/ landscape character assessment</li> <li>• Acoustic report</li> <li>• Traffic report</li> </ul>	
Decision guidelines added to reflect the objectives included in Clause 22.06.	
Terminology – reference to “farming activity” changed to “ agricultural”	Reflects the fact that the rural area is used for broader agricultural uses and not just farming.
Terminology – “rural landscape character” used when referring to rural character/ farmed rural landscape.	To provide a consistency of the terms used.
Consequential amendments have been undertaken to Clause 21.07-5. Rural Areas and 21.07-6 Tourism in rural areas. The consequential amendments are included in Section 6.	To ensure consistency of terminology is used in the SPPF, Local Planning Policy and Farming Zone.

## Clause 22.64. New Clause - Discretionary Uses in Rural Areas

### Summary of policy

- Discourage uses such as industry, trade supplies retail, markets, schools and most community uses that could reasonably be provided in urban areas; and
- Discourage discretionary non-agricultural uses in rural areas that attract a significant number of visitors to a site or are necessary to service the urban community.
  - These should generally occur in an urban area where there is better transport accessibility and connection to services and other community facilities.
  - An adequate supply of land is already planned for these uses through urban zones.
- Allow an exception for uses that cannot be catered for in an urban area and there are unique circumstances as well as:
  - Development is of a scale to support the local population
  - Development will not result in an unreasonable loss of productive agricultural land
  - Existing agricultural activity on adjoining land will not be compromised.
  - The scale of development complements and respects the rural landscape character. Development is not visually dominant and impacts can be mitigated.
  - The site is appropriately serviced by roads and other infrastructure.

**The policy does not apply to agriculture, tourism or accommodation uses.**

### Industry Land and Warehouses.

Pre VC103, industry and warehouse land uses were prohibited within the Farming Zone; other than Rural Industry (for agricultural produce), which was permit required. Some Rural Industry is now allowed as of right, provided that a number of conditions are met such as not having a gross floor over 200m<sup>2</sup>, is not within 100m of a dwelling in separate ownership; and is set back certain distances from a residential or rural zone. Industry and warehouse land uses remain prohibited in the Rural Conservation Zone, but are new Section 2 uses in the Farming Zone.

UE advice has shown that there has been limited demand for the establishment of industry within rural areas; although this is a reflection of the use previously being prohibited. There has been demand for truck depots and there are instances of a truck depot being set up without planning approval. There is likely to be increased demand for industry uses in rural areas given the lower value of land and often large amount of land needed.

As discussed in Section 2 the State and LPPF policy is to direct industry development to industrial areas that are adequately located in urban areas where the conflicts and amenity impacts can be managed. It is important that the general intent of this principle is retained and industry is only considered in rural areas where there are unique circumstances or a net community benefit. Not only are there potential issues around rural amenity and productivity, but industry should not be occurring in rural areas when there is already appropriate land in urban areas and difficulties and this is not at capacity. This could be detrimental to the efficient use of industrial land across the city and the settlement strategy.

Industry use and development should therefore be discouraged and a type of sequential test should be employed to ensure existing areas within the urban zones are first considered before a rural location is considered.

### Warehouse

The policy outcomes and impacts of a warehouse use are similar to those for an industry use. Access to transport, traffic generation, the scale of a development (with a warehouse potentially large) and the type of material stored would be specific areas of concern for a warehouse use.

### Extractive industry

Extractive industry is an aspect of land that is generally considered to be most appropriately located in rural areas. This, however, is well established through the planning process and case law and is not necessary to be considered specifically under the policy. Extraction is also managed under the Mineral Resources (Sustainable Development) Act 1990.

### Manufacturing sales

A planning permit for a manufacturing sales use could be applied for under the PreVC103 Farming Zone. A manufacturing sales use is defined as “land used as an incidental part of an industry, to retail goods made materially different on the land by that industry”.

Manufacturing sales would need to be associated with an appropriate industry use that is established already or by permit and as a small ancillary aspect of the use. Therefore the use can be considered on its merits based on the type of industry and nature of use on a case-by-case basis.

### **Places of assembly - Libraries/ exhibition centres/ halls/ cinemas/ places of worship etc.**

The general direction for social infrastructure under the SPFF (19.02) is to direct uses to activity centres or be located where there are identified gaps and need.

A library is most appropriately located within an activity centre as this should be accessible to the community with good access for pedestrians and those travelling by car or public transport. For most exhibition centres this would also be the case. However, there may be some exhibition centres that it may be appropriate to display rural related materials (i.e tractor museum), cultural artefacts and so on. The demand for this would be limited however.

Similarly a cinema (other than drive in) would not be suitable in a rural area and is generally only appropriate in activity centres. It is difficult to consider a situation when this would not be the case. A drive in can be considered on a case by case basis, although there is unlikely to be much demand.

There may be demand for places of worship in some fringe rural areas due to land costs in urban areas (and this has been the case in Rural Living Zone). These are not generally considered appropriate in a rural location; other than on an urban fringe under unique circumstances.

### **Landscape gardening supplies and trade supplies**

Both Landscape gardening supplies and trade supplies were prohibited under the PreVC103 Farming zone. Both uses remain prohibited under the Rural Conservation Zone.

SPFF and LPPF policy is to direct retail to Central Geelong and other centres to reflect the retail hierarchy. Under Clause 21.07-3 out of centre developments are to provide a clear net community benefit and bulky goods are to be directed to Central Geelong or nominated homemaker precincts. Similar to the issues discussed for industry the general principles for landscape gardening supplies and trade supplies retail should be retained and they should generally not occur in rural areas when there is already appropriate land in urban areas and an established retail hierarchy; alongside the issues of rural amenity and productivity. In most circumstances supporting these uses would be an exception and be the result of unique circumstances.

It is anticipated that there would be only limited occasions where this type of use might be appropriate in a rural area.

### **Market**

The policy principles discussed for retail above would also apply for a market.

A community market was a section 2 use under the PreVC103 Farming Zone. Under the current Farming Zone and Rural Conservation Zone this was broadened to include both a community market and a trash and treasure market. While there is no specific definition of a community market, this change would appear to expand the nature of markets that may be appropriate in a rural area and a potential change from a community based management model to allow more commercially operated markets. There is a risk that if a market is not planned appropriately in a rural area this could result in a quasi retail centre in a rural area and undermine the retail hierarchy.

The demand for a market is likely to be low and there are no records of any community markets having been applied for in the PreVC103 Farming or Rural Conservation Zones; nor have there been any recent inquiries for a market.

### **Education – Primary School and secondary schools.**

A primary school and secondary school come under the broader nesting group of education centre. Under the PreVC103 Farming and Rural Conservation zones all education centres were prohibited. Primary and secondary schools have number been elevated to permit required in both zones. Other education centre uses, including business college, employment training centre and tertiary institution remain prohibited in both the Farming and Rural Conservation zones.

Providing for education facilities in rural areas appears to be at odds with the SPPF relating to education where this seeks to locate facilities near to pedestrian and cycling networks and have consideration of demographics and future demand. Council policy is also to locate these schools that can integrate with other community facilities, activity centres and residential areas; potentially in hubs. An urban location is therefore the most appropriate location.

### **Leisure and recreation**

For most leisure and recreation land uses, other than a motor racing track (prohibited) and as of right informal outdoor recreation, a permit could be applied for under the PreVC103 Farming Zone. Leisure and Recreation remains permit required under the current zone and the only amendment is that a permit for a motor racing track can now be applied for. Leisure and recreation is prohibited in the Rural Conservation Zone.

Potential leisure and recreation uses include golf courses/ driving range, race course, paintball, pleasure park, zoo, open sports ground, restricted recreation facility (club), indoor recreation facility. Ultimately there is a wide range of different types of uses land can occur under this definition. Some uses could involve the need for the use of significant areas of open/ rural landscapes to be required; whereas others the need for construction of large structures.

SPPF (11.03) and the MSS (21.08) policy is essentially to ensure that for open space provision a diverse and integrated network of open space is available to cater for all within the community and address areas of undersupply.

There has for a number of years been the opportunity for permits to be applied for under the Farming Zone without the need for a policy and the demand for this type of use is not likely to be significant. Statutory Planning has advised that there has not been a significant number of inquiries and/or permit applications for leisure and recreation uses over the last few years.

### **Summary for policy position for other discretionary uses.**

There is an obvious conclusion that can be drawn from the above discussion; that State and local policy generally does not provide for non-agricultural uses in rural areas. This also reinforces Clause 21.07-5 (Rural Areas), which seeks to minimise non agricultural uses in rural areas. Non-agricultural uses would often attract a significant numbers of visitors, accommodate large numbers of people or generate significant volumes of traffic and car parking demand. Therefore the uses are generally incompatible with farming activities and are not appropriate in the rural area. These uses should be directed to urban areas where there is an appropriate level of municipal infrastructure services and good transport connectivity. To ensure that development is planned in the right locations an adequate

supply of land is zoned for industrial, commercial and community purposes in urban areas. This is part of the Council settlement strategy.

Therefore the encroachment of non-agricultural uses into rural areas is discouraged and should only be considered when the use cannot be catered for in an urban area and there are unique circumstances to justify a rural location. Clause 22.04 for discretionary uses in the rural living zone seeks to discourage intensive urban activities that attract large numbers of people to a site and it is considered appropriate to replicate this as an objective for the remainder of the rural area. Development that attracts significant numbers of visitors, again highlight types of uses that are more appropriate in urban areas and are most likely servicing the urban area. Ultimately it may be land costs that drive the use to the rural area and not the principles for suitable site location.

The policy applies to discretionary uses in rural areas, although it is important to acknowledge in the policy that the policy does not apply to agricultural, tourism or accommodation land uses. Tourism and accommodation uses are managed by the local planning policies Clause 22.05 and Clause 22.06. It is not considered necessary to apply the policy to section 2 agricultural uses as this may place additional restrictions on the use of rural land for agricultural purposes.

The above approach was supported by the advice provided by UE. It is acknowledged that there may be some circumstances where a use may be more suited to the rural area than an urban location. While UE were not able to provide any evidence of specific needs in rural areas they did provide some advice on the types of uses that in principle may be suitable for rural areas to support the analysis undertaken by Council. This focused on tourism development (discussed elsewhere in this report) and provides the following examples:

- A school may seek to establish a facility with an agricultural based curriculum, which requires interaction with rural land, or possibly an adventure school that requires large areas of open land.
- Aquaculture processing uses close to aquaculture extraction.
- Some rural industry uses.
- Materials recycling or green waste recycling.
- Sports and leisure uses that require a rural location that may be nature based or forestry related, or large areas of open land. It is noted that tourism related sports and leisure uses are considered by Clause 22.06. This clause also provides Council the opportunity to consider uses that have a regionally recognised demand for tourism.
- A rural produce market.

To reflect this, the policy recognises that there may be unique circumstances when a use may be appropriate in a rural area. In these circumstances a development proponent would need to demonstrate that options to consider the use in an urban location have been exhausted. It is recognised that there may be some uses that are of a scale to support the rural population (and not the urban population). Similar to Clause 22.06 and to reflect the RLUS, the use would still not be allowed to impact on the productive capacity of rural land, existing agricultural activity or rural landscape character.

Uses such as broiler farm, cattle feedlot, freeway service centre, renewable energy facility, timber production and wind energy facility are controlled by other clauses in the Planning Scheme in Section 52.

### **Commercial rating of properties.**

During the course of the strategy review it become apparent that some individuals and organisations have an issue with the rating strategy for rural areas. Essentially, to use a farm for commercial uses such as tourism, cafes, farm gates etc there ultimately is a higher rate to be paid and this can be a disincentive to establish. This was raised as an issue and considered by Council during their budget consultation for 2015/16. Providing an incentive rebate for commercial uses on rural land was not accepted by Council for a number of reasons and they noted that where there are different land uses on a rural property these can be rated differently.

## 6. REFERENCES

- Bass Coast Rural Tourism Development Strategy, Urban Enterprises (2009)
- Bass Coast Rural Land Use Strategy, RMCG (2014)
- City of Greater Geelong, Rural Land use strategy (2007)
- Corangamite Planning Scheme Amendment C30, Corangamite Shire Tourism Opportunities Study. (2011).
- Ewing & Anor v Mornington Peninsula SC VCAT 1777 (2010).
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- Greater Geelong Planning Application P 827/ 2014. Retrospective Truck Depot. 200-216 Manifold Road, St Leonards.
- Greater Ocean Road Destination Management Plan, Gret Ocean Road Tourism. (2102)
- Mornington Peninsula Planning Scheme Amendment C133 (2010) Camping & Caravan Parks Outside the Urban Growth Boundary.
- Murray Lloyd Pullin V Greater Geelong City Council VCAT 1482 [2015] 542 – 580 Swan Bay Road Marcus Hill.
- MWC Mornington Wine Company Pty Ltd v Mornington Peninsula SC [2006]
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- Rural Zones Report, Reformed Zones Ministerial Advisory Committee (Feb 2013)
- Surf Coast Shire Planning Application 14/0111 Caravan and Camping Park, 350 Coombes Road and 1200, Ghazeepore Road, Freshwater Creek.
- Victorian Coastal Strategy, Victorian Coastal Council (2014)
- Victorian Government response to the Victorian Competition and Efficiency Commission's Final Report, August 2012
- Victoria Planning Provisions and Planning Schemes by Amendment VC103 (5 September 2013).
- Wilbow Corporation v Kingston CC VCAT 2699 (2005).

# APPENDIX 1. CONSEQUENTIAL AMENDMENTS.

This section outlines the consequential amendments outlined in Section 2 and 5.

## Local Planning Policy Framework – 21 Municipal Strategic Statement

### 21.07-5. Rural Areas

#### Objectives

- To support the use of the northern, western and southern rural areas for productive agriculture.
- To ensure that rural areas provide an attractive setting through the preservation of the a farmed-rural landscape character.
- To protect and enhance the Bellarine Peninsula as a productive-rural agricultural area with highly significant landscapes based on farming and environmental features.

#### Strategies

- Maintain rural land in large and productive parcels, in accordance with the schedules to the farming zones.
- Minimise non farming agricultural land uses in rural areas.
- Ensure that any non farming agricultural land uses will not compromise farming activity in the area.
- Ensure development in rural areas respects the farmed rural landscape character, particularly significant landscapes identified through the Coastal Spaces Landscape Assessment Study.
- Ensure that new dwellings do not compromise the productive agricultural potential capacity of land and are associated with the productive agricultural use of the land.
- Encourage agricultural development with export potential and specifically encourage aquaculture and horticulture activities in the rural areas around Avalon Airport.

### 21.07-6 Tourism in rural areas

#### Objectives

- To support tourism development in rural areas that respects the open farmed rural landscape character of the area, and contributes to the economy.

#### Strategies

- Within ~~the Bellarine Peninsula~~ rural areas, support appropriately scaled, high quality, landscape responsive tourism uses that are subservient and complementary to their rural landscape character and environmental setting and are associated with agricultural activity on the land.
- ~~In all other rural areas support tourism uses and developments in the Farming Zone that are associated with agricultural activity on the land.~~
- Support a limited number of larger scale rural based tourism development within rural areas that require rezoning.
- Direct major accommodation facilities to urban areas.

# APPENDIX 2. URBAN ENTERPRISE SITING AND DESIGN GUIDANCE

## 1. General siting and design principles

This section provides general siting and design principles for non-rural uses in rural zones. Refer to the Greater Geelong Planning Scheme for relevant overlays and schedules. When building in coastal areas refer to the Siting and Design Guidelines for structures within the Victorian Coastal Strategy 2014.

Guidelines for specific uses are provided in the following section.

### Design objectives

- To ensure that all buildings are designed and sited to minimise environmental & visual impacts.
- To ensure that the siting of buildings does not threaten or reduce the rural capability of the land or introduce the potential for land use conflicts.
- To ensure that access driveways and other earthworks are designed and sited to limit environmental impact.
- To ensure that all development is designed and located to minimise risks from natural hazards including predicted impacts of climate change, flooding and tidal surges.

### General siting and design guidelines

- Buildings should be located so as not to adversely impact on the rural activities conducted on the site and adjoining land and the long term viability of rural production in the area.
- Appropriate landscaping should be used to reduce the visual impact of the buildings on the landscape.
- Buildings should not be sited on visually exposed ridgelines, unless the visual impact is minimised by using designs and colours that merge with, or compliment, the landscape.
- Building setbacks from property boundaries, government and private roads and waterways should be relevant to the scale of the building, the site circumstances, the potential environmental impact and the rural activities conducted on the site.
- Buildings should be designed to respond to the topography of the land.
- Buildings, including sheds, should be constructed out of materials capable of blending in with the natural surrounding environment whether this be in natural form or via a tailored paint scheme.
- External finishes on buildings should: Respond to, compliment and/or reflect the colours and textures evident in the natural environment; Have a low reflectivity to minimise glare and visual impact.

### Access

- Buildings should be accessible by legal, all weather, and practical access.
- Access driveways should be located to minimise tree removal and land forming.
- Access driveways should follow contours to avoid excessive site works; erosion & sedimentation run off.

## 2. Tourism Accommodation Directions

### 2.1 Camping and caravan park

Rural areas are an attractive location for Camping and Caravan Parks given their natural and rural setting and requirement for large sites. There is already a large provision of this accommodation type across the region, however, there is opportunity for a large additional quality branded tourist park, particularly in the northern Bellarine area, near Portarlington or St Leonards. The demand analysis shows that up to 80 cabins and 120 sites would meet projected market demand for over the next 10-15 years.

Caravan Parks are a designated area of land primarily for affordable short-stay accommodation by leisure visitors provided for within a range of accommodation products. They are an important part of the accommodation offering across the region. They provide an affordable holiday accommodation option aimed primarily at families and touring visitors. They also allow for large capacities to deal with the large volume of visitors during peak season and during events.

A concern for a number of Councils has been the use of Caravan and Camping Grounds for permanent residence rather than tourism accommodation. There are a number of such caravan parks in Greater Geelong. Figure 11 shows some of the key differences Caravan and Camping Grounds that cater to tourists compared with permanent residents. The Bellarine Big 4 Tourist Park, one of the largest tourism parks in Greater Geelong, includes the following features which distinguish it as a tourism focused park:

- Provides a mixture of accommodation types suited to a number of different markets including powered caravan and camping sites, and 1, 2 and 3 bedroom cabins;
- Significant recreational facilities including an indoor swimming pool and water playground, tennis court, basketball court, bocce court, BMX track, indoor and outdoor playgrounds, café, cinema and flying fox;
- Communal facilities including bathrooms, laundry, camp kitchen, and sewage dump; and
- Significant landscaping throughout the site to provide a natural setting for visitors and opportunities for privacy between sites

In contrast, the Collendina Caravan Park, which caters to long-term visitors and permanent residents, has a significantly larger building footprint and building density.

Decision makers need to have regard to the above attributes normally associated with tourist or holiday leisure caravan parks.

#### **Camping and caravan park design and siting in rural areas**

##### *Location and Context*

- Within or connection to a tourism precinct/township/destination which allows access to services and retail;
- Is in close proximity to existing tourism product and infrastructure nodes or in a location which exhibits tourism development potential e.g. undeveloped high quality natural attractions;
- Has a connection or promotes an experience with a natural setting or system (e.g. foreshore, river, forest/bushland);
- Is easily accessible to or located along a major road, highway or touring route;
- Identify the purpose and composition of the caravan park in relation to its location and context. Considerations may vary between a stop-over/transit caravan park, catering to long-stay/permanent occupants;
- Where practicable, caravan parks comprising a long-stay component should be located where there is access to urban facilities and amenities.

### *Facilities*

- Provides a high level of internal amenity including open space, landscaping, and recreational facilities;
- Provides communal facilities of an appropriate scale required by a holiday and leisure market (e.g. bathrooms, laundry, camp kitchen, sewage dump);
- Provides a variety of accommodation types suited to identified target market (cabins, powered or unpowered caravan and camping sites).

### *Topography, drainage, soils and vegetation*

- Caravan parks should generally not be located on steep slopes due to erosion risk and potential drainage problems associated with earthworks and retaining cut and fill embankments. However, if mitigation measures are outlined, sites may be considered in constrained areas.
- Caravan parks should not generally be permitted in areas of potential risk from flooding or waterlogging unless appropriate mitigation measures are undertaken. Watercourses (such as streams and creeks) and local sensitive environmental features should not be disturbed or altered by the development.
- Acid sulphate soils and other soil types may not be suitable for development as they are susceptible to slipping and slumping, especially during wet periods.
- Vegetation clearing should be kept to a minimum, and in particular, the retention of mature trees should be encouraged, subject to appropriate management of falling limbs and bushfire risk.

### *Coastal or fire hazard constraints*

- Many existing caravan parks are situated within coastal environments. The location of new or the redevelopment of existing coastal caravan parks should take into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria. Compliance with any relevant coastal planning policy or guideline is required; this may necessitate the need for a coastal hazard risk management and adaptation plan being prepared, where one does not exist.
- Many caravan parks are located in bush settings which may present a bushfire hazard. For sites identified as being bushfire-prone, compliance with any relevant bushfire planning policy or guideline is required. This may necessitate the need for a bushfire hazard assessment and /or bushfire management plan being prepared.

### *Visual impact*

- Caravan parks may have an impact on landscape character and visual amenity in rural and natural landscapes. The visual impact of the caravan park should be considered from scenic vantage points, public lookouts and tourist routes to reduce the impact on high value view sheds.

### *Internal Design*

- Ensure that all abilities access is provided;
- Services and loading areas shall be hidden from view away from the approach to the building and outlook from within;
- Temporary drop off bus parking is required to deliver groups and baggage to the accommodation. Long term parking to be located away from development and hidden from views;

### *Access*

- Suitable access and egress should be provided to ensure traffic, cyclist and pedestrian safety within the park;
- Secondary or alternative access routes in event of an emergency (e.g. fire or flood) should be identified;

- Internal road design should consider the interaction between pedestrians and vehicles, and adequate manoeuvring space for RVs and vehicles towing caravans and trailers;

#### *Amenity*

- Vegetation and landscaping should be considered as they are important for integrating the caravan park into the landscape. Vegetation and landscaping provide screening from surrounding land uses, help reduce visual and noise impacts, provide privacy for park users, provide shade, and contribute to a desirable setting for a caravan park;
- Other visual and amenity considerations may include design to minimise the opportunity for crime, using complementary structure styles, colours and materials, suitable choice of fencing, and separating recreational areas (e.g. playgrounds and pools) from quiet activity areas;

#### *Services*

- Utility services including a suitable electricity supply, telephone service or mobile phone network availability, a demonstrable water supply and wastewater treatment system should be available. Service providers should be consulted regarding the availability and capacity of services in determining new sites for caravan parks, particularly during seasonal peak demand;
- Where reticulated sewerage is not available, on-site wastewater disposal is to be to the satisfaction of the Health Department.

## **2.2 Other rural accommodation (group accommodation and residential hotel)**

Quality accommodation was identified as a key accommodation gap across the region in the Greater Geelong and Bellarine Tourism Development Strategy.

The Bellarine Peninsula in particular has significant opportunity for boutique accommodation associated with established tourism product such as wineries which already have significant visitor facilities (cellar door, restaurants and function space). Rural areas are considered well suited to this accommodation type as they can provide a unique natural and rural setting. Projected demand for commercial rural accommodation over the next 15 years (group accommodation and residential hotels) include:

- **Farmstay accommodation:** accommodation connected to an agricultural enterprise; (2-4 establishments with 3-5 rooms each);
- **Nature-based accommodation:** accommodation which is sensitive to the surrounding ecosystem and showcases the natural setting (2-4 establishments with 10-20 rooms each);
- **Winery accommodation:** (2-4 establishments with 5-25 rooms each);
- **Integrated resort:** hotel style or self-contained accommodation integrated with a number of other uses such as restaurant, conference centre, recreation, and spa and wellness (e.g. RACV Inverloch) (one large facility of 80-120 rooms).

Table 9 lists examples of boutique accommodation in other tourism regions. This accommodation type is usually associated with other uses (spa, winery, function space) except for a large integrated resort.

### **Rural accommodation design and siting in rural areas**

#### *Location and context*

- Demonstrates strong links and provides an outlook over a natural or rural setting;
- May be co-located with an existing tourist facility or agricultural enterprise;
- Has a connection or promotes an experience with a natural setting or system (e.g. foreshore, river, forest/bushland);

### *Built form and design*

- If possible construct new development where the natural landscape has already been modified;
- The siting and design of accommodation must consider the established character and landscape of the local area and where possible maximise view opportunities;
- The height and bulk of the development shall be domestic in scale and not dominate the landscape;
- External materials, colours and finishes are required to sit in harmony with the surrounding landscape;
- The built form must have regard to the local character and be articulated to breakdown building mass;
- Glass reflection to be tempered using vision screens. Colour scheme and selection of materials and finishes to be compatible with surrounding environment;
- Car parking areas will be broken down into smaller pocket areas with landscaped buffer screens;

### *Access*

- Secondary or alternative access routes in event of an emergency (e.g. fire or flood) should be identified;
- Access for deliveries must be considered;
- All abilities access will be provided;

## **3. Tourism activities directions**

### **3.1 Function Centre**

Rural areas of Greater Geelong may support function centre development as either a standalone facility or be collocated with supporting tourism uses such as winery and accommodation.

The design of a function centre must have regard to the established character and landscape of the local area. The design of a function centre requires a large predominantly level site to accommodate a building that provides a variety of flexible spaces. The facility requires direct access to outside to enable a variety of activities to occur.

Small to large groups of people will be in attendance during the day and evening therefore resultant noise must be considered in the facilities location and design.

The scale of the function centre will vary, however it will be important for the proponent to identify the following:

- Target markets for the function centre;

Ability of the function centre to fill a gap in the market in terms of function capacity or type of centre.

### **Function centre design and siting in rural areas**

#### *Location and Context*

- Provides a suitable buffer from sensitive uses (e.g. residential dwellings) to minimise the impact of noise pollution and other off-site amenity impacts;
- Is easily accessible to or located along a major road, highway or touring route;
- May be co-located with existing tourist product or agricultural enterprise;
- Site is of a sufficient area to accommodate parking whilst maintaining rural amenity and landscaping;

- Promotes outlook over rural areas or natural setting;

#### *Built form and design*

- The selected construction materials and colour scheme are compatible with the surrounding landscape;
- The height, bulk or appearance of the development will not dominate the landscape;
- Exterior lighting will be limited to low watt, site specific lighting (neon advertising, exterior neon lighting or flashing illumination will not be permitted);
- Utilities, including bin storage, delivery service areas and air conditioning plants, will be screened and will not be visible from the public domain;
- The proposal will not detract from the established amenity of the adjacent locality;
- The siting and design of accommodation must consider the established character and landscape of the local area and where possible maximise view opportunities;
- External materials, colours and finishes are required to sit in harmony with the surrounding landscape;

#### *Access*

- Secondary or alternative access routes in event of an emergency (e.g. fire or flood) should be identified;
- Access for deliveries must be considered in site layout and design.

### **3.2 Art Gallery and museum**

Most examples of arts galleries and museums in a rural setting are often boutique in scale and based on historical trends and audits of rural uses as part of the Tourism Development Strategy, the demand and growth of this sector will be low to moderate.

The design of art galleries and museums can vary from small simple space requirements attached to other facilities to complex arrangements of spaces in a standalone facility. The architecture expresses the vision and personality of the institution while creatively incorporating functional requirements. Inspiration must consider location, environment and collections. Therefore, building layouts and design can vary significantly.

Figure 13 below shows Tarrawarra Museum of Art in the Yarra Valley which is a rare example of a large private art gallery in a rural setting. The commercial viability of facilities of this scale is reliant on revenue from art sales, collocated café/restaurant and in the case of Tarrawarra, a winery as well.

#### **Art gallery/museum design and siting in rural areas**

##### *Location and Context*

- Promote outlook over rural areas or natural setting;
- May be co-located with other tourist products (café, arts sales);
- Is easily accessible to or located along a major road, highway or touring route;

##### *Design and Built Form*

- The impact of the scale of the building should be mitigated by reducing built form height towards the perimeter of the development. Landscape buffers to be positioned around the site to deflect view lines within the rural landscape;
- Maintain important view corridors;
- The selected construction materials and colour scheme are compatible with the surrounding landscape;
- High quality contemporary design should be considered to complement the focus or theme of the art gallery or museum;

- Exterior lighting will be limited to low watt, site specific lighting (neon advertising, exterior neon lighting or flashing illumination will not be permitted).
- Utilities, including bin storage, delivery service areas and air conditioning plants, will be screened and will not be visible from the public domain.

#### *Access*

- Safe drop off areas are required;
- Access for deliveries must be considered;
- All abilities access will be provided.
- Adequate parking to be provided and good access to other transport;

### **3.3 Restaurant/café**

The Greater Geelong region is growing as a food and wine destination and a number of new restaurants have established in recent years, many of which are associated with existing wineries.

The Tourism Development Strategy identified the need for an improved food offer to meet target market expectations.

The design of a proposed restaurant or café must have regard to the established character and landscape of the local areas.

#### **Restaurant/café design and siting in rural areas**

##### *Location and Context*

- Provides a suitable buffer from sensitive uses (e.g. residential dwellings) to minimise the impact of noise pollution and other off-site amenity impacts;
- Promote outlook over rural areas or natural setting;
- May be co-located with existing tourist product or agricultural enterprise;
- Essential services including water, sewerage, and electricity are available;
- Is easily accessible to or located along a major road, highway or touring route;
- The proposal will not detract from the established amenity of the adjacent locality;

##### *Design and Built Form*

- The selected construction materials and colour scheme are compatible with the surrounding landscape;
- The height, bulk or appearance of the development will not dominate the landscape;
- Exterior lighting will be limited to low watt, site specific lighting (neon advertising, exterior neon lighting or flashing illumination will not be permitted);
- Utilities, including bin storage, delivery service areas and air conditioning plants, will be screened and will not be visible from the public domain, including the river;
- Effluent from food preparation areas, kitchens and ablutions will not enter the waterway or affect the foreshore;
- Foods, goods, wastes, cleaning products and chemicals are properly stored and contained within the facility.

#### *Access*

- Access for deliveries must be considered;
- All abilities access will be provided.

## 3 Commercial use directions

### 3.1 Landscape garden Supplies

Landscape garden supplies often require large land areas that are unavailable in urban locations. There are many examples of garden supplies that also act as tourism facilities with cafes/restaurants and homeware and outdoor furniture retail offers.

A garden supply facility requires a large area of level land, the majority of which is open space. Generally the facility must accommodate structures for retail sales storage, work areas and bins for landscape materials. The remainder of the space is allocated for plant sales, car parking and separated circulation space for cars, trucks and tractors.

#### **Landscape garden supplies design and siting in rural areas**

##### *Location and Context*

- The facility is located conveniently to townships with the opportunity for dual access to major roads;
- Is easily accessible to or located along a major road or highway;

##### *Design and Built Form*

- The selected construction materials and colour scheme are compatible with the surrounding landscape;
- The height, bulk or appearance of the development will not dominate the landscape;
- Exterior lighting will be limited to low watt, site specific lighting (neon advertising, exterior neon lighting or flashing illumination will not be permitted). Operation is limited to business hours;
- Utilities, including bin storage, delivery service areas and air conditioning plants, will be screened and will not be visible from the public domain;
- Chemicals and fertilisers are properly stored and contained within the facility;
- The proposal will not detract from the established amenity of the adjacent locality;

##### *Access*

- Adequate carparking is available onsite;
- Access for large vehicles needs to be considered.

### 3.2 Market

The proposed site for a permanent market requires a substantial area of land that is generally level to enable all abilities access throughout the facility. Pedestrian walkways and stall holder sites need to be compacted or sealed surfaces acceptable to disability standards. Structures whether permanent or temporary need to reflect the character of the location.

In general, markets should be directed to township areas where the impacts on traffic and parking can be managed unless a rural location is justified (e.g. link with agricultural industry, require a large site which is not available in an urban location).

#### **Market design and siting in rural areas**

##### **Location and Context**

- Demonstrate that a large site is required which is not available/or suitable in a urban location;
- Where possible, direct permanent structures and high traffic to areas where the natural landscape has already been extensively modified;
- The proposal will not detract from the established amenity of the adjacent locality;

## **Design and Built Form**

- Large carparks to be adequately screened from external views with landscape buffer planting;
- Large sealed parking areas should be minimised;
- Service access to be hidden from view and safely located to rear of stall holders sites;
- Exterior lighting will be limited to low watt, site specific lighting (neon advertising, exterior neon lighting or flashing illumination will not be permitted).

## **Access**

- Adequate carparking is available onsite;
- Road layouts to encourage low vehicle speeds.
- Site roads to avoid sensitive vegetation, habitats, soil types, rock formations and drainage ways.
- Access for large vehicles needs to be considered.
- Locate roads in development keeping the pedestrian crossing points to a minimum.

### **3.3 warehouse and trade supplies**

Warehouse and Trade Supplies are considered together as they have similar built form considerations and are generally considered better suited to urban areas. These uses will need to be managed carefully in rural areas to ensure that they do not promote urban encroachment or undermine rural character.

Warehouse and trade supplies generally do not have a strong commercial link with a rural setting unless they are servicing the rural areas. Generally warehouse and trade supply uses should be directed to urban commercial zones unless a rural location can be appropriately justified.

#### **Warehouse and trade supplies design and siting in rural areas**

##### *Location and Context*

- Demonstrate there is demand for the goods/services which cannot be met in an urban area;
- Demonstrate that a large site is required which is not available/or suitable in a urban location;
- Is easily accessible to or located along a major road or highway;
- Does not promote urban encroachment into rural areas;
- Discouraged from areas of recognised landscape value and does not impact important viewsheds;

##### *Design and Built Form*

- Building heights must not protrude above the maximum established by the relevant controls affecting the land;
- The height, bulk or appearance of the development will not dominate the landscape;
- Where practical, loading docks should be screened from the street and of an appropriate size to adequately service on site operations without overspill to roadways;
- The selected construction materials and colour scheme are compatible with the surrounding landscape;
- Large carparks and buildings to be adequately screened from external views with landscape buffer planting;

#### *Access*

- Adequate Carparking is available onsite;
- Access for large vehicles needs to be considered.

### **3.4 Industry (other than rural industry)**

Industry uses such as materials recycling, refuse disposal, or transfer station which may have significant amenity and landscape impacts are discouraged in rural areas (particularly on the Bellarine) and should be directed to industrial zones or identified precincts where impacts and land use conflicts can be managed appropriately.

#### **Industry (other than rural industry) design and siting in rural areas**

##### *Location and Context*

- Demonstrate there is demand for the industrial activity which cannot be met in the urban areas or elsewhere in the wider region outside of the Bellarine;
- Provides a suitable buffer from sensitive uses (e.g. residential dwellings) to minimise the impact of noise pollution and other off-site amenity impacts;
- Discouraged from areas of recognised landscape value and does not impact important viewsheds;

##### *Design and Built Form*

- Building heights must not protrude above the maximum established by the relevant controls affecting the land;
- The height, bulk or appearance of the development will not dominate the landscape;
- Where practical, loading docks should be screened from the street and of an appropriate size to adequately service on site operations without overspill to roadways;
- The selected construction materials and colour scheme are compatible with the surrounding landscape;
- Large carparks and buildings to be adequately screened from external views with landscape buffer planting;

## APPENDIX 3. SUMMARY OF CONSULTATION RESPONSES RECEIVED.

Sub No.	Name	How received?	Agree	Summary of response
1	Padraic Fisher	Online	Y	It is easy to be caught up in the nostalgia and romance of 'rural preservation' for the sake of rural preservation'. Rural communities are especially vital in balance of economy and health/well being as they both relate to live/work/eat local.
2	Chris Mason - St Quentins Consultancy	Email	N	Proposals to re-introduce "in conjunction with" is not only contrary to the strategic intent of the reformed rural zones, but will also act to frustrate the specific types of tourism development that the Victorian Competition and Efficiency Commission identified as being necessary to deliver the marketing promise of Victoria.
3	John MacDonald - Swan Bay Holiday Park	Post		I note and concur to the comments on the need for caravan parks to curtail permanent residency. We should keep an open mind allowing submissions for new caravan parks and extensions to existing parks.
4	Norman Hite			Money can be found (or borrowed) for all sorts of purposes in the CBD and near residential areas but seems very scarce when it comes to servicing the rural zones.
5	Anthony Forster	Online	Y	Response referring to the provision of water in the Rural Activity Zone 2. <i>[Not relevant to Geelong.]</i>
6	Lee O'Hara	Online	Y	Development should be minimal in rural areas. I encourage Council to implement measures to phase out the farming of livestock in our rural zones by stimulating instead the farming of grains and instigating a program of turning some of our farmland back into areas for wildlife conservation. It would be good to develop better access to such springs, but not massive spa structures.
7	Tom O'Connor – Committee for Bellarine	Online	N	"The approach taken by Council to manage development in rural areas" currently shows little if any awareness of the farming potential within the region.

				<p>This lack of awareness is reflected in Councils' rating strategy, in its Economic Development vision, in its exclusion of the fundamental principles within the Environment Management Strategy, and its yet to be released Tourism Strategy.</p> <p>Concern over Planning's approach to community consultation - specifically that it largely ignores the potential and opportunities for the farming community.</p>
8	Lex Chalmers	Email		<p>Allowing more activities in Rural Zones will create difficulties for municipalities in managing competing uses, as is currently shown in Murrundindi Shire with residents complaining about a 'worlds' best practice' Wahgu beef farm.</p> <p>This feature of the district requires that the council strongly support the capacity of the land to be productive through limiting incursions on to farm land.</p>
9	Laurel Wilkinson	Email		<p>Greater flexibility of land uses is beyond belief and would destroy the amenity of the peninsular. Very small scale development may be possible, but preferably not at all, because any form of development other than farming is unsuited to this unique area.</p>
9b	Laurel Wilkinson	Post	N	
10	Geoff & Rosanne Cook	Email		<p>We remain enthusiastic about the potential for agriculture and as the original instigators of the Central Geelong Farmers market.</p> <p>We are moving to lifestyle living, rather than farming for a living as the cost of real estate soars. The issue now is to protect the rural land and at the same time the lifestyle living that in which many are now making a significant investment. It would appear that managing personal self-interest at the expense of the local community will be very difficult.</p> <p>We rely on the COGG to: maintain the open green spaces in designated rural areas; and restrict development activities that are inconsistent with local community values and activities.</p>
11	David & Christine Lean - Tuckerberry	Email	Y	<p>We value neighbours who want to use their land for farm produce and value add to that production rather than sit on the land and hope for subdivision and</p>

				<p>increased value.</p> <p>The scale and type of development in our rural area needs to be consistent with the average size of landholding. Accommodation needs to be low density / low rise and carefully placed on the block to minimise impact on neighbours and views.</p> <p>New developments need to be linked to the rural use of the land. Farmers must be permitted to carry out normal farming operations unimpeded.</p>
12	Ray & Deborah Threadwell	Email		I disagree with your way of developing rural areas when it disadvantages people, land owners, in adjoining rural living areas.
13	Victoria Farmers Federation	Email		The VFF Bellarine Branch has a number of major concerns about increasing the development in rural areas which include loss of agricultural land, fragmentation of existing holdings, threats to the Right to Farm, lack of infrastructure to support tourist development and development in inappropriate areas. The VFF Bellarine Branch is deeply concerned that this policy review is heavily focussed on tourism and further development, while not considering the potential conflict with existing rural industries.

# APPENDIX 4: TRACKED CHANGES VERSION OF CLAUSE 22.06.

## 22.06 TOURISM AND FUNCTION CENTRE DEVELOPMENT IN RURAL AREAS

28/01/2010

C129(Part 1)

This policy applies to all land zoned Farming, ~~Rural Activity~~ and Rural Conservation.

The rural areas of Geelong and its many attractions are highly valued for their contribution to the economy, liveability and amenity of the whole municipality. Tourism is a key part of the economy of the Greater Geelong region, in particular on the Bellarine Peninsula.

Growth of the tourism economy is expected across Geelong to 2030. Most of this tourism growth is directed to Central Geelong and other townships where there is existing capacity and a settlement strategy that caters for future growth.

There are opportunities to enhance the tourism industry in rural areas through well designed developments that are associated with the farming or rural use of the land. Tourism development forecasts show that there is a demand of between 330 to 550 accommodation rooms or caravan sites in rural Geelong to 2030. Camping and caravan parks currently are traditionally the most common form of accommodation in the rural areas of Geelong with a focus on the family market. There is a need to expand the Council supports the ongoing development of tourism in the City, including the provision and enhancement type of accommodation provided in rural areas to improve the market offer and ~~and other facilities to~~ encourage longer stays in the region. This includes farm stays, accommodation associated with wineries and golf courses, nature based accommodation and integrated resort accommodation that is dispersed across the rural area.

Tourism development within the rural areas must be carefully managed and designed so that it does not compromise the rural landscape character or existing agricultural activities that are part of the economy and tourism attraction of the area.

In some circumstances function centres and restaurants may also be considered as tourism ventures, particularly when co-located or associated with other tourism activity.

Camping and caravan parks that result in long term or permanent housing accommodation risk resulting ad hoc urban extensions. This undermines the settlement strategy and can also lead to poor social outcomes and community connectivity. Camping and caravan parks should be designed to cater for the tourism market.

The rural areas play a key role in the tourism market. They are a fundamental part of the amenity of the area and they are home to many attractions. Tourism development within the rural areas must be carefully managed so that it does not compromise the farmed rural landscape or existing agricultural activities that are part of the economy and tourism attraction of the area. Nor should tourism undermine the settlement strategy for the Peninsula that clearly directs urban development to the existing towns.

Appropriate tourism development in rural areas can support existing farming businesses. It is recognised that there is an opportunity for a small number of larger non farm based tourism enterprises in the rural areas. However, these need to be carefully designed and located so as not to compromise the vision for the rural areas that includes preserving a farmed rural landscape.

Council recognises that there are opportunities to enhance the tourism industry in the region through the provision of a small number of rural based, larger scale, high quality tourism developments that are ancillary to or associated with the farming or rural use of the land. These developments can be facilitated by the strategic application of an appropriate zone.

### Objective

- ~~To support tourism development in rural areas that respects the farmed rural landscape of the area and contributes to the economy/growth of the tourism market.~~
- To expand the diversity of accommodation typologies available across the rural area to address an identified demand and disperse growth.
- To preserve the productive agricultural capacity of the land and where possible enhance the environmental condition of the land.
- To ensure the scale of the enterprise development will complement and respect the rural landscape character/nature of the area, and be small, unobtrusive and not detract from the farmed rural landscape of the area;
- To ensure development will not result in the urbanisation of the area;
- To ensure a mix of accommodation options are provided in camping and caravan parks.

## Policy

It is policy that the responsible authority will support the use and development of rural land for tourism and function centre activities/uses where:

### Preferred location

- ~~It~~ The use will be ancillary to and associated with an existing farming/agricultural activity on the property.
- Uses not associated with agriculture may be supported by the responsible authority where the following are met:;
  - It is demonstrated that the circumstances of the use are unique and support site selection in a rural location over an urban location. The site selection criteria requires a rural location;  
~~The facility will contribute to the tourism economy of the region, increasing accommodation options, in particular, high end and luxury markets, and is consistent with tourism strategies for the area;~~
  - The site is strategically located with respect to an identified tourist route, such as the tourist route identified in the Bellarine Localised Planning Statement or along the Bellarine Highways, tourist attractions and other infrastructure. Preference will be given to areas along the Bellarine Highway where there is already a mix/cluster of non-rural activities and additional development will not result in urbanisation.;
  - The use and its associated development would not unreasonably visually compromise a non-urban break between settlements, a significant view or area identified for landscape significance or environmental significance.
  - The use can address a regionally recognised demand identified in a tourism development strategy.
- Tourist accommodation provides a connection or access to a tourist facility, tourist attraction or outdoor recreation.

### Impacts on agricultural productivity

- ~~The primary land use will remain rural/farming in nature;~~
- The mix of uses and development will not be out of balance with, nor change the character and nature of the primary rural land use, or result in an unreasonable loss of productive agricultural land;
- The proportion of the property used for the development/tourism and ancillary infrastructure is minimised, and non-agricultural development is directed to the area of lowest agricultural quality or where the natural landscape has been modified;
- Existing agricultural activity on adjoining land will not be compromised;

### Design and siting

~~The scale of the enterprise will respect the rural nature of the area, and be small, unobtrusive and not detract from the farmed rural landscape of the area;~~

- Buildings and structures are designed and sited to not be visually dominant and can blend into the surrounding landscape and natural environment. Visual impacts should be mitigated or minimised through appropriate design, landscaping, materials and colours.
- Buildings incorporate a high design standard with environmentally sustainable design features.
- The design of a residential hotel and group accommodation avoids large, single footprint buildings and is distinguishable from a typical residential building.

#### **Amenity**

- Neighbouring properties are protected from unacceptable disturbance associated with the hours of operation, number of patrons, or vehicular movements resulting from the use.

#### **Traffic and Services**

- Adequate area is set aside for on site car parking and landscaping.;
- The site has access to an appropriately constructed or sealed road that is capable of accommodating anticipated traffic levels or has convenient access to a major road.
- The site has access to all necessary servicing infrastructure. Where infrastructure is required or needs upgrading the applicant will meet all costs.
- ~~The environmental condition of the land will be enhanced. This could be achieved by fencing off remnant vegetation, revegetating strategic areas such as between remnant stands to develop wildlife corridors and along waterways.~~

#### **Camping and caravan park design**

In addition to the above policy, a camping and caravan park must also meet the following:

- A camping and caravan park will include a mix of tourist accommodation site types and visitor facilities including:
  - Sites for caravans, motor homes or tents;
  - Sites with unregisterable movable dwellings;
  - Sites for caravans with rigid annexes;
  - Sites with cabins;
  - Lodge accommodation;
  - Ablution blocks;
  - Communal and recreation facilities; or
  - Facilities that allow for public pre-booked or walk up bookings.
- The layout and design of the camping and caravan park will have the appearance of a camping and caravan park rather than a residential village or subdivision (restricted access, permanent constructed roads, larger building footprints, higher building densities, the provision of individual carports/ garages, building design that resembles a holiday cabin rather than a permanent residence).

#### **Application Requirements**

An application should be accompanied by the following information to the satisfaction of the responsible authority, as appropriate:

- A description of the proposal, including a site context report; hours and days of operation; number of staff and visitors or patrons; type and number of accommodation buildings, units or camping sites; or a description of how a camping and caravan park is to be established and operate as a tourist park,
- ~~The~~ A land management plan -outlining measures to address agricultural production and environmental protection, including productive capacity of the land is to be preserved and where possible enhanced. This should be achieved through addressing issues such as pest plants and animals and erosion of the land; as well as ~~This could be achieved by fencing off remnant vegetation, revegetating strategic areas such as between remnant~~

~~stands to develop wildlife corridors and along waterways, and can be demonstrated through the development and implementation of a management plan;~~

- A management plan outlining, the following as appropriate:
  - The mechanisms to be put in place to ensure onsite and offsite amenity is maintained on an ongoing basis, including onsite caretaker arrangements;
  - Onsite and offsite traffic management
  - Litter and waste effluent management;
  - Staffing and staff training procedures;
  - Requirement and procedure to inform adjoining residents of when a function or event is to be held; or
  - The requirement for the provision of an onsite manager for the duration of a function or event and the complaints procedure;
- A landscape plan, including a landscape character assessment for site and building design with an outline of the impact on the rural landscape.
- An acoustic report outlining noise impacts and noise mitigation measures, including set up and set down for functions and events.
- A traffic report.

### **Large Scale Tourism**

~~Council will only support large scale tourism developments within rural areas where:~~

- ~~▪ The site selection criteria requires a rural location;~~
- ~~▪ The development will not compromise the vision for the area that is based on preserving the farmed rural landscape;~~
- ~~▪ The development will not contribute to the urbanisation of the area;~~
- ~~▪ The land use is compatible with the use of adjoining and surroundings land for farming and complimentary to the rural setting;~~
- ~~▪ There is a regionally demonstrated demand for such a facility;~~
- ~~▪ The facility will contribute to the tourism economy of the region, increasing accommodation options, in particular, high end and luxury markets, and is consistent with tourism strategies for the area;~~
- ~~▪ The site is strategically located with respect to tourist routes, tourist attractions and other infrastructure. Preference will be given to areas along the Bellarine Highway where there is already a mix of non rural activities;~~
- ~~▪ The site has access to all relevant servicing infrastructure and the development will meet all costs for infrastructure provision to the site.~~

### **Decision guidelines**

~~Where the above criteria can be met, Council will support the application of the Rural Activity Zone to facilitate development. Rezoning proposals must be accompanied by~~Before deciding an application the responsible authority must consider, as appropriate:

~~A planning permit application for the proposed land use and development pursuant to Section 96A of the *Planning and Environment Act 1987*.~~

~~A submission which addresses the above criteria. In particular the submission must:~~

~~Exp~~the proposed land use cannot be located within a town, why a rural location is required and why the particular site selected is suitable for a tourist development with respect to

- If the use is ancillary to or associated with an existing farming activity on the site
- If why a rural location is required in favour of an urban location
- The proximity and access to tourism features and infrastructure.

- ~~Demonstrate how the development is to be sited and designed so that it will not compromise the vision for the rural area~~Potential impacts on the rural landscape character of the areas that involves preserving the farmed rural landscape.
- ~~Explain h~~How the land use is consistent with tourism strategies for the area ~~erves the region and enhances~~promotes the regional tourism economy and expands accommodation typologies.
- The mix and type of accommodation provided.
- The potential impact the use will have on neighbouring properties, including agricultural operations.
- If the proposal will maintain and/or improve the productive capacity or environmental condition of the site.

## **References**

*City of Greater Geelong Rural Land Use Strategy, City of Greater Geelong, 2007.*

*Managing Development in Rural Areas, Planning Policy Review, City of Greater Geelong, 2015.*

**5. GREATER GEELONG PLANNING SCHEME AMENDMENT C301 -  
REZONING OF 892-958 AND 960-990 BARWON HEADS ROAD,  
ARMSTRONG CREEK**

**Portfolio:** Planning – Cr Heagney  
**Source:** Planning & Tourism - Planning Strategy & Urban Growth  
**General Manager:** Peter Bettess  
**Index Reference:** Subject: Armstrong Creek Urban Growth Area -  
Armstrong Creek South Precinct

**Purpose**

This report presents submissions received in response to the public exhibition of Amendment C301 and seeks a Council resolution to request the Minister for Planning appoint an independent Panel to review submissions and make recommendations.

**Summary**

- The amendment was exhibited between 27<sup>th</sup> August 2015 and the 2<sup>nd</sup> of October 2015.
- This report considers the 12 submissions received during the exhibition period.
- The main issues raised in these submissions include:
  - Storm water Management
  - Traffic management
  - Development timing and funding.
- 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 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 C301, 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 amendment applies to approximately 52.28 hectares of land located at 892-958 and 960-990 Barwon Heads Road, Armstrong Creek. See **Appendix 1**.

The land parcels abut the south-east corner of the Armstrong Creek East Precinct Structure Plan area and directly abuts the eastern boundary of the Armstrong Waters Estate.

Council at their meeting of 9<sup>th</sup> July 2013, resolved to proceed with amendment process for the rezoning of the land from Farming Zone (FZ) to Urban Growth Zone (UGZ), incorporation of a Precinct Structure Plan and associated infrastructure funding plan.

The Armstrong Creek South Precinct Structure Plan (ACSP) was prepared by Armstrong Creek Development Corporation who represent both of the land parcels that make up the ACSP.

The amendment was exhibited between the 27<sup>th</sup> of August 2015 and the 2<sup>nd</sup> of October 2015.

The subject land was excluded from the original Armstrong Creek Urban Growth Area Boundary which was incorporated into the Greater Geelong Planning Scheme in 2010. Subsequent investigation in to the management of storm water have identified the area as developable as a logical inclusion in to the Armstrong Creek Urban Growth Area.

The amendment was exhibited between August and October 2015 and a total of 12 submissions were received:

- Three (3) submissions have been received from local landholders which identified the issues of storm water and traffic management.
- Two (2) submissions have been received from developers in the surrounding area broadly identifying issues with the funding of storm water facilities in the abutting Horseshoe Bend Precinct.
- Two (2) submissions from servicing authorities which were supportive of the amendment subject to minor corrections to the Precinct Structure Plan.
- Four (4) submissions from Government authorities which were supportive of the amendment subject to minor corrections to the Precinct Structure Plan and associated planning provisions.
- One (1) from the proponent supporting the amendment

### ***Discussion***

Amendment C301 proposes to incorporate the Armstrong Creek South Precinct Structure Plan into the Greater Geelong Planning Scheme.

### ***Key issues raised by submissions***

Response to key issues raised in submissions are listed below. A more detailed response to each of the individual issues is attached in **Appendix 2**.

### ***Storm water management***

*Application of a Public Acquisition Overlay on land set aside in the Horseshoe Bend Precinct for storm water management*

The issues of additional funding for the purchase of Sparrovale Wetlands, and the application of a Public Acquisition Overlay (PAO) over the Sparrovale Wetlands, have been raised in two of the submissions to C301 (the Sparrovale Wetlands being the collective name given to two land parcels at 1-87 Groves Road, Armstrong Creek and 109-215 Sparrovale Road, Charlemont).

Both land parcels are currently in private ownership, however, they are to be purchased and commissioned to receive, store and treat storm water from the Horseshoe Bend precinct.

Submissions to the exhibition of the Horseshoe Bend Precinct Structure Plan and Development Contributions Plan (which were exhibited between December 2013 and January 2014) requested the application of a PAO across the two properties to facilitate the timely acquisition of the land. In consideration of the submissions, Council identified that the use of the Horseshoe Bend Development Contributions Plan, and not a PAO, was the most appropriate method of securing land for its role in the management of storm water in the Horseshoe Bend precinct. Council officer opinion on this issue remains unchanged.

As a result of the nexus between the Horseshoe Bend Precinct and the wetlands, the cost of acquisition has been equally apportioned between all the landholders within the Horseshoe Bend Precinct as clearly detailed in both the Horseshoe Bend Precinct Structure Plan and the Horseshoe Bend Development Contributions Plan. Both these plans were incorporated into the Greater Geelong Planning Scheme on the 27<sup>th</sup> of November 2014. To date, the City of Greater Geelong has issued Planning Permits for approximately 3,000 housing lots within the Horseshoe Bend Precinct.

Submissions to the current amendment by landholders who are currently developing within the Horseshoe Bend Precinct have resubmitted their original requests to have a PAO applied to the Sparrovale Wetlands. In addition, they suggest that should the Sparrovale Wetlands receive additional water from land outside the Horseshoe Bend Precinct, there should also be a contribution to the purchase costs from the Amendment C301 proponent.

It is important to note that, without the Sparrovale Wetlands, only 25% of the developable area of the Horseshoe Bend Precinct can be constructed. Given the speed at which development is occurring within the Armstrong Creek Urban Growth Area the timing for acquisition and commissioning of the Sparrovale Wetlands is growing more important.

Council officers continue to recommend that the acquisition of the two properties via private treaty, as funded in the Horseshoe Bend Development Contributions Plan, remains the most appropriate method of securing them for establishment of the Sparrovale Wetlands.

*Potential for flooding of surrounding land parcels as a result of development*

One submitter raised concerns that their land parcel would be flooded as a result of the proposed development.

The proposed engineering solution for the development includes the provision of several drainage channels that will ensure that water is drained away from both the site and the surrounding land parcels. As a result there will be no adverse impact on the surrounding area.

*Objection to the application of a Public Acquisition Overlay on land at 82-88 Groves Road, Armstrong Creek for the purposes of a storm water diversion channel in to the Sparrovale Wetlands.*

A component of Amendment C301 is the application of a Public Acquisition Overlay over land approximately 22 metres wide across the property at 82-88 Groves Road, Armstrong Creek to accommodate a drainage channel. The purpose of the channel is to convey summer storm water volume and flows from Armstrong Creek waterway, bypassing Hospital Swamp, directly in to the Sparrovale Wetlands once they are established.

The owner of the Groves Road property, upon which the PAO is being proposed, is concerned at the loss of his land for the financial benefit of others. The submission argues that the ultimate function of the compulsorily acquired land will not be a public purpose (which is the legislative basis for the application of a PAO) as it simply allows the proponents of the Armstrong Creek South Precinct Structure Plan to develop their land, to their benefit.

The proposed diversion channel is part of a broader drainage solution for the growth area and when constructed will direct excess storm water volumes from the RAMSAR listed Connewarre wetland system. This action will allow the historic routine of wetting and drying and saline/fresh water to be maintained in the wetland thereby preserving the established ecological values of the system. The public benefits of the channel are twofold; enabling development of a new community in the Armstrong Creek South Precinct and the provision of potential benefits to the overall management of storm water within the Armstrong Creek Urban Growth Area and the Connewarre wetlands complex.

#### Traffic Management

A number of traffic management issues were raised in submissions including the potential negative impact of the additional traffic on the existing rural road system, a request for a roundabout on Barwon Heads Road rather than the nominated traffic signals, shared path requirements and a preferred widening of the east – west local road through the PSP area.

One submitter is concerned that southbound traffic from the PSP area will use Lake Road to join Barwon Heads Road at the Barwon Heads Airport rather than head south to the Lower Duneed roundabout and then east towards Barwon Heads. Council officers recommend that there is a low likelihood of drivers choosing a longer route on a rural road rather than the Barwon Heads/Lower Duneed Road.

Vicroads submitted that a roundabout at the intersection of Barwon Heads Road and the east-west road through the PSP area is their preferred option. Council officers agree that a roundabout can be constructed, in place of the nominated traffic signals, on the understanding that a high quality pedestrian crossing is provided across Barwon Heads Road to enable safe access to the nominated Bus Stops. Council officers will continue to work with Public Transport Victoria, Vicroads and the proponent to progress detailed designs for the intersection.

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) submitted that a three (3) metre wide shared path is required along Barwon Heads Road and the east-west local road. The current standard of shared path within the Armstrong Creek Urban Growth Area is 2.5 metres wide with existing path connections to the north and west of the PSP area. Council officers submit that the 2.5 metre wide shared path can be continued from the north as far as the east-west road and then west through to the Armstrong Waters development to connect to the open space network in both the east and west of the PSP area.

Both Vicroads and DEDJTR nominated that the east-west road through the PSP be a connector road standard rather than the mix of both connector and local road as shown in the exhibited PSP. The local street cross section has been nominated in the PSP as it feeds in to the approved local street network to the west. Should the road be increased in width to a connector road standard the existing road hierarchy in the Armstrong Creek East Precinct may be compromised by encouraging more than local traffic through the Armstrong Creek South Precinct and on to Barwon Heads Road.

The connector road cross section has been used in the Armstrong Creek South Precinct between Barwon Heads Road and the eastern boundary of the passive open space to assist with traffic distribution through the new subdivision area.

#### Changes to exhibited documents

Modification to the exhibited documents will be required where Council officers have agreed with submitter issues. These modifications include:

- Amendment to the Urban Growth Zone - Schedule 2 to reflect that the Armstrong Creek South PSP area can not be developed until Sparrovale Wetlands has been purchased and commissioned to receive storm water and the diversion channel has been constructed.
- Several changes to water and sewerage plans to reflect a change in pipe diameter and alignment.
- Plan 9 in the Armstrong Creek South PSP will be updated to reflect a shared path along Barwon Heads Road with a connection in to the existing shared path network current being established within the Armstrong Creek East PSP area.
- Several plans, and associated text, will be updated to reflect a roundabout as Vicroads preferred intersection treatment on Barwon Heads Road. Costings associated with this change will also need to be incorporated in to the funding agreement with the proponent.
- Reference to Vicroads Access Management Policy will be removed from the Table in Appendix 3 of the Armstrong Creek South PSP.
- Plan 16 of the PSP will be updated to clearly show both the flood storage and post development flood boundary nominated by the Corangamite Catchment Management Authority.

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

This amendment has addressed potential environmental implications of the development through the protection of remnant native vegetation and the nomination of a large, central area of passive open space for the benefit of the Armstrong Creek community.

The diversion channel link in to the Sparrovale Wetlands will provide significant positive environmental outcomes including a reduction storm water volumes into Hospital Swamps and the protection of several habitat zones which were nominated in the Armstrong Creek East Precinct Structure Plan.

### ***Financial Implications***

The amendment will potentially require the engagement of legal counsel and expert witnesses to represent Council's interests during the Panel Hearing.

Funds have been allocated in the 2015-2016 budget to fund these costs during the Panel Hearing phase.

The Section 173 Agreement, between the land holders and Council, identifies and nominates funding of all the capital financial requirements for development of the Armstrong Creek South Precinct.

No impact to budget.

With Council responsibility for the management of the S173 Agreement there will be decisions required across the Armstrong Creek South Precinct and other precincts within the Armstrong Creek Urban Growth Area. These will be matters which will be assessed via the Development Contributions Steering Committee with recommendations coming to Council as part of the annual consideration of the budget.

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

The planning scheme amendment to incorporate the Precinct Structure Plan for the Armstrong Creek South Precinct is in accord with the broader structure for the Armstrong Creek Urban Growth area as established in the Greater Geelong Planning Scheme.

The Armstrong Creek South Precinct Structure Plan and associated S173 Agreement and in line with Council's adopted position on the provision of infrastructure within the Armstrong Creek Urban Growth Area.

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.

The Armstrong Creek South Precinct Structure Plan will ensure that the continuing needs of the growing community will 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 Armstrong Creek South Precinct Structure Plan represents a considered and well planned approach to the development of an additional residential community within the Armstrong Creek Urban Growth Area.

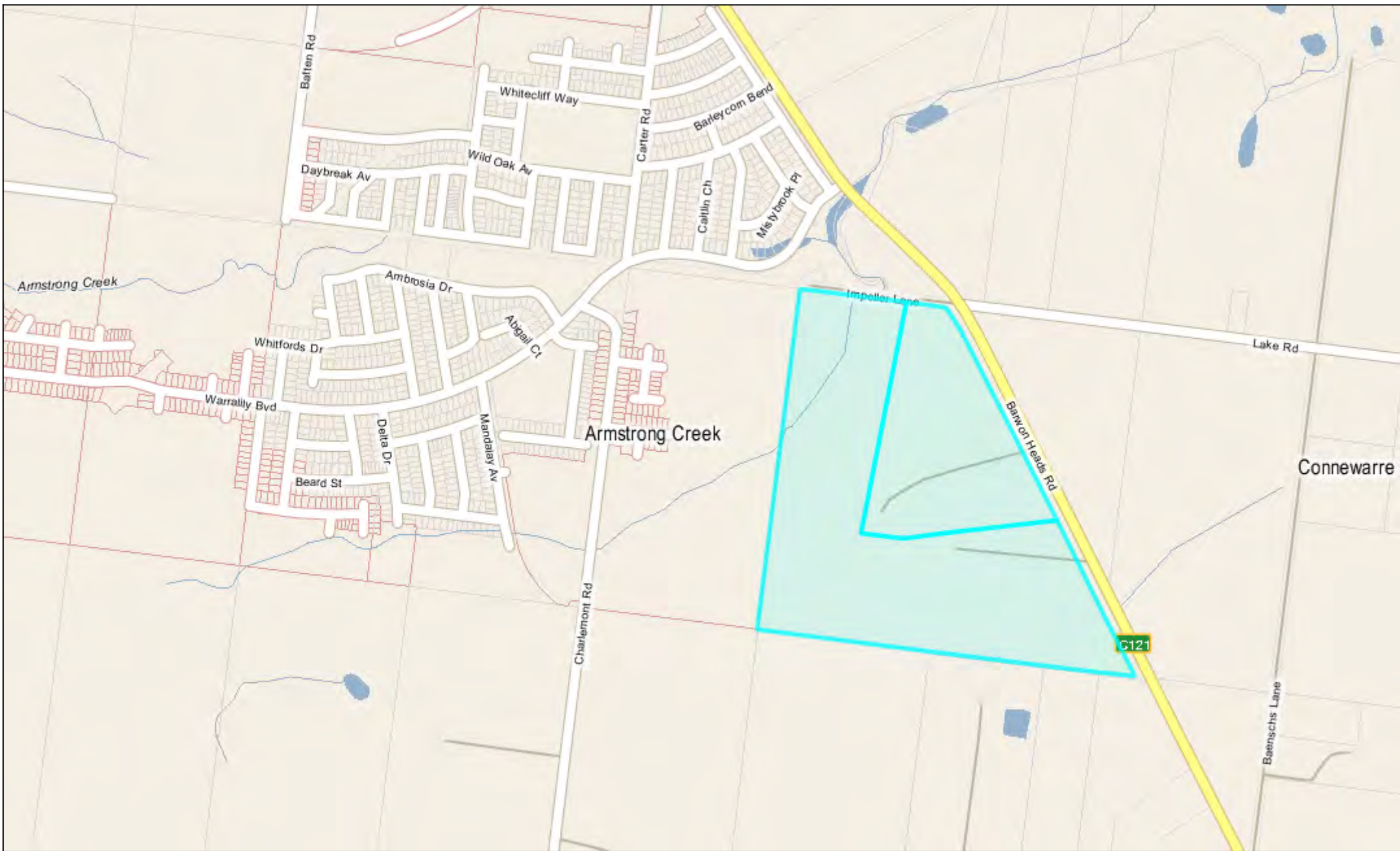
### ***Human Rights Charter***

Council officers have taken into consideration the Human Rights Charter relative to the Armstrong Creek South Precinct Structure Plan. This includes 'ratepayers property rights' and a 'right to a fair hearing'.

### ***Consultation and Communication***

Formal exhibition of Amendment C301 occurred between 27<sup>th</sup> August 2015 and 2<sup>nd</sup> October 2015 via the following means:

- 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.



**Planning Scheme Amendment C301**  
 Armstrong Creek South PSP Area

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.



## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
1	Wilson	Bruce	Mr		1(a)	Placement of new set of traffic lights between traffic lights to the north on Warralily Boulevard and the Barwon Heads Road roundabout to the south will have a negative impact on traffic movements in the area.	The Traffic Impact Assessment, prepared by SMEC Australia Pty Ltd, undertaken to inform the amendment concluded that <i>'Traffic generated by the site would not have an adverse impact on the operating conditions of Barwon Heads Road and the local road providing access to the site when the development is fully constructed'</i> (pg.25)
					1(b)	The proposal may increase traffic on the Lake Road/Shaw Road route to Barwon Heads Road (near the airport). Lake Road will not cope with an increase in the current amount of traffic - it consists of a single car width of bitumen and loose shoulders.	<p>The Traffic Impact Assessment, prepared by SMEC Australia Pty Ltd, undertaken to inform the amendment concluded that <i>'90% of residents using Barwon Heads Road travel north towards Geelong and Melbourne and 10% of residents travel south towards Torquay, Barwon Heads and Ocean Grove'</i> (pg. 11). At total development, this results in a total of 38 vehicles heading south during the AM Peak and 19 vehicles heading south during the PM Peak.</p> <p>Whilst it is impossible to 100% accurately predict the behaviour of drivers, it is assumed that the availability of multi-lane sealed road to allow access to Barwon Heads and/or Ocean Grove (via a shorter route than the Lake Road/Shaw Road option) would be more likely to be utilised by southbound traffic.</p>

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					1(c)	Has there been any consultation with local landholders?	Consultation with local landholders has been via the formal Exhibition of the proposed Planning Scheme Amendment.
					1(d)	The amendment will have a considerable impact on the rural/farming area.	Armstrong Creek has been designated an urban growth area for a significant period of time. The proposal to modify the urban growth boundary as part of Amendment C301 will enhance the rural/urban interface.
					1(f)	Has there been any work on the probable result of the amendment? e.g. traffic counts,	Yes. A Traffic Impact Assessment Report was undertaken by SMEC Australia Pty Ltd to inform the design of the Precinct Structure Plan.
2	Ausnet				2(a)	No objection.	Noted.
3	Dennis Family Corporation		Mr	Greg Bursill	3(a)	The amendment is premature until Sparrovale Farm (109-215 Sparrovale Road, Armstrong Creek) and Cold Winds (1-87 Groves Road, Armstrong Creek) properties are purchased by Council and made available for drainage purposes.	The Amendment is proposing to rezone the land from Farming Zone to Urban Growth Zone to allow an application for subdivision to be made in the future. The proponent is aware that there is no development potential until such time as the proposed diversion channel is in place and the Sparrovale Wetlands can receive waters.

Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					3(b)	In the absence of a PAO on these properties, there needs to be greater certainty around how the acquisition of these properties can occur in an orderly manner.	<p>The acquisition of the Sparrovale and Cold Winds properties is a component of the Armstrong Creek Horseshoe Bend Precinct Structure Plan and associated Development Contributions Plan. The application of a PAO on both properties was considered, but not pursued, at that time.</p> <p>The acquisition of the two properties is nominated in the Horseshoe Bend DCP as either a creditable item against Development Contributions or to be delivered by Council.</p>
					3(c)	There is no barrier preventing Council from issuing a permit to develop the land. Should development be approved drainage issues will occur in the locality.	<p>Section 4.7 - Drainage and Floodplain Management in the Armstrong Creek South PSP nominates the following as an Objective:</p> <p><i>ensure that the proposed diversion channel has been constructed and the Sparrovale wetlands have been commissioned before development within the ACSP commences or is constructed concurrently with subdivision works and completed before the issue of a Statement of Compliance for the first stage of subdivision in ACSP, unless otherwise agreed in writing by the Responsible Authority.</i></p>

Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					3(d)	The flow of drainage from the land without diversion into the acquired Sparrovale/Cold Winds properties may create additional negative pressure on the Hospital Swamps which are part of a RAMSAR wetland site.	As noted in Section 4.7 of the Precinct Structure Plan, development is unable to commence until the diversion channel is in place.
					3(e)	The diversion of Armstrong Creek waters from Hospital Swamps into the acquired Sparrovale/Cold Winds properties should occur as soon as possible and no later than Stage 1 of the development permitted by Amendment C301.	Section 4.7 - Drainage and Floodplain Management in the Armstrong Creek South PSP nominates the following as an Objective: <i>ensure that the proposed diversion channel has been constructed and the Sparrovale wetlands have been commissioned before development within the ACSP commences or is constructed concurrently with subdivision works and completed before the issue of a Statement of Compliance for the first stage of subdivision in ACSP, unless otherwise agreed in writing by the Responsible Authority.</i>
					3(f)	Council should require the landowner through the S173 Agreement to make a contribution to the acquisition of the Sparrovale/Cold Winds properties should the acquisition costs exceed the amount set aside in the Horseshoe Bend DCP.	The acquisition of the Sparrovale and Cold Winds properties are two projects that are identified and costed in the Horseshoe Bend Development Contributions Plan and its primary purpose is the serve the Horseshoe Bend catchment.

Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					3(g)	The amendment should be changed to include a Public Acquisition Overlay (PAO) on the necessary part of Sparrovale and on all of the Cold Winds properties.	Council officers believe that the acquisition of the properties, as detailed in the exhibited Horseshoe Bend Development Contributions Plan, 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.
					3(h)	<p>Council should require (through a S173 Agreement) to make a contribution towards the acquisition of the Sparrovale and Cold Winds properties.</p> <p>A draft agreement should be prepared and it should be made available prior to any planning panel hearing and it should be executed before the amendment is approved by Council.</p>	The acquisition of the Sparrovale and Cold Winds properties is a component of the existing Armstrong Creek Horseshoe Bend Precinct Structure Plan and associated funding nominated in the Development Contributions Plan.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					3(i)	The proposed Urban Growth Zone Schedule should be amended to include a provision that a permit must not issue for subdivision of the land until the Sparrovale and Cold Winds properties are secured in Council ownership and that the proposed diversion drain should be put in place with Stage 1 of the development of the land.	Agreed. The Schedule will be modified to include a requirement that the diversion channel must be constructed prior to Statement of Compliance of the first Stage of the subdivision - as reflected in Section 4.7 of the <i>Armstrong Creek South Precinct Structure Plan</i> .
4	Barwon Region Water Corporation			Peter Morgan	4(a)	The new sewer rising main can discharge into the Main Outfall Sewer (MOS) approximately 600 metres to the east.	Noted.
					4(b)	The rising main alignment, as shown on Plan 11, is not correct and should be updated. The rising main should not dissect private property and should instead follow fence lines in accordance with Figures 1 and 2.	Noted. Plans will be updated to reflect the preferred alignment of the rising main.
					4(c)	The Main Water Supply Network on Plan 12 needs to be updated to show the feeder main as a DN225mm.	Noted. Plans will be updated to reflect the revised diameter pipe.
					4(d)	The DN225mm main should extend through the development and extend along Barwon Heads Road toward Lake Road. This main may extend along any proposed service road and will be a tappable main.	Noted. Plans will be updated to reflect the revised alignment.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					4(e)	Plan 13 - Recycled Water Supply Network needs to be updated to show the feeder main as a DN225mm.	Noted. Plans will be updated to reflect the revised diameter pipe.
					4(f)	The DN225 recycled water main should extend through the development and extend along Barwon Heads Road toward Lake Road.	Noted. Plans will be updated to reflect the revised alignment.
5	Cameron	Malcolm	Mr		5(a)	Dismayed that the proposal is to build homes in an area that is under water in the winter.	Part of the proposal is to mitigate the potential for water to flood adjoining/neighbouring properties.
					5(b)	Submitters property drains towards Lake Connewarre and is concerned that any land changes associated with the development will hold water back and result in flooding for his property.	<p>The proposed engineering solution for the development includes the provision of several drainage channels that will ensure that water is drained away from the site and surrounding landparcels.</p> <p>The proposed drainage scheme for the subject land has been designed to ensure that there is no negative/adverse impact on surrounding properties.</p>

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					5(c)	The submitter wants the City of Greater Geelong to provide written confirmation that the natural flow of water will be maintained and no flooding of his land will occur as a result of the development.	As requested in this submission, Council have written to the submitter detailing that the drainage scheme for the subject land has been designed to ensure that there is no negative impact on surrounding properties.
6	Nevett Ford			Mr Andrew Lumb	6(a)	Mr and Mrs Balog own 82-88 Groves Road on which they live and grow chickens. The property is approximately 55.53 hectares in size.	Agreed.
					6(b)	It is assumed that the Public Acquisition Overlay is to be applied to enable the Council as the authority responsible for drainage to acquire the area in question under the relevant legislation for the purposes of the linking drain.	Agreed
					6(c)	The legislative basis for acquisition requires that the land must first be reserved under the Planning Scheme for a public purpose. It is submitted that in the present case the ultimate purpose of the proposed compulsory acquisition is not a public purpose and its purpose is to enable the proponents of the ACSP to implement their stormwater strategy which in turn will enable the proponents to proceed with development of ACSP, to their benefit.	The PAO does have a wider community benefit in terms of development of the C301 area.  The delivery of the diversion channel also provides potential benefits to the overall management of storm water within the Armstrong Creek Urban Growth Area and the Connewarre wetlands complex

Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					6(d)	Objection is made to application as proposed of the Public Acquisition Overlay to the Balog property as part of the suite of amendments to the Planning Scheme enabling the proponents of the ACSP to proceed with development.	Disagree. The application of the PAO for a diversion channel over this land will result in the best environmental, economic and social outcome for the community in Armstrong Creek.
					6(e)	the proposed drain is to have a bank along the south side having a crest width of 3.5 metres. The Stormwater Management Strategy indicates that this is directed to preventing flows back into Baensch's Wetland and Hospital Swamps. It is submitted that this bank will have an adverse effect on the Balog property, as during extreme rain events it will cause water to bank up and flood areas of the Balog property on the western side of the drain. If this were to occur to the detriment of the Balogs, provisions of the <i>Water Act</i> would have operation;	The bank on the south side, combined with further detailed engineering design will ensure no adverse impacts on either the Connewarre complex or the Balog property.

Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					6(f)	the diagrams indicating the precise siting of the drain indicate that two (2) areas of significant size are cut off and will become inaccessible from the balance of the Balog property. Whilst the precise dimensions of the area affected by the Public Acquisition Overlay are not know, it is assumed that the proposed Overlay takes in these areas and that it is proposed that these areas will be compulsorily acquired, in addition to the land 22 metres in width in which the proposed drain will be located, It would be very unsatisfactory if the Balogs were left as owners without access to these areas and with all the liabilities and responsibilities as owners.	Agreed. As shown in the PAO mapping exhibited with the amendment it is Council's intention to purchase land to the east of the diversion channel.
					6(g)	It is submitted that the proposed Public Acquisition Overlay over the Balog property should be deleted from Amendment C301 and an alternative stormwater management strategy devised.	Disagree. See responses above.  It should also be noted that this proposal is supported by the Department of Environment, Land, Water and Planning.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub-mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
7	Department of Economic Development, Jobs, Transport & Resources			Mr Jozef Vass	7(a)	The key local access street shown on Plan 8 of the PSP should be a connector road standard with 3m shared path on one side.	<p>Disagree. The current cross section allows a transition into the existing approved key local access street in the property abutting the western boundary of the subject site.</p> <p>There is an existing approved road network, based on cross sections nominated in the incorporated Armstrong Creek East PSP, that make meeting this requirement impossible.</p> <p>Council officers and the proponent will work on the potential to provide a 3 metre wide shared path as requested.</p>
					7(b)	Include off road walking and cycling link parallel to Barwon Heads Road to the existing Creek crossing.	Agreed in part. Plan 9 in the Armstrong Creek South PSP will be updated to reflect the provision of an off-road walking and cycling link between the east-west road intersection through to the creek crossing.
					7(c)	Change the responsibility for lead funding for Bus Services to Public Transport Victoria not Department of Economic Development, Jobs, Transport and Resources.	Agreed.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					7(c)	Change the responsibility for lead funding of Bus Stops to Public Transport Victoria not Department of Economic Development, Jobs, Transport and Resources.	Agreed.
					7(d)	Amend Figure B in Appendix 4 (Connector Road) to provide for a 3m shared path on one side.	Council officers and the proponent will work on the potential to provide a 3 metre wide shared path as requested.
					7(e)	Amend Figure F in Appendix 4 (Frontage Road) to provide for a 3m shared path on one side and not (sic.) foot path on one side.	Council officers and the proponent will work on the potential to provide a 3 metre wide shared path as requested.
8	Collie Planning Pty Ltd			Mr Michael Collie	8(a)	Request that the words 'as required in the S173' be added to the last dot point of Section 5.1.1.	Agreed.
					8(b)	Request that 'as amended' be added after the document title <i>Armstrong Creek South Precinct Stormwater Management Strategy (SWMS)</i> in Appendix 5 (ACSP Stormwater Management Strategy - Implementation Guidelines) in case the SWMS is updated following the gazettal of Amendment C301. This inclusion would avoid the need to amend the ACSPSP if the SWMS is revised at a later date.	Agreed.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					8(c)	Supportive of a Section 173 Agreement that is generally in accordance with the normal requirements of a development contributions plan.	Noted.
					8(d)	Requests to be heard should a Panel be appointed to hear submissions.	Noted.
9	ID_Land			Mr Jeff Garvey	9(a)	Believe that the amendment should be rejected, or as a minimum, heavily modified.	Disagree.
					9(b)	A contribution from the landowner through the proposed S173 Agreement for the acquisition of the Sparrowvale/Cold Winds properties, regardless of whether the acquisition costs exceed the Horseshoe Bend PSP.	Council officers continue to recommend that the acquisition of the two properties via private treaty, as funded in the Horseshoe Bend Development Contributions Plan, remains the most appropriate method of securing them for establishment of the Sparrowvale Wetlands.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					9(c)	The ability to compulsorily acquire the necessary parts of the Sparrovale and Cold Winds land through the development of a Public Acquisition Overlay.	Submissions to the exhibition of the Horseshoe Bend Precinct Structure Plan and Development Contributions Plan (which were exhibited between December 2013 and January 2014) requested the application of a PAO across the two properties to facilitate the timely acquisition of the land. In consideration of the submissions, Council officers responded that the use of the DCP, and not a PAO, was the most appropriate method of securing land for its role in the management of storm water in the Horseshoe Bend precinct.
10	Vic roads			Mr Brendan Grace	10(a)	Additional widening (flaring) will be required at the connector road intersection with Barwon Heads Road. This additional widening can be dealt with at subdivision planning permit stage.	Noted.
					10(b)	A roundabout at the connector road/Barwon Heads Road intersection is the treatment preferred by Vic roads.	Agreed by Council on the condition that any detailed design for the roundabout gives a safe route for pedestrians needing to cross Barwon Heads Road to access the bus network.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					10(c)	A cost estimate will be needed for the roundabout and this may result in changed developer contributions.	Noted. Detailed designs will be progressed by the proponent in consultation with Council and Vicroads. The final, approved, design will be costed and incorporated into the S173 Agreement.
					10(d)	Interim intersection design must be compatible with ultimate duplication of Barwon Heads Road (both in layout and level). This can be dealt with at subdivision planning permit stage.	Noted.
					10(e)	The invert of the new drainage line (replacing the role of the existing roadside open drain) must take into account the future duplication of Barwon Heads Road.	Noted.
					10(f)	Minimum floor levels at some locations within the subdivision are determined based on the overtopping level of the future Barwon Heads Road. It is important that Vic roads is consulted about ultimate road levels before minimum floor levels are set.	Noted.
					10(g)	In the Key on Plan 3 - <i>Armstrong Creek Urban Structure Plan</i> <b>Traffic Signals</b> must be changed to <b>Roundabout</b> .	Agreed.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					10(h)	On Plan 3 - <i>Armstrong Creek Urban Structure Plan</i> the connection of the <i>Key Local Access Street</i> to the street system to the west (Armstrong Waters Estate) is strongly supported.	Noted.
					10(i)	In Section 3.1.5 - <i>Better Transport Options</i> in the fifth dot point replace <b>Traffic Signals</b> with <b>Roundabout</b> .	Agreed.
					10(j)	In Section 4.5.3 at the fourth dot point, suggest replace <i>east-west road</i> with <i>Connector Street</i> . This would be consistent with the term used in the Urban Structure Plan (Plan 3).	Agreed. The PSP will be updated to reflect Vicroads requirements.
					10(k)	On Plan 14 - <i>Main Electricity Supply Network</i> new underground conduit and cables are shown within the future Barwon Heads Road widening. At the south end it would be preferred if it were placed on the west side of the future drainage line (to avoid impact on future road duplication).	Noted and agreed.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					10(l)	In Section 4.7.3 - <i>Drainage and Floodplain Management</i> at the fourth dot point, the level of the <i>future</i> Barwon Heads Road may determine building floor levels. This requirement is supported and it recognises that the level of Barwon Heads Road may increase in the future.	Noted. Finished levels to be agreed by all parties as part of the detailed design process.
					10(m)	Table 6 - <i>Infrastructure required in Armstrong Creek South Precinct</i> in the second line, <i>signalised intersection with Connector Street</i> must be replaced with <b>Intersection with Connector Street</b> .	Agreed.
					10(n)	Appendix 3 - <i>Road design and delivery characteristics</i> the sixth column of the table refers to Access Management Policy. The Access Management Policy has not been gazetted and it is requested that this column and the reference to it in the notes be removed.	Agreed. Reference to the Access Management Policy will be removed from the Table in Appendix 3.
					10(o)	Appendix 3 - <i>Road design and delivery characteristics</i> no footpath is proposed for Barwon Heads Road. It is requested that <i>as required</i> be replaced with <b>No</b> in the sixteenth column.	Noted.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					10(p)	Appendix 4 - <i>Road Cross Sections</i> Figure F shows the frontage road having a 2m wide verge on the Barwon Heads Road side. This will abut the drainage reserve. Depending on landscaping and streetscaping proposed this width may need to be increased. Vic roads would not support extensive landscaping of the PAO land.	Noted.
11	Department of Environment, Land, Water and Planning			Mr Geoff Brooks	11(a)	Amend the referral triggers in Clause 66.04 to maintain consistency with other Armstrong Creek Precincts	Clause 66.04 will be amended to ensure consistency.
					11(b)	DELWP supports the words contained in the other precinct referrals within Armstrong Creek ' <i>An application for the removal of 'retained vegetation' identified in the Armstrong Creek East Native Vegetation Precinct Plan, 2010'</i>	Noted
					11(c)	DELWP welcome the provision in the amendment to initiate diversion of stormwater from Armstrong Creek to the proposed Sparrovale wetlands.	Noted

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					11(d)	The strategy to divert excess volumes away from Hospital Swamps appears to address the requirements of Clause 56.07-4 and implementation of on stream treatment also seeks to improve the quality of water prior to it being discharged into either Hospital Swamps or the Sparrovale Wetlands.	Noted.
					11(e)	The proposed drainage strategy addresses several of the policy objectives of the <i>Victorian Waterway Management Strategy (DEPI 2014) (VWMS)</i>	Noted.
					11(f)	Plan 7 of the PSP does not show the removal of the areas of Plains Grassland, whilst Plan 3 - Urban Structure Plan, shows the area of Grassland to be within a residential area. It is recommended that one or both plans are updated to reflect the proposed situation.	Plan 7 will be updated to reflect the areas of Plains Grassland. Both plans will be checked to ensure consistency.
					11(g)	DEWLP supports to use of permits under Clause 52.17 for removal of native vegetation and would welcome early advice on the staging of development and the intended offsetting process.	Noted. DEWLP will be consulted as early as possible in the development process.

## Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
12	Corangamite Catchment Management Authority			Mr Darren Wilkie	12(a)	The CCMA supports the link connection channel from Armstrong Creek to the future Sparrovale Wetlands.	Noted.
					12(b)	It is recommended that during detail design phase of this project the CCMA is consulted to ensure our waterway requirements will be met for the extension of the Armstrong Creek main pond at the north-west corner of the property and the link connection channel to Sparrovale Wetlands.	Noted.
					12(c)	It is recommended that a Floodway Overlay (FO) is created over the new extension of the Armstrong Creek Pond in the north-west corner of the land as it is a flood protection asset and meets the criteria for floodway overlay.	The Floodway Overlay-Land Subject to Inundation Overlay will remain over these areas. The exhibited set of planning scheme maps nominated the area of FO-LSIO to be removed only.
					12(d)	It is recommended that a Land Subject to Inundation Overlay (LSIO) is created over the land marked as Flood Storage and Post Development flood Boundary area shaded light green on ACSP Urban Structure Plan 16.	The Floodway Overlay-Land Subject to Inundation Overlay will remain over these areas. The exhibited set of planning scheme maps nominated the area of FO-LSIO to be removed only.  Plan 16 will be updated to reflect CCMA requirements.

Armstrong Creek South PSP C301 Summary of Submissions

Sub- mission Number	Last Name/Company	First Name	Title	Attn:	Sub. No.	Issue	Response
					12(e)	The CCMA accepts being nominated as the floodplain authority as proposed in Clause 4.1 of Schedule 2 to 37.07 (UGZ).	Noted.

*Cr Heagney declared an Indirect Interest by Close Association in Agenda Item 6 – Managing Future Growth – Further Investigation Areas, in that her husband is considering a business with one of the property owners and left the meeting room prior to discussion at 8.32pm.*

## **6. MANAGING FUTURE GROWTH - FURTHER INVESTIGATION AREAS**

**Portfolio:** Planning - Cr Heagney  
**Source:** Planning and Tourism  
**General Manager:** Peter Bettess  
**Index Reference:** Council Reports 2015

### **Purpose**

The purpose of this report is to provide an update to the Managing Future Growth project in the context of a range of planning requests and proposals for the Further Investigation Areas identified in the G21 Regional Growth Plan.

### **Summary**

- The G21 Regional Growth Plan and associated Implementation Plan identified two Further Investigation Areas (FIA) to accommodate medium to longer term growth of Geelong.
- In October 2014 the then Minister for Planning rezoned the Northern FIA (Lovely Banks) to the Urban Growth Zone (UGZ). This has resulted in a major policy gap between the zoning of this area and state policy which includes a strategy that the region provides for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.
- Council committed in 2015-16 to undertaking early planning work for the FIA's. To date this work has included an understanding of supply and demand issues across Geelong and Melbourne, early stakeholder engagement and an analysis of Council's capacity to develop and/or fund community infrastructure to meet the growth of these areas if they occur earlier than anticipated.
- Since the rezoning of the Northern FIA to Urban Growth Zone, there have been a number of proponents advocating various positions to Council in relation to land located in or adjacent to the FIA's. These include:
  - A request from Lovely Banks Consortium to prepare a Planning Scheme amendment to develop a planning policy for the Lovely Banks FIA and to commence a Precinct Structure Plan (PSP) process;
  - A request from Batesford South (major landholders in the western FIA) to undertake detailed studies as set out in the G21 Regional Growth Plan Implementation Plan and subsequent rezoning of the area to the Urban Growth Zone;
  - Ramsey Property Group is advocating for the development of the Bell Post Hill area through a residential rezoning, which is the northern part of the western FIA; and
  - Adept Developments is advocating for an extension of the northern FIA by a further 500ha in an area located north of the FIA boundary and west of the Lara settlement boundary.

- It is important that the planning for these long term future growth areas is undertaken in an orderly and proper manner. Council needs to undertake detailed infrastructure and framework planning for these areas to guide development and ensure the creation of attractive neighbourhoods, where residents have good access to services.
- Recent land supply review work indicates Geelong has over 20 years of residential land.
- If Council supports the delivery of these areas prior to the timeframe adopted in the G21 Regional Growth Plan Implementation Plan, it is imperative that the financial implications of this be considered and planned for along with the orderly planning of these areas to ensure they develop as communities.
- Council's current commitments under its DCPs across the municipality identify a total funding gap for Council of \$22.5 million over the next 15-20 years.
- By committing to the preparation of an Integrated Infrastructure Delivery Plan and respective Framework Plans for each FIA, Council will then be in a position to consider rezoning requests and commencement of a Precinct Structure Plan.
- This planning work will require the proponents for each FIA to undertake detailed land capability analysis to inform the infrastructure and framework planning processes.

**Cr E Kontelj moved, Cr Richards seconded -**

**That Council:**

- 1) continues the Managing Future Growth project by commencing preparation of an Integrated Infrastructure Delivery Plan for the Northern and Western Further Investigation Area's and a Framework Plan for each Further Investigation Area;**
- 2) upon completion and adoption of the Integrated Infrastructure Delivery Plan and the Framework Plans, consider the development of a Precinct Structure Plan for Lovely Banks and a rezoning request for the Western FIA;**
- 3) writes to the proponents in the Western and Northern FIA's inviting them to work collaboratively with Council to deliver an Integrated Infrastructure Delivery Plan and Framework Plan and seek their support for a process which would require them to prepare detailed background and land capability work to the satisfaction of Council;**
- 4) does not support the Northern FIA expansion north of Staceys Road, referred to as the 'Lara West Logical Growth Area' as proposed by Adept Developments; and**
- 5) continues to engage with the State Government to explore opportunities to secure funds to deliver State Government infrastructure in the FIA's and to secure greater investment in the local economy to ensure job creation in Geelong keeps pace with population growth given Geelong's role to accommodate redirected growth from Melbourne.**

**Carried.**

### ***Background***

The G21 Regional Growth Plan and associated Implementation Plan identified two Further Investigation Areas (FIA) to accommodate the medium to longer term growth of Geelong based on existing zoned land supply and potential supply in areas designated for growth in Structure Plans. These areas (refer **Appendix 1**) are located:

- to the north of Geelong (Northern FIA) covering an area of some 1,100Ha in Lovely Banks west of Bacchus Marsh Road. This area has the potential to accommodate up to 30,000 residents (over half the size of a fully developed Armstrong Creek); and
- to the west of the Ring Road (Western FIA) and covering some 2300Ha extending from the Barwon River to the Geelong-Ballarat rail line and Golden Plains Shire boundary in the localities of Fyansford, Batesford and Bell-Post Hill. This area has the potential to accommodate between 30,000 – 40,000 residents.

In September 2014 Council commenced a strategic planning process (refer 23 September 2014 Council report '*Managing Future Growth – Further Investigation Areas*') to identify the best methodology to deliver the FIA's. This process involved defining the boundaries of the future growth areas and to analyse Council's capacity to develop and/or fund community infrastructure in the context of existing growth area DCP and non-DCP infrastructure funding commitments.

In October 2014 the then Minister for Planning rezoned the Northern FIA (Lovely Banks) to the Urban Growth Zone (UGZ). As a consequence Council re-scoped the Managing Future Growth project (refer 10 February 2015 Council report '*Managing Future Growth Progress Report*') and committed funding in 2015-16 to undertaking the necessary strategic work for these areas to define their extent, undertake strategic gap analysis work, and prepare framework plans to inform planning policy and the future development of Integrated Infrastructure Delivery Plans, Precinct Structure Plans and Development Contribution Plans at the appropriate time. The financial analysis of impacts of future infrastructure commitments is still a component of this project.

Council has engaged Charter Keck Cramer to prepare a Supply, Demand and Market Assessment of the City's urban growth areas. The purpose of this report is to inform Council's policy position on the FIA's by assessing existing levels of supply and demand having regard for housing market forces and broader strategic considerations. This report is currently in draft form.

The current Minister for Planning wrote to landowners in the Northern FIA in June 2015 advising that as a precursor to any Precinct Structure Plan (PSP) being developed that it is anticipated that Council will lead the preparation of a framework plan to set the scope for the future PSP, infrastructure requirements '*and the preferred timing of land release.*'

### ***Discussion***

There are a range of matters that Council needs to consider in planning for future growth fronts. Further to the background discussion above which outlines the process and decisions to date and inform the options for moving forward, a brief overview of the various positions (some of which are in the form of written proposals to Council) is provided below.

#### **Northern FIA - Lovely Banks Consortium**

The Lovely Banks Land Owners Consortium through Tract consultants have requested a planning scheme amendment to introduce a local planning policy supporting the future development of Lovely Banks and subsequently initiate a Precinct Structure Plan.

To support this position the proponent has provided a strategic review of the Geelong residential market, prepared by Essential Economics. The report recommends earlier release of land than envisioned in the Regional Growth Plan and advocates for a stronger balance between land supply at the northern (currently 11%) and southern (49%) ends of urban Geelong by bringing on Lovely Banks in an attempt to induce activity away from Melton and Wyndham.

The report indicates that by attracting 10% of Wyndham and Melton's growth to Geelong by 2031 an additional demand for 11,300 dwellings would be created and that inclusion of the Lovely Banks precinct would increase northern supply to 27%.

The proponent has also proposed a 'bring forward funding model' which would pay for development contributions upfront instead of at the end of the project.

The consortium has sought Council's support for the cost of undertaking planning work by their consultants to be covered by a future DCP to be applied the Northern FIA.

Comment:

Prior to considering any Precinct Structure Plan or details around a future Development Contributions Plan, Council needs to undertake detailed infrastructure planning and framework planning to ensure that future growth areas are planned properly to create the best possible outcomes for the new community. This work will investigate land capability, identify key planning objectives in relation to environmental, social and economic outcomes, detail infrastructure needs and set out a process for orderly and coordinated development in response to the proposed and surrounding land uses.

There is no evidence in the Essential Economics report to support the notion that 10% of demand for housing could be drawn away from Melton or Wyndham. There is no evidence to suggest why additional demand would be created in Geelong. Proximity to employment is a key factor when people decide where to live and there is no evidence to suggest that significant additional employment will become available in Geelong (beyond current growth projections) to draw people away from Melbourne. The rationale in the Essential Economics Report behind having an equal amount of residential land supply in the north and south of Geelong is questioned, particularly as many of the land sales in Armstrong Creek are to second home buyers already located in the 3216 postcode. Furthermore, evidence from Charter Keck Cramer shows that the percentage (6%) of land sales to Wyndham residents in Armstrong Creek is already the same as in Northern Geelong, which suggests the distance between Northern Geelong and Armstrong Creek plays only a small role in influencing people's locational choices when making a decision to move from Melbourne.

In relation to the funding of infrastructure in growth areas there are two key components that need to be considered under the current development contributions system;

- Local infrastructure which directly services the local community (for example a community centre). This is typically built by a Council and the costs are fully recouped through the collection of a DCP over the time that the land is developed for housing. Councils' often borrow money to build these facilities and the interest on the loan is never recovered by the council.
- Larger scale infrastructure which may serve multiple communities or a broader region, such as road intersections or regional sporting facilities. These are paid for by Councils and the costs are not recouped through a DCP.

The proposed "bring forward funding model" is targeting only a small amount of the first local infrastructure component and is effectively just a delayed payment approach for Council. The model is similar to the works-in-kind approach common to growth areas development, with a broadened scope to deliver infrastructure traditionally forward funded by Council (eg: Community Centres). Therefore the only real saving or benefit to the Council is the reduction in a small component of borrowing costs, which overall would constitute less than 1% of the total DCP cost. Council will still pay for the community infrastructure; it just does so later in the process.

The “bring forward funding model” does not address the larger scale regional infrastructure which Council will have to deliver. The regional infrastructure will still have to be funded by Council.

Crucially the other issue to be borne in mind is that Council is legally bound by existing DCPs in Lara West to deliver local infrastructure but the timeframe during which we recoup that cost through the DCP will be elongated as the demand for land in Lara West will slow down as some people choose to build in Lovely Banks instead. This issue is not addressed through the “bring forward funding model”.

It should also be noted that once a DCP for the area is approved, Council has a delivery obligation for all projects in the area. This means delivering projects outside the developer’s area and liability for land compensation claims for both DCP and open space land projects.

There is a large amount of work that can be undertaken by Lovely Banks Consortium which would ultimately inform the development of the Northern FIA. This can be done through a coordinated approach which would see Council officers working closely with Lovely Banks Consortium to ensure that early planning work informs the infrastructure and framework planning process and subsequently results in the proponent being well placed to then prepare a Precinct Structure Plan at an appropriate point in time.

Defraying planning costs incurred by the Lovely Banks Consortium through a DCP is not supported as this would result in fewer resources for community infrastructure and as a result detrimentally impact on the delivery of infrastructure for this new community. Given this area is not subject to the Growth Area Infrastructure Contribution (as all growth area land in Melbourne is) this approach is considered reasonable.

#### Northern FIA extension

This area is located to the north of the Northern FIA and adjoins the western edge of the Lara West Growth Area. The proposal would extend the Northern FIA north of Stacey’s Road to Hams Road and is bound by Evans Road to the west.

Adept Developments have prepared a ‘Vision Report’ labelled the ‘Lara West Logical Growth Area’. The proposal identifies an employment node of 200ha (this includes the existing Chemring Australia site and its buffer area) and over 200ha of residential land accommodating up to 3500 dwellings (approx. 10,000 residents).

The concept also identifies the relocation of the proposed neighbourhood activity centre in the adjacent Lara West Growth Area from a central location to Bacchus Marsh Road and increasing it to a sub-regional level size. The materials provided suggest that the project would provide a strategic corridor connecting dispersed growth areas, optimise infrastructure investment and create employment opportunities.

#### Comment:

Chemring Australia manufactures energetic products for defence and safety markets. They are located at 230 Staceys Road and employ 70 people. Council has received written advice from Chemring Australia indicating that they do not support any expansion of the northern FIA as advocated by Adept Developments. The letter states that:

*“The Staceys Road site was selected by Chemring due to its remote location and we are concerned that this proposal would severely jeopardise the future planning and development of our operations. We therefore formally request Council does not provide its support for the Lara West Logical Growth Area put forward by Adept Development.”*

The G21 Regional Growth Plan Implementation Plan considered whether the Northern FIA should be expanded north of Stacey's Road and concluded that Staceys Road should be a hard edge of the Northern FIA. Northern expansion creates significant pressures on the long term future of Chemring and effectively joins a future urban Lovely Banks to Lara, contrary to the objectives of the Lara Structure Plan.

There is no planning justification for the expansion of the Northern FIA further to the north of Stacey's Road.

The creation of a sub-regional centre on Bacchus Marsh Road is not supported as it is inconsistent with Council's retail policies and would likely impact on the viability and retail offer in the Lara town centre and Corio Village.

### Western FIA

Batesford South (Adelaide Brighton Cement Ltd and the McCann Family) have lodged a planning scheme amendment request seeking the application of the Urban Growth Zone to the Western FIA. They have also requested that Council complete the studies outlined in the Regional Growth Plan for the Western FIA to enable it to be given the same status as the Northern FIA, as envisaged by the G21 Regional Growth Plan.

It was also indicated that the quarry rehabilitation plan could be modified to enable public access to occur if the FIA were to be rezoned Urban Growth Zone.

The land owners have offered to cover the cost of undertaking the preliminary work in the form of a bond.

#### Comment:

The G21 Regional Growth Plan Implementation Plan provided a detailed analysis of the Western FIA's strengths and opportunities in terms of providing significant open space and habitat enhancement opportunities, access to key transport routes including rail, the site's challenges including traffic connections to urban Geelong and management of water flows and quarry rehabilitation. A range of detailed reports have been provided by the proponent addressing a number of these issues.

The recommended approach of preparing an Integrated Infrastructure Delivery Plan for both FIA's would respond to the request of Batesford South by ensuring that the detailed work outlined in the G21 Regional Growth Plan Implementation Plan be undertaken for each FIA.

In terms of the offer to cover the cost of the work in the form of a bond, the best (standard) approach is that Batesford South engage consultants to undertake background work in a form agreed with Council and provide this as an input to the infrastructure and framework planning processes.

### Bell Post Hill area

This area is the northern part of the Western FIA and is bound by the Midland Highway to the south, the Geelong-Ballarat rail line to the north, the Geelong Ring Road to the east and Ballan Road to the west.

A formal application has not been submitted to Council as a rezoning request, however preliminary work has been undertaken by the Ramsey Property Group to explore options for development. The position being advocated is that this area be considered independently from the remainder of the Western FIA and be supported as an early infill opportunity.

Comment:

While it is acknowledged that the Bell Post Hill part of the Western FIA is not constrained in the short to medium term like other parts of the FIA, this is not reason to consider this in isolation to the other land in the FIA's. The early planning work needs to be undertaken and the potential development of this area should be considered in the context of the broader potential growth across the FIA's.

A framework plan for the entire Western FIA would consider issues in relation to layout and integration with adjoining areas and it is entirely appropriate for this level of planning work to be completed prior to consider any rezoning request for this area. The timing of delivering this land can be considered as part of this process which would allow for relevant opportunities and issues to be considered.

KEY ISSUES

The following key factors are fundamental to making any decisions on the proposals outlined above and as part of planning for Geelong's next major growth areas.

- The financial impact on Council to provide infrastructure for existing and new communities;
- Creating liveable communities;
- Planning policy context; and
- The need to release land for housing based on the current lot supply and projected demand.

1. Financial impact on Council to provide infrastructure for existing and new communities

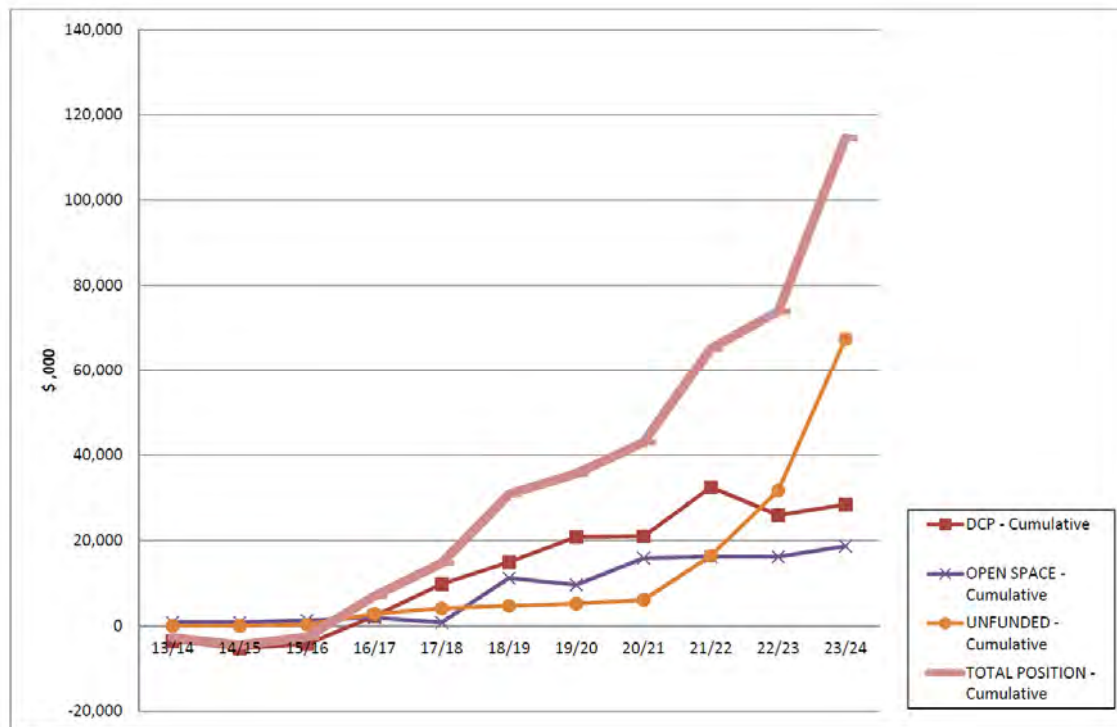
Any decision to deliver these growth areas sooner than outlined in the Regional Growth Plan needs to consider the financial impost on Council. Undertaking early planning work in terms of infrastructure planning will enable Council to be well informed as to the cost of delivering infrastructure to these areas. This needs to then be considered in the context of Council's commitments under its existing Development Contribution Plans and Council's financial capacity to respond to early delivery of the FIA's.

On the 18 August 2015 Council considered an Annual Report on the performance of the seven current Development Contribution Plans (DCP's) that apply across the municipality. The report identified a total funding gap for Council (difference between income and infrastructure expenditure liabilities) across all DCP's of \$22.5M over the next 15 – 20 years. This excludes unfunded projects or likely increases in scope for DCP projects.

As part of managing Council's DCP obligations a detailed 10 year cash flow analysis is prepared and reviewed annually (including other open space and unfunded projects within Council's major growth areas). This cashflow is critical in understanding Council's future capital expenditure to deliver required DCP projects in advance of future DCP income. The following graph is a summary of current 10 year cash flow analysis.

*Figure 1 – CoGG Growth Areas with DCPs – Net 10 Year Cashflow Position*

*(2015 – 2024, including net cumulative cashflow for all DCP, Opens Space and Unfunded Projects)*



A significant feature of the existing DCP's developed by Council has been the relatively high level of contributions towards infrastructure achieved comparable to metropolitan Council's. Recent changes to legislation however have introduced standardised DCP levies which further limits the contribution levels and standards for infrastructure provision that can be achieved which will most likely result in further funding gaps to be borne by Council. A retrospective assessment of the new Infrastructure Contribution Plan (ICP) system on Council's current DCPs identified a funding gap of close to \$70M (noting Council total DCP liability of approximately \$482M).

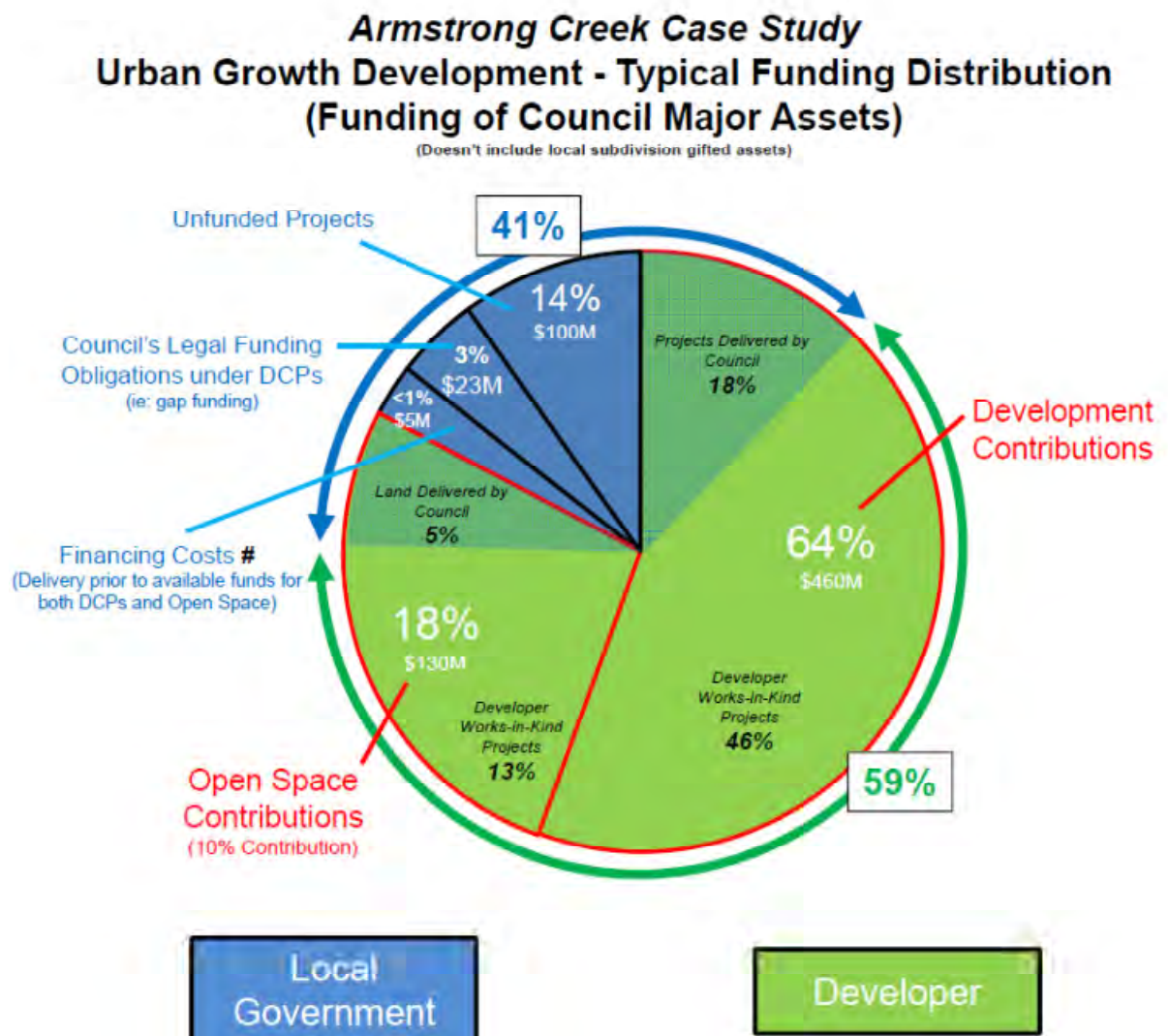
Council's overall contribution to the delivery of growth areas infrastructure is shown on the following pie chart and is made up of:

- Open space;
- Unfunded projects;
- Council's legal funding obligations under DCP's; and
- Financing costs to fund infrastructure prior to available funds.

A funding challenge within Council's major growth areas, and certainly the highest risk to Council is the requirement to fund higher order infrastructure that is not supported by any income stream. These projects usually include items such as regional libraries and sports facilities, road upgrades outside the growth area, etc. This challenge is further heightened by Council's borrowing capacity and future rate capping.

Figure 2 below provides an overview of the funding distribution for Armstrong Creek as a typical case study.

Figure 2 Urban Growth Development – Typical Funding Distribution



## 2. Creating liveable neighbourhoods

Planning for major growth areas requires a coordinated approach involving contribution from a broad range of stakeholders at both local and state level. This early planning is imperative to ensuring that future communities are provided with basic infrastructure needs from roads to schools, health and recreation facilities.

A key challenge for all growth areas is the need for State Government infrastructure to keep pace with development and community needs. For Geelong, the absence of the Growth Area Infrastructure Contribution (GAIC), which is applicable to Melbourne growth areas for contributions to state infrastructure, further exacerbates this issue.

Through the preparation of an Integrated Infrastructure Delivery Plan, service providers will be engaged and early planning can begin to ensure future infrastructure needs are identified and included in funding pipelines. This will enable well planned, liveable communities to be created in the City's next major growth areas.

Currently Geelong's FIAs are not reflected in any of the utility agencies short-medium term funding programs. As an example, Barwon Water has significant resource and capital invested in Geelong's current growth areas to keep pace with development. Armstrong Creek alone required close to \$100M in capital investment in sewerage, potable and recycled water to allow development across multiple fronts and facilitate a complete housing market. Barwon Water are currently undertaking a major review to determine appropriate network requirements to meet the future water and sewerage needs of the FIA's.

Utility agencies rely upon an income from future customers (both developers and households) to recover the significant cost of major infrastructure to service these areas. Their preferred model is to deliver infrastructure in limited locations and recover these costs as quickly as possible. However in the public interest of housing diversity, locational settings and affordability they deliver infrastructure across multiple fronts. If this infrastructure is requested to be advanced out of sequence, higher costs apply to developers which are then inevitably passed on to the home owners, therefore increasing the cost of housing.

Using another example of schools, across Victoria the State government have an obligation to deliver 150 new primary, secondary and special needs schools over the next 20-25 years to service growth. In Armstrong Creek and Lara West alone this includes provision of 7 primary schools (~\$150M) and 4 secondary schools (~\$180M), in addition to provision of private primary and secondary schools.

A critical part of any successful business case for State Government funding is the certainty around growth, timing of funding and return on investment. This means that schools should be delivered in locations with significant current and future demand, and not in locations of slow and/or fragmented development. This equally applies to infrastructure such as arterial roads where investment should be made on roads with the greatest local and broader benefit to the community.

Advancing the FIA growth areas too early would have the potential to compromise the rollout of State infrastructure in other current growth areas, particularly for areas like Lara West that would directly compete with Lovely Banks for school funding (ie split the same concentration of people across two areas).

### 3. Planning policy context

The G21 Regional Growth Plan is recognised at Clause 11.07 of the State Planning Policy Framework (SPPF). Key strategies include facilitating infill development in major nodes such as Central Geelong and activity centres, supporting and consolidating growth in district towns and urban areas utilising existing infrastructure investment while providing for long term growth options (FIA's). Other provisions of Clause 11 Settlement include:

- Providing sufficient land to meet forecast demand (at least 15 years) taking into account opportunities for consolidation and the costs of providing infrastructure;
- Providing for the appropriate sequencing of development to better coordinate infrastructure planning and funding and to provide orderly planning and liveable communities; and
- The application of Ministerial Direction No12 Urban Growth Areas for rezoning of land to the UGZ or incorporation of PSP's. The Planning Authority must evaluate how the amendment implements any Growth Area Framework Plan applying to the land.

The G21 Regional Growth Plan identified a land development sequence of existing zoned and serviced areas (with a focus on urban Geelong and district towns such as Lara and Ocean Grove), followed by unzoned but identified areas in district town Structure Plans and, in the medium to long term, (as dictated by land supply) the two FIAs.

#### 4. Land Supply

The G21 Land Supply Monitoring data indicates that the City of Greater Geelong as at March 2015 has a residential lot supply of 63,261 lots.

Based on population projections the average annual projected dwelling demand is approximately 2100. This equates to:

- 24-25 years of broad hectare land stocks (14 years on the Bellarine and approximately 29 years in urban Geelong);
- A further 13 years of broad hectare land stocks in areas identified in Structure Plans but not yet rezoned or zoned UGZ with no PSP's in place (i.e Northern FIA). This figure does not include the potential supply of the Western FIA.

Geelong has a healthy level of land supply and there is no urgency to bring on future supply at this point in time. It is also notable given that this supply excludes supply from unit construction in existing urban areas.

The G21 Regional Growth Plan and Implementation Plan appropriately reinforces the importance of regular review of land supply to ensure that any significant population increases which may impact upon supply can be met by release (rezoning) of future supply stocks.

The reliance on or creation of too much broad hectare land supply will continue to diminish the diversity of housing choice and discourage urban consolidation and infill opportunities or investment activity (i.e for Central Geelong).

The G21 Regional Growth Plan Implementation Plan identified a number of major issues associated with the out of sequence development of the two FIAs (some of which are explored in the next section of this report) including:

- Spreading of infrastructure demands and diversion or deferment of planned infrastructure rollout for schools or other community facilities from existing and planned communities;
- Higher costs for infrastructure provision (including non-recovery of extensive sunk infrastructure costs into new communities based on anticipated take up). Spreading take up across multiple fronts reduces return on investment and results in higher bring forward costs increasing costs per lot and impacting on affordability;
- Creation of infrastructure lags where communities are not properly serviced, creating isolation and disadvantage;
- Creation of unsustainable communities which rely on travel outside their communities to use basic infrastructure such as schools, kindergartens or community centres.

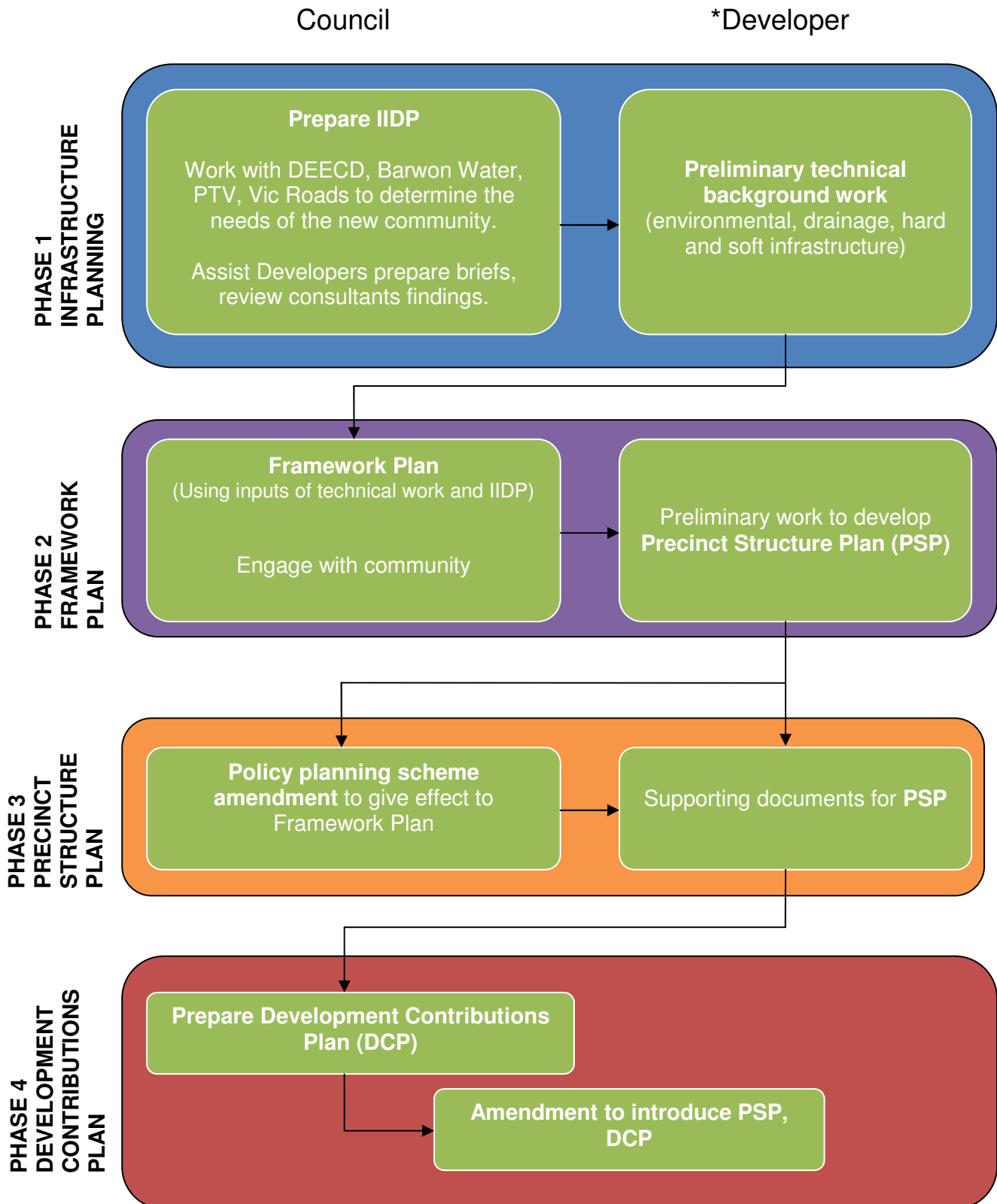
## RECOMMENDED NEXT STEPS

This early planning work for the Further Investigation Areas is critical in setting the future direction of these major growth areas for the municipality and the region. It is imperative that Council take a considered and well planned approach to enable orderly and coordinated planning. The consequences of not undertaking this work are poorly planned communities that suffer from a lack of services and infrastructure.

Prior to considering any rezoning or Precinct Structure Plans, an Integrated Infrastructure Delivery Plan (IIDP) and Framework Plans for each FIA need to be prepared and endorsed by Council and relevant agencies. This work will investigate land capability, identify key planning objectives in relation to environmental, social and economic outcomes, detail infrastructure needs and set out a process for delivery.

Figure 3 below provides a flow chart of the recommended process for planning these growth areas, which would enable developers to work concurrently with Council, consistent with previous models used at Armstrong Creek.

Figure 3 Planning process for Further Investigation Areas



\*Developer needs to meet minimum criteria: 70% control, capability and capacity to deliver

The process outlined above would require an investment of resources from proponents in each FIA to undertake detailed background work and land capability analysis as an input into the IIDP. This would require a collaborative approach between Council and the proponents with an agreed process for delivering the required work. Council would need to define the scope of work, deliverables and timelines. It is recommended that Council write to Lovely Banks Consortium, Batesford South and Ramsey Property Group inviting them to work collaboratively with Council as outlined in the flowchart shown at Figure 3 above.

In the absence of this type of arrangement, the infrastructure and framework planning processes would take longer and cost more for Council to deliver.

The IIDP would inform a Framework Plan for each FIA. The Framework Plans would be prepared independently of each other and one would not necessarily rely on the other to be advanced.

Subsequent to completion of these components Council would then be in a position to consider a Precinct Structure Plan request for Lovely Banks and a rezoning request for the Western FIA.

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

Environmental implications will be considered in detail through the land capability analysis which is undertaken as part of the infrastructure and framework planning for each Further Investigation Area. Planning controls to protect the environment will be included in future amendments to the Greater Geelong Planning Scheme where required.

The *G21 Regional Growth Plan-Implementation Plan* recommends that the principles of zero carbon, zero waste, sustainable water and sustainable transport be embedded in planning for the FIA's.

#### ***Financial Implications***

Funding for the Managing Future Growth Project was allocated in the 2014/15 budget to determine Council's future funding obligations in delivering growth in the two FIAs.

The scope of the project has changed considerably as detailed in the body of this report. The current budget allocation enables the work program to be initiated, however further funding will be required in order to complete the infrastructure and framework planning.

The infrastructure planning process will define the future funding obligations which Council will face when the FIAs are developed.

Current approved budget

The current approved budget can be allocated to the scope of work as recommended in this report and as noted above further funding will be required in order to complete the infrastructure and framework planning required for the FIA's.

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

Council's adopted policy position on the FIAs is that they are the long term options for Geelong's growth.

Proposals to advance “out of sequence” development in the FIAs would necessitate a change to this policy which would be given statutory effect via an amendment to the planning scheme. This would also necessitate a change to the State section of the VPPs which designate the FIAs as long term growth options.

Undertaking the Managing Future Growth project will inform Council’s position on how and when to proceed with the FIAs. The project will address the legal and statutory requirements including the development contribution scheme, issues around the GAIC and define a roadmap which would deliver development land in a co-ordinated well planned manner.

### ***Alignment to City Plan***

The Managing Future Growth project aligns with the directions of the Sustainable and Built Environments themes in City Plan.

### ***Officer Direct or Indirect Interest***

No Council officer involved in the preparation of this report has any direct or indirect interest, in accordance with Section 80(C) of the Local Government Act in the land to which this report relates.

### ***Risk Assessment***

The key risks in the Managing Future Growth project are related to the need to responsibly manage Council’s budget and appropriately service growth areas without impacting on the service delivery to existing communities. These are the core elements of the project.

The land capability analysis that will be undertaken as part of the infrastructure and framework planning and will define constraints on development of the area, this will ensure that land use planning risks are managed. This report outlines a process by which the land owners would undertake this work in collaboration with Council. Risks need to be managed under this type of arrangement to ensure that the quality of work undertaken by proponents meets the expectations of Council.

### ***Social Considerations***

Social considerations have been considered recognising the need to provide land for housing and employment and Councils duty of care to deliver liveable communities not just subdivisions. Providing appropriate community infrastructure will be a key part of the Managing Future Growth project.

Councils engagement with the State Government to attempt to secure investment in infrastructure and the local economy is also important to provide employment options close to where people live.

### ***Human Rights Charter***

Officers have taken into consideration the human rights relative to the subject matter of this report, including rate-payers property rights and the right to a fair hearing.

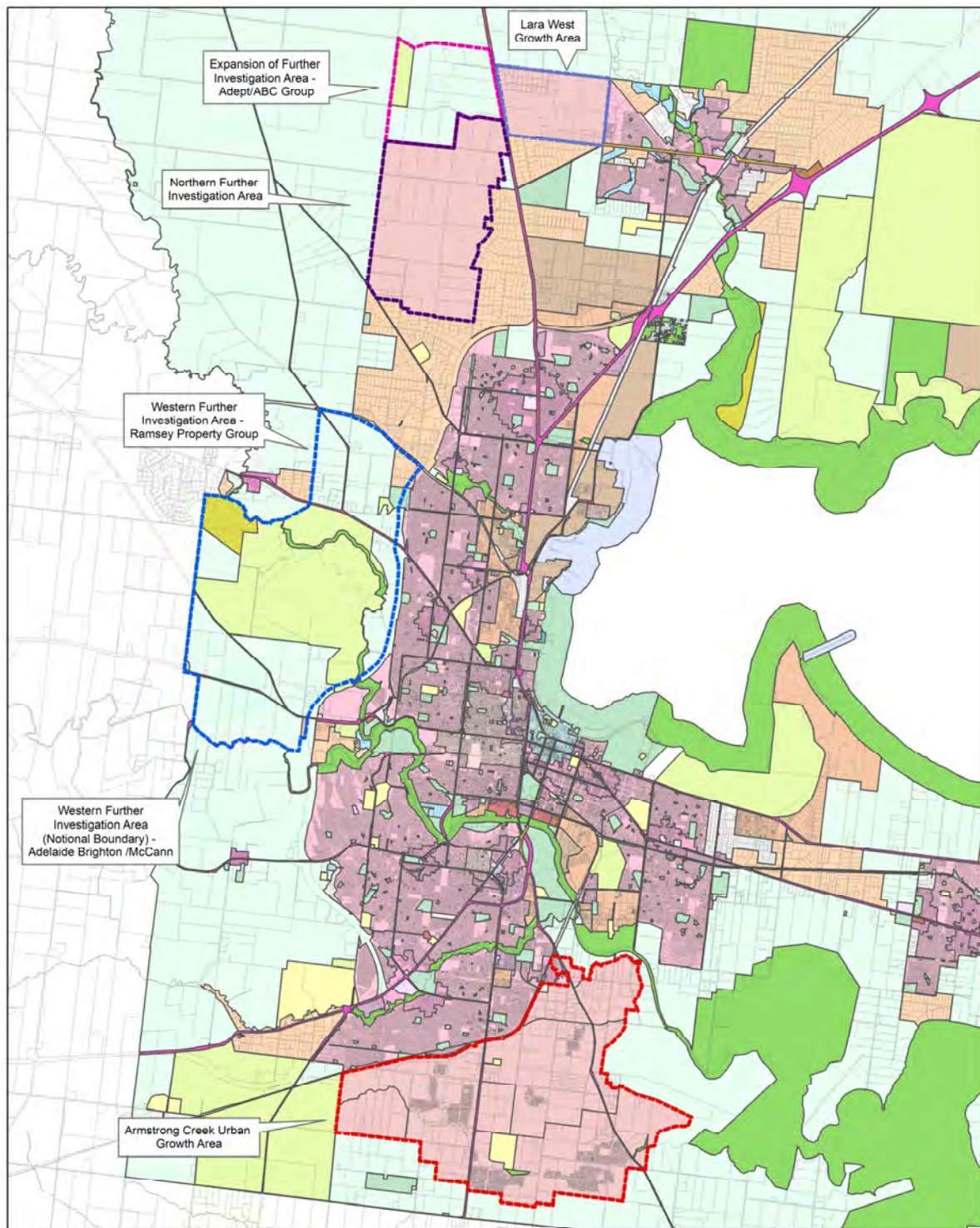
### ***Consultation and Communication***

Council officers have consulted with the developer consortiums and key land owners within both FIA’s, Barwon Water, representatives from DELWP and internal council departments. The rezoning of land at Lovely Banks to Urban Growth Zone by the Minister for Planning was not subject to public consultation.

DELWP have since written to landowners with the Northern FIA to advise them of application of the UGZ and to outline the anticipated stepped planning approach from Council including preparation of a framework plan and identifying infrastructure needs and land release timing prior to the development of a precinct structure plan.

The Managing Future Growth project will involve targeted consultation with key stakeholders where appropriate, this will include service providers, land owners, other growth area councils and the State Government.

**Appendix 1**

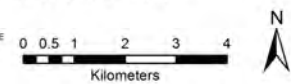


**GREATER GEELONG PLANNING SCHEME - ZONES**

**LEGEND**

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width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid #000; margin-right: 5px;"></span> PUS3 PUBLIC USE ZONE - Health &amp; Community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid #000; margin-right: 5px;"></span> PUS4 PUBLIC USE ZONE - Transport</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid #000; margin-right: 5px;"></span> PUS21 PUBLIC USE ZONE - Cemetery/Crematorium</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid #000; margin-right: 5px;"></span> PUS26 PUBLIC USE ZONE - Local Government</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid #000; margin-right: 5px;"></span> PUS27 PUBLIC USE ZONE - Other Public Use</li> <li><span style="display: inline-block; 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*Cr Heagney re-entered the meeting room at 8.57pm*

*Cr Macdonald declared an Indirect Financial Interest in Agenda Item 7 – Adoption of Amendment C324 – 357 & 359 Pakington Street, Newtown – Chilwell Village Shopping Centre, in that he has an interest in a property in the immediate area impacted by this Amendment and left the meeting room prior to discussion at 8.57pm*

*Cr Richards left the meeting room for the evening at 8.57pm*

## **7. ADOPTION OF AMENDMENT C324 – 357 & 359 PAKINGTON STREET NEWTOWN – CHILWELL VILLAGE SHOPPING CENTRE**

**Portfolio:** Planning – Cr Heagney  
**Source:** Planning and Tourism – City Development  
**General Manager:** Peter Bettess  
**Index Reference:** Council Reports 2015  
**Application: Amendment C280**

### **Purpose**

This report considers the Independent Panel Report and Recommendations on Amendment C324 and Planning Permit 1503/2014 and recommends adoption of the Amendment.

### **Summary**

- Amendment C324 will rezone the land at 357 and 359 Pakington Street Newtown from General Residential Zone Schedule 1 to Commercial 1 Zone. The amendment is accompanied by a planning permit application 1503/2014 for the land at 357 Pakington Street only and seeks approval for buildings and works associated with an office and two dwellings, a partial reduction in car parking and a three-lot subdivision.
- Public exhibition of the Amendment between 18 June and 20 July 2015 resulted in 1 submission.
- The submitter has objected to the proposal on the grounds of insufficient car parking provision with the development and the need for additional public off-street parking in the area.
- Officers met the submitter to discuss his submission and to see if there was any room for the submission to be withdrawn or changes made to accommodate his concerns. This was unsuccessful with the submitter seeking his submission to be fully considered.
- On 5 August 2015 Council considered the submission under delegation and resolved to refer the submission to an Independent Panel appointed by the Minister for Planning. The Panel Hearing was held on 23 September 2015.
- The Panel concluded that the Amendment is strategically supported.
- The Panel reviewed the submission, along with the traffic and parking report provided by the proponent, and concluded that the proposal meets the decision requirements of the Planning Scheme to justify a reduction in the car parking requirements.
- The Panel concluded that the Amendment and permit should be supported.

- The Panel did have some concerns about the cumulative effect of parking reductions in the areas and concluded that Council should consider preparing a parking plan for the Activity Centre, including consideration of whether a contributions scheme may be appropriate.
- The Panel's recommendations are generally supported and the Amendment can now be adopted as outlined in this report.

**Cr Heagney moved, Cr Harwood seconded -**

**That Council:**

- 1) adopt Amendment C324 in the form outlined in Appendix 2 of this report;**
- 2) submit the adopted Amendment with the prescribed information to the Minister for Planning requesting approval; and**
- 3) recommends to the Minister that a Permit be granted pursuant to Section 96G of the Planning and environment Act 1987 (Planning Permit No, 1503/2013 is contained in Appendix 3).**

**Carried.**

### ***Background***

Amendment C324 resulted from an application made by Sincock Planning on behalf of Dale Whitford, owner of 357 Pakington Street Newtown, to rezone that site and the adjoining land to the south at 359 Pakington Street from General Residential Zone Schedule 1 to Commercial 1 Zone. The Amendment request was accompanied by a planning permit application for "buildings and works associated with an office and two (2) dwellings, reduction in car parking requirement and subdivision of the land into three (3) lots generally in accordance with the endorsed plans".

Appendix 1 shows the subject land and an aerial photo of the surrounding area.

Amendment C324 was exhibited between 18 June and 20 July 2015. Council received 1 submission in response from a local business owner objecting to the proposal on the grounds of insufficient car parking being provided with the development and the need for additional public off-street parking in the area.

As there was only one submission officers and the applicant met with the submitter to discuss the issues raised in the submission, talk through the amendment process and explain the proposal. Whilst all parties clearly understood each others position, the submitter supports his submission being considered and if necessary, by an Independent panel.

Under delegation on 5 August 2015, Council resolved to refer all submissions to an independent Panel appointed by the Minister for planning.

The Panel Hearing was held on 23 September 2015 in Geelong at Council offices.

### ***Discussion***

A one person Panel, Mr Trevor McCullough, conducted the Hearing. The Panel submitted its report to Council on 8 October 2015.

The Panel has observed the following about Amendment C324 and draft planning permit 1503/2014:

- The Panel has reviewed the submission, along with the traffic and parking report provided by the proponent, and concludes that the proposal meets the decision requirements of Clause 52.06-6 to justify a reduction in the car parking requirement.
- The Panel concludes that the Amendment and permit should be supported.
- The Panel does have some concerns about the cumulative effect of parking reductions across a number of developments, and concludes that Council should consider preparing a parking plan for the Activity Centre, including consideration of the need for a parking contribution scheme.

As noted above, the Panel shares some of the submitters (Mr Kenneth Smith's) concerns about the cumulative effect of car parking reductions over a number of developments. The Panel believes that Council would benefit from having a parking plan in place for this activity centre. The development of a parking plan could more thoroughly review parking supply and demand, review the appropriateness of applying different rates of parking, and review whether a contributions scheme might be appropriate. A parking plan, and any subsequent parking overlay, would provide greater certainty for prospective developers as well as protect the viability of existing businesses.

Officers have undertaken a review of parking in the Newtown area and have a preliminary parking plan. This assists with short term parking issues and resolution of on ground management of existing spaces. The next stage of allocation of land etc for future parking and contributions has not commenced. This will require resources and there is no timeline yet to undertake the work. A budget and priority for this work will need to be considered in budget planning processes.

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

The subject site is extending the existing neighbourhood shopping centre of Chilwell Village and is conveniently and safely accessible to pedestrians. Located on a major road, the site is also serviced by bus services that operate along Pakington Street.

#### ***Financial Implications***

There is no impact to the budget from this proposal.

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

The site has strategic merit for an extension to the Shopping Centre as a minor expansion of the existing neighbourhood activity centre. It is consistent with state and local planning policy to consolidate existing centres where synergies with adjacent uses can be achieved. In this case, the addition of office space to the Centre can be achieved in conjunction with a residential use without the need to convert or redevelop established retail sites.

#### ***Alignment to City Plan***

The Amendment supports the 'Growing our Economy' strategic direction of City Plan.

#### ***Officer Direct or Indirect Interest***

No Council Officers have any direct or indirect interest, in accordance with Section 80 (c) of the Local Government Act to which this Amendment relates.

***Risk Assessment***

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

***Social Considerations***

The proposed amendment will add further services to the Chilwell Village Shopping Centre in the form of office space.

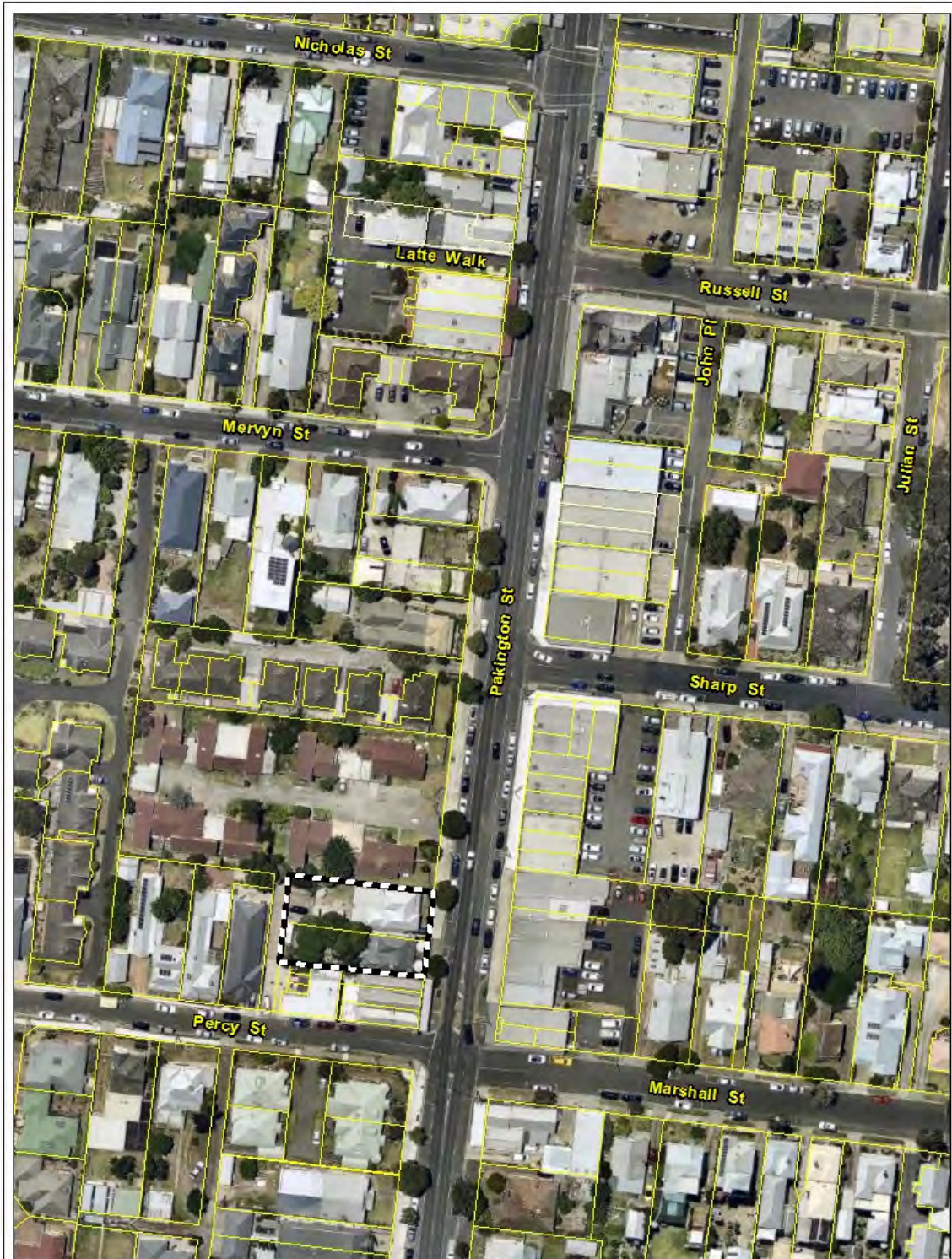
***Human Rights Charter***

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, which has occurred in this case.

***Consultation and Communication***

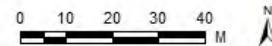
The Independent Panel report has been publicly released with a copy provided to the applicant and the submitter.

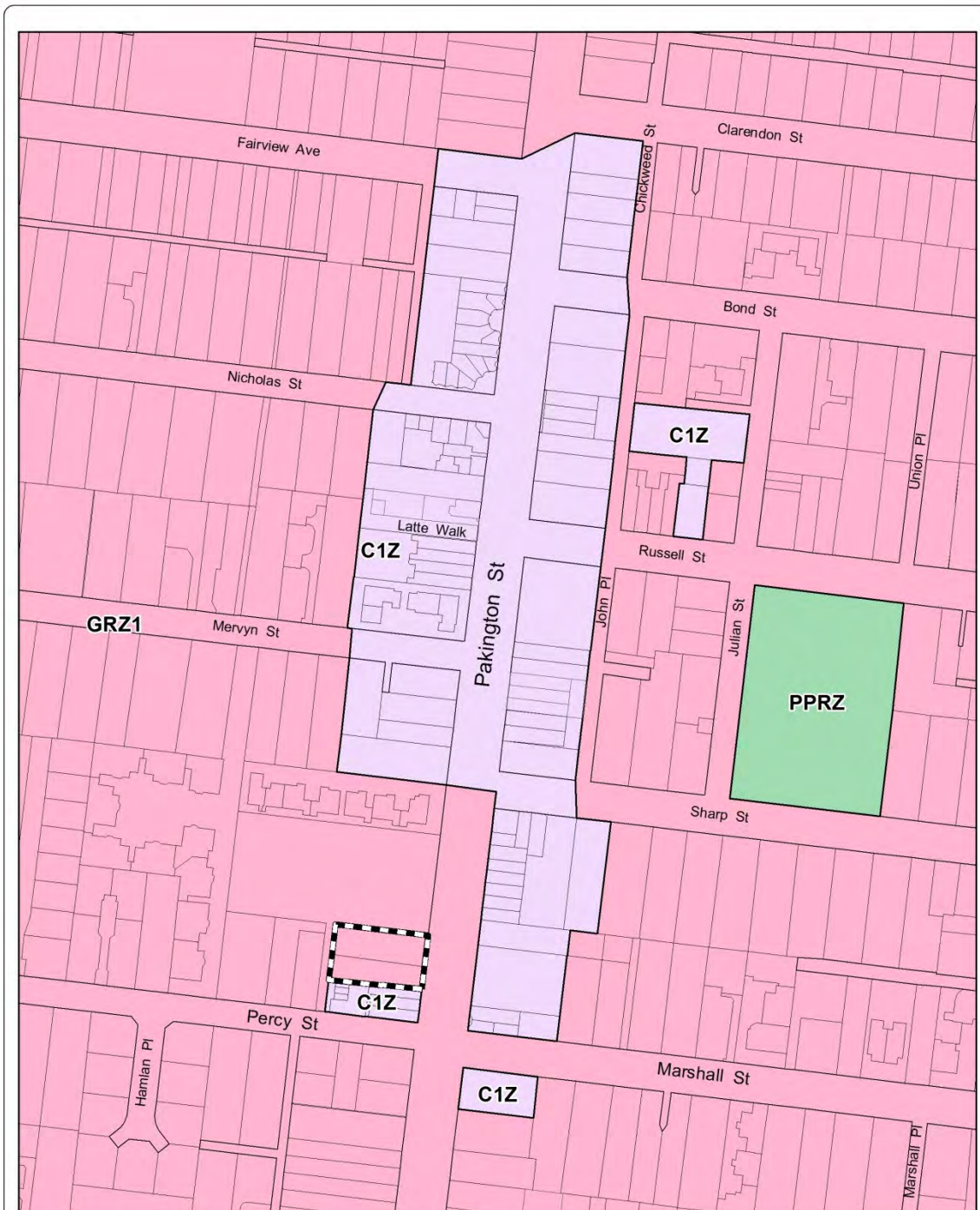
**APPENDIX 1- SUBJECT LAND**



**SUBJECT LAND - 357 & 359 PAKINGTON STREET**

Prepared by City of Greater Geelong - 18 February 2015 (Aerial imagery - November 2014)  
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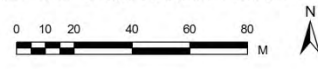
**GREATER GEELONG PLANNING SCHEME - ZONES**

**LEGEND**

NEIGHBOURHOOD RESIDENTIAL ZONE	COMMERCIAL 1 ZONE	COMPREHENSIVE DEVELOPMENT ZONE	PUBLIC PARK & RECREATION ZONE
GENERAL RESIDENTIAL ZONE	COMMERCIAL 2 ZONE	ACTIVITY CENTRE ZONE	PUBLIC CONSERVATION & RESOURCE ZONE
RESIDENTIAL GROWTH ZONE	INDUSTRIAL 1 ZONE	PORT ZONE	ROAD ZONE CATEGORY 1
LOW DENSITY RESIDENTIAL ZONE	INDUSTRIAL 2 ZONE	PUBLIC USE ZONE - Service & Utility	ROAD ZONE CATEGORY 2
MIXED USE ZONE	INDUSTRIAL 3 ZONE	PUBLIC USE ZONE - Education	
TOWNSHIP ZONE	SPECIAL USE ZONE	PUBLIC USE ZONE - Health & Community	
RURAL LIVING ZONE	PRIORITY DEVELOPMENT ZONE	PUBLIC USE ZONE - Transport	
FARMING ZONE	URBAN GROWTH ZONE	PUBLIC USE ZONE - Cemetary/Crematorium	
RURAL CONSERVATION ZONE	COMMONWEALTH LAND	PUBLIC USE ZONE - Local Government	
URBAN FLOODWAY ZONE		PUBLIC USE ZONE - Other Public Use	

Prepared by City of Greater Geelong - 18 February 2015  
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 This map contains all Amendments to the G.G.P.S. gazetted prior to the date shown above, however, for certainty, a Planning Certificate should be obtained.  
 This map should be read in conjunction with additional Planning Overlay maps (if applicable).

**SUBJECT LAND - 357 & 359 PAKINGTON ST**



**APPENDIX 2 – AMENDMENT FOR ADOPTION**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C324**

**INSTRUCTION SHEET**

**The planning authority for this amendment is Greater Geelong Planning Scheme**

**The Greater Geelong Planning Scheme is amended as follows:**

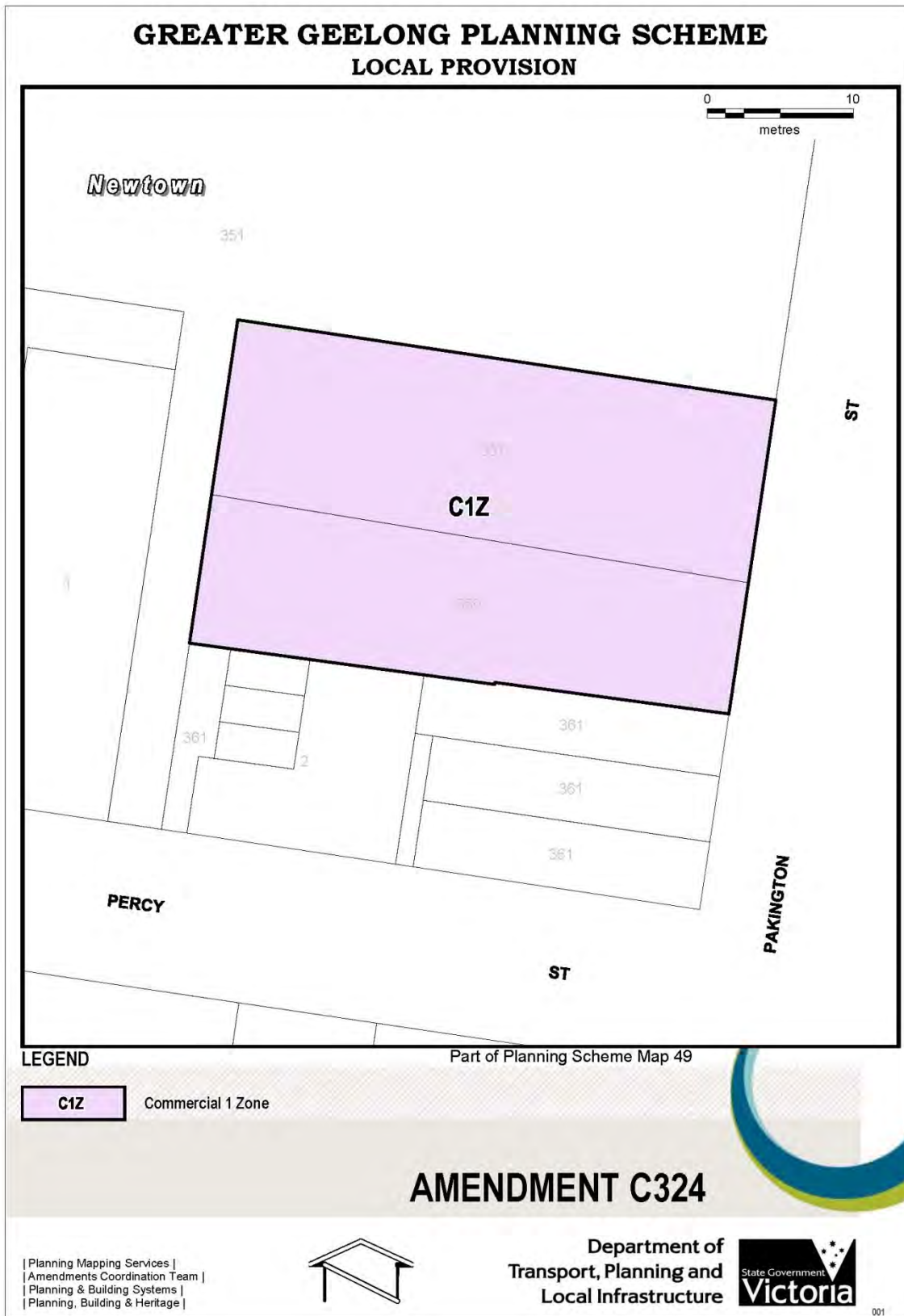
**Planning Scheme Maps**

**The Planning Scheme Maps are amended by a total of one attached map.**

***Zoning Maps***

4. Planning Scheme Map No.49 is amended in the manner shown on the attached map marked "Greater Geelong Planning Scheme, Amendment C324".

**End of document**



**APPENDIX 3 –PLANNING PERMIT TO BE ISSUED**

Page 1 of 8

**PLANNING  
PERMIT**

Permit No. 1503/2014  
Planning Scheme Greater Geelong Planning Scheme  
Responsible Authority Greater Geelong City Council

ADDRESS OF THE LAND 357 PAKINGTON STREET, NEWTOWN  
THE PERMIT ALLOWS BUILDINGS AND WORKS ASSOCIATED WITH AN OFFICE AND TWO (2) DWELLINGS, REDUCTION IN CAR PARKING REQUIREMENT AND SUBDIVISION OF THE LAND INTO THREE (3) LOTS GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Amended Plans**

1. Prior to the commencement of the use and/or development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Bin storage area/s with sufficient capacity for the four bins for the dwellings and additional waste and recycling bins for the office.
  - b) Letterboxes for each of the premises at the street frontage. The dimensions, placement and numbering must comply with the Australia Post - General Post Guide 2007 (Point G4.3) as published on its website to the satisfaction of the Responsible Authority.

**DEVELOPMENT**

**Endorsed Plans**

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Walls on Boundary**

3. All external walls on or facing property boundaries must be cleaned and finished to the satisfaction of the Responsible Authority.

Date Issued:

Signature of the Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

**Stormwater Quality / Management**

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

**Prior to Works Commencing**

5. Prior to the works commencing, three (3) copies of a landscape plan prepared by a suitably qualified or experienced, person to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale and show:
- a) Details of surface finishes of pathways and driveways;
  - b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - c) Landscaping and planting within all open areas of the site.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

6. Unless otherwise approved by the Responsible Authority and prior to the Commencement of the Development, the land owner must enter an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the agreement must be borne by the land owner. The agreement is to be registered on title and run with the land, and is to provide to the satisfaction of the Responsible Authority:
- a) All storm water runoff is to be collected on site and discharged to the legal point of discharge using a pump system or as otherwise nominated by the responsible authority. The pump system is to be designed and constructed in accordance with Australian Standard 3500 Part 3.2 Section 9;
  - b) In the event of any operational difficulties with the pump system, it is the Responsibility of the land owner to rectify these difficulties;
  - c) Any pump system is to be replaced by gravity discharge if and when available, and if directed by the Responsible Authority, at the land owner's full cost.
  - d) Provision is made (if appropriate) in any subdivision for Body Corporate drainage works, and access to those drainage works to be on common property or within an easement in favour of the Body Corporate.

Note: Where the legal point of discharge is kerb and channel, discharge velocity at the kerb must be no greater than 1.5 m/s with a maximum discharge flow rate of 10 l/s and the outlet directed at an angle of 45o to the direction of flow in the kerb and channel.

**Prior to Occupation**

7. Prior to the occupation of the development the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

8. Prior to the occupation of the development the developer must construct:
- a) the site stormwater system including connections for each unit into the underground drain in Pakington Street, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings;
  - b) vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;
  - c) Any redundant vehicular crossings must be removed, kerb and channel reinstated and the footpath/nature strip area reinstated to match existing construction in the street.
- All to the satisfaction of the Responsible Authority.
9. Prior to the occupation of the development the developer must construct the car park including the rear accessway from the existing concrete, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

**SUBDIVISION**

**Endorsed Plans**

10. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

**Telecommunications**

11. The owner of the land must enter into agreements with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

**Prior to Statement of Compliance**

12. Prior to statement of compliance, the developer must construct:
- a) the site stormwater system including connections for each lot into the underground drain in Pakington Street, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
  - b) vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
  - c) Any redundant vehicular crossings must be removed, kerb and channel reinstated and the footpath/nature strip area reinstated to match existing construction in the street;  
All to the satisfaction of the Responsible Authority.
13. Prior to statement of compliance, the developer must construct the car park including the rear accessway from the existing concrete, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
14. Unless otherwise approved by the Responsible Authority and prior to the issuing of Statement of Compliance, the land owner must enter an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the agreement must be borne by the land owner. The agreement is to be registered on title and run with the land, and is to provide to the satisfaction of the Responsible Authority:
- a) All storm water runoff is to be collected on site and discharged to the legal point of discharge using a pump system or as otherwise nominated by the responsible authority. The pump system is to be designed and constructed in accordance with Australian Standard 3500 Part 3.2 Section 9;
  - b) In the event of any operational difficulties with the pump system, it is the Responsibility of the land owner to rectify these difficulties;
  - c) Any pump system is to be replaced by gravity discharge if and when available, and if directed by the Responsible Authority, at the land owner's full cost.
  - d) Provision is made (if appropriate) in any subdivision for Body Corporate drainage works, and access to those drainage works to be on common property or within an easement in favour of the Body Corporate.

Note: Where the legal point of discharge is kerb and channel, discharge velocity at the kerb must be no greater than 1.5 m/s with a maximum discharge flow rate of 10 l/s and the outlet directed at an angle of 45o to the direction of flow in the kerb and channel.

Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

15. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
  - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
16. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of the Statement of Compliance:
- a) The development approved by Planning Permit 1503/2014 must be substantially completed (eg. lockup stage as a minimum) in accordance with the endorsed plans forming part of that Planning Permit (or any amendment to that permit) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority;
  - or
  - b) The owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 which provides for all development to be in accordance with the endorsed plans forming part of the Planning Permit 1503/2014 (or any amendment to that permit) or any subsequent Planning Permit.

The owner must pay the costs of preparation, review, execution and registration of the agreement and the agreement must be registered on the newly created title/s. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to Council.

**Powercor**

17. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
18. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
19. The applicant shall, where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply; they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.

Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

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20. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
21. Any Buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
22. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

**Barwon Water**

**General**

23. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.
24. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
25. The creation of an Owners Corporation to equally encumber all lots within the subdivision.

**Water**

26. The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted.
27. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.
28. An additional tapping(s) is to be supplied to service the proposed development. Note that tapplings and services are not to be located under existing or proposed driveways.
29. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

**Sewer**

30. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan.
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Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

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31. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.
32. The existing sewer point is to be removed from manhole.
33. The provision of a separate sewer connection branch to all lots in the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon water approved confined space plumber. A list of approved plumbers can be provided upon request.

**Tenix**

34. Easements in favour of SPI Networks (Gas) Pty Ltd must be created on the plan of to the satisfaction of SP AusNet (Gas).
35. The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.

**EXPIRY**

**Development**

36. This permit will expire if one of the following circumstances applies:
  - a) The use or development is not commenced within two (2) years of the date of this permit.
  - b) The development is not completed within four (4) years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or
  - a) within six (6) months after the permit expires where the use or development has not yet started; or
  - b) within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

**Subdivision**

37. The permit will expire if the plan of subdivision is not certified within 2 years from the date of this permit and if a statement of compliance is not issued within 5 years of the date of certification of that plan.

The Responsible Authority may extend the period referred to for Certification if a request is made in writing before the permit expires or within 6 months afterwards.

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Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

**CONDITIONS OF PLANNING PERMIT NUMBER 1503/2014 CONTINUED**

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**Engineering Notes:**

1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

**Barwon Water Note:**

1. The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communications between the developer/agent and Barwon Water quote Barwon Water reference number L011410.

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Date Issued:

Signature of the  
Responsible Authority: \_\_\_\_\_

*Cr Macdonald re-entered the meeting room at 9.00pm.*

## **8. LEOPOLD LAND CAPABILITY AND BAY ACCESS REPORT**

**Portfolio:** Planning – Cr Heagney  
**Source:** Planning Strategy & Urban Growth  
**General Manager:** Peter Bettess  
**Index Reference:** Project: North of Portarlington Road, Leopold

### **Purpose**

The purpose of this report is to present the findings of the Leopold Land Capability and Bay Access report, prepared by Spiire consultants, in response to a direction in the Leopold Structure Plan 2013.

### **Summary**

- The Leopold Structure Plan includes a direction to investigate public access to the Bay.
- Council resolved at its meeting of 13 December 2013 to undertake a broad land capability analysis of rural land around Leopold to investigate where urban development could be directed in any future structure plan review and to assist in providing direction in relation to realising public access to the bay. The project scope was subsequently refined in June 2014 to focus on land north and west of Leopold.
- Spiire consultants were appointed to undertake the land capability analysis and Bay access project. The final report was received in July 2015 (Appendix 1 – *previously distributed with Briefing papers*).
- The technical report has found that public access to the foreshore within the Study Area is difficult to achieve without some form of enabling development.
- Physical access (e.g. a boat ramp or beach foreshore access) is not appropriate due to significant environmental constraints, coastal processes, multiple private landownership up to the high water mark, construction and maintenance cost and no identified need for physical infrastructure.
- Passive access (e.g. an area of public open space or linear trail network) set back from the future coastline, is considered the most appropriate form of Bay access. This would be best delivered through some form of development in the Study Area.
- The technical report has identified that within the Study Area there are two '*potentially developable areas*', which includes land north and south of Portarlington Road. Land north of Portarlington Road comprises approximately 96 hectares and land south of Portarlington Road approximately 42 hectares (See Appendix 2).
- The two '*potentially developable areas*' are affected by a number of constraints including significant drainage and flooding issues, future coastal sea level rise, environmental, traffic and access constraints.
- Any future development in the Study Area would require a holistic approach to addressing known constraints. Development is likely to need significant funding for key infrastructure and would need to provide access to the Bay.

- Council's current policy prohibits urban development north and west of Portarlington Road.
- The Land Capability Analysis will be used to inform the next review of the Leopold Structure Plan, which is due to be undertaken in 2017/2018, and to provide direction to the development industry about the opportunities in Leopold.
- For Council to support urban development within the Study Area, a significant shift in planning policy would be required.

**Cr Macdonald moved, Cr Heagney seconded -**

**That Council:**

- 1) notes the findings of the Leopold Land Capability and Bay Access report (July 2015) as detailed in Appendix 1 of this report;**
- 2) directs officers to bring forward the review of the Leopold Structure Plan to the 2016-2017 financial year, subject to approval of funding through the budget process; and**
- 3) uses the findings of the Leopold Land Capability Access report as a guide in the review of the Leopold Structure Plan.**

**Carried.**

### ***Background***

The Leopold Structure Plan includes a direction to investigate public access to the Bay.

Previous Council reports of 29 January 2013, 10 December 2013 and 10 June 2014 considered the key direction of the Leopold Structure Plan in relation to investigating public access to the Bay. This included consideration of project options for realising public access to the Bay.

At its meeting of 10 December 2013, Council opted to pursue the following option: *“undertake detailed work to examine the potential for all rural land around Leopold to accommodate urban development with the intention being to negotiate an open space contribution along the foreshore. This would be dependent of two factors; if the land north of Portarlington Road is deemed to be capable of being developed for urban development and if Council was prepared to change its long standing policy of limiting the growth of Leopold to land south of the Portarlington Road.”*

Council resolved to proceed with this option over two others, namely the acquisition of privately owned foreshore land to build a walking track and or a boat ramp; and to facilitate a rezoning request (planning scheme amendment) from an interested landowner.

At its meeting of 10 June 2014, Council resolved to revise the scope of works for the above project including the Study Area. The Study Area was revised to focus solely on land north and west of the settlement boundary rather than all rural land around Leopold.

There is no public land in the Study Area with private freehold extending up to the high water mark. Public access cannot be achieved without the purchase of land or alternatively the negotiation of a public open space contribution as part of a development.

A project brief was prepared on the basis of Council's recommendation and put out for tender in July 2014.

The project brief sought to determine:

1. The extent of potential development areas in the Study Area;
2. What sort of development is feasible if Council changed its existing planning policies on tourism in rural areas or its settlement policy for Leopold;
3. Whether public access to the Bay is achievable;
4. What form public access would take; and
5. How public access could be delivered, including funding and maintenance considerations.

Spiire consultants were the successful bidder and subsequently commenced work on the project in November 2014.

### ***Discussion***

Spiire provided Council officers with the final report in July 2015. The report focused on two key matters:

1. Land capability for urban development; and
2. Bay Access Options

The report also provided a summary of the landowner information event held at the Leopold Sportsmans Club in February 2015. Landowners within the Study Area boundary were invited to attend the event as part of a ground-truthing exercise and for the consultants to present their initial findings. The event had a high level of attendance and input from the landowners.

Since this time, a key landowner in the Study Area has met with Council officers to discuss future development aspirations north of Portarlington Road. This key landowner has also expressed concerns about inaccuracies and omissions contained in the technical report. These include: the lack of broader public consultation; no reference to the landowner technical report relating to addressing known physical and environmental constraints through urban development; no reference to historical consultation with the broader community about the high level of support for bay access including community demand for boating facilities and a land use rezoning to Special Use Zone to support a variety of land uses; and the potential gift of land to Council for public open space. Notwithstanding the aspirations of the key landowner and the associated concerns stated above, the consultant's report has sought to investigate the key physical and environmental issues facing land within the Study Area from a purely technical perspective i.e. the capability of land to accommodate urban development and deliver Bay access. Broader community perspectives will be considered as part of the future Structure Plan review process, which will be informed by this technical report.

The findings of the report will be discussed below.

### **Land Capability**

The report identifies two '*potentially developable areas*' (See Appendix 2). They are as follows:

- Land north of Portarlington Road- approximately 96 hectares
- Land south of Portarlington Road- approximately 42 hectares

The potentially developable areas have been defined by considering the known physical and environmental constraints affecting the Study Area and how these could be managed to enable urban development. (Urban development being land uses typically found within a settlement boundary such as housing, retail, commercial and community uses.) These include such issues as flora and fauna, seagrass, cultural heritage, soil conditions, sea level rise, flooding and drainage within and external to the Study Area, water quality and retardation, setting the lowest development contour, staging and delivery infrastructure, traffic access and provision of community infrastructure and reticulated services.

A relatively high level assessment has been undertaken to define the potentially developable areas. Consequently, should land within the Study Area be required for urban development through a future review of the Leopold Structure Plan, there will be a requirement for further detailed technical considerations to be undertaken. This would need to define exact development areas and the ability for a holistic development approach to be implemented to address known significant constraints in the Study Area.

It should also be noted that a '*possible additional developable area*' has been identified on land north of Portarlington Road (See Appendix 2). This area has been considered as an additional area that is subject to significant constraints due to low lying and flat topography. The area has not been considered as a 'potentially developable area' due to the expected significant works to achieve a serviceable development. Works to facilitate development in this area will largely relate to serviceable drainage and flooding management measures.

Building on the identification of the potentially developable areas, the report considers overall development scenarios, concluding that a holistic/strategic approach to development of the two areas would deliver the best outcome in terms addressing known technical constraints, provision of infrastructure and passive Bay access. The report concludes that a piecemeal approach to allowing urban development within the Study Area should not be supported.

There is a strong relationship between the two identified potentially developable areas in terms of the key physical considerations, particularly drainage and flooding. Consequently, a strategic approach to dealing with the planning and staging of delivery of key infrastructure will be necessary should urban development be supported in the two potentially developable areas. This will ensure that neither area is impeded should a staged development approach be proposed.

A high level analysis of likely development contributions and costings has been prepared by Spiire. Whilst high level, the benefit of this analysis shows the potential significant cost implications for the delivery of relevant infrastructure items by adopting a holistic approach to the development of the Study Area i.e. the development of the two identified potentially developable areas.

### **Bay Access**

Physical and passive access options to the Bay were investigated as part of the project. It was found that to provide public access to the foreshore would require some form of enabling development.

Physical access to the Bay via a boat ramp is not appropriate due to a number of factors, such as significant environmental constraints, cost, and no identified need for such a facility in this general location. Physical access infrastructure such as boat ramps are expensive to provide and maintain and Council priorities are to improve existing facilities in alternative locations along the northern edge of the Bellarine

Peninsula, including the Clifton Springs boat harbour. This is also reinforced by other strategic documents such as the Central Coastal Board Boating Coastal Action Plan.

Access to the foreshore is also not considered appropriate. There is no public access to the foreshore within the Study Area. All land within the Study Area adjoining the foreshore up to the high water mark is under private land ownership. In addition to this constraint, the majority of land along the foreshore within the Study Area is affected by projected sea level rise, which rules out the logic of providing access at the current coastline.

Passive access options taking the form of a linear trail network setback from the foreshore and linking up with the existing Bellarine Rail Trail; linear park along the 2100 coastline; or a large centrally located park area for community use and enjoyment of views of the Bay are considered the most appropriate forms of Bay access.

These options would be best delivered through some form of urban development. Providing passive bay access through development would remove the issue of Council purchasing land from multiple landowners and delivering the public open space, which would be a significant financial outlay. Providing passive open space through some form of urban development would have challenges similar to providing physical access.

As indicated above, provision of passive open space would need to be set back from the future coastal foreshore, which means that there would be a considerable distance (between 250 metres and 1,200 metres) from the current foreshore location should development be supported in the short to medium term.

Future consideration needs to be given to the merits of providing passive open space through some form of urban development in the Study Area over retaining Council's historical planning policy position about retaining Leopold as an '*urban island*' using Portarlington Road as a logical northern settlement boundary.

### **Future strategic planning considerations**

The Spiire report is not a means to an end in so far as determining the full extent of land capability in the Study Area. It provides a high level analysis of the key technical constraints in the Study Area that affect development potential and also, provides an informed position about the ability to deliver Bay access.

The technical findings of the Spiire report will be used to inform the future review of the Leopold Structure Plan. This is anticipated to commence in 2017/2018 consistent with the rolling programme of 5 yearly reviews for district towns and adequacy of residential land supply in zoned and identified growth areas for the township. This is the most effective planning framework to formally test the benefits of achieving Bay access through urban development in the Study Area.

For Council to support urban development in the Study Area, which is currently outside the township settlement boundary, a significant shift in planning policy would be required. This means a thorough review of the Leopold Structure Plan and subsequent review of *Clause 21.14 The Bellarine Peninsula* in the Greater Geelong Planning Scheme. Also of importance would be the provisions of the State Planning Policy Framework in relation to coastal settlement, climate change and coastal areas, the Victorian Coastal Strategy, Bellarine Localised Planning Statement, and Bellarine Peninsula Strategic Plan, amongst others. There is clear strategic policy to protect non-urban breaks and to plan for climate change events such as sea level rise, particularly in low lying areas. Should a change in local planning policy arise, there is potential for inconsistency between the State Planning Policy Framework and the Local Planning Policy Framework.

Subject to a shift in planning policy to enable the extension of the Leopold settlement boundary, further detailed technical studies would be required to support a future proponent initiated rezoning/development application to demonstrate that a holistic development scenario is achievable in the Study Area.

The Spiire report uses residential development as the most likely land use in the Study Area. Consequently, the importance of Council's land supply will come into play should a future proposal be based on this land use. Any future urban extension of the township settlement boundary would need to consider the adequacy of land supply for Leopold and more importantly, the broader Municipality's land supply. Strategic justification would be necessary and would need to demonstrate a need for additional land and through further detailed technical investigations, the land capability. Adequacy of residential land supply in terms of broadhectare and potential residential in the municipality is sufficient for the foreseeable future. There is currently 24 to 25 years of zoned broadhectare land supply in the municipality. In terms of future broadhectare land supply stocks (land still to be rezoned), there is roughly 13 years of supply to cater for demand across the municipality (Source: Geelong Residential Land Supply, Spatial Economics June 2015).

As Appendix 2 shows, there are only two potentially developable areas identified in the Study Area. This project has only considered land within the Study Area and consequently there may be other areas better suited for additional urban development around Leopold, if required in the future. Portarlington Road has historically been considered by Council and Independent Panels to be a logical northern settlement boundary for the township. This was principally on the basis of the rural nature of land north of Portarlington Road and the physical barrier that the road provides. Land west of Melaluka Road has also historically been known for its significant drainage issues. These concerns remain valid and will be relevant to the future Structure Plan review. Council's adopted policy is for future urban growth to be provided south of the Bellarine Highway between Ash Road and Mollers Lane. Whilst a rezoning application has yet to be prepared for this area, it is considered that upon successful rezoning of the land, it will provide sufficient land supply in the future.

### ***Environmental Implications***

Without appropriate mitigation measures in place, there are potential significant environmental implications as a result of development within the Study Area. Flooding and drainage, sea level rise, and native vegetation are some of the key issues that affect this area. Should land within the Study Area be identified for future urban development, prospective developers will need to address known physical and environmental constraints through further technical investigation as part of a rezoning/development application to ensure there are no detrimental environmental impacts.

### ***Financial Implications***

Financial implications could arise for Council where future development within the Study Area is not appropriately planned and staged. Given the significant physical constraints in the Study Area, there is potential for financial burden on Council resources as part of future infrastructure delivery and ongoing maintenance programs. Should urban development be supported in this area in the future, there is a need to holistically plan for key infrastructure delivery within the Study Area. It is likely that there will be a need for a Development Contributions Plan (DCP) to be prepared to coordinate the delivery and timing of key infrastructure, including public open space. The preparation and implementation of DCPs has implications on Council finance resources.

The Spiire report has undertaken a high level assessment of likely developer contributions. It estimates a significant contribution per developable hectare based on global assumptions and residential land use.

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

The findings of the report are policy neutral at this stage. The findings of the report will be used to inform future Council decisions in relation to reviews of the Leopold Structure Plan. The key findings will be used to inform where urban development could be accommodated should Council decide to make a significant shift in planning policy for urban growth in Leopold.

***Alignment to City Plan***

This report aligns with the directions of the Sustainable and Built Environments theme in City Plan.

***Officer Direct or Indirect Interest***

No Council officers have any direct or indirect interest, in accordance with section 80(c) of the Local Government Act 1989, in the matter to which this report relates.

***Risk Assessment***

The land capability assessment has undertaken a review of the key technical constraints in the Study Area. Consequently, a level of risk assessment has been undertaken to determine which areas of land are potentially developable. Whilst only a high level review, further detailed technical investigations would be required to be undertaken by any development proponent to determine the full extent of developable land in the Study Area and any associated risks.

***Social Considerations***

Social considerations will be addressed through future reviews of the Leopold Structure Plan.

***Human Rights Charter***

We have taken into consideration the human rights relative to the subject matter of this report, including rate-payers property rights and the right to a fair hearing.

***Consultation and Communication***

Consultation was undertaken with landowners in the Study Area in February 2015. An information session was held at the Leopold Sportsman Club, which included presentations from Council officers and Spiire consultants. The event was well attended and valuable feedback was obtained. Statutory consultation will also be undertaken as part of the future review of the Leopold Structure Plan.

### LEOPOLD NORTH - POTENTIALLY DEVELOPABLE AREAS

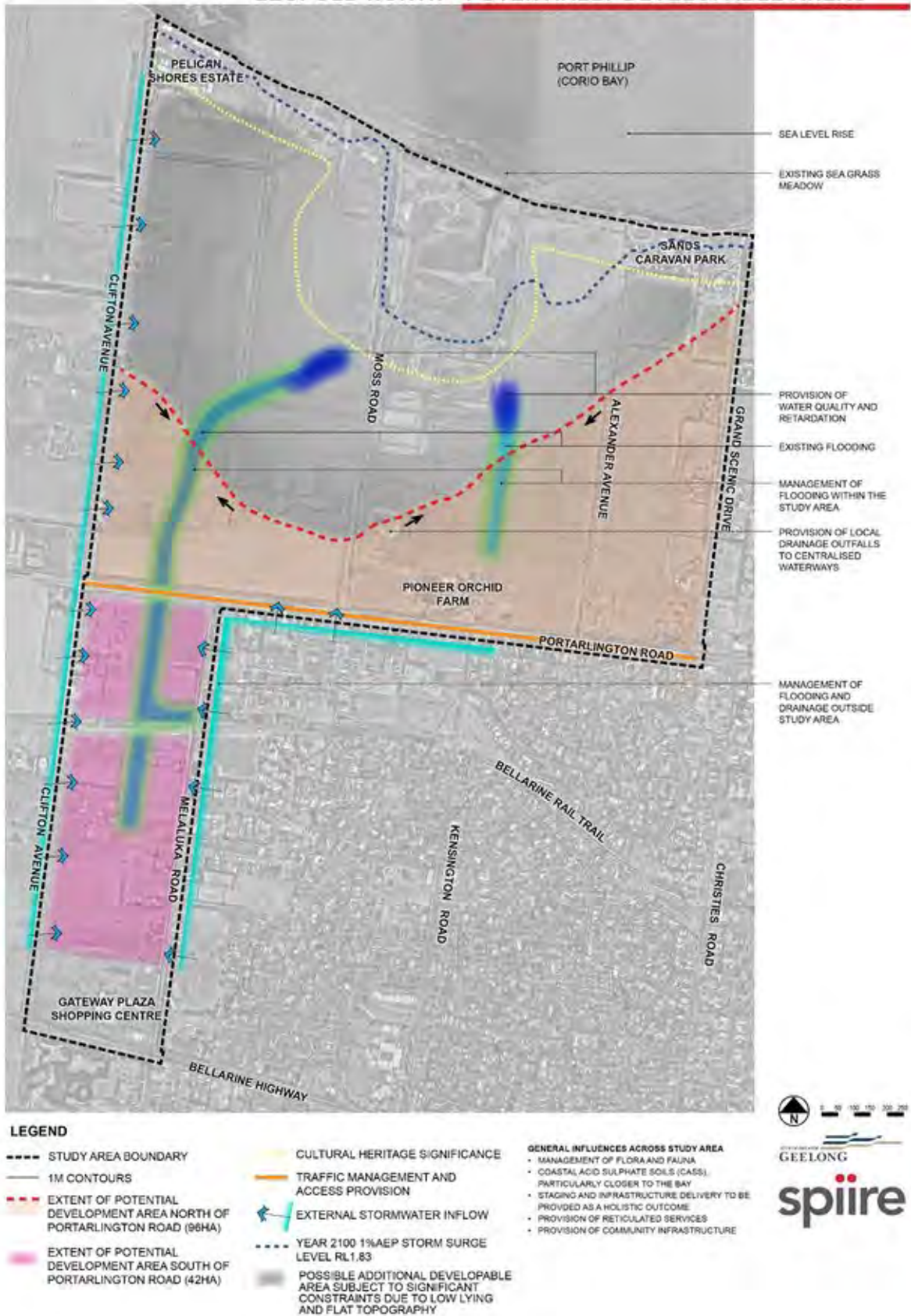


Figure 52 - Potentially Developable Areas

## **9. POTATO SHED ANNUAL REPORT 2014-2015**

**Portfolio:** Arts & Culture - Cr Richards  
**Source:** Arts and Culture / Investment & Attraction Division  
**A/General Manager:** Paul Jane  
**Index Reference:** Subject: Arts and Culture/Bellarine Multi Arts - Potato Shed

### **Purpose**

The purpose of this report is to provide Council with information relating to Potato Shed activities and highlights during the 2014/2015 period.

### **Summary**

- The Potato Shed is a multi-arts venue: it presents performing arts; exhibitions; educational and public programmes to residents and visitors to the Bellarine.
- Council, Bellarine Secondary College and St Ignatius College Geelong all make annual contributions to the operation of the Potato Shed based on a Joint Use Agreement.
- Diverse community engagement activities in 2014/2015 included 76 theatre, dance and music performances along with exhibitions and youth activities. (Appendix 1, Potato Shed Highlights).
- Achievements for 2014/2015 included the culmination of the 2014 Subscription Season and first half of the 2015 Season - a diverse array of performances, dance works and original productions were presented. This included high profile touring product from Hit Productions, Regional Arts Victoria, and prominent independent presenters.
- Highlights included a sell-out Morning Showtime series, attendance of 7,000 at the 2014 Family Fun Day, and Children's Week Prep Workshops, which attracted participation from most primary schools on the Bellarine.
- The key challenge facing the venue continued to be managing the needs and expectations of schools, hirers and community groups with the ever increasing demand for use.

**Cr Farrell moved, Cr Fisher seconded -**

**That Council note the report.**

**Carried.**

### ***Background***

The Potato Shed was built as a joint venture by the City of Greater Geelong, Bellarine Secondary College and St Ignatius College Geelong (formally Catholic Regional College) with the State Government providing additional funding from the Community Support Fund. Council established a Committee of Management under Section 86 of the Local Government Act, and a Development and Joint Use Agreement was signed. The venue opened March 15<sup>th</sup> 2001.

### ***Discussion***

Throughout 2014/2015 the Potato Shed once again experienced a high level of community demand; a total of 97,315 visits were made. The venue operated at near capacity seven days a week, 14 hours a day, and was not able to accommodate all bookings. The key challenge facing the venue continued to be managing the needs and expectations of schools, hirers and community groups within the existing footprint.

General Public attendance totalled 61,758 while school attendances decreased slightly to 35,557, mainly due to St Ignatius College relocating music classes back within their school. This is a direct result of the lack of space at the Potato Shed with school enrolments growing and an increased demand for rooms which cannot be accommodated within the facility.

Programme highlights over 2014/15 included several sell out performances including Barry Morgan and his World of Organs, Hot Club Swing, Just the Ticket, Pants Down Circus and many more. November saw the return of Indigenous performer Kutcha Edwards who wowed audiences with his wise words and beautiful songs complimenting NT Outback's "Highway of Lost Hearts", a gripping story of loves lost, set in outback Australia. Audiences were delighted to experience a number of cabaret style productions along with a host of established actors live on stage locally. The popular Morning Showtime Season sold out yet again and featured regular local performers from Drop of A Hat productions along with Christine Middleton and Soul Sister Swing.

A number of new original works were presented, including a self-devised new work "Red Velvet" by Dance Initiative, the very popular "12x12 Plays" by Theatre 3222inc with twelve new works from local writers, and the Winter Solstice one act play weekend.

Other highlights included all Age Dance Parties "Spud Dance" held during the year. With Bellarine Youth Action Crew, a youth-operated production group which comprises members aged between 14 and 24 years held Film and Trivia Nights, Pyjama Parties and Free Hug Events. These are fully supervised and strictly smoke, drug and alcohol-free events for the youth of Geelong and the Bellarine Peninsula.

A Demand Analysis and Business Plan process was undertaken in 2008 to determine current and future needs of the Potato Shed, and a Masterplan was developed for expansion of the facility, adopted by Council in 25<sup>th</sup> May 2010. A community campaign for funding the Masterplan implementation was undertaken in October 2014, with over 1800 responses from the community via postcards, online surveys and petitions forwarded to candidates.

### ***Environmental Implications***

An accredited Waste Wise process was implemented in 2008 and continues successfully. The Potato Shed continues to encourage all users and hirers to be waste wise and has banned the use of all polystyrene products in the venue. LED lighting has been installed in the foyer, hallways and toilets reducing heat generation and providing a substantial reduction in electricity use.

### ***Financial Implications***

The Potato Shed is subject to the terms and conditions of a Joint Use Agreement between the City of Greater Geelong, Bellarine Secondary College School Council and The Roman Catholic Trusts Corporation for the Diocese of Melbourne. Under this agreement a formula dictates all parties' contribution to the daily operation of the facility.

Council's contribution to the operation of the Potato Shed in 2014/2015 was \$215,118 including Family Fun Day with \$22,171.00 allocated to maintenance. In addition to Council's contribution, Bellarine Secondary College and St Ignatius College Geelong contributed \$59,391.00 to the operating costs and an additional \$18,645.00 towards capital and building maintenance.

Current approved budget.

Income of \$244,855 against expenditure of \$441,081.

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

Through a series of resolutions dating back to 1997, Council agreed to participate as a joint venture partner with Bellarine Secondary College and the Roman Catholic Trusts Corporation for the Diocese of Melbourne (representing St Ignatius College Geelong) in the development of the multi-arts facility at the Bellarine Sub-Regional Centre, Drysdale, known as the Potato Shed. Cr Farrell (Chair) was the nominated Council representative on the Potato Shed Committee of Management 2014-2015 financial year.

***Alignment to City Plan***

The Potato Shed aligns to City Plan's Strategic Directions 'Community Wellbeing' (Priority Areas: 'Connected, creative and strong communities') and 'Growing Our Economy' (Priority Areas: 'A prosperous and innovative Geelong', 'A successful and vibrant city centre' and 'Greater Geelong is a leading city for tourism, arts, culture and events').

***Officer Direct or Indirect Interest***

There is no direct or indirect interest by Council Officers involved in the preparation of this report.

***Risk Assessment***

The Potato Shed has obligations under OH&S legislation to provide appropriate equipment and training for manual handling and to ensure that work stations meet Worksafe requirements.

The Potato Shed consistently operated close to capacity. This presents challenges in managing the needs and expectations of schools, hirers and community groups.

***Social Considerations***

In 2014/2015 the Potato Shed again provided a valuable resource for the Bellarine. The multi-purpose nature of the venue means the Potato Shed played a significant role in the cultural, social and educational development of the community. The venue has a reputation as an affordable and accessible community resource.

The Potato Shed embraced diversity and encouraged participation from all sectors of the community and was a vital hub of arts, social and educational activity for people of all ages and abilities on the Bellarine. The venue's resident groups often collaborated to create positive outcomes within the community.

Dance Initiative, Bellarine Youth Action Crew, Bellarine Jongleurs and Theatre 3triple2 are all excellent examples of how the Potato Shed functioned as a model for social inclusion, providing independent ways for school students (outside of school hours) and other young people to benefit.

The partnership model between Council and two Secondary schools is widely admired, with other local governments and schools periodically visiting to learn from this successful experience.

***Human Rights Charter***

The Potato Shed promotes cultural diversity and cultural acceptance and is a vital hub of arts, social and educational activity for people of all ages and abilities on the Bellarine.

***Consultation and Communication***

Many users and participants are involved in planning and development of the venue through meetings and questionnaires. The Venue frequently surveys audiences and the broader community to understand evolving needs. Communication is abundant via CoGG Marketing, Facebook, Web presence and via local media organisations.

The Arts & Culture Department in consultation with the Potato Shed Committee of Management and the City of Greater Geelong Media Unit and Marketing Unit, will be responsible for the communication of this report.

**POTATO SHED**

# HIGHLIGHTS 2014-2015

**HIGH QUALITY  
TOURING  
PRODUCTIONS**

FROM HIT PRODUCTIONS,  
REGIONAL ARTS VICTORIA, 6PAC  
AND PROMINENT INDEPENDENT  
PRESENTERS.

**SELL-OUT**

MORNING SHOWTIME SERIES

**97,315**

TOTAL SHED VISITS

**76**

**THEATRE, DANCE AND  
MUSIC PERFORMANCES**

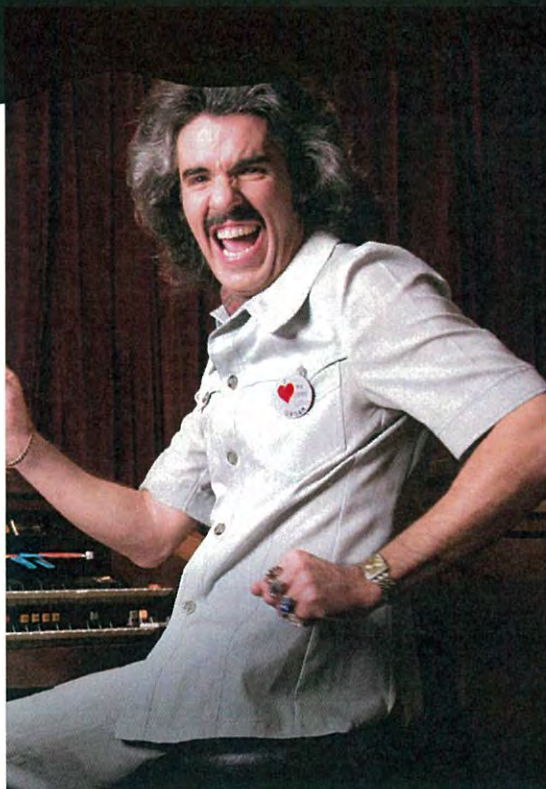
**18**

**ORIGINAL  
PERFORMANCES  
FROM LOCAL  
WRITERS**

**15**

**YEARS OF OPERATION**

THE POTATO SHED OPERATES NEAR  
CAPACITY 14 HOURS A DAY, 7 DAYS  
A WEEK (AND WE ARE REGULARLY  
TURNING AWAY BOOKINGS DUE TO  
HIGH DEMAND).



# FAMILY FUN DAY

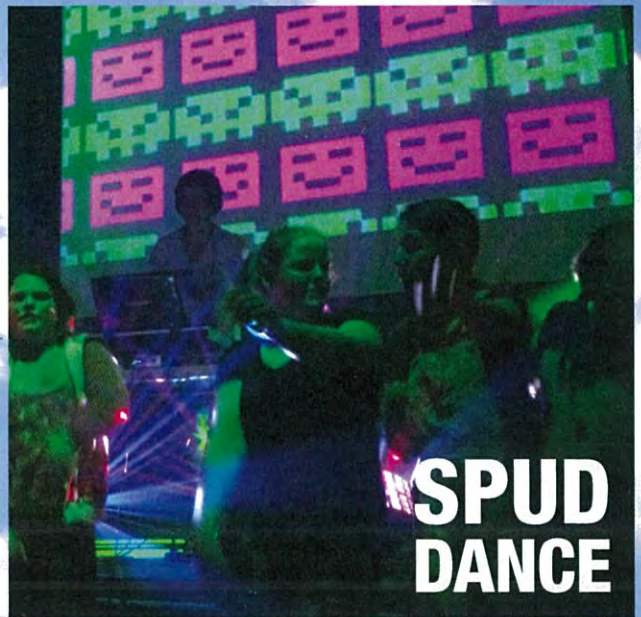
# 7,000

# VISITORS

UP BY 1,000 ON  
PREVIOUS YEAR!



**CHILDREN'S WEEK  
PREP WORKSHOPS**  
INVOLVING ALMOST ALL THE BELLARINE  
PENINSULA PRIMARY SCHOOLS



**SPUD  
DANCE**



**SPUD  
CLUB**



## **10. PROSPECT ROAD LANEWAYS, NEWTOWN - PROPOSED CONSTRUCTION - SRC 334 - FINALISATION OF SCHEME**

<b>Portfolio:</b>	<b>Infrastructure - Cr Ellis</b>
<b>Source:</b>	<b>City Services - Engineering Services</b>
<b>General Manager:</b>	<b>William Tieppo</b>
<b>Index Reference:</b>	<b>Special Rates and Charges, Prospect Road, Newtown</b>

### **Purpose**

The purpose of this report is to finalise the Prospect Road, Newtown Special Charge Scheme.

### **Summary**

- The Special Charge Scheme was declared by Council at its meeting of 29 January 2013.
- The Scheme affects twenty eight (28) properties and the cost estimate at the time of scheme declaration was \$162,041.50. The charge to owners was modelled on the Unit Cost Method and was estimated between \$2,174.23 and \$8,696.93 per property.
- The works have now been completed and the Scheme can be finalised by Council. The final cost of the project was \$206,860.05. The costs above the scheme estimate are explained within the discussion heading of this report and it is recommended to increase the levy to property owners by 9.95% to recoup some of the expense.
- The scheme has been administered in accordance with the Special Rates and Charges provisions of the *Local Government Act 1989*, along with Council's Special Rates and Charges policy.
- This report seeks a Resolution by Council to confirm the Special Charge Scheme for the construction of the laneways bounded by Mercer Parade, Talbot Street and Prospect Road, Newtown in accordance with the Special Charge Scheme process as shown at Attachment 1.

### **Cr Ellis moved, Cr Irvine seconded -**

**That Council having declared a Special Charge on 29 January 2013, for the purpose of defraying the expenses in relation to the construction of the laneways bounded by Mercer Parade, Talbot Street and Prospect Road, Newtown (Appendix 1 – Plan), in accordance with Section 163 of the *Local Government Act 1989* (The Act) resolves that:**

- 1) the Special Charges as declared be increased by 9.95% as shown in Schedule A – Appendix 2;**
- 2) the remaining cost be funded by Council;**
- 3) the General Manager of Strategy and Performance be authorised to levy and recover the Special Charges, by sending notices to the persons who are liable to pay, in accordance with Section 167 of the Act and the Regulations; and;**
- 4) in accordance with Section 172 of the Act, the rate of interest payable on the Special Charges which have not been paid by the specified date, is set at Council's overdraft rate. This is 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 of the Act, in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order, for the purposes of the Section). The interest is to be calculated from the date the Special Charge is due, with a six month interest free period, providing those persons who choose to pay by instalments, adhere to their repayment plan.**

**Carried.**

### ***Background***

When the Prospect Road, Newtown laneways Special Charge Scheme was declared by Council on 29 January 2013 and advised to property owners, there was no appeal application made to VCAT.

The project went to tender in late February 2014 and the contract was awarded in March 2014. The scope of work was increased due to poor on site soil types and additional drainage.

### ***Discussion***

At the time of the scheme declaration (29 January 2013), the cost estimate for the project was \$162,041.50. Prior to tender (Feb 2014), a review of the scheme was carried out and the cost estimate was revised to \$189,697. This estimate could not be used within the scheme as the scheme had already been declared. It was found that there were differences between the original estimated cost and quantities of the project, when compared to the tender. The accepted tender was valued at \$152,279.05, a decrease of \$9,762.45, when compared with the original cost estimate for the project of \$162,041.50.

During construction, unsuitable soil material (too soft) was discovered within the lane that required deeper excavation and more crushed rock. Additional drainage to pick up house drains was also included and was a variation from the original scope that provided a better drainage outcome. These variations added a further \$54,581 to the project.

In accordance with Section 166 of the *Local Government Act 1989 (Variation of a Special Rate or Charge)*, Council may increase charges to affected property owners by effectively recommencing the scheme declaration and submission process. This process is not required if the increase in charge to property owners is less than 10%.

It is therefore recommended to increase the charge to property owners by 9.95% which equates to an increase between \$216.33 and \$865.34 per property owner. It is considered that recommencing the declaration process will be an unnecessary burden to property owners and further expense to the project.

### ***Environmental Implications***

There are no identified environmental implications in regards to emissions, energy consumption, water use, storm water quality, waste generation or natural habitats in Council's resolution to finalise the Scheme.

### ***Financial Implications***

The financial details of the project are detailed as follows:

	<b>Estimated Cost</b>	<b>Actual Cost</b>
Charge to Property Owners	\$121,757.01	\$133,871.65
Cost to Council	\$40,284.49	\$72,988.40
<b>Total</b>	<b>\$162,041.50</b>	<b>\$206,860.05</b>

The works were completed and funded from the Special Rates and Charges street construction program of 2014/15.

The net contribution by Council has increased by \$32,704.

Property owners will be advised of the final costs, which will be an increase of 9.95% from the 'as declared' charges. This represents a net increase of \$12,115.

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

The Special Charge Scheme has been administered in accordance with the Special Charge Scheme provisions of the *Local Government Act 1989*, as well as Council's Special Rates and Charges policy.

***Alignment to City Plan***

This report aligns with the City Plan as follows:

Advocate for and Promote sustainable design and development:

- Ensuring strategies, planning processes and urban design reflects community desires to be living in sustainable places.
- Promoting sustainable design and retrofitting.

***Officer Direct or Indirect Interest***

No Council Officer involved in this process has any direct or indirect interest in the affected properties.

***Risk Assessment***

Provision of constructed laneway has improved vehicular access, drainage and general amenity to property owners. There are no identifiable risks to Council in finalising this Scheme.

***Social Considerations***

The provision of sealed laneways is aligned to Council's City Plan as described above and provides improvements to access and amenity for abutting residents.

***Human Rights Charter***

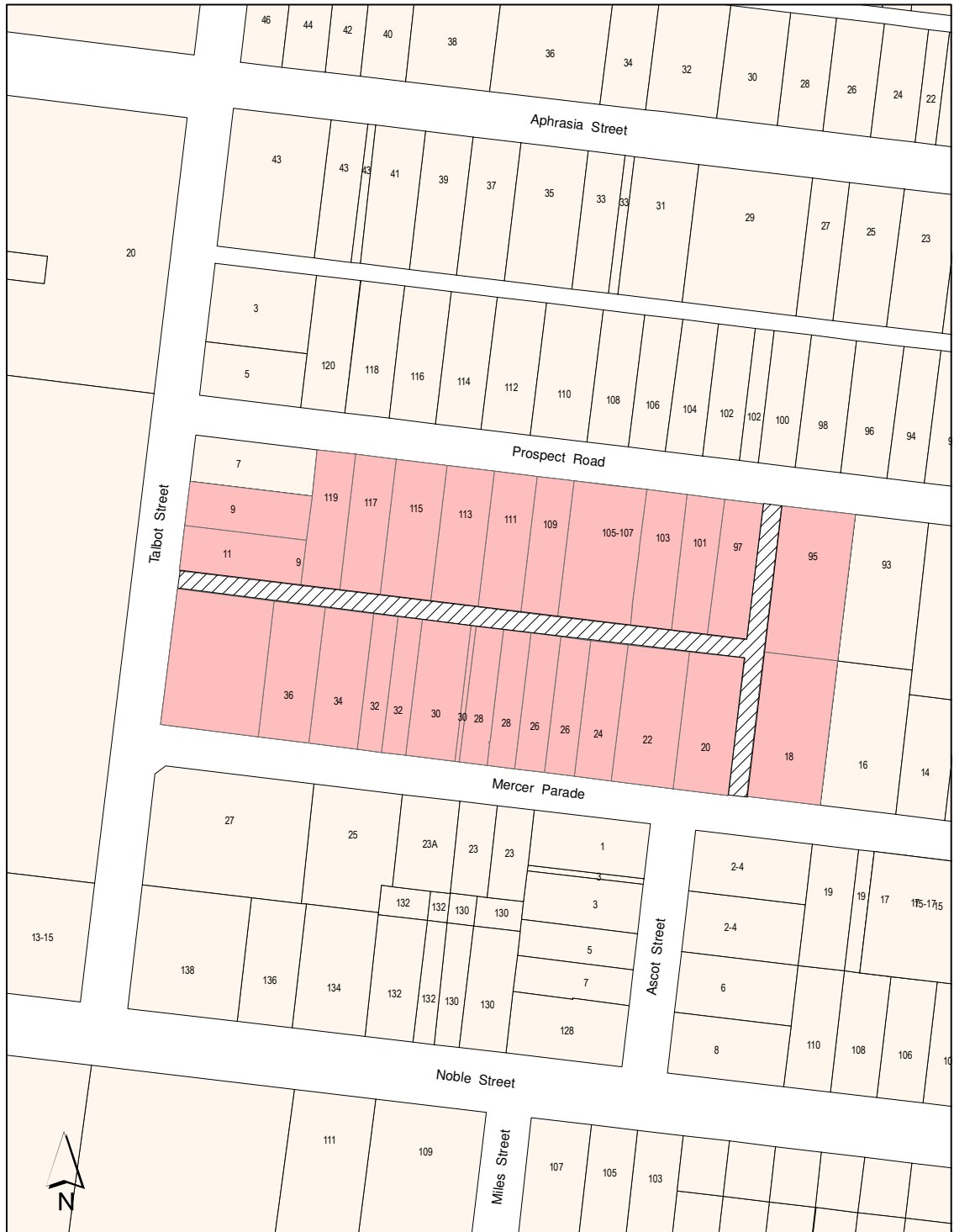
In developing this report to council, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right, established by the Victorian Charter of Human Rights and Responsibilities, is in any way limited, restricted or interfered with by the recommendations contained within this report. It is considered that the subject matter does not raise any human rights issues.



***Consultation and Communication***

Extensive communication with property owners has taken place during the course of the project and the Special Charge Scheme process. Council will advise the property owners of the final costs.

**Appendix 1**

**PLAN**



 Properties Included in the Scheme       Laneways constructed

**Appendix 2**

**SCHEDULE "A"**

**SPECIAL CHARGE SCHEME FOR THE CONSTRUCTION OF PROSPECT ROAD  
LANEWAYS, NEWTOWN**

<b>PROPERTY DESCRIPTION</b>	<b>AS DECLARED ESTIMATE</b>	<b>ACTUAL COST (\$)</b>	<b>PROPERTY REFERENCE</b>	<b>PROPERTY DETAILS</b>
Pt CA 8 Sec 7	\$2,174.23	<b>\$2,390.56</b>	205297	9 Talbot Street, Newtown VIC 3220
Lot 1 TP 17122	\$4,348.46	<b>\$4,781.13</b>	205298	11 Talbot Street, Newtown VIC 3220
Lot 1 TP 5284	\$4,348.46	<b>\$4,781.13</b>	204179	119 Prospect Road, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	204178	117 Prospect Road, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	204177	115 Prospect Road, Newtown VIC 3220
Lot 1 TP 21413	\$4,348.46	<b>\$4,781.13</b>	204176	113 Prospect Road, Newtown VIC 3220
Lot 1 TP 012764	\$4,348.46	<b>\$4,781.13</b>	204175	111 Prospect Road, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	204174	109 Prospect Road, Newtown VIC 3220
PC 369889	\$8,696.93	<b>\$9,562.27</b>	204173	105-107Prospect Road, Newtown VIC 3220
Lot 1 TP 17038	\$4,348.46	<b>\$4,781.13</b>	204171	103 Prospect Road, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	204170	101 Prospect Road, Newtown VIC 3220
Lot 1 TP 21832	\$4,348.46	<b>\$4,781.13</b>	204169	97 Prospect Road, Newtown VIC 3220
Lot 1 TP 122429	\$4,348.46	<b>\$4,781.13</b>	204168	95 Prospect Road, Newtown VIC 3220
Pt CA 8 Sec 7	\$6,522.70	<b>\$7,171.70</b>	205299	13-15 Talbot Street, Newtown VIC 3220
Lot 1 LP 9824	\$4,348.46	<b>\$4,781.13</b>	202886	36 Mercer Parade, Newtown VIC 3220
Lot 2 LP 9824	\$4,348.46	<b>\$4,781.13</b>	202887	34 Mercer Parade, Newtown VIC 3220
Lot 2 PS 503559	\$4,348.46	<b>\$4,781.13</b>	315788	1/32 Mercer Parade, Newtown VIC 3220
Lot 1 PS 503559	\$4,348.46	<b>\$4,781.13</b>	315787	2/32 Mercer Parade, Newtown VIC 3220
Lot 4 LP 9824	\$4,348.46	<b>\$4,781.13</b>	202889	30 Mercer Parade, Newtown VIC 3220
Lot 2 PS 629492	\$4,348.46	<b>\$4,781.13</b>	343745	1/28 Mercer Parade, Newtown VIC 3220
Lot 1 PS 629492	\$4,348.46	<b>\$4,781.13</b>	343746	2/28 Mercer Parade, Newtown VIC 3220
Lot 2 PS 623638	\$4,348.46	<b>\$4,781.13</b>	340196	1/26 Mercer Parade, Newtown VIC 3220
Lot 1 PS 623638	\$4,348.46	<b>\$4,781.13</b>	340197	2/26 Mercer Parade, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	202892	24 Mercer Parade, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	202893	22 Mercer Parade, Newtown VIC 3220
Pt CA 8 Sec 7	\$4,348.46	<b>\$4,781.13</b>	202894	20 Mercer Parade, Newtown VIC 3220
Lot 1 TP 2431	\$4,348.46	<b>\$4,781.13</b>	202895	18 Mercer Parade, Newtown VIC 3220
	<b>\$121,757.01</b>	<b>\$133,871.65</b>		

**Attachment 1**

**PROCESS CHART**

**SPECIAL CHARGE PROJECTS –  
(Section 163 – Local Government Act 1989)**

**PROSPECT ROAD LANEWAYS, NEWTOWN**

<b>Stage</b>	<b>Status</b>	<b>Description</b>
<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. 24 July 2012
<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. 4 August 2012
<i>Submissions</i>	✓	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>	✓	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. 9 October 2012
<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. 29 January 2013
<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. No appeal application was made to VCAT.
<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. 2014 - 2015
<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.

## **11. CONTRACTUAL MATTER**

**Portfolio:** Major Events - Cr Nelson  
**Source:** Events, Central Geelong & Waterfront - Investment & Attraction Division  
**A/ General Manager:** Paul Jane  
**Index Reference:** Events

**Cr Heagney moved, Cr Macdonald seconded -**

**That in accordance with Section 89 (2) (h) 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.**

## **12. CONTRACTUAL MATTER**

**Portfolio:** Infrastructure - Cr Ellis  
**Source:** City Services, Engineering Services  
**General Manager:** William Tieppo

**Cr Heagney moved, Cr Macdonald seconded -**

**That in accordance with Section 89 (2) (d) (e) 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.**

### **13. AUDIT ADVISORY COMMITTEE SUMMARY REPORT**

<b>Portfolio:</b>	<b>Governance - Cr Lyons (Mayor)</b>
<b>Source:</b>	<b>Corporate Internal Auditor</b>
<b>Chief Executive Officer:</b>	<b>Kelvin Spiller</b>
<b>Index Reference:</b>	<b>Audit CG - Internal</b>

**Cr Heagney moved, Cr Macdonald seconded -**

**That in accordance with Section 89 (2) (h) of the Local Government Act 1989, this 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:** Strategy & Performance  
**General Manager:** Dean Frost

### **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 Macdonald moved, Cr Harwood seconded -**

**That the information be received.**

**Carried.**

**RECORD OF ASSEMBLIES OF COUNCILLORS  
(Council Meeting 8 December 2015)**

Assembly Details	Councillor Attendees	Officer Attendees	Agenda Items	Conflict of Interest Disclosures
Strategic Workshop <b>27 October 2015</b>	Crs Lyons, Ansett, Ellis, Fisher, Harwood, Heagney, Irvine, Macdonald, Nelson, Richards	K Spiller (CEO) W Tieppo (GM) L Quinn (A/GM) P Bettess (GM) M Kuhn (MGR) R Roob (OFF) R Thomas (MGR) T Hellsten (MGR) S Storen (CO ORD) A Noonan (A/CO ORD) A Paterson (EXEC OFF)	<ul style="list-style-type: none"> <li>• Nelson Cove</li> <li>• Northern Further Investigation Area</li> <li>• Northern Extension to Lara West Growth Area</li> <li>• Western Further Investigation Area – Batesford South Group</li> <li>• Western Further Investigation Area – Bell Post Hill Area</li> <li>• Geelong Queenscliffe Coastal Adaptation Program</li> <li>• Northern ARC 3D Modelling</li> </ul>	<ul style="list-style-type: none"> <li>• Nil.</li> </ul>
CEO Recruitment <b>10 November 2015</b>	Crs Lyons, Ansett, Ellis, Farrell, Fisher, Harwood, Heagney, Irvine, E Kontelj, Macdonald, Murrehy, Nelson, Richards	A Keen (MGR) <i>(Not present during interviews)</i>	<ul style="list-style-type: none"> <li>• CEO Selection (Confidential)</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Geelong Art Gallery Project Steering Group <b>10 November 2015</b>	Cr Richards	D Frost (GM) K Paton (MGR) S Cavanagh (MGR)	<ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Project Update</li> <li>• Schedule</li> <li>• Finance</li> <li>• Benefits Review Plan</li> <li>• Risks</li> <li>• General Business</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Geelong Gambling Advisory Committee <b>17 November 2015</b>	Cr Farrell	S Levakis (OFF)	<ul style="list-style-type: none"> <li>• Transforming Spin to Community Win Funding</li> <li>• Alliance for Gambling Reform</li> <li>• Responsible Gambling Awareness Week</li> <li>• Gaming Machine Arrangements Review</li> <li>• Electronic Gaming Machine changes in the region</li> <li>• Permit Applications</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

Assembly Details	Councillor Attendees	Officer Attendees	Agenda Items	Conflict of Interest Disclosures
Strategic Workshop <b>24 November 2015</b>	Crs Lyons, Ansett, Ellis, Farrell, Fisher, Harwood, Heagney, Irvine, Macdonald, Murrihy, Nelson, Richards	K Spiller (CEO) W Tieppo (GM) D Frost (GM) P Jane (A/GM) L Quinn (A/GM) P Bettess (GM) S Cavanagh (MGR) M Kelly (MGR) J Brown (MGR) K Fulton (CO ORD) K Hamilton (A/MGR) T McDonald (MGR) A Paterson (EX OFF)	<ul style="list-style-type: none"> <li>• Iconic Christmas Tree (Confidential)</li> <li>• Project Prioritisation Framework</li> <li>• Finance Briefing – Long Term Plan Relative to the 2016/17 Budget</li> <li>• Economic Development Strategy</li> <li>• Local Government Act Review 1989</li> <li>• Electoral Representation Review 2015/16 Submission</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
Councillor Briefing <b>1 December 2015</b>	Crs Ellis, Farrell, Fisher, Harwood, E Kontelj, Macdonald, Murrihy, Nelson	K Spiller (CEO) W Tieppo (GM) D Frost (GM) P Jane (A/GM) L Quinn (A/GM) P Bettess (GM) M Kelly (MGR) R Bourke (CO ORD)	<p><i>Items Discussed:</i></p> <ul style="list-style-type: none"> <li>• Presentation – Kardinia Park Trust (Confidential)</li> <li>• Presentation 2016 Revaluation Analysis</li> <li>• Contractual Matter (Confidential)</li> <li>• Adoption of Amendment C280 Ash Road (West), Leopold</li> <li>• Greater Geelong Planning Scheme Amendment C301</li> <li>• Managing Future Growth – Further Investigation Areas</li> <li>• Leopold Land Capability and Bay Access Report</li> <li>• Managing Development in Rural Areas – Planning Policy Review</li> <li>•</li> </ul> <p><i>Items Not Discussed:</i></p> <ul style="list-style-type: none"> <li>• Ocean Grove Structure Plan 2015 – Consideration and Adoption</li> <li>• Consideration of Independent Panel Report &amp; Adoption of Amendment C324-357 &amp; 359 Pakington Street, Newtown</li> <li>• Potato Shed Annual Report 2014-2015</li> <li>• Community Arts &amp; Festivals Grants Programs 2015/16</li> <li>• Prospect Road laneways, Newtown – Proposed Construction SRC334 – Finalisation of Scheme</li> <li>• Contractual Matter (Confidential)</li> </ul>	<ul style="list-style-type: none"> <li>• Cr Macdonald declared an Indirect Financial Interest in Amendment C324-357 &amp; 359 Pakington Street, Newtown, Chilwell Village Shopping Centre, however the item was not discussed.</li> </ul>

## **URGENT BUSINESS**

Note: Introduction of Urgent Business requires two-thirds majority of Councillors present.

**Cr Heagney moved, Cr Irvine seconded –**

**That Council consider an item of Urgent Business in relation to the Councillors' Code of Conduct.**

**Carried.**

**Cr Heagney moved, Cr Irvine seconded -**

**That the Chief Executive officer be requested to bring a report to the 27 January 2016 Ordinary Meeting of Council in regards to the progress and next steps to update the Councillors' Code of Conduct.**

**Carried.**

## **URGENT BUSINESS**

Note: Introduction of Urgent Business requires two-thirds majority of Councillors present.

**Cr Nelson moved, Cr Harwood seconded -**

**That Council considers an item of Urgent Business concerning the Geelong Amateur Football & Netball Club & Chilwell Cricket Club.**

**Carried.**

**Cr Nelson moved, Cr Harwood seconded -**

**That Council:**

- 1) Notes the project can be completed in two linked stages. Stage 1. Upgrade of Geelong Amateur Football & Netball Club and Newtown & Chilwell Cricket Club Change Rooms at Queens Park, Highton;**
- 2) Stage 2. That the sum of \$200K be referred to the 2016/17 Budget for the Disability Access lift.**

**Carried.**

**Cr Fisher moved, Cr Macdonald seconded –**

**That the meeting be closed to the public.**

**Carried.**

**The Meeting was closed to the public at 9.55pm**

**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 10.06pm**

As there was no further business the meeting closed at 10.06pm. Tuesday, 8 December 2015.

**Signed:** \_\_\_\_\_  
**Chairperson**

**Date of Confirmation:** \_\_\_\_\_